

ORDINANCE NO. ____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLACERVILLE
DELETING THE DEFINITION OF “DWELLING UNIT, SECONDARY” AND
ADDING THE DEFINITIONS OF “DIRECTOR,” “DWELLING UNIT, ACCESSORY,”
“DWELLING UNIT, ATTACHED ACCESSORY,” “DWELLING UNIT, DETACHED
ACCESSORY,” “KITCHEN,” “LIVING AREA” AND “PASSAGEWAY” IN SECTION 4
OF CHAPTER 1 OF TITLE 10, AND REPLACING IN ITS ENTIRETY SECTION 12:
SECONDARY DWELLING UNITS OF CHAPTER 4 OF TITLE 10 WITH “SECTION
12: ACCESSORY DWELLING UNITS,” AND AMENDING ALL REFERENCES OF
“SECONDARY DWELLING UNIT” WITHIN CHAPTER 5 OF TITLE 10 AND
REPLACING WITH “ACCESSORY DWELLING UNIT” OF THE PLACERVILLE
CITY CODE TO CONFORM TO CHANGES IN STATE LAW REGARDING
ACCESSORY DWELLING UNITS**

The City Council of the City Placerville does hereby ordain as follows:

SECTION 1. FINDINGS AND DETERMINATIONS.

- A. Assembly Bill 2299 (amending Section 65852.2 of the Government Code) and Senate Bill 1069 (amending Sections 65582.1, 65583.1, 65589.4, 65852.150, 65852.2, and 66412.2 of the Government Code), which were signed into law by the Governor on September 27, 2016, streamline current statewide regulations and encourage the building of new accessory dwelling units to create more housing options.
- B. In order to fully comply with the above referenced California legislation, the City of Placerville must amend its Zoning Ordinance.
- C. That adoption of this ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080.17, which provides, in pertinent part, that CEQA does not apply to adoption of an ordinance to implement the provisions of Government Code section 65852.2. This ordinance implements recent amendments to Government Code section 65852.2, and on that basis adoption of the ordinance is exempt from CEQA under CEQA Guidelines section 15282(n).
- D. The City Council of the City of Placerville finds and declares an amendment to Section 10-1-4 [Definitions], 10-4-12 [Secondary Dwelling Units], 10-5-4(B-6) [RE, Estate Residential Zone], 10-5-5(B-6) [R-1A, Single-Family Acre Residential Zone], 10-5-6(B-5) [R-1, 20,000 Single-Family Residential Zone], 10-5-7(B-4) [R-1, 10,000 Single-Family Residential Zone], 10-5-8(B-4) [R-1, 6,000 Single-Family Residential Zone], 10-5-9(B-4) [R-2, Low Density Multi-Family Residential Zone], 10-5-10(B-4) [R-3, Medium Density Multi-Family Residential Zone], 10-5-11(B-4) [R-4, High Density Multi-Family Residential Zone] and 10-5-12(B-4) [Very High Density Multi-Family Residential Zone] of Title 10 [Zoning] is necessary for the above reasons.

SECTION 2. Section 4 of Chapter 1 of Title 10 “Definitions,” is hereby amended as follows:

(A) The existing definition of “DWELLING UNIT, SECONDARY” is deleted in its entirety.

(B) The following words and phrases along with their definitions are added:

DIRECTOR: The City of Placerville, Development Services Director

DWELLING UNIT,

ACCESSORY (ADU): An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include a kitchen as defined herein, as well as permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel where the primary residence is situated.

There are two (2) types of secondary dwelling units: (1) units attached to the existing dwelling, including units located within the living area of an existing dwelling unit.

**DWELLING UNIT,
ATTACHED**

ACCESSORY: An ADU that occupies part of the floor area of the existing residence, including an ADU attached to the existing residence, by one or more common walls.

**DWELLING UNIT,
DETACHED**

ACCESSORY: A new or existing structure that is located on the property such that the unit does not share any walls with the primary residence.

KITCHEN:

Kitchen shall mean a room or portion thereof containing permanent facilities designed and used for food preparation, cooking, eating, and dish washing. A kitchen shall include all of the following: a sink with hot and cold running water; a range or stove-top and an oven; at a minimum, an apartment-sized refrigerator of more than 5 cubic feet capacity; and built-in dish and utensil storage spaces. In addition to the aforementioned improvements, a kitchen may also include any of the following: microwave, convection oven, hot plate or automatic dish washer.

LIVING AREA:

The interior habitable area of a dwelling unit including basements and attics, but does not include a garage or any accessory structure.

PASSAGEWAY:

A pathway that is unobstructed, clear to the sky, and extends from a street to one entrance of an accessory dwelling unit.

SECTION 3. Section 12 of Chapter 4 of Title 10 is hereby amended in its entirety and replaced as follows:

SECTION 10-4-12: ACCESSORY DWELLING UNITS (ADU)

- (A) Purpose: The purpose of this chapter is to provide for the creation of accessory dwelling units in residential zones and to set forth criteria and regulations of those accessory dwelling units.
- (B) Applicability of Regulations: The provisions of this Section shall apply to all parcels that are occupied by one single-family dwelling unit and zoned RE, R-1A, R1-6,000, R1-10,000, R1-20,000, R-2, R-3, R-4, and R-5.
- (C) Permitted use: Accessory dwelling units as defined in Section 10-4-1 are a permitted use in the City's residential zoning districts for residential use that is consistent with the City's general plan, the specific zone for the parcel on which the accessory dwelling unit is to be located, and this Section.
- (D) Development and use regulations: ADUs are subject to the following standards, restrictions and regulations:
 - 1. Minimum parcel area: six thousand (6,000) square feet, or as provided under Section 10-4-2(A) [Parcel Area].
 - 2. Primary Residence. A single-family residence must be located on the parcel.
 - 3. Density. No more than one (1) ADU is permitted on any one parcel.
 - 4. Subdivision. A parcel having an ADU may not be subdivided in a manner that would allow for the main dwelling and accessory dwelling unit to be located on separate parcels that do not meet the minimum parcel area, width and/or depth required by the single-family zoning district in which the parcel is located.
 - 5. Minimum Yards.
 - (a) An attached ADU shall comply with all minimum yard requirements for the main dwelling established by the single-family zoning district in which the parcel is located.
 - (b) A detached ADUs shall comply with all minimum yard requirements for the main dwelling established by the residential zoning district in which the parcel is located, with the exception of a detached ADU that would not exceed the height standard per Section 10-4-3(D), may be located on the required rear yard up to five (5) feet from the rear parcel line.

6. Floor Area.
 - (a) Detached ADU. Maximum permissible floor area shall be 50% of the square footage of the existing primary residence, except that the maximum shall not be less than six hundred (600) square feet, or more than twelve hundred (1,200) square feet.
 - (b) Attached ADU. The increased floor area of an ADU attached to an existing primary residence shall not exceed fifty percent (50%) of the existing living area, except that the maximum shall not be less than six hundred (600) square feet, or more than twelve hundred (1,200) square feet
7. Passageway. No passageway shall be required in conjunction with the construction of an ADU.
8. Building Coverage. ADU units shall count towards the total building coverage for the parcel and the entire building coverage of all buildings may not exceed the permitted building coverage established by the single-family zoning district in which the parcel is located.
9. Height. The maximum permitted height of an ADU is the same as the maximum permitted height for the residential zoning district in which the parcel is located.
10. Parking. One (1) off-street parking space is required, except as provided in Section 11 (Parking Exceptions) below, in addition to the required parking for the main dwelling unit, that may be provided in the following configurations and areas in addition to the areas allowed for the main dwelling:
 - (a) In tandem, meaning one (1) car located directly behind another car, including a single-car driveway leading to two (2) required parking spaces for the main dwelling; or
 - (b) Within required interior side yards.
11. Parking Exceptions. The off-street parking requirement of Section 10-4-12(D)(10) Parking, does not apply to the following ADUs:
 - (a) ADUs located within one-half mile of public transit as determined by the Director.
 - (b) ADUs located within an architecturally and historically significant historic district.
 - (c) Existing ADUs that were permitted without additional parking.
 - (d) When on-street parking permits are required but not offered to the occupant of the ADU.
 - (e) When a car share vehicle is located within one block of the accessory dwelling unit as determined by the Director.
12. Consistency. All accessory dwelling units shall comply with all applicable development regulations for the zoning district in which the parcel is located and

building code requirements set forth in Title 4, Construction Regulations, unless otherwise specifically provided for in this section.

13. Aesthetics. The accessory dwelling unit shall be similar or compatible in character to the primary residence on the site and to the surrounding residences in terms of roof pitch, eaves, building materials, colors and landscaping.

For residential zoned properties listed on the California Register of Historic Places, Placerville Historic Resource Inventory, or in an adopted historic district, any exterior changes that can be visible from the public street to the architecture of existing buildings to create an accessory dwelling shall meet the historical criteria requirements of Section 10-4-10(B) (Secretary of Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings), and shall comply with the requirements of City Code Sections 10-4-9 and 10-4-10.

14. Tenancy. Either the main dwelling or the ADU shall be occupied by the property owner when both units are occupied as dwelling units.

(E) Conversion of accessory buildings:

1. An accessory building may be eligible to convert into an ADU, subject to meeting criteria as outlined in subsection (2) of this section and approval through the process outlined in Section 10-4-12(F). No additional off-street parking shall be required to convert an accessory building into an ADU.
2. Eligibility. The following criteria must be met in order to be eligible for the conversion of an accessory building:
 - (a) Other supporting documentation to show the building was legally built may be substituted for a building permit subject to review by the Director.
 - (b) The accessory building must be upgraded to meet the building code requirements based on the change of occupancy at the time of the conversion.
 - (c) The accessory building must meet all of the development regulations of Section 10-4-12(D), with the exception that no setback shall be required if the conversion is of an existing garage, and a setback of no more than five (5) feet from the side and rear parcel lines shall be required for an ADU that is constructed above an existing garage.
3. All or any portion of an accessory building that meets the eligibility criteria as provided in this section may be demolished and reconstructed to meet the building code requirements based on the change of occupancy at the time of conversion. The accessory dwelling unit that replaces the accessory building may retain the setbacks and the footprint of the legally constructed accessory building. The existing setbacks and footprint of the accessory building must be evidenced by valid building permits or other supporting documentation subject to review by the Director. Nothing in this section shall be deemed to authorize the expansion of the footprint or reduction of the setbacks beyond that evidenced by a valid building permit or other supporting

documentation subject to review by the Director or to allow the continuation of any other nonconformity.

(F) Application and processing requirements:

1. Submittal. The application for an accessory dwelling unit permit shall be submitted to the Development Services Department concurrent with an application and submittal requirements for a building permit. In addition to the standard submittal requirements for a building permit, an application for an accessory dwelling unit permit shall include all of the following (except as noted below):

- (a) Site plan. A site plan, drawn to scale, showing the dimensions of the perimeter of the parcel proposed for the accessory dwelling unit; the location and dimensioned setbacks of all existing and proposed structures on the site; all easements, building envelopes, and special requirements of the subdivision as shown on the Final Map and improvement plans, if any; and average slope calculations for the site.
- (b) Floor plan. A floor plan, drawn to scale, that shows the dimensions of each room, and the resulting floor area. The use of each room shall be identified, and the size and location of all windows and doors shall be clearly shown.
- (c) Elevations. Architectural elevations of the proposed structure showing all openings, exterior finishes, original and finish grades, stepped footing outline, and roof pitch.
- (d) Materials and color board. A materials and color board for the existing residence and the proposed second dwelling unit.
- (e) Photographs. Color photographs of the site and adjacent properties, taken from each property line of the site, to show the project site and adjacent sites. Label each photograph and reference to a separate site plan indicating the location and direction of each photograph.

Exceptions: Applications for accessory dwelling units which do not modify a building's exterior are not required to submit c, d, or e above.

(f) A fee set by the City Council for an ADU shall accompany the application.

For residential properties described in subsection (D-13) of this Section involving residential historic resources, an ADU request shall also comply with the application and submittal requirements under City Code Sections 10-4-9: Site Plan Review and 10-4-10: Historical Building In the City.

2. Application Review and Decision.

(a) Non-Historic Residential Resources. The Director, or the duly appointed representative, shall act on an application for an ADU permit within 120 days of submittal of a complete application for residential properties not described in subsection (D-13) of this Section involving historic residential resources. The ADU permit shall be issued only if the proposed ADU complies with all development and use regulations in this Section.

(b) Historic Residential Resources. The Planning Commission shall act on an application for an ADU for residential properties described in subsection (D-13) of this Section. The Planning Commission shall consider all development and use regulations in this Section, and the historical criteria requirements of Section 10-4-10(B) (Secretary of Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings), when making its decision.

3. Utility Connection Fees.

(a) Except as provided in subsection (b), a separate new utility connection and payment of a connection fee or capacity charge pursuant to State law and City fee schedule will be required for any new ADU, payable at time of building permit issuance.

(b) No new or separate utility connection or related connection fee or capacity charge will be required for ADUs that are internal conversions of existing space within a single family residence or an accessory structure.

4. Covenant and Agreement. A covenant and agreement shall be executed by the property owner, shall be recorded, and shall contain the following:

(a) A statement that the property owner shall be an owner-occupant and shall reside either in the primary residential dwelling or the ADU.

(b) The ADU shall not be sold separately from the primary residential dwelling.

(c) The ADU permit shall run with the land and the ADU permit is binding and enforceable on future property owners.

SECTION 4. Sections 10-5-4(B-6)[RE, Estate Residential Zone], 10-5-5(B-6) [R-1A, Single-Family Acre Residential Zone], 10-5-6(B-5)[R-1, 20,000 Single-Family Residential Zone], 10-5-7(B-4) [R-1, 10,000 Single-Family Residential Zone], 10-5-8(B-4) [R-1 6,000 Single-Family

Residential Zone], 10-5-9(B-5) [R-2, Low Density Multi-Family Residential Zone], 10-5-10(B-4) [R-3, Medium Density Multi-Family Residential Zone], 10-5-11(B-4) [R-4, High Density Multi-Family Residential Zone] and 10-5-12(B-4) [R-5, Very High Density Multi-Family Residential Zone] within Chapter 5 of Title 10 are amended, replacing the term “Secondary Dwelling Unit” with the term “Accessory Dwelling Unit,” as indicated as follows:

10-5-4 (B-6) Permitted Uses:

~~Secondary~~ One Accessory Dwelling Unit, subject to the requirements within City Code Section 10-4-12.

10-5-5 (B-6) Permitted Uses:

~~Secondary~~ One Accessory Dwelling Unit, subject to the requirements within City Code Section 10-4-12.

10-5-6 (B-5) Permitted Uses:

~~Secondary~~ One Accessory Dwelling Unit, subject to the requirements within City Code Section 10-4-12.

10-5-7 (B-4) Permitted Uses:

~~Secondary~~ One Accessory Dwelling Unit, subject to the requirements within City Code Section 10-4-12.

10-5-8 (B-4) Permitted Uses:

~~Secondary~~ One Accessory Dwelling Unit, subject to the requirements within City Code Section 10-4-12.

10-5-9 (B-4) Permitted Uses:

~~Secondary~~ One Accessory Dwelling Unit, subject to the requirements within City Code Section 10-4-12.

10-5-10 (B-4) Permitted Uses:

~~Secondary~~ One Accessory Dwelling Unit, subject to the requirements within City Code Section 10-4-12.

10-5-11 (B-4) Permitted Uses:

~~Secondary~~ One Accessory Dwelling Unit, subject to the requirements within City Code Section 10-4-12.

10-5-12 (B-4) Permitted Uses:

~~Secondary~~ One Accessory Dwelling Unit, subject to the requirements within City Code Section 10-4-12.

SECTION 5. SEVERABILITY. If any section of this ordinance, or part hereof, is held by a court of competent jurisdiction in a final judicial action to be void, voidable or unenforceable, such section, or part hereof, shall be deemed severable from the remaining sections of this ordinance and shall in no way affect the validity of the remaining sections hereof.

SECTION 6. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION. The City Council hereby finds that this ordinance implements the provisions of Government Code Section 65852.2 and is therefore exempt from the California Environmental Quality Act pursuant to Public Resources Code Section 21080.17 and California Code of Regulations, Title 14, Chapter 3, Section 15282(h).

SECTION 7. EFFECTIVE DATE AND PUBLISHING. This ordinance shall take effect 30 days after adoption.

INTRODUCED on the ___ day of _____, 2017.

PASSED AND ADOPTED as an ordinance of the City of Placerville at the regular meeting of said Council on the ___ day of _____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
Mayor John Clerici

ATTEST:

Regina O'Connell, City Clerk