

## **ORDINANCE # 482-17**

### **AN ORDINANCE OF THE CITY OF CHOWCHILLA AMENDING SECTIONS OF CHAPTER 18 OF THE CHOWCHILLA MUNICIPAL CODE (ZONING ORDINANCE) AS NECESSARY TO BE IN COMPLIANCE WITH STATE HOUSING LAW**

The City Council of the City of CHOWCHILLA hereby does ordain as follows:

#### **SECTION 1 PURPOSE**

As part of the City's Housing Element update, the City is required to make zoning ordinance updates to bring the City into compliance with State Housing code. These zoning text updates are included within the Housing Element as required implementation measures for the City to complete.

#### **Chapter 18.06 – DEFINITIONS**

##### **18.06.358 – Family.**

“Family” means an individual or a group of persons living together who constitute a bona fide single-family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club, or other group of persons occupying a hotel, lodging house or institution of any kind.

#### **Chapter 18.06 – DEFINITIONS**

##### **18.06.353 – Employee housing.**

Consistent with Health and Safety Code section 17008, “Employee housing” means property used temporarily or seasonally (not more than 180 days in any calendar year) for the residential use of unrelated persons/families employed to perform agricultural or industrial labor either on or off site of agricultural activities. The accommodations may consist of any living quarters, dwelling, boarding house, tent (only temporary occupancy), bunkhouse (only temporary occupancy), mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations maintained in one or more buildings, or one or more sites, and the premises upon which they are situated, including area set aside for parking of mobilehomes or camping of employees by the employer. Employee housing may also involve permanent residency if the housing accommodation is a mobilehome, manufactured home, travel trailer, or recreational vehicle. Specifically, there are two (2) types of employee housing as follows:

- A. Employee Housing, Large: Employee housing that serves more than six (6) employees and consists of no more than thirty-six (36) beds in group quarters or twelve (12) units or spaces designed for use by a single family or household.
- B. Employee Housing, Small: Employee housing that serves six (6) or fewer employees.

**18.06.710 – Residential care facility.**

“Residential care facility” means a single-family dwelling, group care facility, or similar facility licensed by the State of California for twenty-four (24) hour non-medical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual.

**18.06.886 – Supportive housing**

“Supportive housing” is defined as housing with no limit of stay, that is occupied by the target population, and that is linked on an on-site or off-site service that assists 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.

**18.06.890 – Target population.**

“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 provided pursuant to the Lanterman Developmental Disabilities Services Act, and 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.

**18.06.910 – Transitional housing.**

“Transitional housing” means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months from the beginning of the assistance.

**Chapter 18.12 – R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT**

**18.12.020 – Permitted uses.**

The following uses only shall be permitted in the R-1 district:

- A. One-family dwelling units and one-family mobile homes, not more than one dwelling or mobile home per lot; all mobile homes must be certified under the National Mobile home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401, et seq.) and placed on a foundation system pursuant to Section 18551 of the Health and Safety Code;
- B. Accessory buildings and structures, including garages and swimming pools. Swimming pools may be used for the purpose of instruction, for fee, when neighbors within three hundred feet of the location have the opportunity to object, after notification by the city prior to the issuance of a permit, and the use may continue subject to review by the planning commission of any complaints. Such a use of a swimming pool for swimming instruction shall be required to meet all health requirements of all public agencies;

- C. Temporary tract offices, model homes and construction materials storage yards, within the tract being developed;
- D. Private greenhouses and horticultural collections, flower and vegetable gardens;
- E. The keeping of household pets, subject to the provisions of Section 18.06.472;
- F. Signs, subject to the provisions of Section 18.12.150;
- G. Recreational vehicle, motorhome, travel trailer, truck camper, camping trailer, boat or boat trailer storage, subject to the provisions of subsection F of Section 18.66.100;
- H. Family day care homes caring for one through six children;
- I. Supportive and transitional housing;
- J. Accessory dwelling unit in accordance with Section 18.66.250.
- K. Employee housing, small;
- L. Residential care facility

**18.12.030 – Conditional uses.**

The following uses only shall be permitted in the R-1 district, subject to first securing a conditional use permit as provided in Article 1 of Chapter 18.81:

- A. Churches;
- B. Communications equipment buildings and structures;
- C. Family day care homes caring for more than six but less than seventeen children;
- D. Electrical distribution substations;
- E. Home occupations, subject to conforming with the definitions and criteria specified in Section 18.06.458;
- F. Off-site subdivision signs, subject to the provisions of subsection D of Section 18.12.150;
- G. Public libraries;
- H. Small family rest homes, licensed as such, which house not more than six patients;
- I. Water pump stations;
- J. Public and quasi-public uses appropriate to a residential zone.
- K. Employee housing, large.

**Chapter 18.66 – PROPERTY DEVELOPMENT STANDARDS**

**18.66.240 – Accessory dwelling units.**

All accessory dwelling units shall meet the following standards:

- A. Floor Area. An accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet of floor area if separated from the existing single-family dwelling. If attached to the existing single-family residence, the floor area of the second unit shall not exceed fifty (50) percent of the existing living area of the existing single-family dwelling. A manufactured home shall not be less than eight (8) feet wide by forty (40) feet long and three hundred twenty (320) square feet in floor area. An efficiency unit shall not be less than one hundred (150) square feet in floor area and meet all space and occupancy standards of Chapter 5 of the Uniform Housing Code.
- B. Location. An accessory dwelling unit shall be located either to the side or to the rear of the existing single-family residence and shall be either attached to the existing single-family dwelling or be separated from the existing single-family detached residence by not less than ten (10) feet or the separation as allowed by the Uniform Building Code, whichever is less.
- C. Access. Doorway access shall be provided either to the side or rear of the accessory dwelling unit. Direct doorway access to the front yard by the second unit shall be prohibited.
- D. Owner Occupancy. Either the existing single-family detached residence or the accessory dwelling unit shall be occupied by the owner of the property.
- E. Off-Street Parking. A minimum one (1) additional off-street parking space shall be provided for the accessory dwelling unit. The additional parking space may be a paved tandem space on an existing driveway. The additional parking space shall be waived if in any of the following instances:
  - 1. The accessory dwelling unit is located within one-half (0.5) miles of public transit.
  - 2. The accessory dwelling unit is located within an architecturally and historically significant historic district.
  - 3. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
  - 4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
  - 5. When there is a car share vehicle located within one block of the accessory dwelling unit.
- F. Utility Services. Accessory dwelling units shall be provided with water, sewer and other utilities as determined by the building official.
- G. Architectural Appearance. An accessory dwelling unit shall be designed and constructed so as to blend with the single-family dwelling and be architecturally similar in appearance in order to be consistent with the

existing single-family dwelling's design, construction, height, roofing, siding materials, and color.

- H. Except as specifically set forth in this section, an accessory dwelling unit regulated pursuant to this chapter shall meet all of the requirements of the zone district in which the accessory dwelling unit is located including, without limitation, requirements regarding fences, walls and hedges; site area, frontage width, and depth of sites; coverage; yard requirements; height of structures; distances between structures; signs; and general provisions and exceptions.
- I. An application for an accessory dwelling unit shall not be denied solely based on any maximum density requirement or standard;

## **Chapter 18.06 – DEFINITIONS**

### **18.06.118 – Boardinghouse or rooming house.**

“Boardinghouse” or “rooming house” means a building containing a single dwelling unit and provisions for five or more guests, where lodging is provided with or without meals for compensation, but not to include rest homes.

### **18.06.810 - Single-room occupancy.**

“Single-room occupancy (SRO)” means a residential facility of two or more separate individual rooms with typically less than five hundred (500) square feet of floor space, with or without separate kitchen or bathroom facilities for each room, rented on a weekly or monthly basis. An SRO may not be occupied by more than one person. Single-room occupancy does not include Hotel or motel.

## **Chapter 18.30 – R-3 MEDIUM-DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT**

### **18.30.020 – Permitted uses.**

The following uses only shall be permitted in the R-3 district:

- A. Any use permitted in the R-2 district, Section 18.27.020;
- B. Multiple-housing facilities, including rooming houses and boardinghouses, apartment houses and apartment courts;
- C. Accessory buildings and uses customarily incidental to any of the above uses, when located on the same lot and not involving and conduct of a business;
- D. Single-room occupancy.

## **Chapter 18.40 – PO PROFESSIONAL OFFICE DISTRICT**

### **18.40.040 - Conditional uses—Planning commission approval.**

- A. Churches, parsonages and other religious institutions.

- B. Public and private charitable institutions, hospitals, sanitariums, rest homes, nursing homes, family care homes, foster homes or group homes for the mentally disordered or otherwise handicapped person, including state authorized homes.
- C. Public uses of a cultural type, including libraries, museums, art galleries.
- D. Mortuaries.
- E. Modest expansion or remodeling of an existing nonconforming use of a structure or land, limited to fifty percent or less of the value of existing structures, or re-establishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, with an assessed valuation of less than one hundred dollars, and nonconforming fences, walls and hedges.
- F. Residential drug treatment recovery homes.
- G. Accessory structures and uses located on the same site as a conditional use.
- H. Boarding and rooming houses.
- I. Guest houses.
- J. Single-room occupancy.

## **Chapter 18.06 - DEFINITIONS**

### **18.06.352 - Emergency shelter.**

“Emergency shelter” means a facility providing housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less where housing is not denied because of an inability to pay.

## **Chapter 18.39 – C-3 GENERAL AND SERVICE COMMERCIAL DISTRICT\***

### **18.39.020 – Permitted uses.**

The following uses shall be permitted in the C-3 district:

1. New and used automobile lots, boat and trailer sales and rental establishments, automobile service stations, repair garages;
2. Hotels and motels;
3. Restaurants and drive-in restaurants;
4. Public or commercial recreation facilities, such as swimming pools, bowling alleys, etc.;
5. Carpenter, electrical, plumbing, heating or machine shops, printing or publishing, furniture upholstery, green house or horticultural, contractor's equipment storage yards, etc.;
6. Animal hospitals, veterinary clinics and kennels;

7. Any other commercial use or service establishment determined by the commission after a public hearing to be consistent with the purpose of this section and which will not impair the present or potential use of adjacent properties;
8. Emergency shelter.

## **Chapter 18.06 – DEFINITIONS**

### **18.06.586 – Manufactured home.**

“Manufactured home” means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight (8) body feet or more in width, or forty (40) body feet or more in length, in the traveling mode, or, when erected on site, is three hundred twenty (320) or more square feet, and is designed to be used as a single-family dwelling when connected to the required utilities.

### **18.06.600 – Mobile home.**

“Mobile home” means a structure that was constructed prior to June 15, 1976, is transportable in one or more sections, is eight (8) body feet or more in width, or forty (40) body feet or more in length, in the traveling mode, or, when erected on site, is three hundred (320) or more square feet, and is designed to be used as a single-family dwelling when connected to the required utilities.

## **Chapter 18.66 – PROPERTY DEVELOPMENT STANDARDS**

### **18.66.250 – Manufactured housing.**

The provisions of this section shall apply to all manufactured homes not located in an approved mobile home park:

- A. No manufactured home shall be installed that was manufactured more than ten (10) years from the date of application for a building permit for installation.
- B. All manufactured homes shall meet the following site or architectural standards:
  1. Garages and Carports. A minimum of a one-car garage or carport shall be provided for every manufactured house. The parking requirements of Chapter 18.12 shall also apply.
  2. Minimum Width and Floor Area. The width and floor area of a manufactured housing unit shall be the average of other residences in the zone district in which it is located.
  3. Roof Overhangs. All manufactured housing units and garages shall have a pitched roof with a minimum sixteen (16) inch roof overhang on each of the perimeter walls such that the overhang is architecturally integrated into the design of the dwelling unit.
  4. Roofing Materials. All manufactured housing units and garages and carports located on the lot shall have a roof constituted of asphalt composition, clay,

- tile, concrete or metal tile or panels, slate or built-up asphaltic-gravel materials.
5. Siding Materials. All manufactured housing units and garages located on the lot shall have similar exterior siding materials consisting of wood, masonry, concrete, stucco, Masonite, or metal lap. The exterior siding material shall extend to the ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.
  6. Foundations. All manufactured housing units and garages and carports shall be placed on a permanent foundation which meets the applicable building code requirements and/or the provisions of Section 18551 of the State Health and Safety Code such that the floor elevation of the dwelling is reasonably compatible with the floor elevations of the surrounding dwelling units.
  7. Utility connections. The mobile home electrical, gas, water and drain connections shall be made permanent in a manner applicable to permanent buildings. Gas shut-off valves, meters and regulators shall not be located beneath the manufactured homes.
  8. Deviations. The community development department may approve deviations from one or more of the standards of this subsection on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity.
- C. Surrender of Registration. Subsequent to applying for a building permit, and prior to the occupancy of a mobile home or manufactured home on a permanent foundation, a certification of occupancy is to be issued by the building official pursuant to Section 18551 of the State Health and Safety Code. Thereafter, any vehicle license plate, certificate of ownership, and certificate of registration issued by a state agency shall be surrendered back to the issuing state agency. Any mobile/manufactured home on a permanent foundation shall bear a state insignia or federal label pursuant to Section 18550 of the State Health and Safety Code.

## **Chapter 18.06 – DEFINITIONS**

### **18.06.296 – Density Bonus.**

“Density Bonus” means an increase in the allowable number of residences granted by the city or county in return for the project’s providing low- or moderate-income housing. A housing development that provides 20 percent of its units for lower-income households, ten percent of its units for very-low income households, or 50 percent of its units for seniors is entitled to a density bonus and other concessions (See California Government Code section 65915).

## **Chapter 18.61 – HOUSING DENSITY BONUS AND OTHER INCENTIVES**



### **18.61.010 – Purpose and Intent.**

The purpose and intent of this section is to implement Chapter 4.3 Density Bonuses and Other Incentives, Section 65915 et seq., of the California Government Code for the development of affordable housing and senior housing developments, which are incorporated herein by this reference.

### **18.61.020 – Applicability of density bonus.**

This section shall apply to residential projects providing moderate, low and very low income housing and/or senior housing developments pursuant to the provisions and definitions of Chapter 4.3, Section 65915 et seq., of the California Government Code.

### **018.61.030 – Density bonus requirements.**

- A. Projects which meet the requirements set forth in this section shall qualify for a density bonus and an applicable number of concessions or incentives unless the City Council adopts a written finding, based upon substantial evidence that any one of the following exists:
1. The concession or incentive is not required to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set at the required affordable levels, as specified in Government Code Section 65915(c); or
  2. The concession or incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households; or
  3. The disapproval of the project or imposition of conditions is required in order to comply with specific state or federal law and there is no feasible method to comply without rendering the development unaffordable to very low and low-income households; or
  4. The development project is inconsistent with the city's General Plan land use designation as it existed on the date the application was deemed complete, and the city has adopted a housing element in compliance with state law.
- B. Project financial report. The applicant shall show in the form of a project financial report (financial pro forma) that the density bonus is necessary to make the housing units economically feasible, and the city may retain a consultant, at developer's sole cost, to review the project financial report and advise the city on the report. Where development and zoning standards exist which would otherwise inhibit the utilization of the density bonus on specific sites, the city may waive or modify the standards consistent with the provisions of this section.

### **18.61.040 – Density bonus procedures.**

A. Density Bonus/Incentives Review. Density bonus/incentive review by the Planning Commission shall only be required for projects involving Planning Commission approval. If no legislative entitlement is required, the community development department staff shall have final approval authority on density bonus and incentives. Appeals of a Planning Commission decision must be in accordance with Section 18.81.060 of the Chowchilla Municipal Code. If a rezone or General Plan amendment is part of the project, the Planning Commission shall make a recommendation on the density bonus and incentives request but the City Council shall have final approval authority as part of the total project. Any special conditions of the city zoning ordinance pertaining to the project, and/or applicable development standards of the downtown area shall also apply.

1. Regulatory Agreement. The city and applicant shall execute a regulatory agreement, ensuring compliance of the project with all applicable provisions and affordability restrictions as required under this section, State law, or other applicable affordable housing requirements, as well as equity sharing requirements if applicable. The regulatory agreement shall be recorded as a deed restriction with the Madera County recorder's office running with the land and be binding upon all future owners, developers, and/or successors-in-interest. The regulatory agreement shall be recorded prior to the approval of a final map, or, where a map is not being processed, prior to the issuance of building permits for the parcel or units. Resale of moderate income units shall be governed by Government Code Section 65915(c)(2). The regulatory agreement shall include at least the following:

- a. The total number of units approved for the housing development, including the number of target units;
- b. A description of the household income group to be accommodated by the housing development, and the standards for determining the corresponding affordable rent or affordable sales price and housing costs;
- c. The location, unit sizes, in square feet, and number of bedrooms of target units;
- d. Tenure of use restrictions for target units of at least ten (10) or thirty (30) years, in compliance with applicable laws;
- e. A schedule for completion and occupancy of target units;
- f. A description of the additional incentive(s) being provided by the city;
- g. A description of remedies for breach of the regulatory agreement by the owners, developers, and/or successors-in-interest of the project; and
- h. Other provisions to ensure implementation and compliance with this section.

### **18.61.050 – Additional Conditions.**

- A. In addition, reasonable conditions may be imposed to assure continued availability of such housing as very low, low or moderate income housing, or, for senior housing developments as defined in Civil Code Sections 51.3 and 51.12.
- B. Those units targeted for low-income households shall be affordable at a rent that does not exceed current Housing and Urban Development (HUD) income limits for low-income households for the county adjusted for household size.
- C. Those units targeted for very low-income households shall be affordable at a rent that does not exceed current HUD income limits for very low-income households in the county adjusted for household size.
- D. The owner(s) shall maintain and keep on file documentation for the income level for each tenant occupying the target units.
- E. The owner(s) shall provide the city any additional information required by the city to ensure the long-term affordability of the target units by eligible households.
- F. The city shall have the right to inspect the owner's project-related records at any reasonable time and shall be entitled to audit the owner's records once a year.
- G. The city may establish fees associated with the setting up and monitoring of target units.
- H. All ownership target units shall be occupied by their purchasers; no renting or leasing shall be allowed.

## **Chapter 18.27 – R-2 LOW-DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT**

### **18.27.130 – Off-street parking.**

The following provisions shall apply in the R-2 district, subject to the general conditions of Sections 18.66.100 through 18.66.140:

- A. For one-family dwellings, the provisions of the R-1 district, Section 18.12.130, shall apply. For a two-family or multiple-family dwelling, there shall be one parking spaces for each one-bedroom dwelling unit; two parking spaces for each two-bedroom dwelling unit; two and one-half parking spaces for each three or more bedroom dwelling unit. At least one space for each dwelling unit shall be in a garage or carport. In the event that a requirement for one-half space results from this ratio, the parking space requirement shall be increased to the next highest whole number. The required spaces shall be on the same lot with the main building which they are intended to serve, and shall be located to the rear of the required front yard.

## **Chapter 18.90 – REASONABLE ACCOMMODATION**

### **18.90.010 - Purpose.**

In order to make specific housing available to one or more individuals with disabilities, this chapter implements the policy of the city on requests for reasonable accommodation in its rules, policies, and procedures for persons with disabilities as required by the Fair Housing Act, as amended, 42 U.S.C. Section 3604(f)(3)(B). The policy of the city is to comply fully with the provisions of the Fair Housing Act.

**18.90.020 - Definitions.**

- A. "Fair Housing Act" means The Federal Fair Housing Amendments Act of 1988, as amended.
- B. "Applicant" means any person with disabilities or their representative that is requesting a reasonable accommodation pursuant to this chapter.
- C. "Department" means the Community Development Department of the City of Chowchilla.
- D. "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
- E. "Person with disabilities" means any person who, as defined by applicable federal law, has a physical or mental impairment that limits one or more major life activities or anyone who is regarded as having such impairment; or anyone who has a record of such impairment.

**18.90.030 - Reasonable accommodation request.**

- A. Any person with disabilities and eligible under the Fair Housing Act or their representative may request a reasonable accommodation with respect to the various land use or zoning laws, rules, policies, practices and/or procedures of the city as provided by the Fair Housing Act pursuant to the procedures set out in this chapter.
- B. Nothing in this chapter requires persons with disabilities or operators of group homes for persons with disabilities acting or operating in accordance with applicable zoning, licensing or land use laws or practices to seek reasonable accommodation under this chapter.

**18.90.040 - Notice to the public of availability of accommodation process.**

The Department shall prominently display a notice at the counter in the Community Development Department and Finance Department advising that persons with disabilities or their representatives may request a reasonable accommodation in accordance with the procedures established in this chapter.

**18.90.050 - Requesting reasonable accommodation.**

- A. A request by an applicant for reasonable accommodation relating to land use or zoning rules, policies, practices and/or procedures may be made orally or in writing. The Department will assist the applicant with furnishing the Department all information necessary for processing the reasonable accommodation request,

including that information which the Department deems necessary to complete a reasonable accommodation request.

- B. The Department will provide the assistance necessary to an applicant in making a request for reasonable accommodation. The Department will provide the assistance necessary to any applicant wishing to appeal a denial of a request for reasonable accommodation to ensure the process is accessible to the applicant. The applicant is entitled to be represented at all stages of the proceedings identified in this chapter by a person designated by the applicant.

#### **18.90.060 - Medical information.**

- A. Should the information provided by the applicant to the Department include medical information or records of the applicant, including records indicating the medical condition, diagnosis or medical history of the applicant, the applicant may, at the time of submitting such medical information, request that the department, to the extent allowed by law, treat such medical information as confidential information of the applicant.
- B. Medical Information. The Department shall provide written notice to the applicant of any request received by the Department for disclosure of the medical information or documentation which the applicant has previously requested be treated as confidential by the Department. The Department will cooperate with the applicant, to the extent allowed by law, in actions initiated by the applicant to oppose the disclosure of such medical information or documentation.

#### **18.90.070 - Application requirements.**

- A. The applicant shall submit a request for reasonable accommodation in a form acceptable to the Department. The application shall include the following information:
  - 1. The applicant's name, address and telephone number;
  - 2. The address of the property for which the request is being made;
  - 3. The name and address of the property owner, and the owner's written consent to the application;
  - 4. The current actual use of the property;
  - 5. The basis for the claim that the individual is considered disabled under the fair housing laws: identification and description of the disability which is the basis for the request for accommodation, including current, written medical certification and description of disability and its effects on the person's medical, physical or mental limitations;
  - 6. The rule, policy, practice and/or procedure of the city for which the request for accommodation is being made, including the zoning code regulation from which reasonable accommodation is being requested;
  - 7. The type of accommodation sought;

8. The reason(s) why the accommodation is reasonable and necessary for the needs of the disabled person(s). Where appropriate, include a summary of any potential means and alternatives considered in evaluating the need for the accommodation;
  9. Copies of memoranda, correspondence, pictures, plans or other background information reasonably necessary to reach a decision regarding the need for the accommodation; and
- B. If the project for which the reasonable accommodation is being requested also requires some other discretionary permit per this title or Title 16 (Subdivisions), then the reasonable accommodation request shall be acted on before proceeding with the public hearing for the discretionary permit applications.

**18.90.080 - Jurisdiction.**

- A. The community development director shall have the authority to consider and act on requests for reasonable accommodation. When a request for reasonable accommodation is filed with the department, it will be referred to the director/designee for review and consideration. The community development director shall issue a written determination within thirty (30) days of the date of receipt of a completed application and may (1) grant the accommodation request, or (2) deny the request, in accordance with federal law. Any such denial shall be in writing and shall state the grounds therefore. All written determinations shall give notice of the right to appeal and the right to request reasonable accommodation in the appeals process. The notice of determination shall be sent to the applicant by certified mail, return receipt requested and by regular mail.
- B. Requests for Additional Information. If reasonably necessary to reach a determination on the request for reasonable accommodation, the director/designee may, prior to the end of said thirty (30) day period, request additional information from the applicant, specifying in detail what information is required. The applicant shall have fifteen (15) days after the date of the request for additional information to provide the requested information. In the event a request for additional information is made, the thirty (30) day period to issue a written determination shall be stayed. The Community Development Director shall issue a written determination within thirty (30) days after receipt of the additional information. If the applicant fails to provide the requested additional information within said fifteen (15) day period, the Community Development Director shall issue a written determination within thirty (30) days after expiration of said fifteen (15) day period.

**18.90.090 - Findings for reasonable accommodation.**

- A. A determination on the following findings shall be made before any action is taken to approve or deny a request for reasonable accommodation and must be incorporated into the record relating to such approval or denial:
1. Whether the housing that is the subject of the request for reasonable accommodation will be used by one or more persons with disabilities protected under federal fair housing laws;

2. Whether the accommodation requested may be necessary to afford one or more persons with disabilities equal opportunity to use and enjoy a specific dwelling;
  3. Whether the requested accommodation would require a fundamental alteration to the city's zoning scheme;
  4. Whether the requested accommodation would impose undue financial or administrative burdens on the city.
- B. A request for a reasonable accommodation shall not be denied for reasons which violate the provisions of the Fair Housing Act. This ordinance does not obligate the city to grant any accommodation request unless required by the provisions of the Fair Housing Act or applicable California state law.

**18.90.100 - Appeals.**

- A. The applicant may appeal the decision within thirty (30) days of the date the mailing of the decision to the applicant.
- B. Appeals shall contain a statement of the grounds for the appeal.
- C. If an applicant needs assistance in appealing a decision, the department will provide the assistance necessary to ensure that the appeal process is accessible to the applicant. All applicants are entitled to be represented at all stages of the appeal proceeding by a person designated by the applicant.
- D. Appeals shall be to the City Council who shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than thirty (30) days after an appeal has been filed. All determinations on appeal shall address and be based upon the findings identified in Section 18.90.090 and shall be consistent with the Fair Housing Act.
- E. An applicant may request reasonable accommodation in the procedure by which an appeal will be conducted.

**18.90.110 - Fee.**

There shall be no fee imposed in connection with a request for reasonable accommodation under the provisions of this chapter or an appeal of the decision. Nothing in this chapter obligates the city to pay an applicant's attorney fee.

**18.90.120 - Stay of enforcement.**

While an application for reasonable accommodation or appeal of said application is pending before the city, the city will not enforce the subject zoning ordinance against the applicant.

**SECTION 2 EFFECTIVE DATE**

The effective date of this ordinance is 10 days after this Ordinance is adopted.

This Ordinance was introduced and the title thereof read at the regular meeting of the City Council on April 11, 2017, and the second reading was waived at the regular meeting of the City Council on April 25, 2017.

**PASSED AND ADOPTED** by the City Council of the City of Chowchilla this 25th day of April, 2017 by the following vote to wit:

**AYES: 5 – Haworth, Barragan, Ahmed, Chavez, Gaumnitz**

**NOES: 0**

**ABSENT: 0**

**ABSTAIN: 0**

ATTEST: Joann McClendon, CMC, City Clerk