



## ORDINANCE NO. 2019-3

### AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF FORT JONES AMENDING SECTION 18 OF THE FORT JONES MUNICIPAL CODE RELATING TO THE ACCESSORY DWELLING UNITS FOR THE TOWN OF FORT JONES.

#### 18.52 – ACCESSORY DWELLING UNITS

##### 18.52.010 - Purpose.

An accessory dwelling unit, as defined by Government Code Section 65852.2(i)(4), including any amendments thereto (which statute currently reads: An attached or a detached residential dwelling unit which provides independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following: (A) An efficient unit, 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.") and this code, is permitted only on a lot zoned for rural residential agriculture (R-R), low-density residential (R-1), medium-density residential (R-2), high-density residential (R-3), or high density residential or professional (R-4) use in accordance with the provisions of this chapter.

##### 18.52.020 - Definitions.

- A. "Accessory dwelling unit" means a room or suite of rooms constructed separately and detached from, or adapted within or onto a one-family (i.e., principal) dwelling being an integral part thereof, and designed for the use and occupancy by a person or persons living independently from the one-family dwelling occupants. An accessory dwelling unit shall be subordinate to the principal dwelling unit.
- B. "Building official" means the person(s) designated by the city manager of the city to inspect and/or enforce the housing, building and/or zoning provisions of this code. The building official shall, for the purposes of this ordinance, be supervised by the city manager.
- C. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to an entrance of the accessory dwelling unit.
- D. "Existing structure", for the purpose of defining an allowable space that can be converted to an accessory dwelling unit, means within the four walls and roofline of any structure that can be made safely habitable under local building codes at the determination of the building official regardless of any non-compliance with zoning standards.

##### 18.52.030 - Accessory structures within existing space.

An accessory dwelling unit within an existing space including the primary structure, attached or detached garage or other accessory structure shall be permitted ministerially with a building permit regardless of all other standards within the chapter if complying with:

- A. Building and safety codes;
- B. Independent exterior access from the existing residence; and

- C. Sufficient side and rear setbacks for fire safety.

18.52.040 - Development standards.

- A. General Plan. Construction of an accessory dwelling unit pursuant to this chapter shall not be considered when calculating compliance with the allowable density for the lot upon which the accessory dwelling unit is located, and an accessory dwelling unit that conforms to this chapter shall be deemed to be an accessory use or an accessory building and shall be deemed to be a residential use that is required to be consistent with the existing general plan and zoning designations for the lot.
- B. Occupancy. There must be no more than one existing single-family dwelling on the lot for which an application under this chapter is submitted. The owner of the property must occupy either the main unit or the accessory dwelling unit and a declaration of such restriction on occupancy shall be recorded and be binding on future owners. The accessory dwelling unit may not be sold separately from the lot and primary unit. The accessory dwelling unit may be rented for a term which does not exceed one year, but there shall be no limit on the number of times the term can be renewed.
- C. Existing Code Conformance. There shall be no zoning code or building code violation existing on the lot on which the accessory dwelling unit is located.
- D. Location. The accessory dwelling unit may be either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling a minimum of ten feet, but located on the same lot as the existing dwelling, and subject to the same conditions as the main building.
- E. Lot Area. The lot must conform to the lot area, width and depth requirements on the underlying zone. Any parcel that does not conform to such requirements shall not be granted a permit for an accessory dwelling Unit.
- F. Zoning Requirements. The minimum front, side and rear setbacks of the underlying zone provisions shall apply to any accessory dwelling unit and shall be made a condition of approval. No setback shall be required for an existing garage that is converted to an 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. Aside from the exceptions provided for off-street parking, fire sprinklers, and setbacks for converting existing space into an accessory dwelling unit, requirements relating to height, setback, lot coverage, and other zoning requirements generally applicable to residential construction in the zone in which the property is located shall apply to an accessory dwelling unit.
- G. Off-Street Parking. Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking, including on an existing driveway or in setback areas, excluding the non-driveway front yard setback.

Replacement parking: When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement parking shall not be required and may be located in any configuration on the same lot as the accessory dwelling unit.

- H. Unit Size. An attached accessory dwelling unit shall not exceed fifty percent of the existing living area. A detached accessory dwelling unit on the subject parcel shall have a floor space not to exceed one thousand two hundred square feet.
- I. Design. Each accessory dwelling unit shall be designed to be compatible with the main dwelling. The design shall take into consideration the use of the same exterior materials, roof covering, colors and other architectural features.

- J. Utility Service. The utility service for the accessory dwelling unit must be serviced through the existing single-family dwelling service. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating city connection fees or capacity charges for utilities, including water and sewer service.
- K. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
- L. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection.

18.52.050 - Permit process.

An accessory dwelling unit must have a certificate of registration issued by the city in order to be in conformance with the requirements of this chapter. Accessory dwelling units shall be permitted ministerially, in compliance with this chapter, within one hundred twenty days of application. The building official, or his/her designee shall issue a building permit or zoning certificate to establish an accessory dwelling unit in compliance with this chapter if all applicable requirements are met in Section 18.52.030 as appropriate.

- A. Application for a certificate of registration shall be made on a form prescribed by the building official, and shall contain the following information, provided, however, that the building official may, in his or her discretion, require additional information.
  1. The name and address of the owner or owners;
  2. The address of the property for which an accessory dwelling unit is proposed to be permitted;
  3. A photocopy of the deed for the property as recorded with the county recorder, County of Siskiyou;
  4. A scale drawing showing the lot dimensions, the location of the existing and proposed structures and additions to structures, building setbacks, and all vehicular parking spaces;
  5. Floor plans of the principal and accessory dwelling units drawn to the scale showing all existing and proposed improvements;
  6. Consent of the owner(s) to the physical inspection of the premises prior to the issuance of any building permit or certificate of registration;
  7. Signature of the owner(s) stating the truth of the application under penalty of perjury;
  8. A non-refundable filing fee, to be established by the city manager and approved by resolution of the city council; and
  9. Any other information or data deemed necessary to determine compliance of the proposed accessory dwelling unit with the terms of this section.
- B. Application for a certificate of registration shall be made when applying for a building permit. Issuance of a certificate of registration will take place upon final building inspection and the issuance of a certificate of occupancy. The building official shall also certify, date, and cause to be recorded the certificate of registration at the time of issuance.
- C. The following shall appear on the certificate of registration. This certificate of registration has been issued in accordance with the provisions of Title 18 of this code (zoning ordinance) and is subject to certain restrictions and conditions so long as an accessory dwelling unit exists on the premises; these include, but are not necessarily limited to the following:

1. That the accessory dwelling unit is allowed only so long as one of the two dwelling units is occupied by the owner(s) of record.
2. That all off-street parking spaces, as identified in plans submitted in application for this certificate of registration shall be maintained in usable conditions. Such spaces shall not be used for storage of materials, inoperable vehicles, or equipment, if such storage necessitates the parking of the property owner's or tenant's vehicles outside the specified parking area;
3. That no improvement or modification of the building shall be made without issuance of a building permit by the city.

The city council has the right to terminate the continued use of the accessory dwelling unit if, after a public hearing on the matter, it determines that a violation of any zoning, building, fire or other health and safety code of the city exists. The city council may cause to be recorded with the Siskiyou County Recorder a revocation of this certificate of registration.

The use of such property contrary to these special restrictions shall constitute a violation of the zoning ordinance and shall constitute a misdemeanor or infraction, in the discretion of the city attorney, and upon conviction thereof the person violating the ordinance codified in this chapter shall be subject to all remedies under Section 1.20.010 of this code, including a fine of not more than five hundred dollars, or imprisonment in the county jail for a term not exceeding six months or both. A separate offense shall have been committed for each and every day during which a violation persists. In addition, the city may take any and all civil actions necessary to abate such use as a nuisance.

4. The certificate of registration shall be signed and acknowledged by the owner(s) of record.
5. The certificate of registration may be conveyed with title to the property; however this in no way relieves any property owner or successor from compliance with all the terms of the ordinance codified in this chapter and all other applicable regulations.
6. Failure to comply with the requirement of this or any other section of this title will comprise a violation that, in addition to penalties cited in Section 1.20.010 of this code, can result in the revocation of the certificate of registration by the city council after public hearing on the matter.

#### 18.52.060 - Review for accessory structure not complying with development standards.

An accessory dwelling unit that does not comply with standards in Section 18.52.030 may be permitted with a zoning certificate or an administrative use permit at the discretion of the city manager subject to findings in Section 18.52.070.

#### 18.52.070 - Findings.

- A. In order to deny an administrative use permit under Section 18.52.050 the building official shall find that the accessory dwelling unit would be detrimental to the public health and safety or would introduce unreasonable privacy impacts to the immediate neighbors.
- B. In order to approve an administrative use permit under Section 18.52.050 to waive required accessory dwelling unit parking, the building official shall find that additional or new on-site parking would be detrimental, and the granting of the waiver will meet the purposes of this chapter.

18.52.080 - Existing "granny flats."

Existing "granny flats" that are in compliance with this code at the adoption of this chapter shall be allowed to continue in existence and shall be considered in compliance herewith. The building official shall issue a certificate of compliance for such uses upon request of the property owner and payment of any required fee, which fee shall be established by the city manager and approved by the city council.

18.52.090 - Appeal process.

Denial of any building permit application or certificate of registration may be appealed by the applicant to the city council. All appeals must be made in writing to the city clerk within thirty days after the date of the denial. The city council shall elect a time and place for hearing the appeal and give due notice thereof to the affected person(s) and shall render a written decision. The decision of the city council shall be final. Any such appeal must be accompanied by payment of the required fee, which fee shall be prescribed by the city manager and approved by the city council.

18.52.111 – If any provision of this chapter, or of any section hereof, is determined to be void or unenforceable, the remainder thereof shall remain in full force and effect.

18.52.112 – This ordinance shall take effect and be in force thirty (30) days after its passage.

18.52.113 – This ordinance, or a summary hereof prepared by the City Administrator, shall be published in the Siskiyou Daily News, a newspaper of general circulation in the Town of Fort Jones, within fifteen (15) days after its passage.

I HEREBY CERTIFY the foregoing ordinance was introduced for first reading at a Special Meeting of the City Council of the Town of Fort Jones held the 21<sup>st</sup> day of October 2019, and thereafter adopted at a Regular Meeting of said Council held the 12<sup>th</sup> day of November, 2019, by the following vote to wit:

AYES: C. Flynn, K. Tasem, M. DeCausmaker, M. Garcia, B. Beckwith

NOES: *NONE*

ABSENT: *NONE*

ABSTAIN: *NONE*

ATTEST:



Paula Basteyns, City Clerk



Chris Flynn, Mayor