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ORDINANCE NO. _____

AN ORDINANCE ADOPTING AMENDMENTS TO THE ACCESSORY DWELLING UNIT ORDINANCE AND RELATED ARTICLES OF TITLE 130 OF THE EL DORADO COUNTY ORDINANCE CODE

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

ARTICLE 1 – ZONING ORDINANCE APPLICABILITY

Section 1. Article 1 Table of Contents, Section 130.40.300 entitled “Secondary Dwellings” is amended as set forth below:

130.40.300 Accessory Dwelling Units

ARTICLE 2 - ZONES, ALLOWED USES, AND ZONING STANDARDS

Section 2. Table 130.21.020 entitled “Agricultural, Rural, and Resource Zone Districts Use Matrix” is amended as set forth below:

Table 130.21.020 – Agricultural, Rural, and Resource Zone Districts Use Matrix

LA: Limited Agricultural PA: Planned Agricultural AG: Agricultural Grazing RL: Rural Lands FR: Forest Resource TPZ: Timber Production Zone	P Allowed use A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional use permit required(130.52.021) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone						
USE TYPE	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Guest House	P	P	P	P	P	—	130.40.150

Table 130.21.020 – Agricultural, Rural, and Resource Zone Districts Use Matrix

LA: Limited Agricultural PA: Planned Agricultural AG: Agricultural Grazing RL: Rural Lands FR: Forest Resource TPZ: Timber Production Zone	P Allowed use A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional use permit required(130.52.021) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone						
USE TYPE	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Temporary Mobile Home	TMA	TMA	TMA	TMA	TMA	—	130.40.190
Kennel, private ²	P	P	P	P	P	—	
Room Rental: One bedroom, only	P	P	P	P	P	—	
Accessory Dwelling Unit	P	P	P	P	P	CUP ⁶	130.40.060, 130.40.300
NOTES:							
¹ In FR and TPZ only, logging camps and sawmills may be allowed by CUP. ² Dogs used for herding or guardian purposes in commercial ranching or browsing operations are allowed by right subject to licensing requirements of the County Animal Services Division in compliance with Title 6 (Animals). ³ Subject to the issuance of an Administrative Permit, unless otherwise specified in Section 130.40.220 (Outdoor Retail Sales) in Article 4 (Specific Use Regulations) of this Title. ⁴ Or as permitted in Section 130.40.400 (Wineries) or Section 130.40.260 (Ranch Marketing) in Article 4 (Specific Use Regulations) of this Title. ⁵ Accessory to Off-highway or off road vehicle recreational uses. ⁶ Accessory Dwelling Unit allowed by right with CUP for primary dwelling unit.							

Section 3. Table 130.24.020 entitled “Residential Zone Use Matrix” is amended as set forth below:

Table 130.24.020 – Residential Zone Use Matrix

RM: Multi-unit Residential R1, R20K: Single-unit Residential R1A: One-acre Residential R2A: Two-acre Residential R3A: Three-acre Residential RE: Residential Estate	P Allowed use PD Planned Development Permit required (130.52.040) A Administrative Permit required (130.52.010) CUP Conditional Use Permit (130.52.021) MUP Minor use Permit required (130.52.020) TMA Temporary Mobile Home Permit required (130.52.050) TUP Temporary use permit required (130.52.060) — Use not allowed in zone						
USE TYPE							Specific Use Reg.
	RM	R1, R20K	R1A	R2A	R3A	RE	
Mobile/Manufactured Home Park	CUP	CUP	CUP	CUP	CUP	CUP	130.40.190 Also refer to adopted Mobile Home Park Design Standards (Resolution 198-2015)

Table 130.24.020 – Residential Zone Use Matrix

RM: Multi-unit Residential R1, R20K: Single-unit Residential R1A: One-acre Residential R2A: Two-acre Residential R3A: Three-acre Residential RE: Residential Estate	P	Allowed use					
	PD	Planned Development Permit required (130.52.040)					
	A	Administrative Permit required (130.52.010)					
	CUP	Conditional Use Permit (130.52.021)					
	MUP	Minor use Permit required (130.52.020)					
	TMA	Temporary Mobile Home Permit required (130.52.050)					
	TUP	Temporary use permit required (130.52.060)					
	—	Use not allowed in zone					
USE TYPE							Specific Use Reg.
	RM	R1, R20K	R1A	R2A	R3A	RE	
Room Rental: One bedroom, only	P	P	P	P	P	P	
Accessory Dwelling Unit	P	P	P	P	P	P	130.40.300
Transitional Housing: Small (serving 6 or fewer)	P	P	P	P	P	P	130.40.360
Large (serving 7 or more)	CUP	CUP	CUP	CUP	CUP	CUP	

Section 4. Chapter 130.26 entitled “Meyers Area Plan (MAP) Zone” Table 130.26.050 entitled “Allowed, Conditional Uses, and Prohibited Uses” is amended as set forth below:

Table 130.26.050 – Allowed, Conditional Uses, and Prohibited Uses						
USE	MAP-1 (Center)	MAP-2 (Ind)	MAP-3 (Res/T)	MAP-4 (Rec)	MAP-5 (River)	
<i>Residential</i>						
Employee Housing	CUP ⁽³⁾	—	CUP	CUP	—	
Multiple Family Dwelling	P ⁽⁶⁾	—	P	—	—	
Multiple Person Dwelling (i.e., dormitories, etc.)	CUP	—	—	—	—	
Nursing and Personal Care	CUP	—	—	—	—	
Single Family Dwelling	P ⁽⁴⁾⁽⁶⁾	—	P	—	—	
Accessory Dwelling Unit	P	—	P	—	—	
⁽¹⁾ Applies only to parcels on Santa Fe Road. ⁽²⁾ Maintenance facilities not allowed within any new transit facilities. ⁽³⁾ One employee-housing unit allowed without a CUP per commercial building with at least 1000 sq. ft. of CFA. ⁽⁴⁾ Single family dwellings in Meyers Community Center limited to condominiums or townhouses with at least 3 attached units. ⁽⁵⁾ Non-motorized public trails are a permitted use. ⁽⁶⁾ These uses are not allowed within the portion of the ground floor of a structure that faces the primary entry point for projects adjacent to US 50. This restriction may be waived if the Meyers Advisory Council and the Planning Commission find that the use is otherwise consistent with the intent of the Meyers Area Plan. ⁽⁷⁾ Hotels/motels are only allowed in the Town Center portion of MAP-3.						

Section 5. Chapter 130.26 entitled “Meyers Area Plan (MAP) Zone”; Table 130.26.060 entitled “Meyers Area Plan Development Standards” is amended as set forth below:

Table 130.26.060 – Meyers Area Plan Development Standards						
		MAP-1 (Center)⁽⁶⁾	MAP-2 (Ind)	MAP-3 (Res/T)	MAP-4 (Rec)	MAP-5 (River)
Maximum Height and Density for All	Maximum Height (Ft.) ⁽⁸⁾	42	TRPA Code Chapter 37	42, TRPA Code Sec. 37.4 ⁽⁹⁾	TRPA Code Sec. 37.4	TRPA Code Sec. 37.4
	Density, Single Family Residential	NA	NA	1 primary unit	NA	NA
	Accessory Dwelling Unit	NA	NA	(See Section 130.40.300)	NA	NA

Section 6. Chapter 130.26 entitled “Meyers Area Plan (MAP) Zone” Section 130.26.060 B is amended as set forth below:

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- B. Any new development, additions to existing development, change in use, or exterior modifications to existing development shall be reviewed for consistency with the Meyers Design Standards and Guidelines, and subject to a Design Review Permit in compliance with Section 130.52.030 (Design Review Permit) in Article 5 (Planning Permit Processing) of this Title.

ARTICLE 3 – SITE PLANNING AND PROJECT DESIGN STANDARDS

Section 7. Table 130.35.030.1 entitled “Schedule of Off-Street Vehicle Parking Requirements” is amended as set forth below:

Table 130.35.030.1 – Schedule of Off-Street Vehicle Parking Requirements

USE TYPE	PARKING SPACE REQUIREMENTS
RESIDENTIAL	
Single dwelling unit, detached	2 per unit
Duplex, triplex	2 per unit
Multi-unit (apartments, townhouses, and condominiums): Studio/1 bedroom 2 or more bedrooms	1.5 per unit; 2 per unit (minimum 1 covered); plus Guest parking shall be provided for all multi-unit development in the amount of 1 per 4 dwelling units. ¹ Guest spaces shall be marked “Reserved for guests” or “Visitor parking”.

Table 130.35.030.1 – Schedule of Off-Street Vehicle Parking Requirements

USE TYPE	PARKING SPACE REQUIREMENTS
Mixed Use	See Section 130.40.180.C.6 (Mixed Use Development, Development Standards)
Rooming houses, fraternity/sorority housing, or clubs w/sleeping facilities	1 per bedroom; plus 1 per 8 beds.
Accessory dwelling unit	1 per unit May be in tandem with spaces required for primary residence. For exceptions, see Section 130.40.300.C.4.b (ADU Parking Exceptions)
Temporary mobile home	1 per bedroom, up to 2 maximum May be in tandem with spaces required for primary residence
Guest house	No additional spaces from that required for the primary residence.

ARTICLE 4 – SPECIFIC USE REGULATIONS

Section 8. Chapter 130.40 entitled “Specific Use Regulations” Table of Contents is amended as set forth below:

Sections:

130.40.300 Accessory Dwelling Units

Section 9. Section 130.40.030.D entitled “Residential Accessory Structures and Uses” subsection 6.b is amended as set forth below:

- 6. Accessory structures providing habitable space subject to the following:
 - b. A structure that is an accessory dwelling unit as defined in Article 8 (Glossary: see “Accessory Dwelling Unit”) of this Title, shall be subject to the requirements of Section 130.40.300 (Accessory Dwelling Units) in this Chapter.

Section 10. Section 130.40.060 entitled “Agricultural Preserves and Zones: Contracts, Criteria and Regulations” subsection C.3 is amended as set forth below:

- 3. **Residential Development.** In addition to a primary dwelling, one accessory dwelling unit shall be allowed within a Preserve.

Section 11. Section 130.40.170 entitled “Lodging Facilities” subsection C.1.c is amended as set forth below:

1. **Agricultural Homestays.**

- c. The property owner shall reside on-site.

Section 12. Section 130.40.170 entitled “Lodging Facilities” subsections D.2 and D.3 are amended as set forth below:

D. **Bed and Breakfast Inns** (*Adopted 4/29/08*)

1. Bed and breakfast inns shall be considered an expanded home occupation in residential and agricultural zones and a compatible use in commercial zones.
2. The bed and breakfast inn may provide up to a maximum of 20 guestrooms, which shall be contained within the primary and accessory dwelling units and guest house only, in compliance with the development standards of the applicable residential or agricultural zones.
3. The property owner shall reside on-site.

Section 13. Section 130.40.190 entitled “Mobile/Manufactured Homes” subsection B.1 is amended as set forth below:

B. Permit Requirements.

1. **Residential Dwellings.** In all zones that permit detached, single-unit residential or multi-family dwellings by right, the permanent placement of a mobile/manufactured home as primary and/or accessory dwelling unit shall be allowed.

Section 14. Section 130.40.190 entitled “Mobile/Manufactured Homes” subsection B.3.b is amended as set forth below:

B. Permit Requirements.

3. **Hardship Purposes.**

- b. To provide caretaker assistance to the elderly or disabled homeowner(s) in their personal care and/or protection of their property. The elderly or disabled homeowner(s) must reside on site. Under this Section, “elderly” shall mean a person 62 years of age or older.

Section 15. Section 130.40.300 entitled “Secondary Dwellings” is amended as set forth below:

130.40.300 Accessory Dwelling Units

- A. This Section implements California Government Code Section 65852.2 et seq. regarding accessory dwelling units (ADUs) and California Government Code Section 65852.22 et seq regarding junior accessory dwelling units, to provide affordable housing alternatives, and to protect the public health, safety, and welfare of residents of El Dorado County. To the extent that the County has adopted less restrictive requirements for ADUs than the requirements set forth in state law for the development of ADUs, the less restrictive requirements shall apply
- B. **Applicability.** In all zones that permit single-family or multi-family residential development, the expansion of the primary dwelling or the construction of a new structure for the purpose of creating an accessory dwelling unit or a junior accessory dwelling unit is allowed by right, subject to the provisions of this Section. The accessory dwelling unit may be rented separate from the primary residence for a term of not less than 30 consecutive calendar days, but may not be sold or otherwise conveyed separate from the primary residence except as provided for in Government Code Section 65852.26.
- C. **Development Standards.** The following development standards shall apply to all accessory dwelling units:
 1. **Maximum Floor Area.** The floor area of an accessory dwelling unit shall be measured from the outside of the exterior walls including all enclosed habitable or potentially

habitable space, such as living areas, hallways, stairwells, attics, basements, storage areas, and equipment rooms, but excluding the measurements of an attached garage. The maximum floor area allowed for detached accessory dwellings shall be subject to Table 130.40.300.1 (Maximum Floor Area for Detached Accessory Dwelling Units) below in this Section. An attached accessory dwelling unit shall not exceed 50 percent of the square footage of the primary dwelling. For purposes of this Section, an accessory dwelling unit fully enclosed within a primary dwelling shall be considered as an attached unit. Conversion of accessory structures are not subject to the floor area maximums listed in Table 130.40.300.1.

Table 130.40.300.1 – Maximum Floor Area for Detached Accessory Dwelling Units

Lot Area	Maximum floor area
Up to 9,999 sq ft	850 sq ft*
10,000 – 19,999 sq ft	850 sq ft*
20,000 sq ft to less than 1 acre	1,200 sq ft
1 acre or greater	1,600 sq ft
* Up to 1,000 sq ft for units that contain more than one bedroom. (Government Code Section 65852.2 subsection (c)(2)(B)).	

2. General Development Requirements.

a. An accessory dwelling unit shall conform to the parking, height, setback, landscape, architectural review, maximum size of a unit as described in this Title, and standards that prevent adverse impacts on any real property listed in the California Register of Historic Resources. Accessory dwelling units may be attached to, or located within, the living area of the proposed or existing primary dwelling or existing multi-family dwelling, attached to or located within, an attached garage, or conversion of storage area, or an accessory structure, as defined, or detached from the proposed or existing primary dwelling or existing multi-family dwelling and located on the same lot as the proposed or existing primary dwelling or existing multi-family dwelling. A setback more than four feet from the side and rear lot lines shall not be required for an accessory dwelling unit, unless otherwise required for fire and safety, public utility or drainage easements, or other recorded easements. The County may not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

No setback shall be required for an existing living area or legally permitted accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit.

b. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

c. A maximum of one attached or detached accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if the following apply:

(1) The accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure (See Subsection 140.30.400, 3.a). An expansion beyond the physical dimensions of the existing structure shall be limited to accommodating ingress and egress.

(2) The space has exterior access from the proposed or existing single-family dwelling.

(3) The accessory dwelling unit meets the criteria specific to zones that permit multi-family residential use.

(4) The side and rear setbacks are sufficient for fire and safety, public utility or drainage easements, or other recorded easements.

d. A junior accessory dwelling (JADU) unit shall be created entirely within the single-family dwelling footprint and comply with the requirements subject to the provisions of this Section and Government Code Section 65852.22. The expansion of up to 150 square feet beyond the same physical dimensions as the existing structure to accommodating ingress and egress does not pertain to JADUs.

3. **Specific Development Requirements.**

A residential unit for one or more persons, either attached or detached, that provides complete and permanent independent provisions for living, sleeping, eating, cooking and sanitation facilities on the same parcel as the proposed or existing primary residence and is situated in all zones that permit single-family or multi-family dwelling residential uses. An accessory dwelling unit also includes an efficiency unit as defined in California Government Code Section 17958.1 of the Health and Safety Code or a manufactured home, as defined in Section 18007 of the Health and Safety Code. (See also Section 130.40.300: Accessory Dwelling Units, in Article 4: Specific Use Regulations, of this Title)

Accessory dwelling units also include the following categories, more fully described in the following subsection:

1. Attached: The unit is attached to the primary structure
2. Detached: The unit is separated from the primary structure
3. Converted Existing Space: Space (e.g., master bedroom, attached garage, storage area, or similar use, or an accessory structure) on the lot of the primary dwelling or multi-family dwelling that is converted into an independent living unit

4. Junior Accessory Dwelling Unit (JADU): A specific type of conversion of existing space that is contained entirely within an existing or proposed single-family dwelling
5. Accessory dwelling units in Multi-family or Mixed-Use Zones

a. **Attached Dwellings.**

- (1) An attached accessory dwelling unit shall share a common wall with the primary dwelling or attached garage. The common wall or portion thereof shall measure a minimum of 10 linear feet on the horizontal plane of the shared surface, to be considered an attached dwelling.
- (2) An enclosed accessory dwelling unit resulting from conversion of a portion of a primary dwelling shall be fully contained within an existing or proposed primary dwelling and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure limited to accommodating ingress and egress
- (3) In order for the primary dwelling to maintain its single-unit residential character, the entrance to an attached accessory dwelling unit shall not be located on the same building face as the entrance to the primary dwelling unless separate entrances to both the primary and accessory dwelling unit are off of a shared entrance, provided that this requirement does not prevent creation of the ADU.

b. **Detached Dwellings.**

A detached accessory dwelling unit shall be located on the same lot as the proposed or existing primary dwelling unit or multi-dwelling structure. The maximum floor area allowed for new construction detached accessory dwelling units shall be subject to Table 130.40.300.1 (Maximum Floor Area for Detached Accessory Dwelling Units) above. The conversion of an existing detached accessory structure is not subject to the Floor Area Table provisions. A setback of no more than four feet from the side and rear lot lines shall be required for a detached accessory dwelling unit, unless otherwise required for fire and safety, public utility or drainage easements, or other recorded easements.

c. **Converted Existing Space**

- (1) Any legally permitted residential accessory structure (e.g. garage, pool house, cabana, artist studio, barn, workshop etc.) may be converted to an accessory dwelling unit, subject to local building code and zoning provisions of this Title. No setback shall be required for conversion of an existing living area or legally permitted accessory structure or a structure constructed in the same location and to the same dimensions as an existing legally permitted structure.
- (2) The conversion of an existing accessory structure or a portion of the existing primary dwelling to an accessory dwelling unit is not subject to floor area provisions in Table 130.40.300.1 of this Section. For example,

an existing 3,000 square foot barn converted to an accessory dwelling unit would not be subject to the floor area limitations, height, setback, architectural review, landscape, or other development standards other than compliance with building standards for permanent dwellings. These types of conversions to accessory dwelling units are also eligible for a 150 square foot expansion limited to accommodating ingress and egress. However, expansion of an accessory structure to create an ADU beyond 150 square feet would be subject to the floor area maximums outlined in Table 130.40.300.1 of this Section.

- (3) Accessory dwelling units created under this subsection shall not be required to provide replacement parking. Moreover, these units shall not be required to correct any existing or created nonconformity as a condition for ministerial approval.

d. Junior Accessory Dwelling Unit

Junior accessory dwelling unit (JADU) means a unit that is no more than 500 square feet in size and contained entirely within an existing or proposed single-family dwelling including attached garages, as attached garages are considered within the walls of the existing single-family dwelling. A JADU may include separate a separate bathroom, or may share a bathroom with the existing or proposed single-family dwelling. JADUs are not allowed in accessory structures. The JADU shall comply with the following standards:

- (1) Owner occupancy is required in the single-family dwelling in which the JADU is located, either in the remaining portion of the primary dwelling or the newly created JADU. Owner occupancy is not required for nonprofit housing organizations, or beneficiaries of special needs trust owning the property or licensed Community Care Facilities, as defined in Article 8 (Glossary) of this Title;
- (2) Only one JADU may to be constructed within the walls of the proposed or existing single-family dwelling;
- (3) No additional parking is required for a JADU;
- (4) Deed Restriction: A deed restriction shall be filed with the Planning and Building Department prior to obtaining a building permit for a JADU stating that:
 - a) The junior accessory dwelling unit shall not be sold separately from the primary dwelling unit;
 - b) A separate exterior entry from the main entrance to the proposed or existing single-family dwelling shall be provided to serve a junior accessory dwelling unit;
 - c) The junior accessory dwelling unit shall include an efficiency kitchen, which shall include all of the following:

- (1)A cooking facility with appliances; and

(2)A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit; and,

d) Owner occupancy is required in the single-family dwelling in which the JADU is located. Owner occupancy is not required for nonprofit housing organizations, or beneficiaries of special needs trust owning the property or licensed Community Care Facilities, as defined in Article 8 (Glossary) of this Title.

(5). The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.

e. **Multi-family or Mixed-Use Residential Use**

(1) For the purposes of state accessory dwelling unit (ADU) law, a structure with two or more attached dwellings on a single lot is considered a multi-family dwelling structure. Multiple detached single-unit dwellings on the same lot are not considered multi-family dwellings for the purposes of state ADU law.

(2) Accessory dwelling units are only allowed within the portions of existing multi-family dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state and local building standards for permanent dwellings.

(3) Multi-family structures may add at least one accessory dwelling unit within the non-livable space of an existing multi-family structure or up to 25% of the existing units (example: an eight-unit multi-family dwelling structure would be allowed two accessory dwelling units).

(4) In zones that permit multi-family residential use with existing multi-family dwelling structures, not more than two detached accessory dwelling units may be located on the same lot and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

4. **Parking.** Parking requirements for accessory dwelling units shall not exceed one parking space per unit. Parking shall comply with the requirements under Table 130.35.030.1 (Schedule of Off-Street Vehicle Parking Requirements) in Chapter 130.35 (Parking and Loading) in Article 3 (Site Planning and Project Design Standards) of this Title with certain exceptions listed below. Off-street parking space(s) may be permitted in setback areas or in tandem with the parking spaces required for the primary dwelling unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site, fire, or safety restrictions.

- a. **Conversion of Existing Parking Structure.** Replacement parking may be located in any configuration on the same parcel as the accessory dwelling unit, but is not required when a legally permitted garage, carport or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit.
- b. **Exceptions.** Off-street parking spaces shall not be required in any of the following circumstances:
 - (1) The accessory dwelling unit is located within one-half mile walking distance of public transit. “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
 - (2) The accessory dwelling unit is located within a Design Review – Historic (-DH) Combining Zone as described in Section 130.27.060 (Design Review – Historic [-DH] Combining Zone) in Article 2 (Zones, Allowed Uses and Zoning Standards) of this Title.
 - (3) The accessory dwelling unit is part of a conversion of a legally permitted residential accessory structure (e.g. garage, carport, covered parking structure, pool house, studio, etc.) or conversion of a portion of the primary dwelling.
 - (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit
 - (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

D. **Owner Occupancy.** State law suspends the County’s requirement for owner occupancy of one of the residential units on the property for accessory dwelling units permitted between January 1, 2020 and January 1, 2025, except in the case of junior accessory dwelling units.

After January 1, 2025, the property owner shall occupy one of the residential dwelling units. This subsection is explicitly intended to prohibit two rental units on lots zoned for one single-unit residential dwelling. A notice of restriction on the subject property that is signed and notarized by the property owner declaring this limitation shall be filed with the Department prior to issuance of the certificate of occupancy for the accessory dwelling unit.

~~The accessory dwelling unit or junior accessory dwelling unit may be rented separate from the primary dwelling for a term of not less than 30 consecutive calendar days, but may not be sold or otherwise conveyed separate from the primary dwelling except as in accordance with Government Code Section 65852.26.~~

1. **Exceptions.**

- a. Owner occupancy for one of the residential dwelling units on a lot shall not be required for nonprofit housing organizations, or beneficiaries of a special needs trust owning the property, or licensed Community Care Facilities, as defined in Article 8 (Glossary) of this Title.

ARTICLE 5 – PLANNING PERMIT PROCESSING

Section 16. Section 130.52.050 entitled “Temporary Mobile Home Permit” subsection F.3.b is amended as set forth below:

3. **Maximum Unit Size.** A temporary housing unit shall have a maximum floor area of 1,600 square feet, subject to the maximum coverage requirements of the zone;
 - a. Floor area shall be measured from the outside of the exterior walls to include all enclosed habitable space, such as living areas, hallways, stairwells, storage areas, and equipment rooms, but shall not include attached garages.
 - b. Conversion of a temporary manufactured home to a permanent accessory dwelling unit will be subject to the maximum floor area limitations for that specific use, as well as Section 18007 of the Health and Safety Code and all applicable development standards under Subsection 130.40.300.C (Accessory Dwelling Units) in Article 4 (Specific Use Regulations) of this Title.

ARTICLE 8 – GLOSSARY

Section 17. Section 130.80.020 entitled “Definitions of Specialized Terms and Phrases” is amended as set forth below:

Accessory Dwelling Unit (Use Type). A residential unit for one or more persons, either attached or detached, that provides complete and permanent independent provisions for living, sleeping, eating, cooking and sanitation facilities on the same parcel as the proposed or existing primary residence and is situated in all zones that permit single-family or multi-family dwelling residential uses. An accessory dwelling unit also includes an efficiency unit as defined in California Government Code Section 17958.1 of the Health and Safety Code or a manufactured home, as defined in Section 18007 of the Health and Safety Code. (See also Section 130.40.300: Accessory Dwelling Units, in Article 4: Specific Use Regulations, of this Title). This use type is intended to be consistent with Government Code section 65852.2 and all other state laws as those laws are amended from time to time. If there is any conflict between this use classification and state law, state law shall prevail.

Casita. See Section 130.40.150: Guest House, in Article 4: Specific Use Regulations, of this Title).

Efficiency Unit. See “Accessory Dwelling Unit”

Junior Accessory Dwelling Unit (Use Type). A residential unit that is no more than 500 square feet in size and contained entirely within a proposed or existing single-family structure. A junior accessory dwelling unit may include a separate bathroom, or may share a bathroom with the existing structure. (See Section 130.40.300: Accessory Dwelling Units, in Article 4: Specific Use Regulations, of this Title). This use type is intended to be consistent with Government Code section 65852.2 and all other state laws as those laws are amended from time to time. If there is any conflict between this use classification and state law, state law shall prevail

Lodging Facilities (Use Type). Establishments primarily engaged in the provision of commercial lodging on a transient basis (30 days or less) to the general public. Lodging may include the incidental provision of food, drink, sales, and services for the convenience of overnight guests. Types of lodging are further defined as follows:

Bed and Breakfast Inn. Any residence that provides guest rooms, without individual kitchens, for paying guests, as a transient lodging facility, where the owner resides on-site. (See also subsection 130.40.170.D: Bed and Breakfast Inns, and Section 130.40.300: Accessory Dwelling Units in Article 4: Specific Use Regulations, of this Title).

Mobile/Manufactured Home Park (Use Type). Any site that is improved to accommodate two or more mobile/ manufactured homes used for residential purposes, on which the underlying land is rented or leased. This term excludes a single-unit residential lot on which a mobile/manufactured home is placed on a permanent foundation as either as a primary dwelling, accessory dwelling unit, or temporary mobile/manufactured home in compliance with Section 130.52.050 (Temporary Mobile Home Permit), in Article 5 (Planning Permit Processing) of this Title. It includes sites that were

converted from rental or lease to a subdivision, cooperative, or condominium complex. (See also Section 130.40.190: Mobile/Manufactured Homes, in Article 4: Specific Use Regulations, of this Title).

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2021, by the following vote of said Board:

ATTEST

Kim Dawson

Clerk of the Board of Supervisors

Ayes:

By _____

Deputy Clerk

Noes:

Absent:

Chair, Board of Supervisors

APPROVED AS TO FORM

DAVID LIVINGSTON

COUNTY COUNSEL

By: _____

Title: _____