

CITY OF HEALDSBURG

ORDINANCE NO. 1159

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG AMENDING HEALDSBURG MUNICIPAL CODE SECTION 20.20.010: SECONDARY DWELLING UNITS AND SECTION 20.28.310: DEFINITIONS AND RELATED MUNICIPAL CODE PROVISIONS REGULATING CONSTRUCTION OF ACCESSORY RESIDENTIAL DWELLING UNITS ON SINGLE-FAMILY RESIDENTIALLY DEVELOPED LOTS AND APPROVING A RELATED CEQA EXEMPTION FOR THE MUNICIPAL CODE (ZONING) AMENDMENT PROJECT

WHEREAS, the City Council, consistent with the City of Healdsburg General Plan Housing Element and the community's affordable and workforce housing needs, established a Community Housing Committee (CHC) to advise the City Council on housing policies, which included reviewing potential amendments to City's Second Dwelling Unit provisions in order to encourage the construction of more units within the community; and

WHEREAS, on July 6, 2016, the CHC conducted a meeting to discuss secondary dwelling units as these relate to the City's objective to create more affordable units within the City, compared the City of Healdsburg requirements against other communities, reviewed the existing and potential development of secondary dwelling units, and documented that 55 secondary dwelling units had been built in the City between 1999-2016 with peak production of 12 units built in 2004, 8 units in 2005, and 6 units in 2015; and

WHEREAS, On July 18, 2016, the City Council unanimously adopted the City's first Housing Action Plan (HAP), drafted by the CHC after seven months of extensive community outreach and public input, as a strategic plan that promotes more affordable and diverse housing, including secondary dwelling units; and

WHEREAS, On January 1, 2017, Senate Bill SB1069/Assembly Bill 2299 becomes effective, which amends residential second dwelling unit provisions of Government Code Section 65852.2, and that shall require local agencies to implement requirements prescribed under State law to reduce regulatory constraints and encourage construction of accessory dwelling units, so as to facilitate green infill housing in response to a severe housing shortage particularly for lower and middle income households; and

WHEREAS, the City of Healdsburg Housing Element and the HAP strongly support the creation of more affordable housing options within the community, including second units which have been identified as providing a significant opportunity for increasing affordable housing supply, and that those second units that have been established within the City primarily are used for rental or guest housing with rents that are affordable to lower-income and moderate-income households; and

WHEREAS, the revisions to Government Code Section 65852.2 address several of the recommendations in the HAP to ease regulations related to second/accessory housing units; and

WHEREAS, to implement the requirements of Government Code 65852.2 and the City HAP, the Planning Commission by adoption of Resolution 2016-19 has recommended revisions to the City's second dwelling unit provisions contained in Section 20.20.010, and to related provisions of the Healdsburg Municipal and Land Use Code, to ensure internal consistency would be maintained; and

WHEREAS, the proposed amendments to Section 20.20.010 will apply to all zoning districts that permit single-family residential uses as a primary use and which are developed with a single-family residential unit; which includes the R-1, RMP, PD, GMU and OS zoning districts in which secondary/accessory dwelling units currently are allowed; and

WHEREAS, the proposed amendments will not allow for, nor encourage any more development than is already anticipated under the City's existing General Plan, or otherwise allow for or promote physical changes in the environment and, therefore, it can be seen with certainty that there is no possibility that the proposed amendments may have a significant effect on the environment; and

WHEREAS, the proposed amendments to the Municipal Code are exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3), as the revisions will strictly update current zoning requirements established for the construction of new accessory dwelling units within the community, which are allowed by right in any residential district, and to modify or add definition of terms consistent with state law; and

WHEREAS, the Planning Commission held a duly noticed public hearing on November 15, 2016, at which it reviewed the proposed amendments, considered all public comments on the revisions and related CEQA exemption and recommended approval of the proposed amendments to the City Council; and

WHEREAS, based upon the analysis contained in the November 15, 2016, staff report to the Planning Commission, including the findings that have been made and recommended by the Planning Commission in Resolution No, 2016-19 and as further discussed in the staff report to the City Council, the revisions have been determined to be consistent with the General Plan including the Goals, Policies and Implementation Measures of the Housing, Land Use and Economic Development Elements of the adopted General Plan, and as amended the revisions would be internally consistent with all other provisions of the Municipal Code; and

WHEREAS, on December 5, 2016 the City Council conducted a public hearing on the proposed amendments, waiving full reading of the text, and scheduled the ordinance for adoption at the next regular City Council meeting of December 19, 2016.

NOW, THEREFORE, the City Council of the City of Healdsburg does ordain as follows:

**Section 1.** Findings.

The above recitals are hereby declared to be true and correct findings of the City Council of the City of Healdsburg.

**Section 2.** Section 20.08.025, Table 2, is amended as follows:

**20.08.025 Permitted and conditionally-permitted uses**

The following uses may be permitted or conditionally permitted in all R-1 districts. Chapter 20.28, Article V describes the procedures for obtaining a conditional use permit.

**Table 2 Permitted (P) and conditionally-permitted (C) uses**

Accessory structures located on the same site with a permitted or conditionally-permitted use, including private garages and carports, one guest house or accessory living quarter without a kitchen, storehouses, garden structures, non-commercial greenhouses, recreation rooms, and hobby areas within an enclosed structure	P
Boarding houses	C
Churches, convents, monasteries, parish houses, parsonages, rectories, and other religious institutions	C
Day care, large family, subject to Section 20.20.055	C
Day care, small family	P
Employee housing as defined in Cal. Health & Safety Code §17008 for six or fewer employees in accordance with Cal. Health & Safety Code §17000, et seq.	P
Golf courses and driving ranges	C
Home occupations, subject to Section 20.20.005	P
Neighborhood convenience retail stores, subject to Section 20.20.070	C
Private recreational parks and swim clubs	P
Private schools and colleges, not including art, craft, dancing, music, business, professional or trade schools and colleges	C
Private stables or areas for the keeping of one horse, cow, llama, goat or similar large farm or hobby animal on a site not less than 2 acres in net area, provided that one additional large animal may be kept for each additional acre of area of the site, and provided that no stable shall be located closer than 50 feet to any property line, closer than 50 feet to any dwelling unit on the site, or closer than 100 feet to any other dwelling on surrounding properties	P

Public utility and public service pumping stations, power stations, equipment buildings, installations, service yards, drainage ways and structures, storage tanks, reservoirs, and transmission lines found by the Planning Commission to be necessary for the public health, safety and welfare	C
Raising of fruit and nut trees, vegetables, and horticultural specialties (no on-site sales)	P
Raising for commercial purposes poultry (except roosters and crowing fowl), rabbits, chinchillas, pot bellied pigs and other similar small animals on a site at least 20,000 square feet in net size, provided that there shall be at least 1,000 square feet of site area for each fowl or animal. No structure housing poultry or small animals shall be located closer than 50 feet to any property line or closer than 25 feet to a dwelling on the site	C
Raising or keeping for educational, hobby or non-commercial purposes poultry (except roosters and crowing fowl), rabbits, chinchillas, guinea pigs and similar small animals limited to a total of ten (10) animals, not including dogs and cats. Animal pens or cages shall not be located in a required front yard or street side corner yard and shall be located a minimum of 20 feet from a property line	P
Residential care, general	C
Residential care, limited	P
Residential visitor lodging operations, subject to Section 20.20.060.	C
Accessory dwelling unit, one per lot, subject to Section 20.20.010	P
Single-family dwelling, detached, one per lot	P
Single-family dwelling, attached, one per lot, in the R-1-3,500 District and small lot subdivisions	P
Supportive housing	P
Swimming pools used solely by persons resident on the site and their guests, provided that no swimming pool or accessory mechanical equipment shall be located in a required front yard or less than five feet from a property line	P
Temporary subdivision sales offices, subject to Section 20.20.025	P
Transitional housing	P
Vacation rental homes	--
Vacation timeshares	--

-- = not permitted

**Section 3.** Section 20.08.035.C, is amended as follows:

C. Accessory dwelling unit building heights are regulated in Section 20.20.010.

**Section 4.** Section 20.08.040, is amended as follows:

**20.08.040 Other development requirements**

The following additional requirements apply to development in R-1 Districts, including small lot subdivisions:

Accessory structures: Chapter 20.16, Article II.

Inclusionary housing: Section 20.20.030.

Off street parking: Chapter 20.16, Article VIII.

Fences and walls: Chapter 20.16, Article III.

Design review: Chapter 20.28, Article IV.

Accessory dwelling units: Section 20.20.010.

**Section 5.** Section 20.08.070, Table 6, is amended as follows:

**20.08.070 Permitted and conditionally-permitted uses**

The following uses may be permitted and conditionally permitted in the DR District. Chapter 20.28, Article V describes the procedures for obtaining a conditional use permit.

**Table 6 Permitted (P) and conditionally-permitted (C) uses: DR District**

Accessory structures and uses located on the same site as a permitted or conditional use	P
Boarding houses	C
Churches, convents, monasteries, parish homes, rectories, parsonages and other religious institutions	C
Day care, general and large family	C
Day care, limited and small family	P
Duplex dwelling, one per lot of record	C
Employee housing as defined in Cal. Health & Safety Code §17008 for six or fewer employees in accordance with Cal. Health & Safety Code §17000, et seq.	P
Home occupations, subject to Section 20.20.005	P

Multi-family dwellings	C
Neighborhood convenience retail stores, subject to Section 20.20.070	C
Private schools and colleges, not including art, craft, music, dancing, business, professional, or trade schools and colleges	C
Public utility and public service pumping stations, power stations, equipment buildings, installations, service yards, drainage ways and structures, storage tanks, reservoirs, and transmission lines found by the Planning Commission to be necessary for the public health, safety and welfare	C
Residential care, general	C
Residential care, limited	P
Residential visitor lodging operations, subject to Section 20.20.060	C
Single-family dwellings, detached, up to two per lot	P
Accessory dwelling unit, attached or detached, up to one per single-family dwelling, subject to Section 20.20.010	P
Supportive housing	P
Swimming pools used solely by persons resident on the site and their guests, provided that no swimming pool or accessory mechanical equipment shall be in a required front yard or less than 5 feet from a property line.	P
Transitional housing	P
Vacation homes	--
Vacation timeshares	--

-- = not permitted

**Section 6.** Section 20.08.085, is amended as follows:

**20.08.085 Other development requirements**

The following additional requirements apply to development in the DR District:

Accessory structures: Chapter 20.16, Article II.

Inclusionary housing: Section 20.20.030.

Off street parking: Chapter 20.16, Article VIII.

Vehicles, boats, recreational vehicles, trailers and similar vehicles shall not be parked within required front yards or within the street side yards of corner lots.

Fences and walls: Chapter 20.16, Article III.

Design review: Chapter 20.28, Article IV.

Accessory dwelling units: Section 20.20.010.

**Section 7.** Section 20.08.150, Table 11, Residential Uses category portion of the table only, is amended as follows:

**20.08.150 Permitted and conditionally-permitted uses: GMU District**

Table 11 identifies the permitted and conditionally-permitted uses for the Grove Street Mixed Use District. This table is to be used in conjunction with the definitions contained in Chapter 20.28, Article IX. Chapter 20.28, Article V describes the procedures for obtaining a conditional use permit.

**Table 11 Permitted and conditionally-permitted uses: GMU District**

Permitted (P) and Conditionally-Permitted (C) Uses	Specific Use Regulations	
<b>Residential Uses</b>		
Boarding house	C	
Day care, large family	C	
Day care, small family	P	
Duplex dwelling, one building per lot of record	P	
Employee housing for six or fewer employees in accordance with Cal. Health & Safety Code §17000, et seq.	P	
Residential care, general	C	
Residential care, limited	P	
Single-family dwelling, detached	P	
Accessory dwelling unit	P	Sec. 20.20.010
Supportive housing	P	
Transitional housing	P	
Vacation rental home	--	

**Section 8.** Section 20.08.185, is amended as follows:

**20.08.185 Other development requirements**

The following additional requirements apply to development in commercial districts:

Accessory structures: Chapter 20.16, Article II.

Inclusionary housing: Section 20.20.030.

Accessory dwelling units: Section 20.20.010.

Off street parking and loading: Chapter 20.16, Article VIII.

Fences and walls: Chapter 20.16, Article III.

Riparian setbacks: Section 20.24.090.

Design review: Chapter 20.28, Article IV.

Signs, as prescribed in Chapter 20.16, Article IX.

**Section 9.** Section 20.08.235.J, is amended as follows:

- J. One-family residences, one Accessory dwelling unit subject to Section 20.20.010, and home occupations subject to Section 20.20.005.

**Section 10.** Section 20.16.105.D.4, is amended as follows:

D. Exemptions

These requirements shall not apply to the following projects:

1. Registered local, state or federal historical landscape area.
2. Ecological restoration or mined-land reclamation projects that do not require a permanent irrigation system.
3. Plant collections as part of botanical gardens and arboretums open to the public.
4. New Accessory dwelling units
5. Accessory structures

**Section 11.** Section 20.20.010, is amended as follows:

**20.20.010 Accessory dwelling units**

The purpose of this section is to comply with state law, which provides for cities to set standards for the development of Accessory dwelling units so as to increase the supply of small and affordable housing while ensuring that they remain compatible with existing primary structures and neighborhoods. It is the intent that accessory dwelling units will be permitted to be established as a permanent housing option on any property that either contains or is constructed concurrently with a primary single-family residential use, and when established in compliance with state and local ordinances.

A. Accessory dwelling units shall not be counted when calculating the permitted density requirements of the General Plan, but shall otherwise be considered a component of a primary single-family residential land use on a property consistent with the General Plan text and diagrams.

B. One accessory dwelling unit shall be allowed to be established either simultaneous with or subsequent to the construction of a primary dwelling unit that is located on the same lot of record and under one common ownership. An accessory dwelling unit shall not be sold, transferred or owned separately from the primary residential unit on the property.

C. The owner of the property does not have to live on a lot where an accessory dwelling unit is located. However, rental terms established for occupancy of an accessory dwelling unit shall be longer than thirty (30) days. An accessory dwelling unit shall not be converted to accommodate residential visitor lodging, consistent with the limitations established under Chapter 20.20, Article I.

D. An accessory dwelling unit shall be allowed in all zoning districts that permit a single-family residence and when proposed on a lot that is developed with a legally permitted single-family dwelling unit (i.e., R-1, DR, GMU, OS, RMP and residential PD Districts, and in any other district that contains a legally permitted single-family residence); and when all other requirements of the Land Use Code and Building Code, and any other applicable guidelines have been or will be met. In the PD and RMP Districts, accessory dwelling units that meet the standards of this section shall be allowed in accordance with the development plan and policy statement approved for the subject property.

E. A mobile home or manufactured housing unit may be used as an accessory dwelling unit so long as it conforms to all provisions relating to accessory dwelling units and to all provisions of Section 20.20.020. Furthermore, all new construction shall comply with any applicable design criteria that may be established by the City of Healdsburg Design Guidelines Manual, and/or in an adopted Area Plan or Specific Plan that may apply to the site.

F. Accessory dwelling units may be either attached to the primary dwelling unit, or detached, including internal conversions of existing habitable space, and shall be placed on a permanent foundation.

G. Maximum size

1. The allowable area of an accessory dwelling unit shall not exceed forty-five (45) percent of the habitable floor area of the primary dwelling unit, excluding the garage area, except as follows:

a. An accessory dwelling unit shall not exceed a maximum size of 850 square feet and two bedrooms.

b. A minimum allowance for an “efficiency” sized unit shall be accommodated regardless of the floor area ratio limitation, provided that all other requirements of the Land Use Code and Building Code have been or will be met.

2. The size of the unit shall be measured from the side of the exterior wall of the dwelling unit to the opposing exterior wall face enclosing the unit, or to the centerline of the furthest opposing interior wall that separates the accessory unit and primary unit living space. Carports, covered porches and patios, chimneys, stairwells and mechanical rooms are not counted toward the determination of floor area of the accessory dwelling unit.

3. In dwellings where proposed or existing habitable space is under a sloping roof, any area where the wall height is 5 feet or less is not counted as floor area.

H. In cases where an existing primary dwelling structure is to be converted to an accessory dwelling unit or partially converted to create an accessory dwelling unit within the structure, the area designated for the accessory dwelling unit must comply with the applicable structural, electrical and plumbing codes, subject to the review and approval of the Building Official.

I. A separate entrance to an accessory dwelling unit shall be provided.

J. No additional parking shall be required for an accessory dwelling unit. However, if construction of an accessory dwelling unit includes removal of required parking established for the primary unit, then equivalent or better replacement parking shall be provided for the primary residence in substantial conformance with location, design and setback requirements of the underlying zoning district. The amount and type of the replacement parking shall not be required to exceed either the amount of parking provided prior to removal, or the minimum standards required under the zoning district, whichever is less restrictive.

K. Height.

1. An attached accessory dwelling unit, that is attached to the primary structure, shall be subject to the same zoning district height limit established for the primary dwelling.
2. A detached accessory dwelling unit may be allowed up to two stories and a height of twenty-five (25) feet.

L. Setbacks.

1. A new detached accessory unit shall be subject to the following setbacks:
  - a. Minimum interior side yard and rear yard setbacks: Five (5) feet.
  - b. Street side yard of a corner lot: Ten (10) feet.
  - c. Front yard: Same as the required front yard setback for the zoning district in which the property is located.
2. A new attached accessory unit shall be subject to the same setbacks that apply to the primary structure.
3. An accessory dwelling unit that is created as a result of internal conversion of existing and legally permitted garage area or habitable living space shall be allowed, regardless of whether the existing structure complies with current setback requirements. This includes the conversion of an attached or detached habitable or garage structure that maintains a 0-setback, provided that all other requirements of the Land Use Code and Building Code have been or will be met.
4. Side and rear setbacks provided to an accessory dwelling unit shall be sufficient for fire safety.

M. Lot Coverage. An accessory dwelling unit shall be subject to the maximum lot coverage requirements of the underlying zoning district that apply to the property. For purposes of reviewing a project for compliance with the applicable lot coverage and related development standards, an accessory dwelling unit is not designated as an “accessory use or structure” as established under the provisions of Article IX Definitions.

N. The accessory dwelling unit shall incorporate the same or similar architectural features, building materials and colors as the primary dwelling located on the property. Compatibility with the existing primary structure includes coordination of colors, materials, roofing and other architectural features, and landscaping designed so that the appearance of the site remains that of a single family residence.

O. Any window or door of a second story accessory dwelling unit shall utilize techniques to lessen the privacy impacts onto adjacent properties. These techniques may include use of obscured glazing, window placement above eye level, windows and doors located toward the existing on-site residence or screening treatments.

P. Before issuing a building permit for an accessory dwelling unit, the property owner shall file with the County Recorder a declaration or agreement of restrictions, which has been approved by the City Attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner and stating that:

1. The accessory dwelling unit shall not be sold separately from the main residential unit on the property;
2. The accessory dwelling unit is restricted to the maximum size allowed per the development standards of Section 20.20.010(G);
3. The accessory dwelling unit may be occupied by or rented to a separate household living independently from the occupant(s) of the primary residence, provided that the terms for separate occupancy of the accessory unit and/or primary unit shall be longer than 30 days;
4. The accessory dwelling unit shall not be used or converted for use as visitor lodging; consistent with the provisions of Section 20.20.060.B.5; and
5. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner.

Q. Illegal, nonconforming accessory dwelling units shall not qualify as legally recognized accessory dwelling unit unless all the development standards and regulations of this section are satisfied.

R. Review of an accessory dwelling unit for compliance with the applicable Land Use Code standards shall be completed within 120 days of submittal of a complete application to the Building Division. An application for building permit shall include all information necessary to complete review of the proposal for compliance with the provisions of this section, within the prescribed timeframe.

S. A legally established accessory dwelling unit shall not be modified or used for any other residential use except in full conformance with the provisions of this section and/or the underlying zoning district, and provided that all other requirements of the Land Use Code and Building Code have been or will be met.

**Section 12.** Section 20.20.020, is amended as follows:

**20.20.020 Mobile homes and manufactured housing**

A. Mobile homes and manufactured homes used as a dwelling shall be certified under the standards set forth in the National Manufactured Housing Construction and Safety Act (42 USC 5401 et. seq.), or as amended at the time of any application for the placement of such mobile home and provided further that the mobile home or manufactured house is placed on a permanent foundation system.

B. The mobile home or manufactured home shall be covered with an exterior material similar in appearance to new conventionally built residential structures in the surrounding area.

C. The exterior covering material shall extend to the ground, if a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation. Alternative skirting materials commonly found on conventionally built residential structures would normally be considered compatible.

D. The roofing material shall be of a type commonly found on conventionally built residential structures in the surrounding area.

E. The mobile home or manufactured home electrical, natural gas service, water service, and drain connections shall be made permanent in a manner applicable to permanent buildings. Gas shut-off valves, meters, and regulators shall not be located beneath a mobile home.

F. The mobile home or manufactured home shall have an enclosed garage (either attached or detached) or carport as required in Chapter 20.16, Article VIII and similar to conventionally built residential structures in the surrounding area. This shall not apply to mobile housing or a manufactured home that qualify as accessory dwelling units under Section 20.20.010.

G. The exterior covering and roofing materials of the garage or carport shall be of the same type as the covering and roofing material of the mobile home.

H. Prior to occupancy, the mobile home owner shall request a certification from the Building Department that a certificate of occupancy be issued pursuant to Chapter 20.28, Article VIII of the California Health and Safety Code, or successor sections, as applicable. Thereafter, for an existing mobile home any vehicle license plate, certificate of ownership and certificate of registration issued by a State Agency is to be surrendered to the appropriate state agencies via the Planning Department.

I. A mobile home or manufactured home to be used as an accessory dwelling unit shall also adhere to the requirements of Section 20.20.010.

**Section 13.** Section 20.20.030.A.3, is amended as follows:

**20.20.030 Inclusionary housing**

The following standards shall govern the provision of inclusionary housing.

A. Applicability

The provisions of this section shall apply to any discretionary or ministerial approvals for new residential development projects. The following shall not be subject to the provisions of this section:

1. Existing residences that are altered, improved, restored, repaired, expanded or extended, provided that the number of dwelling units is not increased or that the exterior floor area of the dwelling is not increased by 1,300 square feet or more;
2. The construction of a new residential structure which replaces a residential structure that was destroyed or demolished within two years prior to the application for a building permit for the new residential structure, provided that the number of residential units is not increased from the number of residential units of the previously destroyed or demolished residential structure or that the replacement dwelling is not more than 1,299 square feet larger than the original dwelling;
3. Accessory dwelling units constructed pursuant to Section 20.20.010.
4. Residential development projects which are to be developed pursuant to the terms of a development agreement or vesting subdivision map executed prior to December 18, 1996.
5. Residential subdivisions and multi-family housing projects that received tentative map or other discretionary approval by the City Council prior to December 18, 1996.

**Section 14.** Section 20.20.030.F.6, is amended as follows:

F. Inclusionary dwelling unit standards

In addition to other development standards and requirements set forth in this Title, the following standards shall be met for the construction of inclusionary dwelling units:

1. Required inclusionary units shall be constructed concurrently with the construction of market rate units, unless an alternative schedule based on extenuating circumstances is adopted as part of project approval.
2. Inclusionary units shall be built on the project site unless alternative arrangements are made pursuant to subsections (C), (D) or (E), and, to the fullest extent practicable, distributed throughout the residential project site.

3. For those residential development projects that are required to provide ten or more inclusionary units, at least ten (10) percent of the inclusionary units shall have three or more bedrooms.
4. The size (square footage) and amenities of inclusionary units may be reduced from the overall quality of the market rate units provided that all other zoning and building codes are met. However, the exterior design of the inclusionary units shall be reasonably consistent and compatible with the total project design in terms of appearance, materials and finished quality, as determined through the Design Review process.
5. Residents of inclusionary units shall not be denied access to common open spaces or recreational amenities.
6. Accessory dwelling units shall not be counted toward inclusionary housing requirements.

**Section 15.** Section 20.20.040, is amended as follows:

**20.20.040 Small lot subdivisions**

Residential subdivisions, with lot sizes and yards smaller than otherwise required under this article, are allowed in the R-1-3,500 and R-1-6,000 Districts if based upon an agreement with the City Council to ensure that 100 percent of the new dwellings meet sales or rental criteria for affordable housing and meet the following development standards:

- A. Lot configurations and sizes. Lot configurations may include, but are not limited to, zero lot lines, angled Z lots, zipper lots, alternate-width lots, quad lots, and motor court lots. Lot sizes may range from 2,000 to 6,000 square feet or more. A variety of lot configurations and lot sizes are required for projects larger than three acres in size.
- B. Allowable unit sizes. Allowable dwelling size shall be based on lot square footage. Actual dwelling sizes, as well as lot sizes, in a proposed development plan may vary so long as the averages shown in the table below are maintained. Dwelling size refers to the gross living area of the primary dwelling only, excluding storage sheds, garages, carports, and covered patios.

**Table 20 Average dwelling size in small lot subdivisions**

	Square Feet (can be interpolated)								
Average Lot Size	2000	2500	3000	3500	4000	4500	5000	5500	6000
Average Dwelling Size	1000	1100	1200	1300	1400	1500	1600	1700	1800

C. Subsequent expansions or additions. Subsequent expansions or additions to dwelling units may be permitted by minor use permit, approved by the Zoning Administrator, provided any proposed expansion is in compliance with the provisions of subsections (d) through (h) of this section. Construction of accessory\_dwelling units not shown on the approved development plan for the subdivision shall be in compliance with Section 20.20.010, including a minimum lot size of 4,500 square feet.

D. Setbacks and yard areas. The following setback and yard requirements shall apply to small lot subdivisions:

1. There are no minimum yard requirements. Setbacks for all proposed and possible future buildings or possible additions to proposed buildings shall be shown on the development plan for the subdivision.

2. The garage or carport front, when the entrance faces the street, shall be located not less than 20 feet to the rear of the public sidewalk, or 20 feet from the property or adopted street plan line, whichever is a greater distance from the edge of pavement of the street.

E. Maximum site coverage. The maximum site coverage shall be 60 percent.

F. Maximum height. The maximum building height for all main structures shall be 25 feet. Section 20.16.065 allows exceptions for ancillary structures, including chimneys, antenna and similar architectural features. Accessory dwelling unit building heights are regulated in Section 20.20.010.

G. Minimum open space per unit. Minimum open space per unit shall be 300 square feet, which may be a combination of private open space or a common yard area which is accessible to all units constructed as part of the same project.

H. Reservation of units and affordability guarantees. The developer of a small lot subdivision shall enter into either a development agreement pursuant to California Government Code Section 65865 or an affordable housing agreement approved by the City Council which guarantees that the affordable income units will be provided by the developer and will remain available to the targeted persons or households for a period of not less than 30 years. The agreement shall identify the means by which such continued availability will be secured and the procedures under which the targeted units will be rented and/or sold during such period, and may contain other terms and provisions that the City may require.

**Section 16.** Section 20.20.060.B.5, is amended as follows:

B. Standards

The following standards shall apply to residential visitor lodging operations:

1. Upon the establishment of a residential visitor lodging operation, the operation shall be inspected by the Building Official for compliance with all building and safety codes enacted by the City and shall be inspected annually for continued compliance with all applicable codes. An inspection fee, set by resolution of the City Council, may be charged for each annual inspection.
2. Each operation shall comply with the provisions of Chapter 8 of the Healdsburg Municipal Code as well as all state and county laws governing food-handling establishments. Meals, in the form of breakfast and an afternoon snack, may be served to guests only in connection with their lodging.
3. On-site parking shall be provided as required by Chapter 20.16, Article VIII.
4. The owner or manager of a residential visitor lodging operation shall live on the premises of or on the property immediately adjacent to the operation.
5. Accessory dwelling units shall not be converted to accommodate a residential visitor lodging operation.
6. Only one residential visitor lodging operation shall be allowed per city block, unless separated by five hundred (500) feet or more. For the purposes of this section, a city block shall be defined as the properties abutting the same street located between two intersecting streets. Corner lots shall be considered in this section as fronting two city blocks.
7. Alcohol may be provided to guests only with the appropriate permits obtained from the Planning and Building Department and the State Department of Alcohol And Beverage Control (ABC).
8. Design review approval may be required subject to the provisions of Chapter 20.28, Article IV.
9. Any conditional use permit authorizing a residential visitor lodging operation may be subject to review at three-year intervals or at any time when the Planning Commission has reason to believe that the regulations are not being adhered to or when there are problems associated with the lodging operation that warrant review by the Planning Commission.
10. Special events may be allowed on the premises of a residential visitor lodging operation provided that a special event permit is first obtained from the Planning Commission. This does not apply to events for registered guests only, which are

permitted. The following regulations govern such uses, although the Planning Commission shall be authorized to further restrict these events through conditions of approval applied to the special even permit. The Planning Commission shall also have authority to deny a special event permit if findings are determined that such a use will have an adverse impact on the health, safety and general welfare of the neighborhood in which the residential visitor lodging operation is located.

The following regulations shall apply to any special event permit located within a residential visitor lodging dwelling:

- a. Amplified music or speech shall be in compliance with the noise regulations as set forth in Ordinance No. 1011 (Regulation of Excessive Noise).
- b. No event shall last longer than one day and shall be limited to between the hours of 10:00 a.m. to 10:00 p.m. Activities shall be in compliance with the noise regulations as set forth in Ordinance No. 1011 (Regulation of Excessive Noise).
- c. A special event permit application submitted to the Planning Commission shall contain information on how parking will be addressed and if use of the city streets will be required, as well as other information required by the Planning and Building Director.
- d. A ten (10) day advance notice shall be delivered to all property owners or residences within one hundred (100) feet prior to the event. This notice may be hand delivered or delivered by mail. The notice shall indicate the nature of the special event, expected number of persons, whether it is open to the general public or paid admission, hours of the event and who can be contacted for further questions. A copy of the approved City special event permit shall be enclosed in the notice.

**Section 17.** Chapter 20.28 of the Healdsburg Municipal Code is hereby revised to amend Section 20.28.310: Definitions to read and provide as follows:

**Section 20.28.310: Definitions, is amended to add “Accessory dwelling unit” as follows:**

*Accessory dwelling unit. See Dwelling unit, accessory.*

**Section 20.28.310: Definitions, is amended as follows:**

*Dwelling, single-family detached.* A dwelling unit that is not attached in any manner to another dwelling unit, with the exception of any accessory dwelling unit associated with the principal single-family dwelling unit that is located on the same lot; consistent with the provisions of Section 20.20.010. This use includes factory-built modular housing units and manufactured housing on a permanent foundation constructed in compliance with the Uniform Building Code.

**Section 20.28.310: Definitions, is amended as follows:**

*Dwelling unit, accessory.* A dwelling unit that is attached to a primary single-family dwelling unit or is detached and is located on the same site as a primary single-family dwelling unit, and complies with the provisions of Section 20.20.010. Accessory dwelling units are not “accessory uses or structures” as defined in this article.

**Section 20.28.310: Definitions, is amended to add “Efficiency unit” as follows:**

*Efficiency unit.* A dwelling unit containing only one habitable room that meets the minimum area requirements of the California Building Code (CBC), and including a bathroom (containing a water closet, a lavatory and a bathtub or shower), kitchen area with a sink, a cooking appliance, and a clear working surface sufficient for food preparation, refrigeration facilities, a closet, and adequate light and ventilation that meets the requirements of the CBC.

**Section 20.28.310: Definitions, is amended to delete “Secondary dwelling unit” as follows:**

*Secondary dwelling unit.* See *Dwelling unit, secondary*.

**Section 18.** Environmental Compliance.

The proposed amendments to the Municipal Code are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) , general rule, which applies to any action where can be seen with certainty that there is no possibility that the project may have a significant effect on the environment. The proposed amendments revise existing Land Use Code standards that apply to residential development of accessory dwelling units, which is a permitted housing unit, in a manner that is consistent with requirements of State Government Code 65852.2. The proposed amendments will not allow for, or encourage any more development than is already anticipated under the City’s existing General Plan, or otherwise allow for or promote physical changes in the environment and therefore it can be seen with certainty that there is no possibility that the proposed amendments to existing zoning standards may have a significant effect on the environment.

**Section 19.** Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**Section 20.** Effective Date and Publication.

This Ordinance of the City of Healdsburg shall be effective thirty (30) days after the date of its passage. Before expiration of fifteen (15) days after its passage, this Ordinance or a summary

thereof as provided in Government Code section 36933, shall be published at least once in a newspaper of general circulation published and circulated in the City of Healdsburg, along with the names of the City Council members voting for and against its passage.

INTRODUCED by the City Council of the City of the Healdsburg on the 5<sup>th</sup> day of December, 2016 and PASSED and APPROVED at a regular meeting of the City Council on the 19<sup>th</sup> day of December, 2016 by the following vote:

AYES: Councilmembers: (5) Mansell, McCaffery, Plass, Ziedrich and Mayor Chambers

NOES: Councilmembers: (0) None

ABSENT: Councilmembers: (0) None

ABSTAINING: Councilmembers: (0) None

SO ORDERED:

ATTEST:

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Thomas L. Chambers, Mayor

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Maria Curiel, City Clerk

Dated: \_\_\_\_\_