



















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 ~~all of~~ 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~~3~~) The side and rear setbacks are sufficient for fire and safety, public utility or drainage easements, or other recorded easements; ~~and~~.

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 secondaryaccessory 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 secondaryaccessory 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 secondaryaccessory dwellings 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 ~~sanitation facilities, or may share sanitation facilities~~ 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, ~~poolhouse~~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.

~~5. Utilities. Secondary dwellings may be connected to the power source, water supply, and sewage disposal system of the primary dwelling or may have separate connections that provide the same standards required of the primary dwelling, subject to the requirements of the applicable service providers and/or the Environmental Management Department.~~

- 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 ~~secondary~~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 housing~~the unit~~manufactured home to a permanent ~~secondary~~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 (~~Secondary~~Accessory Dwellings 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). See “Guest House” or “Secondary Dwelling”

**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 ~~in either primary or secondary dwelling~~. (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/~~or~~ 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, ~~secondary~~ 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).

~~**Secondary Dwelling (Use Type).** A residential unit, either attached or detached, with independent living, sleeping, dining, kitchen, and sanitation facilities that is accessory to the primary dwelling on a lot zoned for single unit residential development. (See also Section 130.40.300: Secondary Dwellings, 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**

Ayes:

**Kim Dawson**

Clerk of the Board of Supervisors

By \_\_\_\_\_

Deputy Clerk

Noes:

Absent:

\_\_\_\_\_  
Chair, Board of Supervisors

**APPROVED AS TO FORM**

**DAVID LIVINGSTON**

**COUNTY COUNSEL**

By: \_\_\_\_\_

Title: \_\_\_\_\_