

**BEFORE THE CITY COUNCIL OF THE CITY OF FORT
BRAGG**

AN ORDINANCE AMENDING DIVISION 18 OF THE FORT BRAGG MUNICIPAL CODE (ILUDC 4-23) TO AMEND CHAPTER 18.42.175 “TINY HOMES”, OF DIVISION 18 OF THE FORT BRAGG MUNICIPAL CODE, TO MODIFY REGULATIONS AND STANDARDS FOR TINY HOMES.

ORDINANCE NO. 992-2024

WHEREAS, California Constitution Article XI, Section 7, enables the City of Fort Bragg (the “City”) to enact local planning and land use regulations; and

WHEREAS the authority to adopt and enforce zoning regulations is an exercise of the City’s police power to protect the public health, safety, and welfare; and

WHEREAS the City of Fort Bragg (“City”) adopted a General Plan in 2002 which established policies for all lands within Fort Bragg city limits; and

WHEREAS, the City of Fort Bragg (“City”) adopted an Inland General Plan and certified an Environmental Impact Report Addendum (“EIR Addendum”) for the Inland 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 the City desires to ensure that residential development occurs in an orderly manner, in accordance with the goals and objectives of the General Plan and reasonable land use planning principles; and

WHEREAS, in 2019, the City of Fort Bragg amended the Housing Element of the General Plan for conformance with State Housing Law. The 2019 Housing Element includes the following non-mandatory program regarding Tiny Homes. *Program H-1.3.5 Allow Tiny Homes as Second Units. Consider revising the zoning ordinance so that people can park mobile residencies (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.); and*

WHEREAS, On April 22, 2022, the City Council adopted Ordinance 980 establishing a Tiny Home Ordinance, but the ordinance was subsequently found to have some conflicts with State law; and

WHEREAS, on May 17 of 2023, the Community Development Committee received a Tiny Home presentation from Marie Jones Consulting and discussed this item without providing recommendations regarding ordinance revisions; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) pursuant to Section 15074 of the CEQA Guidelines, a Mitigated Native Declaration (MND) was prepared and circulated for public comment for the zoning amendment; and

WHEREAS the Planning Commission held a duly noticed public hearing on March 27, 2024, to consider the zoning amendment, accept public testimony and provided direction to the consultant to revise the resolution and ordinance language, and

WHEREAS, the Planning Commission continued the Public Hearing to April 10, 2024, to review and consider the final resolutions and ordinance language; and

WHEREAS, the City Council held a duly noticed public hearing on May 13, 2024, to consider the Zoning Amendment, accept public testimony; and formally Introduce the Ordinance by Title Only; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) pursuant to Section 15074 of the CEQA Guidelines, a Mitigated Native Declaration (MND) was prepared and circulated for public comment; and

WHEREAS, a Notice of Intent to Adopt an MND was published on December 7, 2023, and the twenty-day review period was from December 7 through December 27, 2023; and for the MND was certified by the City Council on April 8, 2024; and

NOW, THEREFORE, BE IT RESOLVED that the City Council, based on the entirety of the record before it, which includes without limitation, CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Inland General Plan; the Fort Bragg Inland Land Use and Development Code; the Project application; all reports and public testimony submitted as part of the City Council meeting of May 13, 2024 and City Council deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the City Council of the City of Fort Bragg does hereby make the following findings and determinations:

SECTION 1: INLAND LAND USE AND DEVELOPMENT CODE AMENDMENT FINDINGS

Pursuant to Fort Bragg Municipal Code Section 18.94.060, the City Council makes the following findings for adoption of the proposed amendments to the Fort Bragg Inland Land Use and Development Code:

- a. The proposed amendment is consistent with the General Plan and any applicable specific plan; and

The proposed amendment is consistent with the following applicable General

Plan policies: Policy LU-6.1, Policy PF-1.2, Policy PF-2.1, Policy C-9.2, Program H-1.3.5, Program H-2.3.2, Policy H-1.6, and Program H-3.2

- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed amendment is in the public interest to permit alternative opportunities for housing, which will provide for better convenience and welfare for the residents of the City of Fort Bragg, as it will result in additional housing. The proposed amendment requires conformance with applicable building and vehicle codes, which will ensure healthy and safe housing.

- c. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The proposed amendment is consistent with ILUDC standards for setbacks, parking, height, lot coverage, and density limits as illustrated in the attached consistency analysis.

SECTION 2: GENERAL FINDINGS:

- a. The foregoing recitals are true and correct and made a part of this Ordinance.
- b. On March 27 and April 10, 2024, the Planning Commission held a properly noticed public hearing to consider recommending the proposed minor amendment to the Inland Land Use and Development Code to the Fort Bragg City Council for adoption and adopted a resolution in support of the City Council's adoption of the amendment to the ILUDC pursuant to Gov. Code Section 65355; and
- c. On May 13, 2024, the City Council held a properly noticed public hearing to consider adoption of the minor amendment to the Inland Land Use and Development Code; and
- d. The documents and other material constituting the record for these proceedings are located in the Community Development Department.

SECTION 3. Based on the foregoing, the City Council hereby:

Amend Title 18.21.030 & 18.21.050 Land Use Tables as follows:

Amend 18.21.030(B) Table 2-1 Allowable Land Uses and Permit Requirements for Residential Zoning Districts:

TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	RR	RS	RL	R M	R H	RV H		
P	Permitted Use, Zoning Clearance required							
MU P	Minor Use Permit required (see Section 18.71.060)							
UP	Use Permit required (see Section 18.71.060)							
S	Permit requirement set by Specific Use Regulations							
—	Use not allowed							
LAND USE (1)								
RESIDENTIAL USES								
Tiny Home	P	P	P	P	P	P	18.42.175	

Amend 18.22.030(C) Table 2-6 Allowable Land Uses and Permit Requirements for Commercial Zoning Districts:

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	CN	CO	CB D	CG	CH		
P	Permitted Use, Zoning Clearance required						
MUP	Minor Use Permit required (see Section 18.71.060)						
UP	Use Permit required (see Section 18.71.060)						
S	Permit requirement set by Specific Use Regulations						
—	Use not allowed						
LAND USE (1)							

RESIDENTIAL USES

Primary Residential Unit	P(3)	--	P(4)	P(4)	--	
Tiny Home	P(6)	—	—	P(6)	UP(6))	18.42.175

(6) Use permitted only on parcels with existing single residential unit or existing/proposed multifamily development, and only in compliance with § 17.42.175.

Chapter 18.42.175 is hereby repealed and replaced in its entirety as follows:

18.42.175 Tiny Homes & Model Park RVs

A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses), Tiny Homes and Park Model RVs shall comply with the standards of this section.

B. **Definitions.**

Tiny Home. A Tiny Home is a small towable residential unit (on wheels) that is not on a permanent foundation, and that meets the design and construction criteria listed in C below. 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. Tiny homes shall be licensed and registered with the California Department of Motor Vehicles and may only be transported upon the public highway with permit issued pursuant to Vehicle Code Section 35780.

Park Model RV (PMRV). As defined in Health and Safety Code Section 18009.3, a Park Model RV is a trailer designed for human habitation that meets the following requirements:

1. It contains 400 square feet or less of gross floor area, excluding loft area space if that loft area space meets the requirements of subdivision (b) and Section 18033; and
2. It may not exceed 14 feet in width at the maximum horizontal projection; and
3. It is built upon a single chassis; and
4. It may only be transported upon public highways with a permit issued pursuant to Section 35780 of the Vehicle Code. Park Model RVs shall be licensed and registered with the California Department of Motor Vehicles.

A Park Model RV is not a self-propelled recreational vehicle, nor is it a 5th wheel or other trailer designed for recreational purposes.

C. **Tiny Home and Park Model RV Standards.** Tiny Homes and Park Model RVs shall be subject to all of the following additional criteria:

1. **Limitations on Location & Timing**

- a. A Tiny Home or Park Model RV is allowed as an accessory residential use to a Primary Residential Unit and may be constructed/installed before, during or after the Primary Residential Unit. If installed prior to the primary residential unit, the Tiny Home or PMRV must be installed in the back half of the parcel.
- b. One Tiny Home or Park Model RV is permitted in Multifamily Residential Zoning Districts as a type of detached ADU under Section 18.42.170.

2. **Development Standards.** Tiny Homes and Park Model RVs (Unit) shall conform with the following requirements:

- a. **Height.** The unit shall have a maximum height of 13' 6" to comply with Department of Motor Vehicles (DMV) towing requirements.
- b. **Setbacks.** A unit shall comply with front and street side setbacks but may have a 4+-foot setback from the inside or rear parcel lines. The unit must

be located a minimum distance of 10 feet from all other structures.

- c. **Size.** Units shall be at least 150 square feet in compliance with the California Health & Safety Code, but no more than 400 square feet.
- d. **Number of Units Allowed.** Units are allowed on a parcel in the following configurations:
 - i. On a parcel with an existing primary unit, a maximum of one Tiny home or Park Model RV unit is permitted. One tiny home or Park Model RV is permitted in addition to one detached ADU on the property. Neither is permitted if there are four or more residential units on a low density residentially zoned parcel.
 - ii. Tiny homes and Park Model RVs are permitted in Tiny Home Communities, and the maximum allowed is determined by Section 18.42.110.
- e. **Permanent Foundation.** Tiny Homes may be placed on a temporary or permanent foundation only if the Tiny Home has been constructed in compliance with the Appendix Q Tiny Houses of the UBC. Park Model RVs may be placed on a permanent foundation.
- f. **Fire Inspection.** Prior to occupancy, each Tiny home and Park Model RV shall be inspected by the Fire Marshal to ensure adequacy of the smoke alarm and fire extinguisher.

3. **Design Standards.** A Tiny Home and Park Model RV 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. **Paved Pad.** A paved parking pad shall be required, unless that Tiny Home or Park Model RV are placed on a permanent foundation (per C2e above), 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.
- c. **Mechanical Equipment.** Mechanical equipment shall be incorporated into the structure and not be located on the roof (except for solar panels).
- d. **Materials.** Materials for the exterior wall covering shall include wood, hardipanel or equivalent material as determined by the Community Development Director.
- e. **Windows.** Windows shall be double pane glass or better, labeled for building use, and be trimmed out.
- f. **Utility Connections.** The unit shall be connected to City water and sewer utilities through dedicated pipes. The unit shall be connected to electrical power in compliance with the Building Code.

4. **Ownership.** Ownership of the Tiny Home or Park Model RV is not required.

5. **Short Term Rentals.** Tiny Homes and Park Model RV shall not be used as short-term rentals of less than 30 days.

D. Parking Requirements.

1. **Parking Exemption.** No parking is required for a Tiny Home or Park Model RV.

2. **Replacement Parking Exemption.** No replacement parking space(s) are required for the primary unit, when a garage, carport, or covered parking structure is demolished in conjunction with the construction of a Tiny Home.

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 May 13, 2024, and adopted at a regular meeting of the City of Fort Bragg held on July 8, 2024, by the following vote:

AYES: Councilmember Albin-Smith, Godeke, Peters, Rafanan and Mayor Norvell.
NOES: None.
ABSENT: None.
ABSTAIN: None.
RECUSE: None.

Bernie Norvell
Mayor

ATTEST:

Diana Sanchez
City Clerk

PUBLISH: May 23, 2024 and July 12, 2024 (by summary).

EFFECTIVE DATE: August 12, 2024.