

**TOWN OF TIBURON
PLANNING COMMISSION
RESOLUTION NO. 2024-XXX**

**RESOLUTION RECOMMENDING APPROVAL OF THE DRAFT ORDINANCE
REPEALING AND REPLACING CHAPTER 16-52.100 OF THE TIBURON MUNICIPAL
CODE (TMC) REGULATING ACCESSORY DWELLING UNITS (ADUS) AND JUNIOR
ACCESSORY DWELLING UNITS (JADUS) TO THE TOWN COUNCIL.**

WHEREAS, on June 7, 2023, the Town Council adopted Ordinance no. 603 N.S. amending subsection 16-52.100 of section 16-52 of chapter 16 of Title IV of the Tiburon municipal code and repealing subsection 16-52.105 of section 16-52 of chapter 16 of title iv of the Tiburon municipal code regarding accessory dwelling units and junior accessory dwelling units; and

WHEREAS, since the Town's last update, State ADU laws have been updated to provide clarity on the streamlined review process for ADUs and JADUs, the Town has updated its ordinance with recommended changes to comply with the State ADU laws; and

WHEREAS, the Town has taken the opportunity to further refine and clarify the existing ordinance; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 9, 2024; and

WHEREAS, on December 11, 2024, the Planning Commission reviewed the draft ordinance, recommended changes, determined that amendments were exempt from CEQA, and adopted a resolution recommending the draft ordinance to the Town Council.

NOW, THEREFORE, BE IT RESOLVED THAT

Section 1. Findings

Pursuant to Tiburon Municipal Code 16-68.050(A), the Planning Commission finds that that the proposed amendments are consistent with the requirements of (1) the Tiburon Municipal Code, (2) general plan and other applicable plans of the town, and (3) that the proposed amendment will not be detrimental to the public health, safety, or welfare of the town.

Pursuant to CEQA Guidelines Section 15282(h), this action is statutorily exempt from CEQA consistent with Government Code Section 65852.2 which exempts the adoption of an ordinance regarding second units in a single-family or multi-family residential zone from CEQA review.

Section 2. Recommendation

The Planning Commission hereby recommends that the Tiburon Town Council approve the proposed resolution repealing and replacing Chapter 16-52.100 of the Tiburon Municipal Code (TMC) regulating Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), as set fourth in Exhibit A, attached hereto and incorporated herein by reference.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the Town of Tiburon held on December 11, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Erica Williams, CHAIR
PLANNING COMMISSION

ATTEST:

DINA TASINI, SECRETARY

Exhibit A
Proposed Ordinance
Chapter 16-52.100- Accessory Dwelling Unit

16-52.100 Accessory dwelling unit.

The purpose of this chapter is to provide for the creation of accessory dwelling units and junior accessory dwelling units in a manner consistent with state law. The purpose for the Town of Tiburon is to expand the opportunity to provide a variety of housing opportunities, while still preserving the character of the town.

A. Definitions

1. "Accessory Dwelling Unit" ("ADU") shall mean an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing dwelling. It shall include permanent provision for living sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is or will be situated. It also includes an efficiency unit and manufactured homes (as defined in Section 18007 of the Health and Safety Code).
2. "Junior Accessory Dwelling Unit" ("JADU") shall mean a unit that is no more than five hundred square feet in size and contained entirely within a single-family structure. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.
3. "Internal Accessory Dwelling Unit" ("Internal ADU") means an ADU that is contained within the existing space of a single-family residence or accessory structure, has independent exterior access, and does not add any floor area to an existing structure, and is over five hundred square feet in size. An Internal ADU may have internal access to the primary dwelling.
4. "Attached Accessory Dwelling Unit" ("Attached ADU") means an ADU that shares a common wall with the primary dwelling unit on the lot, either by being constructed as a physical expansion (i.e., addition) of the primary dwelling unit, conversion of an existing garage attached to the primary dwelling, or installation of a new basement underneath an existing primary dwelling unit.
5. "Detached Accessory Dwelling Unit" ("Detached ADU") means an ADU that is constructed as a separate structure from the primary dwelling unit on the lot or is created by the conversion (full or partial) of an existing detached accessory building into an accessory dwelling unit.
6. "Accessory Structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
7. "Efficiency Unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
8. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

9. "Major transit stop" as defined in Section 21155 of the Public Resources Code, is
 - a. A high-quality transit corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.
 - b. A major transit stop included in the Bay Area Regional Transportation Plan.
 - c. The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
 - d. A ferry terminal served by either a bus or rail transit service.
 - e. An existing rail or bus rapid transit station.
 10. Multifamily, multistory dwelling: A building containing three or more dwelling units.
 9. "Objective Development standards" means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. (See Objective Development Standards table for accessory dwelling in Section B of this Chapter).
 10. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU.
 11. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
 12. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
- B. Administration. This section provides for the establishment and reasonable regulation of ADUs and JADUs in order to encourage housing opportunities for all segments of the population while ensuring the public health safety and welfare of the town.
1. Application and fee. Applications for an ADU shall be processed ministerially and shall be accompanied by the appropriate fee. ADU shall be permitted through issuance of a building permit.
 2. ADUs are permitted in single and multi-family zoned lots, and JADUs are permitted in single-family zoned lots.
 3. Director of community development or designee as review authority and review process. Building permit applications for ADUs shall be acted upon by the director of community development or designee ministerially without

discretionary review or a public hearing. The building permit application shall be approved or denied in writing within sixty days from receipt of a completed application and if not acted upon within that timeline the application shall be deemed approved. The director of community development or designee shall approve the application if the application meets all the requirements and standards of this Chapter. The director of community development or designee shall deny the application if he or she determines that the application does not meet all of such requirements. The community development director or designee's denial shall include a full set of comments to the applicant with a list of defective or deficient items and a description of how the application can be remedied by the applicant. If the applicant requests a delay, the sixty-day time period shall be tolled for the period of the delay.

4. Approved existing ADUs remain valid. Any secondary dwelling unit legally established with an approved conditional use permit prior to July 1, 2003, and in continued existence shall be deemed a legal, conforming dwelling unit. Secondary dwelling units established by any such conditional use permit shall continue to comply with all conditions of original permit approval, and with building code for secondary dwelling units in effect at the time of permit approval. The town shall not require the correction of any nonconforming zoning condition as a condition of approval for an ADU
5. Unpermitted ADUs and JADUs. Any permit for an unpermitted ADU or JADU that was constructed before January 1, 2020, shall not be denied due to the ADU or JADU's violation of building standards or its noncompliance with this Chapter unless it is deemed substandard pursuant to Section 11720.3 of the Health and Safety Code.
 - a. Prior to Submission, Prior to submission of an ADU or JADU application, the director of community development or designee shall inform homeowners that they may obtain a confidential third-party code inspection from a licensed contractor to determine the unit's existing condition or potential scope of building improvements before submitting an application for a permit. The total area of floor space shall not exceed 850 sq. ft. when there is only one bedroom, on a lot smaller than 10,000 sq. ft.
 - b. A homeowner applying for a permit for a previously unpermitted ADU or JADU constructed before January 1, 2020, shall not be required to pay impact fees or connection or capacity charges except when utility infrastructure is required to comply with Section 1790.3 of the Health and Safety Code and when such a fee is authorized by Chapter 16-52.100(C)(19).
 - c. Upon receiving an application to permit a previously unpermitted ADU or JADU constructed before January 1, 2020, an inspector from the local agency may inspect the unit for compliance with health and safety standards and provide recommendations to comply with the standards necessary to obtain a permit. If the inspector finds noncompliance with health and safety standards, the Town shall not penalize an application for having an unpermitted ADU or JADU and shall approve necessary permits to correct noncompliance with health and safety standards.

6. Expiration. ADU permits issued in compliance with this section shall expire and become null and void eighteen months after building permit issuance unless a certificate of occupancy has been issued by the building division or extension of the existing building have been granted through the building division.
7. Periodic update. The director shall maintain a record of all legal ADUs and all legal secondary dwelling units and shall review and update the record every two years.
8. Violations considered an infraction. Violations of this section shall be punished as infractions or by administrative citation, in the discretion of the director and shall be subject to the provisions of section 16-56.030 (violations and penalties) and/or Chapter 31 (enforcement of code).
9. Administrative Review. If the ADU meets the objective design standards outlined in section B of this Chapter, the decision of the director granting or denying an ADU permit is a ministerial decision as required by state law, and not subject to a public hearing.
10. Structures beyond ADU or JADU. Any proposed exterior improvement or structures beyond the proposed ADU or JADU shall comply with the standards under TMC 16-52.020. Ministerial review is only applicable for the structure of the ADU.
11. Roof Decks. Roof Decks shall not be permitted under the ADU ministerial review process. Roof Decks are subject to the standards outlined under TMC 16-52.020.
12. Density. Pursuant to California Government Code Section 66319, no ADU approved under these provisions shall be considered in calculating the density of the lot allowed by the land use designation contained in the land use element of the Tiburon General Plan, and ADUs are deemed a residential use that is consistent with the existing general plan and zoning for the lot.

C. ADU Development Standards.

<u>Objective Development Standards Table</u>				
		<u>Attached ADU</u> ¹	<u>Detached ADU</u>	<u>Internal Conversion ADU</u>
<u>Minimum Floor Area</u>		<u>150 square feet</u>		
<u>Maximum Floor Area</u>				<u>Over 500 square feet, under 1,000 square feet.</u>
	<u>One Bedroom or Less</u>	<u>850 square feet</u> ²		
	<u>More than One Bedroom</u>	<u>1,000 square feet</u> ³		
<u>Lot Coverage Maximum</u>		<u>None</u>		
<u>Setbacks</u>	<u>(Minimum)</u>			
	<u>Front</u>	<u>A front setback must yield to the extent necessary to enable the</u>		<u>None</u> ⁴

		<u>construction of an 800 square foot ADU with four-foot side- and rear-yard setbacks.</u>		
	<u>Side</u>	<u>4 feet</u>		
	<u>Rear</u>	<u>4 feet</u>		
<u>Maximum Height</u>		<u>25 feet</u>	<u>16 feet^{5,6}</u>	<u>N/A</u>
<u>Parking</u>		<u>1 space^{7,8}</u>		<u>None</u>
<u>Separate independent entrance required?</u>		<u>Yes, except for JADUs unless the JADU does not have a separate sanitation facility.</u>		
<u>Separate sanitary facility required</u>		<u>Yes</u>		
<u>Kitchen required</u>		<u>Yes</u>		
<p>1. The total floor area of an attached ADU may not exceed 50% of an existing primary dwelling, notwithstanding the guaranteed allowance.</p> <p>2. For lots greater than 10,000 sq. ft, the total floor space shall not exceed 1,000 sq. ft.</p> <p>3. The total floor area of an attached ADU may not exceed 50% of an existing primary dwelling, notwithstanding the guaranteed allowance.</p> <p>4. 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 a 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.</p> <p>5. A detached accessory dwelling unit on a lot with an existing single-family residence, one-half of a mile walking distance away from a major transit stop (as defined in Section 21155 of the Public Resources Code) shall not exceed a max height of eighteen feet. A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.</p> <p>6. A lot with an existing or proposed multifamily, multistory dwelling unit shall not exceed a max height of eighteen feet.</p> <p>7. One off-street parking space per accessory dwelling unit shall be required, unless parking exceptions as set forth in this section apply.</p> <p>8. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, those off-street parking spaces need not be replaced. These spaces may be provided as tandem parking on a driveway.</p>				

1. Guaranteed Allowance. Maximum floor area, floor area ratio, and open space standards shall not prohibit an ADU with at least an 800 square feet of floor area, a height not to exceed the limits established by Section 16-52.100(B)(7) of this Chapter, and four-foot side and rear yard setbacks.
2. Size. The total floor area of an attached or detached ADU shall be as follows:
 - a. The total area of floor space shall not exceed 850 sq. ft. when there is only one bedroom, on a lot smaller than 10,000 sq. ft.
 - b. The total area of floor space shall not exceed 1,000 sq. ft. when there is more than one bedroom.
 - c. For lots greater than 10,000 sq. ft, the total floor space shall not exceed 1,000 sq. ft.
 - d. For ADUs which exceed the maximum size of 1,000 square feet, a Site Plan and Architectural Review will be required as well as a building permit, if approved. As part of this review, the ADU shall comply with all regulations set forth within the land use designation.
3. Exterior Access. ADUs shall have independent exterior access separate from the primary dwelling.

4. Setback. Minimum setbacks of attached and detached ADUs shall be:
 - a. Four-foot side- and rear-yard setbacks.
 - b. A front setback must yield to the extent necessary to enable the construction of an 800 square foot ADU with four-foot side- and rear-yard setbacks.
5. Height.
 - a. A detached ADU shall not exceed a height of sixteen feet, except:
 - i. A lot with an existing single-family residence, one-half of a mile walking distance away from a major transit stop (as defined in Section 21155 of the Public Resources Code), may have a detached ADU up to a max height of eighteen feet. A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
 - ii. A lot with an existing or proposed multifamily, multistory dwelling unit shall not exceed a max height of eighteen feet.
 - b. An attached accessory structure shall not exceed twenty-five feet. This clause shall not require a local agency to allow an ADU to exceed two stories.
6. Parking. One off-street parking space per ADU shall be required, unless the parking exceptions in Section 16-52.100(C)(9) of this Chapter apply.
7. Parking exceptions. No parking shall be required of an ADU in any of the following instances:
 - a. The ADU is located within one-half mile walking distance of public transit, as measured along path of travel.
 - b. The ADU is located within an architecturally and historically significant historic district.
 - c. Where the ADU is part of the proposed or existing primary residence or an accessory structure
 - d. When on-street parking permits are required but not offered to the occupant of the ADU
 - e. When there is a car share vehicle located within one block of the ADU.
 - f. When a permit application for an ADU 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 ADU or the parcel satisfies any other criteria listed in this subdivision
 - g. When the existing floor area is converted to an accessory structure. This includes the conversion of an existing garage or carport.
8. Projections into setbacks. The ordinary projection of sills, bay windows, cornices, architectural features, entry roofs and eaves may extend beyond the wall of the

ADU and into the front, side and rear setbacks; provided, however, that none shall project into a minimum setback more than three feet.

9. Lighting. Lighting shall be shielded and/or directed such that it does not produce glare visible from off-site or illuminate adjacent or nearby property.
 - a. All proposed exterior lighting shall be shielded downlighting.
 - b. All skylights shall be bronzed or tinted, and no lights shall be placed in or directed up into the wells.
10. The ADU shall comply with the following architectural compatibility standards when the proposed new unit exceeds 800 square feet.
11. Color and Materials. The color and materials of the ADU shall match the primary unit. Match shall mean to correspond with the primary unit in terms of color, texture, material and design, to a degree that a reasonable person would consider the replacement indistinguishable from the original when viewed at a standard viewing distance of six feet under normal lighting conditions.
12. The ADU shall not have any reflective roof or building material.
13. Historic Structures. No demolition of a historic building (Local, State, or Federal Listing) is allowed as part of the construction of an ADU.
14. Trees with a circumference exceeding sixty inches, measured twenty-four inches above the ground level, oak trees, including coast live oak, blue oak, California black oak, interior live oak, canyon live oak, Engelmann oak or valley oak tree, or dedicated trees, which are removed to build an ADU, must be replaced with trees of equivalent size and species. All other trees shall continue to be governed by Chapter 15A of the Tiburon Municipal Code.
15. Creek Bed. The ADU shall be located at least ten feet from the top of any creek bank that exists on the lot of the proposed ADU. The top of creek bank shall be defined by a licensed civil engineer.
16. Fire Sprinklers. Fire sprinklers are not required in an ADU if they are not required of the primary dwelling unit. Fire safety equipment such as smoke detectors may be required.
17. Fire District Regulations. The ADU shall comply with all applicable Fire District regulations, subject to provisions and limitations set forth in Government Code Section 65852.2.
18. Sanitary Service. Adequate sanitary service capacity for the additional increment of effluent resulting from the ADU shall be available. If the lot is connected to the public sewer system, the applicant shall submit a letter from the appropriate sanitary district to that effect. If the lot is not connected to the public sewer system, the applicant shall submit a letter from the County of Marin Environmental Health Department confirming that the individual or alternative sewage disposal system serving the lot has adequate capacity to accommodate the proposed ADU.
19. Separate Utility Connection. New and separate utility connections shall be required directly between the ADU and the utility. Consistent with Government

Code section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed ADU, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

20. Exception. An ADU or JADU described in Government Code shall not require the applicant to install a new or separate utility connection directly between the ADU and the utility or impose a related connection fee or capacity charge, unless the ADU was constructed with a new single-family dwelling.
21. Premises identification. Any town-assigned street address number for the ADU shall be plainly visible and legible from the street fronting the property as required by the applicable building code.
22. Rental and Sale. The ADU may be rented separate from the primary unit but may not be rented for a period of less than thirty consecutive days or used as a vacation rental. The ADU may not be sold separately from the primary unit unless the conditions in Section 66341 of the Government Code are met.
23. Kitchen. The ADU shall have a permanent full kitchen with a sink, refrigerator, and stove/oven. Only one kitchen is allowed per ADU.

D. JADU Development Standards.

Objective Development Standards Table		JADU
Minimum Floor Area		150 square feet
Maximum Floor Area		500 square feet ¹
Lot Coverage Maximum		N/A
Setbacks	(Minimum)	
	Front	N/A
	Side	N/A
	Rear	N/A
Maximum Height		N/A
Parking		None
Separate independent entrance required?		Yes
Interior access allowed?		Yes
Separate sanitary facility required		No ²
Kitchen required		Yes ³
<p>1. The junior accessory dwelling unit may include an expansion of not more than one hundred fifty square feet beyond the physical dimensions as the existing accessory structure. The expansion shall be limited to accommodating ingress and egress.</p> <p>2. If a JADU unit does not include a separate bathroom, the JADU unit must include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.</p> <p>3. The junior accessory dwelling unit shall have a permanent efficiency kitchen as defined in A (2). Only one kitchen is allowed per junior accessory dwelling unit.</p>		

1. **Maximum Size.** JADUs shall be no greater than five hundred square feet in size and contained entirely within a single-family residence. The JADU may include an expansion of not more than one hundred fifty square feet beyond the physical dimensions as the existing accessory structure. The expansion shall be limited to accommodating ingress and egress.
 2. **Location.** No more than one JADU is permitted on a residential lot within an existing single-family structure. No setbacks apply to internal/JADUs.
 3. **Kitchen.** The JADU shall have a permanent efficiency kitchen with a sink, cooking facility with appliances that do not require electrical service greater than one hundred twenty volts, and a food preparation area that is of reasonable size in relation to the size of the unit. Only one kitchen is allowed per JADU.
 4. **Sanitation facilities.** A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. If a JADU unit does not include a separate bathroom, the JADU unit must include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
 5. **Owner Occupancy.** One of the dwelling units on the site (either the primary unit or the JADU) shall be owner-occupied. For purposes of this standard, "owner" is defined as a person or entity with a majority (i.e., fifty-one percent or greater) interest in the property. Property owned in joint tenancy shall be considered a single ownership for any party named. Property owned in tenancy in common shall be considered a single ownership for the party named, unless shares are specified, in which case ownership requires a majority interest. Owner occupancy shall not be required if the owner of the JADU is another governmental agency, land trust, or housing organization.
 6. **Prohibition on sale.** JADUs shall not be sold separately. A prohibition on the sale of the JADU separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
 7. **Rental.** The JADU may be rented separate from the primary unit but may not be rented for a period of less than thirty consecutive days or used as a vacation rental. The JADU may not be sold separately from the primary unit.
 8. **Fire Sprinklers.** Fire sprinklers are not required in a JADU if they are not required of the primary dwelling unit. Fire safety equipment such as smoke detectors may be required.
- E. **Ministerial Approval.** Notwithstanding Sections 16-52.100(B) and 16-52.100(C) above, inclusive, the Town shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:
1. One ADU and one JADU per lot with a proposed or existing single-family dwelling if all of the following apply:
 - a. The ADU or JADU unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and 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 accessory structure shall be limited to accommodating ingress and egress.
- b. The space has exterior access from the proposed or existing single family dwelling.
 - c. The side and rear setbacks are sufficient for fire and safety.
 - d. The JADU complies with the requirements of Section 65852.22 Government Code section 66333 through 66339 as they may be amended.
2. One detached, new construction, ADU that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The ADU may be combined with a JADU described in subsection (a) of this section. An ADU permitted under this subsection is subject to the following conditions
- a. A total floor area limitation of not more than 800 square feet.
 - b. A height not to exceed the height limitations in Section 16-52.100(C)(5) of this Chapter.
3. Multifamily Dwelling ADUs. Multiple ADUs within the portions of existing multifamily dwellings structures 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.
- a. One ADU within an existing multifamily dwelling shall be allowed and up to 25 percent of the existing multifamily dwelling units.
 - b. On a lot with an existing multifamily dwelling, not more than eight ADUs that are detached from that multifamily dwelling and are subject to a height not to exceed the height limitations in Section 16-52.100(C)(5) of this Chapter and four-foot rear yard and side setbacks, provided, however, the number of detached ADUs shall not exceed the number of existing units on the lot.
 - c. On a lot with a proposed multifamily dwelling, not more than two detached ADUs.

16-52.100 Accessory dwelling unit.

~~This~~The purpose of this chapter is to provide for the creation of accessory dwelling units (~~"unit"~~) and junior accessory dwelling units in a manner consistent with state law. The purpose for the Town of Tiburon is to expand the opportunity to provide a variety of housing opportunities, while still preserving the character of the town.

A. Definitions

1. "Accessory Dwelling Unit" ("ADU") shall mean an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing dwelling. It shall include permanent provision for living sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is or will be situated. It also includes an efficiency unit and manufactured homes (as defined in Section 18007 of the Health and Safety Code).
2. "Junior Accessory Dwelling Unit" ("JADU") shall mean a unit that is no more than five hundred square feet in size and contained entirely within ~~an~~ existing ~~a~~ single-family structure. A ~~junior accessory dwelling unit~~ JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. ~~A junior accessory dwelling unit must include an efficiency kitchen with a sink, cooking facility with appliances that do not require electrical service greater than one hundred twenty volts, and a food preparation area that is of reasonable size in relation to the size of the unit. The junior accessory dwelling unit must include a separate entrance from the main entrance to the structure. The junior accessory dwelling unit may include an interior entrance connecting the junior accessory dwelling unit and the primary dwelling unit. The interior entrance may include a second interior doorway for sound attenuation.~~
3. "Internal Accessory Dwelling Unit" ("Internal ADU") means an ~~accessory dwelling unit~~ ADU that is contained within the existing space of a single-family residence or accessory structure, has independent exterior access, and does not add any floor area to an existing structure, and is over five hundred square feet in size. An Internal ADU may have internal access to the primary dwelling.
4. "Attached Accessory Dwelling Unit" ("Attached ADU") means an ~~accessory dwelling unit~~ ADU that shares a common wall with the primary dwelling unit on the lot, either by being constructed as a physical expansion (i.e.,

addition) of the primary dwelling unit, conversion of an existing garage attached to the primary dwelling, or installation of a new basement underneath an existing primary dwelling unit.

5. "Detached Accessory Dwelling Unit" ("[Detached ADU](#)") means an ~~accessory dwelling unit~~-[ADU](#) that is constructed as a separate structure from the primary dwelling unit on the lot or is created by the conversion (full or partial) of an existing detached accessory building into an accessory dwelling unit.
6. "Accessory Structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
7. "Efficiency Unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
8. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
9. "Major transit stop" as defined in Section 21155 of the Public Resources Code, is
 - a. A high-quality transit corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.
 - b. A major transit stop included in the Bay Area Regional Transportation Plan.
 - c. The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
 - d. A ferry terminal served by either a bus or rail transit service.
 - e. An existing rail or bus rapid transit station.
10. Multifamily, multistory dwelling: A building containing three or more dwelling units.
- 9.9. "Objective [Development](#) standards" means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent

and the public official prior to submittal. ([See Objective Development Standards table for accessory dwelling in Section B of this Chapter](#)).

10. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ~~accessory dwelling unit~~[ADU](#).
11. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
12. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

~~B.— Accessory Dwelling Units~~

~~BB. Administration. 1 Administration.~~ This section provides for the establishment and reasonable regulation of ~~accessory dwelling units~~[ADUs and JADUs](#) in order to encourage housing opportunities for all segments of the population while ensuring the public health safety and welfare of the town.

1. Application and fee. Applications for an ~~accessory dwelling unit~~[ADU](#) shall be processed ministerially and shall be accompanied by the appropriate fee. ~~Accessory dwelling unit~~[ADU](#) shall be permitted through issuance of a building permit.
2. ~~Accessory dwelling units and junior accessory dwelling units—~~[ADUs](#) are permitted ~~on lots zoned to allow in single and multi-family zoned lots, and~~[JADUs are permitted in](#) single-family ~~or multi-family dwelling residential use~~[zoned lots](#).
3. Director of community development ~~or designee~~ as review authority ~~and review process~~. Building permit applications for ~~accessory dwelling units~~[ADUs](#) shall be acted upon by the director ~~of community development or designee~~ ministerially without discretionary review or a public hearing. ~~The permit shall be reviewed and approved through the building division. The building permit application shall be acted upon approved or denied in writing~~ within sixty days from receipt of a completed application and if not acted upon within that timeline the application shall be deemed approved. ~~The director of community development or designee shall approve the application if the application meets all the requirements and standards of this Chapter. The director of community development or designee shall~~

deny the application if he or she determines that the application does not meet all of such requirements. The community development director or designee's denial shall include a full set of comments to the applicant with a list of defective or deficient items and a description of how the application can be remedied by the applicant. If the applicant requests a delay, the sixty-day time period shall be tolled for the period of the delay. ~~A courtesy notice shall be provided to owners of property within one hundred feet of the subject property, as set forth on equalized county tax assessment rolls, at least ten days prior to a decision by the director.~~

4. Approved existing ~~accessory dwelling units~~ ADUs remain valid. Any secondary dwelling unit legally established with an approved conditional use permit prior to July 1, 2003, and in continued existence shall be deemed a legal, conforming dwelling unit. Secondary dwelling units established by any such conditional use permit shall continue to comply with all conditions of original permit approval, and with building code for secondary dwelling units in effect at the time of permit approval. The town shall not require the correction of any nonconforming zoning condition as a condition of approval for an ~~accessory dwelling unit~~. ADU

5. Unpermitted ADUs and JADUs. Any permit for an unpermitted ADU or JADU that was constructed before January 1, 2020, shall not be denied due to the ADU or JADU's violation of building standards or its noncompliance with this Chapter unless it is deemed substandard pursuant to Section 11720.3 of the Health and Safety Code.
 - a. Prior to Submission. Prior to submission of an ADU or JADU application, the director of community development or designee shall inform homeowners that they may obtain a confidential third-party code inspection from a licensed contractor to determine the unit's existing condition or potential scope of building improvements before submitting an application for a permit. The total area of floor space shall not exceed 850 sq. ft. when there is only one bedroom, on a lot smaller than 10,000 sq. ft.

 - b. A homeowner applying for a permit for a previously unpermitted ADU or JADU constructed before January 1, 2020, shall not be required to pay impact fees or connection or capacity charges except when utility infrastructure is required to comply with Section 1790.3 of the Health and Safety Code and when such a fee is authorized by Chapter 16-52.100(C)(19).

 - c. Upon receiving an application to permit a previously unpermitted ADU or JADU constructed before January 1, 2020, an inspector from the local agency may inspect the unit for compliance with health and safety

standards and provide recommendations to comply with the standards necessary to obtain a permit. If the inspector finds noncompliance with health and safety standards, the Town shall not penalize an application for having an unpermitted ADU or JADU and shall approve necessary permits to correct noncompliance with health and safety standards.

56. Expiration. ~~Accessory dwelling unit~~ ADU permits issued in compliance with this section shall expire and become null and void eighteen months after building permit issuance unless a certificate of occupancy has been issued by the building division or extension of the existing building have been granted through the building division.
67. Periodic update. The director shall maintain a record of all legal ~~accessory dwelling units~~ ADUs and all legal secondary dwelling units and shall review and update the record every two years.
78. Violations considered an infraction. Violations of this section shall be punished as infractions or by administrative citation, in the discretion of the director and shall be subject to the provisions of section 16-56.030 (violations and penalties) and/or Chapter 31 (enforcement of code).
89. Administrative Review. ~~The~~ If the ADU meets the objective design standards outlined in section B of this Chapter, the decision of the director granting or denying an ~~accessory dwelling unit~~ ADU permit is a ministerial decision as required by state law, and not subject to a public hearing.
10. Structures beyond ADU or JADU. Any proposed exterior improvement or structures beyond the proposed ADU or JADU shall comply with the standards under TMC 16-52.020. Ministerial review is only applicable for the structure of the ADU.
11. Roof Decks. Roof Decks shall not be permitted under the ADU ministerial review process. Roof Decks are subject to the standards outlined under TMC 16-52.020.
912. Density. Pursuant to California Government Code Section ~~68552.2, no~~ accessory dwelling unit 66319, no ADU approved under these provisions shall be considered in calculating the density of the lot allowed by the land use designation contained in the land use element of the Tiburon General Plan, and ~~accessory dwelling units~~ ADUs are deemed a residential use that is consistent with the existing general plan and zoning for the lot.

BC. 2-ADU Development Standards.

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(Supp. No. 36, 3-24)

ADU Type	ADU Floor Area
One bedroom or less	The total area of floor space shall not exceed 850 sq. ft. For lots greater than 10,000 sq. ft, the total floor space shall not exceed 1,000 sq. ft.
More than one bedroom	The total area of floor space shall not exceed 1,000 sq. ft
	The total floor area of an attached ADU may not exceed 50% of an existing primary dwelling, notwithstanding the guaranteed allowance.

may be rented separate from the primary unit but may not be rented for a period of less than thirty consecutive days or used as a vacation rental. The accessory dwelling unit may not be sold separately from the primary unit. 2.

—Location on Lot. The accessory dwelling unit shall be 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. If detached, the accessory dwelling unit shall be separated from the primary unit and any detached accessory building by a minimum of six feet, or as may otherwise be required by the building code.

3.—Guaranteed Allowance. All standards related to size, limits on lot coverage, floor area ratio, open space and/or minimum lot size that apply to an accessory dwelling unit shall not prohibit an accessory dwelling unit measuring eight hundred square feet of floor area or less, a height of sixteen feet or less, and four-foot side and rear yard setbacks, provided the accessory dwelling unit complies with all other applicable standards. For an accessory dwelling unit that exceeds these standards, the architectural compatibility objective design standards outlined in the subsequent sections shall be applied.

4.—Size—Attached ADUs. The total floor area of an attached accessory dwelling unit shall be as follows:

Table 1: Attached ADU Floor Area

1. Rental. The accessory dwelling unit Objective Development Standards Table			
	Attached ADU ¹	Detached ADU	Internal Conversion ADU
Minimum Floor Area	150 square feet		
Maximum Floor Area			Over 500 square feet, under 1,000
	One Bedroom or	850 square feet ²	

	<u>Less</u>		<u>square feet.</u>
	<u>More than One Bedroom</u>	<u>1,000 square feet</u> ³	
<u>Lot Coverage Maximum</u>	<u>None</u>		
<u>Setbacks</u>	<u>(Minimum)</u>		
	<u>Front</u>	<u>A front setback must yield to the extent necessary to enable the construction of an 800 square foot ADU with four-foot side- and rear-yard setbacks.</u>	<u>None</u> ⁴
	<u>Side</u>	<u>4 feet</u>	
	<u>Rear</u>	<u>4 feet</u>	
<u>Maximum Height</u>	<u>25 feet</u>	<u>16 feet</u> ^{5,6}	<u>N/A</u>
<u>Property Line ADU Type Parking</u>	<u>1 space</u> ^{7,8}		<u>None</u>
<u>Attached and Detached Separate independent entrance required?</u>	<u>Internal Yes, except for JADUs unless the JADU does not have a separate sanitation facility.</u>		
<u>Front A front setback must yield to the extent necessary to enable the construction of an 800 square foot ADU with four-foot side- and rear-yard setbacks. Separate sanitary facility required</u>	<u>None required Yes</u>		
<u>Side/Rear 4 ft.* Kitchen required</u>	<u>Yes</u>		
<p><u>1. The total floor area of an attached ADU may not exceed 50% of an existing primary dwelling, notwithstanding the guaranteed allowance.</u></p> <p><u>2. For lots greater than 10,000 sq. ft, the total floor space shall not exceed 1,000 sq. ft.</u></p> <p><u>3. The total floor area of an attached ADU may not exceed 50% of an existing primary dwelling, notwithstanding the guaranteed allowance.</u></p> <p><u>4. 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 a 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.</u></p> <p><u>5. A detached accessory dwelling unit on a lot with an existing single-family residence, one-half of a mile walking distance away from a major transit stop (as defined in Section 21155 of the Public Resources Code) shall not exceed a max height of eighteen feet. A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.</u></p> <p><u>6. A lot with an existing or proposed multifamily, multistory dwelling unit shall not exceed a max height of eighteen feet.</u></p> <p><u>7. One off-street parking space per accessory dwelling unit shall be required, unless parking exceptions as set forth in this section apply.</u></p> <p><u>8. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, those off-street parking spaces need not be replaced. These spaces may be provided</u></p>			

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(Supp. No. 36, 3-24)

as tandem parking on a driveway.

5.—Size—Detached ADUs. The total floor area of detached accessory dwelling units shall be as follows:

Table 2: Detached ADU Floor Area

ADU Type	ADU Floor Area
One bedroom or less	The total area of floor space shall not exceed 850 sq. ft. For lots greater than 10,000 sq. ft, the total floor space shall not exceed 1,000 sq. ft.
More than one bedroom	The total area of floor space shall not exceed 1,000 sq. ft.

6.—For accessory dwelling units which exceed the maximum size limitations set forth in Table 1 or Table 2, Site Plan and Architectural Review will be required as well as a building permit, if approved. As part of this review, the ADU shall comply with all regulations set forth within the land use designation.

7.—Setback. Minimum setbacks of accessory dwelling units shall be as follows:

Table 3. Minimum Property Line Setback

8.—Side yard setback and height will be verified by a licensed surveyor.

9.—Setback exceptions. No setback shall be required for a lawfully constructed garage in existence prior to January 1, 2017 that is converted in whole or part to an accessory dwelling unit.

1. Guaranteed Allowance. Maximum floor area, floor area ratio, and open space standards shall not prohibit an ADU with at least an 800 square feet of floor area, a height not to exceed the limits established by Section 16-52.100(B)(7) of this Chapter, and four-foot side and rear yard setbacks.

2. Size. The total floor area of an attached or detached ADU shall be as follows:

- a. The total area of floor space shall not exceed 850 sq. ft. when there is only one bedroom, on a lot smaller than 10,000 sq. ft.
- b. The total area of floor space shall not exceed 1,000 sq. ft. when there is more than one bedroom.
- c. For lots greater than 10,000 sq. ft, the total floor space shall not exceed 1,000 sq. ft.

d. For ADUs which exceed the maximum size of 1,000 square feet, a Site Plan and Architectural Review will be required as well as a building permit, if approved. As part of this review, the ADU shall comply with all regulations set forth within the land use designation.

3. Exterior Access. ADUs shall have independent exterior access separate from the primary dwelling.

4. Setback. Minimum setbacks of attached and detached ADUs shall be:

a. Four-foot side- and rear-yard setbacks.

b. 10A front setback must yield to the extent necessary to enable the construction of an 800 square foot ADU with four-foot side- and rear-yard setbacks.

5. Height.

a. ~~a.A detached ADU shall not exceed a~~ height of sixteen feet ~~for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.~~, except:

i. ~~b.A height of eighteen feet for a detached accessory dwelling unit on a A~~ lot with an existing ~~or proposed single family or multifamily dwelling unit that is within single-family residence,~~ one-half of ~~one a~~ mile walking distance ~~of away from~~ a major transit stop ~~or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code (as defined in Section 21155 of the Public Resources Code), may have a detached ADU up to a max height of eighteen feet.~~ A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the ~~accessory dwelling unit ADU~~ that is aligned with the roof pitch of the primary dwelling unit.

ii. ~~c.A height of eighteen feet for a detached accessory dwelling unit on a A~~ lot with an existing or proposed multifamily, multistory dwelling ~~unit shall not exceed a max height of~~ eighteen feet.

b. ~~d.A height of~~ An attached accessory structure shall not exceed twenty-five feet ~~or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling.~~ This clause shall not require a local agency to allow an ~~accessory dwelling unit ADU~~ to exceed two stories.

~~11. Historic Structures. No demolition of a historic building (Local, State, or Federal Listing) is allowed as part of the construction of an accessory dwelling unit.~~

~~12. Parking.~~

~~6. a~~ Parking. One off-street parking space per ~~accessory dwelling unit~~ ADU shall be required, unless the parking exceptions ~~as set forth in section (B in Section 16-52.100(C)(9) 13~~ of this ~~section~~ Chapter apply.

~~b. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, those off-street parking spaces need not be replaced. These spaces may be provided as tandem parking on a driveway.~~

~~7. 13~~ Parking exceptions. No parking shall be required of an ~~accessory dwelling unit~~ ADU in any of the following instances:

- ~~a. a~~ a. The ~~accessory dwelling unit~~ ADU is located within one-half mile walking distance of public transit, as measured along path of travel.
- ~~b. b~~ b. The ~~accessory dwelling unit~~ ADU is located within an architecturally and historically significant historic district.
- ~~c. c~~ c. The ~~accessory dwelling unit~~ Where the ADU is part of the proposed or existing primary residence or an accessory structure, ~~including the conversion of existing garage or carport.~~
- ~~d. d~~ d. When on-street parking permits are required but not offered to the occupant of the ~~accessory dwelling unit~~ ADU
- ~~e. e~~ e. When there is a car share vehicle located within one block of the ~~accessory dwelling unit~~. "Car share vehicle" shall mean a fixed location identified in a map available to the general public where at least one automobile is available daily for immediate use by the general public or members of a car share service, which vehicle may be reserved for use and accessed at any time through an automated application, kiosk, or other method not requiring a live attendant. This term shall not include vehicles returned to locations other than fixed locations where automobiles are not routinely available for immediate use. ADU.
- ~~f. f~~ f. When a permit application for an ~~accessory dwelling unit~~ ADU 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~~ ADU or the parcel satisfies any other criteria listed in this ~~paragraph~~ subdivision

g. When the existing floor area is converted to an accessory structure. This includes the conversion of an existing garage or carport.

~~14. Fire Sprinklers. Fire sprinklers are not required in an accessory dwelling unit if they are not required of the primary dwelling unit. Fire safety equipment such as smoke detectors may be required.~~

~~15. Architectural Compatibility. The accessory dwelling unit shall comply with the following objective architectural standards.~~

~~a. Color and Materials. The color and materials of the accessory dwelling unit shall match the primary unit.~~

~~8. Projections into setbacks. The ordinary projection of sills, bay windows, cornices, architectural features, entry roofs and eaves may extend beyond the wall of the ADU and into the front, side and rear setbacks; provided, however, that none shall project into a minimum setback more than three feet.~~

9. Lighting. Lighting shall be shielded and/or directed such that it does not produce glare visible from off-site or illuminate adjacent or nearby property.

a. All proposed exterior lighting shall be shielded downlighting.

b. All skylights shall be bronzed or tinted, and no lights shall be placed in or directed up into the wells.

10. The ADU shall comply with the following architectural compatibility standards when the proposed new unit exceeds 800 square feet.

11. Color and Materials. The color and materials of the ADU shall match the primary unit. Match shall mean to correspond with the primary unit in terms of color, texture, material and design, to a degree that a reasonable person would consider the replacement indistinguishable from the original when viewed at a standard viewing distance of six feet under normal lighting conditions.

12. The ADU shall not have any reflective roof or building material.

13. Historic Structures. No demolition of a historic building (Local, State, or Federal Listing) is allowed as part of the construction of an ADU.

14. Trees with a circumference exceeding sixty inches, measured twenty-four inches above the ground level, oak trees, including coast live oak, blue oak,

California black oak, interior live oak, canyon live oak, Engelmann oak or valley oak tree, or dedicated trees, which are removed to build an ADU, must be replaced with trees of equivalent size and species. All other trees shall continue to be governed by Chapter 15A of the Tiburon Municipal Code.

15. c.~~The accessory dwelling unit~~ Creek Bed. The ADU shall be located at least ten feet from the top of any creek bank that exists on the lot of the proposed ~~accessory dwelling unit~~ADU. The top of creek bank shall be defined by a licensed civil engineer.

~~d. — The accessory dwelling unit shall have a permanent full kitchen with a sink, refrigerator, and stove/oven. Only one kitchen is allowed per accessory dwelling unit.~~

~~e. — No exterior lights are allowed except two shielded downward pointing lights at the entry to the accessory dwelling unit.~~

~~f. — No windows facing the rear and side property lines are allowed when located less than six feet from the rear or side property line.~~

~~g. — No entryways are allowed within ten feet of a side or rear property line.~~

~~h. — The accessory dwelling unit is not allowed on any open space easement. A title report shall be provided to identify all open space easements.~~

~~i. — The accessory dwelling unit shall not have any reflective roof or building material.~~

16. j.~~The roof color of the accessory dwelling unit shall use similar roof materials and color as~~ Fire Sprinklers. Fire sprinklers are not required in an ADU if they are not required of the primary dwelling unit. Fire safety equipment such as smoke detectors may be required.

~~k. — No vents, flues, or appurtenances shall exceed the height limit.~~

~~l. — No signs are allowed on accessory dwelling unit except an address sign.~~

~~m. — No portico, trellis or other roof is allowed as part of the accessory dwelling unit. A 5x5 foot entryway roof is allowed but must be at least ten feet from any property line.~~

~~n. — All building code requirements, including Appendix Q of the 2019 Residential Code (Tiny Houses) shall apply to all accessory dwelling units.~~

~~o. — The accessory dwelling unit shall not include any other item that would require discretionary approval, including but not limited to an exterior shower, exterior sink, pool, BBQ, spa, fence, and/or piping stub outs to the exterior.~~

~~p. — Two trees shall be planted at each proposed window of the Accessory Dwelling Unit facing a neighboring property where such trees are consistent with the Fire Code.~~

16. — Any protected tree to be removed as part of a new accessory dwelling unit shall require a tree removal permit.

- ~~17.~~ ~~17.~~ Fire District Regulations. The ~~accessory dwelling unit~~ ADU shall comply with all applicable Fire District regulations, subject to provisions and limitations set forth in Government Code Section 65852.2.
- ~~18.~~ ~~18.~~ Sanitary Service. Adequate sanitary service capacity for the additional increment of effluent resulting from the ~~accessory dwelling unit~~ ADU shall be available. If the lot is connected to the public sewer system, the applicant shall submit a letter from the appropriate sanitary district to that effect. If the lot is not connected to the public sewer system, the applicant shall submit a letter from the County of Marin Environmental Health Department confirming that the individual or alternative sewage disposal system serving the lot has adequate capacity to accommodate the proposed ~~accessory dwelling unit.~~ ADU.
- ~~19.~~ ~~19.~~ Separate Utility Connection. New and separate utility connections shall be required directly between the ~~accessory dwelling unit~~ ADU and the utility. Consistent with Government Code section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed ~~accessory dwelling unit~~ ADU, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
- ~~20.~~ ~~a.~~ Exception. An ~~accessory dwelling unit or junior accessory dwelling unit~~ ADU or JADU described in Government Code ~~section 65852.2(e)(1)(A)~~ shall not require the applicant to install a new or separate utility connection directly between the ~~accessory dwelling unit~~ ADU and the utility or impose a related connection fee or capacity charge, unless the ~~accessory dwelling unit~~ ADU was constructed with a new single-family dwelling.
- ~~21.~~ ~~20.~~ Premises identification. Any town-assigned street address number for the ~~accessory dwelling unit~~ ADU shall be plainly visible and legible from the street fronting the property as required by the applicable building code.

~~21.—Exterior Access and Passageways.~~

- ~~a.——Internal Dwelling Units. Internal accessory dwelling units shall have independent exterior access separate from the primary dwelling.~~
- ~~b.——Attached Accessory Dwelling Units. Independent exterior access separate from the primary dwelling is required. No internal connection is permitted for attached accessory dwelling units. Exterior access may not encroach into required setbacks.~~

~~c. — No passageway shall be required in conjunction with the construction of an accessory dwelling unit.~~

~~C. — Junior Accessory Dwelling Units.~~

~~C. 1 Administration. This section provides for the establishment and reasonable regulation of junior accessory dwelling units in order to encourage housing opportunities for all segments of the population while ensuring the public health, safety, and welfare.~~

- ~~1. — Building permit required. No junior accessory dwelling unit shall be established or used unless a building permit has been issued by the town.~~
- ~~2. — Director of community development as review authority. Applications for junior accessory dwelling unit permits shall be acted upon by the director without discretionary review or a public hearing. The director shall act on the application within sixty days from receipt of a completed application if there is an existing single family or multifamily dwelling on the lot. If the application is submitted with a permit application to create a new single family dwelling on the lot, the director may delay acting on the application for the accessory dwelling unit until the town acts on the permit application to create the new single family dwelling, but the application to create the accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the sixty day time period shall be tolled for the period of the delay.~~
- ~~3. — Grant of Junior Accessory Dwelling Unit permit. In order to grant a junior accessory dwelling unit permit, the director shall find that the junior accessory dwelling unit would comply with the standards set forth in subsection C(2) of this section.~~
- ~~4. — Building permits. A building permit and a certificate of occupancy shall be required in conjunction with the installation of a junior accessory dwelling unit. Any repair, rehabilitation, or other work associated with the installation of the junior accessory dwelling unit shall also obtain building permits where required by law.~~
- ~~5. — Expiration. Junior Accessory Dwelling Unit permits issued in compliance with this section shall expire and become null and void eighteen months after building permit issuance unless a certificate of occupancy has been issued by the building division or extension of the existing building have been granted through the building division.~~
- ~~6. — Periodic update. The director shall maintain a record of all authorized junior accessory dwelling units and shall review and update the record every two~~

years. At the review, the owner of record shall verify in writing under penalty of perjury that the junior accessory dwelling unit is in compliance with the standards for junior accessory dwelling units and with all operating requirements of the permit as set forth in applicable ordinances and regulations.

22. Rental and Sale. The ADU may be rented separate from the primary unit but may not be rented for a period of less than thirty consecutive days or used as a vacation rental. The ADU may not be sold separately from the primary unit unless the conditions in Section 66341 of the Government Code are met.

23. Kitchen. The ADU shall have a permanent full kitchen with a sink, refrigerator, and stove/oven. Only one kitchen is allowed per ADU.

C-2-D. JADU Development Standards.

Objective Development Standards Table		JADU
<u>Minimum Floor Area</u>		<u>150 square feet</u>
<u>Maximum Floor Area</u>		<u>500 square feet¹</u>
<u>Lot Coverage Maximum</u>		<u>N/A</u>
<u>Setbacks</u>	<u>(Minimum)</u>	
	<u>Front</u>	<u>N/A</u>
	<u>Side</u>	<u>N/A</u>
	<u>Rear</u>	<u>N/A</u>
<u>Maximum Height</u>		<u>N/A</u>
<u>Parking</u>		<u>None</u>
<u>Separate independent entrance required?</u>		<u>Yes</u>
<u>Interior access allowed?</u>		<u>Yes</u>
<u>Separate sanitary facility required</u>		<u>No²</u>
<u>Kitchen required</u>		<u>Yes³</u>
<p>1. The junior accessory dwelling unit may include an expansion of not more than one hundred fifty square feet beyond the physical dimensions as the existing accessory structure. The expansion shall be limited to accommodating ingress and egress.</p> <p>2. If a JADU unit does not include a separate bathroom, the JADU unit must include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.</p> <p>3. The junior accessory dwelling unit shall have a permanent efficiency kitchen as defined in A (2). Only one kitchen is allowed per junior accessory dwelling unit.</p>		

1. ~~1.~~ Maximum Size. ~~Junior accessory dwelling units~~ JADUs shall be no greater than five hundred square feet in size and contained entirely within a single-family residence. The ~~junior accessory dwelling unit~~ JADU may include an expansion of not more than one hundred fifty square feet beyond the physical dimensions as the existing accessory structure. The expansion shall be limited to accommodating ingress and egress.
2. Location. No more than one JADU is permitted on a residential lot within an existing single-family structure. No setbacks apply to internal/JADUs.
3. Kitchen. The JADU shall have a permanent efficiency kitchen with a sink, cooking facility with appliances that do not require electrical service greater than one hundred twenty volts, and a food preparation area that is of reasonable size in relation to the size of the unit. Only one kitchen is allowed per JADU.
4. Sanitation facilities. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. If a JADU unit does not include a separate bathroom, the JADU unit must include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
5. ~~2.~~ Owner Occupancy. One of the dwelling units on the site (either the primary unit or the ~~junior accessory dwelling unit~~ JADU) shall be owner-occupied. For purposes of this standard, "owner" is defined as a person or entity with a majority (i.e., fifty-one percent or greater) interest in the property. Property owned in joint tenancy shall be considered a single ownership for any party named. Property owned in tenancy in common shall be considered a single ownership for the party named, unless shares are specified, in which case ownership requires a majority interest. Owner occupancy shall not be required if the owner of the JADU is another governmental agency, land trust, or housing organization.
6. ~~3.~~ Junior accessory dwelling units Prohibition on sale. JADUs shall not be sold separately. A prohibition on the sale of the ~~junior accessory dwelling unit~~ JADU separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
7. ~~4.~~ Rental. The ~~junior accessory dwelling unit~~ JADU may be rented separate from the primary unit but may not be rented for a period of less than thirty consecutive days or used as a vacation rental. The ~~junior accessory dwelling unit~~ JADU may not be sold separately from the primary unit.

~~5.—Location. No more than one junior accessory dwelling unit is permitted on a residential lot within an existing single family structure. No setbacks apply to internal/junior accessory dwelling units.~~

~~6.—Size. Maximum floor area allowed is five hundred square feet.~~

~~7.—Architectural Compatibility. The junior accessory dwelling unit shall comply with the following objective design standards:~~

~~a. —All Building Code requirements, including Appendix Q of the 2019 Residential Code (Tiny Houses) shall apply to all junior accessory dwelling units.~~

~~b. —The junior accessory dwelling unit shall have a permanent efficiency kitchen as defined in A (2). Only one kitchen is allowed per junior accessory dwelling unit.~~

~~c. —A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.~~

~~d. —No portico, trellis or other roof is allowed as part of the junior accessory dwelling unit.~~

~~e. —The junior accessory dwelling unit shall not include any other item that would require discretionary approval, including but not limited to an exterior shower, exterior sink, pool, BBQ, spa, fence, and/or piping stub outs to the exterior.~~

~~f. —No signs are allowed on junior accessory dwelling unit except an address sign.~~

8. ~~8.~~ Fire Sprinklers. Fire sprinklers are not required in a ~~junior accessory dwelling unit~~ JADU if they are not required of the primary dwelling unit. Fire safety equipment such as smoke detectors may be required.

~~9.—Exterior Access and Passageways. Junior accessory dwelling units shall have independent exterior access separate from the primary dwelling.~~

~~D. Accessory Dwelling Units Subject to Limited Standards. The city~~ E. Ministerial Approval. Notwithstanding Sections 16-52.100(B) and 16-52.100(C) above, inclusive, the Town shall ministerially approve an application for a building permit within a residential or mixed-use ~~district zone~~ to create the following types of accessory dwelling units. The city shall only permit one type of the following accessory dwelling units per lot. For each type of accessory dwelling unit, the city shall require compliance only with the development standards in this subsection. Standards provided above in subsections (B) and (C) do not apply to the following types of accessory dwelling units any of the following:

1. ~~1.~~ Internal Accessory Dwelling Units. ~~One accessory dwelling unit or junior accessory dwelling unit~~ One ADU and one JADU per lot with a proposed or existing single-family dwelling if all of the following apply:

a. ~~a.~~ The accessory dwelling unit or junior accessory dwelling unit, as such use is classified in TMC 16-52.100 ADU or JADU unit is within the

proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than ~~one hundred fifty~~ 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

~~b.~~ b. The space has exterior access from the proposed or existing single-family dwelling; ~~c.~~

c. The side and rear setbacks are sufficient for fire and safety.

d. ~~d.~~ The ~~junior accessory dwelling unit~~ JADU complies with the requirements of ~~California Government Code~~ Section 65852.22; Government Code section 66333 through 66339 as they may be amended.

~~2.~~ 2. ~~Detached Accessory Dwelling Units.~~ One detached, new construction, ~~accessory dwelling unit~~ ADU that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The ~~accessory dwelling unit~~ ADU may be combined with a ~~junior accessory dwelling unit~~ JADU described ~~previously~~ in subsection (C), ~~or an internal accessory dwelling units described in this section.~~ the detached accessory dwelling unit must comply with the following: a) of this section. An ADU permitted under this subsection is subject to the following conditions

a. ~~a.~~ Maximum A total floor area: eight hundred square feet. ~~limitation of not more than 800 square feet.~~

b. A height not to exceed the height limitations in Section 16-52.100(C)(5) of this Chapter.

~~b.~~ Maximum height: sixteen feet.

~~c.~~ Minimum rear and side setbacks: four feet.

~~3.~~ 3. ~~Non-Livable Multifamily Space~~ Dwelling ADUs. Multiple ~~accessory dwelling units~~ ADUs within the portions of existing multifamily ~~dwelling dwellings~~ structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, ~~subject to the following: if each unit complies with state building standards for dwellings.~~

- a. ~~a. At least one accessory dwelling unit is allowed~~ One ADU within an existing multifamily dwelling shall be allowed and up to ~~maximum of twenty-five~~ 25 percent of the existing multifamily dwelling units; ~~and,~~
- b. On a lot with an existing multifamily dwelling, not more than eight ADUs that are detached from that multifamily dwelling and are subject to a height not to exceed the height limitations in Section 16-52.100(C)(5) of this Chapter and four-foot rear yard and side setbacks, provided, however, the number of detached ADUs shall not exceed the number of existing units on the lot.
- c. On a lot with a proposed multifamily dwelling, not more than two detached ADUs.

~~b. — Each accessory dwelling unit shall comply with building code standards for dwellings.~~

~~4. — Detached Accessory Dwelling Units on Multifamily Lots. In the event an accessory dwelling unit is proposed on a lot that has an existing multifamily dwelling but is detached from that multifamily dwelling, no more than two accessory dwelling units are permitted. The accessory dwelling units, are subject to the following:~~

~~a. — Maximum height: sixteen feet.~~

~~b. — Minimum rear and side setbacks: four feet.~~

~~(Ord. No. 519 N.S., § 3(Exh. A), 3-17-2010; Ord. No. 541 N.S., § 2(X), 8-15-2012; Ord. No. 568 N.S., § 2(C), 2-1-2017; Ord. No. 587 N.S., §§ 2, 3(Exh. A), 2-19-2020; Ord. No. 594 N.S., § 3, 2-16-2022; Ord. No. 603 N.S., §§ 2, 3, 6-7-2023)~~

