



CITY OF HUGHSON
SPECIAL
PLANNING COMMISSION MEETING
 7018 Pine Street, Hughson CA

AGENDA
TUESDAY, NOVEMBER 14, 2023 – 6:00 P.M.

CALL TO ORDER: Chair Brian Evans

ROLL CALL: Chair Brian Evans
 Commissioner Warren Kennedy
 Commissioner Kevin Cloherty

Staff to be Present: Carla Jauregui, Community Development Director
 Ashton Gose, City Clerk
 Tom Terpstra, Deputy City Attorney
 Fabian Ramos, Community Development Specialist

FLAG SALUTE: Chair Brian Evans

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

Members of the Audience may address the Planning Commission on any item of interest to the public pertaining to the City and may step to the podium, state their name and City of Residence for the record (requirement of Name and City of Residence is optional) and make their presentation. Please limit presentations to five minutes. Since the Planning Commission cannot take action on matters not on the Agenda, unless the action is authorized by Section 54954.2 of the Government Code, items of concern which are not urgent in nature can be resolved more expeditiously by completing and submitting to the City Clerk a "Citizen Request Form" which may be obtained from the City Clerk.

2. PRESENTATIONS:

2.1: City Clerk to Administer the Oath of Office to the Newly Appointed Commissioners Susana Vasquez and Abel Morin.

2.2: Conduct Roll Call of New Planning Commission:

Chair Brian Evans
 Commissioner Warren Kennedy
 Commissioner Kevin Cloherty
 Commissioner Susana Vasquez
 Commissioner Abel Morin

3. NEW BUSINESS: NONE.

4. PUBLIC HEARING TO CONSIDER THE FOLLOWING:

4.1: Recommend that the Hughson City Council Adopt Ordinance No. 2023-04, Amending the Hughson Municipal Code Pertaining to Chapter 17.01- General Provisions, Chapter 17.02 – Zoning Districts, and 17.03 – Citywide Regulations and Special Provisions to Title 17 “Zoning”.

5. INFORMATIONAL ITEMS: NONE.

6. CORRESPONDENCE: NONE.

7. COMMENTS:

7.1: Staff Reports and Comments: (Information Only – No Action)

Community Development Director:

Community Development Specialist:

City Attorney:

7.2: Commissioner Comments: (Information Only – No Action)

ADJOURNMENT:

UPCOMING EVENTS:

November 15	▪ Hughson has Heart Planning Meeting, City Council Chambers, 6:00 PM
November 17	▪ Hughson Town Hall – Moderated by Supervisor Vito Chiesa, Samaritan Village, 5:30 PM
November 21	▪ Planning Commission Meeting, City Council Chambers, 6:00 PM <i>Cancelled</i>
November 23 - 24	▪ Thanksgiving Day & Thanksgiving Friday – City Hall Closed
November 27	▪ City Council Meeting, City Council Chambers or YouTube Live Stream, 6:00 PM

**AMERICANS WITH DISABILITIES ACT/CALIFORNIA BROWN ACT
NOTIFICATION FOR THE CITY OF HUGHSON**

This Agenda shall be made available upon request in alternative formats to persons with a disability; as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132) and the Ralph M. Brown Act (California Government Code Section 54954.2).

Disabled or Special needs Accommodation: In compliance with the Americans with Disabilities Act, persons requesting a disability related modification or accommodation in order to participate in the meeting and/or if you need assistance to attend or participate in a Planning Commission meeting, please contact the City Clerk’s office at (209) 883-4054. Notification at least 48-hours prior to the meeting will assist the City Clerk in assuring that reasonable accommodations are made to provide accessibility to the meeting.

Notice Regarding Non-English Speakers:

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Hughson Planning Commission shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

WAIVER WARNING

If you challenge a decision/direction of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at a public hearing(s) described in this Agenda, or in written correspondence delivered to the City of Hughson at or prior to, the public hearing(s).

General Information: The Hughson Planning Commission meets in the Council Chambers on the *third Tuesday* of each month at 6:00 p.m., unless otherwise noticed.

PC Agendas: The Planning Commission Agenda is now available for public review at the City’s website at www.hughson.org and City Clerk’s Office, 7018 Pine Street, Hughson, California on the Friday, prior to the scheduled meeting. Copies and/or subscriptions can be purchased for a nominal fee through the City Clerk’s Office.

Questions: Contact the City Clerk at (209) 883-4054.

AFFIDAVIT OF POSTING

DATE: November 9, 2023 **TIME:** 2:00 P.M.

NAME: Fabian Ramos **TITLE:** Community Development Specialist

Oath of Office

STATE OF CALIFORNIA,

County of Stanislaus } ss.

*I, **SUSANA VASQUEZ**, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.*

COMMISSIONER

Susana Vasquez

*Subscribed and sworn to before me this **14th** day of **NOVEMBER 2023**.*

Ashton Gose, City Clerk



Oath of Office

STATE OF CALIFORNIA,

County of Stanislaus } ss.

I, ABEL MORIN, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

COMMISSIONER

Abel Morin

Subscribed and sworn to before me this 14th day of NOVEMBER 2023.

Ashton Gose, City Clerk





CITY COUNCIL AGENDA ITEM NO. 4.1

SECTION 4: PUBLIC HEARING

Meeting Date: November 14, 2023
Subject: Recommend that the Hughson City Council Adopt Ordinance No. 2023-04, Amending the Hughson Municipal Code Pertaining to Chapter 17.01- General Provisions, Chapter 17.02 – Zoning Districts, and 17.03 – Citywide Regulations and Special Provisions to Title 17 “Zoning”
Presented By: Carla C. Jauregui, Community Development Director

Recommendation:

Recommend that the Hughson City Council Adopt Ordinance No. 2023-04, Amending the Hughson Municipal Code Pertaining to Chapter 17.01- General Provisions, Chapter 17.02 – Zoning Districts, and 17.03 – Citywide Regulations and Special Provisions to Title 17 “Zoning”

Background & Overview:

California's ADU legislation has undergone substantial revisions to tackle the state's housing challenges. These legislative changes are designed to simplify the process of constructing Accessory Dwelling Units (ADUs) by minimizing regulatory obstacles and enhancing flexibility for homeowners. Key adjustments encompass permitting ADUs on properties of all sizes, relaxing parking requirements in proximity to public transit, reducing associated fees, and introducing Junior ADUs. These modifications have triggered a notable increase in ADU construction across California and sparking a considerable amount of interest locally. ADUs offer additional housing alternatives and economic opportunities, while simultaneously addressing housing equity concerns. The state continues to lead the way in advocating for ADU development as a viable response to its housing shortage. In response to these evolving state laws, the City is amending its existing accessory dwelling unit ordinance to align with the updated regulatory framework, while still being as restrictive as allowable.

Discussion:

Under the Council's direction, staff has been diligently working with the City Attorney's office to address the new mandates regarding Accessory Dwelling Units.

The objective has been to incorporate all the mandated State requirements with the intent of reducing impacts and preserving Hughson's single-family neighborhoods to the fullest extent possible.

The City, in common with all municipalities in California, is obligated to adhere to the state-level ADU laws delineated in various Assembly Bills (ABs) and Government Codes. These state-level laws serve as the fundamental framework for ADU regulations throughout California. It is imperative to emphasize that the City has dutifully followed state laws and has fully utilized the discretion granted to local governments under these laws.

While adhering to these state-level laws, the City has also exercised its legal authority to impose more stringent rules and regulations in certain areas, provided that they do not infringe upon the minimum requirements established by state law.

The most noteworthy changes between the original code (17.03.072 Accessory Dwelling Units) and the revised code (17.03.072 Accessory Dwelling Units and Junior Accessory Dwelling Units), include the following:

1. Maximum Number of ADUs per Lot:

Old Ordinance: Only allowed one ADU on a lot with a single-family detached unit.

New Ordinance: Allows for one (1) ADU and one (1) Junior Accessory Dwelling Unit (JADU) per lot.

The City's ordinance meets the maximum allowable restrictions provided by State law.

2. Maximum ADU Size:

Old Ordinance: Limited the total floor area for a detached second dwelling unit to 1,200 square feet or 50% of the primary dwelling unit's living area, whichever was less.

New Ordinance: Specifies that detached one-bedroom/studio ADUs shall not exceed 850 square feet, and ADUs with two or more bedrooms shall not exceed 1,000 square feet.

The City's ordinance meets the maximum allowable restrictions provided by State law.

3. Sale or Lease of ADUs:

Old Ordinance: Allowed ADUs to be rented but did not specify any minimum rental period.

New Ordinance: Prohibits the sale of ADUs separately from the primary dwelling. Allows ADUs to be rented, but not for less than 30 days.

The City's ordinance does not allow ADUs to be sold separately from the primary dwelling. State laws allows the separate conveyance of ADUs from the primary dwelling *under certain conditions*, **making the City's stance stricter while still meeting the maximum allowable restrictions provided by State law.**

4. Owner-Occupancy:

Old Ordinance: Required the property owner to occupy either the primary or accessory dwelling.

New Ordinance: Requires the property owner to occupy either the primary unit or ADU if the ADU is approved before January 1, 2020, or after January 1, 2025. Specifies the definition of occupancy as lodging overnight for at least 183 nights per calendar year.

The updates to State ADU Law removed the owner-occupancy requirement for newly created ADUs effective January 1, 2020. The new owner-occupancy exclusion is set to expire on December 31, 2024; however, local agencies may not retroactively require owner-occupancy for ADUs permitted between January 1, 2020, and December 31, 2024.

The City's ordinance meets the maximum allowable restrictions provided by State law.

5. Development Standards:

Old Ordinance: Had fewer detailed development standards.

New Ordinance: Establishes detailed development standards for both attached and detached ADUs, including setbacks, lot coverage, exterior access, height, design, and utility connections.

With an adopted ADU ordinance in compliance with State law, a local government may apply objective development and design standards to allow for ministerial review. The new ADU ordinance introduces several key changes compared to the old ordinance.

Setbacks:

Old Development Standard (Old Ordinance):

- The old ordinance did not specify setbacks for attached or detached ADUs.

New Development Standard (New Ordinance):

- Attached ADUs: Require a minimum side and rear setback of four (4) feet.

- Detached ADUs: Detached ADUs not converted from existing accessory buildings shall have side and rear setbacks of four (4) feet minimum.

Lot Coverage:

Old Development Standard (Old Ordinance):

- The old ordinance required the combined lot coverage of the primary dwelling unit, the accessory dwelling unit, and any accessory structures not to exceed the maximum allowable lot coverage.

New Development Standard (New Ordinance):

- Attached ADUs: Must comply with all building coverage and yard area requirements for the primary unit.
- Detached ADUs: The total square footage of a detached ADU must not exceed the lot coverage requirements imposed by the HMC. However, an exception allows for an 800-square-foot (or smaller) detached ADU if certain conditions are met.

Exterior Access:

Old Development Standard (Old Ordinance):

- The old ordinance required that attached ADUs have independent exterior access from the existing residence.

New Development Standard (New Ordinance):

- Attached ADUs: Must have an access door that is separate and independent from the primary unit.
- Detached ADUs: Must have an access door that is separate and independent from the primary unit.

Height:

Old Development Standard (Old Ordinance):

- The old ordinance did not specify height restrictions for ADUs.

New Development Standard (New Ordinance):

- An ADU shall not cause the residential building's height to exceed the lower of: (1) 25 feet; or (2) the maximum permitted height of the primary unit as set forth by the HMC, whichever is greater.

Design:

Old Development Standard (Old Ordinance):

- The old ordinance did not provide specific design guidelines for ADUs, such as matching materials, colors, or style.

New Development Standard (New Ordinance):

- The design of an ADU shall appear as an integral part of the primary dwelling and incorporate the same materials, colors, and style as the exterior of the primary dwelling, including roof materials and pitch, eaves, windows, accents, distinctive features, and character-defining elements.

Utility Connections:

Old Development Standard (Old Ordinance):

- The old ordinance did not address utility connections in detail.

New Development Standard (New Ordinance):

- An attached ADU is not required to have a separate utility connection unless it is constructed in conjunction with a newly constructed residential unit in a single-family home.
- Subject to the Community Development Director's discretion, a new or separate water and sewage connection may be required for a detached ADU.

These differences in development standards between the old and new ordinances reflect the city's efforts to provide more specific and comprehensive regulations for ADUs, ensuring their compatibility with existing structures and neighborhoods while allowing for greater flexibility in certain circumstances.

The City's ordinance meets the maximum allowable restrictions provided by State law.

6. Parking Requirements:

Old Ordinance: Required off-street parking but did not specify criteria or exceptions as in the new ordinance.

New Ordinance: Requires one off-street parking space per ADU unless certain exceptions apply. Provides specific criteria for parking space location and exceptions.

The City's ordinance meets the maximum allowable restrictions provided by State law.

7. Deed Restriction:

Old Ordinance: Required a deed restriction but did not specify its content as comprehensively as the new ordinance.

New Ordinance: Requires the property owner to file a deed restriction that restricts the sale and rental of ADUs, among other things.

The City's ordinance meets the maximum allowable restrictions provided by State law.

8. Fees:

Old Ordinance: Required fees applicable to the construction of a single-family dwelling but did not specify fee structures as in the new ordinance.

New Ordinance: Establishes different fee structures based on ADU size and type, with no City impact fees for ADUs under 750 square feet.

The City's ordinance meets the maximum allowable restrictions provided by State law.

These specific differences highlight how, where allowed, the City's local ordinance imposes stricter regulations on ADUs compared to the broader laws of the State. These changes collectively aim to provide more clarity, flexibility, and regulation in the development of accessory dwelling units, addressing concerns related to size, occupancy, and impact on neighborhoods, while also aligning with the goal of the State of encouraging the construction of ADUs to help address housing needs.

The second reading and adoption of the Ordinance will be presented to the Council on October 23, 2023.

Fiscal Impact:

Typically, a code amendment can cost anywhere between \$150 - \$400 for publishing. Both the legislative and city clerk professional services accounts are budgeted for these costs.

**CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2023-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON
AMENDING MUNICIPAL CODE CHAPTER 17.01 – GENERAL PROVISIONS,
CHAPTER 17.02 – ZONING DISTRICTS, AND 17.03 – CITYWIDE REGULATIONS
AND SPECIAL PROVISIONS TO TITLE 17 “ZONING”, OF THE CITY MUNICIPAL
CODE**

WHEREAS, the City desires to amend the Municipal Code as it pertains to Accessory Dwelling Units and Junior Accessory Dwelling Units as set forth herein.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES ORDAIN AS FOLLOWS:

Section 1. Section 17.01.090(S)(3) of Chapter 17.01 of Title 17 of the Hughson Municipal Code is amended to read as follows:

“3. “Second dwelling unit” shall have the same definition as an “Accessory Dwelling Unit,” as defined in Section 17.03.072 in this Title.”

Section 2. Section 17.02.008(A)(4) of Chapter 17.02 of Title 17 of the Hughson Municipal Code is hereby deleted.

Section 3. Section 17.03.072 of Chapter 17.03 of Title 17 of the Hughson Municipal Code is amended to read as follows:

“17.03.072 Accessory Dwelling Units and Junior Accessory Dwelling Units.

- A. Purpose. To regulate the creation and modification of accessory dwelling units and junior accessory dwelling units, consistent with the general plan, the provisions of the HMC, and all relevant provisions of state law, in all residential districts where permitted, to protect the integrity of the City’s residential districts, and to ensure that accessory dwelling units and junior accessory dwelling units do not adversely impact adjacent residential parcels or the surrounding neighborhood.
- B. Definitions. The following definitions shall apply to terms as they are used in this section.
 - 1. “Accessory Building” and “Accessory Structure” shall have the same meaning as the term “Accessory Building” as defined in HMC Section 17.01.090(A) as follows: “a detached building located on the same lot with the principal (main) building, the use of which is normally incidental and entirely secondary to that of the principal (main) building. A detached building shall be one that does not have a common wall with the principal (main) building on the same lot.”

2. “Accessory Dwelling Unit” or “ADU” means an attached or detached residential unit located on the same parcel as the primary dwelling unit, which includes permanent provisions for living, sleeping, eating, cooking, and sanitation. An ADU also includes the following as required by state law:
 - a. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, for occupancy by no more than two persons which have a minimum floor area of 150 square feet, and which may also have partial kitchen or bathroom facilities.
 - b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
 3. “Attached Accessory Dwelling Unit” means an ADU that shares a common wall with the primary residence, either by being constructed as a physical expansion (i.e., addition) of a primary residence, conversion of existing garage attached to a primary residence, conversion of existing habitable floor space within the primary residence, or installation of a new basement underneath an existing primary residence.
 4. “Car Share Vehicle” means a type of car rental where people rent cars for short periods of time, often by the hour, with a designated pick up and drop off location.
 5. “Detached Accessory Dwelling Unit” means an ADU that is constructed as a separate structure from the primary residence, or is a conversion of an existing detached accessory building, including a detached garage.
 6. “Junior Accessory Dwelling Unit” or “JADU” means a unit that is no more than 500 square feet in size and is contained entirely within the walls of a proposed or existing single-family residence which provides living facilities for one or more persons. An efficiency kitchen, as defined in Section 65852.22 of the Government Code, qualifies as a JADU.
 7. “Primary Unit” or “Primary Residence” means the building in which the principal residential use of the lot takes place.
 8. “Residential Unit” means one or more rooms and a single kitchen area designed for occupancy by one family for living and sleeping purposes.”
- C. General Requirements. Unless otherwise specified in this Section, all ADUs and JADUs shall meet the following requirements:
1. Maximum Number of ADUs and JADUs Per Lot. Only one (1) ADU and one (1) JADU is permitted per lot.
 2. Maximum ADU Size. The total square footage for a detached one (1) bedroom/studio ADU shall not exceed 850 square feet. The total square footage for an ADU with two (2) or more bedrooms shall not exceed 1,000 square feet.

3. Sale. An ADU or JADU shall not be sold separately from the primary dwelling.
4. Rental. An ADU or JADU may not be rented for a term of less than thirty 30 days.
5. Owner-Occupancy. Unless otherwise amended by state law, the property owner must occupy either the primary unit or ADU if the ADU is approved before January 1, 2020 or after January 1, 2025. For the purposes of this section, occupancy shall consist of lodging in the applicable unit overnight for at least 183 nights per calendar year.
6. Permit. A building permit (in accordance with HMC Chapter 15.04) must be obtained from the Community Development and Building Departments prior to the construction of or modification of an existing structure into an ADU or JADU.
7. Compliance with Zoning Requirements. All ADUs and JADUs in the City shall comply with all other zoning requirements imposed by the HMC, except as modified by this Section or by state law.
8. Compliance with Building Requirements. Unless otherwise provided by this Section or by state law, all ADUs and JADUs shall meet all city building requirements as described in HMC Title [15](#) and any other relevant codes in effect at the time of construction.
9. Fees. Any applicable impact and/or utility connection and capacity fees must be paid before a building permit is issued. These fees shall be determined by the City Council and shall be approved and adjusted pursuant to the provisions of HMC Sections 13.04 and 13.08.
10. Historic Structures. ADUs associated with historic buildings or structures shall be subject to the guidelines contained in HMC [17.03.040G](#).
11. Deed Restrictions. Prior to receiving approval from the Community Development Department, an applicant desiring to build an ADU or JADU must record a deed restriction on the proposed ADU or JADU that meets the requirements described in subsection J.

D. Application and Approval of ADUs and JADUs.

1. Application Submission. Applications for an ADU and/or JADU shall be submitted to the Community Development Department and shall be accompanied by all required fees, project plans (drawn to scale) depicting all onsite improvements, and the location of the primary residence and the proposed Unit. Applications must be signed by the owner of the property. The project plans must include the location of existing trees and structures, architectural elevations showing the proposed unit and its relation to the

primary residence, a description of building materials, landscaping, exterior finishes to be used, parking to be provided, and any other information required by the Community Development Department to determine whether the proposed ADU or JADU conforms with the requirements of this Section.

2. Ministerial Approval. On lots with an existing single-family or multi-family dwelling, provided that all requirements of this section are met, the planning officer shall ministerially approve the application for an ADU or JADU within 60 days of receiving the completed application.
3. Density Exemption. The ADU shall be exempt from the calculation of density under the requirements of the relevant zoning district.

E. Development Standards – Attached ADUs. Unless otherwise provided in this Section or by state law, all attached ADUs must meet the following requirements:

1. Setbacks: attached ADUs must have side and rear setbacks of four (4) feet minimum.
2. Lot Coverage: ADUs constructed within an existing primary unit shall comply with all building coverage and yard area requirements for the primary unit.
3. Exterior Access: An attached ADU must have an access door that is separate and independent from the primary unit.
4. Interior Access: Attached ADUs may maintain an interior connection to the primary unit provided there is a fire-rated door separating the units that is lockable on both sides.
5. Expansion: An attached ADU built within an existing primary unit may only be expanded if necessary to accommodate ingress and egress. Such an expansion must not exceed 150 square feet.
6. Height: An attached ADU shall not cause the residential building's height to exceed the lower of: (1) 25 feet; or (2) the maximum permitted height of the primary unit as set forth by the HMC, whichever is greater.
7. Design: The design of an attached ADU shall appear as an integral part of the primary dwelling and incorporate the same materials, colors, and style as the exterior of the primary dwelling, including roof materials and pitch, eaves, windows, accents, distinctive features, and character defining elements.
8. Utility Connections: An attached ADU is not required to have a separate utility connection unless it is constructed in conjunction with a newly constructed residential unit in a single-family home.

F. Development Standards – Detached ADUs. Unless otherwise provided in this Section or by state law, all detached ADUs shall meet the following requirements:

1. Side and Rear Setbacks. Detached ADUs that are not conversions of existing accessory buildings shall have side and rear setbacks of four (4) feet minimum. No setbacks are required for detached ADUs constructed within an existing accessory building or in a new building constructed in the same location and to the same dimensions as an existing accessory building.
2. Front Setbacks. All detached ADUs shall be subject to the same front setback requirements applicable to the primary unit, except if said compliance would prohibit the construction of a detached ADU measuring 800 square feet that otherwise meets the requirements of this Section and all other applicable state laws.
3. Lot Coverage. The total square footage of a detached ADU must not exceed the lot coverage requirements imposed by the HMC. However, if this requirement would otherwise prohibit the applicant from building a detached ADU of 800 square feet or greater, the applicant will be permitted to construct an 800-square foot (or smaller) detached ADU that complies with the setback and height provisions of this subsection F.
4. Exterior Access. A detached ADU must have an access door that is separate and independent from the primary unit.
5. Expansion. A detached ADU built within an existing accessory building may only be expanded if necessary to accommodate ingress and egress. Such an expansion must not exceed 150 square feet.
6. Height. The height of a detached ADU shall not exceed: (1) 16 feet for lots with a single-family or multifamily dwelling; (2) 18 feet if the single-family or multifamily dwelling is located within one half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code; or (3) 18 feet if the multi-family dwelling has multiple stories.
7. Design. The design of a detached ADU shall be subordinate to the primary dwelling in terms of size and building footprint. The detached building shall exhibit residential character and complement the primary dwelling in terms of proportions, roof form, and basic architectural features. Exterior materials and colors shall match those existing on the primary residence.
8. Utility Connections. Subject to his or her discretion, the Community Development Director may require a new or separate water and sewage connection to a detached ADU.

G. Development Standards – Junior Accessory Dwelling Units.

Unless otherwise stated in this subsection F, all the requirements of this chapter shall apply equally to Junior Accessory Dwelling Units. All JADUs, unless permitted by subsection G of this Section or are otherwise permitted by state law, shall meet the following requirements:

1. JADUs shall be created within the walls of a single-family residence, including attached garages.
2. JADUs shall not be constructed within accessory buildings or structures.
3. The maximum floor area for a JADU shall not exceed 500 square feet.
4. JADUs created in an attached garage are required to provide off-street covered replacement parking, as approved by the Planning Director. Other JADUs are not required to provide replacement parking spots.
5. All JADUs shall include, at minimum, and “Efficiency Kitchen,” as defined in Section 65852.22 of the Government Code. A JADU may include separate sanitation facilities or share sanitation facilities with the primary unit.
6. All JADUs must have an exterior access door that is separate and independent of the primary unit.

H. Specifically Permitted Accessory Dwelling Units

ADUs and JADUs in the following categories are permitted in residential and mixed-use zones pursuant to state law and without further compliance with the provisions of this Section. ADUs approved pursuant to this subsection G are subject to the same fee structure provided in subsection I of this Section.

1. A JADU within a primary residence and an ADU within a primary residence or an existing accessory structure if (A) the proposed ADU or JADU has an exterior door that is independent from the existing residence, and (B) the side and rear setbacks are sufficient for fire safety. Up to 150 square feet may be added but only to accommodate ingress and egress to and from the existing accessory building.
2. One new detached ADU up to 800 square feet with a maximum height of 16 feet and four-foot side and rear setbacks, which may be combined with a JADU in the primary residence.
3. Multiple ADUs (at least one, or up to 25 percent of the existing multifamily units, whichever is greater) within portions of existing multifamily dwellings that are not used as livable space.

4. Two ADUs detached from an existing multifamily dwelling, with a maximum height of 16 feet and side and rear setbacks of at least 4 feet.

Any ADU constructed pursuant to this subsection shall not be rented out for a term of less than 30 days. Subject to his or her discretion, the Community Development Director may require a new or separate water and sewage connection to a unit constructed pursuant to this subsection if it is constructed with a new single-family home. This subsection does not entitle a property owner to construct more than one ADU or JADU on a single-family zoned lot.

I. Parking Requirements for ADUs.

1. One off-street parking space is required per ADU. Each required parking space must comply with the requirements set forth in HMC 17.03.060, unless otherwise stated in this Section. A parking space required for an ADU may be provided as tandem parking, including on an existing driveway or in a side or rear yard area, unless specific findings are made by the Community Development Director that parking in setback areas or tandem parking is not feasible based on fire and safety conditions.
2. Exceptions: Notwithstanding the parking requirement in this subsection or the requirements of HMC 17.03.060, no off-street parking is required if the ADU:
 - a. Is located within one-half mile of a public transit stop;
 - b. Is located in a designated historic district;
 - c. Is part of an existing primary residence or an existing accessory structure;
 - d. Is located in an area requiring on-street parking permits, but they are not offered to the accessory dwelling unit occupant;
 - e. Is located within one block of a Car Share Vehicle pickup/drop-off location; or
 - f. Is converted from a garage, carport, or covered parking structure, or if such a structure is demolished in conjunction with the construction of an ADU.

J. Fees.

The fees applicable to ADUs and JADUs shall be determined by the following criteria:

1. Detached ADUs Under 750 Square Feet: No impact fees shall be charged for ADUs less than 750 square feet in size. Connection and capacity fees for water and sewage connections for detached ADUs may be charged in proportion to their size relative to the square footage of the primary unit.
2. Detached ADUs of 750 Square Feet and Greater: Connection, capacity, and impact fees may be charged for detached ADUs of 750 square feet and larger. Impact fees imposed pursuant to this subsection shall be proportionate to the size of the unit relative to the square footage of the primary residence.

3. JADUs and attached ADUs: No connection or capacity fees will be charged for ADUs or JADUs constructed within an existing primary unit. However, the City may impose connection and capacity fees upon attached ADUs constructed within a newly constructed single-family home.
4. School Fees: Any ADU greater than 500 square feet shall, pursuant to Section 17620 of the Education Code, pay school district impact fees as imposed by the Hughson Unified School District.

K. Deed Restriction.

Before obtaining a building permit for an ADU or JADU, the property owner shall file with the county recorder a declaration of agreement of restrictions, which has been approved by the City Attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner stating as follows:

1. For ADUs.
 - a. The ADU shall not be sold separately from the primary unit;
 - b. The accessory dwelling unit shall not be rented for less than thirty (30) days.
2. For JADUs.
 - a. The JADU shall not be sold separately from the primary dwelling;
 - b. The JADU is restricted to the maximum size allowed pursuant to this Section; and
 - c. The JADU shall not be rented for less than thirty (30) days.
 - d. The property owner shall occupy either the primary residential unit or the JADU on the property. If neither unit is owner-occupied, then the use of the property shall revert to a single-family occupancy.
3. The deed restrictions described in this subsection shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner.

Section 4. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 6. This ordinance shall become effective thirty (30) days after its final passage.

Section 7. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code. The foregoing ordinance was introduced, and the title thereof read at the regular meeting of the City Council of the City of Hughson held on October 9, 2023, and by a unanimous vote of the council members present, further reading was waived.

On motion of councilperson _____, seconded by councilperson _____, the second reading of the foregoing ordinance was waived, and this ordinance was duly passed by the City Council of the City of Hughson at a regular meeting thereof held on _____, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

GEORGE CARR, Mayor

ATTEST:

ASHTON GOSE, City Clerk