

1 the issuance of a certificate of occupancy for the new unit. Owner-occupancy shall not be
2 required if the property is owned by another governmental agency, land trust, or housing
3 organization.

4 **P. – S.** [No changes.]

5 **T. Definitions, "T."**

6 **Two-Unit Housing Development.** A proposed housing development involving no more
7 than two residential units on a lot within a single-family residential zoning district that meets all
8 the criteria and standards set forth in Section 19.76.220.

9 **U. Definitions, "U."**

10 **Urban Lot Split.** A subdivision of an existing parcel into no more than two separate
11 parcels that meets all the criteria and standards set forth in Section 19.76.220. No more than two
12 dwelling units shall be located on any lot created through an Urban Lot Split, including primary
13 dwelling units, accessory dwelling units, junior accessory units, density bonus units, and units
14 created as a two-unit housing development.

15 **V – Z.** [No changes.]

16 **Section 2.** That Section 19.10.020 of the Chico Municipal Code is amended to read as
17 follows:

18 **19.10.020 Noticing.**

19 The public shall be provided notice of hearings in compliance with applicable State law.

20 A. [No changes.]

21 B. Method of Distribution.

22 1. Notice of a public hearing required by this chapter for a use permit, variance, site
23 plan and architectural design review, appeal, development agreement, specific plan,
24 neighborhood or area plan, or amendments to the General Plan, Zoning Map, or these
25 Regulations or any entitlement provided for in these Regulations, shall be given as
26 follows:

27 a. – b. [No changes.]

28 2. [No changes.]

3. Notice of a public hearing by the City Council required by this chapter to designate buildings, structures, or objects on the Historic Resources Inventory shall be given by written notice of the hearing or request mailed or delivered to the applicant and any person requesting notice in writing, at least 10 days prior to the hearing.

C. [No changes.]

D. [No changes.]

Section 3. That Section 19.12.020 of the Chico Municipal Code is amended to read as follows:

19.12.020 Appeal subjects and jurisdiction.

Determinations and actions that may be appealed, and the authority to act upon an appeal shall be as set forth in Table 2-1 and in this Chapter.

**TABLE 2-1
REVIEW AUTHORITY**

| Type of Permit or Decision | Architectural Review and Historic Preservation Board | Director | Zoning Administrator | Planning Commission | City Council |
|--|--|--------------|----------------------|---------------------|--------------|
| Administrative Use Permit | | Decision (2) | | | |
| Urban Lot Split/Two-Unit Housing Development | | Decision (2) | | | |

Notes:

(1) Architectural/design review decisions and decisions regarding applications for certificates of appropriateness or certificates of demolition rendered by the Architectural Review and Historic Preservation Board for projects requiring only the issuance of a building permit are appealed to the City Council.

Architectural/design review decisions rendered by the Architectural Review and Historic Preservation Board on projects requiring a discretionary permit from the Planning Commission

1 and rendered after referral to the Architectural Review and Historic Preservation Board by the
2 Planning Commission are appealed to the Planning Commission.

3 Architectural/design review decisions rendered by the Planning Commission are
4 appealed to the City Council.

5 (2) This decision may be appealed pursuant to the administrative review process set forth in
6 section 19.12.040.

7 (3) Director decisions are appealed to the Architectural and Historic Preservation Review
8 Board. The Architectural Review and Historic Preservation Board decision on an appeal is final.

9 (4) Decisions on use permits and variances, whether made by the zoning administrator or
10 planning commission, are appealable directly to the City Council.

11 (5) The Architectural Review and Historic Preservation Board shall make recommendations
12 to the City Council regarding the creation or modification of landmark overlay zoning districts
13 pursuant to Chapter 19.37.

14 **Section 4.** That Section 19.12.040 of the Chico Municipal Code is amended to read as
15 follows:

16 **19.12.040 Administrative review.**

17 The procedures set forth in this section shall apply to the appeal of decisions of the Director on
18 the following types of permits: Determinations by the Director that an application is complete
19 pursuant to Chapter 19.16, fraternity and sorority house permits, foothill development permits,
20 home occupation permits, sign permits, mobile food vendor permits, zoning clearances, and
21 urban lot splits or two-unit housing developments.

22 A. – C. [No changes.]

23 **Section 5.** That Section 19.16.020 of the Chico Municipal Code is amended to read as
24 follows:

25 **19.16.020 Pre-application neighborhood meetings.**

26 This section applies to all projects on residentially zoned property, or on property located
27 adjacent to residentially zoned property which require a discretionary permit issued by the
28 planning commission or city council. All projects for such a discretionary permit shall require a

1 pre-application neighborhood meeting in compliance with the requirements set forth below. The
2 purpose of the meeting is to provide for early input by affected neighbors. While neighborhood
3 consensus or agreement is desirable, it is not a required outcome of the neighborhood meeting.

4 A. [No changes.]

5 B. Notice. Notice of the time, date and location of the neighborhood meeting shall be
6 given by the applicant to all property owners and occupants within 500 feet of the proposed
7 project and to the department at least 10 calendar days prior to the date of the meeting. Mailing
8 lists for such notice may be obtained from the department. Notice shall be deemed to have been
9 given on the date it is has been mailed, first- class, postage prepaid, or personally delivered. The
10 applicant shall provide the Department with a list of each person and property to which the
11 notice is mailed.

12 C- H. [No changes.]

13 **Section 6.** That Section 19.28.030 of the Chico Municipal Code is amended to read as
14 follows:

15 **19.28.030 Application filing, initial processing.**

16 An application for a planned development permit shall be filed in compliance with
17 Chapter 19.16 (Application Filing and Processing, Fees) and shall include all information
18 specified in the Department handout for planned development permits.

19 A planned development permit may be initiated in one of the following manners:

20 A. [No changes.]

21 B. [No changes.]

22 **Section 7.** That Section 19.30.020 of the Chico Municipal Code is amended to read as
23 follows:

24 **19.30.020 Effective date of permits.**

25 Permits issued for ministerial projects including Home Occupations, Two-Unit
26 Housing Developments, and Urban Lot Splits shall be effective upon approval by the Director.
27 Unless otherwise stated, permits for all other land use entitlements shall become effective on the
28 11th day following the date of application approval by the appropriate review authority, provided

1 that no appeal of the review authority's action has been filed in compliance with Chapter 19.12
 2 (Appeals). Development agreements, specific plans, and amendments to the General Plan,
 3 Zoning Map, and these Regulations shall become effective on the 31st day following the date of
 4 approval by the Council. No permit, certificate, or other entitlement may be issued until the
 5 effective date.

6 **Section 8.** That Section 19.42.020 of the Chico Municipal Code is amended to read as
 7 follows:

8 **19.42.020 Residential zone land uses and permit requirements.**

9 Table 4-2 identifies the uses of land allowed by these Regulations in each residential
 10 zoning district, and the land use entitlement required to establish the use.

11 Where the last column of the table (“Subject to Standards in Section/Chapter”) includes a
 12 section or chapter number, the regulations in the referenced section/chapter apply to the use.
 13 Provisions in other sections/chapters may apply as well.

14 **TABLE 4-2 - ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL**
 15 **ZONING DISTRICTS**

| LAND USE (1) | PERMIT REQUIREMENT BY ZONE | | | | | | Subject to Standards in Section/ Chapter: |
|------------------------------|----------------------------|------|----|----|----|-----|---|
| | RS | R1 | R2 | R3 | R4 | RMU | |
| RESIDENTIAL USES | | | | | | | |
| Two-unit housing development | P(5) | P(5) | | | | | 19.76.220 |

22 **Notes:**

- 23 (1) See Chapter 19.04 for definitions of the listed land uses.
 24 (2) Use allowed only on a site of 1 acre or larger.
 25 (3) Allowed only within density requirements of General Plan Designation.
 26 (4) Accessory dwelling units shall comply with all applicable development standards set forth
 27 in 19.76.130.
 28 (5) Development of up to two units may be allowed on property zoned RS or R1, subject to

1 the standards and requirements established in CMC Section 19.76.220.

2 (6) Businesses which operate between the hours of 10PM and 6AM or allow amplified music
3 within 300 feet of a residential district require use permit approval.

4 **Section 9.** That Section 19.42.030 of the Chico Municipal Code is amended to read as
5 follows:

6 **19.42.030 Residential zone general development standards.**

7 The requirements in Tables 4-3A, 4-3B and 4-3C shall apply to new land uses and
8 structures, and alterations to existing land uses and structures, in addition to any applicable
9 development standards (such as landscaping, parking and loading) in Division V.

10 **TABLE 4-3A**

11 **RESIDENTIAL ZONE GENERAL DEVELOPMENT STANDARDS**

| Development Feature | Requirement by Zoning District |
|-------------------------------------|---|
| | RS |
| Minimum Lot Size | Determined by Section 19.42.040(A) (Minimum lot area and density). |
| Minimum area | 80 ft. in RS-20; 100 ft. elsewhere. See the subdivision regulations for cul-de-sac lots. |
| Minimum width at front setback line | |
| Residential Density | 0.2 to 2 units per acre for subdivisions. One single-family unit per lot, and up to one detached ADU and one JADU in compliance with Section 19.76.130; or, a two-family housing/duplex use in compliance with Section 19.76.220. |
| Setbacks Required | |
| Front | 20 ft. |
| Sides (each) | 10 ft. in RS-20; 20 ft. elsewhere. |
| Street side | 20 ft. in RS-20; |
| Rear | 30 ft. elsewhere |
| Accessory structures | See Section 19.76.020 (accessory uses and structures) |
| Site Coverage (1) | 40% |

28 [Table continues on next page]

| | |
|---------------|--|
| Height Limits | 35 ft. for housing units; 15 ft. for accessory structures; 25 ft. for accessory structures, with use permit approval; 15 feet for detached garages; 25 ft. for garages with an ADU above; 25 ft. for garages without an ADU above, with administrative use permit approval. |
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Notes:

- (1) Maximum percentage of site area that may be covered with structures (see the definition of site coverage in Chapter 19.04).

TABLE 4-3B

RESIDENTIAL ZONE GENERAL DEVELOPMENT STANDARDS

| Development Feature | Requirement by Zoning District | |
|-------------------------------------|---|---------------|
| | R1 | R2 |
| Minimum Lot Size | Interior lots: 4,500 sq.ft., or as determined by Section 19.42.040-A. | [No changes.] |
| Minimum area | Corner lots: 5,500 sq.ft., or as determined by Section 19.42.040-A. Small lot subdivisions: 3,500 to 4,499 sq.ft., in compliance with Section 19.76.150. Parcels smaller than 3,500 sq.ft. may be created through PD permit approval (Chapter 19.28) or an urban lot split (Section 19.76.220). | [No changes.] |
| Minimum width at front setback line | For R1: 45 ft., interior lots; 50 ft., corner lots. For R1-10 & R1-15: 70 ft. interior lots; 75 ft. corner lots. See Title 18R, Design Criteria and Improvement Standards, for cul-de-sac lots. Lesser width is required for lots created by an urban lot split (Section 19.76.220). | [No changes.] |
| Residential Density | 2.1 minimum, 7 units maximum per acre for subdivisions. One single-family unit, JADU, and detached ADU per lot in compliance with Section 19.76.130; or, a two-family housing/duplex use in compliance with Section 19.76.220. | [No changes.] |

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| Development Feature | Requirement by Zoning District | |
|--|--|--|
| | R1 | R2 |
| Setbacks Required Front | <p><u>Lots of 4,500 sq.ft. or more:</u> 15 ft. for main buildings and 20 ft. for garages/carports.</p> <p><u>Lots of 3,500 - 4,499 sq.ft.:</u> See Section 19.76.150 (Small-lot subdivisions).</p> <p><u>Lots less than 3,500 sq.ft.:</u> See Section 19.76.220 (Urban Lot Split).</p> | [No changes.] |
| Sides (each) | 4 ft.; 10 ft. for R1-10 and R1-15 | [No changes.] |
| Street side | 10 ft. for main buildings; 20 ft. for garages/carports; 9 ft. for main buildings on lots with parkways. | [No changes.] |
| Rear | <p>15 ft. for main buildings.</p> <p><u>Lots of 3,500 - 4,499 sq.ft.:</u> See Section 19.76.150 (Small-lot subdivisions).</p> <p><u>Lots less than 3,500 sq.ft.:</u> See Section 19.76.220 (Urban Lot Split).</p> | [No changes.] |
| Accessory structures | See Section 19.76.020 (accessory uses and structures) | |
| Site Coverage (see definitions in Chapter 19.04) | <p>50% single-story primary housing units;</p> <p>40% multi-story primary housing units;</p> <p>50% R1-10, and R1-15.</p> | [No changes.] |
| Minimum Open Space | Not applicable. | [No changes.] |
| Height Limits | <p>35 ft. for primary housing units;</p> <p>15 ft. for accessory structures;</p> <p>25 ft. for accessory structures, with use permit approval;</p> <p>25 ft. for garages with an ADU above;</p> <p>25 ft. for detached garages without an ADU above</p> | <p>35 ft. for primary housing units;</p> <p>15 ft. for accessory structures;</p> <p>25 ft. for accessory structures, with use permit approval;</p> <p>25 ft. for garages with an ADU above;</p> <p>25 ft. for detached garages without an ADU above, with a minimum setback distance of 10 feet from all property lines.</p> |

1 **Notes:**

2 (1) Maximum percentage of site area that may be covered with structures.

3 **Section 10.** That Section 19.42.040 of the Chico Municipal Code is amended to read as
4 follows:

5 **19.42.040 Minimum Lot Area and Density.**

6 The minimum area for each parcel and the maximum density of residential development
7 are determined by Section 19.42.030, except where otherwise determined by this section.

8 A. – D. [No changes.]

9 **TABLE 4-4**

10 **MINIMUM LOT AREA FOR SUBDIVISIONS IN AREAS WITH ZONING SUFFIX**

11

| Suffix to Zoning Map Symbol | Minimum Lot Area Required (1) |
|-----------------------------|-------------------------------|
| RS-5 | 5 acres |
| RS-4 | 4 acres |
| RS-3 | 3 acres |
| RS-2 | 2 acres |
| RS-1 | 1 acre |
| RS-20 | 20,000 sq.ft. |
| R1-15 | 15,000 sq.ft. |
| R1-10 | 10,000 sq.ft. |

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20 **Notes:**

21 (1) Minimum lot area may be reduced for eligible RS and R1 zoned properties in compliance
22 with Section 19.76.220.

23 **TABLE 4-5**

24 **RESIDENTIAL DENSITY LIMITATIONS**

25 [Table continues on following page.]

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| Housing Characteristic | Requirement by Zoning District | | | |
|-------------------------------------|---|---|--------------------|---|
| | R2 | R3 | R4 | RMU |
| Minimum Density | 6 units/acre | 14.1 units/acre | 20 units/acre | 10 units/acre |
| Maximum Density | 14 units/acre | 22 units/acre | 70 units/acre | 20 units/acre |
| Housing types allowed | Single-family units Two-family units Multi-family units | Single-family units Two-family units Multi-family units | Multi-family units | Single-family units Two-family units Multi-family units |
| Minimum building site area required | 6,000 sq.ft. of site area per two-family unit | 1,425 sq.ft. of site area per unit | | 900 sq.ft. of site area per unit |

Section 11. That Section 19.44.020 of the Chico Municipal Code is amended to read as follows:

19.44.020 Commercial/office zone land uses and permit requirements.

Table 4-6 identifies the uses of land allowed by these Regulations in each office and commercial zoning district, and the land use entitlement required to establish each use.

Where the last column of the table (“Subject to Standards in Section/Chapter”) includes a section or chapter number, the regulations in the referenced section/chapter apply to the use; however, provisions in other sections/chapters may apply as well.

TABLE 4-6 - ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL ZONING DISTRICTS

| LAND USE (1) | PERMIT REQUIREMENT BY ZONE | | | | | | | | Subject to Standards in Section/ Chapter: |
|---|----------------------------|----|----|----|----|----|----|----|---|
| | OR | OC | CN | CC | DN | DS | CS | CR | |
| RECREATION, EDUCATION & PUBLIC ASSEMBLY USES | | | | | | | | | |
| Cardrooms | | | | UP | UP | UP | UP | UP | 5.32 |

1 **Section 12.** That Section 19.44.030 of the Chico Municipal Code is amended to read as
 2 follows:

3 **19.44.030 Commercial and office zone general development standards.**

4 The requirements in Table 4-7 shall apply to new land uses and structures, and alterations
 5 to existing land uses and structures, in addition to any applicable development standards (such as
 6 landscaping, parking and loading) in Division V.

7 **TABLE 4-7**

8 **COMMERCIAL AND OFFICE ZONE GENERAL DEVELOPMENT STANDARDS**

| Development Feature | Requirement by Zoning District | |
|--|---|---------------|
| | OR | OC |
| Minimum Lot Size Minimum area | [No changes.] | [No changes.] |
| Minimum width at front setback line | [No changes.] | |
| Residential Density | 6-20 units per gross acre. Exclusively residential projects shall comply with the residential setback requirements in Table 4-3C and the landscape standards in Chapter 19.68 based upon the project density and corresponding residential zoning district. | |
| Setbacks Required (1) Front | [No changes.] | [No changes.] |
| Sides | [No changes.] | [No changes.] |
| Street side | [No changes.] | |
| Rear | [No changes.] | |
| Accessory structures | [No changes.] | |
| Landscaping | [No changes.] | |
| Site Coverage, Maximum | [No changes.] | [No changes.] |
| Height Limits | [No changes.] | [No changes.] |

24 [Table continues on following page.]

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| Development Feature | Requirement by Zoning District | |
|--|---|---------------|
| | CN | CC |
| Minimum Lot Size Minimum area | [No changes.] | |
| Minimum width at front setback line | [No changes.] | |
| Residential Density | 6-22 units per gross acre. Exclusively residential projects shall comply with the residential setback requirements in Table 4-3C and the landscape standards in Chapter 19.68 based upon the project density and corresponding residential zoning district. | |
| Setbacks Required (1) Front | [No changes.] | |
| Sides | [No changes.] | [No changes.] |
| Street side | [No changes.] | |
| Rear | [No changes.] | |
| Accessory structures | [No changes.] | |
| Site Coverage, Maximum | [No changes.] | [No changes.] |
| Height Limits | [No changes.] | [No changes.] |
| Development Feature | Requirement by Zoning District | |
| | DN | DS |
| Minimum Lot Size Minimum area | [No changes.] | |
| Residential Density | 6-22 units per gross acre. Exclusively residential projects shall comply with the residential setback requirements in Table 4-3C and the landscape standards in Chapter 19.68 based upon the project density and corresponding residential zoning district. | |
| Landscaping | [No changes.] | |
| Setbacks Required (1) Front | [No changes.] | |
| Sides | [No changes.] | |
| Street side | | |
| Rear | | |
| Accessory structures | [No changes.] | |
| Site Coverage, Maximum | [No changes.] | |
| Height Limits | [No changes.] | [No changes.] |

[Table continues on following page.]

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| Development Feature | Requirement by Zoning District | |
|----------------------------------|--------------------------------|--|
| | CS | CR |
| Minimum Lot Size Minimum area | [No changes.] | |
| Residential Density | [No changes.] | 6 to 50 units per gross acre. Exclusively residential projects shall comply with the residential setback requirements in Table 4-3C and the landscape standards in Chapter 19.68 based upon the project density and corresponding residential zoning district. |
| Landscaping | [No changes.] | |
| Setbacks Required (1) Front | [No changes.] | |
| Sides | [No changes.] | [No changes.] |
| Street side | | |
| Rear | [No changes.] | |
| Accessory structures | [No changes.] | |
| Site Coverage, Maximum | [No changes.] | [No changes.] |
| Height Limits | [No changes.] | [No changes.] |

Notes:

(1) A minimum 6-foot landscape buffer shall be included along the rear or side property line abutting the residential use.

(2) The Architectural Review and Historic Preservation Board may require less coverage and more landscaped open area to provide visual relief or contrast, or to screen incompatible or obtrusive features.

Section 13. That Section 19.60.060 of the Chico Municipal Code is amended to read as follows:

19.60.060 Fencing and screening.

The following standards shall apply to the installation of all fences and walls. Fences and

1 walls require approval from the Architectural Review and Historic Preservation Board
2 (ARHPB), if ARHPB review is also required for the underlying development project. Perimeter
3 fences and walls adjacent to the public right-of-way within a proposed subdivision require
4 approval from the Commission, as part of the tentative map review process.

5 A. Height limitations. Fences and walls are subject to the following height limitations:

6 1. General Height Limit.

7 a. Standard Parcels. On all parcels except corner lots, fences, walls, or similar
8 obstructions shall not exceed the following height limitations:

9 (1) Front Yards. 3 feet. May be increased to 4 feet with approval of an
10 administrative use permit in compliance with Chapter 19.25 (Administrative Use Permits), or up
11 to 6 feet with approval of a use permit in compliance with Chapter 19.24 (Use Permits).

12 (2) Rear Yards. 6 feet for all fences; 7 feet if one foot of lattice or other 50% view
13 permeable material is incorporated into the top one foot of the fence design. May be increased to
14 8 feet with approval of an administrative use permit in compliance with Chapter 19.25
15 (Administrative Use Permits).

16 (3) Side Yards. 6 feet for all fences outside the front yard setback area (see Figure 5-
17 1); 7 feet if one foot of lattice or other 50% view permeable material is incorporated into the top
18 one foot of the fence design. Interior side yard fencing may be increased to 8 feet with approval
19 of an administrative use permit in compliance with Chapter 19.25 (Administrative Use Permits).

20 No fence authorized by a use permit shall exceed 6 feet in height in any required front or
21 street side yard nor 8 feet in height in any rear or interior side yard.

22 b. [No changes.]

23 c. [No changes.]

24 d. [No changes.]

25 B. [No changes.]

26 C. [No changes.]

27 D. [No changes.]

28 E. [No changes.]

1 F. Prohibited Materials. The use of barbed wire, electrified fence, or razor wire fence in
2 conjunction with any fence or wall, or by itself, is prohibited in all zoning districts unless:

3 1. Approved in a commercial or industrial zoning district, in compliance with Chapter 19.24
4 (Use Permits); and

5 2. Consistent with the requirements of Civil Code Section 835, including but not limited to
6 the following:

7 a. Signage. Electrified fences shall be identified by prominently placed warning signs
8 that are legible from both sides of the fence.

9 b. Perimeter fencing. Electrified fences shall be located behind a perimeter fence that is
10 not less than 6 feet in height.

11 3. Or as required by any law or regulation of the City, State, or any agency thereof.

12 G. – J. [No changes.]

13 **Section 14.** That Section 19.60.070 of the Chico Municipal Code is amended to read as
14 follows:

15 **19.60.070 Height measurement and height limit exceptions.**

16 A. [No changes.]

17 B. [No changes.]

18 C. Detached Garage. A detached garage or carport shall not exceed 15 feet in height.

19 Except:

20 1. A height of 25 feet is allowed for garages with an ADU above; and

21 2. A height of 25 feet may be allowed for garages without an ADU above if the additional
22 height is architecturally consistent with the main structure and has a minimum setback distance
23 of 10 feet from any property line.

24 D. [No changes.]

25 E. [No changes.]

26 **Section 15.** That Section 19.76.130 of the Chico Municipal Code is amended to read as
27 follows:

28 **19.76.130 Accessory Dwelling Units.**

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

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

6 1. [No changes.]

7 2. "Junior Accessory Dwelling Unit" (JADU) means a unit that is no more than 500
8 square feet in size and contained entirely within a single-family dwelling. JADUs shall include a
9 separate entrance from the main entrance to the proposed or existing single-family residence and
10 shall be equipped with an efficiency kitchen providing cooking appliances and a food
11 preparation area of reasonable size. A junior accessory dwelling unit may include separate
12 sanitation facilities or may share sanitation facilities with the existing structure. In accordance
13 with State law, a junior accessory dwelling unit shall be owner-occupied.

14 B. General requirements. Where a single-family or multi-family use is a permitted use
15 or lawfully exists, and where the property has not been subdivided or developed in connection
16 with SB9, a proposed ADU shall comply with all the development standards of this section.
17 Applicants for accessory dwelling units may seek zoning clearance for a site plan depicting a
18 proposed ADU or may directly apply for building permits and compliance with these standards
19 shall be assessed in conjunction with building permit review.

20 **Section 16.** That Section 19.76.180 of the Chico Municipal Code is amended to read as
21 follows:

22 **19.76.180 Infill Residential Flag Lots.**

23 A. [No changes.]

24 B. Applicability. The standards in this section shall only apply to infill residential flag
25 lots where the property has not been subdivided or developed in connection with SB9. For
26 purposes of this section, infill residential flag lots are defined as flag lots created after the
27 adoption of this section which are located in the RS, R1 or R2 zoning districts and which abut
28 existing single-family development. Existing single-family development is defined as one or

1 more residentially zoned lots already developed with single-family dwellings at the time that the
2 parcel map or tentative subdivision map approving the creation of the flag lot is approved and
3 which are not a part of the subdivision which creates the flag lot.

4 **Section 17.** That Section 19.76.210 of the Chico Municipal Code is amended to read as
5 follows:

6 **19.76.210 Disaster Recovery Structures.**

7 A. – D. [No changes.]

8 E. Term of Ordinance. This Ordinance shall be valid until April 16, 2024, unless
9 otherwise extended by the City Council, or until such later date as established by the City
10 Council.

11 **Section 18.** That Section 19.76.220 of the Chico Municipal Code is amended to read as
12 follows:

13 **19.76.220 Ministerial Two-Unit Housing Development and Urban Lot Split.**

14
15 It is the purpose of this Section to implement Section 65852.21 of the Government Code
16 pertaining to Two-Unit Housing Developments and to implement Section 66411.7 of the
17 Government Code pertaining to Urban Lot Splits.

18 A. Two-Unit Housing Development. A proposed housing development containing no
19 more than two residential units on a parcel located within a single-family residential zoning
20 district shall be considered ministerially, without discretionary review or a hearing, if the
21 proposed housing development meets all the eligibility requirements and standards established in
22 this section.

23 1. Applicability. This section may be applied to parcels zoned R1 (Low Density
24 Residential) or RS (Suburban Residential).

25 2. Eligibility. Single-family residential properties meeting the criteria below may
26 be eligible for a Two-Unit Housing Development:

27 a. Lot Location. The lot to be developed shall not be located on a site that is any
28 of the following, as contained within Government Code Section 65913.4(a)(6)(B) through (K),

1 as may be amended from time to time:

2 i. Prime farmland, farmland of statewide importance or land that is
3 zoned or designated for agricultural protection or preservation by the voters.

4 ii. A wetland.

5 iii. Within a very high fire hazard severity zone, unless the site
6 complies with all fire-hazard mitigation measures required by existing building standards.

7 iv. A hazardous waste site that has not been cleared for residential
8 use.

9 v. Within a delineated earthquake fault zone, unless all development
10 on the site complies with applicable seismic protection building code standards.

11 vi. Within a one hundred (100) year flood hazard area, unless the site
12 has either been subject to a Letter of Map Revision prepared by the Federal Emergency
13 Management Agency and issued to the local jurisdiction, or meets Federal Emergency
14 Management Agency requirements necessary to meet minimum flood plain management criteria
15 of the National Flood Insurance Program.

16 vii. Within a regulatory floodway, unless all development on the site
17 has received a no-rise certification.

18 viii. Land identified for conservation in an adopted natural community
19 conservation plan, habitat conservation plan or other adopted natural resource protection plan.

20 ix. Habitat for protected species.

21 x. Land under conservation easement.

22 b. Historic Properties. A Two-Unit Housing Development shall not be permitted on
23 properties listed on the City's Historic Resources Inventory or located within a historic district.

24 c. Rental Properties. A Two-Unit Housing Development shall not be permitted on any
25 lot that contained a dwelling unit that was withdrawn from rental or lease under the Ellis Act at
26 any time within fifteen (15) years before the date that the application for the Two-Unit Housing
27 Development is submitted to the city.

28 d. Demolition or Alteration of Protected Units. A Two-Unit Housing Development shall

1 not result in the demolition or structural modification of any portion of an existing residential
2 unit that:

3 i. Is protected by a recorded covenant, ordinance or law that restricts rents to
4 levels affordable to persons and families of moderate, low or very low income;

5 ii. Is protected under the Fair Rent Act; or

6 iii. Has been occupied by a tenant within the three (3) years prior to the submittal
7 of an application for a Two-Unit Housing Development.

8 e. Declaration of Prior Tenancies. If any existing housing is proposed to be altered or
9 demolished, the owner of the property proposed for an Urban Lot Split or Two-Unit Housing
10 Development shall sign an affidavit, under penalty of perjury, stating that none of the conditions
11 listed in subsection (A)(2)(D)(i),(ii), and (iii) above exist and shall provide a comprehensive
12 history of the occupancy of the units to be altered or demolished for the past three years (five
13 years if an existing unit is to be demolished).

14 3. Maximum Number of Units Allowed. No more than two (2) dwelling units shall be
15 permitted on any lot utilizing the Two-Unit Development provision or any lot created through an
16 Urban Lot Split (inclusive of primary units, accessory dwelling units, junior accessory dwelling
17 units, and density bonus units).

18 4. Separation of units. Primary dwelling units may be attached or detached. Units shall
19 be constructed and/or modified to allow for separate conveyance of each unit consistent with
20 applicable building and fire code requirements.

21 5. Sale of units. Each dwelling unit of a Two-Unit Housing Development may be rented
22 independently but shall not be sold or conveyed separately from the other unit.

23 6. Development Standards. A proposed Two-Unit Housing Development shall comply
24 with all objective zoning standards, objective subdivision standards, and objective design review
25 standards applicable to the parcel as provided in the zoning district in which the parcel is located.

26 7. Exceptions to Development Standards.

27 a. The Director shall modify or waive any standard if the standard would have the effect
28 of physically precluding the construction of up to two units, or would result in a unit size of less

1 than 800 square feet, on any lot utilizing the Two-Unit Housing Development provision or any
2 lot created by an Urban Lot Split. Any deviations from the development standards shall be the
3 minimum necessary to avoid physically precluding two units of 800 square feet in size.

4 b. Notwithstanding subsection (A)(6) above, required rear and side yard setbacks shall
5 equal four feet, except that no setback shall be required for an existing legally created structure
6 or a structure constructed in the same location and to the same dimensions as an existing legally
7 created structure.

8 c. Correction of any legal nonconforming zoning condition shall not be required as a
9 condition of approval for a Two-Unit Housing Development.

10 8. Parking Requirement. One covered space shall be provided per unit. No parking shall
11 be required for either unit of a two-unit housing development if any of the following conditions
12 are met:

13 a. The lot is located within one-half (1/2) mile walking distance of a high-quality transit
14 corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code;

15 b. The lot is located within one-half (1/2) mile walking distance of a major transit stop,
16 as defined in Section 21064.3 of the Public Resources Code; or

17 c. There is a car-share vehicle parking space located within one (1) block of the lot.

18 9. Property Owner Attestation. Upon submittal of an application for a Two-Unit
19 Housing Development, the property owner shall sign an affidavit, under penalty of perjury,
20 acknowledging the following:

21 a. A requirement for owner occupancy as defined in Section 19.04.020 when the
22 proposal involves a Junior Accessory Dwelling Unit (JADU);

23 b. A limitation restricting the property to residential uses only;

24 c. A requirement that any dwelling units on the property may be rented or leased only
25 for a period of longer than thirty (30) days.

26 d. No alteration or demolition of protected units, as described in subsection
27 (A)(2)(D)(i),(ii), and (iii), shall occur.

28 B. Urban Lot Split. This Section establishes eligibility requirements and standards for

- 1 urban lot splits.
- 2 1. Applicability. This section may be applied to lots zoned R1 (Low Density
3 Residential) or RS (Suburban Residential).
- 4 2. Eligibility. Single-family residential properties meeting the criteria below may be
5 eligible for an Urban Lot Split under this Section:
- 6 a. Lot Location. The lot to be subdivided shall not be located on a site that is any of the
7 following, as contained within Government Code Section 65913.4(a)(6)(B) through (K), as may
8 be amended from time to time:
- 9 i. Prime farmland, farmland of statewide importance or land that is zoned or
10 designated for agricultural protection or preservation by the voters.
- 11 ii. A wetland.
- 12 iii. Within a very high fire hazard severity zone, unless the site complies with all
13 fire-hazard mitigation measures required by existing building standards.
- 14 iv. A hazardous waste site that has not been cleared for residential use.
- 15 v. Within a delineated earthquake fault zone, unless all development on the site
16 complies with applicable seismic protection building code standards.
- 17 vi. Within a one hundred (100) year flood hazard area, unless the site has either
18 been subject to a Letter of Map Revision prepared by the Federal Emergency Management
19 Agency and issued to the local jurisdiction, or meets Federal Emergency Management Agency
20 requirements necessary to meet minimum flood plain management criteria of the National Flood
21 Insurance Program.
- 22 vii. Within a regulatory floodway, unless all development on the site has received
23 a no-rise certification.
- 24 viii. Land identified for conservation in an adopted natural community
25 conservation plan, habitat conservation plan or other adopted natural resource protection plan.
- 26 ix. Habitat for protected species.
- 27 x. Land under conservation easement.
- 28 b. Historic Properties. Urban Lot Splits are not permitted on properties listed on the

1 City's Historic Resources Inventory or located within a historic district.

2 c. Rental Properties. Urban Lot Splits are not permitted on any lot that contained a
3 dwelling unit that was withdrawn from rental or lease under the Ellis Act at any time within
4 fifteen (15) years before the date that the application for the Urban Lot Split is submitted to the
5 city.

6 d. Demolition or Alteration of Protected Units. Urban Lot Splits shall not result in the
7 demolition or structural modification of any portion of an existing residential unit that:

8 i. Is protected by a recorded covenant, ordinance or law that restricts rents to
9 levels affordable to persons and families of moderate, low or very low income;

10 ii. Is protected under the Fair Rent Act; or

11 iii. Has been occupied by a tenant within the three (3) years prior to the submittal
12 of an application for an Urban Lot Split.

13 e. Declaration of Prior Tenancies. If any existing housing is proposed to be altered or
14 demolished, the owner of the property proposed for an Urban Lot Split or Two-Unit Housing
15 Development shall sign an affidavit, under penalty of perjury, stating that none of the conditions
16 listed in subsection (B)(2)(D)(i),(ii), and (iii) above exist and shall provide a comprehensive
17 history of the occupancy of the units to be altered or demolished for the past three years (five
18 years if an existing unit is to be demolished).

19 f. No Prior Urban Lot Split. The lot to be subdivided shall not be a lot that was
20 established through a prior urban lot split.

21 3. Subdivision of Adjacent Parcels. The lot to be subdivided shall not abut any lot that
22 was previously subdivided through an Urban Lot Split by the owner of the lot proposed to be
23 subdivided or any party acting in concert with the owner. For the purpose of this section, a
24 person "acting in concert with the owner" means a person that has common ownership or control
25 of the subject parcel with the owner of the adjacent parcel, a person acting on behalf of, acting
26 for the predominant benefit of, acting on the instructions of, or actively cooperating with, the
27 owner of the parcel being subdivided.

28 4. Maximum Number of Units Allowed. No more than two dwelling units shall be

1 located on any lot created through an Urban Lot Split, including primary dwelling units,
2 accessory dwelling units, junior accessory units, density bonus units, and units created as a two-
3 unit development.

4 5. Subdivision Map Act Compliance. The Urban Lot Split shall conform to all
5 applicable objective requirements of the Subdivision Map Act (Gov. Code § 66410, et. seq.)
6 (“SMA”), including implementing requirements in this code.

7 6. Development Standards. Development proposed on any lot created through an Urban
8 Lot Split shall comply with all objective zoning standards, objective subdivision standards, and
9 objective design review standards applicable to the parcel as provided in the zoning district in
10 which the parcel is located. In addition, any lot created by an Urban Lot Split shall comply with
11 the following standards:

12 a. Minimum lot size. The lot to be split shall contain a minimum of 2,400 square feet.
13 The resulting lots shall each contain a minimum of 1,200 square feet. Each of the resulting lots
14 shall be between sixty (60) percent and forty (40) percent of the original lot area.

15 b. Each resulting parcel shall have access to, provide access to, or adjoin the public
16 right-of-way.

17 7. Exceptions to Development Standards.

18 a. The Director shall modify or waive any standard if the standard would have the effect
19 of physically precluding the construction of up to two units, or would result in a unit size of less
20 than 800 square feet, on any lot utilizing the Two-Unit Housing Development provision or any
21 lot created by an Urban Lot Split. Any deviations from the development standards shall be the
22 minimum necessary to avoid physically precluding two units of 800 square feet in size.

23 b. Notwithstanding subsection (B)(4) above, required rear and side yard setbacks shall
24 equal four feet, except that no setback shall be required for an existing legally created structure
25 or a structure constructed in the same location and to the same dimensions as an existing legally
26 created structure.

27 c. Retained structure setbacks on lots created by Urban Lot Splits. If one (1) or more
28 dwellings are retained on a site that is subdivided by an urban lot split, no setback shall be

1 required for the retained dwelling(s) if compliance with the required setbacks would prevent the
2 Urban Lot Split, subject to compliance with all applicable building and fire codes.

3 d. Correction of any legal nonconforming zoning condition shall not be required as a
4 condition of approval for an Urban Lot Split.

5 8. Property Owner Attestation. Upon submittal of an application for an Urban Lot Split,
6 the property owner shall sign an affidavit, under penalty of perjury, acknowledging the
7 following:

8 a. A requirement for owner occupancy as defined in Section 19.04.020;

9 b. A limitation restricting the property to residential uses only;

10 c. A requirement that any dwelling units on the property may be rented or leased only
11 for a period of longer than thirty (30) days;

12 d. The lot to be subdivided was not created through a prior Urban Lot Split;

13 e. The lot cannot be further subdivided using the Urban Lot Split procedures as
14 provided for in this section;

15 f. That neither the owner nor applicant, nor any person acting in concert with the owner
16 or applicant, has previously subdivided an adjacent parcel using an Urban Lot Split.

17 g. No alteration or demolition of protected units, as described in subsection
18 (B)(2)(D)(i),(ii), and (iii), shall occur.

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22 THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico
23 at its meeting held on January 3, 2023, by the following vote:

24 AYES: Bennett, Morgan, Tandon, Winslow, Reynolds, Coolidge

25 NOES: None

26 ABSENT: None

27 ABSTAINED: None

28 DISQUALIFIED: van Overbeek

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APPROVED AS TO FORM:



Vincent C. Ewing
City Attorney*

ATTEST:



Deborah R. Presson
City Clerk

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