

CITY COUNCIL

CITY OF ORLAND



ORDINANCE NO. 2025-03

AN ORDINANCE OF THE ORLAND CITY COUNCIL ADOPTING AMENDMENTS TO TITLE 17 – ZONING OF THE ORLAND MUNICIPAL CODE REGULATING THE USE AND DEVELOPMENT OF ACCESSORY STRUCTURES STANDARDS AND ADOPTING THE ASSOCIATED CEQA EXEMPTION.

WHEREAS, a number of amendments to Title 17 of the Orland Municipal Code (Zoning) have been proposed to modify standards pertaining to Accessory Structures; and

WHEREAS, the Planning Commission forwarded a recommendation of approval to the City Council after considering the code amendments, staff report, and public comments provided at a public hearing on January 16, 2025, duly noticed and held in the manner required by law; and

WHEREAS, City Council conducted a noticed public hearing at their regular meeting on February 4, 2025, and after the conduct of the public hearing and deliberation on the action, the City Council directed staff to return the matter for further consideration at a future date with additional information; and

WHEREAS, the City Council re-noticed and conducted a second public hearing on that matter at their regular meeting of April 1, 2025, and again deliberated on the matter. Following the conclusion of the deliberative process, the Council voted 3-2 to approve the Ordinance via a first reading of the proposed Ordinance; and

WHEREAS, the proposed Amendments are consistent with the procedures of Section 17.88 of the Orland Municipal Code that the City Council may approve, amend or deny the application after the public hearing; and

WHEREAS, Title 17 – *Zoning* – Chapter 17.08 – Definitions §17.08.040 *Accessory use, Structure* has been amended to clarify language of the definition of an accessory use; and

Attachment A

WHEREAS, Title 17 – *Zoning* – Chapter 17.20 – R-1 Residential One-Family Zone, Chapter 17.24 – R-2 Residential Two-Family Zone, and Chapter 17.28 – R-3 Residential Multiple Family-Professional Zone has been amended to increase the maximum height of an accessory structure to twenty-five (25) feet, add a restriction against the habitable use of an accessory structure, remove the electrical and plumbing installation in R-1 accessory structures, and has distinguished a standard for accessory structures to be constructed to prevent stormwater runoff; and

WHEREAS, Title 17 – *Zoning* – Chapter 17.20 – R-1 Residential One-Family Zone, Chapter 17.24 – R-2 Residential Two-Family Zone, and Chapter 17.28 – R-3 Residential Multiple Family-Professional Zone has been amended to modify the minimum setback standards for accessory structures to create consistency amongst other residential structures; and

WHEREAS, Title 17 – *Zoning* – Chapter 17.20 – R-1 Residential One-Family Zone, Chapter 17.24 – R-2 Residential Two-Family Zone, and Chapter 17.28 – R-3 Residential Multiple Family-Professional Zone has been amended to add an exception for accessory structures under one hundred-twenty (120) square feet in size, less than six (6) feet in height, and not requiring a building permit to have a zero-minimum side and rear setback.

WHEREAS, following the advertisement of the matter in the newspaper of general circulation as required by the Orland Municipal Code and State Government Code, the City Council held a duly noticed public hearing on February 4, 2025, on the proposed amendments to Title 17, *Zoning*, in order to provide the community and interested parties the opportunity to comment on the proposed amendments; and

WHEREAS, the proposed amendments are exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the proposed revisions to the City of Orland Municipal Code would have a significant effect on the environment, and therefore the proposed revision is not subject to CEQA.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Orland approve the associated CEQA Exemption and approve the Orland Municipal Code Amendments reflected in **Exhibit A** and incorporated herein by reference.

This Ordinance was first introduced at the regular meeting of the City Council at a duly noticed Public Hearing of the first reading (by title only) on **February 4, 2025.**

PASSED AND ADOPTED by the Orland City Council on this ____ day of _____, by the following vote:

Attachment A

Ayes:

Noes:

Abstain:

Absent:

Mathew Romano, Mayor

Jennifer Schmitke, City Clerk

Attachment A

CITY OF ORLAND MUNICIPAL CODE AMENDMENTS

Proposed Text Amendments to Title 17 Zoning

Chapter 17.08 – Definitions

17.08.040 – Accessory use, structure.

- A. “Accessory use” means a land use that is associated with an existing permitted or conditional use ~~within a zoning district.~~
- B. “Accessory structure” means a usual and customary building normally associated with a permitted or conditional use.

Chapter 17.20 – R-1 Residential One-Family Zone

17.20.030 – Administratively permitted uses.

Administratively permitted uses in an R-1 zone are as follows:

- A. Accessory structures typically occurring in residential areas;

17.20.060 – Design Requirements

- D. An enclosed garage for at least two cars shall be provided for all new residential construction. The garage shall be at least twenty (20) feet by twenty (20) feet with a minimum sixteen (16) foot wide garage door. The garage shall be equipped with a dedicated 208/240 volt electrical outlet to allow for installation of a Level 2 electric vehicle charging station. Driveway access shall be paved;
- E. A single detached storage or shop building shall meet the following criteria:
 - 1. The ~~structure storage or shop building~~ shall conform to the maximum building coverage requirements;
 - 2. The height of the ~~structure storage building~~ shall not exceed ~~fifteen (15) feet~~ twenty-five (25) feet;
 - 3. The roof pitch and construction materials of the ~~accessory structure building~~ shall be similar to that of the ~~dwelling unit~~ primary structure;
 - 4. Shall not be located in any required front yard (closest to the front property line) or in front of the primary structure;
 - 5. Consistent with setbacks for this zone district;
 - 6. ~~The storage building shall not be equipped with electrical service or plumbing of any kind.~~
 - 7. Shall not be occupied for living purposes; and
 - 8. Shall be constructed to prevent stormwater runoff to adjacent properties. The property owner shall install, monitor, and maintain measures to ensure proper drainage of stormwater.
- F. Patio covers and shade structures shall meet the following criteria. Those not meeting this criteria shall meet the yard, height and design criteria for main buildings:
 - 1. Set back a minimum of ~~five~~ four feet from the rear and side yard property line;
 - 2. Open on at least two sides

3. Maximum height: ~~twelve (12) feet~~ twenty-five (25) feet; and
4. Minimum six-foot spacing on support posts shall be provided.

17.20.070 – Setbacks

- A. Minimum yards in the R-1 zone are as follows:

Main Building:

Front: twenty (20) feet;

Rear: twenty (20) feet;

Side: five feet. Side setback on a corner lot facing the street shall not be less than twenty (20) feet.

Accessory Structures:

Front: ~~thirty-five (35) feet;~~

twenty (20) feet;

Rear: ~~twenty (20) feet, unless otherwise specified herein;~~

four feet, unless otherwise specified herein.

Side: ~~five feet, unless otherwise specified herein.~~

four feet, unless otherwise specified herein.

- B. Exceptions to the minimum yards established above are as follows:

1. Detached accessory buildings shall not be located within five feet of any ~~main building~~ other structure, ~~nor within five feet of a side lot line~~, nor encroach on any easement. Accessory buildings attached to main buildings shall be structurally a part thereof and shall comply with main building yard and setback requirements.
2. If the property abuts a public alley, the rear setback shall be as detailed in Table: R-1 Structure Setbacks if this section.
3. The rear setback for a detached garage that meets the following requirements shall be as detailed in Table: R-1 Structure Setbacks of this section:
 - a. The height shall not exceed ~~fifteen (15)~~ twenty-five (25) feet;
 - b. The roof pitch and construction materials of the garage shall be similar to that of the primary structure dwelling unit.
4. Where more than one-half of the block is occupied with buildings, the required front yard may be reduced to the average of those of the improved sites, but in no case shall be less than twelve (12) feet.
5. ~~If any building is so located on a lot that the front faces any side lot line, it shall be at least twenty-five (25) feet from such side lot line.~~
6. Outdoor swimming pools and spas located within ten (10) feet of any side yard, rear yard or structure, shall be set back from said side yard, rear yard of structure a distance equal to the depth of the pool within said ten (10) foot area, but in no instance shall the setback be less than five feet. Pools and spas shall not be located in a required front yard.
7. Setbacks for all other garages or accessory structures not otherwise described herein shall be as detailed in Table: R-1 Structure Setbacks of this section.

8. See Section 17.76.190 – Fence standards for fence height and setback regulations.
9. Detached accessory structures under one hundred-twenty (120) square feet in size, less than six (6) feet in height, and not requiring a building permit are not subject to setback standards.

R-1 Structure Setbacks

Yard	Structure		Setback
Front	House/Main Building		20
	<u>Accessory Structures:</u>		
		<u>Garage</u>	<u>20</u>
		<u>Pool or Spa</u>	<u>Not allowed</u>
		<u>All Other Accessory Structures</u>	<u>Not allowed</u>
Side (interior lot)	House/Main Building		5
	<u>Accessory Structures:</u>		<u>5</u>
		Garage	5
		Patio Covers and Shade Structures	5 <u>4</u>
		<u>All Other Accessory Structures:</u>	
		<u>120 square feet or less, below 6 feet in height, and not requiring a building permit</u>	<u>Zero</u>
		<u>Structure between 6 feet and 15 feet in height (regardless of square footprint)</u>	<u>4</u>
		<u>Structure between 15 feet and 25 feet in height (regardless of square footprint)</u>	<u>Minimum 4ft. setback, plus 1ft. for each additional foot above 15ft.</u>
	House facing side yard		25
Side yard facing street (corner lot)	House/Main Building		20

	Garage (at same front plane as house)	20
	Garage (behind rear plane of house, with alley access only)	10
	Accessory structure (same plane as house <u>side of house</u>)	20 <u>10</u>
	Accessory structure (behind rear plane of house)	40 <u>4</u>
Rear	House/Main Building	20
	Garage (detached, no alley)	10
	Garage (on alley)	Zero, if min. 24' backup available into alley
	Garage or accessory structure in rear yard abutting land on which no structure can be built (example: abutting US Bureau of Reclamation ditch right-of-way)	Zero
	Patio covers and shade structures	40 <u>4</u>
	Accessory structure (on alley)	Zero
	Accessory structure (no alley):	
	<u>120 square feet or less, below 6 feet in height, and not requiring a building permit</u>	<u>Zero</u>
	<u>Structure between 6 feet and 15 feet in height (regardless of square footprint)</u>	<u>4</u>
	<u>Structure between 15 feet and 25 feet in height (regardless of square footprint)</u>	<u>Minimum 4ft. setback, plus 1ft. for each additional foot above 15ft.</u>
	Metal sided and roofed:	
	Structure less than or equal to six feet tall	Zero
	Metal sided and roofed: _____	

		Structure greater than six feet tall	1' for each foot of height above 6', up to 10'
	Non-metal sided and roofed structure greater than 120 square feet and greater than six feet tall		Minimum 5', plus 1' for each foot of height above 6', up to 10'