

18.10.070 - Accessory dwelling units.

- A. Intent. To the extent permissible by law, and pursuant to Government Code Section 65852.2 et seq., this section regulates the development of accessory dwelling units, including junior accessory dwelling units and efficiency units, while maintaining and preserving the essential characteristics of the single-family and multi-family residential zones in which they are located.
- B. Definitions. For purposes of implementing this section the following terms are defined as:
1. "Accessory dwelling unit" means 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 on the same parcel as the single-family or multi-family dwelling is situated. An accessory dwelling unit also includes the following:
 - a. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code; or
 - b. A manufactured home, as defined in Section 18007 of the Health and Safety Code; or
 - c. A junior accessory dwelling unit, as defined by Government Code Section 65852.22, which means a unit that is no more than five hundred square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
 2. "Living area" means the interior habitable area of a dwelling unit, including basements and attics but does not include a garage or any accessory structure.
 3. "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.
- C. Applicability. Accessory dwelling units shall be a permitted use on all lots in single-family and multi-family residential zones. Accessory dwelling units may be attached to, or located within a proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or may be detached from the proposed or existing primary dwelling. Accessory dwelling units must be on the same lot as the proposed or existing primary dwelling.
- D. Approval; Timeframe. Accessory dwelling units require the submittal of a development application to the community development department. Applications for an accessory dwelling unit must be ministerially approved or denied within sixty days, without a hearing, after an application satisfying the following is deemed complete:
1. The unit is in any zone where single-family or multi-family dwellings are a permitted use.
 2. The unit is on any lot with an existing single-family or multi-family dwelling.

If the application for an accessory dwelling unit is submitted with an application to create a new single-family dwelling on the lot, the city may delay acting on the application for the accessory dwelling unit until it acts on the application for the new single-family dwelling. The accompanying application for 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.

- E. Location. The city may designate areas within its jurisdiction where accessory dwelling units may be permitted or prohibited, based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

With respect to a lot, accessory dwelling units shall be located at the rear or the side of the primary unit unless it is demonstrated to the satisfaction of the director of community development that the accessory dwelling unit can only be located in front of the primary unit due to extraordinary or physical constraints of the lot.

- F. Independent Living Facility. The accessory dwelling unit shall provide for complete independent living facilities for one or more persons, including permanent provisions for living, access, sleeping, eating, cooking and sanitation.
- G. Design Compatibility. The accessory dwelling unit shall be designed in a style which is architecturally compatible with the primary structure and structures in the immediate neighborhood. It shall not detract from the nature and character of the established neighborhood or primary structure in terms of architectural style, exterior materials and finishes, scale, location, or pattern of development.
- H. Occupancy. The accessory dwelling unit may be occupied without occupancy limitations, but if rented, such rental shall be for a period greater than thirty days. Owner occupancy shall not be required of either the primary unit or the accessory dwelling unit. In the case of a junior accessory dwelling unit owner occupancy shall be required of either the primary unit or the junior accessory dwelling unit.
- I. Subdivision. The accessory dwelling unit shall not be sold separately from the primary unit. No subdivision of any kind, including condominiums or cooperatives, shall be permitted between the primary and accessory dwelling units.
- J. Number of Units. No more than one accessory dwelling unit and one junior accessory dwelling unit are allowed on any lot with an existing or proposed single-family residence. No more than one attached accessory dwelling unit is allowed for every four dwelling units within an existing multi-family development, and each attached accessory dwelling unit shall be located within a conversion of existing non-living space. No more than two detached accessory dwelling units are allowed on a lot with an existing multi-family residence.

K.

Conversion of Existing Structures. An existing, legally permitted attached or detached structure may be converted to an accessory dwelling unit. No setback shall be required for an existing structure that is converted to an accessory dwelling unit other than that which existed prior to conversion. If an existing structure is demolished and replaced with an accessory dwelling unit, an accessory dwelling unit may be constructed in the same location and to the same dimensions as the demolished structure.

If a garage is converted into an accessory dwelling unit, the garage door must be removed and replaced with windows, door, or other design treatments that are consistent with the overall architectural design of the existing structure and the primary dwelling unit.

The city shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or existing accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety.

- L. Ingress; Egress. All requirements for ingress, egress, drive aisleways, and safety shall be met in accordance with Chapter 18.58 of the Rialto Municipal Code.
- M. Building Code Requirements; Development Standards. All accessory dwelling units shall comply with all local building code requirements. All accessory dwelling units, except those that are converted from an existing residence or accessory structure and as provided in this section, shall comply with the minimum yard setbacks, lot coverage, height restrictions and other development standards for the primary unit residence, with the exception of density and minimum lot size, and except as otherwise provided in this section. The primary dwelling unit shall contain the minimum living areas required by the zone, and shall comply with all existing building code requirements and development standards, including the parking requirements.
- N. Parking Requirements. One off-street parking space in a permitted location shall be provided per accessory dwelling unit or bedroom within the unit, whichever is less, in addition to the required parking spaces serving the primary unit. The required spaces may be provided as tandem parking on an existing driveway, provided the space is a minimum nine feet by twenty feet and does not encroach into the public right-of-way. Off-street parking shall be permitted in setback areas in locations determined by the city or through tandem parking. 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, the off-street enclosed parking spaces do not need to be replaced.

However, no additional parking shall be required for an accessory dwelling unit in any of the following instances:

1. The accessory dwelling unit is located within one-half mile walking distance of public transit.
- 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. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
5. When there is a car share vehicle located within one block of the accessory dwelling unit.

Except as provided above, the parking requirement of the primary dwelling unit shall remain unchanged and must comply with the applicable development standards.

- O. Driveways. No additional driveway approaches from public streets shall be permitted for accessory dwelling units.
- P. Square Footage. The maximum square footage of an accessory unit shall not exceed fifty percent of the primary unit, or eight hundred fifty square feet, whichever is more. If the accessory dwelling unit has more than one bedroom, the maximum square footage shall not exceed fifty percent of the primary unit, or one thousand square feet, whichever is more. In no case may an accessory unit exceed one thousand two hundred square feet.

The accessory dwelling unit may include an expansion of not more than one hundred fifty square feet beyond the same physical dimensions as the existing structure. An expansion beyond the physical dimensions of the existing structure shall be limited to accommodating ingress and egress.

- Q. Separate Entrance. Attached accessory dwelling units shall be provided with a separate outside entrance that is not located on the front elevation of the primary unit.
- R. Density. An accessory dwelling unit that conforms to this section shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot.
- S. Lot Coverage Exception. If the applicable maximum lot coverage requirement, or the floor area ratio, would prevent the approval of an attached or detached accessory dwelling unit that is at least eight hundred square feet, an applicant shall, nonetheless, be permitted to construct an attached or detached accessory dwelling unit that is up to eight hundred square feet, provided that the unit complies with all other development standards.
- T. Height. The height of an accessory dwelling unit shall not exceed sixteen feet or one story, whichever is less.
- U. Setback. Except as provided elsewhere in this section, an accessory dwelling unit must have a minimum setback of four feet to the rear and side property lines.

No accessory dwelling unit may be located in a way that would prohibit access to a designated parking area or impede safe ingress and egress from a required side, rear, or front setback.

- V. Utility Metering. An accessory dwelling unit that is not converted from an existing residence or accessory structure shall be metered separately from the primary unit for gas, electricity, and water/sewer services, and may be subject to a connection fee or capacity charge in accordance with Government Code Section 66013. For an accessory dwelling unit created from the conversion of an existing residence or accessory structure, or portions thereof, separate metering is permissible, but not required.
- W. An accessory dwelling unit under seven hundred fifty square feet shall not be charged development impact fees.

(Ord. No. 1641, § 4, 7-14-20)