

Oceanside Zoning Ordinance

3006 Accessory Dwelling Units (1992 and Redevelopment Zoning Ordinance) – Amendments

Article 42 Accessory Dwelling Units (1986 Zoning Ordinance) – New

[~~Strike thru~~ = Deleted language, Underline = City proposed language, **Bold** = State mandated language]

~~This section is intended to implement the General Plan housing policy on second dwelling units, adopted in part in response to Government Code Section 65852.1 et seq., by allowing accessory dwelling units in R-districts, subject to approval of a use permit under the provisions of Article 41.~~

The purpose of this section is to provide regulations for the establishment of accessory dwelling units (ADU) in residential zones pursuant to Government Code Section 65852.2 et seq. and the goals and policies of the City's Housing Element. ADUs provide an important source of affordable housing in existing residential neighborhoods where adequate public facilities and services are available.

Consistent with state law, an ADU which conforms to the requirements of this subsection 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 which is consistent with the existing general plan and zoning designations for the lot.

A. Definition:

1. Accessory Dwelling Unit (ADU): An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and shall be located on the same parcel as a single-family dwelling. An ADU also includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code. An ADU may serve as a rental unit or be occupied by a person or persons including, but not limited to family members, guests, or caretakers.
2. Efficiency Unit: An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code may be permitted for occupancy by no more than two persons. The efficiency unit shall have a minimum floor area of 150 square-feet and shall have a bathroom facility and a partial kitchen with a kitchen sink, cooking appliance, and refrigerator.

- B. Where permitted: ADUs are permitted in all residential and agricultural districts, on lots developed with a single-family residence. **An ADU may be established as a new detached structure, or within the existing space of a single-family residence or detached accessory structure, or as an attached addition to a single-family residence.** Only one ADU may be created per legal lot. An ADU shall not be permitted on lots developed with duplexes or multi-family housing.

- ~~B. Use Permit Required.~~ A use permit issued by the Planning Director shall be required for all accessory dwelling units. Applications shall be submitted to the Planning Department

accompanied by the required fee, plans and elevations showing the proposed accessory dwelling and its relation to the principal dwelling, descriptions of building materials, landscaping and exterior finishes to be used and parking to be provided, and any other information required by the Department to determine whether the proposed unit conforms to all requirements of this ordinance. The Planning Director shall approve a use permit for an accessory dwelling unit after noticing upon finding that:

1. The dwelling conforms to the design and development standards for accessory dwelling units established in Subsection (C) of this section;
2. The accessory unit maintains the scale of adjoining residences and is compatible with the design of existing dwellings in the vicinity in terms of building materials, colors and exterior finishes;
3. The main dwelling or the accessory dwelling will be owner occupied and is not intended for sale; and
4. Public and utility services including emergency access are adequate to serve both dwellings.

C. Permit Requirements:

1. **The City shall ministerially approve an application for a building permit to create an ADU, within 120 days after receiving the application.**
2. **ADUs shall comply with all applicable Building Code requirements.**
3. **ADUs shall not be required to provide fire sprinklers if they are not required for the primary residence.**

D. Design and Development Standards:

1. Unit Type, Size & Location

- a. Attached Unit: An ADU accessory dwelling that is constructed within or attached to an existing primary dwelling shall contain at least 350 square-feet, but ~~not more~~ than 50 percent of the existing living area **shall not exceed 50 percent of the total living area** of the existing primary dwelling or ~~1,000~~ 1,200 square feet, whichever is less. In addition, the ~~existing~~ living area of the existing primary dwelling shall not be reduced by more than 20 percent to accommodate an attached accessory dwelling ADU. **An efficiency unit no smaller than 150 sq. ft shall be permitted subject to compliance with all applicable development standards.**
- b. Detached Unit: An accessory dwelling ADU that is structurally independent and detached from the existing primary dwelling shall not exceed 1,200 s.f. **An efficiency unit no smaller than 150 sq. ft shall be permitted subject to compliance with all applicable development standards.**

- c. The existing unit may be considered the ~~accessory unit~~ ADU, and a new dwelling unit built, if all applicable standards and requirements of this ordinance are met.
 - d. **No passageway shall be required in conjunction with the construction of an ADU.**
 - e. An existing garage that provides the required parking for the primary dwelling shall not be converted into an ADU unless parking that conforms to requirements is provided on the premises.
 - f. Mobile homes shall not be allowed as an accessory dwelling unit pursuant to Section 3033(C) Mobile Homes.
2. Required Setbacks:
- a. ADUs shall meet the setback requirements of the underlying zoning district.
 - b. **No setback shall be required for an existing garage or accessory structure converted to an ADU. An ADU constructed above an existing garage shall provide a setback of no more than five feet from the side and rear lot lines.**
 - c. **An ADU contained within the existing space of a single-family residence or accessory structure must have independent exterior access from the existing residence, and the side and rear setbacks must be sufficient for fire safety as determined by the Fire Department.**
3. Height and Maximum Building Lot Coverage: The basic requirements of Article 10 shall apply unless modified by an overlay district. ADUs shall meet the height and maximum lot coverage requirements of the underlying zoning district.
4. Parking: A minimum of three independently accessible off-street parking spaces shall be required for a lot containing an accessory dwelling. At least two parking spaces shall be in a garage (minimum 20 foot by 19 foot), and one parking space (minimum 9 foot by 19 foot) shall serve the accessory unit. Required parking spaces shall not be located in required yard areas.
- a. One additional off-street parking space shall be required for each bedroom within an ADU; with exceptions per section 3006.D.4.e.
 - b. Additional parking spaces shall be a minimum dimension of 9 foot by 19 foot except as specified below.
 - c. **Required off-street parking shall be permitted in front, side, and rear setback areas subject to the following:**
 - i. Parking may be located on an existing driveway but shall not block sidewalk access or encroach into the public right-of-way.

- ii. Parking spaces within a side yard adjacent to a dwelling must have a minimum clear space width of 11-feet. Vehicles must not block exterior windows or doors of habitable space in a dwelling or access to utility boxes or meters.
- iii. **Tandem parking shall be permitted subject to compliance with the above-referenced parking requirements.**
- i. Except for an approved driveway, vehicles must be parked on an acceptable surface of gravel, brick, permeable paver or other stable, dust-free surface deemed acceptable by the Planning Division.
- ii. No more than 30% of a front yard shall be dedicated to vehicle parking, except lots with a substandard width shall not exceed 50%.
- iii. Ingress and egress to parking spaces shall be provided via an approved driveway location only. Except for driveways, access to on-site parking spaces shall not include sidewalks, curbs, or landscape areas.
- d. **When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile parking lifts.**
- e. **Parking Exemption: Pursuant to Section 65852.2, the City shall not impose parking standards for an ADU in any of the following instances:**
 - i. **The ADU is located within one-half mile of public transit.**
 - ii. **The ADU is located within an architecturally and historically significant historic district.**
 - iii. **The ADU is part of the existing primary residence or an existing accessory structure.**
 - iv. **When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.**
 - v. **When there is a car share vehicle located within one block of the accessory dwelling unit.**

5. Design: The exterior design shall be in harmony with the immediate neighborhood. Building materials, colors and exterior finishes should be substantially the same as those on the existing dwelling. The ADU shall be architecturally compatible with the primary dwelling in terms of design, building materials, roof pitch, colors, and exterior finishes.
 6. Utilities: ADU's shall comply with water and sewer requirements as determined by the Water Utilities Department; subject to the following:
 - a. **ADUs shall not be considered new residential uses for the purposes of calculating utility connection fees or capacity charges, including water and sewer service.**
 - b. **The City shall not require an applicant to install new or separate utility connection or impose a related connection fee or capacity charge for ADUs that are contained within an existing residence or accessory structure.**
 - c. **For new attached and detached ADUs, the fee must be proportionate to the burden of the unit on the water or sewer system and may not exceed the reasonable cost of providing the service.**
 - d. **Where a private sewage disposal system is being used by the ADU, approval by the local health officer may be required.**
- ~~D. Conditions Recorded. The use permit and conditions of approval shall be filed for record with the County Recorder within 30 days of approval. Evidence of such filing shall be submitted to the Planning Director within 30 days of approval.~~
- E. Conditions:
1. **An ADU is not intended for sale separate from the primary residence.**
 2. **An ADU may serve as a rental unit or be occupied by family members, guests, or in-home health care providers, and others at no cost.**
 3. **An ADU shall not be rented for less than 31 days.**
 4. **Required parking spaces shall be kept clear and used exclusively for vehicle parking. Such space shall not be used for storage or other uses.**
 5. **The property owner shall record a covenant, approved as to form by the City Attorney, declaring compliance with each and every condition referenced in this section.**
- ~~E. Appeals. In accord with Article 46, the decision of the Planning Director may be appealed to the Planning Commission by the applicant or owners of property that is located within 300 feet of the proposed accessory unit.~~