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1 Amendment No. 2017-001 issue and adopted Resolution No. 17-03 recommending that the City Council
2 adopt this Ordinance; and

3 WHEREAS, the City Council, after notice duly given as required by law, held a public hearing on
4 May 9, 2017 to consider the Planning Commission's recommendation on this matter as set forth in its
5 Ordinance No. 1590.

6
7 **THE CITY COUNCIL OF THE CITY OF RIALTO DOES HEREBY ORDAIN AS
8 FOLLOWS:**

9 **Section 1.** Chapter 18.10, Section 18.10.020 (Permitted Uses) subsection (J) is amended to read in
10 its entirety as set forth hereafter to permit ~~second-residential~~ ***accessory dwelling*** units as follows:

11 J. Attached and detached ~~second-residential~~ ***accessory dwelling*** units ***that comply with local***
12 ***building code requirements***, subject to the following:

13 1. ***Approval Timeframe.*** ~~Attached and detached second-residential~~ ***Accessory dwelling***
14 units are subject to approval of a Precise Plan of Design approved ***administratively*** by the
15 Development Review Committee (DRC) ***within 120 days from the date of submittal. second***
16 ***residential Accessory dwelling unit must be approved or denied within 120 days after the***
17 ***application is deemed complete.***

18 2. ***Independent Living Facility.*** The ~~second-residential~~ ***accessory dwelling*** unit shall
19 provide for complete independent living facilities for one or more persons, including
20 permanent provisions for living, access, sleeping, eating, cooking and sanitation.

21 3. ***Design Compatibility.*** The ~~second-residential~~ ***accessory dwelling*** unit shall be
22 ~~constructed on-site and~~ designed in a style which is architecturally compatible with the
23 primary structure and structures in the immediate neighborhood. It shall ~~be a positive addition~~
24 ~~to the neighborhood environment, and~~ not detract from the nature and character of the
25 established neighborhood or primary structure in terms of architectural style, exterior
26 materials and finishes, scale, location, or pattern of development. ~~Mobile and trailer units are~~
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1 prohibited. ~~An second unit accessory dwelling unit also includes an efficiency unit as defined~~
2 ~~in California Health and Safety Code Section 17958.1.~~

3 4. **Occupancy.** The owner of ~~an second unit~~ **accessory dwelling** unit shall live within one of
4 the residential units on the property to ensure proper maintenance. A deed restriction limiting
5 the rental or lease of both units shall be recorded on the property prior to the issuance of a
6 building permit.

7 5. **Individual Evaluation.** All ~~secondary dwelling~~ **accessory dwelling** units shall be
8 evaluated individually and not on a tract basis. ~~An accessory dwelling unit secondary~~
9 ~~dwelling unit~~ may be constructed concurrently with a primary dwelling unit.

10 6. **Subdivision.** The ~~second accessory dwelling~~ unit may be rented without occupancy
11 limitations but shall not be sold separately. No subdivision of any kind including
12 condominiums or cooperatives shall be permitted between the two units.

13 7. **Number of Units.** Only one (1) ~~second dwelling~~ **accessory dwelling** unit shall be
14 permitted on any one lot, provided the lot does not contain an existing guest house.

15 8. **Driveways.** No additional driveway approaches from public streets shall be permitted for
16 ~~second units~~ **accessory dwelling units**.

17 9. **Square Footage.** The maximum square footage of an attached ~~second unit~~ **accessory**
18 **unit** shall not exceed ~~30%~~**50%** of the main residential structure. Detached second dwelling
19 units shall not exceed 1,200 square feet or be less than 400 square feet of living area and not
20 exceed 25% of the rear yard area. The primary dwelling unit shall contain the minimum
21 living areas required by the zone.

22 **10. Garage Conversions; Setbacks.**

23 **a. Garage Conversions:** *An existing, legally permitted attached or detached garage*
24 *may be converted to an accessory dwelling unit. No setback shall be required for an*
25 *existing garage that is converted to an accessory dwelling unit other than that which*
26 *existed prior to conversion.*
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1 ***b. Accessory dwelling unit above a garage: An accessory dwelling unit may be***
2 ***constructed above a garage. A five-foot setback is required from the side and rear lot***
3 ***lines.***

4 ***11. Ingress; Egress. All requirements for ingress, egress, drive aisleways, and safety shall***
5 ***be met in accordance with Chapter 18.58 of the Rialto Municipal Code.***

6 ***1240. Utility Metering. ~~The second dwelling~~ An accessory dwelling unit that is not***
7 ***converted from an existing residence or accessory structure*** may be metered separately from
8 the main dwelling unit for gas, electricity, and water/sewer services. ***For an accessory***
9 ***dwelling unit created from the conversion of an existing residence or accessory structure, or***
10 ***portions thereof, separate metering is permissible.***

11 ***1344. Building Code Requirements; Development Standards. All accessory dwelling***
12 ***units shall comply with all local building code requirements. All accessory dwelling units,***
13 ***except those that are converted from an existing residence or accessory structure, shall***
14 ***comply with*** the minimum yard setbacks, lot coverage, height restrictions and other
15 development standards for the primary unit residence, ***with the exception of density.***

16 ***1412. Parking Requirements. One off-street parking space in a permitted location shall be***
17 ***provided on the same lot as the ~~second~~ accessory dwelling unit, in addition to the required***
18 ***parking spaces serving the primary unit. The required spaces may be provided as tandem***
19 ***parking on an existing driveway, provided the space is a minimum 9' x 20' and does not***
20 ***encroach into the public right of way. However, no additional parking shall be required for***
21 ***an accessory dwelling unit in any of the following instances:***

- 22 ***a. The accessory dwelling unit is located within one-half mile of public transit.***
23 ***b. The accessory dwelling unit is located within an architecturally and historically***
24 ***significant historic district.***
25 ***c. The accessory dwelling unit is part of the existing primary residence or an existing***
26 ***accessory structure.***
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1 *d. When on-street parking permits are required but not offered to the occupant of the*
2 *accessory dwelling unit.*

3 *e. When there is a car share vehicle located within one block of the accessory*
4 *dwelling unit.*

5 1513. *Separate Entrance.* Attached ~~seend~~ accessory dwelling units shall be provided
6 with a separate outside entrance that is not located on the front elevation of the primary unit.

7 16. *Density.* *An accessory dwelling unit that conforms to this subsection (J) shall be*
8 *deemed to be an accessory use or an accessory building and shall not be considered to*
9 *exceed the allowable density for the lot upon which it is located, and shall be deemed to be a*
10 *residential use that is consistent with the existing general plan and zoning designations for*
11 *the lot.*

12 17. *Approval of Conversion of Existing Structure.* *Notwithstanding any other provision*
13 *of this subsection (J), the city shall ministerially approve an application for a building*
14 *permit to create within a single-family residential zone one accessory dwelling unit per*
15 *single family lot if the unit is contained within the existing space of a single-family*
16 *residence or existing accessory structure, has independent exterior access from the existing*
17 *residence, and the side and rear setbacks are sufficient for fire safety.*

18 18. *Definitions.* *For purposes of implementing this section the following terms are*
19 *defined as:*

20 *a. "Living area" means the interior habitable area of a dwelling unit including*
21 *basements and attics but does not include a garage or any accessory structure.*

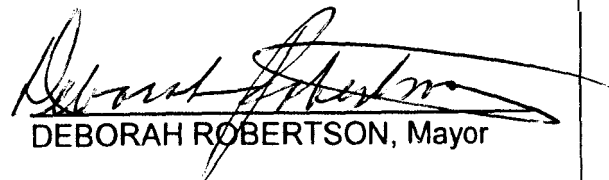
22 *b. "Accessory dwelling unit" means an attached or a detached residential dwelling*
23 *unit which provides complete independent living facilities for one or more persons. It*
24 *shall include permanent provisions for living, sleeping, eating, cooking, and*
25 *sanitation on the same parcel as the single-family dwelling is situated. An accessory*
26 *dwelling unit also includes the following:*

27 *(i) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code; or*
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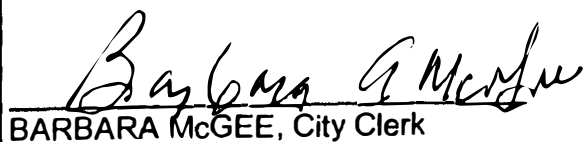
1 (ii) *A manufactured home, as defined in Section 18007 of the Health and Safety*
2 *Code.*

3 **Section 2.** The City Clerk shall certify to the adoption of this Ordinance and cause the same to be
4 published once in the local newspaper and the same shall be in force and effect on and thirty (30)
5 days after its passage and adoption.
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1 PASSED APPROVED AND ADOPTED this 13th day of June, 2017.

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DEBORAH ROBERTSON, Mayor

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8 ATTEST:

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11 BARBARA McGEE, City Clerk

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14 APPROVED AS TO FORM:

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16
17 FRED GALANTE, City Attorney

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
5 Ordinance No. 1590 was duly passed and adopted at a regular meeting of the City Council of the
6 City of Rialto held on the 13th day of June, 2017.

7 Upon motion of Councilmember Scott, seconded by Councilmember Baca Jr., the foregoing
8 Ordinance No. 1590 was duly passed and adopted.

9 Vote on the Motion:

10 AYES: Mayor Robertson, Councilmembers: Scott, Baca Jr., Trujillo, Carrizales

11 NOES: None

12 ABSENT: None

13 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
14 Rialto, this 12th day of June, 2017.

15 
16 Barbara A. McGee, City Clerk