

## DRAFT

### TAHOE DONNER ASSOCIATION ACCESSORY DWELLING RULES

#### Definitions

**Accessory Dwelling Unit (ADU)** shall mean an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, on the same parcel as the single-family dwelling is situated.

**Junior Accessory Dwelling Unit (JADU)** shall mean a unit that is no more than 500 Square Feet (sf) in size and contained entirely within the living space of an existing single-family residence. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

**California ADU Law** shall mean Sections 65852.150, 65852.2 and 65852.22 of the California Government Code.

**Truckee Municipal Code** shall mean any and all applicable laws, ordinances, and regulations applicable to ADU's and JADU's, including Section 18.58.230 of the Town of Truckee Municipal Code titled "Secondary Residential Units."

**Governing Documents** shall mean any and all applicable provisions of the Tahoe Donner Association First Restated Declaration of Covenants and Restrictions (CC&Rs), Bylaws, Articles, Rules, and Policies, including the Tahoe Donner Architectural Standards Rules, Procedures and Restrictions.

#### The Following Rules apply to ADU's and JADU's:

- 1. One ADU or JADU per Lot:** Only one accessory dwelling unit or junior accessory dwelling unit may be constructed and/or used or occupied on any single-family residential lot.
- 2. Compliance with the Truckee Municipal Code:** Any proposed accessory dwelling unit and junior accessory dwelling unit shall comply with the requirements of the Truckee Municipal Code.
- 3. Compliance with the Governing Documents:** Any proposed accessory dwelling unit and junior accessory dwelling unit shall also comply with the requirements of the Governing Documents. The Governing Documents may be more restrictive than the Truckee Municipal Code, but shall not be applied in situations where the Architectural Standards Committee has determined that such application would unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to construct an accessory dwelling unit or junior accessor dwelling unit consistent with the provisions of the California ADU Law. For certain common issues that may arise under the Governing Documents, the ASC shall follow the guidelines below in making a decision on an application for approval of an ADU or JADU.

**3.1 Setbacks and Coverage:** Any proposed accessory dwelling unit and junior accessory dwelling unit shall comply with the setback and coverage requirements set forth in the Governing Documents.

**3.2 Floor Area Limitation:** An ADU shall have no less than 150 sf and no more than 800 sf of fully enclosed floor area devoted to living purposes and a JADU shall have no more than 500 sf of fully enclosed floor area devoted to living purposes.

**3.3 Parking:** An ADU or JADU shall provide for one designated on-site parking space in addition to the 400 sf minimum parking paved on-site area required for the lot. The number of cars permitted for the accessory dwelling and junior accessory dwelling unit tenants shall not exceed the available off-street parking spaces provided. ADU and JADU tenants shall be required to utilize the parking spaces provided.

**4. Unpermitted or Unapproved Accessory and Junior Accessory Dwelling Units:** These rules shall not validate any existing ADU or JADU's that have not been permitted by the Town of Truckee and approved by the Tahoe Donner Association. To convert such a unit to a permitted and approved ADU or JADU, the applicant must meet the requirements of the Truckee Municipal Code and the Governing Documents, and the Town of Truckee must permit the unit and the Tahoe Donner ASC must approve the unit for it to be a legal unit. Applicants with existing units must apply for permit and/or approval within 90 days of adoption of these rules. Unpermitted units that discovered not to be compliant after this period shall be subject to an enforcement process.

**5. Short-Term Rental of an ADU or JADU:**

Option 1: An ADU or JADU shall be prohibited from being used as a Short Term Rental (a rental for a term less than 30 days). As a condition to approval, the applicant shall be required to record a covenant against title to the lot, which shall set forth this restriction and confirm that this restriction shall run with the land and will bind successors in interest. This prohibition does not affect the ability of a lot owner from using the primary residential living area for Short Term Rental purposes pursuant to the Governing Documents and the Truckee Municipal Code.

Option 2: If a lot has an ADU or JADU, both the primary dwelling and ADU or JADU shall be prohibited from being used as a Short Term Rental (a rental for term less than 30 days). As a condition to approval, the applicant shall be required to record a covenant against title to the lot, which shall set forth this restriction and confirm that this restriction shall run with the land and will bind successors in interest. This prohibition does not affect the ability of a lot owner from using the primary living area for Long Term Rental purposes (a rental for term more than 30 days).

**6. Conditions and Variances:** The ASC shall retain the right to impose reasonable conditions on its approval of an ADU or JADU, and to grant variances on a case by case basis, as provided for in the Governing Documents.