

1 21080.17 (adoption of an ordinance by a city to implement provisions of Section 65852.2 of the
2 Government Code).

3 **BE IT ORDAINED** by the Council of the City of Chico:

4 **SECTION 1.** Section 19.76.130 of the Chico Municipal Code is amended as follows:

5 **19.76.130 Accessory dwelling units.**

6 The following definitions, permit requirements and development standards shall apply to
7 accessory dwelling units.

8 A. Definitions. In addition to the definitions set forth in Chapter 19.04, the following words
9 and phrases shall have the following meanings respectively ascribed to them in this section.

10 1. "Accessory dwelling unit" (ADU) means an attached or detached residential dwelling unit
11 which provides complete independent living facilities for one or more persons on the same parcel
12 as the main dwelling unit. It shall include permanent provisions for living, sleeping, eating,
13 cooking, and sanitation. An accessory dwelling unit also includes the following:

14 a. An efficiency unit as defined in Section 17958.1 of the Health and Safety Code.

15 b. A manufactured home as defined in Section 18007 of the Health and Safety Code.

16 2. "Junior Accessory Dwelling Unit" (JADU) means a unit that is no more than 500 square
17 feet in size and contained entirely within a single-family dwelling. A junior accessory dwelling
18 unit may include separate sanitation facilities or may share sanitation facilities with the existing
19 structure.

20 B. General requirements. Where a single-family or multi-family use is a permitted use or
21 lawfully exists, a proposed ADU shall comply with all the development standards of this section.
22 Applicants for accessory dwelling units may seek zoning clearance for a site plan depicting a
23 proposed ADU or may directly apply for building permits and compliance with these standards
24 shall be assessed in conjunction with building permit review.

25 1. Accessory dwelling units or junior accessory dwelling units may be rented for the purpose
26 of overnight lodging for terms of thirty or more consecutive days but shall not be rented or
27 subleased for shorter terms.

28 2. Neither the main dwelling nor the ADU shall be sold or otherwise conveyed separately

1 from the other unit, except pursuant to California Government Code Section 65852.26.

2 C. Development Standards.

3 1. Number of Units Allowed (Single-Family). The following standards are applicable to
4 ADUs and JADUs proposed on single-family residential properties.

5 a. One attached ADU; or

6 b. One detached ADU and/or one JADU.

7 2. Number of Units Allowed (Multi-Family). The following standards are applicable to
8 ADUs proposed on multi-family residential properties.

9 a. A maximum of two detached ADUs; and,

10 b. A number of ADUs not to exceed 25 percent of the number of existing multi-
11 family units or one, whichever is greater, may be created within portions of the existing multi-
12 family dwelling structures that are not used as livable space, provided that the unit complies with
13 the California Building Code.

14 3. Attached or detached. An ADU may be either attached to or detached from the main
15 dwelling unit.

16 4. Maximum size of accessory dwelling units. The maximum square footage for an ADU
17 shall be as follows:

18 a. For attached ADUs (Single-Family): 50 percent of the living area of the main
19 residence up to a maximum of 1,200 square feet.

20 b. For detached ADUs larger than 800 square feet (Single-Family): 75 percent of
21 the living area of the main dwelling unit up to a maximum 1,200 square feet.

22 c. For ADUs larger than 800 square feet (Multi-Family): Up to 850 square feet for
23 a one-bedroom unit and up to 1,000 square feet for a two-bedroom unit, subject to maximum lot
24 coverage standards applicable to the underlying zoning district.

25 5. Building height shall be limited as follows: New attached additions to main dwelling units
26 shall have the same height limit provided by the underlying zoning district applicable to the main
27 unit. New detached ADUs shall be a maximum of 25 feet when proposed on a lot with an existing
28 single-family dwelling. For new detached ADUs proposed on a lot with an existing multi-family

1 dwelling, the maximum height shall be 16 feet.

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

3 a. No setback shall be required for an ADU located within existing living area or an
4 existing accessory structure, or an ADU that replaces an existing structure and is located in the
5 same location and to the same dimensions as the structure being replaced (i.e. an existing garage
6 that is converted to an ADU).

7 b. A minimum 4-foot rear and 4-foot side setback shall be required for an ADU attached
8 to a main dwelling unit.

9 c. Detached, new-construction ADUs shall provide a minimum side and rear yard setback
10 of 4 feet.

11 d. A minimum 4-foot rear and 4-foot side setback shall be required for an ADU constructed
12 above a garage.

13 e. When an ADU is adjacent to an alley and constitutes a second story on a garage which
14 has less than a 4-foot setback, the minimum rear yard setback for the ADU shall be the same as
15 the existing setback for the garage.

16 f. Detached ADUs shall provide a minimum 8-foot separation between buildings or per the
17 Building and Fire Code.

18 7. Conversion of an Existing Residence. An existing residence, in conformance with the
19 above regulations, may be converted to an ADU in conjunction with the development of a new
20 main dwelling unit. Occupancy of the ADU shall not be allowed prior to the issuance of a
21 certificate of occupancy for the main dwelling unit.

22 8. Existing Accessory Dwelling Unit. An existing ADU or JADU may be enlarged or
23 modified only in accordance with the requirements of this section.

24 9. Residential Density. To the extent required by California Government Code Section
25 65852.2, an ADU or JADU built in conformance with this section shall not count toward the
26 allowed density for the lot upon which the unit is located.

27 10. Trash storage. The ADU or JADU shall be provided with an outdoor area for the storage
28 of trash and recycling receptacles. That area shall have an all-weather surface and be screened

1 from view by a fence, wall or permanent landscaping.

2 11. Security lighting. Accessory dwelling units located adjacent to an alley shall have a
3 minimum of one outdoor security light for illumination of the alleyway adjacent to the unit. Such
4 lighting shall be shielded and directed downward and away from adjacent properties to ensure that
5 it has a minimal impact on neighboring properties.

6 12. Walls or fences between units. When an ADU is located behind a main dwelling unit, a
7 continuous fence or wall shall not be installed between the main and ADU unless it includes a gate
8 allowing pedestrian access from the accessory dwelling unit to the street.

9 13. Vehicle access. If provided, vehicle access to an ADU may be from a street or an alley.

10 a. Alley access. When an ADU will be located on a site served by an alley, the ADU shall
11 maintain its primary vehicular access from the alley. Accessory dwelling units located on the
12 street-access terminus of alleys shall be sited to ensure adequate site distance clearance.

13 b. Vehicle access from street frontage. Driveway surfaces installed to provide vehicle
14 access from a street to an ADU located on the rear of a parcel shall be
15 constructed with permeable-surface, all-weather materials or shall otherwise be constructed to
16 retain runoff on site. New driveways that extend beyond the rear of the main dwelling unit shall
17 consist of two tire strips or be otherwise designed to be of permeable-surface, all-weather material.

18 14. Pedestrian access to accessory unit. Accessory units created within an existing single-
19 family residence shall include an independent exterior access that is separate from the exterior
20 entrance of the existing residence and complies with the minimum side and rear setbacks for fire
21 safety.

22 15. Fire protection access. Accessory dwelling units not located adjacent to an alley shall be
23 located so that all sides of the structure are within 150 feet of unobstructed access from the street
24 frontage in order to provide adequate fire protection. Accessory dwelling units shall not be required
25 to provide fire sprinklers if they are not required for the main residence.

26 16. Parking. In addition to the parking required for the main dwelling unit, one parking space
27 shall be required for each ADU.

28 a. Parking spaces for the ADU and the main residence may be provided in a tandem

1 parking arrangement on an existing driveway.

2 b. Off street parking shall be permitted in setback areas as set forth in CMC 19.70.060, or
3 through tandem parking, unless specific findings are made that parking in the setback areas or
4 tandem parking is not feasible based upon specific site or fire and life safety conditions.

5 c. When a garage, carport or covered parking structure is demolished in conjunction with
6 the construction of an ADU, or is converted into an ADU, those off-street replacement of those
7 off-street parking spaces shall not be required.

8 17. Parking exceptions. Parking shall not be required for the ADU in any of the following
9 instances:

10 a. The ADU is located within one-half mile of public transit;

11 b. The ADU is located within an architecturally and historically significant historic
12 district;

13 c. The ADU is part of the existing main residence or an existing accessory structure;

14 d. When on-street parking permits are required but not offered to the occupant of the
15 ADU;

16 e. When there is a car share vehicle located within one block of the ADU.

17 18. The ADU can be accommodated with the existing water service and existing sewer lateral
18 or septic system, provided sufficient evidence that the existing water service and existing sewer
19 lateral or septic system has adequate capacity to serve both the main dwelling unit and ADU. No
20 additional water meter shall be required, unless requested by the applicant.

21 **SECTION 2.** Environmental Determination. The Council finds that the adoption and
22 implementation of this ordinance is exempt from the provisions of the California Environmental
23 Quality Act (CEQA) pursuant to Public Resources Code section 21080.17, as adoption of an
24 ordinance to implement the provisions of Government Code section 65852.2.

25 **SECTION 3.** Severability. If any section, subsection, sentence, clause, phrase or word
26 of this Ordinance is for any reason held to be invalid and/or unconstitutional by a court of
27 competent jurisdiction, such decision shall not affect the validity of the remaining portions of this
28 Ordinance.

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SECTION 4. Effective Date. This Ordinance shall be effective thirty days following adoption.

SECTION 5. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

THE FOREGOING ORDINANCE was adopted at a meeting of the City Council of the City of Chico on 09-15-2020, by the following vote:

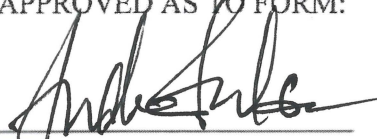
AYES: Huber, Morgan, Ory, Reynolds, Stone, Brown, Schwab
NOES: None
ABSENT: None
ABSTAINED: None
DISQUALIFIED: None

ATTEST:



Deborah R. Presson
City Clerk

APPROVED AS TO FORM:



Andrew Jared, City Attorney*

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