
CALAVERAS COUNTY
Code of Ordinances
Title 17 ZONING
Article 3. Residential Zones

Chapter 17.66. ACCESSORY DWELLINGS

§ 17.66.010. Purpose.

The purpose of an accessory dwelling is to provide opportunities for affordable housing and to implement Sections 65852.150 and 65852.2 of the California Government Code.

(Ord. No. 3097, § 1, 7-10-2018)

§ 17.66.020. Applicability.

- A. The provisions of this chapter apply to all zones that permit by right a single family residence.
- B. The addition of an accessory dwelling shall be deemed an accessory use or an accessory structure and shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed a residential use that is consistent with the general plan and zoning density for the lot.

(Ord. No. 3097, § 1, 7-10-2018)

§ 17.66.030. Application.

An application for an accessory dwelling shall be filed with the building department pursuant to the requirements of Title 15.

(Ord. No. 3097, § 1, 7-10-2018)

§ 17.66.040. Development standards.

Accessory dwellings shall meet the following development standards:

- A. An accessory dwelling application is subject to all applicable school district fees, fire district fees, and any other applicable special district requirements which would normally be applied to a building permit, consistent with the provisions of Section 65852.2(f)(1) of the California Government Code.
- B. There shall be an existing lawfully permitted single family residence on the subject property, except in the case of simultaneous construction as authorized in [Section 17.66.050](#).
- C. No more than one accessory dwelling shall be permitted on any legally existing parcel of land.
- D. Accessory dwellings may be attached or detached.
- E. Accessory dwellings shall be permanent structures conforming to the building code requirements of Title 15 of this code.
- F. An accessory dwelling unit shall contain permanent provisions for living, sleeping, eating, cooking, and sanitation.
- G. The accessory dwelling shall not be used for sale, financing or any other means or basis of subdivision of the original subject property pursuant to any partition, condominium plan, community apartment project, stock cooperative, parcel map, subdivision map or gift deed.
- H. The accessory dwelling shall conform to the height, setback, lot coverage, landscaping, and architectural review standards and other site development standards of the base zoning district and any applicable combining zone district in which the subject property is located. Notwithstanding the above, no setback shall be required for a lawfully permitted pre-existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit. If an accessory dwelling unit is constructed above a lawful pre-existing garage, it shall

be set back at least five (5) feet from the side and rear lot lines of the parcel.

I. Off-street parking shall be one parking space per accessory dwelling.

Parking spaces may be provided as tandem parking on a driveway, unless the Planning Director makes specific findings that tandem parking is not feasible based on specific site or regional topographical or fire and life safety conditions. The planning director may further reduce the parking requirement if he or she is able to make all of the following findings:

1. The parking exception will not be detrimental to the health, safety or general welfare of persons residing in the neighborhood and will not negatively impact traffic safety or emergency vehicle access to residences or create hazards by obstructing views to or from adjoining sidewalks and streets.
2. The parking exception will not adversely affect the character of the surrounding neighborhood.
3. There is sufficient street parking available to accommodate the parking exception.

J. Additional parking for an accessory dwelling unit shall not be required in any of the following instances:

1. The unit is located within one-half mile of public transit.
2. The unit is located within a county, state or federally designated historic district.
3. The unit is part of an existing residential structure or existing accessory structure.
4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
5. When there is a car share vehicle located within one block of the accessory dwelling unit.

K. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling or converted

to an accessory dwelling, the required parking spaces for the primary residence may be replaced in any configuration on the same lot as the accessory dwelling as set forth in subsection I and [Sections 17.70.030](#) and [17.70.040](#).

L. Applicable building code requirements, environmental health requirements pertaining to domestic water supply and onsite wastewater treatment systems requirements, and fire protection codes shall be met.

M. Determination of Adequate Water Source Capacity.

1. When an accessory dwelling is not served by a public water system, the adequacy of any well serving more than one residential unit shall be determined by the environmental health department based on an assessment of the well's water production adequacy in a source capacity report, as specified in [Section 16.12.060 \(B\)](#) of this code, that has been prepared by a qualified professional as defined in [Section 15.03.365](#).

2. The well shall be considered an adequate source of water when one of the following criteria have been documented in the source capacity report:

a. Source capacity of five gallons per minute or greater that is sustained during a twenty-four-hour period of continuous pumping, or until seven thousand two hundred gallons of water has been pumped, whichever is less, with a minimum of one thousand five hundred gallons of storage in a tank approved by the American Water Works Association (AWWA) or equivalent; or

b. Source capacity of two and a half gallons per minute or greater that is sustained during a twenty-four-hour period of continuous pumping, or until seven thousand two hundred gallons of water has been pumped, whichever is less, with a minimum of two thousand five hundred gallons of

storage in a tank approved by the American Water Works Association (AWWA) or equivalent.

3. Nothing herein shall restrict the development of a second well to provide water for the accessory dwelling in lieu of the source capacity testing specified herein.
- N. The maximum floor area allowed for an accessory dwelling, regardless if it is attached or detached, shall not exceed one thousand two hundred square feet. If the accessory dwelling is attached, any increase in floor area to accommodate the accessory dwelling cannot exceed fifty percent of the pre-existing living area.
- O. No passageway, as defined in CGC § 65852.2(i), shall be required in conjunction with construction of an accessory dwelling unit.
- P. An accessory dwelling unit shall not be required to provide fire sprinklers if they are not required for the primary residence.
- Q. If the accessory dwelling unit is located on real property listed in the California Register of Historic Places the unit shall conform to any standards adopted by the state or county that prevent impacts to the historic quality of the site.
- R. The site of an accessory dwelling unit shall meet the minimum emergency access and egress requirements as set forth in the California Code of Regulations, Title 14, Division 1.5, Chapter 7, Article 2 if located in the State Responsibility Area and in a high or very high fire severity zone.
- S. An accessory dwelling shall not be used as a transient occupancy unit, as defined in [Section 17.06.1910](#).

(Ord. No. 3097, § 1, 7-10-2018)

§ 17.66.050. Conversion of existing home to an accessory dwelling, or simultaneous construction.

When a property owner wishes to construct a second home to become the primary dwelling, but maintains the existing home for residential occupancy, the planning department may require that the existing structure be deemed the accessory dwelling upon completion and occupancy of the new structure. Simultaneous construction of both a primary and accessory dwelling is permitted, upon approval by the planning department.

(Ord. No. 3097, § 1, 7-10-2018)