

CITY OF IONE

ORDINANCE NO. 520

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IONE AMENDING THE IONE MUNICIPAL CODE, TITLE 17 ZONING, CHAPTERS 17.62 SECOND DWELLING UNITS, 17.80 GLOSSARY OF TERMS, and 17.82 ALLOWED USE DEFINITIONS, RELATING TO ACCESSORY DWELLING UNITS

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

Section 1: Amendment of Title 17 Zoning, Chapter 17.62

Ione Municipal Code, Title 17 Zoning, Chapter 17.62 Second Dwelling Units is hereby amended to repeal and replace in its entirety as follows:

Chapter 17.62

ACCESSORY DWELLING UNITS

Sections:

- 17.62.010 Purpose.
- 17.62.020 Applicability.
- 17.62.030 Development Standards.
- 17.62.040 Permit Requirements.
- 17.62.050 Review Process for Accessory Structure Not Complying with Development Standards.
- 17.62.060 Findings.
- 17.62.070 Definitions.

17.62.010 Purpose.

This Chapter provides for the establishment of accessory dwelling units (ADUs) on lots developed or proposed to be developed with single-family dwellings. The term ADU also includes junior accessory dwelling units (JADUs), as defined herein, unless JADUs are specifically excluded from a particular provision that applies only to ADUs. Such accessory dwellings contribute needed housing to the community's housing stock. As a residential use consistent with the General Plan objectives and zoning regulations, such units enhance housing opportunities for the community.

17.62.020 Applicability.

The provisions of this Chapter apply to all lots that are occupied with a single-family dwelling unit and zoned residential and to all vacant lots that are zoned for single-family residential development. The addition of an ADU shall not be considered to result in an increase of the allowable density for the lot upon which the ADU is located. When established consistent with the following regulations, an ADU is a use consistent with the General Plan and Zoning designation for the lot.

17.62.030 Development Standards.

A. Restrictions. All accessory dwelling units shall comply with the following regulations:

1. One accessory unit is allowed on a parcel that is 5,000 square feet or greater, containing a detached single-family dwelling. Any accessory unit proposed on a lot with a detached garage which will be converted to an ADU or any lot with alley access for the accessory dwelling unit shall be exempt from this minimum lot size requirements.

2. An ADU is not allowed on a lot with two or more existing dwelling units.

3. An applicant seeking approval for an ADU shall be both an owner and current resident of the property for which the ADU is proposed. An exception to the occupancy requirement is allowed where an ADU is to be constructed concurrent with the primary structure and the owner will reside on the property upon completion of construction. Residency shall include part-time use of the property, e.g., as a vacation home, as long as one of the units is at all times reserved for the exclusive use of the property owner.

4. An ADU may only be used for residential purposes. A portion of a lot containing an ADU shall not be subdivided from that on which the primary structure is located.

5. An ADU may be contained within an addition to the primary structure, within the primary structure, or in a detached structure.

6. Any existing code violations, illegal additions, or illegal accessory structures shall be addressed concurrent with and as part of the approval of an ADU.

7. An ADU shall comply with all required setbacks with the following exceptions:

a. No additional setback shall be required for conversion of an existing accessory structure to an ADU; however, the structure and location must comply with building and fire codes and shall not eliminate any existing required covered or uncovered parking spaces.

b. For an ADU constructed above an existing garage, a setback of no more than five feet from the side lot line and rear lot line shall be required.

8. Construction of an ADU shall not adversely impact any real property listed on the California Register of Historic Places or the National Register of Historic Places.

9. No ADU, whether attached or detached, shall exceed 50% of the floor area of the primary structure or 1,200 square feet, whichever is less.

B. Design. All ADUs shall comply with the following design standards:

1. The design shall coordinate with the primary structure, including exterior siding, trim, color, roof materials, window placement, and window type. The height of an ADU shall not exceed the height of the primary structure.

2. The ADU entrance shall be clearly subordinate to that of the primary structure and the appearance of a duplex shall be avoided.

3. Exterior stairways, second-floor entries, or balconies for ADUs shall only be allowed where privacy impacts on adjacent lots are insignificant.
4. Unless conditions of the lot (cul-de-sac, flag lot, or similar) create an uncharacteristically narrow frontage, as determined by the City Planner, no more than 40 percent of the parcel's frontage shall be devoted to driveways or parking.

C. Covenants and recordation. A covenant, in a form acceptable to the City, shall be recorded with Amador County, prior to issuance of any building permit for an ADU. Failure to record the covenant shall be grounds for code enforcement action by the City. The purpose of recording the covenant is to ensure that future property owners are made aware of the requirements under which the ADU shall be maintained, including:

1. No rentals by absentee owners. Occupancy of any ADU requires that the owner of the primary structure reside on the premises, either in the primary structure or the ADU. No violation of this provision shall be deemed to occur during the pendency of an estate or trust proceeding.

2. Junior Accessory Dwelling Unit (JADU) occupancy. Any JADU approved by the City for which a waiver has been obtained by the applicant for the school fee shall record a covenant that the JADU shall be occupied in a manner consistent with the definition of JADU as identified in Section 17.80 and Section 17.82.

D. Fees. Notwithstanding any other provision of this Code, or any ordinance or resolution of the City, the development impact fees for an ADU and a JADU are as established in the City's adopted fee schedule.

E. Approval. The application for planning review and for a building permit to construct an ADU on an existing residentially-zoned lot shall be ministerially approved if the requirements of this code are met and the unit:

1. For a JADU, is contained within an existing primary residential structure and:

- a. Has independent exterior access from the existing residence as well as interior access to the living space of the primary structure;
- b. Has a recorded deed restriction, which shall run with the land, and has also been filed with the City, which includes a prohibition on the sale of the JADU separate from the sale of the single-family residence and a restriction on the size and attributes of the JADU;
- c. Side and rear setback are sufficient for fire safety as determined by the City of Lone Fire Chief; and
- d. Complies with all requirements contained herein.

2. The construction of an ADU within existing space shall not result in a loss of required parking for the primary structure.

3. Attached and detached. An ADU located on the same residentially-zoned lot as an existing single-family dwelling unit:

- a. Is not permitted for sale separate from the primary unit, which requirement shall be recorded in a deed restriction, which shall run with the land, and also filed with the City, and shall include a statement that the deed restriction shall be enforced against future purchasers and describes the size restrictions and attributes conforming with the requirements herein;
- b. May be rented;
- c. May be either attached or detached from the primary unit;
- d. Shall not exceed 50% of the existing unit's living space floor area and, in no event, shall exceed 1,200 square feet;
- e. All local building code requirements that apply to detached buildings shall apply to a detached ADU;
- f. No access from the primary unit to the ADU shall be required;
- g. An ADU constructed above a garage, (or within an existing garage, if there is no resulting reduction in required parking for the primary structure), shall not require greater setbacks than those of the garage. However, an ADU must maintain sufficient side and rear setbacks for fire safety;
- h. If the primary structure is not required to provide fire sprinklers, the ADU shall not be required to provide fire sprinklers and may employ alternative methods for fire protection.

F. Parking. A minimum of one parking space shall be required for an ADU; however, not less than one parking space shall be required for each bedroom contained within an ADU. These spaces are in addition to the covered and uncovered spaces required for the primary structure. ADU parking spaces shall be constructed in conformance with the City's parking space standards. These spaces may be provided as tandem parking, may be covered or uncovered, and may be located on an existing driveway if the use of such driveway does not decrease required parking for the primary structure. Parking is not required if the ADU is located:

- 1. Within one-half mile of a public transit station or bus station;
- 2. Within the City's downtown residential overlay district;
- 3. Where on-street parking permits are required but not offered to the occupant of the ADU;
- 4. Where a car-share vehicle is located within one block of the ADU.

17.62.040 Permit requirements.

Within 120 days of receipt of a complete application, the City Planner shall ministerially issue a zoning certificate to establish an ADU in compliance with this Chapter, when all applicable requirements have been met. The Building Department shall ministerially issue a building permit when plans have been received that are in compliance with this Chapter and all applicable requirements of the applicable codes.

17.62.050 Review Process for Accessory Structures Not Complying with Section 17.62.030.

A proposal to establish an ADU that does not comply with Section 17.62.030 may be permitted with an administrative use permit, at the discretion of the City Planner, subject to the required findings of Section 17.52.060. Any appeal of the City Planner's decision shall comply with Section 17.08.060 - Appeals.

17.62.060 Findings.

A. In order to deny an administrative use permit under Section 17.62.050, the City Planner shall find that the ADU would be detrimental to the public health or public safety or would introduce more than insignificant privacy impacts to any adjacent property.

B. In order to approve an administrative use permit under Section 17.62.050 that requires the waiver of required ADU parking, the City Planner shall find that requiring additional on-site parking would be detrimental to the public health or public safety, and that granting the waiver meets the purpose of the Chapter.

17.62.070 Definitions.

Terms unique to this chapter are listed in Chapter 17.80 Glossary of Terms and the definitions of Accessory Dwelling Unit and Junior Accessory Dwelling Unit are found in Section 17.82 Allowed Use Definitions.

Section 2. Amendment of Title 17 Zoning, Chapter 17.80 General Definitions:

Title 17 Zoning, Chapter 17.80.020 is hereby amended as follows:

Accessory Structure. A detached structure or building which is subordinate to, and the use of which is subordinate to, and whose use is customarily incidental to, that of the main building, structure, or use on the same or attached/adjacent lot. An ADU is not an accessory structure.
There are five kinds of accessory structures as follows:

1. Accessory Building. A detached structure ten square feet in size or greater. Such structures are broken down into one of the following three categories:
 - a. Fully Enclosed. Structures that are enclosed with walls for at least 50 percent of the perimeter of the building. These include but are not limited to garages, greenhouses, poolhouses, sunrooms, workshops, storage sheds, barns, windmills, water towers, and other agricultural outbuildings, but not including accessory dwelling units;
 - b. Limited/No Enclosure. Structures that are substantially open on all sides (less than 50 percent of the perimeter is enclosed), including:
 - i. With Solid Roofs. These include but are not limited to carports, solid roofed patio covers and gazebos, and lean-tos and similar agricultural outbuildings with solid roof construction; and
 - ii. With Substantially Open Roofs. These include trellis patio covers, arbors, pergolas, and similar structures constructed with a lattice-like roof structure. For purposes of this definition "substantially open" shall mean a minimum of 50 percent of the covered area is open to light and air.
2. Landscape Feature. A detached decorative structure that is placed outside of any other structure. Such features are sometimes used in conjunction with plant materials for aesthetic enhancement. This definition includes trellises and vertical lattice structures less than ten square feet in size, statues, fountains/water features, and similar features.
3. Pool/Spa. As defined in the city-adopted building code, any structure intended for swimming or recreational bathing that contains water over 18 inches deep. This includes in-ground, aboveground, and on-ground swimming pools, hot tubs, and spas. Also includes incidental equipment and housing (e.g., pumps, heating equipment, etc.).

4. Deck. An exterior floor supported by posts, piers, or other independent supports. As an accessory structure, a deck is not supported by an adjacent structure.
5. Play equipment. Any structure used for recreational purposes including play structures, jungle gyms, and swings, as defined in the California Building Code.

Complete independent living facility. A facility which provides permanent provisions for living, sleeping, eating, cooking, and sanitation including the following at a minimum:

- a. Sink with hot and cold running water;
- b. range or stove-top and an oven;
- c. apartment-sized refrigerator;
- d. counter space for food preparation; and
- e. built in dish and utensil storage spaces.

Section 3. Amendment of Title 17 Zoning, Chapter 17.82 Allowed Use Definitions.

Amendment of Title 17 Zoning, Chapter 17.82, Section 17.82.020 Allowed Use Definitions is hereby amended as follows by adding the following allowed use definitions:

Accessory Dwelling Unit (ADU). An attached or detached residential dwelling unit, including a Junior Accessory Dwelling Unit as defined herein, located on the same parcel as one existing single-family detached dwelling unit (Primary Structure) and which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel where the primary structure is situated.

Junior Accessory Dwelling Unit (JADU). A residential dwelling unit contained entirely within an existing single-family structure. A JADU may include separate sanitation facilities or may share sanitation facilities within the primary structure, but shall include an efficiency kitchen containing a sink with a maximum waste line diameter of 1.5 inches, cooking facilities with appliances that do not require electrical service greater than 120 volts or natural or propane gas, a food preparation counter and storage of reasonable size, a separate entrance to the structure as well as an interior entry door to the living area of the primary structure.

Section 4: No Mandatory Duty of Care

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance enforced.

Section 6: Environmental Review

The City Council hereby finds this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14, Chapter 3, Section 15282(h) of the California Code of Regulations. A Notice of Exemption will be prepared.

Section 7: Prior Violations

Neither the adoption of this ordinance nor the repeal or amendment by this ordinance of any ordinance or part or portion of any ordinance previously in effect in the City, or within the territory comprising the City, shall in any manner affect the prosecution for the violation of any ordinance, which violations was committed prior to the effective date of this ordinance, nor be construed as a waiver of any license, fee, or penalty, or the penal provisions applicable to any violation of such ordinances.

Section 8: Effective Date

This ordinance shall be effective 30 days following its adoption by the City Council. A summary of this ordinance shall, within fifteen (15) days after passage, be published in accordance with Section 36933 of the Government Code of the State of California with the names of the City Council members voting for and against it.

INTRODUCED at a regular meeting of the City Council of the City of Lone on the _____ day of _____, 2017; and

PASSED AND ADOPTED this _____ day of _____, 2017 by the following vote:

AYES: Councilmembers: _____

NOES: Councilmembers: _____

ABSENT: Councilmembers: _____

ABSTAIN: Councilmembers: _____

MAYOR

ATTEST:

Janice Traverso, City Clerk