

10-4-12: ACCESSORY DWELLING UNITS (ADU) AND JUNIOR ACCESSORY DWELLING UNITS (JADU):

(A) Purpose: This section ~~establishes standards for accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in conformance with the city code and all applicable state laws. implements state law governing Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) (Government Code §§ 66310–66342 and related statutes) and provides for ministerial approval to facilitate ADU/JADU creation in conformance with state law.~~

(B) Definitions:

ACCESSORY DWELLING UNIT: an attached or detached residential dwelling unit that provides complete independent living facilities for one or more people and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

- (1) an efficiency unit
- (2) a manufactured home, as defined in Section 18007 of the Health and Safety Code.

ACCESSORY STRUCTURE: a structure that is accessory and incidental to a dwelling located on the same lot.

EFFICIENCY UNIT: has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

JUNIOR ACCESSORY DWELLING UNIT (JADU): a unit that is no more than 500 square feet of interior livable space in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

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

LIVABLE SPACE: a space in a dwelling intended for human habitation. Including living, sleeping, eating, cooking, or sanitation.

PERMITTING AGENCY: any entity that is involved in the review of a permit for an accessory dwelling unit or junior accessory dwelling unit and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, utilities, and special districts.

PROPOSED DWELLING: a dwelling that is the subject of a permit application and that meets the requirements for permitting.

PROPOSED DWELLING: a dwelling that is the subject of a permit application and that meets the requirements for permitting.

PUBLIC TRANSPORTATION: a location, including but not limited to, a bus stop or a 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.

(BC) Accessory Dwelling Units:

1. Applicability: ADUs are permitted in any Zoning District that permits a residential uses, as well as on parcels that are developed with residential uses, subject to building permit approval. The primary dwelling unit(s) shall be completed and occupied prior or simultaneous to occupying an accessory dwelling unit, unless El Dorado County is subject to a proclamation of a state of emergency made by the Governor on or after February 1, 2025:

2. Property Development Standards: ADUs shall comply with existing Building and Fire Codes, and any applicable design criteria, including but not limited to, setbacks, height limits and maximum floor area ratio. ADUs are exempt from density calculations. For purposes of reviewing a project for compliance with the applicable lot coverage, floor area ratio and related development standards, an ADU is not considered an "accessory structure", or an "accessory use" as established under the provisions of Section 10-1-4 (Definitions). In addition, the following standards shall apply:

(a) An ADU may be attached to or detached from the primary dwelling unit.

(b) An ADU may be constructed from the conversion of an existing habitable or non-habitable living area within a single-family dwelling, such as the conversion of a detached accessory structure or accessory building, or by the construction of a new ADU on the same APN as the primary residence and built to the same dimensions as the existing legal living area or detached accessory structure.

(c) Maximum Size: One ADU is permitted on lots that are zoned to allow a single-family dwelling unit, subject to the following maximum sizes:

(1) Attached and Detached ADUs: should be constructed to at least 850 square feet with 0-1 bedroom or 1,000 square feet with two (2) or more bedrooms.

(2) Detached ADU: a maximum of up to 1,200 square feet.

(3) Attached or conversion ADU:

Attached ADUs total floor area shall not exceed 50 percent of the existing primary dwelling. Conversion of an existing accessory structure or conversion of a portion of the existing primary residence to an ADU is restricted to a maximum of no more than 1,200 square feet.

Accessory structure conversion The conversion of an accessory structure, such as a garage, shop, or a storage building, to an ADUs may expand up to 150 square feet for the purpose of ingress / egress. These 150 square feet are not conditioned or habitable space and is not additional to the 1200 square feet maximum allowance for an ADU structure.

(d) Minimum size: An efficiency unit as defined by Section 17958.1 of the California Health and Safety Code, California Building Code Section 1207.1 and Section 10-1-4 of the Placerville City Code.

(e) Multi-Family Residential: ADUs are permitted on lots that are currently used for ~~a Multi~~Multi-Family Residential land use when the ADU is created within existing portions of the Multi-Family Residential structure that is not currently used as habitable space and if each space complies with applicable Building and Health and Safety Codes. However, one-story detached ADUs may be allowed on a Multi-Family Residential parcel provided such units comply with the development standards for one-story ADUs contained within this Section. A maximum of three (3) ADUs are permitted as follows:

(1) Two ~~(2)~~ detached ADUs may be allowed on a parcel developed with ~~a Multi~~Multi-Family Residential use;

(2) At least one (1) ADU may be permitted within the footprint of an existing Multi-Family Residential structure and may be no more than 25 percent of the number of existing units, or one unit, whichever is greater. All interior ADUs must be converted from non-habitable space.

(f) Setbacks:

(1) A new detached accessory dwelling unit shall be subject to the following setbacks:

A. Minimum interior side yard and rear yard setbacks: Four (4) feet.

B. Street side yard of a corner lot: Ten (10) feet.

C. Front yard: Same as the required front setback for the zoning district in which the property is located, yielded only so far as to permit the construction of an 800 square foot ADU.

(2) An ADU that is created ~~as a result of~~because of internal conversion of existing and legally permitted garage area or habitable space shall be allowed, regardless of whether the existing structure complies with current setback requirements. This includes the conversion of an attached or detached habitable or garage structure that maintains a zero setback, provided that all other applicable requirements of the City Code, Fire Code and Building Code have been or will be met.

(g) Height:

(1) An ADU that is attached to the primary residence shall be subject to the same zoning district height limit established for the primary dwelling.

(2) A detached ADU is not to exceed the maximum height within the specified zone or two (2) stories.

(h) Lot Coverage: ADUs shall not be considered when calculating the maximum lot coverage allowed.

(i) Design: Where the development of an ADU includes exterior alterations, additions, or construction of new structure, the ADU shall incorporate the same exterior appearance, architectural features, building materials, including window style and materials, and roof slopes as the primary dwelling unit or other dwellings on the site. Samples and/or photos of existing and proposed colors, materials, roofing, and features must be provided as part of a complete ADU application.

(1) A manufactured or modular (HUD-Certified) home proposed to be used as a detached ADU ~~can~~ may be different in architectural style from that of the principal dwelling on the lot.

(2) Windows and doors: Any window or door of an accessory dwelling unit shall utilize techniques to lessen privacy impacts ~~onto~~ adjacent properties. These techniques may include use of obscured glazing, window placement above eye level, windows and doors ~~facing toward~~ facing the primary on-site residence or screening treatments. This limitation applies only to side yards.

(3) Historic Resources: To prevent adverse impacts on any building that is listed in the California Register of Historic Resources ~~or located within a Historic District~~, exterior improvements to the existing building shall only be permitted if the proposed improvements are consistent with the Secretary of the Interior Standards for Rehabilitation.

(4) Lodging Houses: For transient uses in ADUs, the maximum bedroom and occupancy loads are determined by construction design to only allow up to 5 bedrooms and 10 or fewer occupancy for Residential Group R-3 (California Building Code, Title 24, Part 2 (Volumes 1 & 2), Sec. 310.4 Residential Group R-3.)

(j) Entrance: A separate entrance to an accessory dwelling unit shall be provided.

(k) Fire sprinklers: Fire sprinklers shall not be required in an ADU if they are not required for the primary dwelling unit.

(l) Solar Systems: ADUs are subject to the California Energy Code requirement of solar systems if the unit is a newly constructed, non-manufactured, detached ADU. The solar systems may be installed on either the primary residence or the ADU.

(m) Facilities: An accessory dwelling unit shall contain ~~separate~~ kitchen and bathroom facilities that are separate from the primary dwelling unit.

(n) Parking: No additional parking shall be required for an ADU, except when located on a street determined to be ~~sub-standard~~ substandard, a minimum of two off-street parking spaces shall be provided for the primary dwelling. ~~The loss of on-site parking resulting from the conversion of a garage, car port, or loss of parking area shall be replaced to maintain a minimum of two off-street parking spaces.~~

(o) Utility Connection:

(1) Except as provided in subsection (2) below, an accessory dwelling unit may be required to have a new or separate utility connection, including a separate sewer lateral, between the accessory dwelling unit and the utility. A connection fee or capacity charge may be charged that is proportionate to the size in square feet of the accessory dwelling unit. Separate electric and water meters shall be required for the second unit.

(2) Junior accessory dwelling units (JADU) and ADUs converted from the existing space of a single-family dwelling or accessory structure are exempt from any requirement to install a new or separate utility connection and to pay any associated connection or capacity fees or charges.

(3) All utility extensions shall be placed underground.

(4) No ADU shall be permitted if it is determined that there is not adequate water or sewer service to the property.

(p) Impact Fees: ADUs of 750 square feet or less shall not be subject to Impact Fees. ADUs larger than 750 square feet must be charged proportionately in relation to the square footage of the primary dwelling unit. (e.g., the floor area of the primary dwelling unit, divided by the floor area of the ADU, times the typical fee amount charged for a new dwelling.) "Impact fee" here does not include any connection fee or capacity charge for water or sewer service. Further, construction resulting in the addition of square footage to an ADU within a five (5) year period will be considered cumulative square footage and, if 750 square feet or greater, will result in applicable impact and improvement charges.

(q) An ADU shall be exempt from any requirement to construct street frontage improvements.

(r) An accessory dwelling unit created under this Section shall be maintained with the provisions of this Section and shall not be destroyed or otherwise converted to any other use (including reverting to a portion of the primary residence) except with approval of the Development Services Department.

(s) ~~Amnesty: Property owners of unpermitted ADUs built before January 1, 2020, that receives notice to correct violations may request that the enforcement of the violations be delayed for five years if correcting the violation is not necessary to protect health and safety. In enforcing building standards applicable to accessory dwelling units, state law requires that enforcement by Development Services or its designees allow for a delay of enforcement for up to five (5) years upon the deeded property owner submitting an application requesting the delay of the basis that correcting the violation is not necessary to protect health and safety. (SB 897, 2021)~~

(t) ~~Vacation or Short-Term Rental: Vacation or short-term rentals are prohibited in all ADUs. ADUs shall not be rented for a period of less than 31 days. Denial of an ADU permit: State law prohibits denial of a permit for an unpermitted accessory dwelling unit that was constructed before January 1, 2018 if the unit is in violation of building standards or state or local standards applicable to accessory dwelling units, unless there is a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure. This prohibition does not apply to a building that is deemed substandard under specified provisions of law. (SB 897, 2021)~~

~~(u) Owner-Occupancy:~~

~~(1) All ADUs permitted before January 1, 2020, are subject to the owner-occupancy requirement that was in place when the ADU was permitted.~~

~~(2) An ADU that is permitted after January 1, 2020, but before January 1, 2025, is not subject to any owner-occupancy requirement.~~

~~(3) All ADUs that are permitted on or after January 1, 2025, are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.~~

(vu) Sale of units: ADUs may be rented independently of the primary dwelling or multi-family dwelling structure but may not be sold or conveyed separately from the other dwellings on the lot.

~~(w) Deed Restriction: Prior to issuance of a building permit for an ADU, deed restriction, in a form provided by the City, shall be recorded at the El Dorado County Recorder's office and filed with the City. The deed restriction shall require that the ADU shall not be sold separately from the sale of the primary dwelling; it shall restrict any modifications to the ADU or the primary residence, nor shall any other work on the property be done that requires a ministerial or discretionary permit, without first obtaining the required permit(s) from the City; it shall require that a rental of the ADU shall be for a term longer than 30 consecutive days; and, it shall require that either the primary unit or the ADU on the lot must be occupied by at least one (1) legal owner of the lot.~~

(xwv) Penalties: Every person violating any of the provisions of this section shall be ~~guilty of a subject to the infraction penalties in section 1-4-5 of this Code. misdemeanor, and, upon conviction thereof, shall be punishable by a fine in a sum not to exceed one thousand dollars (\$1,000.00) for any one offense, and the person may be confined in the county jail for a period of not to exceed six (6) months, or both. A misdemeanor violation offense shall be deemed committed each day that the violation occurs, or the obligation remains unperformed.~~

(ED) Junior Accessory Dwelling Units (JADUs):

1. Purpose: The purpose of this section is to ensure consistency with Government Code [Section 65852.22§ 66333.](#); ~~†~~This section implements the provisions of the General Plan Housing Element that encourage the production of affordable housing.

2. Applicability: Junior accessory dwelling units (JADUs) shall be permitted only in compliance with the requirements of this section, and all other requirements of the applicable zoning district, except as otherwise provided by this section.

3. Permit Requirements and Fee: A building permit shall be required for a JADU. A JADU shall not be considered a separate or new dwelling unit for purposes of applying building codes, fire codes, collection of impact fees, or the provision of water, sewer, and power, including connection fees that might otherwise be associated with the provision of those services.

4. Use: JADUs may not be sold separately from the single-family dwelling but may be rented separately. Occupant(s) need not be related to the property owner. JADUs may not be rented on a transient occupancy basis (less than ~~thirty-one (31)~~30 days).

5. Timing: ~~The primary dwelling unit(s) shall be completed and occupied prior or simultaneously to occupying a JADU. A JADU allowed by this section must be installed after construction of the single-family dwelling.~~

6. Density: As provided by Government Code ~~section 65852.22(d) and (e)~~ § 66313, JADUs are not considered new or separate dwelling units and, therefore, are exempt from the density limitations of the General Plan. No more than one (1) JADU may be located on a parcel.

7. Design and Development Standards: JADUs shall conform to the development standards of the base zoning district. In addition, JADUs shall meet the following standards, as stated in Gov Code § 66333-66335.

(a) Size: ~~A junior accessory dwelling unit shall not exceed five hundred (500) square feet in floor area. If the bathroom is shared with the remainder of the single-family dwelling, it shall not be included in the square footage calculation.~~ A JADU is a unit that is no more than 500 square feet of interior livable space in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(b) Location: A JADU shall be installed within the existing walls of a proposed or existing single-family dwelling.

(c) Access: A separate entrance to the JADU shall be provided.

(d) Kitchen: A JADU shall contain at a minimum an efficiency kitchen, which includes all of the following:

(1) A cooking facility with appliances, such as a microwave, convection oven, or hot plate; and

(2) A food preparation counter, sink and storage cabinets.

(e) Sanitation: A JADU must include access to a full bathroom. If the JADU has shared sanitation facilities with the existing structure, there is an owner-occupancy requirement in the single-family residence in which the JADU will be permitted. The owner may reside in either the remaining portion of the structure or the newly created JADU. Additionally, when there is a shared sanitation facility, the JADU shall include an interior entry to the main living area. Owner-occupancy shall not be required if the JADU has separate sanitation facilities, or if the owner is another governmental agency, land trust, or housing organization.

(f) Parking: A parking space is not required for the JADU.

(g) ~~Sale of units~~Prohibition on the Sale of JADUs: JADUs may be rented independently of the primary dwelling but may not be sold or conveyed separately from the other dwellings on the lot. The JADU or primary dwelling must be owner occupied. The sale of a JADU independent of the single-family dwelling residence is prohibited.

- (h) Limitation: There is a limitation of one JADU per lot.

(hi) Deed Restriction: A deed restriction shall be recorded that: prohibits the subdivision or sale of the JADU separate from the single-family dwelling; specifies that the deed restriction runs with the land and is therefore enforceable against future property owners; restricts the size and features of the JADU in

accordance with this section, ~~prohibits the JADU from being rented on a transient occupancy basis (less than thirty-one (31) days).~~

(j) Rental: the rental of a JADU shall be for a term longer than 30 days.

~~(k) Penalties: Every person violating any of the provisions of this section shall be subject to the infraction penalties in section 1-4-5 of this code. guilty of a misdemeanor, and, upon conviction thereof, shall be punishable by a fine in a sum not to exceed one thousand dollars (\$1,000.00) for any one offense, and the person may be confined in the county jail for a period of not to exceed six (6) months, or both. A misdemeanor violation offense shall be deemed committed each day that the violation occurs, or the obligation remains unperformed.~~

(D) Application and Processing of ADUs and JADUs: The application for an ADU permit, and/or when applicable a JADU permit, shall be submitted to the Development Services Department 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 ADU permit shall include all of the following:

1. 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.

2. Floor plan: A floor plan, drawn to scale, that shows the dimensions of each building and 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.

3. Elevations: Architectural elevations of the proposed structure showing all openings, exterior finishes, original and finish grades, stepped footing outline, and roof pitch.

4. Fee: A fee set by the City Council for construction shall accompany the application.

5. Processing Time Limits: Unless a longer timeframe is voluntarily requested by the applicant, the required ministerial permit for an ADU and JADU shall be approved or denied within ~~sixty (60)~~ 60 days from the date the City receives a ~~completed~~ complete application if there is an existing single-family on the lot (Gov Code § 66335). Additionally, the City may delay acting on the permit ~~application if the permit application is submitted with a permit application to create a new single-family on the lot, as specified~~ application for the JADU until the permitting agency approves or denies the permit application to create or serve the new single-family dwelling, but the application to create or serve the JADU shall still be considered ministerially without discretionary review or a hearing. ~~(Ord. 1714, 1-23-2024)~~