



# City of Firebaugh Planning Commission Agenda November 14, 2022 • 6:00 p.m.

**\*SPECIAL NOTICE DUE TO COVID-19 MEETING WILL BE HELD VIA TELECONFERENCE ONLY –  
THE MEETING WILL NOT BE OPEN TO THE PUBLIC**

**PURSUANT TO PARAGRAPH 11 OF EXECUTIVE ORDER N-25-20,  
EXECUTED BY THE GOVERNOR OF CALIFORNIA ON MARCH 12, 2020**

*Members of the public who wish to address the Planning Commission may do so by submitting a written comments to the Deputy Clerk via email [deputyclerk@ci.firebaugh.ca.us](mailto:deputyclerk@ci.firebaugh.ca.us) Please provide: Commission Meeting Date, Item Number your comment are pertaining to, Name, Email, and comment, no later than 3:00 PM the day of the meeting.*

**\*Pursuant to Government Code Section 54953 (b)(2), all action taken during this teleconferenced meeting shall be by roll call vote.**

## Join Zoom Meeting

<https://us02web.zoom.us/j/88510709395?pwd=OHIUNkdiY3RGZ2YzYWxXWGx6UTBHdz09>

**Meeting ID:** 885 1070 9395

**Passcode:** 066306

**One tap mobile:** 1-669-900-9128

1. Call to Order

2. Roll Call:

Chairperson:	Mark Fickett
Vice Chairperson:	Ivan Garcia
Commissioners:	Dennis Vasquez
	Silvia Renteria
	Nicole Molina

3. Pledge of Allegiance

4. Approval of Minutes: October 24, 2022

5. Public Comments

*This portion of the agenda is reserved for persons wishing to address the Planning Commission on any matter that is not listed on the agenda. Individuals must give their name and address and limit their comments to three minutes. Issues raised during Public Comments are informational only and the Planning Commission cannot take action at this time. Comments should be directed to the chairperson and not to individual Commissioners or staff members.*

6. Public Hearings

A. **Zoning Ordinance Amendment 2022-01.** An amendment of the Zoning Ordinance to incorporate new requirements for Accessory Dwelling Units (ADU's) and Junior Accessory Dwelling Units (JADU's). **Resolution PZ22-04.**

7. Other Business:

A. **None.**

8. City Planner's Comments

9. Planning Commissioner Comments

10. Adjournment

Next Resolution Number PZ 22-05

Next Planning Commission Meeting: Tentatively scheduled for December 12, 2022.

Public Notification: Agenda posted 72 hours prior to meeting date

Date/Time posted: November 11, 2022, 5:00 p.m.

Verified by Rita Lozano, Deputy City Clerk



City of Firebaugh  
Planning Commission Minutes  
October 24, 2022 • 6:00 p.m.  
**Held Via Teleconference**

1. Call to Order: 6:17 p.m., by Vice Chairperson Garcia

2. Roll Call: Commissioners  
Ivan Garcia  
Silvia Renteria  
Nicole Molina  
City Planner Karl Schoettler  
City Manager Ben Gallegos  
Absent Mark Fickett, Dennis Vasquez

3. Pledge of Allegiance *Planning Vice Chair Commissioner Garcia led pledge of Allegiance.*

4. Approval of Minutes: August 8, 2022

*Motion to approve minutes by Commissioner Garcia, second by Commissioner Renteria motion passes by 3-0 vote.*

5. Public Comments: None

6. Public Hearings: None

7. Other Business:

- A. Site Plan Review 2021-04 (Nagi). A request for approval to construct a shopping center on the northeast corner of Highway 33 and Clyde Fannon Road. Resolution PZ22-03.

Commissioner Garcia not in favor for project due to traffic issues, and without residents being informed. Commissioner Renteria stated concern of any trucks loading or unloading in front of the stores, would prefer to see a streetlight instead of a round-about at HWY 33, trash enclosure for trash bins. Commissioner Molina asked about landscape, recommend drought plants due to drought issues the current dry brush throughout the city, it's a great much needed project. Caltrans collects the traffic studies and fees from developers, once the study warrants the streetlight it will be installed, it usually takes several years, since installation of a streetlight is estimated at \$1million to \$1/2 Million. Mr. Nagi stated, he agrees with the concerns, whether he develops in that area or nor the traffic congestion is still an issue but is trying to improve the area & give the residents a place to be able to walk to in their area.

*Motion to approve Res. PZ 22-03 with the approval of Caltrans by Commissioner Renteria, second by Commissioner Molina; motion passes by 3-0 vote.*

8. City Planner's Comments: November 14, 2022, a Public Hearing for Accessory Dwelling Units (ADU)

9. Planning Commissioner Comments: None

10. Adjournment

*Motion to adjourn by Commissioner Renteria, second by Commissioner Molina; motion passes by 3-0 vote.; meeting adjourned at 7:08 pm.*

**FIREBAUGH PLANNING COMMISSION**  
**STAFF REPORT**

**Date:** November 14, 2022  
**To:** Firebaugh Planning Commission  
**From:** Karl Schoettler, Planning Consultant  
**Subject:** Public Hearing for Zoning Ordinance Amendment 2022-01 (an amendment to the Firebaugh Zoning Ordinance to incorporate standards for “Accessory Dwelling Units” (ADU’s) and “Junior Accessory Dwelling Units” (JADU’s))

**Recommendation**

It is recommended that the Planning Commission conduct a public hearing and vote to adopt Resolution PZ22-04, recommending an amendment of the Zoning Ordinance to incorporate standards regulating the construction of Accessory Dwelling Units (ADU’s). If approved, the amendments will be presented to the City Council for final adoption.

**Analysis**

The action is an update of the Firebaugh Zoning Ordinance to incorporate State-mandated requirements that allow the construction of Accessory Dwelling Units (ADU’s) and Junior Accessory Dwelling Units (JADU’s) on appropriately zoned lots in Firebaugh. The Planning Commission previously conducted an informational workshop on this topic in August.

ADU’s and JADU’s are additional dwellings that cities are required to permit on residentially zoned lots (including both single family residential and multi-family residential lots).

Firebaugh already has a Second Dwelling Unit ordinance that was adopted in 2007 (as a result of previous State legislation) but the recent State laws require cities to remove or reduce some regulations. This is intended to make it easier for property owners to construct this form of housing. This report provides an overview of these requirements and how they are incorporated into the City’s code.

**Purpose**

The purpose of the State's Accessory Dwelling Unit laws is to promote the development of affordable housing. California has some of the least affordable housing in the nation (though that is an issue mainly along the coast and major cities (Los Angeles, San Francisco, San Diego, etc.)). Accessory Dwelling Units are an opportunity for the creation of affordable housing, for several reasons, including:

- Small size of the unit, reducing construction costs.
- The land is already purchased.
- Utilities are already present.
- Covered parking is not required

Depending on the size of the building, ADU's typically have a bedroom, bathroom, small kitchen, sitting room, etc. ADU's can be either attached (or part of) the primary dwelling, or a detached, free-standing structure.

### **JADU's**

In addition, State law has created an additional type of unit called a Junior Accessory Dwelling Unit (JADU). This type of unit is carved out of the footprint of an existing single-family home and can be no larger than 50% of the size of the primary dwelling, up to 800 square feet, maximum. Of note, the garage of an existing home can be converted to become a JADU. The City's current Second Unit ordinance prohibits garage conversions (unless the number of covered parking spaces can be replaced elsewhere on the lot with a new garage or carport).

### **Overview of Proposed Ordinance**

The following is a narrative of key points of the ordinance, beginning on page 3 of the attached resolution.

Sections 1, 2 and 3 (on pages 3 through 5) amend the permitted use lists of Firebaugh's six residential zones to add "Accessory Dwelling Units" and Junior Accessory Dwelling Units" as a permitted use. These zones include:

- R-1 (Single Family Residential zones (including R-1-4.25, R-1-5 and R-1)
- R-1 (TN) (Single Family Residential (Traditional Neighborhood) zones
- R-2 (Low Density Multi-Family Residential)
- R-3 (Medium-High Density Residential)

Section 5 (beginning on page 5) establishes the actual development standards for ADU's and JADU's, including zones permitted, number of units allowed, setbacks, building height, unit size, parking, appearance, occupancy, access, utilities, fees, and exceptions.

Key sections and requirements include:

Item #1: Zoning (p. 7). This section clarifies that ADU's and JADU's are permitted in all residential zones (single family residential and multi-family residential).

Item #2: Construction of ADU's/JADU's (p. 7): Among other items, this section states that ADU's cannot be mobile homes, trailers and recreational vehicles are not permitted.

Item #3: Number of Units (p. 7): This section establishes that each lot zoned for single family residential development is eligible for up to one ADU and one JADU. Each lot zoned multi-family residential is eligible for a number of ADU's up to 25% of the number of multi-family units that can be developed on the subject lot. As an example, a multi-family lot eligible for 20 multi-family units could potentially have up to 5 ADU's.

Item #4: Yards (setbacks) (p. 8). This section establishes that ADU's and JADU's are subject to the setback requirements of the subject zone, except that a detached ADU in a rear yard may come within 4 feet of a rear or side yard setback.

Item #5: Space Between Buildings (p. 8): This section is unchanged. It requires a minimum 10 foot distance between an ADU and the primary dwelling, and 6 feet between an ADU and an accessory building on the parcel (such as a shed).

Item #6: Building Height (p. 8): This section limits ADU's to one story, up to 16 feet high. The existing second unit ordinance allowed ADU's to be two stories, up to 25 feet high.

Item #7: Unit size (p. 8): This section establishes maximum (and minimum) sizes for detached and attached ADU's and also for JADU's.

- For detached ADU's the maximum size ranges from 850 to 1,200 square feet and depends on the number of bedrooms proposed in the unit.
- For an attached ADU the maximum size can be up to 50% of the floor area of the primary dwelling, not to exceed 800 square feet.
- For a JADU, the maximum size is 500 square feet. For all ADU's and JADU's the section stipulates a minimum floor area of 220 square feet.

Item #8: Parking (p. 9): This section states that one parking space must be provided on the site for an ADU. This can be provided on an existing driveway in tandem with other existing parking spaces. State law does not allow the City to require any parking spaces for a JADU.

Item # 9: Architectural Appearance (p. 9): This section is mostly unchanged and stipulates that an ADU and JADU must use similar materials, colors, windows, and roof pitch as the primary dwelling. The goal is to ensure that ADU's maintain the character of the site and the neighborhood.

Item #11: Occupancy (p. 10): For ADU's, changes in State law now prohibit the City from requiring the owner of the property to live on the site (as was required in the existing Second Unit ordinance). However, for a JADU, the owner must live in the primary dwelling on the lot.

Item #12: Access (p. 10): This section is largely unchanged and requires the access (door) to an ADU or JADU not be visible from the street. This helps to maintain the character of single-family residential neighborhoods.

Item #15: Connection, Impact and Other Fees (p. 11): Among other items, this section establishes that the City can impose impact fees on ADU's and JADU's. Impact fees are collected for the improvement of city utility systems and facilities, including water, sewer, storm drain, streets, police and fire, parks, and general administration.

**Conclusion**

As mentioned previously, the ADU ordinance is required by State law to promote the development of this form of housing as an affordable source of housing for existing future residents of Firebaugh.

If approved by the Planning Commission the ordinance will be forwarded to the City Council for final consideration.

**ATTACHMENTS**

Resolution PZ 22-04

**RESOLUTION PZ 22-04**

**BEFORE THE PLANNING COMMISSION  
CITY OF FIREBAUGH  
COUNTY OF FRESNO, STATE OF CALIFORNIA**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
FIGUREBAUGH RECOMMENDING AMENDMENTS TO THE FIREBAUGH ZONING  
ORDINANCE TO INCORPORATE STANDARDS RELATED TO ACCESSORY  
DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS.**

**WHEREAS**, the legislature of the State of California has adopted amendments to the government code to promote the construction of Accessory Dwelling Units on residential lots throughout the State, and

**WHEREAS**, the purpose of the amendments is to promote the development of ADU's (and Junior Accessory Dwelling Units (JADU's) as a source of affordable housing for citizens throughout the State, and

**WHEREAS**, it is the desire of the City of Firebaugh to comply with the State's directive but at the same time to retain the character and livability of neighborhoods within the city, and

**WHEREAS**, the Firebaugh Zoning Ordinance currently permits second dwelling units, but in a fashion that is more restrictive than the state code. Therefore, this section of the Zoning Ordinance must be amended, along with other relevant sections of the Zoning Ordinance, and

**WHEREAS**, the Planning Department has prepared a staff report and environmental finding on this matter, and

**WHEREAS**, the City published a public hearing notice ten days before the Planning Commission's meeting, and

**WHEREAS**, the Planning Commission held a public hearing on the proposed zoning amendments and accepted testimony.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission, after considering all the evidence presented, determined the following findings were relevant in evaluating these amendments:

1. The code amendments will not have a significant effect on the environment and are exempt from review under Section 15305 (Amendments to Land Use Limitations) of the Guidelines of the California Environmental Quality Act (CEQA). A Notice of Exemption will be filed.

2. The proposed amendments are consistent with the 2030 Firebaugh General Plan.
3. The proposed amendments will not have an adverse impact on the health, safety, or welfare of residents or on the community.
4. The Zoning Ordinance amendments are shown in Attachment "A" below.

The foregoing resolution was adopted upon a motion of Commissioner \_\_\_\_\_, second by Commissioner \_\_\_\_\_, at a regular meeting of the Firebaugh Planning Commission on the 14th of November 2022, by the following roll call vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Chairperson, Firebaugh Planning Commission

\_\_\_\_\_  
Secretary, Firebaugh Planning Commission

**ATTACHMENT “A”**

**ORDINANCE 22-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AMENDING SUBSECTION 25-15.3 (R-1 ZONE (PERMITTED USES)), SUBSECTION 25-17.3 (R-1 (TN) ZONE (PERMITTED USES)), SUBSECTION 25-19.3 (R-2 AND R-3 ZONES (PERMITTED USES)), AND 25-41.9 (SPECIAL USES (SECOND RESIDENTIAL UNITS)) OF THE FIREBAUGH MUNICIPAL CODE, RELATING TO ACCESSORY DWELLING UNITS**

WHEREAS, State law requires cities to permit Accessory Dwelling Units in residential zones, with the purpose being to increase the supply of affordable housing units for residents of the City of Firebaugh, and

WHEREAS, Government Code Section 65852.2(a) allows local agencies to establish ordinances to ensure that Accessory Dwelling Units and Junior Accessory Dwelling Units can be established in a manner that protects the stability, property values and character of single-family residential neighborhoods but that are not so arbitrary, excessive or burdensome so as to unreasonably restrict the ability of homeowners to create second units in residential zones where they are permitted, and

NOW THEREFORE, the City Council of the City of Firebaugh does ordain as follows:

**Section 1.** Subsection 25-15.3 (R-1 Zone (Permitted Uses)) of the Firebaugh Municipal Code is amended to read as follows:

**25-15.3 Permitted Uses**

The following uses are permitted by administrative approval, subject to development standards contained in this chapter.

- a. Single-family dwellings, including conventional stick-built, and mobile homes/modular homes subject to design standards contained in Section 25-15.9 of this chapter.
- b. Accessory buildings and structures, including garages, sheds and similar.
- c. Swimming pools, subject to standards contained in Section 25-15.5 d. (Yard Setbacks).
- d. Home occupations, subject to standards contained in Chapter 25-41 (Special Uses).

- e. ~~Second residential units~~ **Accessory Dwelling Units (ADU's) and Junior Accessory Dwelling Units) JADU's**, subject to standards contained in Chapter 25-41 (Special Uses).

**Section 2.** Subsection 25-17.3 (R-1 (TN) Zone (Permitted Uses)) of the Firebaugh Municipal Code is amended to read as follows:

**25-17.3 Permitted Uses**

The following uses are permitted by administrative approval, subject to development standards contained in this chapter.

- a. Single-family dwellings, including conventional stick-built, and mobile homes/modular homes subject to design standards contained in Section 25-15.9 of this chapter.
- b. Accessory buildings and structures, including garages, swimming pools, sheds and similar.
- c. Home occupations, subject to standards contained in Chapter 25-41 (Special Uses).
- d. ~~Second residential units~~ **Accessory Dwelling Units (ADU's) and Junior Accessory Dwelling Units) JADU's**, subject to standards contained in Chapter 25-41 (Special Uses).

**Section 3.** Subsection 25-19.3 (R-2 and R-3 Zones (Permitted Uses)) of the Firebaugh Municipal Code is amended to read as follows:

- a. Single-family dwellings, duplexes and tri-plex's
- b. Multi-family complexes.
- c. **Accessory Dwelling Units (ADU's) and Junior Accessory Dwelling Units (JADU's), subject to standards contained in Chapter 25-41 (Special Uses).**
- d. e.** Employee Housing, subject to the issuance of a permit by the State of California Department of Housing and Community Development as provided in California Health and Safety Code Sections 17021.5 and 17030. The permit shall be prominently displayed in the housing unit and shall be provided to any peace officer, City inspector or State inspector, upon demand.”
- e. d.** Emergency Shelter.” (R-3 zone only)

- ~~f. e.~~ Single Room Occupancy Units.”
- ~~g. f.~~ Supportive Housing.
- ~~h. g.~~ Transitional Housing.
- ~~i. h.~~ Home occupations subject to the requirements detailed in Chapter 25-41 Special Uses.
- ~~j. i.~~ Small day care homes.
- ~~k. j.~~ Mobile homes subject to design standards contained in Chapter 25-15 Single Family Residential.
- ~~l. k.~~ Licensed group care homes (six or fewer persons).
- ~~m. l.~~ Drainage basins.
- ~~n. m.~~ Water well sites.
- ~~o. n.~~ Utility facilities, including electrical substations, elevated pressure tanks, and communication equipment buildings, except for wireless telecommunications facilities.
- ~~p. o.~~ Model apartments and rental offices associated with the development of a multi-family development.
- ~~q. p.~~ Incidental and accessory structures and uses located on the same site as the permitted use including private garages and carports; storage buildings; garden structures, greenhouses; and recreation rooms, hobby shops and swimming pools.
- ~~r. q.~~ Temporary apartment rental office and signs consistent with Chapter 25-59 Signs.
- ~~s. r.~~ Enclosed temporary construction materials storage yards associated with the development of an apartment complex.

**Section 5.** Subsection 25-41.9 (Special Uses (Second Residential Units)) of the Firebaugh Municipal Code is amended to read as follows:

25-41.9        Second Residential Units: **Accessory Dwelling Units (ADU's) and Junior Accessory Dwelling Units (JADU's)**

- a. Purpose and intent. This section is intended to meet the requirements of State law in providing for Accessory Dwelling Units (“ADUs”) and Junior Accessory Dwelling Units (“JADUs”) as required by and in compliance with Government Code sections**

**65852.2 and 65852.22, (as either may be amended from time to time). The standards established by this section shall be interpreted and applied consistent with the standards set forth in Government Code sections 65852.2 and 65852.22. If different or conflicting requirements or standards exist, the more restrictive requirements or standards shall apply, but only to the extent such requirement or standard does not conflict with the requirements and standards provided in Government Code sections 65852.2 and 65852.22.**

~~One second dwelling unit may be established as an addition to an existing residential dwelling unit, or as a separate freestanding dwelling unit, consistent with development standards of the zone in which the unit is located, and with the requirements of this subsection. A second dwelling unit may be a site-built structure, or a manufactured home as defined by Section 18007 of the Health and Safety Code, provided that mobile homes, trailers, and recreational vehicles are not permitted to be used as a second dwelling unit.~~

- b. **Determinations: ADUs and JADUs are residential uses. ADUs and JADUs that comply with this section are considered accessory uses and accessory buildings and therefore do not exceed the allowable density for the lots upon which ADUs and JADUs are located. ADUs and JADUs that comply with this section are considered to be consistent with the general plan and zoning designations for the lot.**

**ADUs and JADUs, and the availability to construct ADUs and JADUs, will be counted for purposes of identifying adequate sites for housing in the City's Housing Element.**

- c. **Standards: ADUs and JADUs are subject to the normal requirements of the zoning district where the ADU and/or JADU will be constructed. Unless otherwise stated in this section, the requirements, and standards of the Zoning Code (Chapter 25) and the Building and Housing Code (Chapter 8) that apply to the lot and the primary dwelling shall apply to any ADU and/or JADU, including lot coverage, parking, height, setback, open space, landscape, and architectural review, and the requirements and standards that apply to detached dwellings and accessory structures generally.**

**All ADUs and/or JADUs Development standards: All second dwelling units shall be established and maintained in conformity with the following standards:**

1. Zoning:

**ADUs and JADUs are allowed on single-family and multi-family lots in all residential zoning districts, including mixed-use zones where residential uses are permitted. ADUs and JADUs are not permitted in nonresidential zoning districts where residential uses are not allowed.** —A second dwelling unit shall be permitted only on lots zoned R-1 (Single-Family Residential), as shown on the Official Zoning Map of the City of Firebaugh. Second dwelling units are not permitted on lots zoned R-1-4.5 or R-1-5 or any other zone district.

2. Construction of ADUs/JADUs

**ADUs may be constructed within or as an addition to an existing or proposed single-family residential dwelling unit, or as a separate free-standing accessory structure, or converted from an existing accessory structure. JADUs may be constructed within an existing or proposed single-family residential dwelling unit. ADUs and JADUs must be constructed consistent with development standards of the zone in which the unit is located, and with the requirements of this subsection. ADUs may be site-built structures, or converted from existing structures, or manufactured homes as defined by Section 18007 of the Health and Safety Code. Mobile homes, trailers and recreational vehicles are not permitted to be used as ADUs.**

3. Number of units

**One (1) ADU and one (1) JADU are allowed per single family residential lot. Lots with existing multifamily dwellings may construct up to two (2) detached ADUs, or ADUs up to 25 percent of the number of existing multifamily dwelling units in non-livable space (e.g., storage rooms, boiler rooms, passageways, attics, basements, or garages).**

**2. Minimum lot size:** A second dwelling unit shall be permitted only on a properly zoned lot that contains at least 6,500 square feet.

4. Yards:

A second dwelling unit shall comply with yard requirements of the subject zone R-1 Zone, except that a setback of four (4) feet from the side and rear lot lines is permitted for a detached ADU. as listed in § 25-15 [R-1 Zone (Conventional Single-Family Residential) Zones].

5. Space between buildings:

A second detached dwelling unit shall be located no closer than 10 feet to any other residential building on the same parcel, and not less than six feet from any accessory building.

6. Building height:

ADU's shall be limited to one (1) story and sixteen (16) feet in height. No second dwelling unit shall have a height greater than two stories, not to exceed 25 feet.

6. Lot coverage: The total lot coverage by a second dwelling unit and all other buildings and structures shall not exceed 30% of the total lot area.

7. Unit size:

For detached ADU's the following size restrictions apply:

- a. One bedroom unit: Unit may contain up to 850 square feet of floor area, maximum.
- b. Two bedroom unit: Unit may contain up to 1,000 square feet of floor area, maximum.
- c. More than two bedrooms: Unit may contain up to 1,200 square feet of floor area, maximum.

For attached ADU's the maximum permitted size is 50 percent of the floor area of the primary dwelling unit, up to 800 square feet, maximum.

Notwithstanding the foregoing standards, an ADU (whether detached or attached) shall not be less than 220 square feet in size.

**For a JADU the maximum permitted size is 500 square feet of floor area. Further, a JADU shall not be less than 220 square feet in size.**

~~The increased living area of a second dwelling unit that is attached to the primary dwelling shall not exceed 30% of the existing living area of the primary dwelling. A second unit that is detached from the primary dwelling shall not exceed 1,300 square feet of floor area.~~

8. Parking:

There shall be one paved on-site parking space for ~~a second dwelling unit~~ **an ADU, (except as allowed by Government Code section 65852.2(a) or (d)). Additional parking is not required for JADUs.** The required parking space shall be a minimum of nine feet wide and 20 feet deep and constructed to City standards. The space shall be in addition to on-site parking spaces required for the primary dwelling on the lot. The parking space for the **ADU** ~~second dwelling unit~~ may be situated as a tandem parking space within an existing driveway, provided that parking space requirements are maintained for the primary dwelling unit. If additional paved parking is required to accommodate **an ADU** ~~second unit~~, it shall not be located within a required front yard, except within a legal driveway that is not wider than necessary to accommodate two parking spaces side by side; however, said parking space may be located within required side or rear yards. ~~There shall be no conversion of a garage of a primary dwelling unit into a second dwelling unit, unless all parking requirements are otherwise met for the primary dwelling unit.~~

9. Architectural appearance:

The **ADU's** ~~second dwelling unit's~~ scale, appearance and character shall be similar to and compatible in design with the primary dwelling unit in terms of siding materials and color, window types, roofing pitch and materials. ~~Further, the second dwelling unit shall be clearly subordinate to the primary dwelling unit by size, location and appearance. If attached to the primary dwelling unit, a second dwelling unit shall be attached in a manner that the addition will create the appearance of an enlargement of the primary dwelling unit, and a logical extension of roof and walls of the primary dwelling unit, rather than give the appearance of an add-on unit.~~

10. Building Code:

A second dwelling unit shall be subject to all applicable building, fire, health and safety codes.

11. Occupancy:

**A certificate of occupancy must be issued for the primary dwelling unit before a certificate of occupancy is issued for an ADU or JADU on the lot. Owner-occupancy is not required for ADUs.** ~~The owner of the subject property at the time of the application and all future owners of the property shall reside in one of the dwelling units.~~ **Owner-occupancy is required for a single-family residence with a JADU. The owner of the subject property at the time of the application for a JADU and all future owners of the property shall reside in the single-family residence or JADU.**

A covenant, in a form approved by the City Attorney, running with the land between the City and the applicant shall be recorded with the Fresno County recorder's office prior to the issuance of any building permits, requiring that the primary or proposed **JADU** ~~second dwelling unit~~ shall be occupied by the owner of the property.

**An ADU or JADU may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence, unless authorized by Government Code section 65852.26. Rentals of ADUs and/or JADUs must be for at least 30 days.**

12. Access:

In order to preclude the appearance of a duplex unit, access to ADU's and JADU's the ~~second dwelling unit~~ shall be by an exterior doorway located on the side or rear of the **ADU or JADU.** ~~second dwelling unit.~~ In no case shall the entrance be visible from a public street right-of-way.

13. Utilities:

**Adequate provisions shall be made for the water and sewer service and drainage generated by the occupancy of the ADU/JADU, as determined by the City Engineer. The ADU/JADU can either have shared or separate services for electric,**

~~**gas, sewer, and water.** A second dwelling unit shall be provided with water, sewer, and other utilities as determined by the building official.~~

14. Existing dwellings:

~~**An ADU** Any second dwelling unit existing on the effective date of the ordinance adding this subsection shall constitute a violation of this subsection unless the **ADU** second dwelling unit meets the standards of this subsection or the **ADU** second dwelling unit qualifies as a permitted nonconforming use under § **25-61** (Nonconforming Uses and Structures) of this title.~~

15. **Connection, Impact, and other Fees**

**Except as provided in Government Code sections 65852.2 and 65852.22, ADUs and JADUs are subject to all fees and assessments required by the Municipal Code for new residential construction, including connection fees, capacity charges, and impact fees.**

**An inspection fee shall be assessed for any inspection to determine if an ADU or JADU complies with applicable building standards.**

16. **Exceptions**

**All of the standards provided in this Section may be relaxed or waived in order to allow construction of an attached or detached ADU that is not more than 800 square feet and not more than 16 feet in height with at least four-foot side and rear yard setbacks, provided that the ADU is constructed in compliance with all Fire and Building and Housing Code requirements and standards of the Zoning Code. (See Government Code section 65852.2(c).)**

**ADUs and/or JADUs described in Government Code section 65852.2(e) shall be permitted.**

17. Permit process:

The applicant shall submit a building permit application for the construction of **an ADU and/or JADU** second dwelling unit. **An application, together with the required fee in compliance with the City's Fee Schedule, shall be filed with the Department and**

**accompanied by detailed and fully dimensioned plans, architectural drawings/sketches, elevations, floor plans, landscape plans, and/or any other data/materials identified in the Department handout for ADU/JADU applications. Following receipt of a completed application,** the Planning Director or his designee shall review the application to determine whether it complies with the requirements of this section **and ministerially approve a compliant application.**

**A permit application for an ADU or a JADU shall be considered and approved ministerially without discretionary review or a hearing. The City shall act on the application to develop an ADU or a JADU within 60 days. If the permit application to develop an ADU or a JADU is submitted with a permit application to construct a new single-family dwelling on the lot, the City may delay acting on the permit application for the ADU or the JADU until the City acts on the permit application to construct the new single-family dwelling. The applicant may request a delay in the time available for the City to act on the application, as provided by State law.**

**Section 6.** Severability

The City Council hereby declares that it would have adopted this section and adopted each article, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more articles, subsections, sentences, clauses or phrases are declared invalid or unconstitutional. If any article, subsection, sentence, clause or phrase of this section 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 portion of this section. The Director shall apply this section as though any invalid or unconstitutional article, subsection, sentence, clause or phrase were not included in this section.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Firebaugh on (date), and was passed and adopted at a regular meeting of the City Council on (date) by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

---

Brady Jenkins, Mayor  
City of Firebaugh

ATTEST:

---

Rita Lozano, Deputy City Clerk  
City of Firebaugh