

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY,
CALIFORNIA, REPEALING AND REPLACING SECTION 18.30.170 OF TITLE 18
OF THE SUISUN CITY CODE AND AMENDING THE WATERFRONT DISTRICT
SPECIFIC PLAN, RELATING TO REGULATIONS FOR ACCESSORY DWELLING
UNITS IN RESIDENTIAL PROPERTIES

18.04 Definitions

Amending 18.04 Definitions

Accessory Dwelling Unit. An attached or a detached residential dwelling unit that provides complete, 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 in accordance to California state building code for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit and a manufactured home, but does not include trailers.

a. Attached Accessory Dwelling Unit. An accessory dwelling unit that shares at least one common wall with the primary dwelling and is not fully contained within the existing space of the primary dwelling or an accessory structure.

b. Detached Accessory Dwelling Unit. An accessory dwelling unit that does not share a common wall with the primary dwelling and is not fully contained within the existing space of an accessory structure.

c. Internal Accessory Dwelling Unit. An accessory dwelling unit that is fully contained within the existing space of the primary dwelling or an accessory structure.

d. Junior Accessory Dwelling Unit. A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

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18.30.170 Accessory Dwelling Units

Purpose. This section is intended to achieve the goals of the C53

ity's housing element and of the California Government Code by permitting accessory dwelling units, thereby increasing housing opportunities for the community through use of existing housing resources and infrastructure.

The following regulations shall apply to all accessory dwelling units in a residential zoning district:

~~**A. Ministerial consideration**~~

~~1. New Construction. If the director of development services receives an application to construct an accessory dwelling unit (by either adding on to an existing structure, or constructing a new detached structure), and the proposal meets all of the requirements of the Municipal Code, then within 120 days of receipt of a complete application for the accessory dwelling unit, the director of development services shall ministerially~~

approve the application without a hearing.

2. No Expansion. If the applicant will not be adding floor area, and instead has submitted a complete application for an accessory dwelling unit entirely within the existing space of a single family residence or accessory structure, then the director shall, without a hearing, ministerially approve a complete application for a building permit to create an accessory dwelling unit if all of the following apply:

a. The unit is contained entirely within the existing space of a single family residence or accessory structure (without adding floor area to the existing residence or accessory structure).

b. The unit is on a lot zoned R-M (Medium Density Residential), R-H1 or RH2 (High-Density Residential).

c. There will be only one accessory dwelling unit on the lot.

d. The unit has independent exterior access from the existing residence.

e. The side and rear setbacks are sufficient for fire safety as determined by the Fire Marshal.

f. Fire sprinklers are provided to the same extent that they are required for the primary residence.

~~B.A.~~ An accessory dwelling unit may be established on any residentially zoned parcels, in any district where single-family or multi-family dwellings are a permitted use; and on any lot with an existing or proposed single-family or multi-family dwelling, which permits single-family dwellings containing an existing single family dwelling.

~~C.B.~~ Accessory dwelling units shall not exceed the allowable density for the lot upon which the accessory dwelling unit is located.

C. Accessory dwelling units are a residential use that shall be consistent with the existing general plan and zoning designation for the lot.

~~3-D.~~ There will be only up to one accessory dwelling unit and one junior accessory dwelling unit per lot.

~~D.~~ An applicant must be both an owner and the current resident of the property for which an accessory dwelling unit is proposed.

E. The accessory dwelling unit can either be attached to and designed to be located within the living area of the existing dwelling or detached from and no less than ten-5 feet from the existing single family dwelling, and such unit shall be architecturally integrated into the existing building design.

F. The proposed increase in gross floor area of an attached or detached accessory dwelling unit shall not exceed 50 percent of the existing living area up to a maximum of twelve hundred1000 square feet.

G. ADetached-accessory dwelling units shall be located no closer than five-4 feet from any side or rear property lines, be on the rear 50% of the lot and must meet the requirements of Section 18.31 Standards for Residential Districts, Table 18.31.01 Development Standards in Residential Zones.

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1 H. An internal ADU may be constructed regardless of whether it conforms to the current
2 zoning requirement for building separation or setbacks.

3 G.I. If an internal ADU is proposed to be constructed within an existing accessory structure,
4 the city shall ministerially permit an expansion of the existing accessory structure by up
5 to 150 square feet for the purpose of accommodating ingress and egress.

6 H.I. If an existing structure is demolished and replaced with an accessory dwelling unit, an
7 accessory dwelling unit may be constructed in the same location and to the same
8 dimensions as the demolished structure.

9 K. The accessory dwelling unit shall be architecturally integrated into the existing building
10 design.

11 L. Foundation. An accessory dwelling unit shall be constructed on a permanent foundation.

12 4-M. The accessory dwelling unit shall not be placed on top of any easements.

13 I. As part of any such building permit application, the applicant shall submit a copy of the
14 deed to the property including a full and complete set of any conditions, covenants and
15 restrictions.

16 J.N. Connection Fees. A local agency is prohibited from requiring a new or separate utility
17 connection for an accessory dwelling unit if contained within the existing space of a
18 single-family residence or accessory structure (in accordance with Government Code
19 Section 65852.2(f)).

20 O. Parking

21 a. Maximum of one space per unit or one space per bedroom. Tandem parking on
22 an existing driveway is allowed, which may be within setback areas.

23 b. No additional parking for accessory dwelling units can be required when:

24 a. An accessory dwelling unit is located:

25 1. Within one-half mile walking distance of public transit;

26 2. Within an architecturally and historically significant historic
27 district;

28 3. Within an existing primary residence or an existing accessory
29 structure;

30 4. Within an area where off-street parking is required, but no permit
31 is offered to the occupant of the accessory dwelling unit;

32 5. Within one block of a car share vehicle.

33 c. When a garage, carport, or covered parking structure is demolished in
34 conjunction with the construction of an accessory dwelling unit or converted to
35 an accessory dwelling unit, replacement parking stalls are not required for the
36 demolished parking structure.

37 P. Rental

38 a. An accessory dwelling unit may be rented but shall not be sold or otherwise

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conveyed separately from the primary dwelling.

b. The rented unit shall not be leased for any period less than 30 days.

Q. Recordation of Deed Restriction: An executed deed restriction, on a form provided by the city, shall be submitted to the city prior to issuance of a building permit and shall be recorded prior to final occupancy. The deed restriction shall stipulate all of the following:

a. That the rented unit shall not be rented for any period less than 30 days at a time; and

b. That the accessory dwelling shall not be sold separately from the primary dwelling.

c. For junior accessory dwelling units, restrictions on size and attributes in conformance with this section.

~~Maximum of one space per unit or one space per bedroom. Tandem parking on an existing driveway is allowed, which may be within setback areas.~~

~~No additional parking for accessory dwelling units can be required when:~~

~~An accessory dwelling unit is located:~~

~~Within one half mile of public transit;~~

~~Within an architecturally and historically significant historic district;~~

~~Within an existing primary residence or an existing accessory structure;~~

~~On street parking permits are required but not offered to the occupant of the accessory dwelling unit; or~~

~~There is a car share vehicle located within one block of the accessory dwelling unit.~~

R. Ministerial consideration

1. New Construction. If the Development Services Department receives an application to construct an accessory dwelling unit (by either adding on to an existing structure, or constructing a new detached structure), and the proposal meets all of the requirements of the Municipal Code as determined by Section 18.30.170 Accessory Dwelling Units, then within 60 days of receipt of a complete application for the accessory dwelling unit, the Development Services Department staff shall ministerially approve the application without a hearing.

2. No Expansion. If the applicant will not be adding floor area, and instead has submitted a complete application for an accessory dwelling unit entirely within the existing space of a single-family residence or accessory structure, then the director shall, without a hearing, ministerially approve a complete application for a building permit to create an accessory dwelling unit if all of the following apply:

a. The unit is contained entirely within the existing space of a single-family residence

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- or accessory structure (without adding floor area to the existing residence or accessory structure) and doesn't exceed 50 percent of the existing primary dwelling.
- b. The unit is in any district where single-family or multi-family dwellings are a permitted use.
- c. On any lot with an existing or proposed single-family or multi-family dwelling.
- d. The unit has independent exterior access from the existing residence.
- 5-e. Fire sprinklers are provided to the same extent that they are required for the primary residence.

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18.31 Standards for Residential Districts

Amend Section 18.31 Standards for Residential Districts

Table 18.31.01 Development Standards in Residential Zones					
Development Standards	RL	RM	RH1	RH2	RMU
Lot Size					
Setback					
Accessory Dwelling Unit 7.					
New Construction, Conversion and Replacing 8. 10.					
Minimum Side Setback, interior	4	4	4	4	4
Minimum Side Setback, street	4	4	4	4	4
Minimum Rear Setback	4	4	4	4	4
Maximum Height of stand-alone unit	16	16	16	16	16

Maximum Floor Area	Attached	1000 sq. ft.
	Detached	1000 sq. ft.
	Internal	50 percent of the existing primary dwelling.
	Junior	500 sq. ft.
Front	Must be in the rear 50% of the lot	
Building Separation	A minimum 5-foot distance shall be maintained between a detached accessory dwelling unit the primary building on the site. A detached accessory structure shall be set back from other structures on the site as required by the building code.	

Notes:

7. For Junior Accessory Dwelling Units and Internal ADUs, no setbacks and height required, other than that of the primary dwelling.

8. Conversion and replacing applies only to existing, permitted accessory dwelling units.

9. The proposed increase in gross floor area of an attached or detached accessory dwelling unit shall not exceed 50 percent of the existing living area.

10. Please refer to section 18.30.170 - H., I., J.”

- H. An internal ADU may be constructed regardless of whether it conforms to the current zoning requirement for building separation or setbacks;
- I. If an internal ADU is proposed to be constructed within an existing accessory structure, the city shall ministerially permit an expansion of the existing accessory structure by up to 150 square feet for the purpose of accommodating ingress and egress;
- J. If an existing structure is demolished and replaced with an accessory dwelling unit, an accessory dwelling unit may be constructed in the same location and to the same dimensions as the demolished structure.

~~a. Maximum of one space per unit or one space per bedroom. Tandem parking on an existing driveway is allowed, which may be within setback areas.~~

~~b. a. No additional parking for accessory dwelling units can be required when:~~

~~a. An accessory dwelling unit is located:~~

Commented [JMM1]: Where did you get this from? I couldn't find a state law that says 4ft between adu and primary building. I only saw 4ft for side and rear setbacks.

Commented [JMM2R1]: You are correct - I believe 5 feet is OK here

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~~1. Within one-half mile of public transit;~~

~~2.1 Within an architecturally and historically significant historic district;~~

~~3.1 Within an existing primary residence or an existing accessory structure;~~

~~b.a. On street parking permits are required but not offered to the occupant of the accessory dwelling unit; or~~

~~c.a. There is a car share vehicle located within one block of the accessory dwelling unit.~~