

Exhibit B

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21.64.030 - 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. This section is applicable in all residential zoning districts and in other districts where an accessory dwelling unit may be allowed subject to a Use Permit.
- C. Accessory Dwelling Units Prohibited in Certain Areas. Accessory dwelling units would pose a hazard to public health, safety and welfare in certain unincorporated non-coastal areas of the County because of known infrastructure limitations. These infrastructure limitations are recognized in the 2010 General Plan (See Policy NC-1.5, CV-1.6, T-1.7, and GS-1.13), zoning districts (B-8 overlay) and adopted specific plans. 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. Within a B-8 zoning overlay.
 2. North County Planning Area, not including the Castroville Community Plan area.
 3. All lots in the Carmel Valley Master Plan Area created after October 26, 2010 and all existing legal lots of record containing less than five acres.
 4. That portion of the Toro Planning Area which is shown on Figure LU-10 of the 2010 General Plan as being limited to the first single family home on a legal lot or record per General Plan Policy T-1.7.
 5. That portion of the Greater Salinas Planning Area with residential land use designations north of the City of Salinas, generally between Williams Road and Highway 101 which is shown on Figure LU-7 of the 2010 General Plan as being limited to the first single family home on a legal lot or record per General Plan Policy GS-1.13.
 6. Areas for which the County has adopted a Specific Plan, except as allowed by the Specific Plan.
- D. Regulations. Accessory dwelling units are subject to the following regulations:
1. Only one accessory dwelling unit per lot shall be allowed. An accessory dwelling unit shall not be permitted prior to a main residence and shall be located on the same lot as the main residence. An accessory dwelling unit 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.
 2. The minimum lot size for establishment of an accessory dwelling unit in areas not served by public sewers shall be two acres, except in the Carmel Valley Master Plan area where the minimum lot size shall be five acres.
 3. An accessory dwelling unit shall not be subject to density requirements of the zoning district in which the lot is located.
 4. The maximum floor area for an accessory dwelling unit is one thousand two hundred (1,200) square feet.
 5. Within the residentially zoned areas, units permitted as a senior citizen unit or a caretaker unit prior to the adoption of these regulations for accessory dwelling units shall be considered an accessory dwelling unit for the purposes of this section.
 6. An accessory dwelling unit shall conform to all of the zoning and development standards (lot

coverage, height, setbacks, design, etc.) of the zoning district which governs the lot. 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. Parking for an accessory dwelling unit shall be consistent with the parking regulations in Chapter 21.58.

7. An accessory dwelling unit 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.
 8. 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.
- E. An accessory dwelling unit may be allowed in the Resource Conservation Zone subject to an Administrative Permit in each case. In order to grant the Administrative Permit, the Appropriate Authority shall make all of the following findings:
1. 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.
 2. The proposed accessory dwelling unit complies with all of the applicable requirements of this section.
 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. That adequate sewage disposal and water supply facilities exist or are readily available, as determined by the Director of Environmental Health.
- F. Any accessory dwelling unit which does not comply with height or setback regulations for the district in which it is proposed shall require a Use Permit. The Zoning Administrator is the appropriate authority to consider said permit. The Use Permit may only be approved if the Appropriate Authority finds that the deviation from the height and/or setback requirements better achieves the policies of the General Plan and regulations of this title.

(Ord. No. 5177, §§ 51, 52, 5-24-2011)

Editor's note— Ord. No. 5177, §§ 51, 52, adopted May 24, 2011, repealed and reenacted Section 21.64.030 in its entirety to read as herein set out. Formerly, Section 21.64.030 pertained to regulations for caretaker units, and derived from original codification.