

CHAPTER 9.32: ACCESSORY DWELLING UNITS

Section

- 9.32.010 *Definitions.*
- 9.32.020 *General provisions.*
- 9.32.030 *Permitted zones.*
- 9.32.040 *On-site parking.*
- 9.32.050 *On-site parking, exceptions.*
- 9.32.060 *Parking location.*
- 9.32.070 *Square footage.*
- 9.32.080 *Height.*
- 9.32.090 *Setback.*
- 9.32.100 *Design and development standards.*
- 9.32.110 *Multifamily zones.*
- 9.32.120 *Junior ADU standards.*
- 9.32.130 *Short-term rentals.*
- 9.32.140 *Conveyance.*
- 9.32.150 *By right units-building permit approval only.*

9.32.010 *Definitions.*

(a) "Accessory dwelling unit (ADU)" has the same meaning ascribed in Government Code Section ~~65852.2~~ 66323, as the same may be amended from time to time. An ADU means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following: (1) an efficiency unit, as defined in Section 17.958.1 of Health and Safety Code; and (2) a manufactured home, as defined in Section 18007 of the Health and Safety Code.

(b) "Junior accessory dwelling unit (Junior ADU or JADU)" means a residential dwelling unit that is no more than 500 square feet of interior livable space in size and contained entirely within an existing or proposed single-family structure single family structure. A junior

accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

(c) "Efficiency unit," as defined in Section 17958.1 of the Health and Safety Code, may be permitted for occupancy by no more than two persons and shall not be less than 150 square feet in size. The efficiency unit shall have a bathroom facility and a partial kitchen, with a kitchen sink, cooking appliance, and refrigerator.

(d) Collectively, ADUs and junior ADUs may be referred to in this Chapter as accessory dwelling units.

(Ord. 197, passed 3-4-2020; Am. Ord. 245, passed 4-10-2024)

9.32.020 General provisions.

Unless otherwise preempted by state law, the design and construction of all newly constructed accessory dwelling units shall comply with all applicable building, housing, zoning and site development standards of this Chapter, including but not limited to standards regarding setbacks, floor area ratio standards, height, and lot coverage. Applicants shall also comply with all applicable fee and charge requirements, and other applicable zoning requirements. Applications deemed complete for accessory dwelling units shall be approved ministerially with the applicable 60-day review period consistent with state law. The permitting agency shall determine whether an application for an ADU or JADU is complete and provide written notice of that determination not later than 15 business days after receipt of the application. If an application is determined to be incomplete, the written notice shall include a list of incomplete items and a description of how the application can be made complete. If a permit application is determined to be incomplete or is denied, the applicant shall have the right to appeal the determination, and the permitting agency shall provide a final written determination not later than 60 business days after receipt of the written appeal.

Consistent with Government Code Section 66315, as the same may be amended from time to time, the City shall not require owner-occupancy as a condition of issuing a permit for an accessory dwelling unit. This prohibition does not apply to junior accessory dwelling units, which are governed by the owner-occupancy requirements set forth in Section 9.32.120(b).

(Ord. 197, passed 3-4-2020; Am. Ord. 233, passed 3-8-2023; Am. Ord. 245, passed 4-10-2024)

9.32.030 Permitted zones.

Accessory dwelling units shall be a permitted use within the City's single-family and multiple-family residential zones.

(Ord. 197, passed 3-4-2020; Am. Ord. 245, passed 4-10-2024)

9.32.040 On-site parking.

(a) Required parking for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less.

(b) When an existing garage, carport, ~~or~~ covered parking structure, or uncovered off-street parking space is demolished in conjunction with the construction of an accessory dwelling unit or is converted into an accessory dwelling unit, replacement parking for the primary dwelling unit shall not be required.

(c) When required, on-site parking can be covered, uncovered, tandem or provided through the use of a mechanical automobile parking lift. Tandem parking as defined in this division means that two or more automobiles are parked in a driveway or in any other location on a lot, lined up behind one another.

(Ord. 197, passed 3-4-2020; Am. Ord. 245, passed 4-10-2024)

9.32.050 On-site parking, exceptions.

Notwithstanding the parking development standards for accessory dwelling units, accessory dwelling units that meet the following state provisions (consistent with Government Code Section 66323, as amended by SB 477, Chapter 7, Statutes of 2024 AB 68, AB 881, and SB 13) shall not be required to provide on-site parking in any of the following instances if:

(a) The accessory dwelling unit is located within one-half mile walking distance of "public transit" within the meaning of Government Code Section 63235852.2;

(b) The accessory dwelling unit is located within an architecturally and historic significant historic district;

(c) The accessory dwelling unit is part of the existing primary dwelling unit or an existing accessory structure;

(d) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or

(e) When there is a car share vehicle located within one block of the accessory dwelling unit.

(f) When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this paragraph.

(Ord. 197, passed 3-4-2020; Am. Ord. 245, passed 4-10-2024)

9.32.060 Parking location.

The parking provided on-site can be tandem and in an existing driveway or within any existing setback area, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site, topographical or fire and life safety conditions. When a designated parking area is provided and is not located in the driveway as tandem, the parking space must meet the minimum required turning radius and backup distance according to the requirements of the California Building Code and California Residential Code.

(Ord. 197, passed 3-4-2020; Am. Ord. 245, passed 4-10-2024)

9.32.070 Square footage.

(a) All new accessory dwelling units and additions to existing and permitted accessory dwelling units are exempt from compliance with the Floor Area Ratio (FAR), lot coverage, open space, or minimum lot size requirements noted in the Municipal Code unless otherwise specified herein.

(b) All new detached accessory dwelling units shall not exceed 1,200 square feet of interior livable space.

(c) When an accessory dwelling unit is attached to the existing primary dwelling unit, the maximum allowed size of that accessory dwelling unit shall be no more than fifty percent of the main dwelling size, or 850 or 1,000 square feet of interior livable space based on number of bedrooms as noted in preceding Subsection (b), whichever is less.

(d) When a balcony, porch or patio is provided in conjunction with an accessory dwelling unit, if said structure is covered, it shall count towards the total accessory dwelling unit square footage allowance.

(e) Pursuant to Government Code Section 66321, subdivisions (b)(2)(A), (b)(3)65852.2 (a) (1)(B)(i), the city shall impose objective standards on accessory units that include a landing or a balcony, porch or patio for the purposes of square footage requirements.

(f) If a cover such as a porch or similar type structure is provided over the main entrance of the accessory dwelling unit, and is supported by posts, 25 square feet of the said cover will not count towards the maximum allowable square footage of the accessory dwelling unit.

(g) Accessory dwelling units 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.

(Ord. 197, passed 3-4-2020; Am. Ord. 223, passed 10-12-2022; Am. Ord. 233, passed 3-8- 2023; Am. Ord. 245, passed 4-10-2024)

9.32.080 Height.

(a) All new accessory dwelling units, attached to the main dwelling unit must comply with the height requirements, allowing up to 16 feet.

(b) When an accessory dwelling unit is constructed on top of a detached garage, accessory structure, or above another accessory dwelling unit when applicable under this Code, shall have a minimum allowable height of 18 feet.

(c) All new detached accessory dwelling units on a lot with an existing or proposed multifamily, multistory dwelling shall have a minimum allowable height of 18 feet.

(d) When an accessory dwelling unit is constructed on top of a garage or accessory structure, the accessory dwelling unit cannot touch grade level, except through support posts. The bottom of the finished floor of the accessory dwelling unit must be above the top of plate of the garage or accessory structure.

(Ord. 197, passed 3-4-2020; Am. Ord. 233, passed 3-8-2023; Am. Ord. 245, passed 4-10- 2024)

9.32.090 Setback.

(a) Unless otherwise provided in this Chapter, any new accessory dwelling units must have a minimum setback of four feet to the rear property line and four feet to the side-yard property line with the exception that accessory dwelling units on top of a garage shall maintain a minimum five feet setback from side and rear property lines.

(b) Any new accessory dwelling unit cannot be located closer to the front property line than the prevailing front yard setback for a single family residential zoned lot or minimum required front setback for a multifamily residential zoned lot.

(c) No setback shall be required for an accessory dwelling unit that is within an existing structure or new accessory dwelling unit that is constructed in the same location and with the same dimensions as an existing structure.

(d) New accessory dwelling units must maintain a five-foot separation from building face to building face, and a four foot separation from eave to eave of any adjacent structure.

(e) No accessory dwelling unit may be located in a way that would prohibit access to a designated parking area or impede safe ingress and egress from a required side, rear, or front setback.

(f) No setback shall be required when an accessory dwelling unit is constructed in the same location and to the same dimensions as an existing legal structure that is converted into an accessory dwelling unit or to a portion of an accessory dwelling unit, even when that structure has been demolished.

(g) When a balcony, porch or patio is provided in conjunction with the accessory dwelling unit and is seven inches above grade level, the balcony, porch or patio must be setback from the rear and side property lines a minimum of four feet.

(h) When a staircase or landing is provided for a new or existing second story accessory dwelling unit, whether attached or detached to the primary dwelling unit, that staircase or landing must provide a minimum four foot setback to the rear and side property line.

(Ord. 197, passed 3-4-2020; Am. Ord. 233, passed 3-8-2023; Am. Ord. 245, passed 4-10-2024)

9.32.100 Design and development standards.

(a) The exterior design of the accessory dwelling unit shall match that of the main dwelling in terms of building forms, materials, colors, exterior finishes, roof forms and style of doors and windows. The structure(s) shall retain the appearance of a single-family dwelling, and the accessory dwelling unit shall be integrated into the design of the existing primary dwelling unit on the property or as determined objectively and approved ministerially.

(b) The accessory dwelling unit shall have the same design, architecture, colors and materials of the primary dwelling, and shall comply with any objective design standards adopted by the city, regardless of whether the use of the accessory dwelling unit is continued or terminated. If a separate entrance is provided, it shall be located on the side or rear of the structure and whenever possible located toward interior yard areas. The additional entrance is prohibited from being located on the front of the primary dwelling unit. The second entrance shall be well lit and free of concealment from landscaping to assure safe entrance and exit by the occupants.

(c) Consistent with Government Code Section ~~66323 (a)(1)(B)(i)~~65852.2(a)(1)(B)(i), all visible facade elevations of accessory dwelling units from any public right of way shall comply with the objective design standards adopted by the city.

(d) When a garage is converted into an accessory dwelling unit, the garage door must be removed and replaced with windows, door, or other design treatments that are compatible with the structure and the primary dwelling unit that can be uniformly verifiable by reference to an external and uniform benchmark

(e) The accessory dwelling unit shall comply with the requirements under the Code pertaining to the adequacy of water, sewer, electrical, drainage, and fire and emergency services to the property on which the accessory dwelling unit will be located as well as all applicable codes pertaining to building, fire, health, and/or safety.

(f) The main entrance of a detached accessory dwelling unit (ADU) shall align with the main entrance of the primary dwelling unit or face the side property lines, based on objective standards that prioritize compatibility with the neighborhood character. If an ADU entrance is proposed to face an alley or rear property line, it shall be subject to review based on an objective standard and ministerial process.

(Ord. 197, passed 3-4-2020; Am. Ord. 233, passed 3-8-2023; Am. Ord. 245, passed 4-10-2024)

9.32.110 Multifamily zones.

All of the provisions of this section shall apply to accessory dwelling units in the Multifamily Zones, unless otherwise stated in the following:

(a) No more than eight detached two-accessory dwelling units ~~may~~ be constructed on a lot with an existing multifamily dwelling, provided that the number of detached ADUs does not exceed the number of existing dwelling units on the lot. a Multifamily Zoned lot or on a lot with a multiple-family dwelling. These accessory dwelling units must be detached from the primary structure and may be attached or detached from each other.

(b) Accessory dwelling units may be created within a multifamily dwelling structure in areas not used as livable space, such as storage rooms, boiler rooms, passageways, attics, basements, common areas or garages, so long as the converted space complies with state building standards for dwellings.

(c) A minimum of one accessory dwelling unit or up to twenty-five percent of the existing multifamily unit total on the subject property, is permitted within an existing multifamily dwelling unit.

(Ord. 197, passed 3-4-2020; Am. Ord. 233, passed 3-8-2023; Am. Ord. 245, passed 4-10-2024)

9.32.120 Junior ADU standards.

All of the provisions of this section shall apply to a junior ADU unless otherwise stated in the following:

(a) A junior ADU is limited to 500 square feet.

(b) One junior ADU is allowed only within single-family residential zones. A junior ADU requires owner-occupancy as follows: If the junior ADU shares sanitation facilities with the primary dwelling, the owner shall reside in either the remaining portion of the single-family residence or the newly created junior ADU. If the junior ADU has separate sanitation facilities, owner-occupancy shall not be required. This provision does not apply if the owner is a governmental entity, land trust or housing organization.

(c) A deed restriction must be recorded and will run with the land prohibiting the sale of the junior ADU separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(d) The deed restriction must include the size and attributes of the junior ADU that conforms to this Section.

(e) The junior ADU shall be constructed within the walls of the proposed or existing single-family residence, as well as any enclosed uses within the residence. This area also includes

enclosed, non-habitable rooms and uses, including but not limited to attached garages and storage rooms.

(f) The junior ADU must include a separate entrance from the main entrance to the single-family residence and an interior entry to the main living area. A second interior doorway may be provided for sound attenuation. If a junior ADU shares a bathroom with the primary dwelling, the junior ADU is required to have an interior entry to the primary dwelling's "main living area," independent of the exterior entrances of the junior ADU and primary dwelling.

(g) The junior ADU must include an efficiency kitchen, which shall include all the following:

(1) A cooking facility with appliances.

(2) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the Junior ADU.

(h) Additional parking may not be required as a condition to grant a permit for a junior ADU.

(i) An inspection, including the imposition of a fee for that inspection to determine whether the junior ADU is in compliance with applicable building standards may be required at any time after the junior ADU has been built.

(j) For the purposes of any fire or life protection ordinance or regulation, a junior ADU shall not be considered a separate or new dwelling unit. This Section shall not preclude the City from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior ADU so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior ADU or not.

(k) For the purposes of providing service for water, sewer, or power, including a connection fee, a junior ADU shall not be considered a separate or new dwelling unit.

~~(l) A junior ADU requires owner-occupancy as follows: The owner shall reside in either the remaining portion of the single-family residence or the newly created junior ADU. This provision does not apply if the owner is a governmental entity, land trust or housing organization.~~

(~~l~~m) A recorded deed restriction is required, that shall run with the land, and shall be filed with the permitting agency, and shall include both of the following:

(1) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(2) A restriction on the size and attributes of the junior accessory dwelling unit that conforms to this section.

(m) Fire sprinklers shall not be required for a junior accessory dwelling unit if fire sprinklers are not required for the primary dwelling unit. The addition of a junior accessory dwelling unit shall not trigger a requirement to install fire sprinklers in the primary dwelling unit. This subdivision shall apply notwithstanding any other provision of law, consistent with Government Code Section 66323, subdivision (d), as the same may be amended from time to time

(Ord. 197, passed 3-4-2020; Am. Ord. 245, passed 4-10-2024)

9.32.130 Short-term rentals.

Unless otherwise provided for in the Canyon Lake Municipal Code, accessory dwelling units and junior accessory dwelling units (JADUs), which are rented, shall be rented for terms longer than 30 days.

9.32.135 Impact Fees – Prohibition for Small ADUs and JADU

(a) No impact fee shall be imposed upon the development of an accessory dwelling unit that has 750 square feet of interior livable space or less.

(b) No impact fee shall be imposed upon the development of a junior accessory dwelling unit that has 500 square feet of interior livable space or less.

(c) Any impact fee imposed upon an accessory dwelling unit that has more than 750 square feet of interior livable space shall be charged proportionately in relation to the square footage of the primary dwelling unit, consistent with Government Code Section 66311.5, subdivisions (a) through (d), as the same may be amended from time to time.

(d) An accessory dwelling unit or junior accessory dwelling unit that contains less than 500 square feet of interior livable space shall not be deemed to increase the assessable space of the parcel for purposes of property tax assessment, consistent with applicable state law.

(Ord. 197, passed 3-4-2020; Am. Ord. 245, passed 4-10-2024)

9.32.140 Conveyance.

Any accessory dwelling unit may be rented separate from the primary residence and may be sold or otherwise conveyed separate from the primary residence to a qualified buyer.

(Ord. 197, passed 3-4-2020; Am. Ord. 245, passed 4-10-2024)

9.32.150 By rights units - building permit approval only.

(a) An applicant shall not be required to submit an application for an ADU or JADU permit under this chapter and may instead seek building permit approval for an ADU or JADU that

satisfies the requirements of Government Code Section ~~66323~~~~65852.2~~(e)(l), as the same may be amended from time to time, and the California Building Standards Code, as amended by the city.

(b) Pursuant to Government Code Section ~~66323~~~~65852.2~~(e), the city shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(1) One ADU or JADU per lot with a proposed or existing single-family dwelling if all of the following apply:

(A) The ADU or JADU 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.

(B) The space has exterior access from the proposed or existing singlefamily dwelling.

(C) The side and rear setbacks are sufficient for fire and safety.

(D) The JADU complies with the requirements of Section ~~66333~~ ~~65852.22~~ and with the requirements set forth in Section 9.32.120 above.

(2) One detached, new construction ADU that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The ADU may be combined with a JADU described in subsection (b)(l) above. The ADU shall be no more than 800 square feet in size, with a height limit of 16 feet.

(3) One ADU 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. If requested, multiple ADUs shall be allowed, up to the number of ADUs that equals 25 percent of the existing multifamily dwelling units in the structure.

(4) Not more than ~~eight~~~~two~~ detached ADUs located on a lot that has an existing multifamily dwelling, provided that the number of detached ADUs does not exceed the number of existing dwelling units on the lot, subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(Ord. 245, passed 4-10-2024)

9.32.155 Certificate of Occupancy During State of Emergency

(a) Notwithstanding any other provision of this Chapter, the City shall issue a certificate of occupancy for an accessory dwelling unit constructed on a parcel located in a county subject to a proclamation of a state of emergency issued by the Governor on or after February 1,

2025, even if the primary dwelling unit on the same parcel has not yet been issued a certificate of occupancy, provided that all of the following conditions are satisfied:

(1) The primary dwelling unit was substantially damaged or destroyed by an event referenced in the state of emergency proclamation;

(2) The accessory dwelling unit satisfies all applicable building standards under the California Building Standards Code and this Chapter; and

(3) The occupancy of the accessory dwelling unit is intended to house the displaced residents of the primary dwelling unit.

(b) This section is consistent with Government Code Section 66328, as the same may be amended from time to time.

9.32.160 Unpermitted Accessory Dwelling Units Constructed Before January 1, 2020.

The City shall not deny a permit for an accessory dwelling unit or junior accessory dwelling unit that was constructed before January 1, 2020, solely on the basis of building code violations, unless the City makes a written finding that correcting the building code violation is necessary to comply with conditions that would otherwise render the structure substandard pursuant to applicable law. This section is consistent with Government Code Section 66332, subdivisions (a) through (c), as the same may be amended from time to time.