

Article VI Uses[96.00 Uses Permitted](#)[96.01 Table Of Permissible Uses](#)[96.02 City Planner Jurisdiction Over Uses Otherwise Permissible With A Zoning Permit](#)[96.03 Permissible Uses And Specific Exclusions](#)[96.04 Accessory Uses](#)[96.05 Permissible Uses Not Requiring Permits](#)[96.06 Change In Uses](#)[96.07 Combination Uses](#)[96.08 Dwelling Units](#)[96.09 Planned Unit Development Overlay](#)

Ord. No. 427-AC, 528-AC, 564-AC, 634-AC plus additional ordinances updating Sec 96.01 (Ord. 427-AC, 547-AC, 634-AC, 659-AC)

96.00 Uses Permitted

Land, buildings, and other facilities shall be designed, developed, and used only for those activities indicated for the various zones by the following Table of Permissible Uses. The symbols shown in this table have the following meanings:

Symbol Meaning:

Z = Permitted use in the indicated zone with a zoning permit issued by the city planner.

S = Special Use Permit must be obtained from the planning commission.

C = Conditional Use Permit must be obtained from the city council.
(Ord. 427-AC)

96.01 Table Of Permissible Uses

Uses Descriptions	R1	R2	R3	CR	C1	C2	DT	C3	M1	M2	P
1.00 RESIDENTIAL											
1.10 Single-Family (Up to 2 du / lot)	Z	Z	Z	Z							
1.15 Single-Family Small Lot		Z	Z	Z							
1.20 Accessory and Junior Accessory Dwelling Units	Z	Z	Z	Z		Z					
1.30 Duplex, Triplex, Quadplex		Z	Z	Z		Z	Z				
1.40 Multifamily Townhomes/Condos			Z	Z		Z	S				
1.45 Multifamily Apartments			Z	Z		Z	S				
1.50 Mobile Home Parks		S	S	S							
1.60 Planned Unit Development		C	C	C			C				
1.70 Mixed Use				Z		Z	S				
1.80 Manufactured /3D Printed / Prefab Homes	Z	Z	Z	Z							
1.90 Single-Room Occupancy Units	Z	Z	Z	Z		Z					
2.00 RESIDENTIAL/COMMERCIAL											

2.10 Emergency Shelters					Z	Z			Z	Z	
2.20 Transitional Housing	Z	Z	Z	Z	Z	Z			Z	Z	
2.25 Supportive Housing		Z	Z	Z	Z	Z			Z	Z	
2.30 Low Barrier Navigation Centers		Z	Z	Z	Z	Z			Z	Z	
2.40 Residential Care Facilities (6 or fewer residents)	Z	Z	Z	Z	Z	Z					
2.45 Residential Care Facilities (7 or more residents)	C	C	S	C	C	C					
2.60 Adult/Child Care	C	S	S	S	S	S					
2.80 Bed and breakfast	C	S	S	Z	S	S	S	S			
2.85 Hotels, motels				C	S	Z	Z	Z	C		
2.90 Short Term Rentals	Z	Z	Z	Z	Z	Z	Z				
2.100 Live/Work Units						Z	S	Z			
2.110 R.V. Parks		C	C	S				C			
2.120 Employee Housing	Z			Z					Z	Z	
3.00 COMMERCIAL No storage or display of goods outside fully enclosed buildings											
3.10 Miscellaneous				C	S	Z	Z	Z	Z	Z	
3.11 Convenience stores	C	S	S	S	Z	Z	Z	Z	Z	Z	
3.12 Low-volume traffic generator			C	C	S	Z	Z	Z	Z	Z	
3.13 Wholesale sales						S	S	Z	Z	Z	
3.15 COMMERCIAL Storage and display of goods outside fully enclosed building allowed											
3.20 High-volume traffic generators				C	S	Z	Z	Z	Z	Z	
3.21 Low-volume traffic generators						C	C	C	C	C	
3.22 Wholesale sales						C	C	C	C	C	
3.30 OFFICE, CLERICAL, RESEARCH AND SERVICES Not primarily related to goods and services All operations conducted entirely within fully enclosed buildings											
3.31 Operations designed to attract and serve customers or clients on the premises, such as attorneys, physicians, other professions, insurance and stock brokers, travel agents, government offices, etc.				C	Z	Z	Z	Z			
3.32 Operations designed to attract little or no customer or client traffic other than employees of the entity operating the use				C	Z	Z	Z	Z			
3.33 Office or clinic of physicians or dentists with not more than 10,000 square feet of gross floor area				C	Z	Z	Z	Z			
3.34 Operations designed to attract and serve customers or clients on the premises				C	Z	Z	Z	Z			
3.35 Massage Establishment				Z	Z	Z	Z	Z	Z	Z	

3.35 Operations conducted within or outside fully enclosed buildings											
3.40 Operations designed to attract little or no customer or client traffic other than the employees of the entity operating the principal use				C	Z	Z	Z	Z			
3.41 Banks with drive-in windows				C	S	Z	Z	Z			
4.00 MANUFACTURING Processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment All operations conducted entirely within fully enclosed building											
4.11 Majority of dollar volume of business done with walk-in trade								S	Z	Z	
4.12 Majority of dollar volume of business not done with walk-in trade								S	Z	Z	
4.20 Operations conducted within or outside fully enclosed building								C	S	Z	
5.00 EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES											
5.10 Elementary and secondary schools (including associated grounds and athletic and other facilities)	C	C	C								Z
5.11 Trade or vocational schools	C	C	C		S	Z	Z	Z			
5.12 Colleges and universities	C	C	S								Z
5.20 Churches, synagogues and temples (including associated residential structures for religious personnel and educational facilities within the same structures)	C	C	C		S	S	S	Z			
5.21 New construction at churches, synagogues and temples (including educational facilities)						C	C				
5.30 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities)	C	C	C	S	S	Z	Z	Z			Z
5.31 Located within a building designed and previously occupied as a residence or within a building having a gross floor area not exceeding 3,500 square feet	S	S	S	S	Z	S	S	Z			
5.32 Located within any permissible structure	S	S	S	S	Z	Z	Z	Z			
5.40 Social, fraternal clubs and lodges, union halls; and similar uses	C	C	C	C	S	S	S	Z			
* S Applications that do not comply with the criteria for ministerial review are subject to the review and approval of the Planning Commission through a Special Use Permit w/o a public hearing *** Mixed-use residential development intensity is regulated by a floor-area-ratio (FAR) maximum as dictated in the General Plan, with both residential and nonresidential square footage combined. The square footage of structured parking is excluded from the FAR calculation. Residential density maximums do not apply to mixed-use residential projects.											

6.00 RECREATION, AMUSEMENT, ENTERTAINMENT					Activity conducted entirely within building or substantial structure						
6.11 Bowling alleys, skating rinks, indoor tennis and squash courts; billiard and pool halls, indoor athletic and exercise facilities and similar uses				S	C	S	S	Z	Z	Z	
6.12 Movie theaters				S	C	S	S	Z			
6.13 Coliseums, stadiums, and all other facilities designed to seat or accommodate simultaneously more than 1,000 people								C	C	C	
Activity conducted primarily outside enclosed buildings or structures											
6.21 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development	C	C	S	Z							
6.22 Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school	C	C	S	S							Z
6.23 Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses, skateboard parks, water slides, and similar uses	C	C	C	S	S			S			
6.24 Horseback riding; stables (not constructed pursuant to permit authorizing residential development)				C	C			C	C	C	
6.25 Automobile and motorcycle racing tracks				C	C			C	C	C	
6.26 Drive-in movies theaters								C	C		
7.00 INSTITUTIONAL RESIDENCE OR CARE OR CONFINEMENT FACILITIES											
7.10 Hospitals, clinics, other medical, including mental health, treatment facilities in excess of 10,000 square feet of floor area			C	C	C	S	S	S			C
7.20 Nursing care institutions, intermediate care institutions, handicapped or infirm institutions, child care institutions			C	C	C	S	S	S			C
7.30 Institutions (other than halfway houses) where mentally ill persons are confined						C	C	C	C	C	C
7.40 Penal and correctional facilities								C	C	C	C
8.00 RESTAURANTS, BARS, NIGHT CLUBS											
8.10 No substantial carryout or delivery service, no drive-in service, no service or consumption outside fully enclosed structure				Z	Z	Z	Z	Z			

8.20 No substantial carryout or delivery service, no drive-in service, service or consumption outside fully enclosed structure allowed				S	Z	Z	Z				
8.30 Carry-out and delivery service, consumption outside fully enclosed structure allowed				C	S	Z	Z	Z			
Uses Descriptions	R1	R2	R3	C_R	C1	C2	D_T	C3	M1	M2	P
8.40 Carry out and delivery service, no drive-in service, service or consumption outside fully enclosed structure				C	S	Z	Z	Z			
9.00 MOTOR VEHICLE-RELATED SALES AND SERVICE OPERATIONS											
9.10 Motor vehicle sales or rental; mobilehome sales				C	C	S	S	Z			
9.20 Sales with installation of motor vehicle parts or accessories (e.g., tires, mufflers, etc.)						C	C	Z	Z		
9.30 Motor vehicle repair and maintenance, not including substantial body work				S	S			S	Z	Z	
9.40 Motor vehicle painting and body work						C	C	C	Z	Z	
9.50 Gas sales				C	Z	Z	Z	Z	Z	Z	
9.60 EV Charging				Z	Z	Z	Z	Z	Z	Z	
10.00 STORAGE AND PARKING											
10.10 Automobile parking garages or parking lots not located on a lot on which there is another principal use to which the parking is related				C	C	C	C	S	Z	Z	
10.20 Storage of goods not related to sale or use of those goods on the same lot where they are stored within completely enclosed structures				C	C	S	S	S	Z	Z	
10.21 Storage inside or outside completely enclosed structures				C	C	S	S	C	Z	Z	
10.30 Parking of vehicles or storage of equipment outside enclosed structures where: (1) vehicle or equipment are owned and used by the person making use of lot and (2) parking or storage is more than a minor and incidental part of the overall use made of the lot				C	C	S	S	S	Z	Z	
Uses Descriptions	R1	R2	R3	C_R	C1	C2	D_T	C3	M1	M2	P
11.00 SCRAP MATERIALS SALVAGE YARDS, JUNKYARDS, AUTOMOBILE GRAVEYARDS			 cli p_i ma ge 00 1						C	S	
12.00 SERVICES AND ENTERPRISES RELATED TO ANIMALS											
12.10 Veterinarian				C	C	C	C	S	Z	Z	

12.20 Kennel								C	Z	Z	
12.30 Private homeowners keeping horses; one-half half acre minimum lot size	Z	Z		S							
13.00 EMERGENCY SERVICES											
13.10 Police stations	C	C	C	C	C	C	C	S	S	Z	Z
13.20 Fire stations	C	C	C	C	C	C	C	S	S	Z	Z
13.30 Rescue squad, ambulance service	C	C	C	C	C	C	C	S	S	Z	Z
13.40 Civil defense operation				C	C	C	C	S	S	Z	Z
14.00 AGRICULTURAL, SILVICULTURAL, MINING, QUARRYING OPERATIONS											
14.10 Agricultural operations	S			S							
14.20 Silvicultural operations									C	C	
14.30 Mining or quarrying operations, including on-site sales or products									C	C	
14.40 Reclamation landfill											C
15.00 MISCELLANEOUS PUBLIC AND SEMIPUBLIC FACILITIES											
15.10 Post office				S	S	Z	Z	Z	Z		Z
15.20 Airport									C	C	C
15.30 Sanitary landfill											C
15.40 Military reserve, National Guard Center											C
15.50 Dry cleaner, laundromat				S	S	Z	Z	Z	Z		
15.60 Utility facilities	S	S	S	S	S	S	S	S	S	S	Z
16.00 TOWERS AND STRUCTURES											
16.10 Towers and antennas 50 feet tall or less	S	S	S	S	Z	Z	Z	Z	Z	Z	Z
16.20 Towers and antennas more than 50 feet tall with camouflage	C			C	S	S	S	S	S	S	Z
and receive-only earth station ?											
Uses Descriptions	R1	R2	R3	C_R	C1	C2	D_T	C3	M1	M2	P
17.00 OPEN AIR MARKETS AND HORTICULTURAL SALES											
17.10 Open air markets (farm and craft flea markets, produce markets)	S			S	S	Z	Z	Z			
17.20 Horticultural sales with outdoor display				C	S	S	S	Z			
17.00 CANNABIS BUSINESSES											
17.10 Retail Cannabis Business - existing						Z		Z			
17.20 Retail Cannabis Business - new					C	C		C	C	C	
17.30 Retail Cannabis Business with Consumption					C	C		C	C	C	
17.40 Cultivation Facilities					C	C		C	C	C	
17.40 (a)											
17.40 (b)											

17.5											
17.50 (a) Manufacturing Site - Nonvolatile Solvents					C	C		C	C	C	
17.50 (b) Manufacturing Site - Volatile Solvents					C	C		C	C	C	
17.60 Testing Laboratory					C	C		C	C	C	
17.70 Distribution / Transportation Facility					C	C		C	C	C	
18.00 Outdoor Advertising Displays				C	C	C		C	C	C	
18.00 FUNERAL HOME											
18.20 Cemetery	C							C	C	C	C
18.40 Crematorium					C	C	C	C	C	C	C
19.00 Nursery Schools; Day Care Centers	S	S	S	S	S	S	S	S			
20.00 Temporary Structures used in connection with the Construction of a permanent building or for some non-recurring purpose	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
21.00 Bus Station, Train Station						C	C	S	S	S	
22.00 COMMERCIAL GREENHOUSE OPERATIONS											
22.10 No on-premises sales	S	S	S	S		C	C	Z			
22.20 on-premises sales permitted						S	S	Z			
23.00 Special Events	C	C	C	S	S	S	S	Z	Z		Z
24.00 Renewable Energy Project (REP)											
24.10 (a) Residential rooftop or ground mounted on-site use less than 10kw photovoltaic or 30kw thermal	BP	B P	BP	B P	BP						
24.10 (b) REP on-site use only more than 10kw photovoltaic or 30kw thermal	Z	Z	Z	Z	Z						
24.20 (a) REP on-site only utilizing any technology no PPA required excluding roof-top mounted solar systems					S	S	S	S	S	S	
24.20 (b) Rooftop Mounted Solar Systems					Z	Z	Z	Z	Z	Z	Z
24.30 utility scale REP utilizing any technology requiring a PPA excluding roof top mounted solar systems				C*	C*	C*	C*	C*	C*	C*	C*
* See Section 9A Public Benefit Program											

HISTORY

Amended by Ord. [663-AC](#) on 10/24/2023**96.02 City Planner Jurisdiction Over Uses Otherwise Permissible With A Zoning Permit**

Notwithstanding any other provisions of this article, whenever the Table of Permissible Uses provides that a use in a nonresidential zone or a nonconforming use in a residential zone is permissible with a zoning permit, a special use permit shall nevertheless be required if the city planner finds that the proposed use would have an extraordinary impact on neighboring properties or the general public. In making this determination, the city planner shall consider, among other factors, whether the use is proposed for an undeveloped or previously developed lot, whether the proposed use constitutes a

change from one (1) principal use classification to another, whether the use is proposed for a site that poses peculiar traffic or other hazards or difficulties, and whether the proposed use is substantially unique or is likely to have impacts that differ substantially from those presented by other uses that are permissible in the zoning district in question. (Ord. 427-AC)

96.03 Permissible Uses And Specific Exclusions

- (a) The presumption established by this part is that all legitimate uses of land are permissible within at least one (1) zoning district in the city's planning jurisdiction. Therefore, because the list of permissible uses set forth in section 96.01 (Table of Permissible Uses) cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.
- (b) Notwithstanding subsection (a) of this section, all uses that are not listed in section 96.01 (Table of Permissible Uses), even given the liberal interpretation mandated by subsection (a) of this section, are prohibited. Nor shall section 96.01 (Table of Permissible Uses) be interpreted to allow a use in one (1) zoning district when the use question is more closely related to another specified use that is permissible in other zoning districts.
- (c) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:
 - (1) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the Uniform Fire Code;
 - (2) Stockyards, slaughterhouses, rendering plants;
 - (3) Use of a travel trailer as a temporary or permanent residence.
 - (4) Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted. (Ord. 427-AC)

HISTORY

Amended by Ord. [663-AC](#) on 10/24/2023

96.04 Accessory Uses

- (a) The Table of Permissible Uses (section 96.01) classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use
 - (1) constitutes only an incidental or insubstantial part of the total activity that take place on a lot, or
 - (2) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a swimming pool/tennis court complex is customarily associated with and integrally related to a residential subdivision or multifamily development and would be regarded as accessory to such principal uses, even though such facilities, if developed apart from a residential development, would require a special use permit.
- (b) For purposes of interpreting subsection (a) of this section:

- (1) A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use.
 - (2) To be “commonly associated” with a principal use it is not necessary an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.
- (c) Without limiting the generality of subsections (a) and (b) of this section, the following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:
- (1) Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation;
 - (2) Hobbies or recreational activities of a noncommercial nature;
 - (3) The renting out of one (1) or two (2) rooms within a single-family residence (which one (1) or two (2) rooms do not themselves constitute a separate dwelling unit) to not more than two (2) persons who are not part of the family that resides in the single-family dwelling;
 - (4) Yard sales or garage sales, so long as such sales are not conducted on the same lot more than three (3) times during any fiscal year.
- (d) Without limiting the generality of subsections (a) and (b) of this section, the following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts:
- (1) Storage outside of substantially enclosed structure of any motor vehicle that is neither licensed nor operational;
 - (2) Parking outside a substantially enclosed structure of more than four (4) motor vehicles between the front building line of the principal and the street on any lot used for residential purposes. (Ord. 427-AC)

96.05 Permissible Uses Not Requiring Permits

Notwithstanding any other provisions of this part, no zoning, special use, or conditional use permit is necessary for the following uses:

- (a) Streets;
- (b) Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way;
- (c) Neighborhood utility facilities located within a public right-of-way with the permission of the owner (state or city) of the right-of-way. (Ord. 427-AC)

96.06 Change In Uses

- (a) A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:
 - (1) The change involves a change from one (1) principal use category to another.

- (2) If the original use is a combination use or planned unit development the relative proportion of space devoted to the individual principal uses that comprise the combination use or planned unit development use changes to such an extent that the parking requirements for the overall use are altered.
- (3) If the original use is a combination use or planned unit development use, the mixture of the types of individual principal uses that comprise the combination use or planned unit development use changes.
- (4) If the original use is a planned residential development, the relative proportions of different types of dwelling units change.
- (5) If there is only one (1) business or enterprise conducted on the lot (regardless of whether that business or enterprise consist of one (1) individual principal use or a combination use), that business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or combination use category as the previous type of business.)

For example, if there is only one (1) building on a lot and a florist shop that is the sole tenant of that building moves out and is replaced by a clothing store, that constitutes a change in use even those both tenants fall within the same principal use classification. However, if the florist shop were replaced by another florist shop, that would not constitute a change in use since the type of business or enterprise would not have changed. Moreover, if the florist shop moved out of a rented space in a shopping center and was replaced by a clothing store, that would not constitute a change in use since there is more than one (1) business on the lot and the essential character of the activity conducted on that lot (shopping center - combination use) has not changed.

- (b) A mere change in the status of property from unoccupied to occupied or vice versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two (2) active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than one hundred eighty (180) consecutive days or has been abandoned.
- (c) A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use (Ord. 427-AC)

96.07 Combination Uses

- (a) When a combination use comprises two (2) or more principal uses that require different types of permits (zoning, special use, or conditional use), then the permit authorizing the combination use shall be:
 - (1) A conditional use permit if any of the principal uses combined requires a conditional use permit;
 - (2) A special use permit if any of the principal uses combined requires a special use permit but none requires a conditional use permit;
 - (3) A zoning permit in all other cases.
- (b) When a combination use consists of a single-family detached residential subdivision that is not architecturally integrated and two-family or multifamily uses, the total density permissible on the entire tract shall be determined by having the developer indicate on the plans the portion of the total lot that will be developed for each purpose and calculating the density for each portion as if it were a separate lot.

- (c) When a combination use consists of a single-family detached, architecturally integrated subdivision and two-family or multifamily uses, then the total density permissible on the entire tract shall be determined by dividing the area of the tract by the minimum square footage per dwelling unit. (Ord. 427-AC)

96.08 Dwelling Units

(a) Definitions to be Added.

- (1) "Accessory dwelling unit." An attached or a detached residential dwelling unit which provides independent living facilities for one or more persons. It shall include permanent provisions for living, eating, sleeping, cooking, and sanitation on the same parcel as a single-family dwelling is situated. An accessory dwelling unit also includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code, and a manufactured home as defined in Section 18007 of the Health and Safety Code. (See also "Secondary dwelling unit").
- (2) "Accessory building or structure." A building or structure that is subordinate to the main building on the same site, or the use of which is incidental to the use of the site or the use of the main building on the site. A building that shares a common wall with a main building shall be deemed a part of the main building.
- (3) "Accessory use." A use customarily incidental, related, and subordinate to the principal legal use of the parcel or lot and located on the same.
- (4) "Attached accessory dwelling unit" means an accessory dwelling unit that shares a common wall with the primary unit, either by being constructed as a physical expansion (i.e., addition) of a primary unit, conversion of an existing garage attached to a primary unit, or installation of a new basement underneath an existing primary unit.
- (5) "Detached accessory dwelling unit" means an accessory dwelling unit that is constructed as a separate structure from the primary unit or is created through conversion (full or partial) of an existing lawfully-constructed detached accessory building into an accessory dwelling unit.
- (6) "Second Dwelling Unit." A "Second Dwelling Unit" is defined as a permanent dwelling unit that is equivalent to a primary dwelling on the same site. A second dwelling unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking. A second dwelling unit must be detached from the primary dwelling in R1 zones. A second dwelling unit may be attached to or detached from the primary dwelling in R2, R3, and CRR zones.
- (7) "Floorspace" means the gross floor area as measured to the outside surface of exterior walls, including its living area.
- (8) "Junior accessory dwelling unit." A unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure. For the purposes of life/safety regulations and providing utilities such as water, sewer, power, or other utilities, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
- (9) "Living area" means the interior habitable area of a dwelling unit including the basement and attics but not including a garage or any accessory building or structure.
- (10) "Primary unit" means the building (or portion of the building in cases of an attached accessory dwelling unit) in which the principal residential use of the lot takes place. An

accessory dwelling unit cannot constitute the primary unit.

- (11) "Public transit" means a signed and designated bus stop, train stop, ferry terminal or other public transit station where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- (12) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- (13) "Secondary dwelling unit." The predecessor to an accessory dwelling unit under local zoning laws. Secondary dwelling unit permits were issued under local zoning laws in effect after February 3, 1984 and prior to January 1, 2017.
- (14) "Tiny home" means a detached structure on a permanent foundation used for dwelling purposes that provides complete independent living facilities for one or more persons and is located on the same lot as the primary dwelling (single-family or multifamily) to which it is an accessory use. A tiny home that meets the requirements herein shall be considered an accessory dwelling unit.
- (15) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" includes park model homes, but does not include a "recreational vehicle," as defined in Article II, Section 9A-5 of the Needles Municipal City Code.

(b) Accessory Dwelling Unit (ADU). This section provides for the establishment and reasonable regulation of accessory dwelling units in order to encourage housing opportunities for all segments of the population while ensuring the public health, safety, and welfare.

- (1) Application and Fee. Application for an accessory dwelling unit permit shall be accompanied by the appropriate fee(s).
- (2) Impact Fees. Accessory dwelling units built on a lot with an existing primary dwelling unit are exempt from impact fees. Accessory dwelling units built in conjunction with a new primary dwelling unit are subject to the following:
 - (A) For accessory dwelling units less than 750 square feet, no impact fees apply.
 - (B) For accessory dwelling units 750 square feet and larger, the impact fee is proportional relative to the square footage of the primary dwelling unit.
- (3) Director of the Development Services, or His/Her Designated Replacement, as Review Authority. Applications for accessory dwelling units shall be acted upon by Development Services, ministerially without discretionary review or a public hearing, within 60 days following submission of complete application and fees, if the proposed site has an existing dwelling unit, otherwise a zoning permit application and fees for a site plan review are required.
- (4) A temporary certificate of occupancy for an accessory dwelling unit may be issued before the certificate of occupancy is issued for the primary residence, with the following conditions: 1) Within 18 months of receiving the temporary certificate of occupancy, a building permit will be in place for the primary dwelling unit and construction completed within 24 months of issuance of building permit ; 2) A bond to be in place at the time the temporary Certificate of Occupancy is issued in an amount covering the cost of demolition and removal of the ADU if the primary dwelling unit is not completed within 24 months. Once both units are completed, permanent Certificate of Occupancy will be issued for both units.

- (5) Grant of Accessory Dwelling Unit Permit. In order to grant an accessory dwelling unit permit for an accessory dwelling unit created through construction of or additions to a detached accessory building, by construction of or additions to a single-family or multi-family dwelling, or through the conversion of existing floorspace in a primary unit or a detached accessory building, the director, or his/her designee, shall find that the accessory dwelling unit would comply with all of the standards set forth in Section 96.08(E) for such accessory dwelling units.
- (6) Building Permits. A building permit shall be required in conjunction with the issuance of an accessory dwelling unit permit if repair, rehabilitation, or other work otherwise requiring a building permit is necessary.
- (7) Approved Secondary Dwelling Units Still Valid. Any secondary dwelling unit legally established with an approved secondary dwelling unit permit and in continued existence shall be deemed a legal, conforming dwelling unit. Secondary dwelling units established by any such permit shall continue to comply with all zoning requirements for secondary dwelling units in effect at the time of permit approval.
- (8) Premises Identification. Any assigned street address number for the accessory dwelling unit shall be plainly visible and legible from the street fronting the property as required by the applicable building code.
- (9) Expiration. Accessory dwelling unit permits issued in compliance with this section shall expire and become null and void 18 months after issuance unless a certificate of occupancy has been issued by the building division.
- (10) Revocation. Upon written notice to the holder of an accessory dwelling unit permit or a secondary dwelling unit permit, and a hearing before the director, or his/her designee, the director may revoke or modify any accessory dwelling unit permit or secondary dwelling unit permit on any one or more of the following grounds:
 - (A) That the approval was based on false information submitted by the applicant;
 - (B) That the use for which such approval was granted has ceased to exist or has been suspended for one year or more; or
 - (C) That the permit granted is being or recently has been exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation.
 - (D) For other good cause.
- (11) Reporting of Violations. All reporting of accessory dwelling unit permit or secondary dwelling unit permit violations shall be submitted in writing to the director, or his/her designee, and the director, or his/her designee, shall notify the owner of record of the property that a complaint has been registered, within ten calendar days from receipt of any such complaint. The director, or his/her designee, shall investigate and issue a written report to the complainant within thirty days from the date of the issuance of the notice outlining the status of any alleged violation and the steps that have been requested of the owner of record to remedy the situation.
- (12) Violations Considered an Infraction. Violations of this section shall be punished as infractions or by administrative citation, in the discretion of the director, or his/her designee, and shall be subject to the provisions of Article XVIII "Enforcement and Review" as well as Chapter 2A "Administrative Citations".
- (13) Density. Pursuant to California Government Code Section 68552.2, no accessory dwelling unit approved under these provisions shall be considered in calculating the density of the lot allowed by the land use designation contained in the land use element

of the Needles General Plan, and accessory dwelling units are deemed a residential use that is consistent with the existing general plan and zoning for the lot.

- (c) Junior Accessory Dwelling Unit (JADU). This section provides for the establishment and reasonable regulation of junior accessory dwelling units to encourage housing opportunities for all segments of the population while ensuring the public health, safety, and welfare.
- (1) Zoning Permit Required. No junior accessory dwelling unit shall be established or used unless a junior accessory dwelling unit permit has been issued by the City.
 - (2) Application and Fee. Application for a junior accessory dwelling unit permit shall be accompanied by the appropriate filing fee. Junior accessory dwelling units are exempt from impact fees.
 - (3) Director of the Development Services, or His/Her Designee, as Review Authority. Applications for junior accessory dwelling unit shall be acted upon by Development Services, or his/her designee, without discretionary review or a public hearing. Said action shall occur no more than 60 days following submission of a complete application.
 - (4) Grant of Junior Accessory Dwelling Unit Permit. In order to grant a junior accessory dwelling unit permit, the director, or his/her designee, shall find that the proposed unit would comply with this section and Section 96.08(G) Standards for Junior Accessory Dwelling Units as adopted by council resolution.
 - (5) Building Permits. A building permit and a certificate of occupancy shall be required in conjunction with the installation of a junior accessory dwelling unit. Any repair, rehabilitation, or other work associated with the installation of the junior accessory dwelling unit shall also obtain building permits where required by law.
 - (6) Premises Identification. Any assigned street address number for the junior accessory dwelling unit shall be plainly visible and legible from the street fronting the property as required by the applicable building code.
 - (7) Expiration. Junior accessory dwelling unit permits issued in compliance with this section shall expire and become null and void 18 months after issuance unless a certificate of occupancy has been issued by the building division.
 - (8) Revocation. Upon written notice to the holder of a junior accessory dwelling unit permit and a hearing before the director, or his/her designee, the director, or his/her designee, may revoke or modify any such permit, on any one of the following grounds:
 - (A) That the approval was based on false information submitted by the applicant.
 - (B) That the permit granted is being or recently has been exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law, or regulation.
 - (C) For other good cause.
 - (9) Reporting of Violations. All reporting of junior accessory dwelling unit violations shall be submitted in writing to the director, or his/her designee. The director, or his/her designee, shall notify the owner of record of the property that a complaint has been registered within ten calendar days from receipt of any such complaint. The director, or his/her designee, shall investigate and issue a written report to the complainant within thirty days from the date of the issuance of the notice outlining the current status of any alleged violation and the steps that have been requested of the owner of record to remedy the situation.

- (10) Violations Considered an Infraction. Violations of this section shall be punished as infractions or by administrative citation, in the discretion of the director, or his/her designee, and shall be subject to the provisions of Municipal Code Article XVIII "Enforcement and Review" and Chapter 2A "Administrative Citations".

(d) Manufactured Homes and Tiny Homes. Manufactured homes and tiny homes are subject to all of the following provisions:

- (1) Shall be a self-contained unit that complies with all State of California requirements, is constructed in compliance with American National Standards Institute (ANSI) 119.5 standard as certified by an accredited qualified third-party inspector.
- (2) Shall adhere to all setback, height, and floor area limitations pursuant to Section 96.08(H).
- (3) Shall be secured to a permanent foundation.
- (4) Shall have at least 100 square feet of enclosed space.
- (5) Shall be directly connected to an approved water source, an onsite wastewater treatment system or sanitary sewer system, and electric utilities. Holding tanks that are incorporated into the original design of the structure shall not be used for the purposes of waste storage and shall be directly connected to the approved onsite wastewater treatment system or sanitary sewer.
- (6) Mechanical equipment shall be incorporated into the original design of the structure and shall not be located on the roof or added on to the exterior of the unit, except for HVAC units.
- (7) Shall have the following design elements to maintain the character of the residential neighborhood:
 - (A) Shall not include corrugated aluminum or fiberglass siding and shall not be a shipping container or cargo container.
 - (B) Shall use cladding and trim materials on the exterior of movable tiny homes for residential appearance and to provide adequate thermal insulation and weather resistance. Materials may include, but are not limited to, single piece composite, vinyl siding, laminates, or interlocked sheathing.
 - (C) Windows shall be at least double pane glass and labeled for building use and shall include exterior trim.
- (8) Application and Fee. Application for an accessory dwelling unit (manufactured home or tiny home) permit shall be accompanied by the appropriate fee(s).
- (9) Impact Fees. Accessory dwelling units built on a lot with an existing primary dwelling unit are exempt from impact fees. Accessory dwelling units added in conjunction with a new primary dwelling unit are subject to the following:
 - (A) For accessory dwelling units less than 750 square feet, no impact fees apply.
 - (B) For accessory dwelling units 750 square feet and larger, the impact fee is proportional relative to the square footage of the primary dwelling unit.
- (10) Director of the Development Services, or his/her designated replacement, as review authority. Applications for accessory dwelling units shall be acted upon by Development Services, or his/her designee, ministerially without discretionary review or a public hearing, within 60 days following submission of complete application, if the proposed site

has an existing dwelling unit, otherwise a zoning permit application and fees for a site plan review are required.

- (11) Grant of Accessory Dwelling Unit Permit. In order to grant an accessory dwelling unit permit for an accessory dwelling unit (manufactured home/tiny home) the director, or his/her designee, shall find that the accessory dwelling unit would comply with all of the standards set forth in Section 96.08(H) for such accessory dwelling units.
- (12) A temporary certificate of occupancy for an accessory dwelling unit may be issued before the certificate of occupancy is issued for the primary residence, with the following conditions: 1) Within 18 months of receiving the temporary certificate of occupancy, a building permit will be in place for the primary dwelling unit and construction completed within 24 months of issuance of building permit; 2) A bond to be in place at the time the temporary Certificate of Occupancy is issued in an amount covering the cost of demolition and removal of the ADU if the primary dwelling unit is not completed within 24 months. Once both units are completed, permanent Certificate of Occupancy will be issued for both units.
- (13) Building Permits. A building permit shall be required in conjunction with the issuance of an accessory dwelling unit permit if repair, rehabilitation, or other work otherwise requiring a building permit is necessary.
- (14) Approved Secondary Dwelling Units Still Valid. Any secondary dwelling unit legally established with an approved secondary dwelling unit permit and in continued existence shall be deemed a legal, conforming dwelling unit. Secondary dwelling units established by any such permit shall continue to comply with all zoning requirements for secondary dwelling units in effect at the time of permit approval.
- (15) Premises Identification. Any assigned street address number for the accessory dwelling unit shall be plainly visible and legible from the street fronting the property as required by the applicable building code.
- (16) Expiration. Accessory dwelling unit permits issued in compliance with this section shall expire and become null and void 18 months after issuance unless a certificate of occupancy has been issued by the building division.
- (17) Revocation. Upon written notice to the holder of an accessory dwelling unit permit or a secondary dwelling unit permit, and a hearing before the director, or his/her designee, the director may revoke or modify any accessory dwelling unit permit or secondary dwelling unit permit on any one or more of the following grounds:
 - (A) That the approval was based on false information submitted by the applicant;
 - (B) That the use for which such approval was granted has ceased to exist or has been suspended for one year or more;
 - (C) That the permit granted is being or recently has been exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation.
 - (D) For other good cause.
- (18) Reporting of Violations. All reporting of accessory dwelling unit permit or secondary dwelling unit permit violations shall be submitted in writing to the director, or his/her designee, and the director, or his/her designee, shall notify the owner of record of the property that a complaint has been registered, within ten calendar days from receipt of any such complaint. The director, or his/her designee, shall investigate and issue a written report to the complainant within thirty days from the date of the issuance of the

notice outlining the status of any alleged violation and the steps that have been requested of the owner of record to remedy the situation.

- (19) Violations Considered an Infraction. Violations of this section shall be punished as infractions or by administrative citation, in the discretion of the director, or his/her designee, and shall be subject to the provisions of Article XVIII "Enforcement and Review" as well as Chapter 2A "Administrative Citations".
- (20) Density. Pursuant to California Government Code Section 68552.2, no accessory dwelling unit approved under these provisions shall be considered in calculating the density of the lot allowed by the land use designation contained in the land use element of the Needles General Plan, and accessory dwelling units are deemed a residential use that is consistent with the existing general plan and zoning for the lot.

(e) Standards for Accessory Dwelling Units Created Through Construction of or Additions to a Detached Accessory Building or by Construction of or Additions to an Existing Dwelling.

- (1) Zones. The proposed unit would be located on a lot that contains a proposed or existing dwelling located in one of the following residential zones: R-1, R-2, R-3, CRR and C-2.
- (2) On lots zoned R-1, one ADU is allowed per primary dwelling unit. On lots zoned for R-2, R-3, CRR, and C-2, a maximum of two ADUs are permitted.
- (3) Rental. The Accessory Dwelling Unit may be rented but may not be rented for a period of less than 30 consecutive days or used as a Vacation Rental.
- (4) Location on Lot. The Accessory Dwelling Unit shall either be attached to the existing dwelling or located within the Living Area of the existing dwelling or shall be detached from the existing dwelling and located on the same lot as the existing dwelling. If detached, the Accessory Dwelling Unit shall be separated from the Primary Unit and any Detached Accessory Building a minimum of three feet.
- (5) Zoning Development Standards. The proposed unit shall comply with development standards for the underlying zone in which it is located, specifically standards for lot coverage, setback, height, and floor area ratio, except as explicitly set forth herein.
- (6) Separate Kitchen and Bathroom. The proposed Accessory Dwelling Unit shall contain a separate kitchen and bathroom; both the Primary Unit and the Accessory Dwelling Unit shall comply at a minimum with all requirements of the current residential code; and the Accessory Dwelling Unit shall comply with the building code at the time it was constructed.
- (7) Size. There is no limit on the size of an accessory dwelling unit that is attached to or detached from a primary unit, except that attached and detached accessory dwelling units shall not be larger than the primary unit, and detached and attached accessory dwelling units shall comply with setback requirements, the required distance between units, open space requirements and maximum lot coverage/FAR requirements applicable to the parcel on which the unit is located.
- (8) Height. A detached Accessory Dwelling Unit shall not exceed the height of maximum height limit of its respective zone.
- (9) Passageway. No Passageway shall be required in conjunction with the construction of an Accessory Dwelling Unit.
- (10) Setback Exceptions. A detached Accessory Dwelling Unit must have a minimum set back of five feet from side and rear property lines. No setback shall be required for a lawfully constructed garage or other accessory structure in existence prior to execution of this Ordinance that is converted to an Accessory Dwelling Unit, and a setback of no

more than four (4) feet from the side and rear lot lines shall be required for an Accessory Dwelling Unit that is constructed above a garage. In the event an Accessory Dwelling Unit is permitted prior to the primary residence, a minimum front set back of 26 feet shall apply.

- (11) Parking. The application shall comply with parking provisions of Needles' Municipal Code Section 111, including parking setback limitations, except as set forth below:
- (A) One parking space per accessory dwelling unit or per bedroom, whichever is less, of the proposed Accessory Dwelling Unit in addition to those required for the Primary Unit(s).
 - (B) Required parking for the Accessory Dwelling Unit may be uncovered.
 - (C) Off-street parking for an Accessory Dwelling Unit may be in tandem with parking for the Primary Unit or may be allowed in the front setback, unless specific findings are made that such is not feasible based on specific site topographical or fire and life safety conditions. All parking spaces shall be on an Improved Parking Surface that satisfies City Standards.
 - (D) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an Accessory Dwelling Unit, the City does not require that those parking spaces be replaced,
 - (E) Subsections A through D of this Standard 11 shall not apply to a unit described in subsection 11F below.
 - (F) On-site parking is not required for an Accessory Dwelling Unit in any of the following circumstances:
 - (i) The unit is located within one-half mile of Public Transit.
 - (ii) The unit is part of the existing Primary Unit or an existing Accessory Building.
 - (iii) When on-street parking permits are required but not offered to the occupant of the unit.
 - (iv) When there is a car share vehicle located within one block of the unit.
- (12) Feasibility Inspection. Unless the project constitutes new construction, a building inspection shall be performed by the City's Building Dept. at applicant's cost, and a report establishing the feasibility of the project to meet applicable building and residential codes shall be provided to the Director, or his/her designee, of Development Services prior to approval of an Accessory Dwelling Unit permit.
- (13) Adequate sanitary service capacity for the additional increment of effluent resulting from the Accessory Dwelling Unit would be available. If the lot is connected to the public sewer system, the applicant has submitted a letter from the appropriate Sanitary District to that effect. If the lot is not connected to the public sewer system, the applicant will need to demonstrate that the individual or alternative sewage disposal system serving the lot has adequate capacity to accommodate the proposed Accessory Dwelling Unit.
- (14) The Accessory Dwelling Unit would comply with all applicable Fire District regulations, subject to provisions and limitations set forth in Government Code Section 65852.2.
- (15) The Accessory Dwelling Unit would comply with all applicable Water District regulations, subject to provisions and limitations set forth in Government Code Section 65852.2.

(f) Standards for Accessory Dwelling Units Created Exclusively through Conversion of Existing Floorspace in a Single-Family Dwelling, Multifamily Structure, or a Detached Accessory Building.

- (1) The unit shall be located in one of the following residential zones: R-1, R-2, R-3, CRR, and C-2.
- (2) The unit shall be created within an existing legal structure (a single-family dwelling or a Detached Accessory Building appurtenant to a single-family dwelling) and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure.
- (3) The unit shall provide independent exterior access from the Primary Unit.
- (4) The unit has sufficient setbacks to meet fire safety requirements.
- (5) There shall be no more than one Accessory Dwelling Unit per primary dwelling on a single-family lot. On a multifamily lot, up to 25 percent of existing units may have an Accessory Dwelling Unit.
- (6) Rental. The unit may be rented but may not be rented for a period less than 30 consecutive days or used as a Vacation Rental.
- (7) Feasibility Inspection. A building inspection shall be performed by the City's Building Division at applicant's cost, and a memo establishing the feasibility of the project to meet applicable building and residential codes shall be provided to the Director, or his/her designee, of Community Development, prior to approval of a permit.

(g) Standard for Junior Accessory Dwelling Units.

- (1) The proposed junior accessory dwelling unit would be located in a residential zone, including the R-1, R-2, R-3, CRR and C-2 zones.
- (2) One junior accessory dwelling unit is permitted on single family and multifamily lots.
- (3) Owner occupancy of one of the dwelling units on the site (either the primary residence or the junior accessory dwelling unit) is required, unless the owner is a governmental agency, a land trust, or a housing organization. For purposes of this standard, ownership is defined as a majority (i.e., fifty-one percent or greater) interest in the property in question. Property owned in joint tenancy shall be considered a single ownership for any party named. Property owned in tenancy in common shall be considered a single ownership for the party named, unless shares are specified, in which case ownership requires a majority interest.
- (4) The junior accessory dwelling unit would be in conformance with the current building codes adopted by the City. A memo prepared following inspection of the premises by the Needles Building Division, documenting the feasibility of the project to meet current building codes, shall be provided to the Director, or his/her designee, of Community Development prior to approval of a junior accessory dwelling unit permit.
- (5) The junior accessory dwelling unit would be created within the existing walls of a single-family dwelling.
- (6) The junior accessory dwelling unit would have a separate exterior entry from that of the primary residence. An interior entry may also be included.
- (7) The junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:

- (A) A sink with a maximum waste line diameter of one-and-a-half (1.5) inches.

- (B) A cooking facility with appliances that do not require electrical service greater than one hundred-twenty (120) volts. Gas appliances are not permitted.
 - (C) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- (8) The junior accessory dwelling unit would be located on a lot where the primary residence complies with current parking standards for its zone.
 - (9) Adequate sanitation (bathroom) facilities are provided, either a) separately for the exclusive use of the junior accessory dwelling unit; or b) shared with the primary residence through internal access from the junior accessory dwelling unit to the primary residence.
 - (10) The junior accessory dwelling unit shall comply with applicable requirements of the fire protection district serving the lot, subject to the provisions of Government Code Section 65852.22(d) or successor sections thereto.
 - (11) The junior accessory dwelling unit shall comply with applicable requirements of the public water agency serving the lot, subject to the provisions of Government Code Section 65852.22(e) or successor sections thereto.
 - (12) The junior accessory dwelling unit may be rented but shall not be rented for less than thirty (30) consecutive days.
 - (13) The property on which the junior accessory dwelling unit is located shall have deed restrictions recorded upon it as set forth below prior to issuance of a building permit for the unit. Said restrictions shall be reviewed and approved by the City Attorney and recorded with the San Bernardino County Recorder's Office.
 - (A) The junior accessory dwelling unit shall not be sold separately from the primary residence and shall not be rented for less than thirty (30) consecutive days.
 - (B) The junior accessory dwelling unit shall not exceed five hundred (500) square feet in floor area, shall not be smaller than allowed by applicable building regulations, and shall be entirely contained within an existing single-family structure.
 - (C) The junior accessory dwelling unit shall be considered legal only so long as it or the single-family dwelling in which it is located is owner-occupied, unless the owner is a governmental agency, a land trust or a housing organization. Ownership is defined as a majority (i.e., fifty-one percent or greater) interest in the property in question. Property owned in joint tenancy shall be considered a single ownership for any party named. Property owned in tenancy in common shall be considered a single ownership for the party named, unless shares are specified, in which case ownership requires a majority interest.
 - (D) The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with any provisions of Needles Municipal Code Section 96.08 "C" and "G" may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.

(h) Standards for Manufactured Homes and Tiny Homes.

- (1) Zones. The proposed unit would be located on a lot that contains a proposed or existing dwelling located in one of the following residential zones: R-1, R-2, R-3, CRR.

- (2) On lots zoned for single family residential use, one ADU is allowed per primary dwelling unit. On lots zoned for multi-family residential use, a maximum of two ADUs are permitted.
- (3) Rental. The Accessory Dwelling Unit may be rented but may not be rented for a period of less than 30 consecutive days or used as a Vacation Rental.
- (4) Location on Lot. The Accessory Dwelling Unit shall be detached from the existing dwelling and located on the same lot as the existing dwelling. and shall be separated from the Primary Unit and any Detached Accessory Building a minimum of three feet.
- (5) Zoning Development Standards. The proposed unit shall comply with development standards for the underlying zone in which it is located, specifically standards for lot coverage, setback, height, and floor area ratio, except as explicitly set forth herein.
- (6) Separate Kitchen and Bathroom. The proposed Accessory Dwelling Unit shall contain a separate kitchen and bathroom; both the Primary Unit and the Accessory Dwelling Unit shall comply at a minimum with all requirements of the current residential code; and the Accessory Dwelling Unit shall comply with the building code at the time it was constructed.
- (7) Size. The total area of floorspace for the Detached Accessory Dwelling Unit shall not exceed 1,200 square feet.
- (8) Height. A detached Accessory Dwelling Unit shall not exceed 15 feet in height.
- (9) Passageway. No Passageway shall be required in conjunction with the construction of an Accessory Dwelling Unit.
- (10) Setback Exceptions. A detached Accessory Dwelling Unit must have a minimum set back of five feet from side and rear property lines. No setback shall be required for a lawfully constructed garage or other accessory structure in existence prior to execution of this Ordinance that is converted to an Accessory Dwelling Unit, and a setback of no more than five (5) feet from the side and rear lot lines shall be required for an Accessory Dwelling Unit that is constructed above a garage. In the event an Accessory Dwelling Unit is permitted prior to the primary residence, a minimum front set back of 26 feet shall apply.
- (11) Parking. The application shall comply with parking provisions of Needles' Municipal Code Section 111, including parking setback limitations, except as set forth below:
 - (A) One parking space per accessory dwelling unit or per bedroom, whichever is less, of the proposed Accessory Dwelling Unit in addition to those required for the Primary Unit(s).
 - (B) Required parking for the Accessory Dwelling Unit may be uncovered.
 - (C) Off-street parking for an Accessory Dwelling Unit may be in tandem with parking for the Primary Unit or may be allowed in the front setback, unless specific findings are made that such is not feasible based on specific site topographical or fire and life safety conditions. All parking spaces shall be on an Improved Parking Surface.
 - (D) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an Accessory Dwelling Unit, the City does not require that those parking spaces be replaced.
 - (E) Subsections (A) through (D) of this Section 96.08(h)(11) shall not apply to a unit described in subsection (h)(11)(F) below.

- (F) On-site parking is not required for an Accessory Dwelling Unit in any of the following circumstances:
- (i) The unit is located within one-half mile of Public Transit.
 - (ii) The unit is part of the existing Primary Unit or an existing Accessory Building.
 - (iii) When on-street parking permits are required but not offered to the occupant of the unit.
 - (iv) When there is a car share vehicle located within one block of the unit.
- (12) Feasibility Inspection. Unless the project constitutes new construction, a building inspection shall be performed by the City's Building Dept. at applicant's cost, and a report establishing the feasibility of the project to meet applicable building and residential codes shall be provided to the Director, or his/her designee, of Development Services prior to approval of an Accessory Dwelling Unit permit.
- (13) Adequate sanitary service capacity for the additional increment of effluent resulting from the Accessory Dwelling Unit would be available. If the lot is connected to the public sewer system, the applicant has submitted a letter from the appropriate Sanitary District to that effect. If the lot is not connected to the public sewer system, the applicant will need to demonstrate that the individual or alternative sewage disposal system serving the lot has adequate capacity to accommodate the proposed Accessory Dwelling Unit.
- (14) The Accessory Dwelling Unit would comply with all applicable Fire District regulations, subject to provisions and limitations set forth in Government Code Section 65852.2.
- (15) The Accessory Dwelling Unit would comply with all applicable Water District regulations, subject to provisions and limitations set forth in Government Code Section 65852.2.

HISTORY

Amended by Ord. [663-AC](#) on 10/24/2023

96.09 Planned Unit Development Overlay

- (a) Property located in an area shown on the zoning map with the symbol PUD shall not be subdivided, developed or used for any purpose unless a conditional use permit is approved and the subdivision, development and use is in accordance with such conditional use permit. Planned unit developments are allowed in the commercial residential resort zone.
- (b) The following criteria shall be applied to consideration of a conditional use permit in the PUD overlay zone in addition to any other criteria applicable to the use and development being considered:
- (1) The development site shall be at least five (5) acres in net area.
 - (2) The development shall be of exceptional design quality, providing for imaginative use of the site, an attractive environment for occupants, and enhancing the character of the surrounding area.
- (c) Area requirements, density, height, yard and other requirements with the PUD shall be those permitted or required in the zoning district with which the PUD is combined, or those established during the approval process. However, single-family residential lot sizes in a PUD may only be reduced below the minimum standards required by the appropriate zone if usable open space is provided either within the PUD in an amount equal to or greater than the sum of all reductions of

the minimum lot size or usable public open space is located adjacent to the PUD. (Ord. 427-AC, 564-AC)