

Exhibit B: Proposed Amended Article 5

Note: **underline and bolded** text represents new text; ~~strike through~~ text represents text to be eliminated

Article 5 R Residential Districts

Sections:

- 2-500 Specific Purposes
- 2-502 Reserved

Division 1. Use Regulations

- 2-504 RO District—Use Regulations
- 2-506 RS District—Use Regulations
- 2-508 RD District—Use Regulations
- 2-510 RM District—Use Regulations
- 2-512 Additional Use Restrictions: RO, RS, RD, and RM Districts
- 2-514 Home Occupation in R Districts
- 2-516 Large Family Day Care Homes
- 2-518 Residential Congregate Care Facilities
- 2-520 Maximum Dwelling Unit Occupancy
- 2-522 RO District—Animal Husbandry
- 2-524 Reserved

Division 2. Development Regulations

- 2-526 Property Development Regulations: RO, RS, RD, and RM Districts
- 2-528 Base Density: Minimum Site Area per Unit
- 2-530 Minimum Lot Area
- 2-532 Minimum Lot Width
- 2-534 Minimum Yards
- 2-536 Maximum Height of Structures
- 2-537 Daylight Planes in R Districts
- 2-538 Maximum Lot Coverage
- 2-539 Maximum Floor Area Ratio (FAR)
- 2-540 Additional Property Development Regulations: RO, RS, RD, and RM Districts
- 2-542 R Districts—Adjustments to Minimum Yard Requirements
- 2-544 Swimming Pools, Hot Tubs and Related Equipment
- 2-546 Accessory Structures in RS, RD and RM Districts
- 2-548 RO District—Applicability of Prior Zoning Code
- 2-550 RO District—Additional Setback and Lot Coverage Requirements
- 2-552 RO District—Accessory Structures
- 2-554 RO District—Additional Dwelling Units
- 2-556 RM District—Multi-Family Dwellings, Requirements for Courts Opposite Windows
- 2-558 RM District—Multi-Family Dwellings, Requirements for Open Space
- 2-560 RM District—Multi-Family Dwellings, Requirements for Planting Areas

Proposed Amended Article 5

- 2-562 RM District—Multi-Family Dwellings, Requirements for Storage Space
- 2-564 RM District—Multi-Family Dwellings, Requirements for Exterior Materials
- 2-566 Reserved
- 2-568 Manufactured Homes in R Districts
- 2-570 Manufactured Home Parks
- 2-572 Reserved

Division 3. Discretionary Permits

- 2-574 Administrative Exceptions
- 2-576 Secondary Dwelling Units
- 2-578 Residential Site Plan Review—Measure of Floor Area and General Requirements
- 2-580 RO, RS and RS-40 Districts—Residential Site Plan Review
- 2-582 RS-VP Sub-District—Residential Site Plan Review and Exceptions to Height Restrictions
- 2-584 RO and RS Districts—Overview of Residential Site Plan Review Requirements

2-500 Specific Purposes

In addition to the general purposes listed in Article 1, the specific purposes of residential districts are to:

- A. Provide appropriately located areas for residential development that are consistent with the General Plan and with standards of public health and safety established by the Municipal Code.
- B. Ensure adequate light, air, privacy, and open space for each dwelling, and protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects.
- C. Protect residential areas from fires, explosions, landslides, toxic fumes and substances, and other public safety hazards.
- D. Protect adjoining single-family residential districts from excessive loss of sun, light, quiet, and privacy resulting from proximity to new development.
- E. Achieve a high standard of site and building design and design compatibility with surrounding neighborhoods.
- F. Promote development of housing affordable by low- and moderate-income households by providing a density bonus for projects in which a portion of the units are affordable for such households.
- G. Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment.

Proposed Amended Article 5

- H. Ensure the provision of public services and facilities needed to accommodate planned population densities.

The additional purposes of each R Residential District are:

RO Residential Outer District. To provide opportunities for additional single- and two-family dwellings on larger lots, subject to appropriate standards and to permit horticulture, animal husbandry, and small-scale truck gardening within limitations consistent with the basic residential character of the district.

RS Residential Single-Family District. To provide opportunities for single-family residential land use in neighborhoods, subject to appropriate standards. There are two sub-districts of the RS District. One, indicated by a “-40” designation, is intended for areas where the minimum front yard setback is forty (40) feet. The other, indicated by a –VP, is intended for “view preservation,” where the maximum height limit is eighteen (18) feet and all new homes and additions are subject to discretionary review to prevent unreasonable blockage of views.

RD Residential Duplex District. To provide opportunities for two-family housing at appropriate locations.

RM Residential Multi-Family District. To provide opportunities for multiple residential uses, including town houses, condominiums, multi-dwelling structures, or cluster housing with landscaped open space for residents’ use, and apartments. Single-family and duplex dwellings are permitted uses in these districts. Four (4) types of multi-family districts are established:

RM-3000 District, where the density is 14.5 dwellings per gross acre.

RM-2500 District, where the density is 17.5 dwellings per gross acre.

RM-2000 District, where the density is 22 dwellings per gross acre.

RM-1800 District, where the density is 24 dwellings per gross acre.

(Ord. 2001-015 § 1)

2-502 Reserved (Ord. 2001-015 § 1)

Division 1. Use Regulations

Proposed Amended Article 5

2-504 RO District—Use Regulations

A. RO District—Permitted Uses.

The following uses are allowed in the RO District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a permitted use.
2. Animal Husbandry. (Subject to the regulations of Section 2-522: RO District—Animal Husbandry.)
3. Day Care, Large Family. (Subject to the regulations of Section 2-516: Large Family Day Care Home.)
4. Day Care, Limited.
5. Garage and Yard Sales. (Limited to two (2) times per year on the premises of the property owner or a residential property in the immediate vicinity.)
6. Horticulture, Limited.
7. Park and Recreation Facilities, Public.
8. Residential Congregate Care Facilities. (Subject to the regulations of Section 2-518: Residential Congregate Care Facilities.)
9. Residential Congregate Care Facilities, Limited.
10. Single-Family Residential.
11. Additional Residential Dwelling Units. (Subject to the regulations of Section 2-554: RO District—Additional Dwelling Units.)
12. Utilities, Minor.

B. RO District—Conditionally Permitted Uses.

The following uses are allowed in the RO District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classifications.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. Assembly Uses.
- ~~3. Day Care, General.~~
- 3.4.** Park and Recreation Facilities, Private Noncommercial.
- ~~4.5.~~ **4.5.** Public Safety Facilities.
- ~~5.6.~~ **5.6.** Schools, Public or Private.
- ~~6.7.~~ **6.7.** Telecommunications Antennas and/or Alternative Tower Structures [see Section 4-1686: Wireless Telecommunications Facilities {as per Ordinance No. 98-009}].
- ~~7.8.~~ **7.8.** Utilities, Major.

Proposed Amended Article 5

C. RO District—Uses Requiring Administrative Review.

The following uses are allowed in the RO District, subject to the approval of an Administrative Review by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Community Gardens. (Subject to the regulations of Section 4-1690: Community Gardens.)

2. Day Care, General.

D. RO District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RO District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Assembly Uses, Temporary.
2. Commercial Filming, Limited.
3. Street and Neighborhood Fairs. (Ord. 2014-011 § 2; Ord. 2007-005 § 2; Ord. 2001-015 § 1)

2-506 RS District—Use Regulations

A. RS District—Permitted Uses.

The following uses are allowed in the RS District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a permitted use.
2. Day Care, Large Family. (Subject to the regulations of Section 2-516: Large Family Day Care Homes.)
3. Day Care, Limited.
4. Garage and Yard Sales. (Limited to two (2) times per year on the premises of the property owner or a residential property in the immediate vicinity.)
5. Park and Recreation Facilities, Public.
6. Residential Congregate Care Facilities. (Subject to the regulations of Section 2-518: Residential Congregate Care Facilities.)
7. Residential Congregate Care Facilities, Limited.
8. Single-Family Residential.
9. Two-Family Residential, Pre-Existing. (These pre-existing two-family residential uses shall be allowed to remain and shall not be considered nonconforming, but no new uses shall be established.)
10. Utilities, Minor.

Proposed Amended Article 5

B. RS District—Conditionally Permitted Uses.

The following uses are allowed in the RS District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. Assembly Uses.
- ~~3. Day Care, General.~~
- 3.4.** Park and Recreation Facilities, Private Noncommercial.
- ~~4.5.~~ Public Safety Facilities.
- 5.6.** Schools, Public or Private.
- ~~6.7.~~ Secondary Dwelling Units. (Subject to the regulations of Section 2-576: Secondary Dwelling Units.)
- ~~7.8.~~ Swim and Tennis Clubs.
- 8.9.** Telecommunications Antennas and/or Alternative Tower Structures [see Section 4-1686: Wireless Telecommunications Facilities {as per Ordinance No. 98-009}].
- ~~9.10.~~ Utilities, Major.

C. RS District—Uses Requiring Administrative Review.

The following uses are allowed in the RS District, subject to the approval of an Administrative Review by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Community Gardens. (Subject to the regulations of Section 4-1690: Community Gardens.)
- 2. Day Care, General.**

D. RS District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RS District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Assembly Uses, Temporary.
2. Commercial Filming, Limited.
3. Street and Neighborhood Fairs. (Ord. 2014-011 § 2; Ord. 2007-005 § 2; Ord. 2001-015 § 1)

2-508 RD District—Use Regulations

A. RD District—Permitted Uses.

Proposed Amended Article 5

The following uses are allowed in the RD District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a permitted use.
2. Day Care, Large Family. (Subject to the regulations of Section 2-516: Large Family Day Care Homes.)
3. Day Care, Limited.
4. Garage and Yard Sales. (Limited to two (2) times per year on the premises of the property owner or a residential property in the immediate vicinity.)
5. Park and Recreation Facilities, Public.
6. Residential Congregate Care Facilities. (Subject to the regulations of Section 2-518: Residential Congregate Care Facilities.)
7. Residential Congregate Care Facilities, Limited.
8. Single-Family Residential.
9. Two-Family Residential.
10. Utilities, Minor.

B. RD District—Conditionally Permitted Uses.

The following uses are allowed in the RD District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. Assembly Uses.
- ~~3. Day Care, General.~~
- 3.4. Park and Recreation Facilities, Private Noncommercial.
- ~~4.5.~~ Public Safety Facilities.
- 5.6. Schools, Public or Private.
- ~~6.7.~~ Swim and Tennis Clubs.
- 7.8. Telecommunications Antennas and/or Alternative Tower Structures [see Section 4-1686: Wireless Telecommunications Facilities {as per Ordinance No. 98-009}].
- 8.9. Utilities, Major.

C. RD District—Uses Requiring Administrative Review.

The following uses are allowed in the RD District, subject to the approval of an Administrative Review by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Community Gardens. (Subject to the regulations of Section 4-1690: Community Gardens.)
- 2. Day Care, General.**

Proposed Amended Article 5

D. RD District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RD District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Assembly Uses, Temporary.
2. Commercial Filming, Limited.
3. Street and Neighborhood Fairs. (Ord. 2014-011 § 2; Ord. 2007-005 § 2; Ord. 2001-015 § 1)

2-510 RM District—Use Regulations

A. RM District—Permitted Uses.

The following uses are allowed in the RM District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a permitted use.
2. Day Care, Large Family. (Subject to the regulations of Section 2-516: Large Family Day Care Homes.)
3. Day Care, Limited.
4. Garage and Yard Sales. (Limited to two (2) times per year on the premises of the property owner or a residential property in the immediate vicinity.)
5. Multi-Family Residential.
6. Park and Recreation Facilities, Public.
7. Residential Congregate Care Facilities. (Subject to the regulations of Section 2-518: Residential Congregate Care Facilities.)
8. Residential Congregate Care Facilities, Limited.
9. Single-Family Residential.
10. Two-Family Residential.
11. Utilities, Minor.

B. RM District—Conditionally Permitted Uses.

The following uses are allowed in the RM District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. Assembly Uses.
3. Bed and Breakfast Inns.
4. ~~Day Care, General.~~
- 4**5. Group Housing.
- 5**6. Manufactured Home Parks.

Proposed Amended Article 5

- ~~6.7.~~ Park and Recreation Facilities, Private Noncommercial.
- ~~7.8.~~ Public Safety Facilities.
- ~~8.9.~~ Schools, Public or Private.
- ~~9.10.~~ Swim and Tennis Clubs.
- ~~10.11.~~ Telecommunication Alternative Tower Structures [see Section 4-1686: Wireless Telecommunications Facilities {as per Ordinance No. 98-009}].
- ~~11.12.~~ Utilities, Major.

C. RM District—Uses Requiring Administrative Review.

The following uses are allowed in the RM District, subject to the approval of a Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

- ~~1.2.~~ Community Gardens. (Subject to the regulations of Section 4-1690: Community Gardens.)
- 2. Day Care, General.**
- ~~3.4.~~ Telecommunications Antennas [see Section 4-1686: Wireless Telecommunications Facilities {as per Ordinance No. 98-009}].

D. RM District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RM District, subject to the regulations of Section 5-2222: Temporary Use Permits.

- 1. Assembly Uses, Temporary.
- 2. Commercial Filming, Limited.
- 3. Street and Neighborhood Fairs. (Ord. 2014-011 § 2; Ord. 2007-005 § 2; Ord. 2004-023 § 1; Ord. 2001-015 § 1)

Proposed Amended Article 5

2-514 Home Occupation in R Districts

- A. Permit Required. A home occupation in a residential use shall require a home occupation permit, obtained by filing a completed application form with the Zoning Enforcement Official. The Zoning Enforcement Official shall issue the permit upon determining that the proposed home occupation complies with the requirements of this Section.
- B. Contents of Application. An application for a home occupation permit shall contain:
1. The name, address, and telephone number of the applicant;
 2. A complete description of the proposed home occupation, including, but not limited to the number and occupation of persons employed or persons retained as independent contractors, or otherwise engaged or participating in the business, amount of floor space occupied, provisions for storage of materials, and number and type of vehicles or equipment used.
- C. Required Conditions. Home occupations shall comply with the following regulations:
1. No one other than a resident of the dwelling shall be employed on site or report to work at the site in the conduct of a home occupation. This prohibition also applies to independent contractors. **In addition, no persons shall come to the applicant's address in conjunction with the home occupation.**
 2. There shall be no interior or exterior activity related to the home occupation inconsistent with or interfering with residential use of the property or detrimental to property in the vicinity.
 3. A home occupation shall be conducted entirely within a building and shall occupy no more than the lesser of five hundred (500) square feet or twenty-five percent (25%) of the floor area. No outdoor storage of materials or supplies shall be permitted in conjunction with the home occupation.
 4. The existence of a home occupation shall not be apparent beyond the boundaries of the site, and no home occupation shall involve the use of a sign.

Proposed Amended Article 5