

ORDINANCE 668-AC

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEEDLES AMENDING NEEDLES MUNICIPAL CODE (NMC) SECTION 96.00 "TABLE OF PERMISSIBLE USES" AND" SECTION 96.08 "DWELLING UNIT"

WHEREAS, the City of Needles, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, state law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units (JADUs); and

WHEREAS, in recent years, the California Legislature has approved, and the Governor has signed into law, a number bills that, among other things, amended Government Code sections 66310-66342 to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, On July 22, 2024, the City of Needles received a comment letter from the California Department of Housing and Community Development (HCD) regarding Ordinance No. 652-AC, which amended Needles Municipal Code (NMC) Section 96.00 "Table of Permissible Uses" and Section 96.08 "Dwelling Unit" and was adopted by the Needles City Council on August 6, 2022; and

WHEREAS, on September 19, 2024, Governor Newsom signed Senate Bill 1211 (SB 1211) into law, introducing further changes to State ADU regulations; and

WHEREAS, City staff has developed the necessary amendments to the ordinance to ensure compliance with Government Code sections 66310 – 66342; and

WHEREAS, on October 09, 2024, the Needles Planning Commission was presented with the Ordinance Amendments to Zoning Code Sections 96.00 and 96.08 of the City's Municipal Code as contained in Exhibit "A", and after holding a duly noticed public hearing, voted to recommend that the council approve the revisions; and

WHEREAS, a public hearing notice for the Needles City Council meeting was published in the Needles Desert Star on Wednesday, September 25, 2024 and posted in two conspicuous locations in the city; and

WHEREAS, the Needles City Council has sufficiently considered all testimony, and any documentary evidence presented to them in order to make the following determination.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Needles, California, approves an amendment to the City Code.

SECTION 1. Recitals. The recitals above are hereby incorporated by reference as a substantive component of this Ordinance.

SECTION 2. Compliance with CEQA. As the advisory body to the City Council, the Planning Commission has independently reviewed and considered the project exempt under the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c), 15061(B)(3) (the common-sense exemption), and 15378, that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 3. The City Council HEREBY FINDS AND DETERMINES that facts do exist to approve an amendment to the Needles Municipal Code (NMC), attached as "Exhibit "A".

SECTION 4. The City Council HEREBY APPROVES Ordinance 668-AC for an amendment to the Needles Municipal Code (NMC) attached as Exhibit "A".

SECTION 5. This action shall become final and effective 30 days after this decision by the City Council as provided by the Needles City Code.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Needles, California, held on the 22nd day of October 2024, by the following roll call vote:

AYES: Council Members Campbell, Merritt, Pogue, Belt, and Longbrake

NOES: None

ABSENT: Council Member McCorkle

ABSTAIN: None



Mayor

Attest:



City Clerk

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 12th day of November 2024.

AYES: Council Members Campbell, McCorkle, Merritt, Pogue, Belt, and Longbrake

NOES: None


ABSENT: None

ABSTAIN: None



Mayor

Attest:



City Clerk

Approved as to form:



City Attorney

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Section 96.00 "Permissible Use Table":

Zones: R1 R2 R3 CRR C1 C2 C3 M1 M2 P

1.00 Residential										
1.20 Accessory and Junior Accessory Dwelling Units	Z	Z	Z	Z		ZZ				
1.25 Junior Accessory Dwelling Units	Z	Z	Z	Z						
*S Applications that do not comply with the criteria for ministerial review are subject to the review and approval of the Planning Commission through a Special Use Permit w/o a public hearing										

96.08 Dwelling Units

(a) Definitions to be Added.

1. "Accessory dwelling unit." An attached or a detached residential dwelling unit which provides independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, eating, sleeping, cooking, and sanitation on the same parcel as a single-family dwelling or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code, and a manufactured home as defined in Section 18007 of the Health and Safety Code. (See also "Secondary dwelling unit").
2. "Accessory building or structure." A building or structure that is subordinate to the main building on the same site, or the use of which is incidental to the use of the site or the use of the main building on the site. A building that shares a common wall with a main building shall be deemed a part of the main building.
3. "Accessory use." A use ~~customarily~~ incidental, related, and subordinate to the principal legal use of the parcel or lot and located on the same.
- 3.4. ~~_____~~ "Architecturally and historically significant historic district" means a historic district established by the City of Needles.
- 4.5. ~~_____~~ "Attached accessory dwelling unit" means an accessory dwelling unit that shares a common wall with the primary unit, either by being constructed as a physical expansion (i.e., addition) of a primary unit, conversion of an

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existing garage attached to a primary unit, or installation of a new basement underneath an existing primary unit.

5-6. _____ "Detached accessory dwelling unit" means an accessory dwelling unit that is constructed as a separate structure from the primary unit or is created through conversion (full or partial) of an existing lawfully-constructed detached accessory building into an accessory dwelling unit.

6-7. _____ "Second Dwelling Unit." A "Second Dwelling Unit" is defined as a permanent dwelling unit that is equivalent to a primary dwelling on the same site. A second dwelling unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking. A second dwelling unit must be detached from the primary dwelling in R1 zones. A second dwelling unit may be attached to or detached from the primary dwelling in R2, R3, and CRR zones.

8. _____ "Floorspace" means the gross floor area as measured to the outside surface of exterior walls, including its living area.

7-9. _____ "Housing organization" means a trade or industry group whose local members are primarily engaged in the construction or management of housing units or a nonprofit organization whose mission includes providing or advocating for increased access to housing for low-income households and have filed written or oral comments with the local agency prior to action on the housing development project.

10. "Junior accessory dwelling unit." A unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. Enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure. For the purposes of life/safety regulations and providing utilities such as water, sewer, power, or other utilities, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

11. "Land Trust" means the same as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the California Revenue and Tax Code.

8.—

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~~9~~.12. "Living area" means the interior habitable area of a dwelling unit including the basement and attics but not including a garage or any accessory building or structure.

~~10~~.13. "Primary unit" means the building (or portion of the building in cases of an attached accessory dwelling unit) in which the principal residential use of the lot takes place. An accessory dwelling unit cannot constitute the primary unit.

~~11~~.14. "Public transit" means a signed and designated bus stop, train stop, ferry terminal or other public transit station where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

~~12~~.15. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

~~13~~.16. "Secondary dwelling unit." The predecessor to an accessory dwelling unit under local zoning laws. Secondary dwelling unit permits were issued under local zoning laws in effect after February 3, 1984 and prior to January 1, 2017.

~~14~~.17. "Tiny home" means a detached structure with an enclosed space between 150 and 400 square feet on a permanent foundation used for dwelling purposes that provides complete independent living facilities for one or more persons and is located on the same lot as the primary dwelling (single-family or multifamily) to which it is an accessory use. A tiny home that meets the requirements herein shall be considered an accessory dwelling unit.

~~(b)~~- "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation and when attached to the required utilities. The term "manufactured home" includes park model homes, but does not include a "recreational vehicle," as defined in Article II, Section 9A-5 of the Needles Municipal City Code.

18.

~~(c)~~(b) Accessory Dwelling Unit (ADU). This section provides for the establishment and reasonable regulation of accessory dwelling units in order to encourage housing

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opportunities for all segments of the population while ensuring the public health, safety, and welfare.

~~1.~~ Application and Fee. Application for an accessory dwelling unit permit shall be accompanied by the appropriate fee(s).

~~2.~~

~~3.1.~~ Impact Fees. Accessory dwelling units built on a lot with an existing primary dwelling unit are exempt from impact fees. Accessory dwelling units built in conjunction with a new primary dwelling unit are subject to the following:

- A. For accessory dwelling units less than 750 square feet, no impact fees apply.
- B. For accessory dwelling units 750 square feet and larger, the impact fee is proportional relative to the square footage of the primary dwelling unit.

~~4.2.~~ Director of the Development Services, or His/Her Designated Replacement, as Review Authority. Applications for accessory dwelling units shall be ~~acted approved or denied upon by Development Services;~~ ministerially without discretionary review or a public hearing, within 60 days following submission of a complete application and fees, if the proposed site has an existing dwelling unit, otherwise a zoning permit application and fees for a site plan review are required. ~~In the event of a denial, the City shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant within 60 days of submission of a complete application.~~

~~5.3.~~ A temporary certificate of occupancy for an accessory dwelling unit may be issued before the certificate of occupancy is issued for the primary residence, with the following conditions: 1) Within 18 months of receiving the temporary certificate of occupancy, a building permit will be in place for the primary dwelling unit and construction completed within 24 months of issuance of building permit; 2) A bond to be in place at the time the temporary Certificate of Occupancy is issued in an amount covering the cost of demolition and removal of the ADU if the primary dwelling unit is not completed within 24 months. Once both units are completed, permanent Certificate of Occupancy will be issued for both units.

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- ~~6.4.~~ 6.4. Building Permits. A building permit shall be required in conjunction with the issuance of an accessory dwelling unit permit if repair, rehabilitation, or other work otherwise requiring a building permit is necessary.
- ~~7.5.~~ 7.5. Approved Secondary Dwelling Units Still Valid. Any secondary dwelling unit legally established with an approved secondary dwelling unit permit and in continued existence shall be deemed a legal, conforming dwelling unit. Secondary dwelling units established by any such permit shall continue to comply with all zoning requirements for secondary dwelling units in effect at the time of permit approval.
- ~~8.6.~~ 8.6. Premises Identification. Any assigned street address number for the accessory dwelling unit shall be plainly visible and legible from the street fronting the property as required by the applicable building code.
- ~~9.7.~~ 9.7. Expiration. Accessory dwelling unit permits issued in compliance with this section shall expire and become null and void 18 months after issuance unless a certificate of occupancy has been issued by the building division.
- ~~10.8.~~ 10.8. Reporting of Violations. All reporting of accessory dwelling unit permit or secondary dwelling unit permit violations shall be submitted in writing to the ~~director~~Director of Development Services, or his/her designee, and the ~~Director of Development Services~~director, or his/her designee, shall notify the owner of record of the property that a complaint has been registered, within ten calendar days from receipt of any such complaint. The ~~Director of Development Services~~director, or his/her designee, shall investigate and issue a written report to the complainant within thirty days from the date of the issuance of the notice outlining the status of any alleged violation and the steps that have been requested of the owner of record to remedy the situation.
- ~~11. Violations Considered an Infraction. Violations of this section shall be punished as infractions or by administrative citation, in the discretion of the director, or his/her designee, and shall be subject to the provisions of Article XVIII "Enforcement and Review" as well as Chapter 2A "Administrative Citations".~~
- ~~12.9.~~ 12.9. Density. Pursuant to California Government Code, Title 7, Division 1, Chapter 13~~Government Code Section 68552.2~~, no accessory dwelling unit approved under these provisions shall be considered in calculating the

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density of the lot allowed by the land use designation contained in the land use element of the Needles General Plan, and accessory dwelling units are deemed a residential use that is consistent with the existing general plan and zoning for the lot.

~~13. The property on which the accessory dwelling unit is located shall have deed restrictions recorded upon it as set forth below prior to issuance of a building permit for the unit. Said restrictions shall be reviewed and approved by the City Attorney and recorded with the San Bernardino County Recorder's Office.~~

~~A. The accessory dwelling unit shall not be sold separately from the primary residence, unless the ADU meets all the requirements listed in Government Code Section 65852.26.~~

~~(d)(c)~~ Junior Accessory Dwelling Unit (JADU). This section provides for the establishment and reasonable regulation of junior accessory dwelling units to encourage housing opportunities for all segments of the population while ensuring the public health, safety, and welfare.

~~1. Zoning Permit Required. No junior accessory dwelling unit shall be established or used unless a junior accessory dwelling unit permit has been issued by the City.~~

~~1.~~

2. Application and Fee. Application for a junior accessory dwelling unit permit shall be accompanied by the appropriate filing fee. ~~Junior accessory dwelling units~~ JADUs are exempt from impact fees.

3. Director of the Development Services, or His/Her Designee, as Review Authority. Applications for junior accessory dwelling unit ~~shall be approved or denied ministerially without discretionary review or a public hearing, within 60 days following submission of complete application and fees shall be acted upon by Development Services, or his/her designee, without discretionary review or a public hearing. Said action~~ This approval or denial shall occur no more than 60 days following submission of a complete application. ~~In the event of a denial, the City shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.~~

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4. Building Permits. A building permit and a certificate of occupancy shall be required in conjunction with the installation of a junior accessory dwelling unit. Any repair, rehabilitation, or other work associated with the installation of the junior accessory dwelling unit shall also obtain building permits where required by law.
5. Premises Identification. Any assigned street address number for the junior accessory dwelling unit shall be plainly visible and legible from the street fronting the property as required by the applicable building code.
6. Expiration. Junior accessory dwelling unit permits issued in compliance with this section shall expire and become null and void 18 months after issuance unless a certificate of occupancy has been issued by the building division.
7. Reporting of Violations. All reporting of junior accessory dwelling unit violations shall be submitted in writing to the Director of Development Services director, or his/her designee, The Director of Development Services director, or his/her designee, shall notify the owner of record of the property that a complaint has been registered within ten calendar days from receipt of any such complaint. The Director of Development Services director, or his/her designee, shall investigate and issue a written report to the complainant within thirty days from the date of the issuance of the notice outlining the current status of any alleged violation and the steps that have been requested of the owner of record to remedy the situation.

~~8.—Violations Considered an Infraction. Violations of this section shall be punished as infractions or by administrative citation, in the discretion of the director, or his/her designee, and shall be subject to the provisions of Municipal Code Article XVIII “Enforcement and Review” and Chapter 2A “Administrative Citations”.~~

(e)(d) _____ Manufactured Homes and Tiny Homes. Manufactured homes and tiny homes are subject to all of the following provisions:

1. Shall meet the definition of ADU in Government Code section 66313, subdivision (a), and must comply with the standards of, and be approved as one of the following types of structures:
 - A. a HUD-Code manufactured home (MH),
 - B. a California Residential Code home or

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A.C. _____ a California Building Code home. Shall be a self-contained unit that complies with all State of California requirements, is constructed in compliance with American National Standards Institute (ANSI) 119.5 standard as certified by an accredited qualified third-party inspector:

~~2.~~ Shall adhere to all setback, height, and floor area limitations pursuant to Section 96.08(H).

~~3.2.~~ _____ Shall be secured to a permanent foundation.

~~4.3.~~ _____ Shall have at least ~~100~~ 150 square feet of enclosed space.

~~5.4.~~ _____ Shall be directly connected to an approved water source, an onsite wastewater treatment system or sanitary sewer system, and electric utilities. Holding tanks that are incorporated into the original design of the structure shall not be used for the purposes of waste storage and shall be directly connected to the approved onsite wastewater treatment system or sanitary sewer.

~~6.5.~~ _____ Mechanical equipment shall be incorporated into the original design of the structure and shall not be located on the roof or added on to the exterior of the unit, except for HVAC units.

~~7.6.~~ _____ Shall have the following design elements ~~to maintain the character of the residential neighborhood:~~

- A. Shall not include corrugated aluminum or fiberglass siding and shall not be a shipping container or cargo container.
- B. Shall use cladding and trim materials on the exterior of movable tiny homes for residential appearance and to provide adequate thermal insulation and weather resistance. Materials may include, but are not limited to, single piece composite, vinyl siding, laminates, or interlocked sheathing.
- C. Windows shall be at least double pane glass and labeled for building use and shall include exterior trim.

~~8.7.~~ _____ Application and Fee. Application for an accessory dwelling unit (manufactured home or tiny home) permit shall be accompanied by the appropriate fee(s).

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~~9.8.~~ 9.8. Impact Fees. Accessory dwelling units built on a lot with an existing primary dwelling unit are exempt from impact fees. Accessory dwelling units added in conjunction with a new primary dwelling unit are subject to the following:

- A. For accessory dwelling units less than 750 square feet, no impact fees apply.
- B. For accessory dwelling units 750 square feet and larger, the impact fee is proportional relative to the square footage of the primary dwelling unit.

~~10.9.~~ 10.9. Director of the Development Services, or his/her designated replacement, as review authority. Applications for accessory dwelling units ~~shall~~ shall be approved or denied ministerially without discretionary review or a public hearing, within 60 days following submission of complete application and fees be acted upon by Development Services, or his/her designee, ministerially without discretionary review or a public hearing, within 60 days following submission of complete application, if the proposed site has an existing dwelling unit, otherwise a zoning permit application and fees for a site plan review are required. In the event of a denial, the City shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

~~10.~~ 10. Grant of Accessory Dwelling Unit Permit. ~~In order to grant an accessory dwelling unit permit for an accessory dwelling unit (manufactured home/tiny home) the director, or his/her designee, shall find that the accessory dwelling unit would comply with all of the standards set forth in Section 96.08(H) for such accessory dwelling units. To be approved and occupied as an ADU, a tiny home must meet the definition of ADU in Government Code section 66313, subdivision (a), and must comply with the standards of, and be approved as one of the following types of structures:~~

- ~~A.~~ A. a HUD-Code manufactured home (MH),
- ~~B.~~ B. a California Residential Code home or
- ~~A.C.~~ A.C. a California Building Code home.

~~11.~~ 11. A temporary certificate of occupancy for an accessory dwelling unit may be issued before the certificate of occupancy is issued for the primary

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residence, with the following conditions: 1) Within 18 months of receiving the temporary certificate of occupancy, a building permit will be in place for the primary dwelling unit and construction completed within 24 months of issuance of building permit; 2) A bond to be in place at the time the temporary Certificate of Occupancy is issued in an amount covering the cost of demolition and removal of the ADU if the primary dwelling unit is not completed within 24 months. Once both units are completed, permanent Certificate of Occupancy will be issued for both units.

~~12~~.11. Building Permits. A building permit shall be required in conjunction with the issuance of an accessory dwelling unit permit if repair, rehabilitation, or other work otherwise requiring a building permit is necessary.

~~13~~.12. Approved Secondary Dwelling Units Still Valid. Any secondary dwelling unit legally established with an approved secondary dwelling unit permit and in continued existence shall be deemed a legal, conforming dwelling unit. Secondary dwelling units established by any such permit shall continue to comply with all zoning requirements for secondary dwelling units in effect at the time of permit approval.

~~14~~.13. Premises Identification. Any assigned street address number for the accessory dwelling unit shall be plainly visible and legible from the street fronting the property as required by the applicable building code.

~~15~~.14. Expiration. Accessory dwelling unit permits issued in compliance with this section shall expire and become null and void 18 months after issuance unless a certificate of occupancy has been issued by the building division.

~~16~~.15. Revocation. Upon written notice to the holder of an accessory dwelling unit permit or a secondary dwelling unit permit, and a hearing before the ~~Director of Development Services~~director, or his/her designee, the ~~Director of Development Services~~director may revoke or modify any accessory dwelling unit permit or secondary dwelling unit permit on any one or more of the following grounds:

- A. That the approval was based on false information submitted by the applicant;
- B. That the use for which such approval was granted has ceased to exist or has been suspended for one year or more;

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C. That the permit granted is being or recently has been exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation.

~~D. For other good cause:~~

~~17.16.~~ Reporting of Violations. All reporting of accessory dwelling unit permit or secondary dwelling unit permit violations shall be submitted in writing to the ~~Director of Development Services~~director, or his/her designee, and the ~~Director of Development Services~~director, or his/her designee, shall notify the owner of record of the property that a complaint has been registered, within ten calendar days from receipt of any such complaint. The ~~Director of Development Services~~director, or his/her designee, shall investigate and issue a written report to the complainant within thirty days from the date of the issuance of the notice outlining the status of any alleged violation and the steps that have been requested of the owner of record to remedy the situation.

~~18. Violations Considered an Infraction. Violations of this section shall be punished as infractions or by administrative citation, in the discretion of the director, or his/her designee, and shall be subject to the provisions of Article XVIII "Enforcement and Review" as well as Chapter 2A "Administrative Citations".~~

~~19.17.~~ Density. Pursuant to ~~Government Code, Title 7, Division 1, Chapter 13~~California Government Code Section 68552.2, no accessory dwelling unit approved under these provisions shall be considered in calculating the density of the lot allowed by the land use designation contained in the land use element of the Needles General Plan, and accessory dwelling units are deemed a residential use that is consistent with the existing general plan and zoning for the lot.

~~(f)~~(e) Standards for Accessory Dwelling Units Created Through Construction of or Additions to a Accessory Structure or by Construction of or Additions to an Existing or Proposed Dwelling. (construction of new square footage)

1. Zones. The proposed unit would be located on a lot that contains a proposed or existing dwelling located in one of the following residential zones: R-1, R-2, R-3, CRR, ~~C-1~~ and C-2.
2. ~~Number of ADUs. On lots zoned R-1, one~~One converted ADU is allowed per primary dwelling unit-, notwithstanding the presence of a detached ADU of

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~~new construction and/or a JADU. On lots zoned for R-2, R-3, CRR, and C-2, a maximum of two ADUs are permitted. On lots zoned for multi-family residential use, a maximum of eight ADUs detached from the multifamily structure are permitted, provided the number of ADUs does not exceed the number of existing units on the lot.~~

3. Rental. The Accessory Dwelling Unit may be rented but may not be rented for a period of less than 30 consecutive days ~~or used as a Vacation Rental.~~
4. Location on Lot. The Accessory Dwelling Unit shall either be attached to the existing dwelling or located within the Living Area of the existing dwelling or shall be detached from the existing dwelling and located on the same lot as the existing dwelling. If detached, the Accessory Dwelling Unit shall be separated from the Primary Unit and any Detached Accessory Building a minimum of three feet.
5. Zoning Development Standards. The proposed unit shall comply with development standards for the underlying zone in which it is located; ~~specifically standards for lot coverage, setback, height, and floor area ratio, except as explicitly set forth herein.. Notwithstanding the underlying development standards, the City shall not prohibit the development of an attached or detached ADU of up to 800 square feet with four side and rear setbacks.~~
6. Separate Kitchen and Bathroom. The proposed Accessory Dwelling Unit shall contain a separate kitchen and bathroom; both the Primary Unit and the Accessory Dwelling Unit shall comply at a minimum with all requirements of the current residential code; and the Accessory Dwelling Unit shall comply with the building code at the time it was constructed.
7. Size. There is no limit on the size of an accessory dwelling unit that is attached to or detached from a primary unit, except that attached and detached accessory dwelling units shall not be larger than the primary unit, ~~if the primary unit is at least 800 square feet or larger, and detached and attached accessory dwelling units shall comply with setback requirements, the required distance between units, open space requirements and maximum lot coverage/FAR requirements applicable to the parcel on which the unit is located.~~
 - A. ~~If the primary unit is 800 square feet or smaller, the primary unit's size shall not prohibit the development of a detached or attached~~

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accessory dwelling unit of at least 800 square feet with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

~~7.8.~~ Height. A ~~detached~~ -Accessory Dwelling Unit may be at least 18 feet in height, but otherwise shall not exceed the height of maximum height limit of its respective zone.

~~8.9.~~ Passageway. No Passageway shall be required in conjunction with the construction of an Accessory Dwelling Unit.

~~9.10.~~ Setback Exceptions. A detached Accessory Dwelling Unit must have a minimum set back of ~~five~~ four feet from side and rear property lines. No setback shall be required for a lawfully constructed garage or other accessory structure in existence prior to execution of this Ordinance that is converted to an Accessory Dwelling Unit, and a setback of no more than four (4) feet from the side and rear lot lines shall be required for an Accessory Dwelling Unit that is constructed above a garage. ~~In the event an Accessory Dwelling Unit is permitted prior to the primary residence, a minimum front set back of 26 feet shall apply. Note: the adopted Fire Code setback standards must be met.~~

~~10.11.~~ Parking. The application shall comply with parking provisions of Needles' Municipal Code Section 111, including parking setback limitations, except as set forth below:

- A. One parking space per accessory dwelling unit or per bedroom, whichever is less, of the proposed Accessory Dwelling Unit in addition to those required for the Primary Unit(s).
- B. Required parking for the Accessory Dwelling Unit may be uncovered.
- C. Off-street parking for an Accessory Dwelling Unit may be in tandem with parking for the Primary Unit or may be allowed in the front setback, unless specific findings are made that such is not feasible based on specific site topographical or fire and life safety conditions. All parking spaces shall be on an Improved Parking Surface that satisfies City Standards.
- D. When a garage, carport, or covered or uncovered parking structure space is demolished in conjunction with the construction of an

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Accessory Dwelling Unit, the City does not require that those parking spaces be replaced.

- E. Subsections A through D of this Standard 11 shall not apply to a unit described in subsection 11F below.
- F. On-site parking is not required for an Accessory Dwelling Unit in any of the following circumstances:
 - 1. The unit is located within one-half mile of Public Transit.
 - 2. The unit is part of the existing Primary Unit or an existing Accessory Building.
 - 3. When on-street parking permits are required but not offered to the occupant of the unit.
 - 4. When there is a car share vehicle located within one block of the unit.
 - 5. Where the unit is located within an architecturally and historically significant historic district.
 - 4.6. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed above.

~~11.12.~~ 12.12. Feasibility Inspection. Unless the project constitutes new construction, a building inspection shall be performed by the City's Building Division at applicant's cost, and a report establishing the feasibility of the project to meet applicable building and residential codes shall be provided to the ~~Director of Development Services~~ Director, or his/her designee, ~~of Development Services~~ prior to approval of an Accessory Dwelling Unit permit.

~~12.13.~~ 12.13. Adequate sanitary service capacity for the additional increment of effluent resulting from the Accessory Dwelling Unit would be available. If the lot is connected to the public sewer system, the applicant has submitted a letter from the appropriate Sanitary District to that effect. If the lot is not connected to the public sewer system, the applicant will need to demonstrate that the individual or alternative sewage disposal system

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serving the lot has adequate capacity to accommodate the proposed Accessory Dwelling Unit.

~~13.14.~~ The Accessory Dwelling Unit would comply with all applicable Fire District regulations, subject to provisions and limitations set forth in Government Code, Title 7, Division 1, Chapter 13 Government Code Section 65852.2.

~~14.15.~~ The Accessory Dwelling Unit would comply with all applicable Water District regulations, subject to provisions and limitations set forth in Government Code, Title 7, Division 1, Chapter 13 Government Code Section 65852.2.

~~15. For ADUs permitted on or after January 1 2025, owner-occupancy of one of the dwelling units on the parcel (either the primary residence or the accessory dwelling unit) is required. This requirement does not apply to ADUs permitted between January 1, 2021 and December 31, 2024.~~

~~(g)(f)~~ Standards for Accessory Dwelling Units Created Exclusively through Conversion of Existing Floorspace in a Single-Family Dwelling, Multifamily Structure, or a Accessory Building. (no construction of new square footage)

1. The unit shall be located in one of the following residential zones: R-1, R-2, R-3, CRR-, and C-2.
2. The unit shall be created within an existing legal structure (a single-family dwelling or a Detached Accessory Building appurtenant to a single-family dwelling) and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure.
3. The unit shall provide independent exterior access from the Primary Unit.
4. The unit has sufficient setbacks to meet fire safety requirements.
5. One converted ADU is allowed per primary dwelling unit, There shall be no more than one Accessory Dwelling Unit per primary dwelling on a single-family lot, notwithstanding the presence of a detached ADU of new construction and/or a JADU. On a multifamily lot, non-livable space may be converted into at least one ADU, and up to 25 percent of the number of existing multifamily dwelling units, if each converted unit complies with the state building standards for dwellings.

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6. Rental. The unit may be rented but may not be rented for a period less than 30 consecutive days ~~or used as a Vacation Rental.~~
7. Feasibility Inspection. A building inspection shall be performed by the City's Building Division at applicant's cost, and a memo establishing the feasibility of the project to meet applicable building and residential codes shall be provided to the ~~Director of Development Services~~ Director, or his/her designee, ~~of Community Development,~~ prior to approval of a permit.
- ~~8. For ADUs permitted on or after January 1 2025, owner-occupancy of one of the dwelling units on the parcel (either the primary residence or the accessory dwelling unit) is required. This requirement does not apply to ADUs permitted between January 1, 2021 and December 31, 2024.~~

(h)(g) Standard for Junior Accessory Dwelling Units.

1. The proposed junior accessory dwelling unit would be located in ~~a residential zone, including~~ the R-1, R-2, R-3, ~~GRR and G-2 and CRR~~ zones.
2. One junior accessory dwelling unit is permitted on a single family lot.
3. Owner occupancy of one of the dwelling units on the site (either the primary residence or the junior accessory dwelling unit) is required, unless the owner is a governmental agency, a land trust, or a housing organization. For purposes of this standard, ownership is defined as a majority (i.e., fifty-one percent or greater) interest in the property in question. Property owned in joint tenancy shall be considered a single ownership for any party named. Property owned in tenancy in common shall be considered a single ownership for the party named, unless shares are specified, in which case ownership requires a majority interest.
4. The junior accessory dwelling unit would be in conformance with the current building codes adopted by the City. A memo prepared following inspection of the premises by the Needles Building Division, documenting the feasibility of the project to meet current building codes, shall be provided to the ~~Director of Development Services~~ Director, or his/her designee, ~~of Community Development~~ prior to approval of a junior accessory dwelling unit permit.
5. The junior accessory dwelling unit would be created within ~~the an existing single-family structure. Enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.~~ existing walls of a single-family dwelling.

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6. The junior accessory dwelling unit would have a separate exterior entry from that of the primary residence. An interior entry may also be included.
7. The junior accessory dwelling unit shall at least include an efficiency kitchen, requiring ~~and limited to~~ the following components:

A. A cooking facility with appliances.

~~8.—A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU. A sink with a maximum waste line diameter of one-and-a-half (1.5) inches.~~

B.

~~A.—A cooking facility with appliances that do not require electrical service greater than one hundred-twenty (120) volts. Gas appliances are not permitted.~~

~~B.—A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.~~

~~9.—The junior accessory dwelling unit would be located on a lot where the primary residence complies with current parking standards for its zone.~~

10.8. Adequate sanitation (bathroom) facilities are provided, either a) separately for the exclusive use of the junior accessory dwelling unit; or b) shared with the primary residence through internal access from the junior accessory dwelling unit to the primary residence.

11.9. The junior accessory dwelling unit shall comply with applicable requirements of the fire protection district serving the lot, subject to the provisions of Government Code, Title 7, Division 1, Chapter 13 ~~Government Code Section 65852.22(d) or successor sections thereto.~~

12.10. The junior accessory dwelling unit shall comply with applicable requirements of the public water agency serving the lot, subject to the provisions of Government Code, Title 7, Division 1, Chapter 13 ~~Government Code Section 65852.22(e) or successor sections thereto.~~

~~13.—The junior accessory dwelling unit may be rented but shall not be rented for less than thirty (30) consecutive days.~~

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~~14.11.~~ The property on which the junior accessory dwelling unit is located shall have deed restrictions recorded upon it as set forth below prior to issuance of a building permit for the unit. Said restrictions shall be reviewed and approved by the City Attorney and recorded with the San Bernardino County Recorder's Office.

- A. The junior accessory dwelling unit shall not be sold separately from the primary residence, unless the JADU meets all the requirements listed in Government Code Section 65852.26. ~~and shall not be rented for less than thirty (30) consecutive days.~~
- B. The junior accessory dwelling unit shall not exceed five hundred (500) square feet in floor area, shall not be smaller than allowed by applicable building regulations, and shall be entirely contained within an existing single-family structure.
- C. The junior accessory dwelling unit shall be considered legal only so long as it or the single-family dwelling in which it is located is owner-occupied, unless the owner is a governmental agency, a land trust or a housing organization. Ownership is defined as a majority (i.e., fifty-one percent or greater) interest in the property in question. Property owned in joint tenancy shall be considered a single ownership for any party named. Property owned in tenancy in common shall be considered a single ownership for the party named, unless shares are specified, in which case ownership requires a majority interest.
- D. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with any provisions of Needles Municipal Code Section 96.08 "C" and "G" may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.

~~(i) Standards for Manufactured Homes and Tiny Homes:~~

- ~~1. Zones. The proposed unit would be located on a lot that contains a proposed or existing dwelling located in one of the following residential zones: R-1, R-2, R-3, CRR.~~
- ~~2. On lots zoned for single family residential use, one ADU is allowed per primary dwelling unit. On lots zoned for multi-family residential use, a maximum of two ADUs are permitted.~~

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- 3.—Rental. The Accessory Dwelling Unit may be rented but may not be rented for a period of less than 30 consecutive days or used as a Vacation Rental.
- 4.—Location on Lot. The Accessory Dwelling Unit shall be detached from the existing dwelling and located on the same lot as the existing dwelling, and shall be separated from the Primary Unit and any Detached Accessory Building a minimum of three feet.
 - A.—Zoning Development Standards. The proposed unit shall comply with development standards for the underlying zone in which it is located, specifically standards for lot coverage, setback, height, and floor area ratio, except as explicitly set forth herein.
- 5.—Separate Kitchen and Bathroom. The proposed Accessory Dwelling Unit shall contain a separate kitchen and bathroom; both the Primary Unit and the Accessory Dwelling Unit shall comply at a minimum with all requirements of the current residential code; and the Accessory Dwelling Unit shall comply with the building code at the time it was constructed.
- 6.—Size. The total area of floorspace for the Detached Accessory Dwelling Unit shall not exceed 1,200 square feet.
- 7.—Height. A detached Accessory Dwelling Unit shall not exceed 15 feet in height.
- 8.—Passageway. No Passageway shall be required in conjunction with the construction of an Accessory Dwelling Unit.
- 9.—Setback Exceptions. A detached Accessory Dwelling Unit must have a minimum set back of five feet from side and rear property lines. No setback shall be required for a lawfully constructed garage or other accessory structure in existence prior to execution of this Ordinance that is converted to an Accessory Dwelling Unit, and a setback of no more than five (5) feet from the side and rear lot lines shall be required for an Accessory Dwelling Unit that is constructed above a garage. In the event an Accessory Dwelling Unit is permitted prior to the primary residence, a minimum front set back of 26 feet shall apply.
- 10.—Parking. The application shall comply with parking provisions of Needles' Municipal Code Section 111, including parking setback limitations, except as set forth below:

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- A.—One parking space per accessory dwelling unit or per bedroom, whichever is less, of the proposed Accessory Dwelling Unit in addition to those required for the Primary Unit(s):
- B.—Required parking for the Accessory Dwelling Unit may be uncovered:
- C.—Off-street parking for an Accessory Dwelling Unit may be in tandem with parking for the Primary Unit or may be allowed in the front setback, unless specific findings are made that such is not feasible based on specific site topographical or fire and life safety conditions: All parking spaces shall be on an Improved Parking Surface:
- D.—When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an Accessory Dwelling Unit, the City does not require that those parking spaces be replaced:
- E.—Subsections (A) through (D) of this Section 96.08(h)(11) shall not apply to a unit described in subsection (h)(11)(F) below:
- F.—On-site parking is not required for an Accessory Dwelling Unit in any of the following circumstances:
 - i.—The unit is located within one-half mile of Public Transit:
 - ii.—The unit is part of the existing Primary Unit or an existing Accessory Building:
 - iii.—When on-street parking permits are required but not offered to the occupant of the unit:
 - iv.—When there is a car share vehicle located within one block of the unit:

11. Feasibility Inspection. Unless the project constitutes new construction, a building inspection shall be performed by the City's Building Dept. at applicant's cost, and a report establishing the feasibility of the project to meet applicable building and residential codes shall be provided to the Director, or his/her designee, of Development Services prior to approval of an Accessory Dwelling Unit permit:

12. Adequate sanitary service capacity for the additional increment of effluent resulting from the Accessory Dwelling Unit would be available. If the lot is connected to the public sewer system, the applicant has submitted a letter from the appropriate Sanitary District to that effect. If the lot is not

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connected to the public sewer system, the applicant will need to demonstrate that the individual or alternative sewage disposal system serving the lot has adequate capacity to accommodate the proposed Accessory Dwelling Unit.

13. The Accessory Dwelling Unit would comply with all applicable Fire District regulations, subject to provisions and limitations set forth in Government Code Section 65852.2.

14. The Accessory Dwelling Unit would comply with all applicable Water District regulations, subject to provisions and limitations set forth in Government Code Section 65852.2.

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Section 96.00 "Permissible Use Table":

Zones: R1 R2 R3 CRR C1 C2 C3 M1 M2 P

1.00 Residential										
1.20 Accessory Dwelling Units	Z	Z	Z	Z		Z				
1.25 Junior Accessory Dwelling Units	Z	Z	Z	Z						
*S Applications that do not comply with the criteria for ministerial review are subject to the review and approval of the Planning Commission through a Special Use Permit w/o a public hearing										

96.08 Dwelling Units

(a) Definitions to be Added.

1. "Accessory dwelling unit." An attached or a detached residential dwelling unit which provides independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, eating, sleeping, cooking, and sanitation on the same parcel as a single-family dwelling or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code, and a manufactured home as defined in Section 18007 of the Health and Safety Code. (See also "Secondary dwelling unit").
2. "Accessory building or structure." A building or structure that is subordinate to the main building on the same site, or the use of which is incidental to the use of the site or the use of the main building on the site. A building that shares a common wall with a main building shall be deemed a part of the main building.
3. "Accessory use." A use incidental, related, and subordinate to the principal legal use of the parcel or lot and located on the same.
4. "Architecturally and historically significant historic district" means a historic district established by the City of Needles.
5. "Attached accessory dwelling unit" means an accessory dwelling unit that shares a common wall with the primary unit, either by being constructed as a physical expansion (i.e., addition) of a primary unit, conversion of an existing garage attached to a primary unit, or installation of a new basement underneath an existing primary unit.
6. "Detached accessory dwelling unit" means an accessory dwelling unit that is constructed as a separate structure from the primary unit or is created

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through conversion (full or partial) of an existing lawfully-constructed detached accessory building into an accessory dwelling unit.

7. "Second Dwelling Unit." A "Second Dwelling Unit" is defined as a permanent dwelling unit that is equivalent to a primary dwelling on the same site. A second dwelling unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking. A second dwelling unit must be detached from the primary dwelling in R1 zones. A second dwelling unit may be attached to or detached from the primary dwelling in R2, R3, and CRR zones.
8. "Floorspace" means the gross floor area as measured to the outside surface of exterior walls, including its living area.
9. "Housing organization" means a trade or industry group whose local members are primarily engaged in the construction or management of housing units or a nonprofit organization whose mission includes providing or advocating for increased access to housing for low-income households and have filed written or oral comments with the local agency prior to action on the housing development project.
10. "Junior accessory dwelling unit." A unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. Enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure. For the purposes of life/safety regulations and providing utilities such as water, sewer, power, or other utilities, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
11. "Land Trust" means the same as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the California Revenue and Tax Code.
12. "Living area" means the interior habitable area of a dwelling unit including the basement and attics but not including a garage or any accessory building or structure.
13. "Primary unit" means the building (or portion of the building in cases of an attached accessory dwelling unit) in which the principal residential use of the lot takes place. An accessory dwelling unit cannot constitute the primary unit.

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14. "Public transit" means a signed and designated bus stop, train stop, ferry terminal or other public transit station where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
 15. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
 16. "Secondary dwelling unit." The predecessor to an accessory dwelling unit under local zoning laws. Secondary dwelling unit permits were issued under local zoning laws in effect after February 3, 1984 and prior to January 1, 2017.
 17. "Tiny home" means a detached structure with an enclosed space between 150 and 400 square feet on a permanent foundation used for dwelling purposes that provides complete independent living facilities for one or more persons and is located on the same lot as the primary dwelling (single-family or multifamily) to which it is an accessory use. A tiny home that meets the requirements herein shall be considered an accessory dwelling unit.
 18. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with a permanent foundation and attached to the required utilities.
- (b) Accessory Dwelling Unit (ADU). This section provides for the establishment and reasonable regulation of accessory dwelling units in order to encourage housing opportunities for all segments of the population while ensuring the public health, safety, and welfare.
1. Application and Fee. Application for an accessory dwelling unit permit shall be accompanied by the appropriate fee(s). Impact Fees. Accessory dwelling units built on a lot with an existing primary dwelling unit are exempt from impact fees. Accessory dwelling units built in conjunction with a new primary dwelling unit are subject to the following:
 - A. For accessory dwelling units less than 750 square feet, no impact fees apply.
 - B. For accessory dwelling units 750 square feet and larger, the impact fee is proportional relative to the square footage of the primary dwelling unit.
 2. Director of the Development Services, or His/Her Designated Replacement, as Review Authority. Applications for accessory dwelling

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units shall be approved or denied ministerially without discretionary review or a public hearing, within 60 days following submission of a complete application and fees, if the proposed site has an existing dwelling unit, otherwise a zoning permit application and fees for a site plan review are required. In the event of a denial, the City shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant within 60 days of submission of a complete application.

3. A temporary certificate of occupancy for an accessory dwelling unit may be issued before the certificate of occupancy is issued for the primary residence, with the following conditions: 1) Within 18 months of receiving the temporary certificate of occupancy, a building permit will be in place for the primary dwelling unit and construction completed within 24 months of issuance of building permit; 2) A bond to be in place at the time the temporary Certificate of Occupancy is issued in an amount covering the cost of demolition and removal of the ADU if the primary dwelling unit is not completed within 24 months. Once both units are completed, permanent Certificate of Occupancy will be issued for both units.
4. Building Permits. A building permit shall be required in conjunction with the issuance of an accessory dwelling unit permit if repair, rehabilitation, or other work otherwise requiring a building permit is necessary.
5. Approved Secondary Dwelling Units Still Valid. Any secondary dwelling unit legally established with an approved secondary dwelling unit permit and in continued existence shall be deemed a legal, conforming dwelling unit. Secondary dwelling units established by any such permit shall continue to comply with all zoning requirements for secondary dwelling units in effect at the time of permit approval.
6. Premises Identification. Any assigned street address number for the accessory dwelling unit shall be plainly visible and legible from the street fronting the property as required by the applicable building code.
7. Expiration. Accessory dwelling unit permits issued in compliance with this section shall expire and become null and void 18 months after issuance unless a certificate of occupancy has been issued by the building division.
8. Reporting of Violations. All reporting of accessory dwelling unit permit or secondary dwelling unit permit violations shall be submitted in writing to the Director of Development Services, or his/her designee, and the Director of Development Services, or his/her designee, shall notify the

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owner of record of the property that a complaint has been registered, within ten calendar days from receipt of any such complaint. The Director of Development Services, or his/her designee, shall investigate and issue a written report to the complainant within thirty days from the date of the issuance of the notice outlining the status of any alleged violation and the steps that have been requested of the owner of record to remedy the situation.

9. Density. Pursuant to California Government Code, Title 7, Division 1, Chapter 13, no accessory dwelling unit approved under these provisions shall be considered in calculating the density of the lot allowed by the land use designation contained in the land use element of the Needles General Plan, and accessory dwelling units are deemed a residential use that is consistent with the existing general plan and zoning for the lot.

(c) Junior Accessory Dwelling Unit (JADU). This section provides for the establishment and reasonable regulation of junior accessory dwelling units to encourage housing opportunities for all segments of the population while ensuring the public health, safety, and welfare.

1. Zoning Permit Required. No junior accessory dwelling unit shall be established or used unless a junior accessory dwelling unit permit has been issued by the City.
2. Application and Fee. Application for a junior accessory dwelling unit permit shall be accompanied by the appropriate filing fee. JADUs are exempt from impact fees.
3. Director of the Development Services, or His/Her Designee, as Review Authority. Applications for junior accessory dwelling unit shall be approved or denied ministerially without discretionary review or a public hearing, within 60 days following submission of complete application and fees. This approval or denial shall occur no more than 60 days following submission of a complete application. In the event of a denial, the City shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.
4. Building Permits. A building permit and a certificate of occupancy shall be required in conjunction with the installation of a junior accessory dwelling unit. Any repair, rehabilitation, or other work associated with the installation of the junior accessory dwelling unit shall also obtain building permits where required by law.

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5. Premises Identification. Any assigned street address number for the junior accessory dwelling unit shall be plainly visible and legible from the street fronting the property as required by the applicable building code.
6. Expiration. Junior accessory dwelling unit permits issued in compliance with this section shall expire and become null and void 18 months after issuance unless a certificate of occupancy has been issued by the building division.
7. Reporting of Violations. All reporting of junior accessory dwelling unit violations shall be submitted in writing to the Director of Development Services, or his/her designee, The Director of Development Services, or his/her designee, shall notify the owner of record of the property that a complaint has been registered within ten calendar days from receipt of any such complaint. The Director of Development Services, or his/her designee, shall investigate and issue a written report to the complainant within thirty days from the date of the issuance of the notice outlining the current status of any alleged violation and the steps that have been requested of the owner of record to remedy the situation.

(d) Manufactured Homes and Tiny Homes. Manufactured homes and tiny homes are subject to all of the following provisions:

1. Shall meet the definition of ADU in Government Code section 66313, subdivision (a), and must comply with the standards of, and be approved as one of the following types of structures:
 - A. a HUD-Code manufactured home (MH),
 - B. a California Residential Code home or
 - C. a California Building Code home.
2. Shall be secured to a permanent foundation.
3. Shall have at least 150 square feet of enclosed space.
4. Shall be directly connected to an approved water source, an onsite wastewater treatment system or sanitary sewer system, and electric utilities. Holding tanks that are incorporated into the original design of the structure shall not be used for the purposes of waste storage and shall be directly connected to the approved onsite wastewater treatment system or sanitary sewer.

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5. Mechanical equipment shall be incorporated into the original design of the structure and shall not be located on the roof or added on to the exterior of the unit, except for HVAC units.
6. Shall have the following design elements:
 - A. Shall not include corrugated aluminum or fiberglass siding and shall not be a shipping container or cargo container.
 - B. Shall use cladding and trim materials on the exterior of movable tiny homes for residential appearance and to provide adequate thermal insulation and weather resistance. Materials may include, but are not limited to, single piece composite, vinyl siding, laminates, or interlocked sheathing.
 - C. Windows shall be at least double pane glass and labeled for building use and shall include exterior trim.
7. Application and Fee. Application for an accessory dwelling unit (manufactured home or tiny home) permit shall be accompanied by the appropriate fee(s).
8. Impact Fees. Accessory dwelling units built on a lot with an existing primary dwelling unit are exempt from impact fees. Accessory dwelling units added in conjunction with a new primary dwelling unit are subject to the following:
 - A. For accessory dwelling units less than 750 square feet, no impact fees apply.
 - B. For accessory dwelling units 750 square feet and larger, the impact fee is proportional relative to the square footage of the primary dwelling unit.
9. Director of the Development Services, or his/her designated replacement, as review authority. Applications for accessory dwelling units shall be approved or denied ministerially without discretionary review or a public hearing, within 60 days following submission of complete application and fees, if the proposed site has an existing dwelling unit, otherwise a zoning permit application and fees for a site plan review are required. In the event of a denial, the City shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

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10. Grant of Accessory Dwelling Unit Permit. To be approved and occupied as an ADU, a tiny home must meet the definition of ADU in Government Code section 66313, subdivision (a), and must comply with the standards of, and be approved as one of the following types of structures:
 - A. a HUD-Code manufactured home (MH),
 - B. a California Residential Code home or
 - C. a California Building Code home.
11. Building Permits. A building permit shall be required in conjunction with the issuance of an accessory dwelling unit permit if repair, rehabilitation, or other work otherwise requiring a building permit is necessary.
12. Approved Secondary Dwelling Units Still Valid. Any secondary dwelling unit legally established with an approved secondary dwelling unit permit and in continued existence shall be deemed a legal, conforming dwelling unit. Secondary dwelling units established by any such permit shall continue to comply with all zoning requirements for secondary dwelling units in effect at the time of permit approval.
13. Premises Identification. Any assigned street address number for the accessory dwelling unit shall be plainly visible and legible from the street fronting the property as required by the applicable building code.
14. Expiration. Accessory dwelling unit permits issued in compliance with this section shall expire and become null and void 18 months after issuance unless a certificate of occupancy has been issued by the building division.
15. Revocation. Upon written notice to the holder of an accessory dwelling unit permit or a secondary dwelling unit permit, and a hearing before the Director of Development Services, or his/her designee, the Director of Development Services may revoke or modify any accessory dwelling unit permit or secondary dwelling unit permit on any one or more of the following grounds:
 - A. That the approval was based on false information submitted by the applicant;
 - B. That the use for which such approval was granted has ceased to exist or has been suspended for one year or more;
 - C. That the permit granted is being or recently has been exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation.

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16. Reporting of Violations. All reporting of accessory dwelling unit permit or secondary dwelling unit permit violations shall be submitted in writing to the Director of Development Services, or his/her designee, and the Director of Development Services, or his/her designee, shall notify the owner of record of the property that a complaint has been registered, within ten calendar days from receipt of any such complaint. The Director of Development Services, or his/her designee, shall investigate and issue a written report to the complainant within thirty days from the date of the issuance of the notice outlining the status of any alleged violation and the steps that have been requested of the owner of record to remedy the situation.

17. Density. Pursuant to Government Code, Title 7, Division 1, Chapter 13, no accessory dwelling unit approved under these provisions shall be considered in calculating the density of the lot allowed by the land use designation contained in the land use element of the Needles General Plan, and accessory dwelling units are deemed a residential use that is consistent with the existing general plan and zoning for the lot.

(e) Standards for Accessory Dwelling Units Created Through Construction of or Additions to a Accessory Structure or by Construction of or Additions to an Existing or Proposed Dwelling. (construction of new square footage)

1. Zones. The proposed unit would be located on a lot that contains a proposed or existing dwelling located in one of the following residential zones: R-1, R-2, R-3, CRR, and C-2.
2. Number of ADUs. One converted ADU is allowed per primary dwelling unit, notwithstanding the presence of a detached ADU of new construction and/or a JADU. On lots zoned for multi-family residential use, a maximum of eight ADUs detached from the multifamily structure are permitted, provided the number of ADUs does not exceed the number of existing units on the lot.
3. Rental. The Accessory Dwelling Unit may be rented but may not be rented for a period of less than 30 consecutive days.
4. Location on Lot. The Accessory Dwelling Unit shall either be attached to the existing dwelling or located within the Living Area of the existing dwelling or shall be detached from the existing dwelling and located on the same lot as the existing dwelling. If detached, the Accessory Dwelling Unit shall be separated from the Primary Unit and any Detached Accessory Building a minimum of three feet.

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5. Zoning Development Standards. The proposed unit shall comply with development standards for the underlying zone in which it is located. Notwithstanding the underlying development standards, the City shall not prohibit the development of an attached or detached ADU of up to 800 square feet with four side and rear setbacks.
6. Separate Kitchen and Bathroom. The proposed Accessory Dwelling Unit shall contain a separate kitchen and bathroom; both the Primary Unit and the Accessory Dwelling Unit shall comply at a minimum with all requirements of the current residential code; and the Accessory Dwelling Unit shall comply with the building code at the time it was constructed.
7. Size. There is no limit on the size of an accessory dwelling unit that is attached to or detached from a primary unit, except that attached and detached accessory dwelling units shall not be larger than the primary unit, if the primary unit is at least 800 square feet or larger.
 - A. If the primary unit is 800 square feet or smaller, the primary unit's size shall not prohibit the development of a detached or attached accessory dwelling unit of at least 800 square feet with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.
8. Height. An Accessory Dwelling Unit may be at least 18 feet in height, but otherwise shall not exceed the height of maximum height limit of its respective zone.
9. Passageway. No Passageway shall be required in conjunction with the construction of an Accessory Dwelling Unit.
10. Setback Exceptions. A detached Accessory Dwelling Unit must have a minimum set back of four feet from side and rear property lines. No setback shall be required for a lawfully constructed garage or other accessory structure in existence prior to execution of this Ordinance that is converted to an Accessory Dwelling Unit, and a setback of no more than four (4) feet from the side and rear lot lines shall be required for an Accessory Dwelling Unit that is constructed above a garage.
11. Parking. The application shall comply with parking provisions of Needles' Municipal Code Section 111, including parking setback limitations, except as set forth below:

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- A. One parking space per accessory dwelling unit or per bedroom, whichever is less, of the proposed Accessory Dwelling Unit in addition to those required for the Primary Unit(s).
- B. Required parking for the Accessory Dwelling Unit may be uncovered.
- C. Off-street parking for an Accessory Dwelling Unit may be in tandem with parking for the Primary Unit or may be allowed in the front setback, unless specific findings are made that such is not feasible based on specific site topographical or fire and life safety conditions. All parking spaces shall be on an Improved Parking Surface that satisfies City Standards.
- D. When a garage, carport, or covered or uncovered parking space is demolished in conjunction with the construction of an Accessory Dwelling Unit, the City does not require that those parking spaces be replaced.
- E. Subsections A through D of this Standard 11 shall not apply to a unit described in subsection 11F below.
- F. On-site parking is not required for an Accessory Dwelling Unit in any of the following circumstances:
 - 1. The unit is located within one-half mile of Public Transit.
 - 2. The unit is part of the existing Primary Unit or an existing Accessory Building.
 - 3. When on-street parking permits are required but not offered to the occupant of the unit.
 - 4. When there is a car share vehicle located within one block of the unit.
 - 5. Where the unit is located within an architecturally and historically significant historic district.
 - 6. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed above.

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12. Feasibility Inspection. Unless the project constitutes new construction, a building inspection shall be performed by the City's Building Division at applicant's cost, and a report establishing the feasibility of the project to meet applicable building and residential codes shall be provided to the Director of Development Services, or his/her designee, prior to approval of an Accessory Dwelling Unit permit.
 13. Adequate sanitary service capacity for the additional increment of effluent resulting from the Accessory Dwelling Unit would be available. If the lot is connected to the public sewer system, the applicant has submitted a letter from the appropriate Sanitary District to that effect. If the lot is not connected to the public sewer system, the applicant will need to demonstrate that the individual or alternative sewage disposal system serving the lot has adequate capacity to accommodate the proposed Accessory Dwelling Unit.
 14. The Accessory Dwelling Unit would comply with all applicable Fire District regulations, subject to provisions and limitations set forth in Government Code, Title 7, Division 1, Chapter 13.
 15. The Accessory Dwelling Unit would comply with all applicable Water District regulations, subject to provisions and limitations set forth in Government Code, Title 7, Division 1, Chapter 13.
- (f) Standards for Accessory Dwelling Units Created Exclusively through Conversion of Existing Floorspace in a Single-Family Dwelling, Multifamily Structure, or a Accessory Building. (no construction of new square footage)
1. The unit shall be located in one of the following residential zones: R-1, R-2, R-3, CRR, and C-2.
 2. The unit shall be created within an existing legal structure (a single-family dwelling or a Detached Accessory Building appurtenant to a single-family dwelling) and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure.
 3. The unit shall provide independent exterior access from the Primary Unit.
 4. The unit has sufficient setbacks to meet fire safety requirements.
 5. One converted ADU is allowed per primary dwelling unit, notwithstanding the presence of a detached ADU of new construction and/or a JADU. On a multifamily lot, non-livable space may be converted into at least one ADU, and up to 25 percent of the number of existing multifamily dwelling units, if

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each converted unit complies with the state building standards for dwellings.

6. Rental. The unit may be rented but may not be rented for a period less than 30 consecutive days.
7. Feasibility Inspection. A building inspection shall be performed by the City's Building Division at applicant's cost, and a memo establishing the feasibility of the project to meet applicable building and residential codes shall be provided to the Director of Development Services, or his/her designee, prior to approval of a permit.

(g) Standard for Junior Accessory Dwelling Units.

1. The proposed junior accessory dwelling unit would be located in the R-1, R-2, R-3, and CRR zones.
2. One junior accessory dwelling unit is permitted on a single family lot.
3. Owner occupancy of one of the dwelling units on the site (either the primary residence or the junior accessory dwelling unit) is required, unless the owner is a governmental agency, a land trust, or a housing organization. For purposes of this standard, ownership is defined as a majority (i.e., fifty-one percent or greater) interest in the property in question. Property owned in joint tenancy shall be considered a single ownership for any party named. Property owned in tenancy in common shall be considered a single ownership for the party named, unless shares are specified, in which case ownership requires a majority interest.
4. The junior accessory dwelling unit would be in conformance with the current building codes adopted by the City. A memo prepared following inspection of the premises by the Needles Building Division, documenting the feasibility of the project to meet current building codes, shall be provided to the Director of Development Services, or his/her designee, prior to approval of a junior accessory dwelling unit permit.
5. The junior accessory dwelling unit would be created within an existing single-family structure. Enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.
6. The junior accessory dwelling unit would have a separate exterior entry from that of the primary residence. An interior entry may also be included.

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7. The junior accessory dwelling unit shall at least include an efficiency kitchen, requiring the following components:
 - A. A cooking facility with appliances.
 - B. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
8. Adequate sanitation (bathroom) facilities are provided, either a) separately for the exclusive use of the junior accessory dwelling unit; or b) shared with the primary residence through internal access from the junior accessory dwelling unit to the primary residence.
9. The junior accessory dwelling unit shall comply with applicable requirements of the fire protection district serving the lot, subject to the provisions of Government Code, Title 7, Division 1, Chapter 13.
10. The junior accessory dwelling unit shall comply with applicable requirements of the public water agency serving the lot, subject to the provisions of Government Code, Title 7, Division 1, Chapter 13.
11. The property on which the junior accessory dwelling unit is located shall have deed restrictions recorded upon it as set forth below prior to issuance of a building permit for the unit. Said restrictions shall be reviewed and approved by the City Attorney and recorded with the San Bernardino County Recorder's Office.
 - A. The junior accessory dwelling unit shall not be sold separately from the primary residence, unless the JADU meets all the requirements listed in Government Code Section 65852.26.
 - B. The junior accessory dwelling unit shall not exceed five hundred (500) square feet in floor area, shall not be smaller than allowed by applicable building regulations, and shall be entirely contained within an existing single-family structure.
 - C. The junior accessory dwelling unit shall be considered legal only so long as it or the single-family dwelling in which it is located is owner-occupied, unless the owner is a governmental agency, a land trust or a housing organization. Ownership is defined as a majority (i.e., fifty-one percent or greater) interest in the property in question. Property owned in joint tenancy shall be considered a single ownership for any party named. Property owned in tenancy in common shall be considered a single ownership for the party

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named, unless shares are specified, in which case ownership requires a majority interest.

- D. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with any provisions of Needles Municipal Code Section 96.08 "C" and "G" may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.

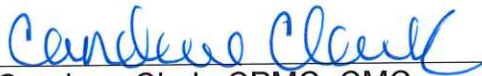
CITY OF NEEDLES

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*Mayor Jan Jernigan
Vice Mayor Kirsten Merritt
Councilmember Tona Belt
Councilmember Ellen Campbell
Councilmember Jamie McCorkle
Councilmember JoAnne Pogue
Councilmember Henry Longbrake
City Manager Patrick Martinez*

CERTIFICATION

I, Candace Clark, Interim City Clerk of the City of Needles, California, do hereby certify that the foregoing is a true and correct copy of Ordinance 668-AC.



Candace Clark, CPMC, CMC
Interim City Clerk

(SEAL)

Date: November 14, 2024