

**ORDINANCE NO. 2022-13**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ADOPTING A DEVELOPMENT CODE AMENDMENT MODIFYING DEVELOPMENT STANDARDS ASSOCIATED WITH ACCESSORY DWELLING UNITS (DCA22-00003)**

**WHEREAS**, on January 5, 1998, the City Council of the City of Hesperia adopted Ordinance No. 250, thereby adopting the Hesperia Municipal Code; and

**WHEREAS**, the City proposes to amend Section 16.12.360 of the City of Hesperia Development Code regulations, which pertain to Accessory Dwelling Units (ADUs); and

**WHEREAS**, the proposed Development Code Amendment will modify Section 16.16.085 of the Municipal Code to state that an ADU is an allowed use in the R3 zoning designation; and

**WHEREAS**, the proposed Development Code Amendment will modify Section 16.12.360 (E)(1) to clarify that an ADU may be allowed on a lot with an existing or proposed "primary residence" as opposed to a "single family residence"; and

**WHEREAS**, the proposed Development Code Amendment will modify Section 16.12.360 (E) of the Municipal Code to remove two regulations that are considered to be subjective terms; the term "obvious indication" of two units will be removed and the terms "excessive noise, traffic or other disturbances" and "significantly adverse impacts" and will be removed; and

**WHEREAS**, the proposed Development Code Amendment will modify Section 16.12.360 of the City of Hesperia Development Code regulations to add the approval time of 120 days; and

**WHEREAS**, the proposed Development Code Amendment is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Amendment is also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as the Amendment is exempt if it does not propose to increase the density or intensity allowed in the General Plan; and

**WHEREAS**, on July 14, 2022, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Amendment and concluded said hearing on that date; and

**WHEREAS**, on August 16, 2022, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Amendment and concluded said hearing on that date; and

**WHEREAS**, all legal prerequisites to the adoption of this Ordinance have occurred.

**NOW THEREFORE**, THE CITY COUNCIL OF THE CITY OF HESPERIA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby specifically finds that all of the facts set forth in this Ordinance are true and correct.

Section 2. Based upon substantial evidence presented to the Council, including written and oral staff reports, the Council specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends adoption of Development Code Amendment DCA22-00003 amending the ADU regulations as shown on Exhibit "A."

Section 4. This Ordinance shall take effect thirty (30) days from the date of adoption.

Section 5. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution No. 2007-101.

**ADOPTED AND APPROVED** on this 16<sup>th</sup> day of August 2022.

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Brigit Bennington, Mayor

ATTEST:

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Erin Baum, Assistant City Clerk