



1           **WHEREAS**, the proposed ADU Code amendments would not result in an increase in  
2 development beyond that which was analyzed in the Final Environmental Impact Report (EIR)  
3 prepared and certified for the Chico 2030 General Plan update (State Clearinghouse  
4 #2008122038). The proposed amendments represent a refinement of the General Plan adoption  
5 process, and in accordance with California Environmental Quality Act Guidelines Section 15162  
6 are within the scope of the EIR;

7           **WHEREAS**, The Planning Commission considered the proposed amendment to the  
8 Accessory Dwelling Unit owner-occupancy provisions that were presented in the staff report,  
9 and considered comments at a duly noticed public hearing held on May 16, 2019, and adopted  
10 Planning Commission Resolution 19-06, recommending City Council approval of the proposed  
11 ordinance amendments; and

12           **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**  
13 **CHICO:**

14           **Section 1.** That the recitals set forth above are incorporated herein and by this  
15 reference made operate part thereof.

16           **Section 2.** That Section 19.19.040 “Owner-Occupancy Requirements” is hereby  
17 deleted in its entirety.

18           **Section 3.** That Section 19.52.070 “Special Design considerations (-SD) overlay  
19 zone” is hereby amended as follows:

20 **19.52.070 Special Design considerations (-SD) overlay zone.**

21 **A. – C.** [No changes.]

22 **D.** Specific Area Permit Requirements and Development Standards. Development and new  
23 land uses within the -SD overlay zone shall obtain the land use entitlements as required by the  
24 primary zoning district, except as otherwise provided in this subsection, and shall comply with  
25 all applicable development standards of the primary zoning district, and the following  
26 requirements.

27           1. – 3. [No changes.]

28

1 4. SD-4 (West Avenue Neighborhood Area). A use permit is required for all  
2 accessory dwelling units.

3 a. Owner occupancy requirement. Use permits required for accessory dwelling  
4 units in the SD-4 overlay zone shall be subject to the condition that either the accessory  
5 dwelling unit or the primary dwelling unit must be occupied by an owner of the property.  
6 Such permits shall be further conditioned to require that each owner of the property sign  
7 a covenant acknowledging the requirement that the property be owner- occupied and that  
8 the covenant be recorded with the county recorder’s office prior to the issuance of a  
9 certificate of occupancy for the accessory dwelling unit. Rental occupancy of either the  
10 main dwelling unit and the accessory dwelling unit shall only be on a rental agreement  
11 with a term longer than 30 days.

12 5. – 8. [No changes.]

13 **Section 4.** That Section 19.76.130 “Accessory Dwelling Units – Owner-Occupancy”  
14 is hereby amended as follows:

15 **19.76.130 Definitions of specialized terms and phrases.**

16 **A. – B.** [No changes.]

17 **C.** Development Standards.

18 1. – 5. [No changes.]

19 6. Accessory dwelling unit setbacks shall be as follows:

20 a. No setback shall be required for an existing garage that is converted to an  
21 accessory dwelling unit.

22 b. A 5-foot rear and 3-foot side setback shall be required for an accessory  
23 dwelling unit constructed above a garage.

24 c. When a detached accessory dwelling unit is located to the side or rear of a main  
25 dwelling unit, the units shall be separated by a minimum of 8 feet.

26 d. When an accessory dwelling unit is adjacent to an alley and constitutes a  
27 second story on a garage which has less than a 5-foot setback, the rear yard setback for  
28 the accessory dwelling unit shall be the same as the existing setback for the garage.

1 e. When an accessory dwelling unit is adjacent to an alley a 5-foot setback shall  
2 be provided from the alley.

3 7. – 15. [No changes.]

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8 THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico at its  
9 meeting held on July 2, 2019 by the following vote:

10  
11 AYES: Huber, Ory, Reynolds, Schwab, Brown, Stone

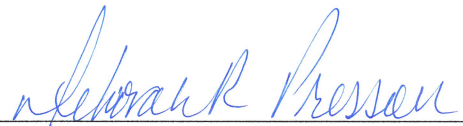
12 NOES: Morgan

13 ABSENT: None

14 ABSTAIN: None

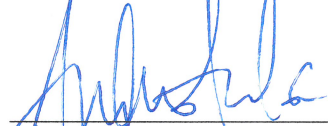
15 DISQUALIFIED: None

16  
17 ATTEST:

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19 \_\_\_\_\_

20 Deborah R. Presson, City Clerk

APPROVED AS TO FORM:

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19 \_\_\_\_\_

20 Vincent C. Ewing, City Attorney\*

21 \*Pursuant to The Charter of the City of Chico, Section 906(E)  
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24  
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