



## **CITY OF CORNING ZONING CODE UPDATE**

In Spring 2020, the City of Corning began updating the City's Zoning Code using a SB 2 grant received from Housing and Community Development. The amendments to the Zoning Code address recent changes in State housing legislation. In addition, revisions have been made to help modernize and streamline specific sections of the Code. Below is a list of proposed revisions and additions in the Zoning Code.

- Updated the General Purpose statement in Section 17.04.030 of the Code addressing the relationship to the General Plan's goals and policies. Also, purpose statements promoting high-quality design and preserving the quality of life and character of existing residential neighborhoods were added.
- Revised and added new housing-related definitions in Chapter 17.06, including terms such as group residential, assisted living, family day care, etc. Also, definitions for various housing types were added or updated to match the revisions in the residential zoning districts section.
- Prepared new purpose statements that discuss uses found in each residential zoning district, relationship with the associated General Plan land use categories, and maximum density limits allowed (Chapter 17.10).
- Created a new development standards table in Chapter 17.10 for residential districts to make it easier to find lot size requirements, setbacks, and building height information.
- Updated the types of residential uses allowed in residential zones to allow a variety of housing options in the City.
- Updated residential zoning districts to allow multi-family by right in the R-2 and R-3 districts (Chapters 17.12 and 17.13).
- Updated maximum density limit in the R-4 district to 28 dwelling units per acre to match the Multi-Family Residential land use designation in the City's General Plan (Chapter 17.14).
- In the R-3 and R-4 districts (Chapters 17.13 and 17.14), a new requirement was added calling for a minimum of 10% of the units in multi-family developments containing 20 or more units to be three bedrooms. This would help address the housing needs of larger families.
- Updated the height limit in the R-3 district to accommodate up to 3-story buildings (40 feet maximum) for townhouses, condominiums, and apartments (Chapter 17.13).
- In Chapter 17.14, updated the height limit in the R-4 district to accommodate up to 4-story buildings (55 feet maximum) for apartments, condominiums, and mixed use (residential over commercial/office).
- Developed objective development and design standards in Chapter 17.11, for affordable multi-family housing projects meeting the eligibility requirements for streamlining under SB 35.
- Updated the City's ADU regulations to meet new State legislation changes effective Jan. 1, 2020.

## DRAFT CORNING ZONING CODE UPDATE – NOVEMBER 16, 2020

Text highlighted in yellow is revised existing Zoning Code language.

Green text is proposed new Zoning Code language.

### **Title 17 - ZONING\***

\*For statutory provisions on planning in general, see Gov. Code § 6500 et seq.; for provisions authorizing cities to regulate the use of land and buildings, see Gov. Code § 65850.

### **Chapter 17.04 – GENERAL PROVISIONS**

#### **17.04.010 - Title**

The ordinance codified in this chapter shall be known and cited as the "Corning Zoning Code."

#### **17.04.020 - Adopted**

There is adopted a zoning enabling plan for the City, which constitutes a precise plan based upon the adopted master plan of the City.

#### **17.04.030 - General Purpose**

The purpose of this Code is to implement the City's General Plan and to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare. More specifically, the Code is adopted to achieve the following objectives:

- A. Provide standards for the orderly growth and development of the City, and guide and control the use of land to provide a safe, harmonious, attractive, and sustainable community.
- B. Achieve the arrangement of land uses depicted in the Corning General Plan, consistent with the goals and policies of the General Plan.
- C. Enhance the appearance of the City and promote high-quality design.
- D. Preserve and enhance the quality of life and character of residential neighborhoods.
- E. Promote economic growth and the creation of jobs.
- F. Facilitate the appropriate location of community facilities, institutions, transportation, and parks and recreational areas.
- G. Allow for public participation in government decision-making regarding land use and development in a manner consistent with State law.
- H. Define duties and powers of administrative bodies and officers responsible for implementation of the Code.

#### **17.04.040 - Relationship to the General Plan (this replaces 17.04.040 Scope)**

This Code implements the goals and policies of the City of Corning General Plan by regulating the use of land and structures within the City. This Code and the General Plan shall be consistent with one another.

Any permit, license, or approval issues pursuant to this Code must be consistent with the General Plan and all applicable specific plans. In any case where there is a conflict between this Code and the General Plan, the General Plan shall control.

#### **17.04.050 - Generally**

The Zoning Plan consists of the establishment of various districts within some, all, or none of which it shall be unlawful to erect, construct, alter, move, locate, or maintain certain buildings or to carry on certain trades or occupations or to conduct certain uses of land or of buildings; within which the height and bulk of future buildings shall be limited, within which certain open spaces shall be required about future buildings, and consisting further of appropriate additional regulations to be enforced in such districts, all as set forth in this chapter.

#### **17.04.060 - Interpretation**

- A. In interpreting and applying the provisions of this chapter, unless otherwise stated, they shall be held to be the minimum requirements for the promotion and protection of the public safety, health and general welfare.
- B. Regulations which are specifically set forth in this chapter to apply to any particular district shall not be deemed to apply to any other district unless such application is clearly set forth in the text hereof.

#### **17.04.070 - Applicability**

- A. Where conflict occurs between the regulations of this chapter and any building code or other regulations effective within the City, the more restrictive of any such regulations shall apply.
- B. It is not intended that this chapter shall interfere with or abrogate or annul any easement, covenants, or other agreements now in effect; provided, however, that where this chapter imposes greater restrictions than are imposed or required by other ordinances, rules or regulations, or by easements, covenants or agreements, the provisions of this chapter shall apply.

#### **17.04.080 - Permit and License Issuance Authority - Conformance to Regulations**

All departments, officials and public employees of the City which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title and shall issue no such permit or license for uses, buildings and purposes where the same would be in conflict with the provisions of this title.

#### **17.04.090 - Violations**

- A. It shall be unlawful for any person to violate any section of this code. When any building or parcel of land regulated by this code is being used or maintained contrary to this code, the City may order such use discontinued.

- B. Vehicle parts, debris, rubbish, trash and graffiti shall not be allowed to remain on any lot or structure, outside of approved containers. Weeds in excess shall not be allowed to remain on any lot.

#### **17.04.100 - Penalties**

- A. Any person violating any of the provisions of Title 17, or failing to comply with any of the mandatory requirements of the ordinances of the City of Corning, shall be guilty of an infraction.
- B. Any person convicted of an infraction for violation of an ordinance of the City of Corning, is punishable by:
  - 1. A fine not exceeding fifty dollars for a first violation;
  - 2. A fine not exceeding one hundred dollars for a second violation of the same ordinance within one year;
  - 3. A fine not exceeding two hundred fifty dollars for each additional violation of the same ordinance within one year;
- C. Each person shall be guilty of a separate offense for each day and every day during any portion of which any violation of any provision of Title 17 is committed, continued or permitted by any such person, and he/she shall be punishable accordingly.

#### **17.04.110 - Notice**

- A. Notice to Remove - The City shall notify the owner of any private property within the City or the agent of such owner or occupant to abate any violation of this chapter. The owner or occupant shall properly dispose or abate such violation. Such notice shall be by certified mail, addressed to such owner at his/her last known address. This notice shall allow ten days from the date of receiving the certified letter to abate the violation.
- B. Action for Noncompliance - Upon the failure, neglect or refusal of any owner or agent of occupant so notified to abate the violation within ten days after receipt of written notice provided in subsection A of this section, or make acceptable arrangement to abate such violation or within seven days after the date of such notice in the event the same is returned to the City because of inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, agent or occupant, the City is authorized to pay for the abatement or disposing of such litter or refuse.
- C. Charge to be Collected - When the City has effected for the abatement or removal of such refuse or litter or has paid for its removal, the actual cost thereof, administrative cost and accrued interest at the rate of seven percent per year from the date of the completion of the work, if not paid by such owner or occupant of such property, and such charges shall be due and payable by the owner at time of presentation.

## **Chapter 17.06 - DEFINITIONS**

### **17.06.010 - Generally**

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in this chapter.

### **17.06.020 - Accessory Building**

A detached subordinate building the use of which is incidental to that of the main building on the same lot, or to the use of the land.

### **17.06.025 – Accessory Dwelling Unit (ADU)**

An attached or detached unit that is ancillary to a primary dwelling unit. See section X of this Zoning Code for more detailed standards related to accessory dwelling units. See also, “Junior Accessory Dwelling Unit”.

### **17.06.030 - Accessory Use**

A use or building incidental or subordinate to the principal use or building located upon the same lot.

### **17.06.040 - Addition**

An extension or increase in floor area or height of a building or structure.

### **17.06.050 - Agency**

An office or commercial establishment in which goods, material or equipment is received for servicing, treatment or processing elsewhere.

### **17.06.060 - Alley**

A public or permanent private way or lane less than forty feet in width which affords a secondary means of access to abutting property.

### **17.06.080 - Basement**

Any floor level below the first story of a building, except that a floor level in a building having only one floor shall be classified as a basement unless such floor level qualifies as a first story as defined in this chapter.

### **17.06.100 - Building**

Any structure used or intended for supporting or sheltering any use or occupancy.

### **17.06.110 - Building Coverage**

The land area covered by all building on a lot, including all projections except eaves.

### **17.06.120 - Building Height**

The vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof, ridge or parapet wall.

**17.06.130 - Building Official**

The officer or other designated authority charged with the administration and enforcement of the building codes, or the building official's duly authorized representative.

**17.06.140 - Building Site**

The land area occupied by or capable of being covered by all structures permissible under this chapter.

**17.06.150 - Chief of the Fire Department**

The head of the fire department or a regularly authorized deputy.

**17.06.160 - City**

The incorporated area of the City of Corning.

**17.06.170 - City Council**

The City Council of Corning.

**17.06.180 - Dwelling**

Any building or portion thereof which contains not more than two dwelling units.

**17.06.190 - Duplex**

A building designed for occupancy by two families living independently of each other, each in a separate dwelling unit, on one lot.

**17.06.200 - Dwelling Unit**

A building (or portion of a building) designed, occupied, used, or intended for residential purposes by no more than a single-housekeeping unit and containing one kitchen.

**17.06.210 – Efficiency Unit**

See Single Room Occupancy unit.

**17.06.215 - Emergency Shelter**

Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less, as defined in Section 50801 of the California Health and Safety Code. Medical assistance, counseling, and meals may be provided.

**17.06.220 - Family**

One person living alone or two or more persons living together in a dwelling unit with common access to, and common use of, all living, kitchen, and eating areas within the dwelling unit.

#### **17.06.225 – Family Day Care**

A day care facility licensed by the State of California, located in a residential unit where a resident of the dwelling provides care and supervision for children under the age of 18 for periods of less than 24 hours a day.

**Small Family Day Care:** A facility that provides care for eight or fewer children, including children who reside at the home and are under the age of 10.

**Large Family Day Care:** A facility that provides care for seven to 14 children, including children who reside at the home and are under the age of 10.

#### **17.06.230 - Garage**

A building or portion thereof in which a motor vehicle is stored, repaired or kept.

#### **17.06.240 - Garage, Private**

A garage used only for the shelter or storage of vehicles by the occupants of the dwelling.

#### **17.06.250 - Garage, Public**

A garage open to the general public.

#### **17.06.260 – Group Residential**

Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for on a weekly or longer basis. Group residential includes rooming and boarding houses, dormitories and other types of organizational housing, private residential clubs, and extended stay hotels intended for long-term occupancy (30 days or more) but excludes Hotels and Motels, and Residential Care Facilities.

#### **17.06.265 – Gross Area**

The entire area of a parcel or lot, including any proposed public roadways and all other areas which may be ultimately excluded from development. *See also, "Net Area"*

#### **17.06.270 - Home Occupation**

Any use customarily carried on within a dwelling by the inhabitants thereof which use is incidental to the residential use of the dwelling, and which use:

- A. Is confined within the dwelling, and occupies not more than twenty-five percent of the floor space thereof;
- B. Involves no sales of merchandise other than that produced on the premises, or directly related to and incidental to the services offered;
- C. Is carried on by the members of the family occupying the dwelling with no other person employed;

- D. Produces no evidence of its existence beyond the premises such as smoke, odors, vibrations, noise, etc., except one sign not to exceed two square feet of area and pertaining directly to the particular home occupation;
- E. Produces no excess traffic; and
- F. Must apply for a permit for home occupancy use (to be approved by the Planning Department, with a fee set by Council).

#### **17.06.280 - Hotel**

Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

#### **17.06.285 – Household**

See “Family”.

#### **17.06.290 - Junkyard**

Any area of two hundred square feet or more used for the storage of junk or scrap materials, or for the wrecking or dismantling of automobiles or other vehicles or machinery. A solid eight-foot fence is required.

#### **17.06.300 - Junkyard Fence**

A fence of solid material, a minimum of eight feet in height to be provided around any junkyard and no material to be in sight above the top of the fence.

#### **17.06.304 – Junior Accessory Dwelling Unit (JADU)**

A dwelling unit created within the walls of a proposed or existing single-family residence. See section X of this Zoning Code for regulations related to Junior Accessory Dwelling Units.

#### **17.06.308 – Kitchen**

A room or other space within a building designed and constructed for the cooking and/or preparation of food and containing a stove or cooktop using natural gas or 220-volt electricity.

### 17.06.310 - Lot

A parcel of land under one ownership used or capable of being used under the regulations of this chapter. *Figure #XX below, shows various types of lots. Please note that not all of these types are permitted in Corning.*

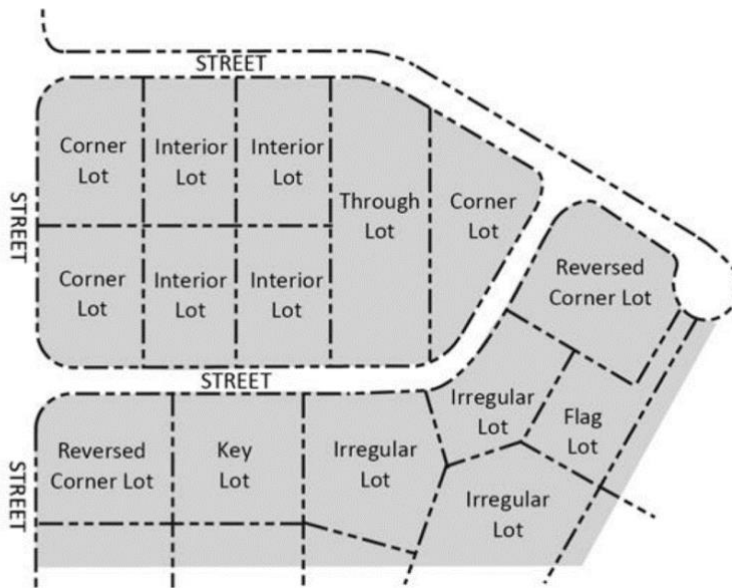


FIGURE XX

### 17.06.315 - Lot Coverage

The portion of a lot that is covered by structures, including primary and accessory buildings, garages, carports, and roofed porches, but not including unenclosed and unroofed decks, landings, or balconies.

### 17.06.320 - Lot, Corner

A lot located at the junction of two or more intersecting streets with a boundary line thereof bordering on each of such streets. The front of the dwelling shall be the front yard.

### 17.06.321 – Lot, Flag

A lot so shaped that the main portion of the lot area does not have access to a street other than by means of a corridor having less than 20 feet of width.

### 17.06.322 – Lot, Interior

A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots or that is bounded by more than one street with an intersection greater than 135 degrees; a lot other than a corner lot.

### 17.06.323 – Lot, Key

An interior lot adjoining the rear lot line of a reversed corner lot.

### 17.06.324 – Lot, Reversed Corner Lot

A lot having frontage on two parallel or approximately parallel streets.

### 17.06.325 – Lot, Through

A lot having frontage on two parallel or approximately parallel streets

### 17.06.330 Lot Depth

Measured along a straight line down from the midpoint of the front property line of the lot to the midpoint of the rear property line. The director shall determine lot depth for parcels of irregular configuration. Figure #XX below illustrates the method used to determine lot depth.

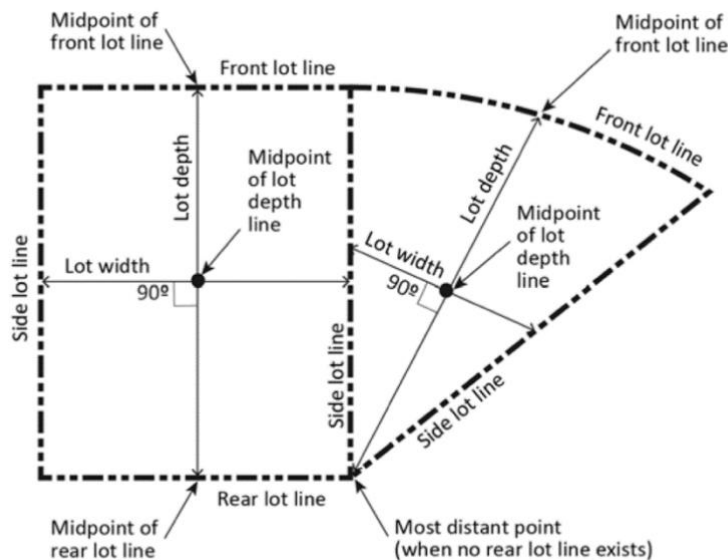


FIGURE XX

### 17.06.340 - Lot Width

The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. Figure #XX above illustrates the method used to determine lot width.

#### 17.06.341 – Lot Line

The boundary line between a lot and other property or the public right-of-way.

#### 17.06.342 – Lot Line, Front

The narrowest boundary line separating a lot from a street; in the case of a lot having no street frontage, the same will mean the narrowest boundary line parallel and closest to the nearest street or highway, as determined by the director.

#### 17.06.343 – Lot Line, Rear

A lot line which is most distant from the front lot line.

#### 17.06.344 – Lot Line, Side

Any lot boundary line which is not a front or rear lot line.

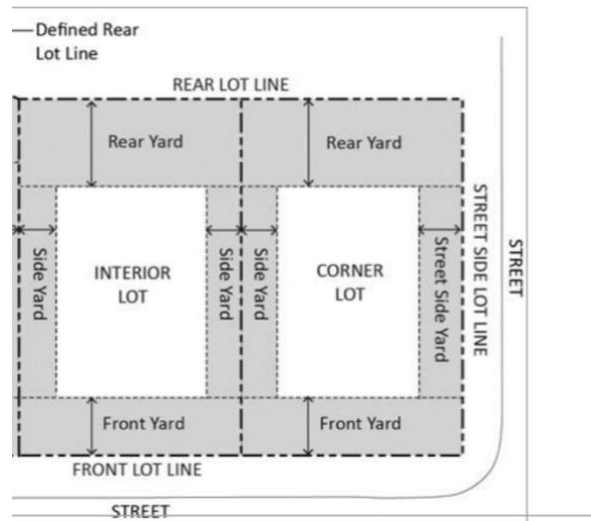


FIGURE XX

#### 17.06.345 - Low Barrier Navigation Center

A Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

#### 17.06.346 - Manufactured Housing Unit

A housing unit constructed primarily or entirely off-site at a factor before being moved to its intended location.

**17.06.350 - Mobile Home**

A vehicle, other than a motor vehicle, designed or used for human habitation, for carrying persons and property or its structure, and for being drawn by a motor vehicle.

**17.06.360 - Motel**

Motel means hotel as defined in this code.

**17.06.364 - Multi Family Dwelling**

A single structure with two or more dwelling units. See also Duplex, Halfplex, and Triplex.

**17.06.368 – Net Area**

The area of a lot or parcel excluding areas to be dedicated for public purposes or other reasons. See also “Gross Area”.

**17.06.370 – Nonconforming Building**

A building or structure or portion thereof lawfully existing at the time the ordinance codified in this chapter became effective, which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the district in which is located.

**17.06.380 - Nonconforming Use**

A use which lawfully occupied a building or structure, or was conducted upon open land prior to the effective date of these regulations, in the district in which it is located and with which regulations it does not comply.

**17.06.390 - Outdoor Advertising**

Any outdoor display or advertising material in any form upon any physical structure or natural object.

**17.06.400 - Outdoor Advertising Sign or Structure**

An advertising sign or structure upon which outdoor advertising is placed or displayed.

**17.06.410 - Outdoor Advertising Structure**

Any structure of any kind or character erected, maintained or used for outdoor advertising purposes, upon which any outdoor advertising is or may be placed.

#### **17.06.420 - Parking Lot**

An area of land, a yard or other open space on a lot used for or designated for use by stationary motor vehicles.

#### **17.06.430 - Parking Space**

Land or space privately owned, covered or uncovered, laid out for, surfaced, and used or designed to be used by a standing motor vehicle.

#### **17.06.440 - Planning Commission**

The Planning Commission of the City.

#### **17.06.441 – Reasonable Accommodation**

Any deviation requested and/or granted from the strict application of the City's Zoning and Land Use laws, rules, policies, practices and/or procedures under provisions of Federal or California Law to make housing or other facilities readily accessible to and usable by persons with disabilities and thus enjoy equal employment or housing opportunities or other benefits guaranteed by law.

#### **17.06.442 – Religious Institution**

Include churches, temples, mosques and other places of worship and institutions that exist to support and manage the practice of a specific set of religious beliefs.

#### **17.06.443 – Residential Care Facilities**

A facility licensed by the State of California to provide living accommodations, 24-hour care for persons requiring personal services, supervision, protection, or assistance with daily tasks. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This classification includes those both for and not-for-profit institutions but excludes Supportive Housing and Transitional Housing.

**Small** - A facility that is licensed by the State of California to provide care for six or fewer persons 18 years or older.

**Large** - A facility that is licensed by the State of California to provide care for more than six persons 18 years or older.

#### **17.06.444 – Residential Facility, Assisted Living**

A facility that provides a combination of housing and supportive services for the elderly or functionally impaired, including personalized assistance, congregate dining, recreational, and social activities. These facilities may include medical services. Examples include assisted living facilities, retirement homes, and retirement communities. These facilities typically consist of individual units or apartments, with or without kitchen facility, and common areas and facilities. The residents in these facilities require varying levels of assistance.

**17.06.450 - Service Station**

A retail business establishment supplying gasoline and oil, and minor accessories and service for automobiles.

**17.06.480 - Setback Line**

A line established by this chapter to govern the placement of buildings with respect to streets and alleys.

**17.06.090 - Shall**

A Shall is mandatory and indicates a standard, requirement, etc. which must be met.

**17.06.XXX – Single-Family Dwelling**

A dwelling unit that is designed for occupancy by one household. “Single-Family Dwelling” includes manufactured housing units. *See also “Manufactured Housing Unit.”*

**17.06.XXX – Single-Room Occupancy**

A residential facility where living accommodations are individual secure rooms, with or without separate kitchen or bathroom facilities for each room, rented to one- or two-person households on a weekly or monthly basis. *Compare to “Hotel” and “Motel.”*

**17.06.490 - Story**

A portion of a building including the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement is more than six feet above grade at any point, such basement shall be considered a story.

**17.06.500 - Street**

A public or permanent private way forty feet or more in width which affords a primary means of access to property.

**17.06.510 - Structure**

A structure that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**17.06.520 - Structure Alterations**

Is any change in the supporting members of a building, such as bearing walls, columns, beams or girders and floor joists, ceiling joists or roof rafters.

**17.06.525 – Supportive Housing**

As defined by Subsection (G) in Government Code Section 65582, Supportive Housing means housing with no limit on length of stay that are occupied by the target population, and that are linked to

onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

#### **17.06.530 – Technical Advisory Committee (TAC)**

A committee that reviews, made up of Building Official, City Engineer, Planning Officer, Public Works Director or their authorized representatives and Fire Chief and Police Chief as needed.

#### **17.06.531 – Target Population**

As defined in Government Code Section 65582, Target Population means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services. It may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

#### **17.06.532 – Two-Family Dwelling**

A building designed for occupancy by two families living independently of each other, either where both dwellings are located on the same lot (“Duplex”) or on separate lots (“Halfplex”). See also “Duplex” and “Halfplex.”

#### **17.06.533 – Transitional Housing**

Housing that has a predetermined end point in time and operated under a program that requires the termination of assistance, in order to provide another eligible program recipient to the service. The program length is typically no less than six months.

#### **17.06.540 - Yard**

An open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this code, on the lot on which a building is situated.

#### **17.06.550 - Yard, Front**

A yard extending across the full width of the lot, measured between the front lot line and the nearest line of the main building or an enclosed or covered porch. The front yard of a corner lot shall be the yard in front of the house.

#### **17.06.560 - Yard, Rear**

A yard extending between the side yards of the lot and between the rear lot line and the rear setback line.

#### **17.06.570 - Yard, Side**

A yard on either side of the lot extending from the front yard to the rear lot line, the width of each yard being measured between the side line of the lot and the nearest part of the main building or enclosed porch.

**17.06.580 - Yard, Street Side**

A yard on a corner lot or reversed corner lot extending from the front yard to the rear lot line between the building setback line and the nearest side street lot line.

## **Chapter 17.08 - ESTABLISHMENT OF DISTRICTS**

### **17.08.010 - Designated**

- A. The several classes of general districts hereby established and to which the City is or may be divided are designated as follows:

- |  |   |
|--|---|
| 1. R-1, Single-Family Residential District;              | 8. Ch, Highway Service Commercial District; |
| 2. R-2, Single-Family Residential/Multi-Family District; | 9. M-1, Light Industrial District;          |
| 3. R-3, Multi-Family District;                           | 10. M-2, General Industrial District;       |
| 4. R-4, Multi-Family/Mixed-Use District;                 | 11. MI, Limited Industrial District;        |
| 5. C-1, Neighborhood Business District;                  | 12. Mf, Industrial Frontage District;       |
| 6. C-2, General Business District;                       | 13. Av, Airport District;                   |
| 7. C-3, General Commercial District;                     | 14. Pd, Planned Development District;       |
|  | 15. Os, Open Space District.                |

- B. In addition to the foregoing classes of districts, the following combining Districts are established:

- |  |                                      |
|--|--------------------------------------|
| 1. A, Special Agricultural District;     | 4. P, Special Parking District;      |
| 2. B, Special Building Site District;    | 5. H, Special Height Limit District; |
| 3. F, Special Highway Frontage District; | 6. CD, Special Civil District.       |

### **17.08.020 - Application**

The classes of districts and certain combinations thereof as designated in Section 17.08.010 of this chapter and the regulations pertaining thereto may be applied to land areas by amendment of the ordinance codified in this chapter to include herein the written descriptions of the designations, locations and boundaries thereof, or to add hereto sectional district maps showing such information. Such written descriptions and sectional district maps shall become parts of the ordinance codified in this chapter by their addition to this section, and the land areas designated therein shall be subject to the provisions and regulations of this chapter.

### **17.08.030 - Boundaries-Sectional Maps-Rules**

Where uncertainty exists as to the boundaries of any of the districts set out in this chapter or shown on the sectional district maps, the following rules shall apply:

- A. Where such boundaries are indicated as approximately following street and alley lines, such street and alley lines shall be construed to be such boundaries.
- B. Where such boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.

- C. In un-subdivided property and where a district boundary divides a lot, the location of any such boundary unless the same is indicated by dimensions shown upon sectional district maps, shall be determined by the use of location of the scale appearing on such sectional district maps. The location of a district boundary may be adjusted within a single lot by application approved by the planning department.
- D. In case further uncertainty exists, the Planning Commission, upon written application or upon its own motion, shall determine the location of such boundaries, preceded by a public hearing.

#### **17.08.040 – Boundaries-Zoning Map-Rules**

Where uncertainty exists as to the boundaries of any district shown on the zoning map, the following rules shall apply:

- A. Where such boundaries indicated as approximately following property, street or alley lines, such lines shall be construed to be such boundaries.
- B. An un-subdivided property and where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the zoning map.
- C. A symbol indicating the classification of property on the zoning map shall in each instance apply to the whole of the area within the district boundaries.
- D. Where a public street, alley or parcel of land is officially vacated or abandoned, the regulations applicable to abutting property shall apply equally to such vacated or abandoned street or alley.

#### **17.08.050 – Purpose and Applicability of Residential Zoning Districts**

The purposes of the Residential Zones are to:

- A. Provide for a full range of housing types consistent with the General Plan;
- B. Preserve, protect, and enhance the character of the City's different residential neighborhoods;
- C. Enhance the quality of life for residents;
- D. Ensure that the scale and design of new development and alterations to existing development are compatible with surrounding residences and appropriate to the physical and aesthetic characteristics of proposed locations; and
- E. Provide sites for public and semi-public land uses such as parks, schools, day care, and other community uses that will serve City residents and will complement surrounding residential development.

## **Chapter 17.10 - R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT**

### **17.10.010 – Purpose**

The R-1 Single-Family Residential Zone is intended to provide areas for detached single-family dwellings. This Zone also provides for public and quasi-public uses, and similar and compatible uses that may be appropriate in a low-density residential environment. The maximum residential density for the R-1 district is 7 dwelling units per gross acre. This Zone implements the Single-Family Residential (SFR) General Plan Land Use Designation.

The following specific regulations and the general rules set forth in Sections 17.04.060 and 17.04.070 and Chapter 17.50 of this title shall apply in all R-1 Districts.

### **17.10.020 - Permitted Uses**

In R-1 Districts, the following are permitted uses:

- A. Single-family Dwellings limited to one dwelling per lot, including private garages, accessory buildings and uses;
- B. Agriculture, horticulture, gardening, keeping of animals as permitted by City ordinances, but not including stands or structures for sale of agricultural or nursery products;
- C. Underground utility installations, and aboveground utility installations for local service, except that substations, generating plants, and gas holders must be approved by the Planning Commission prior to construction, and the route of any proposed transmission line shall be discussed with the Planning Commission prior to acquisition;
- D. Public parks, schools, playgrounds, libraries, firehouses and other public buildings and uses included in the master plan;
- E. Mobile homes installation, provided such mobile homes are:
  1. Certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 USC Section 5401, et seq.), and
  2. Are placed on a foundation system, in compliance with the provisions of Section 18551 of the Health and Safety Code of California, and
  3. Are placed on a lot designed for single-family dwellings, and
  4. Have a minimum width of twenty feet, and
  5. Bear an insignia of approval by the California Department of Housing and Community Development or the U.S. Department of Housing and Urban Development, and
  6. a. Covered with an exterior material, customarily used on conventional dwellings, which shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation, and

b. Has roof with a pitch of not less than two-inch vertical rise for each twelve inches of horizontal run and consisting of shingles or other material customarily used for conventional dwellings, and

c. Which shall have porches and eaves, or roofs with eaves, when, in the opinion of the Planning Department of the City of Corning, it is necessary to make it compatible with the dwellings in the area.

F. Small family day care;

G. Employee/farmworker housing that serves six or fewer persons; employee housing for more than six employees in group quarters or in multiple units or spaces;

H. Transitional and supportive housing;

I. Accessory Dwelling Units - see Section 17.06.025 of this Zoning Code.

#### **17.10.030 - Uses Requiring Conditional Use Permits**

In R-1 Districts, uses requiring Conditional Use Permits are as follows:

- A. Public parks, schools, playgrounds, libraries, firehouses and other public buildings and uses not included in the master plan;
- B. Private and religious schools, nursery schools and large family day care;
- C. Churches and religious institutions;
- D. Golf courses and country clubs;
- E. Temporary real estate offices, tract sales offices and advertising signs, and tract construction offices and equipment yards; and
- F. Home occupations, permit to be approved by the planning department.

#### **17.10.032 – Small Lot Destinations**

In areas designated R-1-4,000 on the City Zoning Map, the minimum lot size shall be four thousand square feet. All other height, bulk and space requirements are as set forth in Section 17.10.032(B) through (I).

- A. Minimum Lot Area - 4,000 sq. ft. interior lots, 4,500 sq. ft. corner lots;
- B. Minimum Lot Width - 40 feet interior lots, 45 feet corner lots;
- C. Maximum Building Coverage - Sixty percent of lot area with a minimum width of any residential structure of twenty feet;
- D. Minimum front yard setback of ten feet to residence/porch and a garage must be set back to twenty feet;
- E. Side yard shall not be less than five feet with a two-foot overhang on each side. Three feet shall be added to each required side yard for each story above the first story of any building. The side yard on the street side of each corner lot shall not be less than ten feet. A twenty-foot minimum

side yard shall be required where a two-story residential structure will be located on a lot which abuts the rear yard of a single-family lot;

- F. Rear yard shall not be less than ten feet;
- G. Building height limit, two and one-half stories, but not exceeding thirty-five feet;
- H. Main building area, the main building shall have a minimum floor area of eight hundred square feet, living space. The definition of "main building" includes a mobile home; and
- I. No portion of a structure, excluding two foot eaves shall be constructed in a Public Service or Utility Easement as depicted on a recorded map.

#### 17.10.035 – Large Lot Designations

In areas designated R-1-8,000 or R-1-10,000 on the City Zoning Map, the minimum lot size shall be eight thousand and ten thousand square feet respectively. All other height, bulk and space requirements are as set forth in Section 17.10.040(B) through (H).

#### 17.10.040 - R-1 Development Standards

In R-1 Districts, the development standards can be found in Table 1. The following side yard setbacks shall also apply:

- A. Side yard shall not be less than six feet for each side yard. Three feet shall be added to each required side yard for each story above the first story of any building.
- B. The side yard on the street side of each corner lot shall not be less than ten feet. A twenty foot minimum side yard shall be required where a two-story residential structure will be located on a lot which abuts the rear yard of a single-family lot;

**Table 1: Development Standards for Residential Zoning Districts**

Table X: Residential Development Standards						
Standard	R-1 Small Lot Designation	R-1	R-2	R-3	R-4	Additional Regulations
<b>Lot and Density Standards</b>						
Maximum Density (units/gross acre)	10	7	14	28	28	
<b>Minimum Lot Size (sq. ft., unless noted)</b>						

Interior Lot	4,000	R-1: 6,000 R-1- 8000: 8,000 R-1- 10,000: 10,000	6,000	15,000	One acre.	See Section 17.x.x for additional development standards for small lot designation. See Section 17.12.20 for minimum lot sizes of duplexes and triplexes.
Corner Lot	4,500	7,000	7,000	15,000	One acre.	
<b>Minimum Lot Width (feet)</b>						
Interior lot	40	60	60	100	100	
Corner lot	45	70	70	100	100	
Maximum lot coverage	0.60	0.45	0.55	0.65	0.65	
<b>Building Form and Location</b>						
<b>Minimum Setbacks (feet)</b>						
Front	10	20	20	20	20	Ten feet to residence/porch and 20 feet to garage. Setback requirements for ADU's are located in Section x.
Side, Interior	5	6	6	6	6	Three feet shall be added to each required side setback for each story above the first story of any building.
Side, Corner	10	10	10	10	10	A 20 feet minimum side yard is required for a two-story residential structure that abuts the rear yard of a single-family lot.
Rear	10	10	10	10	10	An additional five feet shall be added to the required rear setback for each story over the first story of any building. Setback requirements for ADU's are located in Section x.
Distance between main buildings (feet)	N/A	N/A	N/A	10	10	See additional requirements in Section 17.16.030G.

Building Height						
Maximum Height (feet)	35	35	35	40	55	Building height defined in 17.06.120. Maximum height of ADU's are located in Section X.
Number of stories	2.5	2.5	2.5	3	4	

#### **17.10.042 - Determination of Compatibility**

It shall be the responsibility of the Planning Commission to determine if a proposed mobile home installation in an R-1 or R-1-2 Districts will be compatible with the neighborhood. Upon applying for a building permit for the installation of a mobile home, the applicant shall furnish the Building Official with a site plan, a description of the roof and siding materials, and roof pitch, and pictures of the mobile home from all four sides. This data shall be submitted to the Planning Commission, who shall determine compatibility of the proposed installation with the neighborhood, and who shall, within forty days of submission to it of the data, make a determination as to compatibility of the mobile home with the neighborhood, and report its findings to the Building Official. If the findings recommend approval of issuance of the building permit, the Building Official shall issue the permit, subject to any other conditions applicable to construction in an R-1 or R-1-2 Districts. Failure of the Planning Commission to make findings within forty days of submission to them of the required data shall constitute approval of the application.

#### **17.10.044 - Appeal**

If the Planning Commission recommends denial of the building permit for a mobile home, the applicant may appeal the decision to the City Council, in the manner provided by Section 17.54.060. Only the denial of a permit is appealable, excepting that if conditions to the issuance of a building permit are imposed which the applicant believes to be excessive, the applicant may appeal the imposition of those conditions.

## **Chapter 17.11 - MULTI-FAMILY RESIDENTIAL OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS**

### **17.11.010 - Purpose**

The objective design standards in this Chapter supplement the development standards in the Zoning Code and serve as minimum requirements for multi-family residential development, as well as for mixed-use development that contains residential uses. The objective design standards also further the goals, policies, and actions of the General Plan, which encourage high quality design in the City.

Objective design standards are those that involve no personal or subjective judgment by the plan reviewer and are uniformly verifiable by reference to an external and uniform benchmark.

### **17.11.020 - Applicability**

For a project to be eligible for a streamlined review process using objective design standards, applicants are required to meet specific eligibility criteria per SB 35.

#### **A. Eligibility Criteria**

1. Multifamily Residential Development. The project must involve the development of two or more attached residential units.
2. Designated for Residential Uses. The project meets the zoning or general plan designation that allows for a residential use or residential mixed-use development. Residential mixed-use requires at least 2/3 of the square footage of the development to be residential.
3. Affordable Housing Requirements. In addition to the affordability requirements in Rancho Cordova Zoning Code Chapter X, projects greater than 10 units must provide at least 10% of the units as deed restricted affordable housing for households making below 80% of the Area Median Income.

4. Consistent with Objective Standards. The project must be consistent with objective zoning, subdivision, and design review standards.
5. Infill Parcels Only. At least 75% of the perimeter of the site must adjoin parcels developed with urban uses, which includes current or former residential, commercial, public institutional, or transit facility uses. Parcels separated by a street or highway are considered adjoining.
6. Labor Requirements. All projects greater than 10 units are subject to special labor requirements. Projects involving subdivisions or lot mergers may qualify for SB 35 streamlining with certain labor requirements.
7. No Demolition of Housing or Historic Structures. The project cannot involve demolition of certain categories of housing or a historic structure and cannot develop on a site where rental housing was demolished within the last 10 years.
8. Not Within Protected Resource and Hazardous Areas. The project site cannot be within a conservation area, and cannot contain protected species habitat, prime farmland, farmland of statewide importance, wetlands, floodways, or conservation easements. If the site is in a very high fire hazard severity zone, hazardous waste site, earthquake fault zone, or 100-year flood plain, the project must mitigate those hazards.
9. Parking. The project must provide at least one parking space per unit; however, no parking may be required if 1) the project is located within a) one half mile of a public transit stop, b) an architecturally and historically significant historic district, c) one block of a car share vehicle station, or 2) on-street parking permits are required but not offered to the development occupants.

The discretionary design review process described in Section XX.XX.XX of this Code shall be used for all multi-family residential development projects that are not eligible for streamlined review.

Projects requesting exceptions and/or modifications to these standards will be reviewed under the discretionary review process described in Section XX.XX.XX.

#### **17.11.030 – Approval Authority**

The Planning Director may approve projects which meet all of the objective design standards in this Chapter.

The Director's approval may be appealed per Section X.XX.XXX of this Code.

#### **17.11.040 – Site Planning**

The following standards apply to the siting of buildings within the multi-family project.

##### **A. Neighborhood Compatibility**

1. Residential projects located across the street from single-family neighborhoods shall orient the following features toward the street: individual entries, patio areas and landscaping facing single-family homes.
2. Where new multi-family development is built adjacent to or across a street from existing residential development, the façade facing the existing low-density residential development

shall be designed to provide architectural relief and interest, and in similar massing and scale of adjacent neighbors.

3. Windows shall be offset by ten feet to avoid direct sightlines into and from existing homes on the same level. Balconies shall be positioned so they avoid direct views into neighboring properties.

## **B. Pedestrian Access and Open Space**

The following standards apply to the design of pedestrian and open space features within the multi-family project.

1. On-site pedestrian circulation and access shall be provided according to the following standards:
  - a. Pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
  - b. An on-site walkway shall connect the primary building entry or entries to a public sidewalk along each street right-of-way.
  - c. Walkways shall be a minimum of four feet wide and paved with concrete.
2. Common open space is required for all multifamily projects with more than 10 units seeking approval through the objective standards process as shown below:
  - a. Common open space shall be provided at a rate of 100 square feet of open space per dwelling unit. Required front, side, and rear setbacks shall not be counted toward meeting open space requirements.
  - b. Common open space is open space used commonly by residents of a building, having a minimum dimension of fifteen feet in any direction and a minimum area of three hundred square feet.
  - c. Common open space may be comprised of the following: patios, turfed areas, community gardens, pools, common pedestrian walkways serving the entire development, tot-lots, and recreation areas accessible to building residents and their visitors.
  - d. Common open space shall not include driveways, pedestrian access to units from common pedestrian walkways, parking areas or required front, side or rear setback areas.
  - e. A minimum of 60% of the common open space shall be provided as a landscaped turf area or garden.
3. Private open space is required for all multifamily projects seeking approval through the objective standards process. The following requirements shall apply:

- a. Private open space areas at ground level, such as patios, shall have a minimum of 120 square feet of private outdoor space directly adjacent to the unit.
- b. Private open space above ground level, such as balconies, shall have a minimum of 60 square feet of area with no dimension less than six feet.
- c. Private outdoor space shall be delineated by a wall, fence, or hedge.
- d. Private open space is usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests. Examples include patios, screened decks, or balconies.
- e. Accent elements shall be used to demarcate pedestrian entrances to a multi-family development and common open space areas on the interior of a project site. Accent elements shall include the following: wood trellises, arches, arbors, columns, or low monument features.

#### **17.11.050 – Landscaping and Lighting**

The following standards apply to the design of landscaping and lighting within the multi-family project.

##### **A. Landscaping**

- 1. Landscaping around the building perimeter is required.
- 2. Within the landscaped area between the right-of-way and buildings, trees shall be planted at a rate of one for each twenty feet of landscaped area. Trees shall be located between four (4) and ten (10) feet from the back of the sidewalk. The landscaped area shall also include shrubs, ground covers, and other natural growth, or stormwater quality features and drainage treatments.
- 3. All planting areas, plant materials, and irrigation shall conform with the City's water-efficient landscaping regulations.
- 4. Parking lot landscaping.
  - a. Parking areas, covered and uncovered, must be screened from view from public roadways with landscaping. Landscaped screening is defined as a natural or man-made feature which separates land uses. Landscape screening may be accomplished through the following: landscaping (groundcover, plantings, and trees), a planted earth berm (no greater than two feet in height), hedge, wall, or some combination of the above.
  - b. A perimeter landscaped strip at least ten feet wide shall be provided for any parking area adjacent to a public street or to the side or rear property line. The perimeter landscaped strip may be located within a required setback area.
  - c. Trees shall be planted and maintained in all parking lots at a minimum ratio of one tree for every six parking spaces. Trees shall be evenly distributed throughout the entire parking area.

## **B. Lighting**

1. All entryways, pathways, open spaces, and parking lots shall be illuminated per City standards.
2. High-efficiency, warm white light shall be used.
3. Lighting shall be arranged to reflect or direct light away from adjacent residential properties.

## **17.11.050 – Architectural Design**

The following standards apply to the architectural design of the multi-family project.

### **A. Façade Detailing and Materials**

1. All visible building facades visible from the public right-of-way shall incorporate one or more of the following details: window and door trim, window recesses, cornices, changes in materials or other design elements. All building facades shall be designed with the same level of detailing and quality of materials.
2. Window trim shall be a minimum of two inches in width and one inch in depth. In lieu of exterior window trim, windows may be recessed from a wall plane by a minimum of three inches.
3. A unified palette (color, texture, sheen) of materials shall be used on all sides of buildings. Every building shall have at least two complementary colors.
4. At least two materials shall be used on any building frontage, in addition to glazing and railings. One material must comprise at least 20% of the building facade.
5. Allowed materials shall include stone, brick, stucco, painted wood, and vinyl siding. The following materials are prohibited: concrete block (unless covered by stucco), T111 plywood, and metal.
6. Natural materials such as stone, river rock, or slate, which are intended to be seen in their natural state, shall not be painted.
7. The roofing materials shall be used: composite shingles, asphalt shingles, clay tile, or concrete. Metal and wood shingles shall be prohibited.
8. Carports, detached garages, and accessory structures shall use similar materials, colors, and details equivalent to the principal buildings of a development.
9. All multi-family tenant parking spaces shall be covered. Guest spaces may be uncovered or covered.

## **B. Massing and Articulation**

1. Upper stories shall not project beyond the ground floor footprint, except for bay windows or balconies.
2. The massing of upper stories, particularly those over a garage, shall be modulated by stepping back massing elements a minimum of two feet from the ground floor facade, and/or through the use of protruding bay windows.
3. Garage doors shall be recessed a minimum of nine inches from the plane of the building façade.
4. A minimum one-foot offset is required for any wall plane that exceeds 30 feet in length.
5. Buildings over two stories tall shall have massing breaks at least every 100 feet along any street frontage adjacent to a public park, publicly accessible outdoor space, or designated open space. Breaks in massing may be provided through the use of varying setbacks and/or building entries. Massing breaks shall be a minimum of two feet deep and four feet wide and extend the full height of the building. Building entrances and front porches may count towards meeting this requirement.
6. Variation of roof forms shall be used on buildings of over 50 feet in length along the street frontage. This can be accomplished through the use of cornices, reveals, clerestory windows, and differences in roof height and/or form.
7. A minimum of two architectural features shall be incorporated into each building, including: balconies, dormers, bay windows, patios, individualized entries, and accent materials.

### **17.11.050 – Accessory Features**

The following standards apply to the design of accessory features within the multi-family project.

## **A. Walls and Fences**

1. All wall and fence designs shall integrate materials and detailing that are used on the primary buildings (e.g. pilasters, stonework, wrought iron, or colors).
2. Walls shall be constructed of decorative masonry, including CMU walls, split-face walls, or material of similar appearance, maintenance, and structural durability. Precision block is prohibited unless coated in stucco or a similar surface treatment.
3. Fences may be constructed of wood or vinyl. Chain link fencing is prohibited.
4. Fences and walls located along the side or rear property lines which are not along street frontages shall be solid fences or walls. Open fences, which feature wrought iron/tubular steel, may be permitted to capture scenic views offered by a property line that adjoins a permanent open space area, and where the yard does not require screening.
5. Fencing between private yards and common open spaces shall be a minimum of four feet in height.

6. Where screening is necessary as part of the site design, block walls may be constructed within the front yard setback and along the street frontage, but must be decorative masonry, have a decorative cap, and feature a landscape setback.
7. Exterior trash, refuse storage, utility boxes, and electric and gas meters shall be screened from the public right of way with landscaping, fences, or walls.

#### **B. Refuse Containers**

1. Developments with four or fewer units may be designed so that units are provided with individual refuse containers. Refuse containers must be provided with a location to be stored which is out of view from pedestrian walkways and internal and external roadways.
2. In developments with five units or more, shared refuse containers shall be provided, which shall be located within an enclosure or building. The applicant shall provide the City with information from the refuse pickup provider verifying the size and number of dumpsters required by the projects.
3. Refuse enclosures shall be a minimum of six feet tall and an adequate size to accommodate the needed refuse and recycling containers.
4. Refuse enclosures and gates shall be designed and made with durable materials to withstand heavy use. Wheel stops or curbs shall be installed to prevent dumpsters from banging into walls of enclosure.
5. Refuse enclosures shall include a door to allow resident access without opening the gates.
6. Lighting shall be provided at refuse enclosures for night-time security and use.
7. Refuse enclosures shall be located so that no dwelling is closer than 20 feet (including those on abutting properties), or more than 100 feet from a residential unit.
8. The entrance of refuse enclosures shall not be visible from public rights of way.

#### **C. Monument Signage**

1. One monument sign may be permitted on a site provided that the site has a minimum street frontage of 75 feet in length. On corner lots, one additional monument sign may be established provided that each street frontage is at least seventy-five feet in length. Each monument sign shall be oriented to the street frontage on which it is erected.
2. The total sign area of a monument or pylon sign shall not exceed 80 square feet, with a maximum of 40 square feet per individual sign face.
3. The maximum height of a monument sign shall not exceed six feet measured from finish grade level to the uppermost edge of the sign cabinet.
4. Monument signs shall be located at a distance of at least five feet from the property line. This setback distance shall be measured from the property line to the leading edge of the monument sign.

5. All monument signs shall be architecturally compatible with the building(s) on the site on which the monument sign is to be located.

**D. Private Storage Space**

1. Each unit shall have at least 200 cubic feet of enclosed, weather-proofed, and lockable private storage space with a minimum horizontal dimension of four feet.

## **Chapter 17.12 – R-2 SINGLE FAMILY/MULTI-FAMILY RESIDENTIAL DISTRICT**

### **17.12.010 – Purpose**

The R-2 Single-Family/Multi-Family Zone is intended to provide areas for single-family dwellings, duplex dwellings, and triplexes. This Zone also provides for public and quasi-public uses, and similar and compatible uses that may be appropriate in a low-medium density residential environment. The maximum residential density for the R-2 District is 14 dwelling units per gross acre. This Zone implements the Single-Family Residential (SFR) General Plan Land Use Designation.

The following specific regulations and the general rules set forth in Sections 17.04.060 and 17.04.070 and Chapter 17.50 of this code shall apply in all R-2 Districts. It is intended that this district classification be applied in areas where medium density residential development of single-family homes or apartments is or is intended to be the dominant use.

### **17.12.020 - Permitted Uses**

In R-2 Districts, the following are permitted uses:

- A. Uses as permitted in R-1 District as set forth in Section 17.10.020 of this title;
- B. One two-family dwelling (Duplex) shall be permitted on a lot with a minimum size of six thousand square feet;
- C. A Triplex shall be allowed on a lot with a minimum size of nine thousand square feet of lot area. For each additional three thousand square feet of lot area, an additional dwelling unit shall be allowed, with building type limited to either a duplex or triplex construction.

### **17.12.030 – Uses Requiring Conditional Use Permits**

In R-2 Districts, uses requiring conditional use permits shall be the same as uses permitted in R-1 Districts, as set forth in Section 17.10.030 of this Title.

### **17.12.040 – Development Standard Requirements**

In R-2 Districts, development standards can be found in Table 1. The following side yard setbacks shall also apply:

- A. Side yards shall not be less than six feet for each side yard. Three feet shall be added to each required side yard for each story above the first story of any building. The side yard on the street side of each corner lot shall not be less than ten feet. A twenty foot minimum side yard shall be required where a two-story residential structure will be located on a lot which abuts the rear yard of a single-family lot;
- B. Rear yard shall not be less than ten feet. An additional five feet shall be added to the required rear yard for each story over the first story of any building;

## Chapter 17.14 - R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

### 17.14.010 – Purpose

The R-3 Zone is intended to provide areas for a variety of housing types including townhomes, condominiums, and apartment buildings. This Zone also provides for public and quasi-public uses, and similar and compatible uses that may be appropriate in a medium density residential environment. The maximum residential density for the R-3 District is 28 dwelling units per gross acre. This Zone implements the Multi-Family Residential (MFR) General Plan Land Use Designation.

The following specific regulations and the general rules set forth in Sections 17.04.060 and 17.04.070 and Chapter 17.50 of this title shall apply in all R-3 Districts. It is intended that this district classification be applied in areas where high density development of homes and apartments is the desirable use.

### 17.14.020 - Permitted Uses

In R-3 Districts, permitted uses shall be:

- A. Townhouses, condominiums, and apartments;
- B. Public parks, schools, playgrounds, libraries, firehouses and other public buildings and uses included;
- C. Multiple-family residential units, either attached or detached, with a density not exceeding twenty-eight units per acre, with a minimum lot size of 15,000 square feet;
- D. Underground utility installations, and aboveground utility installations for local service, except that substations, generating plants, and gas holders must be approved by the Planning Commission prior to construction, and the route of any proposed transmission line shall be discussed with the Planning Commission prior to acquisition;
- E. Transitional and supportive housing; and
- F. Accessory Dwelling Units, per Section X.XX.XXX.

### 17.14.030 - Uses Requiring Conditional Use Permits

In R-3 Districts, all uses permitted in the R-1 and R-2 Districts shall be permitted subject to approval of a conditional use permit.

### 17.14.040 - Minimum Height, Bulk and Space Requirements

In R-3 Districts, the development standards can be found in Table 1. The following side yard setbacks shall also apply:

- A. Side yards shall not be less than six feet for each side yard. Three feet shall be added to each required side yard for each story above the first story of any building. The side yard on the street side of each corner lot shall not be less than ten feet. A twenty foot minimum side yard shall be required where a two-story residential structure will be located on a lot which abuts the rear yard of a single-family lot;

- B. Rear yard shall not be less than ten feet. An additional five feet shall be added to the required rear yard for each story over the first story of any building; and
- C. A minimum of 10% of the units in multi-family developments containing 20 or more units shall be three bedrooms in order to provide for the housing needs of larger families.

## **Chapter 17.16 - R-4 MULTI-FAMILY RESIDENTIAL/MIXED USE DISTRICT**

### **17.16.010 – Purpose**

The R-4 Multi-Family Residential/Mixed Use Zone is intended to provide areas for a wide variety of medium-density residential development, including vertical or horizontal residential mixed use (with a component of commercial or office space). Housing types include attached townhouses, condominiums, and apartment buildings. This Zone also provides for public and quasi-public uses, and similar and compatible uses that may be appropriate in a medium density residential environment. The maximum residential density for the R-4 District is 28 dwelling units per gross acre. This Zone implements the Multi-Family Residential (MFR) General Plan Land Use Designation.

The following specific regulations and the general rules set forth in Section 17.04.060 through 17.04.070 and Chapter 17.50 of this code shall apply in all R-4 Districts. It is intended that this district classification be applied in areas where group dwellings and apartments are the logical and desirable uses.

### **17.16.020 - Permitted Uses**

In R-4 Districts, the following uses are permitted:

- A. Townhouses, condominiums, and apartments;
- B. Parks, playgrounds, public and private schools, churches and religious institutions, libraries, day care centers and public buildings;
- C. Private garages, or parking lots uncovered and screened by suitable walls or planting, when operated by or in conjunction with a permitted use;
- D. Incidental and accessory buildings and uses on the same lot with and necessary for the operation of any permitted use;
- E. Advertising signs pertaining directly to a permitted nonresidential use on the property, and not to exceed one sign of a maximum area of six square feet for any such use, or as specified in the use permit;
- F. Group residential dwellings;
- G. Single-room occupancy units;
- H. Transitional and supportive housing;
- I. Low Barrier Navigation Centers; and
- J. Accessory Dwelling Units (see Section XX.XX.XXX of the Corning Zoning Code)

### **17.16.030 – Uses Requiring Conditional Use Permits**

In R-4 Districts, the following uses are conditionally permitted:

- A. Hotels, motels, hospitals, rest homes, sanitariums, mortuaries, and professional offices for doctors, dentists, architects, engineers, accountants, artists, authors, attorneys, real estate and insurance offices, medical and dental clinics, and other uses which in the opinion of the Planning

Commission, are similar to the foregoing; and clubs, lodges and fraternities, except those operated as a business or for profit;

#### **17.16.030 – R-4 Development Standards**

In R-4 Districts, the development standard requirements can be found in Table 1. The following standards shall also apply:

- A. Side yards shall not be less than six feet for each side yard. Three feet shall be added to each required side yard for each story above the first story of any building. The side yard on the street side of each corner lot shall not be less than ten feet. A twenty foot minimum side yard shall be required where a two-story residential structure will be located on a lot which abuts the rear yard of a single-family lot;
- B. Rear yard shall not be less than ten feet. An additional five feet shall be added to the required rear yard for each story over the first story of any building;
- C. Section 8.17 Distances between main buildings on same lot, ten feet,
  - 1. Attached dwellings in a single row "side-to-side" series facing a side lot line; side yards to the rear of buildings, eight feet; side yards in front of buildings, fourteen feet;
  - 2. Attached dwellings in a row "side-to-side" series facing a central court; side yards to the rear of buildings, eight feet; width of central court, twenty-four feet. Distance between buildings, ten feet; and
  - 3. The rear yard on a lot on which a dwelling group is constructed may be reduced to not less than twelve feet. No building in a group dwelling development shall have a rear thereof abutting upon a street;
- D. Loading areas, as specified in conditional use permit; and
- E. A minimum of 10% of the units in multi-family developments containing 20 or more units shall be three bedrooms in order to provide for the housing needs of larger families.

## **17.XX.XXX - ACCESSORY DWELLING UNITS**

### **17.XX.XXX - Purpose**

This Chapter establishes regulations and procedures for reviewing and permitting Accessory Dwelling Units through a ministerial process consistent with state law.

### **17.XX.XX - Permits and Approval**

- A. **Ministerial Action** - Approval or denial of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is a ministerial action and subject to compliance with the standards in this Section and all other applicable codes.
- B. **Building Permit** - All Accessory Dwelling Unit or Junior Accessory Dwelling Units shall require a building permit, subject to all the standard application and processing fees and procedures that apply to building permits generally. No other Planning-related permit is required.
- C. The City shall issue a building permit within 60 calendar days from the date on which the City received a completed application, unless either:
  - 1. The applicant requests a delay, in which case the 60-day time period is put on hold for the period of the requested delay; or
  - 2. The application to create an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is submitted with an application to create a new single-unit primary dwelling on the parcel. The City may delay acting on the permit application for the Accessory Dwelling Unit or Junior Accessory Dwelling Unit until the City acts on the permit application to create the new single-unit primary dwelling.

### **17.XX.XXX - Definitions**

- A. **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 dwelling.
- B. **Accessory Structure** - A structure that is accessory and incidental to a dwelling located on the same parcel.
- C. **Car Share** - A program that allows customers hourly access to shared vehicles from a dedicated home location, with the vehicles required to be returned to that same location at the end of the trip.
- D. **Efficiency Kitchen** - A cooking facility that includes all of the following:
  - 1. A sink with a drain.
  - 2. An appliance for cooking or heating food powered by 120-volt electricity.
  - 3. A food preparation counter.
  - 4. Food storage cabinets.

- E. **35** - As defined in the Building Code.
- F. **Independent Living Facility** - A residential dwelling unit having permanent provisions for living, sleeping, eating, cooking, and sanitation.
- G. **Living Area** - The interior habitable area of a dwelling unit. Equivalent to “Conditioned Space” as defined in the Building Code.
- H. **Passageway** - A pathway that extends from a street or alley to one entrance of the accessory dwelling unit.
- I. **Primary Dwelling** - An existing or proposed single family home on a lot with an accessory dwelling unit.
- J. **Public Transit** - A location, including but not limited to a bus stop or train station, where the public may access buses, trains, subway, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- K. **Single-unit, Two-unit, and Multi-unit** - Means the same, respectively, as single-family, duplex, and multi-family residential units.
- L. **Tandem Parking** - Two or more automobiles parked on a driveway or in any other location on a parcel, lined up behind one another.

#### **17.XX.XXX - Types of Accessory Dwelling Units**

The following are the types of Accessory Dwelling Units:

- A. **Accessory Dwelling Unit** - There are two subtypes of Accessory Dwelling Units:
  - 1. **Attached** - An Accessory Dwelling Unit that is attached to an existing or proposed primary dwelling, such as through a shared wall, floor, or ceiling. An Attached Accessory Dwelling Unit can be created by converting a portion of an existing primary dwelling, by constructing a new primary dwelling with an integral Accessory Dwelling Unit, or by constructing an addition to an existing primary dwelling.
  - 2. **Detached** - An Accessory Dwelling Unit that is physically detached or separated from the primary dwelling. Detached includes a second-story addition above an existing or proposed detached structure. A Detached Accessory Dwelling Unit can be new construction or the conversion or expansion of an existing structure.
- B. **Junior Accessory Dwelling Unit** - An attached Accessory Dwelling Unit that is a unit that meets the following criteria:
  - 1. Maximum of 500 square feet in size.
  - 2. Contained entirely within a single-unit primary dwelling.
  - 3. Has a separate entrance from the main entrance to the primary dwelling.
  - 4. Has a bathroom that is either in the Junior ADU or in the primary dwelling.
  - 5. Includes an efficiency kitchen.

### **17.XX.XXX - Number of Accessory Dwelling Units Per Lot or Parcel in Zones which Allow Single Family Homes**

The following number of Accessory Dwelling Units apply in all Zoning Districts that allow single family homes as a permitted use:

- A. One attached or detached Accessory Dwelling Unit shall be allowed on a parcel with one primary dwelling.
- B. One Junior Accessory Dwelling Unit shall be allowed on a parcel with one primary dwelling.
- C. Up to one attached or detached Accessory Dwelling Unit and one Junior Accessory Dwelling Unit shall be allowed on a single parcel.

### **17.XX.XXX - Type and Number of Accessory Dwelling Units Per Lot or Parcel in Zones Which Allow Multi-Family Homes**

The following apply to Accessory Dwelling Units in all Zoning Districts that allow multi-family homes as a permitted use:

#### **A. Attached Accessory Dwelling Units -**

- 1. At least one attached or up to 25 percent of the existing multi-family units shall be allowed as Attached Accessory Dwelling Units in an existing multi-family development.
- 2. Attached Accessory Dwelling Units in a multi-family development may be created only through the conversion of parts of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages.

- B. **Detached Accessory Dwelling Units** - Up to two detached Accessory Dwelling Units shall be allowed on a parcel with one or more multi-family structures, subject to compliance with the development standards for Detached Accessory Dwelling Units in this Chapter.

### **17.XX.XXX - Attached Accessory Dwelling Unit Development Standards**

- A. **Location, Size, Setbacks, Height** - The following standards apply to Detached Accessory Dwelling Units:
  - 1. **Location** - Shall be located on the same lot or parcel as a primary dwelling and be attached to the primary dwelling unit by at least one wall or by a ceiling (above or below the primary dwelling).
  - 2. **Size** - The total floor area of an Attached Accessory Dwelling Unit shall not exceed 850 square feet for a one-bedroom unit or 1,000 square feet for an Accessory Dwelling Unit that provides more than one bedroom. If there is an existing primary dwelling, the total floor area of an Attached Accessory Dwelling Unit shall not exceed 50 percent of the existing primary dwelling. These limits do not include up to 150 square feet of area added to the primary dwelling for the sole purpose of providing access to the Accessory Dwelling Unit.

**3. Setbacks -**

- **Front yard setback:** Per the zoning district standard for the primary dwelling
- **Side yard:** Four (4) feet minimum.
- **Rear yard:** Four (4) feet minimum.

**4. Height -** Per the zoning district standard for the primary dwelling.

**5. Access -** An attached Accessory Dwelling Unit shall have direct exterior access separate from the main entrance to the primary dwelling.

**17.XX.XXX - Detached Accessory Dwelling Unit Development Standards**

**A. Location, Size, Setbacks, Height -** The following standards apply to Detached Accessory Dwelling Units:

**1. Location -** Shall be located on the same lot or parcel as a primary dwelling. An Attached Accessory Dwelling Unit can be created by converting a portion of an existing primary dwelling, by constructing a new primary dwelling with an integral Accessory Dwelling Unit, or by constructing an addition to an existing primary dwelling.

**2. Size -** No minimum size, except as needed to conform with the requirements for an Efficiency Unit as defined in the Building Code. A Detached Accessory Dwelling Unit shall not exceed 850 square feet for a one-bedroom unit or 1,000 square feet for an Accessory Dwelling Unit that provides more than one bedroom.

**3. Setbacks -**

- **Front yard setback:** Per the zoning district standard for the primary dwelling.
- **Side yard:** Four (4) feet minimum.
- **Rear yard:** Four (4) feet minimum.

**4. Height -** 16 feet for new structures built specifically as an Accessory Dwelling Unit. Existing structures taller than 16 feet can be converted to an Accessory Dwelling Unit consistent with the requirements of this Chapter.

**17.XX.XXX - Junior Accessory Dwelling Unit Development Standards**

**A. Location, Size, Setbacks, Height -** The following standards apply to Junior Accessory Dwelling Units:

**1. Location -** Shall be located on the same lot or parcel as a primary dwelling and be attached to the primary dwelling by at least one wall or by a ceiling. The Junior Accessory Dwelling Unit may be located above or below the primary dwelling.

**2. Size -** Maximum of 500 square feet of living area. Up to 150 square feet of building space may be added to the primary dwelling for the sole purpose of providing access to the Junior Accessory Dwelling Unit; this shall not count toward the maximum area for the Junior Accessory Dwelling Unit.

3. **Setbacks** - If the primary dwelling is expanded to create the Junior Accessory Dwelling Unit, the addition may maintain the same setbacks as the existing structure, unless a different setback is required by the Fire or Building codes.
  4. **Access** - A Junior Accessory Dwelling Unit shall have direct exterior access separate from the main entrance to the primary dwelling.
- B. **Kitchen** - Each Junior Accessory Dwelling Unit shall include an efficiency kitchen.
- C. **Utilities** -
1. A Junior Accessory Dwelling Unit shall not be considered a separate or new dwelling unit for the purposes of calculating connection fees or capacity charges for utilities, including water, sewer, or power service, or impact fees.
  2. No new or separate utility connection between the Junior Accessory Dwelling Unit and the utility shall be required, although the property owner may voluntarily install a submeter for the Junior Accessory Dwelling Unit.
  3. Any utility charges or fees shall be consistent with state law.
- D. **Parking** - No additional off-street parking is required for the Junior Accessory Dwelling Unit.
- E. **Owner Occupancy Requirements** -
1. A person with legal or equitable title to the primary dwelling shall reside on the property in either the primary dwelling or Junior Accessory Dwelling Unit as that person's legal domicile and permanent residence.
  2. The owner occupancy requirement does not apply if the property is entirely owned by a governmental agency, land trust, or non-profit housing organization.
  3. Prior to issuance of a Building Permit for a Junior Accessory Dwelling Unit, a deed restriction shall be recorded in the chain of title of the primary single-unit property. The form of the deed restriction shall be approved by the City Attorney and shall provide that the Junior Accessory Dwelling Units shall not be sold separately from the primary dwelling.
  4. The deed restriction shall run with the land and shall be enforced against future property owners.

**17.XX.XXX - Miscellaneous Additional Standards Applicable to Attached and Detached Accessory Dwelling Units**

The following standards shall apply to all Attached and Detached Accessory Dwelling Units in zones in which they are permitted:

- A. **Parcel Coverage** - For any Attached or Detached Accessory Dwelling Unit that is larger than 800 square feet, the parcel coverage standard and pervious surface standard, if applicable, for the zone in which it is located shall apply and the entire area of the attached or detached Accessory Dwelling Unit shall be used to calculate coverage.

B. **Utilities** - The City shall not require the applicant to install a new or separate utility connection directly between the Attached or Detached Accessory Dwelling Unit and the utility unless the Accessory Dwelling Unit is constructed at the same time as a new primary dwelling. The applicant may voluntarily install a new or separate utility connection. Any utility charges or fees must be consistent with California Government Code Section 65.852.2.

C. **Addressing** -

1. If one Accessory Dwelling Unit or Junior Accessory Dwelling Unit is located on a parcel, its address shall be the same address as the primary residence but with “½” following the residence number.
2. If more than one Accessory Dwelling Unit (including Junior Accessory Dwelling Unit) is located on a parcel, each shall have the same address as the primary dwelling followed by Unit A, Unit B, or Unit C, etc.
3. Each Accessory Dwelling Unit in a multi-family project shall be assigned a unit number consistent with the standard units on the parcel.

**17.XX.XXX - Parking**

A. **Number of Parking Spaces** -

1. One off-street parking space, covered or uncovered, is required for each Attached and Detached Accessory Dwelling Unit.
2. No off-street parking is required for an Attached or Detached Accessory Dwelling Unit if one or more of the following applies:
  - a. The Accessory Dwelling Unit is located within one-half mile walking distance of public transit, as defined in Section 17.105.020, including transit stations and bus stations.
  - b. When on-street parking permits are required by the City but not offered to the occupant of the Accessory Dwelling Unit.
  - c. The Accessory Dwelling Unit is part of the proposed or existing primary residence.
  - d. The Accessory Dwelling Unit is the conversion of an existing accessory structure.
  - e. When there is a car share vehicle located within one block of the Accessory Dwelling Unit.
3. No off-street parking is required for a Junior Accessory Dwelling Unit.
4. Required off-street parking for an Accessory Dwelling Unit space may be provided as tandem parking, including on a paved driveway.

B. Parking lost when a garage, carport, or covered parking structure is demolished to allow for the construction of an Accessory Dwelling Unit or for the conversion of a structure to an Accessory Dwelling Unit shall not be required to be replaced.

**17.XX.XXX - Miscellaneous Additional Standards Applicable to All Accessory Dwelling Units**

The following standards shall apply to all Accessory Dwelling Units and Junior Accessory Dwelling Units.

- A. **Passageways** - No passageway, breezeway, or similar connection between structures on the parcel shall be required in conjunction with the construction of an Accessory Dwelling Unit.
- B. **Fire Sprinklers** - Fire sprinklers are required in an Accessory Dwelling Unit as provided in the Building or Fire codes which apply to the primary dwelling.
- C. **Permanent Foundations** -
  - 1. All Accessory Dwelling Units shall be permanently attached to a permanent foundation.
  - 2. A recreational vehicle, commercial coach, trailer, motor home, camper, camping trailer, or boat shall not be used as an Accessory Dwelling Unit.
- D. **No Separate Conveyance** - No Accessory Dwelling Unit may be sold or otherwise conveyed separately from the primary dwelling in the case of a single-unit parcel, or from the parcel and all of the dwellings in the case of a multi-unit parcel except for Accessory Dwelling Units built or developed by qualifying nonprofit corporations as provided in state law.
- E. **Rental Term** - The Accessory Dwelling Unit may be rented separate from the primary residence; however, the rental must be for a term longer than 30 days.
- F. **Owner Occupancy Requirements** -
  - 1. No ownership requirement is established for attached or detached Accessory Dwelling Units, except for Junior Accessory Dwelling Units.
  - 2. Junior Accessory Dwelling Units. Junior Accessory Dwelling Units established shall be subject to the owner-occupancy requirement in Section 17.105.130.

#### **17.XX.XXX - Impact Fees**

- A. No City-imposed impact fees shall be charged for an Accessory Dwelling Unit that is less than 750 square feet in size.
- B. For Accessory Dwelling Units 750 square feet or larger, City-imposed impact fees shall be charged proportionately in relation to the square footage of the primary dwelling (e.g., the floor area of the primary dwelling, divided by the floor area of the Accessory Dwelling Unit, times the typical fee amount charged for a new dwelling).
- C. For the purposes of this Subsection, impact fees do not include any connection fee or capacity charge for water or sewer service or charges for garbage or recycling service.
- D. Fees imposed by any agency or special district other than the City shall be collected in accordance with the agency's or district's fee schedule.

#### **17.XX.XXX - Relationship to General Plan and Zoning**

- A. Any Accessory Dwelling Unit or Junior Accessory Dwelling Unit which conforms with the requirements of this Chapter shall be deemed to be consistent with the General Plan designation and zoning for the parcel, regardless of any limitations on residential density imposed by the General Plan or zoning.

- B. Accessory Dwelling Units shall not be counted when determining residential density for conformance with General Plan or Zoning.

## **17.X.XXX - REASONABLE ACCOMMODATION**

### **17.XX.XXX - Purpose**

This Chapter establishes the procedures to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (“the Acts”) in the application of zoning law and other land use regulations, policies, procedures, and conditions of approval.

### **17.XX.XXX - Applicability**

- A. A request for Reasonable Accommodation may be made by any person with a disability, their representative, or any other entity, when the application of zoning law or other land use regulation, policy, or procedure acts as a barrier to fair housing opportunities.
- B. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.
- C. A request for Reasonable Accommodation may include a change or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

### **17.XX.XXX - Review Authority**

The Director shall act as the Review Authority for Reasonable Accommodation applications based on consideration of the requirements of this Chapter. Requests submitted for concurrent review with another discretionary land use application shall be reviewed by the Review Authority for the discretionary land use application.

### **17.XX.XXX - Application**

An application for a Reasonable Accommodation shall be prepared, filed, and processed in with the City of Corning. No noticing or public hearing are required for a Reasonable Accommodation request. In addition to any other information required under the City of Corning Municipal Code, an applicant submitting a request for Reasonable Accommodation must provide the following information:

- A. Description of the accommodation request;
- B. The applicant’s name, address, and telephone number;
- C. Location of the subject property, including address and assessor’s parcel numbers;
- D. Name and address of the property owner and the owner’s written consent to the application;
- E. The current actual use of the subject property;
- F. Verifiable documentation of the individual’s disability status;
- G. The regulation(s), policy, or procedure for which accommodation is sought;

- H. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling; and
- I. Additional information necessary for Planning Division staff to facilitate proper consideration of the request, consistent with fair housing laws.

#### **17.XX.XXX - Procedures**

The Director shall make a written determination within 45 days of the application being deemed complete and either approve, modify, or deny a request for Reasonable Accommodation in compliance with Section XX.XX.XXX.

#### **17.XX.XXX - Required Findings**

The Director must consider all of the following factors in order to approve or deny a request for Reasonable Accommodation that will be consistent with the Acts.

- A. Whether the housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
- B. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
- C. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City; and
- D. Whether the requested Reasonable Accommodation would require a fundamental alteration of a City program or law, including but not limited to land use and zoning.

#### **17.XX.XXX - Conditions of Approval**

In granting a request for Reasonable Accommodation, the Review Authority may impose any conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation would comply with the findings required herein. The conditions shall also state whether the accommodation granted shall terminate if the recipient of the accommodation was requested no longer resides on the property.

#### **17.XX.XXX - Appeals, Expiration, Extensions, and Revisions**

- A. **Appeals** - Reasonable Accommodation decisions may be appealed as provided for in Section X.
- B. **Expiration, Extensions, and Revisions** - Reasonable Accommodations may only be expired, extended or revised as provided for in Section XX.XX.XXX. A Reasonable Accommodation shall terminate if the accommodation is no longer required, or if the recipient of the accommodation no longer resides at the property.

## **Chapter 17.51 - OFF-STREET PARKING REQUIREMENTS**

### **17.51.010 - Purpose**

- A. The purpose of this chapter is to provide reasonable requirements for off-street parking in order to expedite traffic movement, lessen street congestion, improve traffic and pedestrian safety, and to provide for the public health, safety and general welfare.
- B. The off-street parking requirements contained in this chapter apply to the particular use made of a lot, building or structure and not to a particular zoning classification.

### **17.51.020 - Application**

- A. Except as otherwise provided in this chapter, there is imposed a requirement on every lot for which a building permit or a certificate of occupancy is issued a requirement to provide off-street parking spaces according to the provisions of this chapter for all uses conducted on that lot.
- B. A final inspection for a building permit shall not be approved, and/or a certificate of occupancy shall not be issued for any building or structure until the improvements required by this chapter for all uses of the lot are complete and ready for use.

### **17.51.030 - Exceptions from Off-Street Parking Requirements**

- A. All uses and/or structures existing at the time of adoption of the ordinance codified in this chapter shall be exempt from the provisions of this chapter.
- B. Expansion of existing structures shall also be exempt, unless and until such time as that expansion exceeds the following dimensions (whether as a single project on a single structure, or as cumulative projects on one or more structures on the same lot):
  - 1. For any residential use, a total of five hundred square feet of living area (excluding garage or storage area);
  - 2. For any nonresidential use, a total of one thousand square feet (including storage areas).

### **17.51.040 - Parking Requirements-Residential Uses**

- A. For studio apartments and one-bedroom apartments, 1.5 spaces shall be provided for each studio apartment, including one enclosed space for each dwelling unit.
- B. Multiple-Family Dwellings of two or more bedrooms shall have two total parking spaces per dwelling unit, including one enclosed space.
- C. Single-Family Dwelling Units shall have two parking spaces enclosed in a garage, and two additional parking spaces, for a total of four parking spaces per dwelling unit.
- D. For **Group Residential Dwellings**, one space shall be provided for each bedroom, including bedrooms not rented.
- E. **For Assisted Living** Facilities, every ten dwelling units shall have a minimum of eight parking spaces (0.8 dwelling units = one parking space).

- F. Each Multiple-Family Dwelling Unit shall include a permanent locked storage space, with minimum dimensions of four feet by eight feet, built as a part of the dwelling unit or garage.
- G. Single-car garages shall be a minimum of two hundred square feet; two-car garages shall be a minimum of four hundred square feet.

#### **17.51.050 - Parking Requirements - Bed and Breakfast Inns**

For bed and breakfast inns, one space shall be provided per bedroom in addition to the parking required for the underlying residential use.

#### **17.51.060 - Parking Requirements - Hotels and Motels**

For hotels and motels, one space shall be provided for each guest room.

#### **17.51.070 - Parking Requirements - Residential Care Homes, Skilled Nursing Facilities and Group Care Facilities for the Elderly**

For licensed group care facilities for the elderly, skilled nursing facilities, and residential care homes, one space shall be provided for every three beds the facility is licensed to accommodate.

#### **17.51.080 - Parking Requirements - Hospitals**

For hospitals, one space shall be provided for every bed the facility is designed to accommodate, plus parking in an amount to be determined by the Planning Commission for ancillary uses.

#### **17.51.090 - Parking Requirements - Theaters and Churches**

For theaters and churches, the following number of spaces shall be provided:

- A. For facilities with fixed seats, one space for every four seats or every eight feet of bench space;
- B. For facilities without fixed seats, whichever is less:
  - 1. One space for every twenty-eight gross square feet of principal assembly area, or
  - 2. One space for each four persons of any posted occupancy limit.

#### **17.51.100 - Parking Requirements - Dancehalls and Sports Arenas**

For dance halls and sports arenas, one space shall be provided for every four fixed seats or every eight feet of bench space. Where no fixed seats are installed, one space shall be provided for each one hundred gross square feet of floor area used for assembly or dancing.

#### **17.51.110 - Parking Requirements - Schools**

The following number of parking spaces shall be provided for both public and private schools:

- A. For elementary and junior high schools, two spaces for each employee and faculty member plus one space for every forty-two gross square feet of assembly area in the auditorium or assembly area;

- B. For high schools, three spaces for each classroom plus one space for every three students in grades ten through twelve;
- C. For commercial or business schools, one space for every one hundred fifty gross square feet of classroom floor area.

**17.51.120 - Parking Requirements - Office Uses**

For office uses, one space shall be provided for every three hundred gross square feet of floor area.

**17.51.130 - Parking Requirements - Commercial Establishments**

The following number of parking spaces shall be provided for commercial sales establishments:

- A. For automobile or machinery sales and service garages, nursery and garden supplies, and building material yards, one space for every five hundred gross square feet of floor area plus one space for each two thousand square feet of outdoor sales and/or service area;
- B. For furniture and appliance stores and repair shops and similar uses which handle only bulky merchandise, one space for every six hundred gross square feet of floor area;
- C. For shopping centers of less than thirty thousand gross square feet of floor area, one space for every two hundred gross square feet of floor area; and for centers of thirty thousand or more gross square feet of floor area, one space for every three hundred gross square feet of floor area. Shopping centers shall use an unsegregated parking area;
- D. For retail sales, one space for every two hundred gross square feet of floor area;
- E. For restaurants, bars, nightclubs and drive-in restaurants, one space for every four seats or one space for every seventy-five gross square feet of floor area, including outside dining areas, whichever is greater;
- F. For financial institutions, one space for each three hundred gross square feet of floor area;
- G. For barber and beauty shops, one space for each seventy-five square feet of gross floor area or two spaces per chair, whichever is less;
- H. For laundromats, one space for each three washing machines.

**17.51.140 - Parking Requirements - Industrial Uses and Warehouses**

The following number of parking spaces shall be provided for industrial uses and warehouses:

- A. For warehouses, storage buildings, wholesale operations and light manufacturing plants, one space shall be provided for each one thousand five hundred square feet of gross floor area;
- B. For machinery and equipment sales, one space shall be provided for every five hundred square feet of gross floor area, plus one space for each two thousand square feet of outdoor sales and/or service area;
- C. For mini-storage uses, two spaces shall be provided for an onsite caretaker, if any, plus one space for each three hundred square feet of office space, with a minimum of four spaces.

**17.51.150 - Parking Requirements - Recreational Facilities**

The following number of parking spaces shall be provided for recreational uses:

- A. For bowling centers, two spaces for each alley, plus that required for ancillary uses;
- B. For tennis, handball, racquetball, or other court, two spaces for each court, plus one space for each two hundred fifty square feet of floor area excepting the court area;
- C. For aerobics dance, weight training and exercise facilities, one space per one hundred gross square feet of floor area;
- D. For pool halls, two spaces per pool table, plus that required for ancillary uses.

**17.51.160 – Parking Requirements - Other Uses**

The parking requirement for uses not specified in this chapter shall be determined by the Planning Commission.

**Chapter 17.62 - AFFORDABLE HOUSING INCENTIVES/RESIDENTIAL DENSITY BONUSES** (needs to be updated. Provided example ordinance language for City attorney to review)

**17.62.010 – Purpose**

The purpose of providing a housing density bonus or incentives is to contribute to the economic feasibility of low income and moderate income housing in housing developments proposed within the City.

**17.62.020 - Applicability**

When a developer enters into an agreement to provide a housing development that includes housing units for very low, low or moderate income households, as defined in the California Health and Safety Code, and pursuant to Government Code Section 65915, the developer shall be eligible for a housing density bonus or incentives if the housing development consists of five or more units.

**17.62.030 - Application and Approval**

Any person requesting a housing density bonus or incentives shall apply for a development agreement. A housing density bonus or incentives shall be granted by approval of the development agreement which shall specify the density bonus and/or incentives, and any conditions attached to the approval of such bonus and/or incentive.

**17.62.040 - Planning Commission Recommendation**

Prior to Council action on a development agreement providing a housing density bonus or incentives, the Commission shall consider the development agreement and make a recommendation to the Council.

**17.62.050 - Determination of Housing Density Bonus or Incentives**

The Project Developer may specify the housing density bonus or incentives requested; however, the City may agree to provide a housing density bonus or incentives other than those requested, so long as such housing density bonus or incentives meet the requirement set forth in the California Government Code.

## DRAFT CORNING ZONING CODE UPDATE – NOVEMBER 16, 2020

Text highlighted in yellow is revised existing Zoning Code language.

Green text is proposed new Zoning Code language.

### **Title 17 - ZONING\***

\*For statutory provisions on planning in general, see Gov. Code § 6500 et seq.; for provisions authorizing cities to regulate the use of land and buildings, see Gov. Code § 65850.

### **Chapter 17.04 – GENERAL PROVISIONS**

#### **17.04.010 - Title**

The ordinance codified in this chapter shall be known and cited as the "Corning Zoning Code."

#### **17.04.020 - Adopted**

There is adopted a zoning enabling plan for the City, which constitutes a precise plan based upon the adopted master plan of the City.

#### **17.04.030 - General Purpose**

The purpose of this Code is to implement the City's General Plan and to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare. More specifically, the Code is adopted to achieve the following objectives:

- A. Provide standards for the orderly growth and development of the City, and guide and control the use of land to provide a safe, harmonious, attractive, and sustainable community.
- B. Achieve the arrangement of land uses depicted in the Corning General Plan, consistent with the goals and policies of the General Plan.
- C. Enhance the appearance of the City and promote high-quality design.
- D. Preserve and enhance the quality of life and character of residential neighborhoods.
- E. Promote economic growth and the creation of jobs.
- F. Facilitate the appropriate location of community facilities, institutions, transportation, and parks and recreational areas.
- G. Allow for public participation in government decision-making regarding land use and development in a manner consistent with State law.
- H. Define duties and powers of administrative bodies and officers responsible for implementation of the Code.

#### **17.04.040 - Relationship to the General Plan (this replaces 17.04.040 Scope)**

This Code implements the goals and policies of the City of Corning General Plan by regulating the use of land and structures within the City. This Code and the General Plan shall be consistent with one another.

Any permit, license, or approval issues pursuant to this Code must be consistent with the General Plan and all applicable specific plans. In any case where there is a conflict between this Code and the General Plan, the General Plan shall control.

#### **17.04.050 - Generally**

The Zoning Plan consists of the establishment of various districts within some, all, or none of which it shall be unlawful to erect, construct, alter, move, locate, or maintain certain buildings or to carry on certain trades or occupations or to conduct certain uses of land or of buildings; within which the height and bulk of future buildings shall be limited, within which certain open spaces shall be required about future buildings, and consisting further of appropriate additional regulations to be enforced in such districts, all as set forth in this chapter.

#### **17.04.060 - Interpretation**

- A. In interpreting and applying the provisions of this chapter, unless otherwise stated, they shall be held to be the minimum requirements for the promotion and protection of the public safety, health and general welfare.
- B. Regulations which are specifically set forth in this chapter to apply to any particular district shall not be deemed to apply to any other district unless such application is clearly set forth in the text hereof.

#### **17.04.070 - Applicability**

- A. Where conflict occurs between the regulations of this chapter and any building code or other regulations effective within the City, the more restrictive of any such regulations shall apply.
- B. It is not intended that this chapter shall interfere with or abrogate or annul any easement, covenants, or other agreements now in effect; provided, however, that where this chapter imposes greater restrictions than are imposed or required by other ordinances, rules or regulations, or by easements, covenants or agreements, the provisions of this chapter shall apply.

#### **17.04.080 - Permit and License Issuance Authority - Conformance to Regulations**

All departments, officials and public employees of the City which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title and shall issue no such permit or license for uses, buildings and purposes where the same would be in conflict with the provisions of this title.

#### **17.04.090 - Violations**

- A. It shall be unlawful for any person to violate any section of this code. When any building or parcel of land regulated by this code is being used or maintained contrary to this code, the City may order such use discontinued.

- B. Vehicle parts, debris, rubbish, trash and graffiti shall not be allowed to remain on any lot or structure, outside of approved containers. Weeds in excess shall not be allowed to remain on any lot.

#### **17.04.100 - Penalties**

- A. Any person violating any of the provisions of Title 17, or failing to comply with any of the mandatory requirements of the ordinances of the City of Corning, shall be guilty of an infraction.
- B. Any person convicted of an infraction for violation of an ordinance of the City of Corning, is punishable by:
  - 1. A fine not exceeding fifty dollars for a first violation;
  - 2. A fine not exceeding one hundred dollars for a second violation of the same ordinance within one year;
  - 3. A fine not exceeding two hundred fifty dollars for each additional violation of the same ordinance within one year;
- C. Each person shall be guilty of a separate offense for each day and every day during any portion of which any violation of any provision of Title 17 is committed, continued or permitted by any such person, and he/she shall be punishable accordingly.

#### **17.04.110 - Notice**

- A. Notice to Remove - The City shall notify the owner of any private property within the City or the agent of such owner or occupant to abate any violation of this chapter. The owner or occupant shall properly dispose or abate such violation. Such notice shall be by certified mail, addressed to such owner at his/her last known address. This notice shall allow ten days from the date of receiving the certified letter to abate the violation.
- B. Action for Noncompliance - Upon the failure, neglect or refusal of any owner or agent of occupant so notified to abate the violation within ten days after receipt of written notice provided in subsection A of this section, or make acceptable arrangement to abate such violation or within seven days after the date of such notice in the event the same is returned to the City because of inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, agent or occupant, the City is authorized to pay for the abatement or disposing of such litter or refuse.
- C. Charge to be Collected - When the City has effected for the abatement or removal of such refuse or litter or has paid for its removal, the actual cost thereof, administrative cost and accrued interest at the rate of seven percent per year from the date of the completion of the work, if not paid by such owner or occupant of such property, and such charges shall be due and payable by the owner at time of presentation.

## **Chapter 17.06 - DEFINITIONS**

### **17.06.010 - Generally**

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in this chapter.

### **17.06.020 - Accessory Building**

A detached subordinate building the use of which is incidental to that of the main building on the same lot, or to the use of the land.

### **17.06.025 – Accessory Dwelling Unit (ADU)**

An attached or detached unit that is ancillary to a primary dwelling unit. See section X of this Zoning Code for more detailed standards related to accessory dwelling units. See also, “Junior Accessory Dwelling Unit”.

### **17.06.030 - Accessory Use**

A use or building incidental or subordinate to the principal use or building located upon the same lot.

### **17.06.040 - Addition**

An extension or increase in floor area or height of a building or structure.

### **17.06.050 - Agency**

An office or commercial establishment in which goods, material or equipment is received for servicing, treatment or processing elsewhere.

### **17.06.060 - Alley**

A public or permanent private way or lane less than forty feet in width which affords a secondary means of access to abutting property.

### **17.06.080 - Basement**

Any floor level below the first story of a building, except that a floor level in a building having only one floor shall be classified as a basement unless such floor level qualifies as a first story as defined in this chapter.

### **17.06.100 - Building**

Any structure used or intended for supporting or sheltering any use or occupancy.

### **17.06.110 - Building Coverage**

The land area covered by all building on a lot, including all projections except eaves.

### **17.06.120 - Building Height**

The vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof, ridge or parapet wall.

**17.06.130 - Building Official**

The officer or other designated authority charged with the administration and enforcement of the building codes, or the building official's duly authorized representative.

**17.06.140 - Building Site**

The land area occupied by or capable of being covered by all structures permissible under this chapter.

**17.06.150 - Chief of the Fire Department**

The head of the fire department or a regularly authorized deputy.

**17.06.160 - City**

The incorporated area of the City of Corning.

**17.06.170 - City Council**

The City Council of Corning.

**17.06.180 - Dwelling**

Any building or portion thereof which contains not more than two dwelling units.

**17.06.190 - Duplex**

A building designed for occupancy by two families living independently of each other, each in a separate dwelling unit, on one lot.

**17.06.200 - Dwelling Unit**

A building (or portion of a building) designed, occupied, used, or intended for residential purposes by no more than a single-housekeeping unit and containing one kitchen.

**17.06.210 – Efficiency Unit**

See Single Room Occupancy unit.

**17.06.215 - Emergency Shelter**

Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less, as defined in Section 50801 of the California Health and Safety Code. Medical assistance, counseling, and meals may be provided.

**17.06.220 - Family**

One person living alone or two or more persons living together in a dwelling unit with common access to, and common use of, all living, kitchen, and eating areas within the dwelling unit.

#### **17.06.225 – Family Day Care**

A day care facility licensed by the State of California, located in a residential unit where a resident of the dwelling provides care and supervision for children under the age of 18 for periods of less than 24 hours a day.

**Small Family Day Care:** A facility that provides care for eight or fewer children, including children who reside at the home and are under the age of 10.

**Large Family Day Care:** A facility that provides care for seven to 14 children, including children who reside at the home and are under the age of 10.

#### **17.06.230 - Garage**

A building or portion thereof in which a motor vehicle is stored, repaired or kept.

#### **17.06.240 - Garage, Private**

A garage used only for the shelter or storage of vehicles by the occupants of the dwelling.

#### **17.06.250 - Garage, Public**

A garage open to the general public.

#### **17.06.260 – Group Residential**

Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for on a weekly or longer basis. Group residential includes rooming and boarding houses, dormitories and other types of organizational housing, private residential clubs, and extended stay hotels intended for long-term occupancy (30 days or more) but excludes Hotels and Motels, and Residential Care Facilities.

#### **17.06.265 – Gross Area**

The entire area of a parcel or lot, including any proposed public roadways and all other areas which may be ultimately excluded from development. *See also, "Net Area"*

#### **17.06.270 - Home Occupation**

Any use customarily carried on within a dwelling by the inhabitants thereof which use is incidental to the residential use of the dwelling, and which use:

- A. Is confined within the dwelling, and occupies not more than twenty-five percent of the floor space thereof;
- B. Involves no sales of merchandise other than that produced on the premises, or directly related to and incidental to the services offered;
- C. Is carried on by the members of the family occupying the dwelling with no other person employed;

- D. Produces no evidence of its existence beyond the premises such as smoke, odors, vibrations, noise, etc., except one sign not to exceed two square feet of area and pertaining directly to the particular home occupation;
- E. Produces no excess traffic; and
- F. Must apply for a permit for home occupancy use (to be approved by the Planning Department, with a fee set by Council).

#### **17.06.280 - Hotel**

Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

#### **17.06.285 – Household**

See “Family”.

#### **17.06.290 - Junkyard**

Any area of two hundred square feet or more used for the storage of junk or scrap materials, or for the wrecking or dismantling of automobiles or other vehicles or machinery. A solid eight-foot fence is required.

#### **17.06.300 - Junkyard Fence**

A fence of solid material, a minimum of eight feet in height to be provided around any junkyard and no material to be in sight above the top of the fence.

#### **17.06.304 – Junior Accessory Dwelling Unit (JADU)**

A dwelling unit created within the walls of a proposed or existing single-family residence. See section X of this Zoning Code for regulations related to Junior Accessory Dwelling Units.

#### **17.06.308 – Kitchen**

A room or other space within a building designed and constructed for the cooking and/or preparation of food and containing a stove or cooktop using natural gas or 220-volt electricity.

### 17.06.310 - Lot

A parcel of land under one ownership used or capable of being used under the regulations of this chapter. *Figure #XX below, shows various types of lots. Please note that not all of these types are permitted in Corning.*

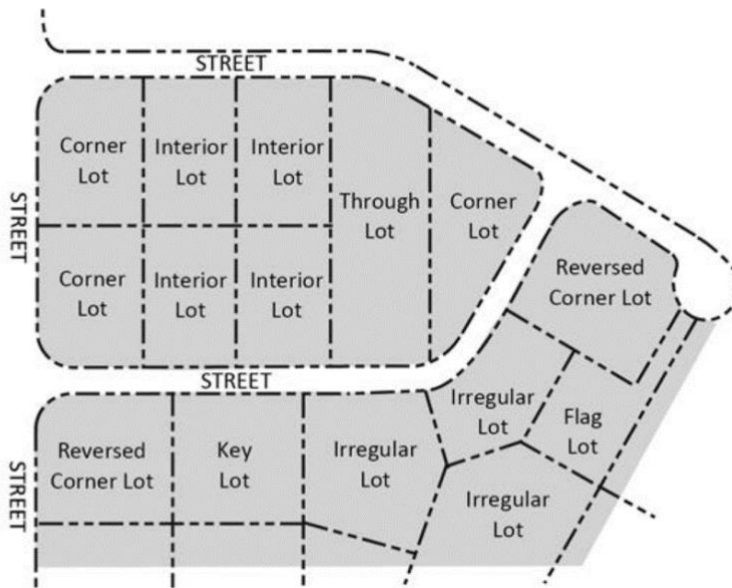


FIGURE XX

### 17.06.315 - Lot Coverage

The portion of a lot that is covered by structures, including primary and accessory buildings, garages, carports, and roofed porches, but not including unenclosed and unroofed decks, landings, or balconies.

### 17.06.320 - Lot, Corner

A lot located at the junction of two or more intersecting streets with a boundary line thereof bordering on each of such streets. The front of the dwelling shall be the front yard.

### 17.06.321 – Lot, Flag

A lot so shaped that the main portion of the lot area does not have access to a street other than by means of a corridor having less than 20 feet of width.

### 17.06.322 – Lot, Interior

A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots or that is bounded by more than one street with an intersection greater than 135 degrees; a lot other than a corner lot.

### 17.06.323 – Lot, Key

An interior lot adjoining the rear lot line of a reversed corner lot.

### 17.06.324 – Lot, Reversed Corner Lot

A lot having frontage on two parallel or approximately parallel streets.

### 17.06.325 – Lot, Through

A lot having frontage on two parallel or approximately parallel streets

### 17.06.330 Lot Depth

Measured along a straight line down from the midpoint of the front property line of the lot to the midpoint of the rear property line. The director shall determine lot depth for parcels of irregular configuration. Figure #XX below illustrates the method used to determine lot depth.

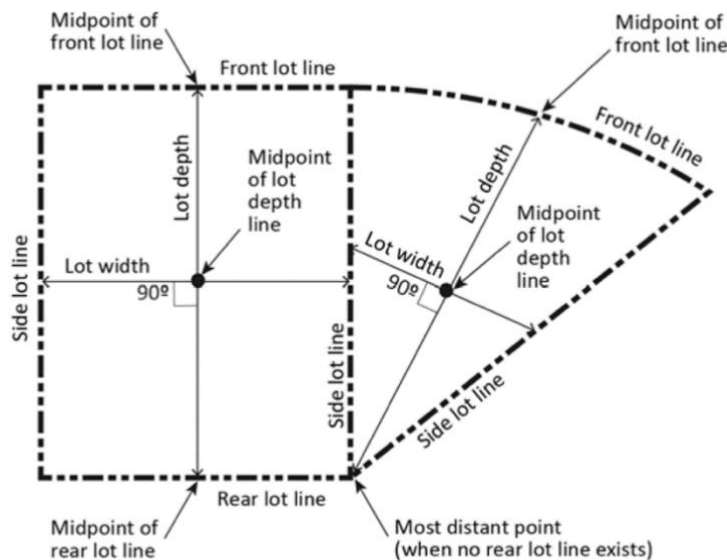


FIGURE XX

### 17.06.340 - Lot Width

The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. Figure #XX above illustrates the method used to determine lot width.

#### 17.06.341 – Lot Line

The boundary line between a lot and other property or the public right-of-way.

#### 17.06.342 – Lot Line, Front

The narrowest boundary line separating a lot from a street; in the case of a lot having no street frontage, the same will mean the narrowest boundary line parallel and closest to the nearest street or highway, as determined by the director.

#### 17.06.343 – Lot Line, Rear

A lot line which is most distant from the front lot line.

#### 17.06.344 – Lot Line, Side

Any lot boundary line which is not a front or rear lot line.

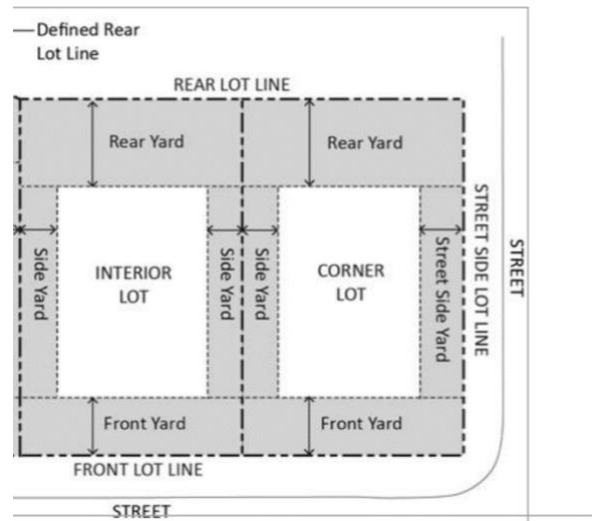


FIGURE XX

#### 17.06.345 - Low Barrier Navigation Center

A Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

#### 17.06.346 - Manufactured Housing Unit

A housing unit constructed primarily or entirely off-site at a factor before being moved to its intended location.

**17.06.350 - Mobile Home**

A vehicle, other than a motor vehicle, designed or used for human habitation, for carrying persons and property or its structure, and for being drawn by a motor vehicle.

**17.06.360 - Motel**

Motel means hotel as defined in this code.

**17.06.364 - Multi Family Dwelling**

A single structure with two or more dwelling units. See also Duplex, Halfplex, and Triplex.

**17.06.368 – Net Area**

The area of a lot or parcel excluding areas to be dedicated for public purposes or other reasons. See also “Gross Area”.

**17.06.370 – Nonconforming Building**

A building or structure or portion thereof lawfully existing at the time the ordinance codified in this chapter became effective, which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the district in which is located.

**17.06.380 - Nonconforming Use**

A use which lawfully occupied a building or structure, or was conducted upon open land prior to the effective date of these regulations, in the district in which it is located and with which regulations it does not comply.

**17.06.390 - Outdoor Advertising**

Any outdoor display or advertising material in any form upon any physical structure or natural object.

**17.06.400 - Outdoor Advertising Sign or Structure**

An advertising sign or structure upon which outdoor advertising is placed or displayed.

**17.06.410 - Outdoor Advertising Structure**

Any structure of any kind or character erected, maintained or used for outdoor advertising purposes, upon which any outdoor advertising is or may be placed.

#### **17.06.420 - Parking Lot**

An area of land, a yard or other open space on a lot used for or designated for use by stationary motor vehicles.

#### **17.06.430 - Parking Space**

Land or space privately owned, covered or uncovered, laid out for, surfaced, and used or designed to be used by a standing motor vehicle.

#### **17.06.440 - Planning Commission**

The Planning Commission of the City.

#### **17.06.441 – Reasonable Accommodation**

Any deviation requested and/or granted from the strict application of the City's Zoning and Land Use laws, rules, policies, practices and/or procedures under provisions of Federal or California Law to make housing or other facilities readily accessible to and usable by persons with disabilities and thus enjoy equal employment or housing opportunities or other benefits guaranteed by law.

#### **17.06.442 – Religious Institution**

Include churches, temples, mosques and other places of worship and institutions that exist to support and manage the practice of a specific set of religious beliefs.

#### **17.06.443 – Residential Care Facilities**

A facility licensed by the State of California to provide living accommodations, 24-hour care for persons requiring personal services, supervision, protection, or assistance with daily tasks. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This classification includes those both for and not-for-profit institutions but excludes Supportive Housing and Transitional Housing.

**Small** - A facility that is licensed by the State of California to provide care for six or fewer persons 18 years or older.

**Large** - A facility that is licensed by the State of California to provide care for more than six persons 18 years or older.

#### **17.06.444 – Residential Facility, Assisted Living**

A facility that provides a combination of housing and supportive services for the elderly or functionally impaired, including personalized assistance, congregate dining, recreational, and social activities. These facilities may include medical services. Examples include assisted living facilities, retirement homes, and retirement communities. These facilities typically consist of individual units or apartments, with or without kitchen facility, and common areas and facilities. The residents in these facilities require varying levels of assistance.

**17.06.450 - Service Station**

A retail business establishment supplying gasoline and oil, and minor accessories and service for automobiles.

**17.06.480 - Setback Line**

A line established by this chapter to govern the placement of buildings with respect to streets and alleys.

**17.06.090 - Shall**

A Shall is mandatory and indicates a standard, requirement, etc. which must be met.

**17.06.XXX – Single-Family Dwelling**

A dwelling unit that is designed for occupancy by one household. “Single-Family Dwelling” includes manufactured housing units. *See also “Manufactured Housing Unit.”*

**17.06.XXX – Single-Room Occupancy**

A residential facility where living accommodations are individual secure rooms, with or without separate kitchen or bathroom facilities for each room, rented to one- or two-person households on a weekly or monthly basis. *Compare to “Hotel” and “Motel.”*

**17.06.490 - Story**

A portion of a building including the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement is more than six feet above grade at any point, such basement shall be considered a story.

**17.06.500 - Street**

A public or permanent private way forty feet or more in width which affords a primary means of access to property.

**17.06.510 - Structure**

A structure that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**17.06.520 - Structure Alterations**

Is any change in the supporting members of a building, such as bearing walls, columns, beams or girders and floor joists, ceiling joists or roof rafters.

**17.06.525 – Supportive Housing**

As defined by Subsection (G) in Government Code Section 65582, Supportive Housing means housing with no limit on length of stay that are occupied by the target population, and that are linked to

onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

#### **17.06.530 – Technical Advisory Committee (TAC)**

A committee that reviews, made up of Building Official, City Engineer, Planning Officer, Public Works Director or their authorized representatives and Fire Chief and Police Chief as needed.

#### **17.06.531 – Target Population**

As defined in Government Code Section 65582, Target Population means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services. It may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

#### **17.06.532 – Two-Family Dwelling**

A building designed for occupancy by two families living independently of each other, either where both dwellings are located on the same lot (“Duplex”) or on separate lots (“Halfplex”). See also “Duplex” and “Halfplex.”

#### **17.06.533 – Transitional Housing**

Housing that has a predetermined end point in time and operated under a program that requires the termination of assistance, in order to provide another eligible program recipient to the service. The program length is typically no less than six months.

#### **17.06.540 - Yard**

An open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this code, on the lot on which a building is situated.

#### **17.06.550 - Yard, Front**

A yard extending across the full width of the lot, measured between the front lot line and the nearest line of the main building or an enclosed or covered porch. The front yard of a corner lot shall be the yard in front of the house.

#### **17.06.560 - Yard, Rear**

A yard extending between the side yards of the lot and between the rear lot line and the rear setback line.

#### **17.06.570 - Yard, Side**

A yard on either side of the lot extending from the front yard to the rear lot line, the width of each yard being measured between the side line of the lot and the nearest part of the main building or enclosed porch.

**17.06.580 - Yard, Street Side**

A yard on a corner lot or reversed corner lot extending from the front yard to the rear lot line between the building setback line and the nearest side street lot line.

## **Chapter 17.08 - ESTABLISHMENT OF DISTRICTS**

### **17.08.010 - Designated**

- A. The several classes of general districts hereby established and to which the City is or may be divided are designated as follows:

- |  |   |
|--|---|
| 1. R-1, Single-Family Residential District;              | 8. Ch, Highway Service Commercial District; |
| 2. R-2, Single-Family Residential/Multi-Family District; | 9. M-1, Light Industrial District;          |
| 3. R-3, Multi-Family District;                           | 10. M-2, General Industrial District;       |
| 4. R-4, Multi-Family/Mixed-Use District;                 | 11. MI, Limited Industrial District;        |
| 5. C-1, Neighborhood Business District;                  | 12. Mf, Industrial Frontage District;       |
| 6. C-2, General Business District;                       | 13. Av, Airport District;                   |
| 7. C-3, General Commercial District;                     | 14. Pd, Planned Development District;       |
|  | 15. Os, Open Space District.                |

- B. In addition to the foregoing classes of districts, the following combining Districts are established:

- |  |                                      |
|--|--------------------------------------|
| 1. A, Special Agricultural District;     | 4. P, Special Parking District;      |
| 2. B, Special Building Site District;    | 5. H, Special Height Limit District; |
| 3. F, Special Highway Frontage District; | 6. CD, Special Civil District.       |

### **17.08.020 - Application**

The classes of districts and certain combinations thereof as designated in Section 17.08.010 of this chapter and the regulations pertaining thereto may be applied to land areas by amendment of the ordinance codified in this chapter to include herein the written descriptions of the designations, locations and boundaries thereof, or to add hereto sectional district maps showing such information. Such written descriptions and sectional district maps shall become parts of the ordinance codified in this chapter by their addition to this section, and the land areas designated therein shall be subject to the provisions and regulations of this chapter.

### **17.08.030 - Boundaries-Sectional Maps-Rules**

Where uncertainty exists as to the boundaries of any of the districts set out in this chapter or shown on the sectional district maps, the following rules shall apply:

- A. Where such boundaries are indicated as approximately following street and alley lines, such street and alley lines shall be construed to be such boundaries.
- B. Where such boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.

- C. In un-subdivided property and where a district boundary divides a lot, the location of any such boundary unless the same is indicated by dimensions shown upon sectional district maps, shall be determined by the use of location of the scale appearing on such sectional district maps. The location of a district boundary may be adjusted within a single lot by application approved by the planning department.
- D. In case further uncertainty exists, the Planning Commission, upon written application or upon its own motion, shall determine the location of such boundaries, preceded by a public hearing.

#### **17.08.040 – Boundaries-Zoning Map-Rules**

Where uncertainty exists as to the boundaries of any district shown on the zoning map, the following rules shall apply:

- A. Where such boundaries indicated as approximately following property, street or alley lines, such lines shall be construed to be such boundaries.
- B. An un-subdivided property and where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the zoning map.
- C. A symbol indicating the classification of property on the zoning map shall in each instance apply to the whole of the area within the district boundaries.
- D. Where a public street, alley or parcel of land is officially vacated or abandoned, the regulations applicable to abutting property shall apply equally to such vacated or abandoned street or alley.

#### **17.08.050 – Purpose and Applicability of Residential Zoning Districts**

The purposes of the Residential Zones are to:

- A. Provide for a full range of housing types consistent with the General Plan;
- B. Preserve, protect, and enhance the character of the City's different residential neighborhoods;
- C. Enhance the quality of life for residents;
- D. Ensure that the scale and design of new development and alterations to existing development are compatible with surrounding residences and appropriate to the physical and aesthetic characteristics of proposed locations; and
- E. Provide sites for public and semi-public land uses such as parks, schools, day care, and other community uses that will serve City residents and will complement surrounding residential development.

## **Chapter 17.10 - R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT**

### **17.10.010 – Purpose**

The R-1 Single-Family Residential Zone is intended to provide areas for detached single-family dwellings. This Zone also provides for public and quasi-public uses, and similar and compatible uses that may be appropriate in a low-density residential environment. The maximum residential density for the R-1 district is 7 dwelling units per gross acre. This Zone implements the Single-Family Residential (SFR) General Plan Land Use Designation.

The following specific regulations and the general rules set forth in Sections 17.04.060 and 17.04.070 and Chapter 17.50 of this title shall apply in all R-1 Districts.

### **17.10.020 - Permitted Uses**

In R-1 Districts, the following are permitted uses:

- A. Single-family Dwellings limited to one dwelling per lot, including private garages, accessory buildings and uses;
- B. Agriculture, horticulture, gardening, keeping of animals as permitted by City ordinances, but not including stands or structures for sale of agricultural or nursery products;
- C. Underground utility installations, and aboveground utility installations for local service, except that substations, generating plants, and gas holders must be approved by the Planning Commission prior to construction, and the route of any proposed transmission line shall be discussed with the Planning Commission prior to acquisition;
- D. Public parks, schools, playgrounds, libraries, firehouses and other public buildings and uses included in the master plan;
- E. Mobile homes installation, provided such mobile homes are:
  1. Certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 USC Section 5401, et seq.), and
  2. Are placed on a foundation system, in compliance with the provisions of Section 18551 of the Health and Safety Code of California, and
  3. Are placed on a lot designed for single-family dwellings, and
  4. Have a minimum width of twenty feet, and
  5. Bear an insignia of approval by the California Department of Housing and Community Development or the U.S. Department of Housing and Urban Development, and
  6. a. Covered with an exterior material, customarily used on conventional dwellings, which shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation, and

b. Has roof with a pitch of not less than two-inch vertical rise for each twelve inches of horizontal run and consisting of shingles or other material customarily used for conventional dwellings, and

c. Which shall have porches and eaves, or roofs with eaves, when, in the opinion of the Planning Department of the City of Corning, it is necessary to make it compatible with the dwellings in the area.

F. Small family day care;

G. Employee/farmworker housing that serves six or fewer persons; employee housing for more than six employees in group quarters or in multiple units or spaces;

H. Transitional and supportive housing;

I. Accessory Dwelling Units - see Section 17.06.025 of this Zoning Code.

#### **17.10.030 - Uses Requiring Conditional Use Permits**

In R-1 Districts, uses requiring Conditional Use Permits are as follows:

- A. Public parks, schools, playgrounds, libraries, firehouses and other public buildings and uses not included in the master plan;
- B. Private and religious schools, nursery schools and large family day care;
- C. Churches and religious institutions;
- D. Golf courses and country clubs;
- E. Temporary real estate offices, tract sales offices and advertising signs, and tract construction offices and equipment yards; and
- F. Home occupations, permit to be approved by the planning department.

#### **17.10.032 – Small Lot Destinations**

In areas designated R-1-4,000 on the City Zoning Map, the minimum lot size shall be four thousand square feet. All other height, bulk and space requirements are as set forth in Section 17.10.032(B) through (I).

- A. Minimum Lot Area - 4,000 sq. ft. interior lots, 4,500 sq. ft. corner lots;
- B. Minimum Lot Width - 40 feet interior lots, 45 feet corner lots;
- C. Maximum Building Coverage - Sixty percent of lot area with a minimum width of any residential structure of twenty feet;
- D. Minimum front yard setback of ten feet to residence/porch and a garage must be set back to twenty feet;
- E. Side yard shall not be less than five feet with a two-foot overhang on each side. Three feet shall be added to each required side yard for each story above the first story of any building. The side yard on the street side of each corner lot shall not be less than ten feet. A twenty-foot minimum

side yard shall be required where a two-story residential structure will be located on a lot which abuts the rear yard of a single-family lot;

- F. Rear yard shall not be less than ten feet;
- G. Building height limit, two and one-half stories, but not exceeding thirty-five feet;
- H. Main building area, the main building shall have a minimum floor area of eight hundred square feet, living space. The definition of "main building" includes a mobile home; and
- I. No portion of a structure, excluding two foot eaves shall be constructed in a Public Service or Utility Easement as depicted on a recorded map.

#### 17.10.035 – Large Lot Designations

In areas designated R-1-8,000 or R-1-10,000 on the City Zoning Map, the minimum lot size shall be eight thousand and ten thousand square feet respectively. All other height, bulk and space requirements are as set forth in Section 17.10.040(B) through (H).

#### 17.10.040 - R-1 Development Standards

In R-1 Districts, the development standards can be found in Table 1. The following side yard setbacks shall also apply:

- A. Side yard shall not be less than six feet for each side yard. Three feet shall be added to each required side yard for each story above the first story of any building.
- B. The side yard on the street side of each corner lot shall not be less than ten feet. A twenty foot minimum side yard shall be required where a two-story residential structure will be located on a lot which abuts the rear yard of a single-family lot;

**Table 1: Development Standards for Residential Zoning Districts**

Table X: Residential Development Standards						
Standard	R-1 Small Lot Designation	R-1	R-2	R-3	R-4	Additional Regulations
<b>Lot and Density Standards</b>						
Maximum Density (units/gross acre)	10	7	14	28	28	
<b>Minimum Lot Size (sq. ft., unless noted)</b>						

Interior Lot	4,000	R-1: 6,000 R-1- 8000: 8,000 R-1- 10,000: 10,000	6,000	15,000	One acre.	See Section 17.x.x for additional development standards for small lot designation. See Section 17.12.20 for minimum lot sizes of duplexes and triplexes.
Corner Lot	4,500	7,000	7,000	15,000	One acre.	
<b>Minimum Lot Width (feet)</b>						
Interior lot	40	60	60	100	100	
Corner lot	45	70	70	100	100	
Maximum lot coverage	0.60	0.45	0.55	0.65	0.65	
<b>Building Form and Location</b>						
<b>Minimum Setbacks (feet)</b>						
Front	10	20	20	20	20	Ten feet to residence/porch and 20 feet to garage. Setback requirements for ADU's are located in Section x.
Side, Interior	5	6	6	6	6	Three feet shall be added to each required side setback for each story above the first story of any building.
Side, Corner	10	10	10	10	10	A 20 feet minimum side yard is required for a two-story residential structure that abuts the rear yard of a single-family lot.
Rear	10	10	10	10	10	An additional five feet shall be added to the required rear setback for each story over the first story of any building. Setback requirements for ADU's are located in Section x.
Distance between main buildings (feet)	N/A	N/A	N/A	10	10	See additional requirements in Section 17.16.030G.

Building Height						
Maximum Height (feet)	35	35	35	40	55	Building height defined in 17.06.120. Maximum height of ADU's are located in Section X.
Number of stories	2.5	2.5	2.5	3	4	

#### **17.10.042 - Determination of Compatibility**

It shall be the responsibility of the Planning Commission to determine if a proposed mobile home installation in an R-1 or R-1-2 Districts will be compatible with the neighborhood. Upon applying for a building permit for the installation of a mobile home, the applicant shall furnish the Building Official with a site plan, a description of the roof and siding materials, and roof pitch, and pictures of the mobile home from all four sides. This data shall be submitted to the Planning Commission, who shall determine compatibility of the proposed installation with the neighborhood, and who shall, within forty days of submission to it of the data, make a determination as to compatibility of the mobile home with the neighborhood, and report its findings to the Building Official. If the findings recommend approval of issuance of the building permit, the Building Official shall issue the permit, subject to any other conditions applicable to construction in an R-1 or R-1-2 Districts. Failure of the Planning Commission to make findings within forty days of submission to them of the required data shall constitute approval of the application.

#### **17.10.044 - Appeal**

If the Planning Commission recommends denial of the building permit for a mobile home, the applicant may appeal the decision to the City Council, in the manner provided by Section 17.54.060. Only the denial of a permit is appealable, excepting that if conditions to the issuance of a building permit are imposed which the applicant believes to be excessive, the applicant may appeal the imposition of those conditions.

## **Chapter 17.11 - MULTI-FAMILY RESIDENTIAL OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS**

### **17.11.010 - Purpose**

The objective design standards in this Chapter supplement the development standards in the Zoning Code and serve as minimum requirements for multi-family residential development, as well as for mixed-use development that contains residential uses. The objective design standards also further the goals, policies, and actions of the General Plan, which encourage high quality design in the City.

Objective design standards are those that involve no personal or subjective judgment by the plan reviewer and are uniformly verifiable by reference to an external and uniform benchmark.

### **17.11.020 - Applicability**

For a project to be eligible for a streamlined review process using objective design standards, applicants are required to meet specific eligibility criteria per SB 35.

#### **A. Eligibility Criteria**

1. Multifamily Residential Development. The project must involve the development of two or more attached residential units.
2. Designated for Residential Uses. The project meets the zoning or general plan designation that allows for a residential use or residential mixed-use development. Residential mixed-use requires at least 2/3 of the square footage of the development to be residential.
3. Affordable Housing Requirements. In addition to the affordability requirements in Rancho Cordova Zoning Code Chapter X, projects greater than 10 units must provide at least 10% of the units as deed restricted affordable housing for households making below 80% of the Area Median Income.

4. Consistent with Objective Standards. The project must be consistent with objective zoning, subdivision, and design review standards.
5. Infill Parcels Only. At least 75% of the perimeter of the site must adjoin parcels developed with urban uses, which includes current or former residential, commercial, public institutional, or transit facility uses. Parcels separated by a street or highway are considered adjoining.
6. Labor Requirements. All projects greater than 10 units are subject to special labor requirements. Projects involving subdivisions or lot mergers may qualify for SB 35 streamlining with certain labor requirements.
7. No Demolition of Housing or Historic Structures. The project cannot involve demolition of certain categories of housing or a historic structure and cannot develop on a site where rental housing was demolished within the last 10 years.
8. Not Within Protected Resource and Hazardous Areas. The project site cannot be within a conservation area, and cannot contain protected species habitat, prime farmland, farmland of statewide importance, wetlands, floodways, or conservation easements. If the site is in a very high fire hazard severity zone, hazardous waste site, earthquake fault zone, or 100-year flood plain, the project must mitigate those hazards.
9. Parking. The project must provide at least one parking space per unit; however, no parking may be required if 1) the project is located within a) one half mile of a public transit stop, b) an architecturally and historically significant historic district, c) one block of a car share vehicle station, or 2) on-street parking permits are required but not offered to the development occupants.

The discretionary design review process described in Section XX.XX.XX of this Code shall be used for all multi-family residential development projects that are not eligible for streamlined review.

Projects requesting exceptions and/or modifications to these standards will be reviewed under the discretionary review process described in Section XX.XX.XX.

#### **17.11.030 – Approval Authority**

The Planning Director may approve projects which meet all of the objective design standards in this Chapter.

The Director's approval may be appealed per Section X.XX.XXX of this Code.

#### **17.11.040 – Site Planning**

The following standards apply to the siting of buildings within the multi-family project.

##### **A. Neighborhood Compatibility**

1. Residential projects located across the street from single-family neighborhoods shall orient the following features toward the street: individual entries, patio areas and landscaping facing single-family homes.
2. Where new multi-family development is built adjacent to or across a street from existing residential development, the façade facing the existing low-density residential development

shall be designed to provide architectural relief and interest, and in similar massing and scale of adjacent neighbors.

3. Windows shall be offset by ten feet to avoid direct sightlines into and from existing homes on the same level. Balconies shall be positioned so they avoid direct views into neighboring properties.

## **B. Pedestrian Access and Open Space**

The following standards apply to the design of pedestrian and open space features within the multi-family project.

1. On-site pedestrian circulation and access shall be provided according to the following standards:
  - a. Pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
  - b. An on-site walkway shall connect the primary building entry or entries to a public sidewalk along each street right-of-way.
  - c. Walkways shall be a minimum of four feet wide and paved with concrete.
2. Common open space is required for all multifamily projects with more than 10 units seeking approval through the objective standards process as shown below:
  - a. Common open space shall be provided at a rate of 100 square feet of open space per dwelling unit. Required front, side, and rear setbacks shall not be counted toward meeting open space requirements.
  - b. Common open space is open space used commonly by residents of a building, having a minimum dimension of fifteen feet in any direction and a minimum area of three hundred square feet.
  - c. Common open space may be comprised of the following: patios, turfed areas, community gardens, pools, common pedestrian walkways serving the entire development, tot-lots, and recreation areas accessible to building residents and their visitors.
  - d. Common open space shall not include driveways, pedestrian access to units from common pedestrian walkways, parking areas or required front, side or rear setback areas.
  - e. A minimum of 60% of the common open space shall be provided as a landscaped turf area or garden.
3. Private open space is required for all multifamily projects seeking approval through the objective standards process. The following requirements shall apply:

- a. Private open space areas at ground level, such as patios, shall have a minimum of 120 square feet of private outdoor space directly adjacent to the unit.
- b. Private open space above ground level, such as balconies, shall have a minimum of 60 square feet of area with no dimension less than six feet.
- c. Private outdoor space shall be delineated by a wall, fence, or hedge.
- d. Private open space is usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests. Examples include patios, screened decks, or balconies.
- e. Accent elements shall be used to demarcate pedestrian entrances to a multi-family development and common open space areas on the interior of a project site. Accent elements shall include the following: wood trellises, arches, arbors, columns, or low monument features.

#### **17.11.050 – Landscaping and Lighting**

The following standards apply to the design of landscaping and lighting within the multi-family project.

##### **A. Landscaping**

- 1. Landscaping around the building perimeter is required.
- 2. Within the landscaped area between the right-of-way and buildings, trees shall be planted at a rate of one for each twenty feet of landscaped area. Trees shall be located between four (4) and ten (10) feet from the back of the sidewalk. The landscaped area shall also include shrubs, ground covers, and other natural growth, or stormwater quality features and drainage treatments.
- 3. All planting areas, plant materials, and irrigation shall conform with the City's water-efficient landscaping regulations.
- 4. Parking lot landscaping.
  - a. Parking areas, covered and uncovered, must be screened from view from public roadways with landscaping. Landscaped screening is defined as a natural or man-made feature which separates land uses. Landscape screening may be accomplished through the following: landscaping (groundcover, plantings, and trees), a planted earth berm (no greater than two feet in height), hedge, wall, or some combination of the above.
  - b. A perimeter landscaped strip at least ten feet wide shall be provided for any parking area adjacent to a public street or to the side or rear property line. The perimeter landscaped strip may be located within a required setback area.
  - c. Trees shall be planted and maintained in all parking lots at a minimum ratio of one tree for every six parking spaces. Trees shall be evenly distributed throughout the entire parking area.

## **B. Lighting**

1. All entryways, pathways, open spaces, and parking lots shall be illuminated per City standards.
2. High-efficiency, warm white light shall be used.
3. Lighting shall be arranged to reflect or direct light away from adjacent residential properties.

## **17.11.050 – Architectural Design**

The following standards apply to the architectural design of the multi-family project.

### **A. Façade Detailing and Materials**

1. All visible building facades visible from the public right-of-way shall incorporate one or more of the following details: window and door trim, window recesses, cornices, changes in materials or other design elements. All building facades shall be designed with the same level of detailing and quality of materials.
2. Window trim shall be a minimum of two inches in width and one inch in depth. In lieu of exterior window trim, windows may be recessed from a wall plane by a minimum of three inches.
3. A unified palette (color, texture, sheen) of materials shall be used on all sides of buildings. Every building shall have at least two complementary colors.
4. At least two materials shall be used on any building frontage, in addition to glazing and railings. One material must comprise at least 20% of the building facade.
5. Allowed materials shall include stone, brick, stucco, painted wood, and vinyl siding. The following materials are prohibited: concrete block (unless covered by stucco), T111 plywood, and metal.
6. Natural materials such as stone, river rock, or slate, which are intended to be seen in their natural state, shall not be painted.
7. The roofing materials shall be used: composite shingles, asphalt shingles, clay tile, or concrete. Metal and wood shingles shall be prohibited.
8. Carports, detached garages, and accessory structures shall use similar materials, colors, and details equivalent to the principal buildings of a development.
9. All multi-family tenant parking spaces shall be covered. Guest spaces may be uncovered or covered.

## **B. Massing and Articulation**

1. Upper stories shall not project beyond the ground floor footprint, except for bay windows or balconies.
2. The massing of upper stories, particularly those over a garage, shall be modulated by stepping back massing elements a minimum of two feet from the ground floor facade, and/or through the use of protruding bay windows.
3. Garage doors shall be recessed a minimum of nine inches from the plane of the building façade.
4. A minimum one-foot offset is required for any wall plane that exceeds 30 feet in length.
5. Buildings over two stories tall shall have massing breaks at least every 100 feet along any street frontage adjacent to a public park, publicly accessible outdoor space, or designated open space. Breaks in massing may be provided through the use of varying setbacks and/or building entries. Massing breaks shall be a minimum of two feet deep and four feet wide and extend the full height of the building. Building entrances and front porches may count towards meeting this requirement.
6. Variation of roof forms shall be used on buildings of over 50 feet in length along the street frontage. This can be accomplished through the use of cornices, reveals, clerestory windows, and differences in roof height and/or form.
7. A minimum of two architectural features shall be incorporated into each building, including: balconies, dormers, bay windows, patios, individualized entries, and accent materials.

### **17.11.050 – Accessory Features**

The following standards apply to the design of accessory features within the multi-family project.

## **A. Walls and Fences**

1. All wall and fence designs shall integrate materials and detailing that are used on the primary buildings (e.g. pilasters, stonework, wrought iron, or colors).
2. Walls shall be constructed of decorative masonry, including CMU walls, split-face walls, or material of similar appearance, maintenance, and structural durability. Precision block is prohibited unless coated in stucco or a similar surface treatment.
3. Fences may be constructed of wood or vinyl. Chain link fencing is prohibited.
4. Fences and walls located along the side or rear property lines which are not along street frontages shall be solid fences or walls. Open fences, which feature wrought iron/tubular steel, may be permitted to capture scenic views offered by a property line that adjoins a permanent open space area, and where the yard does not require screening.
5. Fencing between private yards and common open spaces shall be a minimum of four feet in height.

6. Where screening is necessary as part of the site design, block walls may be constructed within the front yard setback and along the street frontage, but must be decorative masonry, have a decorative cap, and feature a landscape setback.
7. Exterior trash, refuse storage, utility boxes, and electric and gas meters shall be screened from the public right of way with landscaping, fences, or walls.

#### **B. Refuse Containers**

1. Developments with four or fewer units may be designed so that units are provided with individual refuse containers. Refuse containers must be provided with a location to be stored which is out of view from pedestrian walkways and internal and external roadways.
2. In developments with five units or more, shared refuse containers shall be provided, which shall be located within an enclosure or building. The applicant shall provide the City with information from the refuse pickup provider verifying the size and number of dumpsters required by the projects.
3. Refuse enclosures shall be a minimum of six feet tall and an adequate size to accommodate the needed refuse and recycling containers.
4. Refuse enclosures and gates shall be designed and made with durable materials to withstand heavy use. Wheel stops or curbs shall be installed to prevent dumpsters from banging into walls of enclosure.
5. Refuse enclosures shall include a door to allow resident access without opening the gates.
6. Lighting shall be provided at refuse enclosures for night-time security and use.
7. Refuse enclosures shall be located so that no dwelling is closer than 20 feet (including those on abutting properties), or more than 100 feet from a residential unit.
8. The entrance of refuse enclosures shall not be visible from public rights of way.

#### **C. Monument Signage**

1. One monument sign may be permitted on a site provided that the site has a minimum street frontage of 75 feet in length. On corner lots, one additional monument sign may be established provided that each street frontage is at least seventy-five feet in length. Each monument sign shall be oriented to the street frontage on which it is erected.
2. The total sign area of a monument or pylon sign shall not exceed 80 square feet, with a maximum of 40 square feet per individual sign face.
3. The maximum height of a monument sign shall not exceed six feet measured from finish grade level to the uppermost edge of the sign cabinet.
4. Monument signs shall be located at a distance of at least five feet from the property line. This setback distance shall be measured from the property line to the leading edge of the monument sign.

5. All monument signs shall be architecturally compatible with the building(s) on the site on which the monument sign is to be located.

**D. Private Storage Space**

1. Each unit shall have at least 200 cubic feet of enclosed, weather-proofed, and lockable private storage space with a minimum horizontal dimension of four feet.

## **Chapter 17.12 – R-2 SINGLE FAMILY/MULTI-FAMILY RESIDENTIAL DISTRICT**

### **17.12.010 – Purpose**

The R-2 Single-Family/Multi-Family Zone is intended to provide areas for single-family dwellings, duplex dwellings, and triplexes. This Zone also provides for public and quasi-public uses, and similar and compatible uses that may be appropriate in a low-medium density residential environment. The maximum residential density for the R-2 District is 14 dwelling units per gross acre. This Zone implements the Single-Family Residential (SFR) General Plan Land Use Designation.

The following specific regulations and the general rules set forth in Sections 17.04.060 and 17.04.070 and Chapter 17.50 of this code shall apply in all R-2 Districts. It is intended that this district classification be applied in areas where medium density residential development of single-family homes or apartments is or is intended to be the dominant use.

### **17.12.020 - Permitted Uses**

In R-2 Districts, the following are permitted uses:

- A. Uses as permitted in R-1 District as set forth in Section 17.10.020 of this title;
- B. One two-family dwelling (Duplex) shall be permitted on a lot with a minimum size of six thousand square feet;
- C. A Triplex shall be allowed on a lot with a minimum size of nine thousand square feet of lot area. For each additional three thousand square feet of lot area, an additional dwelling unit shall be allowed, with building type limited to either a duplex or triplex construction.

### **17.12.030 – Uses Requiring Conditional Use Permits**

In R-2 Districts, uses requiring conditional use permits shall be the same as uses permitted in R-1 Districts, as set forth in Section 17.10.030 of this Title.

### **17.12.040 – Development Standard Requirements**

In R-2 Districts, development standards can be found in Table 1. The following side yard setbacks shall also apply:

- A. Side yards shall not be less than six feet for each side yard. Three feet shall be added to each required side yard for each story above the first story of any building. The side yard on the street side of each corner lot shall not be less than ten feet. A twenty foot minimum side yard shall be required where a two-story residential structure will be located on a lot which abuts the rear yard of a single-family lot;
- B. Rear yard shall not be less than ten feet. An additional five feet shall be added to the required rear yard for each story over the first story of any building;

## Chapter 17.14 - R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

### 17.14.010 – Purpose

The R-3 Zone is intended to provide areas for a variety of housing types including townhomes, condominiums, and apartment buildings. This Zone also provides for public and quasi-public uses, and similar and compatible uses that may be appropriate in a medium density residential environment. The maximum residential density for the R-3 District is 28 dwelling units per gross acre. This Zone implements the Multi-Family Residential (MFR) General Plan Land Use Designation.

The following specific regulations and the general rules set forth in Sections 17.04.060 and 17.04.070 and Chapter 17.50 of this title shall apply in all R-3 Districts. It is intended that this district classification be applied in areas where high density development of homes and apartments is the desirable use.

### 17.14.020 - Permitted Uses

In R-3 Districts, permitted uses shall be:

- A. Townhouses, condominiums, and apartments;
- B. Public parks, schools, playgrounds, libraries, firehouses and other public buildings and uses included;
- C. Multiple-family residential units, either attached or detached, with a density not exceeding twenty-eight units per acre, with a minimum lot size of 15,000 square feet;
- D. Underground utility installations, and aboveground utility installations for local service, except that substations, generating plants, and gas holders must be approved by the Planning Commission prior to construction, and the route of any proposed transmission line shall be discussed with the Planning Commission prior to acquisition;
- E. Transitional and supportive housing; and
- F. Accessory Dwelling Units, per Section X.XX.XXX.

### 17.14.030 - Uses Requiring Conditional Use Permits

In R-3 Districts, all uses permitted in the R-1 and R-2 Districts shall be permitted subject to approval of a conditional use permit.

### 17.14.040 - Minimum Height, Bulk and Space Requirements

In R-3 Districts, the development standards can be found in Table 1. The following side yard setbacks shall also apply:

- A. Side yards shall not be less than six feet for each side yard. Three feet shall be added to each required side yard for each story above the first story of any building. The side yard on the street side of each corner lot shall not be less than ten feet. A twenty foot minimum side yard shall be required where a two-story residential structure will be located on a lot which abuts the rear yard of a single-family lot;

- B. Rear yard shall not be less than ten feet. An additional five feet shall be added to the required rear yard for each story over the first story of any building; and
- C. A minimum of 10% of the units in multi-family developments containing 20 or more units shall be three bedrooms in order to provide for the housing needs of larger families.

## **Chapter 17.16 - R-4 MULTI-FAMILY RESIDENTIAL/MIXED USE DISTRICT**

### **17.16.010 – Purpose**

The R-4 Multi-Family Residential/Mixed Use Zone is intended to provide areas for a wide variety of medium-density residential development, including vertical or horizontal residential mixed use (with a component of commercial or office space). Housing types include attached townhouses, condominiums, and apartment buildings. This Zone also provides for public and quasi-public uses, and similar and compatible uses that may be appropriate in a medium density residential environment. The maximum residential density for the R-4 District is 28 dwelling units per gross acre. This Zone implements the Multi-Family Residential (MFR) General Plan Land Use Designation.

The following specific regulations and the general rules set forth in Section 17.04.060 through 17.04.070 and Chapter 17.50 of this code shall apply in all R-4 Districts. It is intended that this district classification be applied in areas where group dwellings and apartments are the logical and desirable uses.

### **17.16.020 - Permitted Uses**

In R-4 Districts, the following uses are permitted:

- A. Townhouses, condominiums, and apartments;
- B. Parks, playgrounds, public and private schools, churches and religious institutions, libraries, day care centers and public buildings;
- C. Private garages, or parking lots uncovered and screened by suitable walls or planting, when operated by or in conjunction with a permitted use;
- D. Incidental and accessory buildings and uses on the same lot with and necessary for the operation of any permitted use;
- E. Advertising signs pertaining directly to a permitted nonresidential use on the property, and not to exceed one sign of a maximum area of six square feet for any such use, or as specified in the use permit;
- F. Group residential dwellings;
- G. Single-room occupancy units;
- H. Transitional and supportive housing;
- I. Low Barrier Navigation Centers; and
- J. Accessory Dwelling Units (see Section XX.XX.XXX of the Corning Zoning Code)

### **17.16.030 – Uses Requiring Conditional Use Permits**

In R-4 Districts, the following uses are conditionally permitted:

- A. Hotels, motels, hospitals, rest homes, sanitariums, mortuaries, and professional offices for doctors, dentists, architects, engineers, accountants, artists, authors, attorneys, real estate and insurance offices, medical and dental clinics, and other uses which in the opinion of the Planning

Commission, are similar to the foregoing; and clubs, lodges and fraternities, except those operated as a business or for profit;

#### **17.16.030 – R-4 Development Standards**

In R-4 Districts, the development standard requirements can be found in Table 1. The following standards shall also apply:

- A. Side yards shall not be less than six feet for each side yard. Three feet shall be added to each required side yard for each story above the first story of any building. The side yard on the street side of each corner lot shall not be less than ten feet. A twenty foot minimum side yard shall be required where a two-story residential structure will be located on a lot which abuts the rear yard of a single-family lot;
- B. Rear yard shall not be less than ten feet. An additional five feet shall be added to the required rear yard for each story over the first story of any building;
- C. Section 8.17 Distances between main buildings on same lot, ten feet,
  - 1. Attached dwellings in a single row "side-to-side" series facing a side lot line; side yards to the rear of buildings, eight feet; side yards in front of buildings, fourteen feet;
  - 2. Attached dwellings in a row "side-to-side" series facing a central court; side yards to the rear of buildings, eight feet; width of central court, twenty-four feet. Distance between buildings, ten feet; and
  - 3. The rear yard on a lot on which a dwelling group is constructed may be reduced to not less than twelve feet. No building in a group dwelling development shall have a rear thereof abutting upon a street;
- D. Loading areas, as specified in conditional use permit; and
- E. A minimum of 10% of the units in multi-family developments containing 20 or more units shall be three bedrooms in order to provide for the housing needs of larger families.

## 17.XX.XXX - ACCESSORY DWELLING UNITS

### 17.XX.XXX - Purpose

This Chapter establishes regulations and procedures for reviewing and permitting Accessory Dwelling Units through a ministerial process consistent with state law.

### 17.XX.XX - Permits and Approval

- A. **Ministerial Action** - Approval or denial of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is a ministerial action and subject to compliance with the standards in this Section and all other applicable codes.
- B. **Building Permit** - All Accessory Dwelling Unit or Junior Accessory Dwelling Units shall require a building permit, subject to all the standard application and processing fees and procedures that apply to building permits generally. No other Planning-related permit is required.
- C. The City shall issue a building permit within 60 calendar days from the date on which the City received a completed application, unless either:
  - 1. The applicant requests a delay, in which case the 60-day time period is put on hold for the period of the requested delay; or
  - 2. The application to create an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is submitted with an application to create a new single-unit primary dwelling on the parcel. The City may delay acting on the permit application for the Accessory Dwelling Unit or Junior Accessory Dwelling Unit until the City acts on the permit application to create the new single-unit primary dwelling.

### 17.XX.XXX - Definitions

- A. **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 dwelling.
- B. **Accessory Structure** - A structure that is accessory and incidental to a dwelling located on the same parcel.
- C. **Car Share** - A program that allows customers hourly access to shared vehicles from a dedicated home location, with the vehicles required to be returned to that same location at the end of the trip.
- D. **Efficiency Kitchen** - A cooking facility that includes all of the following:
  - 1. A sink with a drain.
  - 2. An appliance for cooking or heating food powered by 120-volt electricity.
  - 3. A food preparation counter.
  - 4. Food storage cabinets.

- E. **35** - As defined in the Building Code.
- F. **Independent Living Facility** - A residential dwelling unit having permanent provisions for living, sleeping, eating, cooking, and sanitation.
- G. **Living Area** - The interior habitable area of a dwelling unit. Equivalent to “Conditioned Space” as defined in the Building Code.
- H. **Passageway** - A pathway that extends from a street or alley to one entrance of the accessory dwelling unit.
- I. **Primary Dwelling** - An existing or proposed single family home on a lot with an accessory dwelling unit.
- J. **Public Transit** - A location, including but not limited to a bus stop or train station, where the public may access buses, trains, subway, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- K. **Single-unit, Two-unit, and Multi-unit** - Means the same, respectively, as single-family, duplex, and multi-family residential units.
- L. **Tandem Parking** - Two or more automobiles parked on a driveway or in any other location on a parcel, lined up behind one another.

#### **17.XX.XXX - Types of Accessory Dwelling Units**

The following are the types of Accessory Dwelling Units:

- A. **Accessory Dwelling Unit** - There are two subtypes of Accessory Dwelling Units:
  - 1. **Attached** - An Accessory Dwelling Unit that is attached to an existing or proposed primary dwelling, such as through a shared wall, floor, or ceiling. An Attached Accessory Dwelling Unit can be created by converting a portion of an existing primary dwelling, by constructing a new primary dwelling with an integral Accessory Dwelling Unit, or by constructing an addition to an existing primary dwelling.
  - 2. **Detached** - An Accessory Dwelling Unit that is physically detached or separated from the primary dwelling. Detached includes a second-story addition above an existing or proposed detached structure. A Detached Accessory Dwelling Unit can be new construction or the conversion or expansion of an existing structure.
- B. **Junior Accessory Dwelling Unit** - An attached Accessory Dwelling Unit that is a unit that meets the following criteria:
  - 1. Maximum of 500 square feet in size.
  - 2. Contained entirely within a single-unit primary dwelling.
  - 3. Has a separate entrance from the main entrance to the primary dwelling.
  - 4. Has a bathroom that is either in the Junior ADU or in the primary dwelling.
  - 5. Includes an efficiency kitchen.

### **17.XX.XXX - Number of Accessory Dwelling Units Per Lot or Parcel in Zones which Allow Single Family Homes**

The following number of Accessory Dwelling Units apply in all Zoning Districts that allow single family homes as a permitted use:

- A. One attached or detached Accessory Dwelling Unit shall be allowed on a parcel with one primary dwelling.
- B. One Junior Accessory Dwelling Unit shall be allowed on a parcel with one primary dwelling.
- C. Up to one attached or detached Accessory Dwelling Unit and one Junior Accessory Dwelling Unit shall be allowed on a single parcel.

### **17.XX.XXX - Type and Number of Accessory Dwelling Units Per Lot or Parcel in Zones Which Allow Multi-Family Homes**

The following apply to Accessory Dwelling Units in all Zoning Districts that allow multi-family homes as a permitted use:

#### **A. Attached Accessory Dwelling Units -**

- 1. At least one attached or up to 25 percent of the existing multi-family units shall be allowed as Attached Accessory Dwelling Units in an existing multi-family development.
- 2. Attached Accessory Dwelling Units in a multi-family development may be created only through the conversion of parts of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages.

- B. **Detached Accessory Dwelling Units** - Up to two detached Accessory Dwelling Units shall be allowed on a parcel with one or more multi-family structures, subject to compliance with the development standards for Detached Accessory Dwelling Units in this Chapter.

### **17.XX.XXX - Attached Accessory Dwelling Unit Development Standards**

- A. **Location, Size, Setbacks, Height** - The following standards apply to Detached Accessory Dwelling Units:
  - 1. **Location** - Shall be located on the same lot or parcel as a primary dwelling and be attached to the primary dwelling unit by at least one wall or by a ceiling (above or below the primary dwelling).
  - 2. **Size** - The total floor area of an Attached Accessory Dwelling Unit shall not exceed 850 square feet for a one-bedroom unit or 1,000 square feet for an Accessory Dwelling Unit that provides more than one bedroom. If there is an existing primary dwelling, the total floor area of an Attached Accessory Dwelling Unit shall not exceed 50 percent of the existing primary dwelling. These limits do not include up to 150 square feet of area added to the primary dwelling for the sole purpose of providing access to the Accessory Dwelling Unit.

**3. Setbacks -**

- **Front yard setback:** Per the zoning district standard for the primary dwelling
- **Side yard:** Four (4) feet minimum.
- **Rear yard:** Four (4) feet minimum.

**4. Height -** Per the zoning district standard for the primary dwelling.

**5. Access -** An attached Accessory Dwelling Unit shall have direct exterior access separate from the main entrance to the primary dwelling.

**17.XX.XXX - Detached Accessory Dwelling Unit Development Standards**

**A. Location, Size, Setbacks, Height -** The following standards apply to Detached Accessory Dwelling Units:

**1. Location -** Shall be located on the same lot or parcel as a primary dwelling. An Attached Accessory Dwelling Unit can be created by converting a portion of an existing primary dwelling, by constructing a new primary dwelling with an integral Accessory Dwelling Unit, or by constructing an addition to an existing primary dwelling.

**2. Size -** No minimum size, except as needed to conform with the requirements for an Efficiency Unit as defined in the Building Code. A Detached Accessory Dwelling Unit shall not exceed 850 square feet for a one-bedroom unit or 1,000 square feet for an Accessory Dwelling Unit that provides more than one bedroom.

**3. Setbacks -**

- **Front yard setback:** Per the zoning district standard for the primary dwelling.
- **Side yard:** Four (4) feet minimum.
- **Rear yard:** Four (4) feet minimum.

**4. Height -** 16 feet for new structures built specifically as an Accessory Dwelling Unit. Existing structures taller than 16 feet can be converted to an Accessory Dwelling Unit consistent with the requirements of this Chapter.

**17.XX.XXX - Junior Accessory Dwelling Unit Development Standards**

**A. Location, Size, Setbacks, Height -** The following standards apply to Junior Accessory Dwelling Units:

**1. Location -** Shall be located on the same lot or parcel as a primary dwelling and be attached to the primary dwelling by at least one wall or by a ceiling. The Junior Accessory Dwelling Unit may be located above or below the primary dwelling.

**2. Size -** Maximum of 500 square feet of living area. Up to 150 square feet of building space may be added to the primary dwelling for the sole purpose of providing access to the Junior Accessory Dwelling Unit; this shall not count toward the maximum area for the Junior Accessory Dwelling Unit.

3. **Setbacks** - If the primary dwelling is expanded to create the Junior Accessory Dwelling Unit, the addition may maintain the same setbacks as the existing structure, unless a different setback is required by the Fire or Building codes.
  4. **Access** - A Junior Accessory Dwelling Unit shall have direct exterior access separate from the main entrance to the primary dwelling.
- B. **Kitchen** - Each Junior Accessory Dwelling Unit shall include an efficiency kitchen.
- C. **Utilities** -
1. A Junior Accessory Dwelling Unit shall not be considered a separate or new dwelling unit for the purposes of calculating connection fees or capacity charges for utilities, including water, sewer, or power service, or impact fees.
  2. No new or separate utility connection between the Junior Accessory Dwelling Unit and the utility shall be required, although the property owner may voluntarily install a submeter for the Junior Accessory Dwelling Unit.
  3. Any utility charges or fees shall be consistent with state law.
- D. **Parking** - No additional off-street parking is required for the Junior Accessory Dwelling Unit.
- E. **Owner Occupancy Requirements** -
1. A person with legal or equitable title to the primary dwelling shall reside on the property in either the primary dwelling or Junior Accessory Dwelling Unit as that person's legal domicile and permanent residence.
  2. The owner occupancy requirement does not apply if the property is entirely owned by a governmental agency, land trust, or non-profit housing organization.
  3. Prior to issuance of a Building Permit for a Junior Accessory Dwelling Unit, a deed restriction shall be recorded in the chain of title of the primary single-unit property. The form of the deed restriction shall be approved by the City Attorney and shall provide that the Junior Accessory Dwelling Units shall not be sold separately from the primary dwelling.
  4. The deed restriction shall run with the land and shall be enforced against future property owners.

**17.XX.XXX - Miscellaneous Additional Standards Applicable to Attached and Detached Accessory Dwelling Units**

The following standards shall apply to all Attached and Detached Accessory Dwelling Units in zones in which they are permitted:

- A. **Parcel Coverage** - For any Attached or Detached Accessory Dwelling Unit that is larger than 800 square feet, the parcel coverage standard and pervious surface standard, if applicable, for the zone in which it is located shall apply and the entire area of the attached or detached Accessory Dwelling Unit shall be used to calculate coverage.

B. **Utilities** - The City shall not require the applicant to install a new or separate utility connection directly between the Attached or Detached Accessory Dwelling Unit and the utility unless the Accessory Dwelling Unit is constructed at the same time as a new primary dwelling. The applicant may voluntarily install a new or separate utility connection. Any utility charges or fees must be consistent with California Government Code Section 65.852.2.

C. **Addressing** -

1. If one Accessory Dwelling Unit or Junior Accessory Dwelling Unit is located on a parcel, its address shall be the same address as the primary residence but with “½” following the residence number.
2. If more than one Accessory Dwelling Unit (including Junior Accessory Dwelling Unit) is located on a parcel, each shall have the same address as the primary dwelling followed by Unit A, Unit B, or Unit C, etc.
3. Each Accessory Dwelling Unit in a multi-family project shall be assigned a unit number consistent with the standard units on the parcel.

**17.XX.XXX - Parking**

A. **Number of Parking Spaces** -

1. One off-street parking space, covered or uncovered, is required for each Attached and Detached Accessory Dwelling Unit.
2. No off-street parking is required for an Attached or Detached Accessory Dwelling Unit if one or more of the following applies:
  - a. The Accessory Dwelling Unit is located within one-half mile walking distance of public transit, as defined in Section 17.105.020, including transit stations and bus stations.
  - b. When on-street parking permits are required by the City but not offered to the occupant of the Accessory Dwelling Unit.
  - c. The Accessory Dwelling Unit is part of the proposed or existing primary residence.
  - d. The Accessory Dwelling Unit is the conversion of an existing accessory structure.
  - e. When there is a car share vehicle located within one block of the Accessory Dwelling Unit.
3. No off-street parking is required for a Junior Accessory Dwelling Unit.
4. Required off-street parking for an Accessory Dwelling Unit space may be provided as tandem parking, including on a paved driveway.

B. Parking lost when a garage, carport, or covered parking structure is demolished to allow for the construction of an Accessory Dwelling Unit or for the conversion of a structure to an Accessory Dwelling Unit shall not be required to be replaced.

**17.XX.XXX - Miscellaneous Additional Standards Applicable to All Accessory Dwelling Units**

The following standards shall apply to all Accessory Dwelling Units and Junior Accessory Dwelling Units.

- A. **Passageways** - No passageway, breezeway, or similar connection between structures on the parcel shall be required in conjunction with the construction of an Accessory Dwelling Unit.
- B. **Fire Sprinklers** - Fire sprinklers are required in an Accessory Dwelling Unit as provided in the Building or Fire codes which apply to the primary dwelling.
- C. **Permanent Foundations** -
  - 1. All Accessory Dwelling Units shall be permanently attached to a permanent foundation.
  - 2. A recreational vehicle, commercial coach, trailer, motor home, camper, camping trailer, or boat shall not be used as an Accessory Dwelling Unit.
- D. **No Separate Conveyance** - No Accessory Dwelling Unit may be sold or otherwise conveyed separately from the primary dwelling in the case of a single-unit parcel, or from the parcel and all of the dwellings in the case of a multi-unit parcel except for Accessory Dwelling Units built or developed by qualifying nonprofit corporations as provided in state law.
- E. **Rental Term** - The Accessory Dwelling Unit may be rented separate from the primary residence; however, the rental must be for a term longer than 30 days.
- F. **Owner Occupancy Requirements** -
  - 1. No ownership requirement is established for attached or detached Accessory Dwelling Units, except for Junior Accessory Dwelling Units.
  - 2. Junior Accessory Dwelling Units. Junior Accessory Dwelling Units established shall be subject to the owner-occupancy requirement in Section 17.105.130.

#### **17.XX.XXX - Impact Fees**

- A. No City-imposed impact fees shall be charged for an Accessory Dwelling Unit that is less than 750 square feet in size.
- B. For Accessory Dwelling Units 750 square feet or larger, City-imposed impact fees shall be charged proportionately in relation to the square footage of the primary dwelling (e.g., the floor area of the primary dwelling, divided by the floor area of the Accessory Dwelling Unit, times the typical fee amount charged for a new dwelling).
- C. For the purposes of this Subsection, impact fees do not include any connection fee or capacity charge for water or sewer service or charges for garbage or recycling service.
- D. Fees imposed by any agency or special district other than the City shall be collected in accordance with the agency's or district's fee schedule.

#### **17.XX.XXX - Relationship to General Plan and Zoning**

- A. Any Accessory Dwelling Unit or Junior Accessory Dwelling Unit which conforms with the requirements of this Chapter shall be deemed to be consistent with the General Plan designation and zoning for the parcel, regardless of any limitations on residential density imposed by the General Plan or zoning.

- B. Accessory Dwelling Units shall not be counted when determining residential density for conformance with General Plan or Zoning.

## **17.X.XXX - REASONABLE ACCOMMODATION**

### **17.XX.XXX - Purpose**

This Chapter establishes the procedures to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (“the Acts”) in the application of zoning law and other land use regulations, policies, procedures, and conditions of approval.

### **17.XX.XXX - Applicability**

- A. A request for Reasonable Accommodation may be made by any person with a disability, their representative, or any other entity, when the application of zoning law or other land use regulation, policy, or procedure acts as a barrier to fair housing opportunities.
- B. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.
- C. A request for Reasonable Accommodation may include a change or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

### **17.XX.XXX - Review Authority**

The Director shall act as the Review Authority for Reasonable Accommodation applications based on consideration of the requirements of this Chapter. Requests submitted for concurrent review with another discretionary land use application shall be reviewed by the Review Authority for the discretionary land use application.

### **17.XX.XXX - Application**

An application for a Reasonable Accommodation shall be prepared, filed, and processed in with the City of Corning. No noticing or public hearing are required for a Reasonable Accommodation request. In addition to any other information required under the City of Corning Municipal Code, an applicant submitting a request for Reasonable Accommodation must provide the following information:

- A. Description of the accommodation request;
- B. The applicant’s name, address, and telephone number;
- C. Location of the subject property, including address and assessor’s parcel numbers;
- D. Name and address of the property owner and the owner’s written consent to the application;
- E. The current actual use of the subject property;
- F. Verifiable documentation of the individual’s disability status;
- G. The regulation(s), policy, or procedure for which accommodation is sought;

- H. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling; and
- I. Additional information necessary for Planning Division staff to facilitate proper consideration of the request, consistent with fair housing laws.

#### **17.XX.XXX - Procedures**

The Director shall make a written determination within 45 days of the application being deemed complete and either approve, modify, or deny a request for Reasonable Accommodation in compliance with Section XX.XX.XXX.

#### **17.XX.XXX - Required Findings**

The Director must consider all of the following factors in order to approve or deny a request for Reasonable Accommodation that will be consistent with the Acts.

- A. Whether the housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
- B. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
- C. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City; and
- D. Whether the requested Reasonable Accommodation would require a fundamental alteration of a City program or law, including but not limited to land use and zoning.

#### **17.XX.XXX - Conditions of Approval**

In granting a request for Reasonable Accommodation, the Review Authority may impose any conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation would comply with the findings required herein. The conditions shall also state whether the accommodation granted shall terminate if the recipient of the accommodation was requested no longer resides on the property.

#### **17.XX.XXX - Appeals, Expiration, Extensions, and Revisions**

- A. **Appeals** - Reasonable Accommodation decisions may be appealed as provided for in Section X.
- B. **Expiration, Extensions, and Revisions** - Reasonable Accommodations may only be expired, extended or revised as provided for in Section XX.XX.XXX. A Reasonable Accommodation shall terminate if the accommodation is no longer required, or if the recipient of the accommodation no longer resides at the property.

## **Chapter 17.51 - OFF-STREET PARKING REQUIREMENTS**

### **17.51.010 - Purpose**

- A. The purpose of this chapter is to provide reasonable requirements for off-street parking in order to expedite traffic movement, lessen street congestion, improve traffic and pedestrian safety, and to provide for the public health, safety and general welfare.
- B. The off-street parking requirements contained in this chapter apply to the particular use made of a lot, building or structure and not to a particular zoning classification.

### **17.51.020 - Application**

- A. Except as otherwise provided in this chapter, there is imposed a requirement on every lot for which a building permit or a certificate of occupancy is issued a requirement to provide off-street parking spaces according to the provisions of this chapter for all uses conducted on that lot.
- B. A final inspection for a building permit shall not be approved, and/or a certificate of occupancy shall not be issued for any building or structure until the improvements required by this chapter for all uses of the lot are complete and ready for use.

### **17.51.030 - Exceptions from Off-Street Parking Requirements**

- A. All uses and/or structures existing at the time of adoption of the ordinance codified in this chapter shall be exempt from the provisions of this chapter.
- B. Expansion of existing structures shall also be exempt, unless and until such time as that expansion exceeds the following dimensions (whether as a single project on a single structure, or as cumulative projects on one or more structures on the same lot):
  - 1. For any residential use, a total of five hundred square feet of living area (excluding garage or storage area);
  - 2. For any nonresidential use, a total of one thousand square feet (including storage areas).

### **17.51.040 - Parking Requirements-Residential Uses**

- A. For studio apartments and one-bedroom apartments, 1.5 spaces shall be provided for each studio apartment, including one enclosed space for each dwelling unit.
- B. Multiple-Family Dwellings of two or more bedrooms shall have two total parking spaces per dwelling unit, including one enclosed space.
- C. Single-Family Dwelling Units shall have two parking spaces enclosed in a garage, and two additional parking spaces, for a total of four parking spaces per dwelling unit.
- D. For **Group Residential Dwellings**, one space shall be provided for each bedroom, including bedrooms not rented.
- E. **For Assisted Living** Facilities, every ten dwelling units shall have a minimum of eight parking spaces (0.8 dwelling units = one parking space).

- F. Each Multiple-Family Dwelling Unit shall include a permanent locked storage space, with minimum dimensions of four feet by eight feet, built as a part of the dwelling unit or garage.
- G. Single-car garages shall be a minimum of two hundred square feet; two-car garages shall be a minimum of four hundred square feet.

#### **17.51.050 - Parking Requirements - Bed and Breakfast Inns**

For bed and breakfast inns, one space shall be provided per bedroom in addition to the parking required for the underlying residential use.

#### **17.51.060 - Parking Requirements - Hotels and Motels**

For hotels and motels, one space shall be provided for each guest room.

#### **17.51.070 - Parking Requirements - Residential Care Homes, Skilled Nursing Facilities and Group Care Facilities for the Elderly**

For licensed group care facilities for the elderly, skilled nursing facilities, and residential care homes, one space shall be provided for every three beds the facility is licensed to accommodate.

#### **17.51.080 - Parking Requirements - Hospitals**

For hospitals, one space shall be provided for every bed the facility is designed to accommodate, plus parking in an amount to be determined by the Planning Commission for ancillary uses.

#### **17.51.090 - Parking Requirements - Theaters and Churches**

For theaters and churches, the following number of spaces shall be provided:

- A. For facilities with fixed seats, one space for every four seats or every eight feet of bench space;
- B. For facilities without fixed seats, whichever is less:
  - 1. One space for every twenty-eight gross square feet of principal assembly area, or
  - 2. One space for each four persons of any posted occupancy limit.

#### **17.51.100 - Parking Requirements - Dancehalls and Sports Arenas**

For dance halls and sports arenas, one space shall be provided for every four fixed seats or every eight feet of bench space. Where no fixed seats are installed, one space shall be provided for each one hundred gross square feet of floor area used for assembly or dancing.

#### **17.51.110 - Parking Requirements - Schools**

The following number of parking spaces shall be provided for both public and private schools:

- A. For elementary and junior high schools, two spaces for each employee and faculty member plus one space for every forty-two gross square feet of assembly area in the auditorium or assembly area;

- B. For high schools, three spaces for each classroom plus one space for every three students in grades ten through twelve;
- C. For commercial or business schools, one space for every one hundred fifty gross square feet of classroom floor area.

**17.51.120 - Parking Requirements - Office Uses**

For office uses, one space shall be provided for every three hundred gross square feet of floor area.

**17.51.130 - Parking Requirements - Commercial Establishments**

The following number of parking spaces shall be provided for commercial sales establishments:

- A. For automobile or machinery sales and service garages, nursery and garden supplies, and building material yards, one space for every five hundred gross square feet of floor area plus one space for each two thousand square feet of outdoor sales and/or service area;
- B. For furniture and appliance stores and repair shops and similar uses which handle only bulky merchandise, one space for every six hundred gross square feet of floor area;
- C. For shopping centers of less than thirty thousand gross square feet of floor area, one space for every two hundred gross square feet of floor area; and for centers of thirty thousand or more gross square feet of floor area, one space for every three hundred gross square feet of floor area. Shopping centers shall use an unsegregated parking area;
- D. For retail sales, one space for every two hundred gross square feet of floor area;
- E. For restaurants, bars, nightclubs and drive-in restaurants, one space for every four seats or one space for every seventy-five gross square feet of floor area, including outside dining areas, whichever is greater;
- F. For financial institutions, one space for each three hundred gross square feet of floor area;
- G. For barber and beauty shops, one space for each seventy-five square feet of gross floor area or two spaces per chair, whichever is less;
- H. For laundromats, one space for each three washing machines.

**17.51.140 - Parking Requirements - Industrial Uses and Warehouses**

The following number of parking spaces shall be provided for industrial uses and warehouses:

- A. For warehouses, storage buildings, wholesale operations and light manufacturing plants, one space shall be provided for each one thousand five hundred square feet of gross floor area;
- B. For machinery and equipment sales, one space shall be provided for every five hundred square feet of gross floor area, plus one space for each two thousand square feet of outdoor sales and/or service area;
- C. For mini-storage uses, two spaces shall be provided for an onsite caretaker, if any, plus one space for each three hundred square feet of office space, with a minimum of four spaces.

**17.51.150 - Parking Requirements - Recreational Facilities**

The following number of parking spaces shall be provided for recreational uses:

- A. For bowling centers, two spaces for each alley, plus that required for ancillary uses;
- B. For tennis, handball, racquetball, or other court, two spaces for each court, plus one space for each two hundred fifty square feet of floor area excepting the court area;
- C. For aerobics dance, weight training and exercise facilities, one space per one hundred gross square feet of floor area;
- D. For pool halls, two spaces per pool table, plus that required for ancillary uses.

**17.51.160 – Parking Requirements - Other Uses**

The parking requirement for uses not specified in this chapter shall be determined by the Planning Commission.

**Chapter 17.62 - AFFORDABLE HOUSING INCENTIVES/RESIDENTIAL DENSITY BONUSES** (needs to be updated. Provided example ordinance language for City attorney to review)

**17.62.010 – Purpose**

The purpose of providing a housing density bonus or incentives is to contribute to the economic feasibility of low income and moderate income housing in housing developments proposed within the City.

**17.62.020 - Applicability**

When a developer enters into an agreement to provide a housing development that includes housing units for very low, low or moderate income households, as defined in the California Health and Safety Code, and pursuant to Government Code Section 65915, the developer shall be eligible for a housing density bonus or incentives if the housing development consists of five or more units.

**17.62.030 - Application and Approval**

Any person requesting a housing density bonus or incentives shall apply for a development agreement. A housing density bonus or incentives shall be granted by approval of the development agreement which shall specify the density bonus and/or incentives, and any conditions attached to the approval of such bonus and/or incentive.

**17.62.040 - Planning Commission Recommendation**

Prior to Council action on a development agreement providing a housing density bonus or incentives, the Commission shall consider the development agreement and make a recommendation to the Council.

**17.62.050 - Determination of Housing Density Bonus or Incentives**

The Project Developer may specify the housing density bonus or incentives requested; however, the City may agree to provide a housing density bonus or incentives other than those requested, so long as such housing density bonus or incentives meet the requirement set forth in the California Government Code.