

ORDINANCE NO. 3638

AN ORDINANCE AMENDING ORDINANCE NO. 352, THE ZONING ORDINANCE OF TULARE COUNTY, PERTAINING TO SECTION 15.A.6 OF ORDINANCE NO. 352, THE ZONING ORDINANCE, BY AMENDING THE GENERAL PROVISION AND EXCEPTION ORDINANCE IN COMPLIANCE WITH GOVERNMENT CODE 65852.2-65852.22.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE ORDAINS AS FOLLOWS:

Section 1. Amended General Provision and Exception Ordinance as Section 15.A.6 pertaining to Second Units, to read as follows:

SECTION 15.A.6: ACCESSORY BUILDINGS AND STRUCTURES

Accessory Buildings and Structures

2. (Added by Ord. No. 2538, effective 6-6-83.)

a. In all zoning districts, private noncommercial radio and television antennas and towers are permitted as accessory structures, unless a Special Use Permit is required under Section 16 of this Ordinance.

b. In all zoning districts, satellite television antennas are permitted as accessory structures whether or not on the same site as a main building. In accordance with the height and yard area regulations set forth in the applicable zone and this section, unless a Special Use Permit is required under this Section and Section 16 of this Ordinance.

Accessory Dwelling Units

c. Section 2, subparagraph c of paragraph 6 of subsection A of Section 15 of Ordinance No. 352, as amended, is hereby amended to read as follows:

Accessory Dwelling Unit which are not otherwise allowed by this Ordinance, are ministerially permitted all areas zoned that allow single-family or multifamily dwelling residential use based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. Such second units shall comply with the following regulations: (Paragraph

c added by Ord. No. 2562, effective 9-22-83, amended by Ord. No. 2956, effective 4-11-91; amended by Ord. No. 3297, effective 5-20-04; amended by Ord. No. 3473, effective 7-30-15; amended by Ord. No. 3626, effective May 16, 2023; amended by Ord. No. [ORD], effective [Date].)

(1) The number of accessory dwelling unit shall be limited to:

(a) One accessory dwelling unit per lot within a proposed or existing Single-Family dwelling provided that the accessory dwelling unit can comply with the following (i) The space has exterior access from the proposed or existing single-family dwelling, and (ii) The side and rear setbacks are sufficient for fire and safety and,

(b) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with proposed or existing dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit.

(2) Multiple accessory dwelling units are allowed within the portions of an existing multifamily dwelling structure that are not used as livable space including but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. The number of accessory dwelling units in multifamily dwellings shall be limited to:

(a) One accessory dwelling unit within an existing multifamily dwelling and up to twenty-five (25) percent of the existing multifamily dwelling units, and

(b) No more than two (2) accessory dwelling units that are located on a lot that has an existing or proposed multifamily dwelling but are detached from that multifamily dwelling and are subject to height limitations, rear yard, and side yard setbacks. The rear and side yard setbacks shall not be more than four (4) feet. If the existing multifamily dwelling has a rear or side setback of less than four (4) feet, there shall be no requirements of the existing multifamily dwelling as a condition of approval to construct the accessory dwelling unit.

(3) The accessory dwelling unit shall be clearly subordinate to a dwelling. If attached to or part of a dwelling, the accessory dwelling unit shall not be more than fifty (50) percent of the total floor area of the dwelling, but no more than one thousand two hundred (1,200) square feet of floor area, provided that it shall have at least three hundred (300) square feet of floor area. If detached from

the one family dwelling, the accessory dwelling unit shall have at least three hundred (300) square feet of floor area but no more than one thousand two hundred (1,200) square feet of floor area.

(4) Except as provided in Section 65852.26 of the California Government Code, the accessory dwelling unit may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence.

(5) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(6) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(a) Off-street parking shall be permitted in setback areas unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(b) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d) of Section 65852.2 of the California Government Code.

(7) If an increase in floor area is involved for an attached accessory dwelling unit, it shall not exceed one hundred and fifty (150) square feet beyond the same physical dimensions as the existing building.

(8) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to the portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(9) Local building code requirements that apply to detached dwellings, except that construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the County of Tulare Building Department or Tulare County Code Enforcement Department makes a written finding based on substantial evidence in the record that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety. Nothing in this clause shall be interpreted to prevent a local agency

from changing the occupancy code of a space that was unhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this section.

(10) Approval by the County of Tulare Environmental Health Services Division where a private sewage disposal system is being used, if required.

(11) The accessory dwelling unit shall comply with all the applicable height, yard and coverage regulations for the zone in which located and the applicable provisions of this section.

(12) The accessory dwelling unit shall be constructed and maintained in accordance with all State and County health regulations.

(13) If the accessory dwelling unit is to be served by a sanitary sewer system or domestic water system, the governing board controlling the sewer and/or water system shall submit a letter to the decision-making body indicating the ability of the system to provide service to the accessory dwelling unit.

(14) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

(15) A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit shall be required with the application for the accessory dwelling unit and issued at the same time. The applicant shall not be required to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an accessory dwelling unit, unless the property is located within an architecturally and historically significant historic district.

(16) Any accessory dwelling unit that is created pursuant to Section 2, subparagraph c of paragraph 6 of subsection A of Section 16 of Ordinance No. 352, as amended, and is used for rental purposes, shall be rented for a term of longer than thirty (30) days.

Modifications from the above regulations may be approved by the decision-making body in individual cases if the modification is in accordance with the purposes set forth in Section 1 of this Ordinance. The site plan review required for additional residences in paragraph 2 of subsection B of Section 18.7 shall not be required for second units in the planned foothill development zone which meet the requirements of this paragraph.

Junior Accessory Dwelling Units

(Added by Ord. No. 3626, effective May 16, 2023)

d. Section 2, subparagraph d of paragraph 6 of subsection A of Section 15 of Ordinance No. 352, is hereby amended to read as follows:

Junior accessory dwelling units (JADU) is a unit that is no more than 500 square feet in size and contained entirely within a residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure. Junior accessory dwelling units which are not otherwise allowed by this Ordinance, are ministerially permitted in all residential zones (R-A, R-O, R-1, R-2, R-3 MR, and PD-F-M). Such junior accessory dwelling units shall comply with the following regulations:

- (1) The number of junior accessory dwelling units shall be limited to one per residential lot with a residence built, or proposed to be built, on the lot.
- (2) The residence where the junior accessory dwelling unit will be permitted, shall be owner-occupied. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. The Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
- (3) Deeds are required and shall run with the land and shall be filed with the Tulare County Permit Center and shall include both of the following:
 - (a) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the residence, including a statement that the deed restriction may be enforced against future purchasers.
 - (b) A restriction of the size and attributes of the junior accessory dwelling unit that conforms with this section.
- (4) The junior accessory dwelling unit shall be constructed within the walls of the proposed or existing residence.
- (5) The junior accessory dwelling unit shall have a separate entrance form the main entrance to the proposed or existing residence. If the junior accessory dwelling unit does not include a separate bathroom, the permitted junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
- (6) The junior accessory dwelling shall include an efficiency kitchen which shall include all of the following:
 - (a) A cooking facility with appliances.

- (b) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- (7) No additional parking shall be required.
- (8) For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
- (9) For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

Second Units

(Added by Ord. No. [ORD], effective [DATE])

e. Section 2, subparagraph e of paragraph 6 of subsection A of Section 15 of Ordinance No. 352, is hereby to read as follows:

Second units which are not otherwise allowed by this Ordinance, are ministerially permitted in all residential zones (R-A, R-O, R-1, R-2, R-3, MR, and PD-F-M). Such second units may exceed the allowable density for the lot on which located and shall constitute a residential use compatible with general plan and zoning for the lot. Such second units shall comply with the following regulations:

- (1) The second unit shall be clearly subordinate to a one family dwelling. If attached to or part of a one family dwelling, the second unit shall not be more than fifty (50) percent of the total floor area of the one family dwelling, provided that it shall have at least three hundred (300) square feet of floor area. If detached from the one family dwelling, the second unit shall have at least three hundred (300) square feet of floor area but no more than one thousand two hundred (1,200) square feet of floor area.
- (2) The lot or parcel shall contain an area of five thousand (5,000) square feet or more.
- (3) No more than one (1) second unit may be located on the same lot or parcel as the one family dwelling.
- (4) The second unit shall not be sold as a separate unit.
- (5) Off-street parking spaces shall be provided for each dwelling unit in accordance with subparagraph a of paragraph 2 of this subsection
- (6) The second unit shall be designed or arranged on the lot so that, to the degree reasonably feasible, the appearance of the building or lot from the street remains that of a one family dwelling.

Any new entrances shall be located so that there is only one external entrance to the main building facing the same street.

(7) If an increase in floor area is involved for an attached second unit, it shall not exceed thirty (30) percent of the floor area of the original building.

(8) Any exterior alterations to the original one family dwelling shall be kept to a minimum. No exterior change shall be permitted which in the judgment of the decision-making body does not conform to the residential character of the neighborhood.

(9) The second unit shall comply with all the applicable height, yard and coverage regulations for the zone in which located and the applicable provisions of this section.

(10) The design and construction of the second unit shall conform to all applicable standards in the building, plumbing and electrical codes as adopted pursuant to Chapter 4 of Part VII of the Ordinance Code of Tulare County.

(11) The second unit shall be constructed and maintained in accordance with all State and County health regulations.

(12) If the second unit is to be served by a sanitary sewer system or domestic water system, the governing board controlling the sewer and/or water system shall submit a letter to the decision-making body indicating the ability of the system to provide service to the second unit.

Modifications from the above regulations may be approved by the decision-making body in individual cases if the modification is in accordance with the purposes set forth in Section 1 of this Ordinance. The site plan review required for additional residences in paragraph 2 of subsection B of Section 18.7 shall not be required for second units in the planned foothill development zone which meet the requirements of this paragraph.

The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof a summary shall be published once in the Sun Gazette, a newspaper printed and published in the County of Tulare, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

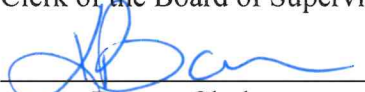
THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the 30th day of January, 2024, at a regular meeting of said Board duly and regularly convened on said day by the following vote:

AYES: SUPERVISORS MICARI, VANDER POEL, SHUKLIAN, VALERO AND
TOWNSEND
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

COUNTY OF TULARE


By: 
Chairman, Board of Supervisors

ATTEST: JASON T. BRITT
County Administrative Officer/
Clerk of the Board of Supervisors

By: 
Deputy Clerk



Approved as to Form:
County Counsel

By: 
Matter # 20231296