

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS AMENDING THE THOUSAND OAKS MUNICIPAL CODE BY REMOVING SEC. 9-4.2521 AND ADDING ARTICLE 45 TO UPDATE THE ACCESSORY DWELLING UNIT ORDINANCE AS REQUIRED BY THE 2021-2029 HOUSING ELEMENT **(MCA-2024-70005)**

The City Council of the City of Thousand Oaks does hereby ordain as follows:

**Part 1**

**Title 9, Chapter 4, Article 25, Section 9-4.2521 is to be removed.**

**Part 2**

**Title 9, Chapter 4, Article 45, Accessory Dwelling Units is hereby added to the Thousand Oaks Municipal Code, to read as follows:**

**Article 45. Accessory Dwelling Units**

**Sec. 9-4.4501. Intent and Purpose.**

- (a) The intent and purpose of this Article is to expand opportunities in the City to create additional housing, allow more efficient use of existing housing stock, and provide a range of housing opportunities through the creation of new accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) on lots in designated zones that already contain one established unit, or in conjunction with the construction of a new residential unit. It is the intent of this article to permit ADUs and JADUs, in conformance with state law, in designated zones subject to such local standards that will ensure the units contribute to a suitable living environment for people of all ages and economic levels, while preserving the integrity and character of residential neighborhoods in a manner consistent with the City's General Plan.

**Sec. 9-4.4502. Authority.**

- (a) California Government Code Sections 66310-66342 allow local agencies to provide for the creation of ADUs and JADUs, respectively, in areas zoned for single-family and multi-family residential use. The City may designate

areas for ADUs based on the adequacy of water and sewer services and the impact on traffic flow and public safety.

- (b) If a conflict is found between this Article and California Government Code Sections 66310-66342, California Government Code Sections 66310-66342, as it may be amended, shall prevail.

**Sec. 9-4.4503. Applications and Approvals.**

- (a) Except as provided in Sec. 9-4.4513, no ADU or JADU may be created without an ADU permit and a building permit. Whenever an ADU or JADU is proposed as a project, an application shall be submitted to the Community Development Department on a form provided by said department along with any necessary supporting information. An application for development of a ADU or JADU created pursuant to this Article will be reviewed ministerially, without discretionary review or a hearing, and approved if it meets all the requirements set forth in Sec. 9-4.4504 through Sec. 9-4.4508 (inclusive).
- (b) ADU and/or JADU applications must be ministerially approved or denied within 60 days from the date a complete application is submitted if there is an existing single- or multi-family dwelling on the lot, unless the applicant requests a delay, in which case the 60-day time period is tolled for the period of the delay. A denied application for an ADU and/or JADU shall include a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied.
- (c) If the permit application to create or serve an ADU and/or a JADU unit is submitted with a permit application to create a new single-family dwelling on the lot, the Community Development Department may delay approving or denying the permit application for the ADU and/or JADU until the Community Development Department approves or denies the permit application to create the new single-family dwelling, but the application to create or serve the ADU and/or JADU shall be considered without discretionary review or hearing.
- (d) The City shall not deny an application for a permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.

- (e) A certificate of occupancy for an ADU or JADU may not be issued before issuance of a certificate of occupancy for the primary dwelling.
- (f) The permitting of an ADU and/or a JADU is subject to the California Building Code (CBC) and California Residential Code (CRC), except that the 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 Building Official 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.
- (g) Modifications to an approved ADU or JADU require a new permit, processed pursuant to this Section.

**Sec. 9-4.4504. Preclusion of Minimum Unit Development.**

- (a) Development created pursuant to this Article shall comply with the following standards and requirements so long as the application of such standards would not have the effect of physically precluding the construction of at least one ADU of at least 800 square feet of total floor area with four-foot side and rear yard setbacks, which is constructed in compliance with all other local development standards, per Government Code Section 66321, subdivision (b)(3).
- (b) If the application of the following standards would have the effect of physically precluding the minimum unit development described above in subdivision (a), such standard shall be waived only to the extent necessary to allow construction of the affected unit(s) of a size no greater than 800 square feet in floor area.

**Sec. 9-4.4505. Location and Number of ADUs.**

- (a) Single Family Zones
  - (1) ADUs may be constructed on any lot in the R-A, R-E, R-O, R-1, RPD, TPD, or HPD zone that is improved with one existing or proposed primary dwelling unit, subject to the requirements of this Section.
  - (2) Lots in the R-A, R-E, R-O, R-1, RPD, TPD, or HPD zone may have a maximum of one ADU and one ADU that is 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, including detached garages or detached from the primary dwelling unit.

(b) Multi-Family Zones

- (1) Lots in the R-2, R-3, RPD, and MU zone that contain an existing or proposed multifamily dwelling structure are allowed to have ADUs as permitted pursuant to Section 9-4.4513.

(c) Limits on Unit Location

- (1) No ADU shall be located within or encroach upon a natural slope steeper than 25%.
- (2) No ADU shall be placed in a location that would require an adjacent property owner to provide defensible space on the adjacent property pursuant to Section 4907 of the California Fire Code, as amended and adopted by the Ventura County Fire Protection District.
- (3) No ADU shall be placed in any area where structures are prohibited pursuant to a recorded deed restriction, parcel or final tract map.

**Sec. 9-4.4506. Development Standards.**

(a) Junior Accessory Dwelling Units

- (1) JADUs are to be constructed within the walls of the proposed or existing single-family residence including an attached garage.
- (2) The maximum size is 500 square feet of floor area, and the minimum size is the same as an efficiency dwelling unit.
- (3) The maximum height of the JADU is limited to the height of the existing structure in which the JADU is to be located.
- (4) JADUs must include an efficiency kitchen, with a cooking facility with appliances and a food preparation counter and storage cabinets.
- (5) Sanitation facilities may be separate from or shared with the primary dwelling. If the JADU does not include a separate bathroom, the JADU shall include an interior entry to the main living area.

(b) Conversion Within or Attached to Primary Dwelling Accessory Dwelling Units

- (1) The maximum size is 850 square feet or 50% of the existing primary dwelling's total floor area, whichever is greater. The minimum size is the same as an efficiency dwelling.

- (2) The side and rear setbacks are 4 feet from the property line for new enclosed square footage for the attached ADU.
- (3) The maximum height is 25 feet, or the height limitation as detailed in Sec. 9-4.2501 that applies to the primary dwelling, whichever is lower.
- (4) A full kitchen and sanitation facilities are required and must be separate from the primary dwelling.
- (5) Attached and converted ADUs must share a minimum of 10 feet of the wall of the main single-family home. No internal connection is permitted.

(c) Detached Accessory Dwelling Units

- (1) The maximum size of detached ADUs is 850 square feet for a studio, 1,000 square feet for a one bedroom or more, and 1,200 square feet for two bedrooms or more on a lot that is equal to or greater than one acre in gross square feet.
- (2) The side and rear setbacks are 4 feet from the property line.
- (3) The maximum height is 16 feet.
- (4) The maximum height can be increased to 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family dwelling unit that is within one-half mile walking distance from a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code.
- (5) The maximum height can be increased by two (2) feet to accommodate a roof pitch that is aligned with the roof pitch of the primary dwelling unit.
- (6) The maximum height for a detached ADU on a lot with an existing or proposed multifamily unit is 18 feet.
- (7) Detached ADUs may not be attached to the existing single-family dwelling or multi-family unit by breezeways or any similar structure and must be separated from any proposed or existing structure by a minimum of six feet as measured from the face of wall to the nearest face of wall.

(d) Accessory Structures

- (1) No accessory structure shall be attached to a detached ADU unless the combined total floor area of the accessory structure and ADU does not exceed the allowable size of the ADU.
- (2) Where a detached ADU is proposed with an attached garage, the garage portion shall be no larger than 400 square feet.
- (3) The size of any proposed patio cover(s) and/or covered porch(s) will be cumulatively limited to ten (10) percent of the square footage of the

proposed ADU. The patio cover and/or covered porch square footage is not to be included in the total floor area calculation in Section 9-4.4505(d)(1).

- (4) An ADU attached to an accessory structure shall not have internal access to the accessory structure.

(e) Conversion of Existing Structures

- (1) A portion of an existing legally established single-family dwelling, or all or a portion of an accessory structure, may be converted to an ADU, even if such structure does not comply with the otherwise applicable height and setback requirements.
- (2) An accessory structure may be demolished and reconstructed in the same location and to the same dimensions and may be fully or partially converted to a detached ADU, even if such structure does not comply with the otherwise applicable height and setback requirements.
- (3) An accessory structure, including a demolished and reconstructed structure, that is being fully or partially converted to a detached ADU, may be expanded by up to 150 square feet to accommodate ingress and egress, so long as such expansion does not increase a nonconformity of the structure. Any new construction proposed for ingress/egress must be setback from the side and rear yards at least four (4) feet and have a maximum height that matches the accessory structure or 16 feet, whichever is less.
- (4) Attached JADUs and ADUs converted from the existing primary dwelling can add 150 sq. ft. for the purpose of ingress and egress not to exceed the square footage allowance. Any new construction proposed for the purposes of ingress/egress must be setback from the side and rear yards at least four (4) feet and have a maximum height that matches the existing structure or 16 feet, whichever is less.
- (5) Where an attached garage that provides the required parking for a primary dwelling is partially converted to an ADU, the remaining space shall continue to be utilized for parking if physically feasible. If it is not feasible for the remaining space to be used for parking, the remaining space shall be utilized for storage or similar non-habitable use for the primary dwelling.

## **Sec. 9-4.4507. Objective Design Standards.**

### **(a) Design and Features**

- (1) The materials and colors of exterior walls, roof, eaves, windows, and doors of an attached or converted ADU must match those of the primary dwelling.
- (2) The roof slope of an ADU must match the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof as measured by the footprint of the roofed area and not the face of the roof. If a structure has multiple equal dominant roof slopes as measured by the footprint of the roofed area, the dominant slope closest to the public-right-of-way shall be followed.
- (3) A newly constructed detached ADU must incorporate a minimum of one material and one color from the existing or proposed primary dwelling unit.
- (4) All ADU and/or JADU windows that are constructed within 10 feet of an adjoining residential property shall only contain privacy glass (minimum of 50% transparency) to screen views directly into adjoining residential properties.
- (5) Skylights are permitted on roofs above 10 vertical feet of the first-floor wall plane. Skylights must be flat and not domed.
- (6) Roof-top decks above ADUs and/or JADUs are prohibited.
- (7) No roof-mounted mechanical equipment shall be allowed on ADUs or JADUs. All ground-mounted mechanical equipment shall be located outside the 4-foot side and rear yard setbacks.

### **(b) Exterior Ingress/Egress**

- (1) All ADUs and JADUs must have an independent exterior entrance separate from the primary dwelling.
- (2) Separate exterior access for attached ADUs and/or JADUs shall be provided on a different wall face than the primary residence's entry door.

### **(c) Second Story ADU(s) and JADU(s)**

- (1) Exterior stairs are not permitted. Stairs or elevator must be interior and meet four (4) foot side and rear setbacks, with an overhang of one (1) foot or less.
- (2) The colors and material of all building walls must be the same as the primary dwelling unit.
- (3) The color, slope, style, and material of the roof must be the same as the primary dwelling unit.

- (4) ADUs and JADUs that are newly constructed (not converted from existing square footage) shall be set back a minimum of two feet from the existing first floor wall plane.
- (5) To avoid blank facades for second story conversions and additions for the purpose of creating an ADU or JADU, ADUs and JADUs shall incorporate at least two of the following standards:
  - (i) A minimum one (1) foot offset for any wall plane that exceeds twenty (20) feet in length.
  - (ii) Windows or door openings that cover at least ten (10) percent of the facade and match the color and style of the primary dwelling.
  - (iii) Landscaping or privacy glass must be installed to prevent a direct line of sight from the ADU windows to a contiguous developed residential property.
  - (iv) Architectural details which provide visual interest such as awnings, ornamental light fixtures, window shutters, columns, cornices, moldings, trellises etc. Window shutters if used must be proportionately sized to the height and width of the window.

(d) Driveway Access

- (1) An ADU/JADU must be served by the same driveway access to the street as the existing primary dwelling unit unless the ADU has access from a public alley contiguous to the lot or is located on a corner lot for which secondary vehicular access is already permitted.
- (2) The driveway may only be removed if it is replaced with landscaping or open space, and the curb cut, and driveway apron are removed and replaced with a curb and gutter which meet city standards.

(e) Required Walkway Separation

- (1) Pedestrian walkways are required to provide access from the right of way to the entrance of the ADU and/or JADU, if not already provided.

(f) Conversion of a Garage to ADU/JADU

- (1) The garage door shall be removed, and window(s) shall be installed in its place incorporating the window style and architectural elements found on the primary dwelling.
- (2) The installation of a new wall shall include at least ten (10) percent of the façade with doors and/or windows.



- (3) Street facing garage conversions shall provide a minimum of three (3) feet landscaping directly in front of the converted garage wall, except for where an entrance is proposed.

(g) Development within a Protected Ridgeline Area

- (1) ADUs proposed on properties that are located within the Protected Ridgeline Overlay zone are subject to the following objective standards:
  - i. No new structure or addition to an existing structure shall be placed or constructed, no grading shall occur and, except as to meet fire clearance requirements, no native vegetation shall be removed within three hundred (300') feet horizontally or one hundred (100') feet vertically of the crest of a protected ridgeline unless the construction of the minimum allowed two units of 800 square feet or less is precluded, in which case the development must be sited at the lowest possible elevation.

(h) Tree Protection

- (1) No ADU created pursuant to this Article shall be constructed, or require grading at the time of construction, within the protected zone (as defined by Sec. 9-4.4202 and 9-4.4302) of a protected tree unless the construction of the minimum of 800 square feet or less is precluded, in which case the protected tree may be encroached upon or removed if replaced onsite per the recommendations of a City Arborist, on a 1:1 basis, with a thirty-six (36") inch box Quercus agrifolia Live Oak or Quercus lobato Valley Oak. If the replacement tree(s) is unable to be successfully sited onsite, an in-lieu fee will be required per Resolution 2010-014, as may be amended.

**Sec. 9-4.4508. Parking.**

- (a) One (1) off-street parking space shall be provided for an ADU, in addition to the parking required for the primary residence. ADU parking spaces may be covered or uncovered, may be located in any setback area, and may be tandem in a driveway.
- (b) ADU parking spaces are required in addition to those required for the primary dwelling on the lot. Provided however that when a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an ADU, those parking spaces are not required to be replaced.

- (c) The parking in subsection (a) above is not required for an ADU in any of the following instances:
- (1) The ADU is located within one-half mile walking distance of public transit.
  - (2) The ADU is located within an architecturally and historically significant historic district.
  - (3) The ADU is part of the proposed or existing primary dwelling or an accessory structure and/or is created from the conversion or reconstruction of an existing structure.
  - (4) On-street parking permits are required but not offered to the occupant of the ADU.
  - (5) There is a car share vehicle located within one block of the ADU.
  - (6) When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this section.

**Sec. 9-4.4509. Fire Sprinklers and Utilities.**

- (a) Fire sprinklers are not required for the proposed ADU/JADU(s) if they are not required for the primary dwelling. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
- (b) New or separate utility connections from the primary dwelling is required for ADUs, except for ADUs created from the conversion or reconstruction of an existing structure.
- (c) ADUs utilizing an existing or proposed new onsite wastewater treatment system, must demonstrate adequate septic feasibility to the satisfaction of, and permitted by, the California State Water Resources Control Board prior to building permit issuance. Properties to be connected to an onsite wastewater treatment system shall submit an application for a new onsite wastewater treatment system concurrently with the application for Accessory Dwelling Unit Development. Construction of all wastewater treatment systems shall be permitted by the City and comply with the current plumbing and building code standards.

**Sec. 9-4.4510. Occupancy and Conveyance.**

- (a) An ADU and/or JADU may be rented separately from the primary dwelling but may not be sold or otherwise conveyed separately from the primary dwelling except as provided in Government Code Section 66341.
- (b) An ADU and/or JADU may not be rented for a period of less than 30 consecutive days.
- (c) On a lot with a JADU, the property owner must occupy either the primary dwelling or the JADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

**Sec. 9-4.4511. JADU Deed Restriction.**

- (a) Upon approval of a JADU, a deed restriction running with the land in a form provided by the City must be recorded with the Ventura County Recorders Office at the Property owner's expense. The deed restriction must include the following:
  - (1) Rentals of the JADU must be for a term that is longer than 30 consecutive days;
  - (2) A prohibition on the sale of the JADU separate from the sale of the single-family dwelling, including a statement that the deed restriction may be enforced against future purchasers: and
  - (3) A restriction on the size and attributes of the JADU that conforms with this article and Government Code Section 66333 et seq.
  - (4) Notice and disclosure to future owners of the owner occupancy requirement.
  - (5) The deed restriction is enforceable by the Community Development Department or their designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.

**Sec. 9-4.4512. Fees.**

- (a) An ADU/JADU may not be considered a new residential use by a local agency, special district, or water corporation to calculate utility connection fees or capacity charges unless the ADU is constructed with a new single-family dwelling.

- (b) Impact fees may not be assessed by local agencies, special districts, or water corporations on an ADU smaller than 750 square feet. Impact fees may be assessed on an ADU of 750 square feet or greater in an amount proportionate to the square footage of the primary dwelling unit.

**Sec. 9-4.4513. Statewide Exemption ADUs**

(a) A local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following: Statewide Exemption ADUs: An application for a new ADU or JADU that satisfies each of the applicable standards below shall be approved by the city following a ministerial review for compliance. An ADU or JADU that complies with each of the general requirements listed below is allowed with a building permit as described within this Article.

(1) Conversions on single-family lots: One ADU and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

- i) Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or in the case of an ADU only, within the existing space of an existing accessory structure, plus up to one hundred fifty (150) additional square feet if the expansion is limited to accommodating ingress and egress;
- ii) Has exterior access that is independent of that for the single-family dwelling; and
- iii) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
- iv) The JADU complies with the requirements as described in this article.

(2) A newly constructed detached ADU on single-family lots: One (1) detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection 1.i. above), if the detached ADU satisfies the following limitations:

- (i) The side- and rear-yard setbacks are at least four (4) feet;
- (ii) The gross floor area is eight hundred (800) square feet or smaller; and
- (iii) The roof peak height above grade is sixteen (16) feet or less.

- (3) Conversions on lots with existing multifamily dwellings: Multiple ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings.
- (4) The applicant may build at least one ADU within an existing multifamily dwelling, and up to the number of ADUs that equals twenty-five (25) percent of the existing number of multifamily dwelling units in the structure. Detached ADUs on lots with existing multifamily dwellings. No more than two (2) detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies the following limitations:
- (i) The side- and rear-yard setbacks are at least four (4) feet. If the existing multifamily dwelling has a rear or side setback of less than four feet, the local agency shall not require any modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this paragraph.
  - (i) The gross floor area is eight hundred (800) square feet or smaller; and
  - (ii) The roof peak height above grade is sixteen (16) feet or less for single story dwellings.
  - (iii) The roof peak height above grade is eighteen (18) feet or less for multistory dwellings.

### **Part 3**

**Title 9, Chapter 4, Article 25, Section 9-25.09.5 Area requirements for accessory buildings is to be amended as follows:**

(a) Accessory buildings, excluding any secondary residential accessory dwelling units authorized by ~~Section 9-4.2521~~ **Article 45**, in all R Zones shall not have a floor area in excess of six hundred (600) square feet nor shall any accessory building in any R Zone have a floor area in excess of fifty (50%) percent of the footprint of the principal or main building unless otherwise authorized as part of a residential planned development permit in the RPD and HPD zones or subject to the approval of an Administrative Approval in the R-A, R-E, R-O, R-1 and R-2 Zones in accordance with Section 9-4.2815.

(b) Cumulative floor area of accessory buildings in any R Zone exclusive of accessory dwelling units pursuant to ~~Section 9-4.2524~~ Article 45 shall not exceed one hundred (100%) percent of the footprint of the principal or main building on a single lot or parcel of land.

(c) Estate lots in the R-A, R-E, R-O and R-1 Zones which are five (5) acres in size or greater shall be considered exempt from area requirements for accessory buildings except for area requirements applicable to accessory dwelling units pursuant to ~~Section 9-4.2524~~ Article 45.

#### **Part 4**

**Title 9, Chapter 4, Article 25, Section 9-4.2501(a)(3) is amended as follows:**

(3) Accessory buildings shall be limited to a maximum building height of fifteen (15') feet, except accessory dwelling units as provided in ~~Section 9-4.2524~~ Article 45.

#### **Part 5**

**Title 9, Chapter 4, Article 22, Section 9-4.2202(a) is amended as follows:**

(a) The Objective Design Standards (Objective Standards) apply to all residential and mixed-use development, which include the new construction of two (2) or more residential units. The Objective Standards were created in response to legislative provisions such as the Housing Accountability Act, that limit local jurisdictions' ability to deny or reduce density of housing projects that are consistent with "objective standards" and multi-family residential projects meeting affordability and other criteria can only be subject to "objective" planning standards to be approved through a ministerial process. These standards also apply to redevelopment that creates two (2) or more new residential units, including but not limited to adaptive reuse of existing buildings. In addition, these standards apply to groups of two (2) or more attached townhomes (row houses), regardless of whether multiple townhomes occupy the same lot, or each townhome is located on a separate lot. The Objective Standards do not apply to residential development approved pursuant to Article 37 (Urban Lot Splits and Two-Unit Housing Developments) and ~~Section 9-4.2524~~ Article 45 (Accessory Dwelling Units).

## Part 6

**“Accessory Dwelling Units” Section of Title 9, Chapter 4, Article 21, Section 9-4.2104. Permitted use matrix – Residential zones is amended as follows:**

Land Use Category	Residential Zoning Classifications										
	R-A	R-E	R-O	R-1	R-2	R-3	RPD	RPD - SFD	HPD	HPD - SFD	TPD
Land Use Category	Residential Zoning Classifications										
	R-A	R-E	R-O	R-1	R-2	R-3	RPD	RPD - SFD	HPD	HPD - SFD	TPD
Residential Zone Accessory Uses											
Accessory dwelling units, per <del>Section 9-4.2521</del> Article 45	P	P	P	P	P	P	P	P	P	P	P

## Part 7

**Title 9, Chapter 4, Article 25, Section 9-4.2509(a). Projections into required yards is amended as follows:**

The following intrusions may project into required yards to the extent and under the conditions and limitations indicated:

(a) Accessory buildings in rear yards, exclusive of detached accessory dwelling units pursuant to ~~Section 9-4.2521~~ Article 45.

## Part 8

**Subsection (a) (7) of Title 9, Chapter 4, Article 24, Section 9-4.2402. Parking Spaces Required is amended as follows:**

(7) Dwelling, accessory As provided in ~~Section 9-4.2521~~ Article 45

## **Part 9**

### **Subsection (a) (7) of Title 9, Chapter 4, Article 24, Section 9-4.2402. Parking Spaces Required is amended as follows:**

“Attached ADU” shall mean an ADU that shares at least one common wall with the primary dwelling unit at least ten feet in length; and is not fully contained within the existing space of the primary dwelling unit.

“Conversion ADU” shall mean an ADU that is created within existing space, including a portion of a primary dwelling unit or existing non habitable space in an existing primary or accessory structure.

“Detached ADU” shall mean an ADU that does not share a common wall with the primary dwelling unit and is not an internal ADU.

“Internal ADU” shall mean an ADU that is fully contained within the existing space of the primary dwelling unit or an accessory structure.

“Junior accessory dwelling unit” shall mean a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

“Total Floor Area” shall have the same definition as “building area” as set forth in Title 24 Part 2, Chapter 2 of the California Building Code, as may be amended, which states: “The area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.”

## **Part 10**

### **(Uncodified) Severability**

If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this title; it being hereby expressly declared that this title, and each section, subsection, sentence, clause and phrase hereof, would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.



**Part 11**  
(Uncodified)  
Effective Date

This Ordinance shall take effect on the thirty-first (31st) day following its final passage and adoption.

PASSED AND ADOPTED THIS XX<sup>th</sup> day of XXX, 202X, by the following vote:

Ayes:  
Noes:  
Absent:

\_\_\_\_\_  
Al Adam, Mayor  
City of Thousand Oaks, California

ATTEST/CERTIFY:

\_\_\_\_\_  
Laura B. Maguire, City Clerk

Date Attested: \_\_\_\_\_

APPROVE AS TO FORM:  
Office of the City Attorney

APPROVE AS TO ADMINISTRATION:

\_\_\_\_\_  
Tracy M. Noonan, City Attorney

\_\_\_\_\_  
Andrew P. Powers, City Manager

Introduced: XXXX XX, 202X  
Published: XXXX XX, 202X  
Ordinance No.: XXXX-NS

*The presence of electronic signature certifies that the foregoing is a true and correct copy as approved by the City of Thousand Oaks City Council on the date cited above.*

