

ORDINANCE NO. 703

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LINDSAY, CALIFORNIA, APPROVING ZONING ORDINANCE UPDATE NO. 703 TO AMEND CHAPTERS 18.14. AND 18.15 OF TITLE 18 (ZONING) OF THE LINDSAY MUNICIPAL CODE, TO IMPLEMENT STATE LAW REQUIREMENTS AND ENSURE CONSISTENCY WITH THE GENERAL PLAN AND 2025 HOUSING ELEMENT

WHEREAS, the City of Lindsay is committed to maintaining a zoning and subdivision code that is consistent with current state law, and the Lindsay General Plan; and

WHEREAS, the City of Lindsay has prepared Zoning Ordinance Update No. 703 to revise a portion of Chapters 18.14 and Chapter 18.15 of Title 18 (Zoning) of the Lindsay Municipal Code to ensure compliance with recent changes to state law and to support the implementation of housing and land use policies in the updated General Plan and Housing Element; and

WHEREAS, pursuant to Section 18.22.050 of the Lindsay Municipal Code, the City Council has reviewed the proposed amendments and determined that they are necessary to achieve the objectives of the Zoning Ordinance described in Section 18.01.020 and are consistent with the General Plan and the stated purposes of the affected zoning classifications; and

WHEREAS, the Zoning Ordinance text amendment of chapter 18.15 of Title 18 (Zoning) has been analyzed pursuant to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15162 and 15164, to evaluate whether the project's environmental impacts are covered by and within the scope of the City of Lindsay's General Plan EIR (certified July 1989, State Clearinghouse #1989080714). The City prepared an Addendum detailing any changes in the project, changes in circumstances under which the project is undertaken, and/or "new information of substantial importance" that may cause one or more effects to environmental resources, and determined that the proposed project is within the scope of the General Plan EIR, does not require subsequent action under CEQA Guidelines Section 15162 and, in conjunction with the EIR, adequately analyzes potential environmental impacts; and

WHEREAS, the Zoning Ordinance text amendment of Chapter 18.14 of Title 18 (Zoning) the City Council finds that the adoption of this ordinance is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to: Public Resource Code Section 21080.17, which exempts the adoption of an ordinance by a city or county to implement the provisions of Government Code

Sections 65852.2 regarding Accessory Dwelling units (ADUs); and

WHEREAS, the City Council held a duly noticed public hearing on December 9, 2025, at which time all interested persons were given an opportunity to be heard, and evidence and testimony were considered; and

WHEREAS, the City Council finds that the proposed amendments are necessary to comply with state housing mandates, facilitate housing production, and enhance the clarity, usability, and effectiveness of the City's land use regulations.

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

SECTION 1.

The City Council hereby approves Zoning Ordinance Update No. 703, amending Title 18 (Zoning Ordinance) of the Lindsay Municipal Code, as summarized in the staff report presented to the City Council and incorporated herein by reference.

SECTION 2.

The Zoning Ordinance text amendment of Chapter 18.15 of Title 18 (Zoning) has been analyzed pursuant to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15162 and 15164, to evaluate whether the project's environmental impacts are covered by and within the scope of the City of Lindsay's General Plan EIR (certified July 1989, State Clearinghouse #1989080714). The Addendum concludes that the proposed amendment would not result in any significant new environmental effects or a substantial increase in the severity of previously identified impacts. As a Municipal Code text amendment that is consistent with the scope of the prior environmental analysis, the proposed action does not require further environmental review under CEQA.

SECTION 3.

The City Council finds that the adoption of the amendments to Chapter 18.14 of title 18 (Zoning) in this ordinance is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to: Public Resource Code Section 21080.17, which exempts the adoption of an ordinance by a city or county to implement the provisions of Government Code Sections 65852.2 regarding Accessory Dwelling Units (ADUs);

SECTION 4.

Findings pursuant to Chapter 18.22 of the Lindsay Municipal Code are made

as follows:

1. The proposed amendment is necessary to achieve the objectives of the Zoning Ordinance and General Plan.
2. The amendment is consistent with applicable policies of the Lindsay General Plan and Housing Element.

SECTION 5.

Severability. If any section, subsection, sentence, clause, or phrase of this ordinance 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 portions of the ordinance.

SECTION 6.

Effective Date. This ordinance shall take effect thirty (30) days after its adoption.

SECTION 7.

Publication. The City Clerk shall certify to the adoption of this ordinance and cause the same to be published in accordance with applicable law.

INTRODUCED at a regular meeting of the City Council of the City of Lindsay held on the 9th day of December 2025.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Lindsay held on the 13th day of January 2026, by the following vote:

AYES: Villarreal, Soria, Nave, Sanchez, Flores

NOES:

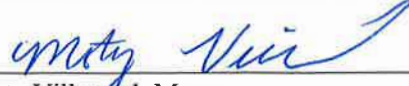
ABSENT:

ABSTAIN:

THE FOREGOING ORDINANCE, read by title only with waiving of the reading in full, was introduced at a regularly scheduled meeting on the 13th day of January 2026.


PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council held on the 13th day of January 2026.

CITY COUNCIL OF THE CITY OF LINDSAY



Misty Villarreal, Mayor

ATTEST:



Dalee Chang, Deputy City Clerk

Exhibit A

ZONING ORDINANCE - TITLE 18

18.15. General Provisions And Exceptions

18.15.010 Addition Of Permitted Uses

18.15.020 Coverage; Measurement

18.15.030 Yard Spaces

18.15.040 Yard Requirements; Measurement

18.15.050 Yard Requirements; Exceptions

18.15.060 Through Lots

18.15.070 Maintenance Of Landscaped Areas

18.15.080 Maintenance And Elimination Of Nonconforming Sites, Uses And Structures

18.15.090 Clarification Of Ambiguity; Interpretation

18.15.100 Height Limitations; Measurement And Exceptions

18.15.110 Garage Sales Within Residential Areas

18.15.120 (Reserved)

[18.15.130 By-Right Approval](#)

18.15.010 Addition Of Permitted Uses

Upon receipt of an application, or on its own initiative, the city council may add a use to the lists of permitted uses, permitted uses subject to administrative approval and conditional uses prescribed in Chapters 18.04 through 18.12 of this title, if the council makes the following findings, as applicable:

- A. That the addition of the use to the list of permitted uses will be in accordance with the purposes of the district in which the use is proposed.
- B. That the use has the same basic characteristics as the uses permitted in the district.
- C. That the use reasonably can be expected to conform with the required conditions prescribed for the district.
- D. That the use will not be detrimental to the public health, safety or welfare, or adversely affect the character of any district in which it would be located.
- E. That the use will not create more vehicular traffic than the volume normally created by the uses permitted in the district.
- F. That the use will not create more odor, dirt, smoke, noise, vibration, illumination, glare, unsightliness or any other objectionable influence than the amount normally created by any of the other uses permitted in the district.
- G. That the use will not create any greater hazard of fire or explosion than the hazards normally created by any of the uses permitted in the district. When a use has been added to a list of permitted uses in accordance with the procedure prescribed in this section, the use shall be deemed to be listed

as a permitted use in the appropriate section and shall be added to the text of that section of the zoning ordinance when it is next published with a notation of the date when the use was added to the list.

(Ord. 437 § 1 (part), 1989)

18.15.020 Coverage; Measurement

The percent of the site area covered by structures shall be measured by dividing the number of square feet of horizontal floor area covered by structures, open or enclosed, by the total horizontal area within the property lines of the site.

(Ord. 437 § 1 (part), 1989)

18.15.030 Yard Spaces

- A. No yard space about any structure in compliance with the regulations for the district in which it is located shall be deemed to provide a yard for any other structure, and no yard on one site shall be deemed to provide a yard space for a structure on another site.
- B. Where two or more dwellings are located on the same lot, and any one of them has a door facing a side yard, such dwelling shall be located not less than ten feet from the adjacent side lot line. A door shall be deemed to face a side yard if the wall in which the door is set is located at an angle of forty-five degrees or less to the side yard.

(Ord. 437 § 1 (part), 1989)

18.15.040 Yard Requirements; Measurement

Required yards shall be measured as the minimum horizontal distance from the property line of the site or street line to a line parallel thereto on the site; provided, that where a precise street plan has been adopted by the city council, required front yards shall be measured from the plan line, and no provision of this title shall be construed to permit a structure or use to extend beyond such line and, provided further, that where a site abuts on a street having only a portion of its required width dedicated or reserved for street purposes, site area and required yards shall be measured from a line representing the boundary of the additional width required for street purposes abutting the site. Where a site abuts a public alley, required yards shall be measured from the nearest line of the alley, except that garages and carports shall be located a minimum of twenty-seven feet from the opposite alley which has access perpendicular to the alley right-of-way line.

(Ord. 437 § 1 (part), 1989)

18.15.050 Yard Requirements; Exceptions

- A. Architectural features including sills, chimneys, fireplaces, cornices and eaves may extend into a required side yard, a required rear yard or a space between structures not more than thirty-six inches and may extend into a required front yard not more than six feet; provided, that where an architectural feature extends more than twenty-four inches into a required side yard, said extension shall be protected by a minimum one-hour fire resistant standard. No building or projection thereof, except a garden structure, may extend into a public easement.
- B. Open, unenclosed, uncovered metal fire escapes and depressed ramps or stairways may project into any required yard or space between buildings not more than four feet; planter boxes attached to a building may be extended into a required front yard by not more than three feet.
- C. Fences, walls, hedges, garden structures walks, driveways and retaining walls may occupy any required yard or other open spaces, subject to the limitations prescribed in the district regulations,

and except that the provisions of this subsection shall not apply to a fence or wall necessary for public safety or as required by any law or regulation of the State or any agency thereof, and further that a chain link fence up to seven feet in height may be located in any required front yard in conjunction with public and quasi-public uses.

- D. Where more than sixty percent of such portion of the linear frontage of lots improved with residential buildings within any block is comprised of lots with less than the minimum front yard requirement, the minimum front yard requirement for other residential buildings in such block may be reduced to the average of the actual front yards of all the lots in such block improved with residential buildings, counting those which have front yards greater than the minimum front yard requirement of the district as having the minimum requirement.

(Ord. 437 § 1 (part), 1989)

18.15.060 Through Lots

A front yard shall be provided on each frontage of a through lot, except where a waiver-of-access has been dedicated to one of the frontages.

(Ord. 437 § 1 (part), 1989)

18.15.070 Maintenance Of Landscaped Areas

A landscaped area provided in compliance with the regulations prescribed in this title or as a condition of a site plan review, a use permit or variance shall be planted with live and healthy plant materials suitable for screening or ornamenting the site, whichever is appropriate, and plant materials shall be replaced as needed to screen or ornament the site. Landscaped areas shall be watered, weeded, pruned, fertilized, sprayed or otherwise maintained to assure compliance with the regulations requiring landscaped areas. Landscaped areas within sites subject to site plan review shall be watered by automatic systems.

(Ord. 437 § 1 (part), 1989)

18.15.080 Maintenance And Elimination Of Nonconforming Sites, Uses And Structures

A. Purposes and Application.

1. A nonconforming use is a use of a structure or land which was lawfully established and maintained prior to the adoption of this title, but which does not conform with the use regulations for the district in which it is located. This section is intended to limit the number and extent of nonconforming uses by limiting their enlargement and prohibiting their reestablishment after abandonment, and by prohibiting the alteration of the structures they occupy and their restoration after destruction.
2. A nonconforming structure is a structure which was lawfully erected prior to the adoption of this title, but which does not conform with the standards of coverage, yard space, height of structures or distance between structures prescribed in the regulations for the district in which the structure is located. While permitting the use and maintenance of nonconforming structures, this section is intended to limit the number and extent of nonconforming structures by prohibiting their being moved, altered or enlarged so as to increase the discrepancy between existing conditions and the standards prescribed in this title and by prohibiting their restoration after destruction, within a reasonable period of time.
3. Priorities for enforcement under this section shall be as follows, in descending order of importance:
 - a. Uses listed under subsection G below.
 - b. Nonconforming uses.

B. Continuation and Maintenance.

1. A use lawfully occupying a structure or a site on the effective date hereof or of amendments thereto which does not conform with the use regulations for the district in which the use is located shall be deemed to be a nonconforming use and may be continued, except as otherwise provided in this section.
2. A structure lawfully occupying a site on the effective date hereof or of amendments thereto, which does not conform with the standards of coverage, front yard, side yards, rear yard or distances between structures prescribed in the regulations for the district in which the structure is located, shall be deemed to be a nonconforming structure and may be used and maintained except as otherwise provided in this section.
3. A sign or outdoor advertising display of any character lawfully occupying a site on the effective date hereof or amendments thereto, which does not conform with the standards for subject matter, location, size, lighting or movement prescribed for the district in which it is located, shall be deemed to be a nonconforming sign or outdoor advertising structure, and may be displayed and maintained except as otherwise provided in this section.
4. Routine maintenance and repairs may be performed on a structure or site, the use of which is nonconforming, on a nonconforming structure and on a nonconforming sign or outdoor advertising structure.

C. Alterations and Additions to Nonconforming Uses and Signs. Except as provided in subsections D through I of this section, no structure, the use of which is nonconforming, and no nonconforming sign shall be moved, altered or enlarged unless required by law or unless the moving, alteration or enlargement will result in the elimination of the nonconforming use. No structure partially occupied by a nonconforming use shall be moved, altered or enlarged in such a way as to permit the enlargement of the space occupied by the nonconforming use.

D. Alterations and Additions to Nonconforming Structures. No nonconforming structure shall be altered or reconstructed so as to increase the amount of floor space or the discrepancy between existing conditions and the standard of coverage, front yards, side yards, rear yard, height of structure or distances between structures prescribed in the regulations prescribed for the district in which the structure is located, except as may be permitted through the granting of a conditional use permit under the provisions of Chapter 18.17. The modest expansion of a nonconforming use which may be allowed within any zoning district under conditional use permit procedures shall not exceed twenty-five percent of the existing floor area of the structure.

E. Abandonment of a Nonconforming Use. Whenever a nonconforming use has been abandoned, discontinued or changed to a conforming use for a continuous period of six months, the nonconforming use shall not be reestablished and the use of the structure or site thereafter shall be in conformity with the regulations for the district in which it is located.

F. Restoration of a Damaged Structure.

1. Whenever a nonconforming use, or a nonconforming structure shall be destroyed by fire or other calamity, or by an act of God or by the public enemy to the extent of less than sixty percent, the structure may be restored and the nonconforming use may be resumed; provided, that restoration is started within six months and diligently pursued to completion. The extent of damage to any structure shall be determined by the building official, and shall be based upon the ratio of the estimated cost of restoring the use or structure to its condition prior to such damage to the estimated

cost of duplicating the entire structure as it existed prior thereto.

2. Whenever a nonconforming use or a nonconforming structure shall be destroyed by fire or other calamity, or by an act of God or by the public enemy to the extent of sixty percent or more, or shall be voluntarily razed or shall be required by law to be razed, the structure shall not be restored except in full conformity with the regulations for the district in which it is located and the nonconforming use shall not be resumed.

G. Elimination of Nonconforming Uses and Structures.

1. The following nonconforming uses and structures shall be discontinued and completely removed or altered and converted to a conforming status within five years after the effective date of this title:
 - a. A nonconforming use which does not occupy a structure.
 - b. A nonconforming use occupying a structure having an assessed valuation of less than two hundred dollars.
 - c. A nonconforming outdoor advertising structure.
 - d. Abandoned or dilapidated signs in accordance with the provisions of Section 18.14.040(D)(11).
2. A nonconforming home occupation shall be discontinued within one year of the adoption of this title.
3. Uses permitted only within an RA, R or RM district which are located in a C or I district, and uses permitted only within a C or I district which are located within an RA, R or RM district shall be completely removed or altered and converted to a conforming status upon abandonment of the previous use for six months or more. When a nonconforming use is removed, every future use shall be in conformity with the provisions of this title. Repairs necessary to maintain a nonconforming use and other maintenance (excluding signs), not exceeding an assessed valuation of two thousand five hundred dollars, shall not be construed as lengthening the useful life of the nonconforming use.
4. Fences, walls and hedges which do not conform to the provisions of this title governing the erection of fences, walls and hedges in relation to street intersections shall, within one month of receipt of written notification by the community development department, be removed or made to conform.

H. Time When Use, Structure or Sign Becomes Nonconforming. Whenever a use or structure becomes nonconforming because of a change of zoning district boundaries or a change of regulations for the district in which the site is located, the period of time prescribed in this section for the elimination of the use shall be computed from the effective date of the change of district or regulations, and the building official shall carry out the provisions of subsection I of this section, in respect thereto.

I. Records and Notification of Nonconforming Status of a Use, Structure or Sign.

1. Within one hundred eighty days after the effective date hereof, and amendments thereto, the community development department shall compile a list of all structures or uses which shall have become nonconforming by the adoption of this title under the provisions of subsection H of this section, together with a description of their locations and the names and addresses of all persons whose names appear on the latest adopted tax roll of Tulare County as owning such nonconforming structures, uses or signs, which list shall be recorded in the office of the Tulare County recorder with copies placed on file with each title company operating within Tulare County.
2. Within one year after the effective date hereof, the community development department shall notify, in writing, the owners of all nonconforming structures, uses, signs and fences, walls and hedges, of

the nonconforming status of their property and the date when such structure or use shall be removed or made conforming by said owners, if such removal or conformance is required by the provisions of this title. An excerpt of this title will be attached to said notice which excerpt shall include all of the provisions of this section.

- J. Effect of Eminent Domain. If any land, right-of-way or easement be taken by eminent domain, or be granted to the condemner under actual threat of suit in eminent domain, the following provisions and exceptions shall apply:
1. If the area of a lot is reduced below the minimum requirement thereby, such lot shall be deemed to be a legal substandard lot under the provisions of Section 18.02.030(G), and any existing building or structure thereon shall be deemed to be nonconforming.
 2. If a required yard is reduced or eliminated thereby, any affected building or structure shall be deemed nonconforming; provided, however, that such building or structure may be structurally altered or enlarged as long as such alterations or enlargements comply with all other requirements of the zoning district.
 3. If any required parking space on a lot is reduced or eliminated thereby, the provisions of Chapter 18.13 shall not be construed to require the replacement of the required parking space.
- K. Change of Nonconforming Use. Except as otherwise set forth in this section, the nonconforming use of a structure or site may be changed to another nonconforming use provided the change of use is approved by the city council in accordance with the following procedure:
1. An application for a change of use shall be made to the city council on a form prescribed by the council, which form shall include the following data:
 - a. The name and address of the applicant;
 - b. A statement that the applicant is the owner of the property or is the authorized agent of the owner;
 - c. The address or description of the property; and
 - d. A statement of the precise nature of the existing or preexisting nonconforming use, the proposed nonconforming use, and any other data pertinent to the findings prerequisite to the granting of the application as set forth in subsection (K)(4) of this section. The application shall be filed with the community development department. Notice shall be given to the applicant of the time when the application will be considered by the council, and notice may be given of the time to any other interested party.
 2. The council shall hold a public hearing on an application for a change of use. Notice of the hearing shall be given not less than ten days nor more than thirty days prior to the date of the hearing in the manner set forth in Chapter 18.17 of this code.
 3. The city services_director shall make an investigation of the application and shall prepare a written report thereon, which report shall be submitted to the council. The council shall consider the report of the director before taking action on the application.
 4. The council may grant an application for a change of use if, on the basis of the application and the evidence submitted, the council makes the following findings:
 - a. That the proposed use is classified in a more restricted category than the existing or preexisting use by the district regulations of this title. The classification of a nonconforming use shall be

determined on the basis of the district in which it is first permitted; provided, however, a conditional use shall be deemed to be in a less restrictive category than a permitted use in the same district;

- b. That the proposed use will not more adversely affect the character of the district in which it is proposed to be located than the existing or preexisting use;
 - c. That the proposed use will not create more vehicular or rail traffic than the volumes created by the existing or preexisting use;
 - d. That the proposed use will not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness or any other objectionable influence than the amount created by the existing or preexisting use; and
 - e. That the proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
5. The city council may grant an application for a change of use for a limited time period, or subject to such conditions as the council may prescribe. The council may deny an application for a change of use.
 6. An action of the council granting an application for a change of use shall become null and void six months following the date of the action unless, prior to the expiration of six months, a building permit is issued by the chief building inspector and construction is commenced and diligently pursued toward completion on the site which was the subject of the application. The action of the council may be made effective for an additional six months if, within six months of the original application, an application to continue the action in effect is made to the council. The council may grant or deny an application to continue its action in effect.
 7. An action of the council granting an application for a change of use subject to conditions shall be revoked by the council if the conditions are not complied with.
 8. Following the date of denial of an application for a change of use or the revocation of an action of the council granting an application, no application for the same, or substantially the same, structure or on the same, or substantially the same, site shall be filed within six months of the denial of the application or the revocation of the action of the council.
- L. Use of Nonconforming Sites. Except as otherwise provided in this section, a site having an area, frontage, width or depth less than the minimum prescribed for the district in which the site is located, which is shown on a duly approved and recorded subdivision map, or for which a deed or valid contract of sale was of record prior to the adoption of this title, and which had a legal area, frontage, width and depth at the time that the subdivision map, deed or contract of sale was recorded, may be used for any permitted use listed for the district in which the site is located, but shall be subject to all other regulations for such district.

(Ord. 437 § 1 (part), 1989)

18.15.090 Clarification Of Ambiguity; Interpretation

- A. In event of need for any clarification or interpretation of the provisions of this title, the city council shall ascertain all pertinent facts and by resolution shall set forth its findings. If approved by the council, said clarifications or interpretation shall govern until modified by resolution adopted in like manner or by appropriate amendment to this title.
- B. The authority of the city council prescribed by this section shall apply in all of the following cases:

1. If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this title, subject to the additional requirements of Section 18.15.010;
2. If ambiguity exists with reference to matters of height, yard area and other requirements;
3. If uncertainty exists with reference to a zone district boundary;
4. If an unforeseen condition arises or technological changes have been introduced which require interpretation of their impact on the provisions of this title;
5. If ambiguity or uncertainty arises as to the meaning of any word or provision contained in this title.

(Ord. 437 § 1 (part), 1989)

18.15.100 Height Limitations; Measurement And Exceptions

- A. The height of a structure shall be measured vertically from the average elevation of the surface of the ground covered by the structure to the highest point of the structure; provided, however, the provisions of this section shall not apply to the height of any structure necessary for public safety or as required by any law or regulation of the State or an agency thereof.
- B. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain buildings, and fire and parapet walls, skylights, towers, spires, cupolas, road signs (where permitted), flagpoles, chimneys, smokestacks, television and radio masts, or similar structures, may be erected to a height not exceeding twenty-five feet above the height limit of the underlying zone district but shall not be allowed for the purpose of providing additional floor space. This section shall not apply to wireless communication facilities (e.g., cellular phone, enhanced specialized mobile radio, personal communication systems, or other communication technologies based on wireless radio wave transmission) which emit, broadcast or repeat signals intended primarily for commercial use beyond the immediate site upon which the facility is located. Wireless communication facilities shall be subject to the provisions of Section 18.16.090.

(Ord. 486 § 17, 1997; Ord. 437 § 1 (part), 1989)

18.15.110 Garage Sales Within Residential Areas

Garage sales within residential districts shall be subject to the limitations of Municipal Code Chapter 8.16.

(Ord. 489 § 1 (part), 1998; Ord. 437 § 1 (part), 1989)

18.15.120 (Reserved)

Editor's note— Ord. 531, § 9, adopted July 12, 2011, repealed § 18.15.120, which pertained to adult entertainment uses and derived from Ord. 486, § 18, 1997.

18.15.130 By-Right Approvals

A. Purpose

This Section specifies the process for reviewing uses entitled to review as a “use by right” as defined in Government Code Section 65583.2. In enacting this Section, it is the intent of the City of Lindsay to implement State law as well as the goals, objectives, and policies of the City of Lindsay’s Housing Element of the General Plan.

B. Definitions

1. “By-right” shall mean that the local government's review of the project may not require a conditional use permit, planned unit development permit, or other discretionary local

government review or approval that would constitute a “project” under the California Environmental Quality Act as defined in Government Code Section 65583.2.

2. “Permanent supportive housing” means housing as defined in Government Code Section 65650(a) serving the target population as defined in Government Code Section 65650(c) that meets all of the requirements of Government Code Sections 65650 et seq. or successor provision.
3. “Low barrier navigation center” means a facility as defined in Government Code Section 65660(a) that meets all of the requirements of Government Code Sections 65660 et seq.

C. Eligibility for By-right Approval.

The following uses are eligible for by-right approval:

1. Projects that satisfy the criteria outlined in subparagraphs (1) and (2) below:
 - a. Are located on sites listed as lower-income sites in the adopted housing element site inventory pursuant to Government Code Section 65583.2 subdivision (c) that are shown to have been either:
 - i. vacant and listed in two prior housing element site inventories, or
 - ii. non-vacant and listed in a previous housing element site inventory; and,
 - b. Twenty percent of the total number of housing units in the project are proposed to be available to lower-income households at affordable rent or affordable housing cost, as applicable.
2. Permanent supportive housing as defined in Government Code Section 65660 that meets all of the requirements of Government Code Sections 65660 et seq.
3. Low barrier navigation centers as defined in Government Code Section 65660 that meets all of the requirements of Government Code Sections 65660 et seq.
4. One hundred percent affordable projects located on land that was owned by an independent institution of higher education or religious institution as described in Government Code Section 65913.16.
5. Other projects eligible under state law for by-right approval.

D. Permit Requirements.

An applicant for a project eligible for by-right zoning approval shall submit a ministerial permit for approval of the design. No discretionary permit or approval is required.

E. Review of Application.

1. For ministerial permit applications listed in this section, the City Manager, or designee, without notice or hearing, shall consider the application ministerially without discretionary review. When the application is in compliance with the relevant standards, the permit shall be issued. The decision may be appealed to the City Council only by the applicant or the owner of the subject property.
2. The application for the ministerial permit shall be reviewed for conformance with objective standards established by the General Plan, applicable Specific Plans, Zoning Code, design standards, and other adopted standards.
3. As provided by Government Code Section 65583.2(i), an eligible project is exempt from the California Environmental Quality Act.

4. Permanent supportive housing shall be reviewed consistent with the provisions of Government Code Sections 65650 *et seq.*
5. Low barrier navigation centers shall be reviewed consistent with the provisions of Government Code Sections 65650 *et seq.*

F. Required Findings

In granting a ministerial plan permit, the City Manager, or designee, shall issue a letter of approval and shall make the following findings:

1. That the project is eligible for by-right approval under state law.
2. That the project complies with all applicable objective zoning and other adopted standards, including but not limited to design review standards.
3. That the project is granted subject to such applicable conditions as required to meet the standards of the use and zone in which it is located and to comply with applicable design standards.

G. Interpretation.

If any portion of this chapter conflicts with any applicable state law, state law shall supersede this chapter. Any ambiguities in this chapter shall be interpreted to be consistent with state law. Statutory references in this ordinance include successor provisions.

EXHIBIT B

ZONING ORDINANCE - TITLE 18

18.14 Miscellaneous Development Standards

18.14.010 Home Occupations

18.14.020 Temporary Subdivision Signs And Sales Offices

18.14.030 Mobile Home Parks

18.14.040 Regulation of signs and outdoor advertising

18.14.050 Regulation Of Manufactured Housing Within Residential Districts

18.14.060 Accessory Dwelling Units

18.14.60 Accessory Dwelling Units and Junior Accessory Dwelling Units

- A. Purpose. The purpose of this chapter is to prescribe development and site regulations that apply, except where specifically stated, to 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. Implementation of this section is meant to expand housing opportunities by increasing the number of smaller units available within existing neighborhoods.

ADUs and JADUs shall not be subject to any deed restrictions, nor may any HOA or third-party entity influence approval of an ADU or JADU permit application (Gov. Code § 66315, § 66317(c)).

- B. Applicability. The provisions of this section shall apply to all accessory dwelling units approved on or after the effective date of the ordinance codified in this section. This section provides standards by which the city shall evaluate building permit applications for permitted accessory dwelling units in the UR, RA, R, RM, MXU, and PO zoning districts. Accessory dwelling units shall be permitted ministerially in any zone that permits residential uses, including mixed-use zones, regardless of density (Gov. Code § 65852.2(a)).

All applications for ADUs/JADUs shall be approved ministerially within 60 days of a completed application submission (Gov. Code § 66317(a), § 66335(2)).

- C. Definitions. As used in this article, the following terms are defined in this section:

"Principal dwelling unit" means a single- or multi-family dwelling unit situated on a residential lot in the UR, RA, R, RM, MXU, and PO zones to which an accessory dwelling unit as defined by this article has been or is proposed to be added.

"Accessory dwelling unit" means an additional dwelling unit **up to 1200 sq ft for detached ADUs and up to 50% of the primary dwelling for attached ADUs, in compliance with State law**, with separate kitchen, sleeping, and sanitation facilities constructed or adopted within, onto, or detached from a primary dwelling on a residential lot in the UR, RA, R, RM, MXU, and PO zones.

"Junior accessory dwelling unit" or "JADU" means a dwelling unit that is no more than five hundred (500) square feet in size and contained entirely within a single-family residence that includes a separate entrance, may share sanitation facilities with the primary residence, and includes an

efficiency kitchen consisting of a cooking facility with appliances, a food preparation counter, and storage cabinets of reasonable size in relation to the size of the unit.

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

D. Lot Requirements. An accessory dwelling unit shall be permitted on a lot or parcel that meets the following:

1. Contains an existing or proposed single-family or multi-family dwelling.
2. Minimum lot size shall not restrict ADU creation (Gov. Code § 65852.2(a)(1)).
3. ADUs may be permitted on lots served by septic systems, consistent with applicable health standards. Lots may contain both an ADU and a JADU as permitted by State law..

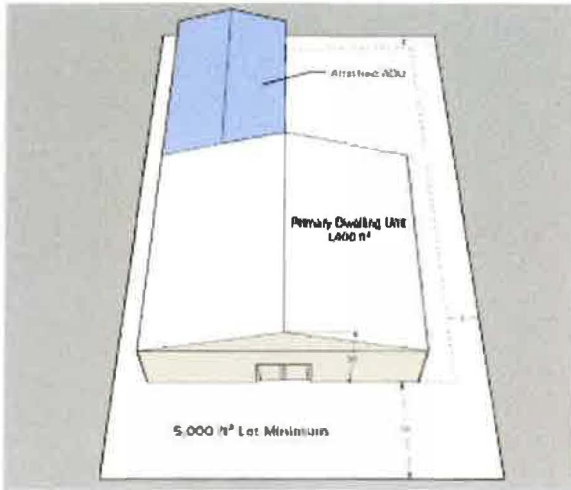
E. Development Standards. All accessory dwelling units may be established by the conversion of an attic, basement, garage, or other portion of a principal dwelling unit. A detached accessory dwelling unit may be established by the conversion of an accessory structure or maybe new construction. Manufactured homes may be used as ADUs and shall not be subject to standards that exceed those required for any other ADU under State law.

All applications for accessory dwelling units, must comply with the following standards:

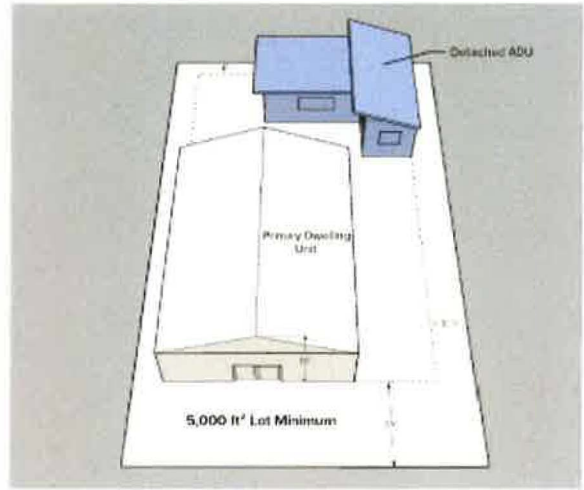
1. Parcel Size –Minimum lot size shall not prevent ADU creation.
2. Floor Area. Detached ADUs shall not exceed one thousand two hundred (1,200) square feet ; attached ADUs ≤50% of primary dwelling or 1,200 sq ft, whichever is greater; manufactured home ≥800 sq ft; ADUs/JADUs ≥220 sq ft; JADUs ≤500 sq ft.
3. Quantity. Single-family: one attached or detached ADU and one JADU per lot. Multi-family: up to two detached ADUs plus at least one conversion ADU within existing non-livable space, and up to 25% of existing units may be converted. (Gov. Code § 66323).
4. Setbacks – A setback of four (4) feet from the side and rear lot lines is required for an ADU, unless the ADU is constructed within an existing primary structure.
5. ADUs and JADUs shall not exceed a single story and eighteen feet (18') in height, with an additional 2 feet for pitched roofs. Up to 25 feet must be allowed when attached to or replacing a portion of an existing dwelling with equal or greater height (Gov. Code § 66323(a)(2))
6. No architectural review or subjective design standards shall be applied to ADUs or JADUs. Only objective standards permitted by State law may be imposed.
7. Safety – Accessory dwelling units shall be subject to all applicable building, fire, health and safety codes and may not have adverse impacts on any real property that is listed in the California Register of Historic Places.
8. Access – Entrance location shall not be restricted.
9. Parking. Up to one off-street parking space may be required unless exempt under Gov. Code § 65852.2(a)(1)(D). No on-street parking availability test shall be applied. No parking may be required for JADUs, including garage conversions (Gov. Code § 65852.2(a)(1)(D)(xi)).

Parking exemptions include: a. The accessory dwelling unit is located within one-half (0.5) miles of public transit.

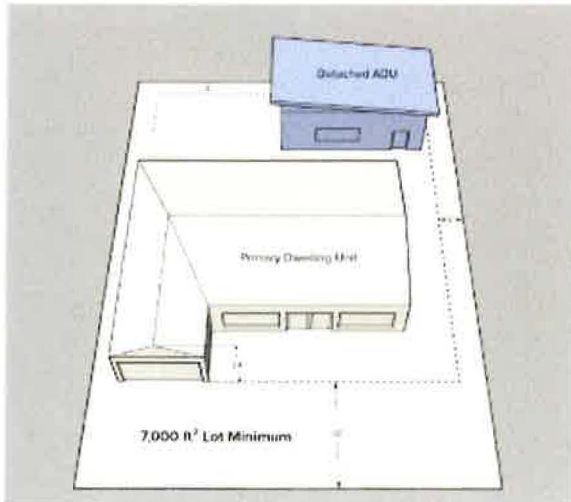
- b. The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - c. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
 - d. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted to an ADU, the local agency shall not require that those off-street parking spaces for the primary unit be replaced. No parking may be required for JADUs, including garage conversions (Gov. Code, § 65852.2, subd. (a)(1)(D)(xi).
10. Utility Services. Accessory dwelling units shall be provided with water, sewer, and other utilities as determined by the building official. A separate connection from the main dwelling is not required.



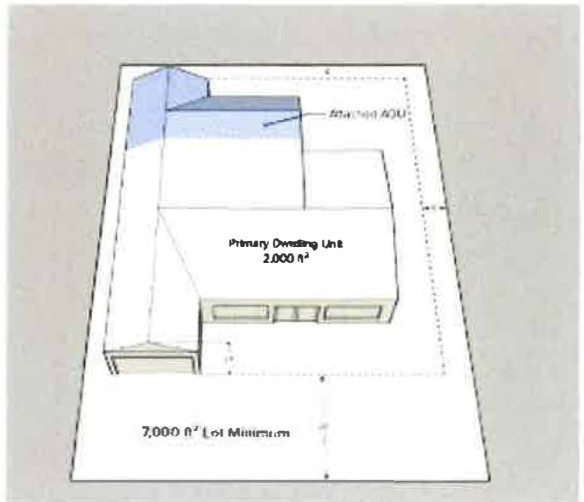
Lot Square Footage: 5,000 ft²
Primary Dwelling Unit Square Footage: 1,400 ft²
Minimum ADU Square Footage: 220 ft²
Maximum ADU Square Footage: 50% of the primary dwelling unit or 1,200 ft², whichever is greater.
Minimum Front Setback: 15 ft
Minimum Side Setback: 5 ft
Minimum Rear Setback: 4 ft
Maximum ADU Height: 16 ft



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Lot Square Footage: 7,000 ft²
Primary Dwelling Unit Square Footage: 2,000 ft²
Minimum ADU Square Footage: 220 ft²
Maximum ADU Square Footage: 1,200 ft²
Minimum Front Setback: 20 ft (15 ft without garage)
Minimum Side Setback: 5 ft
Minimum Rear Setback: 4 ft
Maximum ADU Height: 16 ft



Lot Square Footage: 7,000 ft²
Primary Dwelling Unit Square Footage: 2,000 ft²
Minimum ADU Square Footage: 220 ft²
Maximum ADU Square Footage: 50% of the primary dwelling unit or 1,200 ft², whichever is greater.
Minimum Front Setback: 20 ft (15 ft without garage)
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Example ADU Design Standards for Various Lot Sizes

11. Process. The City shall ministerially approve compliant ADU/JADU applications without discretionary review or appeal.

12. A permit must be obtained for the construction or installation of an ADU or JADU as a Ministerial review only; no discretionary review or hearings permitted.

13. Deed Restrictions - ADU/JADU development is exempt from deed restrictions and may not be blocked by HOA rules; owner-occupancy is not required (Gov. Code § 66315).

14. Impact Fees - ADUs ≤750 sq ft exempt from impact fees; larger ADUs may be charged proportionally (Gov. Code § 66324(c)).

15. Pre-2020 ADUs/JADUs - Legalization must follow Gov. Code § 66332.

16. State Law - State law supersedes any conflicting provisions; noncompliant ordinance provisions are null and void (Gov. Code § 66316).

17. Conveyance - Separate conveyance as condominium allowed (Gov. Code §§ 66340–42, 66341).