



**CITY OF HEMET  
HEMET, CALIFORNIA  
ORDINANCE NO. 2072**

**AN ORDINANCE OF THE CITY OF HEMET, CALIFORNIA,  
TO REPEAL AND RESTATE CHAPTER 90 (ZONING),  
ARTICLE XI, SECTION 90-321 OF THE HEMET  
MUNICIPAL CODE REGULATING ACCESSORY  
DWELLING UNITS (ADUS) AND JUNIOR ACCESSORY  
DWELLING UNITS (JADUS) IN ACCORDANCE WITH  
STATE LAW**

**WHEREAS**, from 2019 to 2025, the California Legislature signed into law multiple Senate and Assembly Bills and other legislation (collectively, the "Bills") into law, amending Government Code Sections and the Health and Safety Code, thereby establishing statewide requirements for ADUs and JADUs; and

**WHEREAS**, the City Council of the City of Hemet ("City Council") finds that to further comply with State law, it is necessary for the City to repeal and restate its Municipal Code so that its provisions conform to and align with the requirements of Government Code Sections 66310 through 66342, as may be amended from time to time; and

**WHEREAS**, the City Council therefore determines that this Ordinance is a reasonable and necessary means to protect and promote the health, safety, and general welfare of the residents of the City.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HEMET DOES  
HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The above recitals are all true and correct and are incorporated

1        **SECTION 2.** REPEAL AND RESTATE CHAPTER 90 (ZONING), ARTICLE XI,  
2 SECTION 90-321 as follows:

3        **Sec. 90-321. Accessory dwelling units.**

4        (a) General provisions.

5  
6        (1) An application for an accessory dwelling unit ("ADU") or junior accessory  
7 dwelling unit ("JADU") shall be submitted to the building department for  
8 building plan check approval and shall be permitted ministerially without  
9 discretionary review or public hearing if it meets the definitions. The  
10 purpose of this chapter is to allow and regulate accessory dwelling units  
11 ("ADUs") and junior accessory dwelling units ("JADUs") in compliance with  
12 state law governing accessory dwelling units, including Chapter 13 of  
13 Division 1 of Title 7 of the California Government Code, as may be  
14 amended from time to time. To the extent state law is more permissive than  
15 this chapter, state law shall control.  
16  
17

18        (2) An application for an ADU or JADU shall be submitted to the building  
19 department for building plan check approval and shall be permitted  
20 ministerially without discretionary review or public hearing if it meets the  
21 definitions and criteria listed in this section and all other applicable zoning,  
22 building, and health and safety codes.  
23

24        A. If the City has not acted upon a completed application for an ADU or  
25 JADU within 60 days from submission of a complete application, and the  
26 applicant has not requested a delay, the application shall be deemed  
27 approved, unless the permit application is to create a new single family  
28

1 or multifamily dwelling on the lot, in which case the City shall not act on  
2 the permit application for the ADU or JADU until the City acts on the  
3 permit application for the new dwelling unit. The City shall determine  
4 whether an ADU or JADU application is complete within 15 business  
5 days of submission. If the application is incomplete, the City shall  
6 provide the applicant with a written list of items needed to make the  
7 application complete and shall review resubmittals only for the items  
8 identified in the incompleteness determination, consistent with state law.  
9

10  
11 B. If the City denies an application for an ADU or JADU, the City shall  
12 provide in writing a full set of comments within 60 days to the applicant  
13 from the date of receipt of a completed application, with a list of items  
14 that are defective or deficient, and a description of how the application  
15 can be remedied, in accordance with applicable state law.  
16

17 C. An ADU or JADU may not be used for short-term rentals. If rented shall  
18 be for a term longer than 30 days.

19 D. Occupancy of an ADU or JADU shall not be allowed until the City  
20 approves occupancy of the primary dwelling unit.  
21

22 (3) For the purposes of meeting the city's applicable regional housing needs  
23 allocation as contained in the adopted housing element, ADUs may be  
24 reported as progress towards meeting these goals.

25 (4) Authority to Designate Areas - The City may designate areas within the  
26 jurisdiction where ADUs may be permitted based on the adequacy of water  
27 and sewer services and the impact of accessory dwelling units on traffic  
28

1 flow and public safety. However, where the City has not designated such  
2 areas, ADUs shall be permitted in all areas zoned for residential or mixed  
3 use pursuant to this section and applicable state law, as may be amended  
4 from time to time.  
5

6 (5) An ADU shall only be allowed on a residentially zoned lot under this article  
7 that contains an existing or proposed single-family or existing multiple-  
8 family residence.  
9

10 (6) For purposes of calculating allowable density, an ADU is not counted as  
11 an additional unit.  
12

13 (b) Definitions.

14 (1) Accessory dwelling unit ("ADU") means an attached or detached  
15 residential dwelling unit which provides complete independent living  
16 facilities for one or more persons and is located on a lot with a proposed or  
17 existing primary residence. It shall include permanent provisions for living,  
18 sleeping, eating, cooking, and sanitation on the same parcel as the single-  
19 family or multifamily dwelling. An ADU also includes the following:  
20

21 (A) An efficiency unit, as defined in Health and Safety Code §  
22 17958.1.

23 (B) A manufactured home, as defined in Health and Safety Code §  
24 18007.  
25

26 (2) Accessory structure means a structure that is accessory and incidental to  
27 a dwelling located on the same lot.  
28

1 (3) Junior accessory dwelling ("JADU") unit means an accessory dwelling unit  
2 that is no more than 500 square feet in size and is contained entirely within  
3 a single-family residence. It includes its own separate sanitation facilities,  
4 kitchen, or shares sanitation facilities with the existing or proposed single-  
5 family structure.  
6

7 (4) Efficiency unit has the same meaning as defined in Section 17958.1 of the  
8 Health and Safety Code.  
9

10 (5) Impact Fee has the same meaning as the term "fee," as defined in  
11 subdivision (b) of Government Code Section 66000, except that it also  
12 includes fees specified in Section 66477. "Impact Fee" does not include  
13 any connection fee or capacity charge by a local agency, special district,  
14 or water corporation.  
15

16 (6) Livable space or interior livable space has the same meaning as defined  
17 in applicable state law and means the interior habitable area of a dwelling  
18 unit intended for human habitation, including living, sleeping, eating,  
19 cooking, or sanitation. This measurement is based on net square footage  
20 and does not include exterior walls, garages, or uninhabitable spaces.  
21

22 (7) Living area means the interior habitable area of a dwelling unit, including  
23 basements and attics, but does not include a garage or any accessory  
24 structure.  
25

26 (8) Local agency means a City, County, or City and County, whether general  
27 law or chartered.  
28

(9) Multifamily dwelling means two or more attached primary dwelling units.

1 (10) Nonconforming zoning condition means a physical improvement on a  
2 property that does not conform with current zoning standards.

3 (11) Objective standards means standards that involve no personal or  
4 subjective judgment by a public official and are uniformly verifiable by  
5 reference to an external and uniform benchmark or criterion available and  
6 knowable by both the development applicant or proponent and the public  
7 official prior to submittal.  
8

9 (12) Permitting agency means any entity that is involved in the review of a  
10 permit for an accessory dwelling unit or junior accessory dwelling unit and  
11 for which there is no substitute, including, but not limited to, applicable  
12 planning departments, building departments, utilities, and special districts.  
13

14 (13) Primary dwelling unit means the single-family dwelling or each  
15 multifamily dwelling unit, but does not include an ADU or JADU. An  
16 attached garage is considered part of the primary dwelling unit.  
17

18 (14) Proposed dwelling means a dwelling that is the subject of a permit  
19 application and that meets the requirements for permitting.  
20

21 (15) Public transit means a location, including, but not limited to, a bus stop  
22 or train station, where the public may access buses, trains, subways, and  
23 other forms of transportation that charge set fares, run on fixed routes, and  
24 are available to the public.  
25

26 (16) Passageway means a pathway that is unobstructed clear to the sky and  
27 extends from a street to one entrance of the accessory dwelling unit.  
28

1 (17) Tandem parking means that two or more automobiles are parked on a  
2 driveway or in any other location on a lot, lined up behind one another,  
3 provided that the vehicles do not extend over the public sidewalk or right-  
4 of-way.  
5

6 (c) General criteria. An ADU shall meet the following criteria.

7 (1) The ADU may be rented separate from the primary residence and may be  
8 sold or conveyed separately from the primary residence only if the  
9 requirements in applicable state law for separate conveyance are met.  
10

11 (2) The ADU may be either attached to, or located within, the proposed or  
12 existing primary dwelling, including attached garages, storage areas, or  
13 similar uses, or detached from the primary dwelling.  
14

15 (3) The number of ADUs that may be established on a lot shall be as follows,  
16 consistent with state law:

17 (A) On lots with a proposed or existing single-family dwelling:

18 (i) Up to two detached ADUs are permitted;

19 (ii) Up to one attached ADU is permitted; and

20 (iii) Up to one JADU is permitted.

21 (iv) The detached and attached ADUs and JADUs may be  
22 established concurrently or separately, provided the total number of  
23 primary dwellings and ADUs/JADUs does not exceed four on any lot  
24 zoned for single-family residential uses.  
25

26 (B) On lots with existing multifamily dwellings:  
27  
28

1 (i) No more than two detached ADUs on a lot with proposed  
2 multifamily dwelling, or up to four detached ADUs on a lot with an  
3 existing multifamily dwelling if each detached ADU satisfies all of the  
4 following:  
5

6 a. The side- and rear-yard setbacks are at least four feet. If the  
7 existing multifamily dwelling has a rear or side yard setback of less  
8 than four feet, the city will not require any modification to the  
9 multifamily dwelling as a condition of approving the ADU.  
10

11 b. The peak height above grade does not exceed the height limit  
12 provided in Section 90-321(c)(15)(A).  
13

14 c. Provided the number of detached ADUs does not exceed the  
15 number of primary dwelling units on the lot.  
16

17 (ii) Up to 25 percent of the number of existing multifamily units may  
18 be attached ADUs, with a minimum of one ADU allowed; and  
19

20 (iii) Up to 25 percent of the existing multifamily dwelling units may be  
21 created within portions of existing multifamily dwelling structures that  
22 are not used as livable space, with a minimum of one ADU allowed.  
23

24 (C) On parcels created through an SB 9 lot split: No more than two units  
25 (including ADUs and JADUs) on a parcel created through a Senate Bill 9  
26 (Chapter 162, Statutes of 2021) lot split shall be allowed, and in no case  
27 shall the total number of primary dwellings and ADUs/JADUs exceed four  
28 on the two parcels collectively.

1 (4) A lot having an ADU shall not be subdivided in a manner that would allow  
2 for the principal dwelling unit and the ADU to be located on separate lots  
3 that do not meet the development standards required by the underlying  
4 zone, unless otherwise permitted by state law.

5  
6 (5) The maximum interior livable space of an attached ADU is 850 square  
7 feet for a studio or one-bedroom unit and 1,000 square feet for a unit with  
8 two or more bedrooms, consistent with state law. An attached ADU that  
9 expands the existing primary dwelling by more than 150 square feet shall  
10 not exceed 50 percent of the existing primary dwelling's floor area.  
11

12 (6) The maximum interior livable space of a detached ADU is 850 square feet  
13 for a studio or one-bedroom unit and 1,000 square feet for a unit with two  
14 or more bedrooms, except that a detached ADU meeting the simplified  
15 approval standards may not exceed 800 square feet of interior livable  
16 space, consistent with state law.  
17

18 (7) Unless otherwise provided in this subsection, an ADU shall comply with  
19 the required standards and setbacks of the zone in which it is located.  
20

21 (A) No setback shall be required for an ADU that is constructed in the  
22 same location and to the same dimensions as an existing structure that  
23 is converted to an ADU.

24 (B) A setback of no more than four feet from the side and rear lot lines  
25 shall be required for an ADU that is not converted from an existing  
26 structure or a new structure constructed in the same location and to the  
27 same dimensions as an existing structure.  
28

1 (C) The minimum side, street-side, and rear yard setback shall be 4 feet,  
2 except when converting or replacing an existing accessory structure that  
3 is less than 4 feet from those lot lines.  
4

5 (8) Parking Requirements:

6 (A) When a garage, carport, uncovered parking space, or covered  
7 parking structure is demolished in conjunction with the construction of an  
8 ADU or is converted to an ADU, no replacement off-street parking spaces  
9 are required.  
10

11 (B) Generally, no parking is required for ADUs or JADUs. However, one  
12 parking space per ADU or per bedroom, whichever is less, may be  
13 required for detached ADUs only, except as provided in subsection (C).  
14 The required parking space may be provided as tandem parking on a  
15 driveway or in setback areas.  
16

17 (C) Notwithstanding any other provision in this section, no parking  
18 standards shall be imposed for an ADU in the following instances:  
19

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

22 b. The ADU is located within an architecturally and historically  
23 significant and designated historic district.

24 c. The ADU is part of the proposed or existing primary residence or  
25 an existing accessory structure.  
26

27 d. When on-street parking permits are required but not offered to  
28 the occupant of the ADU.

1 e. When there is a car share vehicle located within one block of the  
2 ADU.

3 f. When the ADU permit application is submitted concurrently with a  
4 permit application to create a new single-family or new multifamily  
5 dwelling on the same lot.  
6

7 (9) No passageway shall be required in conjunction with the construction of  
8 the ADU.

9 (10) An accessory dwelling unit shall be architecturally compatible with the  
10 principal dwelling unit. Compatibility shall be based on the architectural  
11 style, construction materials, and primary color of the principal dwelling  
12 unit.  
13

14 (11) An ADU shall not be considered a new residential use for the purpose of  
15 calculating connection fees or capacity charges for utilities, including water  
16 and sewer services, unless the ADU is constructed with a new single-family  
17 dwelling, consistent with applicable state law, as may be amended from  
18 time to time. The City may require a new or separate utility connection  
19 directly between the ADU and the utility service.  
20

21 (12) Impact Fees:

22 (A) No impact fee is required for an ADU or JADU that is less than 750  
23 square feet of interior livable space. Additionally, ADUs and JADUs that  
24 are 500 square feet or less of interior livable space are exempt from  
25 school fees, consistent with applicable state law, as may be amended  
26 from time to time.  
27  
28

1 (B) Any impact fee required for an ADU that is 750 square feet or more  
2 in size shall be charged proportionately in relation to the square footage  
3 of the primary dwelling unit (e.g., the floor area of the ADU divided by the  
4 floor area of the primary dwelling, times the typical fee charged for a new  
5 dwelling), consistent with applicable state law.  
6

7 (13) Prior to issuance of a certificate of occupancy for a JADU, a deed  
8 restriction shall be recorded that runs with the land and specifies that the  
9 JADU may not be sold separately from the primary single-family dwelling,  
10 that the JADU is restricted to the maximum square footage, and includes  
11 other requirements of state law for JADUs, as may be amended from time  
12 to time. For ADUs, a deed restriction is required only if the ADU is to be  
13 sold separately, in which case it must comply with applicable state law  
14 regarding separate conveyance.  
15  
16

17 (14) The City will not deny an application for an ADU or JADU due to a  
18 nonconforming zoning condition, building code violation, or unpermitted  
19 structure that does not threaten public health and safety and is unaffected  
20 by the construction of the ADU or JADU, consistent with applicable state  
21 law. For ADUs constructed before January 1, 2020, the City may not deny  
22 a permit to legalize the ADU based on violations of building standards or  
23 noncompliance with ADU law, except where correcting the violation is  
24 necessary to protect health and safety as defined in applicable state law,  
25 as may be amended from time to time.  
26  
27

28 (15) Height Standards:

1 (A) For one-story detached ADUs, the maximum height shall be 16 feet.

2 (B) Transit-Oriented Height: Where the detached ADUs is located within  
3 one-half mile walking distance of a major transit stop or a high-quality  
4 transit corridor, as defined in Public Resources Code § 21155, or is  
5 adjacent to or abuts a multi-story multifamily dwelling, then the maximum  
6 height limit for a one-story detached ADUs is 18 feet.  
7

8 (C) The maximum height for a two-story detached ADU over a garage  
9 shall be 25 feet, provided that:  
10

11 (i) The structure maintains a minimum setback of ten (10') from the  
12 side and rear property lines(s) of any abutting single-family use  
13 property. The side and rear setbacks may be reduced to the  
14 setbacks prescribed for detached accessory structures or garages  
15 in the underlying zone, or if the setback of an existing garage is legal  
16 nonconforming; and  
17

18 (ii) The structure complies with the Privacy and Design Compliance  
19 requirements of Section 90-315(g).  
20

21 (D) Notwithstanding subsections (A) and (B) above, an attached ADU  
22 may be constructed to the maximum height allowed for a primary dwelling  
23 in the underlying base zone, provided that the ADU complies with all  
24 objective front, side, and rear yard setbacks applicable to the primary  
25 dwelling in the base zone as well as the Privacy and Design Compliance  
26 requirements of Section 90-315(g).  
27  
28

1 (E) An additional two feet in height shall be allowed to accommodate a  
2 roof pitch on an ADU that is aligned with the roof pitch of the primary  
3 dwelling unit.

4  
5 (F) When an existing accessory structure is converted to a detached  
6 ADU, the maximum height may equal the height of the existing accessory  
7 structure.

8 (G) An attached ADU may not exceed 25 feet in height and two stories,  
9 or the maximum height allowed in the base zone for the primary dwelling,  
10 whichever is lower.  
11

12 (16) Development Standards:

13 ADUs shall comply with all applicable base zone district objective  
14 development standards (e.g., lot coverage, floor area ratio, open  
15 space, front setbacks, minimum lot size) unless the application of  
16 those standards would physically preclude the construction of at  
17 least an 800-square-foot ADU with 4-foot side and rear setbacks.  
18

19 The City may require that the property be used for rentals of terms  
20 30 days or longer.  
21

22 (17) Utilities and Safety:

23 All ADUs shall be connected to public utilities or their equivalent,  
24 including water, electric and sewer, unless the ADU was constructed  
25 with a new single-family dwelling. The City may require separate  
26 address identification for an ADU to facilitate emergency responses.  
27  
28 Fire sprinklers shall only be required in an ADU or JADU if sprinklers

1 are required in the primary residence, consistent with applicable state  
2 law.

3 (d) Special criteria for junior accessory dwelling units. JADUs shall be subject to  
4 the following requirements, in addition to or, where conflicting, in lieu of the general  
5 requirements in subsection (c) of this section. To the extent that any of the requirements  
6 of the subsection (d) conflict with the requirements of subsection (c), the provisions of  
7 this subsection (d) shall control.  
8

9 (1) If necessary, an expansion of no more than 150 square feet to the physical  
10 dimensions of the existing structure may be added to accommodate  
11 ingress and egress to the JADU.  
12

13 (2) The JADU must include a cooking facility with appliances and a food  
14 preparation counter and storage cabinets that are of reasonable size in  
15 relation to the size of the junior accessory unit.  
16

17 (3) The JADU may include separate bathroom facilities or may share  
18 sanitation facilities with the existing structure.

19 (4) No more than one JADU is permitted on a single lot.

20 (5) The owner of the single-family residential home in which the JADU is  
21 located must reside in either the remaining portion of the home or in the  
22 newly created JADU unit, unless the JADU includes separate sanitation  
23 facilities, in which case owner-occupancy is not required. Owner-  
24 occupancy is also not required if the owner is another governmental  
25 agency, land trust, or housing organization, consistent with applicable state  
26 law, as may be amended from time to time.  
27  
28

1 (6) A JADU shall not be metered separately from the principal dwelling unit  
2 for gas, electricity, and water/sewer services, and shall not be considered  
3 a separate residential use for purposes of connection fees or capacity  
4 charges, or for the purposes of fire or life protection ordinances or  
5 regulations.  
6

7 (7) Size. A JADU shall be no more than 500 square feet of interior livable  
8 space and contained entirely within a single-family residence. The  
9 minimum interior livable space of a JADU unit shall be 150 square feet,  
10 consistent with applicable state law.  
11

12 (e) Conflicting Standards and Compliance with State Law. To the extent that any  
13 provision of this section conflicts with or is less permissive than state law governing  
14 ADUs and JADUs, state law shall prevail. This ordinance is intended to comply with all  
15 applicable state laws governing accessory dwelling units and junior accessory dwelling  
16 units, as may be amended from time to time, and shall be interpreted consistent with  
17 such laws. Where this section is silent, state law standards apply.  
18

19 **SECTION 3.** CEQA ENVIRONMENTAL FINDINGS. The City Council has  
20 analyzed the proposed project and has determined that it is exempt from the California  
21 Environmental Quality Act (CEQA) Under California Public Resources Code section  
22 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county  
23 implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the  
24 Government Code, which is California's Accessory Dwelling Unit (ADU) law and which  
25 also regulates Junior Accessory Dwelling Units (JADUs), as defined by section 66310 to  
26 66342. The proposed ordinance is exempt from the provisions of the California  
27  
28

1 Environmental Quality Act (CEQA), pursuant to Section §15061(b)(3), which provides  
2 that CEQA only applies to projects that have the potential for causing a significant effect  
3 on the environment. Where it can be seen with certainty that there is no possibility that  
4 the activity in question may have a significant effect on the environment, the activity is  
5 not subject to CEQA.  
6

7 **SECTION 4. SEVERABILITY.** If any section, subsection, subdivision, sentence,  
8 clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or  
9 unconstitutional by the decision of any court of competent jurisdiction, such  
10 determination shall not affect the validity of the remaining portions of this Ordinance. The  
11 City Council hereby declares that it would have adopted this Ordinance, and each  
12 section, subsection, subdivision, sentence, clause, phrase, or portion thereof,  
13 irrespective of the fact that any one or more sections, subsections, subdivisions,  
14 sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.  
15  
16

17 **SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect thirty (30) days  
18 from its passage by the City Council of the City of Hemet.

19 **SECTION 6. PUBLICATION.** The City Clerk shall publish this Ordinance in the  
20 manner required by law.  
21  
22  
23  
24  
25  
26  
27  
28

1 **INTRODUCED** at the regular meeting of Hemet City Council on the 24th day of  
2 February 2026.

3 **APPROVED AND ADOPTED** this 10th day of March, 2026.  
4

5  
6   
7 Linda Krupa, Mayor

8  
9 **ATTEST:**

10   
11 *for* Jane Halstead, Interim City Clerk

1 State of California )  
2 County of Riverside )  
3 City of Hemet )

4 I, Jane Halstead, Interim City Clerk of the City of Hemet, do hereby certify that  
5 the foregoing Ordinance was adopted by the Hemet City Council on the 10th day of  
6 March, 2026, and was passed by the following vote:  
7

8 AYES: Council Members: Clark, Lodge, Peterson, Mayor Pro Tem Males,  
9 Mayor Krupa.

10 NOES: Council Members: None.

11 ABSTAIN: Council Members: None.

12 ABSENT: Council Members: None.

13  
14   
15 Jane Halstead, Interim City Clerk  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

11