

Ordinance No. 814

An Ordinance Amending Title 17 (Zoning), Section 17.60.030 (Second Units) of the City of Anderson Municipal Code to Conform with the Requirements of State Law Concerning Accessory Residential Dwelling Units

WHEREAS, California State Law has delegated the responsibility to municipalities to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, California Senate Bill (SB) 1069 and Assembly Bill (AB) 2299 have been adopted to remove barriers to the construction of accessory dwelling units to encourage creation of more affordable housing statewide; and

WHEREAS, these amendments to State laws took effect on January 1, 2017 and require modifications to the City's existing zoning standards governing second dwelling units; and

WHEREAS, the City of Anderson General Plan Housing Element has established the obligation of the City to implement land use and housing programs which are directly related to the purpose and need for the proposed ordinance amendments including the following:

- **Program 1.1:** The City of Anderson will continue to implement zoning and building code standards that permit the construction of a variety of housing and shelter alternatives, that permit a range of tenure of ownership options, and that allow for the use of new construction technologies as these are approved by organizations that adopt uniform construction codes (such as the International Conference of Building Officials).
- **Program 1.3:** The City will continue to permit secondary residential units, through appropriate standards that protect the character of single-family neighborhoods to provide additional options for lower-cost housing. The City will promote second units as a housing option through: 1) a flyer or brochure to be available at the Planning and Building Divisions' permit counters, 2) the City's web site, and/or 3) an informational insert in property owner utility bills.

- Program 3.1: The City will amend the Zoning Ordinance to remove potential constraints to the availability of housing for all segments of the population. Among the code amendments the City will adopt are: Amend the City's second unit requirements to conform to current state law by eliminating the conditional use permit requirement for detached units; and

WHEREAS, pursuant to State Law, this amendment to the City of Anderson Zoning Ordinance has been reviewed and recommended by the City of Anderson Planning Commission at a noticed Public Hearing on September 25, 2017; and

WHEREAS, the City Council held a public hearing on November 7, 2017, and said hearing was noticed as required by State Law on October 25, 2017 in the Record-Searchlight, a paper of general circulation; and

WHEREAS, the City Council of the City of Anderson after due consideration following the close of a public hearing concurs with the recommendation of the Planning Commission; and

WHEREAS, the project has been reviewed pursuant to the California Environmental Quality Act, and the City Council has determined based on the information in the record that the proposed ordinance amendment is an "Exempt" project pursuant to California Environmental Quality Act Guidelines Section §15061(b)(3).

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Anderson that the City of Anderson Zoning Ordinance, Title 17 Section 17.60.030 is repealed in its entirety, and is replaced by a new Section 17.60.030 - Accessory Residential Dwelling Units as herein contained and set forth as follows:

Section 1. That the following **Section 17.60.030** of the City of Anderson Zoning Ordinance shall be amended in its entirety to read as follows:

17.60.030 - Accessory Residential Dwelling Units (Previous title - "*Second Units*").

- A. Intent and General Requirements. It is the intent of this section to meet the housing needs of this community by providing additional housing options for family members, students, the elderly, in-home health care providers, the disabled, veterans and others; and to comply with the requirements of California Government Code (CGC) Section 65852.2 et seq. The following criteria are set forth to allow for the placement of attached or detached second units on lots in areas zoned for residential use. An accessory dwelling unit - attached or detached from the primary residence - shall be

permitted upon any lot existing as a legal-lot of record prior to, or after, the effective date of this section.

B. Specific Requirements for Accessory Residential Units.

1. **Use** - The lot where the accessory residential unit is located must contain an existing single-family dwelling. Accessory units may be occupied only for residential purposes and one of the units on the lot shall be owner-occupied at all times. No accessory dwelling unit shall be used as a short term rental (less than 30 consecutive days).
2. **Ownership** - An accessory dwelling unit shall not be sold separately from the one-family residence on the same lot but may be leased or rented provided the lease or rental is for 30 consecutive days or longer.
4. **Size** - The floor area for the accessory unit shall not be less than four hundred square feet nor shall it exceed one thousand two hundred square feet. Attached units shall not exceed a maximum of 50 percent of the size of the living space of the primary dwelling. Where 50 percent of the living space of the primary dwelling is less than 640 square feet, the living space of a detached accessory dwelling unit may be up to 640 square feet.
5. **Development Standards** - All new construction shall conform to the height, setback, lot coverage, fees and other zoning requirements otherwise applicable to residential construction in the zone in which the property is located. The following standards are also applicable to the construction of accessory residential units. Where there is a conflict between the standards of the zoning district and those that follow, the least restrictive standard shall apply:
 - a) **New Detached Units**
 - i) New detached accessory dwelling units shall not be located within a required setback. Building encroachments of up to 2 feet that are required to achieve compliance with building or fire code standards may be approved by the Director where it can be shown that the encroachment is necessary to achieve compliance with CGC Section 65852.2 and the intent of this ordinance .
 - b) **Units within or attached to an Existing Structure:**
 - i) Accessory units constructed entirely within a legally existing structure may be located within a required setback. Modifications to such structures where required to meet building or fire code standards may be approved by the Director where it can be shown that compliance with the standard would make the project infeasible. Compliance with the standards of the underlying zoning district for the side and rear lot lines shall not be required for a new accessory dwelling unit that is constructed above a legally established garage or residential accessory building.

6. **Building Code Compliance** - California Building Code requirements which apply to additions to existing single-family dwellings, as appropriate, will apply to accessory dwelling units.
 7. **Fire Code Compliance** - The accessory dwelling unit shall meet all requirements of the Fire Protection District, as applicable, for the lot on which the unit is located, including adequate access to the accessory dwelling unit for emergency personnel and equipment. Accessory dwelling units constructed within an existing residence shall not be required to provide fire sprinklers if they are not required for the primary residence.
 8. **Impact Fees** - Public facility development impact fees for an accessory dwelling unit shall be calculated at the same rate as one unit in a multiple-family residential development. Payment of public facility development impact fees shall not be required where the accessory dwelling unit is constructed entirely within an existing structure, and such unit does not have a separate sewer lateral which connects to the City wastewater system or a separate water meter. Payment of public facility development impact fees otherwise required for a residential unit may be waived by the Director where the detached or attached accessory dwelling unit does not have a separate sewer lateral which connects to the City wastewater system or a separate water meter.
 9. **Septic Systems** - Approval by the Shasta County Environmental Health Department is required where a private sewage disposal system is being used.
 10. **Number of Accessory Dwelling Units** - There shall be no more than one accessory dwelling unit per legal lot.
 11. **Parking** - Off-street parking requirements for an accessory dwelling unit shall be one additional parking space for a studio or one-bedroom unit, and two additional spaces for a unit with two or more bedrooms. Such parking may be provided as tandem parking on an existing driveway. Where the accessory unit is constructed within an area of existing covered parking required for the use of the primary residence by the Anderson Municipal Code, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including but not limited to a covered space, uncovered space, or tandem space which meets the dimensional and access standards of AMC Chapter 17.46 "Off-Street Parking Requirements". Parking shall otherwise comply with California Government Code Section 65852.2(d) and all other applicable provisions of the Anderson Municipal Code.
- C. **Exceptions.** Exceptions may be granted to the development standards set forth in this section if an Administrative Design Review Approval is obtained and the following findings are made by the Director:
- a) The proposed exception from the development standard(s) is necessary due to physical or other constraints on the lot that make the strict application of the

standard(s) impractical or inconsistent with existing development on the lot or in the immediate neighborhood; and

- b) The proposed exception from the development standard(s) would not result in a health or safety hazard for existing and future residents on the lot or in the immediate neighborhood.

Section 2. This ordinance shall take effect on January 1, 2018, which is more than 30 days after the required public hearing and its final passage, the welfare of the City of Anderson requiring it.

The City Clerk shall certify to the adoption of this ordinance and shall cause it to be posted and/or published in accordance with the law.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Anderson held on November 7, 2017, and enacted at a regular meeting of the City Council of the City of Anderson held on November 21, 2017, by the following vote:

AYES: Councilmembers Baugh, Neutze, Hunt, Cornnick, and Mayor Browning.

NOES: None.


ABSTAIN: None.

ABSENT: None.



Baron Browning, Mayor of the City of Anderson

ATTEST:



Juanita Barnett, City Clerk