

ORDINANCE NO. ~~1850~~ 1870

AN ORDINANCE OF THE COUNTY OF AMADOR AMENDING COUNTY CODE SECTION 19.72.050, ACCESSORY DWELLING UNITS, TO INCORPORATE CHANGES REQUIRED BY STATE HOUSING STATUTES, SPECIFICALLY GOVERNMENT CODE TITLE 7, DIVISION 1, CHAPTER 13, ACCESSORY DWELLING UNITS

19.72.050 Accessory dwelling units and junior accessory dwelling unit regulations.

Applicants for an accessory dwelling unit or junior accessory dwelling unit must comply with all applicable local and state laws. If a conflict exists between the laws in this chapter and other laws within the county's municipal code, the laws in this chapter shall control. All proposed accessory dwelling units and junior accessory dwelling units must comply with all the below-listed general regulations and must also comply with either the Category 1 or Category 2 regulations.

A. General Regulations. These general regulations apply to all accessory dwelling unit and junior accessory dwelling unit permit applications.

1. Located on Same Parcel as Residential Dwelling. The proposed accessory dwelling unit or junior accessory dwelling unit shall either be (a) attached to or located within the living area of the proposed or existing primary dwelling or (b) detached from the proposed or existing primary dwelling and located on the same parcel as the proposed or existing primary dwelling.

2. Building, Fire, and Life Safety. Unless provided otherwise within this chapter, all applicable building and fire code requirements shall apply except that the building code shall not restrict an applicant's ability to obtain a permit for an accessory dwelling unit that is up to sixteen feet in height where all other code requirements are satisfied. A mobile home, recreational vehicle, park model recreational vehicles, yurts, tents, cargo containers, or other movable or temporary habitable spaces that do not comply with the California Building Standards Code shall not be used as an accessory dwelling unit or junior accessory dwelling unit.

3. Water and Waste Water. The applicant shall comply with Section 14.06.055 (Production requirements for water supply wells). Where a private sewage disposal system is being used, the system shall require approval by the environmental health department. Approval of the

accessory dwelling unit or

junior accessory dwelling unit is subject to the environmental health department's certification that sufficient water and wastewater services exist for the unit.

4. Certificate of Occupancy. A certificate of occupancy may not be issued for the accessory dwelling unit or junior accessory dwelling unit until a certificate of occupancy is issued for the primary dwelling.

5. Fire Sprinklers. Applicants shall comply with the California Building Code with respect to installation of fire sprinklers except that fire sprinklers are not required in accessory dwelling units and junior accessory dwelling units if they are not required for the primary residence.

6. Setback. A four-foot setback is required from the side and rear lot lines for new structures in areas where state responsibility area fire and life safety regulations (Chapter 15.30) do not apply.

B. Category 1 Permits. Rental terms for accessory dwelling units permitted under this subsection shall be longer than thirty days. Applicants seeking a Category 1 accessory dwelling unit permit must also comply with the following:

1. Number of Accessory Dwelling Units Allowed. Only one accessory dwelling unit is permitted on a parcel on which a residential dwelling exists or is proposed to exist.

2. Total Floor Area. The minimum floor area shall be the minimum required for an efficiency dwelling unit as defined in Health and Safety Code

Section 17958.1. The maximum floor area of an accessory dwelling unit shall be the floor area of the primary dwelling on the parcel; however, if the primary dwelling is less than one thousand square feet, then the maximum floor area shall be eight hundred fifty square feet for an accessory dwelling unit that has less than two bedrooms, and one thousand square feet for an accessory dwelling unit that has two or more bedrooms.

3. Parking.

- a. One additional off-street parking space is required for the accessory dwelling unit. The space may be provided as tandem parking on a driveway. Off-street parking is permitted in setback areas unless the county specifically finds setback parking is not feasible based on site or regional topographical or fire and life safety conditions.
- b. When a parking structure is converted to an accessory dwelling unit, additional parking, or replacement of existing parking, is not required.
- c. The parking requirement in subsection (B)(3)(a) of this section does not apply if the accessory dwelling unit is located within one-half mile walking distance of public transit, or is located within an architecturally and historically significant historic district, or is part of the proposed or existing primary residence or an existing accessory structure, or is located within one block of a car share vehicle.

C. Category 2 Permits. Rental terms for accessory dwelling units permitted under this subsection shall be longer than thirty days. Applicants are not required to provide off-street parking for Category 2 permits. Applicants seeking a Category 2 permit must meet the requirements for one of the following four application types. An applicant may apply for both a Type 1 and Type 2 permit. An applicant may also apply for both a Type 3 and a Type 4 permit.

1. Type 1--Within Existing Space. A Category 2, Type 1 permit shall issue for one accessory dwelling unit on the parcel if the following requirements are met:

- a. The proposed accessory dwelling unit is within the proposed or existing space of the primary dwelling or existing accessory structure; however, the proposed unit may include an expansion of the existing accessory structure of not more than one hundred fifty square feet; provided, that the expansion is for the purpose of accommodating ingress and egress.
- b. The proposed unit has direct exterior access.
- c. The side and rear setbacks may be less than the general regulation requirement so long as the county finds the setbacks are

sufficient for fire and safety.

d. If the applicant seeks to permit a junior accessory dwelling unit as that term is defined in Government Code Section 66333, then the proposed unit must meet the requirements under Government Code Section 66333 through 66339.

2. Type 2--Detached, New Construction. A Category 2, Type 2 permit shall issue for one accessory dwelling unit on the parcel if all the following conditions are met. The accessory dwelling unit may be combined with a qualifying junior accessory dwelling unit.

a. The proposed unit's total floor area does not exceed twelve hundred square feet.

b. The proposed unit height does not exceed sixteen feet.

3. Type 3--Accessory Dwelling Units Within Existing Multifamily Dwelling Structures. A Category 2, Type 3 permit shall issue for 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 the unit complies with state building standards for dwellings. The limit of accessory dwelling units allowed under this subsection shall be the total of up to twenty-five percent of the existing multifamily dwelling units on the parcel. One accessory dwelling unit is allowed if there are seven or fewer existing multifamily dwelling units on the parcel.

4. Type 4--Detached, Multifamily. A Category 2, Type 4 permit shall issue for the same number of accessory dwelling units as existing multifamily units on the parcel, up to a maximum of eight not exceeding sixteen feet in height on a parcel with an existing multifamily dwelling. This permit type is for accessory dwelling units that are detached from the existing multifamily dwelling. (Ord. 1833 §2, 2023; Ord. 1800 §4, 2020).

D. Unpermitted accessory dwelling units and junior accessory dwelling units constructed prior to January 1, 2020.

1. Unpermitted accessory dwelling units and junior accessory

dwelling units constructed prior to January 1, 2020, may be brought into compliance with applicable building codes.

2. Applicable permit fees shall follow the approved fee schedule at the time a permit application is submitted, excluding penalties for unpermitted construction.

3. Before submitting a permit application for an unpermitted accessory dwelling unit or junior accessory dwelling unit, the owner may obtain a confidential third-party code inspection from a licensed contractor to determine if the structure is substandard per the California Health and Safety Code.

4. Upon receiving an application for a permit for a previously unpermitted accessory dwelling unit or junior accessory dwelling unit, the County may inspect the unit for compliance with the California Health and Safety Code and provide recommendations for compliance.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 10th day of February, 2026, by the following vote:

AYES: Jeff Brown, Patrick Crew, Logan Carnell, Dan Epperson, Brian Oneto
NOES: None
ABSENT: None



Jeff Brown, Chairman, Board of Supervisors

ATTEST:
HEATHER PEEK, Clerk of the Board of Supervisors


