

Article 5. Residential Zoning Districts

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Sec. 501. Purpose and Objectives.

- A. The purpose of the Residential (R) Districts is to provide residential living within the unincorporated areas of the county with a broad range of dwelling densities (i.e., low-density estate, single family detached and attached, multi-family, and housing for special needs) consistent with the General Plan and appropriate standards of public health, safety and welfare, and aesthetic. Furthermore, the intent of this Development Code in relation to residential districts is to:
1. Ensure adequate light, air, privacy, and open space for each dwelling.
 2. Minimize traffic congestion and avoid the overloading of public services and utilities.
 3. Protect residential neighborhood from excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences.
 4. Facilitate the provision of public improvements commensurate with anticipated increase in population, dwelling unit densities, and service requirements.
 5. Provide lands to accommodate housing units which meet diverse economic and social needs of the resident; locating development to achieve the following.
 - a. Retain the scale and character of existing residential neighborhoods; and
 - b. Facilitate the upgrade of declining and mixed-density residential neighborhoods; and
 - c. Allow expansion into vacant and low-intensity use of lands within infrastructure and environmental constraints.
- B. Residential land use designations are primarily used in the "Urban Fringe" and "Community Districts", while "Rural Interface" has small pockets of limited residential uses. Included within this land use type are seven residential designations, Very Low Density, Low Density, Low Medium Density, Medium Density, Medium High Density, High Density, and Very High Density. The largest extent of County residential land use designations are applied in the "Community Districts" of Armona, Home Garden, Kettleman City and Stratford where community water and sewer services are provided. Residential designations within "Rural Interface" areas are mostly located within the Grangeville, Halls Corner, and Hardwick areas.

Sec. 502. RR Rural Residential District. The RR Single-Family Residential District is intended to provide residential living areas which combine certain advantages of both urban and rural locations by limiting development to very low density concentrations of Single-family dwellings and permitting limited numbers of animals to be kept for pleasure or hobbies, free from activities of a commercial nature.



- A. The Rural Residential district is intended primarily for application to areas within or at the fringe of urban areas and to rural service centers-as well as for application to subdivisions of land in agricultural and scenic areas to:
 - 1. Permit the opportunity of developing estate-type lots which, because of their size, cannot be economically accommodated within urban areas; and
 - 2. To encourage the provision of estate-type lots as a subdivision of land which will assure the provisions of at least those minimum physical improvements necessary to protect the health, safety and general welfare of people living on estate-type lots or parcels.

Sec. 503. R-1 Single-Family Districts: The R-1 Residential districts are intended to provide living areas within the county where development is limited to concentrations of single-family dwellings where regulations are designed to accomplish the following:

- A. The **R-1-20, R-1-12, R-1-8 and R-1-6** Districts are intended to promote and encourage a suitable environment for family life; to provide space for community facilities needed to complement urban residential areas and for institutions which require a residential environment; to minimize traffic congestion; avoid the overloading of utilities and public facilities designed to service only Single-family residential uses in accordance with density standards of the General Plan; and to facilitate the production of affordable housing.
- B. The **R-1-3** District in the community of Kettleman City offers smaller 3,000 square foot lot residential home sites that add additional housing opportunities in order to foster a wider variety of housing types with varying affordability ranges. The use of higher density housing serves to provide affordable units, a walkable community, reduce overcrowding, preserve agricultural land and provide a mix of rent/own housing options.

Sec. 504. RM Multi-Family Districts: The RM Multi-Family Residential Districts are intended primarily to provide the development of multi-family residential structures at densities consistent with the location and character of the area as follows:

- A. The **RM-3** District is intended for application in areas adjacent to or in the immediate vicinity of an R-1-20, Single-Family Residential District.
- B. The **RM-2** District is intended for application in areas adjacent to or in the immediate vicinity of an R-1-12, Single-Family Residential District.
- C. The **RM-1.5** District is intended for application in areas adjacent to or in the immediate vicinity of R-1-8 or R-1-6, Single-Family Residential Districts.
- D. The new **RM-2.4, RM-1.6, and RM 1.2** overlay zones in the community of Kettleman City are intended for application in areas adjacent to mixed use, downtown mixed use, rural commercial, and public facility districts. See Article 10, Section 1008 of this Development Code for additional information.

Sec 505. Land Use Regulations: The following table prescribes the land use regulations for “Residential” districts. The regulations for each district are established by letter designation shown in the key of Table 5-1:



Table 5-1 **RESIDENTIAL ZONING DISTRICTS LAND USE REGULATIONS**

KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “-” Not permitted	ZONING DISTRICT			
	RR	R-1	RM	
Residential Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED			<i>Additional Regulations and information</i>
Accessory Dwelling Unit (ADU) & Junior Accessory Dwelling Unit (JADU)	SP	SP	SP	In compliance with Government Code Section 65852.2, Section 65852.22 , and regulations prescribed in Section 507 below.
Accessory living quarters, without a kitchen.	P	P	P	Subject to maximum coverage allowance. The unit shall not be rented.
Boarding or rooming houses with 30 or fewer beds.	S	-	S	
Boarding or rooming houses with more than 30 beds.	C	-	C	
Community care facilities as allowed by the Health and Safety Code.	P	P	P	
Family day care homes (Small) for 8 or fewer children.	P	P	P	
Family day care homes (Large) for 9 to 14 individuals.	S	S	S	See Section 1117 and Health and Safety Code Section 1597.46
Family day care uses (Large) exceeding 14 individuals.	C	C	C	
Mobile Home and Manufactured Housing Community Parks	C(1)	C	C	In compliance with Section 65852.7 of the California Government Code and subject to the provisions of Article 11, Section 1109 of this code. (1) See Table 5-1 Notes.
Multi-family-dwelling.	-	-	S	
Nursing homes, rest homes, boarding or rooming houses with more than 30 beds.	C	-	C	
Orphanages.	-	C	C	
Recreational vehicle used as a temporary dwelling supplemental to an existing residence for a maximum period of 14 days.	TUP	TUP	TUP	See Article 11, Section 1107.B.3.
Recreational vehicle occupied as a temporary dwelling to care for an infirm parent, grandparent, child, grandchild or sibling for a maximum period of 60 days, or until the condition requiring the care no longer exists, whichever is a shorter period of time.	TUP	TUP	TUP	See Article 11, Section 1107.B.3. for additional information. Requires documentation of the need from a Doctor.
Recreational vehicle used as a temporary dwelling during construction of a single-family residence or due to rehabilitation of a single-family residence.	TUP	TUP	TUP	See Article 11, Section 1107.B.4 Requires the issuance of a building permit for the primary dwelling.
Single family dwelling.	P	P	P(2)	(2) See Table 5-1 Notes. One per legal parcel including a mobile home or manufactured home on a temporary or permanent foundation.



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	<i>RR</i>	<i>R-1</i>	<i>RM</i>	
Energy Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED			<i>Additional Regulations and information</i>
Active solar heating systems.	P	P	P	Used to convert sunlight to heat that can be used for space heating and hot water
Electric Vehicle (EV) recharge stations.	P	P	P	Incidental to designated parking spaces for electric vehicles. See Section 1511.C.
Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.	S	S	S	
Solar electrical generation equipment for non-commercial personal use.	P	P	P	With a design capacity to serve the electrical needs of only that site or use.
Utility, Public and Semi-Public Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED			<i>Additional Regulations and information</i>
Cemeteries.	-	C	C	
Charitable institutions.	-	C	C	
Clubs & lodges, private non-commercial.	C	-	C	Private non-commercial clubs and lodges; excluding such clubs and lodges which sell, distribute, or serve, or allow the sale, distribution, service or consumption of alcoholic beverages on the premises; or conduct or allow the operation of any game of chance on the premises; or other activity which may be disruptive in any way to an environment for family life.
Community care facilities for 7 or more persons.	C	C	C	In compliance with Health and Safety Code Section 1500, et seq.
Community gardens.	P	P	P	See Article 15, Section 1503.
Educational & religious facilities.	C	C	C	Public and quasi-public uses of an educational type including elementary schools, junior high schools, high schools and colleges; preschools and nursery schools; religious institutions; private nonprofit schools and parochial schools.
Emergency shelters.	-	C	C	See Government Code Section 65583, Health and Safety Code Section 50800, et seq. and Article 11, Section 1107 of this Development Code.
Golf courses.	C	-	-	
Health facilities.	-	C	C	
Incidental and accessory structures and uses located on the same site as a use subject to a Conditional Use Permit which are owned or operated by a public agency.	C	C	C	See Article 11, Section 1101.



Table 5-1 **RESIDENTIAL ZONING DISTRICTS LAND USE REGULATIONS**

KEY "P" Permitted uses - no permit required. "S" Site Plan Review required. "C" Conditional Use Permit required. "TUP" A temporary land use which requires an over-the-counter permit "-." Not permitted	ZONING DISTRICT			
	RR	R-1	RM	
Miscellaneous Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED			<i>Additional Regulations and information</i>
Public uses of an administrative, public service or cultural type including City, County, State or Federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities.	C	C	C	
Recreational facilities, private.	S	S	S	Private playgrounds, parks, community centers and other recreational facilities for communal use of an exclusive non-commercial basis.
Recreational facilities, public.	S	S	S	Public parks, playgrounds and community centers.
Miscellaneous Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED			<i>Additional Regulations and information</i>
Accessory structures located on the same site with a permitted use.	P(3)	P*	P*	(3) See Table 5-1 Notes following table. *Storage sheds are limited to 120 square feet or less in size with side walls not more than six feet in height. Storage sheds are limited to two per parcel. See Section 1101.
Animal keeping: Small animals kept on a domestic, non commercial scale conducted incidental to the residential use of the property.	P	P	-	Breeding, hatching, raising and fattening of rabbits, chinchillas, hamsters, guinea pigs, other small animals. Animals must be kept in pens or enclosures on the rear half of the lot and meet the setbacks prescribed in Table 5-2. All such animals shall be maintained in a manner approved by the county health officer.
Chicken hens, pigeons, quail, pheasants, doves and other birds of similar size for the noncommercial use of the residents only. Roosters are not permitted.	P	P	-	Not more than 12 birds and all such birds must be kept in pens or enclosures on the rear half of the lot and meet the setbacks prescribed in Table 5-2. All such birds shall be maintained in a manner approved by the county health officer.
Clotheslines.	P	P	P	Within side or rear yards not subject to setbacks.
Gardens and community gardens including the raising of fruit and nut trees, vines, vegetables and horticultural specialties.	P	P	P	
Home occupations, Minor.	P	P	P	See Article 11, Section 1102.A.
Home occupations, Rural: Outside of either a city primary sphere or a rural community.	S	S	S	See Article 11, Section 1102.B.
Home occupations, Urban: Inside of either a city primary sphere or a rural community. Excludes barber and beauty shops.	S	S	S	See Article 11, Section 1102.C.



Table 5-1 **RESIDENTIAL ZONING DISTRICTS LAND USE REGULATIONS**

KEY "P" Permitted uses - no permit required. "S" Site Plan Review required. "C" Conditional Use Permit required. "TUP" A temporary land use which requires an over-the-counter permit "-" Not permitted	ZONING DISTRICT			
	RR	R-1	RM	
Miscellaneous Uses For a definition of the use see Article 25	PERMIT REQUIRED			Additional Regulations and information
Home occupations including barber & beauty shops.	C	C	C	See Article 11, Section 1102.D.
Household pets, such as dogs, cats, canaries and parakeets (excluding livestock and poultry) belonging to those living on the site.	P	P	P	Pets shall be maintained in compliance with public health laws and Kings County Animal Control standards.
Incidental uses located on the same site with a permitted use.	P	P	P	See Section 1101.
Incidental uses located on the same site as a use requiring Site Plan Review or Conditional Use Permit.	S	S	S	See Section 1101.
Kennels for the keeping of dogs and/or cats belonging to those living on the site.	P	-	-	
Livestock keeping incidental to the residential use of the property.	P	-	-	No more than 2.5 animal units and their immature offspring for each acre of site devoted to the animals' care.
Signs, freestanding or detached.	S	S	S	See Table 5-3.
Signs, wall mounted or projecting.	P	P	P	Permitted without a new zoning permit provided the total amount of signage allowed for the zoning district is not exceeded and the sign meets signage regulations. See Table 5-3.
Signs, temporary.	P	P	P	See Article 14 for time limits and additional information. See Table 5-3.
Swimming pools for either individual, family or communal use of an exclusive non-commercial basis.	P	P	P	No swimming pool or accessory mechanical equipment shall be located less than five (5) feet from a property line, or within a utility easement, unless a waiver in writing has been obtained from the appropriate utility company or companies allowing an encroachment into the utility easement. Such pool or accessory equipment shall be located behind the front yard fence line.
Swimming pools within utility easements or located within five (5) feet of a property line.	S	S	S	
Temporary subdivisions sales offices.	TUP	TUP	TUP	See Article 11, Section 1107.B.1.
Water Collection.	P	P	P	See Article 15.

(Ord. No. 668-1-16, §8, §9, 1/12/16) (Ord. No. 668-1-17, §16, §17, §18, §19, §20, §21 and §22, 3/28/17)

Table 5-1 Notes:

1. Any development of a Mobile Home Park in the Rural Residential Zoning District shall be required to provide water and sewer services from a city or Community Service District as a condition of approval.
2. In the RM Zoning Districts a mobile home or manufactured home on a temporary foundation is not permitted when associated with mixed density, mixed use, and variable density developments.
3. In the RR Zoning District incidental and accessory structures located on the same site with a permitted use may also



include agricultural use accessory structures as noted in Article 25, Definition.

Sec 506. Development Standards for Residential Zoning Districts: Table 5-2 below provides development standards for parcels within residential zoning districts:

Table 5-2 DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS										
Use Classifications	RR	R-1-20	R-1-12	R-1-8	R-1-6	R-1-3*	RM-3	RM-2	RM-1.5	Additional Regulations
Site Area and Lot Standards (ft.)	*Kettleman City Only All Standards Shown are Minimum Standards Unless Otherwise Stated.									
Site area (Square Feet)	30,000	20,000	12,000	8,000	6,000	3,000	6,000	6,000	6,000	See Note (1)
Site area (Square Feet) per dwelling unit							3,000	2,000	1,500	
Site frontage Interior lot	160 *80	60	60	60	60	15	50	50	50	* Where there are curbs and gutters.
Site frontage (fronting on a cul-de-sec or loop-out street)	85 *60	40	40	40	40	15	40	40	40	* Where there are curbs and gutters.
Site Area and Lot Standards (ft.)	*Kettleman City Only All Standards Shown are Minimum Standards Unless Otherwise Stated.									
Site width interior lot	160	100	80	70	60	25	60	60	60	
Site width corner lot	-	110	90	75	65	30	65	65	65	
Site depth interior lot	150	100	100	90	80	70	100	100	100	
Site depth corner lot	-	100	90	80	80	70	80	80	80	
Site Coverage										
Maximum area covered by structures	40%	40%	40%	40%	40%	83.3%	50%	60%	70%	
Table 5-2 DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS										
Use Classifications	RR	R-1-20	R-1-12	R-1-8	R-1-6	R-1-3*	RM-3	RM-2	RM-1.5	Additional Regulations
Setback Requirement (ft.)	See Note (2) through (8) below For ADU & JADU Setbacks see Sec. 507 below									
Front setback	50*	25	25	25	20	15	20	20	20	*Or not less than 80 feet from centerline of road. See Notes (2), (5) &(6)
Rear setback of ground floor	20	10	10	10	10	10	10	10	10	See Notes (3) and (4)
Additional rear setback per story	15	10	10	10	10	10	10*	10*	10*	*Where site is adjacent to an R District.
Side setback of ground floor	20	5	5	5	5	5	5	5	5	
Side setback on street side of a corner lot	25(5)	10(6)	10(6)	10(6)	10(6)	10	10	10	10	See Notes (5) and (6)
Reverse corner lot	(Note)	(Note)	(Note)	(Note)	(Note)	(Note)	(Note)	(Note)	(Note)	See Note (7)
Additional side setback per story	10	5	5	5	5	5	5	5	5	
Distance Between Structures (ft.)										



Between residence & structures housing livestock or small animals.	40*	No Limitation	No Limitation	No Limitation	No Limitation	No Limitation	No Limitation	No Limitation	No Limitation	No Limitation	*Stables shall be located a minimum of 30' from any property line.
Between residence & pens or enclosures housing poultry or small animals.	20*	20*	20*	20*	20*	20*	No Limitation	No Limitation	No Limitation	*Pens or enclosures shall be located at least 5 feet from side/rear property lines.	
Height of Structures (ft.)											
Maximum height of structures.	30	30	30	30	30	30	30	30	30	30	See Note (8)
Maximum height of structures with CUP.	50	50	50	50	50	50	50	50	50	50	

(Ord. No. 668-1-17, §23, 3/28/17)

Table 5-2 Notes:

1. In the R-1 and RM zoning districts, the density of the development may be increased and the site areas may be reduced for developments of five or more dwelling units to provide density bonuses when the developer enters into a development agreement pursuant to Article 2.5 (commencing with Section 65864) of Chapter 3 of Division 12 of Title 7 of the *Government Code*. Density bonuses shall be calculated and applied according to Article 2.5 (commencing with Section 65915) of Chapter 3 of Division 12 of Title 7 of the *Government Code* and the *Kings County Density Bonus* regulations located in Article 22 of this *Development Code*. In the RR zoning district, the minimum site area shall not be less than one (1) acre if either an individual water supply or individual sewage waste disposal system is to be utilized on the site.
2. On a site situated between sites improved with buildings, where said buildings are set back less than the minimum distance required by this section, the minimum front yard setback shall be the average depth of the front yards on the improved sites adjoining the side lines of the site, but such minimum shall not be less than 10 feet.
3. Where the rear of the site abuts on an alley right-of-way, the rear yard setback may be decreased one foot for each two feet of such alley right-of-way.
4. Accessory structures under six feet in height may be located within any portion of a required rear yard; garden structures greater than six feet in height may be located in any portion of a required rear yard which is not within a utility easement. Storage sheds 120 square feet or less in size with side walls not more than six feet in height may be set within any portion of a required rear yard.
5. In the RR zoning district, attached or detached garages or carports fronting on the street side yard of a corner lot shall be set back a minimum of 30 feet from the property line on a straight driveway approach or 20 feet from the property line where the garage opening is perpendicular to the property line requiring a curved driveway approach, except where a greater setback is required by any other ordinance.
6. In the R-1 zoning district, attached or detached garages or carports fronting on the street side yard of a corner lot shall be set back a minimum of 20 feet from the property line on a straight driveway approach or 15 feet from the property line where the garage opening is perpendicular to the property line requiring a curved driveway approach, except where a greater setback is required by any other ordinance.



7. On a reverse corner lot, the side yard adjoining the street shall be not less than one-half the required front yard on the adjoining key lot.
8. No accessory structures over three feet in height may be located in any portion of a required front yard, or a Traffic Safety Visibility Area.

Sec. 507. Accessory Dwelling Units and Junior Accessory Dwelling Units: When an application is submitted for an “accessory dwelling unit” or a “junior accessory dwelling unit” in the RR, R-1, or the RM zoning districts the following findings shall be made by the ~~Zoning Administrator~~ Building Official before issuing a ~~Site Plan Review~~ building permit:

- A. That the parcel or lot already contains ~~one~~ or proposes a Single-family residence or multi-family residence.
- B. That an accessory dwelling unit is either a site built structure, a manufactured home as defined by Section 18007 Health and Safety Code, or an efficiency unit as defined by Section 17958.1 Health and Safety Code.
- C. That the accessory dwelling unit meets all of the following standards:
 1. Floor Area: An attached or detached accessory dwelling unit permitted by this section shall not exceed 1,200 square feet of floor area. ~~In the case of a conversion accessory dwelling unit, if separated from the existing single family detached residence. If attached to the existing single family residence,~~ the floor area of the converted accessory dwelling unit shall be limited to the size of the existing structure being converted with the addition of 150 square feet to accommodate ingress and egress. not exceed 50 percent of the existing living area of the existing single family detached residence.
 2. A manufactured home shall not be less than eight ft. wide by forty 40 ft. long and 320 sq. ft. in floor area.
 3. An efficiency unit shall not be less than 150 sq. ft. in floor area and meet all space and occupancy standards of Chapter 5 of the Uniform Housing Code.
 4. ~~Location: An accessory dwelling unit shall be located either to the side or to the rear of the existing single family residence and shall be either attached to the existing single family residence or be separated from the existing single family as allowed by the current California Building Code.~~
 5. ~~Owner Occupancy: Either the existing single family detached residence or the accessory dwelling unit shall be occupied by the owner of the property. An accessory unit cannot be separately owned or sold, but may be rented.~~
 4. Quantity: In a single-family residential zoned district, one attached or detached or conversion accessory dwelling unit is permitted per parcel or lot that already contains or proposes a single-family residence. In a multi-family residential district, one attached or two detached accessory dwelling units are permitted. With regard to a conversion accessory dwelling unit, at least one interior ADU and up to 25 percent of the number of existing multi-family dwelling units are permitted. For multi-family dwelling units all interior ADUs must be converted from existing non-livable space.
 5. Setbacks and Height Requirements: An attached or detached accessory dwelling unit is subject to a maximum height limit of 30 feet and minimum rear and side setbacks of 4 feet.
 6. Off-Street Parking: At least one additional off-street parking space shall be provided for ~~the~~ an accessory dwelling unit, and must comply with Article 13, Section 1306, except when the accessory dwelling unit is exempt under Government Code section 65852.2. part of the existing primary residence or an existing accessory structure.
 7. Utility Services: Accessory dwelling units shall be provided with water, sewer and other utilities as determined by the Building Official. Where water and sewer service is provided by a city or community or public service district the ~~Site Plan Review~~ building permit application shall include a letter from the agency providing the services that the agency will allow connection to their systems.

D. That the junior accessory dwelling unit meets all of the following standards:



1. Floor Area: A junior accessory dwelling unit permitted by this section shall not exceed 500 square feet of floor area and must be created within the walls of a proposed or existing single-family residence.
2. Quantity: In a single-family residential district, one junior accessory dwelling unit is permitted per parcel or lot that already contains or proposes a single-family residence. Parcels or lots with multiple detached single-family dwellings are not eligible to have junior accessory dwelling units pursuant to Government Code, Section 65852.22, subd.(a)(1).
3. Setbacks and Height Requirements: An attached or detached accessory dwelling unit is subject to a maximum height limit of 30 feet and minimum rear and side setbacks of 4 feet.
4. Off-Street Parking: A junior accessory dwelling unit created in an attached garage may be required to provide replacement parking.
5. Owner Occupancy: The property owner must reside in either the primary residence, or in the junior accessory dwelling unit pursuant to Government Code, Section 65852.22, subd.(a)(2).

~~8.E.~~ Compliance with other regulations for the R District: Except as specifically set forth in this Article and the standards set forth in this section, all accessory dwelling units regulated pursuant to this Article shall meet all of the requirements of the R District in which the accessory dwelling unit is located including, without limitation, requirements regarding fences, walls and hedges; site area, frontage width, and depth of sites; coverage; yard requirements; ~~height of structures~~; distances between structures; signs; and general provisions and exceptions.

~~D.F.~~ This Section is intended to conform in all respects with Stats. 20~~16~~²², c. 735~~664~~, § ~~12~~⁵, and shall be interpreted consistently therewith, and with any subsequent amendment to Government Code section 65852.2 and Government Code section 65852.22 as those that statutes may be renumbered from time to time.

(Ord. No. 668-1-17, §24, 3/28/17)

Sec. 508. Additional Standards and Regulations:

- A. **Off-street Parking Areas, Aisles, Access Drives, Access Lanes and Off-street Loading Facilities:** Off-street parking areas, aisles, access drives, access lanes and off-street loading facilities shall be provided on the site for each use as prescribed in Art. 13.
- B. **Fences, Walls, Gates, Hedges, and Screening and Landscaping.** In order to ensure that fences, walls, gates, hedges, and screening and landscaping do not create traffic hazards at street or road intersections, and where driveways enter streets and roads, the following standards prescribed in this article shall be required by the Zoning Administrator or County Planning Commission for all new uses and major alterations and enlargement of existing uses. These requirements are to protect public health and safety, conserve water resources, and where appropriate, insulate surrounding land uses from their impact.

1. Fencing for Single-family (R-1) and Multi-family (RM) Zones:

- a. **Fences, Walls, and Hedges** shall be permitted as follows:

(1) Interior lots:

- (a) A solid fence, wall, or hedge not exceeding seven feet in height, may be located within any portion of the property provided that it is set back a minimum of 10 feet from the front property line and meets the Traffic Safety Visibility Area requirements. Noise attenuation fencing that is required as a mitigation measure is not limited to seven feet, but shall not exceed the height required in the mitigation measure.
- (b) An Open Fence as defined in Article 25 of this Development Code, not exceeding seven feet in height, may be located in any portion of the front yard provided that it meets the Traffic Safety Visibility Area requirements.
- (c) Fences, walls, and hedges shall not exceed three feet in height within a Traffic Safety Visibility Area as

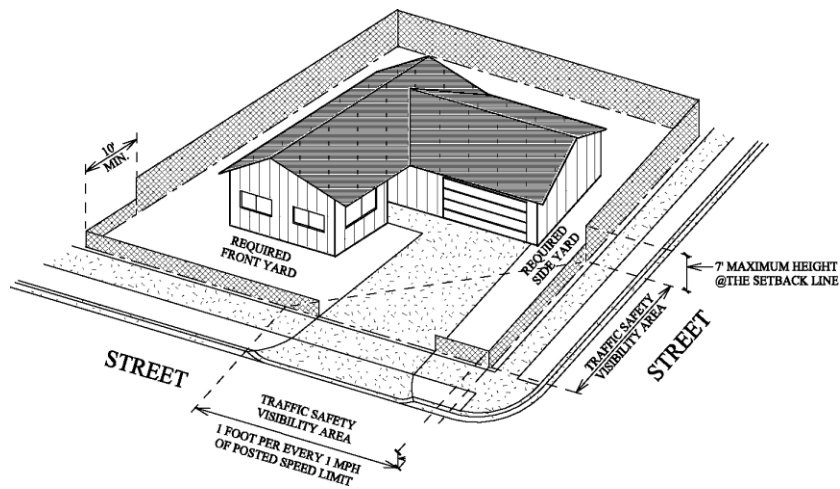


defined in Article 25 of this of this Development Code. A fence, wall, hedge or shrub not exceeding three feet in height may be located within any portion of the property.

(2) Corner lots:

- (a) A solid fence, wall, or hedge not exceeding seven feet in height, may be located within any portion of the property provided that it is set back a minimum of 10 feet from the front and street side yard property lines and meets the Traffic Safety Visibility Area requirements.
- (b) An open-type fence as defined in Article 25 of this of this Development Code, not exceeding seven feet in height, may be located in any portion of the front yard or street side yard provided that it meets the Traffic Safety Visibility Area requirements.
- (c) Fences, walls, and hedges shall not exceed 3 feet in height within a Traffic Safety Visibility Area as defined in Article 25-of this of this Development Code. A fence, wall, hedge or shrub not exceeding three feet in height may be located within any portion of the property.

Figure 5-1.
Residential Fencing Requirements



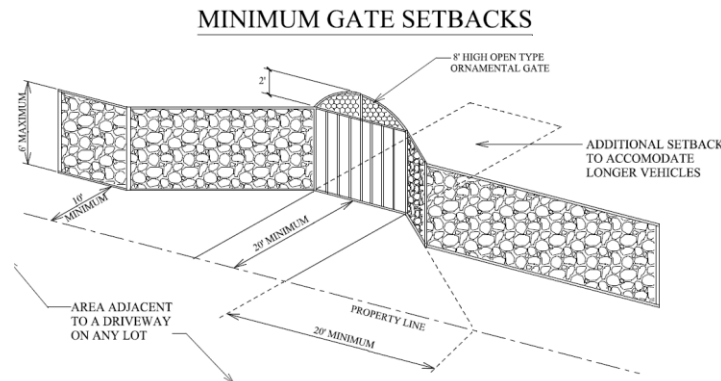
b. **Gates** shall be permitted as follows:

- (1) Gates used for the primary vehicular ingress and egress and which are opened and closed manually shall be setback so that the greater of the following distances are met from the property line being used for access:
 - (a) A minimum distance of 20 feet or,
 - (b) A distance sufficient to ensure that vehicles used for a permitted use requiring a Site Plan Review or Conditional Use Permit are able to pull completely onto their property.
- (2) Gates used for the primary vehicular ingress and egress and which are opened and closed electronically with a remote control may be located within any portion of the property being used for access to a driveway provided that:
 - (a) The property owner/occupant obtains a building permit from the building department for the installation of the electric gate operating mechanism and wiring. The property owner/occupant must also request and obtain a final inspection for the assigned building permit and demonstrate operation of the mechanism using the remote.
 - (b) The gate must be operational at all times using a remote control device that allows the property owner/occupant to open and close the gate to enter the driveway area without exiting the vehicle.



- (c) At any time that the gate is not operational using the remote control device the gate must either be locked in the open position or it must be removed entirely.
- (3) Access gates to property which are not used for regular vehicular ingress and egress such as an access gate to a rear yard to allow the parking of an RV, boat or similar use or for equipment access to be used in maintenance of the property do not require additional setback from the fence line. Access gates shall have locking mechanisms accessible only from the interior side of the gate.
- (4) Gates with open-type decorative or architectural features within the front or street side yards shall not exceed eight feet in height.

Figure 5-2



2. Fencing for Rural Residential (RR) zones:

- a. Fences, walls, gates, and hedges shall be permitted as described above except that fences, walls, gates, and hedges may exceed seven feet in height except as follows:
 - (1) Fences, walls, gates, and hedges shall not exceed three feet in height within a Traffic Safety Visibility Area as defined in Article 25 of this of this Development Code.
 - (2) Any fence, wall or gate over seven feet in height is a structure and shall require a building permit prior to construction.

3. General Fencing and Gate Requirements:

- a. All private, single-family home swimming pools constructed after January 1, 1998 shall be fenced, enclosed or equipped with another safety feature as provided in Sections 115920 – 115927 of the California Health and Safety Code.
- b. Any fence, wall or gate over seven feet in height is a structure and requires a building permit prior to construction.
- c. All heights in this section shall be measured from the finished grade of site or the adjacent property, whichever is lower.

(Ord. No. 668-1-17, §25, 3/28/17)

- 4. **Screening Requirements:** Storage of materials attendant to a permitted use requiring a Site Plan Review, or Conditional Use Permit which are not specifically permitted to be stored within public view pursuant to an approved use permit, and are not completely enclosed in a structure, when located on a site abutting on or across a street or alley from an RR, R, or RM Zoning District shall be screened by a solid fence or masonry wall or compact growth of



natural plant materials not less than six feet in height, provided that no materials or equipment shall be stored to a height greater than that of the wall or fence.

5. **Landscaping:** Landscaping is not required in these zoning districts. However, all new construction and rehabilitated landscape projects installed after January 1, 2010 are subject to and shall comply with the “Model Water Efficient Landscape Ordinance”. See Article 15 of this Development Code for additional information concerning specific landscaping requirements.

C. **Signs in Residential Zoning Districts:** Signs shall be allowed in compliance with the regulations contained in Article 14, and as prescribed below in Table 5-3 below. All signs shall be located outside of the public right-of-way and shall not be located within a Traffic Safety Visibility area if over three feet in height. Unless a different setback is specified for a particular zoning district, the minimum setback distance for all signs over three feet in height shall be ten feet from property lines.

Table 5-3 SIGNS IN RESIDENTIAL ZONING DISTRICTS			
Permitted Sign Type	Maximum Number	Maximum Aggregate Sign Area	<i>Additional Regulations See Article 14</i>
Name plate for single-family uses.	1 per legal dwelling unit.	R-1 and RM - 1 sq. ft. in area RR – 2 sq.ft. in area.	See Section 1406.D.10.
Identification sign for multifamily residential uses.	1 per multi-unit use.	12 sq. ft. in area.	See Section 1406.B.
Identification signs for uses requiring SPR or CUP.	1 per use on the site.	12 sq. ft. in area	See Section 1406.B.
Identification sign for religious institutions, schools, and day care facilities.	1 per driveway.	40 sq. ft. in area.	See Section 1406.B.
On-site real estate sign pertaining to the sale, lease, rental or display of a structure or land.	1 per street frontage.	R and RM - 6 sq. ft. in area RR – 12 sq.ft. in area.	See Section 1406.D.7
Temporary subdivision signs (Large)	1 per abutting street but not more than 4 per subdivision	No Limitation	See Section 1406.C.3
Temporary subdivision signs (Small)	1 sign per new subdivision on each major community entrance route	32 sq. ft. in area	See Section 1406.C.4
Temporary advertising/ promotional signs.	1 per business.	32 sq. ft. in area.	See Section 1406.C.2
Political and other non-commercial signs.	No Restriction.	32 sq. ft. per sign	See Section 1403. See Section 1409.
Parking lot signs for parking lots	1	4 sq. ft.	See Section 1403.B.

D. **General Provisions and Exceptions:** All uses shall be subject to the general provisions and exceptions prescribed in Article 1.

E. **Protection of Solar Access:** In a residential zoning district, a structure, fence, or wall shall not be constructed or modified, and vegetation and trees may not be placed or allowed to grow, so as to obstruct the absorption area of an existing solar energy system on a neighboring parcel at any time. Solar energy systems applicable to this Section are those located within a rear yard or are roof mounted.

F. **Exterior Lighting:** Exterior lighting should be designed to be compatible with the architectural and landscape design of the project.

1. All new proposed uses shall preserve the existing nighttime environment by limiting the illumination of areas surrounding new development.
2. An appropriate hierarchy of lighting fixtures/structures and intensity should be considered when designing the lighting for the various elements of a project (i.e., building and site entrances, walkways, parking areas, or other areas of the site).



Article 7. Mixed Use Zoning Districts

Sections:

- Sec. 701 - Purpose and Objectives**
- Sec. 702 - District Designations**
- Sec. 703 - Land Use Regulations**
- Sec. 704 - Development Standards for Mixed-Use Zoning Districts**
- Sec. 705 - Additional Standards and Regulations**

Sec. 701. Purpose and Objectives: The two classes of Mixed Use (MU) Districts included in this Development Code are designed to be integrated into centralized community downtowns or community core areas to allow various mixtures of commercial and residential uses and to replace the Central Commercial land use designation in previous Zoning Ordinances. Mixed Use zoning districts are intended to allow a vertical and horizontal mix of business, office, and housing within common building structures as well as encourage private investment, revitalization of community commercial areas and visual community distinction. Standards in the Mixed Use district are intended to reduce reliance on the automobile, create pedestrian-oriented environments, and support social interaction by allowing resident to work, shop and play within walking distance to where they live.

Sec. 702. District Designations:

- A. **MU – Mixed Use District:** The Mixed Use District is intended primarily for the provision of various mixtures of commercial and residential uses along 14th Avenue north of the downtown mixed use area in Armona. In Kettleman City, the mixed use district is located along State Route 41 within the existing community.
- B. **MU-D – Downtown Mixed Use:** The Downtown Mixed Use District is made up primarily of Rural Commercial and Multifamily Residential combined zoning and is intended to increase the jobs/housing balance in the county's large unincorporated communities. The Downtown Mixed Use District is intended primarily for the provision of various mixtures of commercial and residential within the existing commercial core areas of Armona, Stratford and a newly designated commercial core in Kettleman City. Buildings more than one story are strongly encouraged.

Sec. 703. Land Use Regulations: The following table prescribes the land use regulations for Mixed Use districts. The regulations for each district are established by letter designation shown in the key of Table 7-1:

Table 7-1 MIXED USE ZONING DISTRICTS LAND USE REGULATIONS			
KEY	ZONING DISTRICT		<i>Additional Regulations and Information</i>
“P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “-” Not permitted	<i>MU</i>	<i>MU-D</i>	
Commercial Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Accessory structures located on the same site as a use requiring Site Plan Review or Conditional Use Permit.	S	S	See Article 11, Section 1101.
Arcades, including video rentals and sales.	P	P	See Note 1
Automobile parts stores.	S	S	
Automobile and truck repair Service Stations (trucks up to and including one-ton rated capacity).	C	C	See Article 25 for a list of services.



Table 7-1 MIXED USE ZONING DISTRICTS LAND USE REGULATIONS

KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “-” Not permitted	ZONING DISTRICT		<i>Additional Regulations and Information</i>
	MU	MU-D	
Commercial Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Banks and financial institutions.	P	P	See Note 1
Barbeque facilities (Open-air).	S	S	See Article 11, Section 1104.
Bars/night clubs/lounges/taverns.	S	S	
Beer gardens as an incidental use.	S	S	
Billiard and pool halls.	S	S	
Blueprint, copy and duplicating services.	P	P	See Note 1
Body piercing establishments.	S	S	
Bowling alleys.	C	-	
Brew pubs.	S	S	See Article 11, Section 1105.
Building material sales, excepting bulk storage of sand, gravel or cement.	S	-	
Catering as an incidental use to a restaurant, cafes, delicatessen or other food related use.	P	P	
Ceramic and pottery shops.	P	P	See Note 1
Child Care Facilities	S	S	
Coffee shops.	P	P	See Note 1
Convenience stores.	S	S	See Article 11, Section 1105.
Delicatessens and health food stores.	P	P	See Note 1
Donut shops.	P	P	See Note 1
Dry cleaning and laundry agencies.	S	S	
Farmers markets.	TUP	TUP	
Food lockers (no slaughtering).	S	S	
Food stores and grocery stores.	P	S	
Garden supply shops and nurseries.	S*	S	*All equipment, supplies and merchandise, other than plants, shall be kept within completely enclosed buildings or under a lathed structure, and further provided that fertilizer of any type shall be stored and sold in packaged form only.
Health and Fitness Type Uses	P	S	See list in Article 25
Household appliance sales, service & repair.	P	P	See Note 1
Hotels and motels	S	S	On 2 nd floor and above.
Ice cream and desert shops.	P	P	See Note 1
Interior decorating and design shops.	P	-	
Liquor stores.	S	S	See Article 11, Section 1105.
Locksmiths.	P	-	See Note 1
Mailbox rental, receiving and forwarding.	P	P	See Note 1
Meeting halls.	S	S*	*Located on the second floor only.
Movie theaters, theaters, auditoriums.	S	C	See Article 11, Section 1105.
Offices, Business and Professional Type Uses	P	P	See list in Article 25 and Note 1
Pawn shops.	S	-	See Article 11, Section 1118.
Personal Services Type Uses	P	P	See list in Article 25 and Note 1
Photography studios.	P	P	See Note 1



Table 7-1

MIXED USE ZONING DISTRICTS LAND USE REGULATIONS

KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “-” Not permitted	ZONING DISTRICT		<i>Additional Regulations and Information</i>
	<i>MU</i>	<i>MU-D</i>	
Commercial Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Picture framing shops.	P	P	See Note 1
Printing, graphics, lithography and engraving shops.	P	P	See Note 1
Private clubs, lodges and fraternal organizations.	C	C	Located on the second floor only.
Reading rooms.	S	-	
Religious institutions.	C	C	
Restaurants, cafes, including fast food, drive-in restaurants, outdoor cafes, buffets, coffee shops, tearooms, cafeterias, etc., with no sale of alcoholic beverages.	P*	P*	*Excluding drive-thru. See Note 1
Restaurants or similar eating establishments that sell or serve beer, wine, and/or distilled spirits which require or obtain a special ABC license # 41, 47, or 75.	S	S	
Retail Sales Type Uses	P	P	See List in Article 25 and Note 1
Secondhand and Thrift Stores.	P	-	See Note 1
Fueling stations including CNG, and electric vehicle recharge stations for commercial use.	S	S	
Storage facilities, garages, and yards	S	-	
Tattoo Parlors.	S	S	
Telecommunication dealers and services.	P	P	See Note 1
Tire sales and service.	S	-	
Travel bureaus.	P	P	See Note 1
Truck repair garages and service stations (trucks over one-ton rated capacity)	C	C	
Wedding services and supplies.	S	S	
Medical Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		<i>Additional Regulations and Information</i>
Medical/dental offices and clinics.	S	P	See Note 1
Medical and orthopedic appliance stores.	S	-	
Medical spas.	S	-	
Educational Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		<i>Additional Regulations and Information</i>
Nursery schools/preschools.	-	S	
Energy Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Active solar heating systems used to convert sunlight to heat that can be used for space heating and hot water.	P	P	



Table 7-1

MIXED USE ZONING DISTRICTS LAND USE REGULATIONS

KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “-” Not permitted	ZONING DISTRICT		<i>Additional Regulations and Information</i>
	<i>MU</i>	<i>MU-D</i>	
Energy Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Incidental Electric Vehicle (EV) recharge stations.	P	P	Incidental to designated parking spaces for electric vehicles and private recharge station for electric vehicles operated by the occupants of the property. See Article 15, Section 1511.C
Solar electrical generation equipment for non-commercial personal use.	P	P	With a design capacity to serve the electrical needs of only that site or use.
Solar photovoltaic electrical generating facilities that commercially produce power for sale, which comply with all local, regional, state, and federal regulations.	C	C	
Public and Utility Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		<i>Additional Regulations and Information</i>
Co-location of antennas and related equipment on existing towers, poles, structures or wireless telecommunications collocation facilities.	P	P	
Communications equipment buildings and public service pumping stations and/or elevated pressure tanks.	S	-	
Community centers.	C	C	May be located on the second story of a commercial use or a separate stand alone use.
Electrical distribution substations, gas regulator substations.	S	S	
Museums and art galleries.	S	S	
Public buildings including courts, fire stations, libraries, police stations, post offices.	C	C	Includes city, county, special district, state and administrative offices.
Public parks and playgrounds.	C	C	
Radio and television broadcasting studios and accessory structures.	S	-	
Residential Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		<i>Additional Regulations and Information</i>
Accessory Dwelling Unit (ADU) & Junior Accessory Dwelling Unit (JADU)	<u>P</u>	<u>P</u>	In compliance with Government Code Section 65852.2, Section 65852.22, and regulations prescribed in Article 5, Section 507
Apartments	S	S	Over or to the rear of a permitted commercial use.
Community care facilities as allowed by the Health and Safety Code	P	P	
Emergency Shelters.	C	C	See Article 11, Section 1106.
Family day care home, Small.	P	P	For 8 or fewer children.
Home Occupations, Minor.	P	P	See Article 11, Section 1102.A.
Home Occupations, Urban.	S	S	See Article 11, Section 1102.C.



Table 7-1

MIXED USE ZONING DISTRICTS LAND USE REGULATIONS

KEY “P” Permitted uses - no permit required. “S” Site Plan Review required. “C” Conditional Use Permit required. “TUP” A temporary land use which requires an over-the-counter permit “-” Not permitted	ZONING DISTRICT		<i>Additional Regulations and Information</i>
	<i>MU</i>	<i>MU-D</i>	
Residential Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		
Incidental single-family dwellings.	S	S	Located on the ground floor to the rear of a permitted commercial use.
Multifamily dwellings.	S	S	Over or to the rear of a permitted commercial use.
Household pets, such as dogs, cats, canaries and parakeets (no livestock) belonging to those living on the site.	P	P	Pets shall be maintained in compliance with public health laws and Kings County Animal Control standards.
Miscellaneous Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED		<i>Additional Regulations and Information</i>
Accessory structures located on the same site with a permitted use.	S	S	See Article 11, Section 1101.
ATMs.	P	P	
Community gardens, non-medicinal.	P	P	See Article 15, Section 1503.
Incidental uses located on the same site with a permitted use.	P	P	See Article 11, Section 1101.
Incidental uses located on the same site as a use requiring Site Plan Review or Conditional Use Permit.	S	S	See Article 11, Section 1101.
Outdoor seating incidental to restaurants, cafes, bars, beer gardens, etc.	S	S	
Parking lots with landscaping accents.	S	S	
Rain gardens.	P	P	See Article 15.
Raising of fruit/nut trees, vegetables, and horticultural specialties.	P	*	*All properties within Armona Community Plan may continue agricultural farming practices until development applications are approved by the County.
Regional produce stands.	S	S	Armona Community Plan Policy 7E.2.2.
Recycling facility; reverse vending machine.	P	P	See Article 11, Section 1115.A.
Sale of fresh fruits and vegetables.	-	P	As an accessory use.
Sheltered transit stops.	P	P	
Signs, freestanding or detached.	S	-	See Table 7-3.
Signs, wall mounted, projecting, or awning.	P	P	Permitted without a new zoning permit provided the total amount of signage allowed for the zoning district is not exceeded and the meets signage regulations. See Table 7-2.
Signs, temporary.	P	P	See Article 14 for time limits and additional information.
Small Recycling Facility	S	-	See Article 11, Section 1115.B
Vending machines including water dispensing, snacks, food, soda, and DVD type machines.	P	P	Incidental to an existing use.
Water collection.	P	P	See Article 15.



Table 7-1 Specific Limitations and Additional Requirements:

1. Only uses being established within an existing building with no increase to floor area are considered a Permitted Use. New construction or additions to an existing building require site plan review.

(Ord. No. 668-1-16, §12 and §13, 1/12/16) (Ord. No. 668-1-17, §30, §31, §32, and §33, 3/28/17)

Sec. 704. Development Standards for Mixed Use Zoning Districts: Table 7-2 below provides development standards for parcels within Mixed-Use zoning districts:

Table 7-2 DEVELOPMENT STANDARDS FOR MIXED USE ZONING DISTRICTS			
<i>Use Classifications</i>	<i>MU</i>	<i>MU-D</i>	<i>Additional Regulations and Information</i>
Site Area and Lot Standards (ft.)	All Standards Shown are Minimum Standards Unless Otherwise Stated		
Site Area per ground floor single-family dwelling unit (Square Feet).	No Limitation	No Limitation	
Site Area per ground floor multifamily dwelling unit (Square Feet).	No Limitation	No Limitation	
Site Area for all other permitted and conditional uses (Square Feet).	No Limitation	No Limitation	
Minimum width of site – Interior Lot	No Limitation	No Limitation	
Minimum width of site – Corner Lot	No Limitation	No Limitation	
Minimum depth of site – Interior Lot.	No Limitation	No Limitation	
Minimum depth of site – Corner Lot .	No Limitation	No Limitation	
Maximum area covered by commercial Structures.	No limitation provided that motor vehicle, bicycle parking and pedestrian walkway requirements are met.	No limitation provided that motor vehicle, bicycle parking and pedestrian walkway requirements are met.	
Site Coverage			
Maximum area for residential uses and/or structures.	45%(2)	45%(2)	See Note 2
Setback Requirement (ft.) (Note 1)			
Front Setback.	10	*Must abut front and street side property lines.	*Up to 30% of the a building may be recessed to accomodate pedestrian spaces such as entryways, courtyards, patios, etc.
Rear Setback	10	5*	*10 foot setback required if abutting RR, R, or RM District. See Note 6.
Side Setback	No Limitation*	No Limitation	*10 foot setback required if abutting RR, R, or RM District or use. See Note 6.
Distance Between Structures (ft.)			
Distance between commercial uses	No Limitation (3)	No Limitation (3)	See Note 3
Distance between residential use and another structure .	No Limitation (3)	No Limitation (3)	See Note 3
Height of Structures (ft.)			
All Standards Shown are Minimum Standards Unless Otherwise Stated			
Maximum height of a permitted use or its accessory structures	30(4)	30(4)	See Note 4.
Maximum height of a conditional use or its accessory structures	50(5)	50(5)	See Note 4



Height of Structures (ft.)	All Standards Shown are Minimum Standards Unless Otherwise Stated		
Maximum height of a structure in a traffic safety visibility area	3	3	See Note 5
Minimum sidewalk area			
Required width of sidewalks	As noted in each community plan.	As noted in each community plan.	See Street and Parking Design Standards in each Community Plan

Table 7-2 Specific Limitations and Additional Requirements:

1. Video and DVD type rental vending machines shall not be placed within a sidewalk area in the Mixed Use zoning districts. Such machines may be placed inside of a business or within an area outside of the sidewalk area.
2. The residential element within a mixed use development shall not exceed 45% of the square footage of gross floor area of a building(s) and/or the square footage of land area being used for residential purposes.
3. Minimum distances between structures maybe required by the fire code or building code regulations for safety and fire protection. This includes distances from structures on adjacent properties.
4. New structures in Kettleman City shall not exceed two stories in height unless adequate fire equipment is provided that can reach beyond two stories or other alternatives are found acceptable to the Kings County Fire Department.
5. Signs over 3 feet in height within a traffic safety visibility area may be permitted by Site Plan Review provided that the sign must be at least 12 feet above the ground if the sign is placed within 30 feet of a street intersection (intersecting curb lines).

[6. Attached or detached accessory dwelling units and junior accessory dwelling units must have minimum 4 foot rear and side setbacks.](#)

(Ord. No, 668-1-17, §34, 3/28/17)

Sec. 705. Additional Standards and Regulations:

A. Encroachments: Within the MU-D District, permanent structures or improvements, including but not limited to canopies, arcades, galleries, awnings, and seating, within the public right-of-way are allowed as follows:

1. An encroachment agreement will be required and the agreement will at a minimum indemnify the county harmless for and from any and all losses, claims, suits, and damages in any way arising from, relating to or connected with the property owners activities undertaken pursuant to the encroachment, the property owner will protect and restore all property, both public and private, damaged as a result of the property owners activities, and obtain and maintain liability insurance if required by the county.
2. The public right-of-way (sidewalk) may be used for outdoor seating/dining during regular business hours. The outdoor seating shall not obstruct sidewalk pedestrian traffic or create public health and safety hazards and shall be located along the building frontage of the sidewalk area.
3. Development standards are as follows:
 - a. Minimum clear distance of 4 feet for pedestrian travel.
 - b. Minimum of 2 feet between structure/improvement and curb/landscape area.
 - c. Minimum of 8 feet of vertical clear area from sidewalk to structure.



B. Off-street Parking Areas, Aisles, Access Drives, Access Lanes and Off-street Loading Facilities:

1. In addition to available on-street parking, off-street parking areas, aisles, access drives, access lanes and off-street loading facilities shall be provided on the site for each use as prescribed in Article 13, except within the MU-D District commercial/office/retail uses will provide 1 parking space for each 500 sq. ft. of net floor area.
2. Within the MU-D District a reduction in required on-site parking can be off set by an off-site parking credit. The amount of parking spaces that can be used to reduce parking requirements is based on lot frontage to which the parking spaces exist to ensure equity throughout the district. A reduction of 3 parking spaces will allowed for each 50 feet of lot frontage.
3. In the MU-D District: No off street parking is required for non-residential uses unless the use exceeds 3,000 square feet of gross floor area, in which case off-street parking shall be provided for the floor area in excess of 3,000 square feet as prescribed in Article 13.
4. Garages or other enclosed or covered parking facilities for use by residents in the Mixed Use Districts shall not be significantly visible from the public street or adjacent bikeways, sidewalks or other pedestrian amenities. Residential parking shall be clearly signed and reserved for residents.
5. **Pedestrian Friendly Design:** In Mixed-Use zoning districts, parking and vehicle drives shall be located away from building entrances, and not between building entrances and streets with pedestrian activity.

[6. Accessory dwelling units and junior accessory dwelling units shall comply with Article 5, Section 507.C.6 of the Kings County Development Code.](#)

C. Fences, Walls, Gates, Hedges, and Screening and Landscaping: In order to ensure that fences, walls, gates, hedges, and screening and landscaping do not create traffic hazards at street or road intersections, and where driveways enter streets and roads, the following standards prescribed in this article shall be required by the Zoning Administrator or County Planning Commission for all new uses and major alterations and enlargement of existing uses. These requirements are to protect public health and safety, conserve water resources, and where appropriate, insulate surrounding land uses from their impact.

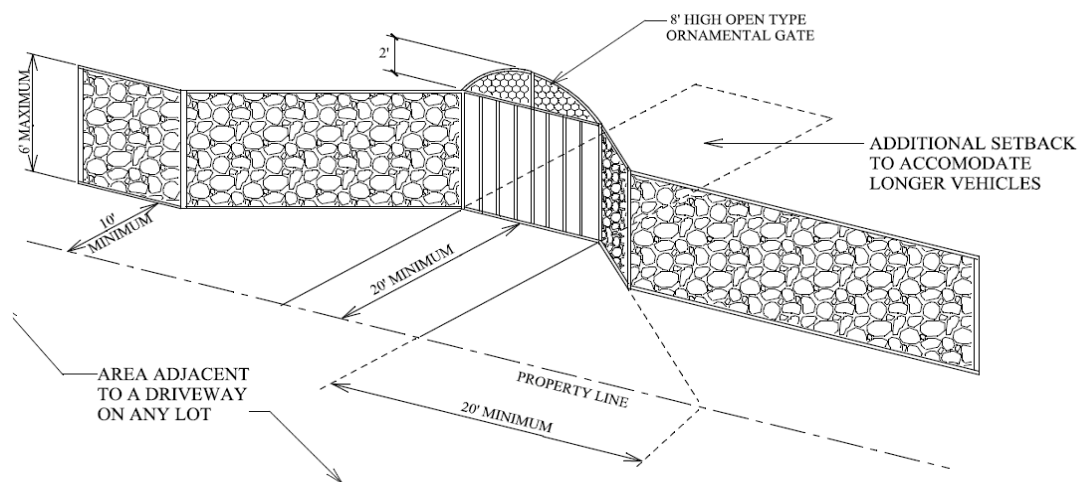
1. **Fences, Walls, and Hedges** shall be permitted as follows:
 - a. Except in the MU-D District, where a site adjoins or is located across an alley from a R-1, RM, or RR zoning district, a solid wall or fence, vine covered open fence or compact evergreen hedge six feet in height shall be located on the property line common to such districts, except in a required front yard and/or Traffic Safety Visibility Area as defined in Article 25 of this Development Code.
 - b. In all Mixed Use Districts no solid fence, wall, hedge or shrub exceeding three feet in height shall be erected, planted or maintained within a required Traffic Safety Visibility Area.
 - c. No solid fence, open-type fence, wall, or gate, shall exceed seven feet in height if located in a required front, side, or rear yard. Noise attenuation fencing that is required as a mitigation measure is not limited to seven feet, but shall not exceed the height required in the mitigation measure.
 - d. No hedge or shrub shall exceed seven feet in height if located in a required front yard.
2. **Gates** shall be permitted as follows:
 - a. Gates which are used for primary vehicular ingress and egress and which are opened and closed manually shall be setback so that the greater of the following distances are met from the property line being used for access:
 - (1) A minimum distance of 20 feet.
 - (2) A distance sufficient to ensure that vehicles used for a permitted use requiring a Site Plan Review or Conditional Use Permit are able to pull completely onto their property.



- b. Gates used for regular vehicular ingress and egress and which are opened and closed electronically with a remote control may be located within any portion of the property being used for access to a driveway provided that:
 - (1) The property owner/occupant shall obtain a building permit from the building division for the installation of the electric gate operating mechanism and wiring. The property owner/occupant must also request and obtain a final inspection for the assigned building permit and demonstrate operation of the mechanism using the remote.
 - (2) The gate must be operational at all times using a remote control device that allows the property owner/occupant to open and close the gate to enter the driveway area without exiting the vehicle.
 - (3) At any time that the gate is not operational using the remote control device the gate must either be locked in the open position or it must be removed entirely.
- c. Access gates to property which are not used for the primary vehicular ingress and egress, such as an access gate to a rear yard to allow the parking of an RV, boat or similar use or for equipment access to be used in maintenance of the property, do not require additional setback from the fence line. Secondary access gates shall have locking mechanisms accessible only from the interior side of the gate.
- d. Gates with open-type decorative or architectural features within the front or street side yards shall not exceed eight feet in height.

Figure 7-1

MINIMUM GATE SETBACKS



3. General Fencing and Gate Requirements:

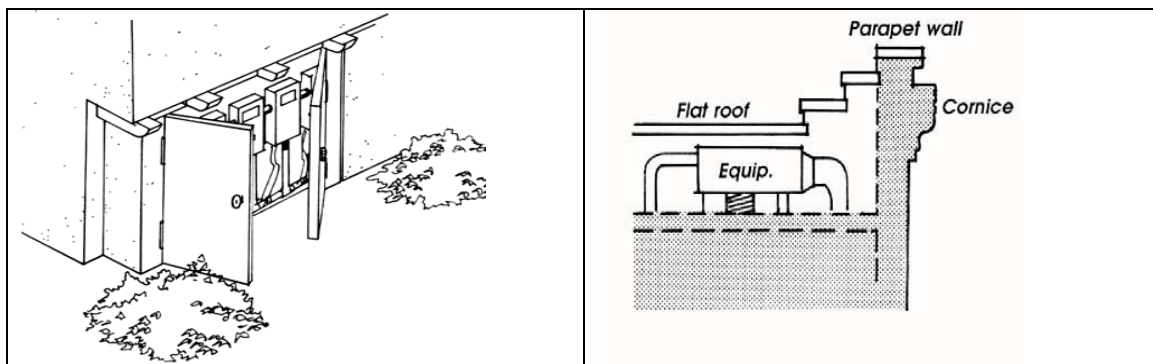
- a. Any fence or wall over seven feet in height is a structure and requires a building permit prior to construction.
- b. All heights in this Section shall be measured from the finished grade of site or the adjacent property, which ever is lower.
- c. Fences, walls, hedges, gates, walks, driveways and retaining walls may occupy any required yard or other open spaces, subject to the limitations prescribed in the district regulations.



4. Screening Requirements:

- a. Open storage of materials attendant to a permitted use or conditional use shall be permitted only within an area surrounded or screened by a solid wall or fence six feet in height, provided that no materials or equipment shall be stored to a height greater than that of the wall or fence. The requirement for a solid or screened fence may be modified or eliminated for situations where law enforcement provides comments on the zoning permit application stipulating that the street side fence be an open-type fence to allow patrol officers to ensure there are no unauthorized persons in the yard after hours.
- b. All mechanical or utility equipment, whether on the roof, ground or side of a building must be screened from view, above or below. The method of screening should be architecturally integrated with the structure in terms of materials, color, shape and size. The design of the screening should be done in concert with and as a part of the design of the building, rather than as an afterthought.
- c. Roof mounted mechanical or utility equipment must be screened. The method of screening should be architecturally integrated with the structure in terms of materials, color, shape and size. It is preferable to screen equipment with permanent solid building elements (e.g. parapet wall) instead of after-the-fact add-on screening (e.g. wood or metal slats) which are not part of the structure.
- d. Air conditioning units placed in individual windows and window transom areas are *strongly* discouraged.

Figure 7-2
Equipment Screening



5. Landscaping and Maintenance:

- a. All new urban development shall provide and maintain shade trees and other landscaping along streets and within parking areas to reduce radiation heating.
- b. All new construction and rehabilitated landscape projects installed after January 1, 2010, are subject to and shall comply with the "Model Water Efficient Landscape Ordinance." See Article 15 for additional information concerning specific landscaping requirements. See article 15 for additional requirements and information.
- c. All open and unlandscaped portions of any lot shall be maintained in good condition free from weeds, dust, trash and debris.



D. Signs in Mixed-Use Zoning Districts: Signs shall be allowed in compliance with the regulations contained in Article 14, and as prescribed below in Tables 7-3 and 7-4 below and the “Specific Limitations and Requirements” section following Table 7-3.

Table 7-3 SIGNS IN MIXED USE (MU) ZONING DISTRICT			
Permitted Sign Type	Maximum Number	Maximum aggregate sign area per use	<i>Additional Regulations See Article 14</i>
Business identification signs.	Number of signs not to exceed maximum aggregate sign area per use.	300 sq. ft total.	Only one face of a double-faced sign shall be counted in computing the permitted copy area of the sign. If the sign is multi-faced (3 or more faces), then <u>the third or subsequent faces</u> shall be counted in computing the permitted area of the sign.
Name plate for single-family uses.	1 per legal dwelling unit.	1 sq. ft.	See Section 1406.D.10. Below Cornice or roof line near main entrance.
Identification sign for multifamily residential uses.	1 per multi-unit use.	12 sq. ft.	Below Cornice or roof line flat against a wall.
Parking lot signs for multifamily residential uses.	1	4 sq. ft.	
Window signs.	No Limitation	Not calculated as part of the aggregate sign area per use.	Signs shall cover no more than 25% of a single window’s surface area.
Temporary special event signs.	1 per business.	32 sq. ft. in area.	See Section 1406.C.1.
Temporary advertising/promotional signs.	1 per business.	32 sq. ft. in area.	See Section 1406.C.2.
Temporary construction signs.	1 per street frontage.	32 sq. ft. in area.	See Section 1406.C.5.
On-site real estate sign pertaining to the sale, lease, rental or display of a structure or land.	1 per street frontage.	20 sq. ft. in area	See Section 1406.D.7.
Directional signs for off-street parking and off-street loading facilities.	2	6 sq. ft.	Illuminated or non-illuminated
Open-air barbeque facility signs.	1 “A” frame lettered on both sides or 2 single faced signs.	6 sq. ft. in area.	“A” frame sign shall not be placed in a landscape area, sidewalk or used as an off site directional sign/advertisement. Single faced signs shall be attached to mobile food preparation unit’s walls or sides.
Political and other non-commercial Signs.	No Restriction.	32 sq. ft. per sign	See Article 14, Section 1406.D.9.
Murals	No Restriction	No Restriction	Shall be non-commercial in nature.

Table 7-3 Additional Regulations:

1. No sign other than a directional sign shall project more than 24 inches into a required rear yard or required interior side yard. No sign other than a sign required by law shall project more than 12 inches into a public right-of-way. No outdoor advertising structure shall project into a public right-of-way.



2. No sign permitted by this Section shall be placed within 30 feet of a street intersection (intersecting curb lines) unless placed on a pole at least 12 feet above the ground or unless placed at a maximum height of three feet above ground.
3. No sign which faces and is located directly across the street from property situated in an R or RM District, shall be directly illuminated or flashing.
4. No red, green or amber lights or illuminated signs may be placed in such position that they could reasonably be expected to interfere with or be confused with any official traffic control device or traffic signal or official directional guide signs.

(Ord. No. 668-1-17, §35, 3/28/17)

Table 7-4 SIGNS IN THE MIXED USE-DOWNTOWN (MU-D) ZONE DISTRICT			
Type of Sign	Maximum Number	Maximum aggregate sign area per use	Requirements/Regulations
Wall mounted Sign (Primary street)	Not to exceed allowed aggregate total	1 sq. ft. of signage for each lineal foot of building frontage up to a maximum of 75 sq. ft.	Must be mounted to facade of building.
Wall mounted sign (Secondary street and/or alley)	Not to exceed allowed aggregate total	.5 sq. ft. of signage for each lineal foot of building frontage up to a maximum of 36 sq. ft.	Must be mounted to facade of building
Awning/canopy	1	9 sq. ft.	If placed on the exterior of the awning the lettering must be on the awning/canopy valance. If placed under the awning/canopy, a minimum of 8 feet of vertical clearance between sign and sidewalk must be maintained.
Projecting/Bracket	1	9 sq. ft.	Must be placed at least 8 feet above sidewalk and cannot project more than 4 feet from face of building.
Sidewalk Sign	1	6 sq. ft.	Signs cannot interfere with pedestrian travel or accessible route. Signs can only be displayed during business hours and must be removed when business is closed.
Window			Limited to a maximum of 25% of the window area

(Ord. No. 668-1-17, §36, 3/28/17)

- E. General Provisions and Exceptions:** All uses shall be subject to the general provisions and exceptions prescribed in Article 1. In addition, all permitted uses in the MU-D District must be conducted within completely enclosed buildings unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, and automated teller machines.
- F. Transit Stop Improvements:** When transit stops are existing or proposed, they shall be fully integrated into the project site and/or at the focal point of the new development whenever practical. Building entrances and pedestrian walkways shall be designed to provide safe and efficient access to nearby public transit stops. The applicant for a development on property which is near or abuts a transit stop may be required to make transit stop improvements. Improvements may include the installation of a bus pad, turnouts, benches, trash receptacles (and service), shade/shelter, security lighting, bike racks, water features, and/or landscaping. Transit Stop Improvement Standards fall under the jurisdiction of Kings Area Rural Transit (KART) and, to some extent, Kings County Public Works, and the requirement for the installation of such improvements shall be coordinated with those agencies in order to comply with established standards.
- G. Exterior Lighting:** Exterior lighting should be designed to be compatible with the architectural and landscape design of the project, so as not to cause a nuisance.



1. All new proposed uses shall preserve the existing nighttime environment by ensuring that the outdoor lighting for the use is so arranged and/or hooded as to reflect light away from adjoining properties.
2. An appropriate hierarchy of lighting fixtures/structures and intensity should be considered when designing the lighting for the various elements of a project (i.e., building and site entrances, walkways, parking areas, or other areas of the site).
3. The use of exterior lighting to accent a building's architecture is encouraged. All lighting fixtures shall be properly shielded to eliminate light and glare from impacting adjacent properties, and passing vehicles or pedestrians. If neon tubing is used to illuminate portions of a building it shall be concealed from view through the use of parapets, cornices or ledges. Small portions of exposed neon tubing may be used to add a special effect to a building's architecture but this must be integrated into the overall design of the project.
4. To achieve the desired lighting level for parking and pedestrian areas, the use of several short, low intensity fixtures is encouraged over the use of a few tall fixtures that illuminate large areas.

(Ord. No. 668-1-17, §37, 3/28/17)

H. Resource Conservation: All property owners and residents in Kings County are highly encouraged to participate in resource conservation efforts to help preserve and conserve dwindling natural resources. All new development within the County may be subject to the following requirements, as applicable, as part of their development proposals.

1. **Water Meters:** All new development within the Armona, Home Garden, Kettleman City, and Stratford Community Service District areas shall be required to install water meters to encourage water conservation.
2. **Stormwater Drainage:** All new development within the communities of Armona, Home Garden Stratford, Kettleman City, and Stratford shall integrate onsite stormwater drainage features such as small catch basins, rain gardens, and landscape depression basins into their site plans to increase the stormwater detention throughout the community.
3. **Drought Tolerant Landscaping:** All new residential and commercial development in the communities of Armona, Home Garden and Stratford shall integrate drought tolerant landscaping and conservation fixtures with the structures to reduce the average per capita water use within the community.

I. Community Design Guidelines: Recommended design guidelines for the communities of Armona, Home Garden, Kettleman City and Stratford are included in Chapters 11 through 14 of the *2035 Kings County General Plan* and include the general guidelines that are peculiar to each of the communities. Specific design guidelines for Armona, Kettleman City and Stratford are available on-line or from the Community Development Agency upon request and serve to foster the overall community identity and applicants for all new land use permits are highly encouraged to incorporate applicable guidelines and design elements into all new projects.



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Article 12. Pre-Existing Uses and Nonconforming Sites, Structures, and Uses

Sections:

- Sec. 1201 - Purpose
- Sec. 1202 - Pre-existing Structures and Uses
- Sec. 1203 - Nonconforming Sites
- Sec. 1204 - Nonconforming Structures
- Sec. 1205 - Nonconforming Uses
- Sec. 1206 - Procedure for a Change of Nonconforming Uses
- Sec. 1207 - Zoning Clearance and Building Permit
- Sec. 1208 - Lapse of a Change of Nonconforming Use
- Sec. 1209 - Extension of a Change of Nonconforming Use
- Sec. 1210 - Revocation of a Change of Nonconforming Use
- Sec. 1211 - New Application

Sec. 1201. Purpose:

- A. The specific purpose of this Article is to permit continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with all of the standards and requirements of this Development Code in a manner that does not impair public health, safety, and general welfare.
- B. Nothing in this Development Code pertaining to nonconforming structures and uses shall be construed or applied so as to require the termination, discontinuance or removal of public utility buildings, structures, equipment, and facilities, or so as to prevent the expansion, modernization, replacement, repair, maintenance, alteration, reconstruction, or rebuilding and continued use of such buildings, structures, equipment, and facilities, provided that there be no change of use nor enlargement of those areas so used.

Sec 1202. Preexisting Structures and Uses:

- A. A use previously permitted through a Special Use Permit, or a Conditional Use Permit that was established prior to enactment of this Development Code, shall be permitted to continue.
- B. Alteration or expansion of a conditional use established prior to enactment of this Development Code shall be permitted upon the granting of a new use permit. However, a new use permit shall not be required for existing accessory structures and accessory uses located on the same site as a preexisting use that is listed as a conditional use in this Development Code.
- C. A use permit shall be required for the reconstruction of a structure housing a conditional use established prior to enactment of this Development Code if the structure is destroyed by fire or other calamity or by act of God or by public enemy to a greater extent than 50 per cent.

Sec. 1203. Nonconforming Sites:

A. Use of Nonconforming Sites.

- 1. Except as otherwise provided in this Section, a site having an area, frontage, width or depth less than the minimum prescribed for the district in which the site is located may be used for any permitted use, provided that:
 - a. The site is shown on a duly approved and recorded parcel or subdivision map;



- b. A deed or valid contract of sale was of record prior to the adoption of this Development Code or amendments thereto;
 - c. The site has a legal area, frontage, width and depth at the time that the parcel or subdivision map, deed or contract of sale was recorded; and
 - d. The site complies with all other regulations for the district in which it is located.
2. Two or more adjoining vacant sites may be treated as if the sites constituted a single parcel of real property subject to all regulation for the district in which the sites are located, including minimum area, width and frontage requirements, provided that:
 - a. Each vacant site has a width or frontage less than the minimum prescribed for the district in which the sites are located; and
 - b. The sites are under common ownership as of the date of adoption of the Development Code.
 3. Notwithstanding the foregoing provisions of Paragraph 2 of this Subsection A, in the R-1-6, R-1-8 and MU Districts, sites shown on a duly approved and recorded parcel or subdivision map as having a width less than that required for such district under the provisions of this Development Code may be divided as indicated on the recorded parcel or subdivision map, provided that:
 - a. In no case shall such subdivided sites be less than 50 feet in width; and
 - b. There are no structures or improvements on the site that would require their continued combination for compliance with the provisions of this Development Code or other development regulations of the county.
 4. For the purpose of this Section, the term “vacant site” shall mean that the site is not developed with a building or structure for which a permit has been issued pursuant to the provisions of Chapter 5 of the Kings County Code of Ordinances.

B. Adjustment of Nonconforming Sites, Site Area.

1. The property line(s) between two or more contiguous parcels, where at least one of the parcels contain less than the minimum parcel area required for that zoning district, may be adjusted so that territory may be transferred between parcels if all of the following findings can be made by the Kings County Advisory Agency for subdivisions and parcel maps:
 - a. No additional nonconforming parcels will result from the adjustment.
 - b. Where individual water supply or individual sewage waste disposal systems are to be utilized on the sites, the smallest parcel shall not be diminished to less than one acre in area.
 - c. No other health or safety problems are likely to occur from the transfer.
 - d. The transfer of the territory from one parcel to another parcel is accomplished pursuant to Article 23 of this Development Code and the Subdivision Map Act (beginning at Section 66410 of the California Government Code).
 - e. If one or more of the parcels are within an agricultural preserve and subject to a *California Land Conservation (Williamson) Act of 1965* contract, the resulting restricted parcels will still comply with the provisions of the Williamson Act or Farmland Security Zone contract.



Sec. 1204. Nonconforming Structures:

A. Nonconforming Structures.

1. A nonconforming structure is a structure which was lawfully erected prior to the adoption of this Development Code but which, under this Development Code, does not conform with the development standards of the zoning in which the structure is located. While permitting the use and maintenance of nonconforming structures, this Section is intended to limit the number and extent and duration of nonconforming nonresidential structures and to encourage their gradual elimination by:
 - a. Prohibiting their being moved, altered or enlarged so as to increase the discrepancy between existing conditions and the standards prescribed in this Development Code; and
 - b. Prohibiting their restoration after destruction. Residential structures which are located in a Commercial or Industrial zoning district as a result of a zoning district boundary change may be reconstructed if damaged or destroyed as detailed in Subsection B below.
2. **Continuation and Maintenance:**
 - a. A structure lawfully occupying a site on the effective date of this Development Code or of amendments thereto which does not conform with the standards prescribed in the regulations for the District in which the structure is located relating to coverage, front yard, side yards, rear yard, height of structures or distances between structures shall be deemed to be a nonconforming structure and may be used and maintained as provided in this Section.
 - b. Legal nonconforming structures may be continued and maintained in compliance with the requirements of this article unless deemed to be a public nuisance because of health or safety conditions.
 - c. Routine maintenance and repairs may be performed on a nonconforming structure, a structure containing a nonconforming use, or on a nonconforming site.
3. **Alterations and Additions to Nonconforming Structures:**
 - a. Alterations and additions to nonconforming structures shall be permitted, provided that there is no increase in the inconsistency with current standards of coverage, front yard, side yards, rear yard, height of structures or distances between structures as established in the relevant zoning district regulations.
 - b. A structure housing a nonconforming residential use may be moved, altered or enlarged, provided that the number of dwelling units ~~are~~ ~~is~~ not increased [in excess of Government Code Sections 65852.2 & 65852.22](#).
4. **Restoration of a Damaged Structure:**
 - a. Whenever a nonconforming structure or a structure housing a nonconforming use is destroyed by fire or other calamity, or by an act of God or by the public enemy to the extent of 50% or less, the structure may be restored and the nonconforming use may be resumed, provided that restoration is started within 12 months of destruction of the structure and is diligently pursued to completion.
 - b. Whenever a nonconforming structure or a structure housing a nonconforming use is:
 - (1) Destroyed by fire or other calamity, or by act of God or by the public enemy to a greater extent than 50%, or
 - (2) Voluntarily demolished, or
 - (3) Required by law to be demolished, the structure shall not be restored except in full conformity with the regulations for the district in which it is located, and the nonconforming use shall not be resumed.
 - c. For the purposes of this Subsection, the extent of damage to any structure shall be determined by the Building Official.



B. Nonconforming Residential Structures in a Commercial or Industrial Zoning District.

1. For the purposes of reconstruction, previously approved single or multifamily residential structures shall not be considered nonconforming due to:
 - a. An amendment to this Development Code which changes the zoning to Commercial or Industrial zoning, or
 - b. The taking or dedication of additional street right-of-way which changes the standards of coverage, front yard setbacks, side yard setbacks, rear yard setbacks or distances between structures prescribed by this Development Code for the district in which the structure is located.
2. If a single or multifamily residential structure in a Commercial or Industrial zoning district is destroyed by fire or other calamity, or by act of God or by the public enemy to a greater extent than 50%, or shall be required by law to be demolished, the structure may be reconstructed provided that:
 - a. The structure was legally established in the appropriate zoning district in compliance with the Zoning Ordinance or Development Code in place at the time of construction.
 - b. The single-family residence was legally occupied by the owner of the property at the time of the demolition. A single-family residence used as a rental unit shall not be reconstructed in the Commercial or Industrial zoning district.
 - c. The number and size of the off-street parking spaces located on the property before the disaster shall not be diminished.
3. The property owner has nine months from the date of destruction to apply for building permits for any new single or multifamily residential structure and three months from the date of issuance of the building permit to begin construction. If the permit is not secured within the time limit specified, the use shall be considered discontinued and abandoned.

(Ord. No. 668-1-17, §56, 3/28/17)

Sec. 1205. Nonconforming Uses:

A. Nonconforming Uses

1. A nonconforming use is a use of a structure or land which was lawfully established and maintained prior to the adoption of this Development Code but which, under this Development Code, does not conform to the use regulations for the district in which it is located.
2. This Section is intended to limit the number, extent, and duration of nonconforming uses and to encourage their gradual elimination by prohibiting their enlargement and their re-establishment after abandonment and by prohibiting the alteration of the structure they occupy and their restoration after destruction.

B. Continuation and Maintenance:

1. A use lawfully occupying a structure or a site on the effective date of this Development Code or of amendments thereto which does not conform with the use regulations for the district in which the use is located shall be deemed to be a nonconforming use and may be continued, as provided in this Section.
2. **Alterations and Additions to Nonconforming Uses:** No nonconforming use, except that of a nonconforming residential use, shall be enlarged or extended.

C. Abandonment of a Nonconforming Use: Whenever a nonconforming use has been abandoned, discontinued or changed to conforming use for a continuous period of 180 days or more, the nonconforming use shall not be re-established and the use of the structure or site thereafter shall be in conformity with the regulations for the district in which it is located.



Sec. 1206. Procedure for a Change of Nonconforming Use: Except as otherwise prescribed in this Section, the nonconforming use of a structure or site may be changed to another nonconforming use provided that the change of use is approved by the Planning Commission in accord with the following procedure:

A. **Application:** Application for a change of nonconforming use shall be made to the Planning Commission (“Commission”) on the “Uniform Application Form” and shall include all applicable information, including a site plan drawing, as well as a statement of the precise nature of the existing or preexisting nonconforming use and the proposed nonconforming use. Any other data pertinent to the finding prerequisite to the granting of an application prescribed in Paragraph 3 of this Section shall also be included.

1. The application shall be filed with the Zoning Administrator, who shall give notice to the applicant and the property owner of the time when the application will be considered by the Planning Commission and may give notice of the time to any other interested party.
2. The Zoning Administrator shall make an investigation of the application and shall prepare a report which shall be submitted to the Commission. The report shall include the results of the investigation pertaining to the conformance of the structure for the proposed use.

B. **Public Hearing Notice:**

1. The Planning Commission shall hold a public hearing on each application for a change of nonconforming use. Such hearing shall be held within 45 days of the date when the application is complete.
2. Notice of the public hearing shall be given as set forth in Section 1903.

C. **Public Hearing Procedure:** At the public hearing, the Commission shall review the application, the statement, and drawing submitted therewith, and the report of the Zoning Administrator and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained. After considering all of the evidence presented, the Commission shall grant the permit upon making all of the relevant findings prescribed in Section 1708 of this Development Code for issuing a Conditional Use Permit.

D. **Action of the Planning Commission:**

1. The Commission may grant an application for a change of use if, on the basis of the application and the evidence submitted, the Commission makes the following findings:
 - a. That the proposed use is classified in a more restricted category than the existing or preexisting use by the district regulations of this Development Code. The classification of a nonconforming use shall be determined on the basis of the district in which it is first permitted, provided that a conditional use shall be deemed to be in a less restricted category than a permitted use in the same district.
 - b. That the proposed use will not more adversely affect the character of the district in which it is proposed to be located than the existing or preexisting use.
 - c. That the proposed use will not create more vehicular or rail traffic than the volumes created by the existing or pre-existing use.
 - d. That the proposed use will not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness or any other objectionable influence than the amounts created by the existing or pre-existing use.
 - e. That the proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
2. The Commission may grant an application for a change of use for a limited time period or subject to such conditions as the Commission may prescribe. An approved change in nonconforming use shall be indicated on the Zoning map by a number located on the site of the conditional use.



3. The Commission may deny an application for a change of use.
 4. Following the date of denial of an application for a change of use or revocation of an action of the Planning Commission granting an application, no application for the same or substantially the same use on the same or substantially the same structure or site shall be filed within six months of denial on the application or revocation of the action of the Commission.
- E. **Notice of Commission Action:** Within five days of the Commission decision, a record of the action taken shall be submitted to the Clerk of the Board of Supervisors and to the applicant.
- F. **Review by Board of Supervisors (“Board”):**
1. Within eight days following the date of a decision by the Planning Commission on a change of nonconforming use or on an application for extension of a change of nonconforming use, or on the revocation of a change of nonconforming use, the Board of Supervisors (“Board”), on its own motion, may initiate proceedings to review the decision of the Commission. The Board shall specify its reasons for reviewing the Planning Commission’s decision.
 2. The Clerk of the Board shall give notice of the time and place when the decision of the Planning Commission will be reviewed by the Board of Supervisors. Notice will be given in the same manner as provided in Section 1903 of this Development Code for notice of hearing on appeal, except that where the review is of a decision of the Commission concerning the revocation of a change of nonconforming use, and in that case, notice shall be required to be given only to the permit holder of the use permit.
- G. **Appeals:** The applicant or any other directly affected person or party may appeal the decision of the Planning Commission in writing, setting forth his or her reason for such appeal:
1. **Appeal to the Board of Supervisors.** Within eight days following the date of a decision of the Planning Commission on a change of nonconforming use application or an application for extension of change of nonconforming use, the Board.
 - a. The appeal shall be filed with the Community Development Agency which will date stamp the appeal form and then forward the original appeal form to the Clerk of the Board of Supervisors.
 - b. The appeal shall be accompanied by a fee set by the Board of Supervisors sufficient to cover the cost of processing the appeal and providing notice as prescribed in this article.
 - c. The appeal shall be placed on the agenda of the Board's first regular meeting after the Commission’s decision which allows noticing requirements to be met.
 - d. The appeal of a decision of the Planning Commission is limited to the issues and evidence submitted to the Commission during the original public comment period and public hearing. Only those issues reviewed by the Commission in their decision may be appealed to the Board. New issues raised, and evidence submitted, after the close of the Commission’s public hearing shall not be considered by the Board for an appeal.
 - e. Within five days after the filing of an appeal from a decision of the Commission on a change of nonconforming use application, the Zoning Administrator shall transmit to the Clerk of the Board the change of nonconforming use application, the site plan drawing and all other data filed therewith, the minutes of the public hearing, if any, the report of the Zoning Administrator, the findings of the Commission and their decision on the application.
 - f. Where an appeal is from a decision of the Commission on an application for a extension of a change of nonconforming use application, the Zoning Administrator shall transmit to the Clerk of the Board within five days after the filing of an appeal, in addition to the above, the application for extension, the report of the Zoning Administrator on the extension application, the minutes of the public hearing, if any, and the findings and the decision of the Commission on the extension application.
 2. Notice of the appeal hearing shall be given as set forth in Section 1903.



3. An appeal may be withdrawn before the time that the review authority issues a decision. The applicant or the applicant's representative shall notify the Community Development Agency in writing that they wish to withdraw the appeal.
4. No person shall seek judicial review of a County decision on a planning permit or other matter in compliance with this Development Code until all appeals to the Commission and Board have been first exhausted in compliance with this this Development Code.

H. Action by the Board of Supervisors: When a decision of the Planning Commission on a change of nonconforming use application or an application for extension of a change of nonconforming use, or on the revocation of a change of nonconforming use is brought before the Board of Supervisors, either on appeal or on its own motion:

1. The Board may affirm, reverse or modify the decision of the Commission.
2. The Board may not reverse or modify a decision of the Commission granting or denying an application for a change of nonconforming use or an application for an extension of a change of nonconforming use unless the Board, on the basis of the record transmitted by the Zoning Administrator, is able to make the findings prerequisite to the granting of a change of nonconforming use, as prescribed and set forth in Section 1206., above.
3. A change of nonconforming use application, or an application for extension of a change of nonconforming use, or revocation of a change of nonconforming use which has been the subject of an appeal to the Board, shall become effective within three days of the Board's decision.
4. The Clerk of the Board of Supervisors shall within three days after the date of the decision of the Board, give written notice of the decision, by mail, to the applicant and/or appellant (if the applicant is not the appellant) and to the Planning Division of the Community Development Agency.

Sec. 1207. Zoning Clearance and Building Permit: Before a building permit shall be issued for any building or structure proposed as part of the approved conditional use application, the Zoning Administrator shall certify, through the zoning clearance process in Section 1607 of this Development Code, that the building location is in conformity with the site plan and conditions approved by the Zoning Administrator, the Commission or the Board.

Sec. 1208. Lapse of a Change of Nonconforming Use: A change of nonconforming use shall lapse and shall become void 180 days following the date on which the permit became effective unless by conditions of the permit a greater or lesser time is allowed as prescribed in Section 1205., above, or unless prior to the expiration of 180 days, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site which was the subject of the change of nonconforming use application.

Sec. 1209. Extension of a Change of Nonconforming Use:

- A. A change in nonconforming use which has been granted may be extended for an additional period of 180 days provided that prior to the expiration of 180 days from the date when the permit originally became effective, an application for extension of the permit is filed with the county Planning Commission. An application for extension of a change of nonconforming use shall be filed and processed in the manner set forth in Section 1206 above which governs the filing and processing of applications for changes of nonconforming uses. The Commission may grant an application for extension of a change of nonconforming use if it is able to make the findings prerequisite to the granting of a change of nonconforming use application as prescribed and set forth in Section 1206., above. The application for extension of change of nonconforming use shall be denied if such findings cannot be made.
- B. Within eight days following the date of a decision of the Commission on an application for extension of a change of nonconforming use, the decision may be appealed to the Board of Supervisors. If no appeal is filed within said eight-day period and if the Board within said eight-day period does not initiate proceedings to review the decision of the Commission as provided in Section 1206.F.1, the decision of the Commission shall be final and conclusive.

Sec. 1210. Revocation of a Change of Nonconforming Use: When any applicable provision of this Development Code or when any condition or conditions of a change of nonconforming use have not been complied with, the



Zoning Administrator shall notify the holder of the permit and shall give said person a reasonable period of time within which to comply with said Development Code or condition or conditions. If the holder of the permit fails to comply with the Development Code or with said condition or conditions within such period of time, the Zoning Administrator shall submit a report to the Planning Commission and the Commission shall on its own motion give written notice to the holder of the permit that a hearing will be held by the Commission on the matter of the revocation of the change of nonconforming use.

- A. Notice of said hearing shall be given not less than 10 days nor more than 30 days prior to the date of the hearing by either personal service of a copy of said notice on holder of the permit or by sending a copy of the notice by certified or registered mail, return receipt requested, to said holder of the permit. The notice shall state the reason or reasons why action is being taken for revocation of the permit.
- B. At said hearing the Commission shall hear all relevant testimony concerning the change of nonconforming use and the provisions of the Development Code which allegedly have not been complied with and the condition or conditions which were imposed. If the Commission finds that any of the applicable provisions of the Development Code have not been complied with or that the condition or any of the conditions imposed have not been complied with, then the change of nonconforming use shall be revoked.
- C. If the Commission revokes the nonconforming use:
 1. The use shall be automatically and immediately suspended.
 2. The holder of such permit may within eight days following the date of the decision of the Commission, appeal the decision to the Board of Supervisors.
 3. If an appeal is filed or if the Board initiates a review of the decision to revoke the permit, the suspension shall remain in effect during the course of appeal or review.
 4. If within said eight days, no appeal is filed and the Board does not initiate proceedings to review the decision of the Commission as provided in Section 1206.F.1, above, the decision of the Commission shall be final and conclusive.
- D. The appeal shall be filed with the clerk of the Board of Supervisors and shall state specifically wherein it is claimed that there was an error or abuse of discretion by the Commission or wherein the decision is not supported by the evidence in the record. Appeals must be based on evidence in the record.
- E. Within five days after the filing of an appeal, the Zoning Administrator shall transmit to the Clerk of the Board the change of nonconforming use application, the minutes of the public hearing on the application, if any, the report of the Zoning Administrator, the findings and decision of the Commission, the report of the Zoning Administrator on the failure of the appellant to comply with the provisions of the Development Code or with the condition or conditions of the permit, the minutes of the hearing on the matter of revocation and the findings and decision of the Commission on the matter of revocation of the use permit.
- F. Notice of the hearing of the appeal shall be given by the Clerk of the Board not less than 10 days prior to the time when the appeal will be considered by the Board, by mailing, postage prepaid, a notice of the time and place of the hearing, to the appellant.

Sec. 1211. New Application: Following the denial of a change of nonconforming use application or the revocation of a change of nonconforming use, no application for a permit for the same or substantially the same change of nonconforming use on the same or substantially the same site shall be filed within 12 months from the date of denial or revocation of the permit.



Article 25. Definitions

Sections:

Sec. 2501 - Definitions

Sec. 2501. Definitions. This article defines terms and phrases used in this Development Code that are technical or specialized, or which may not reflect common usage. If any of the definitions in this article conflict with others in the *Kings County Code of Ordinances*, these definitions shall control only for the provisions of this Development Code. If a word is not defined in this article or in provisions of the Development Code, the Zoning Administrator shall determine the appropriate definition. Additional definitions which are unique to land subdivisions are contained in Article 23 of this Development Code for ease of use. Note: If the context suggests that a term or phrase used in this Development Code is intended to have a meaning different from the meaning provided in this Article, the construction of the term or phrase that best promotes the objects and achieves the purposes of this Development Code shall control.

Abandoned Use: A business or other use which has discontinued operations and/or vacated the site, or abandoned the use, for more than six months. (NOTE: *Dairies, dairy calf and heifer raising facilities, animal sales and stock feeding yards, or poultry keeping and raising operations located within AG-20, AG-40, AX and AL-10 zoning districts may discontinue operations for a period of time not to exceed two years and reactivate operations at the same herd or flock size and in the same facility without first obtaining a new Conditional Use Permit or Site Plan Review. See Article 4, Section 414.B of this Development Code*).

Access Drive: A private road or way, which provides durable, dustless access from a public road or way to a structure or site. (See *Kings County Improvement Standards*)

Access Lane: An access road to one or more parcels. (See *Kings County Improvement Standards*).

Accessory Dwelling Unit (ADU): Means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons [and is located on a lot with a proposed or existing primary residence](#). It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family [or multifamily](#) dwelling is [or will be](#) situated. In a single-family or multifamily residential zoning district an accessory unit may also include the following:

- a. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.
- b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

[An ADU has the following types of variations:](#)

1. [Detached: The unit is separated from the primary residence](#)
2. [Attached: The unit is attached to the primary residence](#)
3. [Converted Existing Space: Space \(ex: accessory structure\) on the lot of the primary residence that is converted into an independent living unit.](#)
4. [Junior Accessory Dwelling Unit \(JADU\): A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.](#)

(Ord. No. 668-1-17, §63, 3/28/17)

Accessory Kitchen: An additional kitchen either attached or detached to the primary dwelling that is not associated with a second dwelling unit and is used for entertaining, for hobby purposes, or as part of a home occupation.

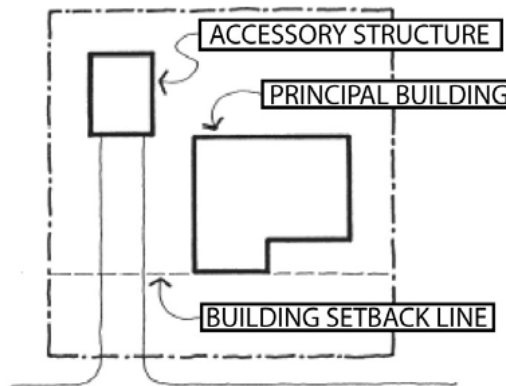


Accessory Living Quarters: Living or sleeping quarters within an accessory building for the sole use of occupants of the premises or persons employed on the premises. Such quarters shall have no kitchen facilities and shall not be rented. Occasional short term visitors and guests of any permanent occupant of the premises may occasionally occupy accessory living quarters.

Accessory Structure or Building: A structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure or use. Physically detached means independent of any type of substantial connection with the primary structure. A substantial connection means having a continuous connecting roof. For the purposes of this Development Code, typical accessory structures include: (@ - Denotes agricultural use only)

Table 25-1		Accessory Structures
Accessory living quarters	Other open air enclosures	Guest house
@Barns	Patio covers, detached	Hobby shops
@Basic animal shade structures	Recreation rooms	Hot tubs and spas
Carports	@ Silos	@ Wind Machines
Coops	@ Stables	@ Wind Mills
@ Farm Offices	Storage sheds	Workshops
Garages, detached private	@ Storage tanks (Excluding residential propane tanks)	Greenhouses
Garden structures	@ Storehouses	@ Tank houses
Gazebos	Swimming pools	
@ Other farm outbuildings that have been declared agriculturally exempt projects by Chapter 5 of the <i>Kings County Code of Ordinances</i> .		

Figure 25-1
Accessory Structure



Accessory Use: See “Incidental Use”

Adaptive Reuse: The process of adapting old structures for new purposes with the intent of preserving the original structure when the former function of the building ceases or becomes obsolete.

Agent: A person who is authorized to act for, or in the place of, the applicant or property owner.

Agricultural Operation: Shall include, but not be limited to, a commercial endeavor using normal, usual, customary, and legal practices for the cultivation and tillage of the soil during the production, irrigation and frost protection, growing, harvesting and processing of any agricultural commodity, including viticulture, hydroponics, horticulture, timber, apiculture, aqua-culture; dairy operations; the raising of livestock, fur-bearing animals, fish farming, poultry raising or keeping; and any commercial agricultural practices performed by any farmer on land that farmer owns or currently leases or rents that is incidental to or in conjunction with such farming operations including preparation for market, delivery to storage or to market, or to carriers for transportation to market.



Agricultural Produce Processing and Shipping Facility: Processing plants and facilities for food, feed, and fiber, which convert raw agricultural produce that is grown or raised on farmland to a ready-for-market condition by canning, bottling, cooking, mixing, combining, cutting, crushing, packing, packaging, or some other form of processing, excluding the processing for fuel. Examples of this use include canneries, wineries, slaughterhouses and other similar facilities. Shipping facilities move processed goods to another location such as a warehouse, wholesale facility, or retail facility.

Agricultural Service Establishment: Agricultural service establishments are businesses that don't directly result in the production of a crop but are directly related to agriculture and primarily engage in performing agricultural, animal husbandry or horticultural services for the grower on a fee or contract basis. Examples of this use include harvesting of crops, picking, sorting, shelling, or packing of fruits, nuts, vegetables or other produce, seed cleaning and storage, and agricultural trucking operations moving raw goods from the field to a processing facility. Agricultural service establishments do not include the processing of agricultural products, manufacturing of agricultural products, or providing tangible goods except those sold directly to farmers and used specifically to aid in production of livestock or crops.

Agricultural Worker: See "Farm Employee".

Aircraft Landing Strip: An area of land that is used or intended to be used for the landing and takeoff of aircraft of 12,500 pounds or less, maximum certified take-off weight.

Alcohol Beverage Sales - Off-site: The sale of beer and wine (off-sale beer and wine) or of all types of alcoholic beverages, including beer and wine (off-sale general), in their original, sealed containers for consumption off the premises.

Alcohol Beverage Sales - On-site: The sale of beer and wine (on-sale beer and wine) or of all types of alcoholic beverages, including beer and wine (on-sale general), for consumption on the premises.

Alley: A public way permanently dedicated or reserved as a secondary means of access to abutting property.

Alter: To make any change in the supporting or load-bearing members of a building, such as bearing walls, columns, beams, girders or floor joists, which will prolong the life of the structure.

Animal Hospital: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use, and within an enclosed sound-proof structure.

Animal Rescue Shelter: An activity operating as a tax exempt entity under the provisions of 26 USC Section 501(c)(3) for the purpose of providing care and placement for stray dogs and cats as an alternative to euthanasia.

Animal Unit: One mature horse or cow or as many animals as consume an equivalent amount of feed as a mature horse or cow. Some animal equivalents are shown in Table 25-1 below:

Table 25-2 Animal Unit Equivalency				
Type of Animal	Age	Average weight (lb.)	Average lb. TDN/day)	Animal Unit*(AU)
Beef Cattle:				
Beef cow	Mature			1.00
Cows - nursing part of yr.	2+ years old	1,000	13.2	1.00
Bulls	2+ years old	1,200	13.2	1.00
Yearling steers, bulls, heifers	1 – 2 years old	627	9.9	0.75
Calves and weaners	3 mo.-1 year old	354	6.6	0.35
Steers 2 yrs. and older	2+ years old	930	13.2	1.00
Dairy Cows: Multiply Dairy Cow Breed Factor (i.e., Jersey 1.0, Guernsey 1.2, and Holstein 1.4) by Animal Units.				
Milking Cows				1.00
Dry dairy cows & bred heifers				0.80
Bulls	Mature	1,200	13.2	1.00
Heifers	1 year-breeding			0.73
Calves	3 mo.-1 year old			0.35
Baby Calves	less than 3 mo.old			0.21
Bulls	3 mo.-1 yr. old			0.40
Table 25-2 Animal Unit Equivalency				



<i>Type of Animal</i>	<i>Age</i>	<i>Average weight (lb.)</i>	<i>Average lb. TDN/day</i>	<i>Animal Unit*(AU)</i>
Goats and sheep:				
Sheep	Mature	175		0.20
Goats	Mature	160		0.20
Rams	Adult	300		0.35
Bucks	Adult	250		0.25
Lambs and kids		80		0.15
Hogs:				
Sows and boars	Mature			0.50
Piglets or weaners				0.10
Piglets or weaners				0.25
Horse	Mature			1.00

Apartment: A room or set of rooms with housekeeping facilities leased as a dwelling unit.

Apartment House: A building or portion thereof, that is designed, built, rented, leased, let or hired out to be occupied, or that is occupied as a home or residence of two or more households living independently of each other and doing their own cooking in an independent unit of said building.

Apartment Hotel: A combined multiple dwelling and hotel which contains both individual guest rooms and dwelling units.

Apiary: A collection of bee hives or colonies of bees kept for their honey.

Applicant: Owner(s) of property who seek(s) to obtain a permit or other land use approval or a change in a land use regulation. As used in this definition, the term “owner” includes a title owner, lessee, person who has contracted to purchase property contingent upon their ability to acquire the necessary permits under this Development Code, or the authorized agent of such persons.

Automobile and Truck Repair Service Stations: An establishment which provides minor and or major vehicle maintenance of vehicles up to and including one-ton rated capacity:

- a. Retail sale of oil, tires, batteries and new accessories
- b. Vehicle washing, including mechanical car wash or steam cleaning
- c. Incidental waxing and polishing
- d. Tire changing and repairing, but not including recapping
- e. Battery service, charging and replacement, but not including repair or rebuilding
- f. Radiator cleaning and flushing
- g. Installation of minor accessories
- h. Lubrication of motor vehicles
- i. Brake adjustment, replacement of brake cylinders, brake fluid lines and brake shoes
- j. The testing, adjustment and replacement of motors or motor parts and accessories
- k. Vehicle interior components and or parts
- l. Vehicle body repair
- m. Vehicle glass replacement
- n. SMOG testing and reporting

Automobile Wrecking Yard: See “Motor Vehicle Wrecking Yard”

Automated Teller Machines (ATM): Computerized, self-service machines used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations.

Aviary: Any place where more than 15 domestic and/or non-domestic birds are kept outside.

Avigation Easement: A conveyance of airspace over another property for use by the airport. It is used to secure airspace for airport and runway approach protection and for noise compatibility programs.

Bar: An establishment primarily devoted to the serving of alcoholic beverages and in which the food service, if provided, is only incidental to the consumption of such beverages.



Base Zone: The primary zoning, as distinguished from an overlay zone, that applies to a parcel of land as shown on the zoning map. See “Zoning District”.

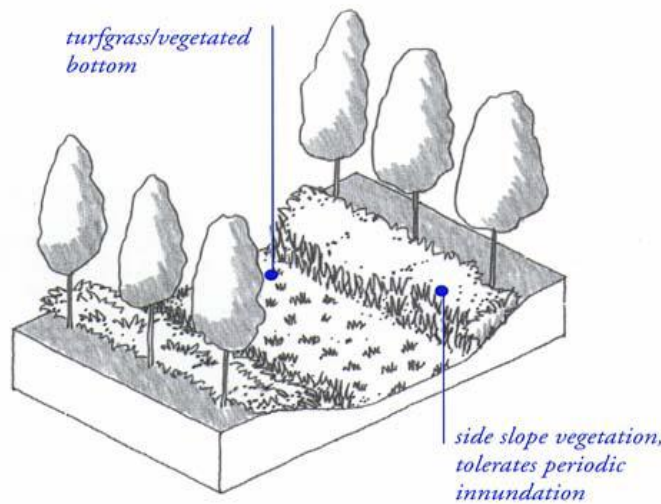
Basic Animal Shade Structure: An open-sided structure erected within an existing corral on an existing dairy or other existing confined animal feeding facility which is simply intended to shield animals from the sun. Such structures shall not include feed lanes, shall not be intended for human habitation, and shall not cover areas in which humans perform work or other functions. The property owner shall obtain an agricultural exemption and building permit prior to construction.

Billboard: Shall mean the same as "Outdoor Advertising Structure".

Biomass Energy: Biomass power comes from plants - crop and forest residues, corn kernels and stalks, energy crops, perennial grasses, and fast-growing trees like poplars, to name a few. It can be used to make liquid biofuels that serve as alternatives to oil, or to produce heat or electricity to power our homes.

Bioswale: Storm water runoff conveyance systems that provide an alternative to storm sewers. They can absorb low flows or carry runoff from heavy rains to storm water inlets or directly to surface waters. Bioswales or vegetated swales improve water quality by infiltrating the first flush of storm water runoff and filtering the large storm flows they convey.

Figure 25-2
Bioswale/Vegetated Swale



Boarding or Rooming House: A residence/dwelling, other than a hotel/motel/long-term stay, wherein a room or rooms, with or without individual or group cooking facilities, are rented to five or more individuals under separate rental agreements or leases. The rental agreement may be either written or oral, or implied. The owner, owner’s agent, representative or manager, or family may or may not live in residence. The definition does not include assisted living facility where medical services are involved or group housing or homes.

Body Piercing: The creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, piercing of an ear, lip, tongue, nose, naval or eyebrow. Body piercing does not include piercing an ear with a disposable single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear a method commonly used in jewelry and department stores to pierce ears.

Bond: A performance and/or payment bond in favor of Kings County provided at the expense of a project applicant to cover any exposure to potential extraordinary costs and require an applicant to reimburse the County for, and to provide the County indemnification against, extraordinary costs associated with the review and processing of an application and the administrative and legal defense of the County’s actions. (See Article 1, Section 112.)

Borrow Pit: Excavations created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster shall not be included.



Brewpub: A restaurant with a microbrewery as an accessory use where the beer it produces is sold in draft form exclusively at its own premises. This operation may sell other supplier's beer, including other hand - crafted or micro - brewed beers as well as wine to patrons for consumption on its premises. The premises is defined as a "bona fide public eating place" by the State of California Department of Alcoholic Beverage Control. Off-sale of alcoholic beverages shall be limited to beers brewed on-site.

Buffer: A strip of land established to separate incompatible or different land uses. Normally a buffer area is landscaped and retained as open space. The term may be used more broadly to describe any area or use that separates two unlike land uses, such as the use of multifamily housing between single-family housing and commercial uses. Buffers are also used to shield or block noise, light, glare, or visual or other conditions, or to reduce air pollution, dust, dirt, and litter.

Building:

- a. A permanently located structure, having a roof, for the housing or enclosure of persons, chattels or property of any kind.
- b. Mobile homes, unless permanently immobilized in accordance with state and county regulations, and other vehicles, shall not be deemed to be buildings.
- c. Any structure used for or intended for supporting or sheltering any use or occupancy.

Building Area: The sum in square feet of the ground areas occupied by all buildings and structures on a lot.

Building Frontage: See definition under "Additional Signage Terms" under the definition of "Sign" below.

Building Height: The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the structure, exclusive of chimneys, ventilators and aerials.

Building, Main: A building within which is conducted the principal use permitted on the lot or site as provided by this Development Code.

Building Setback Line: The minimum distance as prescribed by this Development Code between any property line and the closest point of the foundation or any supporting post or pillar of any building or structure related thereto.

Building Site: The ground area of one or more lots, as defined herein, when used in combination for a building or permitted group of buildings together with all open spaces as required by this Development Code.

California Environmental Quality Act (CEQA): See Public Resources Code section 21000, *et seq.* and corresponding regulations found at California Administrative Code, title 14, section 15000, *et seq.*

California Redemption Value: A fee paid at time of purchase on sales of certain recyclable beverage containers in California which is redeemed through recycling of the containers.

Camp: A site or portion of a site which is used or intended to be used for temporary occupancy by persons living in tents, trailer coaches or similar quarters; excepting a labor camp, farm employee housing and a recreational vehicle park as defined in this Section. Such camp may be publicly or privately owned and operated.

Carport: An accessory structure or portion of a main structure open on two or more sides designed for the sheltering or storage of motor vehicles, without full enclosure.

Caretaker: A person residing on the premises of an employer to assume the responsibility for the repair, maintenance, supervision or security of the real or personal property of the employer which is located on the same or contiguous lots or parcels of land.

Caretaker Quarters: A residence that is accessory to a nonresidential primary use of the site, where needed for security, or 24-hour care or supervision.



Cemetery: Land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

Certificate of Occupancy: A certificate issued by the Building Official prior to the occupancy of a structure to assure that the structure is ready for occupancy with all defects corrected and all construction debris removed, the site graded to final grade, and all required durable, dustless drive approaches, access drives and parking areas are in place.

Change of Occupancy: A change in “Occupancy Category”.

Clinic: A clinic is an organized outpatient health facility that provides direct medical, surgical, dental, optometric, podiatric, psychological advice, services, or treatment to patients who remain less than 24 hours, and that may also provide diagnostic or therapeutic services to patients in the home as an incident to care provided at the clinic facility.

Club: An association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. Clubs may operate for-profit, or not-for-profit, or both (e.g., a for-profit club with a non-profit arm), depending on the zoning district in which they are located.

Club, Private Non-Commercial: An association of persons for some nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. Associated club or lodge facilities are intended for the sole and exclusive use of club members, their immediate families, and member’s guests by invitation. This provision does not extend to other outside groups, memberships or associations affiliated with any particular member. Private, non-commercial functions carried out by the club shall be under the control and auspices of a member of the club at all times. Facilities are not to be rented for commercial or monetary gain, unless specifically authorized under a valid land use permit.

Cogeneration Facility: Onsite power generation technologies (utilizing fuel sources such as oil, coal, natural gas, wood, or biomass) that simultaneously produce electrical or mechanical energy and useful thermal energy.

College: An educational institution offering advanced instruction in any academic field beyond the secondary level, but not including trade schools or business colleges.

College, Trade: Shall mean the same as "School, Trade".

Co-location: The locating of wireless communications equipment from more than one provider on a single ground-mounted, roof-mounted, or structure-mounted facility, including but not limited to, a building, monopole, lattice tower, or water tank.

Commercial Classifications: Shall be obtained from the latest edition of the Standard Industrial Classification Manual, Executive Office of the President, Bureau of the Budget, on file at the Community Development Agency

Commercial Modular/Coach: A structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional, or commercial purposes, which is required to be moved under permit.

Commercial Office: Any administrative or clerical office maintained as a business or used by a public agency over which the County has planning authority.

Commercial Service Establishments: Establishments engaged in servicing equipment, materials and products.

Communications Equipment Building: A building that houses electrical and mechanical equipment necessary for the conduct of a public communication business, with or without personnel.

Community Care Facility: Any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children.

(Ord. No. 668-1-17, §64, 3/28/17)

Community Gardens: A private or public facility for the noncommercial cultivation of fruits, flowers, vegetables, or ornamental plants shared and maintained by more than one person or family.



Community Noise Equivalency Level (CNEL): The CNEL is a measure of the cumulative noise exposure level in the community. Refer to the “Noise Element” of *2035 Kings County General Plan* for additional information.

Community Service District (CSD): A unit of local government organized pursuant to the Community Services District Law, found at Government Code section 61000, *et seq.*

Conditional Use: A use that, because of special requirements or characteristics, is not allowed in a particular zoning district as a right, and for which a Conditional Use Permit is required.

Consultant: An individual or firm with expertise in a field, hired by an Applicant or Owner, who provides professional advice or services such as surveying, engineering, or the preparation of environmental studies and documents.

Contractor Storage Yard: Storage yards, together with any incidental buildings and structures, operated by, or on behalf of, a contractor for storage of large equipment, vehicles, scrap metal for the repair or maintenance of the contractor’s equipment, or other materials commonly used in the individual contractor’s type of business.

Convalescent Home: Shall mean the same as "Rest Home".

Convenience Store: A retail establishment that provides a limited volume and variety of commonly consumed goods, typically has long open hours, and is conveniently situated.

Council: The City Council of any incorporated city in the County of Kings.

Dairy: The general term for an agricultural enterprise principally engaged in the production of milk.

Dairy Facility: That portion of a dairy which includes the corrals, barns, feed storage, milk barn, lagoons and other manure handling facilities, but not including associated crop land or dwellings.

Day Care: A facility, including a residence that provides day care for more than 14 individuals.

Day Care, In Home Family Day Care: Pursuant to Health and Safety Code Section 1596.78, and as modified below, in home day care means a home that regularly provides care, protection, and supervision for fourteen 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home:

- a. **Large Family Day Care Home:** A home that provides family day care for nine to 14 children, inclusive, including children under the age of 10 years who reside at the home.
- b. **Small Family Day Care Home:** A home that provides family day care for eight or fewer children, including children under the age of 10 years who reside at the home.

Density Bonus: An increase in the maximum number of residential dwelling units that are allowed on a site, granted to a developer in exchange for one or more concessions that constitute a specified public benefit.

Developer: Any person, firm, partnership, association, joint venture, corporation, or an entity or combination of entities that seeks County permits and approvals for development.

Development: Any construction activity or alteration of the landscape, its terrain contour or vegetation, including the erection or alteration of structures, and/or the establishment of a new land use. “New Development” is any construction, or alteration of an existing structure or land use, after the effective date of this Development Code.

Disposal Site: A place, location, tract of land, area of premises in use, intended to be used or which has been used for the landfill disposal of solid wastes.

Drive Approach: A surfaced connection between a public roadway and a private driveway or parking area.

Drive-in and Drive-thru Business: Any place of business where customers order and receive goods, including prepared food, either by remaining in their vehicles or by driving to one or more windows.



Driveway: See “Access Drive”

Dwelling: A building or portion thereof designed exclusively for residential purposes, including single-family, and multifamily dwellings; but not including hotels, apartment hotels, boarding and lodging houses, fraternity and sorority houses, rest homes and nursing homes, or child care nurseries.

Dwelling, Multifamily: A building containing two or more dwelling units, other than a single-family dwelling with an attached or detached “Second Dwelling Unit,”

Dwelling, Single-Family: A detached building containing one dwelling unit.

Dwelling Unit: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, working, and sanitation.

Easement: An interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specific living purpose, such as to cross it for access to a public road. Unlike a lease or license, an easement may last forever, but it does not give the holder the right to possess, take from, improve, or sell the land.

Educational Institutions: Public or other nonprofit institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary and collegiate levels, and including graduate schools, universities, nonprofit research institutions and religious institutions. Such institutions must either (1) offer general academic instruction equivalent to the standards prescribed by the California Board of Education, or (2) confer degrees as a college or university of undergraduate or graduate standing, or (3) conduct research, or (4) give religious instruction. This definition does not include schools, academies or institutes, incorporated or otherwise, which operate for a profit nor does it include commercial or trade schools.

Electrical Distribution Substation: An assembly of equipment which is part of a system for the distribution of electric power where electric energy is received at a sub-transmission voltage and transformed to a lower voltage for distribution for general consumer use.

Electric Transmission Substation: An assembly of equipment which is part of a system for the transmission of electric power where electric energy is received at a very high voltage from its source of generation by means of a network of high voltage lines and where, by means of transformers, said high voltage is transformed to a lower sub-transmission voltage for purposes of supplying electric power to- large individual consumers, interchange connections with other power-producing agencies or electric distribution substations for transformation to still lower voltage for distribution to smaller individual users.

Electric Vehicle Recharge Station: Electric car charging stations for commercial use is usually associated with or incidental to on-site vehicle parking spaces for commercial or public establishments. Examples would be as shown in Figure 25-3 below. The actual appearance and configuration will be different based on the manufacturer of the recharging station.

Figure 25-3
Electric Vehicle Recharge Station





Emergency Shelter: Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. Emergency shelter also includes a homeless shelter, domestic violence shelter and victim witness shelter. The stay in an emergency witness shelter is limited and conditional.

Employee Housing: A qualifying housing unit providing accommodations for 6 or fewer farmworkers pursuant to Health and Safety Code Sec. 17021.5. Employee housing shall be deemed a single-family structure for zoning purposes.

Environmental Advisory Committee (EAC): An informal committee appointed by the Board of Supervisors to advise County boards, commissions, committees, and departments concerning the implementation of CEQA.

Equipment Salvage Yards: See “Motor Vehicle Wrecking Yards”

Essential Service: The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supplying, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or for the public health, safety or general welfare.

Establishment: A non-residential use of land involving structures which are subject to a building permit requirement. By way of example and not limitation, “establishment” includes businesses, schools, hospitals, factories, houses of worship, professional offices, etc.

Factory-Built Home: A residential building that is either wholly manufactured or is in substantial part manufactured at an offsite location to be wholly or partially assembled onsite in accordance with building standards published in the California Building Standards Code. Factory-built housing does not include a mobile home, a recreational vehicle, or a commercial modular.

Family: One or more persons living as a bona fide single nonprofit relatively permanent housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel or club suitable for group use. A family shall not include a fraternal, social or business group.

Faithful Performance/Payment Bond. A performance bond, payment bond, cash deposit, letter of credit, or other suitable financial instrument approved by the County that is convertible to cash, or any combination of the above, provided by the applicant to ensure the faithful performance of the project proponent's obligations, and/or the payment of amounts due, under a Reimbursement Agreement and/or an Indemnification Agreement entered into between the County and the project proponent under the terms and provisions of these local guidelines.

Farm Employee: Any farm worker who is employed by a particular agricultural operation and who thereby derives an income equivalent to at least 1,040 hours of work per year paid at the current prevailing minimum wage rate.

Farm Employee Housing: Living quarters, dwellings, boarding houses, bunkhouses, mobile homes, manufactured homes, or other housing accommodations maintained in one or more buildings or one or more sites for Farm Employees.



Farm Labor Supply Housing: Any place, area, or piece of land where housing is provided for five or more employees or prospective employees of another by any individual, firm, partnership, association, or corporation that, for a fee or in-kind payment, employs persons to render personal services for, or under the direction of, a third person, or that recruits, solicits, supplies, or hires persons on behalf of an employer and that, for a fee or in-kind payment, provides connection therewith one or more of the following services: (a) furnishes board, lodging, or transportation for such employees or prospective employees. (b) supervises, times, checks, counts, weighs or otherwise directs or measures the work of such employees. (c) disburses wage payments to such employees.

Farm Laborer: See “Farm Employee”.

Feed Lot: Shall mean the same as "Stock Feeding Yard or Lot".

Feed Storage Area: Any area or structure on a dairy or other confined animal feeding facility used for storing animal feed. Feed storage areas may be covered or uncovered and may include hay barns, commodity barns, etc.

Fence, (Noise Attenuation): See “Wall (Noise Attenuation).”

Fence, Open: Any structural device forming a physical barrier which is so constructed that not less than 50 percent of the vertical surface is open to permit the transmission of light, air and vision through said surface.

Fence, Screened: Any structural device, compact evergreen hedge or compact evergreen shrub forming a physical barrier which is so constructed or grown so that 90% or more of the vertical surface is closed to the transmission of light, air and vision through said surface. A slatted chain link fence and a vine covered fence may be considered to be a screened fence if they meet this criteria.

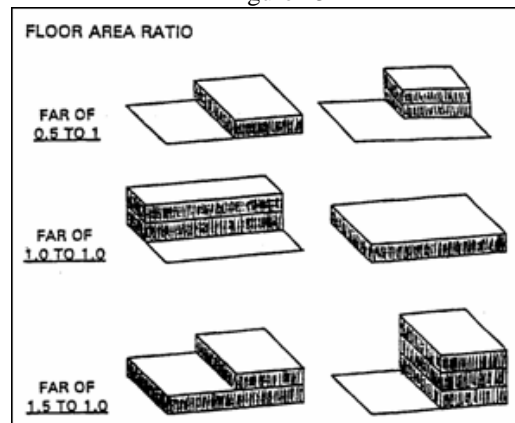
Fence, Solid: Any structural device forming a physical barrier which is so constructed that 51% or more of the vertical surface is closed to the transmission of light, air and vision through said surface.

Financial Assurance: A bond, letter of credit, certificate of deposit, or similar instrument, in an amount sufficient to guarantee some promised performance on the part of an Applicant or permit holder.

Floor Area, Gross: The total horizontal area in square feet on each floor within the exterior walls of a structure but not including the area of inner courts, shaft exposures or exterior walls.

Floor Area Ratio (FAR): The floor ratio is the ratio of the gross floor area of a development to the site area expressed as a factor of 1. That is, the total floor area on all levels of the building divided by the site area.

Figure 25-4



Footprint: The developed area of a property or parcel associated with a land use which includes the structures; parking areas, aisles and drive approaches; ancillary facilities; and landscaping associated with the land use, but not including associated farm land or dwellings and landscaping associated with the dwellings.

French Drain: A French drain or weeping tile (also blind drain, rubble drain, rock drain, drain tile, perimeter drain, land drain or French ditch) is a trench covered with gravel or rock or containing a perforated pipe that redirects surface and groundwater



away from an area. A French drain can have perforated hollow pipes along the bottom to quickly vent water that seeps down through the upper gravel or rock.

Frontage: The property line of a site abutting on a public road, other than the street side lot line of a corner lot. "Street Side Lot Line" means any property line that is not a front or rear lot line, but which abuts on a street or highway. (See Figure 25-10.)

Frontage Road: A local street that parallels a highway or through street and that provides access to property near the highway.

Garage, Private: A detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.

Garage, Repair: A structure or part thereof, other than a private garage, where motor vehicles are repaired or painted.

Garage, Storage: A structure or part thereof used for the storage, parking or servicing of motor vehicles, but not for the repair thereof.

Garden Structure: An arbor, deck, fountain, lath cover, lath house, pergola, raised planting bed, trellis or other similar structure intended specifically to enhance the appearance of the garden or which has a function relating to the use of outdoor space, but not including a house, garage, carport, patio cover or storage building.

Grandfathered: Refers to those uses or structures which were lawfully established prior to adoption of the Development Code and as such, may not conform to the new rules established by the Development Code or its amendments. See Article 12 of this Development Code concerning non-conforming uses and structures.

Green Roof: An engineered roofing system that includes vegetation planted in a growing medium above an underlying waterproof membrane material. It has also been referred to as a living roof or Eco roof, to differentiate a vegetative extensive roof specifically from other types of sustainable roofs such as those covered with photo voltaic or highly reflective roofs (white roofs), which are often included in the broader environmental term of green or sustainable roofing systems.

Guest Ranch: A tourism enterprise involving recreational activities and facilities for compensation, with one or more buildings for the provision of meals and rooms.

Guest Room: A room or rooms without kitchen facilities, located in a main building which is rented or hired out for living or sleeping quarters.

Hazardous Waste: Means either of the following:

a. A waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:

(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

(2) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

b. A waste which meets any of the criteria for the identification of a hazardous waste adopted by the California Department of Health Services pursuant to Health and Safety Code Section 25117.

c. RCRA hazardous wastes as defined in Health and Safety Code section 25120.2.

d. Unless expressly provided otherwise, the term "hazardous waste" shall be understood to also include extremely hazardous waste and acutely hazardous waste (Health and Safety Code Section 25117).

Hazardous Waste Facility: Means all contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste, and may consist of one



or more treatment, transfer, storage, resource recovery, disposal, or recycling hazardous waste management units, or combinations of these units (Health and Safety Code Section 25117.1).

Health and Fitness Centers: A commercial establishment providing fitness and exercise opportunities to individuals as a primary use. Examples of these uses include but are not limited to:

- Dance studios
- Fight clubs
- Gymnasiums
- Martial arts including Judo, Tae Bo, Jujitsu, etc.
- Physical culture studio
- Swimming pools
- Weight lifting

Health Facility: Any facility, place, or building that is organized, maintained and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more persons, to which the persons are admitted for a 24-hour stay or longer. (Health and Safety Code Section 1250).

Hobby Farm: An agricultural endeavor which is done on a non-commercial basis or at a level which does not provide an expectation of being a primary source of income for the occupant of the property.

Home Occupation, Minor: The conduct of an art or profession, the offering of a service or the conduct of a business, or the handicraft manufacture of products within a dwelling in an agricultural, rural residential, single-family residential, multifamily, professional office, or transitional district, which is clearly incidental and secondary to the use of the site for dwelling purposes, and which does not generate any outside traffic (no on-site sales or services provided to customers) or change the character of the neighborhood within which it is located, in accord with the regulations prescribed in Section 1102.A.

Home Occupation, Rural: The conduct of an art or profession, the offering of a service or the conduct of a business, or the handicraft manufacture of products within or adjacent to a dwelling in an agricultural district, which use is clearly incidental and secondary to the use of the site for dwelling purposes and which does not change the residential-agricultural character thereof, in accord with the regulations prescribed in Section 1102.B.

Home Occupation, Urban: The conduct of an art or profession, the offering of a service or the conduct of a business, or the handicraft manufacture of products within a dwelling in a residential district, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which use does not change the character thereof, in accord with the regulations prescribed in Section 1102.C and D.

Hotel or Motel: Facilities with guest rooms or suites, provided with or without kitchen facilities, rented to the general public for transient lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, and personal services. Motels provide access to most guest rooms from an exterior walkway and also include accessory guest facilities (e.g., swimming pools, tennis courts, indoor athletic facilities, and accessory retail uses). This definition shall not be construed to include motel, mobile home park, sanitarium, hospital or other institutional building, or jail or other building where persons are housed under restraint.

Household Pets: Household pets include domestic dogs, cats, and birds ordinarily permitted within a yard area and inside of a dwelling and kept only for the company and pleasure provided to the occupants. Household pets shall not include horses, cows, goats, sheep, or other equine, bovine, ovine or ruminant animals, pigs, chickens, ducks, geese, turkeys, game birds or fowl which normally constitute an agricultural use.

Human Scale: A term used to describe and design the relationship between the height of a building and the width of the adjacent street. The most human scale is achieved when the building height-to-street width ratio is between 1:2 and 1:3.



Typically, width is measured horizontally between opposing building fronts. Height is measured from the sidewalk to the building eaves. Site and building design elements are dimensionally related to pedestrians in human scaled project design.

Immediate Family Member: Parent(s), sibling(s), child(ren), grandparent(s), grandchild(ren), registered domestic partner or spouse.

Improvement: Any construction, building, paving or landscaping that materially adds to the value of a facility, substantially extends its useful life, adapts it to new uses or enhances its physical attributes. It also refers to the construction of streets and related appurtenances.

Incidental Sale of Alcohol: Pertains to the sale of alcoholic beverages in an eating establishment in a Commercial or Mixed Use zoning district where a license number 41, 47 or 75 is granted by the Department of Alcoholic Beverage Control. The sale of the alcohol is secondary or incidental to the sale of food in an establishment with sit-down dining and table service.

Incidental Use: A use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot nor serves property other than the lot where the principal use is located. Examples of an incidental use in a residential zoning district include tennis courts, swimming pools, etc.

Indemnification Agreement: An agreement between the County and a project applicant under the terms of which the applicant agrees to defend and indemnify the County from and against exposure to potential extraordinary costs associated with the processing of an application through the County’s final decision on the application, and any appeals of the County’s actions on such matters.

Individual Agricultural Specialty Store: A direct marketing outlet store owned and operated by the agricultural producer, located at or near the point of production, which provides an alternative method for growers to sell their products while benefiting the consumer by supplying quality produce at a reasonable price as well as selling value added products which may include, but are not limited to fruit and nut baskets, specialty gifts and snacks that augment or compliment the produce. Beer and wine may be included as value added items provided the appropriate ABC (Alcoholic Beverage Control) license is obtained.

Industrial Classifications: When a use is listed as a permitted, permitted subject to conditions, or is expressly prohibited, the use shall be as defined in the latest edition of the Standard Industrial Classification (SIC) Manual, Executive Office of the President, Bureau of the Budget, on file at the Community Development Agency, if defined therein. The SIC manual is also available at <https://www.osha.gov/pls/imis/sicsearch.html> which allows an electronic search for codes.

Infirm Relative: An Immediate Family Member who is seriously incapacitated or disabled and not able to care for himself or herself due to illness or disability. Proof of the incapacity or disability may be required in the form of a statement from an attending physician stating the infirm person requires assistance from another person in providing for their daily needs.

Junk Yard: See “Salvage Yard”

kennel or Cattery, Commercial: A lot or premises on which dogs and/or cats, are kept for some commercial purpose. For the purposes of the Development Code and the required permits under that Development Code, “keeping” includes boarding, grooming, breeding, training, sale and related purposes other than places maintained by a licensed veterinarian or an “animal rescue shelter” operated as a tax exempt entity under the provisions of *26 USC Section 501(c)(3)*.

Kitchen: Any room used or intended or designed to be used for cooking or the preparation of food.

Landfill: Means a disposal site employing a method of disposing of solid wastes on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the wastes to the smallest practical volume, and to cover them with a layer of suitable cover material at specific designated intervals.

Land Use. The manner in which land is developed and used. The general categories of land use include: agricultural residential, commercial, mixed-use, industrial, recreational, open space and planned development.

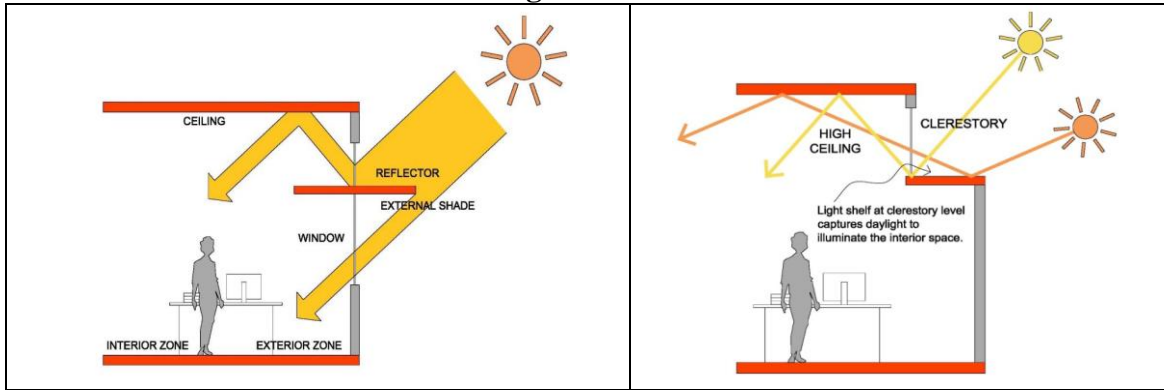
Land Use Permit or Zoning Permit: A documented permit issued by the County which approves a particular use or uses on a particular parcel of land consistent with the requirements of this Development Code.



Lath House: An open-sided garden structure used to provide shade to tender (or young) plants; the roof is constructed of laths or slats, spaced with gaps as wide as the slats themselves, providing approximately 50 percent shade.

Light Shelf: Architectural addition installed on the exterior or interior (or both) of a structure serving as shading devices and preventing solar gain from entering the building through windows. Light shelves can also allow daylight to penetrate deep into a building and to shade near the window to help reduce glare.

Figure. 25-5
Light Shelves



Liquor Store: A retail shop that sells prepackaged alcoholic beverages — typically in bottles — intended to be consumed off the store's premises.

Livestock: Farm animals, including horses, cows, goats, sheep, or other equine, bovine, ovine or ruminant animals, pigs, chickens, ducks, geese, turkeys, game birds or fowl which normally constitute an agricultural use, kept or raised for use, pleasure, or profit.

Livestock Grazing: Principally open range or permanent pasture land where animals are not confined and the natural feed is not supplemented except during inclement weather (e.g., drought, snow, etc.).

Living Area: Means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

Lodge: An order of society or persons organized for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. The meeting place of a branch of an organization such as a fraternal organization.

Lodge, Private Non-Commercial: An association of persons for some nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. Associated club or lodge facilities are intended for the sole and exclusive use of lodge members, their immediate families, and member's guests by invitation. This provision does not extend to other outside groups, memberships or associations affiliated with any particular member. Private, non-commercial functions carried out by the lodge shall be under the control and auspices of a member of the lodge at all times. Facilities are not to be rented for commercial or monetary gain, unless specifically authorized under a valid land use permit.

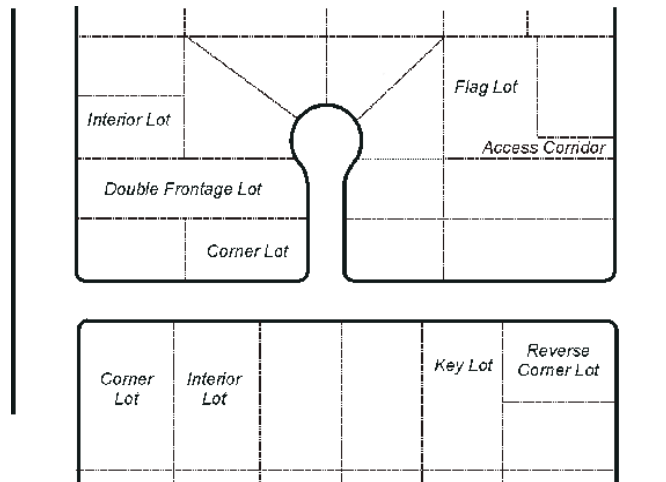
Lot: A legal lot or parcel of record is:

- a. A lot or parcel that is part of a subdivision, the map of which has been recorded in the Kings County Clerk-Recorder's Office on or after August 14, 1929; or
- b. A lot or parcel of land described by metes and bounds, the description of which has been recorded in a conveyance (such as a Grant Deed) in the Kings County Clerk-Recorder's Office prior to March 4, 1972, consistent with and in compliance with Subdivision Map Act and the Kings County Subdivision Ordinance in effect at the time of said recording.



- c. The term "lot" shall include a part of a lot, when such part is used as though a separate lot for all of the purposes and under all of the requirements of this Development Code.
- d. The term "lot" shall include two or more abutting lots when combined and used as though a single lot.
- e. Types of lots include the following.
- **Corner lot:** A lot located at the intersection of two or more streets, where they intersect at an interior angle of not more than 135 degrees. If the intersection angle is more than 135 degrees, the lot is considered an interior lot.
 - **Flag lot:** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.
 - **Interior lot:** A lot other than a corner lot or a reverse corner lot and abutting only one street.
 - **Key lot:** The first interior lot to the rear of a reversed corner lot the front line of which is a continuation of the side line of the reversed corner lot, whether or not separated by an alley, and fronting on the street that intersects or intercepts the street upon which the corner lot fronts.
 - **Reverse corner lot:** A corner lot, the street side of which is substantially a continuation of the front lot line of the lot upon which it rears.
 - **Through lot:** A lot with frontage on two generally parallel streets.
 - **Double frontage lot:** An interior lot having frontage on and with access on two parallel or approximately parallel streets.

Figure 25-6
Lot Types



Lot Area: The total horizontal area within the lot lines of a lot.

Lot Coverage: That portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy.

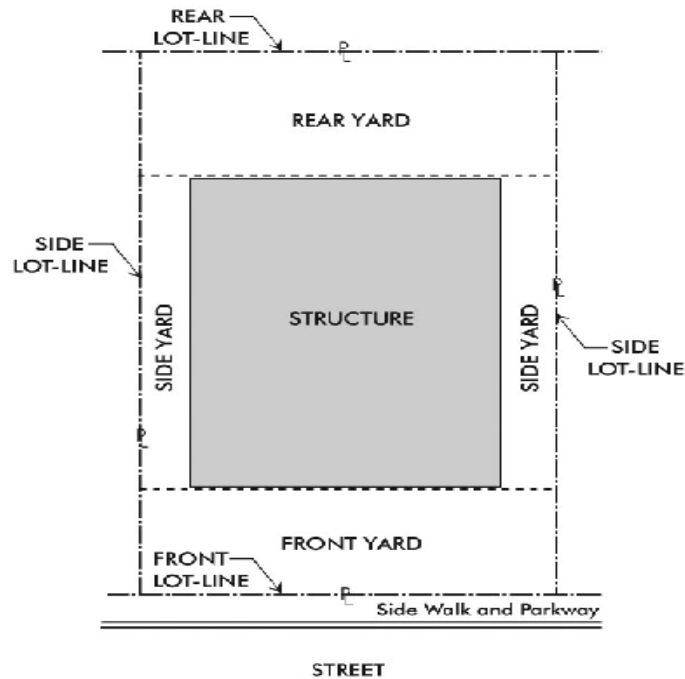
Lot Depth: The depth of a lot is the maximum distance between the front and rear lot lines.

Lot Frontage: The length of a lot or portion of a lot that abuts a street or an approved road easement, except the side of a corner lot.



Lot Line: A line defining an exterior boundary of a lot.

Figure 25-7
Lot Lines



Lot Line or Property Line, Front:

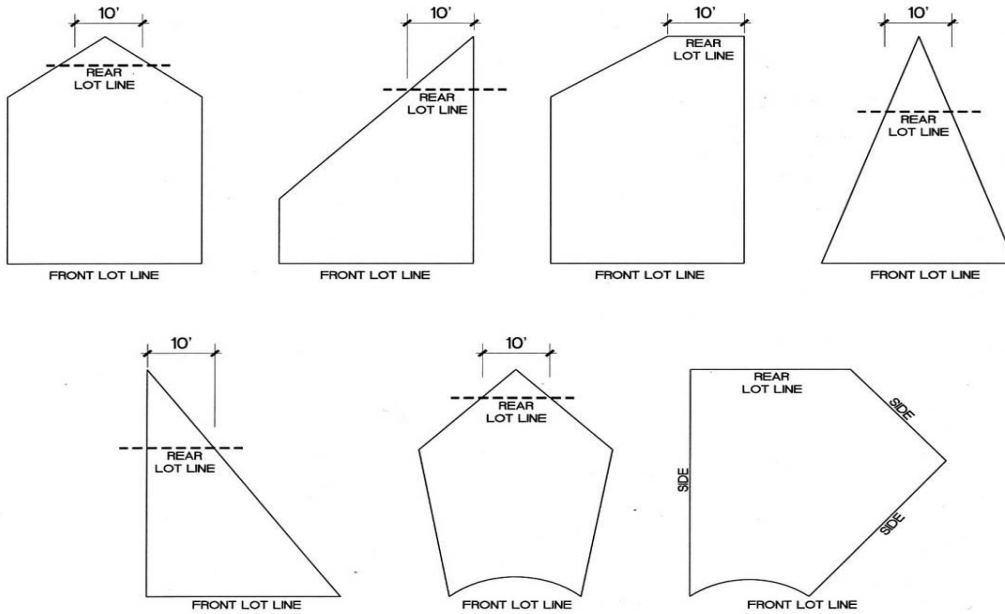
- a. In the case of an interior lot, a line separating the lot from the street (Right-of-Way).
- b. In the case of a corner lot, the line separating the narrowest street frontage of the lot from the street.

Lot Line or Property Line, Rear:

- a. A lot line which is opposite and most distant from the front lot line; or
- b. In the case of irregular, triangular or gore-shaped lots, a line 10 feet in length within the lot, parallel to and at a maximum distance from the front lot line.

Figure 25-8
Rear Lot Lines and Setbacks on Irregularly Shaped Parcels

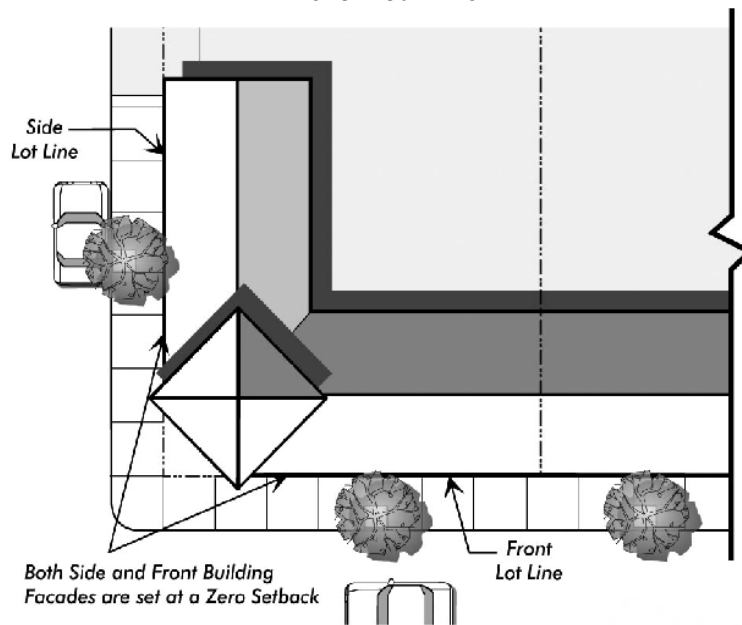




Lot Line or Property Line, Side: Any lot boundary line not a front lot line or a rear lot line.

Lot Line, Zero: The location of a building on a lot in such a manner that one or more of the building's walls is situated directly on the lot line or property line.

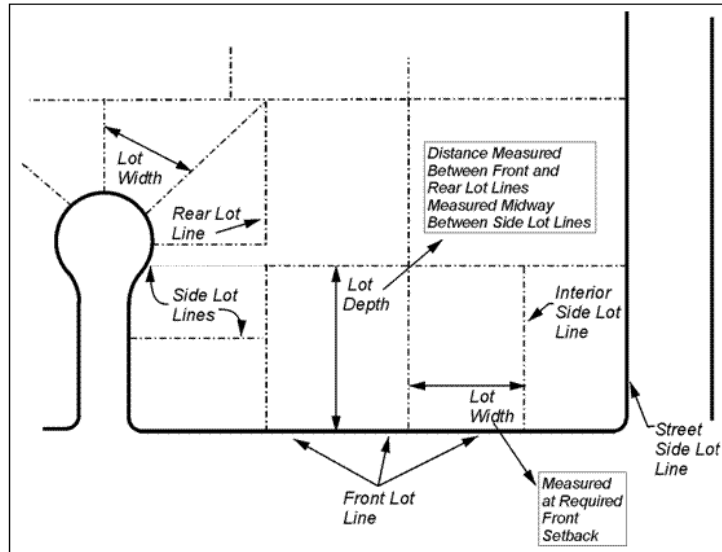
Figure 25-9
Zero Lot Line



Lot Width: The average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Figure 25-10
Lot Features





Low Impact Development (LID): A different approach to traditional storm water management that retains and infiltrates rainfall on-site. The LID approach emphasizes site design and planning techniques that mimic the natural infiltration based, groundwater-driven hydrology of our historic landscape. LID includes the use of bioswales and rain gardens which can help prevent flooding.

Manufactured Home: A complete single-family home deliverable in one or more transportable sections, on a permanent chassis, constructed to the standards established by the U.S. Department of Housing and Urban Development (HCD) in the CFR, Title 24, Part 3280, commencing with Section 3280.1. When erected on site, it is 320 or more square feet in size, built after June 15, 1976 and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. "Manufactured home" includes a mobile home but is not a "factory-built home".

Manufactured Housing Community: Any area or tract of land where two or more manufactured home lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, only to accommodate the use of manufactured homes constructed pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401 and following) or mobile homes containing two or more dwelling units for human habitation. The rent paid for a manufactured home shall be deemed to include rent for the lot it occupies. Employee housing that has obtained a permit to operate pursuant to the Employee Housing Act (Part 1 (commencing with Section 17000)) and that both meets the criteria of Section 17021.6 and is comprised of two or more lots or units held out for lease or rent or provided as a term or condition of employment shall not be deemed a manufactured housing community or mobile home park. The California Department of Housing and Community Development has enforcement authority over manufactured housing communities and mobile home parks.

Manure Storage Area: Any area or structure on a dairy or other confined animal feeding facility used for storing manure produced by the animals on the site. Manure storage areas may be covered or uncovered and may include manure separation pits, lagoons, ponds, pits, drying areas, manure tanks, etc.

Marquee: A permanent roofed structure attached to and supported by the building to which it is attached and projecting over an entrance.

Medical Buildings: Clinics or offices for doctors, and other licensed practitioners of the healing arts; including accessory laboratories and pharmacies but not including offices for veterinarians.

Mixed Use Development: A real estate project with planned integration of some combination of retail, office, residential, hotel, recreation or other functions. It is pedestrian-oriented and contains elements of a live-work-play environment. It maximizes space usage, has amenities and architectural expression and tends to mitigate traffic and sprawl.



Mobile Home: A vehicle, other than a motor vehicle, constructed prior to June 15, 1976, designed and equipped to contain one or more dwelling units to be used without a permanent foundation and which is in excess of eight feet in width or in excess of 40 feet in length. "Mobile home" does not include a factory-built home, commercial coach or a recreational vehicle.

Mobile Home Park: See "Manufactured Housing Community".

Motel: See "Hotel or Motel"

Motor Vehicle Wrecking Yard: A site or portion of a site on which the dismantling or wrecking of used vehicles or the storage, sale or dumping of dismantled or wrecked vehicles or their parts is conducted. The presence on a site of three or more motor vehicles which have not been capable of operating under their own power for 30 days or more or, in the case of vehicles not self-propelled, which have not been towable or from which parts have been removed for reuse or sale, shall constitute prima facie evidence of a motor vehicle wrecking yard.

Nightclub: An establishment operated as a place of entertainment, characterized by dancing and/or live, recorded, or televised entertainment as a principal use. Live, recorded or televised entertainment, includes but is not limited to performances by magicians, musicians or comedians.

Non Conforming Building or Structure:

- a. A building or structure or portion thereof lawfully existing immediately prior to the adoption of this Development Code, but which does not conform to the applicable regulations of this Development Code, or amendments thereto.
- b. A building or structure or portion thereof lawfully existing immediately prior to the adoption of any amendment of this Development Code, but which does not conform to the applicable regulations of such amendment.

Non Conforming Use: A use of a structure or land which was lawfully established and maintained prior to the adoption of this Development Code but which, under this Development Code, does not conform with the use regulations for the district in which it is located. Refer to Article 12 for additional information.

Notice of Violation: An administrative citation issued by the Kings County Community Development Agency for a violation of the Kings County Code of Ordinances.

Nursery School: A school or the use of a site or a portion of a site for an organized program devoted to the education or day care of five or more pre-elementary school age children, other than those resident on the site.

Nursing Home: A structure operated as a lodging house in which nursing, dietary and other personal services are rendered to convalescents, not including persons suffering from contagious diseases or mental illnesses, alcoholism or drug addiction; also not including facilities in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home shall be deemed a nursing home.

Occupancy Category: A category used to determine structural requirements of a building based on occupancy. Occupancy classifications may be found in Chapter 3 of the California Building Code. The occupancy category is also used to determine if a structure is categorized as an occupied or non-occupied structure for determination of setback requirements.

Offices, Business and Professional: An establishment where professional and clerical functions are performed. Examples of these uses include but are not limited to:

- Accountant office
- Architect office
- Attorney office
- Consultant office
- Engineer office
- Life insurance office
- Loan office



- Medical billing office
- Tax preparation office

Off-street Loading Facilities: A site or a portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives and landscaped areas.

Off-street Parking Facilities: A site or a portion of a site devoted to the off-street parking of motor vehicles including parking spaces, aisles, access drives and landscaped areas.

Open Sided Shade Structure: A shade structure intended to shade animals which may include basic animal shade structures, corral shades, loafing barns, maternity barns and freestall barns.

Open Space: Land where basic natural values have been retained. Open space can include wilderness areas, a small park in the middle of a city, pastures, forested areas, agricultural groves, vineyards, golf courses, flood washes, etc. The function of open space may differ, depending upon the location. It may have a protective function, as in the case of open space in flood plain areas, where it serves to protect health and safety. It can have a structural or buffer function to space and separate conflicting land uses. It may serve a recreational function, or a scenic function to provide aesthetic views of forests or mountains.

Other Affected, or Directly Affected, Person or Party: A person or group of people who live(s), work(s), or own(s) property in the immediate vicinity of the project that is the subject of a zoning action, where there is direct evidence, provided by the affected person or party, that the person or party's property is, or will be, negatively impacted by the project, even after mitigation measures are applied to the project.

Outdoor or Off-Site Advertising Structures: Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, located on a site other than the site on which the advertised use is located or on which the advertised product is produced.

Outdoor Dining: Dining facilities consisting of tables, chairs and similar furniture located out-of-doors adjacent to an indoor eating establishment.

Outdoor Festival: Any music festival, dance festival, rock festival or similar activity to which members of the public are invited or admitted, and at which attendance is expected to exceed 500 persons.

Overlay Zone: An area within which a set of standards and requirements are employed to deal with special physical characteristics such as flood plains, hazardous areas and other special or unique areas. Overlay districts are mapped and imposed in conjunction with, and in addition to, the underlying land use zoning district. Refer to Article 10 for additional information.

Owner: See "Property Owner".

Package Store: See "Liquor Store"

Parcel: See "Lot"

Park Trailer: A trailer designed for human habitation for recreational or seasonal use only. It may include a loft area but may not exceed 14 feet in width at the maximum horizontal projection. A park trailer hitch, when designed by the manufacturer to be removable, may be removed and stored beneath a park trailer.

Parking Area, Public: An open area, other than a street or alley, used for the temporary parking of more than four vehicles and available for public use whether free, for compensation, or as an accommodation for clients or customers.

Parking District: A government parking district maintained by the federal, state, county or city government.

Parking Space, Vehicle: An off-street space available for the parking of one motor vehicle conforming to the parking lot standards described in Article 13 of this Development Code.



Patio Cover: A one-story structure which is intended to provide an outdoor recreation or dining area. Patios covers may be either attached to another structure, normally a dwelling, or detached and usually open on the sides. Patio covers shall be used only for recreational, outdoor living purposes and not as carports, garages, storage rooms or habitable rooms.

Pawn Shop: An establishment wherein the business of a pawnbroker is conducted. A pawnbroker shall be any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness; or, who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

Pedestrian Orientation: Any physical structure or place with design qualities and elements that contribute to an active, inviting and pleasant place for pedestrians including but not limited to:

- Street furniture;
- Design amenities related to the street level such as awnings, paseos, gallery, arcades;
- Visibility into buildings at the street level;
- Highly articulated facades at the street level with interesting uses of material, color, and architectural detailing;
- Continuity of the sidewalk with a minimum of intrusions into pedestrian right-of-way;
- Continuity of building facades along the street with few interruptions in the progression of buildings and stores;
- Signage oriented and scaled to the pedestrian rather than the motorist; and
- Landscaping.

Permit Holder: When a land use permit has been issued for a use on a parcel, the permit holder is the property owner of the parcel as shown on the latest equalized assessment role/tax roll or the owner of the business or use on the parcel, if not the property owner.

Permitted Use: Any use allowed by right in a zoning district and subject to the provisions applicable to that district.

Personal Services: An establishment providing professional services to individuals as a primary use. Examples of these uses include but are not limited to:

- Barber shops
- Beauty salons and day spas
- Clothing, uniform shops, and costume rental
- Check cashing services
- Employment agencies
- Fortunetellers, psychics, and similar services
- Hair salons
- Health spa (not including a medical spa)
- Laundromats (self serve laundries)
- Locksmiths
- Massage therapy (licensed, therapeutic, non-sexual)
- Nail salons
- Pet grooming with no boarding
- Repair shops for home electronics and small appliances
- Shoe repair shops
- Tanning salons
- Tailors



Planned Unit Development (PUD): A PUD is both a type of building development as well as a regulatory process. A PUD is a designed grouping of varied and compatible land uses, such as housing, recreation, commercial centers, and industrial parks, all within one contained development or subdivision.

Professional Services: Establishments that provide advice, designs, information, medical treatment, commercial education, consultation, travel, job placement, advertising, finance, insurance and real estate services, generally from an office with no on-site storage of goods. This category includes all types of business offices and service-type businesses where service is basically on an individual-to-individual or firm-to-firm basis as opposed to services that are performed on objects or personal property.

Professional Services Agreement: An agreement between the County and a consultant which specifies the work that will be performed for the preparation of environmental documents, and the cost of preparing such a document.

Project Review – Consultation Notice: A form used by the Community Development Agency to inform other agencies of a proposed project which has been submitted and to request pertinent comments from those agencies.

Property Line: The outermost limit of a legally created parcel. The property or parcel line is the basis for determining the lot dimensions, area and other measurement standards and is the basis for determining required setback distances.

Property Owner: Any person, partnership, corporation, trust, estate or other jurisdictional person with an ownership interest in a parcel of land or any real property.

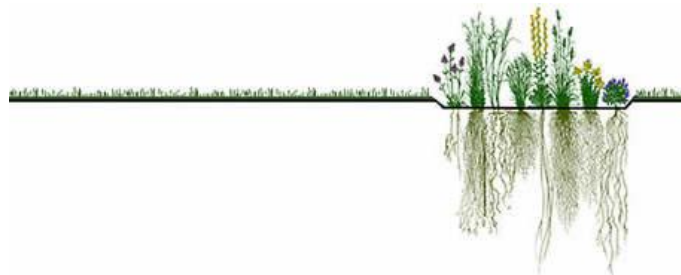
Public Road Right-of-Way: All public roads are located within land which is referred to as road right-of-way. Within a typical road right-of-way, the following public facilities can be found: the driving surface, roadside shoulders and ditch, public utilities, sidewalks, and traffic signs, etc. Road right-of-way width can be established by deed, statute, declaration, dedication, or prescriptive use. Regardless, lands within the road right-of-way, either fee or easement, are reserved for use of the traveling public.

Public Utility Service Yard: A site or portion of a site on which a public utility company may store, house and/or service equipment such as service trucks and other trucks and trailers, pumps, spools of wire, pipe, conduits, transformers, cross-arms, utility poles, or any other material, tool or supply necessary for the normal maintenance of the utility facilities.

Railroad Right-of-Way: A strip of land of a maximum width of 100 feet for the accommodation of main line or branch line railroad tracks, switching equipment and signals, but not including lands on which stations, offices, storage buildings, spur tracks, sidings, section gang and other employee housing, yards or other uses are located.

Rain Garden: A rain garden is a depression (usually about 6 inches deep) that collects and stores storm water runoff from a roof, driveway or yard and allows it to infiltrate into the ground. Rain gardens are typically planted with shrubs and perennials (natives are ideal), and can be colorful, landscaped areas in a yard. Positioning a rain garden near a down spout or driveway allows the water that would normally flow into the sewer or offsite to be contained in the rain garden. When it is dry the native plants in rain gardens continue to grow although they may be shorter than normal, and when it is wet the plants may have a growth spurt and become taller.

Figure 25-11
Rain Garden



Recreation Vehicle: A motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than 320 square feet, excluding built-in equipment, including, but not limited to wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms. It contains 400 square feet or less of gross area measured at maximum horizontal projections, is built on a single chassis, is either



self-propelled, truck-mounted, or permanently towable on the highways without a permit or is a park trailer. Recreational vehicles are not considered dwelling units.

Recreational Vehicle Park (RVP): An area where the land use zoning district allows recreational uses and where one or more lots are rented out to owners or users of recreational vehicles for temporary occupancy. Incidental food, beverages, sales and service intended for the convenience of the guests at the recreational vehicle park are allowed.

Recycling: To treat or process used or waste materials to make the materials suitable for reuse.

Recycling Facility (Small): Small collection facilities for glass, metal or plastic containers including California Redemption Value (CRV) containers as well as paper and other reusable items.

Recycling Facility (Large): A collection facility for recyclable materials including the storage, sorting, collecting or baling of ferrous and non-ferrous metals, junk, paper, rags or scrap for further transfer to another facility for re-reprocessing or to a solid waste facility. Also includes recycling of CRV containers for further transfer to another facility for re-reprocessing.

Regional Produce Stand: A large permanent facility designed to serve local residents and provide a regionally centralized location for the sale and distribution of locally grown produce.

Reimbursement Agreement: An agreement between the County and a project applicant under the terms of which the applicant agrees to provide the County with reimbursement for the extraordinary costs of reviewing, considering and processing the application and for preparing project documents. (Also see Indemnification Agreement.) As it pertains to CEQA, a reimbursement agreement is an agreement between the County and the project applicant to reimburse the County for the actual cost to prepare the environmental documents for the project, including the cost of the Professional Services Agreement and administrative costs incurred by County.

Religious Facilities: Facilities operated by religious organizations for worship and other religious activities, including churches, mosques, synagogues, temples, and religious schools; includes accessory uses on the same site (e.g., living quarters for ministers and staff, and child day care facilities) where authorized by the same type of land use permit required for the religious facility itself.

Residence: See “Dwelling”

Residential Clustering: A form of land development in which principal buildings and structures are grouped together on a site, thus saving the remaining land area for common open space, conservation, agriculture, recreation, and public and semipublic uses (Whyte 1964; Unterman and Small 1977; Arendt 1996; Sanders 1980). Is also called “Residential Cluster Development.”

Restaurant: An establishment which serves food or beverages to persons on the premises and which may also offer take-out and food delivery services. This includes drive-in restaurants, drive-through restaurants, coffee houses, bistros, cafes and tearooms, etc. Also included are food trucks, mobile kitchens, ice cream trucks, etc. which locate in one location for more than two hours and do not meet the criteria of “peddler” as defined in Chapter 15, Section 15-21 of the Kings County Code of Ordinances.

Rest Homes: An establishment or home intended primarily for the care and nursing of invalids and aged persons; excluding cases of communicable diseases, mental illness or disorder, and surgical or obstetrical operations. The term shall not include Nursing Home.

Retail Sales: A sale of commodities or goods for personal household or farm consumption directly to the ultimate consumer. Sales are normally in small quantities and may include the rendering of services incidental to and supportive of the sale of the merchandise. These businesses provide retail sales of merchandise not specifically listed under another use. Examples of these uses include but are not limited to:

- Antique stores
- Art galleries (for profit)
- Artist, hobby and craft supplies
- Audiovisual equipment and supplies



- Automobile parts sales; no installation or service
- Bakery goods stores (retail), donut shops
- Bicycle shops
- Book stores and rental libraries
- Boutiques
- Business machines, office furniture and equipment
- Cameras and photographic supply stores
- Candy, nut, and confectionary stores
- Ceramic and pottery shops
- Clothing and accessory stores
- Collectibles stores (cards, stamps, coins, comics, etc.)
- Computer, phone, satellite antenna sales and other similar consumer electronics shops
- Consignment shops
- Department stores
- Drug and discount stores
- Dry goods stores
- Electronics/TV stores
- Fabrics and sewing stores
- Florists and houseplant stores (indoor sales only – outdoor sales are “Nurseries”)
- Furniture, home furnishings and equipment
- General stores
- Gift, novelty, and souvenir stores
- Hardware stores
- Hobby materials stores
- Jewelry including clock and watch repairing
- Luggage and leather goods
- Musical instruments, parts and accessories
- News stands and magazine stores
- Orthopedic supplies, hearing aids, and assistive devices sales
- Paint and wallpaper sales
- Pet supplies sales, including fish, birds, reptiles and other small animals
- Religious goods
- Secondhand clothing and appliances and furniture, and thrift stores
- Shoe stores
- Small wares
- Specialty shops including tobacco stores and smoke shops
- Sporting goods and athletic equipment supply stores
- Stationary stores



- Toys and games
- Trophy shops
- Variety stores
- Video and DVD rental and sales

Reverse Vending Machine: A device utilizing advanced technology to identify, sort, collect, and process used beverage containers and return money to the user.

Right-of-Way, Public: Any place that is dedicated to use by the public for pedestrian and vehicular travel, and includes, but is not limited to, a street, sidewalk, curb, gutter, crossing, intersection, parkway, median, highway, alley, lane, mall, court, way, avenue, boulevard, road, roadway, viaduct, subway, tunnel, bridge, thoroughfare, park square and other similar public way. Also used for public utilities and storm drainage.

Roadside Field Retail Stand: A temporary use of a place, building or shade structure less than 400 square feet in area or less and not requiring a building permit, from which California agricultural products grown or produced by the producer and non-potentially hazardous prepackaged food products from an approved source or bottled water or soft drinks are sold.

Salvage Yard: A site or portion of a site on which waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including used furniture and household equipment yards, house wrecking yards, used lumber yards and the like; excepting a site on which uses are conducted within a completely enclosed structure and excepting motor vehicle wrecking yards as defined in this section.

Secondhand Store: A retail or wholesale business in which the largest portion of merchandise is pre-owned. This classification does not include pawnshops and the sale of secondhand motor vehicle parts or accessories.

School, Elementary, Junior High or High: Public and other nonprofit institutions conducting regular academic instruction at kindergarten, elementary and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the State of California Board of Education.

School, Private: An institution conducting regular academic instruction at kindergarten, elementary and secondary levels operated by a non governmental organization.

School, Trade: Schools offering instruction primarily in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technician schools and similar commercial establishments operated by non-governmental organizations.

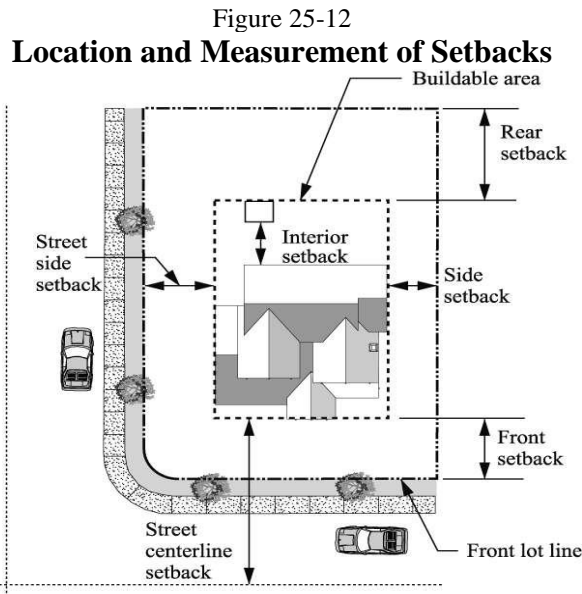
Service Station: An establishment which provides for the fueling and servicing of electric, hybrid and motor vehicles and operations incidental thereto, including:

- a. Retail sale of oil, tires, batteries and new accessories;
- b. Automobile washing, including mechanical car wash or steam cleaning;
- c. Incidental waxing and polishing;
- d. Tire changing and repairing, but not including recapping;
- e. Battery service, charging and replacement, but not including repair or rebuilding;
- f. Radiator cleaning and flushing, but not including repair or steam cleaning;
- g. Installation of minor accessories;
- h. Lubrication of motor vehicles;
- i. Brake adjustment, replacement of brake cylinders, brake fluid lines and brake shoes;



- j. The testing, adjustment and replacement of motor parts and accessories, not involving engine overhaul; and
- k. SMOG testing and reporting.

Setback: The minimum required distance that a building, structure, parking area or other development feature must be separated from the property /lot line, or other structure or development feature. Setbacks are established to ensure the provision of open areas around structures for visibility and traffic safety; access to and around structures; access to natural light and ventilation; separation of incompatible land uses; and space for privacy, landscaping, and recreation.



Setback, Second Story: The additional distance that the second story of a structure must be set back from the ground floor setback line. The setback distance as noted in the Development Standards Tables located in some Articles of this Development Code is in addition to the setback distance required for the ground floor of a structure. Therefore, where the setback for the exterior wall on the ground floor of the structure is 10 feet and the second story setback requirement is 10 additional feet, the exterior wall of the second story shall be 20 feet from the property line.

Shared Parking: The provision that two or more uses that are within close proximity may share parking facilities to fulfill their individual parking requirements because their prime operational hours do not overlap.

Sign: Any lettering or symbol made of cloth, metal, paint, paper, wood or other material of any kind whatsoever placed for advertising, identification or other purposes on the ground or on any bush, tree, rock, wall, post, fence, building, structure, vehicle, trailer or on any place whatsoever. The term "placed" shall include constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever. "Sign" for the purposes of this Development Code does not include official notices issued by any court or public body or officer, notices posted by any public officer in performance of a public duty or by any person giving legal notice, and directional warning or informational signs or structures required or authorized by law.

a. **Additional Signage Terms:**

A-frame: A portable sign, hinged or fastened on one end, capable of standing up by itself and which has copy on the two exterior sides.

Animated Sign: A sign that uses movement, lighting, or special materials to depict action or create a special effect or scene. This classification includes wind-actuated and other elements such as balloons, bunting, pennants, streamers, whirligigs, or other similar devices.



Attached Sign: Any sign which is fastened, attached, connected or supported in whole or in part to a building or structure.

Awning Sign: An awning sign is a roof-like structure usually covered in fabric (e.g., canvas) that projects from the wall of a building for the purpose of shielding a doorway or window from the elements which may incorporate information about a commercial business as an integral part of the awning.

Banner: A temporary sign of fabric, plastic, paper or other light pliable material with no enclosing framework.

Bench Sign: Copy painted or attached to a bench.

Building Frontage: For the purposes of signage, building frontage shall be considered the wall of a building that faces and is roughly parallel with a public street or highway, excluding an alley.

Business Identification Sign: A sign pertaining to a permitted use, permitted use with Site Plan Review or Conditional Use conducted on the site.

Cabinet Sign (Can Sign): A sign that has one or more plastic, acrylic, or similar material faces (panels) that may or may not be internally illuminated. The sign panels may be either flat or shaped (“pan face”) and are attached to a structural frame cabinet.

Canopy Sign: A sign located on a permanent roof-like structure or canopy of rigid or fabric materials extending from the main entrance of a building.

Changeable Copy Sign (electronic): A sign with changeable copy that is changed by incorporating video display, flip disks, incandescent lamps, fluorescent lamps, fiber optics, light-emitting diodes, liquid crystals displays, plasma displays, field emission displays, or any other mechanical or light-emitting matrix to convey changing copy or images including time and temperature.

Changeable Copy Sign (manual): A sign with changeable copy that is manually changed, regardless of method of attachment or materials of construction. This classification includes bulletin boards, and changeable copy signs on marquees.

Commercial Message: A message displayed on a sign that relates primarily to economic interests such as exchange of goods or services. This definition shall automatically incorporate court rulings defining the term “commercial speech”. In ambiguous situations, whether speech proposes a consumer transaction must be determined by identifying the speaker and the intended audience, and by evaluating the content of the message. The speaker necessarily will be someone engaged in commerce or acting for the benefit of someone engaged in commerce, and the intended audience typically will be actual or potential consumers, or those who are likely to influence consumers. With respect to the content of the message, commercial speech has an economic motivation, and typically includes factual representations about the business operations, products, or services of the speaker. (See *Kasky v. Nike, Inc.* (2002) 27 Cal.4th 939.)

Civic Event Sign: A temporary sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.

Copy: The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic or alphabetic form.

Detached Sign: Any sign permanently anchored to the ground which stands alone on its own foundation and structural supports, and detached from any supporting elements of a building. This includes monument, pylon, and pole mounted signs, etc.

Direct Illumination: A sign which is illuminated by lights which are external of the sign and must be hooded to prevent light from shining anywhere except on the sign.

Directional Signs: A sign which includes copy offering pertinent directional information for the purpose of assisting in the flow of vehicular or pedestrian traffic.



Face of Sign: The area of a sign on which the copy is placed.

Freestanding Sign: Same as Detached Sign.

Fixed Balloon: Any lighter-than-air or gas filled inflatable object attached by a tether to a fixed place on the ground.

Flashing Sign: A sign that changes its message more than once every four seconds.

Hanging Sign: A sign suspended from, and located entirely under a covered porch, covered walkway, or an awning.

Home Occupation Sign: A sign which provides information concerning a home occupation which has been approved through a zoning permit.

Illuminated Sign: A sign with an artificial light source for the purpose of decorating, outlining, accentuating, or brightening the sign area.

Internal Illumination: A source of illumination entirely within the sign which makes the sign content visible at night by means of a light being transmitted through a translucent material, but wherein the source of illumination is not visible.

Logo: A sign component consisting of a trademark or symbol used to identify a business.

Marquee Sign: A sign permanently affixed to a permanent roofed structure attached to and supported by the building to which it is attached and projecting over an entrance.

Menu Sign: A sign used to inform the public of the list of entrees, dishes, foods, services, or entertainment available in a restaurant or other commercial establishment.

Message Center Sign: An advertising display where the message is changed more than once every two minutes, but no more than once every four seconds.

Monument Sign: A detached sign mounted on or incorporated into a solid supporting structure.

Multi-Tenant Sign: An identification sign for a commercial site with multiple tenants, displaying the names of more than one tenant on the site.

Mural: A non-commercial painting or pictorial representation applied to or incorporated into a structure or wall that can be viewed from public places, roads, alleys or rights-of-way.

Name Plate: A sign for the purpose of displaying the family name of the occupants of a structure and or address of the property.

Noncommercial message: A sign message that is not a “Commercial Message”, as defined above. This definition shall automatically incorporate court rulings defining the term “noncommercial speech”.

Permanent Sign: A sign designed with durable materials and intended to be used in excess of 60 days per calendar year.

Pole Sign: A detached sign supported by one or more uncovered or exposed uprights, supports, or braces. (See also Pylon Sign)

Political Sign: A sign which is utilized for the purpose of proposing or opposing the election of a candidate or ballot measure.

Portable Sign: Any sign or advertising device not secured in place, such as an A-frame or spring loaded sign.

Projecting Sign: A sign that projects from and is supported by a wall or a building.



Pylon Sign: A sign that is supported by two or more uprights, poles, or braces in or upon the ground that are not a part of a building or enclosed within the exterior walls of a building and are separated from any other structures.

Real Estate Sign: A sign advertising real property for sale, exchange, lease or rent, but not including signs advertising transient occupancy, such as hotel or motel accommodations.

Temporary Sign: A sign either portable or stationary used to display information relating to land use or event of limited duration which is intended to be removed upon termination of said land use or event.

Vehicle Sign: A sign mounted, painted, placed on, attached or affixed to a trailer, watercraft, truck, automobile, or other form of motor vehicle which is parked or placed so that the sign is discernable from a public street or right-of-way as a means of communication. The term shall not include:

- a. License plates.
- b. License plate frames
- c. Registration insignia.
- d. Noncommercial messages painted on or otherwise attached in a manner such that the vehicle can be legally operated on public rights-of-way, or any noncommercial message that does not exceed a total of three square feet in size.
- e. Messages on a vehicle used in the course of business to transport personnel or products, or to provide services (not including general advertising) that are advertised by the messages on the vehicle, provided that the messages are painted or otherwise attached in a manner such that the vehicle can be operated on public right-of-way.
- f. Commercial messages painted on or otherwise attached in a manner such that the vehicle can be legally operated on public rights-of-way, or any noncommercial message that does not exceed a total of three square feet in size; and,
- g. Commercial messages on duly licensed mass transit vehicles that operate within and pass through the County.

Wall Mounted Sign: A sign attached to, erected against or painted upon the wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall.

Window Sign: Any sign placed on, affixed to, painted on, or located within the casement or sill area of a window.

Single Room Occupancy (SRO) Hotel: Single room occupancy hotels are small (approximately 250-300 square feet in size) studio-type apartment units with a kitchen or a bathroom, typically occupied by extremely-low-income persons.

Site: A parcel of land, subdivided or un-subdivided, occupied or to be occupied by a use or structure. A lot.

Site Area: The total horizontal area included within the property lines of a site.

Site Coverage: The percentage of total site area occupied by structures/buildings, and includes the primary structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, etc.) and architectural features (e.g., chimneys, balconies, decks above the first floor, porches, stairs, etc.). Structure/building coverage is measured from exterior wall to exterior wall.

Site Depth: The horizontal distance between the front and rear property lines of a site measured along a line midway between the side property lines.

Site Plan: A scale drawing prepared as part of a proposal for a zoning permit or building permit depicting the actual project site and structures on the site.



Site Width: The horizontal distance between the side property lines of a site measured at right angles to the Site Depth at a point midway between the front and rear property lines.

Situs Address: A term used to indicate the site location of a property.

Solid Waste Transfer/Processing Station: Includes those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid waste directly from smaller to larger vehicles for transport to their final place of disposition.

Special Occupancy Park: A recreational vehicle park, temporary recreational vehicle park as defined in Health & Safety Code Section 18862.39 and intended to accommodate owners or users of recreational vehicles, camping cabins or tents. The California Department of Housing and Community Development has enforcement authority over special occupancy parks within the confines of the park.

Special Use Permits: Special Use Permits are no longer issued by the County, but uses permitted through this process may still be in effect.

Stable: A detached accessory structure including, but not limited to a corral or paddock for the keeping of one or more horses owned by the occupants of the premises and which are not kept for remuneration, hire or sale.

Stable, Commercial: A structure including, but not limited to a corral or paddock for the keeping of horses for remuneration, hire or sale.

Stock Feeding Yard or Lot: A site or portion of a site used for the concentrated feeding of livestock, or any hoofed animal, including but not limited to, cattle or hogs, or similar activity prior to selling, shipping to market, or slaughtering.

Storage Shed: A one story detached accessory structure used for tool, lawn equipment, or general storage, playhouse, and similar uses, provided the floor area does not exceed 120 square feet in size and generally does not require a building permit. *(Note: The installation of electrical, mechanical or plumbing in any structure requires a building permit regardless of the size of the structure).*

Street: A public or County approved private way permanently dedicated or reserved as a primary means of access to abutting property.

Street, Complete: A street design that, in addition to motor vehicle lanes, incorporates elements which promote and allow safe pedestrian walkability, bicycle usage, and accessibility by wheel chairs and other mobility devices including sidewalks, curbs with curb cuts and accessibility ramps, bicycle lanes and signage, and raised medians and planting strips.

Street Line: The boundary line between street rights-of-way and abutting property.

Structure: Anything built, constructed or erected that requires a fixed location on the ground, including a building, swimming pool, etc., but not including a fence, a wall used as a fence, a driveway, paving or concrete slabs.

Structure, Main: A structure housing the principal use of a site or functioning as the principal use.

Structural Alteration: Any change in the supporting members of a building, such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or any change in the exterior dimensions of a building, excepting those changes which may result from providing minor repairs and building maintenance.

Subdivision: The term "Subdivision," when referring to divisions of land, shall have the same meaning as found in the Subdivision Map Act (Government Code beginning at Section 66410). (See Kings County Subdivision Ordinance)

Substantially Developed Fringe Area: Groups of parcels, already largely subdivided, in the unincorporated areas of the County within city primary spheres of influence or community service district boundaries where the majority of parcels have been issued land use and/or building permits.

Supportive Housing: Housing with no limit on length of stay that is occupied by the Target Population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health



status, maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to those standards and procedures as they apply to other residential uses of the same type in the same zone.

Surface Mining Operations: All, or any part, of the process involved in the mining of minerals (except water, geothermal resources, natural gas, and petroleum) on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster shall not be included. Surface mining operations shall include, but are not limited to:

- a. In-place distillation or retorting or leaching.
- b. The production and disposal of mining wastes.
- c. Prospecting and exploring activities.
- d. Borrow pitting.
- e. Streambed skimming.
- f. Segregation and stockpiling of mined materials (and recovery of same).
- g. Activities that are and become subject to the requirements of the Surface Mining and Reclamation Act (Chapter 9, Division 2, of the Public Resources Code).

Target Population: Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Act (Division 4.5 (Commencing with Section 4500) of the Welfare and Institutions Code). May include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans and homeless people.

Tattoo Parlor: Establishments in which artistic expression takes place through the insertion of inks under the surface of the skin of the human body by pricking with a needle to produce an indelible mark resulting in a design, picture or words visible through the skin. Tattooing does not include those services performed by a physician licensed in the State of California to perform this type of work.

Tavern: See “Bar”

Temporary Recreational Vehicle Park: Any area or tract of land where two or more lots are rented, leased, or held out for rent or lease to owners or users of recreational vehicles, and that is established for one operation or event not to exceed 11 consecutive days, and is then removed. (Also see Special Occupancy Parks)

Temporary Use: A use established for a specified period of time, with the intent to discontinue the use at the end of the designated time period, and which does not permanently alter the character or physical facilities of the property.

Thermal Power Facility: Any stationary or floating electrical generating facility using any source of thermal energy (including coal, oil, or natural gas), and any facilities appurtenant thereto, to produce mechanical energy or to produce steam to spin a turbine that operates a generator. Thermal power facilities do not include any wind, hydroelectric, solar photovoltaic electrical generating facilities. Thermal power facilities also do not include any electrical generating facilities installed as incidental and accessory structures and uses located on the same sites as permitted uses requiring Site Plan Review or Conditional Use Permits.

Thrift Store: An establishment primarily engaged in the sale of used clothing, household goods, furniture or appliances. This definition does not include antique stores or pawn shops.

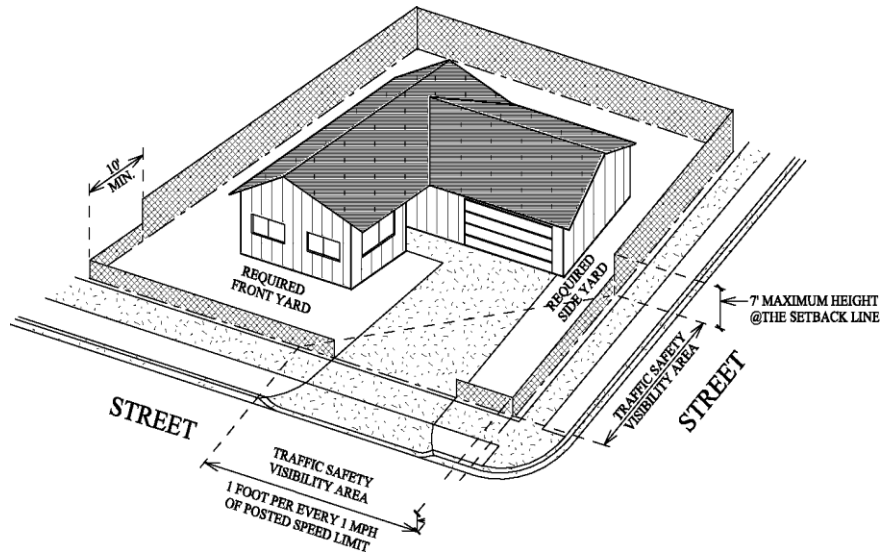
Traffic Safety Visibility Area: A space set aside on a lot in which all visual obstructions, such as structures, fences and plantings that inhibit visibility and thus have the potential to cause a hazard to traffic and pedestrian safety are prohibited, as follows:



a. **Area adjacent to any existing driveway on any lot** - the Traffic Safety Visibility Area is that area on the street side of a diagonal line connecting points, measured from the intersection of the driveway (located on the property or adjoining parcel) and the street right of way line, 20 feet along the side of the driveway and 20 feet along the street side of a lot.

b. **On a corner lot** - the Traffic Safety Visibility Area also includes that area of a corner lot on the street side of a diagonal line connecting points, measured from the property corner where the streets intersect, set back one foot for every one mile per hour of the posted speed limit along each street.

Figure 25-13
Traffic Safety Visibility Area



Transitional Housing: Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Single- or multi-family dwellings may be configured for use as transitional housing. Transitional housing is a residential use subject only to those standards and procedures as they apply to other residential uses of the same type in the same zone.

(Ord No. 668-1-16, §22, 1/12/16)

Urban Fringe: A transition area around existing cities where urban and rural areas meet in which land uses are managed to prevent urban sprawl and protect agricultural land.

Use: The purpose for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered or enlarged or for which either a site or a structure is or may be occupied or maintained.

Use, Permitted with Administrative Approval: A use which is listed as a use permitted with administrative approval in any given district in the previous Zoning Ordinance. Such uses may be required to meet certain requirements as a condition precedent to the granting of administrative approval which will allow the establishment of the use in any given district. (Note: administrative approvals were removed from the Zoning Ordinance when Ordinance No. 269.40 was adopted by the Kings County Board of Supervisors on October 4, 1994. Uses that were previously listed under administrative approval were moved to either Site Plan Review or Conditional Use Permit depending on whether or not an environmental review was required.)

Vacant Site: A site that is not developed with a building for which a permit has been issued pursuant to the provisions of Chapter 5 of the Code of Ordinances of the county.

Variance: A discretionary entitlement which permits the departure from the strict application of the development standards contained in the Development Code under specific circumstances. See Article 18 of this Development Code.



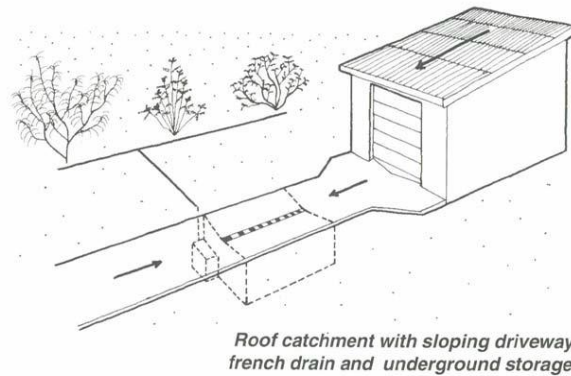
Wall: Any structural device forming a physical barrier which is so constructed that more than 50% of the vertical surface is closed to the transmission of light, air, and vision through said surface.

Wall (Noise Attenuation): A wall or fence constructed as a mitigation measure to reduce the effect of a potential noise source.

Watchman’s Quarters: A dwelling, attached or detached, provided specifically for the use of a person whose responsibility is to provide security for the approved use on the site.

Water Collection: Refers to the practices of using rain barrels, cisterns, and storage tanks to collect and store rainwater for various uses, including irrigating plants. Rain barrels are most often used for individual residences, while cisterns have both residential and commercial applications.

Figure. 25-14
Water Collection



Williamson Act: California Land Conservation Act of 1965, California Government Code Section 51200 et. seq.

Winery: A facility that engages in the conversion of grapes, berries, or other fruit into wine.

Wireless Telecommunication Facility: A broad range of telecommunications services that enable people and devices to communicate independent of location. This includes equipment and network components such as towers, utility poles, transmitters, base stations, and emergency powers systems that are integral to the provision of cellular communications and personal communications services. This excludes noncommercial antennas, radio and television signals, and noncommercial satellite dishes.

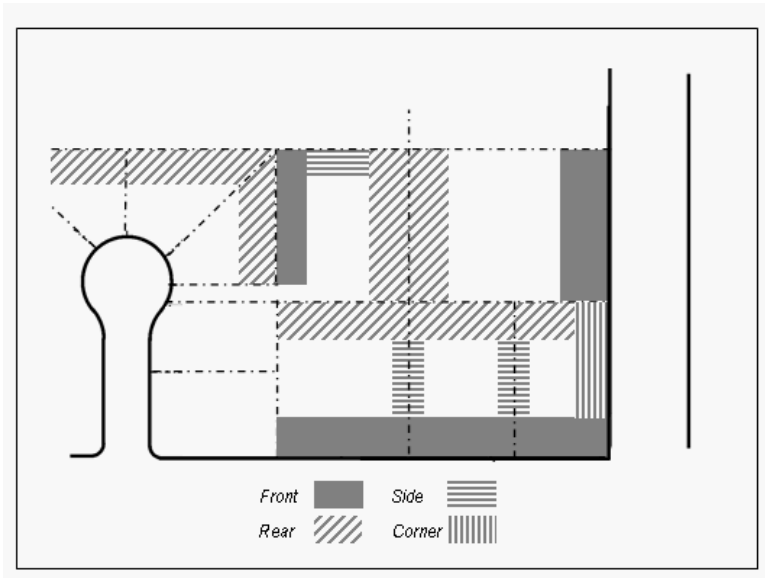
Wrecking Yard: See “Salvage Yard”.

Xeriscape: A water conserving method of landscaping in arid or semiarid climates which provide groundcover and dust control. In practice, xeriscaping means simply landscaping with slow-growing, drought tolerant plants to conserve water and reduce yard trimmings.

Yard: Open and unoccupied setback space on a lot in which structures may not be built, constructed or erected.



Figure 25-15
Yard Types



Yard, Front: A yard, the depth of which is the minimum required horizontal distance between the front lot line and a line parallel thereto on the lot, which yard extends across the full width of the lot.

Yard, Rear: A yard, the depth of which is the minimum required horizontal distance between the rear lot line and a line parallel thereto on the lot, which yard extends across the full width of the lot.

Yard, Side: A yard, the width of which is the minimum required horizontal distance between the side lot line and a line parallel thereto on the lot, not including any portion of required front yard or required rear yard.

Yard, Corner: A yard, the width of which is the minimum required horizontal distance between the street side lot line and a line parallel thereto on the lot, not including any portion of required front yard.

Zoning: A police power measure, enacted primarily by units of local government, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement and other development standards. The Zoning Plan consists of a map and this Development Code.

Zoning District: Areas of land mapped on district maps which designate uses or activities that may take place on that land.



Exhibit "B"
BEFORE THE KINGS COUNTY PLANNING COMMISSION
COUNTY OF KINGS, STATE OF CALIFORNIA

IN THE MATTER OF DEVELOPMENT CODE) RESOLUTION NO. 23-03
TEXT CHANGE NO. 668.17(b), AMENDING)
VARIOUS SECTIONS OF ARTICLES 5, 7, 12 & 25)
OF THE KINGS COUNTY DEVELOPMENT)
CODE TO ADDRESS THE STATE'S)
AMENDMENTS TO ACCESSORY DWELLING)
UNIT (ADU) LAW AS PART OF THE)
COMMUNITY DEVELOPMENT AGENCY'S)
CONTINUING ADMINISTRATION AND)
MAINTENANCE OF THE KINGS COUNTY)
DEVELOPMENT CODE) Re: Development Code Text Change No.
668.17(b)

WHEREAS, the County of Kings has adopted an Ordinance known as Development Code No. 668 in order to preserve, protect, and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the County of Kings and there are occasions in which the language of that Ordinance may need to be amended; and

WHEREAS, the Kings County Community Development Agency is entrusted with administering the County's land use authority, and on occasion may determine the need to update and or correct various provisions of the County's land use policies and zoning regulations to maintain consistency and relevance; and

WHEREAS, in June 2023, the Kings County Community Development Agency initiated Development Code Text Change No. 668.17(b) to amend various sections of Articles 5, 7, 12 & 25 of the Kings County Development Code to address the State's amendments to Accessory Dwelling Unit (ADU) law as part of the Community Development Agency's continuing administration and maintenance of the Kings County Development Code; and

WHEREAS, in June 2023, the Kings County Community Development Agency drafted proposed changes to various sections of the Development Code, provided as Attachment No. 1 of the attached Resolution, after ensuring that it is consistent with current law, is internally consistent, implements policies within the *2035 Kings County General Plan*, and addresses the needs of the county and the people who live and work here; and

WHEREAS, the approval of Development Code Text Change No. 668.17(b) is exempt from *CEQA* review pursuant to Section 15061(b)(3) of the *Guidelines for California Environmental Quality Act (CEQA Guidelines)*. This section states that a project is exempt from *CEQA* if the activity is covered by the general rule that *CEQA* applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to *CEQA*. The changes in the Development Code are technical changes concerning general policy for the implementation of the zoning regulations and there is no possibility that these changes will have a significant effect on the environment by the act of adopting the Development Code. In addition, any new uses added to the Development Code will be required to undergo individual environmental review determination, and will either be ministerial, categorically exempt, or subject to individual *CEQA* review.

WHEREAS, on July 3, 2023, this Commission held a duly noticed public hearing to receive testimony from any interested person; and

WHEREAS, on July 3, 2023, this Commission considered all of the testimony it has received and the report and recommendation of the Community Development Agency Director before taking the following action.

NOW, THEREFORE, BE IT RESOLVED AND CERTIFIED, that this Commission finds that:

1. The approval of Development Code Text Change No. 668.17(b) is exempt from *CEQA* review pursuant to Section 15061(b)(3) of the Guidelines for *California Environmental Quality Act (CEQA Guidelines)*.
2. The Commission finds that Development Code Text Change No. 668.17(b) is consistent with and will implement the policies of the *2035 Kings County General Plan*.
3. The Commission finds that Development Code Text Change No. 668.17(b) will achieve the objectives of the General Plan and the Development Code.
4. Adopt Resolution No. 23-03, recommending that the Board of Supervisors approve Development Code Text Change No. 668.17(b).

The foregoing Resolution was adopted on a motion by Commissioner Maciel and seconded by Commissioner Bryant, at a regular meeting held before the Kings County Planning Commission on July 3, 2023 by the following roll call vote:

AYES:	COMMISSIONERS: Maciel, Bryant, Jones
NOES:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:
ABSENT:	COMMISSIONERS: Dias

KINGS COUNTY PLANNING COMMISSION


Riley Jones, Chairperson

WITNESS, my hand this 3rd day of July, 2023.


Chuck Kinney
Secretary to the Commission

cc: Kings County Board of Supervisors
Kings County Counsel

Attachments: Attachment No. 1 – Proposed Development Code Changes

**KINGS COUNTY PLANNING COMMISSION
STAFF REPORT**

**Development Code Text Change No. 668.17(b)
July 3, 2023**

APPLICANT: Kings County Community Development Agency, 1400 W. Lacey Blvd., Hanford, CA

PROPOSED CHANGES: **Development Code Text Change No. 668.17(b)**
Amendment of various sections of Articles 5, 7, 12 & 25 of the Kings County Development Code to address the State’s amendments to Accessory Dwelling Unit (ADU) law as part of the Community Development Agency’s continuing administration and maintenance of the Kings County Development Code.

DEVELOPMENT CODE DISCUSSION:

The Kings County Community Development Agency (CDA) has the responsibility to administer and maintain the Kings County Development Code. Since the adoption of the Development Code in April 2015, Staff has come across various unintended minor omissions and/or needed additions/clarifications throughout the code. In addition, as State laws are created and/or amended, there are provisions in the Development Code that need to be updated to be consistent with State law. The proposed Development Code amendments are an accumulation of all the mentioned changes. The proposed amendments are in blue and underlined, and the proposed deletions are in red with strikethroughs. The proposed changes are provided as Attachment No. 1 of Resolution No. 23-03.

The following are summaries for the more significant proposed amendments within each Article:

Article 5 – Residential Zoning Districts

1. ADDITION PROPOSED:

- a. Added “Junior Accessory Dwelling Unit (JADU)” to provisions of Article 5 where “Accessory Dwelling Unit (ADU)” are mentioned so that they are covered under the Development Code and allowed in a similar manner as Accessory Dwelling Units.
- b. Added “Junior Accessory Dwelling Unit (JADU)” to Section 505, Table 5-1, to be a permitted use requiring no zoning permit.
- c. Added “Junior Accessory Dwelling Unit (JADU)” State standards that differ between JADUs and ADUs including floor area, quantity, off-street parking, setbacks, and owner occupancy to Section 507.

2. CHANGE PROPOSED:

- a. Changed the “Accessory Dwelling Unit” use from requiring a Site Plan Review zoning permit to being permitted without a zoning permit to Section 505, Table 5-1.

- b. Changed “Section 507- Accessory Dwelling Units” to include Junior Accessory Dwelling Units. Updated said section to incorporate the most recent updates to ADU law including, floor area, quantity, setbacks, height requirements, and off-street parking.

Article 7- Mixed Use Zoning Districts

1. ADDITION PROPOSED:

- a. Added the use, “Accessory Dwelling Unit & Junior Accessory Dwelling Unit” to the “Residential Uses” section of Section 703, Table 7-1 as a use permitted without a zoning permit.
- b. Added the statement, “In compliance with Government Code Section 65852.2, Section 65852.22, and regulations prescribed in Article 5, Section 507.” to the use “Accessory Dwelling Unit & Junior Accessory Dwelling Unit” in Section 703, Table 7-1.
- c. Added note number six to Section 704 which outlines that attached or detached accessory dwelling units and junior accessory dwelling units must have minimum 4-foot rear and side setbacks.
- d. Added the statement, “Accessory dwelling units and junior accessory dwelling units shall comply with Article 5, Section 507.C.6 of the Kings County Development Code.” to Section 705.B.

Article 12- Pre-Existing Uses and Nonconforming Sites, Structures, and Uses

1. CHANGE PROPOSED:

- a. Changed Section 1204.A.3.b. to allow for an increase to the number of nonconforming residential dwelling units from none to not in excess of Government Code Sections 65852.2 & 65852.22.

Article 25- Definitions

1. CHANGE PROPOSED:

- a. Changed the definition of “Accessory Dwelling Unit” to include the four categories of ADUs, detached, attached, converted existing space, and junior accessory dwelling unit.

GENERAL PLAN REVIEW:

The Community Development Agency (CDA) has the responsibility to administer and maintain the *2035 Kings County General Plan*. The proposed changes would remain consistent with the goals and objectives of the General Plan. Specifically, *Goal 2* of the *Housing Element* of the *2035 Kings County General Plan* which strives to facilitate and encourage the provision of a range of housing types and prices to meet the diverse needs of County residents. As well as *LU Policy D1.4.4* of the *Land Use Element* of the *2035 Kings County General Plan* which seeks to increase the affordability of housing, the amount of housing for farm employee housing, and the number of multi-family residential units as detailed in the *Housing Element*.

ENVIRONMENTAL REVIEW:

The approval of Development Code Text Change No. 668.17(b) is exempt from *CEQA* review pursuant to Section 15061(b) (3) of the *Guidelines for California Environmental Quality Act (CEQA Guidelines)*. This section states that a project is exempt from *CEQA* if the activity is covered by the general rule that *CEQA* applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant

effect on the environment, the activity is not subject to *CEQA*. The changes to the Development Code are technical changes concerning general policy for the implementation of the zoning regulations and there is no possibility that these changes will have a significant effect on the environment by the act of adopting the Development Code Text Change. In addition, any new uses added by the Development Code Text Change will be required to undergo individual environmental review determination, and will either be ministerial, categorically exempt, or subject to individual *CEQA* review.

STAFF RECOMMENDATION: Staff recommends that the Commission, upon completion of the public hearing recommend:

1. The approval of Development Code Text Change No. 668.17(b) is exempt from *CEQA* review pursuant to Section 15061(b)(3) of the *Guidelines for California Environmental Quality Act (CEQA Guidelines)*.
2. The Commission finds that Development Code Text Change No. 668.17(b) is consistent with and will implement the policies of the *2035 Kings County General Plan*.
3. The Commission finds that Development Code Text Change 668.17(b) will achieve the objectives of the General Plan and the Development Code.
4. Adopt Resolution No. 23-03, recommending that the Board of Supervisors approve the Development Code Text Change No. 668.17(b)

Prepared by the Kings County Community Development Agency (Victor Hernandez) on June 25, 2023. Copies are available for review at the Kings County Community Development Agency, Government Center, Hanford, California, or at the Kings County Clerk's Office, Government Center, Hanford, California.

Kings County Development Code

Article 21, Section 2108

Sec. 2108. Action of the Planning Commission:

- A. Within 45 days following the close of the public hearing or hearings, the Commission shall make a specific finding as to whether the change is in the public interest and will achieve the objectives of the Development Code prescribed in Article 1, Section 104 of this Development Code and whether the change would be consistent with the purposes and intended applications of the zoning classification proposed.
- B. Within 90 days following the close of the public hearing, the Commission shall transmit a written report to the Board of Supervisors recommending that the application be granted or denied or that the proposal be adopted or rejected. The report shall include the following:
 - 1. One copy of the application.
 - 2. The resolution of the Commission or request of the Board.
 - 3. The scale drawing of the site and the surrounding area, and all other data filed with the site plan.
 - 4. The minutes of the public hearing.
 - 5. The report of the Zoning Administrator.
 - 6. The findings of the Commission,
 - 7. Reasons for the recommendation concerning the proposed amendment.

Exhibit "D"



CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT

ACCESSORY DWELLING UNIT HANDBOOK

UPDATED JULY 2022



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Understanding Accessory Dwelling Units (ADUs) and Their Importance



California's housing production is not keeping pace with demand. In the last decade, fewer than half of the homes needed to keep up with the population growth were built. Additionally, new homes are often constructed away from job-rich areas. This lack of housing that meets people's needs is impacting affordability and causing average housing costs, particularly for renters in California, to rise significantly. As affordable housing becomes less accessible, people drive longer distances between housing they can afford and their workplace or pack themselves into smaller shared spaces, both of which reduce quality of life and produce negative environmental impacts.

Beyond traditional construction, widening the range of housing types can increase the housing supply and help more low-income Californians thrive. Examples of some of these housing types are accessory dwelling units (ADUs – also referred to as second units, in-law units, casitas, or granny flats) and junior accessory dwelling units (JADUs).

What is an ADU?

An ADU is accessory to a primary residence and has complete independent living facilities for one or more persons and has a few variations:

- Detached: The unit is separated from the primary structure.
- Attached: The unit is attached to the primary structure.
- Converted Existing Space: Space (e.g., master bedroom, attached garage, storage area, or similar use, or an accessory structure) on the lot of the primary residence that is converted into an independent living unit.
- JADU: A specific type of conversion of existing space that is contained entirely within an existing or proposed single-family residence.

ADUs tend to be significantly less expensive to build than new detached single-family homes and offer benefits that address common development barriers, such as environmental quality. Because ADUs must be built on lots with existing or proposed housing, they do not require paying for new land or other costly infrastructure often required to build a new single-family home. Because they are contained inside existing or proposed single-family homes, JADUs require relatively modest renovations and are much more affordable to complete. ADUs are often built with cost-effective one- or two-story wood frames, which are also less expensive than other construction types. Additionally, prefabricated ADUs (e.g., manufactured housing and factory-built housing) can be directly purchased and can further reduce construction time and cost. ADUs can provide as much living space as apartments and condominiums and work well for couples, small families, friends, young people, and seniors.

Much of California's housing crisis comes from job-rich, high-opportunity areas where the total housing stock is insufficient to meet demand and exclusionary practices have limited housing choice and inclusion. Professionals and students often prefer living closer to jobs and amenities rather than spending hours commuting. Parents often want better access to schools and do not necessarily require single-family homes to meet their housing needs. There is a shortage of affordable units, and the units that are available can be out of reach for many people. Homeowners can construct an ADU on their lot or convert an underutilized part of their home into a JADU. This flexibility benefits both renters and homeowners, who can receive extra monthly rental income while also contributing to meeting state housing production goals.

ADUs also give homeowners the flexibility to share independent living areas with family members and others, allowing seniors to age in place, even if they require more care, thus helping extended families stay together while maintaining privacy. ADUs provide housing for family members, students, the elderly, in-home health care providers, individuals with disabilities, and others at below market prices within existing neighborhoods.

New policies are making ADUs even more affordable to build, in part by limiting the development impact fees that local jurisdictions may charge for ADU construction and relaxing local zoning requirements. ADUs and JADUs can often be built at a fraction of the price of a new single-family home, and homeowners may use their existing lot to create additional housing. Often the rent generated from the ADU can pay for the entire project in a matter of years.

ADUs and JADUs are a flexible form of housing that can help Californians more easily access job-rich, high-opportunity areas. By design, ADUs are more affordable to renters and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education, and services for many Californians.

Summary of Recent Changes to ADU Laws



In Government Code Section 65852.150, the California Legislature found and declared that, among other things, allowing ADUs in zones that allow single-family and multifamily uses provides additional rental housing and is an essential component in addressing California's housing needs. Over the years, State ADU Law has been revised to improve its effectiveness at creating more housing units. Changes to State ADU Law effective January 1, 2021, further reduce barriers, streamline approval processes, and expand capacity to accommodate the development of ADUs and JADUs. Within this context, the California Department of Housing and Community Development (HCD) developed –

and continues to update – this handbook to assist local governments, homeowners, architects, and the general public in encouraging the development of ADUs. Below is a summary of recent legislation that amended State ADU Law. Please see Attachment 1 for the complete statutory changes.

AB 345 (Chapter 343, Statutes of 2021)

AB 345 (Chapter 343, Statutes of 2021) builds upon recent changes to State ADU Law, particularly Government Code sections 65852.2 and 65852.26, to require the allowance of the separate conveyance of ADUs from the primary dwelling in certain circumstances, provided they meet certain conditions, including those listed below, found in Government Code section 65852.26, subdivisions (a)(1-5):

- The ADU or primary dwelling was built or developed by a qualified nonprofit. (Gov. Code, § 65852.26, subd. (a).)
- There is an enforceable restriction on the use of the property between the low-income buyer and nonprofit that satisfies the requirements of Section 402.1 of the Revenue and Taxation Code. (Gov. Code, § 65852.26, subd. (a)(2).)
- The entire property is subject to the affordability restrictions to assure that the ADU and primary dwelling are preserved for owner-occupied, low-income housing for 45 years and are sold or resold only to a qualified buyer. (Gov. Code, § 65852.26, subd. (a)(3)(D).)
- The property is held in a recorded tenancy in common agreement that meets certain requirements. (Gov. Code, § 65852.26, subd. (a)(3).)

AB 345 does not apply to JADUs, and local ordinances must continue to prohibit JADUs from being sold separately from the primary residence.

AB 3182 (Chapter 198, Statutes of 2020)

AB 3182 (Chapter 198, Statutes of 2020) builds upon recent changes to State ADU Law, specifically Government Code section 65852.2 and Civil Code Sections 4740 and 4741, to further address barriers to the development and use of ADUs and JADUs.

This legislation, among other changes, addresses the following:

- States that an application for the creation of an ADU or JADU shall be *deemed approved* (not just subject to ministerial approval) if the local agency has not acted on the completed application within 60 days. (Gov. Code, § 65852.2, subd. (a)(3).)
- Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one ADU *and* one JADU per lot (not one or the other), within the proposed or existing single-family dwelling, if certain conditions are met. (Gov. Code, § 65852.2, subd. (e)(1)(A).)
- Provides for the rental or leasing of a separate interest ADU or JADU in a common interest development, notwithstanding governing documents that otherwise appear to prohibit renting or leasing of a unit, and without regard to the date of the governing documents. (Civ. Code, § 4740, subd. (a), and Civ. Code, § 4741, subd. (a).)
- Provides that not less than 25 percent of the separate interest units within a common interest development be allowed as rental or leasable units. (Civ. Code, § 4740, subd. (b).)

AB 68 (Chapter 655, Statutes of 2019), AB 881 (Chapter 659, Statutes of 2019), and SB 13 (Chapter 653, Statutes of 2019)

AB 68 (Chapter 655, Statutes of 2019), AB 881 (Chapter 659, Statutes of 2019), and SB 13 (Chapter 653, Statutes of 2019) build upon recent changes to ADU and JADU Law, specifically Government Code sections 65852.2 and 65852.22, and further address barriers to the development of ADUs and JADUs.

This legislation, among other changes, addresses the following:

- Prohibits local agencies from including in development standards for ADUs requirements on minimum lotsize. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i).)
- Clarifies that areas designated by local agencies for ADUs may be based on the adequacy of water and sewer services, as well as on impacts on traffic flow and public safety. (Gov. Code, § 65852.2, subd. (a)(1)(A).)
- Eliminates all owner-occupancy requirements by local agencies for ADUs approved between January 1, 2020, and January 1, 2025. (Gov. Code, § 65852.2, subd. (a)(6).)
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom and

requires approval of a permit to build an ADU of up to 800 square feet. (Gov. Code, § 65852.2, subds. (c)(2)(B) and (C).)

- Clarifies that when ADUs are created through the conversion of a garage, carport or covered parking structure, replacement of off-street parking spaces cannot be required by the local agency. (Gov. Code, § 65852.2, subd. (a)(1)(D)(xi).)
- Reduces the maximum ADU and JADU application review time from 120 days to 60 days. (Gov. Code, § 65852.2, subd. (a)(3) and (b).)
- Clarifies that “public transit” includes various means of transportation that charge set fees, run on fixed routes, and are available to the public. (Gov. Code, § 65852.2, subd. (j)(9).)
- Establishes impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees, and ADUs that are 750 square feet or larger may be charged impact fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling unit. (Gov. Code, § 65852.2, subd. (f)(3).)
- Defines an “accessory structure” to mean a structure that is accessory and incidental to a dwelling on the same lot. (Gov. Code, § 65852.2, subd. (j)(2).)
- Authorizes HCD to notify the local agency if HCD finds that the local ADU ordinance is not in compliance with state law. (Gov. Code, § 65852.2, subd. (h)(2).)
- Clarifies that a local agency may identify an ADU or JADU as an adequate site to satisfy its Regional Housing Needs Allocation (RHNA). (Gov. Code, §§ 65583.1, subd. (a), and 65852.2, subd. (m).)
- Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them. (Gov. Code, § 65852.2, subds. (b) and (e).)
- Allows a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom and an interior entry into the single-family residence. (Gov. Code, § 65852.22, subd. (a)(4-5).)
- Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency. (Gov. Code, § 65852.2, subd. (n); Health & Safety Code, § 17980.12).)

[AB 587](#) (Chapter 657, Statutes of 2019), [AB 670](#) (Chapter 178, Statutes of 2019), and [AB 671](#) (Chapter 658, Statutes of 2019)

In addition to the legislation listed above, AB 587 (Chapter 657, Statutes of 2019), AB 670 (Chapter 178, Statutes of 2019), and AB 671 (Chapter 658, Statutes of 2019) also have an

impact on State ADU Law, particularly through Health and Safety Code Section 17980.12. These pieces of legislation, among other changes, address the following:

- AB 587 creates a narrow exemption to the prohibition for ADUs to be sold or otherwise conveyed separately from the primary dwelling by allowing deed-restricted sales to occur if the local agency adopts an ordinance. To qualify, the primary dwelling and the ADU are to be built by a qualified nonprofit corporation whose mission is to provide units to low-income households. (Gov. Code, § 65852.26.)
- AB 670 provides that covenants, conditions and restrictions that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable. (Civ. Code, § 4751.)
- AB 671 requires local agencies' housing elements to include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low-, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction, and operation of affordable ADUs. (Gov. Code, § 65583; Health & Safety Code, § 50504.5.)

Frequently Asked Questions

1. Legislative Intent

- **Should a local ordinance encourage the development of ADUs?**

Yes. Pursuant to Government Code section 65852.150, the California Legislature found and declared that, among other things, California is facing a severe housing crisis and ADUs are a valuable form of housing that meets the needs of family members, students, the elderly, in-home health care providers, people with disabilities, and others. Therefore, ADUs are an essential component of California's housing supply.

State ADU Law and recent changes intend to address barriers, streamline approval, and expand potential capacity for ADUs, recognizing their unique importance in addressing California's housing needs. The preparation, adoption, amendment, and implementation of local ADU ordinances must be carried out consistent with Government Code section 65852.150 and must not unduly constrain the creation of ADUs. Local governments adopting ADU ordinances should carefully weigh the adoption of zoning, development standards, and other provisions for impacts on the development of ADUs.

ADU Law is the statutory minimum requirement. Local governments may elect to go beyond this statutory minimum and further the creation of ADUs. (Gov. Code, § 65852.2, subd. (g).) Many local governments have embraced the importance of ADUs as an important part of their overall housing policies and have pursued innovative strategies.

Government Code section 65852.150:

(a) The Legislature finds and declares all of the following:

(1) Accessory dwelling units are a valuable form of housing in California.

(2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.

(3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.

(4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.

(5) California faces a severe housing crisis.

(6) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.

(7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.

(8) Accessory dwelling units are, therefore, an essential component of California's housing supply.

(b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.

2. Zoning, Development and Other Standards

A) Zoning and Development Standards

- **Are ADUs required jurisdiction-wide?**

No. ADUs proposed pursuant to subdivision (e) of Government Code section 65852.2 must be permitted in any residential or mixed-use zone, which should be construed broadly to mean any zone where residential uses are permitted by-right or by conditional use. For other ADUs, local governments may, by ordinance, designate areas in zones where residential uses are permitted that will also permit ADUs. However, any limits on where ADUs are permitted may only be based on the adequacy of water and sewer service and on the impacts on traffic flow and public safety.

Further, local governments may not preclude the creation of ADUs altogether, and any limitation should be accompanied by detailed findings of fact explaining why ADU limitations are required and consistent with these factors. If a lot with a residence has been rezoned to a use that does not allow for residential uses, that lot is no longer eligible to create an ADU. (Gov. Code § 65852.2 subd. (a)(1) and (e)(1).)

Impacts on traffic flow should consider factors like lower car ownership rates for ADUs. Finally, local governments may develop alternative procedures, standards, or special conditions with mitigations for allowing ADUs in areas with potential health and safety concerns.

- **Can ADUs exceed general plan and zoning densities?**

Yes. An ADU is an accessory use for the purposes of calculating allowable density under the general plan and zoning and does not count toward the allowable density. For example, if a zoning district allows one unit per 7,500 square feet, then an ADU would not be counted as an additional unit. Further, local governments could elect to allow more than one ADU on a lot, and ADUs are automatically a residential use deemed consistent with the general plan and zoning. (Gov. Code, § 65852.2, subd. (a)(1)(C).)

- **Can a local government apply design and development standards?**

Yes. With an adopted ADU ordinance in compliance with State ADU Law, a local government may apply development and design standards that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources. **However, these standards should be objective to allow ministerial review of an ADU.** (Gov. Code, § 65852.2, subds. (a)(1)(B)(i) and (a)(4).)

ADUs created under subdivision (e) of Government Code section 65852.2 shall not be subject to design and development standards except for those that are noted in the subdivision.

ADUs that do not meet objective and ministerial development and design standards may still be permitted through an ancillary discretionary process if the applicant chooses to pursue this route. In this scenario, the applicant assumes time and monetary costs associated with a discretionary approval process. Some jurisdictions with compliant ADU ordinances apply additional processes to further the creation of ADUs that do not otherwise comply with the minimum standards necessary for ministerial review. Importantly, these processes are intended to provide additional opportunities to create ADUs that would not otherwise be permitted, and a discretionary process may not be used to review ADUs that are fully compliant with State ADU Law.

- **Are ADUs permitted ministerially?**

Yes. ADUs subject to State ADU Law must be considered, approved, and permitted ministerially, without discretionary action. Development and other decision-making standards must be sufficiently objective to allow for ministerial review. Examples include numeric and fixed standards such as heights or setbacks, or design standards such as colors or materials. Subjective standards require judgement and can be interpreted in multiple ways, such as privacy, compatibility with neighboring properties, or promoting harmony and balance in the community; subjective standards must not be imposed on ADU development. Further, ADUs must not be subject to hearing requirements or any ordinance regulating the issuance of variances or special use permits and must be considered ministerially. (Gov. Code § 65852.2, subs. (a)(3) and (a)(4).)

- **Is there a streamlined permitting process for ADU and JADU applications?**

Yes. Whether or not a local agency has adopted an ordinance, applications to create an ADU or JADU shall be considered and approved ministerially within 60 days from the date the local agency receives a completed application. Although the allowed 60-day review period may be interrupted due to an applicant addressing comments generated by a local agency during the permitting process, additional 60-day time periods may not be required by the local agency for minor revisions to the application. (Gov. Code § 65852.2, subs. (a)(3) and (b).)

- **Can I create an ADU if I have multiple detached dwellings on a lot?**

Yes. A lot where there are currently multiple detached single-family dwellings is eligible for creation of one ADU per lot by converting space within the proposed or existing space of a single-family dwelling or existing structure and by building a new detached ADU subject to certain development standards. (Gov. Code § 65852.2, subs. (e)(1)(A) and (B).)

- **What is considered a multifamily dwelling under ADU Law?**

For the purposes of State ADU Law, a structure with two or more attached dwellings on

a single lot is considered a multifamily dwelling structure. Multiple detached single-unit dwellings on the same lot are not considered multifamily dwellings for the purposes of State ADU Law.

- **Can I build an ADU in a historic district or if the primary residence is subject to historic preservation?**

Yes. ADUs are allowed within a historic district and on lots where the primary residence is subject to historic preservation. State ADU Law allows for a local agency to impose standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources. However, these standards do not apply to ADUs proposed pursuant to Government Code section 65852.2, subdivision (e).

As with non-historic resources, a jurisdiction may impose objective and ministerial standards that are sufficiently objective to be reviewed ministerially and do not unduly burden the creation of ADUs. Jurisdictions are encouraged to incorporate these standards into their ordinances and to submit these standards along with their ordinances to HCD. (Gov. Code, § 65852.2, subds. (a)(1)(B)(i) and (a)(5).)

B) Size Requirements

- **Can minimum lot size requirements be imposed on ADUs? What about lot coverage, floor area ratio, or open space requirements?**

No. While local governments may impose certain development standards on ADUs, these standards shall not include minimum lot size requirements. Further, lot coverage requirements cannot preclude the creation of a statewide exemption ADU (see below). If lot coverage requirements do not allow such an ADU, an automatic exception or waiver should be given to appropriate development standards such as lot coverage, floor area, or open space requirements. Local governments may continue to enforce building and health and safety standards and may consider design, landscape, and other standards to facilitate compatibility. (Gov. Code, § 65852.2, subds. (c)(2)(C).)

What is a statewide exemption ADU?

A statewide exemption ADU, found in Government Code section 65852, subdivision (e), is an ADU of up to 800 square feet, 16 feet in height, as potentially limited by a local agency, and with four-foot side and rear yard setbacks. State ADU Law requires that no lot coverage, floor area ratio, open space, or minimum lot size will preclude the construction of a statewide exemption ADU. Further, State ADU Law allows the construction of a detached new construction statewide exemption ADU to be combined on the same lot with a JADU in a single-family residential zone. In addition, ADUs are allowed in any residential or mixed uses regardless of zoning and development standards imposed in an ordinance. See more discussion below.

- **Can minimum and maximum unit sizes be established for ADUs?**

Yes. A local government may, by ordinance, establish minimum and maximum unit size requirements for both attached and detached ADUs; however, maximum unit size requirements must allow an ADU of at least 850 square feet, or 1,000 square feet for ADUs with more than one bedroom. For local agencies without an ADU ordinance, maximum unit sizes are 1,200 square feet for a new detached ADU and up to 50 percent of the floor area of the existing primary dwelling for an attached ADU (at least 800 square feet). Finally, the local agency must not establish by ordinance a minimum square footage requirement that prohibits the development of an efficiency unit as defined in Health and Safety Code section 17958.1.

The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to unit size requirements. For example, an existing 3,000 square-foot barn converted to an ADU would not be subject to the local unit size requirements, regardless of whether a local government has an adopted ADU ordinance. Should an applicant want to expand an accessory structure to create an ADU beyond 150 square feet, this ADU would be subject to the size maximums outlined in State ADU Law or in the local agency's adopted ordinance.

- **Can a percentage of the primary dwelling be used to limit the maximum size of an ADU?**

Yes. Local agencies may utilize a percentage (e.g., 50 percent) of the primary dwelling as a maximum unit size for attached ADUs, but only if it does not restrict an ADU's size to less than the standard of at least 850 square feet (or at least 1,000 square feet for ADUs with more than one bedroom). Local agencies shall not, by ordinance, establish any other minimum or maximum unit sizes, including limits based on a percentage of the area of the primary dwelling, that precludes an 800 square-foot ADU. (Gov. Code, § 65852.2, subd. (c)(2)(C).) Local agencies utilizing percentages of the primary dwelling as maximum unit sizes can consider multi-pronged standards to help navigate these requirements (e.g., shall not exceed 50 percent of the dwelling or 1,000 square feet, whichever is greater).

- **Can maximum unit sizes exceed 1,200 square feet for ADUs?**

Yes. Maximum unit sizes can exceed 1,200 square feet for ADUs through the adoption of a local ADU ordinance. State ADU Law does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ADUs. (Gov. Code, § 65852.2, subd. (g).)

C) Parking Requirements

- **Are certain ADUs exempt from parking requirements?**

Yes. A local agency shall not impose ADU parking standards for any of the following ADUs, pursuant to Government Code section 65852.2, subdivisions (d)(1-5) and (j)(10):

- (1) ADUs located within one-half mile walking distance of public transit.
- (2) ADUs located within an architecturally and historically significant historic district.
- (3) ADUs that are part of the proposed or existing primary residence 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 car share vehicle located within one block of the ADU.

Note: For the purposes of State ADU Law, a jurisdiction may use the designated areas where a car share vehicle may be accessed. Public transit is any location where an individual may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the general public. Walking distance is defined as the pedestrian shed to reach public transit. Additional parking requirements to avoid impacts to public access may be required in the Coastal Zone.

- **Can ADU parking requirements exceed one space per unit or bedroom?**

No. Parking requirements for ADUs shall not exceed one parking space per unit or bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway. Guest parking spaces shall not be required for ADUs under any circumstances. For certain ADUs, pursuant to Government Code section 65852.2, subdivisions (d)(1-5) and (j)(10), a local agency may not impose any ADU parking standards (see above question).

What is Tandem Parking?

Tandem parking means two or more automobiles that are parked on a driveway or in any other location on a lot, lined up behind one another. (Gov. Code, § 65852.2, subs. (a)(1)(D)(x)(I) and (j)(11).)

Local agencies may choose to eliminate or reduce parking requirements for ADUs, such as requiring zero or half a parking space per each ADU, to remove barriers to ADU construction and to facilitate development.

- **Is flexibility for siting ADU parking recommended?**

Yes. Local agencies should be flexible when siting parking for ADUs. Off-street parking spaces for the ADU shall be permitted in setback areas in locations determined by the local agency or through tandem parking unless specific findings are made. Specific findings must be based on specific site or regional topographical or fire and life safety conditions.

When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted to an ADU, the local agency shall not require that those off-street parking spaces for the primary unit be replaced. (Gov. Code, § 65852.2, subd. (a)(1)(D)(xi).)

D) Setbacks

- **Can setbacks be required for ADUs?**

Yes. A local agency may impose development standards, such as setbacks, for the creation of ADUs. However, setbacks should not unduly constrain the creation of ADUs and cannot be required for ADUs proposed pursuant to subdivision (e). Further, a setback of no more than four feet from the side and rear lot lines shall be required for an attached or detached ADU. (Gov. Code, § 65852.2, subd. (a)(1)(D)(vii).) Additional setback requirements may be required in the Coastal Zone if required by a local Coastal Program. Setback requirements must also comply with any recorded utility easements or other previously recorded setback restrictions.

No setback shall be required for an ADU created within an existing living area or accessory structure or an ADU created in a new structure in the same location as an existing structure, while not exceeding the existing dimensions, including height. (Gov. Code, § 65852.2, subd. (a)(1)(D)(vii).)

A local agency may also allow the expansion of a detached structure being converted into an ADU when the existing structure does not have four-foot rear and side setbacks. A local agency may also allow the expansion area of a detached structure being converted into an ADU to have no setbacks, or setbacks of less than four feet, if the existing structure has no setbacks, or has setbacks of less than four feet, respectively. A local agency shall not require setbacks of more than four feet for the expanded area of a detached structure being converted into an ADU.

A local agency may still apply front yard setbacks for ADUs, but front yard setbacks cannot preclude an ADU of at least 800 square feet and must not unduly constrain the creation of all types of ADUs. (Gov. Code, §65852.2, subd. (c) and (e).)

- **Is there a distance requirement between an ADU and other structures on the lot?**

State ADU Law does not address the distance between an ADU and other structures on a lot. A local agency may impose development standards for the creation of ADUs, and ADUs shall comply with local building codes. However, development standards should not unduly constrain the creation of ADUs, cannot preclude a statewide exemption ADU (an ADU of up to 800 square feet, 16 feet in height, as potentially limited by a local agency, and with four-foot side and rear yard setbacks), and should not unduly constrain the creation of all types of ADUs, where feasible. (Gov. Code, § 65852.2, subd. (c).)

E) Height Requirements

- **Is there a limit on the height or number of stories of an ADU?**

There is no height limit contained in State ADU Law, but local agencies may impose height limits provided that the limit is no less than 16 feet. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i).) For a local agency to impose a height limit, it must do so through the adoption of a compliant ADU ordinance.

F) Bedrooms

- **Can a limit on the number of bedrooms in an ADU be imposed?**

A limit on the number of bedrooms could be construed as a discriminatory practice towards protected classes, such as familial status, and would be considered a constraint on the development of ADUs. Building code standards for minimum bedroom size still apply.

G) Impact Fees

- **Can impact fees be charged for an ADU less than 750 square feet?**

No. An ADU is exempt from incurring impact fees from local agencies, special districts, and water corporations if less than 750 square feet. If an ADU is 750 square feet or larger, impact fees shall be charged proportionately in relation to the square footage of the ADU to the square footage of the primary dwelling unit.

What is “Proportionately”?

“Proportionately” is some amount in relation to a total amount, in this case, an impact fee for a single-family dwelling. For example, a 2,000 square-foot primary dwelling with a proposed 1,000 square-foot ADU could result in 50 percent of the impact fee that would be charged for a new primary dwelling on the same site. In all cases, the impact fee for the ADU must be less than the primary dwelling. Otherwise, the fee is not calculated proportionately. When utilizing proportions, careful consideration should be given to the impacts on costs, feasibility, and, ultimately, the creation of ADUs. In the case of the example above, anything greater than 50 percent of the primary dwelling could be considered a constraint on the development of ADUs. A proportional fee shall not be greater than 100 percent, as when a proposed ADU exceeds the size of the existing primary dwelling.

For purposes of calculating the fees for an ADU on a lot with a multifamily dwelling, the proportionality shall be based on the average square footage of the units within that multifamily dwelling structure. For ADUs converting existing space with a 150 square-foot expansion, a total ADU square footage over 750 square feet could trigger the proportionate fee requirement. (Gov. Code, § 65852.2, subd. (f)(3)(A).)

- **Can local agencies, special districts, or water corporations waive impact fees?**

Yes. Agencies can waive impact and any other fees for ADUs. Also, local agencies may use fee deferrals for applicants.

- **Can school districts charge impact fees?**

Yes. School districts are authorized to, but do not have to, levy impact fees for ADUs greater than 500 square feet pursuant to Section 17620 of the Education Code. ADUs less than 500 square feet are not subject to school impact fees. Local agencies are encouraged to coordinate with school districts to carefully weigh the importance of promoting ADUs, ensuring appropriate nexus studies and appropriate fees to facilitate construction or reconstruction of adequate school facilities.

- **What types of fees are considered impact fees?**

Impact fees charged for the construction of ADUs must be determined in accordance with the Mitigation Fee Act and generally include any monetary exaction that is charged by a local agency in connection with the approval of an ADU, including impact fees, for the purpose of defraying all or a portion of the cost of public facilities relating to the ADU. A local agency, special district, or water corporation shall not consider ADUs as a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer services. However, these provisions do not apply to ADUs that are constructed concurrently with a new single-family home. (Gov. Code, §§ 65852.2, subd. (f), and 66000.)

- **Can I still be charged water and sewer connection fees?**

ADUs converted from existing space and JADUs shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, unless constructed with a new single-family dwelling. The connection fee or capacity charge shall be proportionate to the burden of the proposed ADU, based on its square footage or plumbing fixtures as compared to the primary dwelling. ADU Law does not cover monthly charge fees. (Gov. Code, § 65852.2, subd. (f)(2).)

H) Ministerially Approved ADUs and Junior ADUs (JADUs) Not Subject to Local Standards

- **Are local agencies required to comply with Government Code section 65852.2, subdivision (e)?**

Yes. All local agencies must comply with subdivision (e). This subdivision requires the ministerial approval of ADUs within a residential or mixed-use zone. The subdivision creates four categories of ADUs that should not be subject to other specified areas of State ADU Law, most notably zoning and development standards. For example, ADUs under this subdivision should not have to comply with lot coverage, setbacks, heights, and unit sizes. However, ADUs under this subdivision must meet the building code and health and safety requirements. The four categories of ADUs under subdivision (e)(1) are:

- (A) One ADU and one JADU are permitted per lot within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure that meets specified requirements such as exterior access and setbacks for fire and safety.
- (B) One detached new construction ADU that does not exceed four-foot side and rear yard setbacks. This ADU may be combined on the same lot with a JADU, and may be required to meet a maximum unit size requirement of 800 square feet and a height limitation of 16 feet.

(C) Multiple ADUs within the portions of multifamily structures that are not used as livable space. Local agencies must allow at least one of these types of ADUs and up to 25 percent of the existing multifamily structures.

(D) Up to two detached ADUs on a lot that has existing multifamily dwellings that are subject to height limits of 16 feet and four-foot rear and side yard setbacks.

The above four categories may be combined. For example, local governments must allow (A) and (B) together or (C) and (D) together.

The most common ADU that can be created under subdivision (e) is a conversion of proposed or existing space of a single-family dwelling or accessory structure into an ADU, without any prescribed size limitations, height, setback, lot coverage, architectural review, landscape, or other development standards. This would enable the conversion of an accessory structure, such as a 2,000 square-foot garage, to an ADU without any additional requirements other than compliance with building standards for dwellings.

These types of ADUs are also eligible for a 150 square-foot expansion (see discussion below).

ADUs created under subdivision (e) shall not be required to provide parking if the ADU qualifies for one of the five exemptions listed under subdivision (d). Moreover, these units shall not, as a condition for ministerial approval, be required to correct any existing or created nonconformity. Subdivision (e) ADUs shall be required to be rented for terms longer than 30 days and only require fire sprinklers if fire sprinklers are required for the primary residence. These ADUs shall not be counted as units when calculating density for the general plan and are not subject to owner occupancy.

- **How many ADUs are allowed on a multifamily site under subdivision (e)?**

Under subdivision (e), an applicant may apply to build up to two detached ADUs and at least one interior ADU up to 25 percent of the number of units in the proposed or existing multifamily dwelling. All interior ADUs, however, must be converted from non-livable space, which is not a requirement under subdivision (a) for ADUs associated with single-family sites. It should also be noted that if there is no existing non-livable space within a multifamily structure, an applicant would not be able to build an interior ADU under subdivision (e). Attached ADUs are also prohibited under this subdivision.

By contrast, under subdivision (a), an applicant may choose to build one attached, detached, or conversion ADU on a site with a proposed or existing multifamily dwelling, with local objective development standards applied in the same manner as they would be applied to an ADU proposed on a single-family site under subdivision (a). JADUs can only be constructed on a site with a proposed or existing single-family dwelling; however, a JADU cannot be constructed on a multifamily site concurrently with an ADU under subdivision (a).

- **Can I convert my accessory structure into an ADU?**

Yes. The conversion of garages, sheds, barns, and other existing accessory structures, either attached or detached from the primary dwelling, into ADUs is permitted and promoted through State ADU Law.

These conversions of accessory structures are not subject to any additional development standards, such as unit size, height, and lot coverage requirements, and shall be from existing space that can be made safe under building and safety codes. A local agency should not set limits based on when the structure was created, and the structure must meet standards for health and safety.

Additionally, the two ADUs allowed on each multifamily site under subdivision (e) may be converted from existing detached structures on the site. Existing, detached accessory structures on a lot with an existing multifamily dwelling that are converted to ADUs cannot be required to be modified to correct for a non-conforming use. Both structures must be accessory structures detached from the primary residence, and because they are conversions of existing structures, these ADUs would not have to comply with the four-foot setback requirements under subdivision (e) if the existing structures are closer than four feet to the property line. This would also mean that the 16-foot height limitation would not apply if the existing structure were taller than 16 feet. Conversion ADUs in this scenario would not be subject to any square footage restrictions as long as they are built within the footprint of the previous structure.

- **Can an ADU created by converting existing space be expanded?**

Yes. An ADU created within the existing or proposed space of a single-family dwelling or accessory structure can be expanded beyond the physical dimensions of the structure. Per State ADU Law, only an ADU created within an existing accessory structure may be expanded up to 150 square feet without application of local development standards, but this expansion shall be limited to accommodating ingress and egress. An ADU created within the space of an existing or proposed single-family dwelling is subject to local development standards. An example of where this expansion could be applicable is for the creation of a staircase to reach a second story ADU. These types of ADUs shall conform to setbacks sufficient for fire and safety.

A local agency may allow for an expansion beyond 150 square feet, though the ADU would have to comply with the size maximums as per State ADU Law or per a local agency's adopted ordinance. (Gov. Code, § 65852.2, subd. (e)(1)(i).)

As a JADU is limited to being created within the walls of a primary residence and not an accessory structure, this expansion of up to 150 square feet does not pertain to JADUs.

- **Can an ADU be constructed in the non-livable spaces of the non-residential portions of a mixed-use development?**

No. The non-livable space used to create an ADU or ADUs under Government Code section 65852.2, subdivision (e)(1)(C), should be limited to the residential areas of a mixed-use development, and not the areas used for commercial or other activities. The parking and storage areas for these non-residential uses would also be excluded from potential ADU development.

I) Nonconforming Zoning Standards

- **Does the creation of an ADU require the applicant to carry out public improvements?**

No physical improvements shall be required for the creation or conversion of an ADU. Any requirement to carry out public improvements is beyond what is required for the creation of an ADU, as per State ADU Law. For example, an applicant shall not be required to improve sidewalks or carry out street or access improvements to create an ADU. Additionally, as a condition for ministerial approval of an ADU, an applicant shall not be required to correct nonconforming zoning conditions. (Gov. Code, § 65852.2, subd. (e)(2).)

J) Renter- and Owner-Occupancy

- **Are rental terms allowed?**

Yes. Local agencies may require that the property be used for rentals of terms longer than 30 days. ADUs permitted ministerially, under subdivision (e), shall be rented for terms longer than 30 days. (Gov. Code, §65852.2, subds. (a)(6) and (e)(4).)

- **Are there any owner-occupancy requirements for ADUs?**

No. Prior to recent legislation, ADU laws allowed local agencies to elect whether the primary dwelling or ADU was required to be occupied by an owner. The updates to State ADU Law removed the owner-occupancy requirement for newly created ADUs effective January 1, 2020. The new owner-occupancy exclusion is set to expire on December 31, 2024; however, local agencies may not retroactively require owner-occupancy for ADUs permitted between January 1, 2020, and December 31, 2024.

However, should a property have both an ADU and JADU, JADU law requires owner-occupancy of either the newly created JADU or the single-family residence. Under this specific circumstance, a lot with an ADU would be subject to owner-occupancy requirements. (Gov. Code, § 65852.22, subd. (a)(2).)

K) Fire Sprinkler Requirements

- **Can fire sprinklers be required for ADUs?**

Installation of fire sprinklers may not be required in ADUs (attached, detached, or conversion) where sprinklers were not required by building codes for the existing primary residence. For example, a detached single-family home designed and constructed decades ago would not have been required to have fire sprinklers installed under the applicable building code at the time. However, if the same primary dwelling recently underwent significant alteration and is now required to have fire sprinklers, any ADU created after that alteration must be provided with fire sprinklers. (Gov. Code, § 65852.2, subds. (a)(1)(D)(xii) and (e)(3).)

Please note, for ADUs created on lots with multifamily residential structures, the entire residential structure shall serve as the “primary residence” for the purposes of this analysis. Therefore, if the multifamily structure is served by fire sprinklers, the ADU can be required to install fire sprinklers.

For additional guidance on ADUs and fire sprinkler system requirements, please consult the Office of the State Fire Marshal.

L) Solar System Requirements

- **Are solar systems required for newly constructed ADUs?**

Yes, newly constructed ADUs are subject to the California Energy Code requirement (excluding manufactured homes) to provide solar systems if the unit(s) is a newly constructed, non-manufactured, detached ADU (though some exceptions apply). Per the California Energy Commission (CEC), the solar systems can be installed on the ADU or on the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide solar systems.

Please refer to the CEC on this matter. For more information, see the CEC’s website at www.energy.ca.gov. You may email your questions to title24@energy.ca.gov, or contact the Energy Standards Hotline at 800-772-3300. CEC memos can also be found on HCD’s website at <https://www.hcd.ca.gov/policy-research/AccessoryDwellingUnits.shtml>.

See HCD’s [Information Bulletin 2020-10](#) for information on the applicability of California solar requirements to manufactured housing.

3. JADUs – Government Code Section 65852.22

- **What is a JADU?**

A “junior accessory dwelling unit” or JADU is a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. (Gov. Code, § 65852.22, subd. (h)(1).)

- **Are two JADUs allowed on a lot?**

No. A JADU may be created on a lot zoned for single-family residences with one primary dwelling. The JADU may be created within the walls of the proposed or existing single-family residence, including attached garages, as attached garages are considered within the walls of the existing single-family residence. Please note that JADUs created in the attached garage are not subject to the same parking protections as ADUs and could be required by the local agency to provide replacement parking.

JADUs are limited to one per residential lot with a single-family residence. Lots with multiple detached single-family dwellings are not eligible to have JADUs. (Gov. Code, § 65852.22, subd. (a)(1).)

- **Are JADUs required to have an interior connection to the primary dwelling?**

No. Although JADUs are required to be within the walls of the primary dwelling, they are not required to have an interior connection to the primary dwelling. That said, JADUs may share a significant interior connection to the primary dwelling, as they are allowed to share bathroom facilities with the primary dwelling.

- **Are JADUs allowed in detached accessory structures?**

No, JADUs are not allowed in accessory structures. The creation of a JADU must be within the single-family residence. As noted above, attached garages are eligible for JADU creation. (Gov. Code, § 65852.22, subds. (a)(1) and (a)(4).)

- **Are JADUs allowed to be increased up to 150 square feet when created within an existing structure?**

No. Only ADUs are allowed to add up to 150 square feet “beyond the physical dimensions of the existing accessory structure” to provide for ingress. (Gov. Code, § 65852.2, subd. (e)(1)(A)(i).)

This provision extends only to ADUs and excludes JADUs. A JADU is required to be created within the single-family residence.

- **Are there any owner-occupancy requirements for JADUs?**

Yes. The owner must reside in either the remaining portion of the primary residence or in the newly created JADU. (Gov. Code, § 65852.22, subd. (a)(2).)

4. Manufactured Homes

- **Are manufactured homes considered to be an ADU?**

Yes. An ADU is any residential dwelling unit with independent living facilities and permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU includes a manufactured home. (Health & Saf. Code, § 18007.)

Health and Safety Code section 18007, subdivision (a): **“Manufactured home,”** for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Manufactured home” includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

5. Regional Housing Needs Allocation (RHNA) and the Housing Element

- **Do ADUs and JADUs count toward a local agency’s RHNA?**

Yes. Pursuant to Government Code section 65852.2 subdivision (m), and section 65583.1, ADUs and JADUs may be utilized towards the RHNA and Housing Element Annual Progress Report (APR) pursuant to Government Code section 65400. To credit a unit toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit. Generally, an ADU, and a JADU with shared sanitation facilities, and any other unit that meets the census definition and is reported to DOF as part of the DOF annual City and County Housing Unit Change Survey can be credited toward the RHNA based on the appropriate income level. The housing element or APR must include a reasonable methodology to demonstrate the level of affordability. Local governments can track actual or anticipated affordability to assure ADUs and JADUs are

counted towards the appropriate income category. For example, some local governments request and track information such as anticipated affordability as part of the building permit or other local applications. For more information, please contact HousingElements@hcd.ca.gov.

- **What analysis is required to count ADUs toward the RHNA in the housing element?**

To count ADUs towards the RHNA in the housing element, local agencies must generally use a three-part approach: (1) development trends, (2) anticipated affordability, and (3) resources and incentives. Development trends must consider ADUs permitted in the prior planning period and may also consider more recent trends. Anticipated affordability can use a variety of methods to estimate the affordability by income group. Common approaches include rent surveys of ADUs, using rent surveys and square footage assumptions and data available through the APR pursuant to Government Code section 65400. Resources and incentives include policies and programs to encourage ADUs, such as prototype plans, fee waivers, expedited procedures, and affordability monitoring programs.

- **Are ADUs required to be addressed in the housing element?**

Yes. The housing element must include a description of zoning available to permit ADUs, including development standards and analysis of potential constraints on the development of ADUs. The element must include programs as appropriate to address identified constraints. In addition, housing elements must include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low-, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction, and operation of affordable ADUs. (Gov. Code, § 65583 and Health & Saf. Code, § 50504.5.) This list is available on HCD's ADU webpage.

6. Homeowners Associations

- **Can my local Homeowners Association (HOA) prohibit the construction of an ADU or JADU?**

No. Assembly Bill 670 (2019) and AB 3182 (2020) amended Section 4751, 4740, and 4741 of the Civil Code to preclude common interest developments from prohibiting or unreasonably restricting the construction or use, including the renting or leasing of, an ADU on a lot zoned for single-family residential use. Covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on such lots are void and unenforceable or may be liable for actual damages and payment of a civil penalty. Applicants who encounter issues with creating ADUs or JADUs within CC&Rs are encouraged to reach out to HCD for additional guidance. Refer to Section 4100 of the Civil Code for the meaning of a common interest development.

7. ADU Ordinances and Local Agencies

- **Are ADU ordinances existing prior to new 2020 laws null and void?**

Maybe. ADU ordinances existing prior to the new 2020 laws, as well as newly adopted ordinances, are null and void when they conflict with State ADU Law. Subdivision (a)(4) of Government Code section 65852.2 states that an ordinance that fails to meet the requirements of subdivision (a) shall be null and void, and the local agency shall apply the state standards until a compliant ordinance is adopted. See the question on Enforcement below for more detail.

- **Do local agencies have to adopt an ADU ordinance?**

No. Local governments may choose not to adopt an ADU ordinance. Should a local government choose not to adopt an ADU ordinance, any proposed ADU development would be subject only to standards set in State ADU Law. If a local agency adopts an ADU ordinance, it may impose zoning, development, design, and other standards in compliance with State ADU Law.

- **Is a local government required to send an ADU ordinance to HCD?**

Yes. A local government, upon adoption of an ADU ordinance, must submit a copy of the adopted ordinance to HCD within 60 days after adoption. After the adoption of an ordinance, HCD may review and submit written findings to the local agency as to whether the ordinance complies with State ADU Law. (Gov. Code, § 65852.2, subd. (h)(1).)

Local governments may also submit a draft ADU ordinance for preliminary review by HCD. HCD recommends that local agencies do so, as this provides local agencies the opportunity to receive feedback on their ordinance and helps to ensure compliance with State ADU Law prior to adoption.

- **Are charter cities and counties subject to the new ADU laws?**

Yes. State ADU Law applies to a local agency, which is defined as a city, county, or city and county, whether general law or chartered. (Gov. Code, § 65852.2, subd. (j)(5)).

Further, pursuant to Chapter 659, Statutes of 2019 (AB 881), the Legislature found and declared State ADU Law addresses “...a matter of statewide concern rather than a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution” and concluded that State ADU Law applies to all cities, including charter cities.

- **Do the new ADU laws apply to jurisdictions located in the California Coastal Zone?**

Yes. ADU laws apply to jurisdictions in the California Coastal Zone, but do not

necessarily alter or lessen the effect or application of Coastal Act resource protection policies. (Gov. Code, § 65852.22, subd. (l).) Coastal localities should seek to harmonize the goals of protecting coastal resources and addressing housing needs of Californians. For example, where appropriate, localities should amend Local Coastal Programs for California Coastal Commission review to comply with the California Coastal Act and new ADU laws. For more information, see the [California Coastal Commission 2020 Memo](#) and reach out to the locality's local Coastal Commission district office.

- **Do the new ADU laws apply to areas governed by the Tahoe Regional Planning Agency (TRPA)?**

Possibly. The TRPA was formed through a bistate compact between California and Nevada. Under the compact, TRPA has authority to adopt ordinances, rules, and regulations, and those ordinances, rules, and regulations are considered federal law. Under this authority, TRPA has adopted certain restrictions that effectively limit lot coverage on developed land. State ADU Law may conflict to a degree with the TRPA standards, and to the extent that it does, the TRPA law likely preempts or overrides State ADU Law.

8. Enforcement

- **Does HCD have enforcement authority over ADU ordinances?**

Yes. Pursuant to Government Code section 65852.2, subdivision (h), local agencies are required to submit a copy of newly adopted ADU ordinances within 60 days of adoption. HCD may thereafter provide written findings to the local agency as to whether the ordinance complies with State ADU Law. If HCD finds that the local agency's ADU ordinance does not comply with State ADU Law, HCD must provide a reasonable time, no longer than 30 days, for the local agency to respond. The local agency shall either amend its ordinance in accordance with HCD's written findings or adopt the ordinance without changes but include findings in its resolution explaining why the ordinance complies with State ADU Law despite HCD's findings. If the local agency does not amend its ordinance in accordance with HCD's findings or adopt a resolution explaining why the ordinance is compliant, HCD shall notify the local agency that it is in violation of State ADU Law. HCD may also notify the Attorney General of the local agency's violation. While an ordinance is non-compliant, the local agency shall apply state standards.

In addition, HCD may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify State ADU Law.

9. Senate Bill (SB) 9 (2021)

- **Does SB 9 have any impact on ADUs?**

SB 9 (Gov. Code Sections 66452.6, 65852.21 and 66411.7) contains some overlaps with State ADU Law, but only on a relatively small number of topics. Please note that although HCD does not administer or enforce SB 9, violations of SB 9 may concurrently violate other housing laws that HCD does enforce, including, but not limited to, State ADU Law and State Housing Element Law. As local jurisdictions implement SB 9, including adopting local

ordinances, it is important to keep these and other housing laws in mind. For details regarding SB 9, please see HCD's [SB 9 Factsheet](#).

10. Funding

- **Is there financial assistance or funding available for ADUs?**

Effective September 20, 2021, the California Housing Finance Agency's (CalHFA) ADU Grant Program provides up to \$40,000 in assistance to reimburse qualifying homeowners for predevelopment costs necessary to build and occupy an ADU or JADU on a lot with a single-family dwelling unit. The ADU Grant Program is intended to create more housing units in California by providing a grant to reimburse qualifying homeowners for predevelopment costs. Predevelopment costs include, but are not limited to, architectural designs, permits, soil tests, impact fees, property surveys, and energy reports. For additional information or questions, please see CalHFA's ADU Grant Program at <https://www.calhfa.ca.gov/adu> or contact the CalHFA Single Family Lending Division at (916) 326-8033 or SFLending@calhfa.ca.gov.

Resources



Attachment 1: Statutory Changes (Strikeout/Italics and Underline)

**GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4,
ARTICLE 2**
**Combined changes from AB 345, AB 3182, AB 881,
AB 68, and SB 13** (Changes noted in strikeout,
underline/italics)

Effective January 1, 2022, Section 65852.2 of the Government Code is amended to read:

65852.2.

(a)(1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B)(i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of ~~Historic~~ *Historical* Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) ~~The~~ *Except as provided in Section 65852.26, the* accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is

converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x)(I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(1) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(2) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. [If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.](#) A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(3) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an

ordinance that complies with this section.

(4) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(5) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.

(6) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(7) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size 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 dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local

development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

- (1) The accessory dwelling unit is located within one-half mile walking distance of public transit.
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e)(1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit ~~or~~ *and* one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

- (i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
- (ii) The space has exterior access from the proposed or existing single-family dwelling.
- (iii) The side and rear setbacks are sufficient for fire and safety.
- (iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

- (i) A total floor area limitation of not more than 800 square feet.
- (ii) A height limitation of 16 feet.

(C)(i) Multiple accessory dwelling units within the portions of 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 each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(5) A local agency may require, as part of the application for a permit to create an accessory

dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision

(b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other

action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3)(A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) "Local agency" means a city, county, or city and county, whether general law or chartered.

(6) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(7) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(8) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(9) "Public transit" means 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.

(10) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the

effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

(Becomes operative on January 1, 2025)

Section 65852.2 of the Government Code is amended to read (changes from January 1, 2021 statute noted in underline/italic):

65852.2.

(a)(1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B)(i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or

existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x)(I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. *If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.* A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs

of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) (A) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed

accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or ~~imposed, including any owner-occupant requirement, except that~~ imposed except that, subject to subparagraph (B), a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(B) Notwithstanding subparagraph (A), a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit permitted between January 1, 2020, to January 1, 2025, during which time the local agency was prohibited from imposing an owner-occupant requirement.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If

the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c)(1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size 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 dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e)(1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit ~~or~~ and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C)(i) Multiple accessory dwelling units within the portions of 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 each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency may require owner occupancy for either the primary dwelling or the accessory dwelling unit on a single-family lot, subject to the requirements of paragraph (6) of subdivision (a).

~~(4)~~ (5) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

~~(5)~~ (6) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

~~(6)~~ (7) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3)(A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision

(b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory

dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family ~~home~~. [dwelling](#).

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2)(A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3)(A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located

on the same lot.

(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) "Local agency" means a city, county, or city and county, whether general law or chartered.

(6) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(7) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(8) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(9) "Public transit" means 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.

(10) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall ~~remain in effect only until January 1, 2025, and as of that date is repealed.~~
become operative on January 1, 2025.

**GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4,
ARTICLE 2
AB 345 (Accessory Dwelling Units)**

Effective January 1, 2022, Section 65852.26 is amended to read:

65852.26.

(a) Notwithstanding clause (i) of subparagraph (D) of paragraph (1) of subdivision (a) of Section 65852.2, a local agency ~~may, by ordinance,~~ *shall* allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply:

- (1) The ~~property~~ *accessory dwelling unit or the primary dwelling* was built or developed by a qualified nonprofit corporation.
- (2) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.
- (3) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:
 - (A) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each *that* qualified buyer occupies.
 - (B) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the ~~property~~ *accessory dwelling unit or primary dwelling* if the buyer desires to sell or convey the property.
 - (C) A requirement that the qualified buyer occupy the ~~property~~ *accessory dwelling unit or primary dwelling* as the buyer's principal residence.
 - (D) Affordability restrictions on the sale and conveyance of the ~~property~~ *accessory dwelling unit or primary dwelling* that ensure the ~~property~~ *accessory dwelling unit and primary dwelling* will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.
 - (E) *If the tenancy in common agreement is recorded after December 31, 2021, it shall also include all of the following*
 - (i) *Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant, provided that the latter cotenant's obligations to each of the other cotenants have been satisfied.*
 - (ii) *Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.*

(iii) Procedures for dispute resolution among the parties before resorting to legal action.

(4) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

(5) Notwithstanding subparagraph (A) of paragraph (2) of subdivision (f) of Section 65852.2, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

(b) For purposes of this section, the following definitions apply:

(1) "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(2) "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

Effective January 1, 2021, Section 4740 of the Civil Code is amended to read (changes noted in ~~strikeout~~, underline/*italics*) (AB 3182 (Ting)):

4740.

(a) An owner of a separate interest in a common interest development shall not be subject to a provision in a governing document or an amendment to a governing document that prohibits the rental or leasing of any of the separate interests in that common interest development to a renter, lessee, or tenant unless that governing document, or amendment thereto, was effective prior to the date the owner acquired title to ~~his or her~~ their separate interest.

~~(b) Notwithstanding the provisions of this section, an owner of a separate interest in a common interest development may expressly consent to be subject to a governing document or an amendment to a governing document that prohibits the rental or leasing of any of the separate interests in the common interest development to a renter, lessee, or tenant.~~

(c) ~~(b)~~ For purposes of this section, the right to rent or lease the separate interest of an owner shall not be deemed to have terminated if the transfer by the owner of all or part of the separate interest meets at least one of the following conditions:

(1) Pursuant to Section 62 or 480.3 of the Revenue and Taxation Code, the transfer is exempt, for purposes of reassessment by the county tax assessor.

(2) Pursuant to subdivision (b) of, solely with respect to probate transfers, or subdivision (e), (f), or (g) of, Section 1102.2, the transfer is exempt from the requirements to prepare and deliver a Real Estate Transfer Disclosure Statement, as set forth in Section 1102.6.

~~(d)~~ ~~(c)~~ Prior to renting or leasing ~~his or her~~ their separate interest as provided by this section, an owner shall provide the association verification of the date the owner acquired title to the separate interest and the name and contact information of the prospective tenant or lessee or the prospective tenant's or lessee's representative.

~~(e)~~ ~~(d)~~ Nothing in this section shall be deemed to revise, alter, or otherwise affect the voting process by which a common interest development adopts or amends its governing documents.

~~(f) This section shall apply only to a provision in a governing document or a provision in an amendment to a governing document that becomes effective on or after January 1, 2012.~~

Effective January 1, 2021 of the Section 4741 was added to the Civil Code, to read:

4741.

(a) An owner of a separate interest in a common interest development shall not be subject to a provision in a governing document or an amendment to a governing document that prohibits, has the effect of prohibiting, or unreasonably restricts the rental or leasing of any of the separate interests, accessory dwelling units, or junior accessory dwelling units in that common interest development to a renter, lessee, or tenant.

(b) A common interest development shall not adopt or enforce a provision in a governing document or amendment to a governing document that restricts the rental or lease of separate interests within a common interest to less than 25 percent of the separate interests. Nothing in this subdivision prohibits a common interest development from adopting or enforcing a provision authorizing a higher percentage of separate interests to be rented or leased. (c) This section does not prohibit a common interest development from adopting and enforcing a provision in a governing document that prohibits transient or short-term rental of a separate property interest for a period of 30 days or less.

(d) For purposes of this section, an accessory dwelling unit or junior accessory dwelling unit shall not be construed as a separate interest.

(e) For purposes of this section, a separate interest shall not be counted as occupied by a renter if the separate interest, or the accessory dwelling unit or junior accessory dwelling unit of the separate interest, is occupied by the owner.

(f) A common interest development shall comply with the prohibition on rental restrictions specified in this section on and after January 1, 2021, regardless of whether the common interest development has revised their governing documents to comply with this section. However, a common interest development shall amend their governing documents to conform to the requirements of this section no later than December 31, 2021.

(g) A common interest development that willfully violates this section shall be liable to the applicant or other party for actual damages, and shall pay a civil penalty to the applicant or other party in an amount not to exceed one thousand dollars (\$1,000).

(h) In accordance with Section 4740, this section does not change the right of an owner of a separate interest who acquired title to their separate interest before the effective date of this section to rent or lease their property.

Effective January 1, 2020, Section 65852.22 of the Government Code was amended to read:

65852.22.

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

- (1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.
- (2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the

structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, landtrust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the walls of proposed or existing single-family residence.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the proposed or existing single-family residence.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A cooking facility with appliances.

(B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b)(1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine if the junior accessory dwelling unit complies with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. The permitting agency shall act on the application to create a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as

that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 and the requirements of this section.

(h) For purposes of this section, the following terms have the following meanings:

(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

Effective January 1, 2020 Section 17980.12 was added to the Health and Safety Code, immediately following Section 17980.11, to read:

17980.12.

(a)(1) An enforcement agency, until January 1, 2030, that issues to an owner of an accessory dwelling unit described in subparagraph (A) or (B) below, a notice to correct a violation of any provision of any building standard pursuant to this part shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement pursuant to this subdivision:

(A) The accessory dwelling unit was built before January 1, 2020.

(B) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(2) The owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances as described in paragraph (1) may, in the form and manner prescribed by the enforcement agency, submit an application to the enforcement agency requesting that enforcement of the violation be delayed for five years on the basis that correcting the violation is not necessary to protect health and safety.

(3) The enforcement agency shall grant an application described in paragraph (2) if the enforcement agency determines that correcting the violation is not necessary to protect health and safety. In making this determination, the enforcement agency shall consult with the entity responsible for enforcement of building standards and other regulations of the State Fire Marshal pursuant to Section 13146.

(4) The enforcement agency shall not approve any applications pursuant to this section on or after January 1, 2030. However, any delay that was approved by the enforcement agency before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the initial approval of the application pursuant to paragraph (3).

(b) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in Section 65852.2.

(c) This section shall remain in effect only until January 1, 2035, and as of that date is repealed.

**CIVIL CODE: DIVISION 4, PART 5, CHAPTER 5,
ARTICLE 1
AB 670 Accessory Dwelling Units**

Effective January 1, 2020, Section 4751 was added to the Civil Code, to read (AB 670 (Friedman)):

4751.

(a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code, is void and unenforceable.

(b) This section does not apply to provisions that impose reasonable restrictions on accessory dwelling units or junior accessory dwelling units. For purposes of this subdivision, "reasonable restrictions" means restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with the provisions of Section 65852.2 or 65852.22 of the Government Code.

**GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 3,
ARTICLE 10.6
AB 671 Accessory Dwelling Units**

Effective January 1, 2020, Section 65583(c)(7) of the Government Code was added to read (sections of housing element law omitted for conciseness) (AB 671 (Friedman)):

65583(c)(7).

Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, "accessory dwelling units" has the same meaning as "accessory dwelling unit" as defined in paragraph (4) of subdivision (i) of Section 65852.2.

Effective January 1, 2020, Section 50504.5 was added to the Health and Safety Code, to read (AB 671 (Friedman)):

50504.5.

(a) The department shall develop by December 31, 2020, a list of existing state grants and financial incentives for operating, administrative, and other expenses in connection with the planning, construction, and operation of an accessory dwelling unit with affordable rent, as defined in Section 50053, for very low, low-, and moderate-income households.

(b) The list shall be posted on the department's internet website by December 31, 2020.

(c) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in paragraph (4) of subdivision (i) of Section 65852.2 of the Government Code.

**GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2 & TITLE 7, DIVISION 2,
CHAPTER 1, ARTICLE 1
SB 9 Housing development: approvals**

Effective January 1, 2022, Section 65852.21 was added to the Government Code, to read:

65852.21. (a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application. 94 — 3 — Ch. 162

(5) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:

(A) If a local ordinance so allows.

(B) The site has not been occupied by a tenant in the last three years.

(6) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(b)(1) Notwithstanding any local law and except as provided in paragraph (2), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2)(A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area. (B)(i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel. (2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is 94 Ch. 162 — 4 — no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(f) Notwithstanding Section 65852.2 or 65852.22, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.

(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(h) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (l) of paragraph (2) of subdivision (a) of Section 65400.

(i) For purposes of this section, all of the following apply:

(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.

(2) The terms “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(3) “Local agency” means a city, county, or city and county, whether general law or chartered.

(j) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(k) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

Section 66411.7 is added to the Government Code, to read:

66411.7. (a) Notwithstanding any other provision of this division and any local law, a local agency shall ministerially approve, as set forth in this section, a parcel map for an urban lot split only if the local agency determines that the parcel map for the urban lot split meets all the following requirements:

(1) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(2) (A) Except as provided in subparagraph (B), both newly created parcels are no smaller than 1,200 square feet. (B) A local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval under this subdivision.

(3) The parcel being subdivided meets all the following requirements:

(A) The parcel is located within a single-family residential zone.

(B) The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(C) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing: (i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power. (iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

(E) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section. (G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

(b) An application for a parcel map for an urban lot split shall be approved in accordance with the following requirements:

(1) A local agency shall approve or deny an application for a parcel map for an urban lot split ministerially without discretionary review.

(2) A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as otherwise expressly provided in this section.

(3) Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.

(c) (1) Except as provided in paragraph (2), notwithstanding any local law, a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to a parcel created by an urban lot split that do not conflict with this section.
(2) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.
(3) (A) Notwithstanding paragraph (2), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
(B) Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local agency may require a setback of up to four feet from the side and rear lot lines.
(d) Notwithstanding subdivision (a), a local agency may deny an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
(e) In addition to any conditions established in accordance with this section, a local agency may require any of the following conditions when considering an application for a parcel map for an urban lot split:
(1) Easements required for the provision of public services and facilities.
(2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.
(3) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:
(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.
(B) There is a car share vehicle located within one block of the parcel.
(f) A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses.
(g) (1) A local agency shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.
(2) This subdivision shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.
(3) A local agency shall not impose additional owner occupancy standards, other than provided for in this subdivision, on an urban lot split pursuant to this section.
(h) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.
(i) A local agency shall not require, as a condition for ministerial approval of a parcel map application for the creation of an urban lot split, the correction of nonconforming zoning conditions.
(j) (1) Notwithstanding any provision of Section 65852.2, 65852.21, 65852.22, 65915, or this section, a local agency shall not be required to permit more than two units on a parcel created through the exercise of the authority contained within this section.
(2) For the purposes of this section, "unit" means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Section 65852.2, or a junior accessory dwelling unit as defined in Section 65852.22.

(k) Notwithstanding paragraph (3) of subdivision (c), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(l) Local agencies shall include the number of applications for parcel maps for urban lot splits pursuant to this section in the annual housing element report as required by subparagraph (l) of paragraph (2) of subdivision (a) of Section 65400.

(m) For purposes of this section, both of the following shall apply:

(1) "Objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(n) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(o) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for urban lot splits pursuant to this section.

Attachment 2: ADU Resources

[ACCESSORY DWELLING UNITS: CASE STUDY](#)

By the United States Department of Housing and Urban Development, Office of Policy Development and Research. (2008)

Introduction: Accessory dwelling units (ADUs) — also referred to as accessory apartments, ADUs, or granny flats— are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities and can be either attached or detached from the main residence. This case study explores how the adoption of ordinances, with reduced regulatory restrictions to encourage ADUs, can be advantageous for communities. Following an explanation of the various types of ADUs and their benefits, this case study provides examples of municipalities with successful ADU legislation and programs. Section titles include: History of ADUs; Types of Accessory Dwelling Units; Benefits of Accessory Dwelling Units; and Examples of ADU Ordinances and Programs.

[ADU UPDATE: EARLY LESSONS AND IMPACTS OF CALIFORNIA'S STATE AND LOCAL POLICY CHANGES](#)

By David Garcia (2017)

Terner Center for Housing and Innovation, UC Berkeley

As California's housing crisis deepens, innovative strategies for creating new housing units for all income levels are needed. One such strategy is building Accessory Dwelling Units (ADUs) by private homeowners. While large scale construction of new market rate and affordable homes is needed to alleviate demand-driven rent increases and displacement pressures, ADUs present a unique opportunity for individual homeowners to create more housing as well. In particular, ADUs can increase the supply of housing in areas where there are fewer opportunities for larger-scale developments, such as neighborhoods that are predominantly zoned for and occupied by single-family homes.

In two of California's major metropolitan areas -- Los Angeles and San Francisco -- well over three quarters of the total land area is comprised of neighborhoods where single-family homes make up at least 60 percent of the community's housing stock. Across the state, single-family detached units make up 56.4 percent of the overall housing stock. Given their prevalence in the state's residential land use patterns, increasing the number of single-family homes that have an ADU could contribute meaningfully to California's housing shortage.

[ACCESSORY DWELLING UNITS AS LOW-INCOME HOUSING: CALIFORNIA' FAUSTIAN BARGAIN](#)

By Darrel Ramsey-Musolf (2018)

University of Massachusetts Amherst, ScholarWorks@UMass Amherst

In 2003, California allowed cities to count accessory dwelling units (ADU) towards low-income housing needs. Unless a city's zoning code regulates the ADU's maximum rent, occupancy income, and/or effective period, then the city may be unable to enforce low-income occupancy. After examining a stratified random sample of 57 low-, moderate-, and high-income cities, the high-income cities must proportionately accommodate more low-income needs than low-income cities. By contrast, low-income cities must quantitatively accommodate three times the low-income needs of high-income cities. The sample counted 750 potential ADUs as low-income housing. Even though 759 were constructed, no units were identified as available low-income housing. In addition, none of the cities' zoning codes enforced low-income occupancy. Inferential tests determined that cities with colleges and high incomes were more probable to count ADUs towards overall and low-income housing needs. Furthermore, a city's count of potential ADUs and cities with high proportions of renters maintained positive associations with ADU production, whereas a city's density and prior compliance with state housing laws maintained negative associations. In summary, ADUs did increase local housing inventory and potential ADUs were positively associated with ADU production, but ADUs as low-income housing remained a paper calculation.

[IMPLEMENTING THE BACKYARD REVOLUTION: PERSPECTIVES OF CALIFORNIA'S ADU OWNERS \(2022\)](#)

By Karen Chapple, Dori Ganetsos, and Emmanuel Lopez (2022)
UC Berkeley Center for Community Innovation

The report presents the findings from the first-ever statewide ADU owner survey in California.

[JUMPSTARTING THE MARKET FOR ACCESSORY DWELLING UNITS: LESSONS LEARNED FROM PORTLAND, SEATTLE AND VANCOUVER](#)

By Karen Chapple et al (2017)
Terner Center for Housing and Innovation, UC Berkeley

Despite government attempts to reduce barriers, a widespread surge of ADU construction has not materialized. The ADU market remains stalled. To find out why, this study looks at three cities in the Pacific Northwest of the United States and Canada that have seen a spike in construction in recent years: Portland, Seattle, and Vancouver. Each city has adopted a set of zoning reforms, sometimes in combination with financial incentives and outreach programs, to spur ADU construction. Due to these changes, as well as the acceleration of the housing crisis in each city, ADUs have begun blossoming.

[THE MACRO VIEW ON MICRO UNITS](#)

By Bill Whitlow, et al. – Urban Land Institute
(2014)Library Call #: H43 4.21 M33 2014

The Urban Land Institute Multifamily Housing Councils were awarded a ULI Foundation research grant in fall 2013 to evaluate from multiple perspectives the market performance and market acceptance of micro and small units.

[REACHING CALIFORNIA'S ADU POTENTIAL: PROGRESS TO DATE AND THE NEED FOR ADU FINANCE](#)

Karen Chapple, et al. – Turner Center (2020)

To build upon the early success of ADU legislation, the study argues that more financial tools are needed to facilitate greater ADU development amongst low to moderate income homeowners who do not have access to cash saving and cannot leverage home equity. The study recommends that the federal government create ADU-specific construction lending programs. In addition, California could lead this effort by creating a program to assist homeowners in qualifying for ADU construction loans.

[RETHINKING PRIVATE ACCESSORY DWELLINGS](#)

By William P. Macht. Urbanland online. (March 6, 2015)

Library Location: Urbanland 74 (1/2) January/February 2015, pp. 87-91.

One of the large impacts of single-use, single-family detached zoning has been to severely shrink the supply of accessory dwellings, which often were created in or near primary houses. Detached single-family dwelling zones—the largest housing zoning category—typically preclude more than one dwelling per lot except under stringent regulation, and then only in some jurisdictions. Bureaucratically termed “accessory dwelling units” that are allowed by some jurisdictions may encompass market-derived names such as granny flats, granny cottages, mother-in-law suites, secondary suites, backyard cottages, casitas, carriage flats, sidekick houses, basement apartments, attic apartments, laneway houses, multigenerational homes, or home-within-a-home.

[REGULATION ADUS IN CALIFORNIA: LOCAL APPROACHES & OUTCOMES](#)

By Deidra Pfeiffer (May 16, 2019)

Turner Center for Housing and Innovation, UC Berkeley

Accessory dwelling units (ADU) are often mentioned as a key strategy in solving the nation's housing problems, including housing affordability and challenges associated with aging in place. However, we know little about whether formal ADU practices—such as adopting an ordinance, establishing regulations, and permitting—contribute to these goals. This research helps to fill this gap by using data from the Turner California Residential Land Use Survey and the U.S. Census Bureau to understand the types of communities engaging in different kinds of formal ADU practices in California, and whether localities with adopted ordinances and less restrictive regulations have more frequent applications to build ADUs and increasing housing affordability and aging in place. Findings suggest that three distinct approaches to ADUs are occurring in California: 1) a more restrictive approach in disadvantaged communities of color, 2)

a moderately restrictive approach in highly advantaged, predominately White and Asian communities, and 3) a less restrictive approach in diverse and moderately advantaged communities. Communities with adopted ordinances and less restrictive regulations receive more frequent applications to build ADUs but have not yet experienced greater improvements in housing affordability and aging in place. Overall, these findings imply that 1) context-specific technical support and advocacy may be needed to help align formal ADU practices with statewide goals, and 2) ADUs should be treated as one tool among many to manage local housing problems.

[SECONDARY UNITS AND URBAN INFILL: A LITERATURE REVIEW](#)

By Jake Wegmann and Alison Nemirow (2011)
UC Berkeley: IURD
Library Call # D44 4.21 S43 2011

This literature review examines the research on both infill development in general, and secondary units in particular, with an eye towards understanding the similarities and differences between infill as it is more traditionally understood – i.e., the development or redevelopment of entire parcels of land in an already urbanized area – and the incremental type of infill that secondary unit development constitutes.

2023 California Environmental Quality Act & CEQA Guidelines

Section 15300.2. Exceptions.

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.