

# Attachment E

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## Attachment E - Existing Coastal ADU Ordinance

### 20.64.030 Regulations for accessory dwelling units.

- A. Purpose: The purpose of this section is to establish the regulations, standards and circumstances under which an Accessory Dwelling Unit, accessory to the main residence on a lot may, be permitted.
- B. Applicability: The provisions of this section are applicable in the HDR, MDR, LDR, RDR, and WSC zoning districts.
- C. Permit Requirements: Accessory Dwelling Units shall require a Coastal Administrative Permit, or Coastal Development Permit if applicable, in all cases due to significant water, sewer, habitat, visual, and traffic resource constraints that exist within the Monterey County Coastal Zone. In non-residential zoning districts such as the Watershed and Scenic Conservation Zoning District, Accessory Dwelling Units shall require a Coastal Development Permit.
- D. Accessory Dwelling Units Prohibited in certain areas: Accessory Dwelling Units would pose a hazard to public health, safety and welfare in certain unincorporated coastal areas of the County because of known infrastructure and resource limitations. These infrastructure limitations are recognized in the Land Use Plans for the North County, Big Sur, Carmel Area, and Del Monte Forest (See North County Land Use Plan Section 4.2, Big Sur Land Use Plan Section 5.2, Carmel Area Land Use Plan Section 4.2, and Del Monte Forest Land Use Plan Chapter Three—Introduction), and zoning restrictions (B-8 overlay). The County acknowledges prohibiting Accessory Dwelling Units in these areas may limit the housing opportunities of the region; however, specific adverse impacts on the public health, safety and welfare that would result from allowing Accessory Dwelling Units in these areas justify these limitations. Accessory Dwelling Units will not be permitted in the following areas:
  - 1. In any zoning district combined with a B-8 zoning overlay.
  - 2. In the North County Land Use Plan area.
  - 3. In the Carmel Area Land Use Plan area, on lots less than forty (40) acres in area.
  - 4. In the Big Sur Coast Land Use Plan area, no Accessory Dwelling Units beyond the first fifty (50) (including previously permitted caretaker units) approved in the Plan area from the time of certification of the Big Sur Coast Land Use Plan (April 9, 1986).
- E. Regulations: Accessory Dwelling Units may be allowed subject to a Coastal Administrative Permit or Coastal Development Permit if applicable in designated districts and subject in all cases to the following regulations:
  - 1. Only one Accessory Dwelling unit per lot shall be allowed.
  - 2. Accessory Dwelling Units shall not be permitted prior to a main residence and shall be located on the same lot as the main residence. Accessory Dwelling Units must provide complete independent living facilities for one or more persons and shall contain permanent provisions for living, sleeping, eating, cooking, and sanitation. An Accessory Dwelling Unit may be rented.
  - 3. The minimum lot size for establishment of an Accessory Dwelling Unit shall be as follows:

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- a. Two acres in areas not served by public sewers.
  - b. In Big Sur the minimum lot size shall be two acres.
  - c. In Carmel the minimum lot size shall be forty (40) acres.
4. Accessory dwelling units are subject to the build out limitations established by each Land Use Plan but are not subject to density requirements of the zoning district in which a lot is located.
5. The maximum floor area for an Accessory Dwelling Unit is one thousand two hundred (1,200) square feet.
6. Parking for accessory dwelling units shall be consistent with the Parking Regulations of this Title (Chapter 20.58).
7. Within the applicable areas, units permitted as a Senior Citizen unit or a Caretaker unit prior to adoption of these regulations for Accessory Dwelling Units shall be considered an Accessory Dwelling Unit for the purposes of this section.
8. Accessory Dwelling Units shall conform to all of the zoning and development standards (lot coverage, height, setbacks, design, etc.) of the zoning district which governs the lot. Development standards shall be applied to Accessory Dwelling Units based on the cumulative development on the parcel. An Accessory Dwelling Unit attached to the principal residence shall be subject to the height, setback and coverage regulations of the principal residence. An Accessory Dwelling Unit detached from the principal dwelling shall be treated as a habitable accessory structure in regard to height, and setbacks.
9. Accessory Dwelling Units shall be designed in such a manner as to be visually consistent and compatible with the principal residence on-site and other residences in the area.
10. Accessory Dwelling Units are subject to review and approval by the Director of Environmental Health to ensure adequate sewage disposal and water supply facilities exist or are readily available to serve the unit.
11. Accessory Dwelling Units are subject to all the resource protection policies of the applicable Land Use Plan and shall not be permitted to substantially degrade resources at the site or in the area. Some of the resource constraints that may preclude development of an Accessory Dwelling Unit include but are not limited to:
  - a. Areas containing environmentally sensitive habitat.
  - b. In no case shall Accessory Dwelling Units be permitted within native Cypress habitat (Del Monte Forest).
  - c. Areas where the Accessory Dwelling Unit would cause a substantial adverse impact on visual resources.
  - d. In no case shall an Accessory Dwelling Unit be permitted within the critical viewshed (Big Sur);
  - e. Areas determined to have a critically short water supply.
  - f. Forest health and tree resources;

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- g. Hazards including slopes, beach and bluff erosion, fire, traffic and other health and safety conditions;
  - h. Potential impacts to historic and archaeological resources; and
  - i. Conflicts with public access.
- F. In order to grant the Coastal Administrative Permit or Coastal Development Permit the Appropriate Authority shall make the following findings.
  - 1. That the establishment of the Accessory Dwelling Unit will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County; and
  - 2. The Accessory Dwelling Unit as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
  - 3. That the subject property upon which the Accessory Dwelling Unit is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this Title and that all zoning violation abatement costs, if any, have been paid.
  - 4. The site is physically suitable for the use proposed.
- G. Any Accessory Dwelling Unit proposal which does not comply with the provisions of this section with regard to size, height, or setbacks shall require a Variance pursuant to Chapter 20.78.

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