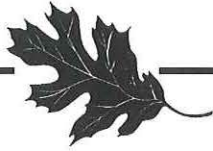


OAKLEY



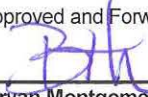
CALIFORNIA

Agenda Date: 07/12/2016

Agenda Item: 4.2

STAFF REPORT

Date: July 12, 2016
To: Bryan Montgomery, City Manager
From: Kenneth W. Strelo, Senior Planner
Subject: **Residential Front Yard Improvements and Shipping Containers Text Amendments (RZ 01-16)**

Approved and Forwarded to City Council:

Bryan Montgomery, City Manager

Summary

This is a public hearing on a request for text amendments to portions of the zoning ordinance and other parts of the Oakley Municipal Code to address 1) regulations addressing improved surfaces and parking in residential front yards, and 2) regulations addressing standards for allowing shipping containers as accessory buildings within the City of Oakley. Applicable parts of the municipal code proposed to be amended include:

- Residential Front Yards: Sections 4.29.302 (Definitions); 4.29.402 (Landscape Requirements); 4.29.408 (Prohibited Activities), and 9.1.1122 (Yards); and
- Shipping Containers: Article 18 (Accessory Structures).

Staff recommends the City Council waive the first reading and introduce the ordinance approving 1) zoning ordinance text amendments to Chapter 1 of Title 9 and Article 18 of Title 9 of the Oakley Municipal Code (RZ 01-16), and 2) municipal code text amendments to Chapter 29 of Title 4 of the Oakley Municipal Code.

Background

On May 10, 2016 the City Council held a work session on "Donation Bins, Sea/Cargo Containers, and Residential Front Yard Improvements". Staff presented all three areas of focus separately, and the City Council provided discussion and direction for Staff to further look into text amendments and additions to address regulations surrounding all three topics. Since that work session, Staff has focused attention on the two items that are more immediately relevant, which are residential front yard improvements and sea/cargo containers. Proceeding with a new ordinance for donation bins will require additional research and Staff time since it will require City Attorney involvement and an entirely new ordinance. There is no further discussion on donation bins at this time.

Project Description

Residential Front Yard Improvements

Regulations related to how residential front yards can be improved can be found in both the zoning ordinance and the neighborhood preservation ordinance, Chapter 9.1 and Chapter 4.29, respectively, of the Oakley Municipal Code ("OMC"). In handling code enforcement cases or inquiries at the counter related to residential front yard improvements, the existing regulations are not always consistently applicable to all lots. There may be situations where the proposed improvement makes sense, but would not be allowed under the existing codes. Also, there may be a situation where the proposed improvement complies with the regulations, but not the intent of the codes. Staff brought this area of focus to the City Council in order to receive further direction prior to proceeding with any proposed amendments.

Feedback from the May 10th work session was to continue to allow recreational vehicles to be parked on materials such as decomposed granite, which is currently regarded as an unimproved surface in the neighborhood preservation ordinance. Vehicles may not be parked on unimproved surfaces. Also, it was suggested that improvements to properties be allowed that result in a 3-car wide driveway. The 50% maximum parking area was supported.

The proposed modifications will result in language where the intent is upheld, the allowances are clearly stated, and the municipal code is internally consistent. In order to accomplish that, one section in the zoning ordinance (OMC Section 9.1.1122 (Yards)) and three sections in the neighborhood preservation ordinance (Sections 4.29.302 (Definitions); 4.29.402 (Landscape Requirements); 4.29.408 (Prohibited Activities)) are proposed to be amended.

Shipping Containers

After the May 10, 2016 Work Session the Council directed staff to look into ways to allow cargo containers as accessory structures on residential properties through repurposing and redesign so as to comply with the Oakley Residential Guidelines, and/or be located in the rear yard and screened from public view. The desire was to have any cargo containers designed to look like the residential structure, and at the minimum have the same design quality as an accessory structure such as a backyard shed. In order to accomplish this, Staff is recommending the "Accessory Structure" article of the zoning ordinance (OMC Article 18) be amended to address "design standards" and specifically include language addressing cargo containers. Also, the containers are now referred to as "Shipping Containers" which is a more universally used term. It is also recommended Article 18 be renumbered to contain only one section so as to be consistent with how other portions of the zoning ordinance are numbered.

A redline version of the amended sections of the Oakley Municipal Code is attached for reference. The proposed ordinance contains the finalized versions of each section.

Environmental

This project is exempt from further analysis under the California Environmental Quality Act ("CEQA") Guidelines Section 15061(b)(3) in that adoption of the ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Analysis

Residential Front Yard Improvements

Part 1 of OMC Section 9.1.1122(f) already addresses maximum driveway widths and additional driveway coverage quite specifically. However, it limits the additional driveway to the side of the house adjacent to the garage, and seems to state it must be for recreational vehicle access to the side of the house. Also, it does not call out a total maximum front yard coverage. Part 2 addresses the larger residential lots. It leaves the details to the discretion of staff so long as the total paved area does not exceed 50% of the front yard. Part 3 provides language allowing a Hollywood driveway, which inherently includes a second curb cut, for R-15 and larger lots.

In order to amend the municipal code to achieve the desired results, part 1 would require text amendments. The intent would be to restrict any front yard driveway in part 1 to no more than a three car wide driveway, which would be changed from 26 feet to 30 feet wide, or 50% of the required front yard, whichever is greater. This would allow options as to where the additional parking area is placed, because in some cases rear or side yard access for vehicles is only available on the side of the house opposite the garage. Part 2 would no longer be needed since it would be redundant with the revised part 1, which would allow a lot to be improved with up to 50% of the required front yard.

Part 3 would be renumbered as part 2 and be amended to replace "curved driveway (Hollywood driveway)" with "second curb cut". The intent here is to allow access to side and rear yards that may not be located in the same area as the primary driveway, but without limiting the onsite improvement to a curved driveway. This would give an option to maintain the original driveway to access the garage, and install a second curb cut on the other side of the house, for instance, to access a large side yard, or to park a recreational vehicle. Also, "(ii)" would be replaced with the appropriate reference "(1)".

Subsections found in the Neighborhood Preservation Ordinance (Chapter 4.29 OMC) are also proposed for amendments. One part declares a nuisance if any applicable property has improved surface covering more than 50% of the front yard setback. The code defines an improved surface as "... any surface which has been improved with pavement, asphalt, cement, brick, interlocking pavers or other similar material and maintained in such a manner as to provide for a mud-free and dustless surface." Another part of the same chapter prohibits the parking of any motor vehicle, trailer, boat, or camper on any unimproved surface, unless it is located behind the front yard setback. When looking at these two regulations, it is interpreted that the intent is to prevent improvement for the purposes of parking vehicles on more than 50% of a front yard setback. Unfortunately, as the code currently is written, it technically prohibits property owners from making decorative hardscape improvements to their front yards when those improvements may result in over 50% improved surface coverage.

The Council directed Staff to look at ways to allow the parking of vehicles on materials such as decomposed granite. A discrepancy arises because by definition, it can be argued that decomposed granite is not an improved surface, since it has the potential to create mud and/or dust, and the parking of a vehicle on it would be prohibited. In order to allow the parking of vehicles on certain unimproved surfaces, the language must be modified and also made consistent with the previous modifications to the zoning ordinance.

In order to achieve these changes, 1) the definition for "Improved Surface" has been updated to include materials such as compacted decomposed granite, 2) the landscape section has been amended to allow decorative landscaping and refer back to the zoning ordinance for driveway width allowances, and 3) the allowance to park a vehicle on an unimproved surface if behind the front yard setback has been amended to require that vehicle to be behind a minimum six (6) foot tall fence.

Shipping Containers

While amending OMC Article 18, Staff is proposing to renumber it in a manner more consistent with the rest of the zoning ordinance. In doing so, there will one section (OMC 9.1.1802) with several subsections, rather than several separate sections. As part of the regulatory amendments, it is proposed that a design standard subsection be added for all accessory structures, and for that to contain additional specific language for shipping containers. In summary, the standards would require any accessory structure to be consistent with the Oakley Residential Design Guidelines, and match the materials and architectural style of the primary unit. Except, pre-build or pre-fabricated accessory structures whose original intent was for a residential accessory structure may be allowed to not match the material of the primary unit. This would allow for backyard metal "tool" sheds, aluminum detached patio covers, etc. Shipping containers would only be allowed if they were repurposed to appear as a functional residential accessory structure through the addition of a pitched roof matching the house roof color and material, texture coating or exterior veneer that matches the color of the house, and the addition of at least one man-door that can be unlocked and opened from inside the structure. A shipping container that does not meet the first two criteria may still be allowed if it is screened from public and private view by a solid fence as seen from adjacent ground level. All shipping containers would be subject to review and approval by the Community Development Director.

Recommendation

Staff recommends the City Council waive the first reading and introduce the ordinance approving 1) zoning ordinance text amendments to Chapter 1 of Title 9 and Article 18 of Title 9 of the Oakley Municipal Code (RZ 01-16), and 2) municipal code text amendments to Chapter 29 of Title 4 of the Oakley Municipal Code.

Attachments

1. Redline versions
2. Proposed Ordinance

Proposed Text Amendments Redline Version

Residential Front Yard Improvements

Oakley Municipal Code Section 9.1.1122(f)

f. Front Yards – Driveway Width and Coverage.

1) Driveway width, regardless of the number of driveways, shall not exceed 20 feet in front of the garage, except for 3-car garages where the width shall not exceed ~~30~~26 feet. ~~In addition, if a lot only has a two car driveway, an additional 10-foot-wide driveway may be located in the front yard to allow access to a side or rear yard or for additional front yard parking area. Any lot may increase the driveway width and parking area of the required front yard above the allowances within this subsection, so long as the total driveway and parking area does not exceed 50% coverage of the required front yard. Additional driveways and parking shall not result in a second curb cut or widened curb cut beyond that allowed by this code.~~ ~~recreational vehicle storage area adjacent to a garage, a maximum 10-foot wide driveway may be located on the side of the lot with the garage, but shall not have a second curb cut;~~

~~2) For lots 70 or more feet in width, the Community Development Director may approve a greater driveway width if the Community Development Director determines the design of the driveway is aesthetically pleasing and compatible with the lot terrain and adjacent development, and will not create a pedestrian or vehicular hazard. For single family homes, the total paved surface for vehicle parking, storage, and access in required front yard shall not exceed 50 percent;~~

~~3) For single-family homes, a second curb cut ~~curved driveway~~ ("Hollywood driveway") is permitted on lots that are zoned R-15 or larger, and where paragraph ~~(#1)~~ of this section is met.~~

Oakley Municipal Code Chapter 4.29

4.29.302 Definitions.

I. "Improved Surface" shall mean any surface which has been improved with pavement, asphalt, cement, brick, interlocking pavers or other similar material and maintained in such a manner as to provide for a mud-free and dustless surface. Compressed decomposed granite or other similar compressed material may be considered an improved surface when it is kept in a mud-free and dustless state and used for the purposes of additional parking in a required front yard. Loose gravel, bark, rocks, and other similar materials may not be considered an improved surface for the purposes of additional parking.

4.29.402 Landscaping Requirements.

a.—It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any property to maintain such property in such a manner that any one or more of the following described conditions are found to exist:

ia. Overgrown, diseased, dead or decayed trees, shrubbery, weeds, lawns or other vegetation that:

(1)i. Constitutes a fire hazard or other condition that is dangerous to the public peace, health, safety, welfare; or

(2)ii. Creates the potential for the harboring of rats, vermin, vector, or other similar nuisances; or

(3)iii. Is overgrown onto a public right-of-way at least six (6) inches.

ib. Any trees, shrubbery, or other vegetation that overhang onto streets and sidewalks and are not trimmed or maintained in accordance with the following standards:

(1)i. At least twelve (12) feet above the street and gutter along streets which are not used for bus routes.

(2)ii. At least eight (8) feet above the entire sidewalk.

iii.(3) At least sixteen (16) feet above the street and gutter along streets which are used for bus routes.

ic. Any trees, shrubbery or other vegetation that is completely dead, over eight (8) inches in height and covers more than fifty percent (50%) of the front or side yard visible from any public street.

id. A violation of any landscaping requirement under an applicable development permit.

be. ~~A property on which t~~The improved surface of the property exceeds 50% of the required front yard area setback (including the driveway), except when the property is developed in a manner consistent with Section 9.1.1122(f), or enhancements to required front yards include improved surfaces consisting of drought tolerant and decorative hardscape that is designed and located in a manner where it may not be

accessed for the parking of vehicles, subject to review and approval of the Code Enforcement Manager.

ef. A property on which the unimproved surfaces are not maintained in good condition or repair, including without limitation any property which contains excessive weeds, rubbish or debris. Landscaping shall be installed and maintained in any unimproved portion of the front and side yards that is visible from any public right of way. If only Decorative Landscaping is used to meet the requirements of this section, "Weed Block" shall also be used.

4.29.408 Prohibited Activities.

It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any property to engage in or allow others to engage in any one or more of the following activities on such property:

b. The parking of any motor vehicle, trailer, camper or boats on any unimproved surface, unless it is located behind the front yard or side yard setback and screened by a minimum six foot tall solid fence.

Shipping Containers

Oakley Municipal Code Article 18 of Chapter 9.1

Article 18 ACCESSORY STRUCTURES

9.1.1802 Accessory Structures Development Regulations

a. Definition, Accessory Structure.

1) "Accessory structure" is a detached building, carport, gazebo, shed, playhouse, or other similar above-ground structure, the use and size of which is subordinate and incidental to that of a main building on the same lot.

2) "Shipping Container" (also referred to as intermodal freight transport, sea container, or cargo container) is typically a 20-40 foot long durable closed steel containers capable of handling large capacity and weight loads over land and sea.

(Sec. 2, Ordinance No. 10-13, adopted August 13, 2013; Sec. 2(C), Ordinance No. 05-10, adopted March 9, 2010)

b. 9.1.1804 Maximum Size and Height.

a.— 1) Maximum Size. The maximum size of an accessory structure or combination of accessory structures on any single lot shall be whichever results in a greater allowance of accessory structure square footage between the following two options: 1) as measured in conjunction with all structures on the lot so that the total lot coverage shall not exceed forty percent (40%); or 2) five hundred (500) square feet. Square footage of structures shall be measured as follows:

1) i. For enclosed structures, such as the main house, detached garages, detached guest rooms/pool houses, enclosed patios, etc., floor area (interior walls to interior walls) shall be used to measure square footage;

2) ii. For unenclosed structures, such as gazebos, attached and detached carports, patio covers, trellises, etc., roof area coverage (as measured perpendicular to ground) shall be used to measure square footage.

b. 2) Maximum Height. The maximum height for any single accessory structure as measured to the peak of the roof or highest portion of structure, whichever is higher, shall be as follows:

1) i. Fifteen (15) feet in height when the accessory structure or portion thereof is located within any of the required yards for the applicable zoning district.

2) ii. Accessory structures completely located outside of all required yards, subject to the applicable zoning regulations, may match the height of the existing main structure. All accessory structures exceeding fifteen (15) feet in height shall use materials, design, and colors that match the main structure, subject to the review and approval of the Community Development Department.

(Sec. 2, Ordinance No. 10-13, adopted August 13, 2013; Sec. 2(C), Ordinance No. 05-10, adopted March 9, 2010)

c.9.1.1806 Minimum Setbacks.

a. 1) All Residential Lots.

1) i. Accessory structures shall be located outside of the required front yard and shall not have any portion closer than the main structure to the front property line;

2) ii. Accessory structures that are exempt from a building permit and are no higher than the height of the adjacent fence to which they are to be placed may be located within the required side or rear yard of any lot, up to the property line, only if the accessory structure maintains a minimum clearance of five feet to any other structure, excluding the fence. No accessory structure may be attached to a shared fence;

3) iii. Single structures that are one thousand five hundred (1,500) square feet or less shall maintain a minimum setback of three feet to the side and rear property lines. No portion of an accessory structure, its roof, or any other material that is a part of the accessory structure (i.e., overhang, gutter, support beam, etc.) shall project into the minimum setback; and

4) iv. Single structures that are greater than one thousand five hundred (1,500) square feet shall maintain the generally applicable setback standards for the relative zoning district.

b. 2) Nonresidential Districts. The minimum setbacks for accessory structures in nonresidential districts shall be the generally applicable setback standards for each district.

(Sec. 2, Ordinance No. 16-13, adopted December 10, 2013; Sec. 2, Ordinance No. 10-13, adopted August 13, 2013; Sec. 1, Ordinance No. 08-10, adopted May 25, 2010; Sec. 2(C), Ordinance No. 05-10, adopted March 9, 2010)

d.9.1.1808 Maximum Coverage in Required Rear and Side Yards.

1) Consistent with Section 9.1.404(f)(5), accessory structures shall occupy no more than thirty percent (30%) of a required rear yard. This shall also apply to the maximum coverage of a required side yard as measured from the front setback line to the rear property line. For structures located within both a required rear yard and required side yard, the area of coverage shall apply to the maximum allowable coverage for each required yard separately.

(Sec. 2, Ordinance No. 10-13, adopted August 13, 2013; Sec. 2(C), Ordinance No. 05-10, adopted March 9, 2010)

e. Design Standards

1) Accessory structures shall be consistent with the City of Oakley Residential Design Guidelines, which include having matching materials and architectural style to that of the primary unit.

2) Accessory structures may consist of pre-built or pre-fabricated sheds, carports, gazebos, etc. that do not match the material of the primary unit so long as the accessory structure's original design, intent, and purpose is as a residential backyard structure.

3) Shipping containers are not permitted as residential accessory structures unless the following criteria can be met, subject to the review and approval of the Community Development Director:

i. The shipping container is redesigned and repurposed to appear and function as a residential accessory structure through the additional of a pitched roof that matches the color of the primary unit's roof, and the addition of texture coating or exterior veneer to disguise the industrial appearance of such structures and that matches the color of the primary unit.

ii. The shipping container is structurally modified to include at least one residential man door that can be unlocked and opened from inside the container.

iii. Subject to review and approval of the Community Development Director, exceptions may be made for the standard (i) of this subsection if the shipping container is screened from public and private view by a solid fence as seen from adjacent ground level.

f.9.1.1810 Variance Requests.

1) Any request for an exception to this article shall be subject to Section 9.1.1602, Variance and Conditional Use Permits.

(Sec. 2, Ordinance No. 10-13, adopted August 13, 2013)

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADOPTING
TEXT AMENDMENTS TO OAKLEY MUNICIPAL CODE NEIGHBORHOOD
PRESERVATION ORDINANCE (CHAPTER 29 OF TITLE 4) AND THE ZONING
ORDINANCE (CHAPTER 1 OF TITLE 9) RELATED TO RESIDENTIAL FRONT YARDS
AND SHIPPING CONTAINERS (RZ 01-16)**

The City Council of the City of Oakley does ordain as follows:

SECTION 1. Subsection 4.29.302(I) of the Oakley Municipal Code Section 4.29.302, titled "Definitions," is hereby amended as follows:

- "I. "Improved Surface" shall mean any surface which has been improved with pavement, asphalt, cement, brick, interlocking pavers or other similar material and maintained in such a manner as to provide for a mud-free and dustless surface. Compacted decomposed granite or other similar compacted material may be considered an improved surface when it is kept in a mud-free and dustless state and used for the purposes of additional parking in a required front yard. Loose gravel, bark, rocks, and other similar materials may not be considered an improved surface for the purposes of additional parking."

SECTION 2. Section 4.29.402 of the Oakley Municipal Code, titled "Landscape Requirements," is hereby amended in its entirety as follows:

"It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any property to maintain such property in such a manner that any one or more of the following described conditions are found to exist:

- a. Overgrown, diseased, dead or decayed trees, shrubbery, weeds, lawns or other vegetation that:
 - i. Constitutes a fire hazard or other condition that is dangerous to the public peace, health, safety, welfare; or
 - ii. Creates the potential for the harboring of rats, vermin, vector, or other similar nuisances; or
 - iii. Is overgrown onto a public right-of-way at least six (6) inches.
- b. Any trees, shrubbery, or other vegetation that overhang onto streets and sidewalks and are not trimmed or maintained in accordance with the following standards:
 - i. At least twelve (12) feet above the street and gutter along streets which are not used for bus routes.
 - ii. At least eight (8) feet above the entire sidewalk.

- iii. At least sixteen (16) feet above the street and gutter along streets which are used for bus routes.
- c. Any trees, shrubbery or other vegetation that is completely dead, over eight (8) inches in height and covers more than fifty percent (50%) of the front or side yard visible from any public street.
- d. A violation of any landscaping requirement under an applicable development permit.
- e. The improved surface of the property exceeds 50% of the required front yard area setback (including the driveway), except when the property is developed in a manner consistent with Section 9.1.1122(f), or enhancements to required front yards include improved surfaces consisting of drought tolerant and decorative hardscape that is designed and located in a manner where it may not be accessed for the parking of vehicles, subject to review and approval of the Code Enforcement Manager.
- f. A property on which the unimproved surfaces are not maintained in good condition or repair, including without limitation any property which contains excessive weeds, rubbish or debris. Landscaping shall be installed and maintained in any unimproved portion of the front and side yards that is visible from any public right of way. If only Decorative Landscaping is used to meet the requirements of this section, "Weed Block" shall also be used."

SECTION 3. Subsection 4.29.408(b) of the Oakley Municipal Code Section 4.29.408, titled "Prohibited Activities," is hereby amended, as follows:

- "b. The parking of any motor vehicle, trailer, camper or boats on any unimproved surface, unless it is located behind the front yard or side yard setback and screened by a minimum six foot tall solid fence."

SECTION 4. Subsection 9.1.1122(f) of the Oakley Municipal Section 9.1.1122, titled "Yards," is hereby amended, as follows:

- f. Front Yards – Driveway Width and Coverage.
 - 1) Driveway width, regardless of the number of driveways, shall not exceed 20 feet in front of the garage, except for 3-car garages where the width shall not exceed 30 feet. If a lot only has a two car driveway, an additional 10-foot-wide driveway may be located in the front yard to allow access to a side or rear yard or for additional front yard parking area. Any lot may increase the driveway width and parking area of the required front yard above the allowances within this subsection, so long as the total driveway and parking area does not exceed 50% coverage of the required

front yard. Additional driveways and parking shall not result in a second curb cut or widened curb cut beyond that allowed by this code.

- 2) For single-family homes, a second curb cut is permitted on lots that are zoned R-15 or larger, and where paragraph (1) of this section is met.

SECTION 5. Article 18 of the Oakley Municipal Code Chapter 9.1, titled "Accessory Structures," is hereby amended in its entirety, as follows:

"9.1.1802 Accessory Structures Development Regulations

a. Definitions.

- 1) "Accessory structure" is a detached building, carport, gazebo, shed, playhouse, or other similar above-ground structure, the use and size of which is subordinate and incidental to that of a main building on the same lot.
- 2) "Shipping Container" (also referred to as intermodal freight transport, sea container, or cargo container) is typically a 20-40 foot long durable closed steel containers capable of handling large capacity and weight loads over land and sea.

b. Maximum Size and Height.

- 1) Maximum Size. The maximum size of an accessory structure or combination of accessory structures on any single lot shall be whichever results in a greater allowance of accessory structure square footage between the following two options: 1) as measured in conjunction with all structures on the lot so that the total lot coverage shall not exceed forty percent (40%); or 2) five hundred (500) square feet. Square footage of structures shall be measured as follows:
 - i. For enclosed structures, such as the main house, detached garages, detached guest rooms/pool houses, enclosed patios, etc., floor area (interior walls to interior walls) shall be used to measure square footage;
 - ii. For unenclosed structures, such as gazebos, attached and detached carports, patio covers, trellises, etc., roof area coverage (as measured perpendicular to ground) shall be used to measure square footage.
- 2) Maximum Height. The maximum height for any single accessory structure as measured to the peak of the roof or highest portion of structure, whichever is higher, shall be as follows:

- i. Fifteen (15) feet in height when the accessory structure or portion thereof is located within any of the required yards for the applicable zoning district.
 - ii. Accessory structures completely located outside of all required yards, subject to the applicable zoning regulations, may match the height of the existing main structure. All accessory structures exceeding fifteen (15) feet in height shall use materials, design, and colors that match the main structure, subject to the review and approval of the Community Development Department.
 - c. Minimum Setbacks.
 - 1) All Residential Lots.
 - i. Accessory structures shall be located outside of the required front yard and shall not have any portion closer than the main structure to the front property line;
 - ii. Accessory structures that are exempt from a building permit and are no higher than the height of the adjacent fence to which they are to be placed may be located within the required side or rear yard of any lot, up to the property line, only if the accessory structure maintains a minimum clearance of five feet to any other structure, excluding the fence. No accessory structure may be attached to a shared fence;
 - iii. Single structures that are one thousand five hundred (1,500) square feet or less shall maintain a minimum setback of three feet to the side and rear property lines. No portion of an accessory structure, its roof, or any other material that is a part of the accessory structure (i.e., overhang, gutter, support beam, etc.) shall project into the minimum setback; and
 - iv. Single structures that are greater than one thousand five hundred (1,500) square feet shall maintain the generally applicable setback standards for the relative zoning district.
 - 2) Nonresidential Districts. The minimum setbacks for accessory structures in nonresidential districts shall be the generally applicable setback standards for each district.
 - d. Maximum Coverage in Required Rear and Side Yards.
 - 1) Consistent with Section 9.1.404(f)(5), accessory structures shall occupy no more than thirty percent (30%) of a required rear yard. This shall also apply to the maximum coverage of a required side yard as measured from the front setback line to the rear property line. For structures located within both

a required rear yard and required side yard, the area of coverage shall apply to the maximum allowable coverage for each required yard separately.

e. Design Standards.

- 1) Accessory structures shall be consistent with the City of Oakley Residential Design Guidelines, which include having matching materials and architectural style to that of the primary unit.
- 2) Accessory structures may consist of pre-built or pre-fabricated sheds, carports, gazebos, etc. that do not match the material of the primary unit so long as the accessory structure's original design, intent, and purpose is as a residential backyard structure.
- 3) Shipping containers are not permitted as residential accessory structures unless the following criteria can be met, subject to the review and approval of the Community Development Director:
 - i. The shipping container is redesigned and repurposed to appear and function as a residential accessory structure through the additional of a pitched roof that matches the color of the primary unit's roof, and the addition of texture coating or exterior veneer to disguise the industrial appearance of such structures and that matches the color of the primary unit.
 - ii. The shipping container is structurally modified to include at least one residential man door that can be unlocked and opened from inside the container.
 - iii. Subject to review and approval of the Community Development Director, exceptions may be made for the standard (i) of this subsection if the shipping container is screened from public and private view by a solid fence as seen from adjacent ground level.

f. Variance Requests.

- 1) Any request for an exception to this article shall be subject to Section 9.1.1602, Variance and Conditional Use Permits.

SECTION 6. California Environmental Quality Act (CEQA).

This project is exempt from environmental analysis under the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that the proposed amendments will not have a significant effect on the environment.

SECTION 7. Effective Date and Posting.

This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the City Clerk's Office at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2016 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Kevin Romick, Mayor

Date

ATTEST:

Libby Vreonis, City Clerk

Date