

ORDINANCE NO. 3722-C.S.

AN ORDINANCE AMENDING TITLE 10 OF MODESTO MUNICIPAL CODE TO AMEND SECTIONS 10-3.101, 10-3.217, 10-4.102, 10-4.107, 10-4.108, 10-4.112, 10-4.114, AND 10-4.115 AND ADD SECTION 10-4.116 REGARDING ACCESSORY DWELLING UNITS

WHEREAS, the State of California determined that in the last decade housing production did not keep pace with demand resulting in the lack of housing and in particular lack of affordable housing; and

WHEREAS, in 2019 changes to state law made it easier to develop accessory dwelling units that will contribute to the affordable housing supply; and

WHEREAS, this code amendment will bring the City of Modesto's Zoning Regulations consistent with state law regarding accessory dwelling units; and

WHEREAS, a public hearing was held by the Planning Commission on June 1, 2020, in the Chambers, 1010 Tenth Street, Modesto, California, in accordance with Executive Order N-29-20, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the public hearing was continued to July 6 to allow staff time to address comments received; and

WHEREAS, an incorrect redline version of the proposed code amendment was provided with the staff report for the July 6, 2020, meeting; and

WHEREAS, the public hearing was continued to July 20, 2020, to insure the Planning Commission and the public were provided the correct attachments to the staff report; and

WHEREAS, a public hearing was held by the Planning Commission on July 20, 2020, in the Chambers, 1010 Tenth Street, Modesto, California, in accordance with Executive Order N-

29-20, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the proposed code amendment that addresses regulations for accessory dwelling units is exempt from CEQA pursuant to CEQA Guidelines Section 15303 of the State CEQA Guidelines that exempts construction of small structures; and

WHEREAS, after a public hearing held on July 20, 2020, it was found and determined by the Planning Commission that the requested code amendment will not be detrimental to the public health, safety or welfare because providing more housing and especially affordable housing will benefit the community, the requested code amendment will result in an orderly planned use of land because the provision of development standards will help preserve privacy and light and air in residential areas and because it is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plan(s) because the proposed code amendment will reduce standards for the development of accessory dwelling units and will help provide more affordable housing consistent with the goals of the Housing Element, and

WHEREAS, by Resolution No. 2020-06, adopted on July 20, 2020, the Planning Commission recommended to the Council that the proposed amendments to Sections 10-3.101, 10-3.217, 10-4.102, 10-4.107, 10-4.108, 10-4.112, 10-4.114, and 10-4.115, and the addition of Section 10-4.116 of the Modesto Municipal Code, be approved, and

WHEREAS, this Code amendment was set for a public hearing on September 22, 2020, before the City Council, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendments to Sections 10-3.101, 10-3.217, 10-4.102, 10-4.107, 10-4.108, 10-4.112, 10-4.114, and 10-4.115, and the

addition of Section 10-4.116 of the Modesto Municipal Code, and

WHEREAS, evidence, both written and oral, was duly presented and considered by the City Council at the aforesaid public hearing; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

WHEREAS, after a public hearing held on September 22, 2020, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, this Council finds and determines as follows:

1. The requested change will not be detrimental to the public health, safety or welfare because providing more housing and especially affordable housing will benefit the community.
2. The requested change will result in an orderly planned use of land because the provision of development standards will help preserve privacy and light and air in residential areas.
3. The requested change is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plan(s) because the proposed code amendment will reduce standards for the development of accessory dwelling units and will help provide more affordable housing consistent with the goals of the Housing Element.

NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Title 10 of the Modesto Municipal Code, Chapter 3, "Land Use Regulations," Article 1, "Permitted and Conditional Land Uses," Sections 10-3.101 and 10-3.217 are hereby amended to read as follows:

**10-3.101 - Land Use Table.**

The following Land Use Table identifies those uses that are permitted, conditional, and not permitted for each listed zoning district.

(a) The land use symbols shown on Table 3.1-1 have the following meaning:

- (1) "P" indicates that the use is permitted
- (2) "C" indicates that the use is conditional (A conditional use permit is required)

- (3) "-" indicates that the use is not permitted
- (4) The zoning district symbols and corresponding zoning district names are as follows:

<b>R-1</b>	<b>Low Density Residential</b>
<b>R-2</b>	<b>Medium Density Residential</b>
<b>R-3</b>	<b>Medium-High Density Residential</b>
<b>P-O</b>	<b>Professional Office</b>
<b>C-1</b>	<b>Neighborhood Commercial</b>
<b>C-2</b>	<b>General Commercial</b>
<b>C-3</b>	<b>Highway Commercial</b>
<b>C-M</b>	<b>Commercial-Industrial</b>
<b>M-1</b>	<b>Light Industrial</b>
<b>M-2</b>	<b>Heavy Industrial</b>

See Chapter 4, Land Use Regulations, for the definition and purpose and intent of the zoning districts.

- (b) Refer to the Chapter 9, Administration, to determine the required application and process for permitted and conditional uses.
- (c) Refer to the notes column for additional information.

Land Use	Zoning Districts											Notes
	R-1	R-2	R-3	P-O	C-1	C-2	C-3	C-M	M-1	M-2		
<b>AGRICULTURAL</b>												
Community Gardens	P	P	P	P	P	P	P	P	P	P	P	See Section 10-2.114
Fruit and nut trees, vines, row crops, horticulture stock	P	P	P	P	P	P	P	P	P	P	P	
<b>RESIDENTIAL</b>												
<b>Accessory Uses</b>												
Animals and Fowl	P	P	P	-	-	-	-	-	-	-	-	See Section 10-3.202
Garage Sales	P	P	P	-	-	-	-	-	-	-	-	See Section 10-3.206
Home Business	P	P	P	-	-	-	-	-	-	-	-	See Section 10-3.207
Personal Cannabis Cultivation	P	P	P	P	P	P	P	P	P	P	P	See Section 10-3.601 et seq.
<b>Dwellings</b>												
Accessory Buildings	P	P	P	P	P	P	P	P	P	P	P	See Section 10-4.114
Accessory Dwelling Unit, Junior Accessory Dwelling Unit	P	P	P	-	-	-	-	-	-	-	-	See Section 10-4.115
Single Family Dwelling	P	P	P	-	-	-	-	-	-	-	-	In R-1, 1 unit per lot. For corner lots, see Section 10-3.217
Manufactured Homes	P	P	P	-	-	-	-	-	-	-	-	See Section 10-3.209
Multiple Family	-	P	P	C	C	C	C	-	-	-	-	See Sections 10-9.1002 b 3, 10-9.1002 b 5, and 10-4.115. ADUs and JADUs are allowed in conjunction with multiple family development on commercial properties for which a CUP has been issued in accordance with Section 10-4.115.
Mobile Home Parks	-	-	-	-	-	-	-	-	-	-	-	See Section 10-7.103 b 2
<b>Other Residential Uses within Dwellings</b>												
Lodging and Boarding (3 or fewer persons, 1 dwelling)	P	P	P	-	-	-	-	-	-	-	-	See Section 10-3.208
Lodging and Boarding (4 or more persons, 1 dwelling)	C	C	P	-	-	-	-	-	-	-	-	See Section 10-3.208
Lodging and Boarding (3 or fewer persons, 2 dwellings on a lot)	-	P	P	C	C	C	C	-	-	-	-	See Section 10-3.208
Lodging and Boarding (4 or more persons, 2 dwellings on a lot)	-	C	P	C	C	C	C	-	-	-	-	See Section 10-3.208
<b>CIVIC/INSTITUTIONAL</b>												
<b>Educational Facilities</b>												
School - Private (including charter schools)	C	C	C	C	P	P	P	C	C	C		
School - Public (including charter schools)	C	C	C	C	P	P	P	C	C	C		
School - Vocational	-	-	-	C	P	P	P	P	P	P		
<b>Healthcare Facilities</b>												
Hospital	-	-	-	-	-	P	P	P	P	P		
Substance Abuse Clinic/Facility	-	-	-	P	P	P	P	P	P	P		
Veterinary Hospital (large animals)	-	-	-	-	-	-	-	P	P	P		See Section 10-2.1100

Veterinary Hospital (small animals)	-	-	-	P	P	P	P	P	P	P	See Section 10-2.1101
Land Use	Zoning Districts										Notes
	R-1	R-2	R-3	P-O	C-1	C-2	C-3	C-M	M-1	M-2	
<b>Non-Profit Organization</b>											
No Retail (office, classroom, meeting hall)	C	C	C	C	P	P	P	P	P	P	
Retail	-	-	-	-	P	P	P	P	P	P	
<b>Public Facilities</b>											
Library	-	-	-	-	P	P	P	P	P	P	
Museum	-	-	-	-	P	P	P	P	P	P	
Public Buildings and Grounds (i.e. corporation yard)	C	C	C	C	C	C	C	P	P	P	
Public Facilities, Minor (wells, pumps)	P	P	P	P	P	P	P	P	P	P	
Public Parks	P	P	P	P	P	P	P	P	P	P	
Storm Drainage Facilities	P	P	P	P	P	P	P	P	P	P	
<b>Quasi-Public Facilities</b>											
Cemetery	-	-	-	-	-	-	-	-	-	-	See Section 10-7.103 b 3
Church (place of worship)	C	C	C	C	P	P	P	P	P	P	
<b>Utilities</b>											
Solar Energy Systems (accessory use)	P	P	P	P	P	P	P	P	P	P	See Section 10-2.187
Solar Energy Farm	-	-	-	-	-	-	-	-	P	P	See Section 10-2.186
Utility Company Buildings, Facilities, and Grounds	C	C	C	C	C	C	C	P	P	P	
Utilities and Railroads											See Section 10-3.221
<b>COMMERCIAL</b>											
<b>Communication</b>											
Broadcasting Studio (radio or television)	-	-	-	-	-	P	P	P	P	P	
Radio or Television Transmitter	-	-	-	-	C	C	C	P	P	P	
Wireless Telecommunication Facilities											See Chapter 3, Article 4
<b>Entertainment</b>											
Adult Entertainment Business	-	-	-	-	-	-	-	-	P	P	See Chapter 3, Article 3
Carnival (entertainment permit required)	-	-	-	-	-	P	P	P	P	P	See Title 4, Chapter 1, Article 4
Circus (entertainment permit required)	-	-	-	-	-	P	P	P	P	P	See Title 4, Chapter 1, Article 4
Entertainment Establishment (entertainment permit required)	-	-	-	-	-	P	P	P	P	P	See Title 4, Chapter 1, Article 4
Theater, Motion Picture (indoor)	-	-	-	-	-	P	P	P	P	P	
Commercial Cannabis Uses											See Chapter 3, Article 7
Commercial Marijuana Activity	-	-	-	-	-	-	-	-	-	-	See Section 10-3.210
<b>Lodging</b>											
Motel, Hotel	-	-	-	-	P	P	P	P	P	P	
Bed and Breakfast (2 rooms for lodging, owner resides on site)	P	P	P	-	-	-	-	-	-	-	
<b>Office</b>											
General	-	-	-	P	P	P	P	P	P	P	See Section 10-2.159

Land Use	Zoning Districts										Notes
	R-1	R-2	R-3	P-O	C-1	C-2	C-3	C-M	M-1	M-2	
Medical	-	-	-	P	P	P	P	P	P	P	See Section 10-2.160
<b>Outdoor Sales and Activities</b>											
Auction Yard	-	-	-	-	-	-	-	-	P	P	
Commercial											
Certified Farmers' Market	-	-	-	-	P	P	P	P	P	P	See Section 10-3.212 a
Food and Drink Stands	-	-	-	-	P	P	P	P	P	P	See Section 10-3.212 b
Fund Raisers (nonprofit organizations)	P	P	P	P	P	P	P	P	P	P	See Section 10-3.212 c
Outdoor Dining Areas	-	-	-	-	P	P	P	P	P	P	See Section 10-3.212 d
Outdoor Display, major	-	-	-	-	-	P	P	P	P	P	See Section 10-3.212 e (2)
Outdoor Display, minor	-	-	-	-	P	P	P	P	P	P	See Section 10-3.212 e (1)
Outdoor Sales (products customarily sold indoor)	-	-	-	-	P	P	P	P	P	P	See Section 10-3.212 f
Promotions	P	P	P	P	P	P	P	P	P	P	See Section 10-3.212 g
Seasonal Sales (fire works, pumpkins, Christmas trees)	P	P	P	P	P	P	P	P	P	P	See Section 10-3.212 h
Vehicle Food Vendors	-	-	-	-	-	-	-	-	P	P	See Section 10-3.212 i
Flea Market - Indoor	-	-	-	-	-	P	P	P	P	P	
Flea Market - Outdoor	-	-	-	-	-	-	-	-	P	P	
Industrial	-	-	-	-	-	-	-	P	P	P	See Section 10-3.213
<b>Recreational</b>											
Campground, Recreation Vehicle Overnight Park	-	-	-	-	-	-	C	P	P	P	
Health Club	-	-	-	-	P	P	P	P	P	P	
Private Club, Lodge, Social Club, Cultural Center	-	-	-	-	P	P	P	P	P	P	
Recreation Facility - Indoor	-	-	-	-	C	P	P	P	P	P	See Section 10-2.165
Recreation Facility - Outdoor	-	-	-	-	-	C	C	P	P	P	See Section 10-2.166
<b>Recycling (Collection)</b>											
Recycling Facility, Large (more than 500 SF area)	-	-	-	-	-	C	C	P	P	P	
Recycling Facility, Small (500 SF max area)	-	-	-	-	P	P	P	P	P	P	See Section 10-3.215 b
Unattended Containers no more than 50 SF area (in residential zones w/ school, church, or government use)	P	P	P	-	-	-	-	-	-	-	See Section 10-3.215 a
Unattended Containers/Reverse Vending Machine no more than 50 SF area (w/ permitted or conditional use)	-	-	-	P	P	P	P	P	P	P	
<b>Restaurants</b>											
Banquet Hall	-	-	-	-	-	C/P	C/P	C/P	C/P	C/P	See Section 10-3.203
Bar, Cocktail Lounge, Tavern	-	-	-	-	-	C/P	C/P	C/P	C/P	C/P	See Section 10-3.203
Restaurants (w/ alcohol)	-	-	-	-	C/P	C/P	C/P	C/P	C/P	C/P	See Section 10-3.203
Restaurants (w/o alcohol)	-	-	-	-	P	P	P	P	P	P	
<b>Retail</b>											
General Retail	-	-	-	-	-	P	P	P	P	P	See Section 10-2.174

Land Use	Zoning Districts										Notes
	R-1	R-2	R-3	P-O	C-1	C-2	C-3	C-M	M-1	M-2	
Neighborhood Retail	-	-	-	-	P	P	P	P	P	P	See Section 10-2.175
<b>Services</b>											
General Services											
Ambulance Service	-	-	-	-	-	P	P	P	P	P	
Armored Car Service	-	-	-	-	-	P	P	P	P	P	
Business Services	-	-	-	-	P	P	P	P	P	P	See Section 10-2.178
Car Wash	-	-	-	-	-	C/P	C/P	C/P	C/P	C/P	See Section 10-3.222
Equipment Rental (indoors)	-	-	-	-	-	P	P	P	P	P	
Exterminating Service	-	-	-	-	-	P	P	P	P	P	
Fortune Telling	-	-	-	-	-	P	P	P	P	P	
Funeral Home (includes cremation)	-	-	-	-	-	C	C	P	P	P	
Janitor Service	-	-	-	-	-	P	P	P	P	P	
Kennel	-	-	-	-	-	C	C	P	P	P	
Laboratory (research and testing)	-	-	-	-	-	P	P	P	P	P	
Package Delivery Service	-	-	-	-	-	-	C	P	P	P	
Personal Services	-	-	-	-	P	P	P	P	P	P	See Section 10-2.179
Security Company	-	-	-	-	-	P	P	P	P	P	
Self Storage	-	-	-	-	-	-	C	P	P	P	
Sign Painting Shop	-	-	-	-	-	P	P	P	P	P	
Stone Monument	-	-	-	-	C	C	C	P	P	P	
Taxicab Service	-	-	-	-	-	P	P	P	P	P	
Taxidermist Shop	-	-	-	-	-	P	P	P	P	P	
Towing Services (no impound yard)	-	-	-	-	-	P	P	P	P	P	
Trade Services	-	-	-	-	-	P	P	P	P	P	See Section 10-2.182
Repair Services											
Major Repair	-	-	-	-	-	P	P	P	P	P	See Section 10-2.180
Minor Repair	-	-	-	-	P	P	P	P	P	P	See Section 10-2.181
Social Assistance Services											
Assisted Living Facility	C	C	P	P	P	P	P	-	-	-	
Adult Day Care (3 or fewer clients, 1 unit per lot)	P	P	P	-	-	-	-	-	-	-	Residential dwelling. Clients plus family members
Adult Day Care (4 or more clients, 1 unit per lot)	C	C	C	-	-	-	-	-	-	-	
Adult Day Care (3 or fewer clients, 2 units per lot)	C	C	C	-	-	-	-	-	-	-	
Adult Day Care	C	C	C	C	P	P	P	P	P	P	Commercial facility
Day Care Home - Small Family (6 or fewer children)	P	P	P	-	-	-	-	-	-	-	See Section 10-3.204 a 1
Day Care Home - Large Family (7-14 children)	P	P	P	-	-	-	-	-	-	-	See Section 10-3.204 a 2
Child Day Care Home (15 or more children)	C	C	C	-	-	-	-	-	-	-	See Section 10-3.204 a 3

Land Use	Zoning Districts										Notes
	R-1	R-2	R-3	P-O	C-1	C-2	C-3	C-M	M-1	M-2	
Child Day Care Center	C	C	C	C	P	P	P	P	P	P	See Section 10-3.204 b
Convalescent and Other Care Facility	C	C	C	C	P	P	P	P	P	P	Commercial facility
Emergency Shelter	-	-	-	-	C	C	C	C	C	C	See Section 10-3.205
Homeless Shelter	-	-	-	-	C	C	C	C	C	C	
Residential Care Facility (6 or fewer persons)	P	P	P	-	-	-	-	-	-	-	
Residential Care Facility (7 or more persons)	C	C	C	-	-	-	-	-	-	-	
Residential Care Facility (2 or more care facilities)	C	C	C	-	-	-	-	-	-	-	See Section 10-3.216
Residential Service Facility (not State licensed)	C	C	C	-	-	-	-	-	-	-	
Supportive Housing	P	P	P	-	-	-	-	-	-	-	See Section 10-2.192
Supportive Housing (7 or more persons if it operates as residential care facility or residential service facility)	C	C	C	-	-	-	-	-	-	-	See Section 10-2.192
Transitional Housing	P	P	P	-	-	-	-	-	-	-	See Section 10-2.194
<b>Vehicle Related</b>											
Heavy Vehicles											See Section 10-2.198
Farm Equipment Sales, Rental, Repair, & Service	-	-	-	-	-	-	C	P	P	P	
Truck & Trailer Sales, Rental, Repair, & Service	-	-	-	-	-	-	C	P	P	P	
Light Vehicles											See Section 10-2.199
Minor Maintenance (minor tune up, smog check)	-	-	-	-	C/P	C/P	C/P	C/P	C/P	C/P	See Section 10-3.222
Parts Store	-	-	-	-	P	P	P	P	P	P	
Rental and Sales	-	-	-	-	-	P	P	P	P	P	
Repair and Service, Major	-	-	-	-	-	-	C/P	C/P	C/P	C/P	See Sections 10-2.199 a and 10-3.222
Repair and Service, Minor	-	-	-	-	-	C/P	C/P	C/P	C/P	C/P	See Sections 10-2.199 b and 10-3.222
Service Station	-	-	-	-	P	P	P	P	P	P	
Stereo Installation	-	-	-	-	-	C/P	C/P	C/P	C/P	C/P	See Section 10-3.222
<b>INDUSTRIAL</b>											
<b>Manufacturing</b>											
Heavy	-	-	-	-	-	-	-	-	-	P	See Section 10-2.150
Light	-	-	-	-	-	-	-	-	P	P	See Section 10-2.151
Other Manufacturing Involving:											
Chemical Products (Hazardous)	-	-	-	-	-	-	-	-	-	C	
Explosives	-	-	-	-	-	-	-	-	-	C	
Natural Gas and Gas Products	-	-	-	-	-	-	-	-	-	C	
Paper, Pulp, and Wood (no burning operation)	-	-	-	-	-	-	-	-	-	C	
<b>Other Industrial</b>											
Animal Slaughter Facility	-	-	-	-	-	-	-	-	-	C	
Brewery	-	-	-	-	-	-	-	-	P	P	

Land Use	Zoning Districts										Notes
	R-1	R-2	R-3	P-O	C-1	C-2	C-3	C-M	M-1	M-2	
Microbrewery	-	-	-	-	-	C/P	C/P	C/P	C/P	C/P	See Section 10-3.203
Bulk Fuel Storage (Class II flammable liquids for the power needs of food processing plants)	-	-	-	-	-	-	-	-	P	P	
Cabinet Shop	-	-	-	-	-	-	-	P	P	P	
Contracting Business (with equipment and materials yard)	-	-	-	-	-	-	-	P	P	P	
Distributing, Freighting or Trucking Yard	-	-	-	-	-	-	-	-	P	P	
Equipment Rental Yard	-	-	-	-	-	-	-	P	P	P	
Laundry and Dry Cleaning Plant	-	-	-	-	-	-	-	P	P	P	
Machine Shop	-	-	-	-	-	-	-	P	P	P	
Power Plant	-	-	-	-	-	-	-	-	C	P	
Rock Crushing	-	-	-	-	-	-	-	-	-	C	
Sand, Gravel, Brick, and Building Block Yard (no concrete mixing, manufacture or rock crushing)	-	-	-	-	-	-	-	-	P	P	
Sheet Metal Shop	-	-	-	-	-	-	-	P	P	P	
Tire Rebuilding, Recapping, Retreading	-	-	-	-	-	-	-	P	P	P	
Transit and Transportation Equipment Storage Yard	-	-	-	-	-	-	-	-	P	P	
Vehicle Impound Yard	-	-	-	-	-	-	-	P	P	P	
Warehousing	-	-	-	-	-	-	-	P	P	P	
Waste Disposal or Transfer Station	-	-	-	-	-	-	-	-	-	C	
Welding Shop	-	-	-	-	-	-	-	P	P	P	
Wholesale Business	-	-	-	-	-	-	-	P	P	P	
Winery	-	-	-	-	-	-	-	-	-	P	
<b>Recycling Facilities</b>											
Recycling, Junk Handling, Processing and Storage, Heavy	-	-	-	-	-	-	-	-	-	C	
Recycling Processing Facility, Light	-	-	-	-	-	-	-	-	P	P	
Vehicle Salvage, Wrecking	-	-	-	-	-	-	-	-	-	C	
Miscellaneous											
Accessory Uses and Buildings											
Customarily incidental to permitted & conditional uses	P	P	P	P	P	P	P	P	P	P	See Section 10-3.201 a
Incidental Manufacturing, Processing, Packaging, Storage, or Wholesale Sales	-	-	-	-	P	P	P	P			See Section 10-3.201 b
<b>Parking</b>											
Parking Area in residential zone for adjacent nonresidential use in nonresidential zone	C	C	C	-	-	-	-	-	-	-	
Parking Area in P-O zone for adjacent commercial use in commercial zone	-	-	-	P	-	-	-	-	-	-	
Parking Lot or Garage	-	-	-	-	P	P	P	P	P	P	

Land Use	Zoning Districts										Notes
	R-1	R-2	R-3	P-O	C-1	C-2	C-3	C-M	M-1	M-2	
Recreational Vehicles	P	P	P	P	P	P	P	P	P	P	See Section 10-3.214
Trucks and Truck Trailers in residential zones	-	-	-								See Section 10-3.220
<b>Temporary Buildings</b>											
Construction Buildings	P	P	P	P	P	P	P	P	P	P	See Section 10-3.218
Mobile Living Quarters	P	P	P	-	-	-	-	-	-	-	See Section 10-3.211
Sales Offices and Model Homes	P	P	P	P	P	P	P	P	P	P	See Section 10-3.219
<b>Legend</b>											
P - Permitted Use - Not Permitted C -Conditional Use Note: A blank box means the land use is not applicable and/or refer to notes.											

**10-3.217 Corner Lots in the R-1 Zone.**

- (a) Two (2) single-family dwellings or a duplex on any corner lot are allowed, provided that the driveway serving the off-street parking for each unit shall take access from different streets. If the lot has access to an alley, one (1) or both driveways may access to the alley.

SECTION 2. AMENDMENT OF CODE. Title 10 of the Modesto Municipal Code, Chapter 4, "Development Standards," Article 1, "Residential Zones (R-1, R-2, R-3)," Sections 10-4.102, 10-4.107, 10-4.108, 10-4.112, 10-4.114, 10-4.115 Table 4.1-1 "Permitted and Conditional Land Uses," Table 4.1-2 "Accessory Buildings Development Standards," and Table 4.1-3, "Accessory Dwelling Unit (ADU) Development Standards," is hereby amended to read as follows:

**10-4.102 - Development Standards.**

The development standards for the residential zones are found in Table 4.1-1. The specific residential development standards provided after the table apply to all residential zones unless otherwise specified.

**Table 4.1-1 Residential Development Standards**

Development Standards		Zoning Districts Notes				
		R-1	R-2	R-3	Notes	
<b>LOT REQUIREMENTS</b>						
<b>Area</b> (minimum in sf ft)						
Interior Lot		5,000	6,000	6,000	See Section 10-4.103	
Corner Lot		5,500	6,500	6,500		
<b>Density</b>						
Minimum		-	-	-	See Section 10-4.104	
Maximum		-	-	-		
<b>Width</b> (minimum in feet)						
Interior Lot		50	60	60	See Section 10-4.105 a	
Corner Lot		60	60	60	See Section 10-4.105 b	
Flag Lot		20	20	20	See Section 10-4.105 c	
<b>Coverage</b> (maximum in %)						
Interior Lot		50	55	60	See Section 10-2.141. For accessory dwelling units, see Section 10-4.115.	
Corner Lot		55	60	65		
<b>SETBACK REQUIREMENTS</b>						
<b>Front and Street-Side (corner lot)</b> (minimum in feet)					See Section 10-4.106	
Buildings (except garage, carport, parking space)		15	15	15		
Garage, Carport, Parking Space (Side facing/front facing)		15/20	15/20	15/20		
<b>Side, (interior)</b> (minimum in feet)					See Section 10-4.107 b	
Buildings, Main - One Story Portion		5	5	5		
- Two Story Portion		Adjacent to R-1 <sup>(1)</sup>	10	15	15	See Sections 10-4.107 a and 10-4.110 for 2 <sup>nd</sup> story dwellings
		Not Adjacent to R-1 <sup>(1)</sup>	10	10	10	
- Three Story Portion		Adjacent to R-1 <sup>(1)</sup>	-	-	20	
		Not Adjacent to R-1 <sup>(1)</sup>	-	-	10	
Accessory Building, Garage, Carport, Parking Space - One Story		5	5	5	See Section 10-4.114	
- Two Stories			5	5		
Accessory Dwelling Unit					See Section 10-4.115	
<b>Rear</b> (minimum in feet)						
Buildings, Main - One Story Portion		10	10	10	See Section 10-4.108 (a)	
- Two Story Portion		15	15	15		
- Three Story Portion		Adjacent to R-1 <sup>(1)</sup>	-	-	20	
		Not Adjacent to R-1	-	-	15	
Accessory Building, Garage, Carport, Parking Space - One Story		5	5	5	See Section 10-4.108 (b) and 10-4.114	
- Two Stories		5	5	5		
<b>HEIGHT REQUIREMENTS</b>						
Structure (maximum height in stories/feet, whichever is less)		2/30	2/30	3/42	See Sections 10-4.109 & 10-4.110	
<b>OTHER REQUIREMENTS</b>						
Parking					See Chapter 5	
Signs					See Chapter 6	
Fencing					See Section 10-4.406	
Street Frontage					See Section 10-4.111	
Lots with Existing Units					See Section 10-4.112	
Design					See Section 10-4.113	
<sup>(1)</sup> Adjacent to R-1 zone includes property zoned R-1 in the City including P-D zones (with R-1 density) and property zoned A-2, R-A, and R-1 in the County.						

#### **10-4.107 Side Setback**

- (a) In the R-1 zone, a minimum ten (10) foot setback shall be required for two-story portions of a new dwelling or second-story additions to an existing dwelling where located adjacent to an existing single-story dwelling, and subject to development plan review pursuant to Section 10- 4.110. The ten (10) foot setback does not apply where the subject lot and adjacent lot were created by a final map within the past ten years. The required ten (10) foot setback may be reduced to a minimum of five (5) feet if it can be demonstrated that the additional setback is infeasible due to physical constraints and that the reduced setback is consistent with the Neighborhood Compatibility Guidelines as determined by the Director.
- (b) Use of a side yard by an adjacent property owner is permitted only in subdivisions where a permanent side yard use easement is granted from one parcel to the adjacent parcel creating a de facto zero lot line subdivision. An example of a de facto zero lot line subdivision is Walnut Tree Estates, located at Walnut Tree Drive and Merle Avenue, the final map for which was filed on May 20, 1981, in Volume 29 of Maps, Page 90, Stanislaus County Records, the special provisions for permanent use of the side yard which were specified in Ordinance No.2286-C.S. approved on September 4, 1984.
- (c) For accessory dwelling units, see Section 10-4.115.

#### **10-4.108 Rear Setback.**

- (a) The minimum rear setback shall be fifteen (15) feet for any building that backs up to a Major Collector, Arterial Street or Expressway.
- (b) The minimum rear setback shall be five (5) feet for any garage, carport, or parking space with access off an alley. The garage or carport may be detached or attached.  
  
The minimum rear setback for patios covers opened on three sides shall be five (5) feet, except where the lot backs up to a Major Collector, Arterial Street or Expressway, where the setback shall be ten (10) feet.
- (c) For accessory dwelling units, see Section 10-4.115.

#### **10-4.112 Lots with Existing Units.**

If a dwelling(s) is added to a lot with an existing dwelling(s), the existing dwelling(s) shall comply with the Building and Maintenance code prior to occupancy of the additional dwelling(s). The main unit is exempt from this requirement if the added dwelling(s) is an accessory dwelling unit or junior accessory dwelling unit.

**10-4.114 Accessory Buildings.**

The following regulations provided in Table 4.1-2 apply to accessory buildings in the R-1 Zone or any residential zone where the lot contains only an existing single-family dwelling (SFD).

**Table 4.1-2 Accessory Buildings Development Standards**

Development Standards		Zoning Districts		Notes
		R-1 or Residential Zone with SFD		
<b>FLOOR AREA REQUIREMENTS</b>				
Accessory Building	Lot Size (in sq. ft)	Maximum Floor Area (in sq. ft)		Combined total if multiple buildings. Must comply with lot coverage. Lots 40,000 square feet or more may ask for an exception per Section 10-9.502.
	Less than 5,000	400	or 50% of main building, whichever is less	
	5,000 to less than 10,000	600		
	10,000 to less than 20,000	800		
	20,000 or greater	1,000		
<b>SETBACK REQUIREMENTS</b>				
		120 sq. ft or less	Greater than 120 sq. ft	
Front (minimum in feet)		25	25	
Street Side (minimum in feet)		15	15	
Side and Rear (minimum in feet)	Existing	0	0	Existing setbacks allowed
	New	0	4	
Distance From Main House		0	5	For existing accessory building that has less than a 5-foot side and/or rear setback
<b>HEIGHT REQUIREMENTS</b>				
Accessory Building (maximum height in stories/feet)		1/16		Higher for garages and carports if deemed appropriate by Director

**10-4.115 Accessory Dwelling Units.**

The following regulations provided below and in Table 4.1-3 apply to accessory dwelling units in any zone that allows residential uses. These regulations may be applicable to corner lots in addition to the regulations for an allowed duplex provided in Section 10-3.217. One main dwelling unit and one accessory dwelling unit and one junior accessory dwelling unit may be allowed on any lot in a residential or mixed use zone where there is only one existing single family dwelling on the lot.

An accessory dwelling unit shall be sized as shown on Table 4.1-3. It may be attached to or detached from the main dwelling unit.

- (a) A junior accessory dwelling unit shall be no larger than 500 square feet and is contained within a single family residence or its attached garage. It may include separate sanitation facilities, or may share sanitation facilities with the existing

structure. A junior accessory dwelling unit shall have a separate entrance from the main structure, an efficiency kitchen with appliances, a countertop, and cabinets. An expansion beyond the existing structure of no more than 150 square feet shall be limited to accommodating ingress and egress. Prior to final inspection of any such unit, owner shall record a notice of conditions specifying that owner shall occupy one (1) of the units at all times.

- (b) Maintaining a single-family dwelling appearance is encouraged through means such as:
  - (1) For attached ADUs, putting the second unit entrance to the side or rear of the main building so it is not readily visible from the same street as the first unit's entrance.
  - (2) Employing construction materials and architectural styles which blend the units so they appear as a single residence if attached or a single residence and accessory building if detached.
- (c) On lots occupied by multifamily dwelling(s) up to 25 percent more units, with a minimum of one unit, greater than the number of existing dwelling units as of January 1, 2020, may be added in the portions of existing multifamily structures not used as living space, including in areas such as storage rooms, boiler rooms, passageways, attics, and garages. Any of these units may be a junior accessory dwelling unit.
- (d) No more than two accessory dwellings in a new building detached from the existing buildings may be added to a lot that has an existing multifamily dwelling.
- (e) Accessory dwelling units and junior accessory dwelling units may only be rented in increments of 30 days or more.
- (f) Notwithstanding Section 10-4.110 (a), second story accessory dwellings that meet the following criteria are exempt from second-story development plan review. Where adjacent development is residential and there is a rear yard, windows that provide unobstructed views of a significant portion of the rear yard shall have either no windows or windows having a bottom sill at least 5 feet 8 inches from the finished floor of the second story. This does not apply to a window required by the Building Code to be usable for accessible emergency access.
- (g) The City Council may designate, from time to time, by resolution, areas within which accessory dwelling units will not be permitted due to infrastructure constraints relating to water and sanitary sewer.

**Table 4.1-3 Accessory Dwelling Unit (ADU) Development Standards**

Development Standards			Maximum Square Footage	Notes
<b>RESIDENTIAL ZONE WITH SINGLE FAMILY DWELLING</b>				
Attached or Detached ADU – One bedroom			850	If the accessory unit is attached to the main unit, square footage is limited to no more than 50% of the main unit. If the accessory dwelling unit is 800 sf or less, lot coverage as shown on Table 4.1-1 does not apply.
Attached or Detached ADU – More than one bedroom			1000	
Junior ADU in Single Family Dwelling			500	See Section 10-4.115 (a)
<b>MULTIPLE FAMILY LOTS</b>				
ADU with Multiple Family Dwelling(s)				See Section 10-4.115 (c) and (d)
<b>SETBACK REQUIREMENTS</b>				
<b>Front</b> (minimum in feet)			25	
<b>Street Side</b> (minimum in feet)			15	
<b>Side and Rear</b> (minimum in feet)				
Main Dwelling	Conversion within dwelling		-	Existing setbacks
	Expansion	Above garage	5	See Section 10-4.110, second-story review
		1 <sup>st</sup> Story	4 -	See Table 4.1-1 for setbacks
Detached Building (Garage, Accessory Building)	Existing	Conversion	0	Existing setbacks allowed
		Expansion 1 <sup>st</sup> Story	4	No increase of nonconformity
		Expansion 2 <sup>nd</sup> Story	5	See Section 10-4.110, second-story review
	New		4/5	1 story / 2 story
<b>HEIGHT REQUIREMENTS</b>				
ADU (maximum height in stories/feet)			1/16 2/25	If 1 story maximum height is 16 feet. If 2 stories maximum height is 25 feet.

SECTION 3. ADDITION OF CODE. Title 10 of the Modesto Municipal Code, Chapter 4, “Development Standards,” Article 1, “Residential Zones (R-1, R-1, R-3),” Section 10-4.116 is hereby added to read as follows:

**10-4.116      Parking, Accessory Dwelling Units.**

- (a) No more than one off-street parking space shall be required for an accessory dwelling unit. Parking may be tandem or in an existing driveway. An uncovered parking space for an accessory dwelling unit may be within the required setback.
- (b) No parking is required for an accessory dwelling unit or a junior accessory dwelling unit if

- (1) The unit is within 0.5 miles walking distance of a transit stop.
  - (2) The accessory dwelling unit is within an architecturally and historically significant district.
  - (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
  - (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
  - (5) When there is a car share vehicle located within one block of the accessory dwelling unit.
- (c) When a garage, carport, or other covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or is converted to an accessory dwelling unit, the lost off-street parking is not required to be replaced.

SECTION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15303 of the State CEQA Guidelines that exempts construction of small structures.

SECTION 5. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 6. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of September, 2020, by Councilmember Ridenour, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki,  
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

APPROVED: \_\_\_\_\_  
TED BRANDVOLD, Mayor

ATTEST:

By:  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  
JOSE M. SANCHEZ, City Attorney

APPROVED AS TO DESCRIPTION:

By:  
Community & Economic Development  
Department, Planning Division

ORDINANCE NO. 3722-C.C.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> of October, 2020, Councilmember Kenoyer moved its final adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,  
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: \_\_\_\_\_  
MAYOR, TED BRANDVOLD

ATTEST: \_\_\_\_\_  
STEPHANIE LOPEZ, City Clerk

Effective Date: November 5, 2020