SUBJECT: SECOND READING - ORDINANCE NO. 1627, ZONING ORDINANCE AMENDMENT NO. 3-2002 - SECOND UNITS

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Ordinance No. 1627 approved Zoning Ordinance Amendment No. 3-2002 pertaining to Second Units which added provisions to Articles 2 and 21 of the Zoning Ordinance. The ordinance was given First Reading on December 17, 2002, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1627, waive further reading, and adopt said ordinance.

ATTACHMENT: Ordinance No. 1627
ORDINANCE NO. 1627

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING ORDINANCE NO.1198 BEING THE ZONING ORDINANCE OF THE PORTERVILLE MUNICIPAL CODE, PERTAINING TO SECOND UNITS

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of November 16, 2002, conducted a public hearing to consider a General Amendment of Zoning Ordinance 1198 adding provisions to Articles 2 and 21 of the Zoning Ordinance of the City of Porterville; and

WHEREAS: The proposed General Amendment of the Zoning Ordinance will allow the construction of a second unit with an existing home.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby amend Ordinance No.1198 as follows:

SECTION 1: Article 2 is hereby amended as follows:

   SECTION 201(A)7.
   SECTION 221(A)2.

   Applications for second units in R-A, R-E, R-1-8, and R-1 shall be approved by the Zoning Administrator as described in Article 30.

SECTION 2: Article 21 is hereby amended as follows:

   SECTION 2103(A)14 is hereby deleted in its entirety.

SECTION 3: Article 30 is hereby amended as follows:

   Section 3001: Matters considered by Zoning Administrator.

   1. The Zoning Administrator shall have and decide the following matters:

       7. Application for second unit in R-A, R-E, R-1-8, and R-1 zones.

   Section 3009: Second units

   A. A permit will be issued as a ministerial matter for a second dwelling unit, in addition to the first single-family dwelling unit on a single-family residential lot when all of the conditions below are met.

   B. Such permits may be processed and issued as an administrative matter by the Zoning Administrator after review and consideration of the application without requirement of hearing. A second unit will be allowed in the R-A, R-E, R-1-8, and R-1 zoning districts only, subject to the following standards:

       1. Application must be accompanied by Location Map and Site Plan drawn to scale showing:

          a. Application Fees.
b. Existing and proposed structures and additions, if any.

c. Floor plan of existing and proposed structures.

d. Orientation and dimension of lot and structure(s) on the lot.

e. Adjacent streets.

f. Access and parking.

2. Notwithstanding the portions of Article 25 (Nonconforming Structures) the primary unit must meet all City codes including the height, setback, lot coverage, parking, and other zoning requirements. Any nonconforming structures must be corrected prior to construction of second unit.

3. Either the primary or secondary unit may be for rental purposes and neither unit may be sold separately.

4. The total area of floor space of a detached second unit shall not exceed 1,200 square feet.

5. The second unit shall provide separate, independent living quarters for one family.

6. An existing single-family dwelling may be converted into two dwelling units.

7. If an increase in the floor area is involved, said increase shall not exceed thirty 30 percent of the existing living area or the minimum area of an efficiency unit as described in section 17958.1 of the California Health and Safety Code, whichever is greater.

8. The second unit shall be attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot.

9. The entrance to an attached second unit shall be separate from the entrance to the first unit and shall be installed in a manner as to negate an obvious indication of two (2)units in the same structure.

10. Second units shall conform to the height, setbacks, lot coverage and other zoning requirements of the zoning district in which the site is located, other requirements of the zoning ordinance and other applicable City codes.

11. In addition to parking required for the existing residence, an additional one covered space for efficiency units and one bedroom units, two covered parking spaces for two, three, and four bedroom units, and one parking space per bedroom thereafter shall be provided.

12. Access to parking for the primary and second unit shall be provided via a paved driveway in compliance with City codes and shall be fully accessible for vehicular parking.
13. A second unit shall be designed and constructed so as to blend with and complement the existing single-family unit in terms of height, roofing, siding materials and color.

14. One unit shall be occupied by the owner of the lot as long as the second unit exists. Prior to issuance of a building permit a deed restriction shall be recorded to this effect. A covenant running with the land shall be recorded by every second unit applicant, permitting the City to enforce these provisions at the cost of the owner. Proof of recordation shall be sent to the Community Development Director and kept on file.

SECTION 4: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

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Gordon T. Woods, Mayor

ATTEST:

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John Longley, City Clerk