

ORDINANCE NO. 2020-003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CITRUS HEIGHTS, CALIFORNIA, AMENDING SECTION 106.42.015 (ACCESSORY DWELLING UNITS) AND SECTION 106.80 (DEFINITIONS) OF THE ZONING CODE IN REGARD TO ACCESSORY DWELLING UNITS

WHEREAS, the State of California regulates accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) pursuant to Government Code §§ 65852.2 and 65852.22, respectively;

WHEREAS, the State of California amended state laws regarding ADUs and JADUs, effective January 1, 2020, enacting legislation approved by Senate Bill 13, Assembly Bill 68, and Assembly Bill 881;

WHEREAS, the City of Citrus Heights currently regulates the establishment of Accessory Dwelling Units (ADUs) pursuant to Citrus Heights Municipal Code §§ 106 (Zoning Code);

WHEREAS, the City's ADU ordinance and supporting standards of the Citrus Heights Municipal Code must be amended to be consistent with state law;

WHEREAS, ADUs are integral to the achievement of the City's affordable housing and housing density goals;

WHEREAS, the Planning Commission of the City of Citrus Heights reviewed the proposed amendments and found the amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;

WHEREAS, the Planning Commission held a public hearing on April 22, 2020, and forward action to approve the amendments to the City Council on a 6-0 vote, with 6 votes in favor, 0 votes opposed subject to the Findings contained herein; and

THE CITY OF CITRUS HEIGHTS DOES ORDAIN AS FOLLOWS:

Section 1: Purpose and Authority

The purpose of this Ordinance is to amend the Citrus Heights Zoning Code as shown in the attached Exhibit A amending Chapter 106.42 in regard to accessory dwelling units and Chapter 106.80 amending definitions contained in the Zoning Code.

Section 2: Findings

- The proposed amendments in regard to accessory dwelling units are consistent with the General Plan

- The proposed amendments will not be detrimental to the public, interest, health, safety, convenience, or welfare of the City.

Section 3: Amendment

The City Council hereby amends the Zoning Code of the City of Citrus Heights as described within Exhibit A herein, and as discussed within the Staff Report, which is incorporated by reference.

Section 4: Severability

If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption, provided it is published in full or in summary within fifteen (15) days after its passage, in a newspaper of general circulation and circulated in the City of Citrus Heights.

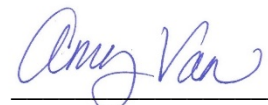
PASSED AND ADOPTED by the City Council of the City of Citrus Heights this 11th day of June 2020 by the following vote:

AYES:	Council Members:	Bruins, Daniels, Middleton, Miller, Slowey
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None



Jeff Slowey, Mayor

ATTEST:



Amy Van, City Clerk

Exhibit A

- 106.42.015- Accessory Dwelling Units
- 106.80- Definitions

106.42.015 – Accessory Dwelling Units

This Section establishes standards for accessory dwelling units **and junior accessory dwelling units**. An accessory dwelling unit may be created by conversion of floor area in a pre-existing primary dwelling unit, by an addition thereto, or created within a new or existing residential accessory structure. Except as otherwise specified by this Chapter, all accessory dwelling units shall comply with all provisions applicable to a primary dwelling unit. Nothing in this Chapter shall provide an exception to the requirements of the Building Code.

- A. Allowed Location.** An accessory dwelling unit is allowed on any property developed with ~~a single-family residence~~ **residential living unit(s)**.
- B. Limitation on number of units.** No more than one accessory dwelling unit shall be **located on a parcel developed with a single dwelling except the parcel may also have one junior accessory dwelling unit provided the junior accessory dwelling unit complies with Section 106.42.105.D.8.** ~~approved on a single parcel.~~ Accessory dwelling units are not included when calculating the density of a parcel.
- C. Relationship to primary use.**
- 1. Design, style.** An accessory dwelling unit shall be incidental to the primary single-family residential use of the site in terms of location and appearance and shall not alter the character of the primary structure. The architectural style, exterior materials, and colors of the accessory dwelling unit shall be compatible with the primary dwelling unit.
 - 2. Timing of construction.** An accessory dwelling unit may be constructed simultaneously with or after the primary dwelling. In addition, an existing dwelling that complies with the development standards for accessory dwellings in Subsection D below, may be considered an accessory dwelling unit, and a new primary unit may be constructed which would then be considered the primary dwelling unit.
 - 3. Term of Rentals.** **Accessory dwelling units or junior accessory dwelling units shall not be rented for periods of less than thirty one (31) days. This provision shall not apply to accessory dwelling units lawfully constructed prior to January 1, 2020.**
- D. Development standards.** The following standards apply to all **newly constructed** accessory dwelling units unless an exception is provided in Section 106.42.015.D.8.
- 1. Setback requirements.** An accessory dwelling unit shall comply with the setback requirements of the applicable zoning district **except that the side and rear yard setbacks may be four feet.**
 - 2. Height limit.** An **attached** accessory dwelling unit shall comply with the height limits of the applicable zoning district except that a detached accessory dwelling unit shall not exceed a maximum height of **16** ~~20~~ feet except when the accessory dwelling unit is above a detached residential accessory structure, in which case it shall not exceed 25 feet.
 - ~~**3. Lot coverage.** Accessory dwelling units shall be included when calculating lot coverage in Section 106.24.060 (Residential District Site Planning and Building Standards).~~
 - 3. Maximum Allowed floor area.**
 - a.** The floorspace of an attached accessory dwelling unit shall not exceed 60 percent of the floorspace of the primary dwelling or 1,200 square feet, whichever is less. **Regardless of the size of the primary dwelling, an attached accessory dwelling unit shall be allowed the minimum size as follows:**
 - (1) 850 square feet for an accessory dwelling with zero to one bedrooms; or**
 - (2) 1,000 square feet for an accessory dwelling with 2 or more bedrooms.**
 - b.** The floorspace of a detached accessory dwelling unit shall not exceed 1,200 square feet, regardless of the size of the primary dwelling.

- c. For purposes of computing the floorspace of an accessory dwelling unit, all enclosed areas accessed from within the accessory dwelling unit shall be included. For purposes of computing the floorspace of the primary dwelling, ~~an attached garage of up to 400 square feet may~~ **all living area shall** be included when calculating the floorspace of the primary dwelling.
- ~~4. **Number of bedrooms.** An accessory dwelling unit shall have a maximum of two bedrooms.~~
4. **Off-street parking requirements.** Additional off-street parking is not required for an accessory dwelling unit.
5. **Separate entrance required.** An attached ~~second unit~~ **accessory dwelling unit** shall have an entrance separate from the entrance to the primary dwelling.
6. **Window placement.** An accessory dwelling unit that is 15 feet or less from a residential unit on an adjacent parcel shall not have windows that directly face windows in the other unit. A detached accessory dwelling unit located closer than 10 feet to a side lot line or 20 feet from a rear lot line shall have no second floor windows facing the side or rear except obscured glass or clerestory windows, unless the review authority determines that other types of windows will not significantly interfere with the privacy of residents on adjacent parcels.
7. **Junior Accessory Dwelling Unit: As an alternative to the standard accessory dwelling units, a parcel with a single dwelling may have one junior accessory dwelling in addition to a standard accessory dwelling unit.**
 - a. A unit is considered a junior accessory dwelling unit provided each of the following standards are met:
 - (1) The unit is created through the conversion of living space within an existing single dwelling.
 - (2) The unit does not exceed 500 square feet in size.
 - (3) The unit has at least an efficiency kitchen. The efficiency kitchen shall be removed if the junior accessory unit ceases.
 - (4) The unit has bathroom facilities that are either separate from or shared with the residence in which the unit is contained.
 - (5) The unit has exterior access separate from the entrance to the dwelling in which it is contained.
 - b. A junior accessory dwelling unit shall be permitted to develop an additional 150 square feet which may exceed the allowable lot coverage otherwise permitted by the underlying zoning district to allow for ingress and egress of the junior accessory dwelling unit.
 - c. Either the junior accessory dwelling unit or the residence in which the junior dwelling unit is contained must be occupied by the owner. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
 - d. Prior to the issuance of the building permit, the owner shall show proof of a recorded deed restriction. The deed restriction, which shall run with the land including the transfer of ownership, will prohibit the following:
 - (1) The junior accessory dwelling unit shall not be sold separately from the single dwelling.
 - (2) The junior accessory dwelling unit shall be restricted in size and attributes as describe in Government Code 65852.22.
- ~~8. **Conversion of existing accessory structure.** If the accessory dwelling unit is created through the conversion of an existing accessory structure into living space, the following exceptions may be applied:~~
 - ~~a. An existing legal accessory structure, including legal non-conforming structures, may be converted to an accessory dwelling unit regardless of height limit, lot coverage, or setbacks.~~
 - b. ~~If an existing legal accessory structure, including legal non-conforming structures, is expanded for the purpose of creating an accessory dwelling unit, a minimum five-foot side and rear yard setback shall apply to all sides of the structure.~~

- 8. Exceptions.** An accessory dwelling unit shall be allowed as follows, regardless of whether the development standards contained in this section can be met.
- a. For lots with single-family dwelling, one of the following:
 - (1) One interior accessory dwelling unit or one junior accessory dwelling unit per lot constructed within an existing or proposed single-family or accessory structure, including the construction of up to a one hundred fifty (150) square foot expansion beyond the same physical dimensions as the existing accessory dwelling structure to accommodate ingress and egress. The accessory dwelling unit or junior accessory dwelling unit must have exterior access and side and rear setbacks sufficient for fire safety. If the unit is a junior accessory dwelling unit, it must also comply with the requirements of section 106.042.015.5.; or
 - (2) One new, detached accessory dwelling unit with a minimum four-foot side and rear setbacks, up to eight hundred (800) square feet and no more than sixteen (16) feet high on a lot with an existing or proposed single family dwelling. A junior accessory dwelling unit may also be built within the existing or proposed dwelling of such residence in connection with the accessory dwelling unit.
 - b. For lots with an existing multi-family dwelling:
 - (1) Accessory dwelling units may be constructed in areas that are not used as livable space within an existing multi-family dwelling structure (i.e., storage rooms, boiler rooms, passageways, attics, basements, or garages), provided the spaces meet state building standards for dwellings. The number of interior accessory dwelling units permitted on the lot shall not exceed twenty-five percent (25%) of the current number of units of the multi-family complex on the lot and at least one such unit shall be allowed. Units constructed pursuant to this subsection shall not exceed eight hundred (800) square feet in floor area; and
 - (2) Up to two (2) detached accessory dwelling units may be constructed, provided they are no taller than sixteen (16) feet, and they have at least four (4) feet of side and rear yard setbacks. Units constructed pursuant to this subsection shall not exceed eight hundred (800) square feet in floor area.
- E. Zoning Clearance.** The Director shall issue the Zoning Clearance in compliance with Section 106.62.020.

106.80.020 - Definitions of Specialized Terms and Phrases

As used in this Zoning Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise.

Accessory Dwelling Unit. A second permanent dwelling that is accessory to a primary dwelling on the same site. An accessory dwelling unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation as described in Government Code section 65852.2. An accessory dwelling unit also includes an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code. , and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

Efficiency Kitchen. A kitchen which contains a sink with a drain and cooking facilities with appliances. Food preparation counter and storage cabinets are of reasonable size in relation to the size of the unit.

Housing Organization. As defined in Government Code Section 65589.2, subdivision (k)(2).