

**CITY OF OJAI**  
**ORDINANCE NO. 892**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OJAI, CALIFORNIA, AMENDING OJAI MUNICIPAL CODE SECTION 10-2.1709 “ACCESSORY DWELLING UNITS” OF ARTICLE 17 “STANDARDS FOR SPECIFIC LAND USES” OF THE “DEVELOPMENT AND OPERATIONAL STANDARDS” OF CHAPTER 2 “ZONING REGULATIONS” OF TITLE 10 “PLANNING AND ZONING” TO REMOVE THE FOOTNOTES IN SUBSECTION D AND TO ADD THE DEFINITIONS OF ACCESSORY STRUCTURE, EXISTING LEGAL PRIMARY UNIT, AND EXISTING LEGAL ACCESSORY BUILDING TO SUBSECTION B AND FINDING THAT THE ADOPTION OF THIS AMENDMENT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, Table A of Ojai Municipal Code section 10-2.1709 titled “Accessory Dwelling Unit Development Standards” regulates the development standards for a number of different categories of dwelling units; and

WHEREAS, the Ojai City Council intends to amend Ojai Municipal Code section 10-2.1709 “Accessory Dwelling Units,” to clarify the meaning of the terms “Accessory Structure,” “Existing Legal Primary Unit,” and “Existing Legal Accessory Building;” and

WHEREAS, the Ojai City Council has considered all of the evidence before it regarding this text amendment including, but not limited to, the Planning Commission’s recommendation, staff reports and attachments, and public testimony at its meeting and the Planning Commission’s November 7, 2018 meeting; and,

WHEREAS, the proposed Ojai Municipal Code Amendment is consistent with the Housing Element of the Ojai General Plan, which encourages the development of affordable housing, is adopted in the public interest, and is otherwise consistent with federal and state law; and,

WHEREAS, the City Council finds the proposed text amendment is consistent with and necessary to carry out the policies of the City’s adopted General Plan because the proposed amendments clarifies which dwellings are subject to the development standards for “Existing Legal Primary Units”; and

WHEREAS, the proposed text amendment will not authorize land uses that adversely affect the public health, safety, or welfare, and the amendment maintains existing protections in the Ojai Municipal Code against the maintenance of any land use that constitutes a public nuisance.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals.** The above set forth recitals and findings are true and correct and incorporated herein by reference, as if set forth herein in full.

**SECTION 2. Text Amendment.** Ojai Municipal Code section 10-2.1709 is hereby amended to read as follows, with additions marked by underlined text and deletions marked by ~~struck through~~ text:

**Section 10-2.1709. Accessory Dwelling Units.**

- (a) Purpose. The purpose of this chapter is to provide guidelines, and minimum standards to facilitate both the construction of new accessory dwelling units, also known as second units, and the legalization of unpermitted accessory dwelling units.
- (b) Definitions. For the purposes of this section, certain words and phrases used in this section are defined as follows:
- (1) "Accessory dwelling unit" is a residential dwelling unit that is accessory to a principal residential dwelling unit located on the same parcel of land. It is an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and be situated on the same parcel or parcels as the primary unit. An ADU must have exterior access independent from the primary unit and/or interior access independent from the primary unit.
  - (2) "Accessory structure" means a structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure and is either a habitable structure with no more plumbing facilities than a half-bath containing a toilet and a sink or a non-habitable structure.
  - (3) ~~2~~ "Attached unit" a unit shall be considered attached to the primary unit if the unit is attached by either a common wall, floor, or ceiling.
  - (4) ~~3~~ "Attic" means the area located between the ceiling of the top story of a building and the building's roof and not usable as habitable or commercial space.
  - (5) ~~4~~ "Basement" means a portion of a building wholly underground or in which more than one-half the distance from the floor to the ceiling is below the average adjoining grade, and as otherwise defined in the Building Code currently in effect.
  - (6) ~~5~~ "Detached unit" has no common walls, floors or ceilings to another residential unit.
  - (7) ~~6~~ "Efficiency unit": as defined in Section 17958.1 of the Health and Safety Code.
  - (8) "Existing legal accessory building" means a building that is either existing legal conforming or existing legal nonconforming.
  - (9) "Existing legal primary unit" means a unit that is either existing legal conforming or existing legal nonconforming.

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- (10 7) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- (11 8) “Floor area” means the interior habitable and non-habitable areas of a dwelling unit including basements and attics, not including a garage or any accessory structure.
- (12 9) “Habitable area”: an area within a building designed for general living, sleeping, eating, or cooking purposes.
- (13 40) “Home split”: the division of an existing single-family home into two (2) dwelling units, each containing a minimum of six hundred fifty (650) square feet of living space and meeting the following criteria: (i) the existing single-family home contains a minimum of two thousand (2,000) square feet of living area, is located on a legal lot ~~comprising at least one-half (1/2) acre of land~~ and has a current Zoning District designation of ~~R-0-1/2, R-0-1, R-0-2 or R-0-4~~ in any of the following zones: all R zones, OS, A, VMU, C-1, or B-P; (ii) ~~entails no expansion in floor area of the existing single-family home other than to accommodate a separate kitchen and/or bathroom for the second unit not exceeding~~ does not expand the existing principal residence by more than ten (10%) percent of the existing floor area; (iii) results in no change in the physical appearance of the existing single-family home or otherwise complies with the provisions of Section 10-2.2003(c); and (iv) adheres with all applicable building code requirements and development standards of the underlying Zoning District.
- (14 44) “Living area” means the interior legally permitted habitable area, with minimum dimensions of eight (8) feet by ten (10) feet and with at least seven and a half (7.5) feet of head room, of a dwelling unit including basements and attics but does not include a garage or any accessory structure.
- (15 42) “Lot coverage” means the percentage of total site area occupied by structures. Structure or building coverage is measured as the area enclosed by or within a structure, and includes the primary structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, accessory dwelling units) and architectural features (e.g., chimneys, balconies, decks above the first floor, porches, stairs). ~~Structure/building coverage is measured from exterior wall to exterior wall.~~
- (16 43) “Manufactured home”: as defined in Section 18007 of the Health and Safety Code.
- (17 44) “Neighborhood” has the same meaning as set forth in Government Code Section 65589.5.
- (18 45) “Primary unit” means an existing single-family dwelling located on a lot in any of the following zones: all R zones, OS, A, VMU, C-1, B-P. ADUs are only permitted in the C-1 and B-P zones if the property’s existing single-family dwelling is legal, conforming or nonconforming, but not if the existing single-family dwelling lacks legal status.


















