

Accessory Dwelling Unit Regulations
Section 17.30.020 Rio Dell Municipal Code

17.30.020 ACCESSORY DWELLING UNITS

(1) PURPOSE

The purpose of these regulations is to be consistent with California Government Code Section 68582.2 with respect to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).



Accessory dwelling units may be principally permitted in any zone that allows single family or multifamily dwelling residential use and includes a proposed or existing dwelling, if the General Provisions in Section 17.30.020(2) are met, and the ADU and/or JADU meets the Development Regulations and Standards of Section 17.30.030(3).

ADUs and/or JADUs may be excluded or may require a Conditional Use Permit in certain designated areas (ADU Conditional Use Permit Area) as described in Section 17.30.020(4) based on adequacy of water and sewer services, drainage and the impact of accessory dwelling units on traffic flow and public safety. Outside the ADU and/or JADU Conditional Use Permit Area, an ADU and/or JADU that cannot meet all the criteria in Sections 17.30.020(3) and 17.30.020(4) may still be permitted with a Conditional Use Permit under certain circumstances.

The City shall act on the building permit application for an accessory dwelling unit within 20 days from the date the completed application is received if there is an existing single-family or multifamily dwelling on the lot.

No certificate of occupancy will be issued for an accessory dwelling unit constructed concurrently with a primary dwelling, before a certificate of occupancy is issued for the primary dwelling.

(2) GENERAL PROVISIONS THAT APPLY TO ALL ADUS. The following provisions apply to all ADUs.

(a) One ADU and one JADU per lot.

One ADUs is permitted per lot developed or proposed to be developed with a single-family or multifamily dwelling.

(b) Ownership.

An ADU and/or JADU shall not be sold separately from the principal dwelling.

(c) Renting Permitted.

The ADU and/or JADU may, but need not be, rented.

(d) Short-term Lodging Prohibited.

The ADU and/or JADU shall not be rented for periods of 30 days or less.

(e) Building Type.

The ADU and/or JADU may be within, attached to, or detached from, the existing or proposed principal residence and may be over a garage. An ADU may also be a manufactured home as defined in Section 18007 of the Health and Safety Code subject to the development standards in Section 17.30.190.

(f) Sewer and Water Service.

All new ADUs and/or JADU within 300 feet of existing wastewater facilities shall connect to City's public wastewater systems. Parcels greater than 300 feet from existing wastewater facilities shall comply with all applicable County Health Department requirements for sewage disposal. All new ADU's shall connect to the City's public water system.

(g) Existing Single-Family Residence

Where one single-family dwelling unit exists on a lot, a larger home may be constructed as the principal dwelling unit, and the existing unit treated as the ADU, provided all other development regulations and standards can be met for both units.

(h) ADU and JADU Configurations within Residential and Mixed-Use Zones

For purposes of this Section, a junior accessory dwelling unit is an attached unit as defined in Govt. Code Section 65852.22. A building permit shall be ministerially approved for creation of any of the following, within a residential or mixed-use zone:

(i) ADU or JADU within Existing Single-Family Structure

(ii) One accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(III) The accessory dwelling unit or junior 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 accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

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

(V) The side and rear setbacks are sufficient for fire and safety as established either by the local fire authority, for fire response.

(VI) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(i) New Detached ADU

One detached, new construction, accessory dwelling unit with minimum four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The detached accessory dwelling unit may be combined with an accessory dwelling unit or a junior accessory dwelling unit within an existing single-family structure or accessory structure as described in subsection 17.30.020(2)(h) if:

(i) The attached ADU or JADU contains no more than 500 square feet of floor space; and

(ii) The detached ADU contains no more than 800 square feet of floor space, and its height is no more than 16 feet. See Section 17.30.020(3)(b), Total Floor Area for detached ADUs that exceed 800 square feet.

(j) ADUs in Existing Multifamily Structures

Multiple accessory dwelling units within the portions of existing multifamily 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 building standards for dwellings. At least one accessory dwelling unit is allowed within an existing multifamily dwelling, and up to 25 percent of the existing multifamily dwelling units may be allowed.

(k) Detached ADUs with Existing Multifamily Structures

Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling, subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(3) DEVELOPMENT REGULATIONS, STANDARDS, AND APPLICABLE CODES.

The following development regulations and standards shall apply to all ADUs:

(a) Utilities.

Utilities may be shared in common with or separate from the main dwelling unit, whichever method may afford compliance with the applicable requirements of the Municipal Code, including the currently effective versions of the California Building Codes, except that:

(i) Connection and Capacity Fees

An accessory dwelling unit shall not be considered to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, except for water and sewer services as set forth in Section 17.30.020(3)(a)(iv) unless the accessory dwelling unit was constructed with a new single-family dwelling.

(ii) Impact Fees.

The City shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" as defined in subdivision (b) of Govt. Code Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(iii) No New Connections in Existing Structures

No new or separate utility connection is shall be required between the ADU and the utility, and no related connection fee or capacity charge shall be imposed if the ADU is contained within the existing space of a single-family residence or accessory structure and meets conditions in Section 17.30.020(2)(h) unless the accessory dwelling unit was constructed with a new single-family dwelling.

(iv) New Detached Units.

For an accessory dwelling unit that is not contained within the existing space of a single-family residence or existing accessory structure or does not meet conditions in Section 17.30.020(2)(h) will require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section Govt. Code Section 66013, the connection may be subject to a connection fee or capacity charge that is proportionate to the burden of the proposed accessory dwelling unit upon the water or sewer system, based upon either size or the number of plumbing fixtures, its size in square feet or its drainage fixture unit (DFU) values, as defined in the California Plumbing Code which is based on the International Association of Plumbing and Mechanical Officials. This fee or charge shall not exceed the reasonable cost of providing this service.

(b) Total Floor Area.

Accessory dwelling units shall be subject to the following floor area requirements:

(i) **Parcels That Cannot Be Subdivided.** The size of the second dwelling unit shall not exceed 50 percent of the size of the primary dwelling unit up to a maximum of 1,200 square feet, except for second dwelling units located within the suburban and rural zones where the second dwelling unit shall not exceed 50 percent of the primary dwelling unit.

(ii) **Parcels That Can Be Subdivided.** The size of the second dwelling unit shall not be restricted, provided the applicant submits a development plan demonstrating that the parcel could be subdivided and both residences can be sited on separate parcels and meet setback and lot coverage requirements of the zone.

(c) Sprinklers

Accessory dwelling units are not required to provide fire sprinklers if they are not required for the primary residence.

(d) Setbacks

No setback shall be required for an ADU or a portion of an ADU, converted from an existing living area or accessory structure, or a structure constructed in the same location and to the same setbacks as an existing structure. A setback of no more than four feet from the side and rear lot lines shall be required for a new ADU.

(e) Parking

Each ADU requires one (1) parking space. These spaces may be provided in tandem on a driveway. Off street parking shall be permitted in setback areas or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(i) **Exceptions to Parking Standards.** Parking standards for an ADU shall not apply if the ADU is (1) located within one-half mile walking distance of public transit; (2) located within an architecturally and historically significant district; (3) part of the proposed or existing primary residence or an existing accessory structure; or (4) when on-street parking permits are required but not offered to the occupant of the ADU; or (5) when there is a car share vehicle located within one block of the accessory dwelling unit.

(ii) **Avenues Neighborhood.** Because of the existing on street parking problems and narrow roads affecting traffic flow and/or public safety conditions in the Avenue Neighborhood, there are no exceptions to the parking standards in Section 17.30.220.

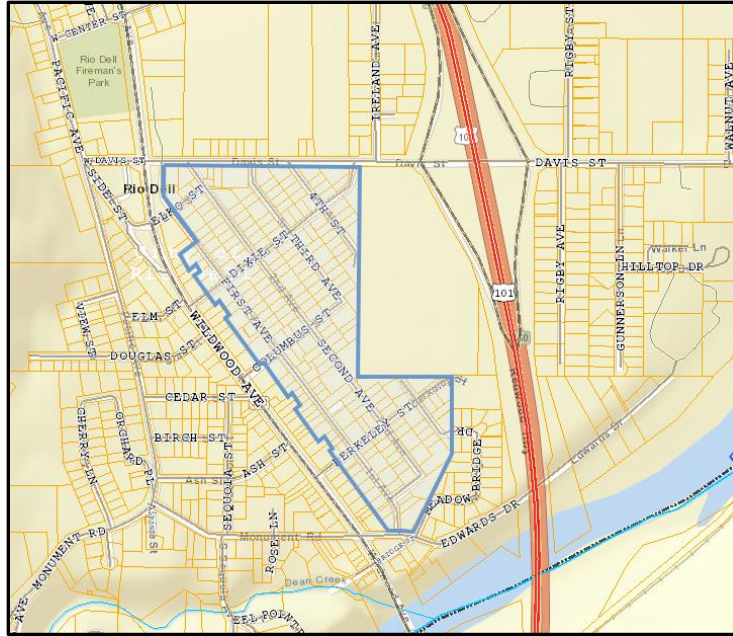


Figure 1
Avenues Neighborhood

(4) ADU CONDITIONAL USE PERMIT AREAS.

Parcels located on the Dinsmore Plateau, including the Rio Vista neighborhood are subject to development constraints, including dead-end roads, adequate road widths and lack of fire hydrants. Because of these public safety conditions, an ADU may be allowed on the Dinsmore Plateau and in the Rio Vista neighborhood with a Conditional Use Permit provided the concerns of the Fire District are satisfied. See Figure 2.

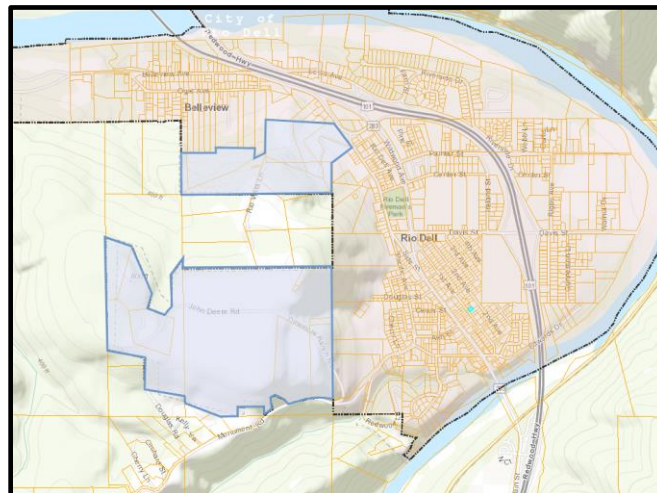


Figure 2
Dinsmore Plateau and Rio Vista neighborhood.