

CITY OF FAIRFIELD

ORDINANCE NO. 2021-21

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD AMENDING VARIOUS SECTIONS OF CHAPTER 25, ARTICLE I OF THE FAIRFIELD MUNICIPAL CODE (ALSO KNOWN AS THE ZONING ORDINANCE OF THE CITY OF FAIRFIELD) UPDATING THE REGULATIONS PERTAINING TO LARGE FAMILY DAY CARE USE AS REQUIRED BY STATE LAW AND RE-ESTABLISHING REGULATIONS PERTAINING TO GARAGE CONVERSIONS IN ALL RESIDENTIAL ZONING DISTRICTS

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 the 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 Ordinances into full compliance with state law.
- C. On July 28, 2021, the Planning Commission was presented with the revisions to the Zoning Ordinance as 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, Table 25-1, “*Residential District Land Use Regulations*” is hereby amended to delete the lines for Small (8 or fewer children) and Large (9-14 children) and to make “Family Day Care Homes” a permitted (P) land use in all residential zoning districts, as shown below:

Uses	RL	RL	RLM	RM	RH	RVH	Additional Regulations
Family Day Care Homes	P	P	P	P	P	P	

Table 26-1 is further amended by deleting Note 4 in this table and all references thereto, and by revising the text for Note 4 in the “Notes” section to state: “(4) [Removed]”.

SECTION 3. Chapter 25, Article I, Section 25.22, Table 25-9 "*Commercial District Land Use Regulations*" is amended by revising the land use line for "Family Day Care, Large and Small" to be "Family Day Care Homes."

SECTION 4. Chapter 25, Article I, Section 25.23, Table 25-H1.1 "*Heart of Fairfield Land Use Regulations*" is hereby amended by revising the land use line for "Family Day Care, Large and Small" to be "Family Day Care Homes," and by making "Family Day Care Homes" a permitted use in all zoning districts except the HPF zoning district.

SECTION 5. Chapter 25, Article I, Section 25.50.2 "Land Use Definitions" shall be amended to eliminate the definitions for "Family Day Care Home, Large" and "Family Day Care Home, Small" and to add a definition for "Family Day Care Center" to read as follows:

"Family Day Care Home. A day care facility located in a dwelling where an occupant of the residence regularly provides care and supervision for fourteen or fewer children, for periods of less than 24 hours per day, or as permitted by and subject to state law. Children under the age of 10 years who reside in the home count as children served by the day care facility."

SECTION 6. Chapter 25, Article I, Section 25.20 is hereby amended to include new section 25.20.4.3 which shall read as follows:

25.20.4.3 Garage Conversions

This section establishes regulations for the conversion of an existing garage to habitable space for domestic use, except for when said conversion involves the creation of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit, in which case the regulations in Section 25.20.4.11 shall apply.

The applicant shall submit all necessary information and drawings to demonstrate compliance with the Zoning Ordinance and this section.

- A. Minimum lot size.** No garage conversion shall be permitted on a lot less than 4,500 square feet.
- B. Parking requirements.** A garage conversion shall only be permitted when one on-site parking space is provided for each required parking space displaced by the conversion, if the space is required by this ordinance. The conversion of garage space required to meet the parking requirement for an accessory dwelling unit shall be prohibited.

C. Design. The conversion shall be architecturally consistent with the design of the house using one of the following alternatives:

1. The garage door is left intact in a permanently closed position; or
2. The garage door remains intact and functional, with a storage area between a partition wall and the garage door; or
3. The garage door and all necessary remnants are removed, and the garage door opening is treated with building materials and design detail to match the remainder of the house. An in-ground landscaped planter, or raised masonry planter, 30 inches in depth shall be installed between the driveway and where the garage door is to be removed. This planter shall be reduced in depth if necessary to maintain an 18-foot-long driveway, measured from the back of the sidewalk to the landscaped planter. Where there is insufficient driveway depth to provide a planter of at least 18 inches, the alternatives in paragraph (C)(1) or (C)(2) above shall be used.

SECTION 7. Table 25-1 “Residential District Land Use Regulations” shall be amended to permit Garage Conversions in all residential zoning districts and to add a reference to Section 25.20.4.3 in the “Additional Regulations” column.

SECTION 8. Table 25-H1 “Heart of Fairfield Land Use Regulations” shall be amended to add a reference to Section 25.20.4.3 in the “Additional Regulations” column.

SECTION 9. 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 CEQA Guidelines Section 15301, which categorically exempts operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing structures; Section 15303, which categorically exempts construction and location of new, small facilities or structures and the conversion of existing small structures from one use to another with only minor modifications made to the exterior; 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 for existing structures under state law and regulate minor conversions to existing structures; these changes will not result in any new substantial physical change to the environment.

SECTION 10. 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 7th day of September, 2021, and

PASSED AND ADOPTED this 21st day of September, 2021, by the following vote:

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

NOES: Councilmembers: _____

ABSENT: Councilmembers: _____

ABSTAIN: Councilmembers: _____

MAYOR

ATTEST:

CITY CLERK