

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE AMENDING TABLES IN SECTIONS 18.22.030 AND 18.22.050 OF ARTICLE 2 (ZONING DISTRICTS AND ALLOWABLE LAND USES), REPEALING AND REPLACING SECTION 18.42.170 OF ARTICLE 4 (STANDARDS FOR SPECIFIC LAND USES), REPEALING AND REPLACING SECTIONS 18.90.030 AND 18.90.040 OF ARTICLE 9 (INLAND LAND USE AND DEVELOPMENT CODE ADMINISTRATION), AND AMENDING ARTICLE 10 (DEFINITIONS) OF TITLE 18 (INLAND LAND USE AND DEVELOPMENT CODE) OF THE CITY OF FORT BRAGG MUNICIPAL CODE RELATING TO SECOND UNITS

ORDINANCE NO. 959-2020

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

WHEREAS, the City of Fort Bragg (“City”) adopted an Inland Land Use and Development Code and Negative Declaration on February 10, 2014; and

WHEREAS, the adoption of an Inland Land Use and Development Code 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 City Council policy direction; and

WHEREAS, Senate Bill (SB) SB-13 and Assembly Bills (AB) AB 881, AB 68, AB 587, and AB 671 became effective on January 1, 2020, which modified the State law regarding requirements for second units, referred to herein as accessory dwelling units (ADU) and junior accessory dwelling units (JADU); and

WHEREAS, the City of Fort Bragg Inland Land Use and Development Code Article 2 (Zoning Districts and Allowable Land Uses), allows for the establishment of second units in all residential zoning districts subject to certain standards; and

WHEREAS, the City of Fort Bragg Inland Land Use and Development Code Article 4 (Standards for Specific Land Uses) further regulates second units with specific standards for accessory dwelling units (ADU) and junior accessory dwelling units (JADU); and

WHEREAS, the City of Fort Bragg Inland Land Use and Development Code Article 9 (Inland Land Use and Development Code Administration) provides provisions for

nonconforming land uses and structures that could be applicable to accessory dwelling units (ADU) and junior accessory dwelling units (JADU); and

WHEREAS, the City of Fort Bragg Inland Land Use and Development Code Article 10 (Definitions) further defines terms and phrases that are technical or specialized, or may not reflect common usage; and

WHEREAS, amendments to the above referenced Articles of Title 18 (Inland Land Use and Development Code) of the City of Fort Bragg Municipal Code are necessary to comply with State law and clarify regulations for accessory dwelling units and junior accessory dwelling units; and

WHEREAS, the Planning Commission held a properly noticed public hearing on January 8, 2020, during which all interested persons were heard, and adopted Resolution PC01-2020 recommending City Council adopt the amendments to Inland Land Use and Development Code regarding regulations pertaining to second units in order to comply with State law; and

WHEREAS, the City Council received Planning Commission's recommendation and considered afore referenced amendments at a properly noticed public hearing on January 27, 2020; and

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

WHEREAS, within 60 days prior to the effective date of this Ordinance, the City Clerk shall file a copy of the Ordinance with the California Department of Housing and Community Development;

NOW, THEREFORE, the City Council ordains as follows:

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

1. Amending the Inland Land Use and Development Code in the manner described is consistent with the General Plan and furthers several General Plan policies of the City's Housing Element, as analyzed in the staff report, such as:

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

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.
2. There is no possibility that the adoption of this ordinance will have a significant impact on the environment, and therefore, the adoption of this ordinance is statutorily exempt from the California Environmental Quality Act ("CEQA"). Further, CEQA Guidelines Section 15282(h), specifically exempts the adoption of an ordinance regarding second units (ADUs) in a single-family or multi-family residential zone by a city or county to implement the provisions of Section 65852.2 of the California Government Code.

Section 2. Based on the foregoing, the City Council hereby amends Tables 2-1, 2-4, 2-6 and 2-8 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	

AGRICULTURAL, RESOURCE AND OPEN SPACE USES

Agricultural accessory structure	P	P	—	—	—	—	18.42.030
Animal keeping	S	S	S	S	S	S	18.42.040
Crop production, horticulture, orchard, vineyard	P	P	P	P	P	P	

RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES

Equestrian facility	UP	—	—	—	—	—	
Meeting facility, public or private	UP	UP	UP	UP	UP	UP	
Park, playground	P	P	P	P	P	P	
Private residential recreation facility	UP	UP	MUP	MUP	MUP	MUP	
School - Private	UP	UP	UP	UP	UP	UP	
School - Public	P	P	P	P	P	P	

Key to Zoning District Symbols

RR	Rural Residential	RM	Medium Density Residential
RS	Suburban Residential	RH	High Density Residential
RL	Low Density Residential	RVH	Very High Density Residential

Notes:

(1) See Article 10 for land use definitions.

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

TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	Permitted use, Zoning Clearance required						
	P	Minor Use Permit required (see MUP § 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	
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 Units – ADU/JADU	P	P	P	P	P	P	18.42.170
Single residential unit	P	P	P	P	P	P	

RETAIL TRADE AND GENERAL SERVICES

Accessory retail and services	—	—	—	P	P	P	18.42.020
Artisan shop	—	—	—	UP	UP	UP	
Neighborhood market	—	—	UP	UP	UP	UP	18.21.060
Restaurant, cafe, coffee shop	—	—	UP	UP	UP	UP	18.21.060

Key to Zoning District Symbols

RR	Rural Residential	RM	Medium Density Residential
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Notes:

(1) See Article 10 for land use definitions.

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		

SERVICES - BUSINESS AND PROFESSIONAL (2)

Medical services - Clinic, lab, urgent care	—	—	—	UP	UP	UP	
Medical services - Doctor office	—	—	—	UP	UP	P	18.21.060
Medical services - Extended care	—	—	—	UP	UP	UP	
Medical services - Hospital	—	—	—	UP	UP	UP	
Office - Accessory	P	P	P	P	P	P	
Office - Professional or administrative	—	—	—	—	—	UP	18.21.060

SERVICES

Day care, adult - 6 or fewer clients	MUP	MUP	MUP	MUP	MUP	MUP	
Day care, adult - 7 or more clients	—	—	—	UP	UP	UP	
Day care, child - Small family day care home	P	P	P	P	P	P	
Day care, child - Large family day care home	MUP	MUP	MUP	MUP	MUP	MUP	18.42.060
Day care, child - Day care center	—	—	—	MUP	MUP	MUP	18.42.060
Mortuary, funeral home (not including cremation)	—	—	—	—	—	UP	
Personal services	—	—	UP	UP	UP	UP	18.21.060
Public safety facilities	UP	UP	UP	UP	UP	UP	

TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE

Pipelines, transmission lines	S	S	S	S	S	S	18.42.145
Utility facility	UP	UP	UP	UP	UP	UP	
Roof mounted solar and wind for on-site use	P	P	P	P	P	P	
Utility infrastructure	P	P	P	P	P	P	

Key to Zoning District Symbols

RR	Rural Residential	RM	Medium Density Residential
RS	Suburban Residential	RH	High Density Residential
RL	Low Density Residential	RVH	Very High Density Residential

Notes:

- (1) See Article 10 for land use definitions.
- (2) A doctor's office or professional or administrative office may be approved in a residential zoning district only on a site that is adjacent to or separated only by a street or alley from a commercial or industrial zoning district.

TABLE 2-4 - RR, RS, AND RL DISTRICT DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District		
	RR Rural Residential	RS Suburban Residential	RL Low Density Residential
Density	Maximum number of dwelling units allowed on a single parcel.		
	1 dwelling unit per parcel, plus second units where allowed by § 18.42.170.		
Setbacks	Minimum setbacks required. See § 18.30.100 for exceptions, reductions, and encroachments. See Chapter 18.42 for setback requirements applicable to a specific land use.		
Front	25 ft		20 ft, but no closer than 25 ft to the street right-of-way or the edge of pavement, whichever is closer
Side - Interior (each)	20 ft	10 ft	5 ft
Side - Street side	Same as front setback		10 ft
Rear	20 ft		10 ft
Garage	5 ft back from street-facing facade of primary structure		
Accessory structures	See § 18.42.030 (Agricultural Accessory Structures) and 18.42.160 (Residential Accessory Uses and Structures)		
Site coverage	Maximum percentage of the total lot area that may be covered by impervious surfaces. See § 18.42.71 for Accessory Dwelling Units / Junior Accessory Dwelling Units exemption.		
Maximum coverage	10,000 sf	25%	40%
Additional coverage	The maximum coverage above may be increased by 10% with Minor Use Permit approval, with the review and approval of a drainage plan by the Director of Public Works.		
Floor area ratio (FAR)	Maximum floor area ratio for nonresidential structures. FAR does not apply to residential structures.		
Maximum FAR	N.A.		0.40
Height limit	Maximum allowable height of structures. See § 18.30.060 for height measurement requirements, and height limit exceptions. See Chapter 18.42 for height limits applicable to a specific land use.		
Maximum height	28 ft		
Fencing	See § 18.30.050 (Fences, Walls, and Screening)		
Landscaping	See Chapter 18.34 (Landscaping Standards)		
Parking	See Chapter 18.36 (Parking and Loading)		
Signs	See Chapter 18.38 (Signs)		

TABLE 2-5 - RM, RH, AND RVH DISTRICT DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District		
	RM Medium Density Residential	RH High Density Residential	RVH Very High Density Residential
Density	Minimum and maximum number of dwelling units allowed on a single parcel. See § 18.42.170 for Accessory Dwelling Units / Junior Accessory Dwelling Units exemption.		
Minimum and maximum	6 to 12 units per acre	10 to 15 units per acre (1)	12 to 24 units per acre (1)
Setbacks	Minimum setbacks required. See § 18.30.100 for exceptions, reductions, and encroachments. See Chapter 18.42 for setback requirements applicable to a specific land use.		
Front	20 ft, but no closer than 25 ft to a City street		
Side - Interior (each)	5 ft	5 ft; except 10 ft for single-story and 20 ft for multi-story buildings of 3 or more units on a site abutting an RS or RL zone.	
Side - Street side	10 ft		
Rear	10 ft	10 ft	20 ft abutting an RS or RL zone, 10 ft elsewhere.
Garage	5 ft back from street-facing facade of primary structure		
Accessory structures	See §§ 18.42.030 (Agricultural Accessory Structures) and 18.42.160 (Residential Accessory Uses and Structures).		
Site coverage	Maximum percentage of the total lot area that may be covered by impervious surfaces. See § 18.42.71 for Accessory Dwelling Units / Junior Accessory Dwelling Units exemption.		
Maximum coverage	50%	75%	90%
Additional coverage	An additional 10% of lot area may be covered with Minor Use Permit approval, with the review and approval of a drainage plan by the Director of Public Works.	An additional 10% of lot area may be covered with Minor Use Permit approval, with the review and approval of a drainage plan by the Director of Public Works.	
Floor area ratio (FAR)	Maximum floor area ratio for nonresidential structures. FAR does not apply to residential structures.		
Maximum FAR	0.40		
Height limit	Maximum allowable height of structures. See § 18.30.060 for height measurement requirements, and height limit exceptions. See Chapter 18.42 for height limits applicable to a specific land use.		
Maximum height	35 ft	35 ft	45 ft
Fencing	See § 18.30.050 (Fences, Walls, and Screening)		

TABLE 2-5 - RM, RH, AND RVH DISTRICT DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District		
	RM Medium Density Residential	RH High Density Residential	RVH Very High Density Residential
Landscaping	See Chapter 18.34 (Landscaping Standards)		
Parking	See Chapter 18.36 (Parking and Loading)		
Signs	See Chapter 18.38 (Signs)		

Notes:

- (1) A proposed residential project shall not be proposed at less than the minimum density provided for the applicable zoning district.

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial 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
	CN	CO	CBD	CG	CH	

AGRICULTURAL, RESOURCE AND OPEN SPACE USES

Crop production, horticulture, orchard, vineyard	P	P	P	P	P	
--	---	---	---	---	---	--

INDUSTRY, MANUFACTURING AND PROCESSING, WHOLESALING

Laboratory - Analytical and testing	—	P	—	P	—	
Artisan/craft product manufacturing with retail sales	—	P(2)	P(2)	P(2)	P(2)	
Brewery/restaurant	—	—	UP	—	—	
Printing and publishing	—	—	P	P	—	
Research and development (R&D)	—	—	—	UP	—	
Recycling - Small facility	P	P	P	P	P	18.42.150
Recycling - Large facility	—	—	—	UP	—	18.42.150

Key to Zoning District Symbols

CN	Neighborhood Commercial	CG	General Commercial
CO	Office Commercial	CH	Highway and Visitor Commercial
CBD	Central Business District		

Notes:

- (1) See Article 10 for land use definitions.
- (2) Use shall be entirely enclosed within a building, unless outdoor activities and/or storage are authorized by Use Permit.

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial 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
	CN	CO	CBD	CG	CH	

RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES

Recreational vehicle park	—	—	—	—	UP	
Commercial recreation facility - Indoor	—	—	UP	P	P	
Commercial recreation facility - Outdoor	UP	UP	—	UP	UP	
Conference facility	—	UP	UP	UP	UP	
Health/fitness facility	—	UP	UP	P	UP	
Library, museum, art gallery	UP	UP	P	P	P	
Meeting facility, public or private	UP	UP	UP	UP	UP	
Park, playground	P	P	P	P	P	
School - Private	UP	UP	UP	UP	UP	
Sports and active recreation facility	—	—	UP	UP	UP	
Studio - Art, dance, martial arts, music, etc.	UP	UP	P	P	P	
Theater	—	UP	P	P	P	

RESIDENTIAL USES

Emergency shelter	—	—	—	P	—	
Home occupation	P	P	P	P	P	18.42.080
Live/work unit	MUP	MUP	MUP	MUP	—	18.42.090
Multifamily dwellings	P	UP	UP	UP	UP	18.42.120
Residential care facility for the elderly (RCFE)	—	UP	UP	UP	—	
Residential care facility	—	UP	UP	UP	—	
Residential component mixed use project	P	UP	P(2)	P	P	18.42.100
Single residential unit	MUP (3)	—	UP(4)	UP(4)	—	
Second Units – ADU/JADU	P(5)	P(5)	P(5)	P(5)	P(5)	18.42.170

Key to Zoning District Symbols

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CBD	Central Business District		

Notes:

(1) See Article 10 for land use definitions.

- (2) Use allowed only on second or upper floors, in compliance with § 18.22.060(B) (Limitation on the Location of Allowable Land Uses).
- (3) Use permitted only for lots in the CN zone that do not front a major collector, as defined in the General Plan.
- (4) Use permitted only for existing structures that have the appearance of a single residential unit, per the Citywide Design Guidelines.
- (5) Use permitted only on parcels with existing single residential unit or existing/proposed multifamily development, in compliance with §18.42.170

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial 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
	CN	CO	CBD	CG	CH	

RETAIL TRADE

Artisan shop	UP	UP	P	P	P	
Auto and vehicle sales and rental	—	—	—	P	P	
Auto parts sales with no installation services	—	—	—	P	P	
Bar/tavern	—	—	UP	MUP	MUP	
Big box retail	—	—	—	UP	UP	
Building and landscape materials sales - Indoor	—	—	—	P	UP	
Building and landscape materials sales - Outdoor	—	—	—	UP	UP	18.42.130
Construction and heavy equipment sales and rental	—	—	—	UP	UP	18.42.130
Convenience store	P	—	P	P	P	
Drive-through retail or service	—	—	UP	UP	UP	18.42.070
Farm supply and feed store	—	—	—	P	UP	
Fuel dealer (propane for home and farm use, etc.)	—	—	—	UP	—	
Furniture, furnishings and appliance store	—	—	P	P	UP	
Retail, general - 10,000 sf or larger	—	—	UP	UP	UP	
Retail, general - 5,000 sf – 9,999 sf	—	—	P	P	P	
Retail, general - Less than 5,000 sf	P	P	P	P	P	
Groceries, specialty foods	P	—	P	P	P	
Mobile home, boat, or RV sales	—	—	—	UP	UP	
Night club	—	—	UP	UP	UP	
Outdoor retail sales and activities	—	—	P	P	P	18.42.130
Restaurant, café, coffee shop	UP	P	P	P	P	18.42.165
Second hand store	—	—	—	P	P	
Service station	—	—	—	UP	UP	18.42.180

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial 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
	CN	CO	CBD	CG	CH	
Shopping center	—	—	—	UP	UP	

Key to Zoning District Symbols

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CO	Office Commercial	CH	Highway and Visitor Commercial
CBD	Central Business District		

Notes:

- (1) See Article 10 for land use definitions.

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial 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
	CN	CO	CBD	CG	CH	

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Bank, financial services	UP	P	P	P	P	
Business support service	—	P	P	P	P	
Medical services - Doctor office	P	P	P	P	UP	
Medical services - Clinic, lab, urgent care	—	P	P	P	—	
Medical services - Hospital	—	UP	—	UP	UP	
Office - Accessory	P	P	P	P	P	
Office - Business/service	—	P	P	P	P	
Office - Professional/administrative	—	P	P	P	P	

SERVICES - GENERAL

Adult day care	P	P	P	P	UP	
Catering service	—	P	P(3)	P	—	
Child day care center	UP	UP	UP	UP	MUP	
Drive-through service	—	—	UP	UP	UP	18.42.070
Equipment rental	—	—	UP	P	UP	
Kennel, animal boarding	—	—	—	UP	—	18.42.040

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial 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
	CN	CO	CBD	CG	CH	
Lodging - Bed and breakfast inn (B&B)	—	—	UP	UP	P	18.42.050
Lodging - Hotel or motel	—	—	UP	UP	UP	
Lodging - Vacation rental unit	—	—	MUP	—	—	18.42.190
Maintenance service - Client site services	—	—	—	P	—	
Mortuary, funeral home	—	P	—	P	—	
Personal services	P	P	P	P	MUP	
Personal services - Restricted	—	—	UP	UP	UP	
Public safety facility	—	P	P	P	P	
Repair service - Equipment, large appliances, etc.	—	—	—	P	P	
Vehicle services - Major repair/body work	—	—	—	UP	UP	
Vehicle services - Minor maintenance/repair	—	—	—	P	P	
Veterinary clinic, animal hospital	—	P	—	P	P	

Key to Zoning District Symbols

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Notes:

- (1) See Article 10 for land use definitions.
- (2) Use allowed only on second or upper floors, in compliance with § 18.22.060(B) (Limitation on the Location of Allowable Land Uses).
- (3) Permitted above the first floor or as part of a restaurant.

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial 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
	CN	CO	CBD	CG	CH	

TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE

Ambulance, taxi, and specialized transportation dispatch facility	—	UP	—	UP	UP	
Broadcasting studio	—	P	P	P	—	

LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	
Parking facility, public or commercial	P	P	P	P	P	
Pipelines, transmission lines	S	S	S	S	S	18.42.145
Telecommunications facility	S	S	S	S	S	Chapter 18.44
Transit station	UP	UP	UP	UP	UP	
Solar, wind, geothermal facilities for on-site use	P	P	P	P	P	
Utility facility	P	P	UP	P	P	
Vehicle storage	—	—	—	UP	—	

Key to Zoning District Symbols

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Notes:

- (1) See Article 10 for land use definitions.

TABLE 2-8 - CN, CO, AND CBD DISTRICT DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District		
	CN Neighborhood Commercial	CO Office Commercial	CBD Central Business District
Residential density	Maximum number of dwelling units allowed in a project. The actual number of units allowed will be determined by the City through subdivision or planning permit approval, as applicable. See Chapter § 18.42.170 for second unit exemption.		
Maximum density	24 units per acre	24 units per acre	40 units per acre
Setbacks	Minimum and, where noted, maximum setbacks required for primary structures. See § 18.30.100 for exceptions to these requirements. See Chapter 18.42 for setback requirements applicable to a specific land use.		
Front	Same as the front setback for an R zone on the same block; 10 ft elsewhere.	20 ft for buildings 20 ft or more in height; 15 ft for other buildings.	None allowed - Building facades shall abut the back of the public sidewalk, except as provided in § 18.22.060.

TABLE 2-8 - CN, CO, AND CBD DISTRICT DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District		
	CN Neighborhood Commercial	CO Office Commercial	CBD Central Business District
Side - Interior (each)	Same as the front setback required for an R zone abutting the side property line; none required elsewhere.	10 ft; 15 ft adjacent to an abutting R zone.	None required
Side - Street side	None required	Same as front setback	None required
Rear	15 ft; 5 ft adjacent to an alley.	10 ft; 15 ft adjacent to an abutting R zone; 5 ft adjacent to an alley.	15 ft for a building 12 ft or more in height on a site abutting an R zone; 5 ft adjacent to an alley; none required elsewhere.
Floor area ratio (FAR)	Maximum allowable floor area ratio for nonresidential projects. FAR may be increased with Use Permit approval to accommodate housing units and/or live-work units in a mixed use project to a maximum FAR of 2.0 for a mixed use project.		
	0.40	0.40	2.00
Site coverage	Maximum percentage of the total lot area that may be covered by impervious surfaces. See § 18.42.170 for Accessory Dwelling Units / Junior Accessory Dwelling Units exemption.		
Maximum coverage	No limitation		
Height limit	Maximum allowable height of structures. See § 18.30.060 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions. See Chapter 18.42 for height requirements applicable to a specific land use.		
Maximum height	25 ft	25 ft; 35 ft with Use Permit approval.	35 ft and 3 stories; 45 ft and 3 stories with Use Permit approval.
Fencing	See § 18.30.050 (Fences, Walls, and Screening)		
Landscaping	See Chapter 18.34 (Landscaping Standards)		
Parking	See Chapter 18.36 (Parking and Loading)		
Signs	See Chapter 18.38 (Signs)		

TABLE 2-9 - CG AND CH DISTRICT DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District	
	CG General Commercial	CH Highway Commercial

Residential density	Maximum number of dwelling units allowed in a project. The actual number of units allowed will be determined by the City through subdivision or planning permit approval, as applicable. See § 18.42.170 for Accessory Dwelling Units / Junior Accessory Dwelling Units exemption.
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TABLE 2-9 - CG AND CH DISTRICT DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District	
	CG General Commercial	CH Highway Commercial
Maximum density	24 units per acre	
Setbacks	Minimum and, where noted, maximum setbacks required for primary structures. See § 18.30.100 for exceptions to these requirements. See Chapter 18.42 for setback requirements applicable to a specific land use.	
Front	10 ft on Main Street and Highway 20; same as the front setback for an R zone on the same block; none required elsewhere.	15 ft on Main Street and Highway 20; same as the front setback for an R zone on the same block; 5 ft required elsewhere.
Side - Interior (each)	Same as the front setback required for an R zone abutting the side property line; none required elsewhere.	
Side - Street side	Same as front setback.	
Rear	5 ft adjacent to an alley; 15 ft adjacent to an abutting residential zone; none required elsewhere.	10 ft adjacent to an alley; 15 ft adjacent to residential zone; none required elsewhere.
Floor area ratio (FAR)	Maximum allowable floor area ratio for nonresidential projects. May be increased with Use Permit approval to accommodate housing units and/or live-work units up to an FAR of 2.0 for a mixed use project.	
	0.40	
Maximum floor area	Maximum floor area allowed for commercial buildings in the locations noted. See Chapter § 18.42.170 for Accessory Dwelling Units / Junior Accessory Dwelling Units exemption.	
	a. Between the Noyo River and Pudding Creek bridges - 50,000 sf. b. North of Pudding Creek bridge - 30,000 sf.	
Height limit	Maximum allowable height of structures. See § 18.30.060 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions. See Chapter 18.42 for height requirements applicable to a specific land use.	
Maximum height	35 ft; 45 ft with Use Permit approval.	35 ft
Fencing	See § 18.30.050 (Fences, Walls, and Screening)	
Landscaping	See Chapter 18.34 (Landscaping Standards)	
Parking	See Chapter 18.36 (Parking and Loading)	
Signs	See Chapter 18.38 (Signs)	

Section 3. Article 4 (Standards for Specific Land Uses), Chapter 18.42 (Standards for Specific Land Uses), Section 18.42.170 (Second Units – Accessory Dwelling Unit (ADU)) of Title 18 (Inland Land Use and Development Code) of the City of Fort Bragg Municipal Code shall be repealed and replaced in its entirety with the following:

18.42.170 Second Units – Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU)

This Section establishes standards for two types of residential second units: 1) accessory dwelling units (ADU); and 2) junior accessory dwelling units (JADU), where allowed by Article 2 (Zoning Districts and Allowable Land Uses). An application for a second unit that complies with the standards of this Section shall be approved ministerially. "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons. ADUs shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single residential unit or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following: (A) an efficiency unit; and (B) a manufactured home, as defined in Section 18007 of the Health and Safety Code. "Junior Accessory Dwelling Unit" means a living space not more than 500 square feet in size and contained entirely within the walls of a single residential unit. A JADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation; sanitation facilities may be separate, or may be shared with the primary unit.

A. Limitation on location.

1. **Accessory Dwelling Unit.** ADUs are allowed on any parcel that is zoned for a single residential unit or multifamily residential development.
2. **Junior Accessory Dwelling Unit.** JADUs are allowed on any parcel that is zoned for a single residential unit.

B. Limitation on number of units. No more than one (1) ADU and one (1) JADU shall be approved on a single parcel with a single residential unit. Two (2) detached ADUs are allowed on any parcel that is zoned for residential development that has multifamily development, and no more than 25% of the number of existing units, but at least one (1) unit, shall be permitted as accessory dwelling units constructed (in compliance with all applicable building codes) within the non-livable space of the existing multifamily building (i.e., storage rooms, attics, basements, and garages).

C. Density. Both ADUs and JADUs shall be exempted from the calculation of the maximum allowable density for the lot on which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designation for the lot.

D. Relationship to primary use.

1. Accessory Dwelling Unit.

- a. An ADU may be incidental and subordinate to the primary single residential unit use of the site in terms of size and location. It can be: (a) a remodeled portion of a primary dwelling unit; (b) attached to a primary dwelling unit; (c) 1 of the units of a duplex; or (d) a detached unit. An ADU may be constructed simultaneously with or after the primary dwelling. In addition, an existing dwelling that complies with the standards for second units in Subsection (E) of this Section may be considered a second unit, and a new primary unit may be constructed which would then be considered the primary dwelling unit.
- b. ADUs constructed under the provisions of Government Code Section 65852.2 subd. (c)(2)(c) may not be rented for less than thirty-one (31) days.

2. Junior Accessory Dwelling Unit.

- a. A JADU shall be contained entirely within the walls of a single residential unit and shall not exceed 500 square feet.
- b. A JADU shall include an efficiency kitchen including a food preparation counter, storage cabinets that are of reasonable size in relation to the size of the unit, and cooking appliances; have a separate entrance from the main entrance to structure; and may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
- c. Owner Occupancy: The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a primary residence either the primary dwelling or the junior accessory dwelling. Owner-occupancy is not required if the owner is a governmental agency, land trust, or housing organization.
- d. Sale Prohibited: A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.
- e. Short term rentals: The junior accessory dwelling unit shall not be rented for periods of less than thirty-one (31) days.
- f. Fire Protection; Utility Service. For the purposes of any fire or life protection ordinance or regulation or for the purposes of providing service for water, sewer, or power, a junior accessory dwelling unit shall not be considered a separate or new unit, unless the junior accessory dwelling unit was constructed in conjunction with a new single residential unit. No separate connection between the junior accessory dwelling unit and the utility shall be required for units created within a single residential unit, unless the junior accessory dwelling unit is being constructed in connection with a new single residential unit.
- g. Deed Restriction. Prior to the issuance of a building permit for a junior accessory dwelling unit, the owner shall record a deed restriction in a form approved by the city that includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single residential unit, requires owner-occupancy consistent with subsection (c) above, does not permit short-term rentals, and restricts the size and attributes of the junior dwelling unit to those that conform with this section.

E. Second unit standards.

1. Accessory Dwelling Unit. An ADU shall comply with the following standards:

- a. **Height limit.** A detached ADU shall be limited to 18 feet and 1 story. A second unit located over a residential accessory structure may be allowed with a maximum height of 25 feet with Minor Use Permit approval. An attached ADU shall comply with the height limit in the zoning district.

- b. **Setbacks.** An ADU shall have a minimum rear and side setback of four feet (4'), unless the second unit is located in a nonconforming structure as defined by § 18.90.020. No second unit may be permitted above a residential accessory structure unless the unit complies with the four-foot (4') setback requirement.

Notwithstanding the foregoing, no setbacks are required for ADUs that are conversions of existing living areas or existing accessory structures, or for any new structures in the same location and to the same dimensions as an existing structure.

- c. **Maximum floor area.**

The maximum floor area of an ADU shall not exceed one thousand square feet (1000 SF).

- d. **Separate entrance required.** An attached ADU shall have an entrance separate from the entrance to the primary dwelling.
- e. **Window placement.** An ADU that is placed 20 feet or less from a residential unit on the same parcel or an adjacent parcel shall not have windows that directly face windows in the other unit. An ADU that is located over a residential accessory structure, shall not have windows or balconies that directly face a neighboring yard. This limitation applies only to side yards, not to windows facing alleys.
- f. **Building Code Compliance.** All new ADUs must satisfy the requirements contained in the building code and fire code as currently adopted by the City, including applicable energy efficiency standards associated with Title 24 of the California Code of Regulations. However, fire sprinklers shall not be required if they are not required for the primary residence.
- g. **Accessory dwelling units—Permitted regardless of compliance with other development standards and regulations.** ADU permits shall be approved for the following types of accessory dwelling units, regardless of whether the application meets the development standards contained in this Zoning Code:
 - i. For lots with a single residential unit, one of the following:
 - a.) One interior ADU or one JADU per lot constructed within an existing or proposed single residential unit or accessory structure, including the construction of up to a one hundred fifty (150) square foot expansion beyond the same physical dimensions as the existing accessory dwelling structure to accommodate ingress and egress. The ADU or JADU must have exterior access and side and rear setbacks sufficient for fire safety; or

- b.) One new, detached ADU with a minimum four-foot side and rear setbacks, up to eight hundred (800) square feet and no more than sixteen (16) feet high on a lot with an existing or proposed single residential unit. A JADU may also be built within the existing or proposed dwelling of such residence in connection with the ADU.
- ii. On a lot with an existing multifamily dwellings:
 - a.) ADUs may be constructed in areas that are not used as livable space within an existing multi-family dwelling structure (i.e., storage rooms, boiler rooms, passageways, attics, basements, or garages), provided the spaces meet state building standards for dwellings. The number of interior ADUs permitted on the lot shall not exceed twenty-five percent (25%) of the current number of units of the multi-family complex on the lot and at least one such unit shall be allowed. Units constructed pursuant to this subsection shall not exceed eight hundred (800) square feet in floor area; and
 - b.) Up to two (2) detached ADUs may be constructed, provided they are no taller than sixteen (16) feet, and they have at least four (4) feet of side and rear yard setbacks. Units constructed pursuant to this subsection shall not exceed eight hundred (800) square feet in floor area.
 - c.) ADUs approved under this subsection (g) shall not be rented for less than thirty-one (31) days.
- iii. ADUs or JADUs approved under this Section shall not be required to correct legal nonconforming zoning conditions.

2. **Junior Accessory Dwelling Unit.** A JADU shall comply with the following standards:

- a. **Maximum floor area.** The living space shall not exceed 500 square feet in size and shall be contained entirely within the walls of a single residential unit.
- b. **Separate entrance required.** A JADU shall have a separate entrance from the main entrance to structure, with an interior entry into the main living area.
- c. **Efficiency kitchen.** A JADU shall include an efficiency kitchen, as follows:
 - i. Cooking appliances;
 - ii. A food preparation counter; and

- iii. Storage cabinets reasonably sized in relation to unit.

F. Off-street parking requirements. Off-street parking is not required for either an ADU or a JADU. However, if parking is provided, the parking space shall comply with the location and design requirements of Chapter 18.36.

Section 4. Article 9 (Inland Land Use and Development Code Administration), Chapter 18.90 (Nonconforming Uses, Structures, and Parcels), Section 18.90.030 (Restrictions on Nonconforming Structures and Uses) and Section 18.90.040 (Residential Exemptions) of Title 18 (Inland Land use and Development Code) shall be repealed and replaced in its entirety with:

18.90.030 - Restrictions on Nonconforming Structures and Uses

A nonconforming land use and the use of a nonconforming structure may be continued, including transfers of ownership, provided any such continued use shall comply with the requirements of this Section. See Section 18.90.040 for exceptions regarding certain residential uses and structures.

A. Nonconforming use of land.

1. General rule. A nonconforming use of land may be continued, provided the use shall not be intensified, enlarged or increased, nor be extended to occupy a greater area of land than it lawfully occupied before becoming nonconforming, with the exception noted in 18.90.030.A.2. below.

2. Nonconforming use in a conforming structure. A nonconforming land use within a conforming structure may be expanded or replaced with Minor Use Permit approval, in the following manner:

a. Expansion of use. The nonconforming use of a portion of a structure may be expanded throughout the structure; and

b. Substitution of use. The nonconforming use of a structure may be changed to another nonconforming use of the same or more restricted nature; except that if a nonconforming use is changed to a conforming use, no nonconforming use may be resumed.

B. Nonconforming structure. A nonconforming structure may continue to be used in the following manner:

1. Changes to, or expansion of a structure. A nonconforming structure may be changed or expanded as follows.

a. Nonresidential structure. A nonconforming non-residential structure may be enlarged, expanded, reconstructed, or relocated, with Minor Use Permit approval, if the changes comply with all applicable provisions of this Development Code,

provided the Review Authority first finds that the additional work is compatible with neighboring uses and would not adversely impact neighboring properties.

b. **Single residential unit or multi-family.** A single residential unit or multi-family development that is nonconforming with respect to setback requirements, height limits, or other development standards may undergo interior modifications in compliance with Building Code requirements without limitation by this Chapter. Exterior modifications that go beyond the prior building footprint may be allowed as follows:

- i) The Director may approve any addition to a nonconforming single-family dwelling where the addition complies with applicable setback requirements; and
- ii) An addition that encroaches into a required setback no further than an existing nonconforming portion of the structure may be allowed, provided that: 1) the expansion is not more than 150 square feet beyond the same physical dimensions of the existing structure; or 2) if larger than 150 square feet, Minor Use Permit approval is granted (limit to 25 percent larger).

2. Conversion of existing nonconforming structure to residential unit. Single residential units and/or multi-family residential development with a nonconforming residential accessory structure, may be converted and/or replaced to create an accessory dwelling unit. A nonconforming residential accessory structure may be rehabilitated and expanded, provided that:

- a. The structure does not exceed eighteen (18) feet in height; and
- b. The conversion and/or expansion complies with Subsection B.1.b.

3. Ordinary maintenance and repair. Any nonconforming structure may undergo ordinary maintenance and repair.

4. Seismic retrofitting and Building Code compliance. Any nonconforming structure may undergo alterations, reconstruction, or repair to reinforce unreinforced masonry or to comply with Building Code requirements, provided that the work is exclusively to comply with applicable earthquake safety standards and the Building Code and does not change building footprint or height.

18.90.040 - Residential Exemptions

A. Reconstruction or replacement. An involuntarily damaged or destroyed single residential unit or multi-family nonconforming -use may be reconstructed or replaced with a new structure with the same footprint, height, and number of dwelling units, in compliance with current Building and Fire Code requirements.

B. Substantial rehabilitation/renovation. Substantial rehabilitation/renovation of, and additions to an existing dwelling unit in a zoning district where residences are a nonconforming

use may be allowed with Minor Use Permit and Design Review approval, in compliance with Sections 18.71.060 and 18.71.050. (Housing Element Program H-1.1.4)

1. Substantial rehabilitation/renovation defined. Substantial rehabilitation/renovation of an existing dwelling unit occurs when at least 25 percent of the floor area of the existing structure is proposed to be added to the structure and/or a Building Permit for construction valued at 50 percent or more of the assessed value of the structure before rehabilitation/renovation is requested.

2. Protection of community and neighborhood character. The Review Authority shall ensure that Minor Use Permit and Design Review approval for a substantial rehabilitation or renovation shall maintain public health, safety, and welfare, maintain of neighborhood character, and encourage mixed use development.

Section 5. Article 10 (Definitions) of Title 18 (Inland Land Use and Development Code) of the City of Fort Bragg Municipal Code shall be amended to include the following terms in alphabetical order:

Junior Accessory Dwelling Unit (JADU). A living space not exceeding five hundred square feet (500 SF) in size and contained entirely within the walls of a single residential unit. A junior accessory dwelling unit shall include an efficiency kitchen; have a separate entrance from the main entrance to structure, with an interior entry into the main living area; may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

Efficiency Kitchen. An efficiency kitchen shall include the following: 1) cooking appliances; 2) a food preparation counter; 3) and storage cabinets reasonably sized in relation to unit.

Section 6. 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 7. 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 January 27, 2020 and adopted at a regular meeting of the City of Fort Bragg held on February 10, 2020 by the following vote:

AYES:

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

**William V. Lee,
Mayor**

ATTEST:

**June Lemos, CMC
City Clerk**

**PUBLISH: January 30, 2020 and February 20, 2020 (by summary).
EFFECTIVE DATE: March 11, 2020**