

ATTACHMENT to ORDINANCE 554

DELETE THE FOLLOWING PER ORDINANCE 554

Chapter 17.61
ACCESSORY DWELLING UNITS (ADUs) AND
JUNIOR ACCESSORY DWELLING UNITS (JADUs)

Sections:

~~17.61.010 Purpose and intent.~~

~~17.61.020 Applicability, exceptions, processing.~~

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~~17.61.050 Ownership and occupancy.~~

~~17.61.060 Impact fees, capital improvement fees, public improvements.~~

17.61.010 Purpose and intent.

The purpose and intent of this chapter is to provide standards for the construction, placement, and processing of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs), providing opportunities for affordable rental housing and/or accommodations for family members. ADUs and JADUs provide an increased opportunity to meet unmet housing needs. This chapter implements the city of Angels general plan housing element and is consistent with Government Code Section 65852.1 et seq. (Ord. 515 §2 (Att. B), 2021; Ord. 425 §9(part), 2005)

17.61.020 Applicability, exceptions, processing.

A. ADUs Permitted. Subject to the standards contained herein, the following are permitted ADUs:

1. One ADU and one JADU (not one or the other) per parcel shall be permitted within any residential or mixed-use zoning district that allows residential uses by right or conditional use permit except as provided below.

2. Multifamily.

a. Attached Multifamily. Within a single multifamily dwelling structure, one ADU may be created within the nonlivable space within the dwelling. Within a

~~multifamily dwelling complex, no more than twenty-five percent of the units in the complex may include an ADU of this type.~~

~~b.—Detached Multifamily. In lieu of subsection (2)(a) of this section, a maximum of two detached ADUs are allowed on the lot containing a multifamily dwelling structure. New detached units are permitted four-foot side and rear setbacks subject to avoiding existing established, utility, road or other public easements. Height limits shall be the same as for other structures on the site.~~

~~B.—ADUs Prohibited or Permitted Subject to Review.~~

~~1.—Very High Fire Hazard Severity Zones. ADUs are prohibited in very high fire hazard severity zones in the city as mapped by CalFire unless a conditional use permit is first secured in accordance with Chapter [17.78](#). The conditional use permit shall demonstrate that the ADU complies with the provisions of the state's minimum fire safe standards as they apply to state responsibility areas, and as may be amended. ADUs pursuant to this provision shall comply with minimum fire safety setbacks. A conditional use permit may be denied pursuant to Chapter [17.78](#) based on a finding that the ADU will, under the circumstances of the particular case, be substantially detrimental to the health, safety, or general welfare of persons in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood due to fire safety.~~

~~2.—Historical Commercial Zoning District. ADUs in the historical commercial (HC) zoning district (Chapter [17.26](#)) shall be subject to the same parking, height, setback, landscape, architectural review, maximum unit size and standards established in the HC zoning district for all other construction, modifications, and structures as necessary to prevent adverse impacts on any real property that is listed in or has been declared eligible for listing on the California Register of Historic Resources and/or National Register of Historic Places in accordance with Government Code Section [65852.2\(a\)\(1\)\(B\)\(i\)](#). Pursuant to this section, the planning commission retains its authority to issue a finding of architectural conformity in accordance with Section [17.26.080](#) in cases referred to the commission where like materials and design are not being replaced with like materials and design.~~

~~C.—Covenants, Conditions and Restrictions (CC&Rs). Covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable in accordance with Civil Code Section [4751](#).~~

~~D.—Subordinate to Principal Dwelling. An ADU shall be clearly subordinate to the principal dwelling. "Subordinate," for the purposes of this chapter, means the ADU shall~~

~~have a smaller total square footage than the principal dwelling except as allowed pursuant to Section 17.61.030(E), Conversions of Existing Structures.~~

~~E.— Ministerial Approval. ADUs and JADUs shall be ministerially approved pursuant to an application for a building permit. An application for an ADU or JADU shall be deemed approved within sixty days if no action has been taken on a completed building permit prior to that date. (Ord. 515 §2 (Att. B), 2021; Ord. 425 §9(part), 2005)~~

~~**17.61.030 ADU development standards.**~~

~~ADU development standards are as follows:~~

~~A.— An ADU of eight hundred square feet or less with a height limit of sixteen feet and four feet side and rear yard setbacks is permitted in any residential or mixed-use zoning district regardless of lot coverage, setback, or minimum lot size requirements of that district.~~

~~B.— ADU Floor Area.~~

~~1.— The minimum floor area of an ADU shall be four hundred square feet or greater unless a smaller unit, to be occupied by no more than two persons, meets the requirements of an efficiency unit as defined in Health and Safety Code Section 17958.1. For detached dwellings less than four hundred square feet, see "Tiny houses."~~

~~2.— Detached ADU. The maximum floor area of a new detached ADU shall not exceed one thousand two hundred square feet.~~

~~3.— Attached ADU. The maximum floor area of an attached ADU shall not exceed fifty percent of the floor area of the existing primary dwelling, or one thousand two hundred feet, whichever is less. In no case shall an attached ADU be required to be less than eight hundred square feet for up to a one-bedroom unit, or at least one thousand square feet for ADUs with more than one bedroom, regardless of the floor area of the existing primary dwelling.~~

~~4.— The area of garages shall not be counted when determining the maximum allowable floor area.~~

~~C.— ADU Minimum Lot Size. The minimum allowable lot size for an ADU is the same as required for the zoning district in which the ADU is located except as allowed in subsection A of this section or otherwise as expressly provided.~~

~~D.— ADU Lot Coverage. Lot coverage is the same as required for the zoning district in which the ADU is located except as allowed in subsection A of this section.~~

~~E.— Conversions of Existing Structures.~~

~~1.— The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to the minimum size, height or lot coverage requirements herein. Such structures shall be made safe pursuant to state building and safety codes. Existing structures converted to ADUs may be expanded up to one hundred fifty square feet without application of local development standards, but this expansion shall be limited to accommodating ingress and egress.~~

~~2.— An existing principal dwelling may be converted to an accessory dwelling unit to allow construction of a new principal dwelling. When this occurs, both the dwelling being converted to an ADU and the new principal dwelling shall be clearly designated on all site plan(s) accompanying the building permit or permit(s). If separate building permits are secured, each site plan for each building permit shall clearly identify both the ADU and principal dwelling unit. A certificate of occupancy shall be issued for the accessory dwelling unit only after (or at the same time as) a certificate of occupancy is issued for the primary dwelling.~~

~~F.— ADU Parking and Driveways.~~

~~1.— One parking space shall be required per accessory dwelling unit or bedroom, whichever is less, except as provided in subsections (F)(2) and (3) of this section. Tandem parking is permitted to fulfill this requirement. No guest parking is required.~~

~~2.— ADUs created through the conversion of a garage, carport, or covered parking structure shall not require replacement of off-street parking spaces.~~

~~3.— No parking is required for ADUs:~~

~~a.— Located within one-half mile walking distance of public transit.~~

~~b.— Located within the historical commercial zoning district.~~

~~4.— Parking access shall be at same location as the driveway for the principal dwelling, except where the lot abuts two or more streets, in which case the driveway for the accessory dwelling unit may be separate, provided the respective driveways are on separate streets and meet safe distancing requirements per city standards.~~

~~a.— Curb cuts for driveways that access the parking for both the principal and accessory dwelling unit shall be no wider than twenty feet, unless otherwise approved by the city engineer.~~

~~b.— Curb cuts for driveways that access only the accessory dwelling unit shall be no wider than ten feet, unless otherwise approved by the city engineer.~~

~~G.— Setbacks.~~

1.— Setbacks of no more than four feet from the side and rear lot lines are permitted for an attached or detached ADU in those zoning districts where required setbacks are greater than four feet, except as required to avoid existing, established, utility, road or other public easements.

2.— Expansion of a detached structure, that is nonconforming with respect to setbacks, may occur for conversion into an ADU, except that setbacks for the expansion or conversion cannot be less than four feet for the side and rear setbacks and shall avoid existing, established, utility, road or other public easements.

3.— Front yard setbacks for ADUs are the same as required for the primary dwelling unit, except that front yard setbacks shall be altered to accommodate an ADU meeting the criteria in subsection A of this section. Reduced setbacks shall maintain existing, established, utility, road or other public easements.

H.— ADU Height. ADU height limits shall be the same as allowed for a primary dwelling unit in the zoning district unless otherwise expressly provided.

I.— No ADU shall be located on a slope that exceeds twenty percent.

J.— An ADU shall only be permitted in a structure that is on a permanent foundation. Manufactured homes on a permanent foundation are permitted as ADUs.

K.— Nonconforming Uses and Violations. An applicant shall not be required to correct nonconforming zoning conditions (e.g., in conjunction with a conversion of an existing accessory structure).

Upon application and approval, the city will delay enforcement against a qualifying substandard ADU for five years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency (Government Code Section [65852.2](#)(n); Health and Safety Code Section [17980.12](#)).

L.— Fire Sprinklers. Fire sprinklers are required in an ADU if sprinklers are required for the primary residence. Fire sprinklers are not required in an ADU if they were not required in the primary residence. However, if the primary dwelling undergoes significant remodeling and is now required to have fire sprinklers, any ADU created after the remodel must likewise install fire sprinklers. (Government Code Sections [65852.2](#)(a)(1)(D)(xii) and (e)(3).) For ADUs created on lots with multifamily residential structures, the entire residential structure shall serve as the primary residence for the purposes of fire sprinklers. Therefore, if the multifamily structure is served by fire sprinklers, the ADU can be required to install fire sprinklers.

M.— Solar Panels. Newly constructed ADUs are subject to the energy code requirement to provide solar panels if the unit(s) is a newly constructed, nonmanufactured, detached ADU. Per the California Energy Commission (CEC), the panels can be installed on the

~~ADU or on the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from nonresidential to residential space, are not subject to the energy code requirement to provide solar panels. (Ord. 515 §2 (Att. B), 2021; Ord. 425 §9(part), 2005)~~

~~17.61.040 JADU development standards.~~

~~JADU development standards are as follows. JADUs:~~

~~A.— Shall not exceed five hundred square feet in size.~~

~~B.— Shall be constructed within the walls of a proposed or existing single-family residence and are not required to be an existing bedroom or have an interior entry into the single-family residence. JADUs may be created in attached garages.~~

~~C.— Are not subject to any additional parking requirements except that replacement parking shall be required when a JADU is created from an attached garage.~~

~~D.— Are not subject to additional fees for water or sewer connections.~~

~~E.— Cannot be sold separately from the primary dwelling.~~

~~F.— The owner must reside in either the remaining portion of the primary residence or in the newly created JADU.~~

~~G.— JADUs are not permitted in accessory structures.~~

~~H.— Only one JADU is permitted per lot.~~

~~I.— JADUs are permitted only in single-family residences in single-family zoning districts. (Ord. 515 §2 (Att. B), 2021)~~

~~17.61.050 Ownership and occupancy.~~

~~A.— All ADUs used as rentals shall be required to be rented for a minimum term of thirty days or longer.~~

~~B.— The provisions of this chapter shall not be construed to place any restrictions on the age of the occupant(s) of the accessory dwelling or his/her relationship to the owner(s) and/or occupant(s) of the principal dwelling except as otherwise expressly provided.~~

~~C.— There are no owner occupancy requirements for ADUs except when a JADU also is on the same lot. JADUs require owner occupancy of either the newly created JADU or the single-family residence. Therefore, under this specific circumstance, a lot with an ADU would be subject to owner occupancy requirements.~~

~~D.—An ADU may be sold or otherwise conveyed separately from the primary dwelling pursuant to a deed-restricted sale that includes affordability covenants approved by the city if the primary dwelling and the ADU are built by a qualified nonprofit corporation whose mission is to provide units to low-income households in accordance with Government Code Section 65852.26. (Ord. 515 §2 (Att. B), 2021; Ord. 425 §9(part), 2005. Formerly 17.61.040)~~

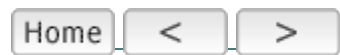
~~17.61.060 Impact fees, capital improvement fees, public improvements.~~

~~A.—Water and Sewer. An ADU shall not be considered a new residential use for the purposes of calculating connection fees or capacity charges for water or sewer unless the ADU is constructed concurrently with a new single-family home. An ADU converted from an existing space or a JADU is exempt from connection fees and capacity fees unless constructed in conjunction with a new single-family dwelling. When constructed in conjunction with a primary dwelling, the fee shall be proportionate to that of the primary dwelling based on square footage or total number of plumbing fixtures compared to the primary dwelling. ADUs remain subject to monthly water and sewer use fees.~~

~~B.—Impact Mitigation Fees. ADUs up to seven hundred fifty square feet are exempt from impact mitigation fees. ADUs seven hundred fifty square feet or larger may be charged impact mitigation fees but such fees shall be made proportional (based on size by square foot) to those for the primary dwelling unit. If the ADU qualifies for a lower fee than a proportional fee based on a recorded affordability covenant and as provided in the city’s adopted fee schedule, then the lesser fee (or fee exemption) shall apply.~~

~~C.—School Fees. ADUs five hundred feet or smaller are not subject to school impact fees. ADUs larger than five hundred square feet may be subject to school impact fees at the option of the school.~~

~~D.—Public Improvements. No public or related physical improvements shall be required for creation or conversion on an ADU (e.g., ADUs are exempt from sidewalk and street improvements). (Ord. 515 §2 (Att. B), 2021)~~



~~The Angels Camp Municipal Code is current through Ordinance 541, passed August 20, 2024.~~

~~Disclaimer: The city clerk’s office has the official version of the Angels Camp Municipal Code. Users should contact the city clerk’s office for ordinances passed subsequent to the ordinance cited above.~~

City Website: <https://angelscamp.gov/>

City Telephone: (209) 736-2181

ADD ALL THE FOLLOWING PER ORDINANCE 554

**Chapter 17.61
ACCESSORY DWELLING UNITS (ADUs) AND
JUNIOR ACCESSORY DWELLING UNITS (JADUs)**

The City of Angels regulations for ADUs and JADUs are as set forth in California ADU law including but not limited to:

- Government Code Sections 66310-66342; and
- Government Code Sections 65852.2, 65852.21, 65852.22, 65852.23, 65852.26, 65852.27, 65852.150, 65583 (c)(7), 65585(j), 66313, 66314, 66322, 66323, 66411.7; and
- Public Resources Code Section 21080.17, 30500.5; and
- Health and Safety Code Sections 17980.12, 50504.5; and
- Civil Code Section 714.3, 4740, 4741, 4751;

and as these provisions may be amended.

Guidelines are available at <https://www.hcd.ca.gov/building-standards/adu/handbook>