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Accessory Dwelling Unit Ordinance
(Clean Version)

ORDINANCE NO. _____

**AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS,
STATE OF CALIFORNIA, AMENDING SECTIONS 18.08.550 (SECOND
UNIT), 18.10.020 (DUTIES - SPECIFIC SUBJECTS), 18.104.180 (SECOND
UNIT ATTACHED TO OR DETACHED FROM AN EXISTING
DWELLING), 18.110.030 (NUMBER OF PARKING SPACES REQUIRED),
AS THEY RELATE TO SECOND UNITS AND ADDING SECTION
18.08.551 (SECOND UNIT INTERIOR)**

The Napa County Board of Supervisors, State of California, ordains as follows:

SECTION 1. Section 18.08.550 (Second unit) of Chapter 18.08 (Definitions) of the

Napa County Code is amended to read in full as follows:

18.08.550 Second unit.

The term "second unit" means "accessory dwelling unit" as set forth in Government Code section 65852.2(i)(4) and means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel or parcels as a primary single family dwelling is situated. A second unit may consist of an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, or a manufactured home, as defined in Section 18007 of the Health and Safety Code.

SECTION 2. A new section 18.08.551 (Second unit, interior) is added to Chapter 18.08

(Definitions) of the Napa County Code as follows:

18.08.551 Second unit, interior.

The term "second unit, interior" means a second unit which is constructed entirely within the existing and legally created space of a single-family home or accessory structure.

SECTION 3. Section 18.10.020 (Duties - Specific subjects) of Chapter 18.10 (Zoning

Administrator) of the Napa County Code is amended to read in full as follows:

18.10.020 Duties - Specific subjects.

The zoning administrator shall hear and decide all applications for the following unless, in the zoning administrator's sole discretion, the zoning administrator determines that the public interest would be furthered by having a particular application heard and decided by the planning commission:

- A. Permits and modifications thereof for the following:
 1. Farmworker housing as defined by Section 18.08.294 of this code,
 2. Cottage food operations,
 3. Kennels and veterinary facilities,
 4. Multiple-family dwelling units,

5. (Reserved),
6. Undergrounding of gas, electric, telephone, or cable television lines,
7. Noncommercial wind energy and conversion systems,
8. Child day care centers,
9. Residential care facilities (medium) and (large),
10. (Reserved),
11. (Reserved),
12. (Reserved),
13. Minor modifications of use permits after making the findings required by Section 18.124.130 of this title,
14. Farmworker centers as defined by Section 18.08.293 of this code,
15. (Reserved),
16. (Reserved);
- B. (Reserved);
- C. Merger of substandard parcels, but only if the parcels meet the requirements set forth in Section 17.48.040;
- D. (Reserved);
- E. Summary reversions to acreage, but only after making the findings required by Section 17.50.070;
- F. (Reserved);
- G. Licenses for Category 3 temporary events as defined in Section 5.36.015 if a hearing is requested and Category 4 temporary events as defined in Section 5.36.015 if not referred to the board;
- H. Certificates of present extent of legal nonconformity, in accordance with the procedure set forth in Section 18.132.050;
- I. Minor amendments of tentative, parcel and final maps in accordance with the procedure set forth in Sections 17.26.030 through 17.26.050 and Section 17.26.060 for modifications to or elimination of slope easements, and for this purpose the zoning administrator shall be deemed an "advisory agency" as defined in Chapter 17.02;
- J. Variances, pursuant to Chapter 18.128 of this code (commencing with Section 18.128.010) and excepting therefrom any variances from the terms of the Conservation Regulations as set forth in Chapter 18.108;
- K. (Reserved);
- L. Applications for extensions of the life of a tentative map;
- M. Minor modifications of small winery exemption certificates and minor modifications to use permits other than very minor requests for changes as described in subsection (C)(1) through (5) of Section 18.124.130, after making the findings required by Section 18.124.130;
- N. Variances from the standards for mobilehome parks in accordance with Section 15.40.310, or any successor amendment thereof;
- O. (Reserved); and
- P. Applications for exceptions to the county's adopted road and street standards in connection with a building permit clearance for a single-family residence or other ministerial permit clearance.

SECTION 4. Section 18.104.180 (Second unit attached to or detached from an existing

dwelling) of Chapter 18.104 (Additional Zoning District Regulations) of the Napa County Code is amended to read in full as follows:

18.104.180 Second unit attached to or detached from an existing dwelling.

A. Pursuant to the provisions of Government Code Section 65852.2, a second unit may be constructed or placed attached to or detached from an existing dwelling unit, or attached to an accessory structure, in the residential single zone, residential country zone, or agricultural watershed zone upon the issuance of a building permit. The following requirements apply to all second units:

1. The lot is a legal lot as defined by Section 18.08.340 of this title;
2. The lot is zoned RS, RC, or AW;
3. The lot contains only one existing, legal single-family dwelling except when an applicant is applying for a permit to build a main dwelling unit and a second unit at the same time;
4. The total floor space of the second unit shall not exceed twelve hundred square feet as measured from the inside of the exterior walls;
5. Except as modified in this Section 18.104.180, the second unit shall conform to all height, setback, lot coverage and other zoning requirements applicable to a primary (main) dwelling in the zone in which the property is located, unless the unit is contained in a legal nonconforming structure and does not expand the nonconformity ;
6. All site plan review requirements, permit and mitigation fees and other charges applicable to primary (main) dwellings in the zone in which the property is located shall apply to the second unit, except that second units shall not be considered new residential uses for the purposes of calculating any county connection fees or capacity charges for utilities and all review shall be ministerial;
7. County building code requirements which apply to single-family dwellings shall also apply to the second unit;
8. Approval by the department has been obtained where either a private or individual sewage disposal system or private or individual water system is to be used;
9. Fire sprinklers shall not be required for a second unit if they are not required for the primary residence;
10. Second units shall have one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway. Offstreet parking is permitted in setback areas unless specific findings are made that tandem parking is not feasible because of specific topographical conditions, or it is not permitted elsewhere within the county. Notwithstanding the foregoing, the parking standards for second units as set forth herein shall not apply in any of the following instances:
 - a. The second unit is located within one-half mile of a public transit stop;
 - b. The second unit is located within an architecturally and historically significant district;
 - c. The second unit is a second unit interior, and is part of the existing primary residence or an existing accessory structure;
 - d. When on-street parking permits are required but not offered to the occupant of the second unit; or

e. When there is a car share vehicle pick-up location within one block of the second unit.

11. If the construction of a second unit demolishes an existing garage, carport, or covered parking structure, replacement spaces must be provided to meet the requirements of Section 18.110.030 (Number of parking spaces) of Chapter 18.110 (Off-street parking and loading facilities) but may be provided as covered spaces, uncovered spaces, tandem spaces, or mechanical parking lifts.

12. At the time of application, the property owner shall acknowledge in writing that (a) the second unit may not be sold separately from the existing family home; and (b) neither the second unit nor the single-family home may be used for short-term residential rentals. Prior to the issuance of a building permit for the second unit, the owner shall record a covenant in a form approved by the County to notify future owners of the requirements of this subsection.

B. The following additional requirements shall apply to all second units, except second units, interior:

1. A detached second unit shall be a separate, stand-alone structure. Second units legally constructed prior to the date of adoption of this provision which are attached to other structures are to be considered legally conforming and may expand up to the one thousand two hundred square foot limit;

2. A second unit attached to an accessory structure shall not have interior access connecting to the accessory structure.

3. If an individual sewage disposal system is proposed, a separate system serving the second dwelling unit shall be installed unless otherwise approved by the director of planning, building and environmental services ;

4. The lot meets the following area requirements:

a. RS: eight thousand square feet minimum. The lot proposed for a second unit must also meet the minimum lot area requirements of the department of planning, building and environmental services in regard to water and sewer requirements;

b. RC and AW zoned properties meeting the minimum lot area requirements of the department in regard to water and sewer requirements; and

5. Second units may be separately metered and shall include separate shut-off valves for all utilities.

C. The following additional requirements shall apply to all second units attached to an existing legal single-family dwelling, except second units, interior:

1. The second unit shall be located no more than twenty feet from the living area of the existing dwelling and shall be attached to the existing dwelling in the manner set forth in Section 18.08.070 of this title; and

2. The increased floor area of an attached second unit shall not exceed fifty percent of the existing living area, with a maximum increase in floor area of twelve hundred square feet as measured from the inside of the exterior walls.

D. The following additional requirement shall apply to all detached second units, except second units, interior: The maximum distance that a detached second unit may be from the nearest portion of the living area of the existing legal single-family dwelling on the same parcel shall be five hundred feet, measured along a level, horizontal straight line, unless a greater distance is required to avoid an agricultural constraint or to meet the standards of the department relating to private water or sewer systems or to avoid an environmentally sensitive area as defined by Section 18.08.270 of this title.

- E. Second units, interior, shall additionally conform with the following:
1. The second unit must be constructed entirely within the existing and legally created space of a single-family home or accessory structure in the RS or RC zoning district.
 2. The second unit must have exterior access independent from the existing single-family home.
 3. Side and rear setbacks must be sufficient for fire safety.
 4. No additional parking for the second dwelling unit, interior, may be required. However, if the second unit, interior, demolishes an existing garage, carport, or covered parking structure, replacement spaces must be provided to meet the requirements of Section 18.110.030 but may be provided as covered spaces, uncovered spaces, tandem spaces, or mechanical parking lifts.
 5. No new or separate utility connection directly between the second unit, interior and the utility may be required.
- F. The planning director may administratively approve over the counter ministerial permits for second units conforming to the provisions of this section within the time limits specified by Government Code section 65852.2 or successor provision.

SECTION 5. Section 18.110.030 (Number of parking spaces required) of Chapter

18.110 (Off-street parking and loading facilities) of the Napa County Code is amended to read in full as follows:

18.110.030 Number of parking spaces required.

Use	Parking Spaces Required*
Auto dismantling/wrecking	1 per employee** + 1 per 1000 sq. ft. office area
Banks w/o ATM	1 per 400 sq. ft.
Banks w/ATM	1 per 400 sq. ft. + 1.5 for each machine
Business and professional offices, excluding medical and dental offices	1 per 250 sq. ft.
Churches or house of worship	1 per employee + 1 per each 3.5 seats in main sanctuary
Day care	1 per employee + 1 per 12 children
Hospitals	1 for each bed, + 1 for each employee on the shift w/ the maximum number of personnel
Hotels, motels	1 per unit + 1 for each nonresident manager
Hotel/resort/conference center/golf:	
Hotel	1 per room
Conference center	.5 per person @ maximum permitted occupancy
Food service facilities	1 per 120 sq. ft.
Retail	1 per 250 sq. ft.

Golf	1 per every two employees plus 3 per golf hole
Manufacturing	1 per 500 sq. ft.
Medical and dental	
Medical and dental clinics/offices	1 per 200 sq. ft.
Processing/laboratory	1 per 500 sq. ft.
Research	1.5 per employee
Residential units:	
Single-family	2 + 1 per second unit or guest house or per bedroom in the second unit, except that no additional parking is needed for the second unit if the conditions in subsection (A)(10) of Section 18.104.180 are met.
Multiple-family	2 per unit + 1 for every 2 units for guest parking
Restaurant and any other establishment selling food and beverages for consumption on-site (including bars and taverns, night clubs w/o live entertainment)	1 per 120 sq. ft.
Restaurants with a counter and/or take out service or drive-in/thru facilities	1 per 120 sq. ft. + 1 for each 50 sq. ft. of those areas devoted to counter/take out service
Retail stores, shops, service establishments	1 per 250 sq. ft. including shopping centers
Schools:	
Elementary and junior high	1 per employee
High schools	1 per employee + 1 per 10 students
Colleges (academic, business, beauty, technical, etc.)	1 per employee + 1 per 3 students
Self-serve laundry and dry cleaning facilities	1 per 200 sq. ft.
Service station	3 per service bay + 1 per employee on day shift
Warehousing/storage as defined by Chapter 18.08	1 per each 1,000 sq. ft. for the first 10,000 sq. ft., and 1 per 2,000 sq. ft. for all warehouse area exceeding 10,000 sq. ft.
Use of a building, structure or premise not otherwise listed	The planning commission or zoning administrator shall determine the number of parking spaces required for any use not specifically listed. In determining such uses, the above parking space requirements shall be used as a general rule and guideline.

* Where the computation of required parking spaces produces a fractional result, fractions of one-third or greater shall require one full parking space.

** An employee means full time or the equivalent of full time.

SECTION 6. Pursuant to Public Resources Code section 21080.17, the adoption of this ordinance implementing Government Code section 65852.2 is exempt from the California Environmental Quality Act.

SECTION 7. Pursuant Chapter 4, Title 7, commencing with Section 65800, of the California Government Code, this Ordinance is consistent with the following policies and goals of the 2008 General Plan Update: AG-LU 23, AG-LU 28, AG-LU 30, and with Goals H-1, H-2 and H-5 and Policies H-2g, H-4e of the 2014 Housing Element.

SECTION 8. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Napa County Board of Supervisors hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 9. This ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 10. A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

The foregoing Ordinance was recommended for adoption and public hearing held thereon before the Napa County Planning Commission at a regular meeting of the Commission on the _____ day of _____, 2017. The Planning Commission's recommendation was considered by the Board of Supervisors and this Ordinance was introduced and read at a regular meeting of the Napa County Board of Supervisors ("the Board"), State of California, held on the

___ day of _____, 2017, and passed at a regular meeting of the Board held on the
 ___ day of _____, 2017, by the following vote:

AYES: SUPERVISORS _____

 NOES: SUPERVISORS _____
 ABSTAIN: SUPERVISORS _____
 ABSENT: SUPERVISORS _____

NAPA COUNTY, a political subdivision of the
 State of California

 BELIA RAMOS, Chair of the
 Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <i>S. Darbinian</i> Deputy County Counsel</p> <p>By: <u><i>Sue Ingalls</i></u> County Code Services</p> <p>Date: <u>June 6, 2017</u></p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: _____ Processed By: _____ _____ Deputy Clerk of the Board</p>	<p>ATTEST: GLADYS I. COIL Clerk of the Board of Supervisors</p> <p>By: _____</p>
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I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE
 OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD
 STREET ROOM 310, NAPA, CALIFORNIA ON _____.

_____, DEPUTY
 GLADYS I. COIL, CLERK OF THE BOARD