

ORDINANCE NO. 4417

ORDINANCE AMENDING CHAPTERS 20.008 AND 20.164 OF THE MENDOCINO COUNTY CODE AMENDING DEFINITIONS AND REQUIREMENTS RELATED TO ACCESSORY DWELLING UNITS

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Section 1: Section 20.008.020 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.008.020 – Definitions (A).

- (A) "Accessory building" means a detached subordinate structure, the use of which is incidental to the established primary use or main structure located on the same lot or building site; i.e., private garage, storage shed, farm out buildings, etc. In no case shall such accessory structure dominate, in area, extent or purpose, the principal lawful structure or use. Accessory buildings shall not contain any sleeping quarters or kitchen facilities and are therefore not intended for human occupancy. See Chapter 20.164 Accessory Use Regulations.
- (B) "Accessory Dwelling Unit." An attached or detached residential dwelling unit in compliance with Sec. 20.164.015, which provides complete independent living facilities for one (1) or more persons, and includes separate permanent provisions for entry, living, sleeping, eating, cooking and sanitation on the same parcel as a single-family dwelling. See *Chapter 20.164 Accessory Use Regulations*.
- (C) Accessory Structure. See Accessory Building.
- (D) "Accessory use" means a use of land or of a structure incidental or subordinate to the principal use located upon the same lot.
- (E) "Administrative Permit" means a permit granted pursuant to Chapter 20.192 by an agency of Mendocino County or the Zoning Administrator for a use of a temporary nature, a second residential unit, or farm employee housing.
- (F) Agricultural Employee. See Farm Employee.
- (G) "Airport" means any area of land, water or a structure which is used or intended for use for the landing and taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.
- (H) "Alley" means a public or private way permanently reserved as a secondary means of access to abutting property.
- (I) "Amendment" means any change, modification, deletion, or addition to

the wording, text or substance of the Zoning Code, or any change, modification, deletion, or addition to the application of the Zoning Code to property within Mendocino County, including any alteration in the boundaries of a zone, when adopted by ordinance passed by the Board of Supervisors in the manner prescribed by law.

- (J) "Animals, large" is limited to bovine and equine animals, sheep, goats, swine and similar animals.
- (K) "Animals, small" means dogs, cats, birds, poultry, rabbits, chinchillas, hamsters, and other small domesticated animals other than a large animal.
- (L) "Apartment" means a portion of a building which is designed and built for occupancy by three (3) or more families living in separate dwelling units.
- (M) "Automobile wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of three (3) or more motor vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, and from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard.
- (N) "Affordable Housing" means housing capable of being purchased or rented by a household with extremely low, very low, low, or moderate income based on a household's ability to make payments necessary to obtain housing. Housing is considered affordable when a household pays less than 35% of its gross monthly income for housing.
- (O) "Affordable Housing Unit" means a dwelling unit which meets the standards in Section 20.238 of this Code and is affordable to households having extremely low, very low, low, or moderate income.
- (P) "Antenna" means a device used in communications designed to radiate and/or capture electromagnetic signals.
- (Q) "Antenna, building-mounted" means any antenna attached to and supported by a building or other structure more than ten (10) feet tall, other than an antenna tower, i.e., the exterior walls of a building, an existing parapet, the side of a water tank, the face of a church steeple, or the side of a freestanding sign.
- (R) "Antenna, roof-mounted" means an antenna directly attached to the roof of an existing building, water tank, tower or structure other than an antenna tower.
- (S) "Antenna tower" means any pole, tower, or other structure, over ten (10) feet tall, erected for the purpose of supporting one or more antennas.

Section 2: Section 20.008.027 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.008.027 – Definitions (E).

- (A) "Efficiency Kitchen" means a small food preparation area for a junior accessory dwelling unit that includes the following:
 - (1) A sink with a maximum waste line diameter of 1.5 inches.
 - (2) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.
 - (3) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- (B) "Emergency shelter" means a facility for the temporary shelter and feeding of indigents, disaster victims, or homeless persons that is limited to occupancy of six (6) months or less, as defined in Section 50801(b) of the California Health and Safety Code.
- (C) "Equity Sharing" means an agreement by which appreciation on the value of an affordable unit from the time of original purchase at an affordable price to the time of resale shall be shared between the owner and the County or its designated agency. Such an agreement will be a condition of financial assistance for income qualified households to purchase Affordable Housing Units.

Section 3: Section 20.008.036 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.008.036 – Definitions (J).

- (A) "Junior Accessory Dwelling Unit." A living space not exceeding five hundred (500) square feet in size and contained entirely within a fully permitted single-family dwelling. A junior accessory dwelling unit shall include an efficiency kitchen, and may include separate sanitation facilities or share sanitation facilities with the existing structure. See *Chapter 20.164 Accessory Use Regulations*.
- (B) "Junkyard" means any land, lot or portion thereof where there is more than: (1) one hundred (100) square feet for parcels less than forty thousand (40,000) square feet; or (2) four hundred (400) square feet for parcels greater than forty thousand (40,000) square feet of waste, discarded or salvaged materials bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, and including used furniture and household equipment yards, house wrecking yards, used lumber yards, and the like; excepting a site on which such uses are conducted within a completely enclosed structure.

Section 4. Section 20.008.052 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.008.052 – Definitions (S).

- (1) "School" means a building or group of buildings which are used or intended to be used for occupancy and use by teachers and students engaged in the process of learning and the pursuit of knowledge. A public school is a free tax supported school controlled by a governmental authority.
- (2) "Seat" or "seating area" means the actual seating capacity of an area based on the number of seats or one (1) seat per eighteen (18) inches on a bench or pew.
- (3) "Setback" means a required, specified distance between a building or structure and a lot line or lines, measured perpendicularly to the lot line in a horizontal plane extending across the complete length of said lot line or lines.
- (4) "Setback, front yard" means the building or structure setback applicable in the front yard of a lot.
- (5) "Setback, rear yard" means the building or structure setback applicable in the rear yard of a lot.
- (6) "Setback, side yard" means the building or structure setback applicable in the side yard of a lot
- (7) "Shopping center" means any combination of three (3) or more separately owned or leased and operated retail businesses on a single or commonly owned or leased parcel, or a commercial complex including five (5) or more uses occupying a site of at least two (2) acres. A group of contiguous retail stores, service facilities and related uses utilizing common facilities such as parking, landscaping, signing and loading areas. This group does not necessarily have to be in one (1) ownership.
- (8) "Sign" means any metal, wood, paper, cloth, plastic, paint, material, structure or part thereof, device or other thing whatsoever which is located upon, placed, erected, constructed, posted, painted, tacked, nailed, glued, stuck, carved, fastened or affixed to any building or structure, on the outside or inside of a window or on any awning, canopy, marquee or similar appendage, or on the ground or on any tree, wall, bush, rock, post, fence or other thing whatsoever in such manner as to be visible out-of-doors and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol device, light, illuminated device, trademark, or other representation used as, or in the nature of, an announcement, advertisement, attention arrester, direction, warning, or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, or industry. "Sign" shall include any portable sign.

- (9) "Sign area" means the entire area within the smallest parallelogram, triangle, circle, or combination thereof, which can be delineated so as to encompass the extreme limits of all elements comprising an integral part of a sign display, including any frame or border, but not including essential structural elements, unless it is determined that such structural elements are an integral part of the total sign display; provided, however, that where the surface or face of a sign is curved, spherical, cylindrical or any other similar form, the area of such sign shall be computed on the basis of the projected configuration of that surface or face. The area of any double-faced sign shall be the area of the single face, unless otherwise provided. All other multiple-faced signs shall be the total area of all faces or panels. Sign area as it pertains to sign copy shall mean and be computed as the entire area within the smallest continuous perimeter of not more than eight (8) straight lines encompassing the extreme limit of all of the sign copy of a sign. In the case of a sign composed of individual letters or other devices mounted on a building wall, the copy area of such sign shall be the sum of the areas of the smallest rectangles encompassing each of the individual letters or other devices which comprise the sign copy.
- (10) "Sign face" means the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.
- (11) "Sign, freestanding" means any sign mounted upon its own standard which is supported wholly by structural anchorage to the ground, or mounted upon any accessory structure which does not constitute a building; provided, however, that any such sign which projects over the roof of a building shall be considered to be a freestanding sign.
- (12) "Sign height" means the highest point of any sign face or structural support members, whichever is the greater.
- (13) "Sign, nonconforming" means a sign lawfully erected, established, and maintained prior to the effective date of the code codified in this Division, which because of the application of this Division, does not conform to applicable regulations.
- (14) "Sign, off-site" means any sign as herein defined other than an on-site sign.
- (15) "Sign, on-site" means any sign which pertains and is accessory to a business or industrial use located on the same lot or which offers a lot or portion thereof for sale or lease.
- (16) "Sign, portable" means a sign and its supporting structure not permanently affixed to the ground or any structure, or a sign located upon a vehicle or trailer placed or parked so as to be visible from the public right-of-way, for the basic purpose of providing advertisement of products or directing people to a business or activity. Portable signs shall not include business identification signs on vehicles, the primary purpose of

which is identifying the business owning or operating the vehicle.

- (17) "Sign, projecting" means any sign other than a wall sign which is attached to and projects from the wall or face of a building or structure including a marquee sign.
- (18) "Sign, roof" means any sign erected, painted upon, against, or directly above a roof or on top of or above the parapet of a building, and which is supported wholly or in part by said building. Any sign mounted upon its own standard which is supported wholly by structural anchorage to the ground, or mounted upon any accessory structure which does not constitute a building, shall be considered a roof sign where such sign projects over the roof of a building.

Any roof, the slope of which varies not more than forty-five (45) degrees from a vertical plane, shall be considered wall space for the purpose of placement of wall signs.

- (19) "Sign, wall" means any sign painted or mounted on a wall or of solid construction located as to be approximately parallel with the face of a building not to extend eighteen (18) inches from the face of a building or structure.
- (20) Single-Family Residence. See Dwelling, Single-Family.
- (21) "Stable" means a stable used for the boarding, breeding, training, or raising of horses, including horses not owned by the occupants of the premises.
- (22) "Stable, public" means a stable or arena used for the riding, training and performing of horses by other than the occupants of the premises or their nonpaying guests, but excluding boarding or breeding stables.
- (23) Standard Mobile Home Park. See Mobile Home Park, Standard.
- (24) "Storage of nonoperating vehicles." The storage of "nonoperating motor vehicles" shall not include automobile wrecking. The presence on any lot or parcel of land of three (3) or more motor vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, and from which no parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of the storage of nonoperating motor vehicles.
- (25) "Street" means a County road, State highway, public road, street or alley, or private thoroughfare or easement not less than ten (10) feet in width connecting with a County road, State highway, public road, street or alley which affords primary access to an abutting lot.
- (26) "Structural alterations" means any change in the supporting members of a building such as bearing walls, columns, beams or girders and floor joists, ceiling joists or roof rafters.

- (27) "Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground; excepting tents, recreational vehicles and fences less than six (6) feet in height.
- (28) "Structure, nonconforming" means a building, structure or facility, or portion thereof, which was lawfully erected or altered or maintained, but which, because of the application of this ordinance to it, no longer conforms to the specific regulations applicable to the zone in which it is located.
- (29) "Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, as defined in California Government Code Section 65582, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community, as defined in Section 50675.14 of the California Health and Safety Code. Supportive housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.
- (30) "Swap lot" means a building, structure, enclosure lot or other area into which persons are admitted to display, exchange, barter, sell or bargain for new or used merchandise.
- (31) "Swimming pool" means a pool, pond, or open tank, capable of containing water to a depth greater than one and one-half (1½) feet at any point and designed or used for wading or swimming.

Section 5. Section 20.164.015 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.164.015 - Residential and Agricultural Use Types.

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where residential and agricultural use types are permitted:

- (A) Private garages.
- (B) Children's playhouses, patios, porches, gazebos, etc.
- (C) Radio and television receiving antennas.
- (D) Windmills.
- (E) Silos.
- (F) Shops (nonbusiness purposes).
- (G) Barns.
- (H) Private swimming pools and hot tubs (not subject to setback requirements in the side or rear yards of any district).

- (I) **Guest Cottage.** One guest cottage is permitted for each legal parcel. In lieu of a guest cottage a detached bedroom may be substituted.
- (J) **Detached Bedrooms.** Not more than two (2) detached bedrooms are permitted upon each parcel. If a guest cottage is constructed, the guest cottage and one (1) detached bedroom may be constructed instead of the two (2) detached bedrooms.
- (K) **Accessory Dwelling Unit.** An accessory dwelling unit shall be permitted in all zoning districts which allow single-family dwellings subject to the following standards and criteria:
 - (1) The lot contains an existing single-family dwelling unit or a building permit for the single-family dwelling unit (primary residence) has been applied for.
 - (2) An adequate water system as approved by the Division of Environmental Health is available to serve the accessory dwelling unit.
 - (3) An adequate sewage disposal system as approved by the Division of Environmental Health is available to serve the accessory dwelling unit.
 - (4) The accessory dwelling unit shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges and other zoning requirements generally applicable to residential construction within the zone in which the second residential unit is located. Total area of floor space for a detached accessory dwelling unit may not exceed 1,200 square feet. Increased floor area of an attached accessory dwelling unit does not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.
 - (5) The accessory dwelling unit shall comply with appropriate local building code requirements. Fire sprinklers, however, shall not be required in an accessory unit if they are not required in the primary residence.
 - (6) An accessory dwelling unit shall not be allowed if more than one (1) dwelling unit (including farm employee housing, farm labor housing, temporary family care unit) is located on the parcel, or if there currently exists two (2) accessory residential units (any combination of guest cottages and detached bedrooms) on the parcel.
 - (7) Where dwelling group or parcel clustering is approved, no accessory dwelling unit shall be allowed.
 - (8) Nothing in this Section shall prohibit a detached bedroom, guest house or family care unit from being converted into an accessory dwelling unit, consistent with the other provisions of this Section.
 - (9) Accessory Dwelling Units may be either attached to the existing dwelling or they may be detached, separate structures.

- (10) Attached or detached accessory dwelling units are not intended for sale but may be rented.
- (11) **Parking Requirements:**
 - (a) One parking space is required per Accessory Dwelling Unit and may be provided through tandem parking.
 - (b) Parking is allowed in rear and side setback areas. No parking is allowed in front setback areas.
 - (c) When a garage or covered parking structure is demolished in conjunction with the construction of an Accessory Dwelling Unit, the replacement parking spaces may be located in any configuration on the same lot as the Accessory Dwelling Unit, including but not limited to covered spaces, uncovered spaces, or tandem spaces.
- (12) **Parking Exemptions.** Parking requirements are not applicable for Accessory Dwelling Units in any of the following instances:
 - (a) Located within one-half mile of a public transportation stop along a prescribed route according to a fixed schedule.
 - (b) Located within one block of a car share parking spot.
 - (c) Located entirely within the principal residence and results in no net increase in habitable floor area on the property.
 - (d) Located in an area where on-street permit parking is required, but such permits are not available to the tenant.
 - (e) Located within a designated historic district.
- (L) **Room and Board.** The renting of not more than two (2) rooms for occupancy by transient guests for compensation or profit, provided the parcel has frontage on a publicly maintained road. A Major Use Permit is required if the parcel does not have frontage on a publicly maintained road.
- (M) **Travel Trailer or Camper.** The maintaining of one (1) travel trailer or camper in dead storage where it is not used for occupancy or business purposes. The connection of any utility or service such as electrical, water, gas or sewage to the travel trailer or camper shall be prima facie evidence that it is being used for habitation or business purposes.
- (N) **Home Occupations.** Subject to Chapter 20.156.
- (O) **Household Pets.** The keeping of dogs and cats and other household pets, but not including kennels.
- (P) **Roadside Sales of Agricultural Products.** Operation of a single roadside stand for a display and sales of only those products produced on the premises, or on other property owned or leased by the vendor, as permitted by this Division, provided that the stand does not exceed an area of two hundred (200) square feet, and is located not nearer than fifteen (15) feet to any, street or highway, and provided further that such stands shall be permitted only in the S-R, R-R, A-G, U-R, R-L, F-L, and T-P districts.

- (Q) **Wild Animal Keeping.** The keeping of not more than one (1) wild animal for which a Wild Animal Permit is required and has been issued pursuant to Title 14 of the California Administrative Code.
- (R) **Other Necessary and Customary Uses.** Accessory nonresidential uses and nonresidential structures, in addition to those identified above, which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to a principal use, as determined by the Director of the Department of Planning and Building Services.
- (S) The parking of two (2) large vehicles or construction equipment upon private property. Additional vehicles and equipment are allowed to the extent that such vehicles and equipment are of a type and number customarily used by residents of the surrounding neighborhood for their own agricultural or home use on their own property.
- (T) Family Care Home.
- (U) **Farm Employee Housing.** Upon issuance of an Administrative Permit, farm employee housing shall be permitted in the A-G, R-L, F-L and T-P zoning districts subject to the provisions of Chapters 20.008 and 20.016.
- (V) Day Care Home - Small Family.
- (W) Day Care Home - Large Family. Upon issuance of an Administrative Permit, a home providing day care for children under 18 years of age, but excluding overnight care. The number of children permitted shall be based on provisions of the California Health and Safety Code. The facility shall be reviewed to assess impacts such as traffic and pedestrian safety, adequate sanitation facilities, fire safe standards, and neighborhood compatibility. Notice of a pending permit for such a facility shall be provided per the Health and Safety Code and conditions may be imposed to provide consistency with pertinent sections of this Division.
- (X) **Junior Accessory Dwelling Unit.** A living space not to exceed five hundred (500) square feet in size and contained entirely within an already permitted single-family dwelling. A junior accessory dwelling unit shall include an efficiency kitchen, and may include separate sanitation facilities or share sanitation facilities with the existing structure. JADUs are subject to the following standards and criteria:
 - (1) Only one JADU is permitted per residential lot and the owner of the lot must reside onsite.
 - (2) A Junior Accessory Dwelling Unit shall not be sold, and rentals for terms shorter than 30 days shall be prohibited.
 - (3) A separate entrance to the junior accessory dwelling unit shall be provided, and interior access to the remainder of the single-family dwelling shall be maintained.
 - (4) The JADU may share a bath with the primary residence or have its own bath.
 - (5) The permitted junior accessory dwelling unit is required to include an efficiency kitchen.

- (6) For the purposes of fire and life protection ordinances and regulations, the JADU is to be considered part of the single-family residence, and therefore would be allowed in addition to an primary Single Family Dwelling, 'Accessory Dwelling Unit', and 'Guest Cottage'/'Detached Bedroom' accessory residential structure allotment.
- (7) JADU Deed Restriction: Prior to obtaining a building permit for a Junior Accessory Dwelling Unit, a deed restriction, approved by the County, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit, which shall run with the land, and be binding upon any future owners, heirs, or assigns.

Section 6. CEQA. This ordinance is statutorily exempt from the California Environmental Quality Act pursuant to Public Resources Code section 21080.17.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this 2nd day of October 2018, by the following roll call vote:

AYES: Supervisors McCowen, Croskey, Gjerde and Hamburg
NOES: None
ABSENT: Supervisor Brown

WHEREUPON, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

Deputy

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT, County Counsel

DAN HAMBURG, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy