

CITY OF FAIRFIELD

ORDINANCE NO. 2021-14

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD AMENDING VARIOUS SECTIONS OF CHAPTER 25, ARTICLE I OF THE FAIRFIELD MUNICIPAL CITY CODE (ALSO KNOWN AS THE ZONING ORDINANCE OF THE CITY OF FAIRFIELD) PERMITTING AND REGULATING “TINY HOMES”; CORRECTING THE REGULATIONS FOR JUNIOR ACCESSORY DWELLING UNITS (JADU) TO REQUIRE OWNER OCCUPANCY AND A COVENANT AS MANDATED BY STATE LAW; ADDRESSING SETBACK REGULATIONS FOR SMALL LOT DEVELOPMENTS; AMENDING HEIGHT RESTRICTIONS FOR MULTI-FAMILY DEVELOPMENT IN THE HIGH DENSITY RESIDENTIAL (RH), HEART OF FAIRFIELD WEST TEXAS STREET (HWT), HEART OF FAIRFIELD DOWNTOWN COMMERCIAL (HD), AND DOWNTOWN COMMERCIAL CORE (HDC) ZONING DISTRICTS; CLARIFYING THE REGULATIONS GOVERNING SINGLE FAMILY DWELLINGS IN THE RH ZONING DISTRICT; AMENDING THE MIXED USE REGULATIONS TO INCLUDE THE OFFICE COMMERCIAL (CO) AND NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICTS; CONDITIONALLY PERMITTING SPECIALTY TOBACCO RETAILERS IN THE HD AND HDC ZONING DISTRICTS; REQUIRING A CONDITIONAL USE PERMIT IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT FOR AUTOMOTIVE MAINTENANCE AND MINOR REPAIR; AND AMENDING THE TIMEFRAME FOR INTERIM USE PERMITS FOR NONCONFORMING USES IN THE TRAIN STATION SPECIFIC PLAN AREA

THE CITY COUNCIL OF THE CITY OF FAIRFIELD DOES ORDAIN AS FOLLOWS:

SECTION 1. Statement of Intent

- A. The City of Fairfield has an adopted Zoning Ordinance to address development, consistent with the Fairfield General Plan and city policy.
- B. From time to time, it is necessary to revise this Zoning Ordinance to address new issues, correct typographical errors, make minor organizational revisions, clarify language, incorporate amendments that implement city policy and practice, bring the Zoning Ordinance into closer conformance with General Plan goals, objectives, and policies, and bring the Zoning Ordinance into full compliance with state law.
- C. On May 12, 2021, the Planning Commission was presented with the revisions to the Zoning Ordinance contained herein and, after holding a duly noticed public hearing, voted to recommend that the City Council approve the proposed revisions.
- D. The City has held a duly noticed public hearing on the proposed revisions to the Zoning Ordinance in accordance with the rules and regulations regarding such.

SECTION 2. Chapter 25, Article I, Section 25.20.3, Table 25-5, “*RLM, RM, and RH Small Lot Development Regulations*” is hereby repealed in full and replaced with a new Table 25-5 as

contained in Exhibit A.

SECTION 3. Chapter 25, Article I, Section 25.23, Table 25-H5 (Heart of Fairfield Development Standards for Single Family Homes) is hereby repealed in full and replaced by a new Table 25-H5 as contained in Exhibit B.

SECTION 4. Chapter 25, Article I, Section 25.20.4.11 is hereby amended to add the following subsections G. and H. to read as follows:

G. Owner occupancy of a residential property is required for any property with a JADU. The property owner may reside within the remaining primary residence or the newly created JADU. This subsection does not apply to a property owned by a government agency, land trust, or housing organization.

H. The applicant for a JADU shall record prior to issuance of a Certificate of Occupancy on a form approved by the City a deed restriction that shall run with the land and requiring conformance with all requirements of Government Code Section 65852.22 and this section of the Fairfield Municipal Code. A copy of the deed restriction shall be filed with the Planning Division.

SECTION 5. Chapter 25, Article I Section 25.20.3.1, Table 25-4 is hereby amended to increase the building height limit in the RVH zone from 45 feet to 50 feet.

SECTION 6. Chapter 25, Article I, Section 25.20.3.6, Table 25-6 is hereby amended to increase the building height limit in the RVH zone from 45 feet to 50 feet.

SECTION 7. Chapter 25, Article I, Section 25.23.33.3, Tables 25-H3 and 25-H4 is hereby amended to increase the permitted building height limit from 45 feet to 50 feet in the HWT zoning districts and to increase the permitted building height from 45 feet to 60 feet in the HD and HDC zoning districts.

SECTION 8. Chapter 25, Article I, Section 25.22.4.3 is hereby amended to read as follows:

25.22.4.3 Mixed-Use Residential Development Regulations

This Section establishes allowable density and provides development regulations for mixed-use development projects incorporating residential and commercial uses in the Neighborhood Commercial (CN), Office Commercial (CO), Community Commercial (CC), Mixed Commercial (CM), and Commercial Thoroughfare (CT) zoning districts. For the purpose of this Section, mixed-use development shall be defined as development of a site or building with two or more different land uses, including a combination of residential, office, retail, or entertainment in a single or physically integrated group of structures. When the director has determined that a project meets this definition, the following standards shall apply:

SECTION 9. Chapter 25, Article I, Section 25.23.1 (Heart of Fairfield Land Use Regulations) is

hereby amended to Conditionally Permit Tobacco Sales (Specialty) and Smoke Shops in the HD and HDC Zoning Districts.

Further, subsection A (Concentration and Location) within 25.22.4.7 (Specialty Tobacco and Smoke Shops in all Commercial Districts) is hereby amended to include new subsection 3., to read as follows:

3. In the HD and HDC Zoning Districts, no specialty tobacco retailer or smoke shop shall be located within 1200 feet of an existing specialty tobacco retailer or smoke shop on either the ground or upper floors.

SECTION 10. Chapter 25, Article I, Section 25.22.2, Table 25-9 (Commercial District Land Use Regulations) is hereby amended to change "Automobile Maintenance and Minor Repair" from a Permitted land use in the CC (Community Commercial) zoning district to a Conditionally Permitted land use in the CC (Community Commercial) zoning district.

SECTION 11. Chapter 25, Article I, Section 25.28.7.K.3.E.3.b. within Section 25.28.7.K (Train Station Specific Plan PD Overlay District) is amended to read as follows:

- b. Within one year of the effective date of Ordinance 2021-14, each property owner and permittee with an expiring or expired county land use permit must file an Interim Use Permit application with the City.

SECTION 12. Chapter 25, Article I, Section 25.28.7.K.3.E.4 a within Section 25.28.7.K (Train Station Specific Plan PD Overlay District) is amended to read as follows:

- a. Property owner files an application for an interim use permit in accordance with the provisions of Section F below within one year of the effective date of Ordinance 2021-14.

SECTION 13. Section 25.50 (Definitions) shall be amended as follows:

Dwellings, Single-family detached. A single dwelling unit detached from all other units.

SECTION 14. Chapter 25, Article I, Section 25.20.3.2, Table 25-1 (Residential Land Use Regulations) is hereby amended to delete Note 6 requiring the development of detached housing in the RH zoning district only in conjunction with attached housing.

SECTION 15. A summary of this ordinance shall be printed and published twice in the Daily Republic, a newspaper of general circulation, printed and published in the City of Fairfield.

SECTION 16. The council hereby makes the following finding pursuant of the California Environmental Quality Act (CEQA):

The council determines that the proposed amendments to the text of the Zoning Ordinance are exempt from CEQA under Public Resources Code Section 20180.17 and CEQA Guidelines Section 15282(h), which exempt ordinances that implement state requirements with respect to ADUs; under CEQA Guidelines Section 15305, which categorically exempts Minor Alterations in Land Use Limitations; and under Section 15061(b)(3), the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. The text amendments make minor changes to clarify existing standards and requirements, permit land uses which are unlikely to have significant environmental effects beyond those already permitted in the Zoning Ordinance, correct errors and omissions, and will not result in any new substantial physical change to the environment. The proposed Specific Plan Amendment would also be exempt under Section 15305, Minor Alterations in Land Use Limitations.

SECTION 17. This ordinance shall be effective 30 days following its adoption by the council. A summary of this ordinance shall, within 15 days after passage, be published in accordance with Section 36933 of the Government Code of the State of California with the names of the councilmembers voting for and against it.

INTRODUCED at a regular meeting of the City Council of the City of Fairfield on the 6th day of July, 2021, and

PASSED AND ADOPTED this 20th day of July, 2021, by the following vote:

AYES: Councilmembers: PRICE / BERTANI / MOY / PANDURO / TIMM / TONNESEN / VACCARO

NOES: Councilmembers: _____

ABSENT: Councilmembers: _____

ABSTAIN: Councilmembers: _____

MAYOR

ATTEST:

CITY CLERK