

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF CALIFORNIA CITY, CALIFORNIA
ADDING A NEW ARTICLE 24.5 TO TITLE 9, CHAPTER 2 - ZONING OF THE CITY
MUNICIPAL CODE TO CREATE AN OVERLAY ZONE FOR SMALL HOMES IN
SPECIFIED TRACTS WITHIN THE CITY THE CITY COUNCIL OF THE CITY OF
CALIFORNIA CITY DOES HEREBY ORDAIN AS FOLLOWS:**

SECTION 1: FINDINGS.

1. The purpose of this ordinance is to further the goals of the City's Housing Element to provide additional non-traditional housing opportunities in the City and to stimulate development of underutilized properties in the City.
2. The uses allowed by the proposed Residential Small Overlay Zoning Ordinance Amendment are consistent with and implement the goals and policies of the City's General Plan.
3. The proposed zoning overlay is compatible with the land uses existing and permitted on the properties in the vicinity.
4. The overlay zone district area is physically suited to the uses authorized in the proposed zoning.
5. The uses and intensity allowed and regulated by the proposed Automotive Overlay Zone Ordinance Amendment is not likely to create serious health problems or create nuisances on properties in the vicinity.
6. This project meets California Environmental Quality Act (CEQA), guidelines, and the City's environmental procedures, and is determined to be exempt pursuant to Section 15061 (b) (3) of the CEQA Guidelines, in that it can be seen with certainty that there is no possibility that the proposed amendment to the Zoning Code will have a significant effect on the environment because smaller homes will have less potential for environmental impacts than the approved existing uses allowed by the current zoning.

SECTION 2: Chapter 2 of Title 9 of the California City Municipal Code is hereby amended to add a new Article 24.5 titled Residential Small Homes Overlay Zone as follows:

Article 24.5 Residential Small Homes Overlay Zone

Sec. 9-2.2450. - Purpose.

The Residential Small Home (R-SHO) Overlay Zone District is established to provide affordable housing options in specified tracts within the City by permitting homes smaller in size than the current City minimum square footage of 1200 square feet of living area, and shall be used for independent living quarters, designed as a permanent, year-round residence.

Sec. 9-2.2451. - Location.

The Residential Small Home Overlay Zone shall include City Tract Numbers 2528, 2898, 2812, 2404, 2630, 2223, 3061, 3062, and 3198.

Sec. 9-2.2452. – Applicability of the R-SHO Overlay Zoning District

The provisions of this Article 24.5 apply to proposed land uses and development in addition to all other applicable requirements of this Zoning Code. If there is a conflict

between the provisions of this Article and any other provision of this Zoning Code the specific provisions of this Article shall take precedence and control.

(b) Allowed land uses, permit requirements, development standards. Except as may be otherwise provided by this Article:

(1) Any land use normally allowed in the primary zoning district by Title 9, Chapter 2 may be allowed within this overlay district, subject to any additional requirements of this overlay district;

(2) Development within the R-SHO overlay district shall obtain the zoning approvals required by Title 9, Chapter 2 for the primary zoning district; and

(3) Development within this overlay district shall comply with all applicable development standards of the primary zoning district, all other applicable provisions of this Zoning Code, and the City's Design Guidelines for Small Homes.

(4) Small Homes and Tiny Homes shall substantially conform to the approved Small and Tiny Homes Design Guidelines, as amended from time to time.

Sec. 9-2.2453. – Permitted Uses.

(a) Tiny Home between 200 sq. ft to 500 sq. ft.

(b) Smaller Home between 500 sq. ft. to 1,200 sq. ft.

(c) All uses permitted in the underlying zone

Sec. 9-2.2454. - Conditional Uses.

(a) All conditional uses permitted in the underlying zone.

(b) Swimming Pools

(c) Community and recreation centers

(d) Parks

(e) Garages, Covered Parking Structures, and Accessory Buildings larger than 400 S.F. in size.

Sec. 9-2.2455. - Site and Structure Requirements.

(a) The minimum lot area in the R-SHO District is 6,000 square feet.

(b) Setbacks shall be the same as those of the underlying residential zone.

(c) Garages, Covered Parking Structures, and Accessory Buildings shall be no larger than 400 S.F. when constructed on a lot where the primary building is a Tiny Home or Small Home.

(d) Tiny Homes and Smaller Homes shall be connected to water supply source, sewer/septic, and electric utilities or solar with battery backup.

(e) Tiny Homes and Smaller Homes are not required to have covered parking.

(f) Tiny Homes and Smaller Homes are required to have sprinklers and sufficient water supply for fire protection.

(g) Mechanical equipment shall be incorporated into the structure and not located on the roof.

(h) Tiny Homes and Smaller Homes must comply with all applicable State and Local

(a) Mapping of overlay district. The applicability of this overlay zoning district to a specific

site shall be shown on the City Zoning Map.

Codes and Regulations.

(i) For each dwelling unit, the occupant may keep for personal use not more than three (3) generally accepted household pets, such as dogs, cats, small caged birds, and rabbits. Such household pets shall be restrained from doing anything which may be or become an annoyance or nuisance to neighbors or to the neighborhood. No raising, breeding, boarding or kenneling of dogs, cats, small caged birds, or rabbits is permitted. Fish may be kept in aquariums without numerical limit. No bird cage or aviary shall be located outside the structures and within twenty (20) ft. from lot lines or within one hundred (100) feet of a place where food products are stored, manufactured or consumed by the public.

(j) All Small Homes must be placed on a permanent foundation and all undercarriage, foundation system, and external elements below the finished floor shall be screened or constructed with architectural elements that complement the main structure.

(k) Tiny Homes shall have a minimum of four (4) of the following design features:

(1) Upgraded entry feature, such as transom or side windows around an exterior door;

(2) Exterior accessories, such as permanent shutters, or fixed sunshade devices, or gutters/downspouts;

(3) Pitched roofline (4:12 pitch or steeper);

(4) Dormers;

(5) Premanufactured skylights;

(6) Built-on porch or deck;

(7) Exterior residential light sconces or downcans; or

(8) Other features as otherwise approved by the City Planner.

(9) The provision of more than one item within the same category of design features may be counted independently towards the overall minimum requirements (e.g., including both a sunshade and shutters).

Section 9-2.2456 Definitions

(a) "Tiny Home" – A residential structure between 200 to 500 square feet of living area under roof installed on a permanent foundation, intended for independent living quarters, designed as a permanent, year-round residence for one household that meets these following conditions:

(1) Has at least 200 square feet of first-floor interior living space;

(2) Materials used as an exterior wall covering shall as set forth in the Small and Tiny Homes Design Guidelines;

(3) Windows shall be at least double pane glass and labeled for building use, and shall include exterior trim;

(4) Insulation with values of at least R19 for the walls, R38 for ceilings, and R19 (for the floors if on a raised foundation).

(b) "Small Home" – A residential structure larger than 500 square feet of living area under roof, however, less than 1200 square feet installed on a permanent foundation, intended for independent living quarters, designed as a permanent, year-round residence for one household that also meets the construction requirements set forth for Tiny Homes above.

SECTION 3: A Small and Tiny Homes Design Guidelines document shall be prepared to be approved by Resolution of the City Council without recommendation from the Planning Commission.

SECTION 4: ENVIRONMENTAL DETERMINATION. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061 (b) (3) (general rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this ordinance amending the zoning code will have a significant effect on the environment because smaller homes will have less potential for environmental impacts than the approved existing uses allowed by the current zoning.

SECTION 5: INCONSISTENCIES. Any provision of the California City Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 6: SEVERABILITY. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 7: PUBLICATION. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the Mojave Desert News, a newspaper of general circulation, printed and published in the City of California City or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

Approved for introduction at a regular meeting on the July 28, 2020, and adopted at the regular meeting on August 11, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PASSED, APPROVED AND ADOPTED this 11th day of August 2020.

Charles McGuire,

Mayor of the City of California City