

EXHIBIT 4

Proposed Ordinance amending Articles 2, 5, 7, 8 and 11 of the Non- Coastal Zoning Ordinance (legislative version)

Proposed NCZO Amendments for Accessory Dwelling
Units and Junior Accessory Dwelling Units
(PL20-0023)

County of Ventura
Planning Commission Hearing
Case No. PL20-0023
Exhibit 4 - Proposed Ordinance amending
Articles 2, 5, 7, 8 and 11 of the Non-Coastal
Zoning Ordinance
(legislative version)

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ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AMENDING DIVISION 8, CHAPTER 1, ARTICLES 2, 5, 7, 8, AND 11 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 2: DEFINITIONS

Article 2, Section 8102-0 – Application of Definitions, of the Ventura County Ordinance Code is hereby amended by revising the following existing definition to read as follows:

Dwelling Unit, Accessory (ADU) - ~~A dwelling unit that is accessory to a principal dwelling.~~
An attached or a detached residential *dwelling* unit, or a unit within the existing space of a ~~principal~~ primary dwelling unit, which provides complete independent living facilities for one or more persons, ~~with no means of internal access to the principal dwelling~~ and is located on a lot with a proposed or existing primary dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same *lot* as the proposed or existing single-family or multifamily principal dwelling. An accessory dwelling unit also includes the following:

- (a) An efficiency unit, as defined in ~~S~~section 17958.1 of the Health and Safety Code; and
- (b) A manufactured home, as defined in ~~S~~section 18007 of the Health and Safety Code.

[Staff Explanation: Proposed revision to the definition for Accessory Dwelling Unit, consistent with the definition in Government Code section 65852.2(j)(1).]

Article 2, Section 8102-0 – Application of Definitions, of the Ventura County Ordinance Code is hereby amended by adding the following definition:

Dwelling Unit, Junior Accessory (JADU) - A dwelling unit that is no more than 500 square feet in size and contained entirely within an existing or proposed single-family dwelling. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

[Staff Explanation: Proposed addition of a new definition for Junior Accessory Dwelling Unit, consistent with the definition in Government Code section 65852.22(h)(1).]

Section 2

ARTICLE 5:

USES AND STRUCTURES BY ZONE

Article 5, Section 8105-4 - Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones, of the Ventura County Ordinance Code, is hereby amended to read as follows with respect to the below-stated land uses relating to Accessory Dwelling Units and Junior Accessory Dwelling Units:

Sec. 8105-4 – Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones

	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
DWELLINGS (43)											
Dwellings, Single-Family * (Mobilehomes - See Sec. 8107-1.3)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	PD		ZC	
Mobilehome, Continuing Nonconforming (15)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP	
Dwellings, Two-Family, Or Two Single-Family Dwellings							ZC	PD			
Dwellings, Multi-Family (42)(43)(44)								PD	ZC		
<u>Accessory Dwellings</u>											
<u>Accessory Dwelling Unit (ADU)</u>	Pursuant to Sec. 8107-1.7										
<u>Junior Accessory Dwelling Unit (JADU)</u>	Pursuant to Sec. 8107-1.7										
<i>Employee Housing (55)</i>	See Sec. 8107-26										
<i>Agricultural Employee Housing</i>											
Maximum of 4 dwelling units	ZC	ZC	ZC							ZC	
More than 4 dwelling units or not meeting standards established by Sec. 8107-26.3	PD	PD	PD							PD	
Other Employee Housing (6 or fewer employees)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	PD		ZC	

	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
<i>Farmworker Housing Complex (55)</i>	PD	PD	PD								
Farmworker Group Quarters (55)	PD	PD	PD								
Dwellings, Accessory Structures To											
Buildings For Human Habitation: (3, 19)											
temporary housing during construction/prior to reconstruction* (19, 42, 50)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
accessory dwelling unit* (2, 11, 15, 33, 47)	Pursuant to Article 7 Sec. 8107-1.7										

*There are specific regulations for this use or structure; see Article 7 and Article 9. Italicized numbers refer to amendment history at end of use matrices.

E = Exempt	ZCW = Zoning Clearance with signed waivers	Not Allowed	Exempt	Approved by Planning Director or Designee	Approved by Planning Commission	Approved by Board of Supervisors
ZC = Zoning Clearance unless specifically exempted	PD = Planned Development Permit					
	CUP = Conditional Use Permit					

[Staff Explanation: Proposed removal of “accessory dwelling unit” from the subheading of “Dwellings, Accessory Structures To”. Proposed addition of a new sub-heading of “Accessory Dwellings” within the use category of “Dwellings” to include the uses of “Accessory Dwelling Unit (ADU)” and “Junior Accessory Dwelling Unit (JADU)”, both of which will be subject to the provisions of Section 8107-1.7, and consistent with the requirements for ADUs and JADUs per Government Code sections 65852.2 and 65852.22 respectively.]

Section 3

ARTICLE 7: STANDARDS FOR SPECIFIC USES

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

Sec. 8107-1.7 - Accessory Dwelling Units

~~An accessory dwelling unit shall be allowed on a lot that is zoned for single family or multifamily use and proposes or contains an existing single-family residence and no other dwellings, other than an authorized farmworker or animal caretaker dwelling unit subject to Sec. 8105-4. Accessory dwelling units shall comply with all provisions of this Section (Sec. 8107-1.7) and the underlying zoning district, as well as County Building~~

~~Code and Fire Code requirements that apply to single-family dwellings. If any provision of this Article or the underlying zoning district standards conflict with California Government Code Section 65852.2, the latter shall govern.~~

~~Sec. 8107-1.7.1 Standards for an Accessory Dwelling Unit Created within the Existing Space of a Principal Dwelling Unit or Accessory Structure~~

~~a. An application for a building permit for an accessory dwelling unit created entirely within the existing space of a permitted principal dwelling unit or within the existing space of a permitted accessory structure shall be approved ministerially in single-family zoned lots without respect to the standards in Sec. 8107-1.7.2 if it meets all of the following:~~

- ~~(1) The lot is zoned as one of the following: Single-Family Residential (R1), Two-Family Residential (R2), Residential Planned Development (RPD), Residential (RES), Rural Agricultural (RA), Single-Family Estate (RO), or Rural Exclusive (RE);~~
- ~~(2) The accessory dwelling unit has independent exterior access;~~
- ~~(3) The rear and side setbacks are deemed sufficient for fire safety as required by the Building Code; and~~
- ~~(4) The creation of the accessory dwelling unit does not involve the addition of floor area to the existing structure.~~

~~b. An application for a zoning clearance for an accessory dwelling unit created entirely within the existing space of a permitted principal dwelling unit shall be approved ministerially in open space and agriculturally zoned lots if it meets all of the following:~~

- ~~(1) The lot is zoned Open Space (OS) or Agricultural Exclusive (AE);~~
- ~~(2) The accessory dwelling unit has independent exterior access;~~
- ~~(3) The rear and side setbacks are deemed sufficient for fire safety as required by the Building Code;~~
- ~~(4) The creation of the accessory dwelling unit does not involve the addition of floor area to the existing structure; and~~
- ~~(5) The lot is located outside the boundaries of the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area shown in Map 1.~~

~~Accessory dwelling units that meet the provisions of Sec. 8107-1.7.1 (a) or (b) above shall comply with the following standards:~~

~~c. No parking requirements shall be imposed.~~

~~d. When a garage, carport or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the replacement parking spaces for the principal dwelling unit may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.~~

~~e. No more than one accessory dwelling unit is allowed on each lot.~~

~~Sec. 8107-1.7.2 Standards for All Other Accessory Dwelling Units~~

~~An accessory dwelling unit that does not meet the provisions of Sec. 8107-1.7.1 shall require a zoning clearance and be required to comply with the following standards:~~

~~a. Non-Impact Areas~~

~~The following size requirements for accessory dwelling units apply to lots located outside of the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality and the Ojai Traffic Impact Areas shown on Map 1 and Map 2:~~

~~(1) The minimum lot area shall be established by Planning Area, as listed below:~~

Planning Area	Minimum Lot Area
Countywide, except the communities listed below	9,000 sq. ft.
El Rio/Del Norte Area Plan and North Ventura Area Plan	6,000 sq. ft.
Saticoy Area Plan¹	8,000 sq. ft.
Oak Park Area Plan and Thousand Oaks Area Plan	10,000 sq. ft.
Existing Community of Somis	10,000 sq. ft.

~~¹Refer to Sec.8119-1.3.2, Sec.8119-1.3.3, and Sec. 8119-1.4.10 in the Old Town Saticoy Development Code for additional development standards for accessory dwelling units.~~

~~(2) The total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing gross floor area of the principal dwelling unit or the allowed maximum accessory dwelling unit size, whichever is less. Lots that meet the minimum lot area, as shown in the table above, are allowed an accessory dwelling unit up to a gross floor area of 1,200 square feet with a maximum of 3 bedrooms. Lots that are 10 acres or more in area are allowed an accessory dwelling unit up to a gross floor area of 1,800 square feet with a maximum of 4 bedrooms.~~

~~(3) The total floor area for a detached accessory dwelling unit shall not exceed a gross floor area of 1,200 square feet and a maximum of 3 bedrooms, except that lots that are 10 acres or more in area are allowed an accessory dwelling unit with up to 4 bedrooms and a gross floor area of 1,800 square feet.~~

~~b. Impact Areas~~

~~Lots located in the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area as shown on Map 1 below, or in the Ojai Traffic Impact Area as shown on Map 2 below, shall not exceed the maximum number of bedrooms or bedroom equivalents and the maximum allowable unit size, and shall meet minimum lot area standards listed below. If a lot is partially within the traffic impact area, but the location of the proposed accessory dwelling unit is outside of the traffic impact area, then the lot shall be considered entirely outside the traffic impact area. If a~~

~~lot is partially within the groundwater quality impact area, but the septic system servicing the proposed accessory dwelling unit is, or is proposed to be, located outside the impact area, then the lot shall be considered entirely outside the impact area. Lots located within the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area (Map 1) with an established sewer connection are not subject to the limitations in the table below, and shall meet the sizing requirements for minimum lot area and maximum accessory dwelling unit size in Sec. 8107-1.7.2(a).~~

Impact Area	Maximum Number of Bedrooms¹/Bedroom Equivalents², Maximum Unit Size³ of Accessory Dwelling Units, and Minimum Lot Area
Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area (See Map 1)	<p>One-bedroom equivalent/1,200 sq. ft. total gross floor area on lots 3.90 acres or more in area.</p> <p>Two-bedroom equivalent/1,200 sq. ft. total gross floor area on lots 4.80 acres or more in area.</p> <p>Three-bedroom equivalent/1,200 sq. ft. total gross floor area on lots 5.70 acres or more in area.</p>
Ojai Traffic Impact Area (See Map 2)	<p>Two bedrooms/900 sq. ft. gross floor area on lots of 20,000 sq. ft. or more in area.</p> <p>Three bedrooms/1,200 sq. ft. gross floor area on lots of one acre or more in area.</p>

¹The maximum number of bedrooms in this table applies only to the Ojai Traffic Impact Area.

²The maximum number of bedroom equivalents, which includes bedrooms, applies only to the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area.

³The total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing gross floor area of the principal dwelling unit or the allowed maximum accessory dwelling unit size, whichever is less.

~~c. Boundaries of Impact Areas~~

~~For the purposes of this Sec. 8107-1.7.2 (a) and (b), the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area shall mean those portions of the unincorporated area of Ventura County depicted on Map 1 below, and the Ojai Traffic Impact Area shall mean those portions of the unincorporated area of Ventura County depicted on Map 2, below. Both maps are accessible in the GIS Department of the Resource Management Agency.~~

~~d. Calculation of Gross Floor Area~~

~~For the limited purpose of Sec. 8107-1.7.2(a) and (b), the computation of gross floor area shall not include any attached patio cover, deck, garage or any bay window that does not extend to the floor or protrude more than 18 inches from the adjoining exterior wall. Patio covers, decks, garages or any bay windows will be counted in the maximum allowable square footage allowed for "accessory structures to dwellings" in Sec. 8105-4.~~

~~e. Parking Exemptions~~

~~Parking requirements for accessory dwelling units listed in Sec. 8108-4.7 shall not apply if any of the following apply:~~

- ~~(1) The accessory dwelling unit is located within one-half mile of public transit; or~~
- ~~(2) The accessory dwelling unit is located within an historic district; or~~
- ~~(3) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or~~
- ~~(4) When there is a car share vehicle located within one block of the accessory dwelling unit; or~~
- ~~(5) The accessory dwelling unit is within the existing or proposed space of a permitted principal dwelling unit or within the existing space of a permitted accessory structure.~~

~~f. Parking Location~~

~~Parking for an accessory dwelling unit may be provided as tandem parking on a driveway. Additionally, the parking space for an accessory dwelling unit may encroach into a required front and/or interior side setback, provided that all of the following conditions are met:~~

- ~~(1) The long dimension of the space is parallel to the centerline of the nearest driveway on the lot; and;~~
- ~~(2) On interior lots, a minimum three-foot wide area adjacent to one side lot line remains unobstructed by vehicles.~~

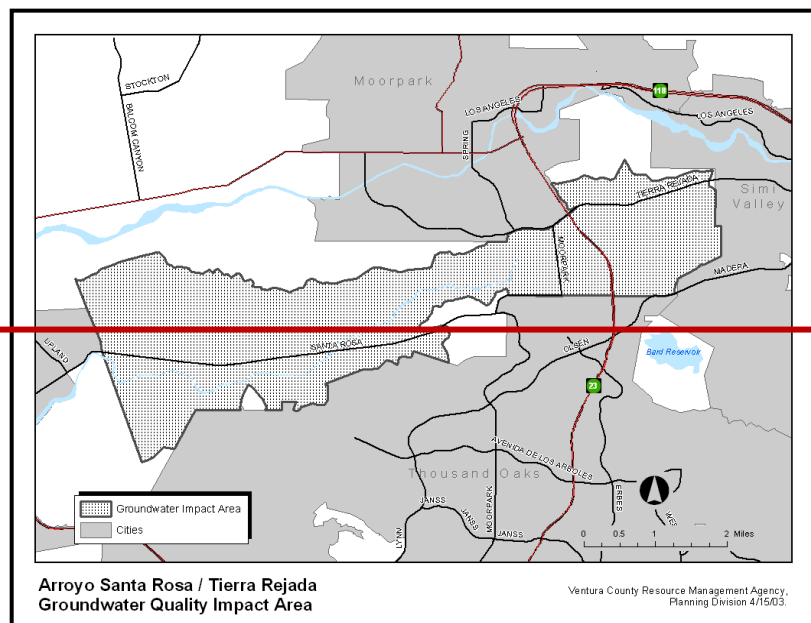
~~g. Parking Location in Fire Hazard Severity Zones~~

~~Notwithstanding Sec. 8107-1.7.2(f), above, parking for accessory dwelling units located within Ventura County Fire Hazard Severity Zones, identified on either the Fire Hazard Severity Zones in State Responsibility Area map or the Very High Fire Hazard Severity Zones in Local Responsibility Area map from CAL FIRE, may not be located within setback areas or as tandem parking, unless the Ventura County Fire Protection District Fire Marshal or his/her designee determines that the proposed location of the accessory dwelling unit is within an area without known barriers to emergency service vehicle access. The Ventura County Fire Hazard Severity Zone maps are accessible in the GIS Department of the Resource Management Agency and at the California Department of Forestry and Fire Protection.~~

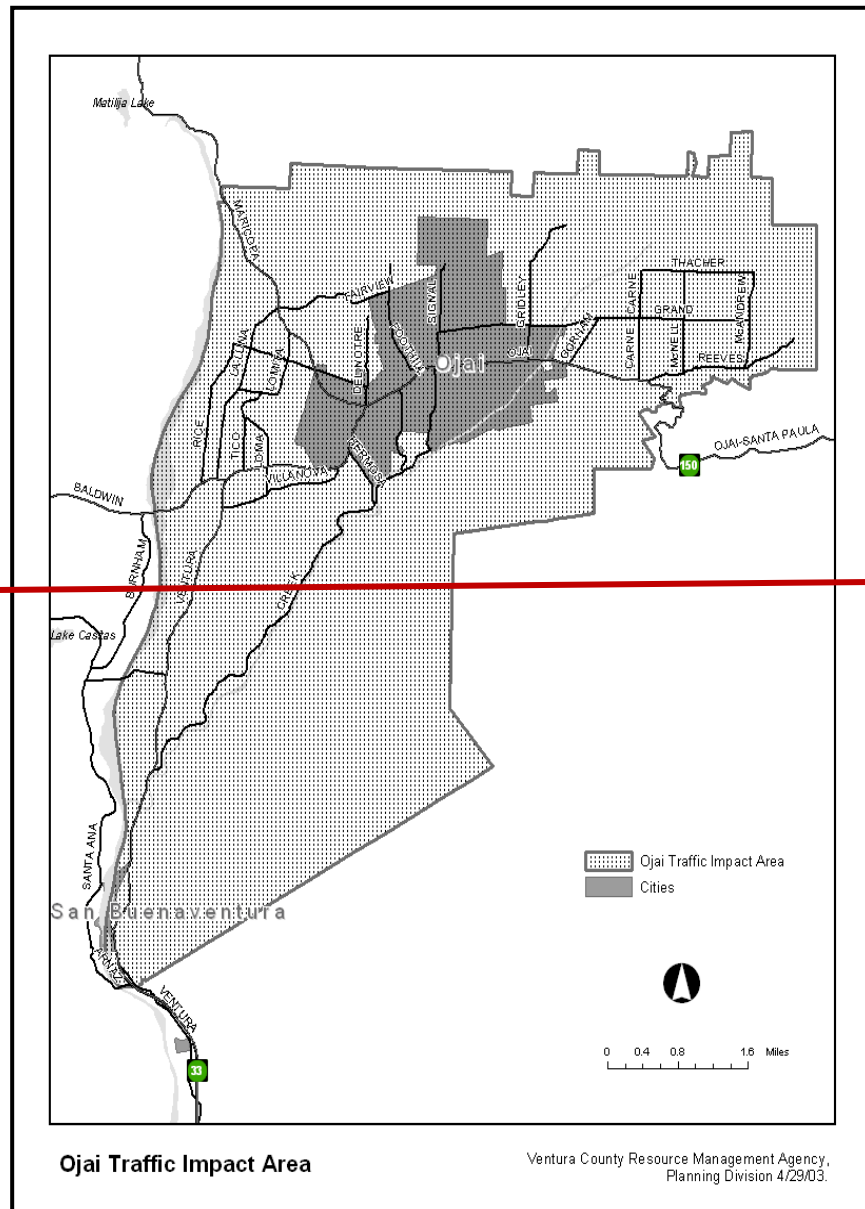
- ~~h. When a garage, carport or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the replacement parking spaces for the principal dwelling unit may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.~~
- ~~i. An existing principal dwelling unit that meets the development standards for an accessory dwelling unit may be designated the accessory dwelling unit and a separate principal dwelling unit may be permitted on the site. In such cases both the new principal dwelling unit and the accessory dwelling unit shall meet all provisions of this Chapter.~~

- ~~j. A setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.~~
- ~~k. No setback is required for an existing garage that is converted to an accessory dwelling unit.~~
- ~~l. Mobilehomes and manufactured homes may be used as accessory dwelling units, in accordance with Sec. 8107-1.3.~~
- ~~m. With the exception of deviations granted in accordance with Sec. 8107-37.3 and Sec. 8111-9, or as required by state law, no variance to the requirements of this Chapter may be approved for accessory dwelling units.~~
- ~~n. No more than one accessory dwelling unit is allowed on each lot.~~
- ~~o. No other accessory structure shall be attached to a detached accessory dwelling unit, unless the combined total area of the accessory structure and accessory dwelling unit does not exceed the allowable size of the accessory dwelling unit. This provision does not apply to accessory dwelling units built above a garage.~~
- ~~p. Accessory dwelling units shall not be rented on a transient occupancy basis (rental terms of less than 30 consecutive days).~~
- ~~q. An accessory dwelling unit will not be allowed in areas where adequate water supply and sewage disposal cannot be demonstrated. If the existing single-family detached residence is served by a public sewer system or a public water system, the accessory dwelling unit must be served by the same system or systems.~~
- ~~r. At the time of application, the owner of the property shall reside in the accessory dwelling unit or the primary dwelling unit. If the application is for construction of both the accessory dwelling unit and the primary dwelling unit, the owner shall agree to occupy either the accessory dwelling unit or the primary dwelling unit after construction.~~

MAP 1



MAP-2



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 with 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)(7), 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)(8), as may be amended.

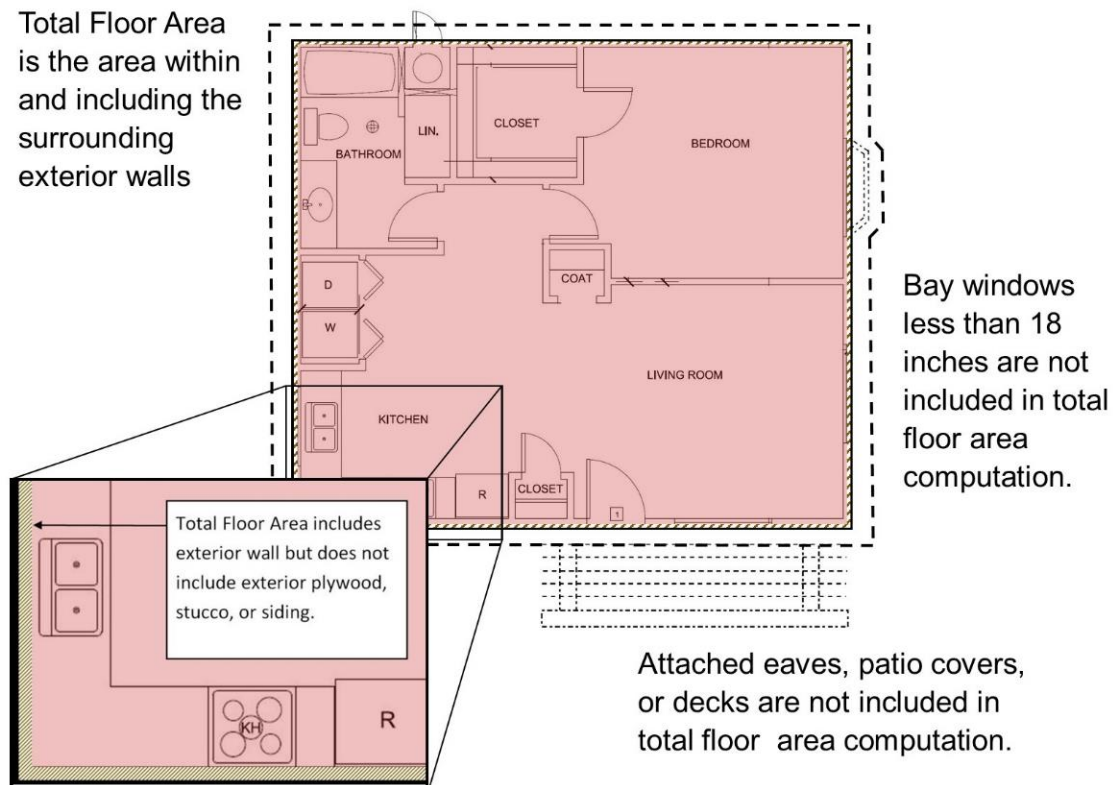
Public Transit - A location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public as defined in Government Code section 65852.2(j)(9), 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)(10), 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: 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 garage that is below the ADU when there is no internal access from the garage to the ADU; or a bay window that does not extend to the floor or protrude more than 18 inches from the adjoining exterior wall, 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 an ADU and/or 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 and one JADU per lot is allowed 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 JADU complies 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 is allowed on a lot with a proposed or existing single-family dwelling and may be combined with a JADU 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 is 16 feet or less, as measured pursuant to Article 6 of this Chapter.

(5) The JADU complies 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, 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 Multifamily Dwelling:** Up to two detached ADUs are allowed on lots with an existing multifamily dwelling, 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 is 16 feet or less.
- (3) New construction ADUs shall not exceed 850 square feet.
- (4) The ADU's side- and rear-yard setbacks are at least four feet.
- 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, height, 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: Each lot may have one ADU if the standards of this Section 8107-1.7.5 are met, and one JADU if the standards of Section 8107-1.7.6 are met.

c. Parking Standards:

(1) No Parking Requirements: No parking standards apply for an ADU in any of the following instances:

(a) The ADU is located within one-half mile walking distance of public transit.

(b) The ADU is located within an architecturally and historically significant historic district.

(c) 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.

(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:** The maximum height of an ADU is 16 feet above grade unless the ADU is set back at least 20 feet from all property lines in which case it may exceed 16 feet but shall not exceed the maximum allowed building height of the primary dwelling unit on the lot, as measured pursuant to Article 6 of this Chapter.

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:** One ADU per lot is allowed within a proposed or existing single-family dwelling 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 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, and minimum lot size, for either attached or detached ADUs, an ADU that is up to 850 square feet and up to 16 feet in height 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; RPD; RA; RE; or RO.

(2) One JADU is allowed per lot.

(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) Lots with multiple detached single-family dwellings are not eligible to have a JADU.

(5) A JADU is not allowed in a multifamily dwelling.

(6) 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 required to be provided. The replacement parking can be uncovered onsite parking and can be located in the setbacks, provided that:

(a) The long dimension of the space is parallel to the centerline of the nearest driveway on the lot; and

(b) On interior lots, a minimum distance of three feet from the side lot line remains unobstructed by vehicles.

(2) Except as provided in Section 8107-1.7.6(e)(1), no additional 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. Nonconforming Zoning Violations: Correction of nonconforming zoning conditions shall not be a condition to ministerial approval of an ADU or JADU application.

d. 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(d)(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(d)(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 may not be sold or otherwise conveyed separately from the primary residence. JADUs may not be sold or transferred separately from the single-family dwelling.

e. 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; and

(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.

Article 7, Section 8107-37 – Cultural Heritage Sites, of the Ventura County Ordinance Code, is hereby amended to read as follows:

Sec. 8107-37 – Cultural Heritage Sites

Sec. 8107-37.3 – Range and Approval of Allowed Deviations

To advance the purpose outlined in Sec. 8107-37.1, deviations from various standards and regulations of this chapter may be granted as part of a Planned Development permit. Deviations “a” and “k” may only be granted by the Planning Commission. All others may be granted by the Planning Director or their designee. (AM. ORD. 4282 - 5/20/03; AM. ORD. 4577 – 3/9/21 (grammar))

- a. Minimum Lot Area - Sec. 8103-0 (Purpose and Establishment of Zones and Minimum Lot Areas), Sec. 8103-1 et seq. (Establishment of Alternative Minimum Lot Area by Suffix), Sec. 8106-1.1 and Sec. 8106-1.2;
- b. Permit Approval Level - Sec. 8105-4 (Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones). Where the square footage or gross floor area of structures on a lot requires a given permit to be issued, the square footage of significant historic structures on a Cultural Heritage Site shall not be counted towards the total square footage of structures;
- c. Permit Approval Level - Sec. 8105-5 (Permitted Uses in Commercial and Industrial Zones). Where the square footage or gross floor area of structures on a lot requires a given permit to be issued, the square footage of structures on a Cultural Heritage Site shall not be counted towards the total square footage of structures;
- d. General Development Standards - Sec. 8106-1.1 (Development Standards for Uses and Structures in OS, AE, and R Zones); (AM. ORD. 4377 – 1/29/08)
- e. General Development Standards - Sec. 8106-1.2 (Development Standards for Uses and Structures in Commercial, Industrial, and Special Purpose Zones);
- f. Fences, Walls and Hedges - Sec. 8106-8.1 et seq.
- g. Accessory Dwelling Unit Standards - Sec. 8107-1.7 et seq. (*Accessory Dwelling Units and Junior Accessory Dwelling Units*); (AM. ORD. 4519-2/27/18)
- h. Parking Standards - Sec. 8108 et seq. (Parking and Loading Requirements); (AM. ORD. 4407 – 10/20/09)
- i. Landscaping Standards - Section 8106-8.2, Section 8108-5.14 and Section 8109-0.6 (Landscaping); (AM. ORD. 4407 – 10/20/09; AM. ORD. 4577 – 3/9/21)
- j. Signage - Sec. 8110-4a (Prohibited portable freestanding signs), Sec. 8110-4i (Prohibited Projecting Signs), Sec. 8110-5-2 et seq (Location); and
- k. Non-conforming Uses and Structures - Sec. 8113-5.2 (Uses Within Structures Subject to Amortization), Sec. 8113-5.2.1 (Expansion and Change of Use Prohibited), Sec. 8113-5.3 et seq (Uses Not Amortized), Sec. 8113-6.1 (Destruction, Uses Not Amortized), Sec. 8113-6.2 (Destruction, Uses Amortized), Sec. 8113-7 (Additional Use), Sec. 8113-8 (Use of Non-conforming Lots).

[Staff Explanation: Proposed addition of Junior Accessory Dwelling Units in cultural heritage sites section for consistency with reference for Section 8107-1.7.]

Section 4
ARTICLE 8:
PARKING AND LOADING REQUIREMENTS

Article 8, Section 8108-4.7 – Table of Parking Space Requirements by Land Use of the Ventura County Ordinance Code is hereby amended to read as follows with respect to the below-stated residential land uses:

Sec. 8108-4.7 – Table of Parking Space Requirements by Land Use

The table below indicates the number of required off-street motor vehicle and bicycle parking spaces that shall be provided for various land uses. For non-residential land uses, the number of motor vehicle parking spaces set forth in the table, plus or minus 10 percent of the total, represents the minimum required and the maximum allowed number of spaces, unless varied pursuant to Section 8108-4.8 below.

For residential land uses the number of motor vehicle parking spaces set forth in the table represents the minimum required number of spaces, unless varied pursuant to Section 8108-4.8 below. The number of motor vehicle parking spaces required in this section is intended to address the needs of residents, employees and regular users of an establishment. The number is not intended to reflect the need for parking large delivery trucks, vans or buses; storage of vehicle inventory; or other specialty parking needs related to the operation of specific land uses.

The Director has the authority to determine the parking space requirements for any land use not specifically listed based on the requirements for the most comparable land use.

LAND USE	MOTOR VEHICLE SPACES REQUIRED	BICYCLE SPACES REQUIRED
RESIDENTIAL LAND USES	MINIMUM REQUIRED	
Accessory Dwelling Units	1 covered/uncovered space (in addition to the spaces required for the principal primary dwelling unit) No additional parking is required for accessory dwelling units that meet the provisions of Sec. 8107-1.7.2(e) 8107-1.7.4 or Sec. 8107-1.7.5(c)(1).	
<u>Junior Accessory Dwelling Units</u>	<u>No parking is required for a Junior Accessory Dwelling Unit</u> <u>Replacement parking for the primary residential structure is required pursuant to Sec. 8107-1.7.6(e)(1), if applicable.</u>	

LAND USE	MOTOR VEHICLE SPACES REQUIRED	BICYCLE SPACES REQUIRED
Single Family and Two-Family Dwellings ¹		
1-4 Bedrooms (per unit)	2 covered ² spaces	
5 Bedrooms (per unit)	3 spaces (2 shall be covered ²)	
6 or More Bedrooms (per unit)	4 spaces, (2 shall be covered ²)	

~~¹Replacement parking for the principal dwelling unit, as a result of the garage being demolished or converted to an accessory dwelling unit, may be located in any configuration on the same lot as the accessory dwelling unit and as uncovered or tandem spaces, pursuant to Sec. 8107-1.7.1(d) and Sec. 8107-1.7.2(h).~~

¹ Pursuant to Sec. 8107-1.7.5(c)(3), 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.

² Except that on parcels larger than 1 acre located in OS, AE, RA, RE, RO, and TP zones, parking may be uncovered.

[Staff Explanation: Proposed revisions for Accessory Dwelling Unit parking requirements for consistency with Section 8107-1.7.4 and Section 8107-1.7.5(c)(1) and Government Code section 65852.2. Additionally, staff proposes the addition of parking requirements for Junior Accessory Dwelling Units consistent with Section 8107-1.7.6(e)(1) and Government Code section 65852.22. Finally, staff proposes revisions to footnote 1 to be consistent with both abovementioned sections.]

Section 5

ARTICLE 11:

ENTITLEMENTS – PROCESS AND PROCEDURES

Article 11, Section 8111-7.6 – Accessory Dwelling Unit Procedures within Sec. 8111-7 - Appeals of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8111-7.6 - Accessory Dwelling Unit and Junior Accessory Dwelling Unit Procedures

Notwithstanding any other provisions of this Article:

- No public hearings shall be conducted on applications for *accessory dwelling units* or *junior accessory dwelling units* under Sections 8105-4, 8107-1.7, and 8108-4.7. (AM. ORD. 4407 – 10/20/09)
- Decisions ~~of the Planning Director (or designee)~~ on *accessory dwelling units* and *junior accessory dwelling units* are final County decisions when rendered and are not subject to appeal.

[Staff Explanation: Proposed addition of Junior Accessory Dwelling Units in appeals section for consistency with reference for Section 8107-1.7.]

Section 6

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 7

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

PASSED AND ADOPTED this ___ day of _____, 2022, by the following vote:

AYES: Supervisors _____

NOES: Supervisors _____

ABSENT: Supervisors _____

CHAIR, BOARD OF SUPERVISORS

ATTEST:

SEVET JOHNSON

Interim Clerk of the Board of Supervisors

County of Ventura, State of California

By _____

Deputy Clerk of the Board