

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

ORDINANCE NO.4633

**AN ORDINANCE AMENDING APPENDIX 1 (MOUNTAIN HOUSE DEVELOPMENT TITLE),
TITLE 9 OF THE ORDINANCE CODE OF THE COUNTY OF SAN JOAQUIN COUNTY,
RELATIVE TO CHAPTER 9-830M, CONCERNING ACCESSORY DWELLING UNITS**

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

Section 1. Chapter 9-830M, Appendix 1, Title 9 of the Ordinance Code of the County of San Joaquin is hereby Amended by Repealing Chapter 9-830M in its entirety and substituting it with a new Chapter 9-830M, to read as follows:

CHAPTER 9-830M – ACCESSORY DWELLING UNITS (ADU)

9-830.1 M PURPOSE

The purpose of this Chapter is to provide methods for approving Accessory Dwelling Units (ADUs) in the Mountain House Development.

9-830.2 M PERMITTED ZONES; GENERAL REQUIREMENTS AND RESTRICTIONS

ADUs shall be permitted in the R-VL, R-L, R-M, R-MH, and M-X zones. ADUs may be permitted in the AU-20 zone, provided the underlying Master Plan designation is R/VL, R/L, R/M R-H or R/MH. ADUs are not permitted on a lot that contains a Second Dwelling Unit. ADUs must be located, developed, and operated in compliance with the following standards.

(a) Where Allowed; General Requirements and Restrictions.

- (1) One ADU and one Junior Accessory Dwelling Unit (JADU) may be constructed or otherwise permitted on a lot in any zone which allows a single-family dwelling as a permitted use. An ADU or JADU that is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure 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 structure shall be limited to accommodating ingress and egress.
- (2) 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).

(b) Types of Units Allowed. The types of units allowed include an attached ADU, detached ADU, converted ADU, interior ADU, or JADU.

- (c) **Relation to Primary Dwelling Unit.** To construct or convert an existing structure to an ADU, there must be a primary dwelling unit on the same legal parcel.
- (d) **Relation to General Plan, Mountain House Master Plan, affected Specific Plan and Zoning Density Limits.** An ADU that conforms to the standards of this section 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 Mountain House Community Services District.
- (e) **Permanent Address.** The property owner shall obtain an approved permanent address for an ADU from the Community Development Department.
- (f) **Availability of Water and Sewer Service.** Prior to issuance of a building permit for an ADU, the property owner must provide confirmation that adequate water and wastewater disposal service from Mountain House Community Services District to the Community Development Department.
- (g) **Fees.** The property owner 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.
 - (1) No impact fee shall be charged for development of an ADU less than 750 square feet in size.
 - (A) For purposes of this section, impact fee has the same meaning as the term “fee” is defined in subdivision (b) of Government Code Section 66000, except that it also includes fees specified in Section 66477.
 - (B) Impact fee does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation, including but not limited to the Mountain House Community Services District.
- (h) **Sprinklers.** Fire sprinklers are not required for ADUs if sprinklers were not required for the primary residence.
- (i) **Solar.** Solar is required pursuant to the requirements of California Code of Regulations Title 24.
- (j) **Restrictions.** All ADUs are subject to the following restrictions:

- (1) The development and use of an ADU shall only be valid and permitted based on the terms established in this section.
- (2) Prior to issuance of a building permit for an ADU, the property owner shall sign the appropriate Building Permit Application attesting to the Community Development Department that the project meets the following requirements:
 - (A) The ADU shall not be sold separately from the primary residence;
 - (B) The ADU is restricted to the maximum size as defined in this chapter;
 - (C) The property owner and all successors in interest in the property shall respond to the County's periodic surveys of owners of ADUs for reporting purposes to the State Department of Housing and Community Development; and
 - (D) The ADU shall not be rented or leased for a period of less than 30 consecutive days.
- (3) Prior to issuance of a building permit for a JADU, the property owner shall record a deed restriction with the County Recorder's Office and provide a copy of the deed restriction to the Community Development Department, including the following restrictive covenants:
 - (A) The JADU shall not be sold separately from the primary residence;
 - (B) The JADU is restricted to the maximum size allowed by this section or as approved by a building permit for the JADU;
 - (C) The property owner and all successors in interest in the property shall respond to the County's periodic surveys of owners of JADUs for reporting purposes to the State Department of Housing and Community Development; and
 - (D) The JADU shall not be rented or leased for a period of less than 30 consecutive days.

(k) **Permits Required.**

- (1) *Building Permits.* Applicants for ADUs must submit a building permit application to the Community Development Department to ensure that the standards of this section are met. The Department shall not issue a building permit without confirming compliance with the provisions of this chapter. The County shall not final building permits for an ADU before it final building permits for the primary dwelling.

- (2) *Other Required Approvals.* Applications for ADUs are also 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.
- (l) **Building Permit Applications.** Requests for approvals of ADUs may be initiated by the property owner or the property owner's authorized agent by submitting a building permit application. All of the following minimum requirements shall be met when filing a building permit application:
 - (1) *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 90 days per year.
 - (2) *Number of Units.* There shall be no more than one ADU or Second Dwelling Unit and one JADU per lot, unless otherwise permitted in this Chapter.
- (m) **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) An ADU shall have separate exterior access.

9-830.3 M DEVELOPMENT STANDARDS FOR ADUs.

The development requirements provided by this Section shall be applicable to ADUs.

- (a) **Maximum Size of Unit.**
 - (1) *Detached ADU.* An ADU structurally independent and detached from the existing or proposed primary dwelling shall not exceed 1,200 square feet.
 - (2) *Attached ADU.* An ADU attached to an existing primary dwelling shall not exceed 50% of the total existing or proposed living area of the primary dwelling.
- (b) **Height.** ADUs shall adhere to the following height requirements:
 - (1) A detached ADU shall not exceed 16 feet in height on a lot with an existing or proposed single family or multifamily dwelling unit.

- (2) A detached ADU shall not exceed 18 feet in height on a lot with an existing or proposed single family that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional 2 feet in height is permitted to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
 - (3) A detached ADU shall not exceed 18 feet in height on a lot with an existing or proposed multifamily, multistory dwelling.
 - (4) An attached ADU shall not exceed 25 feet in height.
 - (5) An ADU which as more than 50% of the floor area located above an existing or proposed garage shall not exceed 25 feet in height.
- (c) **Setbacks.**
- (1) For an ADU a setback of no more than 4 feet from the side and rear property lines shall be required, unless it is a converted ADU. No setback shall be required for a converted ADU.
 - (2) For an ADU that is not converted from an existing structure, the rear yard setback shall conform to the Mountain House Master Plan Community Edge treatment as defined in Chapter 4.3 of the Mountain House Master Plan. Government Code Section 65852.2(c)(2)(C) stipulates an exception to the Mountain House Community setback standards which would allow a 800-square foot ADU, 16 feet in height, with four-foot side and rear yard setbacks.
- (d) **Location.** Detached ADUs shall be separated for the primary dwelling and any accessory structures on the lot by the minimum required by the California Building Code as adopted by the County.
- (e) **Compatibility.** The ADU shall be of the same architectural style and constructed of the same materials as the garage and the primary dwelling. If attached to the primary dwelling or the garage, the ADU shall be visually and physically integrated into the design of the primary dwelling or garage.
- (f) **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 restrict the allowances for ADU provided in 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.
- (g) **Off-Street Parking.** Off-street parking shall be provided as required by Chapter 9-1015M.

- (1) The minimum parking requirement for an ADU shall be 1 parking space. This space may be provided as tandem parking on an existing driveway or in a setback area.
- (2) No additional parking shall be required if the ADU is located:
 - (A) Within one-half mile of public transit;
 - (B) In a historic district designated by the County;
 - (C) In part of an existing primary residence or an existing accessory structure;
 - (D) In an area requiring on-street parking permits but they are not offered to the occupant of the accessory dwelling unit; or
 - (E) Within 1 block of a carshare 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) **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) The manufactured home shall comply with the 1974 National Manufactured Housing Construction and Safety Act and be 10 years or newer.
 - (2) No permanent room additions shall be allowed, but patio covers constructed of the same materials as the manufactured home shall be permitted; and
 - (3) Skirting constructed of the same materials as the manufactured home shall be installed.
- (i) **Recreational Vehicles.** Recreational vehicles, including but not limited to motor homes, travel trailers, tent trailers, fifth wheel trailers, and house boats do not qualify as an ADU as defined in this Section.
- (j) **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, front, or the rear of the ADU; provided, however, that in no event shall any external stairwell be placed within the side yard setback.

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

- (1) The distance between the principal dwelling and a detached ADU must be the minimum distance required by the California Building Code.
- (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; and
 - (B) The minimum parking requirements are met on site.

9-830.4 M DEVELOPMENT STANDARDS FOR JADUs.

- (a) **Size of Unit.** JADUs shall not exceed 500 square feet of floor space. 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.
- (b) **Location.** A JADU must be contained entirely within the existing walls of a single-family dwelling and include conversion of an existing bedroom or other space within the dwelling to habitable space.
- (c) **Exterior Entry.** A separate exterior entry shall be provided to serve the JADU.
- (d) **Efficiency Kitchen.** A JADU shall include an efficient kitchen with a sink, a cooking appliance and refrigeration facilities, a food preparation counter, and storage cabinets.
- (e) **Bathroom Access.** 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 need to go outside to access the bathroom.
- (f) **Off-street Parking.** No additional parking is required for a JADU.

9-830.5 M SECOND UNIT DWELLING PLAN

For a Second Dwelling Unit Plan, the number of lots upon which second unit dwellings will be located shall be at least 6.5% for lands designated in Specific Plan I and Specific Plan II and 10% for Specific Plan III areas of the total number of detached single family residential lots as defined in each specific neighborhood as illustrated in the Mountain House Master Plan. The

number of secondary Dwelling Units per neighborhood shall be depicted on the relevant tentative map or maps, rounded to the nearest whole number.

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 September 2023 to wit:

AYES: **Villapudua, Canepa, Patti, Ding, Rickman**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

ROBERT RICKMAN
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

