

ORDINANCE NO. 585

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
ANNOUNCING FINDINGS AND ADOPTING AMENDMENTS TO TITLE 17
OF THE MUNICIPAL CODE TO ESTABLISH PROVISIONS FOR MINISTERIAL
REVIEW OF SECONDARY DWELLING UNITS AND GUESTHOUSES IN
RESIDENTIAL ZONES WHERE SINGLE-FAMILY HOMES ARE A PERMITTED USE**

THE CITY COUNCIL
City of Morro Bay, California

Case No. A00-013 (Local Coastal Plan/Zoning Ordinance Amendment)

WHEREAS, it is the purpose of the Zoning Ordinance of the City of Morro Bay to establish a precise and detailed plan for the use of land in the City based on the General Plan; and

WHEREAS, it is important to have clear, consistent, and easy to use and interpret regulations within the Zoning Ordinance; and

WHEREAS, California Government Code §65852.2 requires cities to establish standards to allow for ministerial secondary dwelling units so as to increase the supply of smaller, affordable housing while ensuring that they remain compatible with the existing neighborhood; and

WHEREAS, the proposed amendments meet the intent of State Law by providing for an option to build a secondary dwelling unit or guest house in residential zones that permit single family dwellings and have no more than one single family home existing on the property; and

WHEREAS, on December 7, 2011, after a duly noticed PUBLIC HEARING, the Planning Commission of the City of Morro Bay did forward a recommendation, by adoption of Planning Commission Resolution No. 01-11 that the City Council amend Title 17 (Zoning Ordinance) to comply with the Government Code §65852.2; and

WHEREAS, on March 13, 2012, the City Council of the City of Morro Bay did hold a duly noticed PUBLIC HEARING to consider the amendment regulating Secondary Units and Guesthouses as contained in Ordinance 576; and

WHEREAS, on October 16, 2013, the Planning Commission of the City of Morro Bay, after a duly noticed PUBLIC HEARING, did reconsider zoning code amendments in Ordinance 576 and did forward a recommendation by motion the City Council amend Title 17 (Zoning Ordinance) to comply with the Government Code §65852.2; and

WHEREAS, on April 22, 2014, the City Council of the City of Morro Bay did hold a duly noticed PUBLIC HEARING to consider the amendment regulating Secondary Units and Guesthouses as contained in attached Exhibit "A;" and

WHEREAS, the City Council finds a Negative Declaration was prepared to evaluate the environmental impacts of this Ordinance, and determined no significant impacts would result from the adoption of this Ordinances; and

WHEREAS, following the PUBLIC HEARING, and upon consideration of the testimony of all persons, both written and oral, the City Council accepted the Planning Commission recommendation and approved the amendment.

NOW, THEREFORE, the City Council of the City of Morro Bay does ordain, as follows:

SECTION 1: The City Council finds:

1. The above recitations are true and correct and constitute the findings of the Council in this matter.
2. The Zoning Ordinance Amendment proposal is consistent with the Government Code §65852.2 and includes similar language, which was previously in effect.
3. The previous amendments to the City's Zoning Ordinance, adopted by Ordinance 576, did not reflect the values of the community.
4. The proposed Zoning Ordinance Amendments will not be injurious or detrimental to the health, safety, comfort, general welfare or well-being of the persons residing or working in the neighborhood.
5. The proposed amendment is in general conformance with the City's General Plan and Local Coastal Plan.
6. The Local Coastal Program Implementation Program (Zoning Ordinance) Amendments are in compliance with the intent, objectives, and all applicable policies and provisions of the California Coastal Act; and
7. Pursuant to Morro Bay Municipal Code Section 17.64.080, no amendment to Title 17 shall be legally effective in the coastal zone until the amendment is certified by the Coastal Commission. If the Coastal Commission certifies this Ordinance conditioned on substantive changes being made, then the Council will introduce and adopt another ordinance to incorporate those substantive changes. If the Coastal Commission certifies this Ordinance conditioned on non-substantive changes being made to this Ordinance, then the City Clerk is authorized to amend this Ordinance to reflect those non-substantive changes.

SECTION 2: The City Council hereby repeals Ordinance 507 and Ordinance 576.


SECTION 3: Based upon all the foregoing, Title 17 of Morro Bay Municipal Code (Zoning Ordinance) is amended as contained in Exhibit "A," attached hereto and made a part of this Ordinance:

INTRODUCED at the regular meeting of the City Council held on the 22nd day of April 2014, by motion of Councilmember Christine Johnson and seconded by Mayor Irons.


PASSED, APPROVED, AND ADOPTED, by the City Council of the City of Morro Bay, on the 13th day May, 2014 by the following vote to wit:

AYES: Irons, C. Johnson, Smukler
NOES: N. Johnson, Leage
ABSTAIN: None
ABSENT: None

ATTEST:

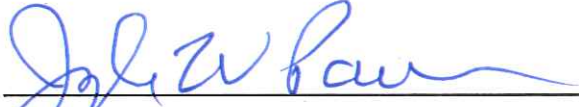


Jamie L. Irons, Mayor
City of Morro Bay



Jamie Boucher, City Clerk
City of Morro Bay

APPROVED AS TO FORM:



Joseph W. Pannone
City Attorney

EXHIBIT A

*The changes to the City's secondary dwelling unit ordinance (Title 17), and Local Coastal Program are shown in underline for additions, while ~~strikethrough~~ indicates deletions. **Bold** represents Planning Commission recommendations made at their October 16, 2013 meeting.*

CHAPTER 17.12 DEFINITIONS

Delete Section 17.12.295, definition for "Granny Unit", and replace with:

~~17.12.295~~ ~~GRANNY UNIT~~

~~"Granny Unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons (accessory to a single family residence in specific zones permitting such use). It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the single-family dwelling.~~

17.12.295 Secondary Dwelling Unit.

"Secondary dwelling unit" means an attached, ~~or~~ detached or located within the residential dwelling unit, which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary dwelling. This term also means "second unit" for the purposes of Sections 65852.150 and 65852.2 of the California Government Code.

(*In general, replace all references in the Zoning Ordinance to "granny unit" with "secondary dwelling unit". This includes references in Chapter 17.44, Parking and Chapter 17.24, Primary Districts (discussed below).)

CHAPTER 17.24 PRIMARY DISTRICTS

The following changes apply to areas zoned for single-family and multi-family use, including the AG, RA, R-1, R-2, R-3, R-4, and CRR districts.

- Allow, by-right, secondary dwelling units that meet the applicable standards in Section 17.48.320
- Delete references to "granny unit".

17.48.315 GUESTHOUSES/QUARTERS AND ACCESSORY LIVING AREAS

Where provided by this Title, guesthouses/quarters and habitable structures for accessory living area may be permitted in conjunction with a dwelling unit, subject to these further requirements:

A. Guesthouse Restrictions

A guesthouse shall not contain more than six hundred forty (640) square feet of habitable floor area containing not more than one bedroom and bathroom nor shall it exceed thirty (30) percent of the floor area of the main residence, and no cooking or food preparation or food storage facilities shall be provided.

B. Use Permit Requirements

~~A guesthouse may be permitted only after obtaining a Minor Use Permit pursuant to Chapter 17.60. In all cases, the Director shall require the recordation of a deed restriction limiting the use to guest purposes only and prohibiting its rental or occupation as a second unit. Such deed restriction shall be subject to the approval of the City Attorney. (Ord. 288 Exh. B (part), 1986; Ord. 263 § 1 (part), 1984)~~

B. Location. Guesthouses may be established on any lot in any R or AG district where a primary single-family dwelling has been previously established or is proposed to be established in conjunction with construction of a guesthouse. Only one-guesthouse or secondary unit is permitted per one primary single-family dwelling on the same lot.

17.48.320 GRANNY SECONDARY UNITS

The purpose of this Section is to provide affordable low- and moderate-income housing. Pursuant to Government Code Section 65852.2, in zones where designated, a permit may be granted allowing a granny second unit on lots where there is one single-family residence, subject to the following provisions: The following supplemental regulations are intended to comply with Government Code Sections 65852.150 and 65852.2 on secondary units and implement the General Plan, by allowing secondary units in all R districts subject to the following requirements. Nothing in Government Code Sections 65852.2 or 65852.150 shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act except that the local government shall not be required to hold public hearings for coastal development permit applications for secondary units.” (Government Code Subsection 65852.2(j).) Noticing for interested parties and those properties within 100 feet of a secondary unit property will be required. Approvals of secondary units in the appealable zone will continue to be appealable to the Coastal Commission.

A. Minor Use Permit and Deed Restriction Required

~~A granny second unit may be permitted only after obtaining a Minor Use Permit pursuant to Chapter 17.60. A deed restriction in a form approved by the City Attorney shall be recorded limiting the use of said real property to residential purposes only.~~

A.B. Location

Said unit may be located, as an accessory use, on any R lot zoned for single-family or multi-family uses in accordance with the District Tables in Chapter 17.24 where a primary residential use has been previously established or proposed to be established in conjunction with said unit. Only one secondary unit or one guesthouse is permitted per one primary single-family dwelling on the same lot. The secondary unit shall be allowed on any lot zoned AG, if the secondary unit is expressly designated and used for farm laborer quarters.

B.C. Lot Coverage

Maximum lot coverage shall be as allowed for the Zoning District that in which they are located in.

C.D. Design

Said unit shall be consistent with the architectural style of the main residence and the neighborhood, and shall be located on the same lot as the primary residence. The unit shall be consistent and/or reasonably compatible with the architectural style of the main residence and the neighborhood, and shall be located on the same lot as the primary residence.

D.E. Size

The total floor area, not including a garage, for a granny second unit shall not exceed 1,200 square feet. The total floor area, not including a garage, for a detached secondary unit shall not exceed the lesser of 900 square feet, as per State guidelines, or fifty percent of the square-footage of the existing single-family dwelling on the same lot, except as provided below. The increased floor area of an attached secondary unit shall not be permitted to thirty percent of the existing living area. Up to 1,200 square feet may be allowed with a Conditional Use Permit pursuant to Chapter 17.60.

E. Parking

A minimum of one additional parking space per bedroom, not to exceed two spaces, shall be provided. The parking spaces can be open and uncovered, however may not be in tandem with the required parking of the principal dwelling unit but can be located in setback areas and in tandem if both spaces are for the secondary unit and where more than one space is required for a secondary unit, tandem spaces shall only be allowed with a Conditional Use Permit pursuant to Chapter 17.60. The principal dwelling unit must conform to the parking requirements of Chapter 17.44 "Off-Street Parking and Loading." Off-street parking shall be permitted in setback areas or through tandem parking, unless the following specific findings are made:

1. That parking in setback areas or tandem parking is not feasible based upon specific site topography constraints or adverse fire and life safety conditions;
or
2. That it is not permitted anywhere else in the City.

F. Parking. One additional parking space shall be provided for each second unit with one bedroom and two additional parking spaces shall be provided for units with two or more bedrooms. (not including bathrooms and kitchens). The parking first space must be covered while the second space can be open and

uncovered, however neither may be in tandem with required parking of the principal dwelling unit or secondary unit, and cannot be located in the front or street side setback area. The principal dwelling unit must conform to the parking requirements of Chapter 17.244: Off-Street Parking and Loading.

G. ~~Water Equivalencies and Other Public Facilities~~

~~The developer shall obtain and/or pay for all applicable water equivalency and other public facility improvements at the standard set for an apartment unit prior to issuance of a building permit, but will not be subject to a residential unit allocation under the provisions of Measure F.~~

F. Compliance with Title 14 and applicable provisions of Title 17

A secondary unit shall be in conformance with all applicable provisions of Title 14 of the Morro Bay Municipal Code in addition to the applicable requirements for height, setback, lot coverage, etc. pursuant to the provisions of Chapter 17.24.

17.24.030 Suburban Residential (RA) District Table

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
Single-family dwelling.	No	25 ft. (no wall may exceed 30 ft.)	20,000 sq. ft.	20,000 sq. ft.	20 ft.	10 ft. garage entrance 20ft..	10% of ave. with 10 ft maximum requirement	20% of the depth of the lot with 20 ft. maximum	35% minimum permeable surface	45%
Crop and tree farming; viticulture; farming and if one acre or more grazing, of not more than two (2) cattle or horses per acre or not more than four (4) sheep or goats per acre.										
Rabbit and chicken ranching involving not more than twelve (12) animals										
Expressly prohibited: commercial dairies and kennels;										
Accessory uses and buildings normally incidental to other permitted uses but not including commercial uses, and located in accordance with Title 7; home occupations										
Guest house (no kitchen) *pursuant to 17.48.315 regulations or Secondary Unit pursuant to 17.48.320 regulations.	Minor-Use Permit *No	25 ft. (no wall may exceed 30 ft.)	N/A	1 per lot in conjunction	20 ft.	10 ft.	10 %	20%	35% minimum permeable surface	45%
Temporary Produce Stands							10% of ave. width with 10 ft. maximum requirement	20% of the depth of the lot with 20 ft. maximum		
Additional Residences for Agricultural Employees	Yes		10 acres							
Equestrian Boarding										
Special Use Permits pursuant to 17.30	Yes									
Antennas and Wireless										

Refer to Chapter 7.16 for animal keeping setbacks

Not permitted within 100' of residential structure or adjacent residentially zoned property

Per CUP

17.24.040 Single family Residential (R-1) District Table

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
One single-family dwelling	No	25 ft. (No wall may exceed 30 ft.)	Refer to subdivision regulations for sizes for new lots	1/lot or pursuant to Section 17.24.040	20 ft.	20% of ave. width of lot with 10 ft. maximum and 5 ft. minimum	10% of ave. width of lot with 5 ft. maximum and 3 ft. minimum	10% if ave. depth of lot with 10 ft. maximum and 6 ft. minimum	N/A	45%
Home occupations: structures and uses (include, home oc.) normally incidental to primary use	Minor-Use Permit *NO	25 ft.	N/A	1 unit per lot in conjunction with a primary unit	20 ft.	20% of ave.	10% of ave.	10% of ave.	N/A	45%
Guest house (no kitchen) *pursuant to 17.48.315 regulations or Secondary Unit pursuant to 17.48.320 regulations.	Yes		1 per CUP	5,000 sq. ft. or per overlay zone					Plan required 20% min. permeable surface area	
Community housing project	Yes									
Special Use Permits pursuant to 17.30	Yes			PER	CUP					

17.24.050 Duplex Residential (R-2) District Table

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
All principally permitted uses in the R-1 district.	No	25 ft.	Refer to Subdivision regulations for sizes for new lots	2,900 sq. ft.	20 ft.	20% of ave. width of lot with 10 ft. maximum and 5 ft. minimum Garage entrance 20ft.	10% of ave. width of lot with 5 ft. maximum and 3 ft. minimum	5 ft.	N/A	50 %
Duplexes (single structure); second single family dwellings	Minor-Use-Permit *No	25 ft.								
Home occupations; structures and uses normally incidental to primary use										
Guest house (no kitchen) *pursuant to 17.48.315 regulations or Secondary Unit pursuant to 17.48.320 regulations.										
Apartment units/Bed and Breakfast	Yes									
Community Housing projects										
Mobile home parks and other permitted uses as stated in Section 17.40.060										
Parking lots-only to serve residential uses									Plan required 15% minimum permeable surface	
Special Use Permits pursuant to 17.30	Yes									

Per CUP

Per CUP

17.24.060 Multiple Family Residential (R-3) District Table

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
All principally permitted uses in the R-1 and R-2 districts.	No	25 ft.	Refer to Subdivision Regulations for sizes for new lots	2,175 sq. ft.	15 ft. Garage entrance 20 ft.	20% of ave. width of lot with 10 ft. maximum and 5 ft. minimum Garage entrance 20ft.	5 ft.	5 ft. except where abuts an R-1 or R-2 zone, in which case the R-1 criteria applies	N/A Plan required 15% minimum permeable surface	60%
Home occupations: structures and uses normally incidental to primary use										
Apartment units	Minor Use-Permit *No	25 ft.								
Guest house (no kitchen) *pursuant to 17.48.315 regulations or Secondary Unit pursuant to 17.48.320 regulations.										
Rooming and boarding house: bed and breakfast establishment	Yes									
Community Housing project			6,000 sq.ft.	2,900 sq. ft.						
Parking Lot			3 acres	N/A						
Mobile home park			3 acres	2,900 sq. ft.					Plan required 15% minimum permeable surface	
Special Use Permits pursuant to 17.30	Yes		Per	CUP						

17.24.070 Multiple Residential (R-4) District Table

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
All principally permitted uses listed in the R-1, R-2, and R-3 districts.	No	30 ft.	Refer to Subdivision	1,800 sq. ft.	15 ft./ Garage entrance 20 ft.	20% of ave. width of lot with 15 ft. maximum and 10 ft. minimum Garage entrance 20 ft.	5 ft.	5 ft. except where abuts an R-1 or R-2 zone, in which case the R-1 criteria applies	N/A	60%
Home occupations; structures and uses normally incidental to primary uses			Regulations for sizes for new lots						Plans required N/A	60%
Apartment units	Minor-Use Permit *No	30 ft.		1 unit per lot in conjunction with a primary unit	15 ft./ Garage entrance 20 ft.	20% of ave. width of lot with 15 ft. maximum and 10 ft. minimum Garage entrance 20 ft.	5 ft.	5 ft. except where abuts an R-1 or R-2 zone, in which case the R-1 criteria applies	permeable surface	
Guest house (no kitchen) *pursuant to 17.48.315 regulations or Secondary Unit pursuant to 17.48.320 regulations.										
Community housing project										
Rest home; rooming and boarding houses	Yes		6,000 sq. ft.	750 sq. ft.						
Hotel and Motel; Bed and Breakfast establishment				2,900 sq. ft.						
Mobile Home Park			3 acres							
Commercial uses and services, including but not limited to newsstands, gifts and notions, coffee shops, self service laundries, and bike rental, which are normally incidental to hotels, motels and mobile home parks, if such uses are provided without direct access to a public street										
Parking lots										
Professional, governmental and general business offices which do not engage in retail sales on the premises										
Special Use Permits pursuant to 17.30	Yes		Per	CUP						

17.24.080 Coastal Resource Residential (CRR) District Table

Unless otherwise designated, the following uses or other uses which are found to be similar and consistent with the General Plan and Local Coastal Plan may be allowed with the appropriate permits and licenses.	Conditional Use Permit Required.	Maximum Building Height	Minimum Building Site Area	Minimum Lot Area Per Unit	Minimum Front Yard Setback	Minimum Side Yard Setback (Exterior Yard)	Minimum Side Yard Setback (Interior Yard)	Minimum Rear Yard Setback	Landscaping	Maximum Lot Coverage
One single-family dwelling Structures and uses normally incidental to the primary use; home occupation	No	14 ft./ 25 ft. (refer to special standards)	20,000 sq. ft. If cluster development 6,000 sq. ft. interior & 7,000 sq. ft. corner. (Refer to Cluster Requirements)	1 unit per lot	20 ft. (In addition garage shall be 20 ft. from sidewalk).	10 ft.	10% of the width of the lot with 6 ft minimum	10 ft. from property lines and from designated view corridor lines.		30% If clustered: Refer to Cluster Requirements
Guest house (no kitchen) *pursuant to 17.48.315 regulations	Minor-Use Permit *No	14 ft./ 25 ft. (refer to special standards)		1 unit per lot in conjunction with a primary unit on the same lot	20 ft. (In addition garage shall be 20 ft. from sidewalk).	10 ft.	10% of the width of the lot with 6 ft minimum	10 ft. from property lines and from designated view corridor lines.	Plan required	30% If clustered: Refer to Cluster Requirements
Granny Secondary dwelling units are specifically prohibited.										