

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN TO REPEAL AND RE-ENACT,
AND ENACT CERTAIN SECTIONS OF TITLE 17 OF THE ROCKLIN MUNICIPAL CODE TO
UPDATE REGULATIONS FOR ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY
DWELLING UNITS

(Accessory Dwelling Units Zoning Ordinance Amendment / ZOA2017-0007)

The City Council of the City of Rocklin does ordain as follows:

Section 1. **Findings.**

A. The State of California has enacted legislation to encourage the construction of accessory dwelling units and junior accessory dwelling units, as further defined in this ordinance.

B. Government Code Section 65852.2 requires the City of Rocklin to adopt zoning regulations in compliance with state law provisions regarding accessory dwelling units.

C. The purpose and intent of the proposed Zoning Ordinance Amendment is to allow accessory dwelling units and junior accessory dwelling units in accordance with state law in a manner that is not inconsistent with the health, safety, and well-being of the City and its residents.

D. This ordinance is unacted under the authority granted to cities by Article XI, Section 7 of the California Constitution and Government Code Section 37100, and the authority provided to cities to regulate by ordinance the uses of land and the intensity or land use by Government Code sections 65850(a), and 65850(c)(4).

E. On June 13, 2017 the Rocklin City Council approved a Resolution of Intent to initiate an amendment of the Rocklin Municipal Code to provide consistency with State of California regulations regarding Accessory Dwelling Units and Junior Accessory Dwelling Units.

F. In subsequent years the State repeatedly revised the regulations, most recently in 2019, when the State enacted several new and revised provisions relating to Accessory Dwelling Units and Junior Accessory Dwelling Units as further defined in the proposed ordinance.

G. It is the intention of the City Council of the City of Rocklin that nothing in this ordinance be deemed to conflict with the State regulations that went into effect January 1, 2020.

H. The proposed amendments to the Rocklin Municipal Code are consistent with and implement the policies of the City of Rocklin's General Plan, including the Housing Element.

I. The proposed amendments to the Rocklin Municipal Code are not likely to create serious health problems or create nuisances on or near affected properties.

J. The City Council has considered the effect of the proposed amendments to the Rocklin Municipal Code on the housing needs of the region and has balanced those needs against the public service needs of its residents and available fiscal and environmental resources.

Section 2. Environmental. This Ordinance is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code, which provides that CEQA does not apply to the adoption of an ordinance to implement the provisions of Section 65852.2 of the Government Code. As the standards of Government Code Section 65852.22 relating to junior accessory dwelling units are incorporated into Government Code 65852.2, this exemption covers junior accessory dwelling units as well. Regardless of whether the City adopts this Ordinance, accessory dwelling units and junior accessory dwelling units must be allowed in the City in accordance with the standards set forth in State Statute. Therefore, this Ordinance is categorically exempt under the common-sense exemption of CEQA Guidelines Section 15061(b)(3) which provides that CEQA does not apply where it can be seen with certainty that the project will not cause any impacts.

Section 3. Enact. Section 17.04.015 of Chapter 17.04 "DEFINITIONS" is hereby enacted to read as follows:

"Accessory dwelling unit" means an attached or detached residential dwelling unit that provides complete, independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single family or multifamily dwelling is or will be situated. An accessory dwelling unit includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code or a manufactured home as defined in Section 18007 of the Health & Safety code. A "secondary dwelling unit" is an accessory dwelling unit. See also Section 17.04.275, Junior accessory dwelling unit.

Section 4. Enact. Section 17.04.275 of Chapter 17.04 "DEFINITIONS" is hereby enacted to read as follows:

"Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size, includes an efficiency kitchen consistent with building code standards, is contained entirely within the walls of a single-family residence or multi-family building, and may

include separate sanitation facilities or may share sanitation facilities with the existing structure or unit. See also Section 17.04.015, Accessory dwelling unit.

Section 5. Repeal and Re-Enact. Section 17.04.515 of Chapter 17.04 – DEFINITIONS is hereby repealed and re-enacted to read as follows:

"Secondary residential unit" has the same meaning as "accessory dwelling unit." See Section 17.04.015, Accessory dwelling unit.

Section 6. Repeal and Re-Enact. Section 17.08.020. of Chapter 7.08 – USE REGULATIONS GENERALLY is hereby repealed and re-enacted to read as follows:

17.08.020 – Dwelling unit minimum area.

- A. Single-family Residences.
 - 1. Each single-family residence shall consist of one complete dwelling unit as defined in the Uniform Building Code. The minimum square footage of a single-family residence shall be no less than one thousand fifty square feet.
 - 2. The minimum square footage of a single-family residence size shall be reduced to seven hundred fifty square feet for one-bedroom or two-bedroom units, and nine hundred fifty square feet for three-bedroom units of all units that are made affordable, as defined in the Rocklin Housing Element, to households with incomes at or below eighty percent of median-family income, as defined by the Department of Housing and Urban Development (HUD) for the Sacramento Metropolitan Statistical Area (SMSA).
- B. Duplex, Triplex. Each living unit shall consist of a complete dwelling unit, as defined in the Uniform Building Code. Each living unit shall be a minimum of six hundred square feet.
- C. Apartments. Each apartment shall consist of one complete dwelling unit, as defined in the Uniform Building Code. Each living unit shall be a minimum of three hundred fifty square feet.
- D. Accessory dwelling units and junior accessory dwelling units are not subject to dwelling unit minimum area regulations set forth above for the purposes of this chapter.

Section 7. Repeal. Section 17.08.160 “Secondary Residential Units,” of Chapter 17.08 – USE REGULATIONS GENERALLY, is hereby repealed.

Section 8. Repeal and Re-Enact. Section 17.62.150 of Chapter 17.62 - NON-CONFORMING USES AND STRUCTURES is hereby repealed and re-enacted to read as follows:

17.62.150 - Existing secondary residential unit or accessory dwelling unit.

Grandfathering Clause. All units within the definition of "accessory dwelling unit" in Section 17.04.015 or "junior accessory dwelling unit" in Section 17.04.275 existing on the effective date of this section shall be deemed legal uses for purposes of Title 17 of this code.

Section 9. Repeal. Section 17.66.155 "Secondary residential units" of Chapter 7.66 – OFF-STREET PARKING is hereby repealed.

Section 10. Enact. Chapter 17.67 - Accessory Dwelling Units and Junior Accessory Dwelling Units is hereby enacted to read as follows:

17.67.010 – Purpose and applicability.

- A. The purpose of this chapter is to provide for accessory dwelling units and junior accessory dwelling units in accordance with the provisions of state law.
- B. In cases of conflict between this chapter and any other provision of this title, the provisions of this chapter shall prevail. To the extent that any provision of this chapter is in conflict with State law, the applicable provision of State law shall control, but all other provisions of this chapter shall remain in full force and effect.

17.67.020 – Applications and Processing.

- A. Applications for junior accessory dwelling units or accessory dwelling units shall be ministerially processed within 60 days of receipt of a complete application and approved if they meet the requirements of this chapter. Incomplete applications will be returned with an explanation of what additional information is required.
- B. Notwithstanding subdivision (A) above, if the permit application is submitted with a permit application to create a new single-family dwelling on the lot, the application for the junior accessory dwelling unit or accessory dwelling unit shall not be acted upon until the application for the new single-family dwelling is approved, but thereafter shall be ministerially processed within 60 days of receipt of a complete application and approved if it meets the requirements of this chapter. Occupancy of the junior accessory dwelling unit or accessory dwelling unit shall not be allowed until the city approves occupancy of the primary dwelling.
- C. The city shall grant a delay in processing if requested by the applicant.
- D. All applications for junior accessory dwelling units or accessory dwelling units shall be accompanied by an application fee.
- E. All junior accessory dwelling units and accessory dwelling units are also subject to building inspection and permit fees.

17.67.030 – Locations allowed.

- A. Accessory dwelling units and junior accessory dwelling units shall be a permitted use in all Residential (R) zones and in any Planned Development (PD) zone where residences are a permitted or conditional use.

- B. Junior accessory dwelling units may be developed on any legally created lot and shall be located within the walls of the existing or proposed primary dwelling.
- C. Accessory dwelling units may be located in any of the following places on a legally created lot:
 - 1. Attached to an existing or proposed primary dwelling;
 - 2. Located within the walls of the existing or proposed dwelling;
 - 3. Located within an existing accessory structure;
 - 4. Detached from the existing dwelling, but located on the same lot as the existing or proposed primary dwelling; or
 - 5. In existing multifamily dwelling structures within the portions of the structure that are not used as livable space provided that the unit complies with the California Building Standards Code as set forth in Title 15 of this Code for dwellings. An accessory dwelling unit shall not be created within any portion of the habitable area of an existing dwelling unit in a multifamily structure. Up to 25 percent of the number of existing multifamily units in the building, but at least one unit, shall be allowed.
 - 6. Up to two detached accessory dwelling units on a lot with an existing multifamily dwelling structure, provided that the height does not exceed 16 feet and that four-foot side and rear yard setbacks are maintained.
- D. One accessory dwelling unit may be allowed per residential lot containing an existing or proposed single-family residence. An accessory dwelling unit may be allowed in conjunction with a junior accessory dwelling unit when the requirements of Section 17.67.050 are met.

17.67.040 – General requirements. Ownership. Rental.

- A. Junior accessory dwelling units and accessory dwelling units shall comply with all applicable building code requirements. However, fire sprinklers shall not be required in a junior accessory dwelling unit or accessory dwelling unit if they are not required for the primary dwelling unit.
- B. All development standards contained in the underlying zoning district shall apply to junior accessory dwelling units and accessory dwelling units unless they are inconsistent with the provisions of this chapter, in which case the development standards of this chapter shall apply.
- C. Junior accessory dwelling units.
 - 1. Junior accessory dwelling units shall not be sold separately from the primary residence.
 - 2. Junior accessory dwelling units may be rented independently of the primary unit.
 - 3. Junior accessory dwelling units may not be rented for fewer than 30 consecutive calendar days.

4. Unless the property is owned by a governmental agency, land trust, or housing organization, one of the dwellings on the lot must be the bona fide principal residence of at least one legal owner of the lot, as evidenced at the time of approval of the junior accessory dwelling unit by appropriate documents of title and residency.
 - i. Prior to issuance of a building permit for a junior accessory dwelling unit, the owner shall record a covenant in a form prescribed by the city attorney, which shall run with the land and provide for the following:
 - a. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence;
 - b. A restriction on the size and attributes of the junior accessory dwelling unit consistent with this section;
 - c. A prohibition against renting the property for fewer than 30 consecutive calendar days; and
 - d. A requirement that either the primary residence or the junior accessory dwelling unit be the owner's bona fide principal residence, unless the owner is a governmental agency, land trust, or housing organization.
 - ii. A copy of the recorded covenant shall be filed with the Community Development Department prior to issuance of a building permit.

D. Accessory dwelling units.

1. Accessory dwelling units shall not be sold separately from the primary residence.
2. Accessory dwelling units may be rented independently of the primary unit.
3. Accessory dwelling units may not be rented for fewer than 30 consecutive calendar days.
4. For applications received prior to January 1, 2025 there is no requirement for a legal owner of the parcel to reside in any of the residences on the parcel.

17.67.050 – Development standards.

A. Junior Accessory Dwelling Units

1. A junior accessory dwelling unit shall not exceed 500 square feet in size, shall be contained entirely within the walls of a single-family residence, and shall contain at least an efficiency kitchen which includes cooking appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the junior accessory dwelling unit.
2. No junior accessory dwelling unit shall be smaller than the size required to allow an efficiency unit pursuant to Health and Safety Code Section 17958.1.
3. A junior accessory dwelling unit may, but is not required to, include separate sanitation facilities. If separate sanitation facilities are not provided, the junior accessory dwelling unit shall share sanitation facilities with the primary residence.

4. A junior accessory dwelling unit shall have a separate entrance from the primary dwelling unit. Said entrance shall not face the same public street as the front door of the primary dwelling unit, if possible.
5. Any expansion beyond the existing physical structure of the primary residence is limited to 150 square feet and shall be solely to accommodate ingress and egress. The primary dwelling unit side and rear setbacks may be reduced to no less than four feet to accommodate an exterior stair and landing that provide required access to the JADU if it is located on the second story.
6. A junior accessory dwelling unit shall use the same architectural style, exterior materials, and colors as the existing or proposed primary dwelling, and the quality of the materials shall be the same or exceed that of the primary dwelling. Junior accessory dwelling units shall be consistent with applicable design standards if located within an Architectural District. The appearance of the residence shall remain that of a single-family residence, as determined by the Community Development Director.
7. No balcony, deck or open stair landing of an accessory dwelling unit that faces the rear or side property line nearest the accessory dwelling unit shall be permitted, except as needed to allow ingress and egress.
8. Junior accessory dwelling units shall not be required to provide for any additional parking or make up for any parking displaced by their construction, including conversion of all or part of an existing garage.

B. Accessory Dwelling Units

1. Limits on lot coverage and size must permit or shall be waived to allow an 800 square foot detached or attached accessory dwelling unit 16 feet in height with minimum four foot side and rear yard setbacks, if the proposed accessory dwelling unit is in compliance with all other development standards, including but not limited to front yard setbacks.
2. No accessory dwelling unit shall be smaller than the size required to allow an efficiency unit pursuant to Health and Safety Code Section 17958.1.
3. An accessory dwelling unit shall have a separate entrance from the primary dwelling unit. Said entrance shall not face the same public street as the front door of the primary dwelling unit, if possible.
4. Except as specified below, an accessory dwelling unit shall be required to comply with the setback requirements of the zone in which the unit is to be located.
 - i. No setback is required for an existing living area or an existing accessory structure converted to an accessory dwelling unit, or for a new accessory dwelling unit constructed in the same location and built to the same dimensions as an existing structure.
 - ii. For all accessory dwelling units, a setback of four feet is required from the rear and side property lines.

5. The floor area of an attached or detached accessory dwelling unit shall not exceed 850 square feet for a studio or one bedroom or 1,200 square feet for a unit that contains more than one bedroom.
6. An accessory dwelling unit, whether attached or detached, shall use the same architectural style, exterior materials, and colors as the existing or proposed primary dwelling, and the quality of the materials shall be the same or exceed that of the primary dwelling. Accessory dwelling units shall be consistent with applicable design standards if located within an Architectural District. The appearance of the residence shall remain that of a single-family residence, as determined by the Community Development Director.
7. No balcony, deck or open stair landing of an accessory dwelling unit that faces the rear or side property line nearest the accessory dwelling unit shall be permitted, except as needed to allow ingress and egress.
8. Parking for an accessory dwelling unit shall be as follows:
 - i. Except as provided in subsection (2), accessory dwelling units shall provide one parking space per accessory dwelling unit. Accessory dwelling unit parking requirements are in addition to the parking required for the primary residence as provided in Section 17.66.100. Parking spaces may be provided as tandem parking on a driveway or in setback areas unless the community development director makes specific findings that tandem parking and parking in setback areas is not feasible because of specific topographical conditions and/or other conditions that would pose a risk to health and safety. No parking may extend into a public sidewalk or public right-of-way.
 - ii. No parking may be required for an accessory dwelling unit if any of the following apply:
 - a. The accessory dwelling unit is contained within an existing primary residence or accessory structure or proposed primary residence.
 - b. The accessory dwelling unit is located within one-half mile walking distance of public transit. For purposes of this section, "public transit" means a bus stop or train station where public transportation runs on fixed routes and charges set fares.
 - c. The accessory dwelling unit is located within an architecturally and historically significant district.
 - d. Where on-street parking permits are required but not offered to the occupants of the accessory dwelling unit; or
 - e. When a designated parking area for one or more car-share vehicles is located within one block of the accessory dwelling unit.
 - iii. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, the parking spaces need not be replaced.

17.67.060 – Utilities and impact fees.

- A. No junior accessory dwelling unit or accessory dwelling unit shall be permitted if it is determined that there is not adequate water or sewer service to the property.
- B. Except as provided in subsection (C), an accessory dwelling unit may be required to have a new or separate utility connection, including a separate sewer lateral, between the accessory dwelling unit and the utility. A connection fee or capacity charge may be charged that is proportionate to the size in square feet of the accessory dwelling unit or its drainage fixture unit (DFU) values. Separate electric and water meters shall be required for the second unit.
- C. The following accessory dwelling units shall be exempt from any requirement to install a new or separate utility connection and to pay any associated connection or capacity fees or charges:
 - 1. Junior accessory dwelling units.
 - 2. Standard accessory dwelling units converted from interior space under Section 17.67.050.B., unless the unit is constructed within a new single-family home.
- D. All utility extensions shall be placed underground.
- E. Impact fees.
 - 1. No impact fees may be imposed on a junior accessory dwelling unit or accessory dwelling unit that is less than 750 sq. ft. in size. For purposes of this section, “impact fees” include the fees specified in Sections 66000 and 66477 of the Government Code, but do not include utility connection fees or capacity charges.
 - 2. For accessory dwelling units that have a floor area of 750 square feet or more, impact fees shall be charged proportionately in relation to the square footage of the primary dwelling unit.

17.67.070 – Delay of enforcement of building standards.

- A. Prior to January 1, 2030, the owner of an accessory dwelling unit that was built before January 1, 2020, may submit an application to the building official requesting that correction of any violation of building standards be delayed for five years. For purposes of this section, “building standards” refers to those standards enforced by local agencies under the authority of Section 17960 of the California Health and Safety Code.
- B. The building official shall grant the application if the building official determines that enforcement of the building standard is not necessary to protect health and safety. In making this determination, the director shall consult with the fire marshal.
- C. No applications pursuant to this section shall be approved on or after January 1, 2030. However, any delay that was approved by the city before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the approval of the application.

- D. Until January 1, 2030, any notice to correct a violation of building standard that is issued to the owner of an accessory dwelling unit built before January 1, 2020, shall include a statement that the owner has a right to request a delay in enforcement of the building standard for an accessory dwelling unit pursuant to this section.
- E. This section shall remain in effect until January 1, 2035, and as of that date is repealed.

Section 10. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. City Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases or portions to be declared invalid or unconstitutional.

Section 11. Effective Date. This ordinance shall be in full force and effect thirty days after its adoption.

Section 12. Publication. Within 15 days of the passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Council members voting for and against the ordinance, to be published in the Placer Herald. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within 15 days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Council members voting for and against the ordinance, to be published in the Placer Herald, and shall post in the office of the City Clerk a certified copy of the full text of the ordinance, along with the names of those City Council members voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code Section 36933(c)(1) are met.

Section 13. Transmission to HCD. The City Clerk shall send a copy of this Ordinance to the Department of Housing and Community Development (HCD) within 60 days after adoption, as required by State law.

INTRODUCED at a regular meeting of the City Council of the City of Rocklin held on February 25, 2020, by the following vote:

AYES: Councilmembers: Broadway, Gayaldo, Halldin, Janda, Patterson

NOES: Councilmembers: NONE

ABSENT: Councilmembers: NONE

ABSTAIN: Councilmembers: NONE

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Rocklin held on _____, 2020, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

Greg Janda, Mayor

ATTEST:

Hope Ithurnburn, City Clerk

First Reading: February 25, 2020

Second Reading:

Effective Date:

P:\PUBLIC PLANNING FILES__ PROJECT FILES\RMC - Accessory Dwelling Unit ZOA\Meeting Packets\CC 2-25-20\03
ADU ZOA CC Ord (ZOA2017-0007) - final.docx