

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE AMENDING SECTION 18.42.110 (MOBILE/MANUFACTURED HOMES AND MOBILE HOME PARKS) AND ADDING SECTION 18.42.175 (TINY HOMES) TO CHAPTER 18.42 (STANDARDS FOR SPECIFIC LAND USES) OF TITLE 18 (INLAND LAND USE AND DEVELOPMENT CODE) OF THE FORT BRAGG MUNICIPAL CODE

ORDINANCE NO. 980-2022

WHEREAS, the City of Fort Bragg (“City”) adopted an Inland General Plan and certified an Environmental Impact Report Addendum for the General Plan on December 2, 2012; and

WHEREAS, the adoption of an Inland Land Use and Development Code (ILUDC) is necessary to: 1) provide a regulatory framework for implementation of the Inland General Plan; 2) to implement new state planning and land use requirements; and 3) update zoning regulations in accordance with the City Council policy direction; and

WHEREAS, the City updated the Inland General Plan, Housing Element in 2019, the Housing Element encourages a variety of housing types for all income levels; and

WHEREAS, the City of Fort Bragg currently regulates alternative housing models that contribute to addressing housing supply shortages and affordability, such as accessory dwelling units (ADUs); and

WHEREAS, alternative housing models, such as movable tiny homes, can provide flexible housing options for a variety of households living at different income levels; and

WHEREAS, State law allows local agencies to adopt less restrictive requirements for the development of ADUs; and

WHEREAS, the City received grant funding through Senate Bill 2 to create a tiny home ordinance; and

WHEREAS, this Ordinance adds tiny houses as a separately regulated residential use and in mobile home parks; and

WHEREAS, the Planning Commission held a properly noticed public hearing on March 23, 2022, during which all interested persons were heard, and adopted Resolution PC04-2022 recommending City Council adopt the amendments to Inland Land Use and Development Code regarding regulations pertaining to tiny homes; and

WHEREAS, the City Council received Planning Commission’s recommendation and considered aforementioned amendments at a properly noticed public hearing on April 11, 2022; and

WHEREAS, the City Council did hear and consider all said reports, recommendations and testimony herein above set forth and used independent judgment to evaluate the project.

NOW, THEREFORE, the City Council ordains as follows:

Section 1. Legislative Findings. The City Council hereby finds as follows:

1. The foregoing recitals are true and correct and are made a part of this ordinance.
2. The proposed amendment is consistent with the General Plan and any applicable specific plan, because the proposed amendments are consistent with applicable land use designations and comply with State law. Furthermore, the City's Housing Element promotes a variety of housing types accessible to all income levels, including accessory dwelling units and multifamily developments, as illustrated in the following policies and programs:

Policy H-1.3 Secondary Dwelling Units. Continue to facilitate the construction of secondary dwelling units on residential properties.

Program H-1.3.2 No Development Impact Fees for Secondary Units. Continue to refrain from charging Capacity Fees for second units.

Program H-1.3.5 Allow Tiny Homes as Second Units: Consider revising the zoning ordinance so that people can park mobile residences (residences built under the vehicle code) as a second unit, so long as the residence looks like a house (e.g. external siding that is compatible with the residential neighborhood, skirted if the wheels would otherwise be visible from the public right of way, etc.).

Program H-1.3.6 Alternative Designs for Second Units: Explore options for allowing cutting edge construction techniques for second units including but not limited to: straw bale, rammed earth, prefabricated second units, etc.

Program H-1.7.10: Tiny Home Community. Consider adopting new zoning regulations to allow for small home subdivisions, with small individual parcel ownership, in all residential zoning districts. Consider changing the minimum lot size and minimum parcel dimensions of the ILUDC to accommodate tiny home communities as part of a planned unit development.

Policy H-1.7 Workforce Housing. Encourage multi-unit housing developments in order to encourage market rate rental housing, affordable housing and lower cost ownership opportunities such as townhomes and condominiums.

Program H-2.4.5 Prioritize City Services for Housing Developments. Continue to implement procedures to grant priority service for sewer and water services to residential developments.

Program H-5.2.1 Discourage Vacation Rentals: Continue to prohibit vacation rentals in all zoning districts except for the CBD. Undertake proactive undercover code enforcement activity on a regular basis against all illegal vacation rentals in Fort Bragg. Work with the County of Mendocino at all levels to reduce or eliminate further conversions of residential units into vacation rentals as this practice has greatly increased the magnitude of the housing crisis on the Mendocino coast and in the City of Fort Bragg.

3. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City because movable tiny homes can be an invaluable tool for providing much-needed affordable and/or available housing stock in our community. All existing and proposed residential units are constructed in compliance with City development standards.
4. The proposed ordinance is exempt from review under the California Environmental Quality Act under California Code of Regulations, Title 14, Section 15301 of the CEQA Guidelines and is also exempt from review because it does not meet the definition of a project under CEQA Guidelines section 15061, subdivision (b)(3) and section 15378, subdivision (a) and subdivision (b)(5). The proposed changes of allowing and adopting standards for moveable tiny houses as a new type of accessory dwelling unit as authorized by state law, has no potential for resulting in physical changes in the environment because it consists of changes in the standards governing issuance of ministerial permits for accessory dwelling units and does not directly or indirectly approve any applications for particular accessory dwelling units. As well, the proposed text amendments would not change the overall number of dwelling units allowed on any parcel.

Section 2. Based on the foregoing, the City Council hereby amends Table 2-1 of Article 2 (Zoning Districts and Allowable Land Uses) of Title 18 (Inland Land Use and Development Code) of the City of Fort Bragg Municipal Code as follows:

TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	P Permitted use, Zoning Clearance required						
	MUP Minor Use Permit required (see § 18.71.060)						
	UP Use Permit required (see § 18.71.060)						
	S Permit requirement set by Specific Use Regulations						
	— Use not allowed						
LAND USE (1)	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	RR	RS	RL	RM	RH	RVH	

RESIDENTIAL USES

Condominium conversion - 3 units maximum per parcel	–	–	–	P	UP	UP	
Home occupation	P	P	P	P	P	P	18.42.080
Mobile home park	UP	UP	UP	UP	UP	UP	18.42.110
Manufactured home	P	P	P	P	P	P	18.42.110
Multifamily housing, 3 units	–	–	–	P	P	P	18.42.120
Multifamily housing, 4 or more units	–	–	–	UP	UP	P	18.42.120
Co-housing, 4 or more units	–	–	–	UP	UP	P	18.42.120
Organizational housing/care facility (sorority, monastery, residential care, etc.) of more than 3,000 SF or 3 units	–	–	–	UP	UP	UP	
Residential accessory use or structure	P	P	P	P	P	P	18.42.160
Residential care facility for the elderly (RCFE)	–	–	–	UP	UP	UP	
Second unit – ADU/JADU	P	P	P	P	P	P	18.42.170
Tiny Homes	P	P	P	P	P	P	18.42.175
Single residential unit	P	P	P	P	P	P	

Section 3. Section 18.42.175 (Tiny Homes) is hereby added to Chapter 18.42 (Standards for Specific Land Uses), of Article 4 (Standards for Specific Land Uses) of Title 18 (Inland Land Use and Development Code) of the City of Fort Bragg Municipal Code and shall read as follows:

18.42.175 –Tiny Homes

- A. Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses), Tiny Homes shall comply with the standards of this section.
- B. Definitions.** A tiny home is a small towable residential unit that is not on a permanent foundation, and that meets the design and construction criteria listed in C below.
- C. Standards.** Tiny homes shall be allowed as a type of accessory dwelling unit subject to all of the following criteria:

1. Limitation on location.

- a. Tiny homes are allowed on any residentially zoned parcel (RR, RS, RL, RM, RH, and/or RVH).

2. Development Standards. A tiny home shall conform with the following requirements:

- a. **Height.** A tiny home shall have a maximum height of 13' 6" to comply with Department of Motor Vehicles (DMV) towing requirements.
- b. **Location.** A tiny home shall comply with standard front setbacks for the zoning district, tiny homes shall be located toward the rear of the property, and maintain 4' side and rear setbacks.
- c. **Size.** The minimum square footage of a tiny home shall be 150 square feet to comply with California Health & Safety Code. The maximum size shall be 400 square feet.
- d. **Number of Units Allowed.** Tiny homes are allowed on a parcel in the following configurations:
 - i. On a parcel with an existing primary unit, a maximum of two tiny homes are permitted. Tiny homes shall be considered a type of accessory dwelling unit for the purposes of density calculations.
 - ii. Tiny homes are permitted in mobile home parks, and the maximum allowed shall be determined in the use permit process.
- e. **Parking.** No additional parking is required for a tiny home.

3. Design Standards. A tiny home shall maintain a residential appearance through the following design standards.

- a. **Skirting.** The undercarriage (wheels, axles, tongue and hitch) shall be hidden from view with a solid wood, metal or concrete apron when parked.
- b. **Roof Pitch.** Roofs shall have a minimum of a 1:12 for greater than 50% of the roof area.
- c. **Foundation or Pad.** A paved parking pad shall be required and include bumper guards, curbs, or other installations adequate to prevent movement of the unit. Alternative paving methods may be permitted at the discretion of the Community Development Director.
- d. **Mechanical Equipment.** Mechanical equipment shall be incorporated into the structure and not be located on the roof (except for solar panels). Generators are prohibited except in emergencies.
- e. **Materials.** Materials for the exterior wall covering shall include wood, HardiePanel or equivalent material as determined by the Community Development Director. Single piece composite laminates, or interlocked metal sheathing is prohibited.
- f. **Windows.** Windows shall be double pane glass or better, labeled for building use, and be trimmed out.
- g. **Utility Connections.** A tiny home shall be connected to City water and sewer utilities through dedicated pipes. A tiny home may use on- or off-grid electricity. All tiny homes shall have a GFI shutoff breaker.

4. **Short Term Rentals.** Tiny homes shall not be used as short-term rentals as defined by section 18.42.190 – Vacation Rental Units.
5. **Applicable Codes.**
 - a. Tiny homes shall meet either the provisions of ANSI 119.5 or NFPA 1192. It shall be the burden of the applicant to show compliance with these standards.
 - b. Tiny homes shall be licensed and registered with the California Department of Motor Vehicles.
6. **Fire Inspection.** Tiny homes shall require a yearly inspection by the Fire Marshall.

Section 4. Section 18.42.110 (Mobile/Manufactured Homes and Mobile Home Parks) of Chapter 18.42 (Standards for Specific Land Uses) of Article 4 (Standards for Specific Land Uses), of Title 18 (Inland Land Use and Development Code) of the Fort Bragg Municipal Code is hereby amended to provide as follows:

18.42.110 - Mobile/Manufactured Homes and Mobile Home Parks

This Section provides requirements and development standards for the use of mobile homes and manufactured homes as single-family dwellings outside of mobile home parks, and for mobile home parks, where allowed by Article 2 (Zoning Districts and Allowable Land Uses).

A. Mobile home outside of a mobile home park.

1. **Site requirements.** The site, and the placement of the mobile home on the site, shall comply with all zoning, subdivision, and development standards applicable to a conventional single-family dwelling on the same parcel.
2. **Mobile home design and construction standards.** A mobile home outside of a mobile home park shall comply with the following design and construction standards:
 - a. The exterior siding, trim, and roof shall be of the same materials and treatment found in conventionally built residential structures in the surrounding area, and shall appear the same as the exterior materials on any garage or other accessory structure on the same site.
 - b. The roof shall have eave and gable overhangs of not less than 12 inches measured from the vertical side of the mobile home, and the roof pitch shall be no less than 3:12.
 - c. Tiny homes shall have a minimum roof pitch of 1:12.
 - d. The mobile home shall be placed on a foundation system or concrete pad, subject to the approval of the Building Official.
 - e. The mobile home shall be certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 USC Section 4401 et

seq.), American National Standards Institute 119.5, or National Fire Protection Agency 1192 and constructed after January 1, 1989.

Section 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 6. Effective Date and Publication. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember Peters at a regular meeting of the City Council of the City of Fort Bragg held on April 11, 2022 and adopted at a regular meeting of the City of Fort Bragg held on April 25, 2022 by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:**

BERNIE NORVELL
Mayor

ATTEST:

June Lemos, MMC
City Clerk

PUBLISH: April 14, 2022 and May 5, 2022 (by summary).
EFFECTIVE DATE: May 25, 2022.