



# KINGS COUNTY

Development Code Text Change No. 668.17(B)



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- Proposed text change amends various sections of Kings County Development Code.
- Specifically, Articles 5, 7, 12 & 25.
- Address the State's changes to Accessory Dwelling Unit (ADU) law.
- Proposed additions are in blue and underlined.
- Proposed deletions are marked in red with strikethroughs.



# Article 5- Residential Zoning Districts

## Sections:

**Sec. 501 - Purpose and Objectives**

**Sec. 502 - RR Rural Residential District**

**Sec. 503 - R-1 Single-Family Districts**

**Sec. 504 - RM Multi-Family Districts**

**Sec. 505 - Land Use Regulations**

**Sec. 506 - Development Standards for Residential Zoning Districts**

**Sec. 507 - Accessory Dwelling Units and Junior Accessory Dwelling Units**

**Sec. 508 - Additional Standards and Regulations**

## **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:



# Article 5, 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			
	<i>RR</i>	<i>R-1</i>	<i>RM</i>	
Residential Uses <i>For a definition of the use see Article 25</i>	PERMIT REQUIRED			<i>Additional Regulations and information</i>
Accessory Dwelling Unit ( <a href="#">ADU</a> ) & Junior Accessory Dwelling Unit ( <a href="#">JADU</a> )	<u>SP</u>	<u>SP</u>	<u>SP</u>	In compliance with Government Code Section 65852.2, <a href="#">Section 65852.22</a> , 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	





# Article 5, Section 507

**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.



# Article 5, Section 507 (Cont'd.)

- ~~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.



# Article 5, Section 507 (Cont'd.)

## 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. 2016~~22~~, c. ~~735664~~, § ~~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 ~~that~~ statutes may be renumbered from time to time.





# Article 7- Mixed Use Zoning Districts, Table 7-1

<b>Residential Uses</b> <i>For a definition of the use see Article 25</i>	<b>PERMIT REQUIRED</b>		<i>Additional Regulations and Information</i>
<a href="#">Accessory Dwelling Unit (ADU) &amp; Junior Accessory Dwelling Unit (JADU)</a>	<u>P</u>	<u>P</u>	<a href="#">In compliance with Government Code Section 65852.2, Section 65852.22, and regulations prescribed in Article 5, Section 507</a>
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.



# Article 7, Table 7-2

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. <a href="#">See Note 6.</a>
Side Setback	No Limitation*	No Limitation	*10 foot setback required if abutting RR, R, or RM District or use. <a href="#">See Note 6.</a>

6. Attached or detached accessory dwelling units and junior accessory dwelling units must have minimum 4 foot rear and side setbacks.



# Article 7, Section 705

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

6. Accessory dwelling unit and junior accessory dwelling units shall comply with Article 5, Section 507.C.6 of the Kings County Development Code.



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

## Section 1204- Nonconforming Structures

### 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](#).



# Article 25- Definitions

## Section 2501- Definitions

**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.



Questions?