

CITY COUNCIL MEETING

SEPTEMBER 21, 1983

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ZONING ORD.
AMENDED TO PERMIT
UNDER SPECIFIC
CONDITIONS
CONSTRUCTION OF
SECOND LIVING
UNITS IN AREAS
ZONED R-1, R-2,
AND R-L-D

The Planning Commissions recommendation that the Zoning Ordinance (Section 27, Lodi Municipal Code) be amended to permit, under specific conditions construction of second living units in areas zoned R-1 and R-2, Single Family Residential.

The matter was introduced by Community Development Director Schroeder who responded to questions regarding the subject as were posed by Council.

There were no persons in the audience wishing to speak on the matter, and the public portion of the hearing was closed.

Council discussion followed with amendments being proposed for the proposed Ordinance which would provide for the inclusion in the Ordinance of R-L-D (Low Density Multiple-Family Residential) and the inclusion of the requirement of an outside entrance.

ORD. NO. 1299
INTRODUCED

Following additional discussion, Council Member Reid moved for introduction of Ordinance No. 1299 amending the Zoning Ordinance (Section 27, Lodi Municipal Code) to permit, under specific conditions, construction of second living units in areas zoned R-1 and R-2, Single-Family Residential and R-L-D, Low Density Multiple-Family Residential with the amendments heretofore stated. The motion was seconded by Mayor Pro Tempore Snider and carried by the following vote:

Ayes: Council Members - Pinkerton, Snider, Reid and Olson (Mayor)

Noes: Council Members - None

Absent: Council Members - Murphy

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NOTICE OF PUBLIC HEARING
TO CONSIDER THE PLANNING COMMISSIONS
RECOMMENDATION THAT THE ZONING ORDINANCE
(SECTION 27, LODI MUNICIPAL CODE),
BE AMENDED TO PERMIT, UNDER SPECIFIC CONDITIONS,
CONSTRUCTION OF SECOND LIVING UNITS IN AREAS
ZONED R-1 AND R-2, SINGLE-FAMILY RESIDENTIAL

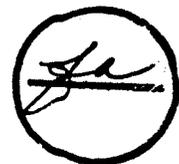
NOTICE IS HEREBY GIVEN that on Wednesday, September 7, 1983 at the hours of 8:00 p.m. or as soon thereafter as the matter may be heard, the Lodi City Council will conduct a public hearing in the Council Chambers, City Hall, 221 West Pine Street, Lodi, California, to consider the Planning Commission's recommendation that the Zoning Ordinance (Section 27, Lodi Municipal Code), be amended to permit, under specific conditions, construction of second living units in areas zoned R-1 and R-2, Single-Family Residential.

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views either for or against the above proposal. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein and oral statements may be made at said hearing.

Dated: August 17, 1983

By Order of the City Council

Alice M. Reimche
Alice M. Reimche
City Clerk



RESIDENTIAL SECOND UNITS

DEFINITION - Residential Second Unit

A residential second unit is an additional living unit on a lot within a single family zone. A second unit is a self-contained unit with separate kitchen, living and sleeping facilities. A second unit can be created by a) altering a single family dwelling to establish a separate unit or b) adding a separate unit onto an existing dwelling.

BACKGROUND

SB 1534, Mello, adopted by the State in 1982, authorizes cities and counties to provide, by ordinance, for the creation of second units, as defined in single-family residential zones. The general intent of the legislation is to increase the available housing stock in the State, particularly for low and moderate income families.

The Legislature found that there were many underutilized parcels of land in the State and that second units would benefit the public by:

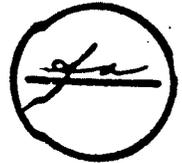
1. Providing cost effective development through the use of existing infrastructures, as contrasted to requiring the construction of new infrastructures in undeveloped areas.
2. Provide relatively affordable housing without public subsidy.
3. Provide a means for purchasers of new or existing homes to meet payments on high interest loans.
4. Provide security for homeowners who fear both criminal intrusion and personal accidents while alone.

Additionally, this has become popular as a way in which families can provide housing for an elderly parent while still allowing independent living. This is why this type of housing is sometimes referred to as "Granny Housing."

LEGISLATIVE REQUIREMENT

The Legislation requires that cities and counties do one of the following:

1. Adopt State Legislation by reference. This alternative would mean that the jurisdiction would accept the State mandate and allow, with a conditional use permit, second units in single-family residential zones.
2. Adopt a local ordinance permitting second units. This would allow jurisdictions to adopt specific conditions and restrictions for second units as long as they were not totally prohibited.
3. Adopt a local ordinance prohibiting second units. Jurisdictions



can prohibit second units by adopting an ordinance that has findings that acknowledge that such action may limit housing opportunities of the region. Additionally, findings that have specific adverse impacts of public health, safety and welfare would result from allowing second units.

PROPOSED CITY ORDINANCE

The Legislation allows local jurisdictions to adopt ordinances that set standards for parking, height, setback, lot coverage, architecture and size of unit. There can also be restrictions on the age of tenants, who can apply and whether a use permit is required. Other conditions can also be included if desired by the local jurisdiction.

The attached draft ordinance is what the Community Development Department is proposing for the City of Lodi. The ordinance would be an amendment to the Zoning Ordinance and would be added to the Sections on R-1 and R-2 zoning.

The proposed amendment would allow second units to be constructed on single-family lots that have an existing residence. The second unit must obtain a use permit and the applicant must be the owner/occupant of the main residence on the property. The second unit must also meet minimum lot size, setback and architectural requirements, must be attached to the main residence and must provide additional parking.

Other conditions are possible, however, staff feels that the proposed ordinance is a workable compromise. It protects the neighboring properties while, at the same time, allows people who can meet the conditions to build a second unit. We feel that the proposed ordinance meets the intent of the legislation to provide additional affordable housing.

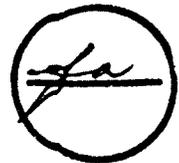
Based on the experience of other cities that have allowed second unit residences, we do not expect a significant number of people to apply for these units.

The following use is added to the R-1 and R-2 Districts:

Second-Unit Dwellings

A second residential unit may be added to an existing residence on a single-family lot provided that the following conditions apply:

1. Use Permit
 - a. The applicant for a second unit must secure a Use Permit from the Planning Commission.



- b. The applicant for the Use Permit must be the owner/occupant of the property on which the second unit will be constructed.

2. Height and Area

- a. A lot proposed for a second unit must meet the following minimum lot size requirements:

R-1 - 6,500 square feet minimum lot size.

R-2 - 6,000 square feet minimum lot size.

- b. All setback, height and lot coverage requirements of the zone must be met.

3. Design Standards

- a. The second unit must be made architecturally compatible with the existing residence.
- b. No new entrances will be permitted on the front of the existing residence.
- c. The floor area of the second unit cannot exceed 400 square feet.

4. Parking

One legal off-street parking space must be provided for the new unit. The parking space must be in addition to the parking required for the main residence and must meet all setback requirements.

5. General Standards

In all cases the City shall determine that the proposed unit is compatible with the design of the surrounding residences and does not adversely affect public facilities or the neighborhood.