

CITY OF ORLAND

CITY COUNCIL ORDINANCE NO. 2022-03

AN ORDINANCE OF THE CITY OF ORLAND CITY COUNCIL AMENDING TITLE 17, ZONING, OF THE CITY OF ORLAND MUNICIPAL CODE BY MODIFYING CHAPTER CHAPTER 17.76 - GENERAL USE AND DESIGN REQUIREMENTS, SECTION 17.76.130 ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS, AND SECTION 17.76.100 - PARKING AND LOADING FACILITIES TO COMPLY WITH STATE LAW REGARDING ACCESSORY DWELLING UNITS

WHEREAS, the City of Orland, California did complete the necessary studies thereon, as provided by law, and;

WHEREAS, Title 1 *General Provisions* of the City Code does allow for amendment to the City Code; and

WHEREAS, the Planning Commission of the City of Orland, California held a duly noticed Public Hearing to consider the matter on February 17, 2022, as provided by law; and

WHEREAS, no public comment was received as a result of the public hearing and upon the closing of the public hearing and deliberation on the matter, the Planning Commission recommended approval of the proposed Code amendment to the Council as presented; 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 15, 2022; and

WHEREAS, adoption of Government Code Section 65852.2 regarding accessory dwelling units by the State results in necessary revisions to the City's Municipal Code; and

WHEREAS, 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, Title 17- *Zoning* - Chapter 17.76- *GENERAL USE AND DESIGN REQUIREMENTS* § 17.76.130 *Accessory Dwelling Units and Junior Accessory Dwelling Units* has been amended to comply with Government Code Sections 65852.2 and 65852.22 as shown in **Exhibit A**; and

WHEREAS, Title 17- *Zoning* - Chapter 17.76- *GENERAL USE AND DESIGN REQUIREMENTS* § 17.76.130 *Accessory Dwelling Units and Junior Accessory Dwelling Units* has been amended to comply with the photovoltaic requirements of the 2019 California Energy Code as shown in **Exhibit A**; and

WHEREAS, Title 17- Zoning - Chapter 17.76- *GENERAL USE AND DESIGN REQUIREMENTS* § 17.76.100 *Garage Conversion* has been amended to comply with the replacement parking requirements for ADU/JADU when converting an existing garage to an AD or JADU as shown in **Exhibit A**; and

WHEREAS, the City Council determined the proposed amendments to Title 17, *Zoning* meet the standards to quality as being exempt from further review pursuant to the California Environmental Quality Act (CEQA) under Section 15061(b)(3), *General Rule* of the State CEQA Guidelines.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Orland approve the associated CEQA Exemption and approves the Orland Municipal Code Amendments reflected in Exhibit A 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 (by title only) on **March 15, 2022.**

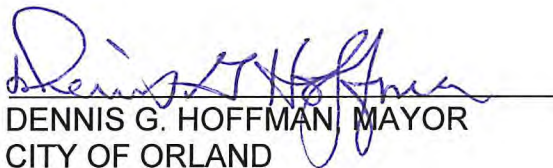
PASSED AND ADOPTED by the Orland City Council on this fifth day of April, by the following vote:

Ayes: Councilmember Roundy, Irvin, Dobbs, Vice Mayor Tolley and Mayor Hoffman

Noes: None

Abstain: None

Absent: None


DENNIS G. HOFFMAN, MAYOR
CITY OF ORLAND

ATTEST:


JENNIFER SCHMITKE,
CITY CLERK

APPROVED AS TO FORM:


GREG EINHORN, ESQ.
CITY ATTORNEY

CODIFY X

UNCODIFY



CITY OF ORLAND MUNICIPAL CODE AMENDMENTS

(Additions are underlined, deletions are overstruck)

Title 17 Zoning

Chapter 17.76 - GENERAL USE AND DESIGN REQUIREMENTS

Sections:

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 ADUs and/or JADUs:

1. 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
2. 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:
 - a. The increased floor area of an attached 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 eight hundred (800) sq. ft. in size, at least sixteen (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. Maximum allowed increase in floor area for an ADU is one thousand two hundred (1,200) square feet. Maximum allowed increase in floor area for a JADU is five hundred (500) square feet.
 - j. With the ~~acceptation~~exception of those requirements discussed in divisions ~~8h~~ and ~~9i~~ above, requirements relating to height, 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.
 - q. For an ADU that is not described in ~~subsection 15~~ division o above, a new or separate utility connection directly between the 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.

- s. 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 attached ADU and a maximum of twenty-five (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 sixteen (16) feet and four-foot rear yard and side setbacks.

- t. The City shall ministerially review and act on a building permit application for an ADU and JADU within 60 days after receiving the application. An ADU or JADU unit proposed with a permit application for a new primary dwelling unit shall not be approved until the primary dwelling receives approval.
- u. Newly constructed accessory dwelling units are subject to the 2019 California Energy Code (Cal. Code Regs., Title 24, Part 6, Subchapter 8, Section 151.1(14)) requirement, with exceptions, to provide a solar photovoltaic (PV) system if the unit is a newly constructed, non-manufactured, detached accessory dwelling unit. The solar panels can be installed on the ADU or on the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide a PV system.
- v. Additional JADU requirements:
 - i. One JADU unit is allowed per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.
 - ii. The creation of a JADU must be within the walls of the proposed or existing single-family residence. JADUs are not allowed in accessory structures. Attached garages are eligible for JADU creation.
 - iii. The JADU is required to include a separate entrance from the main entrance to the proposed or existing single-family residence but may also include shared access between the two units.
 - iv. No passageway shall be required in conjunction with the construction of a JADU. For the purposes of this section, "passageway" means a pathway that is unobstructed clear to the sky and extends from the street to one entrance of the accessory dwelling unit.

17.76.100 - Parking and loading facilities.

K. Garage conversion:

1. Any off-street parking spaces lost through conversion of a garage to a non-garage use in a residential zone shall be replaced with enclosed space meeting the standards for the use as

required by the applicable zone district unless the conversion is a ADU or JADU. Parking replacement requirements for these type of uses are identified in Section 17.76.130.