

## **CHAPTER 19.81. ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS<sup>1</sup>**

### **Sec. 19.81.010. Purpose.**

The purpose of this section is to establish regulations and procedures for reviewing and permitting accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) consistent with California Government Code Section 65852.2 and 6852.22, or any successor statute.

(Ord. No. 1412, § 5(Exh. 1), 1-11-2022)

### **Sec. 19.81.020. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory dwelling unit (ADU)* is a dwelling unit that is either attached to, detached from, or contained within the principal dwelling unit located or proposed on a site zoned for residential use.

*Accessory structure* is a structure that is located on the same lot as the primary dwelling. An accessory structure may be either attached or detached from the primary dwelling and must have a use that is incidental to the main use. Examples of residential accessory uses include, but are not limited to, storage sheds, garages, studios.

*Attached ADU* an accessory dwelling unit created by new construction that is attached to the primary dwelling unit by a shared wall, floor, or ceiling.

*Car share vehicle.* Car sharing organizations offer members use of cars on a short-term basis.

*Converted existing space ADU* an accessory dwelling unit created by the conversion of existing floor area within either the primary dwelling unit or an accessory structure or by total replacement of an existing accessory structure with an ADU.

*Detached ADU* an accessory dwelling unit located on the same parcel and is created by new construction that is detached, or separate from, the primary dwelling unit. Detached ADUs may be constructed on any parcel where single-family, mixed use or multi-family uses are existing or permitted by zoning.

*Efficiency kitchen.* For purposes of establishing a JADU, an efficiency kitchen shall be defined as an area that shall include a sink, food preparation counter and food storage area. A plug-in food preparation appliance, such as a microwave or hot plate, may also be provided.

*Existing building envelope.* The existing walls and roofs of a dwelling that separate interior space for exterior space. A space enclosed by at least two walls and a roof is within the existing building envelope.

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<sup>1</sup>Ord. No. 1412, § 5(Exh. 1), adopted January 11, 2022, amended Chapter 19.81 in its entirety to read as herein set out. Former Chapter 19.81, §§ 19.81.010—19.81.070, pertained to second dwelling units, and derived from Code 1972, §§ 19.81.010—19.81.070; Ord. 1264, 1-2010.

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*Junior accessory dwelling unit (JADU)* a dwelling unit accessory to and entirely contained within an existing or proposed single family dwelling. A JADU may have a bathroom or may share a bathroom with the primary dwelling unit.

*Kitchen.* An area that includes a cooking appliance, sink, refrigerator and food preparation and storage area.

*Ministerial action or ministerial.* A permit application reviewed by staff for compliance with specific standards and approved without discretionary review or a hearing.

*Minor adjustment.* Defined in Perris Municipal Code Section 19.54.020(9), a minor adjustment to specific development standards may be approved by the development services director.

*Multi-family dwelling.* An existing building that contains more than one dwelling unit and is located within a zoning district that allows multi-family dwellings.

*Primary dwelling unit* may be any of the following an existing single-family dwelling, a proposed single-family dwelling, or an existing multi-family structure.

*Proposed dwelling* a dwelling that has applied for a permit and that meets the requirements for permitting.

*Public transit* a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes and are available to the public.

*Tandem parking.* When two or more vehicles are parked lined up one behind the other.

*Underlying zoning.* The zoning district in which a parcel is located on the City of Perris Zoning Map or within a specific plan.

(Ord. No. 1412, § 5(Exh. 1), 1-11-2022)

### **Sec. 19.81.030. Applicability.**

Any construction, establishment, alteration, enlargement, or modification of an ADU or a JADU shall comply with the requirements of this chapter and the city's building and fire codes. An ADU or JADU shall be deemed:

- (1) Consistent with the general plan designation and zoning for the parcel on which the ADU or JADU is located.
- (2) Within the allowable density for the parcel on which the ADU or JADU is located.

(Ord. No. 1412, § 5(Exh. 1), 1-11-2022)

### **Sec. 19.81.040. Review authority.**

ADUs and JADUs that meet the applicable development standards described in this chapter and the requirements of the underlying zoning shall be subject to ministerial approval.

(Ord. No. 1412, § 5(Exh. 1), 1-11-2022)

### **Sec. 19.81.050. Location.**

- (a) ADUs and junior ADUs are permitted on sites that have an existing or primary dwelling unit and within underlying zoning districts that allow single-family homes or mixed use.

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- (b) ADUs are permitted on sites that have existing multi-family residences and within underlying zoning districts allow multi-family homes or mixed use homes.
  - (c) Junior ADUs are not permitted on sites where a portion of the primary dwelling has been converted to an ADU.
  - (d) Junior ADUs are not permitted on sites with multi-family projects.

(Ord. No. 1412, § 5(Exh. 1), 1-11-2022)

### **Sec. 19.81.060. Land use regulations and development standards for all ADUs.**

Except as modified by this chapter, all ADUs shall conform to the requirements of the underlying residential zoning district and the zoning code in addition to the standards listed below.

- (1) *Minimum lot area.* There shall be no minimum lot area required to establish an ADU and/or junior ADU.
- (2) *Building height.* Shall not exceed 16 feet above grade or the height of the first-floor ridgeline, whichever is greater.
- (3) *Setbacks.*
  - a. Front yard. Determined by underlying zone.
  - b. Side and rear yards. Minimum four feet or underlying zone requirement whichever is less.
  - c. When a property is adjacent to an alley, the side or rear yard setback may be reduced with the minor adjustment approval.
- (4) *Architectural design.* The architectural design of the ADU shall be compatible with the architectural style and materials used in the primary dwelling or multi-family project.
- (5) *Exterior entrance.* All units must have an entrance separate from the primary dwelling entrance.
- (6) *Sanitation facilities.* A separate bathroom is required with sink, toilet, and shower/bathtub; JADUs may share sanitation facilities with the primary dwelling.
- (7) *Kitchen.* A kitchen is required.
- (8) *Fire sprinklers.* Fire sprinklers are required when the primary dwelling unit has fire sprinklers.
- (9) *Underlying zoning standards.* Lot coverage, distance requirements between structures and other standards established by the underlying zoning may be applied so long as application of the requirements does not prohibit the construction of an ADU with a floor area that is 800 square feet or less, or a peak height above grade that is no more than 16 feet, or with side and rear yard setbacks that are no less than four feet.

(Ord. No. 1412, § 5(Exh. 1), 1-11-2022)

### **Sec. 19.81.070. Specific land use regulations and development standards for single-family— Attached ADUs.**

In addition to the development standards outlined in section 19.81.060, attached ADUs shall comply with the following standards.

- (1) *Zoning.* ADUs are allowed in any zoning district that permits a single-family residence including mixed use zones.

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- (2) *Maximum number of units on a site.* No more than one primary dwelling unit, one attached ADU and one JADU are permitted.
  - (3) *Minimum unit size.* Must have a minimum of 320 square feet floor area but shall not prohibit construction of an efficiency unit pursuant to Government Code Section 65852.2(c)(2)(A).
  - (4) *Maximum unit size.* The attached ADU shall have an area no more than 50 percent of the floor area in the primary dwelling and shall not exceed the following requirements:
    - a. Studios and one-bedroom units—850 square feet.
    - b. More than one-bedroom units—1,000 square feet.
  - (5) *Parking requirements.* Except as provided in section 19.81.120, one parking space shall be required.
- (Ord. No. 1412, § 5(Exh. 1), 1-11-2022)

**Sec. 19.81.080. Specific land use regulations and development standards for single-family—  
Detached ADUs.**

In addition to the development standards outlined in section 19.81.060, detached ADUs shall comply with the following standards.

- (1) *Zoning.* ADUs are allowed in any zoning district that permits a single-family residence.
  - (2) *Maximum number of units on a site.* No more than one primary dwelling unit, one detached ADU and one JADU are permitted.
  - (3) *Minimum unit size.* Must have a minimum of 320 square feet floor area but shall not prohibit construction of an efficiency unit pursuant to Government Code Section 65852.2(c)(2)(A).
  - (4) *Maximum unit size.* The attached ADU shall not exceed the following requirements:
    - a. Studios and one-bedroom units—850 square feet.
    - b. More than one-bedroom units—1,200 square feet or 75 percent of the primary dwelling whichever is less.
  - (5) *Setbacks.*
    - a. Front yard. Determined by underlying zone.
    - b. Side and rear yards. Minimum four feet or underlying zone whichever is less.
    - c. When a property is adjacent to an alley, the side or rear yard setback may be reduced with the minor adjustment approval.
  - (6) *Parking requirements.* Except as provided in section 19.81.120, one parking space shall be required.
- (Ord. No. 1412, § 5(Exh. 1), 1-11-2022)

**Sec. 19.81.090. Specific land use regulations and development standards for single-family—  
Converted existing space ADUs.**

In addition to the development standards outlined in section 19.81.060, converted existing space ADUs shall comply with the following standards.

- (1) *Zoning.* ADUs and JADUs are allowed in any zoning district that permits a single-family residence.

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- (2) *Maximum number of units on a site.* No more than one primary dwelling unit and one converted existing space ADU and one JADU.
  - (3) *Minimum unit size.* Must have a minimum of 320 square feet floor area.
  - (4) *Maximum size.* No limit.
  - (5) *Building envelope.* The converted existing space ADU must be constructed within the existing floor area of the primary dwelling.
  - (6) *Additional floor area.* Building envelope may be increased by up to 150 square feet to accommodate a new entrance to the converted existing space ADU.
  - (7) *Parking requirements.*
    - a. Primary dwelling. When a garage is converted to an ADU, the parking for the primary dwelling does not have to be replaced.
    - b. ADU. None.

(Ord. No. 1412, § 5(Exh. 1), 1-11-2022)

### **Sec. 19.81.100. Specific land use regulations and development standards for JADUs.**

In addition to the development standards outlined in section 19.81.060, JADUs shall comply with the following standards.

- (1) *Zoning.* JADUs are allowed in any zoning district that permits a single-family residence.
- (2) *Maximum number of JADUs on a site.* One.
- (3) *Minimum unit size.* Must have a minimum of 320 square feet floor area.
- (4) *Maximum unit size.* The maximum floor area of a JADU shall not exceed 500 square feet.
- (5) *Building envelope.* The JADU must be constructed within the existing building envelope of the primary dwelling.
- (6) *Additional floor area.* Building envelope may be increased by up to 150 square feet to accommodate a new entrance to the JADU. JADU total area shall not exceed the maximum size defined in section 19.81.100(c).
- (7) *Exterior entrance.* JADU must have an entrance separate from the primary dwelling entrance.
- (8) *Parking requirements.* None.
- (9) *Kitchen.* A kitchen area is required. Kitchen area shall include space for food storage and preparation. Cooking appliances may include microwaves or other similar devices.

(Ord. No. 1412, § 5(Exh. 1), 1-11-2022)

### **Sec. 19.81.110. Specific land use regulations and development standards for ADUs in multi-family sites.**

In addition to the development standards outlined in section 19.81.060, multi-family ADUs shall comply with the following standards.

- (1) *Zoning.* ADUs are allowed on residential and mixed use zoned properties with existing multi-family dwellings.

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- (2) *Maximum number of units.*
    - a. *Converted existing space units*—At least one and no more than 25 percent of the existing number of units.
    - b. *Detached units*—Two.
    - c. *Attached units*—If no detached ADUs or converted existing space ADUs can be built on the site, one attached ADU is permitted.
  - (3) *Minimum unit size.*
    - a. *Converted existing space units*—Must have a minimum of 320 square feet floor area.
    - b. *Detached units*—A minimum of 320 square feet floor area but shall not prohibit construction of an efficiency unit pursuant to Government Code Section 65852.2(c)(2)(A).
    - c. *Attached units*—A minimum of 320 square feet floor area but shall not prohibit construction of an efficiency unit pursuant to Government Code Section 65852.2(c)(2)(A).
  - (4) *Location.*
    - a. Site must have an existing multi-family structure and
    - b. ADUs must be located within portions of the structure that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, and garages.
  - (5) *Multi-family sites.* The number of new multi-family units permitted in a multi-family project shall not exceed 25 percent of the existing multi-family units and shall be calculated in the following manner:
    - a. Previously approved ADUs shall not count towards the existing multi-family dwellings.
    - b. Fractions shall be rounded down to the next lower number of dwelling units, except that at least one ADU shall be permitted; and
    - c. Multi-family projects approved and built as a single complex shall be considered one lot, regardless of the number of parcels or buildings.
  - (6) *Maximum unit size.*
    - a. Studios and one-bedroom units—850 square feet.
    - b. More than one-bedroom units—1,000 square feet.
  - (7) *Type of ADUS.*
    - a. Permitted. Converted existing space or detached ADUs.
    - b. Prohibited. Attached ADUs and JADUs.
  - (8) *Parking requirements.*
    - a. Converted existing space units—None.
    - b. Detached units—One per ADU.

(Ord. No. 1412, § 5(Exh. 1), 1-11-2022)

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### **Sec. 19.81.120. Parking standards.**

- (a) *Parking requirements.* Parking shall comply with section 19.69.020, except as modified by the requirements of this chapter.
  - (1) Unless the requirement is exempted or waived by other provisions of this chapter, each ADU shall have one designated off-street parking space.
  - (2) Tandem parking and parking within the rear and side yard setbacks are permitted unless findings can be made by city staff demonstrating that the design or location would create dangerous life or fire safety conditions.
  - (3) When a garage or carport is demolished or converted to an ADU, replacement parking is not required.
- (b) *Parking not required.* ADUs do not need to provide parking when one of the following standards is met.
  - (1) The property is within ½ mile walking distance of public transit, or
  - (2) The ADU is within an area considered historically significant as defined by the California Register of Historic Resources.
  - (3) The ADU is part of the primary dwelling or an accessory structure.
  - (4) When on-street parking permits are required but not offered to the occupant of the ADU.
  - (5) When there is a carshare vehicle located within one block of the ADU.

(Ord. No. 1412, § 5(Exh. 1), 1-11-2022)

### **Sec. 19.81.130. Operational requirements for all ADUs and JADUs.**

- (a) *No separate conveyance.*
  - (1) Single-family ADUs and JADUs. An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling, except as otherwise permitted by applicable law.
  - (2) Multi-family ADUs. An ADU may be rented, but no ADU may be sold or otherwise conveyed separately from the lot and the other dwellings, except as otherwise permitted by applicable law.
- (b) *Short-term lodging.* An ADU or JADU permitted by this chapter shall not be rented for less than 30 days.
- (c) *Deed restriction and recordation.* Prior to issuance of a building and/or grading permit for an ADU and/or JADU, the property owner shall record a deed restriction with the county recorder's office, the form and content of which is satisfactory to the city attorney. This deed restriction shall remain in effect so long as the ADU and/or JADU remains on the lot.
  - (1) JADU deed restrictions shall include and describe the following:
    - a. Prohibition on the separate conveyance of the JADU except as otherwise permitted by applicable law.
    - b. Approved size and attributes of the JADU
    - c. Restrictions on short-term rentals required by PMC Section 19.81.130(b)
    - d. JADU owner occupancy requirement as defined in Government Code Section 65852.22(a)(2).

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(2) ADU deed restrictions shall include and describe the restrictions on short-term rentals required by PMC  
Section 19.81.130(b)

(Ord. No. 1412, § 5(Exh. 1), 1-11-2022)