

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

**AN ORDINANCE AMENDING DIVISION 18 OF THE FORT BRAGG MUNICIPAL CODE (ILUDC 2-25) TO AMEND CHAPTER 18.21.030(B)(C) & 18.21.050 "ZONING DISTRICTS AND ALLOWABLE LAND USES", TO REPEAL AND REPLACE 18.42.170 "ACCESSORY DWELLING UNITS", TO AMEND CHAPTER 18.71.050 "DESIGN REVIEW" AND TO AMEND CHAPTER 18.100 "DEFINITIONS" TO ESTABLISH REGULATIONS AND STANDARDS FOR ACCESSORY DWELLING UNITS PURSUANT TO STATE LAW.**

**ORDINANCE NO. 1004-2025**

**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 its sphere of influence; and

**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**, the availability of housing is a substantial concern for individuals of all demographics, ages, and economic backgrounds in communities throughout the State of California; and

**WHEREAS**, Accessory Dwelling Units ("ADUs") offer lower-cost housing to meet the needs of the existing and future residents while ensuring that they remain compatible with the existing neighborhood; and

**WHEREAS**, the 2009, 2014, and 2019 Housing Element updates include policies and

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programs that support and create affordable housing, a diverse range of housing types and provisions for Accessory Dwelling Units; and

**WHEREAS**, In 2020, the City Council adopted Ordinance 20-609 to amend the Inland Land Use and Development Code (ILUDC) that meet some of the requirements of the new state laws; 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**, State law has continually been amended with regard to Accessory Dwelling Units (“ADUs”) and Junior Accessory Dwelling Units (“JADUs”) since the last revisions to the City’s regulations on this topics; and

**WHEREAS**, the City desires to bring its regulations into compliance with State law; and

**WHEREAS**, the Department of Housing and Community Development (“HCD”) provided a review of the City’s draft Ordinance and provided comments; and

**WHEREAS**, staff has addressed all of HCD’s comments except as noted herein; and

**WHEREAS**, Section 18.94.040 states that the Planning Commission shall forward a written recommendation, and reasons for the recommendations, to the Council based on the findings identified in Section 18.94.060; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on January 29, 2025, to consider the Zoning Amendment, accept public testimony; and formally adopted a resolution with their written recommendations regarding the proposed ordinance changes; and

**WHEREAS**, the City Council held a duly noticed public hearing on February 24, 2025, to consider the Zoning Amendment, accept public testimony; and formally Introduce the Ordinance by Title Only; and

**WHEREAS**, the project is exempt from CEQA, under Public Resources Code Section 21080.17 and State CEQA Guidelines Section 15282(h), adoption of an ordinance regarding ADU/JADUs in areas zoned to allow single-family or multifamily dwelling residential use by a city or county.

**NOW, THEREFORE**, The Fort Bragg City Council, based on the entirety of the record before it, which includes without limitation, CEQA Public Resources Code §21000, et seq. and State 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; State law; all reports and public testimony submitted as part of the City Council meeting of February 24, 2025 and City Council deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Fort Bragg City Council **does ordains as follows**:

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

1. The foregoing recitals are true and correct and made a part of this Ordinance; and
2. On January 29, 2025, 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 minor amendment to the CLUDC pursuant to Gov. Code Section 65355.

3. On February 24, 2025, the City Council held a properly noticed public hearing to consider adoption of the minor amendment to the Inland Land Use and Development Code.
  4. The proposed ILUDC 2-25 amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City as it intends amendments to be consistent with recently adopted State laws; and
  5. The proposed amendment is consistent with the General Plan Policies and Programs, including Policy H-1.3 Secondary Dwelling Units; and any applicable specific plan; and
    - a. The proposed project is consistent with the land use designations of the Land Use Element of the General Plan because state law does not allow local jurisdictions to include the three units allowed through an ADU law in density calculations. Thus, while the amendments will allow "higher" residential densities, State law does not allow local jurisdictions to count these increases in density towards density limitations. Thus, density limitations do not need to be modified in the Land Use Element.
    - b. The proposed amendment is consistent with the following applicable General Plan policies: Policy LU-6.1, Policy PF-1.2, Policy PF-1.1, Policy PF-2.1, Policy CD-9.2, Policy H-1.3, Policy H-1.6, and Policy H-3.2.
  6. The proposed amendment is internally consistent with other applicable provisions of the Inland Land Use Development Code, including its Chapters 18.42, 18.71, 18.100, and others; and
  7. The proposed amendment is consistent with ILUDC standards, with the following State mandated exceptions:
    - a. Lot Coverage: As mandated by State law, housing units developed as a consequence of this ordinance must be exempt from lot coverage calculations if one 800 SF ADU cannot otherwise be constructed.
    - b. Setbacks: As mandated by State law, housing units developed as a consequence of this ordinance have an exception from the code requiring only 4-foot setbacks on the rear and side property lines. Additionally, front yard setbacks must be reduced if one 800 SF ADU cannot otherwise be constructed on a lot.
    - c. Parking and Traffic: In compliance with State law, the City Council may not require off-street parking for an ADU. In the case of a garage conversion to an ADU, the converted parking spaces do not have to be replaced.
    - d. Public Improvement Requirements. Under the amended code per State law, the City would not be able to require new sidewalks or other improvements required in Section 18.30.090 for ADUs.
  8. The project is exempt from CEQA, under Public Resources Code Section 21080.17 and State CEQA Guidelines Section 15282(h), adoption of an ordinance regarding ADU/JADUs in areas zoned to allow single-family or multifamily dwelling residential use by a city or county; and
  9. The documents and other material constituting the record for these proceedings are located at the Community Development Department; and
  10. The City finds, contrary to HCD's reviews of Fort Bragg's draft ordinance dated September 5, 2024 and November 12, 2024, that State Law:
    - a. Does not require the City to make JADU's available as vacation rentals. State
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law only prohibits detached ADU's from being used as vacation rentals but is silent on the regulation of JADUs as vacation rentals. The City has a blanket prohibition on vacation rentals in residential zoning districts to ensure the ongoing availability of housing for residents. All regulatory authority which is not explicitly denied to the local jurisdiction by the state, is retained by the local jurisdiction.

- b. Does not require the City to disallow ADUs located above garages. Garages are considered part of the primary dwelling unit (whether attached or detached), and therefore state law can be interpreted to allow ADU's on top of existing or proposed garages. The City has a network of alleys with access to garages from the alley, making ADU placement on top of garages results in good urban design and facilitates the retention of parking while allowing the construction of an ADU.

**Section 2. Based on the foregoing, the City Council hereby:**

*Amends Title 18.21.030 & 18.21.050 Land Use Tables as follows:*

*Amends 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	P	Permitted Use, Zoning Clearance required					
	MUP	Minor Use Permit required (see Section <a href="#">18.71.060</a> )					
	UP	Use Permit required (see Section <a href="#">18.71.060</a> )					
	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							
Duplex	P	P	P	P	P	P	<a href="#">18.42.170</a>
Single-family <del>Primary Residential</del> Unit	P	P	P	P	P	P	

*Amends 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	P	Permitted Use, Zoning Clearance required				
	MUP	Minor Use Permit required (see Section <a href="#">18.71.060</a> )				
	UP	Use Permit required (see Section <a href="#">18.71.060</a> )				
	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	
RESIDENTIAL USES						

Residential component mixed use project	P	P	P(2)	UP	UP	<a href="#">18.42.100</a>
<del>Primary</del> Single-Family Residential Unit	P(3)	--	P(4)	P(4)	--	
ADU/ <del>JADU</del>	P(5)	P(5)	P(5)	P(5)	P(5)	<a href="#">18.42.170</a>

- (4) Use permitted only for existing ~~non conforming single-family homes~~ structures that have the appearance of a ~~primary dwelling unit single-family home~~, per the Citywide Design Guidelines.
- (5) Use permitted only on parcels with an existing ~~non-conforming~~ single family primary unit or existing/proposed multifamily development, and only in compliance with § 18.42.170.
- (6) Use permitted only on parcels within an existing non-conforming single-family home and only in compliance with § 18.42.170.

*Amends Table 2-4 to clarify that a duplex would be allowed in lieu of a single-family residential unit:*

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 <del>single-family home dwelling unit</del> or one duplex per parcel; or 1 <del>single-family home dwelling unit</del> , and one converted ADU, and one detached or attached ADU, and one JADU, where allowed by <a href="#">18.42.170</a> .		

### **Section 3. 18.42.180 Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU)**

*Chapter 18.42.180 is hereby repealed and replaced in its entirety as follows:*

**Purpose.** This Section establishes standards for ~~two types of residential second units:~~ accessory dwelling units (ADU); and junior accessory dwelling units (JADU), where allowed by Article 2 (Zoning Districts and Allowable Land Uses) and in compliance with California Government Code ~~65852-65853.13~~. (66310--66342).

- “Accessory Dwelling Unit” means an attached, detached or converted 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 a proposed or existing~~ single-family residential unit or multifamily dwelling structure. An “Accessory Dwelling Unit” also includes the following: an efficiency unit or 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-family residential unit, including an attached garage. A JADU shall include permanent provisions for living, sleeping, eating and cooking. ~~and sanitation~~ (Sanitation facilities may be separate or may be shared with the primary unit).
- “Multi-Family Housing.” For purposes of this Section only, a dwelling unit is the part of a structure that contains two or more other dwelling units. Multi-family dwellings include duplexes, triplexes, fourplexes (buildings under one ownership with three, or more dwelling units in the same structure); apartments (five or more units under one ownership in a single building); and townhouse developments (three or more attached dwellings where no unit is

located over another unit), and other building types containing multiple dwelling units (for example, courtyard housing, rowhouses, stacked flats, etc.).

~~A ADU/JADU that does not comply with this section is subject to the standards of 18.42.185—Two Unit Development or the Zoning District or Article 3 Site Planning and Project Design Standards.~~

**A. Review & Approval Process.**

1. **Deemed Approved.** An application for the creation of an ADU or JADU shall be deemed approved ~~either~~ (not just subject to Ministerial Approval) if the City has not acted on the completed application within 60 days ~~or at the time of approval of the new Single-Family Home on the parcel. (65852-2a3).~~
2. **Ministerial Approval.** Ministerial approval is required for an ADU and/or JADU on parcels located in all residential and commercial zoning districts. ~~The City of Fort Bragg shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit (attached, detached, conversion, JADU, or ADUs that are requested as part of a planned or existing multifamily project) that meets the requirements of this section.~~
3. **Demolition Permits.** The demolition permit for a detached garage that is to be replaced with an ADU shall be reviewed and issued ~~prior to or~~ at the same time as the building permit for ADU.

**B. Location, Number & Size of Units.** ADUs in compliance with this section ~~or California Government Code 65852-65853.13~~ shall be allowed as follows:

1. On a lot with an existing or proposed single-family residential unit:
  - a. One JADU constructed within an existing or proposed single residential unit, which complies with the requirements of 18.42.170 (K)(3); and/or
  - b. One new ~~attached or detached~~ ADU, that complies with the requirements of 18.42.170 (K) (1 or 2); ~~and/or~~
  - c. ~~One Conversion ADU that is within the proposed or existing space of a single-family dwelling, attached garage or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress. The space has exterior access from the proposed or existing single-family dwelling and the side and rear setbacks are sufficient for fire and safety.~~
2. On a lot with an existing multifamily dwelling:
  - a. **Interior ADUs.** ADUs may be constructed in areas that are not used as livable space within an existing multifamily attached or detached 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 25% of the current number of units of the multifamily complex on the lot and at least ~~1 two~~ such units shall be allowed. Units constructed pursuant to this Subsection shall not exceed ~~1,200~~ 50% of the floor area of the median unit size in the multifamily project ~~floor area~~; and
  - b. **Detached ADUs.** ~~Up to 1 additional detached ADUs may be constructed, provided they are no taller than 16-18 feet, and they have at least 4 feet of side and rear yard setbacks.~~
    - i. ~~On a lot with an existing multifamily dwelling, a maximum of eight detached accessory dwelling units; however, the total number of ADUs shall not exceed the number of existing units on the lot.~~
    - ii. ~~On a lot with a proposed multifamily dwelling, not more than two detached accessory dwelling units.~~
  - c. **Condominiums.** ADU and JADUs are permitted within condominiums as rentals or homeowner-occupied units, ~~however, no less than 25% of all ADUs in condominiums must be rented.~~

**C. Conversion of Accessory Structures or Existing Living Area to ADUs.** The conversion of a pre-existing ~~(pre-existing prior to the date of the adoption of the ordinance)~~ accessory structure (garage, barn, shed, etc.) or portion of an existing

accessory structure or living area (within a single or multi-family unit) to an ADU is not subject to size limits, setback or height limitations of this ordinance. ~~ADUs proposed for accessory structures that are expanded in size by more than 150-SF are subject to the size limitations of this ordinance.~~

- D. **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.
- E. **Lot Size.** There is no minimum lot size for ADUs ~~and~~ or JADUs.
- F. **Lot Coverage.** Projects are required to conform to Lot Coverage requirements for their zoning district unless lot coverage requirements do not allow at least one 800-square-foot ~~ADU/JADU~~, in which case the lot coverage requirement shall be waived. ~~Detached, new construction ADUs on multifamily properties are not subject to the lot coverage requirement. Conversion ADUs on single-family properties may include a 150 square foot addition in order to facilitate ingress and this expansion is exempt from the lot coverage requirement.~~
- G. **Timing.** An ADU may be constructed ~~before~~, with or after the primary dwelling unit(s). ~~The primary dwelling must receive a certificate of occupancy prior to the ADU.~~ In addition, an existing dwelling that complies with the standards for ~~an ADU second-unit~~ in Subsection (K) of this Section may be considered ~~an ADU second-unit~~, and a new primary unit may be constructed.
- H. **Sale of ADUs ~~JADUs~~.** The separate sale or conveyance of an ADU as a tenancy in common (TIC) is permitted if: 1) both the primary unit and the ADU were built or developed by a qualified non-profit whose mission is to provide housing units to low-income households; 2) an enforceable restriction is placed on the property between the low-income buyer and the non-profit that satisfies the requirements of Section 402.1 of the Revenue and tax code; and ~~3) the property is held as a tenants in common that includes all the requirements of Section 66341 of the government code. Additionally, the ADU shall have separate water, sewer, and electrical utility connections. 3) the entire property is subject to affordability restrictions to assure that the ADU and the primary dwelling unit are preserved for low-income housing for 45 years.~~
- I. **Short-term Rentals Prohibited.** Accessory dwelling units and JADUs shall not be rented for periods of less than 31 days.
- J. **Deed Restriction.** Prior to the issuance of a building permit for an ~~JADU~~, the owner shall record a deed restriction in a form approved by the City that includes: 1) a prohibition on the sale of the ~~JADU~~ separate from the sale of the primary residential unit ~~(except in the case of H above or Urban Lot Split (18.84.045); and 2) a prohibition on short-term rentals, and: 3) in the case of a JADU~~ restricts the size and attributes of the ~~JADU~~ to conformance with this section 66333 of the Government Code.
- K. **ADU/JADU Standards.**
1. **Exceptions to Accommodate at least one 800 SF ADU ~~and one JADU~~.** The Community Development Director shall modify or eliminate objective development standards if they prevent the construction of ~~a JADU and/or~~ an ADU of at least 800 square feet in size, ~~and 16 feet in height with 4-foot setbacks on any lot. Objective development standards shall be modified with the following to be considered last to allow an 800-SF unit: changes to parking requirements, front setbacks, and/or height limits.~~
  2. **Accessory Dwelling Unit.** An ADU shall comply with the following standards:
    - a. **Location.** An ADU may be located on the front, the back, or the side of a parcel and it may be larger or smaller than the primary single-family residential unit so long as it complies with the size limitations of this code. An ADU can be (i) a remodeled portion of a primary dwelling unit; (ii) attached to a primary dwelling unit; (iii) one of the units of a duplex (iv) a detached unit ~~or~~ (v) located in a converted Accessory Structure such



as a shop or garage or (vi) one of the units of a multifamily structure.

- b. **Height limit.** A detached ADU shall be limited to a maximum height as follows: ~~of 16 feet.~~
    - i. A height of 16 feet for a detached ADU on a lot with an existing or proposed single family dwelling unit. An additional two feet in height is permissible to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
    - ii. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
    - iii. A height of 18 feet for a detached ADU on a lot with an existing or proposed multifamily dwelling. An additional two feet in height is permissible to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
    - vi. A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a single-family or multifamily dwelling.
    - v. ADUs are also permitted over a garage and are limited to 28 ft in height.
  - c. **Setbacks.** An ADU shall have a minimum rear and side setback of 4 feet unless the ~~second-unit~~ ADU is located in a nonconforming structure as defined by § 18.90.020. 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, or for expansions of existing structures that have less than a four-foot rear or side yard setback ~~so long as the expansion conforms with the existing structure's existing setback and~~ are sufficient for fire and safety based on the requirement of the California Building Code and type of construction. Front yard setbacks are defined in 18.22, however, a reduced front setback is required if the applicant is precluded by the strict application of the setback requirements from building at least one 800 SF ADU on the property.
  - d. **Maximum floor area.** The maximum floor area of a detached ADU shall not exceed 1,200 square feet and the maximum floor area for an attached ADU shall be 50% of the existing primary dwelling unit. The conversion of an existing structure to an ADU shall not be limited in size so long as it is enclosed within the existing structure.
  - e. **Separate entrance required.** An attached ADU shall have an entrance separate from the entrance to the primary dwelling.
  - f. **Building code compliance.** Fire sprinklers shall not be required if they are not required for the primary residence. ~~Construction of an ADU shall not trigger the requirement for fire sprinklers in the primary dwelling.~~
3. **Junior Accessory Dwelling Unit.** A JADU shall comply with the following standards:
- a. **Location.** JADUs may be located in an attached garage or within the walls of the primary dwelling. JADUs are allowed to share bathroom facilities with the primary dwelling. JADUs are not permitted in detached accessory structures or ADUs.
  - b. **Maximum floor area.** The living space shall not exceed 500 square feet in size and shall be contained entirely within the walls of an existing or proposed single residential unit.
  - c. **Separate entrance required.** A JADU shall have a separate entrance from the main entrance to the primary residence. ~~If a JADU unit does not include a separate bathroom, the ADU shall also include an interior entry to the main living area of the single-family unit.~~
  - d. **Efficiency kitchen.** A JADU shall include an efficiency kitchen with cooking appliances, a food preparation counter, and storage cabinets reasonably sized in relation to the unit.
  - e. **Fire protection.** ~~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.~~ For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling
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unit.

- f. **Utility service.** For the purpose of providing service for water, sewer, or power, a JADU unit shall not be considered a separate or new unit and shall not require separate connections or fee., ~~unless the JADU was constructed in conjunction with a new single residential unit.~~
- g. **Owner occupancy.** Owner-occupancy of either the remaining portion of the single-family home of the JADU is required unless the JADU is created by a governmental agency, land trust or housing organization.

L. **Building Code Compliance.** The construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the building official makes a written finding based on substantial evidence in the record that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety. The City may change the occupancy code of a space that was uninhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this section.

M. **Parking Requirements**

- 1. **ADU/JADU Parking Exemptions & Requirements:** No on-site parking is required. On-site parking is permitted within rear and side yard setbacks or through tandem parking, unless findings are made that parking in setbacks or tandem parking is not feasible based upon specific topographical or fire and life safety conditions.
- 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 or converted in conjunction with the construction of an ADU or JADU.

~~N. **Solar Requirements.** New, non-manufactured, detached ADUs shall install solar in compliance with the California Building Code. No other ADUs are subject to the Building Code's solar requirements.~~

O. **No Capacity or Impact Fees.** JADUs are exempt from paying capacity or impact fees. ADUs of ~~less than~~ 750 SF or less and ADUs of any size created from the conversion of a portion of a single-family home are exempt from paying capacity and impact fees. Other ADU types (detached, new attached, detached conversion) that are greater than 750 SF shall pay a prorated share of the capacity and impact fees.

P. **No off-site Improvements.** No physical improvements, such as installation of sidewalks or off-site drainage improvements, shall be required for the creation or conversion of an ADU or JADU.

Q. **No Correction of Nonconforming Zoning Conditions.** The City shall not deny an application for a permit for an ADU nor require an applicant ~~shall not be required~~ to correct existing non-conforming zoning or building code violations or obtain permits for unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit (Section 17920.3 of the Health and Safety Code) ~~conditions~~ as part of the creation or conversion of an ADU or JADU.

R. **Non-Conforming ADUs.** An existing substandard ADU or JADU shall have five years to correct a violation so long as the violation is not a health and safety issue as determined by the Building Department.

- 1. The City shall not deny a permit for an unpermitted ADU or JADU that was constructed before January 1, 2020, if the ADU/JADU is: 1) in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code; or 2) Article 2 or Article 2 and Article 3 (Government Code Sections 66314-66339), as applicable, or any local ordinance regulating accessory dwelling units or junior accessory dwelling units.
- 2. A homeowner applying for a permit for a previously unpermitted accessory dwelling unit or junior accessory dwelling unit constructed before January 1, 2020, shall not be required to pay impact fees or connection or

capacity charges except when utility infrastructure is required to comply with Section 17920.3 of the Health and Safety Code.

3. Upon receiving an application to permit a previously unpermitted ADU or JADU, constructed before January 1, 2020, a building inspector shall inspect the unit for compliance with health and safety standards and provide recommendations to comply with health and safety standards necessary to obtain a permit. If the inspector finds noncompliance with health and safety standards (per Section 17920.3 of the Health and Safety Code), the local agency shall not penalize an applicant for having the unpermitted ADU or JADU and shall approve necessary permits to correct noncompliance with health and safety standards.

- S. **Restrictive Covenants Void.** ADUs and JADUs shall be allowed on all parcels regardless of ~~any~~ covenants, conditions or restrictions ~~that have been placed on the property; such restrictions are void and unenforceable as enumerated in Civil Code 4751.~~

#### **Section 4. 18.71.050 Design Review Amendment**

*Chapter 18.71.050 is hereby amended as follows:*

2. **Improvements are subject to Design Review by the Director.** The following improvements shall be subject to Design Review by the Director, except when in conjunction with a development project. If in conjunction with a development project, each of the following shall be subject to review and approval by the Commission:

- a. ~~The construction or rehabilitation/remodeling of a secondary dwelling unit or duplex;~~
- b. The construction or rehabilitation/remodeling/addition of any detached accessory structure or garage that exceeds 16 feet in height.
- c. Removal of natural ground cover, trees, or vegetation;
- d. Installation of a fence, wall, or retaining wall visible from a public right-of-way;
- e. Landscaping including vegetation, irrigation systems, and low-level lighting;
- f. Signs included with plans for any project listed above, and that do not require Commission review; or
- g. Exterior lighting.

3. **Improvements exempt from Design Review.** The following improvements are exempt from Design Review:

- a. ~~The construction or rehabilitation/remodeling of any ADU, JADU or duplex;~~
- b. One single-family dwelling on a single parcel, including any related accessory structures;
- c. Structural improvements not visible from a public right-of-way;
- d. Signs in compliance with Chapter [18.38](#) (Signs), and which are to be located on an existing structure, or as approved under another development permit;
- e. Work determined by the Director to be minor or incidental within the intent and objectives of this Section; and
- f. Ordinary maintenance and repair of structures.

#### **Section 5. 18.100 Definitions Amendments**

*Chapter 18.100 is hereby amended as follows:*

*Revise the following definitions:*

**Accessory Dwelling Unit.** ~~See definition in Section 18.42.180. Can be an attached, detached, or converted residential dwelling unit of less than 1,200 sf that provides complete independent living facilities for 1 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 structure is or will be situated. An "accessory dwelling unit" also includes~~

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~~the following: (A) an efficiency unit; and (B) a manufactured home, as defined in Section 18007 of the Health and Safety Code, and (C) a tiny home as defined in 18.42.175.~~

**Junior accessory dwelling unit.** ~~See definition in Section 18.42.180. Is a living space of not more than 500 square feet in size and contained entirely within the walls of a primary 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.~~

**Multi-Family Housing.** A dwelling unit that is part of a structure containing three or more other dwelling units, ~~or a non-residential use. An example of the latter is a mixed-use project where, for example, one or more dwelling units are part of a structure that also contains one or more commercial uses (retail, office, etc.).~~ Multi-family dwellings include ~~duplexes, triplexes, fourplexes~~ (buildings under one ownership with three, or more dwelling units in the same structure); apartments (five or more units under one ownership in a single building); and townhouse developments (three or more attached dwellings where no unit is located over another unit), and other building types containing multiple dwelling units (for example, courtyard housing, rowhouses, stacked flats, etc.). ~~Please see definition of Multifamily Structure in Section 18.42.180 regarding ADU's as part of a multifamily structure.~~

**Primary Single-Family Residential Unit.** A house that is occupied and designed with one overall living area for one group of people with one kitchen. Also includes factory-built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundation systems.

**Residential Accessory Use or Structure.** Any use and/or structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following detached accessory structures and other similar structures normally associated with a residential use of property. See also "Agricultural Accessory Structure."

garages	studios
gazebos	swimming pools
greenhouses (non-commercial)	tennis and other on-site sports courts
spas and hot tubs	workshops
storage sheds	

Also includes the indoor storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, and accessory to residential use. Does not include: ~~ADU/JADUs, or Accessory Dwelling Units~~, which are separately defined; guest houses, ~~which are included under the definition of ADU/JADUs~~; or home satellite dish and other receiving antennas for earth-based TV and radio broadcasts (see "Telecommunications Facilities").

**Second Unit/Carriage House/Duplex.** See definition in Section 18.42.180.

**Single Family Dwelling.** ~~See Primary Residential Unit.~~ A building designed for and/or occupied exclusively by one family. Also includes factory-built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundation systems.

**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

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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 \_\_\_\_\_ at a regular meeting of the City Council of the City of Fort Bragg held on \_\_\_\_\_, and adopted at a regular meeting of the City of Fort Bragg held on February 24, 2025 by the following vote:**

**AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSE:**

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**Jason Godeke, Mayor**

**ATTEST:**

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**Amber Weaver, Acting City Clerk**

**PUBLISH: 2025 and 2025 (by summary).  
EFFECTIVE DATE: 2025.**