

ORDINANCE NO. 2025 - 647

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE AMENDING CHAPTER 153 OF THE MUNICIPAL CODE (ZONING) REGARDING THE CONVERSION OF BARNs TO ACCESSORY DWELLING UNITS (ADsS) AND ADU HEIGHT LIMITATIONS (ZOAM2024-0004).

WHEREAS, the Town's Cycle 6 Housing Element, adopted July 23, 2024, indicates that the Town will consider Zoning Code amendments to increase the production of Accessory Dwelling Units (ADUs);

WHEREAS, on June 12, 2024, the Planning Commission held a Study Session to evaluate potential Zoning Code amendments that could increase ADU production in Town;

WHEREAS, at the June 12, 2024 Study Session, the Planning Commission gave feedback to staff that relaxing regulations related to ADUs converted from barns and regulations related to height of ADUs located further from property lines and/or on sloped lots would likely increase ADU production;

WHEREAS, on February 26, 2025, the Planning Commission conducted a duly noticed public hearing to initiate and complete review of this Ordinance, at which time all public oral and written comments, and the staff report/recommendation were presented to the Planning Commission for its review and consideration;

WHEREAS, on February 26, 2025, the Planning Commission approved Planning Commission Resolution No. 2025-003, recommending that the Town Council approve this Ordinance;

WHEREAS, on March 11, 2025, the Town Council conducted duly noticed public hearing to initiate and complete review of this Ordinance, at which time all public oral and written comments, and the staff report/recommendation were presented to the Town Council for its review and consideration; and,

WHEREAS, the Town Council finds that the Proposed Ordinance is exempt from the California Environmental Quality Act (CEQA), pursuant to Public Resource Code Section 21080.17 (CEQA is not applicable to local ordinances regulating the construction of Accessory Dwelling Units).

IT IS HEREBY ORDAINED by the Town Council of the Town of Woodside as follows:

SECTION ONE: The recitals set forth above are true and correct and are hereby incorporated herein by this reference as if fully set forth in their entirety.

SECTION TWO: Chapter 153 of the Woodside Municipal Code (Zoning) is hereby amended as shown in **Exhibit A**, attached hereto, with deleted text shown in ~~striketrough~~ and added text shown as underlined. Sections of Chapter 153 that are not referenced in **Exhibit A** are unchanged.

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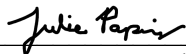
SECTION THREE: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of the Ordinance or any part thereof. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

SECTION FOUR: Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect 30 days after its passage.

SECTION FIVE: The Town Clerk shall cause this Ordinance to be published in accordance with the requirements of Section 36933 of the Government Code of the State of California.


I, the undersigned, hereby certify that the foregoing Ordinance is a full, true and correct copy of Ordinance No. 2025-647 of the Town of Woodside entitled as above; that it was introduced on the 11th day of March 2025 and was passed and adopted by the Town Council on the 8th day of April 2025 by the following vote:

AYES, Councilmembers Aburish, Brown, Goeld, Wall, and Mayor Dombkowski
NOES,
ABSENT,
ABSTAIN,



Deputy Town Clerk of the Town of Woodside

APPROVED:

Signed by:


11CC32E22D9F4D8
Mayor of the Town of Woodside

Exhibit A

Modifications to Chapter 153 of the Woodside Municipal Code (File No. ZOAM2024-0004)

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Exhibit A to Ordinance No. 2025-647

Sec. 153.005 - Definitions.

SHED ROOF. A single pitch building roof that slopes downward in a single direction with a minimum pitch of 2:12.

153.206 - FLOOR AREA

(A) - Floor area requirements.

- (1) Table E sets forth the basic *floor area* requirements which apply to all zoning districts. Such basic regulations are further defined and supplemented by the additional requirements and exceptions set forth in this section.

TABLE E: Floor Area Requirements				
Zone District	Total Floor Area (TFA) Allowed	Maximum Size of Main Residence ³	Barns and Stables	Accessory Structures ⁵
R-1	(1.4) (10% of <i>lot area</i> +1000 sq. ft, up to a maximum of 3,000 sq. ft.), up to a maximum of 4,200 sq. ft.	<p>Outside the Glens: 10% of <i>lot area</i> + 1000 sq. ft, up to a maximum of 3,000 sq. ft. (subject to TFA limit) Maximum with exception: Sliding scale ³ up to a maximum of 4,200 sq. ft.</p> <p>Inside the Glens: Lots <3,500 sq. ft.: 10% of <i>lot area</i> + 1,000 sq. ft. Lots ≥3,500 sq. ft. to <14,000 sq. ft.: Sliding scale ³ up to 3,000 sq. ft. Lots ≥14,000 sq. ft.: 3,000 sq. ft.</p> <p>Lots ≥20,000 sq. ft.:</p>	2,500 sq. ft.	1,500 sq. ft.

TABLE E: Floor Area Requirements				
Zone District	Total Floor Area (TFA) Allowed	Maximum Size of Main Residence ³	Barns and Stables	Accessory Structures ⁵
		Maximum with exception: Sliding scale ³ up to 4,200 sq. ft.		
SR	18.0% of <i>lot area</i>	4,000 square feet Maximum with exception: Sliding scale ³ up to 5,500 square feet	2,500 square feet	1,500 square feet
RR	9.00% of <i>lot area</i> ²	6,000 square feet ⁴ Maximum with exception: Sliding scale ³ up to 8,800 square feet	2,500 square feet	1,500 square feet
SCP-5	5.50% of <i>lot area</i> ²	6,000 square feet ⁴ Maximum with exception: Sliding scale ³ up to 8,800 square feet	3,000 square feet	1,500 square feet
SCP-7.5	3.50% of <i>lot area</i> ²	6,000 square feet ⁴ Maximum with exception: Sliding scale ³ up to 8,800 square feet	3,000 square feet	1,500 square feet
SCP-10	2.75% of <i>lot area</i> ²	6,000 square feet ⁴ Maximum with exception: Sliding scale ³ up to 8,800 square feet	3,000 square feet	1,500 square feet

TABLE E: Floor Area Requirements

Zone District	Total Floor Area (TFA) Allowed	Maximum Size of Main Residence ³	Barns and Stables	Accessory Structures ⁵
OSH ¹	2.75% of <i>lot area</i>	1,500 square feet	3,000 square feet	N/A
OSRL ¹	2.75% of <i>lot area</i>	1,500 square feet	3,000 square feet	N/A
OSRM ¹	2.75% of <i>lot area</i>	1,500 square feet	3,000 square feet	N/A
OSN ¹	2.75% of <i>lot area</i>	1,500 square feet	3,000 square feet	N/A
OSM ¹	2.75% of <i>lot area</i>	1,500 square feet	N/A	N/A

1 See [§ 153.202](#)(l) of the Woodside Mun. Code.

2 Adjusted TFAs for legal *nonconforming lots* in the SCP and RR zone districts are listed in [§ 153.206](#)(A)(1)(a)(Tables E-1 through E-4) of the Woodside Mun. Code.

3 For exceptions to maximum residence size limitations, see [§ 153.206](#)(C) of the Woodside Mun. Code.

4 *Maximum size of a main residence* may be limited by the adjusted TFA allowed for legal *nonconforming lots*, see footnote 2.

5 See [§§ 153.107—153.108](#) of the Woodside Mun. Code, for size requirements related to greenhouses and covered *equestrian riding arenas*.

- (2) The gross floor area of any accessory building shall not exceed 1,500 square feet, except barns and stables, which shall not exceed 2,500 square feet unless the barn or stable is located in the OS or SCP Districts, where barns and stables may not exceed 3,000 square feet.

153.208 – HEIGHTS

(A) - Height requirements.

(1) Table I-1 through I-3 set forth the basic *height* requirements which apply to all zoning districts. Such basic regulations are further defined and supplemented by the additional requirements and exceptions set forth in this section.

Table I-1: Height Requirements in Residential Zone Districts					
Zone District	Buildings (Permitted and Conditional)	Barns and Stables ¹	Covered Equestrian Riding Arenas	Accessory Structures	Accessory Structure Plate Height (Not applicable to barns, stables, covered equestrian riding arenas, or ADUs above detached garages) ¹
R-1	28 feet	24 feet	30 feet	17 feet	11 feet
SR	30 feet	24 feet	30 feet	17 feet	11 feet
RR	30 feet	24 feet	30 feet	17 feet	11 feet
SCP-5	30 feet	24 feet	30 feet	17 feet	11 feet
SCP-7.5	30 feet	24 feet	30 feet	17 feet	11 feet
SCP-10	30 feet	24 feet	30 feet	17 feet	11 feet
¹ An ADU above a detached <i>garage</i> which meets the required <i>basic setbacks</i> for the zoning district in Table H, may have a maximum <i>plate height</i> of 12 feet and a maximum overall <i>height</i> of 18 feet.					

Table I-2: Height Requirements in Open Space Zone Districts

Zone District	Buildings (Permitted and Conditional)	Barns and Stables ¹	Covered Equestrian Riding Arenas	Accessory Structures	Accessory Structure Plate Height (Not applicable to barns, stables, covered equestrian riding arenas, or ADUs above detached garages) ¹
OSH	24 feet	N/A	30 feet	17 feet	11 feet
OSRL	24 feet	24 feet	30 feet	17 feet	11 feet
OSRM	24 feet	24 feet	30 feet	17 feet	11 feet
OSN	24 feet	24 feet	30 feet	17 feet	11 feet
OSM	24 feet	24 feet	N/A	17 feet	11 feet

¹ An ADU above a detached *garage* which meets the required *basic setbacks* for the zoning district in Table H, may have a maximum *plate height* of 12 feet and a maximum overall *height* of 18 feet.

(C) - Exceptions to height requirements: Ministerial.

- (1) Towers, spires, cupolas, chimneys, flagpoles, radio and television antennas, and similar *structures* and necessary mechanical equipment covering not more than 150 square feet may be erected to a *height* not more than 20 feet above the *height* limit prescribed by the regulations for the district in which the site is located. In no case shall such *structures* exceed a *height* of 50 feet.
- (2) In the Woodside Glens, detached garages, *carports*, and *parking platforms*, are not subject to the 11-foot plate height and 17-foot *building height* limit listed in 153.208(A)(1)(Table I-1). Plate heights may be as tall as necessary to construct the detached garages, *carports*, and *parking platforms*, to accommodate the driving elevation of the adjacent road, but the overall structure height may not exceed 28 feet; and may not exceed the 11-foot plate height and the 17-foot *building height* as measured from the driving elevation of the road.

153.211 - ACCESSORY DWELLING UNITS

(A) Requirements applicable to all accessory dwelling units.

All *accessory dwelling units* whether internal, attached to, or detached from the *main dwelling* unit, shall conform to the following requirements:

- (1) **Building and fire safety, and septic.** Conformance with all applicable building, housing, zoning, and site development laws, codes, and regulations shall be required, as applicable to *accessory dwelling units*. *Accessory dwelling units* shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection. The construction of an *accessory dwelling unit* shall not require installation of fire sprinklers in an existing primary residence *structure*, subject to State regulations. Subject to the requirements of Article III, Chapter 51, Title V of this *Code*, an *accessory dwelling unit* may be served by a dedicated private wastewater disposal system or a private wastewater disposal system that is shared with the primary residence and/or other *accessory dwelling unit(s)* located on the same parcel.
- (2) **Parking and driveway access.** Off-road parking spaces shall be provided in accordance with the requirements of Sections 153.221 through 153.225, as applicable to *accessory dwelling units*; and specifically as follows:
 - (a) **Parking requirements.** Parking requirements for *accessory dwelling units* shall be one parking space per *accessory dwelling unit* that has one or more bedrooms. No parking spaces shall be required for units that do not have a separate bedroom, such as a studio *accessory dwelling unit*. Off-street parking shall be permitted in *setback* areas in locations determined by the *Town*, or through tandem parking, unless specific findings are made that parking in *setback* areas or tandem parking is not feasible based upon specific site or regional topographic or fire and life safety conditions.
 - (b) **Parking waiver.** Parking requirements for *accessory dwelling units* are not required in the following instances:
 1. The *accessory dwelling unit* is located within one-half mile walking distance of public transit, including transit stations and bus stops;
 2. The *accessory dwelling unit* is located within an architecturally and historically significant historic district;
 3. The *accessory dwelling unit* is part of the existing primary residence or an existing *accessory structure*;
 4. The *accessory dwelling unit* is located in an area where parking permits are required, but are not offered to the occupant of the *accessory dwelling unit*; or

5. The *accessory dwelling unit* is located within one block of a car share vehicle.
 6. The *accessory dwelling unit* is included in an application to create a new single-family or multifamily dwelling on the same lot and the proposed *accessory dwelling unit* meets one or more of the criteria for a parking waiver listed above.
- (c) **Driveway access.** The *principal access driveway* shall be used as the primary access for any proposed *accessory dwelling unit*, unless, pursuant to Municipal Code Section 151.44, a *second driveway exception* is approved.
- (3) **Application review.** All plans for *accessory dwelling units* shall be subject to ministerial review and approval or denial by the *Planning Director* within 60 days of receiving a complete application. However, if an *accessory dwelling unit* is proposed in conjunction with the construction of a new *main dwelling*, the *Planning Director* need not act on the *accessory dwelling unit* prior to the issuance of the permit for the *main dwelling*.
- (4) **General accessory dwelling unit regulations.** All requirements related to *accessory buildings* contained in the Municipal Code, including, but not limited to: *height, setbacks, floor area, lot coverage, natural state, environmentally sensitive areas, second driveways, grading, and landscaping* shall apply. The following ministerial exceptions shall apply to *accessory dwelling units*:
- (a) **Exceptions to setbacks.**
1. **Detached accessory dwelling units.** New detached *accessory dwelling units* may have a side and/or rear setback of no less than four feet from the side and rear property lines.
 2. **Attached accessory dwelling units.** New *accessory dwelling units* attached to the main residence may have a side and rear setback of four feet from the side and rear property lines, but no portion of the main residence may be located within the required setbacks outlined in Municipal Code Section 153.207(A)(Table H). Portions of attached *accessory dwelling units* located within the required setbacks outlined in Section 153.207(A)(Table H) shall have an 11-foot maximum plate height and a 17-foot maximum *building height*, except as permitted by Sections 153.211(A)(4)(b) and 153.211(A)(10) and (11).
 3. **Multiple accessory dwelling units.** Properties with multiple *accessory dwelling units*, attached or detached, may only have one unit with a side and/or rear setback of four feet. Additional new *accessory dwelling units* that are not created by the conversion of spaces within existing structures shall comply with the required setbacks outlined in Municipal Code Section 153.207(A)(Table H).
 4. **Size Limitation.** Notwithstanding Section 153.211(A)(6) and (7) below, an *accessory dwelling unit* that does not comply with basic setback

requirements outlined in Section 153.207(A) shall be limited to 800 square feet of *floor area* within the required basic setbacks.

(b) **Exceptions to height and plate height regulations.**

1. **Detached accessory dwelling units.** New detached *accessory dwelling units* may be up to 18 feet in *height* if the existing or proposed primary *structure* is a multistory multifamily dwelling. New detached *accessory dwelling units* may also be up to 18 feet in *height*, or up to 20 feet in *height* to match the roof pitch of the primary residence *structure*, if located within one half mile walking distance of a major transit stop or high-quality transit corridor, as defined in Section 21155 of the Public Resources Code.
2. **Plate height and building height for detached accessory dwelling units on downward sloped lots.** New *detached accessory dwelling units* located on lots with a downward slope from an adjacent public or private road right-of-way may have plate heights that exceed 11 feet, and the overall height on the downslope side of the building that does not exceed 28 feet if all the following standards are satisfied:
 - (i) Average slope of the existing grade below the *footprint* of the proposed *accessory dwelling unit* is 15% or greater;
 - (ii) Plate height(s) on the upslope side of the *accessory dwelling unit* do not exceed 11 feet, and the overall height on the upslope side does not exceed 17 feet;
 - (iii) The *accessory dwelling unit* complies with the basic setbacks listed in Section 153.207(A)(1)(Table H); and
 - (iv) The footprint of the *accessory dwelling unit* does not exceed 1,500 square feet.
 - (v) Notwithstanding Section 153.206(B)(4), *accessory dwelling units* subject to this plate height and building height exception that include only one-story of *habitable space* shall only apply the *footprint* area toward the maximum total *floor area* permitted for the lot.
3. **Plate heights for detached accessory dwelling units with shed roofs.** A *detached accessory dwelling unit* with a single *shed roof* and no other roof type, may include plate heights up to 14 feet on the taller side of the building, while maintaining plate heights of no more than 11 feet on the shorter side of the building if the building complies with the required basic setbacks listed in Section 153.207(A)(1)(Table H).
4. **Height and plate heights for new detached accessory dwelling units 800 square feet or less.** One detached *accessory dwelling unit* per lot that is 800 square feet or less and complies with Government Code Section 66323 is not subject to plate height requirements if the *building height* is 16 feet or less.
5. **New detached accessory dwelling units above garages.** New *accessory dwelling units* located above detached garages may have plate heights up to

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12 feet and *building heights* up to 18 feet pursuant to Section 153.208(A)(1)(Table I-1 and I-2). Notwithstanding the foregoing, an *accessory dwelling unit* above a detached garage with a plate height up to 18 feet and a *building height* up to 24 feet shall be allowed when all of the following standards are satisfied:

- i. The lot is 100 percent or more of the minimum lot size required for subdivision in the applicable zoning district; and
- ii. Any portion of the *structure* having a *plate height* exceeding 12 feet or a *building height* exceeding 18 feet shall be set back from the base *setbacks* listed below an additional two feet from the property line for each foot of *plate height* or *building height* increase.

	Front	Rear	Side
R-1	30 feet	25 feet	22.5 feet
SR:	50 feet	30 feet	30 feet
RR:	50 feet	50 feet	50 feet
SCP (all):	50 feet	50 feet	50 feet

6. Attached accessory dwelling units. An attached *accessory dwelling unit* may be up to the *height* allowed for a two-story primary residence *structure* in the Zone District if the structure meets the basic setbacks. (c) **Exceptions to WMC Regulations.** If it is not feasible to comply with all regulations of the Municipal Code to construct one 800 square foot *accessory dwelling unit* on a property, the applicant shall provide all necessary information requested by the *Town* (e.g., a topographic survey, septic feasibility study, etc.) to demonstrate that it is infeasible to construct one 800 square foot *accessory dwelling unit* while complying with all applicable regulations for review by the *Town*. Once the complete feasibility study is reviewed by the *Town*, the *Planning Director* shall determine which Municipal Code regulations may be reduced and/or waived by evaluating feasible locations for the *accessory dwelling unit* that create the fewest impacts to environmentally sensitive areas such as stream corridors, wetlands, and steep slopes.

- (d) **Exceptions for any Accessory Dwelling Units Within Slopes in excess of 35 percent.** Notwithstanding the standard provisions of this *Code* related to *Slope* and *Natural state*, *accessory dwelling units* or a septic system in compliance with San Mateo County standards, and/or utilities serving one or more *accessory dwelling units* may be located within areas of a parcel having a ground *slope* greater than 35 percent but less than 50 percent when it is infeasible to locate the *accessory dwelling unit* or septic system of the same size, or the utilities serving one or more *accessory dwelling units*, on an area of the parcel having a slope 35 percent or less. In such instances, the *accessory dwelling unit* may not include an attached garage, new portions of a main residence, or other use not associated with the *accessory dwelling unit*. This exception includes grading necessary to construct the *accessory dwelling unit* and driveways, if required by the Fire District, to the

minimum Fire District driveway standard. This exception includes minimum walkways, building egress patios, and retaining walls necessary to serve the *accessory dwelling unit*. This exception shall not apply to any grading, installation of utilities, paving, or additions for existing or proposed main residences, and shall only apply to development necessary for detached or attached *accessory dwelling units*.

- (e) **Exceptions for dormers.** An *accessory dwelling unit* above a detached *garage* that complies with the *basic setbacks* in 153.207(A)(Table H), may include *dormer(s)* up to 65 percent of the horizontal length of each side of the roof to provide for increased interior head *height*.
 - (f) **Noticing requirements for exceptions.** *Accessory dwelling units* which utilize any of the ministerial exceptions in Section 153.211(A)(4)(a) or Section 153.211(A)(4)(c) shall be noticed to any property *owner* of property adjacent to the proposed *accessory dwelling unit*, including *lots* located across an abutting public or private *road*. The notice shall be sent within five business days of receipt of a complete application and shall clearly state that an *accessory dwelling unit* application is ministerial and therefore there are no appeal rights.
- (5) **Number of accessory dwelling units allowed.** The maximum number of *accessory dwelling units*, including *accessory dwelling units* in *barns* and *junior accessory dwelling units*, permitted on a *parcel* are determined by parcel size and zoning pursuant to Table L-1.

Table L-1: Number of Accessory Dwelling Units Allowed		
Lot Size in Acres	Zone District	Number of <i>Accessory Dwelling Units</i> and <i>Junior Accessory Dwelling Units</i> Allowed
≥ 1	R-1, SR, RR, SCP-5, SCP-7.5, and SCP-10	<p>A maximum of four <i>accessory dwelling units</i> and <i>junior accessory dwelling units</i> total as follows:</p> <ul style="list-style-type: none"> No more than three <i>accessory dwelling units</i> may be attached to, or detached from the <i>main dwelling</i>. A fourth accessory unit may be allowed if at least one of the four total units is a <i>junior accessory dwelling unit</i>.
< 1	R-1, RR, SR, SCP-5, SCP-7.5, and SCP-10	<p>A maximum of one <i>accessory dwelling unit</i> and one <i>junior accessory dwelling unit</i> as follows:</p> <ul style="list-style-type: none"> One <i>accessory dwelling unit</i> may be attached to, or detached from, the <i>main dwelling</i>. One <i>junior accessory dwelling unit</i>.

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- (6) **Attached accessory dwelling units.** The *floor area* of an attached *accessory dwelling unit* shall not exceed 50 percent of the size of the main residence, including the *accessory dwelling unit*, or 1,500 square feet, whichever is less.
- (7) **Detached accessory dwelling units.** The *floor area* of a detached *accessory dwelling unit*, including the *floor area* of any attached *garage*, shall not exceed 1,500 square feet.
- (8) **Basement accessory dwelling units.** Basement area used for an *accessory dwelling unit*, or a portion thereof, shall be limited to the unit sizes prescribed in divisions (A)(6) and (A)(7) of this section.
- (9) **Rental accessory dwelling units.** *Accessory dwelling units* which are rented shall not be rented for less than 30 consecutive days.
- (10) **Existing detached garages and other existing accessory structures converted to accessory dwelling units.** No new *setback* shall be required for an existing detached *garage* or other existing *accessory structure* that is converted to an *accessory dwelling unit* and a *setback* of no more than four feet or the *setback* of the existing detached *garage*, whichever is greater, from the side and *rear lot lines* shall be required for an *accessory dwelling unit* that is constructed above an existing detached *garage*, as long as access and egress requirements, as prescribed by the Building Code and Municipal Code *height* requirements, are met.
- (11) **Existing attached garages converted to accessory dwelling units.** No new *setback* shall be required for an existing attached *garage*, storage area, or similar attached and enclosed area, that is converted to an *accessory dwelling unit* and a *setback* of no more than four feet or the *setback* of the existing attached *garage*, whichever is greater, from the side and *rear lot lines* shall be required for an *accessory dwelling unit* that is constructed above an existing attached *garage*, as long as access and egress requirements, as prescribed by the Building Code and Municipal Code *height* requirements, are met.
- (12) **Processing requirements:**
 - (a) **Accessory dwelling units within an existing structure.** An *accessory dwelling unit* within an *existing structure* (including the primary residence *structure*, attached or detached *garage*, or other *accessory structure*) shall be permitted ministerially with a *building permit*, and a demolition permit, if applicable, within 60 days of the

submittal of a complete application, in compliance with other standards within the chapter, if complying with the following codes and requirements:

1. Building and safety codes;
 2. Independent exterior access from the existing residence;
 3. Sufficient *side* and *rear setbacks* for fire safety, as set forth in the Building Code; and,
 4. A minimum four-foot *setback* for a second-story *accessory dwelling unit* above an existing nonconforming *garage*.
 5. Construction of a new access stair located a minimum of five feet from the side or rear property line, or the existing *setback* of the building, whichever is greater, to access a new *accessory dwelling unit* built above an existing, legal nonconforming *garage* is allowed. An existing *garage* located at the required *setback* shall be allowed an access stair which may encroach a maximum of five feet into the required *setback*.
- (b) **Denial.** In order to deny an *accessory dwelling unit*, the *Planning Director* shall find that the *accessory dwelling unit* would be detrimental to the public health and safety and shall transmit in writing to the applicant a full set of comments explaining the reasons for the denial within 60 days of the submittal of a complete application.
- (c) **Nonconforming Conditions.** The *Town* shall not deny an application to create an *accessory dwelling unit* due to the existence of, or failure of the property owner to correct, nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and would not be affected by the construction of the *accessory dwelling unit*. The *Planning Director* shall not condition the approval of a permit to create *accessory dwelling unit* on the correction of existing nonconforming zoning condition.

(B) Requirements applicable to conversions of existing barns and stables to accessory dwelling units, and accessory dwelling units within barns and stables.

- (1) **Existing barns and stables converted to accessory dwelling units.** One or more of the *accessory dwelling units* allowed pursuant to Section 153.211(A)(5) may be constructed from the conversion of one existing *barn* or *stable per lot*, that exceeds 1,500 square feet, 11-foot plate height, and/or 17-foot *building height* provided that the following standards are satisfied:
- (a) The building location shall not be altered, and the footprint, plate heights, *building heights*, and overhangs/eaves shall not be expanded.
 - (b) All existing exterior materials of the structure shall be maintained/replaced in kind or updated with materials that replicate existing materials using fire resistant products, such as Cementous siding. Any exterior building material changes shall be limited to vertical, horizontal, shingle, or board/batten Cementous siding; and

brown, black, or gray roofing, using composition shingles, standing seam metal, or natural slate tiles.

- (c) Newly converted *accessory dwelling units* shall not be converted into any other use in the future, other than to *barn(s)* or *stable(s)*.
 - (d) Buildings that have plate heights exceeding 11 feet will be subject to the floor area multiplier calculation method required in Section 153.206(B)(4) as it applies to the maximum Total Floor Area permitted for future development. Exceeding Total Floor Area shall not be a ground for denial of the conversion from *barn* or *stable* to *accessory dwelling unit(s)*.
 - (e) A covenant is recorded on the lot restricting additional conversions of barns that exceed 1,500 square feet, 11-foot plate heights, and/or 17-foot *building height*.
- (2) **Accessory dwelling units within barns.** An *accessory dwelling unit* may be located within a barn provided that the following standards are satisfied:

- (a) The *floor area* of an *accessory dwelling unit* within a *barn* shall be no greater than 50 percent of the *footprint* area of the *barn*, but in no instance will such an *accessory dwelling unit* be limited to less than 850 square feet or 1,000 square feet for *accessory dwelling units* that include more than one bedroom.
- (b) The *accessory dwelling unit* and the *barn* shall contain an automatic fire sprinkler system and shall be separated with firewall separation, in accordance with the *Town's Building Code*.
- (c) An *accessory dwelling unit* in a *barn* may be located on the first floor, second floor, or basement in compliance with all health and safety regulations..

(C) Requirements applicable to junior accessory dwelling units.

A *junior accessory dwelling unit* is a unit that is no more than 500 square feet in size, is contained entirely within an existing or proposed *main dwelling structure*, includes an *efficiency kitchen*, has a separate exterior entry from the *main dwelling*, and maintains an interior connection to the main living area of the *main dwelling*. *Junior accessory dwelling units* shall conform to the following requirements:

- (1) Only one *junior accessory dwelling unit* is allowed per *lot*.
- (2) Owner-occupancy is required in any residence that contains a *junior accessory dwelling unit*. The owner may reside in either the remaining portion of the *structure* or in the newly created *junior accessory dwelling unit*. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.
- (3) A *junior accessory dwelling unit* shall be constructed within the existing *walls* of the *structure*, including attached garages, attached storage areas, and other similar attached and enclosed areas.
- (4) A *junior accessory dwelling unit* may include separate sanitation facilities, or may share sanitation facilities with the existing *structure*.

- (5) A *junior accessory dwelling unit* shall include a separate entrance from the main entrance to the *structure*, with an interior entry to the main living area. A *junior accessory dwelling unit* may include a second interior doorway for sound attenuation.
- (6) A *junior accessory dwelling unit* shall have an *efficiency kitchen*, which shall include all of the following:
 - (a) A cooking facility with appliances; and,
 - (b) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- (7) A *junior accessory dwelling unit* does not require additional parking.
- (8) This *subdivision* shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine whether the *junior accessory dwelling unit* is in compliance with applicable building standards.
- (9) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or *special use permits*, be considered ministerially, without discretionary review or a hearing. The *Planning Director* shall approve or deny any application and the *Town* shall issue a *building permit* within 60 days of submission of a complete application for a permit pursuant to this section. The *Town* may charge a fee as reimbursement for costs incurred in connection with the issuance of a permit pursuant to this section.
- (10) For the purposes of any fire or life protection ordinance or regulation, a *junior accessory dwelling unit* shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit the *Town* from adopting ordinances or regulations relating to fire and life protection requirements within single-family residences and uniformly applying those ordinances and regulations to all single-family residences within the zone regardless of whether the single-family residence includes a *junior accessory dwelling unit* or not.
- (11) For the purposes of providing service for water, sewer, or power, including a connection fee, a *junior accessory dwelling unit* shall not be considered a separate or new dwelling unit.
- (12) This section shall not be construed to prohibit the *Town* from adopting ordinances or regulations related to parking or a service fee or a connection fee for water, sewer, or power, that applies to single-family residences and uniformly applying those ordinances and regulations to all single-family residences regardless of whether the single-family residence includes a *junior accessory dwelling unit*.

(D) Plan Preapproval Program.

Pursuant to California Government Code Section 65852.27, the *Planning Director* or their designee shall maintain an application and process for the preapproval of *accessory dwelling unit* plans. Preapproved plans shall be provided to the public and subject to streamlined review as required by the Government Code.

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