

CITY OF ORLAND

CITY COUNCIL ORDINANCE NO. 2020-06

AN ORDINANCE OF THE CITY OF ORLAND CITY COUNCIL AMENDING THE ORLAND MUNICIPAL CODE AND APPROVING THE ASSOCIATED CEQA EXEMPTION TO COMPLY WITH STATE ACCESSORY DWELLING UNIT AND JUNIOR ACCESSORY DWELLING UNIT LAWS

WHEREAS, On January 1, 2020, the State of California adopted revisions to Government Code Sections 65852.2 and 65852.22 regarding accessory dwelling units and junior accessory dwelling units; and

WHEREAS, adoption of revisions of Government Code Sections 65852.2 and 65852.22 by the State results in necessary revisions to the City's Municipal Code; and

WHEREAS, the Planning Commission of the City of Orland, California held a duly noticed Public Hearing to consider the matter on February 20th, 2020, as provided by law; and

WHEREAS, *Title 17- Zoning- Chapter 17.08- Definitions, Section § 17.08.145- Accessory Dwelling Unit; Chapter 17.20- R-1 RESIDENTIAL ONE FAMILY ZONE, Section § 17.20.020- Principal Permitted Uses; Chapter 17.24- R-2 RESIDENTIAL TWO- FAMILY ZONE, Section § 17.24.020- Principal Permitted Uses; and Chapter 17.28- R-3 RESIDENTIAL MULTIPLE-FAMILY PROFESSIONAL ZONE, Section § 17.28.020- Principal Permitted Uses* were revised to include Junior Accessory Dwelling Units as shown in **Exhibits A** and **B**; and

WHEREAS, Chapter 17.48- *M-L LIMITED INDUSTRIAL ZONE, Section § 17.28.020- Principal Permitted Uses* was revised to include Accessory Dwelling Units and Junior Accessory Dwelling Units as shown in **Exhibits A** and **B**; and

WHEREAS, under Article Chapter 17.76- *GENERAL USE AND DESIGN REQUIREMENTS, Section § 17.76.130 Accessory Dwelling Units* has been amended to comply with Government Code Sections 65852.2 and 65852.22 as shown in **Exhibits A** and **B**; and

WHEREAS, in Chapter 17.08- *DEFINITIONS, Section § 17.08.145- Accessory Dwelling Unit* the definition of "Junior Accessory Dwelling Unit" has been added to comply with Government Code Sections 65852.2 and 65852.22 as shown in **Exhibits A** and **B**; and

WHEREAS, the City Council of the City of Orland, California considered the Amendment to the Municipal Code Title 17 *Zoning* and the recommendation of the Planning Commission at a regular meeting of the City Council held on March 16, 2020; and

WHEREAS, following the advertisement of the matter in the newspaper of general circulation as required by the Orland Municipal Code and State Government Code, the City Council held a duly noticed public hearing on the proposed amendments to Title 17, *Zoning*, in order to provide the community and interested parties the opportunity to comment on the proposed amendments; and

WHEREAS, The City Council determined that the proposed Municipal Code Amendment is exempt from CEQA under Section 15061(b)(3), known as the “General Rule” or “Common Sense” exemption as the Commission finds that it can be seen with certainty that there is no possibility that the proposed revisions to the City of Orland Municipal Code would have a significant effect on the environment; and

WHEREAS, The City Council determined that the proposed Orland Municipal Code Amendment is beneficial to the public health, safety, and welfare; and

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Orland approves the associated CEQA Exemption and approves the Orland Municipal Code Amendments reflected in **Exhibits A and B** of the staff report and incorporated herein by reference.

This Ordinance was introduced at the regular meeting of the City Council for a Public Hearing of the first reading on March 16th, 2020.

PASSED AND ADOPTED by the Orland City Council on this 6th day of April, 2020, by the following vote:

Ayes: Councilmembers Hoffman, Irvin, Edwards, Roundy and Mayor Paschall

Noes: None

Abstain: None

Absent: None

JAMES PASCHALL SR., MAYOR
CITY OF ORLAND

ATTEST:

APPROVED AS TO FORM:

ANGIE CROOK,
CITY CLERK

GREG EINHORN, ESQ.
CITY ATTORNEY

CODIFY_____

UNCODIFY_____

Title 17. Zoning

Chapter 17.08- DEFINITIONS

§ 17.08.145- Accessory Dwelling Unit.

1. "Accessory dwelling unit" (ADU) means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall have a separate exterior entrance and include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit ADU also includes the following:

A. An efficiency unit, occupancy by no more than two persons which have a minimum floor area of one hundred fifty (150) square feet and which may also have partial kitchen or bathroom facilities, as defined in Section 17958.1 of [the] Health and Safety Code.

B. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

2. "Junior Accessory Dwelling Unit" (JADU) means a unit that is no more than 500 square feet in size and contained entirely within an existing or proposed single-family structure.

A. A JADU shall have a separate entrance from the main entrance to the existing or proposed single-family residence. An increase in size for the single-family residence of not more than 150 square feet to allow for the separate entrance shall be acceptable.

B. A JADU shall have an efficiency kitchen, which shall include all of the following:

(a) A cooking facility with appliances.

(b) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

C. A JADU unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

The JADU size and design requirements shall be recorded through a deed restriction that shall run with the land and be filed with the City.

Chapter 17.20- R-1 RESIDENTIAL ONE FAMILY ZONE

§ 17.20.020- Principal Permitted Uses.

Principal permitted uses in the R-1 zone are as follows:

A. One single-family dwelling;

B. Crop and tree farming;

- C. Second dwellings in accordance with the provisions of Section 17.76.130;
- D. Renting of one room to not more than two persons not employed on the premises;
- E. Yard sales as defined and permitted in Section 17.76.160;
- F. Domestic pets and other animals and fowl may be kept in conformity with health department standards;
- G. Pre-manufactured structures in accordance with the provisions of Section 17.76.120;
- H. Patio covers and shade structures that satisfy the provisions of Section 17.20.060(F);
- I. Small family day care homes;
- J. Large family day care homes subject to the provisions of Section 17.76.070;
- K. Community care facilities with six or less persons as provided by California H&S Code Section 1569.13;
- L. Tract sales offices in conjunction with sale of lots in a subdivision subject to provisions of Section 17.76.140;
- M. Agricultural worker housing;
- N. Supportive housing;
- O. Transitional housing.
- P. Accessory dwelling units and junior accessory dwelling units subject to the provisions of Section 17.76.130.

Chapter 17.24- R-2 RESIDENTIAL TWO- FAMILY ZONE

§ 17.24.020- Principal Permitted Uses.

Principal permitted uses in the R-2 zone are as follows:

- A. Single-family dwellings, two-family dwellings and triplexes;
- B. Renting of one room to not more than two persons not employed on the premises;
- C. Second dwellings in accordance with the provisions of Section 17.76.130;
- D. Pre-manufactured structures in accordance with the provisions of Section 17.76.120;
- E. Community care facilities with six or fewer persons as provided by California H&S Code Section 1569.13;
- F. Small family day care homes;
- G. Large family day care homes subject to the provisions of Section 17.76.070;
- H. Crop and tree farming;
- I. Agricultural worker housing;

- J. Supportive housing;
- K. Transitional housing.
- L. Accessory dwelling units and junior accessory dwelling units subject to the provisions of Section 17.76.130.

Chapter 17.28- R-3 RESIDENTIAL MULTIPLE-FAMILY PROFESSIONAL ZONE

§ 17.28.020- Principal Permitted Uses.

Principal permitted uses in the R-3 zone are as follows:

- A. Single-family dwellings, two-family dwellings and triplexes;
- B. Multiple dwellings (duplex, triplex, or fourplex) for not more than four families per structure;
- C. Second dwellings in accordance with the provisions of Section 17.76.130;
- D. Pre-manufactured structures in accordance with the provisions of Section 17.76.120;
- E. Small family day care homes;
- F. Agricultural worker housing;
- G. Emergency shelters;
- H. Supportive housing;
- I. Transitional housing.
- J. Accessory dwelling units and junior accessory dwelling units subject to the provisions of Section 17.76.130.

Chapter 17.48- M-L LIMITED INDUSTRIAL ZONE

§ 17.28.020- Principal Permitted Uses.

- A. Principal permitted uses in the M-L zone are as follows:
 - 28. Recreational vehicle storage;
 - 29. Restaurants and outdoor eating areas;
 - 30. Storage warehouses;
 - 31. Towing services;
 - 32. Tractor sales equipment yards;
 - 33. Truck storage, repair and distribution centers.
 - 34. Accessory dwelling units and junior accessory dwelling units
- B. Other uses which the city planner determines by written findings are similar to the above.

Chapter 17.76- General Use and Design Requirements

§ 17.76.130 Accessory Dwelling Units and Junior Accessory Dwelling Units.

A. Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) are defined in §17.08.145.

Applications for accessory dwelling units (ADUs) and/or JADUs:

a) In single-family or multi-family residential zones are an allowed use in all single-family and multi-family zoning districts in the city and shall not be subject to a use permit or other discretionary action pursuant to California Government Code § 65852.2 and §65852.22 with the following additional requirements: and

b) In industrial zones, ADUs and JADUs are allowed if the property has an existing or proposed single- or multi-family dwelling. The ADU or JADU shall not be subject to a use permit or other discretionary action pursuant to California Government Code § 65852.2 and 65852.22 with the following additional requirements:

1. The increased floor area of an attached second-unit ADU shall not exceed fifty (50) percent of the proposed or existing primary dwelling living area, as long as the size limitation permits an ADU at least 800 sq. ft. in size, at least 16 feet in height with four-foot side and rear yard setbacks, and that can be constructed in compliance with all other local development standards, with a mMaximum allowed increase in floor area of is one thousand two hundred (1,200) square feet.

2. The dwelling unit An ADU or JADU is not intended for sale but may be rented for a period greater than 30 days. Short-term rental (30 days or less) of these units is not allowed. An ADU shall not be sold separately from the primary dwelling unless the existing lot is divided into two or more lots consistent with City lot dimension and lot area standards resulting the primary and accessory residential structures being on individual lots. Full separate utility connections for all habitable structures shall be a requirement of approval of the lot division. Under no circumstances may a JADU be sold separately from the primary dwelling. The prohibition of the sale of a JADU separate from the primary dwelling must be recorded on a deed restriction.

3. The lot contains an existing or proposed single- or multi-family dwelling.

4. The lot in which the use is proposed is zoned is in a zoning district which allows for single- or multi-family use.

5. Owner-occupancy of the parcel is not a requirement to apply for the construction of an ADU or JADU. However, the main dwelling or the ADU shall be occupied by the owner of the property. This covenant shall be recorded on the property deed for future sale purposes. Owner occupancy of an ADU on the property is not required between January 1, 2020 and January 1, 2025. However, owner occupancy of the single-family residence in which a JADU will be permitted is required. The owner may occupy either the remaining area of the primary dwelling or the JADU. The owner occupancy requirement associated with a JADU shall be recorded on the property deed.

6. For a project which proposes a new single- or multi-family dwelling and an ADU or JADU, the primary dwelling shall be approved for occupancy prior to occupancy of the ADU/JADU.

~~6. 7. The accessory dwelling unit is ADUs shall be either attached to the proposed or existing dwelling and located within the living area of the proposed or existing dwelling or detached from the proposed or existing dwelling and located on the same lot as the existing dwelling. JADUs shall be attached to the existing dwelling and located within the living area of the proposed or existing dwelling.~~

~~7. 8. No setback shall be required for an existing living area, garage, or accessory structure that is converted to an ADU or JADU accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage. However, fire protection mechanisms, as determined by the Fire Marshal, may be required for fire and life safety in those dwelling units not meeting otherwise required setback standards.~~

A setback of four (4) feet shall be required for an ADU that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

9. An ADU or JADU shall not be subject to the following requirements: building coverage, surface coverage, minimum lot size, or any floor area ratios or open space requirements.

8 10. With the acceptance of setback those requirements discussed in divisions 78 and 9 above, requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements are generally applicable to residential construction in the zone in which the property is located.

9 11. Parking requirements for accessory dwelling units ADUs and JADUs shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on an existing driveway. However, no parking requirements shall be mandatory for those accessory dwelling units ADUs and JADUs in any of the following instances:

- a. The accessory dwelling unit ADU or JADU is located within one-half mile of public transit.
- b. The accessory dwelling unit ADU or JADU is located within an architecturally and historically significant historic district.
- c. The accessory dwelling unit ADU or JADU is part of the existing primary residence or an existing accessory structure.
- d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit ADU or JADU.
- e. When there is a car share vehicle located within one block of the accessory dwelling unit ADU or JADU.

~~40~~ 12. Offstreet parking shall be permitted in setback areas in locations determined by the ~~local agency city~~ or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

13. The replacement of parking spaces in an existing attached or detached garage, carport, or covered parking converted to an ADU or an existing attached or detached garage, carport, or covered parking demolished to construct a new ADU shall not be required for the construction and use of the ADU.

The replacement of parking spaces in an existing attached garage, carport or covered parking converted to a JADU or an existing attached garage, carport, or covered parking demolished to construct a new JADU shall not be required for the construction and use of the JADU.

~~41~~ 14. ~~All accessory dwelling units~~ ADUs and JADUs shall not be required to provide fire sprinklers if they are not required for the primary ~~residence~~ dwelling. However, other fire protection mechanisms, as determined by the Fire Marshal, may be required for fire and life safety in those ADUs and JADUs not meeting setbacks.

~~42~~ 15. For those ~~accessory dwelling units~~ ADUs or JADUs contained within the existing space of a single-family residence or accessory structure, which have an independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety shall not require a new or separate utility connection directly between the ~~accessory dwelling unit~~ ADU or JADU and the utility, ~~No~~ no related connection fee or capacity charge shall be imposed for this structure.

For purposes of providing service for water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit.

16. Development impact fees for ADUs shall be based on the proportional size of the accessory dwelling unit to the primary dwelling. No development impact fees shall be required for ADUs of 750 sq. ft. or less in size.

~~43~~ 17. For an ~~accessory dwelling unit~~ ADU that is not described in subsection ~~42~~ 15, a new or separate utility connection directly between the ~~accessory dwelling unit~~ ADU and the utility shall be required. The connection is subject to a connection fee or capacity charge which shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

18. A maximum of one (1) ADU and (1) one JADU are allowed per lot occupied by a single-family residential unit if the following is met:

- a. The ADU or JADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure.

- b. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
- c. The space has exterior access from the proposed or existing single-family dwelling.
- d. The side and rear setbacks are sufficient for fire and safety.
- e. The ADU and JADU complies with the requirements of §17.76.130 and §17.08.145.

19. Multiple ADUs shall be allowed within the portions of existing multi-family dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

At least one (1) attached ADU and a maximum of 25 percent of the existing multi-family dwelling units shall be allowed in a multi-family structure.

Up to two detached ADUs that are located on a lot that has an existing multi-family dwelling shall be allowed on that multi-family lot. These detached ADUs are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

NOTICE OF EXEMPTION

CEQA: California Environmental Quality Act

To: ☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

☒ County Clerk
526 West Sycamore Street
Willows, CA 95988

From: City of Orland
815 Fourth St.
Orland, CA 95963

Project Title: City of Orland Municipal Code Amendment: Title 17- Zoning- Chapter 17.08- Definitions, Section § 17.08.145- Accessory Dwelling Unit; Chapter 17.20- R-1 RESIDENTIAL ONE FAMILY ZONE, Section § 17.20.020- Principal Permitted Uses; Chapter 17.24- R-2 RESIDENTIAL TWO- FAMILY ZONE, Section § 17.24.020- Principal Permitted Uses; Chapter 17.28- R-3 RESIDENTIAL MULTIPLE-FAMILY PROFESSIONAL ZONE, Section § 17.28.020- Principal Permitted Uses; Chapter 17.48- M-L LIMITED INDUSTRIAL ZONE, Section § 17.28.020- Principal Permitted Uses; Chapter 17.76- GENERAL USE AND DESIGN REQUIREMENTS, Section § 17.76.130 Accessory Dwelling Units and Junior Accessory Dwelling Units.

Project Location - Specific: City-wide
- City: Orland
- County: Glenn

Description of Nature, Purpose, and Beneficiaries of Project:
Revision of the City Zoning Ordinance to comply with state law regarding accessory dwelling units.

Name of Public Agency Approving Project: City of Orland

Name of Person or Agency Carrying Out Project: City of Orland

- ☐ Ministerial (Sec. 21080 (b) (1); 15268);
- ☐ Declared Emergency (Sec. 21080 (b) (3); 15269 (a));
- ☐ Emergency Project (Sec. 21080 (b) (4); 15269 (b) (c));
- ☒ Categorical Exemption. Type and Section Number: Section 15061(b)(3).
- ☐ Statutory Exemption. Code Number:

Reasons why project is exempt:

The City of Orland City Council has determined that this project is exempt from CEQA as it can be seen with certainty that there is no possibility that the proposed revisions to the City of Orland Municipal Code would have a significant effect on the environment. Therefore, the project is exempt pursuant to CEQA Guidelines Section 15061(b)(3).

Lead Agency Contact Person: Scott Friend; City Planner
Area Code/Telephone/Extension: (530) 865-1608, Extension 3059.

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☒ Yes ☐ No

_____		_____
Signature:		City Planner
Date		Title
<input checked="" type="checkbox"/> Signed by Lead Agency	Date Received for Filing At OPR:	