

CITY OF COLFAX

ORDINANCE NO. 555

**AN ORDINANCE OF THE CITY OF COLFAX AMENDING  
TITLE 17 – ZONING OF THE COLFAX MUNICIPAL CODE**

The City Council of the City of Colfax does ordain as follows:

Section 1.

The following provisions of Colfax Municipal Code Title 17 are hereby amended in the form and substance contained in the Ordinance attached hereto as Exhibit A and incorporated by this reference. Exhibit A shows additions with double-underlined text and deletions with ~~strike-out text~~.

Chapter 17.12 to remove terms defined but not used and add definitions for certain terms used but not defined in Title 17;

Chapter 17.16 to remove the Agricultural zone and add Mixed Use -1 and Mixed Use – 2 zones;

Chapter 17.32 clarify the design review permit requirements and correct the review authority for legislative decisions;

Chapter 17.36 correct an internal reference;

Chapter 17.40 clarify a historic district design review finding, remove redundancy from a sign permit finding, and make the term of approval of Planned Development Permits consistent with other planning approvals;

Chapter 17.64 remove the redundant listing of use classifications, remove agricultural use types, and add ADUs and remove second dwelling units from the residential use types;

Chapter 17.68 change the name of the Special Public Service District to Civic District and remove Agricultural zone uses and development standards;

Chapter 17.72 expand the purpose of the multi-family residence district to include ownership units and detached and attached units in addition to apartments, amend the chart of residential uses to remove agricultural uses, remove two-family dwellings, add ADUs, add junior ADUs, and add supportive and transitional housing and clarify the R-M-1 and R-M-2 parcel size, density, and development standards;

Chapter 17.74 a new chapter establishing the purpose, permitted uses, and development standards for Mixed Use-1 and Mixed Use-2 zoning districts;

Chapter 17.76 amend the chart of commercial uses in the Commercial Highway (C-H) and Commercial Retail (C-R) zones to permit ADUs, lodging (hotels and motels), and funeral and internment services, require a conditional use permit (CUP) for self-service storage facilities

in the C-H district and prohibit them in the C-R district, allow storage facilities for recreational vehicles and large vehicles subject to a CUP in the C-H district and remove the CUP requirement for secondary day care centers, correct an omission in the rear yard setback for the C-R district;

Chapter 17.80 amend the chart of industrial uses to remove agricultural uses, require a CUP for self-service storage facilities, add storage facilities for recreational vehicles and large vehicles subject to a CUP, and add impound yards subject to a CUP;

Chapter 17.104 revise to reflect changes to state law for density bonuses, to reference the state density bonus law for terms defined, and for the calculation of bonuses, incentives, and concessions, and to replace the requirement for a financial pro forma with other reasonable documentation to establish eligibility for a density bonus;

Chapter 17.108 add parking requirements for ADUs and transitional and supportive housing; and

Chapter 17.196 replace second unit development standards with ADU development standards consistent with the requirements of state law.

#### Section 2. Superseding Provisions

The provisions of this Ordinance and any resolution adopted pursuant hereto shall supersede and repeal any previous Ordinance or resolution to the extent the same is in conflict herewith.

#### Section 3. Severability

If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by the final judgment of any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions hereof.

#### Section 4. California Environmental Quality Act Findings

The City of Colfax finds that, if the provisions of the California Environmental Quality Act, Public Resources Code section 21000 et seq (hereinafter “CEQA”) apply, the title of this ordinance would constitute a brief description of the “Project” as required by Section 15062(a)(1) of the Guidelines for Implementation of CEQA published by the State of California Office of Planning and Research (the “CEQA Guidelines”).

#### FINDING OF NO PROJECT

The City of Colfax finds that adoption of this ordinance does not constitute a “Project” as that term is defined by or used in CEQA, the CEQA Guidelines or any court or attorney general opinion construing the same. Accordingly, the City of Colfax finds that the provisions of CEQA and the CEQA Guidelines are not applicable to said action.

#### FINDING OF EXEMPTIONS

The City of Colfax finds that this ordinance is not subject to CEQA pursuant to CEQA Guidelines Sections 15305 (Minor Alterations in Land Use Limitations), 15060(c)(2) (the

activity will not result in a direct or reasonably foreseeable indirect physical change in the environment). Furthermore, this action is exempt from CEQA under CEQA Guidelines section 15061(b)(3) (the amendments are exempt because it can be seen with certainty that this is no possibility that the activity in question may have a significant effect on the environment).

Section 5. Effective Date

This Ordinance, and all its provisions, shall take effect thirty (30) days after its adoption and shall, within 15 days after its adoption, be published or posted in accordance with Section 36933 of the Government Code of the State of California with the names of those City Council members voting for and against it.

The foregoing Ordinance was introduced at a duly held regular meeting of the City Council of the City of Colfax held on the 27<sup>th</sup> day of September 2023 and passed and adopted at a duly held regular meeting of the City Council held on the 11th day of October 2023 by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Trinity Burrus, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Alfred Cabral  
City Attorney

\_\_\_\_\_  
Marguerite Bailey  
City Clerk

EXHIBIT A  
CITY OF COLFAX  
ORDINANCE NO. 555  
AN ORDINANCE OF THE CITY OF COLFAX AMENDING TITLE 17- ZONING OF  
THE COLFAX MUNICIPAL CODE

**Section A.** Colfax Municipal Code Title 17 is hereby amended to read as follows:

**1. Definitions.**

*Definitions in Municipal Code section 17.12.030 are deleted, amended, or added, as follows:*

~~"Actual construction" means the actual placing of construction materials in their permanent position and fastening them in a permanent manner, actual work in excavating a basement or the demolition or removal of an existing structure begun preparatory to rebuilding.~~

~~"Crop and tree farming" means the raising for commercial purposes of any truck, field or orchard crop and the necessary buildings incidental to any such crop, wholesale nurseries and greenhouses.~~

"Dwelling, multiple" means a building or portion thereof, designed or intended to be used for residence purposes by ~~three~~ two or more families or housekeeping units living independently of one another.

~~"Dwelling group" means a group of two or more detached dwellings located on a parcel of land where the dwellings and the land are in one ownership and having any yard or court in common.~~

"Dwelling, ~~two family or~~ duplex" means a building designed or intended to be used for residence purposes by two families or housekeeping units living independently of one another.

"Dwelling Unit, Accessory" means a dwelling as defined in Government Code Section 65852.2 as it now exists or may hereafter be amended or replaced.

"Dwelling Unit, Junior Accessory" means a dwelling as defined in Government Code Section 65852.22 as it now exists or may hereafter be amended or replaced.

~~"Stable, private" means an accessory stable, corral or paddock used or designed to shelter horses belonging to the occupants of a dwelling on the same lot where horses are not kept for hire or sale.~~

**2. Establishment And Designation of Districts**

*Municipal Code section 17.16.010 is amended as follows:*

**17.16.010 Established.**

The city is divided into the following designated districts as shown on the zoning map:

Agricultural District	A
Open space district	O
Single-family residence district	R-1
Multi-family residence district	RM
Retail commercial district	CR
Highway commercial district	CH

Mixed-Use District - 1	MU-1
Mixed-Use District - 2	MU-2
Industrial district	I
Residential Mobilehome Subdivision District	R-MHS
Special Public Service Civic District	SPSCD

### 3. **Permit requirements.**

*Municipal Code section 17.32.010(C) is amended as follows:*

Design Review Permit (DRP). A design review permit shall be obtained prior to the issuance of a building permit for any new construction; exterior remodeling; site design and circulation modifications (except as specified below), including parking; modification of a previously approved use permit for site review, or site review; new, modified or alterations to landscaping; addition of mechanical equipment; gateway/entrances (see definitions); modification or alteration of driveway locations; relocating or moving buildings; demolition of a significant building as defined in Chapter 17.200 of this title; and as otherwise required by this title. ~~With the exception of projects~~ Except for dwellings in a new residential subdivision or projects involving a significant building, as defined in this title, a design review permit is not required for a single-family residence ~~or a two-family residence~~. The approval authority for a design review permit shall be as provided in subsection C.2., below.

*Municipal Code section 17.32.010(G) is amended as follows:*

Planned Development (PD). The planning commission shall ~~be first make a recommendation to the city council on a Planned Development. The city council~~ is the approval authority for planned developments.

*Municipal Code section 17.32.010(C) is amended as follows:*

General Plan Amendment (GPA). The planning commission shall ~~be first make a recommendation to the city council on a general plan amendment. The city council~~ is the approval authority for projects that involving a general plan amendment.

*Municipal Code section 17.32.010(C) is amended as follows:*

Rezone (REZ). The planning commission shall ~~be first make a recommendation to the city council on a rezone. The city council~~ is the approval authority for projects involving a rezone.

### 4. **Land use permit effectuation.**

*A code reference in Municipal Code section 17.36.150(B) is corrected as follows:*

A land use permit modification subsequently approved under a separate action from the original permit, where the original approval has not been effectuated as aforementioned, is subject to the original expiration date associated with the original land use permit. However, in the event the original approval has been effectuated prior to action on the land use permit modification, then such land use permit modification shall be subject to the expiration date as stated within its conditions of approval and shall additionally be subject to above subsections 17.36.150A.132.

### 5. **Extension.**

*A code reference in Municipal Code section 17.36.210 is corrected as follows:*

The period within which effectuation of a permit must occur may be extended by the planning director's approval of an administrative permit. An application for such an extension shall be filed pursuant to Chapter 17.36.

The planning director may grant a single one-year extension for a permit which has been approved but has not been effectuated. The approval of an extension extends the expiration date for one year from the original permit expiration date. No additional extensions shall be granted for a permit which has been active for a period of three years, unless otherwise provided for in the conditions of approval or by this title. The permit, as extended, may be conditioned to comply with any development standards which may have been enacted since the permit was initially approved. The extension shall be granted if the findings specified in subsection 17.40.070DE are made. Any extension may require a public hearing at the discretion of the planning director.

**6. Required findings for approval or conditional approval of permits and variances.**

*Municipal Code section 17.40.070(B)(1)(a) is amended as follows:*

Findings for a Design Review Permit. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of a design review permit:

1. For Zones other than the Historic District.
  - a. The project as approved ~~allows beneficial use to be made~~ balances reasonable use of the site for development, while it preserves and accentuates the natural features of the property, such as open space, topography, trees, wetlands and water courses, and provides adequate drainage for the project.

*Municipal Code section 17.40.070(D) is amended as follows:*

D. Findings for a Sign Permit. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of a sign permit:

1. The proposed sign is substantially consistent with the standards of the city's sign guidelines and the goals, objectives and policies of the city general plan and any applicable design guidelines.
2. The proposed sign conforms to applicable development standards and will not be detrimental to the public health, safety or welfare.
3. The physical location or placement of the sign is compatible with the surrounding neighborhood ~~and does not pose a safety risk~~.
4. The required finding for incidental and supplemental signs is as follows: The proposed general design, arrangement, texture, colors and lighting placement are substantially consistent with the purposes and regulations of the city's sign guidelines and any applicable design guidelines.

*Municipal Code section 17.40.070(H) is amended as follows:*

Findings for a Planned Development Permit. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of a planned development permit:

1. The use and design of the proposed development conforms with the requirements of the relevant planned development zone district and the requirements of this title.

2. The location, size, design and operating characteristics of the use or development is to be compatible with and will not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, and will not be detrimental or injurious to public or private property or improvements.
3. Financial Ability of the Proponents. That the proponents of the planned development have demonstrated to the satisfaction of the planning commission that:
  - a. They are financially able to carry out the proposed project;
  - b. They intend to start construction within ~~one year~~ two years after the approval of the project and any necessary zoning district change; or
  - c. They intend to complete such construction within a reasonable time as determined by the planning commission.

**7. Listing of use classifications.**

*The listing of use classifications in Municipal Code section 17.64.030 is repealed and the section is reserved.*

**8. Agriculture and open space use types.**

*Municipal Code section 17.64.060 is amended as follows:*

~~Agriculture and Open space use types include on-site structures, development, and management activities which are necessary to for conduct agricultural operations and which are compatible with the protection and enhancement of open space resources. Specific agriculture and open space use types referred to in this title are:~~

- ~~A. Agricultural, includes uses commonly associated with a farm or ranch, such as crop farming, tree farming and truck gardening, including the bottling, processing and packing of agricultural crops, retail sales of agricultural products and stands on premises for such purpose; and uses associated with livestock farming, including the production of crops for the grazing and feeding of livestock, but not including meat packing plants or slaughterhouses.~~
- ~~B. Animal keeping, includes the keeping, feeding or raising of common farm animals or animal specialties. Animal keeping is subject to the limitations set forth in Chapter 6.20 of the Colfax Municipal Code (limitations on number of animals).~~
- ~~C. Logging and lumber milling, includes the work or business of felling, sawing, cutting or trimming trees. This use may include preparing, transporting and/or receiving marketable or unmarketable logs or wood to/from a lumber mill or conducting the operation of a lumber mill.~~
- AD. Resource protection and restoration, includes activities and management of an area to preserve, recreate and enhance natural resource values such as fish and wildlife habitat, rare and endangered plants, erosion control, and floodwater conveyance.
- BE. Resource related recreation, includes facilities related to passive recreation of open space areas including bike and pedestrian trails, picnic areas, parking areas, and interpretive centers.

**9. Civic use types.**

*The typographic error is Municipal Code section 17.64.070(A) is corrected as follows:*

- Churches, temples, synagogues, and other places of worship;

**10. Residential use types.**

*Municipal Code section 17.64.080 is amended and re-lettered to add the following use types to the alphabetical list of residential use types:*

- A. Accessory Dwelling Unit.
- I. Junior Accessory Dwelling Unit.

*Municipal Code section 17.64.080 is amended and re-lettered to remove the following use types to the alphabetical list of residential use types:*

- ~~K. Second dwelling unit. A dwelling unit, attached or detached, with permanent provisions for independent living, sleeping, eating, cooking and sanitation within the unit and includes a separate entrance from the primary unit (see also Chapter 17.196).~~

**11. Open Space, Special Public Service District and Agricultural Zones.**

*The title of Chapter 17.68 is amended to read:*

***Chapter 17.68 OPEN SPACE, AND SPECIAL PUBLIC SERVICE CIVIC DISTRICT AND-  
AGRICULTURAL ZONES***

*Municipal Code section 17.68.010 is amended as follows:*

**17.68.010 Purpose.**

- ~~A. The purpose of the agricultural district (A) is to promote and preserve in appropriate areas of the city conditions favorable to agricultural use. To this end the agricultural district is intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses inimical to the continuance of agricultural activity.~~
- AB. The purpose of the open space district (OS) is to promote and preserve open space for outdoor recreation in areas particularly suited for park and recreation. To this end, the OS district is intended to be limited to activities normally related to outdoor recreation.
- BC. The purpose of the ~~special public service district (SPSD)~~ civic district (CD) is to provide for the orderly development of public and quasi-public facilities ~~within any district as approved and/or as conditioned by the commission.~~

*Municipal Code section 17.68.020 is amended as follows:*

**17.68.020 Permitted use types.**

Primary uses are permitted in the open space, and ~~civic and agricultural~~ zones subject to the requirements of this title as designated below:

- A. Principally permitted use, designated as "P";
- B. Conditionally permitted use, designated as "CUP"; and
- C. Administratively permitted use, designated as "AP."

Primary use types not listed or designated by a dash (-) are not permitted in that zone district.

Accessory uses and structures are permitted in the open space, and ~~civic and agricultural~~ zones subject to the requirements set forth in Chapter 17.96.



SEE CHAPTER 17.32 "PERMIT AND VARIANCE REQUIREMENTS" FOR INFORMATION ON USE PERMITS AND OTHER TYPES OF PERMITS THAT MAY BE REQUIRED, REGARDLESS OF HOW A USE IS CLASSIFIED IN THIS CHART

OPEN SPACE, <u>AND</u> CIVIC <del>AND AGRICULTURAL</del> ZONE DISTRICTS PERMITTED USES			
AGRICULTURAL AND OPEN SPACE USE TYPES	OS	<del>SPSD</del> <u>CD</u>	<del>A</del>
<del>Agricultural</del>	<del>P</del>	-	<del>P</del>
Animal Keeping <sup>(8)</sup>	-	-	<del>P</del>
Logging and Lumber Milling			<del>CUP</del>
Resource Protection and Restoration	P	P	<del>P</del>
Resource Related Recreation	P	P	<del>P</del>

CIVIC USE TYPES	OS	SPSD	<del>A</del>
Community Assembly <sup>(5)</sup>	CUP	P	<del>P</del>
Community Services	P	P	-
Essential Services	P	P	<del>P</del>
Hospital Services			
General	-	CUP	-
Psychiatric	-	CUP	-
Intensive Public Facilities	-	P	-
Libraries and Museums, Private	CUP	CUP	-
Power Generating Facilities <sup>(1)</sup>			
Emergency		P	-
Supplemental/Individual Use	-	CUP	-
General Power Production	-	CUP	-
Passive Power	-	P	-
Public Parking Services	-	P	-
Schools			
College and University	-	CUP	<del>P</del>
Elementary and Secondary	-	CUP	<del>P</del>
Private Elementary and Secondary	-	CUP	-

RESIDENTIAL USE TYPES	OS	SPSD	<del>A</del>
Caretaker/Employee Housing	-	AP	<del>P</del>
Dwelling, Single-Family <sup>(3)</sup>	-	CUP	<del>P</del>

COMMERCIAL USE TYPES	OS	SPSD	<del>A</del>
Animal Sales and Service <sup>(7)</sup>			
<del>Kennels</del> <sup>(6)</sup>	-	-	<del>AP</del>
Veterinary Clinic	-	-	<del>CUP</del>
Veterinary Hospital	-	-	<del>CUP</del>
Commercial Recreation			
Indoor Sports and Recreation	-	CUP	<del>CUP</del>
Outdoor Entertainment	-	CUP	<del>CUP</del>

Outdoor Sports and Recreation	-	CUP	<del>CUP</del>
Large Amusement Complex	-	CUP	<del>CUP</del>
Day Care Center	-	P	<del>CUP</del>
Lodging services <sup>(4)</sup>	-	-	<del>CUP</del>
Storage Facility, Recreational and Large Vehicle	-	AP	-

INDUSTRIAL USE TYPES	OS	SPSD	<del>A</del>
Mineral Extraction and Processing	-	-	<del>CUP</del>

TRANSPORTATION AND COMMUNICATION USE TYPES	OS	SPSD	<del>A</del>
Telecommunication Facilities <sup>(2)</sup>	CUP	P/AP/CUP	<del>AP</del>

**Notes:**

- (1) Additional requirements are contained in Chapter 17.180.
- (2) Additional requirements are contained in Chapter 17.132.
- (3) Supportive and transitional housing are considered residential use types.
- (4) Bed and breakfasts, with three or fewer rooms.
- (5) Food service or distribution facilities are allowed in conjunction with this use with approval of an admin permit.
- ~~(6) Kennels are also subject to the regulations set forth in Colfax Municipal Code Chapter 6.12 (kennels).~~
- ~~(67)~~ These establishments are exempt from Municipal Code Chapter 6.20 (limitations on number of animals).
- ~~(78)~~ Subject to the limitations set forth in Chapter 6.20 of the Colfax Municipal Code (limitations on number of animals).

*Municipal Code section 17.68.040 entitle Agricultural district development standards is repealed and the section is reserved.*

## 12. Residential Zones.

*Municipal Code section 17.72.010(B) is amended as follows:*

### **17.72.010 Purpose.**

This chapter provides regulations applicable to primary uses in the residential zoning districts established by Section 17.16.010 (zoning districts established). The residential zoning districts are as follows:

- A. Single-Family Residence District. The purpose of the single-family residence district (R-1) is to provide for areas in appropriate locations where quiet, low density residential neighborhoods may be established, maintained and protected. The regulations of this district are designed to promote and encourage a suitable environment for families, many of whom will have children. To this end the regulations permit the establishment

of single-family dwellings and also permit, with proper controls, those public and quasi-public activities, such as schools, libraries, churches, parks and playgrounds, which serve the needs of families. The regulations are intended to prohibit the establishment or operation of any activity which would be inimical to such a residential environment.

- B. Multi-Family Residence District. The purpose of the multi-family residence district (R-M) is to provide for areas in appropriate locations where apartments, condominiums, townhouses, and other types of attached and detached housing in neighborhoods of varying degrees of density may be established, maintained and protected. The regulations of this district are designed to promote and encourage an intensively developed residential environment within walking distance of downtown. To this end the regulations permit, in accordance with the respective density district, multiple dwellings ranging from garden apartments to multi-story apartment houses, in addition to small-lot subdivisions and attached and detached for-sale housing with ~~and~~ necessary public services and activities subject to proper controls.
- C. Residential Mobilehome Subdivision District. The purpose of the residential mobilehome subdivision district (R-MHS) is to permit and regulate the development of mobilehome parks within the city, as well as the design and placement of mobilehomes within such mobilehome parks. The provisions of this article shall apply to new mobilehome parks and to the expansion of existing mobilehome parks and shall be in addition to the applicable rules and regulations of the state for mobilehome parks.

*Municipal Code section 17.72.020 is amended as follows:*

**17.72.020 Residential zone districts permitted uses.**

Primary uses are permitted in residential zones subject to the requirements of this title as designated below:

- A. Principally permitted use, designated as "P";
- B. Conditionally permitted use, designated as "CUP"; and
- C. Administratively permitted use, designated as "AP."

Primary use types not listed or designated by a dash (-) are not permitted in that zone district.

Accessory uses and structures are permitted in residential zones subject to the requirements set forth in Chapter 17.96.

SEE CHAPTER 17.32 "PERMIT AND VARIANCE REQUIREMENTS" FOR INFORMATION ON USE PERMITS AND OTHER TYPES OF PERMITS THAT MAY BE REQUIRED, REGARDLESS OF HOW A USE IS CLASSIFIED IN THIS CHART

<del>AGRICULTURAL AND OPEN SPACE USE TYPE</del>	R-1	R-M	R-MHS
Animal Keeping	AP <sup>(8)</sup>	-	-
Resource Protection and Restoration	P	P	P
Resource Related Recreation	P	P	P

CIVIC USE TYPES	R-1	R-M	R-MHS
Community Assembly <sup>(7)</sup>	AP	AP	AP
Community Services	P	P	P
Essential Services	P	P	P

Libraries and museums	-	AP	-
Power Generating Facilities <sup>(1)</sup>			
Emergency	P	P	P
Passive Power	P	P	P
Public Parking Services	-	CUP	-
Schools, Elementary and Secondary	AP	AP	-
Schools, Private Elementary and Secondary	AP	AP	-

RESIDENTIAL USE TYPES	R-1	R-M	R-MHS
<u>Accessory Dwelling Unit (see also Junior ADU)</u>	<u>P</u>	<u>P</u>	-
Community Care Facilities, Small	P	P	P
Dwelling <sup>(6)</sup>			
Multi-Family	-	P	-
Single-Family	P	P	P
<del>Two-family</del>	<del>-(9)</del>	<del>P</del>	-
Family Day Care Homes, Small	P	P	P
Family Day Care Homes, Large <sup>(3)</sup>	AP	AP	AP
<u>Junior Accessory Dwelling Unit</u>	<u>P</u>	<u>P</u>	<u>-</u>
Mobilehome Park	-	-	CUP
Rooming and Boarding House	-	P	-
<u>Supportive and Transitional Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Second Dwelling Unit</u>	<u>AP</u>	<u>P</u>	-

COMMERCIAL USE TYPES	R-1	R-M	R-MHS
Commercial Recreation, Residential Recreation Facilities	CUP	CUP	CUP
Community Care Facility	-	P	-
Lodging services <sup>(4)</sup>	AP	AP	-
Long-Term Care Facility	-	CUP	-
Neighborhood Commercial	-	CUP	-

TRANSPORTATION AND COMMUNICATION USE TYPES	R-1	R-M	R-MHS
Telecommunication Facilities <sup>(5)</sup>	AP	AP	AP

**Notes:**

- (1) Additional requirements are contained in Chapter 17.180.
- (2) See Chapter 17.196 for second dwelling unit regulations.
- (3) See Chapter 17.160 for large family day care home regulations.
- (4) Bed and Breakfast establishments only, with five or fewer rooms.
- (5) Additional requirements are contained in Chapter 17.136.
- (6) Supportive and transitional housing are considered residential use types.
- (7) Food service or distribution facilities are allowed in conjunction with this use with approval of an admin permit.

(8) Subject to the limitations set forth in Colfax Municipal Code Chapter 6.20 (Limitations on Number of Animals).

(9) ~~Two family dwellings may be allowed in the R-1-20 and R-1-40 zones upon approval of an administrative permit.~~

*Municipal Code section 17.72.020 is amended as follows:*

17.72.030 Residential zone general development standards.

- A. Residential Development Standards. Permitted uses and associated structures shall comply with the following development standards, in addition to any other applicable requirements of this title:

#### RESIDENTIAL ZONE GENERAL DEVELOPMENT STANDARDS

	Requirement by Zoning District				
	R-1		R-M-1 <sup>(1)</sup>	R-M-2 <sup>(1)</sup>	R-MHS <sup>(2)</sup>
Minimum Site Area	-			.	10 acres
Minimum Parcel Area	R-1-5	5,000 sq. ft.	<del>R-M-1</del>	<del>6,000</del>	3,000 sq. ft.
	R-1-10	10,000 sq. ft.	<del>R-M-2</del>	<del>2,000 sq.</del>	
	R-1-15	15,000 sq. ft.	<del>4,500 sq.</del>	<del>ft.</del>	
	R-1-20	20,000 sq. ft.			
	R-1-40	40,000 sq. ft.			
Minimum Width	R-1-5	50 ft.	-		30 ft.
	R-1-10	80 ft.			
	R-1-15	80 ft.			
	R-1-20	100 ft.			
	R-1-40	125 ft.			
Residential Density	R-1-5	1 dwelling per lot <sup>(9)</sup>	<u>4 to 10 units per gross acre</u>	<u>10 to 29 units per gross acres</u>	8 lots per <u>gross</u> acre
	R-1-10	1 dwelling per lot <sup>(9)</sup>			
	R-1-15	1 dwelling per lot <sup>(9)</sup>			
	R-1-20	1 dwelling per lot <sup>(9)</sup>			
	R-1-40	1 dwelling per lot <sup>(9)</sup>			
Setbacks: (See Chapter 17.96.030 for setbacks for accessory structures)					
Minimum Front <sup>(4)</sup>	R-1-5	20 ft.	<u>10 percent of the parcel depth but no more than 10 ft.</u>		10 ft. extending the entire width of the mobilehome space <sup>(5)</sup>
	R-1-10	20 ft.			
	R-1-15	20 ft.			
	R-1-20	30 ft.			
	R-1-40	30 ft.			
Minimum Sides <sup>(4)</sup>	R-1-5	6 ft.	<u>5 ft. at the ground floor and an average of 8 ft. at the second floor.</u>		3 ft. on one side and 10 feet on the other along the entire length of the
	R-1-10	8 ft.			
	R-1-15	8 ft.			
	R-1-20	10 ft.			
	R-1-40	15 ft.			

				lot
Minimum Rear	R-1-5	20 ft.	<u>10 ft.</u>	5 ft. along the entire width of the lot
	R-1-10	30 ft.		
	R-1-15	30 ft.		
	R-1-20	40 ft.		
	R-1-40	40 ft.		
Maximum Site Coverage <sup>(6)</sup>	-		RM-1	40%
			RM-2	<del>75%</del> None
Minimum Usable Open Space per Dwelling Unit <sup>(7)</sup>	-		RM-1	400 sq. ft.
			RM-2	200 sq. ft.
Maximum Building Height <sup>(8)</sup>	2½ stories or 30 ft.		2½ stories or 30 ft.	
Additions greater than 700 sq. ft. in area	May only be permitted upon approval of an administrative permit		<u>May only be permitted upon approval of an administrative permit</u>	

Notes:

(1) These requirements shall be observed in the multi-family residence district (R-M), except where increased for conditional uses. All single-family dwellings in the R-M district shall conform to the height, area, lot width and yard requirements specified for the R-1-5 district.

(2) The general development standards for the R-MHS district may be modified through approval of a design review permit.

~~(3) In the R-M-1 and R-M-2 districts, the required lot area per dwelling unit shall be increased by twenty (20) percent for each dwelling unit having more than two bedrooms. The required lot area per dwelling unit may be decreased by twenty (20) percent for each dwelling unit having no separate bedroom. (Prior code § 9-2.1905)~~

(34) Front setback (and side setback where adjacent to street) measured from back of walk. Fence side yard setback is five feet from back of walk where facing a street. In the absence of sidewalk, setbacks measured from the edge of right-of-way. In the case of corner lots, the shorter of the two frontages shall be deemed to be the front of the lot for the purposes of computing yard requirements. In the case of a lot having equal frontages or an irregularly shaped lot, the planning director shall determine the front of the lot in such a manner as to best promote the orderly development of the immediate area.

~~(45)~~ Measured from the nearest element of the mobilehome to the closest edge of the street.

~~(56)~~ Maximum coverage is a function of lot size, required setbacks and usable open space.

~~(67)~~ The rear and side yards may be utilized to meet the minimum usable open space provided the minimum dimension, measured perpendicular to the applicable rear or side yard is 10 feet. A minimum usable open space of 500 square feet may be applied where a front porch is provided with minimum dimensions of six feet x ~~six~~six feet exclusive of entry way.

~~(78)~~ Measured from any foundation location horizontal to a point parallel to the highest point of the building.

~~(9) Second dwelling units may be allowed subject to the requirements contained in Chapter 17.196.~~

### 13. Mixed Use Zones.

Chapter 17.74 MIXED USE ZONES is added to the Municipal Code as follows:

**Chapter 17.74 MIXED USE ZONES**

**17.74.010 Purpose.** There are two mixed use zoning districts.

Mixed Use – 1 is applied to Main Street in the Historic Downtown (MU-1) and is intended to retain the historic character of the downtown while providing a vibrant mix of uses in an attractive area where the community and visitors gather to shop, socialize, and recreate, and where residents can live. This district requires that the ground-floor spaces with street frontage be accessible to the public and that uses generate walk-in clientele to contribute to and activate the pedestrian experience along Main Street. Appropriate ground-floor uses with street frontage include retail shops, cafes, restaurants, and other similar uses that generate pedestrian traffic. Spaces without ground-floor street frontage are intended for uses such as offices, residential, and lodging.

The Mixed Use – 2 zoning district applies to the neighborhoods adjacent to the Historic Downtown and along segments of S. Auburn Street. This zone provides areas in which residents can live, work, shop, worship, socialize, and obtain public services. A mix of land uses with varying degrees of intensity determined by location are allowed in the MU-2 zone. Commercial uses that are appropriate among single-family and multifamily residences are intended for the MU-2 zone, with more intense uses limited through conditional and administrative use permits to areas along E. Grass Valley Street and South Auburn Street. Different land uses can be in the same building or on the same site.

**17.74.020 Permitted use types.**

Primary uses are permitted in mixed use zones subject to the requirements of this title as designated below:

- A. Principally permitted use, designated as "P";
- B. Conditionally permitted use, designated as "CUP"; and
- C. Administratively permitted use, designated as "AP."

Primary use types not listed or designated by a dash (-) are not permitted in that zone district. Any single use that occupies more than 5,000 square feet in the MU-1 zone or more than 8,000 square feet in the MU-2 zone is subject to a conditional use permit.

Accessory uses and structures are permitted in mixed use zones subject to the requirements set forth in Chapter 17.96.

<b><u>CIVIC USE TYPES</u></b>	<b><u>MU-1</u></b>	<b><u>MU-2</u></b>
<u>Community Assembly <sup>(2)</sup></u>	<u>P<sup>(1)</sup></u>	<u>P</u>
<u>Community Services</u>	<u>P<sup>(1)</sup></u>	<u>P</u>
<u>Essential Services</u>	<u>P<sup>(1)</sup></u>	<u>P</u>
<u>Libraries and museums</u>	<u>P<sup>(1)</sup></u>	<u>P</u>
<u>Power Generating Facilities <sup>(3)</sup></u>		

<u>Emergency</u>	<u>P</u>	<u>P</u>
<u>Passive Power</u>	<u>P</u>	<u>P</u>
<u>Public Parking Services</u>	=	<u>AP</u>
<u>Social Services</u>		
<u>Food Distribution</u> <sup>(4)</sup>	<u>CUP</u>	<u>CUP</u>
<u>Food Service</u> <sup>(5)</sup>	<u>CUP</u>	<u>CUP</u>
<u>Emergency Shelter</u> <sup>(6)</sup>	=	<u>CUP</u>
<b><u>RESIDENTIAL USE TYPES</u></b>	<b><u>MU-1</u></b>	<b><u>MU-2</u></b>
<u>Community Care Facilities, Small</u>		
<u>Dwelling</u>		
<u>Accessory Dwelling Unit</u>	<u>P<sup>(1)</sup></u>	<u>P</u>
<u>Junior Accessory Dwelling Unit</u>	<u>P<sup>(1)</sup></u>	<u>P</u>
<u>Multi-Family</u>	<u>P<sup>(1)</sup></u>	<u>P</u>
<u>Single-Family</u>	<u>P<sup>(1)</sup></u>	<u>P</u>
<u>Family Day Care Homes, Small</u>	<u>P<sup>(1)</sup></u>	<u>P</u>
<u>Family Day Care Homes, Large</u> <sup>(7)</sup>	<u>P<sup>(1)</sup></u>	<u>P</u>
<u>Rooming and Boarding House</u>	<u>P<sup>(1)</sup></u>	<u>P</u>
<u>Supportive and Transitional Housing</u>	<u>P<sup>(1)</sup></u>	<u>P</u>
<b><u>COMMERCIAL USE TYPES</u></b>	<b><u>MU-1</u></b>	<b><u>MU-2</u></b>
<u>Animal Sales and Service</u> <sup>(8)</sup>		
<u>Grooming and Pet Stores</u>	<u>P</u>	<u>P</u>
<u>Veterinary Clinic</u>	<u>P<sup>(1)</sup></u>	<u>P</u>
<u>Automotive and Equipment</u>		
<u>Automotive Body and Equipment Repair</u>	=	<u>CUP</u>
<u>Automotive Rentals</u>	<u>AP</u>	<u>AP</u>
<u>Automotive Repairs</u>	=	<u>CUP</u>
<u>Automotive Sales</u>	=	=
<u>Carwash and Detailing</u>	=	<u>CUP</u>
<u>Commercial Parking</u>	=	<u>CUP</u>
<u>Gasoline Sale</u>	=	<u>CUP</u>



<u>Banks and Financial Services</u>	<u>P</u>	<u>P</u>
<u>Bars and Drinking Places</u>	<u>AP</u>	<u>AP</u>
<u>Broadcasting and Recording Studios</u>	<u>P<sup>(1)</sup></u>	<u>P</u>
<u>Business Support Services</u>	<u>P<sup>(1)</sup></u>	<u>P</u>
<u>Community Care Facility</u>	<u>=</u>	<u>AP</u>
<u>Day Care Center</u>	<u>AP<sup>(1)</sup></u>	<u>AP</u>
<u>Eating and Drinking Establishments</u>		
<u>    Fast Food with Drive-Through</u>	<u>=</u>	<u>=</u>
<u>    Convenience</u>	<u>P</u>	<u>P</u>
<u>    Full Services</u>	<u>P</u>	<u>P</u>
<u>    Food and Beverage Retail Sales</u>	<u>P</u>	<u>P</u>
<u>Lodging</u>	<u>P<sup>(1)</sup></u>	<u>P</u>
<u>Long-Term Care Facility</u>	<u>CUP</u>	<u>=</u>
<u>Maintenance and Repair</u>	<u>P<sup>(1)</sup></u>	<u>P</u>
<u>Medical Services, General</u>	<u>P<sup>(1)</sup></u>	<u>P</u>
<u>Neighborhood Commercial</u>	<u>P</u>	<u>P</u>
<u>Nightclubs <sup>(9)</sup></u>	<u>AP</u>	<u>=</u>
<u>Offices, Professional</u>	<u>P<sup>(1)</sup></u>	<u>P</u>
<u>Personal Services</u>	<u>P<sup>(1)</sup></u>	<u>P</u>
<u>Retail Sales and Services</u>	<u>P</u>	<u>P</u>
<u>Specialized Education and Training</u>		
<u>    Vocational Schools</u>	<u>P<sup>(1)</sup></u>	<u>P</u>
<u>    Specialty Schools</u>	<u>P<sup>(1)</sup></u>	<u>P</u>
<b><u>TRANSPORTATION AND COMMUNICATION USE TYPES</u></b>	<b><u>MU-1</u></b>	<b><u>MU-2</u></b>
<u>Telecommunication Facilities <sup>(10)</sup></u>	<u>=</u>	<u>P/AP/CUP</u>

- (1) Only allowed on the second story or on ground floor portions of buildings that are no less than 30 feet from the front property line.
- (2) Food service or distribution facilities are allowed in conjunction with this use with approval of an admin permit pursuant to Chapters 17.144 and 17.148.
- (3) Additional requirements are contained in Chapter 17.180.
- (4) Additional requirements are contained in Chapter 17.148.

- (5) Additional requirements are contained in Chapter 17.144.
- (6) Additional requirements are contained in Chapter 17.140.
- (7) Additional requirements are contained in Chapter 17.160
- (8) These establishments are exempt from Municipal Code Chapter 6.20 (limitations on number of animals).
- (9) Additional requirements are contained in Chapter 17.164
- (10) Additional requirements are contained in Chapter 17.132

**17.74.030 Mixed Use zone general development standards.**

The general development standards of the Retail Commercial (C-R) zone contained in section 17.76.030 shall apply to the MU-1 and MU-2 zones, except that in the MU-1 zone, the front yard setback shall not exceed three feet.

**13. Commercial zones.**

*Municipal Code section 17.76.020 is amended as follows:*

**17.76.020 Permitted use types.**

Primary uses are permitted in commercial zones subject to the requirements of this title as designated below:

- A. Principally permitted use, designated as "P";
- B. Conditionally permitted use, designated as "CUP"; and
- C. Administratively permitted use, designated as "AP."

Primary use types not listed or designated by a dash (-) are not permitted in that zone district.

Accessory uses and structures are permitted in commercial zones subject to the requirements set forth in Chapter 17.96.

SEE CHAPTER 17.32 "PERMIT AND VARIANCE REQUIREMENTS" FOR INFORMATION ON USE PERMITS AND OTHER TYPES OF PERMITS THAT MAY BE REQUIRED, REGARDLESS OF HOW A USE IS CLASSIFIED IN THIS CHART

COMMERCIAL ZONE DISTRICTS PERMITTED USES		
<del>AGRICULTURAL AND OPEN SPACE USE TYPES</del>	C-R	C-H
Resource Protection and Restoration	CUP	CUP
CIVIC USE TYPES	C-R	C-H
Community Assembly <sup>(110)</sup>	AP/CUP	-
Community Services	AP	AP
Hospital Services		
General Hospital Services	AP/CUP	AP/CUP
Psychiatric Hospital Services	CUP	CUP
Libraries and Museums, Private	P	P
Public Parking Services	P	P

Schools		
College and University	CUP	AP
Elementary and Secondary	CUP	AP
Private Elementary and Secondary	CUP	AP
Social Services		
Food Distribution <sup>(2)</sup>	AP/CUP	AP/CUP
Food Service <sup>(3)</sup>	AP/CUP	AP/CUP
Emergency Shelter <sup>(4)</sup>	AP/CUP	AP/CUP
Power Generating Facilities <sup>(8)</sup>		
Emergency	AP	AP
Supplemental/Individual Use	AP	AP
Passive Power	P	P
RESIDENTIAL USE TYPES	C-R	C-H
Caretaker/Employee Housing	CUP	CUP
Dwelling <sup>(9)</sup>		
<u>Accessory Dwelling Unit<sup>(10)</sup></u>	<u>P</u>	<u>P</u>
Multifamily	CUP	-
Single-family	CUP	CUP
<del>Two-family</del>	<del>CUP</del>	<del>CUP</del>
Family Day Care Home, Small	P	-
Family Day Care Home, Large <sup>(4)(5)(14)</sup>	CUP	-
<u>Junior Accessory Dwelling Unit<sup>(10)</sup></u>	<u>P</u>	<u>P</u>
Single Room Occupant	-	-
COMMERCIAL USE TYPES	C-R	C-H
Adult-oriented Businesses <sup>(1)</sup>	CUP	CUP
Animal Sales and Service <sup>(13)(12)</sup>		
Grooming and Pet Stores	P	P
Kennels <sup>(4)(12)</sup>	AP	AP
Veterinary Clinic	P	P
Veterinary Hospital	AP	AP
Automotive and Equipment		
Automotive Body and Equipment Repair	AP/CUP	P
Automotive Rentals	P	P
Automotive Repairs	CUP	P
Automotive Sales	P	P
Carwash and Detailing	AP	P
Commercial Parking	P	P
Heavy Equipment Rental and Sales	P	P
Gasoline Sale	AP	P
Banks and Financial Services	P	P
Bars and Drinking Places	AP	AP
Broadcasting and Recording Studios	P	P
Building Material Stores	P	P
Business Support Services	P	P
Commercial Cannabis Activities		
Cultivation	P	P

Cultivation Nursery	P	P
Distributor	P	P
Manufacturer	P	P
Microbusiness	P	P
Retailer	P	P
Testing Laboratory	P	P
Commercial Recreation		
Amusement Center	P	P
Indoor Entertainment	P	P
Indoor Sports and Recreation	P	P
Outdoor Entertainment	AP	P
Outdoor Sports and Recreation	P	P
Large Amusement Complexes	AP	P
Community Care Facility	AP	-
Day Care Center	AP	-
Eating and Drinking Establishments		
Fast Food with Drive-Through	AP	P
Convenience	P	P
Full Services	P	P
Food and Beverage Retail Sales	P	P
<u>Funeral and Interment Services</u>	<u>CUP</u>	<u>AP</u>
<u>Lodging</u>	<u>P</u>	<u>P</u>
Long-Term Care Facility	CUP	-
Maintenance and Repair	P	P
Medical Services, General	P	P
Neighborhood Commercial	P	-
Nightclubs <sup>(5)</sup>	AP	AP
Nursery, Retail	P	P
Offices, Professional	P	P
Personal Services	P	P
Retail Sales and Services	P	P
Specialized Education and Training		
Vocational Schools	P	P
Specialty Schools	P	P
Storage Facility, Self-service <sup>(4)(15)</sup>	<u>AP</u> <u>CUP</u>	<u>P</u> <u>CUP</u>
INDUSTRIAL USE TYPES	C-R	C-H
Day care centers, secondary	CUP	CUP
Laundries, Commercial	P	P
Printing and Publishing	P	P
Research Services	P	P
Wholesaling and Distribution, Light	AP	P
TRANSPORTATION AND COMMUNICATION USE TYPES	C-R	C-H
Telecommunication Facilities <sup>(6)</sup>	P/AP/CUP	P/AP/CUP
Heliport	CUP	CUP
Intermodal Facilities <sup>(7)</sup>	CUP	CUP

Notes:

- (1) Additional requirements are contained in Chapter 17.128.
- (2) Additional requirements are contained in Chapter 17.148.
- (3) Additional requirements are contained in Chapter 17.144.
- (4) Additional requirements are contained in Chapter 17.140.
- (5) Additional requirements are contained in Chapter 17.164.
- (6) Additional requirements are contained in Chapter 17.132.
- (7) Additional requirements are contained in Chapter 17.136.
- (8) Additional requirements are contained in Chapter 17.180.
- (9) Supportive and transitional housing are considered residential use types.
- (10) See Chapter 17.196 for accessory dwelling unit regulations.
- ~~(11)~~ Food service or distribution facilities are allowed in conjunction with this use with approval of an admin permit pursuant to Chapters 17.144 and 17.148.
- ~~(12)~~ Kennels are also subject to the regulations set forth in Colfax Municipal Code Chapter 6.12 (kennels).
- ~~(13)~~ These establishments are exempt from Municipal Code Chapter 6.20 (limitations on number of animals).
- ~~(14)~~ Additional requirements are contained in Chapter 17.160.
- ~~(15)~~ Additional requirements are contained in Chapter 17.176.

*Municipal Code section 17.76.030(D) is amended as follows:*

D. Area, Lot Width and Yards.

1. The following minimum requirements shall be observed in the retail commercial district (C-R), except where increased for conditional uses:

Lot Area (Sq. Feet)	Front	Side	Rear
5,000	None, except where the abutting side lot line is in a residential district, then not less than required for such residential district	None, except where a side lot line is abutting a residential district, then not less than the side yard required for such residential district	10 feet, except where abutting a residential district, <u>then the setback shall equal the building height but no be more than 20 feet.</u>

#### **14. Density Bonuses and Other Incentives.**

*Municipal Code Chapter 17.104 is amended as follows:*

##### **17.104.010 Purpose.**

This chapter is adopted pursuant to the provisions of California Government Code Sections 65915—65918. The purpose of adopting this chapter is to encourage affordable housing by providing the incentive of increased density and such other incentives provided by this chapter. The provisions of this chapter are intended to comply with California Government Code Sections 65915—65918. ~~In the event that~~ If any provision of this chapter

conflicts with California Government Code Sections 65915—65918, or any after-enacted amendment of these sections, state law shall control over the conflicting provision.

#### **17.104.020 Definitions.**

Terms used in this section shall be defined as in Government Code Section 65915 et seq.

~~For the purpose of this chapter, the following words and phrases shall have the following meanings:—~~

~~"Approval authority" is as defined in the Colfax Municipal Code—Title 17, Zoning Chapter 17.40.020.—~~

~~"Child care facility" is defined as a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age child care centers.—~~

~~"Density bonus" means an increase in density over the otherwise maximum allowable residential density under the applicable general plan designation as of the date of filing of an application for density bonus with city. A density bonus request shall be considered as a component of a qualified housing development.—~~

~~"Development standard" is defined as the site, development, or construction standards and/or conditions of approval that apply to a residential development.—~~

~~"Housing development" is defined as one or more groups of projects for residential units constructed within a large lot parcel. For the purposes of this chapter, "housing development" also includes a subdivision or common interest development as defined in Section 1351 of the Civil Code and consists of residential units or unimproved residential lots. A density bonus may be permitted in geographic areas of the housing development other than the areas where the affordable units are located, so long as the density bonus units are located on the same large lot parcel.—~~

~~"Incentive" is defined as a reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission. An incentive can be requested by the applicant for purposes of reducing the cost of development to make the project financially feasible. The term "incentive" includes the term "concession" as that term is used in California Government Code Sections 65915—65918.—~~

~~"Large lot parcel" is defined as that term is used in any applicable specific plan (large lot parcel is hereby generally deemed as a geographic area).—~~

~~"Lower income" is defined as less than eighty (80) percent of the area median income, as defined by Section 50079.5 of the California Health and Safety Code.—~~

~~"Lower income unit" is defined as a unit with an affordable rent or payment that does not exceed thirty (30) percent of sixty (60) percent of area median income adjusted for family size appropriate for the unit.—~~

~~"Moderate income" is defined as less than one hundred twenty (120) percent of the area median income, as defined in Section 50093 of the California Health and Safety Code.—~~

~~"Moderate income unit" is defined as a unit with an affordable rent or payment that does not exceed thirty-five (35) percent of one hundred ten (110) percent of area median income adjusted for family size appropriate for the unit.—~~

~~"Very low income" is defined as less than fifty (50) percent of the area median income, as defined in Section 50105 of the California Health and Safety Code.~~

~~"Very low income unit" is defined as a unit with an affordable rent or payment that does not exceed thirty (30) percent of fifty (50) percent of the area median income, adjusted for family size appropriate for the unit.~~

~~"Senior citizen housing development" is defined as a housing project where residency is restricted to persons sixty two (62) years of age or older, or fifty five (55) years of age or older in a senior citizen housing development per Sections 51.3 and 51.12 of the California Civil Code.~~

#### **17.104.030 Application requirements.**

~~A density bonus may be approved pursuant to a request for approval of a density bonus, provided the request complies with the provisions of this chapter.~~ Each application for a density bonus, incentive(s), or concession(s) request shall be accompanied by the following:

- A. A site plan that identifies all units in the project including the location of the affordable units and the bonus units;
- B. A narrative briefly describing the housing development and shall include information on:
  1. The number of units permitted under the general plan;
  2. The total number of units proposed in the project;
  3. The number of affordable and/or senior units;
  4. The number of bonus units requested based on the tables provided in Section 17.104.050 of this chapter;
  5. A breakdown of units proposed for very low, lower, and moderate income, senior citizen, and/or market rate units; and
  6. Any requested incentive(s) or concession(s), including an explanation as to why the incentive(s) or concession(s) is required for the housing development.
- C. Information indicating that appropriate and sufficient infrastructure capacity (water, sewer, roadway) and water supply is available to serve the bonus units;
- D. Reasonable documentation to establish eligibility for the requested density bonus, incentive(s) or concession(s), waiver(s) or reduction(s) of development standards. The application shall identify upon which basis of Government Code Section 65915 the applicant elects to calculate its density bonus. If incentive(s) or concession(s) are requested, the application shall include an explanation of how the incentive(s) or concession(s) result in identifiable and actual cost reductions as described in Government Code Section 65915. If waiver(s) are requested, the application shall describe with a narrative and/or drawings how application of the development standard(s) the applicant seeks to waive would have the effect of physically precluding the construction of the proposed development at the densities and with the concession(s) or incentive(s) permitted. If a density bonus parking ratio is requested, the application shall identify which parking ratio in Government Code section 65915 applies and describe the characteristics of the proposed development or site that qualify the proposed development for that parking ratio.
- E. If an applicant proposes to donate land to the city pursuant to Government Code Section 65915, the application shall provide evidence that each of the associated eligibility conditions has been met.

F. If an applicant proposes to develop a childcare facility pursuant to Government Code Section 65915, the application shall show the location and square footage of the childcare facility and provide evidence that each of the associated eligibility conditions has been met.

~~D. A pro-forma illustrating the financial need for the density bonus and/or any requested incentives. The information that shall be included is as follows:-~~

- ~~1. The project pro-forma shall include, but is not limited to: capital costs, operating expenses, return on investment, revenues, loan-to-value ratio and debt coverage ratio, any contribution provided by subsidy programs, and the economic effect created by the use and income restrictions of the affordable units;-~~
- ~~2. An appraisal report indicating the value of the density bonus and any incentive(s) requested; and-~~
- ~~3. A source and use of funds statement identifying any projected financing gap of the project. The developer shall establish how much of the gap is covered by the density bonus units, and how much will be covered by the requested incentive(s).-~~

GE. Any such additional information in support of a request for a density bonus, incentive(s), or concession(s) as may be requested by the planning and redevelopment department Planning Director.

#### **17.104.040 Eligibility for Density bonus and Incentive(s) or Concession(s).**

Project applicants shall be granted a density bonus and incentive(s) or concession(s) to the extent and subject to the terms required by California Government Code Section 65915 et seq. Any request for approval of a density bonus, incentive(s) or concession(s) pursuant to this section shall be made along with other related land use applications filed for the project as specified in Title 17 – Zoning of the City of Colfax Municipal Code.

~~A developer of a housing development containing five or more units may qualify for a density bonus and at least one other incentive as provided by this chapter if the developer does one of the following:-~~

- ~~A. Agrees to construct and maintain at least five percent of the units dedicated to very low-income households;-~~
- ~~B. Agrees to construct and maintain at least ten (10) percent of the units dedicated to lower-income households;-~~
- ~~C. Agrees to construct and maintain at least ten (10) percent of the units in a common-interest development (as defined in Section 1351 of the California Civil Code) dedicated to moderate income households, provided that all units in the development are offered to the public for purchase;-~~
- ~~D. Agrees to construct and maintain a senior citizen housing development as defined in Section 17.104.020 of this chapter;-~~
- ~~E. Donates land to the city dedicated for the construction of very low income units pursuant to Section 17.104.080 of this chapter; or-~~
- ~~F. Includes a qualifying child care facility as described in Section 17.104.070 of this chapter in addition to providing housing as described in subsections A. through C. of this section.~~

#### **17.104.050 Density bonus calculation and allowance.**



- A. ~~State Law Preemption. Pursuant to state law, the granting of a density bonus or the granting of a density bonus together with an incentive(s) shall not be interpreted, in and of itself, to require a general plan amendment, specific plan amendment, rezone, or other discretionary approvals.~~
- B. ~~Density Bonus Calculation. An applicant must choose a density bonus from only one applicable affordability category in below subsection C. and may not combine categories with the exception of child care facilities or land donation, which may be combined with an affordable housing development, for an additional density bonus up to a combined maximum of thirty five (35) percent.~~
- C. ~~Density Bonus Allowance. In calculating the number of units required for very low, lower and moderate income households, the density bonus units shall not be included. In no event shall a density bonus exceed thirty five (35) percent. A housing development that satisfies all applicable provisions of this chapter shall be allowed the following applicable density bonuses:~~
1. ~~Very Low Income. The density bonus for very low income units shall be calculated as follows:~~

Percentage of Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

2. ~~Lower Income. The density bonus for lower income units shall be calculated as follows:~~

Percentage of Lower Income Units	Percentage Density Bonus
10	20
11	21.5
12	23

13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35

3. ~~Moderate Income. The density bonus for moderate income ownership units shall be calculated as follows:-~~

Percentage of Moderate Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24

30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

4. ~~Senior Citizen Housing Development. The density bonus for a senior citizen housing development that provides housing for seniors consistent with Section 17.104.040 of this chapter shall be twenty (20) percent.~~
5. ~~Child Care Facility. A project (whether a housing, commercial, or industrial project) is eligible for a density bonus for a child care facility when in compliance with Section 17.104.070 of this chapter and California Government Code Section 65917.5.~~
6. ~~Donation of Land. A project is eligible for the following density bonus for the donation of land when in compliance with Section 17.104.080 of this chapter:~~

Percentage of Very Low Income Units	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34

7. ~~Conversion of Apartments to Condominiums. A project is eligible for a twenty-five (25) percent density bonus for the conversion of apartments to condominiums when in compliance with California Government Code Section 65915.5.~~

**7.104.060 Eligibility and application requirements for incentives.**

- A. ~~Available Incentives. A housing development qualifying for a density bonus may be entitled to at least one incentive. Incentives may include, but are not limited to:~~
1. ~~A reduction in site development standards such as:~~
    - a. ~~Reduced minimum lot sizes and/or dimensions;~~
    - b. ~~Reduced minimum lot setbacks;~~
    - c. ~~Increased maximum lot coverage;~~
    - d. ~~Increased maximum building height and/or stories;~~
    - e. ~~Reduced street standards.~~
  2. ~~A reduction in architectural design requirements;~~
  3. ~~A density bonus greater than the amount required by this chapter;~~
  4. ~~Other regulatory incentives proposed by the developer or the city, which result in identifiable, financially sufficient, and actual cost reductions;~~
  5. ~~If an applicant qualifies for a density bonus pursuant to this chapter, the applicant may request, in addition to any requested incentive(s), that the following parking requirement be applied to the project in place of the city's current parking requirements. The parking requirement is inclusive of handicapped and guest parking for the entire housing development, but shall not include on-street parking spaces in the count towards the parking requirement:~~
    - a. ~~Zero to one bedroom: one on-site parking space;~~
    - b. ~~Two to three bedrooms: two on-site parking spaces;~~
    - c. ~~Four or more bedrooms: two and one-half on-site parking spaces.~~
- B. ~~Eligibility for Incentives. Incentives are available to a housing developer as follows:~~
1. ~~One incentive for housing developments that (a) restrict at least ten (10) percent of the total units to lower income households, at least five percent for very low income households, or at least ten (10) percent for persons and families of moderate income in a common interest development, or (b) are for senior housing.~~
  2. ~~Two incentives for housing developments that restrict at least twenty (20) percent of the total units to lower income households, at least ten (10) percent for very low income households, or at least twenty (20) percent for persons and families of moderate income in a common interest development.~~
  3. ~~Three incentives for housing developments that restrict at least thirty (30) percent of the total units for lower income households, at least fifteen (15) percent for very low income~~

~~households, or at least thirty (30) percent for persons and families of moderate income in a common interest development.~~

~~17.104.070 Child care facilities.~~

- ~~A. Child Care Facility Density Bonus. When an applicant proposes to construct a housing development that is eligible for a density bonus under Section 17.104.040 of this chapter and California Government Code Section 65917.5, and includes a child care facility that will be located on the premises or adjacent to the housing development, the city shall grant either:~~
- ~~1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the square footage of the child care facility up to a combined maximum of thirty five (35) percent of the project square footage without the density bonus; or~~
  - ~~2. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.~~
- ~~B. Child Care Facility Requirements. The city shall require, as a condition of approving the housing development, the following to occur:~~
- ~~1. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable per this chapter; and~~
  - ~~2. Of the children who attend the child care facility, the children of very low income households, lower income households or families of moderate income households shall equal a percentage that is equal to or greater than the percentage of affordable units in the housing development that are required for very low, lower or families of moderate income households.~~
- ~~C. Child Care Facility Criteria. The city shall not be required to provide a density bonus or incentive for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.~~

~~17.104.080 Donation of land.~~

- ~~A. Donation of Land Density Bonus. When a developer of a tentative subdivision map, parcel map, or other residential development donates land to the city, the developer shall be entitled to a density bonus above the otherwise maximum allowable residential density, up to a maximum of thirty five (35) percent depending on the amount of land donated (see Section 17.104.050 of this chapter). This increase shall be in addition to any increase in density permitted by Section 17.104.040 of this chapter up to a maximum combined density increase of thirty five (35) percent if an applicant seeks both the increase required by Section 17.104.040 and this section of this chapter.~~

~~The developer shall be eligible for the density bonus for the donation of land, if all of the following conditions are met:~~

- ~~1. The developer shall donate and transfer land no later than the date of approval of the final subdivision map, parcel map, or residential development application;~~
- ~~2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in~~

~~the amount not less than ten (10) percent of the residential units in the proposed development;~~

- ~~3. The transferred land is at least one acre in size or of sufficient size to permit development of at least forty (40) units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The transferred land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low-income units on the transferred land, except that the city may subject the proposed development to subsequent design review if the design is not reviewed by the local government prior to the time of transfer;~~
- ~~4. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 17.104.110 of this chapter if required by financing programs or subsidy programs;~~
- ~~5. The land is transferred to the city or to a housing developer approved by the city. The city may require the developer to identify and transfer the land to the affordable housing developer; and~~
- ~~6. The transferred land shall be within the boundary of the proposed development or, if the city determines appropriate, within one-quarter mile of the boundary of the proposed development.~~

#### ~~17.104.090 General guidelines.~~

- ~~A. Location of Bonus Units. As required by California Government Code Section 65915(g), the location of density bonus units within the qualifying housing development may be at the discretion of the developer, and need not be in the same area of the project where the units for the lower income households are located as long as the density bonus units are located within the same housing development.~~
- ~~B. Preliminary Review. A developer may submit to the planning and redevelopment department a preliminary proposal for the development of housing pursuant to this chapter prior to the submittal of any formal application for a density bonus. The city shall, within ninety (90) days of receipt of a written proposal, notify the housing developer in writing of either (1) any specific requirements or procedures under this chapter, which the proposal has not met, or (2) the proposal is sufficient for preparation of an application for density bonus.~~
- ~~C. Infrastructure and Supply Capacity. Criteria to be considered in analyzing the requested bonus will include the availability and capacity of infrastructure (water, sewer, road capacity, etc.) and water supply to accommodate the additional density.~~

#### **17.104.050100 Findings for approval for density bonus and or incentive(s) Review process.**

An application for a density bonus, incentive(s) or concession(s) will be processed concurrently with all other applications required for the development. When the application is complete, notice shall be given as required by Section 17.40.020 – Type A and a hearing shall be held by the Planning Commission. The Planning Commission shall make recommendations to the City Council regarding the proposed density bonus and incentive(s) or concession(s). The City Council's decision shall be final.



- A. ~~Density Bonus Approval. The following finding shall be made by the approval authority in order to approve a density bonus request:-~~
  - 1. ~~The density bonus request meets the requirements of this chapter.-~~
- B. ~~Density Bonus Approval with Incentive(s). The following findings shall be made by the approval authority in order to approve a density bonus and incentive(s) request:-~~
  - 1. ~~The density bonus request meets the requirements of this chapter;-~~
  - 2. ~~The incentive is required in order to provide affordable housing; and~~
  - 3. ~~Approval of the incentive(s) will have no specific adverse impacts upon health, safety, or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, low, and moderate income households.-~~
- C. ~~Denial of a Request for an Incentive(s). The approval authority shall make the following findings prior to disallowing an incentive (in the case where an accompanying density bonus may be approved, or in the case of where an incentive(s) is requested for senior housing or child care facility):-~~
  - 1. ~~That the incentive is not necessary in order to provide for affordable housing costs as defined in Section 17.104.020 of this chapter, or for rents for the targeted units to be set as specified in Section 17.104.020 of this chapter.-~~
  - 2. ~~That the incentive would result in specific adverse impacts upon health, safety, or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, low, and moderate income households.-~~

#### **17.104.060110 Affordable housing agreement required.**

Prior to the issuance of a building permit for any dwelling unit in a development for which a density bonus, incentive(s) or concession(s) have been granted, the applicant shall enter into a written agreement with the city for the mandated duration of affordability. The terms and conditions of the agreement shall run with the land which is to be developed, shall be binding upon the successor in interest of the applicant, and shall be recorded in the Office of the Placer County Recorder. The agreement shall be approved by the City Council and shall address all issues required by state law.

- A. ~~Agreement Required. In approving a density bonus, the associated permit or tentative map shall require that an affordable housing agreement, or other form of agreement as approved by the city attorney, effectuating the terms of affordability of the development be executed prior to effectuation of the permit or recordation of the final map.-~~
- B. ~~Continued Availability. The density bonus request shall include the procedures proposed by the developer to maintain the continued affordability of all affordable income density bonus units and shall be evidenced by an affordable housing agreement as follows:-~~
  - 1. ~~An applicant shall agree to, and the city shall ensure, continued affordability of all very low and low income units that qualified the applicant for the award of the density bonus for thirty (30) years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 17.104.020 of this-~~

~~chapter. Owner-occupied units shall be available at an affordable housing cost as defined in Section 17.104.020 of this chapter.~~

- ~~2. An applicant shall agree to, and the city shall ensure that, the initial occupants of the moderate income units are directly related to the receipt of the density bonus in the common interest development as defined in Section 1351 of the California Civil Code, are persons and families of moderate income, as defined in Section 17.104.020 of this chapter and that the units are offered at an affordable housing cost, as that cost is defined in Section 17.104.020 of this chapter. The city shall enforce an equity sharing agreement unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:~~
  - ~~a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the California Health and Safety Code that promote homeownership.~~
  - ~~b. For purposes of this subdivision, the city's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate income household plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.~~
  - ~~c. For purposes of this subdivision, the city's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.~~

## 15. Off-Street Parking and Loading.

*Municipal Code section 17.108.040 is amended as follows:*

### **17.108.040 Parking space requirements by use type.**

The number of off-street parking spaces required for the land uses identified by Article III (regulations for the principal and special purpose zones) shall be as provided by this section, except where parking requirements are established by Article V (special area and specific use requirements) for a particular use, and except in the MU-1 zone where no on-site parking is required.

*Municipal Code section 17.108.040(A)(3) is amended as follows:*

3. Residential use types shall provide off-street parking spaces as follows:

RESIDENTIAL USE TYPES	NUMBER OF PARKING SPACES REQUIRED
<u>Accessory Dwelling Units</u>	<u>See Chapter 17.196</u>
Caretaker/Employee Housing	2 per dwelling
Community Care Facility, Small	2 per dwelling

Community Care Facility, Large	2 per dwelling plus 0.5 per sleeping room (a maximum of 2 spaces may be located within the front setback)
<b>Dwelling</b>	
Multifamily	
Studio	1.5 per unit, plus guest parking (see below)
1 Bedroom	1.5 per unit, plus guest parking (see below)
2+ Bedrooms	2 per unit, plus guest parking (see below)
Senior Citizen Apartments	1 per unit, plus guest parking (see below)
Guest Parking	Projects with 10 or more dwelling units shall provide 1 additional space for each 10 dwelling units or portion thereof
<del>Single-Family and Two-Family</del>	2 per dwelling
Family Day Care Home, Small	2 per dwelling plus 1 space for loading
Family Day Care Home, Large	2 per dwelling plus 1 space per employee not residing in the home, plus loading areas as required by Section 17.160.020B.
Mobilehome Park	2 per dwelling unit plus 1 guest space for each 10 dwelling units or portion thereof
Rooming and Boarding Houses	2 per dwelling plus 0.5 per sleeping room (a maximum of 2 spaces may be located within the front setback)
<u>Transitional and Supportive Housing</u>	<u>1 per staff member on-site during the largest shift plus one space for each bedroom</u>
<del>Second Units</del>	<del>Same as Single-Family and Two-Family</del>

## 16. Accessory Dwelling Units

*Municipal Code Chapter 17.196 is amended as follows:*

### ***Chapter 17.196 ~~SECOND~~ ACCESSORY DWELLING UNITS***

#### ***7.196.010 Purpose.***

The purposes of this section are to improve affordable housing opportunities in the City and to protect the health, safety, and general welfare of the residents of the City. In addition, this section is intended to meet the requirements of state law regarding accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) [California Government Code Sections 65852.2 and 65852.22]. ~~It is the purpose of this section to maintain the single family-character of established single family neighborhoods, while allowing for the possibility of second residential units on such lots.~~

#### ***17.196.020 Definitions.***

As used in this section: “Accessory dwelling unit” (ADU) and “junior accessory dwelling unit” (JADU) have the same meanings as defined in Government Code Sections 65852.2 and 65852.22, respectively, as they now exist or may hereafter be amended or replaced.

~~“Primary residential unit” means the first permanent residential structure built to serve as a dwelling unit on a parcel in an R-1 district.~~

~~"Second residential unit" means the second permanent residential structure built to serve as a separate dwelling unit on a parcel in an R-1 district. Mobilehomes without a permanent foundation and recreational vehicles are not considered, and shall not be allowed as, second residential units.~~

**17.196.030 ~~administrative permit required~~ Application for accessory dwelling unit permit.**

A. Accessory dwelling units are permitted in all zones within the City where single-family or multi-family residential units are permitted, subject to the owner first obtaining an accessory dwelling unit permit from City staff. Any application for an accessory dwelling unit that meets the unit size standards and development standards contained in Sections 17.196.040 and 17.196.050 or is the type of accessory dwelling unit described in Section 17.196.060, shall be approved ministerially by the city planner by applying the standards herein and without a public hearing.

B. An application for an accessory dwelling unit shall be made by the owner of the parcel on which the primary unit sits and shall be filed with the city planner on a city-approved application form and subject to the established fee.

~~A second residential unit may be permitted on a parcel in an R-1 district if an administrative permit is issued allowing it. The city may attach any conditions necessary to insure that the use is compatible with the neighborhood.~~

**17.196.040 Development standards and requirements.**

Any permit for an accessory dwelling unit shall be subject to the development standards listed below.

A. Legal lot/residence. An accessory dwelling unit shall only be allowed on a lot within the city that contains a single-family or multi-family residence as an existing or proposed primary unit on a lot.

B. Number of accessory dwelling units per lot.

1. For lots with proposed or existing single-family residences, no more than one (1) attached and one (1) detached accessory dwelling unit shall be permitted on the lot.

Notwithstanding the above, a lot with a single-family residence may also have one (1) junior accessory dwelling unit.

2. For lots with existing multi-family residential dwellings:

a. No more than twenty-five percent (25%) of the number of the existing units, but at least one (1) unit, shall be permitted as accessory dwelling units constructed within the non-livable space of the existing building provided that applicable building codes are met; and

b. Up to two (2) of either of the following types of units: a detached accessory dwelling unit or a new construction attached unit that adds square footage to the footprint of an existing building may be constructed.

C. Unit size and height standards.

1. The maximum floor area of an accessory dwelling unit shall not exceed either:

a. Eight hundred fifty (850) square feet for an accessory dwelling unit that is a studio or one-bedroom unit; or

b. One thousand (1000) square feet for an accessory dwelling unit that has two or more bedrooms.

2. The maximum height of accessory dwelling units shall not exceed:

a. Sixteen (16) feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.

b. Eighteen (18) feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of the Colfax train station. If necessary to align with the roof pitch of the accessory dwelling unit with the roof pitch of the primary dwelling unit, the building height may be increased up to two additional feet.

c. Eighteen (18) feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

d. The maximum height limitation that applies to the primary dwelling for an accessory dwelling unit that is attached to a primary dwelling.

D. Building Code Compliance. All new accessory dwelling units must satisfy the requirements contained in the building code and fire code as currently adopted by the city, including applicable energy efficiency standards associated with Title 24 of the California Code of Regulations. However, fire sprinklers shall not be required if they are not required for the primary residence.

E. Fees and Charges.

1. City/public utilities.

a. All accessory dwelling units must be connected to public utilities, including water, electric, and sewer services.

b. Except as provided in subsection c below, the City may require the installation of a new or separate utility connection between the accessory dwelling unit and the utility. The connection fee or capacity charge shall be proportionate to the burden of the proposed accessory dwelling unit based on either its square feet or number of drainage fixture unit values.

c. No separate connection between the accessory dwelling unit and the utility shall be required for units created within a single-family dwelling unless the accessory dwelling unit is being constructed in connection with a new single-family dwelling.

d. Regardless of where it is located, for the purposes of calculating utility connection fees or capacity charges, accessory dwelling units shall not be considered a new residential use unless the accessory dwelling unit was constructed with a new single-family dwelling.

2. Impact Fees.

a. For accessory dwelling units of seven hundred fifty (750) square feet or larger, all impact fees applicable to accessory dwelling unit's construction shall be paid to the

city in amounts proportional to the size of the accessory dwelling unit relative to the square footage of the primary dwelling unit.

- b. For accessory dwelling units less than seven hundred fifty (750) square feet or smaller, no impact fees shall be charged, unless otherwise allowed by state law.
- c. For purposes of this subsection, "impact fee" has the same meaning as specified in Government Code section 66000(b) and includes in-lieu park fees as specified in Government Code section 66477.

- 3. Application Fees. Application fees for an accessory dwelling unit shall be paid in an amount specified by resolution of the City Council.

F. Parking.

- 1. One on-site parking space shall be provided per accessory dwelling unit or per bedroom, whichever is less. The required parking space may be provided as:
  - a. Tandem parking on an existing driveway; or
  - b. Within a setback area or as tandem parking in locations determined feasible by the City for such use. Locations will be determined infeasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the City.
- 2. No parking shall be required for a studio accessory dwelling unit that does not have a separate bedroom.
- 3. Notwithstanding the foregoing, no parking spaces shall be required for accessory dwelling units in the following instances:
  - a. It is located within one-half mile walking distance of public transit;
  - b. It is located within an architecturally and historically significant district;
  - c. It is part of a 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 accessory dwelling unit; or
  - e. Where there is a car share vehicle located within one block of the accessory dwelling unit.
- 4. 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 parking spaces do not have to be replaced.

- G. Deed Restriction: Except as allowed under the limited circumstances described in Government Code section 65852.26, an accessory dwelling unit may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence. Prior to the issuance of a building permit for an accessory dwelling unit, the owner shall record with the county recorder a deed restriction in a form approved by the city that includes a prohibition on the sale of the accessory dwelling unit separate from the sale of the single-family residence.

- H. Conversion of existing primary unit. An existing primary dwelling may be converted to an accessory dwelling unit if it complies with all applicable requirements of this ordinance. If so, a new, larger primary residence may be constructed.

- I. Design requirements for new units. All new accessory dwelling units must comply with the following design requirements:

1. The materials, colors, and architecture shall be similar to and compatible with those of the primary unit.
  2. Accessory dwelling units shall comply with the height limitations of section 17.196.040(C)(2).
  3. Accessory dwelling unit entrances shall be separate from the main entrance to the proposed or existing single-family residence.
  4. Lighting shall not spill on to neighboring lots.
- J. Accessibility standards. New construction of any ground level accessory dwelling unit shall be designed and constructed to allow for disability/accessibility standards. Plans shall demonstrate future entrance capability and actual construction shall include adequate door and hallway widths, maneuvering space in kitchens and bathrooms, and structural reinforcements for grab bars.
- K. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
- L. For residential development, the garage door shall remain in place and look functional, or the garage door shall be removed. If the door is removed, the project shall include architectural features (including siding, doors, windows, trim and accent details), and landscaping (such as a landscape strip to disconnect the driveway from the building wall) so it is not apparent that the structure was originally a garage.
- M. Any ADU taking advantage of reduced setbacks pursuant to Section 17.196.050 shall not have doors or windows within such setback unless required to meet health and safety requirements.
- N. Accessory dwelling units approved under this Section 17.196.040 shall not be rented for a term of less than thirty (30) days.
- O. Setback requirements.
1. No setbacks are required for accessory dwelling units that are created by converting existing living area or existing accessory structures to new accessory dwelling units or constructing new accessory dwelling units in the same location and to the same dimensions as an existing structure.
  2. For all other accessory dwelling units, there must be a minimum of four feet from side and rear lot lines and they must comply with all other applicable front yard setbacks.

~~Second residential units must comply with the following standards, which are in addition to the general development standards set forth in Articles III and IV:-~~

- ~~A. The second residential unit shall be in compliance with existing zoning requirements, including setbacks and lot coverage;~~
- ~~B. A second residential unit may be attached to or detached from the primary unit;~~
- ~~C. In addition to the two off street parking spaces required for the primary residential unit, two (2) additional off street parking spaces shall be required for the second residential unit. The additional parking spaces may not be purchased or leased pursuant to subsection 17.108.040D. (purchase or lease of parking spaces);~~
- ~~D. There shall be a maximum of one second residential unit per parcel;~~

- ~~E. The second residential unit shall conform in design, materials and color to the primary residence;~~
- ~~F. A minimum lot size of seven thousand five hundred (7,500) square feet shall be required;~~
- ~~G. Except in the case of smaller efficiency units allowed by law, the minimum allowable floor area for a second residential unit shall be four hundred (400) square feet. The maximum allowable floor area for a second residential unit shall be six hundred forty (640) square feet or thirty five (35) percent of the original gross floor area of the primary unit, whichever is greater, up to a maximum of one thousand two hundred (1,200) square feet, unless otherwise specified by the planning commission;~~
- ~~H. If attached, the secondary unit shall have a separate outside entrance or a hallway leading directly to the outside;~~
- ~~I. A second residential unit shall not be added on a parcel with a pre-existing primary residential unit which does not have a legal sewer connection or does not conform to this code. The second residential unit shall also be required to obtain a separate legal sewer connection.~~

**17.196.050 Accessory dwelling units—Permitted regardless of compliance with other development standards and regulations.**

- A. Accessory dwelling unit permits shall be approved for the following types of accessory dwelling units, regardless of whether the application meets the development standards contained in this Title 17.
  - 1. For lots with single family dwellings:
    - a. One interior accessory dwelling unit per lot constructed within an existing or proposed single-family or accessory structure, including the construction of up to a one hundred fifty (150) square foot expansion beyond the same physical dimensions as the existing accessory dwelling structure to accommodate ingress and egress. The accessory dwelling unit must have exterior access and side and rear setbacks sufficient for fire safety;
    - b. One new, detached accessory dwelling unit with a minimum four-foot side and rear setbacks, up to eight hundred (800) square feet and no more than sixteen (16) feet high on a lot with an existing or proposed single family dwelling; and
    - c. A junior accessory dwelling unit built within an existing or proposed single-family dwelling, including the construction of up to a one hundred fifty (150) square foot expansion beyond the same physical dimensions as the existing single-family structure to accommodate ingress and egress. The accessory dwelling unit must have exterior access and side and rear setbacks sufficient for fire safety. A junior accessory dwelling unit must also comply with the requirements of section 17.196.070 below.
  - 2. For lots with existing multifamily dwellings:
    - a. Accessory dwelling units may be constructed in areas that are not used as livable space within an existing multi-family dwelling structure (i.e., storage rooms, boiler rooms, passageways, attics, basements, or garages), provided the spaces meet state building standards for dwellings. The number of interior accessory dwelling units permitted on the lot shall not exceed twenty-five percent (25%) of the current number of units of the multi-family complex on the lot and at least one such unit shall be allowed. Units constructed pursuant to this subsection shall not exceed eight hundred (800) square feet in floor area; and



- b. Up to two (2) of either of the follow types of units: a detached accessory dwelling unit or a new construction attached unit that adds square footage to the footprint of an existing building may be constructed, provided they do not exceed eight hundred (800) square feet in floor area, are no taller than sixteen (16) feet, and they have at least four (4) feet of side and rear yard setbacks.
- B. Accessory dwelling units approved under this Section 17.196.050 shall not be rented for a term of less than thirty (30) days.
- C. Accessory dwelling units or junior accessory dwelling units approved under this Section 17.196.050 shall not be required to correct legal nonconforming zoning conditions.

#### **17.196.0560 General plan.**

In adopting this section, the city recognizes that the approval of second residential units may, in some instances, result in dwelling unit densities exceeding the maximum densities prescribed by the general plan. The city finds that this occurrence is consistent with the general plan, as allowed under state planning and zoning law applicable to ~~second residential~~ accessory dwelling units and that the adoption of these sections furthers the goals, objectives and policies of the general plan housing element.

#### **17.196.070 Junior Accessory Dwelling Units.**

- A. Purposes: This Section provides standards for the establishment of junior accessory dwelling units, an alternative to the standard accessory dwelling unit. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit, will be constructed within the walls of an existing or proposed single family residence and requires owner occupancy in the single-family residence where the unit is located.
- B. Size: A junior accessory dwelling unit shall not exceed 500 square feet in size.
- C. Owner Occupancy: The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a primary residence either the primary dwelling or the junior accessory dwelling. Owner-occupancy is not required if the owner is a governmental agency, land trust, or housing organization.
- D. Sale Prohibited: A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.
- E. Short term rentals: The junior accessory dwelling unit shall not be rented for periods of less than 30 days.
- F. Location of Junior Accessory Dwelling Unit: A junior accessory dwelling unit shall be created within the existing walls of an existing primary dwelling.
- G. Kitchen Requirements: The junior accessory dwelling unit shall include an efficiency kitchen, including a food preparation counter, cooking appliances, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- H. Parking: No additional parking is required beyond that required at the time the existing primary dwelling was constructed.
- I. Fire Protection; Utility Service: For the purposes of any fire or life protection ordinance or regulation or for the purposes of providing service for water, sewer, or power, a junior accessory dwelling unit shall not be considered a separate or new unit, unless the junior accessory dwelling unit was constructed in conjunction with a new single-family dwelling. No separate connection between the junior accessory dwelling unit and the utility shall be required for units created within a single-family dwelling, unless the junior accessory dwelling unit is being constructed in connection with a new single-family dwelling.

J. Deed Restriction: Except as allowed under the limited circumstances described in Government Code section 65852.26, prior to the issuance of a building permit for a junior accessory dwelling unit, the owner shall record with the county recorder a deed restriction in a form approved by the city that includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, requires owner-occupancy consistent with subsection (C) above, does not permit short-term rentals, and restricts the size and attributes of the junior dwelling unit to those that conform with this section.

**Section B.** The remainder of Colfax Municipal Code Title 17-Zoning shall remain in full force and effect. If any of the provisions of Colfax Municipal Code Title 17 – Zoning are inconsistent with the provisions of this Ordinance, then this Ordinance and the provisions hereof shall control any inconsistent interpretation.