

“Placerville, a Unique Historical Past Forging into a Golden Future”



**CITY OF PLACERVILLE PLANNING COMMISSION
STAFF REPORT**

MEETING DATE: AUGUST 15, 2017

SUBJECT: ZONE CHANGE (ZC) 17-01 – ACCESSORY DWELLING UNITS

PUBLIC HEARING AND RECOMMENDATION: That the Planning Commission considers staff’s zoning ordinance amendments relating to secondary dwelling units (accessory dwelling units, or ADUs), then make a recommendation to City Council to approve an Ordinance that would amend the Placerville City Code as follows:

1. Amend Section 4 of Chapter 1 of Title 10, adding definitions of terms;
2. Replace in its entirety Section 12: Secondary Dwelling Units, of Chapter 4 of Title 10, with “Section 12: Accessory Dwelling Units”; and
3. Amend all references of “Secondary Dwelling Unit” within Chapter 5: Zone Regulations, of Title 10, replacing with “Accessory Dwelling Unit.”

POLICY ISSUES: The proposed Zoning Ordinance amendments would ensure that the City Code would be in conformance with changes in state law adopted in 2016 regarding ADUs. The amendments would also support Housing Element Policy C.3, which encourages the use of regulatory incentives as tools to assist affordable housing development.

BACKGROUND: Assembly Bill 2299 (AB 2299) and Senate Bill 1069 (SB 1069) were both signed by the Governor on September 27, 2016 becoming effective on January 1, 2017. These bills amended California laws relating to Secondary Dwelling Units (also referred to as Accessory Dwelling Units). The amendments relate to Government Code § 65852.2. Any existing municipal codes that do not meet the requirements of state law shall be considered null and void, and that agency shall thereafter apply the standards established in state law for the approval of Secondary Dwelling Units, unless and until the agency adopts an ordinance that complies with state law.

The draft amendments to the City of Placerville’s City Code relating to Secondary Dwelling Units are intended to bring the Code into compliance with California State law as amended by AB 2299 and SB 1069.

Prior to the adoption of AB 2299 and SB 1069, the City adopted Zoning Ordinance Amendments relating to secondary dwelling units in 2008, in association with then changes to state law. These updates clarified and streamlined the City’s secondary dwelling unit regulations. Since these revisions, the City has issued five building permits for secondary dwelling units, helping address one critical housing strategy.

ANALYSIS: The intent of the Planning Commission meeting is to provide the Planning Commission the opportunity to review and provide a recommendation on the City Code amendments relating to ADUs to comply with state law.

ASSEMBLY BILL 2299 AND SENATE BILL 1069

ADU Standards and Regulations:

Effective January 1, 2017, AB 2299 and SB 1069 amended California Government Code § 65852.2 to require any local ordinance regulating Secondary Dwelling Units to include certain specified standards and regulations. Those standards and regulations include: designation of certain areas within the jurisdiction where ADUs may be permitted; imposing standards on parking, height, setback, lot coverage, landscape, architectural review, maximum unit size, and standards that prevent adverse impacts on property that is listed in the California Register of Historic Places; provide that ADUs do not exceed the allowable density for the lot on which the unit is located and that ADUs are for residential use that is consistent with the existing General Plan and zoning designation; and require that ADUs comply with all of the following:

1. The unit is not intended for sale separate from the primary residence and may be rented;
2. The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling;
3. The ADU is either attached to the existing dwelling, or located within the living area of the existing dwelling, or detached from the existing dwelling and located on the same lot as the existing dwelling;
4. The increased floor area of an attached ADU shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet;
5. The total area of floor space for a detached ADU shall not exceed 1,200 square feet;
6. No passageway shall be required in conjunction with the construction of an ADU;
7. No setback shall be required for an existing garage that is converted to a ADU and a setback of no more than five feet from the side and rear lot lines shall be required for an ADU that is constructed above an existing garage;
8. Local building code requirements that apply to detached dwellings, as appropriate;
9. Parking Requirements as follows:
 - a. Parking requirements shall not exceed one parking space per unit or per bedroom. These parking spaces may be provided as tandem parking on an existing driveway;
 - b. Off-street parking shall be permitted in setback area in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback area or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction;
 - c. Parking requirements shall not apply to any of the following ADUs:
 - i. If the ADU is located within one-half mile of public transit;
 - ii. If the ADU is located within an architecturally and historically significant district;
 - iii. If the ADU is part of the existing primary residence or an existing accessory structure;
 - iv. When on-street parking permits are required but not offered to the occupant of the ADU;
 - v. When there is a car share vehicle located within one block of the ADU;

- 10. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, and the local agency requires that those off-street parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the ADU, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts, except that it does not apply to units exempt from parking requirements.
- 11. A local agency (e.g. City) may not require the applicant to install a new or separate utility connection between the ADU and the utility or related connection or impose a related connection fee or capacity charge for an ADU that would contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety.
- 12. Fire sprinklers for ADUs shall not be required if they are not required for the primary residence.

Permit Review:

Under the amendments to the Government Code, local ordinances must include an approval process for ADUs that includes only ministerial approval and shall not include any discretionary processes, provisions or requirements for those units, except as otherwise provided (i.e. Section 65902, which provides authorization of a planning commission to hear and decide applications for conditional uses or other permits when the zoning ordinance provides), and 65906, which provides authorization and procedures for variances, or any local ordinance regulating the issuance of variances or special use permits). The approval must be within one hundred and twenty (120) days after receiving the application.

Failure to Comply with Government Code Section 65852.2:

If a local agency does not have an ordinance in place relating to ADUs when it receives a permit to create a ADU, the local agency must accept the application and approve or disapprove the application ministerially without discretionary review pursuant to Government Code Section 65852.2(a).

PROPOSED CITY CODE AMENDMENTS: Attachment A is the draft proposed ordinance in proper form and Attachment B is a strikethrough of the existing regulations to be replaced. The proposed amendments do all of the following:

- 1. Amend Section 4 of Chapter 1 of Title 10, adding definitions of terms; and
- 2. Replace in its entirety Section 12: Secondary Dwelling Units, of Chapter 4 of Title 10, with “Section 12: Accessory Dwelling Units”; and
- 3. Amend all references of “Secondary Dwelling Unit” within Chapter 5: Zone Regulations, replacing with “Accessory Dwelling Unit”, specifically the RE, R-1A, R1-6,000, R1-10,000, R1-20,000, R-2, R-3, R-4, and R-5 zone classifications.

In addition, under authority granted under Government Code Sections 65852.2, and 65902 mentioned above, aesthetic provisions for processing ADUs within residential zoned properties listed on the California Register of Historic Places, Placerville Historic Resource Inventory (HRI), or in an adopted historic district, were retained from Section 10-4-12. These provisions sustain the requirement that any new residential buildings and exterior changes to existing residential buildings within City historic districts, or exterior changes to those that are deemed as having historic or aesthetic value, where the changes that can be visible from the public street to the architecture of existing buildings to create an ADU, 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: Site Plan Review and 10-4-10: Historical Buildings In The City. A fee will be charged for Site Plan Review.

ENVIRONMENTAL REVIEW: The proposed ordinance amendment is not subject to the provisions of the California Environmental Quality Act (“CEQA”) because the legislature granted a statutory exemption under CEQA Guideline Section 15282(h), the adoption of an ordinance regarding second units in a single-family or multi-family zone by a city to implement the provisions of Section 65852.2 of the Government Code, as set forth in Section 21080.17 of the Public Resources Code.

PUBLIC NOTICE: Public Notification was achieved by posting the agenda, with the agenda item being listed, on Tuesday, August 1, 2017, more than 72 hours prior to the meeting. Public notification also consisted of publishing a notice in the Mountain Democrat newspaper on July 17, 2017 and posting the notice on the City’s Planning Commission webpage.

CONCLUSION: Staff believes the proposed amendments would bring local regulations into consistency with the recent State law changes, and support the City’s existing policy which encourages the use of regulatory incentives as tools to assist affordable housing development. Staff recommends that the Planning Commission recommend that the City Council approve an Ordinance amending the Placerville City Code (Attachment A).

ATTACHMENTS

- A. Draft: 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

- B. Strikethrough of Existing Zoning Ordinance Section 10-4-12: Secondary Dwelling Units

Attachment A

ORDINANCE NUMBER _____

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, it 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.

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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

Attachment B

Strikethrough of Existing Zoning Ordinance Section 10-4-12: Secondary Dwelling Units

~~10-4-12: **SECONDARY DWELLING UNITS:** Secondary dwelling units shall be subject to the following development standards:~~

- ~~(A) — It is the intent of this section to further facilitate the creation of secondary dwelling units within the City of Placerville; providing a source of housing within the City by streamlining the application process. (Ord. 1627, 9 Sep 2008)~~
- ~~(B) — The secondary unit shall be in compliance with existing zoning requirements, including setbacks and lot coverage. (Ord. 1474, 8 Jan 1991)~~
- ~~(C) — The owner of the property must reside on the property; this agreement must be recorded with the County Recorder Clerk prior to a certificate of occupancy issued for the secondary dwelling unit. (Ord. 1627, 9 Sep 2008)~~
- ~~(D) — In addition to providing two (2) parking spaces for the primary residential structures, one additional parking space (for a total of 3) shall be provided on the property.~~
- ~~(E) — There shall not be more than one secondary unit allowed per parcel.~~
- ~~(F) — The secondary unit shall connect to public sewer and water utilities when they are available. (Ord. 1627, 9 Sep 2008)~~
- ~~(G) — The secondary dwelling unit shall be architecturally compatible with the primary residence. The single family structure shall maintain its single family character.~~
- ~~(H) — A minimum lot size of five thousand (5,000) square feet shall be required.~~
- ~~(I) — The floor area for an attached or detached secondary dwelling unit shall not exceed 1,200 (twelve hundred) square feet. (Ord. 1627, 9 Sep 2008)~~
- ~~(J) — The secondary unit shall not cause significant adverse impacts on public services and resources.~~
- ~~(K) — The secondary unit shall have a separate outside entrance or a hallway leading directly to the outside.~~
- ~~(L) — A secondary dwelling unit shall not be added to a single family unit which is nonconforming to the Zoning Ordinance. (Ord. 1474, 8 Jan 1991)~~
- ~~(M) — The parcel on which a secondary dwelling unit is proposed shall be located within a residential zone and have a permitted single family use. (Ord. 1627, 9 Sep 2008)~~
- ~~(N) — A request for a secondary dwelling unit located within a City historic district that is accessory to an existing single family use may be permitted pursuant to this section where there is no physical change to the exterior of a building or property. (Ord. 1627, 9 Sep 2008)~~
- ~~(O) — A request for a secondary dwelling unit that is located within a City historic district that proposes exterior modifications to a building or property, such request shall comply with the requirements of City Code Sections 10-4-9 and 10-4-10. (Ord. 1627, 9 Sep 2008)~~