

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL ADOPTING  
AMENDMENTS TO TITLE 16 OF THE ARROYO GRANDE  
MUNICIPAL CODE (AGMC) REGARDING TINY HOMES ON  
WHEELS; LOCATION- CITYWIDE**

**WHEREAS**, the City of Arroyo Grande ("City") currently does not allow the use of tiny homes on wheels as dwelling units; and

**WHEREAS**, alternative housing models, such as tiny houses on wheels, can provide flexible housing options for a variety of households living at different income levels; and

**WHEREAS**, this Ordinance adds Tiny Homes on Wheels as a separately regulated residential use to encourage housing supply, choices, and affordability; and

**WHEREAS**, Tiny Homes on Wheels will allow for in-fill development that maintains the scale and character of existing development; and

**WHEREAS**, Tiny Homes on Wheels will contribute to the equitable distribution of housing opportunities that are cost accessible to all residents; therefore, reducing regulatory and procedural barriers to increasing housing production and capacity in appropriate locations; and

**WHEREAS**, the City desires to preserve its cultural, historical, and architectural heritage and resources as living parts of community life that benefit and enrich the lives of its present and future residents; and

**WHEREAS**, the City of Arroyo Grande has duly initiated amendments to the Arroyo Grande Municipal Code; and

**WHEREAS**, the Planning Commission of the City of Arroyo Grande, after giving notices thereof as required by law, held a public hearing on October 4, 2022 concerning this code amendment and carefully considered all pertinent testimony and the staff report offered in the case as presented; and

**WHEREAS**, the City Council of the City of Arroyo Grande has, after giving notice thereof as required by law, held a public hearing on October 25, 2022, concerning proposed amendments to Title 16 of the Arroyo Grande Municipal Code; and

**WHEREAS**, the City Council of the City of Arroyo Grande, at its regularly scheduled public meeting on October 25, 2022 introduced this Ordinance to add Section 16.52.260 to Title 16, Chapter 52 of the Arroyo Grande Municipal Code; and

**WHEREAS**, the City Council has carefully considered all pertinent testimony and the staff report, its attachments and all supporting materials referenced therein or offered in the matter as presented at the public hearing.

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

SECTION 1. The above recitals and findings are true and correct and are incorporated herein by this reference.

SECTION 2. Section 16.52.260 is hereby added in its entirety to Title 16, Chapter 52 of the Arroyo Grande Municipal Code to read as follows:

**16.52.260 – Tiny Homes on Wheels (THOW)**

- A. Purpose. A Tiny Home on Wheels that meets the definition in this Section may be built and occupied as a residential unit, subject to the ministerial review and approval of an application if it complies with the standards of this Section.
- B. Definition. A Tiny Home on Wheels (THOW) is a structure built on a chassis and intended for separate, temporary, independent living quarters for one household that meets all of the following conditions:
  - 1. Is a detached self-contained unit, designed and built to look like a conventional building structure, and which includes basic functional areas that support normal daily routines such as cooking, sleeping, toilet and bathing facilities; and
  - 2. Is licensed and registered with the California Department of Motor Vehicles as a habitable structure; and
  - 3. Shall comply with the standards of, and be approved as one of the following types of structures: a HUD-Code manufactured homes, California Residential Code or California Building Code home, or park trailer certified by the Recreational Vehicle Industry Association or another agency recognized by HCD as capable of certifying a tiny home as suitable for habitation. The Building Official shall determine the appropriate construction standards based on the type of tiny home.; and
  - 4. Is towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection, cannot move under its own power and is no larger than allowed by California State Law for movement on public highways; and
  - 5. Has a minimum living area of 100 square feet and maximum of 400 square feet as measured within the exterior faces of the exterior walls, but not including loft area.

6. The use of recreational vehicles, as defined in Section 18010(a) of the California Health and Safety Code, or camping cabins are prohibited from being used as a Tiny Home on Wheels.
- C. Criteria. Notwithstanding any other provision of this Code to the contrary, a Tiny Home on Wheels (THOW) shall be allowed as an accessory use to a single-family dwelling. A THOW cannot be attached to or located within a primary residence, or created through the conversion of an existing structure, and shall be subject to all of the following criteria:
1. Number. One THOW shall be allowed in all residential zones with an existing single-family dwelling. No THOW shall be allowed if there is a permitted Accessory Dwelling Unit. A THOW shall be removed prior to granting final occupancy for an Accessory Dwelling Unit. The presence of a Junior Accessory Dwelling Unit, developed pursuant to AGMC Section 16.52.150, would not prohibit the construction of a THOW.
  2. Limitation on Use. A THOW shall not be utilized as a short-term rental of less than 30 days.
  3. Location. A THOW shall be located behind the primary residence with a minimum setback of four (4) feet from any interior side or rear property line, and ten (10) feet from a street side lot line.
  4. Parking and Surface. The THOW shall be parked on a paved or alternate pad that includes bumper guards, curbs, or other installations adequate to prevent movement of the THOW. The wheels and leveling or support jacks must sit on a paving surface that meet either of the following criteria:
    - a. A parking area for a moveable THOW shall be paved with hard, durable asphaltic paving that is at least two inches thick after compaction, or with cement paving at least three inches thick; or
    - b. Alternative paving materials may consist of porous asphalt, porous concrete, permeable interlocking concrete pavers, permeable pavers, , plastic or concrete grid system confined on all sides and filled with gravel or grass in the voids, or other similar materials that meet the following requirements:
      - i. Permeable interlocking concrete pavers and permeable pavers shall have a minimum thickness of 80 mm (3.14 inches); and
      - ii. Products and underlying drainage material shall be installed to meet manufacturers' specifications. Sub-grade soils shall be compacted as required to meet the product installation specifications;

- iii. No additional parking shall be required for the THOW, and displaced parking resulting from the placement of THOW is not required to be replaced.
- 5. Utilities. The THOW shall be connected to City water, and sewer utilities in compliance with the Municipal Code. A tiny home may be off grid for electrical and gas if it can be demonstrated that the unit has adequate heating and electrical power to the satisfaction of the Building Official. Gas powered generators are not allowed as a means to provide electricity to a THOW.
- 6. Design. The THOW shall resemble the general appearance of a traditional home and incorporate all of the following design elements:
  - a. Windows shall be at least double pane glass, and include exterior trim.;
  - b. Mechanical equipment shall be incorporated into the structure and not be located on the roof.
  - c. Decks: Attached patios, decks, landings, or similar architectural features, whether covered or uncovered, shall be open on at least two sides and are limited to 100 percent of the floor area of the THOW. Rooftop decks are not allowed on THOW.
  - d. Screening. The THOW undercarriage (wheels, axles, tongue and hitch) shall be hidden from view by use of skirting or landscaping.
- 7. Height. A THOW shall not exceed one story or 16 feet in height, whichever is less.
- 8. Addresses. No separate addresses shall be assigned for a THOW.

SECTION 3: Arroyo Grande Municipal Code Section 16.04.070 is hereby amended as follows:

**16.04.070 Definitions**

“Tiny Home on Wheels” means a structure built on a chassis and intended for separate, temporary, independent living quarters for one household that meets the conditions listed in Section 16.52.260.B

SECTION 4. Upon adoption of this Ordinance, the City Clerk shall file a Notice of Exemption pursuant to 14 CCR § 15062.

SECTION 5. A summary of this Ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five (5) days prior to the City Council

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meeting at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the City Clerk. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those City Council members voting for and against the Ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted Ordinance.

SECTION 6. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

SECTION 7. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

On motion by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, and by the following roll call vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

the foregoing Ordinance was adopted this 22<sup>nd</sup> day of November, 2022.

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**CAREN RAY RUSSOM, MAYOR**

**ATTEST:**

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**JESSICA MATSON, CITY CLERK**

**APPROVED AS TO CONTENT:**

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**WHITNEY McDONALD, CITY MANAGER**

**APPROVED AS TO FORM:**

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**TIMOTHY J. CARMEL, CITY ATTORNEY**