

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN,
STATE OF CALIFORNIA

ORDINANCE NO. 4568

**AN ORDINANCE AMENDING CHAPTER 9-830 AND RELATED SECTIONS OF
TITLE 9 OF THE ORDINANCE CODE AS IT APPLIES TO
ACCESSORY DWELLING UNITS**

The Board of Supervisors of the County of San Joaquin ordains as follows:

SECTION 1. Section 9-110.4, Chapter 9-110, Division 1, Title 9 of the San Joaquin County Ordinance Code is hereby amended to add the underlined definitions as follows, to be inserted alphabetically:

Accessory Dwelling Unit (also known as an “ADU”) means an attached or a detached dwelling unit that provides living facilities for one or more persons and is located on a lot with a proposed or existing primary single-family dwelling. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit also may be an efficiency unit, as provided for in Section 65852.22 of the California Government Code, and a manufactured home, as defined in Section 18007 of the California Health and Safety Code, so long as the standards of this Title are met.

- (1) “Attached ADU” means a new ADU is constructed as a physical expansion (i.e. addition) of the primary dwelling that is attached to the Single Family Dwelling by one or more common walls.
- (2) “Converted ADU” means an ADU constructed within the interior of an Existing Structure that occupies part of the floor area of the Existing Structure. A Converted ADU does not include an ADU that would (a) increase the height of an Existing Structure; (b) require removal of more than 50 cubic yards of earth as part of the excavation of an Existing Structure; or (c) increase the floor area of the Existing Structure by more than 150 square feet beyond its existing physical dimensions for the purpose of accommodating ingress and egress.
- (3) “Detached ADU” means a new ADU that is located on the same lot as a Single Family Dwelling but does not share any walls with that dwelling.
- (4) “Interior ADU” means an ADU that is contained entirely within an existing Single Family Dwelling. See also “Junior Accessory Dwelling Unit.”

Accessory Structure means a structure that is accessory and incidental to a dwelling unit located on the same lot.

ADU Checklist. A form created by the Community Development Department that shows all of the information that must be provided on plans submitted with building permit applications for ADUs and JADUs in order to have these plans accepted for a plan check.

Efficiency Kitchen (also known as a “kitchenette” or “partial kitchen”) means an area with a kitchen sink, cooking appliance and refrigeration facilities and a clear working space of not less than 30 inches in depth.

Efficiency Unit means a small dwelling unit with a minimum floor area of 220 square feet and a kitchen or Efficiency Kitchen, living and sleeping areas, a separate bathroom, and a separate closet that meets all Building Code requirements for such units.

Existing Structure means, for purposes of Chapter 9-832, Residential Accessory Dwelling Units, an existing Single Family Dwelling (including all fully enclosed areas such as a partial basement, attic, or an attached garage) or other Accessory Structure that can be safely converted into habitable space under building and fire codes.

Junior Accessory Dwelling Unit (also known as a “Junior ADU” or “JADU”) means an Accessory Dwelling Unit that is not more than 500 square feet and contained entirely within a Single-Family Dwelling. A JADU may include separate sanitation facilities or may share sanitation facilities with the Existing Structure.

Living Area (also known as “habitable area”) means the interior area of a dwelling unit used for living, sleeping, eating, cooking, bathing, washing, and sanitation purposes, but does not include a garage or any accessory structure and storage or utility spaces and similar area that are not considered habitable spaces as defined by the Building Code.

Manufactured Home means a structure transportable in one or more sections that is built on a permanent chassis and is designed to be used as a dwelling, with or without a permanent foundation, when connected to utilities.

Public Transit means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, and other forms of transportation that charge set fare, run on fixed routes, and are available to the public.

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.

SECTION 2. Section 9-305.6, Chapter 9-110, Division 1, Title 9 of the San Joaquin County Ordinance Code is hereby amended to add the underlined text as follows:

9.305.6 – SPECIAL USE REGULATIONS

In addition to the provisions of Sections 9-305,2 through 9-305,5, the following Special Use Regulations shall apply to the uses or use types specified below:

- (a) **Accessory Dwelling Units.** An accessory dwelling unit and a junior accessory dwelling unit are permitted, subject to the provisions of Chapter 9-832.

SECTION 3. Table 9-305.3 in Chapter 9-605, Division 1, Title 9 of the San Joaquin County Ordinance Code is hereby amended to add the underlined text and delete the text shown in ~~strikethrough~~ format as follows:

TABLE 9-305.3 ACCESSORY USES AND STRUCTURES IN RESIDENTIAL ZONES

Legend: HO Use Permitted Subject to Home Occupation Permit P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval SD Second Unit Dwelling Permit U Use Permitted Subject to Use Permit - Use Not Permitted						
Accessory Use or Structure	Residential Zones					
	R-R	R-VL	R-L	R-M	R-MH	R-H
<u>Accessory Dwelling Unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Antennae, Radio/TV Dish	P	P	P	P	P	P
Barn	P	P	-	-	-	-
Biomass Energy Production For Use On Premises	-	-	-	-	-	-
Boathouse, Private: One per Lot	P	P	P	P	P	P
Coop	P	P	-	-	-	-
Dock, Private: One per Lot	P	P	P	P	P	P
Firewood Sales, Grown On site or Within a Five (5) Mile Radius of the Premises	-	-	-	-	-	-
Garage, Private (Up to 3 vehicles)	P	P	P	P	P	P
Greenhouse, Private	P	P	P	-	-	-
Guesthouse	P	P	P	-	-	-
Home Occupation	HO	HO	HO	HO	HO	HO
Horse Raising	P	P	-	-	-	-
Packing Shed, Private	-	-	-	-	-	-
Playhouse, children's	P	P	P	P	P	P
Pump/Pumphouse	P	P	-	-	-	-
<u>Second Unit Dwellings</u>	<u>SD</u>	<u>SD</u>	<u>SD</u>	<u>SD</u>	<u>SD</u>	<u>SD</u>
Silo	-	-	-	-	-	-
Stable, Private	P	P	-	-	-	-
Storage Building, Private	P	P	P	P	S	S
Swimming Pool & Equipment	P	P	P	P	P	P
Truck Parking, Agricultural	-	-	-	-	-	-
Water Storage Facility	P	-	-	-	-	-
Wind Machine, Private	P	S	-	-	-	-
Workshop/Hobby Shop	P	P	P	P	-	-

SECTION 4. Section 9-605.6, Chapter 9-110, Division 1, Title 9 of the San Joaquin County Ordinance Code is hereby amended to add the underlined text and delete the text shown in ~~striketrough~~ format as follows

9.605.5 – SPECIAL USE REGULATIONS

In addition to the provisions of Sections 9-604,2 through 9-605,5, the following Special Use Regulations shall apply to the uses or use types specified below:

- (a) **Accessory Dwelling Units.** An accessory dwelling unit and a junior accessory dwelling unit are permitted, subject to the provisions of Chapter 9-832.

SECTION 5. Table 9-605.3 in Chapter 9-605, Division 1, Title 9 of the San Joaquin County Ordinance Code is hereby amended to add the underlined text and delete the text shown in ~~strikethrough~~ format as follows

TABLE; 9-605.3 ACCESSORY USES & STRUCTURES IN AGRICULTURAL ZONES

Legend:					
P Permitted Use					
PI Permitted Use With Improvement Plan					
mprovement Plan S Use Permitted Subject to Site Approval					
SD Use Permitted Subject to Second Unit Permit					
U Use Permitted Subject to Use Permit					
- Use Not Permitted					
Accessory Use or Structure	Agricultural Zones				
	AG	AL	AU	ARM	
<u>Accessory Dwelling Unit</u>	P	P	P	-	-
Antennae, Radio/TV Dish	P	P	P	P	P
Barn	P	P	P	P	P
Biomass Energy Production For Use On Premises	S	S	S	S	S
Boathouse, Private: One per Lot	P	P	P	P	P
Commercial Coach	P	P	P	-	-
Coop	P	P	P	P	P
Distilled Spirits Storage, Large Winery	P	-	-	-	-
Dock, Private: One per Lot	P	P	P	P	P
Firewood Sales: Grown On-site or Within a Five (5) Mile Radius of the Premises	P	P	P	P	P
Garage, Private: For up to Three (3) Vehicles	P	P	P	P	P
Greenhouse, Private	P	P	P	P	P
Guesthouse	P	P	P	P	P
Horse Raising	P	P	P	P	P
Packing Shed, Private	P	P	P	P	P
Pet Grooming	PI	PI	-	-	-
Pet Training	P	P	-	-	P
Pump/Pumphouse	P	P	P	P	P
Second Unit Dwelling	SD	SD	SD	SD	SD
Silo	P	P	P	P	P
Stable, Private	P	P	P	P	P
Storage Building, Private	P	P	P	P	P
Swimming Pool & Equipment	P	P	P	P	P
Truck Parking, Agricultural	S	S	S	S	S
Water Storage Facility	P	P	P	P	P
Wind Machine, Private	P	P	P	P	P
Wine Tasting Room at a Wine Cellar, Off-Site	P	-	-	-	P
Wine Tasting Room at a Winery, All Sizes	P	-	-	-	P
Workshop/Hobby Shop	P	P	P	P	P

SECTION 6. Section 9-830, Chapter 9-110, Division 1, Title 9 of the San Joaquin County Ordinance Code is hereby amended to add the underlined text and delete the text shown in ~~strike through~~ format as follows. Where no change in the text for a section is proposed, the text that would otherwise apply is not shown, and an ellipsis (...) denotes these sections.

CHAPTER 9-830 - SECOND UNIT DWELLINGS

9-830.1 INTENT.

The intent of this Chapter is to provide a method for increasing affordable housing opportunities in the AG, AL, and AU Agricultural zones in compliance with the following standards.

9-830.2 PERMITTED ZONES.

Second Unit Dwelling Permit applications may be accepted in ~~any~~ the AG, AL, and AU Agricultural zones which allows a single-family dwelling as a permitted use.

9-830.3 REQUIREMENTS FOR APPLICATION.

...

9-830.4 REVIEW PROCEDURE.

...

9-830.5 DEVELOPMENT REQUIREMENTS.

Any Second Unit Dwelling Permit approved under the provisions of this Chapter shall comply with the provisions of this Section.

- (a) **Size of Unit.** In areas zoned AG, AL or AU, the second unit dwelling may exceed one thousand five hundred (1,500) square feet of floor area.
- (b) **Setbacks.** The second unit dwelling shall comply with all yard requirements for an accessory building in the zone as well as the following requirements:
 - (1) In areas zoned AG, AL, or AU ~~or R-R~~, the second unit dwelling may extend beyond the front of the primary single-family dwelling, provided it does not extend into the front yard setback.
 - (2) For the purpose of this Section, the front of the primary single-family dwelling is defined as that part of the primary single-family dwelling that is nearest to the front yard setback.
- (c) **Off-Street Parking.**

- (d) **Common Driveway.** Except in agricultural zones, the second unit dwelling ~~shall~~may be accessed by a separate driveway or a common driveway serving both the second unit dwelling and the existing or proposed single-family residence and having a single access point.
- (e) **Compatibility. ...**
- (f) **Sewer and Water.**
 - (1) Both the proposed second unit dwelling and the existing single-family dwelling shall have sewage and water provisions in accordance with Chapters 9-1105 and 9-1120, respectively.
 - (2) In ~~the R-R zone and in~~ the A-U zone, the proposed second unit dwelling may be served by a private on-site wastewater disposal system, subject to the provisions of Section 9-1105.2 and Chapter 9-1110, provided the existing single-family dwelling is also served by a private on-site wastewater disposal system. Otherwise, the proposed second unit dwelling shall be served by a public wastewater disposal system.
 - (3) In ~~the R-R zone and in~~ the A-U zone, the proposed second unit dwelling may be served by an on-site well system, subject to the provisions of Section 9-1120.2 and Chapter 9-1115, provided the existing single-family dwelling is also served by an on-site well system. Otherwise, the proposed second unit dwelling shall be served by a public water system.
- (g) **Other Codes.**
- (h) **Requirements for Mobile Homes. ...**

SECTION 7. A new section 9-832 is added to Chapter 9-110, Division 1, Title 9 of the San Joaquin County Ordinance Code. The underlined text is new.

CHAPTER 9-832 – RESIDENTIAL ACCESSORY DWELLING UNITS

9-832.1 INTENT.

The intent of this Chapter is to provide a method for increasing affordable housing opportunities by providing opportunities for new Accessory Dwelling Units (ADUs) and Junior ADUs (JADUs) consistent with state law. ADUs and JADUs are intended to provide independent living units for family members, students, the elderly, in-home health and childcare providers, and others within existing residential neighborhoods. All new ADUs and JADUs must be located, developed, and operated in compliance with the Chapter and Division 3, Residential Zones.

9-832.2 WHERE ALLOWED; GENERAL REQUIREMENTS AND RESTRICTIONS.

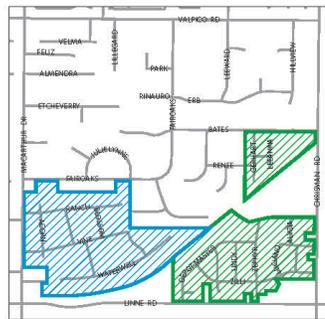
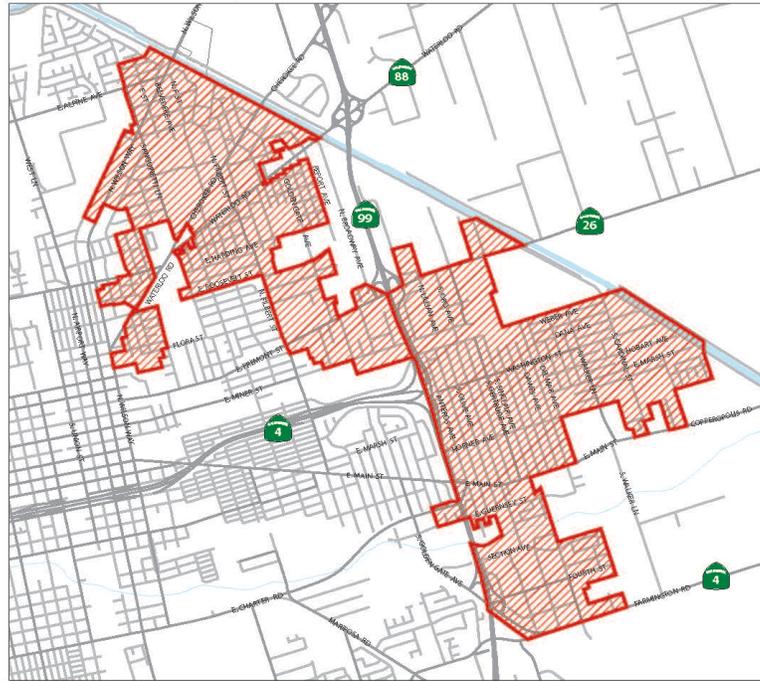
One ADU may be constructed on a lot in any zone which allows a single-family dwelling as a permitted use. One JADU may be constructed on a lot in any zone permitting a single-family residential use type. Multiple converted or detached ADUs may be constructed on a lot with an existing multi-family use, where consistent with Government Code Section 65852.2(e)(1)(C) and (D).

- (a) **Types of ADUs Allowed.** The types of ADUs allowed include an attached ADU, detached ADU, converted ADU, interior ADUs, or junior ADU. They may be within existing dwelling units, garages, storage areas, or similar areas or an accessory structure attached or detached from the proposed or existing primary dwelling unit and located on the same lot as the proposed or existing primary dwelling.
- (b) **Relation to Primary Dwelling Unit.** The ADU shall be clearly subordinate to the primary dwelling unit on the lot with regard to size, location and appearance. Detached or attached accessory dwelling units shall have exterior walls and roofs that are consistent with the primary dwelling unit and incorporate the same or similar building materials, colors, and exterior surfaces and finishes as those on the primary dwelling unit.
- (c) **Relation to General Plan and Zoning Density Limits.** An ADU that conforms to the standards of this Chapter 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 General Plan and zoning designations for the lot. The ADU shall not be considered in the application of any County ordinance, policy, or program to limit residential growth except where water or sewer system capacity constraints have been identified by the Department of Public Works.

- (d) **Permanent Address.** The property owner shall obtain an approved permanent address for an ADU and JADU.
- (e) **Availability of Water and Sewer Service.** Prior to issuance of a building permit for an ADU, the property owner must provide information that adequate water and wastewater disposal service is available, either from a service provider or from a well and on-site septic system, to the Director. The County has identified certain areas, shown in Figure 9-832.2 (e) where there are capacity constraints in the local sewer collection system. In these areas, a determination of adequate water and sewer collection for the proposed ADU by the Department of Public Works is required. An ADU to be served by an on-site well system is subject to the provisions of Section 9-1120 and Chapter 9-115, and an ADU to be served by a private on-site wastewater disposal system is subject to the provisions of Section 9-1105.2 and Chapter 9-1110.

Figure 9-832.2 (e)

Water and Sewer System Constraints



Areas of Potential Water Distribution and Sewer Collection Capacity Constraints

-  System 4
-  County Service Area 44 (CSA 44) Zone E
-  County Service Area 44 (CSA 44) Zone G



Larger-scale maps are available for review at the San Joaquin County Department of Public Works

- (f) **Fees.** The property owner of an ADU or JADU shall be subject to the payment of all sewer, water, and other applicable fees, except as specifically provided in Government Code Section 65852.2 and 65852.22. No impact fee shall be charged for development of an ADU less than 750 square feet in size. In this context, the term “impact fee” does not include any connection fee or capacity charge established by the County or other local agency, special district, or water corporation.
- (g) **ADUs Subject to Flood Hazards.** All ADUs located in a floodplain designated pursuant to Chapter 9-1605, Flood Hazards, shall comply with the provisions of that Chapter.
- (h) **Sprinklers.** ADUs are not required to provide fire sprinklers unless sprinklers are required for the primary residence.
- (i) **Restrictions.** All ADUs and JADUs are subject to the following restrictions:
- (1) The development and use of the ADU or JADU shall only be valid and permitted based on the terms established in this Chapter.
 - (2) Prior to issuance of a building permit for an ADU or JADU, the property owner shall record a deed restriction with the County Recorder’s Office and provide a copy of the stamped deed restriction to the Community Development Department, including the following restrictive covenants:
 - (A) The ADU or JADU shall not be sold separately from the primary residence;
 - (B) The ADU or JADU is restricted to the maximum size allowed by Chapter 9-832, Residential Accessory Dwelling Units or as approved by an ADU Permit;
 - (C) The accessory dwelling unit shall be considered legal only so long as one of the following criteria is met: (1) either the primary dwelling unit or the ADU/JADU is being occupied by the owner of record of the property; (2) both the primary dwelling unit and the ADU/JADU are simultaneously unoccupied; or (3) either the primary dwelling unit or the accessory dwelling unit is being occupied by the property owner or a tenant and the other unit is unoccupied but is being used by the owner or a tenant for their own personal use (e.g., office, workshop, storage) in compliance with the County Code;
 - (D) The property owner and all successors in interest in the property shall respond to the County’s periodic surveys of owners of ADU and JADUs for reporting purposes to the State Department of Housing and Community Development; and

- (E) If the ADU or JADU is rented, it shall not be rented for a period of less than 30 consecutive days.

9-832.3 PERMITS REQUIRED

- (a) **Detached and Attached ADUs.** An ADU permit is required for the construction of an attached or detached ADU unless:
- (1) The ADU is a detached structure no more than 16 feet high that has a floor area no greater than 800 square feet and maintains a minimum four-foot side and rear yard setback; or
 - (2) The ADU is on a lot with an existing legal multi-family residential use.
 - (3) Detached and attached ADUs that do not require an ADU permit must submit a building permit application and an ADU Checklist to the Community Development Department to ensure that the standards of this Chapter are met. The Department shall not issue a building permit without an approved ADU Checklist.
- (b) **Interior ADUs and JADUs.** No ADU permit is required for an interior ADU and a JADU if the proposed unit meets the following requirements and the standards of this Chapter and a building permit is obtained:
- (1) The unit will be contained within an existing structure or if in an existing accessory structure, it does not require an increase in the floor area of more than 20 percent or 150 square feet, whichever is greater.
 - (2) The unit has exterior access from a public right-of-way that is independent from the existing residence. This access may be provided through a front yard, side yard, or rear yard.
 - (3) **JADUs Only:** The owner of the JADU must occupy either the JADU or the remaining portion of the single-family residence.
- (c) **Other Required Permits and Approvals.** Projects that are exempt from obtaining an ADU Permit are still subject to applicable permit requirements and approvals, including but not limited to building permits, grading permits, encroachment permits, home occupation permits, flood variances, if required, sanitation permits, well permits, and other construction-related permits and approvals. The County shall not final building permits for an ADU or JADU before it final building permits for the primary dwelling.

9-832.4 REQUIREMENTS FOR ADU PERMIT APPLICATIONS.

Applications for ADU Permits may be initiated by the property owner or the property owner's authorized agent by submitting a permit application and an ADU Checklist to the Community

Development Department. Applications shall be filed with the Community Development Department, and the Director shall ministerially approve an ADU Permit application, provided the application is complete and demonstrates that the proposed ADU complies with all of the requirements in this Chapter. No public hearing is required. A fee, as specified by resolution of the Board of Supervisors, shall be required. All of the following minimum requirements shall be met when filing an application for an ADU Permit:

- (a) **Existing Residence.** There shall be no more than one (1) existing single-family dwelling on the property.
- (b) **Owner Occupancy – JADUs Only.** The owner of the property shall occupy either the existing single-family dwelling or the proposed JADU for a period exceeding ninety (90) days per year. (TO BE REMOVED)
- (b) **Number of Units.** There shall be no more than one (1) ADU and one (1) JADU per lot in the R-R, R-VL, and R-L Residential zones and in the AG, AL, and AU Agricultural zones.

9-832.5 REVIEW PROCEDURE.

ADU applications shall be reviewed ministerially by the Director using the Staff Review Procedure in Chapter 9-210.

- (a) The Director shall act on an ADU Permit application within 60 calendar days from the date the County receives a complete application provided there is an existing single-family or multifamily dwelling on the lot.
- (b) If the permit application to create an ADU or a JADU is submitted with a permit application to create a new single-family dwelling on the lot, the County may delay acting on the permit application for the ADU until it acts on the permit application to create the new single-family dwelling, but the ADU Permit application shall still be considered ministerially without discretionary review or a public hearing.
- (c) If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.
- (d) If the local agency has not acted upon the complete application within 60 days, the application shall be deemed approved.

9-832.6 DEVELOPMENT STANDARDS.

All ADU Permits and building permit for ADUs approved under the provisions of this Chapter are subject to the following development standards.

- (a) **Size of Unit.** The ADU shall conform to the following requirements:

- (1) Except as provided in Subsection (a)(2), the ADU shall not exceed one thousand two hundred (1,200) square feet of floor area and have no more than two bedrooms.
 - (2) If there is an existing primary dwelling, an attached ADU shall not exceed 50 percent of the gross floor area of the primary dwelling.
 - (3) An ADU with fewer than two bedrooms is limited to eight hundred and fifty (850) square feet of floor area.
- (b) **Height.** An attached ADU or detached ADU shall not exceed 16 feet in height, or when more than 50 percent of the floor area of an ADU is located above an existing or proposed garage, the entire combined structure (the garage plus the ADU) shall not exceed 25 feet in height.
- (c) **Location.** Detached ADUs shall be separated from the primary dwelling and any accessory structures on the lot by the minimum required by the Building Code.
- (d) **Setbacks.** No setback shall be required for an interior ADU or converted ADU, and a setback of no more than four feet from the side and rear lot lines shall be required for an ADU that is not converted from an existing structure or a new structure constructed. The ADU shall comply with all other yard requirements for an accessory building in the zone as well as the following requirements:
- (1) Except as provided in Subsection (d)(2), the ADU shall not extend beyond the front of the primary single-family dwelling.
 - (2) In areas zoned R-R and in Agricultural zones where ADUs are allowed, the ADU may extend beyond the front of the primary single-family dwelling, provided it does not extend into the front yard setback.
 - (3) For the purpose of this Section, the front of the primary single-family dwelling is defined as that part of the primary single-family dwelling that is nearest to the front yard setback.
- (e) **Lot Coverage.** An ADU will not be required to conform to the lot coverage standard of the zone where the ADU will be located if application of the coverage standard would violate Government Code Section 65852.2 (c)(2)(C) and not allow an 800 square foot ADU that is 16 feet in height with four-foot side and rear yard setbacks.
- (f) **Building Plans.**
- (1) An ADU shall include provisions for living, eating, cooking and sleeping, including a closet or other reasonable storage.

- (2) All ADUs shall be designed to be similar to the materials, color, style and form of the primary dwelling, Exterior architectural details, including windows, roof pitch, and trim, shall be similar to the primary dwelling.
 - (3) All exterior lighting, including landscape lighting, shall be shielded or directed so that it does not create glare off-site or illuminate the primary dwelling or adjacent property.
 - (4) For privacy and security, windows in ADUs that are within 15 feet of a side or rear lot line shall be located to avoid line of sight to windows of habitable rooms on adjacent properties. Obscured glass and other techniques may be used to avoid line of sight
 - (5) An ADU shall have separate exterior access. The exterior access shall be a standard exterior door that is located where it preserves, to the greatest extent feasible, the privacy of the primary dwelling and adjoining residences.
 - (6) A permanent foundation is required for all ADUs.
- (g) **Off-Street Parking.** Off-street parking shall be provided as required by Chapter 9-1015. The minimum parking requirement for an ADU shall be one parking space. This space may be provided as tandem parking on an existing driveway or in a setback area. No parking shall be required for a JADU, and no additional parking shall be required if the ADU is located: (1) within one-half mile of public transit; (2) in an historic district designated by the County; (3) in part of an existing primary residence or an existing accessory structure; (4) in an area requiring on-street parking permits but they are not offered to the occupant of the accessory dwelling unit; or (5) within one block of a car-share pick up/drop-off location. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, the off-street parking provided by the garage, carport or covered parking structure does not have to be replaced.
- (h) **Common Driveway.** Except in Agricultural and R-R zones, the ADU shall be accessed by a common driveway serving both the ADU and the existing or proposed single-family residence and having a single access point or by a circular driveway with two access points.
- (i) **Sewer and Water.**
- (1) Both the proposed ADU and the existing single-family dwelling shall have sewage and water provisions in accordance with Chapters 9-1105 and 9-1120, respectively.
 - (2) In the R-R and Agricultural zones, the proposed ADU may be served by a private on-site wastewater disposal system, subject to the provisions of Section 9-1105.2 and

Chapter 9-1110, provided the existing single-family dwelling is also served by a private on-site wastewater disposal system. A mandatory connection to a public wastewater disposal system is not required for an ADU if the Environmental Health Division determines that there is a suitable area on the lot for a septic tank. Otherwise, the proposed ADU shall be served by a public wastewater disposal system.

- (3) In the R-R and Agricultural zones, the proposed ADU may be served by an on-site well system, subject to the provisions of Section 9-1120.2 and Chapter 9-1115, provided that the existing single-family dwelling is also served by an on-site well system. Otherwise, the proposed ADU shall be served by a public water system.

- (j) **Other Codes.** The ADU shall conform with all the requirements of the Environmental Health Division that are applicable to residential units in the zone in which the property is located. All ADUs must satisfy building, fire, and safety standards, such as fire lane widths, minimum fire flows, and emergency egress, as established through State of California's Fire and Building Codes and as amended by the County.

- (k) **Requirements for Manufactured Homes.** If the ADU is a manufactured home, it shall be installed on a permanent foundation, and the following additional requirements shall apply:
 - (1) No permanent room additions shall be allowed, but patio covers constructed of the same materials as the manufactured home shall be permitted; and
 - (2) Skirting constructed of the same materials as the manufactured home shall be installed.

- (l) **Supplemental Standards for Attached ADUs.**
 - (1) An attached ADU must share at least one common wall or roofline with the living area of the principal dwelling.
 - (2) An attached ADU shall have a separate entrance, located on the side or the rear of the ADU; provided, however, that in no event shall any external stairwell be placed within the side yard setback.

- (m) **Supplemental Standards for JADUs.**
 - (1) No JADU shall contain more than 500 square feet of floor space and shall be contained entirely within an existing single-family dwelling. An efficiency unit (a single room that includes sleeping and kitchen function) shall not contain less than 150 square feet of floor space, exclusive of a bathroom.

- (A) A JADU must be created within the existing walls of an existing single-family dwelling and must include conversion of an existing bedroom or other space within the dwelling to habitable space.
 - (B) A separate exterior entry shall be provided to serve a JADU.
 - (C) The JADU shall include an efficiency kitchen with a sink, a cooking appliance and refrigeration facilities, a food preparation counter, and storage cabinets.
 - (D) Access to a bathroom is required, which may be part of the JADU or located in the existing primary dwelling. If provided as part of the primary dwelling, the JADU shall have direct access to the main living area of the primary dwelling so as not to need to go outside to access bathroom.
 - (E) No additional parking is required for a JADU.
- (2) **Supplemental Standards for Detached ADUs.**
- (A) The distance between the principal dwelling and a detached ADU must be the minimum required by the Building Code.
 - (B) A detached accessory structure legally in existence prior to the effective date of this Section and located outside of the front yard setback, may be converted into an accessory dwelling unit, regardless of any existing nonconformity as to side setback, rear setback, or height if:
 - (i) The existing structure is not modified or added to in any way that increases the level of nonconformity with all applicable regulations in Title 9;
 - (ii) The floor area of the resulting ADU does not exceed 1,200 square feet; and
 - (iii) The minimum parking requirements are met on site.

SECTION 8. Section 9-830M, Chapter 9-107M, Division 1, Title 9 of the San Joaquin County Ordinance Code is amended as follows; underlined text is new, ~~and strikethrough~~ text is deleted.

9-830.IM INTENT.

The intent of this intent of this Chapter is to provide methods for approving ~~second~~ accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) ~~dwelling~~ in the Mountain Home Development on lots with primary single- family dwellings in order to increase housing opportunities.

9-830.1.IM PERMIT REQUIREMENTS.

An Accessory Dwelling Unit (ADU) Second Unit Dwelling Permit shall be required as follows for ~~an second unit dwelling~~ ADU proposed on a lot that has not been designated on a parcel map or a final map to contain a second unit dwelling. For an ADU a second unit dwelling proposed on a lot that has been previously designated on a parcel map or a final map to contain a second unit dwelling, an ADU Second Unit Dwelling Permit shall not be required.

- (a) **Detached and Attached ADUs.** An ADU permit is required for the creation of an attached or detached ADU unless:
 - (1) The ADU is a detached structure no more than 16 feet high that has a floor area no greater than 800 square feet and maintains a minimum four-foot side and rear yard setback; or
 - (2) The ADU is on a lot with an existing legal multi-family residential use.
 - (3) Detached and attached ADUs that do not require an ADU permit must submit a building permit application and an ADU Checklist to the Community Development Department to ensure that the standards of this Chapter are met. The Department shall not issue a building permit without an approved ADU Checklist.

- (b) **Interior ADUs and JADUs.** No ADU permit is required for an interior ADU JADU if the proposed unit meets the following requirements and the property owner obtains a building permit. :
 - (1) The interior ADU and JADU will be contained within an existing Single Family Dwelling Unit.
 - (2) The JADU is not more than 500 square feet in size.
 - (3) The interior ADU and JADU will have exterior access from a public right-of-way that is independent from the existing residence. This access may be provided through a front yard, side yard, or rear yard.

- (4) A kitchen or efficiency kitchen is provided.
 - (5) Access to a bathroom is required, which in the case of a JADU may be part of the JADU or located in the existing primary dwelling. If provided as part of the primary dwelling, the JADU shall have direct access to the main living area of the primary dwelling so as not to need to go outside to access bathroom.
 - (6) No additional parking is required for a JADU, but one space must be provided for an interior ADU.
 - (7) The owner of the JADU must occupy either the JADU or the remaining portion of the single-family residence.
- (c) **Other Required Permits and Approvals.** Projects that are exempt from obtaining an ADU Permit are still subject to applicable permit requirements and approvals including but not limited to building permits, grading permits, encroachment permits, home occupation permits, flood variances, if required, sanitation permits, well permits, and other construction-related permits and approvals. The County shall not issue final building permits for an ADU or JADU before it final building permits for the primary dwelling.

9-830.2M PERMITTED ZONES; GENERAL REQUIREMENTS AND RESTRICTIONS.

~~Second unit dwellings~~ ADUs and JADUs shall be permitted in the R-VL, R- L, R-M and R-MH zones. ~~Second unit dwellings~~ ADUs and JADUs may be permitted in the AU-20 zone, provided the underlying Master Plan designation is R/VL, R/L, R/M or R/MH.

- (a) **Types of ADUs Allowed.** An ADU may be 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.
- (b) **Relation to Main Dwelling Unit.** The accessory dwelling unit shall be clearly subordinate to the primary dwelling unit on the lot with regard to size, location and appearance. Detached or attached accessory dwelling units shall have exterior walls and roofs that are consistent with the primary dwelling unit and incorporate the same or similar building materials, colors, and exterior surfaces and finishes as those on the primary dwelling unit.
- (c) **Relation to General Plan and Zoning Density Limits.** An ADU that conforms to the standards of this Chapter 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 General Plan and zoning designations for the lot. The ADU shall not be considered in the application of any County ordinance, policy, or program to limit residential growth.

- (d) **Permanent Address.** The property owner shall obtain an approved permanent address is for an ADU and JADU.
- (e) **Water and Wastewater Disposal Service Availability.** Prior to issuance of a building permit for an ADU, the property owner must provide information that adequate water and wastewater disposal service is available, either from a service provider or from a well and on-site septic system, to the Zoning Administrator.
- (f) **Fees.** The property owner of an ADU or JADU shall be subject to the payment of all sewer, water, and other applicable fees, except as specifically provided in Government Code Section 65852.2 and 65852.22. No impact fee shall be charged for development of an ADU less than 750 square feet in size. In this context, the term “impact fee” does not include any connection fee or capacity charge established by the County or other local agency, special district or water corporation.
- (g) **ADUs Subject to Flood Hazards.** All ADUs located in a floodplain designated pursuant to Chapter 9-1605, Flood Hazards, shall comply with the provisions of that chapter.
- (h) **Sprinklers.** Fire sprinklers are not required for ADUs and JADUs if sprinklers are not required for the primary residence.
- (i) **Restrictions.** All ADUs and JADUs are subject to the following restrictions:
 - (1) The development and use of the ADU or JADU shall only be valid and permitted based on the terms established in this Chapter.
 - (2) Prior to issuance of a building permit for an ADU or JADU, the property owner shall record a deed restriction with the County Recorder’s Office and provide a copy of the stamped deed restriction to the Community Development Department including the following restrictive covenants:
 - (A) The ADU or JADU shall not be sold separately from the primary residence;
 - (B) The ADU or JADU is restricted to the maximum size allowed by Chapter 9-832, Residential Accessory Dwelling Units, of this Title or as approved by an ADU Permit;
 - (C) The accessory dwelling until shall be considered legal only so long as one of the following criteria is met: (1) either the primary dwelling unit or the ADU/JADU is being occupied by the owner of record of the property; (2) both the primary dwelling unit and the ADU/JADU are simultaneously unoccupied; or (3) either the primary dwelling unit or the accessory dwelling unit is being occupied by the property owner or a tenant and the other unit is unoccupied but is being used by the owner or a tenant for their own personal use (e.g., office, workshop, storage) in compliance with the County Code;

- (D) The property owner and all successors in interest in the property shall respond to the County's periodic surveys of owners of ADU and JADUs for reporting purposes to the State Department of Housing and Community Development; and
- (3) If the ADU or JADU is rented, it shall not be rented for a period of less than 30 consecutive days.

9-830.3M ~~REQUIREMENTS FOR SECOND UNIT DWELLING~~ ADU PERMIT APPLICATION.

An application for a ~~Second Unit Dwelling~~ an ADU Permit may be initiated by the property owner or the property owner's authorized agent. Applications shall be filed with the Community Development Department. A fee, as specified by resolution of the Board of Supervisors, shall be required. The following minimum requirements shall be met when filing an application for a ~~Second Unit Dwelling~~ an ADU Permit and shall replace those specified in the Development Title:

- (a) **Existing Residence.** There shall be no more than one (1) existing single-family dwelling on the property.
- (b) **Number of Units.** There shall be no more than one (1) ADU and one (1) JADU per parcel.

9-830.5M DEVELOPMENT REQUIREMENTS.

The development requirements provided by this Chapter shall be applicable to all ADUs, JADUs, and second unit dwellings, including those designated on a Second Unit Dwelling Plan submitted with the subdivision map application. The following development requirements shall replace those specified in the Development Title.

- (a) Size of Unit.
 - (1) ~~The second unit dwelling~~ In R-VL, R-L, R-M and R-MH zones an ADU shall not exceed eight hundred and fifty (850 square feet or ~~eight~~ one thousand ~~hundred~~ (800 1,000) square feet of floor area if it provides more than one bedroom. ~~in R-VL, R-L, R-M and R-MH zones.~~
 - (2) ~~If~~ there is an existing primary dwelling, an attached ADU shall not exceed 50 percent of the gross floor area of the primary dwelling.
 - (3) Within the AU-20 zone, ~~the second unit dwellings~~ ADUs are allowed if the underlying Master Plan designation is R/VL, R/L, R/M or R/MH and the ADU second unit does not exceed five hundred (500) square feet of floor area.

- (b) **Height.** An attached ADU or detached ADU shall not exceed 16 feet in height, or when more than 50 percent of the floor area of an ADU is located above an existing or proposed garage, the entire combined structure (the garage plus the ADU) shall not exceed 25 feet in height.
- (c) **Location.** Detached ADUs shall be separated from the primary dwelling and any accessory structures on the lot by a minimum of three feet.
- (d) **Off-Street Parking.** ~~One (1) off-street parking space shall be provided for the second-unit dwelling.~~ The minimum parking requirement for an ADU shall be one parking space. This space may be provided as tandem parking on an existing driveway or in a setback area. No parking shall be required for a JADU, and no additional parking shall be required if the ADU is located: (1) within one-half mile of public transit; (2) in an historic district designated by the County; (3) in part of an existing primary residence or an existing accessory structure; (4) in an area requiring on-street parking permits but they are not offered to the occupant of the accessory dwelling unit; or (5) within one block of a car-share pick up/drop-off location. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, the off-street parking provided by the garage, carport or covered parking structure does not have to be replaced.
- (e) **Access.** An ADU second-unit dwelling may be accessed by a common driveway serving both the ADU second-unit dwelling and the primary single-family dwelling, a second driveway when the ADU second-unit dwelling is located on a corner lot, or a rear alley, providing such access is in keeping with the character of the neighborhood.
- (f) **Compatibility.** The ADU second-unit dwelling shall be of the same architectural style and constructed of the same materials as the garage and the primary single-family dwelling. If attached to the primary single-family dwelling or to the garage, the second unit dwelling shall be visually and physically integrated into said primary single-family dwelling or garage.
- (g) **Entries.** The entry into an ADU second-unit dwelling shall be visually subordinate or secondary to the entry into the primary single-family dwelling.
- (h) **Lot Characteristics.** The lot upon which an ADU a second-unit dwelling is located shall be appropriately located and sized to accommodate the ADU second-unit dwelling.
- (i) **Lot Coverage.** An ADU will not be required to conform to the lot coverage standard of the zone where the ADU will be located if application of the coverage standard would violate Government Code Section 65852.2 (c)(2)(C) and not allow an 800-square foot ADU that is 16 feet in height with four-foot side and rear yard setbacks.

(j) **Building Plans.**

- (1) An ADU shall include provisions for living, eating, cooking and sleeping, including a closet or other reasonable storage.
- (2) All exterior lighting, including landscape lighting, shall be shielded or directed so that it does not create glare off-site or illuminate the primary dwelling or adjacent property.
- (3) For privacy and security, windows in ADUs that are within 15 feet of a side or rear lot line shall be located to avoid line of sight to windows of habitable rooms on adjacent properties. Obscured glass and other techniques may be used to avoid line of sight
- (4) An ADU shall have separate exterior access. The exterior access shall be a standard exterior door that is located where it preserves, to the greatest extent feasible, the privacy of the primary dwelling and adjoining residences.
- (5) A permanent foundation is required for all ADUs.

(k) **Building Permits.** If ~~a second-unit dwelling~~ an ADU is to be constructed on a lot that has been designated on a Second Unit Dwelling Plan to serve as a site for the ADU ~~second-unit dwelling~~, or the ADU ~~second-unit dwelling~~ is integral to the structure of the primary residential unit, the building permit for said ADU ~~second-unit dwelling~~ shall be issued concurrently with the building permit for the primary dwelling on the lot. In such instances, the final inspection for the ADU ~~second-unit dwelling~~ shall take place concurrently with the final inspection for the primary dwelling.

(l) **Required Number of Lots.** For a Second Unit Dwelling Plan, the number of lots upon which second unit dwellings will be located shall be at least six and one-half percent (6.5%) of the total number of residential lots depicted on the relevant tentative map, rounded to the nearest whole number, unless the required number of lots for second unit dwellings has been provided elsewhere in the neighborhood on previously approved tentative maps.

(m) **Setbacks.** No setback shall be required for an interior SFU or converted ADU, and a setback of no more than four feet from the side and rear lot lines shall be required for an ADU that is not converted from an existing structure or a new structure constructed. The ~~second-unit dwelling~~ ADU shall comply with all of the other yard requirements for a primary single-family dwelling in the zone as well as the following requirements:

- (1) Except as provided in Subsections (m)(2) and (m)(3), the ~~second-unit dwelling~~ ADU shall not extend beyond the front of the primary single-family dwelling.

- (2) In areas zoned AU, the ADU second-unit dwelling, if not a manufactured mobile home, may extend beyond the front of the primary single-family dwelling, provided it does not extend into the front yard setback.
- (3) In areas zoned R-L or R-M, ~~a second-unit dwelling~~ an ADU may extend beyond the front of the primary single-family dwelling.
- (4) For the purpose of this Section, the front of the primary single-family dwelling is defined as that part of the primary single-family dwelling that is nearest to the front yard setback.

(n) **Supplemental Standards for Attached ADUs.**

- (1) An attached accessory dwelling unit must share at least one common wall or roofline with the living area of the principal dwelling.
- (2) An attached accessory dwelling unit shall have a separate entrance, located on the side or the rear of the ADU; provided, however, that in no event shall any external stairwell be placed within the side yard setback.

(o) **Supplemental Standards for JADUs.**

- (1) No JADU shall contain more than 500 square feet of floor space and shall be contained entirely within an existing single-family or duplex dwelling. An efficiency unit (a single room that includes sleeping and kitchen function) shall not contain less than 150 square feet of floor space, exclusive of a bathroom.
- (2) A junior accessory dwelling unit must be created within the existing walls of an existing primary dwelling, which may be a single family dwelling or a duplex and must include conversion of an existing bedroom or other space within the dwelling to habitable space.
- (3) A separate exterior entry shall be provided to serve a JADU.
- (4) A JADU shall include an efficiency kitchen with a sink, a cooking appliance and refrigeration facilities, a food preparation counter, and storage cabinets.
- (5) Access to a bathroom is required, which may be part of the JADU or located in the existing primary dwelling. If provided as part of the primary dwelling, the JADU shall have direct access to the main living area of the primary dwelling so as not to need to go outside to access bathroom.
- (6) No additional parking is required for a JADU.

(p) **Supplemental Standards for Detached ADUs.**

- (1) The distance between the principal dwelling and a detached ADU must be at least 10 feet.
- (2) A detached accessory structure legally in existence prior to the effective date of this Section and located outside of the front yard setback, may be converted into an accessory dwelling unit, regardless of any existing nonconformity as to side setback, rear setback, or height if:
 - (A) The existing structure is not modified or added to in any way that increases the level of nonconformity with all applicable regulations in Title 9;
 - (B) The floor area of the resulting ADU does not exceed 1,200 square feet; and
 - (C) The minimum parking requirements are met on site.

SECTION 9. This Ordinance shall take effect and be in force thirty (30) days after its adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published once (1) in the Record, a newspaper of general circulation published in the County of San Joaquin, State of California, with the names of the members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of San Joaquin, State of California, on this 26th of January 2021 to wit:

AYES: **Villapudua, Miller, Winn, Rickman, Patti**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

TOM PATTI
Chairman, Board of Supervisors
County of San Joaquin
State of California

ATTEST: RACHÉL DeBORD
Clerk of the Board of Supervisors
County of San Joaquin



State of California

By: _____
Deputy Clerk