

ORDINANCE NO. 523

AN ORDINANCE OF THE CITY OF FARMERSVILLE AMENDING SUBSECTION 17.24 (R-1 SINGLE FAMILY RESIDENTIAL ZONE) AND SUBSECTION 17.40 (RESIDENTIAL LAND USE TABLE) OF THE FARMERSVILLE MUNICIPAL CODE, RELATING TO ACCESSORY DWELLING UNITS.

WHEREAS, State law requires cities to permit Accessory Dwelling Units (ADUs) in residential zones, with the purpose being to increase the supply of affordable housing units for residents of the City of Farmersville, 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 (JADUs) 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 Farmersville does ordain as follows:

Section 1. The City Council of the City of Farmersville hereby amends Title 17 of the Farmersville Municipal Code by amending the text of Chapter 17.24, and Chapter 17:40, to add "Accessory Dwelling Units" as a permitted use in specified zones, subject to development standards specified in this ordinance; and

Section 2. The City Council of the City of Farmersville has determined that the proposed amendment to the Municipal Code is consistent with the General Plan; and

Section 3. All ordinances and parts thereof of the City of Farmersville Municipal Code in conflict herewith are hereby repealed; and

Section 4. This ordinance shall take effect (30) days after adoption. Prior to the expiration of fifteen (15) days from the passage hereof, this Ordinance shall be published once in a local paper of general circulation and delivered within Farmersville, together with the names of the members of the City Council voting for and against the matter.

Section 5. Pursuant to Ca. Gov't Code section 65852.2(h)(1), within 60 days of this passage, this Resolution shall be submitted to the Department of Housing and Community Development ("HCD"). Any comments or concerns from HCD shall be considered pursuant to this Ca. Gov't Code section 65852.2(h).

Section 6. Each of the provisions of this Ordinance is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for

any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 7. The City Council of the City of Farmersville hereby codifies the amendments made to Chapter 17.24, and Chapter 17.40, of Title 17 of the Municipal Code. Text additions are shown in Exhibit A.

EXHIBIT "A"

Section 8. Subsection 17.24.060 (Granny Flats) is deleted in its entirety and replaced with the following:

17.24.060 Accessory Dwelling Units (ADUs) 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").

1. This Section is intended to comply with California 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 language set forth in Government Code sections 65852.2 and 65852.22. Further, to the extent that this Ordinance does not specifically address various requirements of the Government Code, the requirements of the Government Code shall apply.

2. An ADU or JADU that complies with this Section shall be considered an accessory use or an accessory building that does not exceed the allowable density for the lot upon which it is located.

3. An ADU or JADU that complies with this Section shall be considered a residential use that is consistent with the existing General Plan and zoning for the lot.

4. An ADU or JADU that complies with this Section shall not be considered in the application of any other local ordinance, policy, or program to limit residential growth.

5. ADUs and JADUs shall be counted for purposes of identifying adequate sites for housing in the City's Housing Element.

B. Definitions. The following definitions apply to the operation of this Section. To the extent these definitions conflict with definitions found elsewhere in this title, the definitions set forth in this Section shall control.

1. "Accessory dwelling unit" or "ADU" means 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 ADU must include

permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the single-family or multi-family dwelling is situated. An ADU may be an efficiency unit or a manufactured home.

2. "Efficiency unit" has the same meaning as defined in the California Building Code, California Code of Regulations, Title 24, Section 1207.4, which meets the following standards:

- a. The unit has a single living room of not less than 220 square feet of floor area for two (2) or fewer occupants and an additional 100 square feet of floor area for each additional occupant of the unit.
- b. The unit has a separate closet.
- c. The unit has a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front, and lighting and ventilation conforming to the California Building Standards Code.
- d. The unit has a separate bathroom containing a water closet, lavatory, and bathtub, or shower.

3. "Floor area" or "total floor area" means the entire ground-level square footage of the structure, including the living area, as defined, and any non-habitable area within the structure, such as a garage or storage space.

4. "Impact fee" has the same meaning as the term "fee" as defined in Government Code Section 66000(b), except that it also includes fees specified in Government Code Section 66477. "Impact fee" does not include any connection fee or capacity charge.

5. "Junior accessory dwelling unit" or "JADU" means a dwelling unit that is no more than 500 square feet in size and contained entirely within the walls of an existing single-family residence, or other approved structure as specified in Government Code Section 65852.2(e). A JADU must include the following features:

- a. Exterior access separate from the main entrance to the proposed or existing primary dwelling or other structure.
- b. An efficiency kitchen, which includes a cooking facility with a sink and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
- c. JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.

6. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

7. "Multi-generational dwelling unit" means a dwelling unit, that does not include a kitchen, contained entirely within the walls of an existing single-family residence where access is not restricted between areas of the residence.

8. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards but was a lawful improvement that did conform to the zoning standards in place at the time of the improvement.

9. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

10. "Permanent provisions for cooking" has the same meaning as "kitchen".

11. "Permanent provisions for sanitation" and "sanitation facilities" means a separate bathroom containing a water closet, lavatory, and bathtub or shower.

12. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

13. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

14. "Tandem parking" means that two (2) or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

C. Applications. ADUs and JADUs shall conform to the following submittal requirements.

1. A scaled plot plan of the subject parcel on which the ADU or JADU will be located shall be provided. The plot plan shall indicate the location and separation distances between all existing and proposed structures, as well as setbacks from property lines. To the extent not included above, the plot plan shall also provide dimensions of all easements, right-of-way(s), building envelopes, fencing, parking, and paved areas.

2. Complete floor plans of both existing and proposed conditions shall be provided. Each room shall be dimensioned and resulting floor area calculation included. The use of each room shall be labeled. The size and location of all doors, closets, walls, and cooking facilities shall be clearly depicted.

3. Provide elevations that show all proposed and existing exterior structure dimensions, all architectural projections, and all openings for both the existing residence and

the proposed secondary dwelling unit. The secondary dwelling unit shall meet the following design standards:

- a. A secondary dwelling unit shall have a roof pitch and roof overhang equal to the roof pitch and roof overhang of the primary residence.
- b. The address and mailbox for the second dwelling unit shall be located near the public right-of-way.

D. Designated Areas. ADUs and JADUs may be permitted on a lot with an existing or proposed single-family use or multi-family use located in the R-1, R-M, and in the Planned Development zone districts, unless the City makes express findings supported by substantial evidence that ADUs and JADUs cannot be permitted due to the inadequacy of water and/or sewer services, and/or the impact of ADUs and JADUs on traffic flow and/or public safety and designate specific areas based on these findings. ADUs and JADUs are subject to the normal requirements of the district. ADUs and JADUs are not permitted in nonresidential zoning districts where residential uses are not allowed. Non-habitable accessory structures shall be permitted in addition to ADUs and JADUs.

E. Development Standards. Fire and Building Code requirements are not considered "Development Standards" under this Ordinance. ADUs and JADUs may be permitted on any single-family lot or any multi-family lot. The requirements and standards of the Zoning Ordinance that apply to the primary dwelling on the lot shall apply to any ADU and/or JADU, including lot coverage, height floor area ratio, open space, landscape, and architectural review. If different or conflicting requirements or standards exist, the more restrictive requirements or standards shall apply, but only to the extent such requirements or standards do not conflict with the requirements and standards provided in this Section and Government Code sections 65852.2 and 65852.22.

1. Number of units. Not more than three (3) dwelling units shall be permitted on a single-family lot, which shall include not more than one (1) existing primary residence and may include not more than one (1) ADU and not more than one (1) JADU. 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). There are no JADUs allowed on lots with existing multifamily dwellings.
2. Relation to Primary Dwelling. The ADU must be either: (1) attached to, or located within, the existing primary dwelling, including attached garages, storage areas, or similar uses within the primary dwelling structure; or (2) detached from the existing primary dwelling and located on the same lot as the existing primary dwelling. Except as provided in Government Code Section 65852.2(e), a JADU must be contained entirely within the walls of the existing single-family residence.
3. ADUs and JADUs are not subject to the density limitations for the premises.
4. Setbacks and Separation Distances.

- a. Setbacks shall be defined as the distances between a structure and a property line or easement.
 - b. Separation Distances shall be defined as the distance between structures, and/or other improvements.
 - c. No setback or separation distance is required for an ADU constructed or installed within (1) an existing living area or permitted accessory structure, or (2) a structure constructed in the same location and to the same dimensions as an existing permitted accessory structure that is converted to an ADU or to a portion of an ADU.
 - d. A minimum setback of four (4) feet from the side and rear lot lines is required for an ADU that is not (1) converted from an existing permitted accessory structure, or (2) a new structure constructed in the same location and to the same dimensions as an existing permitted accessory structure. However, if a proposed ADU is less than 800 square feet, a front setback requirement in other areas of this Code cannot prevent the ADU front being built.
 - e. State Law does not address the distance between an ADU and other structures on a lot¹. In the event that an ADU is not consistent with (c)(1) or (c)(2) above, ADU or JADU proposals with Separation Distances of less than ten feet shall comply with building codes regarding safe fire separation distances.²
5. ADU Unit Size.
- a. If there is an existing primary dwelling, the total floor area of an attached ADU may not exceed 50 percent of the floor area of the existing primary dwelling.
 - b. The total floor area for a detached ADU may not exceed 1,200 square feet.
 - c. An attached or detached one-bedroom ADU may not be more than 800 square feet of living area.
 - d. An attached or detached ADU that provides more than one (1) bedroom may not be more than 1,000 square feet of living area.
 - e. An ADU may be an efficiency unit, as defined. A proposed ADU that does not meet the minimum requirements of an efficiency unit is not permitted.
6. JADU Size.
- a. A JADU may not be more than 500 square feet in size.
7. Exceptions.
- a. Notwithstanding any other minimum or maximum size for an ADU, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, or minimum lot size, an attached or detached ADU will be permitted if the ADU is:
 - a. Not more than 800 square feet of total floor area;
 - b. Not more than 16 feet in height (any circumstance);

¹ Quoted from HCD Handbook, Pg. 17.

² Ca. Gov't Code §65852.2

- c. Not more than 25 feet in height if the ADU is attached to the primary dwelling, or it can be the same height as the primary dwelling, whichever is lower;
 - d. Has at least 4-foot side and rear yard setbacks; and
 - e. Is constructed in compliance with all Fire and Building Code requirements and standards of the Zoning Code (including consideration of separation distances).
8. ADU Building Standards.
- a. The ADU height requirements are as follows:
 - a. 16 feet- allowed under any circumstance.
 - b. 18 feet- allowed if the proposed ADU is within $\frac{1}{2}$ a mile of public transit or the property already has a multi-family dwelling two stories high.
 - c. 25 feet- allowed if the ADU is attached to the primary dwelling depending on the underlying zoning code of the property (the lowest height allowance will apply).
 - b. The development of the ADU shall be subject to the property development standards for the zoning district in which the ADU is located.
 - c. Both attached and detached ADUs must be architecturally compatible, having similar materials and style of construction, with the primary dwelling and consistent with the established character of the adjoining residential neighborhood. The design and size of the building, health, and other codes adopted by the City.
 - d. Attached ADU's shall be compatible with and made structurally a part of the primary dwelling (e.g., share a common wall with the primary dwelling, rely partially on the primary dwelling for structural support, or be attached to the primary dwelling).
 - e. Detached ADUs shall comply with building and fire code separation standards and be compatible with the materials and colors of the primary dwelling.
 - f. No passageway is required in conjunction with the construction of an ADU.
 - g. A new utility connection directly between the ADU and the existing single-family home is not required.
9. JADU Building Standards. JADUs shall comply with the following:
- a. A JADU must include a separate entrance from the main entrance to the existing single-family residence.
 - b. A JADU must include at least an efficiency kitchen, which includes a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU. Permanent ovens or cooktops are not allowed in a JADU.
 - c. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.
 - d. A JADU shall not be considered a separate or new dwelling unit for purposes of any fire or life protection ordinance or regulation, or for purposes of providing water, sewer, or power, including a connection fee.

- e. **Deed Restriction.** A JADU shall not be permitted unless a deed restriction, which shall run with the land, is recorded for the applicable lot, and filed with the City along with the permit application, and must do both of the following:
 - a. Prohibit the sale of the JADU separate from the sale of the single-family residence.
 - b. Prohibit the occupancy of the JADU unless the primary dwelling is occupied by the property owner.

10. **Multi-family ADUs.** The following ADUs are permitted within a residential or mixed-use zone on a lot that has an existing multi-family dwelling:

- a. One (1) or more ADUs, up to 25 percent of the existing multifamily dwelling units, constructed within the portions of the existing multifamily dwelling structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
- b. Up to two (2) detached ADUs, subject to a height limit of 16 feet and 4-foot rear yard and side yard setbacks.

F. Connection, Impact, and other Fees. Except as provided below. ADUs and JADUs are subject to all fees and assessments required by the Farmersville Municipal Code for new residential construction.

1. ADUs and JADUs are not considered to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the ADU or JADU is constructed with a new single-family home or a new detached structure.

2. Any impact fees charged for an ADU or JADU of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

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

4. The separate utility connection for an ADU constructed with a new single-family home or new detached structure is subject to a connection fee or capacity charge proportionate to the burden of the proposed ADU, based upon either its square feet or the number of its drainage fixture unit (DFU) values upon the water or sewer system, that reflects the reasonable cost of providing this service.

G. Occupancy and Ownership. ADUs and JADUs must comply with the following standards.

1. A certificate of occupancy must be issued for the primary dwelling unit before a certificate of occupancy can be issued for an ADU or JADU on the lot.

2. 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.

3. Beginning January 1, 2025, owner occupancy shall be required for all ADU and/or JADU permits. For an ADU permit, the owner may occupy either the primary or accessory unit. For a JADU permit, the owner may reside in either the remaining portion of the primary unit, or the newly created JADU. For single-family residences in which an ADU and a JADU will be permitted, the preceding Section G.4. applies. Owner occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

H. Parking Standards. One (1) parking space per ADU is required, unless the newly constructed ADU is located within one-half mile walking distance of a public transit center. These spaces may be provided in setback areas or as tandem parking on a driveway.

I. Permit Approval. A permit must be obtained for the construction or installation of an ADU or JADU. The ADU or JADU must conform to the standards required by the Zoning Ordinance and the California Fire and Building Codes. A permit application for an ADU or a JADU shall be considered and approved ministerially without discretionary review or a hearing. The City shall approve or deny the application to create an ADU or a JADU within 60 days from the date the City receives a completed application if there is an existing single-family or multi-family dwelling on the lot.

J. ADUs and Regional Housing Needs Assessment. Subdivisions and multi-family housing developments developed or zoned at densities of ten (10) or more dwelling units per acre, with the ability of each lot or dwelling to construct an ADU, shall be counted in the City's Housing Element as adequate sites for affordable housing, as provided in Government Code section 65583.1(a).

K. Demolition Permits. A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit be reviewed with the application for the accessory dwelling unit and issued at the same time. An applicant shall not be otherwise required, to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an accessory dwelling unit, unless the property is located within an architecturally and historically significant historic district.

L. Other. Nothing in this section shall be construed to prohibit the City from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains an ADU or JADU, so long as that ordinance or regulation applies uniformly to all single-family residences, regardless of whether the single-family residence includes an ADU or JADU.

Section 9. Subsection 17.40.020 (Table 1 –Permitted Uses) is amended as follows:

**Table 1
Residential Land Uses**

<u>USES</u>	<u>ZONE</u>			
	U-R	O-S	R-1	R-M
Above ground storage tanks for flammable or combustible fluids	b	b		
Accessory buildings and uses customarily appurtenant to a permitted use	x	x	x	x
<u>Accessory Dwelling Units (ADU's)</u>	<u>d</u>		<u>d</u>	<u>d</u>
Agricultural employee housing	x		x	x
Apartments and multiple family dwellings				x
Boarding and rooming houses				a
Cannabis businesses and commercial cannabis activity				
Churches	b	b	b	b
Day care centers			a	a
Duplexes				x
Emergency housing				x
Family day care homes			x	x
Foster homes			a	a
Guest houses	d		d	d
Home occupations	c		c	c

	<u>USES</u>	<u>ZONE</u>			
		U-R	O-S	R-1	R-M
	<u>Junior Accessory Dwelling Unit (JADu)</u>	<u>d</u>		<u>d</u>	<u>d</u>
	Manufactured and/or mobile homes on permanent foundations	x		x	x
	Mobile home parks	b		b	b
	Nursing and convalescent homes				b
	Public and private schools	b		b	b
	Residence for a caretaker or watchman	c		c	
	Second attached residential unit			d	
	Second detached residential unit			d	
	Single-family dwellings	x		x	x
	Temporary tract offices	c		c	c
	Residential care homes for six or fewer persons			x	x
	Residential care homes for seven to fourteen persons			b	b
	Raising of fruit and nut trees, vegetables and horticultural specialties, excluding cannabis	x	x	b	b
	Raising or cultivation of medical marijuana				
	Single room occupancy units				x
	Supportive housing			x	x
	Transitional housing			x	x

Section 10. Subsection 17.40.030 is amended as follows:

17.40.030 - Special conditions.

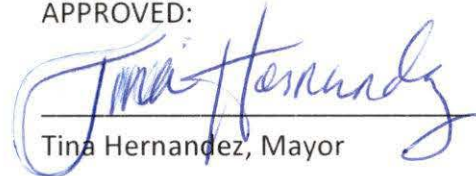
The following special conditions apply to those land uses indicated by corresponding letter in Table 1:

- a. Conditional use permit required if for more than six guests, persons or dwelling units or in the case of day care facilities if more than twelve children including the provider's own children.
- b. Conditional use permit required.
- c. Accessory use, incidental to principal use.
- d. ~~The addition shall not exceed twenty five percent of existing living area.~~ **Subject to standards contained in Section 17.24.060.**

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Farmersville on the 8th day of January, 2024, and was passed and adopted at a regular meeting of the City Council on the 22 of January, 2024, by the following vote:

AYES: Hernandez, Valdovinos, Gomez, Boyce, Hinojosa.
NOES: 0
ABSENT: 0
ABSTAIN: 0

APPROVED:


Tina Hernandez, Mayor

ATTEST:


Rochelle Giovani, City Clerk