

ORDINANCE NO. 578

**AN ORDINANCE AMENDING CHAPTER 18.14 OF TITLE 18 OF THE
LINDSAY MUNICIPAL CODE, REMOVING AND ADDING
PROCEDURES FOR ACCESSORY DWELLING UNITS**

THE CITY COUNCIL OF THE CITY OF LINDSAY DOES ORDAIN AS FOLLOWS:

Section 1. PURPOSE. The ordinance intends to provide standards by which the city shall evaluate building permit applications for permitted accessory dwelling units.

Section 2. CODE AMENDMENT. Lindsay Zoning Code Section 18.14.060 of Title 18 is hereby amended to read as follows (the original text of Section 18.14.060, shall be deleted entirely and replaced:

18.14.060 Accessory Dwelling Units

A. **Applicability.** The provisions of this section shall apply to all accessory dwelling units approved on or after the effective date of the ordinance codified in this section. This section provides standards by which the city shall evaluate building permit applications for permitted accessory dwelling units in the UR, RA, R, RM, and PO zoning districts.

B. **Lot Requirements.** An accessory dwelling unit shall be permitted on a lot or parcel that meets the following:

1. Contains an existing or proposed single-family main dwelling.
2. Meets the minimum lot size of the applicable zoning district.
3. Is served by municipal water and sewer service.
4. Does not currently contain an accessory dwelling unit.

C. **Development Standards.** All accessory dwelling units shall meet the following standards:

1. **Floor Area.** An accessory dwelling unit shall not exceed 1,200 square feet of floor area if separated from the existing main dwelling. If attached to the existing main dwelling, the floor area of the accessory dwelling unit also shall not exceed fifty percent of the existing living area of the existing main dwelling. A manufactured home shall not be less than eight feet wide by 40 feet long and 320 square feet in floor area.
2. **Location.** An accessory dwelling unit shall be located either to the side or to the rear of the existing single-family residence and shall be either attached to the existing main dwelling or be separated from the existing main dwelling by not less than 10 feet or, alternatively, the separation allowed by the Uniform Building Code, whichever is less.

3. **Owner Occupancy.** Either the existing main dwelling or the accessory dwelling unit shall be occupied by the owner of the property. Prior to issuance of a building permit for the 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 accessory dwelling unit separate from the sale of the main dwelling; requires owner occupancy consistent with the above; and restricts the size and attributes of the accessory dwelling unit to those that conform with this section.

4. **Off-Street Parking.** If the accessory dwelling unit is to be detached from the main dwelling and the site is more than ½ mile from a public transit stop then one additional parking space is required on the site. The parking space is not required to be covered and may be located in the front yard setback area. The addition of the accessory dwelling unit shall not decrease the amount of existing on-site parking.

5. **Utility Services.** Accessory dwelling units shall be provided with water, sewer, and other utilities as determined by the building official. A separate connection from the main dwelling is not required.

Section 3. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical changes in the environment] Section 15061(b)(3) [there is no possibility the activity in question may have a significant effect on the environment]. In addition to the foregoing general exemptions, the City Council further finds that the ordinance is exempt from review under CEQA because the ordinance involves continuing administrative activities in accordance with CEQA Guidelines Section 15378(b)(2). The City Manager is hereby directed to ensure that a *Notice of Exemption* is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

Section 4. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Lindsay, or any official, employee or agent thereof.

Section 5. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Lindsay hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 7. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent, the provisions of the Lindsay Zoning Code as amended by this ordinance is similar in comparison to the provisions in the Lindsay Zoning Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as a replacement of the earlier provisions.

Section 8. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the enactment hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the Porterville Recorder, a newspaper printed and published in the City of Porterville, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Lindsay, State of California, on August 27, 2019, at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES: Cortes, Sanchez, Flores, Watson, Kimball

NOES: None

ABSTAIN: None

ABSENT: None

CITY COUNCIL OF THE CITY OF LINDSAY

Pamela Kimball

Pamela Kimball, Mayor

ATTEST:

Jack Urquhart
Jack Urquhart, City Clerk

