

EXHIBIT 5

Proposed Ordinance amending Article 7 of the Non-Coastal Zoning Ordinance (clean version)

Proposed NCZO Amendments for Accessory Dwelling
Units and Junior Accessory Dwelling Units
(PL24-0014)

County of Ventura
Planning Commission Hearing
Case No. PL24-0014
Exhibit 5 - Proposed Ordinance
amending Article 7 of the Non-Coastal
Zoning Ordinance (clean version)

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ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF
CALIFORNIA, AMENDING DIVISION 8, CHAPTER 1, ARTICLE 7 OF THE
VENTURA COUNTY ORDINANCE CODE, NON-COASTAL ZONING
ORDINANCE PERTAINING TO ACCESSORY DWELLING UNITS AND
JUNIOR ACCESSORY DWELLING UNITS**

The Board of Supervisors of the County of Ventura ("County") ordains as follows:

Section 1

**ARTICLE 7:
STANDARDS FOR SPECIFIC USES**

Article 7, Section 8107-1.7 – Accessory Dwelling Units, of the Ventura County Ordinance Code, is hereby amended to read as follows:

8107-1.7 – Accessory Dwelling Units and Junior Accessory Dwelling Units

Sec. 8107-1.7.1 – Purpose

The purpose of this Section 8107-1.7 is to allow and regulate *accessory dwelling units (ADUs)* and *junior accessory dwelling units (JADUs)* in compliance with Government Code sections 65852.2 and 65852.22, as may be amended. Pursuant to Government Code section 65852.2, an *ADU* permitted through this Section 8107-1.7 does not exceed the allowable density for the *lot* upon which the *ADU* is located; and an *ADU* is a residential use that shall be deemed consistent with the existing general plan and zoning designation for the *lot*. If any provision of this Section 8107-1.7 or the underlying zoning district standards conflicts with state law, the latter shall govern.

Sec. 8107-1.7.2 – Definitions

As used in this Section 8107-1.7, the following definitions shall apply:

Accessory Structure - A structure that is accessory and incidental to a *dwelling* located on the same *lot* as defined in Government Code section 65852.2(j)(2), as may be amended.

Existing - Space, units, or structures that are legally permitted or legal non-conforming.

Nonconforming Zoning Condition - A physical improvement on a property that does not conform to current zoning standards as defined in Government Code section 65852.2(j)(6), as may be amended.

Passageway - A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the *accessory dwelling unit* as defined in Government Code section 65852.2(j)(8), as may be amended.

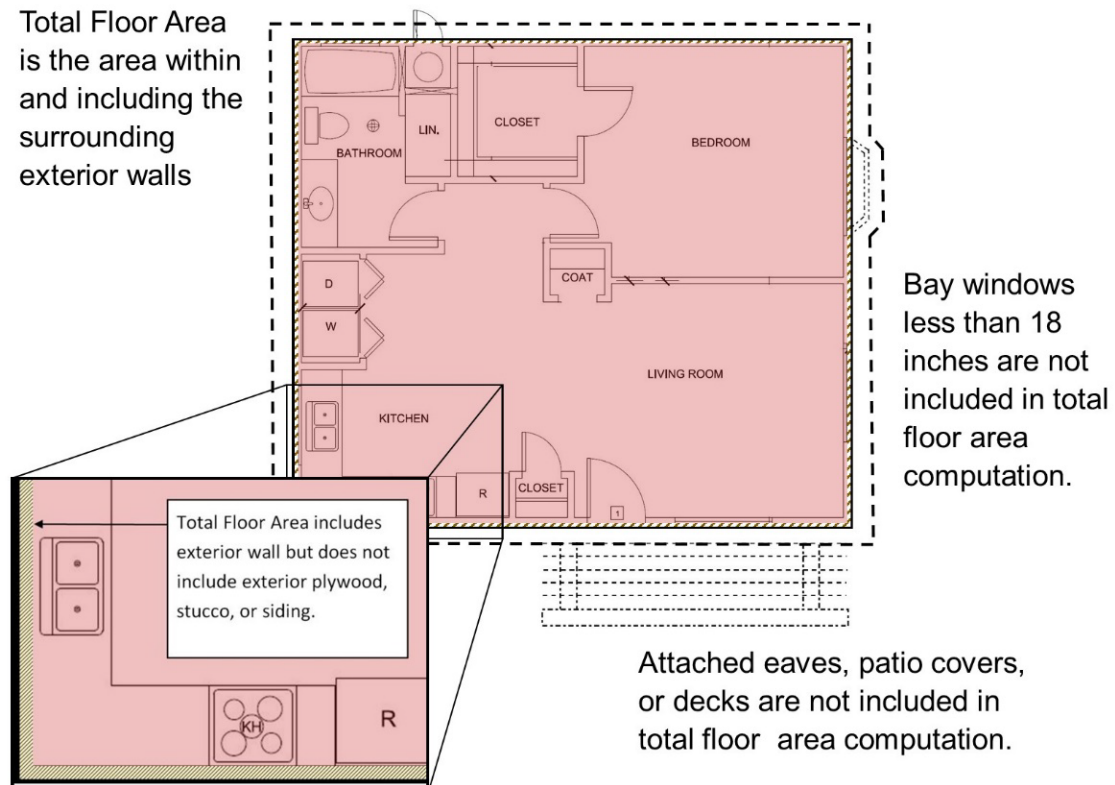
Proposed Dwelling - A *dwelling* that is the subject of a permit application and that meets the requirements for permitting as defined in Government Code section 65852.2(j)(10), as may be amended.

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 as defined in Government Code section 65852.2(j)(11), as may be amended.

Tandem Parking - A parking configuration where two or more automobiles are parked on a driveway or in any other location on a *lot*, lined up behind one another as defined in Government Code section 65852.2(j)(12), as may be amended.

Total Floor Area - Shall have the same definition as “building area” as set forth in Title 24, Part 2, Chapter 2 of the California Building Code, as may be amended, which states: “The area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.” However, the computation of total floor area for *ADUs* shall not include: a garage that is attached to, or below the *ADU* when there is no internal access from the garage to the *ADU*; or an unenclosed area or feature such as any eave or architectural feature, attached covered patio or deck, an open deck constructed at or below the level of the first floor, a balcony or the space below a cantilevered balcony, the space below an open and unenclosed stairway, a covered car port, a bay window that does not extend to the floor or protrude more than 18 inches from the adjoining exterior wall, or similar, as illustrated in Figure 1.

Figure 1



Sec. 8107-1.7.3 – Types of Accessory Dwelling Units

An *ADU* may be created in the following forms:

- a. Detached: The *ADU* is separated from the primary residential structure.
- b. Attached: The *ADU* is attached to the primary residential structure. An attached *ADU* may include the conversion of existing partially enclosed spaces (such as a covered patio) to an *ADU* that is attached to the primary residential structure.
- c. Space within Primary Residential Structure: The *ADU* is created within the space (e.g., primary bedroom, attached garage, storage area, or similar use) of an existing or proposed primary residential structure.
- d. Space within an Existing Accessory Structure: The *ADU* is created within the space of an existing accessory structure that is located on the lot of the primary residence.

Sec. 8107-1.7.4 – ADUs and JADUs Allowed by Building Permit

A complete application for a building permit shall be ministerially approved to allow *ADU(s)* and/or a *JADU* that meets applicable Building Code and Fire Code requirements and the standards set forth in Sections 8107-1.7.4(a), (b), (c) or (d).

- a. **Within Space of *Single-Family Dwellings* and Accessory Structures:** One *ADU* within the space of a single-family dwelling or accessory structure pursuant to this Section 8107-1.7.4(a) is allowed per lot if all the following standards are met:
- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD.
 - (2) Location of *ADU* and/or *JADU*:
 - (a) The *ADU* or *JADU* is created within a portion of the existing or proposed space of a *single-family dwelling* and has exterior access from the proposed or existing *single-family dwelling*; or
 - (b) The *ADU* is created within the existing space of an accessory structure, such as the conversion of garages and other accessory structures, either attached or detached from the primary dwelling. An existing accessory structure may include an expansion of not more than 150 square feet beyond its same physical dimensions, but such expansion shall be limited to accommodating ingress and egress to the *ADU*.
 - (3) The side and rear *setbacks* comply with applicable Building and Fire Code requirements, even if the existing side and rear setbacks are legal non-conforming.
 - (4) The *ADU* pursuant to this Section 8107-1.7.4(a) may be combined with:
 - (a) One *ADU* that meets the standards of either Section 8107-1.7.4(b) or Section 8107-1.7.5; and
 - (b) One *JADU* complying with the requirements of Government Code section 65852.22 and Section 8107-1.7.6.
- b. **New Detached *ADU* with an Existing or Proposed *Single-Family Dwelling*:** One detached new construction *ADU* pursuant to this Section 8107-1.7.4(b) is allowed on a *lot* with a proposed or existing *single-family dwelling* if all the following standards are met:
- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RA, RE, RO, or CPD/CBD.
 - (2) The *ADU*'s side and rear yard *setbacks* are at least four feet.
 - (3) The *ADU* does not exceed 850 square feet.
 - (4) The *ADU*'s maximum building height above grade complies with the height limitations identified in Section 8107-1.7.5(d)(1).
 - (5) The *ADU* pursuant to this Section 8107-1.7.4(b) may be combined with:
 - (a) One *ADU* that meets the standards of either Section 8107-1.7.4(a) or Section 8107-1.7.5; and
 - (b) One *JADU* complying with the requirements of Government Code section 65852.22 and Section 8107-1.7.6.

- c. **ADUs in Existing Multifamily Dwelling Structures:** ADUs within portions of existing *multifamily dwelling* structures are allowed pursuant to this Section 8107-1.7.4(c), and may be combined with detached ADUs pursuant to Section 8107-1.7.4(d), if all the following standards are met, even if the *multifamily dwelling* is legal nonconforming:
- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, or CPD/CBD.
 - (2) Location of ADU:
 - (a) The ADUs are created within portions of the 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 there is no existing non-livable space within a *multifamily dwelling* structure, an ADU cannot be created pursuant to this Section 8107-1.7.4(c).
 - (b) The non-livable space used to create an ADU pursuant to this Section 8107-1.7.4(c) on a lot with mixed-uses shall be limited to the residential areas, and shall not include the areas used for commercial or other non-residential activities. Parking and storage areas for non-residential uses shall also be excluded from potential ADU development pursuant to this Section 8107-1.7.4(c).
 - (3) The maximum number of ADUs that may be created pursuant to this Section 8107-1.7.4(c) shall be at least one or the number of ADUs equal to up to 25 percent of the existing *multifamily dwelling* units, whichever is greater.
- d. **Detached ADUs with Existing or Proposed Multifamily Dwelling:** Up to two detached ADUs are allowed on *lots* with an existing or proposed *multifamily dwelling* pursuant to this Section 8107-1.7.4(d), and may be combined with ADUs created within *multifamily dwellings* pursuant to Section 8107-1.7.4(c), if all the following standards are met, even if the *multifamily dwelling* is legal nonconforming:
- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, or CPD/CBD.
 - (2) The ADUs maximum height above grade complies with the height limitations identified in Section 8107-1.7.5(d)(1).
 - (3) New construction ADUs shall not exceed 1,200 square feet.
 - (4) The ADU's side- and rear-yard *setbacks* are at least four feet.
 - (5) Detached ADUs may be attached to each other, but must be detached from the existing or proposed *multifamily dwelling*.
- e. **No Zoning Clearance Required:** No Zoning Clearance or other land use entitlement is required pursuant to this Chapter for an ADU or JADU authorized under this Section 8107-1.7.4.

- f. **Not Subject to Development Standards in Section 8107-1.7.5:** *ADUs* that meet the requirements of Section 8107-1.7.4(a), (b), (c), or (d) and are entitled to a building permit are not subject to the development standards of Section 8107-1.7.5, including size, *setback*, parking and *lot* coverage requirements.

Sec. 8107-1.7.5 – Development Standards for ADUs Not Authorized under Section 8107-1.7.4

ADUs that do not meet the standards under Section 8107-1.7.4 for approval by building permit shall be approved with a ministerial Zoning Clearance if the *ADU* meets Building Code and Fire Code requirements, the standards in this Section 8107-1.7.5 and other applicable zoning standards.

a. Property Requirements:

- (1) The subject *lot* is zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, CPD/CBD, OS, AE, or TP.
- (2) The *lot* has a proposed or existing *single-family* or *multifamily dwelling*.

b. Maximum Number of ADUs and JADUs per Lot:

- (1) Each *lot* may have one *ADU* pursuant to this Section 8107-1.7.5, which may be combined with:
 - (a) One *ADU* that meets the standards of either Section 8107-1.7.4(a) or Section 8107-1.7.4(b); and
 - (b) One *JADU* that meets the standards of Section 8107-1.7.6.
- (2) *Lots* zoned OS, AE, or TP are only allowed a maximum of one *ADU* pursuant to this Section 8107-1.7.5.

c. Parking Standards:

- (1) No Parking Requirements: No parking standards apply for an *ADU* in any of the following instances:
 - (a) Where the *ADU* is located within one-half mile walking distance of public transit.
 - (b) Where the *ADU* is located within an architecturally and historically significant historic district.
 - (c) Where the *ADU* is part of the proposed or existing primary residence or an accessory structure.
 - (d) When on-street parking permits are required but not offered to the occupant of the *ADU*.
 - (e) When there is a car share vehicle, as defined by section 22507.1(d) of the Vehicle Code, located within one block of the *ADU*.
 - (f) When a permit application for an *ADU* 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 *ADU* or the parcel satisfies any of the criteria listed above in this Section 8107-1.7.5(c)(1).

- (2) Required Off-street Parking: Except as provided in Section 8107-1.7.5(c)(1), the following off-street parking standards shall apply:
- (a) Number of Spaces. One covered or uncovered off-street parking space is required per *ADU* or per bedroom, whichever is less.
 - (b) Location of Spaces. Off-street parking may be provided as tandem parking on a driveway. Additionally, the parking space for an *ADU* may encroach into a required front and/or interior side *setback*, provided that:
 - i. The long dimension of the space is parallel to the centerline of the nearest driveway on the *lot*; and
 - ii. On *interior lots*, a minimum distance of three feet from the side *lot line* remains unobstructed by vehicles.
- (3) No Off-Street Replacement Parking Required for Primary Residential Structure: When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an *ADU* or converted to an *ADU*, those off-street parking spaces do not need to be replaced for the primary dwelling. Additionally, no parking is required for a newly created *ADU* pursuant to Section 8107-1.7.5(c)(1)(c) above.

d. Height:

- (1) The maximum allowed height for detached *ADUs* is as follows:
- (a) Maximum of 16 feet above grade on a lot with an existing or proposed *single-family* or *multifamily dwelling*; or
 - (b) Maximum of 18 feet above grade on a *lot* with an existing or proposed *multifamily dwelling* with multiple stories; or
 - (c) Maximum of 18 feet above grade if the *lot* has an existing or proposed *single-family* or *multifamily dwelling*, and is within one half-mile walking distance of a major transit stop or a high-quality transit corridor, as defined in Section 21155 of the Public Resources Code. An additional two feet in overall height is allowed to accommodate a roof pitch that is aligned with the roof pitch of the primary *dwelling unit*.
 - (d) Detached *ADUs* may exceed the allowable height limits set forth in subsections (a) through (c) above if the *ADU* is set back at least 20 feet from all property lines, but the *ADU* shall not exceed the maximum allowed building height of the primary *dwelling unit* on the *lot*, pursuant to Article 6 of this Chapter.
 - (e) Detached *ADUs* are limited to no more than two stories.
- (2) The maximum allowed height for an attached *ADU* is 25 feet above grade or the maximum allowed building height of the primary dwelling pursuant to Article 6 of this Chapter, whichever is lower.

e. Setbacks:

- (1) No additional *setbacks* are required if any of the following are converted to an *ADU* or portion of an *ADU*: (a) an existing living area; (b) an existing accessory structure; or (c) a new structure constructed in the same building footprint and to the same dimensions as an existing structure. The provisions of Article 13 of this Chapter shall not apply in these situations. For purposes of this section, living area, as defined by Government Code section 65852.2(j)(4), means the interior habitable area of a *dwelling* unit, including basements and attics, but does not include a garage or any accessory structure.
 - (2) All other new attached and detached *ADUs* shall have four-foot *setbacks* from the rear and side *lot lines*.
- f. **Minimum Lot Size:** There is no minimum *lot* size requirement for an *ADU* or *JADU*.
- g. **ADU Size for Attached and Detached ADUs:**
- (1) For *lots* that are 9,000 square feet or less, the maximum total floor area of an attached or detached *ADU* shall be 850 square feet if there is one bedroom or an efficiency unit; or 1,000 square feet if there is more than one bedroom; or
 - (2) For *lots* that are larger than 9,000 square feet, but less than 10 acres, the maximum total floor area of an attached or detached *ADU* shall be 1,200 square feet; or
 - (3) For *lots* that are 10 acres in size or larger, the maximum total floor area of an attached or detached *ADU* shall be 1,800 square feet.
 - (4) Covered patios, decks, and garages below the *ADU* are not included in the total floor area computation but are counted toward the maximum allowable square footage allowed for “accessory structures to dwellings” in Sec. 8105-4.
- h. **ADUs Within Space of Single-Family Dwellings in the OS, AE or TP Zones:** One *ADU* per *lot* is allowed within a proposed or existing *single-family dwelling* in the OS, AE or TP zones if the applicable standards of this Section 8107-1.7.5 and the following standards are met:
- (1) The *ADU* is created within a portion of the existing or proposed space of a *single-family dwelling* and has independent exterior access;
 - (2) The *ADU* does not have internal access to the primary dwelling;
 - (3) The *ADU* does not exceed the size maximums for attached or detached *ADUs* set forth in Section 8107-1.7.5(g), as applicable; and
 - (4) The side and rear *setbacks* comply with applicable Building and Fire Code requirements.
- i. **Accessory Structures:**
- (1) No accessory structure shall be attached to a detached *ADU* unless the combined total floor area of the accessory structure and *ADU* does not exceed the allowable size of the *ADU* per Section 8107-1.7.5(g). This provision does not apply to *ADUs* built attached to, or above a garage.

- (2) An *ADU* attached to an accessory structure shall not have internal access to the accessory structure.
- j. **Limited Exception to Development Standards:** Notwithstanding any other minimum or maximum size for an *ADU*, size that may be limited based upon a percentage of the proposed or existing primary dwelling, or limits on *lot* coverage, floor area ratio, open space, front *setback*, and minimum *lot* size, for either attached or detached *ADUs*, an *ADU* that is up to 850 square feet with four-foot side and rear *setbacks* may be constructed in compliance with all other applicable development standards.

Sec. 8107-1.7.6 – JADU Requirements

A *JADU* must comply with the following requirements:

a. **Number and Location:**

- (1) The subject *lot* is within one of the following single-family residential zones: R1; R2; RES; RA; RE; or RO.
- (2) One *JADU* is allowed per *lot*, including on *lots* with multiple detached *single-family dwellings*.
- (3) The *JADU* must be created within the walls of a proposed or existing *single-family dwelling*, including attached garages, which are considered within the walls of the existing *single-family dwelling*.
- (4) A *JADU* is not allowed in a *multifamily dwelling*.
- (5) A *JADU* is not allowed in an accessory structure.

b. **Size:** The *JADU* shall not be larger than 500 square feet in total floor area.

c. **Kitchen:** The *JADU* must contain an efficiency *kitchen* that includes:

- (1) Cooking facility with appliances, and
- (2) A food preparation counter and storage cabinets.

d. **Entrance:** The *JADU* shall have a separate entrance from the main entrance to the proposed or existing *single-family dwelling*. An interior entry into the *single-family dwelling* is not required unless the *JADU* shares sanitation facilities with the *single-family dwelling*.

e. **Parking:**

- (1) When a *JADU* is created by the conversion of an attached garage, replacement parking for the primary residential structure is not required to be provided.
- (2) No parking is required for a *JADU*.

f. **Sanitation:** A *JADU* must either include separate sanitation facilities or share sanitation facilities with the *single-family dwelling*.

Sec. 8107-1.7.7 – ADU and JADU Application Processing and General Requirements

a. **Ministerial Permit Approval:**

- (1) Permit applications for an *ADU* or *JADU* that meet the requirements of this Section 8107-1.7 shall be considered and approved ministerially without discretionary review or a hearing.
 - (2) Except for deviations processed and granted in accordance with Section 8107-37.3 (Deviations for Cultural Heritage Sites) and Section 8111-9 (Reasonable Housing Accommodations), or as required by state law, no variance to the standards or requirements of this Chapter is available for an *ADU* or *JADU*.
- b. **Type of Permit:**
- (1) Applications pursuant to Sections 8107-1.7.4 and 8107-1.7.6 shall be reviewed and approved with a building permit, if the applicable standards are met.
 - (2) Applications pursuant to Section 8107-1.7.5 shall be reviewed and approved with a Zoning Clearance, if the applicable standards are met.
- c. **When Demolition Permit Required:** A demolition permit for a detached garage that is to be replaced with an *ADU* shall be reviewed with the application for the *ADU* and issued at the same time.
- d. **Nonconforming Zoning Violations:** Correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of an *ADU* shall not be a condition to ministerial approval of an *ADU* or *JADU* application.
- e. **Rentals, Owner Occupancy and Transfers:**
- (1) Rentals: An *ADU* and *JADU* may each be rented separately from the primary residence.
 - (2) Rental Term: All *ADUs* and *JADUs*, and any portion thereof, that are rented shall be rented for terms that are longer than 30 consecutive days.
 - (3) Owner Occupancy
 - (a) Lot with ADU: For a *lot* with an *ADU*, the owner of the *lot* does not have to occupy the primary residence or *ADU*. However, if a *single-family dwelling* has an *ADU* and a *JADU*, then the owner must occupy either the *JADU* or the remaining portion of the *single-family dwelling* in accordance with Section 8107-1.7.7(e)(3)(b).
 - (b) Lot with JADU: At the time of application for a *JADU*, the owner of the *lot* must reside in the *single-family dwelling*. Upon completion of construction of the *JADU*, the owner must occupy either the remaining portion of the *single-family dwelling* or the *JADU*. For purposes of this Section 8107-1.7.7(e)(3)(b), owner includes a beneficial owner when the property is owned by a trust or legal entity. Owner-occupancy, however, is not required if the owner is a governmental agency, land trust, or housing organization.
 - (4) Sales and Transfers: Except as provided in Government Code section 65852.26, an *ADU* shall not be sold or otherwise conveyed separately from the

primary residence. *JADUs* may not be sold or transferred separately from the *single-family dwelling*.

f. Deed Restriction:

- (1) For ADUs: Upon approval of an *ADU*, a deed restriction running with the land in a form provided by the County must be recorded with the County Recorder at the property owner's expense. The deed restriction must include the following:
 - (a) Rentals of the *ADU* must be for a term that is longer than 30 consecutive days; and
 - (b) Except as provided in Government Code section 65852.26, the *ADU* may not be sold or otherwise conveyed separately from the primary residence.
- (2) For JADUs: Upon approval of a *JADU*, a deed restriction running with the land in a form provided by the County must be recorded with the County Recorder at the property owner's expense. The deed restriction must include the following:
 - (a) Rentals of the *JADU* must be for a term that is longer than 30 consecutive days;
 - (b) A prohibition on the sale of the *JADU* separate from the sale of the *single-family dwelling*, including a statement that the deed restriction may be enforced against future purchasers;
 - (c) A restriction on the size and attributes of the *JADU* that conforms with Section 8107-1.7.6 and Government Code section 65852.22; and-
 - (d) Owner occupancy requirements for the *JADU* in accordance with Section 8107-1.7.7(e)(3)(b).

Section 2

If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Ventura County Board of Supervisors hereby declares that it would have passed and adopted this ordinance, and each and all provisions hereof, irrespective of the fact that any one or more provisions may be deemed invalid or unconstitutional.

Section 3

This ordinance shall become effective and operative 30 days after adoption.

PASSED AND ADOPTED this ___ day of _____, 2024, by the following vote:

AYES: Supervisors _____

NOES: Supervisors _____

ABSENT: Supervisors _____

CHAIR, BOARD OF SUPERVISORS

ATTEST:

DR. SEVET JOHNSON

Clerk of the Board of Supervisors

County of Ventura, State of California

By _____

Deputy Clerk of the Board