

Ordinance No. 2026-782

EXHIBIT A

Amendments to Fortuna Municipal Code, Title 17 (Zoning Regulations)

Notes:

1. Proposed amendments to the following sections are shown in underlined text for additions and ~~strikethrough~~ text for deletions.
2. **Yellow highlighting** was also applied to the revisions to make them easier for readers to locate in the document.
3. All sub-sections not included in the sections below shall continue in full force, unamended by this Ordinance.

Chapter 17.06
REGULATIONS THAT APPLY TO SPECIFIC USES

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17.06.001.5 Accessory dwelling units and Junior Accessory Dwelling Units.

Sections of 66310 – 66342 of the California Government Code are hereby adopted and made part of this ordinance as though fully set forth herein.

A. Purpose: This section establishes standards for the location and construction of accessory dwelling units (ADUs) consistent with Government Code Sections 65852.2 through 65852.22. These standards are intended to allow accessory dwelling units as a form of affordable housing in Fortuna while maintaining the character and quality of life of residential neighborhoods.

B. Definitions:

1. 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 residence: An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

2. Detached Accessory Dwelling Unit: An accessory dwelling unit that does not share a common wall with the primary dwelling and is not fully contained within the existing space of an accessory structure.

3. Attached Accessory Dwelling Unit: An accessory dwelling unit that shares at least one common wall with the primary dwelling and is not fully contained within the existing space of the primary dwelling or an accessory structure.

4. Internal Accessory Dwelling Unit: An accessory dwelling unit that is fully contained within the existing space of the primary dwelling or an accessory structure.

5. Junior Accessory Dwelling Unit: An internal accessory dwelling unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

C. Summary of Standards and Permit Requirements:

1. The standards that apply to an accessory dwelling unit vary depending on the type and size of the accessory dwelling unit. For example, an accessory dwelling unit attached to a single-family home must comply with standards in subsections (E) (General Requirements), (G) (Development Standards), and (H) (Objective Design Standards) of this section. In contrast, an accessory dwelling unit up to 800 square feet and 16 feet in height that is detached from a single-family home must comply only with standards in subsection (E) of this section (General Requirements).

2. Table 1 identifies standards that apply to different sizes and types of accessory dwelling units in conformance with state law. Table 1 also identifies permits required for these accessory dwelling units. See subsection (F) of this section (Units Subject to Limited Standards) for additional information on types of accessory units allowed with a building permit only.

Table 1: Standards and Permits Required for ADU Types

ADU Type	Standards	Permit
Single-Family Lots		
All Internal ADUs, including JADUs	E. General Requirements	Building Permit Only
Attached	E. General Requirements G. Development Standards H. Objective Design Standards	ADU Permit and Building Permit [1]
Detached		
Up to 800 sq. ft. and 16 ft. height	E. General Requirements	Building Permit Only
Greater than 800 sq. ft. and/or 16 ft	E. General Requirements G. Development Standards H. Objective Design Standards	ADU Permit and Building Permit [1]
Multifamily Lots		

Table 1: Standards and Permits Required for ADU Types

ADU Type	Standards	Permit
Internal [2]	E. General Requirements	Building Permit Only
Detached [3]	E. General Requirements	Building Permit Only

[1] ADUs that request deviation from subsection (H) of this section, Objective Design Standards; allowed with design review. ADUs that request deviation from subsection (G) of this section, Development Standards; require a use permit.

[2] Limited to portions of existing multifamily dwelling structures that are not used as livable space. Allowed ADUs limited to 25 percent of existing multifamily dwellings.

[3] Maximum two ADUs on a lot. Maximum height 16 feet.

D. Permitting Process:

1. When Consistent With Standards:

a. An accessory dwelling unit that complies with all standards in this section shall be approved ministerially without discretionary review or a public hearing:

b. As shown in Table 1 and described in subsection (F) of this section (Units Subject to Limited Standards); certain types of accessory dwelling units require a building permit only. All other types of accessory dwelling units require an ADU permit and a building permit. The purpose of the ADU permit is to confirm project conformance with standards in subsections (G) (Development Standards) and (H) (Objective Design Standards) of this section:

c. The time frame for city action on an application is the same for accessory dwelling units requiring a building permit only and those requiring an ADU permit. If an existing single-family or multifamily dwelling exists on the lot upon which an accessory dwelling unit is proposed; the city shall act on the application within 60 days from the date the city receives a completed application. If the applicant requests a delay in writing; the 60-day time period shall be tolled for the period of the delay:

d. The city has acted on the application if it:

i. Approves or denies the building permit for the accessory dwelling unit; and/or

ii. Informs the applicant in writing that the accessory dwelling unit as proposed does not qualify for ministerial approval. If the applicant submits project revisions in response to

this information, the city shall accept the revisions as a new application subject to a new 60-day time period:

e. If the accessory dwelling unit application is submitted with a permit application to create a new single-family dwelling on the lot, the city may delay acting on the accessory dwelling unit application until the city acts on the permit application for the new single-family dwelling. The city shall act on the accessory dwelling unit application without discretionary review or hearing within 60 days of action on the new single-family dwelling.

2: When Deviating from Standards:

a: A proposed accessory dwelling unit that deviates from the standards in subsection (H) of this section (Objective Design Standards) shall be reviewed and may be approved or denied subject to the design review procedures in FMC 17.07.100 (Design review):

b: A proposed accessory dwelling unit that deviates from standards in subsection (G) of this section (Development Standards) or any other applicable physical standard of this section shall be reviewed and may be approved or denied subject to the use permit procedures in FMC 17.07.060 (Use permits):

3: When Dependent on Separate Construction: When a proposed attached or detached accessory dwelling unit is dependent on the construction of a new building or new portion of a building which is not a part of the accessory dwelling unit (“separate construction”) and is not proposed as part of an application to create a new single-family dwelling on the parcel, the city shall either:

a: Accept and begin processing the accessory dwelling unit application only after acting on an application for the proposed separate construction; or

b: Upon written request from the applicant, review and act on the accessory dwelling unit together with the separate construction as part of a single application. In this case, the accessory dwelling unit is subject to the same review procedures and requirements as the separate construction:

E: General Requirements: The following requirements apply to all accessory dwelling units:

1: Where Allowed: An accessory dwelling unit is permitted:

a: In any zoning district where single-family or multifamily dwellings are a permitted use; and

b: Only on a lot with an existing or proposed single-family or multifamily dwelling:

2: Maximum Number per Lot. Not more than one accessory dwelling unit is allowed per lot except as allowed by subsection (F) of this section (Units Subject to Limited Standards):

3: Separate Sale from Primary Dwelling: An accessory dwelling unit shall not be sold or conveyed separately from the primary dwelling:

4: Entrance: An accessory dwelling unit must have an exterior entrance separate from the primary dwelling:

5: Rental: A rented accessory dwelling unit shall not be leased for any period less than 30 days:

6: Converting and Replacing Existing Structures:

a: An internal ADU may be constructed regardless of whether the structure within which it would be located conforms to the current zoning requirement for setbacks:

b: If an existing structure is demolished and replaced with an accessory dwelling unit, the accessory dwelling unit may be constructed in the same location and to the same dimensions as the demolished structure:

7: Nonconformities: The city shall not require, as a condition for approval of an accessory dwelling unit, the correction of nonconforming zoning conditions:

8: Junior Accessory Dwelling Units: Junior accessory dwelling units shall comply with all of the following standards:

a: Either the primary dwelling or the junior accessory dwelling unit must be occupied by the property owner:

b: A junior accessory dwelling unit must either:

i: Contain its own full bathroom with a sink, toilet and shower and/or bath facilities; or

ii: Share use of a full bathroom located within the primary dwelling:

c: A junior accessory dwelling unit must contain, at a minimum, an efficiency kitchen with:

i: A cooking facility with appliances; and

ii: At least three linear feet of food preparation counter space and three linear feet of cabinet space:

d: Cooking appliances may consist of either a permanent cook top and/or built-in oven, or a plug-in microwave oven, hot plate, or similar appliances intended for use on top of a countertop:

9. Foundation: An accessory dwelling unit shall be constructed on a permanent foundation. A manufactured home, as defined in California Health and Safety Code Section 18007, is allowed as an accessory dwelling unit if it is placed on a permanent foundation.

10. Fire Sprinklers: The city shall not require accessory dwelling units to provide fire sprinklers if fire sprinklers would not be required for the primary residence under the current fire code.

11. Utilities:

a. The city shall not consider an accessory dwelling unit to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed concurrently with a new single-family dwelling.

b. The city shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

c. The following applies to an accessory dwelling unit described in subsection (F)(1) of this section (Internal Accessory Dwelling Units):

i. The city shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed concurrently with a new single-family home.

ii. The city may require a new or separate utility connection directly between the accessory dwelling unit and the utility consistent with Government Code Section 65852.2(f)(5).

d. The city may require, as part of the application for a permit to create an accessory dwelling unit connected to an on-site wastewater treatment system, a percolation test completed within the last five years; or, if the percolation test has been recertified, within the last 10 years.

F. Units Subject to Limited Standards: The city shall ministerially approve an application for a building permit within a residential or mixed-use zoning district to create the following types of accessory dwelling units. For each type of accessory dwelling unit, the city shall require compliance only with the development standards in this subsection. Standards in subsections (G) (Development Standards) and (H) (Objective Design Standards) of this section do not apply to these types of accessory dwelling units.

1. Internal Accessory Dwelling Units: One internal accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

a. The internal accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

b. The space has exterior access from the proposed or existing single-family dwelling.

c. The side and rear setbacks are sufficient for fire and safety.

d. The junior accessory dwelling unit complies with the requirements of Government Code Section 65852.22.

2. Detached Accessory Dwelling Units: One detached, new construction, accessory dwelling unit for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subsection (E)(1) of this section. The accessory dwelling unit must comply with the following:

a. Maximum floor area: 800 square feet.

b. Maximum height: 16 feet.

c. Minimum rear and side setbacks: four feet.

3. Nontivable Multifamily Space:

a. Multiple accessory dwelling units within the portions 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, subject to the following:

i. At least one accessory dwelling unit is allowed within an existing multifamily dwelling up to maximum of 25 percent of the existing multifamily dwelling units; and

ii. Each accessory dwelling unit shall comply with building code standards for dwellings.

b. The accessory dwelling unit must be located within a structure containing existing multifamily units. The accessory dwelling unit may not be located in a detached garage, carport, or other accessory structure on the lot that contains no existing multifamily units.

4. Detached Accessory Dwelling Units on Multifamily Lots: Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to the following:

a. Maximum height: 16 feet.

b. Minimum rear and side setbacks: four feet.

G. Development Standards: Except as provided in subsection (F) of this section (Units Subject to Limited Standards), an accessory dwelling unit shall comply with the following development standards:

1. Floor Area: The floor area of an accessory dwelling unit shall not exceed the maximums shown in Table 2:

Table 2: Maximum Floor Area

ADU Type	Maximum ADU Floor Area
Attached	
One bedroom or less	50 percent of the existing primary dwelling or 850 sq. ft., whichever is greater
More than one bedroom	50 percent of the existing primary dwelling or 1,000 sq. ft., whichever is greater
Detached	1,200 sq. ft.
Internat	No maximum
Junior	500 sq. ft.

2. Lot Coverage: For lots in the R-1 zoning district with an accessory dwelling unit, the maximum lot coverage is 50 percent:

3. Property Line Setbacks:

a. All Accessory Dwelling Units:

i. An accessory dwelling unit shall be set back from property lines as required by Table 3:

ii. See also subsection (E)(6) of this section (Converting and Replacing Existing Structures) for set back exceptions that apply to an accessory dwelling unit created by converting or replacing an existing structure:

b. Detached Accessory Dwelling Units – Front Setbacks:

i. A detached accessory structure shall not occupy a required front yard.

ii. In no case may a detached accessory structure be closer to the front property line than the principal structure on the lot. If the principal structure is set back from the front property line greater than the minimum distance required by the zoning district, the front setback of the detached accessory structure must be equal to or greater than the setback of the principal structure:

Table 3: Minimum Property Line Setbacks

Property Line	ADU Type			
	Attached	Detached	Internal	Junior
Front	Same as primary dwelling [1]		None required	
Side	4 ft.	4 ft. or 0 ft. adjacent to an alley		
Rear	4 ft.	4 ft. or 0 ft. adjacent to an alley		

Note:

[1] For detached accessory dwelling units, see also subsection (G)(3)(b) of this section.

4. Height:

a. Attached ADU:

i. The maximum allowed height for an attached accessory dwelling unit is the height of primary residence or the maximum permitted in the zoning district, whichever is less:

ii. A project that increases the height of the primary residence to accommodate an accessory dwelling (e.g., adding a story or raising the structure) is allowed with design review. In such a case, the residence may not exceed the maximum permitted in the zoning district:

b. Detached ADU: The height of a detached accessory dwelling unit shall not exceed:

i. Sixteen feet with ministerial approval; and

ii. The maximum height of the zoning district with a use permit.

c. Internal and Junior ADUs: Height standards do not apply to internal and junior accessory dwelling units.

5. Parking:

a. No additional parking is required for an accessory dwelling unit.

b. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are not required for the demolished or converted parking structure.

H. Objective Design Standards: The standards in this section apply to all accessory dwelling units not approved pursuant to subsection (F) of this section (Units Subject to Limited Standards):

1. Entrance Orientation – Detached ADU: The primary entrance to a detached accessory dwelling unit shall face the front or interior of the parcel unless the accessory dwelling unit is directly accessible from an alley or a public street.

2. Privacy Impacts: To minimize privacy impacts on adjacent properties, the following requirements apply to walls with windows within eight feet of an interior side or rear property line abutting a residential use:

a. For a single-story wall or the first story of a two-story wall, privacy impacts shall be minimized by either:

i. A six-foot solid fence on the property line; or

ii. Clerestory or translucent windows for all windows facing the adjacent property. The bottom of a clerestory window must be at least five and one-half feet above the adjoining floor.

b. For a second story wall, all windows facing the adjacent property shall be located and designed to minimize privacy impacts on adjacent residential properties, as determined by the planning commission through the use permit approval process.

3. Second Story Decks and Balconies: Second story decks and balconies shall be set back a minimum of 10 feet from a side or rear property line adjoining a lot occupied by a single-family dwelling.

4. Outdoor Stairs: Outdoor stairs serving a second story accessory dwelling unit shall be oriented to the interior of the lot, rather than a side or rear property line immediately

adjacent to the accessory dwelling unit. The planning commission may allow an exception to this requirement through the use permit approval process for projects that utilize alternative methods to minimize privacy, noise, and aesthetics impacts associated with outdoor stairs:

5. Architectural Details: Table 4 shows architectural detail standards for accessory dwelling units:

Table 4: Architectural Detail Standards

	Non-Historic Property [1]		Historic Property [1]	
	Attached ADU	Detached ADU	Attached ADU	Detached ADU
Primary Exterior Materials [2]	Same as primary dwelling [3]	No requirement	Same as primary dwelling; or horizontal wood; fiber cement; or board and batten siding or shingles [3]	Horizontal wood; fiber cement; or board and batten siding; or shingles [4]
Window and Door Materials	No requirement		Wood; composite; pre-finished metal with a non-reflective finish	
Window Proportions	No requirement		Windows must be taller than they are wide or match the proportions of the primary dwelling window [5]	
Window Pane Divisions	No requirement		True or simulated divided lights; or same as primary dwelling	
Roof Material	Same as primary dwelling [3]	No requirement	Same as primary dwelling [3]	Same as primary dwelling; or architectural composition shingles; clay tile; slate; or non-

Table 4: Architectural Detail Standards

	Non-Historic Property [1]		Historic Property [1]	
	Attached ADU	Detached ADU	Attached ADU	Detached ADU
				reflective standing seam metal [3]
Roof Pitch	No requirement		No requirement	4:12 or greater [6]

Notes:

ADUs that request deviation from these standards may be allowed with design review:

[1] “Historic property” means a property that qualifies as a historic structure as defined in FMC [15.52.270](#).

[2] Standard does not apply to secondary and accent materials.

[3] “Same as primary dwelling” means the type of material must be the same as the primary dwelling. The size, shape, dimensions, and configuration of individual pieces or elements of the material may differ from the primary dwelling.

[4] If primary dwelling is predominantly stucco, stucco is allowed for the accessory dwelling unit.

[5] Bathroom windows may be horizontally oriented.

[6] If the primary dwelling has a roof pitch shallower than 4:12, the accessory dwelling unit roof pitch may match the primary dwelling.

6. Building Additions to Historic Structures: A building addition to a designated historic resource or potential historic resource as defined in FMC [15.52.270](#) for an attached accessory dwelling unit shall be inset or separated by a connector that is offset at least 18 inches from the parallel side or rear building wall to distinguish it from the historic structure.

I. Deed Restriction:

1. An executed deed restriction, on a form provided by the city, shall be submitted to the city prior to issuance of a building permit and shall be recorded prior to final occupancy. The deed restriction shall stipulate all of the following:

a. The accessory dwelling unit shall not be rented for any period less than 30 days at a time:

b. The accessory dwelling unit shall not be sold, transferred, or assigned separately from the primary dwelling:

c. For junior accessory dwelling units, restrictions on size, attributes, and owner-occupancy in conformance with this section:

d. The property owner and all successors in interest shall maintain the accessory dwelling unit and the property in accordance with all applicable accessory dwelling unit requirements and standards:

2. The deed restriction shall lapse upon removal of the accessory dwelling unit. (Ord. 2021-749 § 1 (Exh. 1)):

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17.06.184.5 Short-term rentals.

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B. Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Dwelling unit” means one or more rooms designed, occupied, or intended for occupancy as separate living quarters, with full cooking, sleeping, and bathroom facilities for the exclusive use of a single household. A dwelling unit includes a single-family residence, and each unit of an apartment, duplex, multiple dwelling structure designed as a separate habitation for one or more persons, or a permitted **accessory second residential dwelling unit that meets the definition of FMC 17.08.222 (Dwelling, second residential)**, but does not include units located within city-approved hotels, motels, **and** bed and breakfasts, **and accessory dwelling units or junior accessory dwelling units.**

“Good neighbor brochure” means a document prepared by the applicant and approved by the city manager that summarizes general rules of conduct, consideration, respect, and potential remedial actions. Provisions for parking and minimizing noise and quiet hours shall be included.

“Host” means an applicant or operator of the short-term rental.

“Owner” means any person who, alone or with others, has legal or equitable title to a dwelling unit. A person whose interest in a dwelling unit is solely that of a tenant,

subtenant, lessee, or sublessee under an oral or written rental housing agreement shall not be considered an owner.

“Short-term” means fewer than 30 days.

“Short-term rental, commercial” means any structure, or any portion of any structure, which is occupied, or intended or designed for occupancy, by transients for dwelling, lodging, or sleeping purposes, and is held out as such to the public. The structure, or any portion of the structure, is not required to serve as the property owner or owners’ primary residence and the entirety of the residence may be utilized as a short-term rental.

“Short-term rental, residential” means any structure, or any portion of any structure, which is occupied, or intended or designed for occupancy, by transients for dwelling, lodging, or sleeping purposes, and is held out as such to the public. The structure, or portion of the structure, serves as the property owner or owners’ primary residence.

“Short-term rental (STR) permit” means an application document prepared by the city and approved by the city manager, which is required for the approval of either residential or commercial short-term rental.

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Chapter 17.08
DEFINITIONS AND ILLUSTRATIONS

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17.08.222 Dwelling, second residential.

“Second residential dwelling” means a second single-family dwelling **constructed or installed prior to January 1, 2017 and that has not been permitted as an accessory dwelling unit, and is** located or placed on a parcel of land in **the Residential estates or Residential a** single-family **or multifamily residential zoning districts**. (Ord. 2011-692 § 2 (Exh. A)).

STATUTORY REFERENCES FOR CALIFORNIA CITIES

General Provisions

Accessory dwelling units.

Gov't Code §§ [65852.150 et seq.66310 – 66342](#)