

NOTE: Additions to the original text in the *Non-Coastal Zoning Ordinance* are underlined. Deletions are indicated by ~~strikethrough~~.

AMENDMENTS TO THE NON-COASTAL ZONING ORDINANCE FOR SECOND DWELLING UNITS

1. Amend the text of Sec. 8102-0 – Application of Definitions as follows:

Dwelling Unit, Second - A dwelling unit ~~which that~~ is accessory to a principal dwelling. ~~These Second dwellings units include, but are not limited to, such units as~~ guest quarters, ~~guesthouses, maid's quarters,~~ granny flats, and sleeping rooms. Where a room or rooms have bathing facilities (~~a toilet plus i.e.,~~ a shower or bathtub) or a kitchen, or both, and no means of internal access to the principal residence, the room or rooms shall be ~~considered~~ a second dwelling unit.

Internal Access - Unobstructed, enclosed passageways with conditioned air systems connecting habitable rooms, which are not: blocked by doors, fixed closed, or capable of being fixed closed with a one-way dead-bolt lock or similar devices. Access through garages or sleeping rooms is not considered internal access.

Kitchen - Any room, in an approved dwelling, all or part of which is designed, built, equipped, maintained, used, or intended to be used as a place for the preparation and cooking of food, and ~~which contains more than one of the following fixtures that fall into two or more of the following categories:~~ (a) a counter sink with interior dimensions larger than 12" wide by 12" long and 9" deep; (b) a stove, hotplate, or conventional or microwave oven; (c) a refrigerator of more than four cubic feet capacity.

Kitchen, Outdoor – A kitchen located outside a dwelling unit, but within a structure fully open on at least 50 percent of its perimeter.

Wet Bar - An area within a ~~dwelling residential structure~~ or habitable accessory structure thereto, distinct from a kitchen and not within a bedroom, which is not used for the preparation and cooking of food, and has no: a) cooking appliance or other food heating appliance, b) garbage disposal, c) dishwasher, d) electrical outlets in excess of 110 volts, e) gas stub-outs, f) ~~more than one~~ bar sink with interior dimensions greater than 12" wide by 12" long and 9" deep, and g) plumbing greater than 1 and ¼ inches in diameter connected to the bar sink drain.

2. Amend the text of Sec. 8106-3 – Purpose and Use of Setbacks as follows:

The setback regulations are intended to prevent the overcrowding of land, provide privacy, preclude narrow, unusable spaces between buildings and provide clear areas for fire safety purposes, both to retard the spread of fire and to enable emergency personnel to reach side and rear areas of buildings. The setback regulations are intended to apply to buildings with foundations, and other structures such as those for parking and storage, whether or not they have foundations, and to open storage. No required setback shall be used for parking or storage of any

vehicles, nor for open storage or garages or any other structures except as allowed by Section 8106-8.6 and Section 8106-5.3, or specifically provided for in this Chapter.

3. Amend the table of Sec. 8105-4 - PERMITTED USES IN OPEN SPACE, AGRICULTURAL, RESIDENTIAL AND SPECIAL PURPOSE ZONES for “Second Dwelling Unit” as follows:

| | OS | AE | RA | RE | RO | R1 | R2 | RPD | TP |
|------------------------------------|----|----|----|----|----|----|----|-----|----|
| Dwellings, Accessory Structures To | | | | | | | | | |
| Buildings For Human Habitation: | | | | | | | | | |
| second dwelling unit ** | ⊖△ | ⊖△ | ⊖△ | ⊖△ | ⊖△ | ⊖△ | △ | ⊖△ | △ |

Key: ○ = Planning Director Approved Planned Development Permit
 △ = Zoning Clearance

4. Amend the text of Sec. 8107-1.7 – Second Dwelling Units, as follows (order has been altered to reflect proposed reordering of sections):

No second dwelling unit may be constructed or installed without the permits required by this Chapter. A second dwelling unit shall be allowed, subject to appropriate conditions ~~the provisions of this Chapter~~, on a ~~lot which parcel that~~ contains an existing single-family detached residence and no other dwellings, other than an authorized ~~farm worker/caretaker farmworker or animal caretaker~~ dwelling, subject to Section 8105-4, and all of the following:

- a. The number of bedrooms and size of the second dwelling unit shall be restricted by parcel size and location. Parcels located outside of the groundwater quality and traffic impact areas listed in Table 0.5 below that are a minimum of 10,000 square feet, but less than five acres in area, are eligible for a second dwelling unit with up to two bedrooms and a total floor area of 900 square feet. all floors and levels of the second dwelling unit shall not exceed 700 square feet based on exterior measurements, Parcels located outside the groundwater quality and traffic impact areas listed in Table 0.5 below that are five acres or more in area are eligible for a second dwelling unit with up to three bedrooms and a total floor area of 1,200 square feet.

Parcels located in the groundwater quality impact area as shown on Map 1, below, and in the traffic impact area, as shown on Map 2, below, shall meet the maximum number of bedrooms and maximum unit size and minimum parcel size standards set forth in the following Table 0.5:

TABLE 0.5

| <u>Impact Area</u> | <u>Maximum Number of Bedrooms and Maximum Size of Second Dwelling Units and Minimum Parcel Size</u> |
|--|--|
| <u>Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area</u> | <p><u>One bedroom/700 sq. ft. total floor area on parcels of 4.32 acres or more in area.</u></p> <p><u>Two bedrooms/900 sq. ft. total floor area on parcels of 5.06 acres or more in area.</u></p> <p><u>Three bedrooms/1,200 sq. ft. total floor area on parcels of 5.82 acres or more in area.</u></p> |
| <u>Ojai Traffic Impact Area</u> | <p><u>One bedroom/700 sq. ft. total floor area on parcels of one acre or more in area.</u></p> |

- b. For the purposes of this Section 8107-1.7 and Table 0.5, the Arroyo Santa Rosa/Tierra Rejada Groundwater Quality Impact Area shall mean those portions of the unincorporated area of Ventura County set forth on Map 1, below, and on file with the Clerk of the Board of Supervisors. For the purposes of Section 8107-1.7 and Table 0.5, the Ojai Traffic Impact Area shall mean those portions of the unincorporated area of Ventura County set forth on Map 2, below, and on file with the Clerk of the Board of Supervisors.
- c. provided, however, that a ~~An existing principal second dwelling unit that meets the development standards for a second dwelling unit over 700 square feet may be designated the second dwelling unit and a separate principal dwelling unit permitted on the site~~ approved if the existing single-family dwelling on the property does not exceed 700 square feet in floor area (based on exterior measurements) and does not exceed the height limit for accessory structures in the zone. In such cases, both the new principal dwelling unit and the second dwelling unit shall meet all provisions of this Chapter. the larger dwelling shall be considered the principal dwelling with regard to height and setback standards, and the smaller dwelling shall be considered the second dwelling unit with regard to future expansions.
- d. Total floor area shall be calculated by including all floors and levels of the second dwelling unit, based on exterior measurements. For the limited purpose of this Section 8107-1.7, the computation of total floor area shall not include any attached patio cover, deck, garage or any bay window that does not extend to the floor or protrude more than 18 inches from the adjoining exterior wall. In all cases, total off-street parking requirements for the dwellings must be met.
- e. In all zones requiring a minimum lot area of less than one acre, On parcels less than one acre in area, second dwelling units shall be allowed only on lots which parcels that conform to the minimum lot area standard for that zone and that

~~have a minimum lot area of 10,000 square feet. In all zones requiring a minimum lot area of one acre or more, second dwelling units shall only be allowed on lots with 20,000 square feet or more of lot area.~~

b.f. One ~~nine~~9-foot by 20-foot paved parking space, covered or uncovered, shall be provided on-site for the second dwelling units of 700 square feet or smaller in area. Two 9-foot by 20-foot paved parking spaces, covered or uncovered, shall be provided on-site for second dwelling units greater than 700 square feet in area. All required parking spaces shall be in addition to the parking required for the principal dwelling unit and shall be designated on the approved site plan. An One uncovered parking space for a second dwelling unit may encroach into a required front yard and/or interior side yard setback, provided that all of the following conditions are met:

- (1) The space is not closer than ten feet to any front lot line;
- (2) The long dimension of the space is parallel to the centerline of the nearest driveway on the lot;
- (3) The space is not located in the driveway access to the required parking for the principal dwelling.
- (4) On interior lots, a minimum three-foot wide area adjacent to one side lot line remains unobstructed by vehicles. The space is located within 25 feet of the second dwelling unit.

e.g. The second dwelling unit may be attached to or detached from an existing ~~single-family~~ single-family residence.

i.h. No more than one second dwelling unit is allowed on each ~~lot~~ parcel.

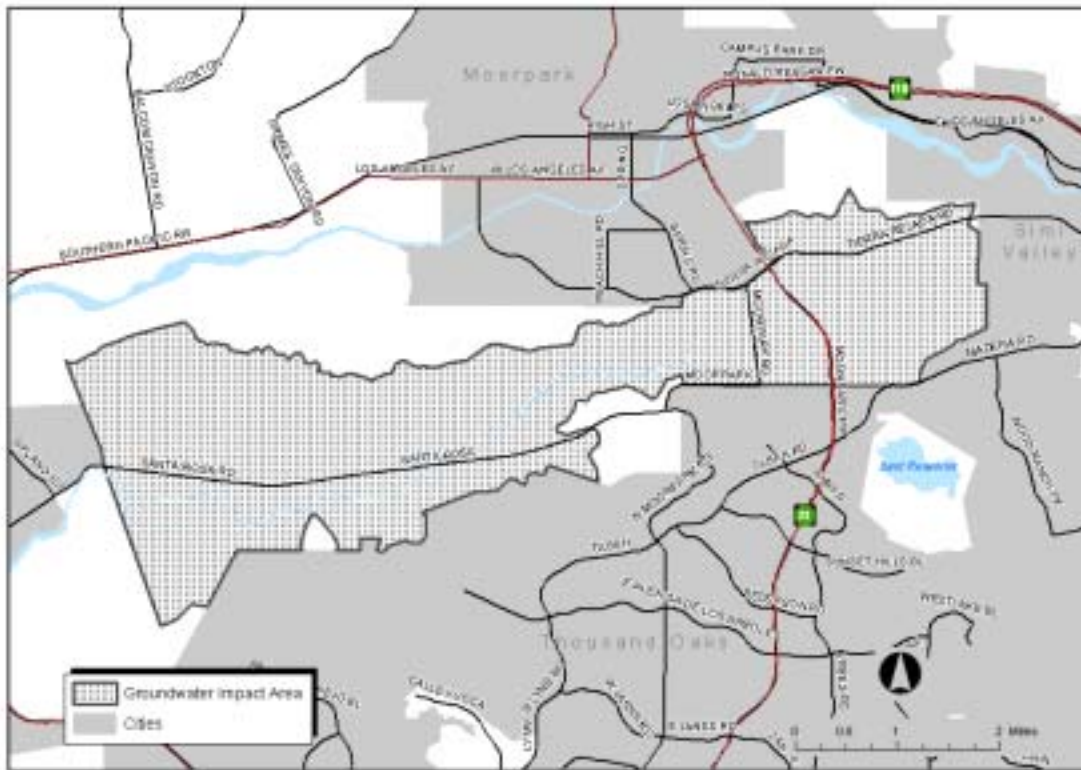
j.i. No second dwelling unit shall be permitted if the parcel in question already contains a detached habitable accessory structure containing a full or half bathroom, or a wet bar. No other accessory building shall be combined with a detached second dwelling unit, except:

- ~~(1) a second dwelling unit may be attached to a garage or carport as long as if no common wall is longer than 22 feet, and the garage or carport area abutting a common wall is used only for vehicular parking or accessory storage of household items;~~
- (21) a second dwelling unit may be located adjacent to or above a garage or carport if there is no means of internal access between the two, except internal access is permitted when the combined total area of the garage and the second dwelling unit does not exceed the allowable size of the second dwelling unit;
- (32) a second dwelling unit may be attached to or located above a garage or carport ~~which~~ that is itself attached to another accessory use such as a ~~recreation room~~, workshop, or storage room, provided that there is no common wall or floor between the second dwelling unit and the other accessory use, ~~and there is no means of internal access between the garage and the second dwelling unit.~~

- k.j. Mobilehomes and manufactured homes may be used as second dwelling units, in accordance with Section 8107-1.3.
- k. The applicant for a second dwelling unit shall be the owner of record and shall reside in the principal dwelling unit on the parcel.
- l. With the exception of deviations granted in accordance with Sec. 8107-37.3, no variance to the requirements of this Chapter may be approved for second dwelling units.
- d.m. The second dwelling unit shall meet zoning provisions and permit requirements, as well as County Building and Fire Code requirements and other public service requirements ~~which that~~ apply to ~~single-family~~ single-family dwellings. A second dwelling unit will not be allowed in areas where adequate water supply and sewage disposal cannot be demonstrated. If the existing single-family detached residence is served by a public sewer system or a public water system, the second dwelling unit shall be served by the same system or systems.
- e.n. If the proposed water supply is to be provided by ~~anything~~ means other than an individual well on the lot, the applicant shall submit a water supply certificate on a form provided by the County Environmental Health Division and signed by the proposed water supplier, certifying that:
- (1) Either of the following is true: (i) the owner of the lot and the water supplier have entered into a binding agreement, enforceable by the owner and the owner's successors in interest to the lot, providing for the connection of the water supplier's system to the second dwelling unit on substantially the same terms as those given to the water supplier's customers generally; or (ii) the second dwelling unit will be served through an existing connection provided by the water supplier to the lot; and
 - (2) Both of the following are true: (i) the water supplier's system complies with the quality and quantity standards set forth in Title 22 of the California Code of Regulations and the connection of the proposed second dwelling unit to the system will not cause any failure of such compliance; and (ii) the facilities of the water supplier's system meet or exceed the requirements set forth in the applicable Ventura County Improvement Standards and Specifications.
- f.o. If the proposed method of sewage disposal is by a public sewer system, the applicant shall submit a sewer service certificate, signed by the public sewer entity, certifying that either:
- (1) The owner of the lot and the public sewer entity have entered into a binding agreement, enforceable by the owner and the owner's successors in interest to the lot, providing for the connection of the public sewer entity's system to the second dwelling unit on substantially the same terms as those given to the public sewer entity's customers generally; or
 - (2) The second dwelling unit will be served through an existing connection provided by the public sewer entity to the lot.

- ~~g. — A second dwelling unit that is to receive sewer or water services from any purveyor having more than five service connections shall not be permitted if it, together with all existing development plus all discretionary development for which a complete application is being processed, plus all possible future ministerial development on existing lots within the purveyor's existing service area, would create a cumulative demand for such services that exceeded the purveyor's existing capacity. For the limited purposes of this subdivision (g), the term "all possible future ministerial development on existing lots" means the maximum amount of future development that, without the issuance of any further discretionary permits and without any further subdivisions of land, could lawfully occur under the existing zoning and General Plan regulations. Also for the limited purposes of this subdivision (g), the term "purveyor's existing capacity" shall include any capacity that will be added within a reasonable period of time by future construction for which the purveyor has a full funding commitment and a project completion schedule.~~
- ~~h. — The second dwelling unit shall be consistent with General Plan transportation/circulation policies pertaining to traffic impacts.~~
- ~~m. The lot, after completion of the second dwelling unit, must conform to all applicable requirements of the General Plan respecting maximum building coverage.~~

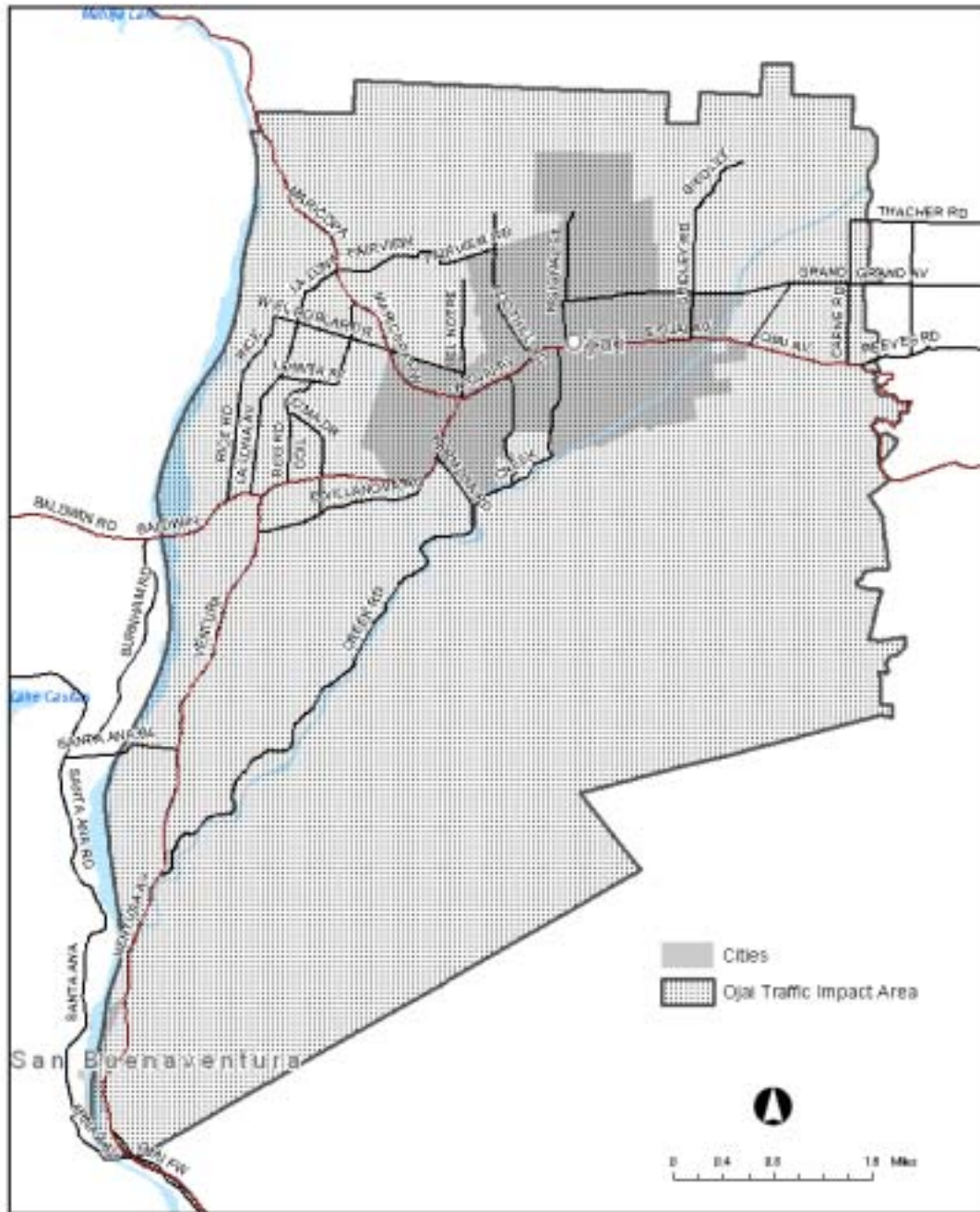
MAP 1



**Arroyo Santa Rosa / Tierra Rejada
Groundwater Quality Impact Area**

Ventura County Resource Management Agency
Planning Division 4/15/03

MAP 2



Ojai Traffic Impact Area

Ventura County Resource Management Agency,
Planning Division 4/15/03

5. Amend the text of Sec. 8107-1.9 – Accessory Bathrooms as follows:

Bathrooms (full or half) are allowed pursuant to Article 5, and the following standards:

- a. Any bathroom may be a freestanding detached structure;
- b. A full bathroom shall not be attached to or incorporated within a detached enclosed accessory building except a permitted dwelling;
- c. More than one bathroom may be established, i.e. for men and women;
- d. Individual bathrooms shall not exceed 70 sq. ft. in area, and individual bathrooms in combination with a changing room shall not exceed 100 sq. ft.;
- e. Any full bathroom or combination full bathroom-changing room shall be accessible only by way of a door leading directly outside the structure and may not have internal access to an enclosed accessory structure;
- f. Any bathroom shall be counted toward the cumulative gross floor area allowed for accessory structures as specified in Article 5.
- g. Half bathrooms (i.e., without bathing facilities) may be allowed in accessory structures provided that the bathroom:
 - (1) does not exceed 36 sq. ft. except where the need for a handicapped bathroom can be demonstrated, the bathroom may not exceed 8 ft. by 8 ft. with a clear 5 ft. turning area;
 - (2) is not adjacent to a closet; and
 - (3) is not plumbed to allow for a future shower or tub.

6. Amend the text of Sec. 8107-3.37 – Cultural Heritage Sites, Range and Approval of Allowed Deviations as follows:

To advance the purpose outlined in Sec. 8107-37.1, deviations from various standards and regulations of this chapter may be granted as part of a Planned Development permit. Deviations “a”, “g”, and “k” may only be granted by the Planning Commission. All others may be granted by the Planning Director.

- a. Minimum Lot Area - Sec. 8103-0 (Purpose and Establishment of Zones and Minimum Lot Areas), Sec. 8103-1 et seq (Establishment of Alternative Minimum Lot Area by Suffix), Sec. 8106-1.1 and Sec. 8106-1.2;
- b. Permit Approval Level - Sec. 8105-4 (Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones). Where the square footage or gross floor area of structures on a lot requires a given permit to be issued, the square footage of significant historic structures on a Cultural Heritage Site shall not be counted towards the total square footage of structures;
- c. Permit Approval Level - Sec. 8105-5 (Permitted Uses in Commercial and Industrial Zones). Where the square footage or gross floor area of structures on a lot requires a given permit to be issued, the square footage of structures on a Cultural Heritage Site shall not be counted towards the total square footage of structures;
- d. General Development Standards - Sec. 8106-1.1 (Development Standards for Uses and Structures in OS, A-E, and R Zones);

- e. General Development Standards - Sec. 8106-1.2 (Development Standards for Uses and Structures in Commercial, Industrial, and Special Purpose Zones);
- f. Fences, Walls and Hedges - Sec. 8106-8.1 et seq.
- g. Second Dwelling Unit Standards - Sec. 8107-1.7 et seq. (Second Dwelling Units);
- h. Parking Standards - Sec. 8108-1 (Parking Standards), Sec. 8108-2 et seq (Special Parking Space Requirements), Sec. 8108-3 et seq (Parking Lot Design Standards);
- i. Landscaping Standards - Sec. 8108-7 et seq. (Landscaping);
- j. Signage - Sec. 8110-4a (Prohibited portable freestanding signs), Sec. 8110-4i (Prohibited Projecting Signs), Sec. 8110-5-2 et seq (Location); and
- k. Non-conforming Uses and Structures - Sec. 8113-5.2 (Uses Within Structures Subject to Amortization), Sec. 8113-5.2.1 (Expansion and Change of Use Prohibited), Sec. 8113-5.3 et seq (Uses Not Amortized), Sec. 8113-6.1 (Destruction, Uses Not Amortized), Sec. 8113-6.2 (Destruction, Uses Amortized), Sec. 8113-7 (Additional Use), Sec. 8113-8 (Use of Non-conforming Lots).

7. Amend the table of Sec. 8108-1 – Parking Standards, Residential Uses as follows:

| RESIDENTIAL USES | |
|---|---|
| Single-Family Dwelling Units, including Caretaker Dwellings | 2 covered spaces for 1-4 bedrooms 3 covered spaces for 5 bedrooms 4 covered spaces for 6-7 bedrooms 5 covered spaces for 8 or more bedrooms |
| <u>Farmworker and Caretaker Dwelling Units</u> | <u>1 uncovered space for 1 bedroom or less</u> <u>2 uncovered spaces for 2-4 bedrooms</u> <u>3 uncovered spaces for 5 bedrooms</u> |
| Second Dwellings and Farmworker dwelling Units: | <u>1 uncovered space for units up to 700 sq. ft. in area</u> <u>2 uncovered spaces for units with two or three bedrooms or over 700 sq. ft. in area.</u> |

8. Amend the text of Sec. 8111-7.2 – Hearing Body, as follows:

All appeals shall be filed with the Planning Division on the appropriate application forms and be addressed to the decision-making authority hearing the appeal. The appropriate decision-making authorities, unless otherwise stipulated here in this Article, are as follows:

- a. Appeals of Administrative Decisions (by the Planning Director or designee) shall be heard by the Planning Commission, except that Zoning Clearances for Second Dwelling Units are final decisions and are not subject to appeal.

- b. Appeals of Planning Commission decisions shall be heard by the Board of Supervisors.
- c. Appeals relating solely to requests under this Chapter for waivers or modifications of policies of the Board of Supervisors need only be heard by the Board of Supervisors.

9. Add new Sec. 8111-7.6:

Sec. 8111-7.6 – Second Dwelling Unit Procedures

Notwithstanding any other provisions of this Article:

- a. No public hearings shall be conducted on applications for second dwelling units under Sections 8105-4, 8107-1.7, and 8108-1.
- b. Decisions of the Planning Director (or designee) on second dwelling units are final County decisions when rendered and are not subject to appeal.