

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF DAVIS ADDING ARTICLE 40.04A TO CHAPTER 40 OF THE MUNICIPAL CODE TO ESTABLISH A NEW ZONING DISTRICT, THE RESIDENTIAL ONE AND TWO FAMILY CONSERVATION DISTRICT (R-2 CD), AND REZONING LOTS IN THE OLD NORTH DAVIS AND OLD EAST DAVIS NEIGHBORHOODS TO THE NEW DISTRICT.

WHEREAS, the purpose of the Zoning Ordinance of the City of Davis is to establish a precise and detailed plan for the use of land in the City based on the General Plan; and

WHEREAS, the City has enacted Article 40.13A.010, by Ordinance 2066, which established a Downtown and Traditional Residential Neighborhood ("DTRN") Overlay District, an established site plan, and architectural review requirements for the Overlay District's R-2 neighborhoods; and

WHEREAS, the City has adopted, by resolution, the Downtown and Traditional Residential Neighborhood Design Guidelines for the DTRN to provide design guidelines for all proposed new structures or additions to existing structures; and

WHEREAS, section 40.13A.020(b) of the Municipal Code states that, "[w]herever the guidelines for the DTRN conflict with the existing zoning standards, including planned development, the more restrictive standard shall prevail"; and

WHEREAS, this ordinance would create a new zoning district consistent with the adopted Downtown and Traditional Residential Design Guidelines; and

WHEREAS, the City finds that it is important to have clear and consistent regulations within the Zoning Code; and

WHEREAS, the City held a widely noticed public meeting on this ordinance on June 2, 2003; and

WHEREAS, the Planning Commission held noticed public hearings on June 17 and August 5, 2003 to consider this ordinance and to recommend its adoption to the City Council; and

WHEREAS, the City Council held a noticed public hearing on December 9, 2003; and

WHEREAS, Negative Declaration #22-02 was prepared to evaluate the environmental impacts of this ordinance; and

WHEREAS, the City Council finds that no significant impacts would result from the adoption of this ordinance,

NOW THEREFORE, the City Council of the City of Davis does hereby ordain as follows:

**SECTION 1.** Article 40.04A, establishing a Residential One and Two Family Conservation (R2-CD) Zoning District, is hereby added to the Davis Municipal Code as follows:

**Article 40.04A Residential One and Two Family Conservation (R2-CD) District**

- 40.04A.010 Purpose.**
- 40.04A.020 Permitted uses.**
- 40.04A.030 Accessory uses.**
- 40.04A.040 Conditional uses.**
- 40.04A.050 Height regulations.**
- 40.04A.060 Area, lot width and yard requirements.**
- 40.04A.070 Parking.**
- 40.04A.080 Special exceptions for existing legal non-conforming structures.**
- 40.04A.090 Design review.**

**40.04A.010 Purpose.**

The purpose of the residential one and two family conservation district (R-2 CD) is to stabilize and protect the historic residential characteristics of the Old North Davis and Old East Davis residential neighborhoods within the city's adopted Conservation Overlay Zoning district, and to promote and encourage a suitable environment for residential living. The R-2 CD district is intended for residences and community services appurtenant thereto.

**40.04A.020 Permitted uses.**

The principal permitted uses of land in an R-2 CD district are as follows:

- (a) Up to two single-family dwellings per lot.
- (b) Duplex or two-family dwellings.
- (c) Agriculture, except the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises.
- (d) Family and group day care homes as defined in section 40.26.270 of this chapter.
- (e) Group care homes with six or fewer clients, subject to the provisions of section 40.26.135 of this chapter.

**40.04A.030 Accessory uses.**

The following accessory uses are permitted in the R-2 CD district:

- (a) Home occupations subject to the provisions of sections 40.04A.090 and 40.26.150 of this chapter.
- (b) Swimming pools, subject to the provisions of section 40.26.350 of this chapter.
- (c) Signs, subject to the regulations of section 40.26.020 of this chapter.
- (d) Other accessory uses and accessory buildings customarily appurtenant to a permitted use, subject to requirements of section 40.26.010 (Accessory Buildings/Structures) of this chapter, except as modified within this article. The maximum footprint for any enclosed accessory structure is 480 square feet. The maximum height for any accessory building shall be 15 feet

except as provided for in 40.04A.050 (b).

(e) Secondary Dwelling Unit and Guest Houses. A maximum of one secondary dwelling unit or one guest house is permitted on any one lot where at least one, but no more than one, single-family residence exists on a property.

(1) Ministerial Secondary Dwelling Units. In accordance with section 40.26.450(g) (Ministerial Secondary Dwelling Units and Guest Houses) of this chapter and notwithstanding all other requirements of this section or elsewhere in this chapter, secondary dwelling units that do not exceed 500 square feet shall be exempt from design review provided that they do not result in any exterior alteration or addition of any kind, including doors and windows.

(2) All secondary dwelling units and guest houses not meeting the Ministerial Secondary Dwelling Unit requirements set forth in section 40.26.450 are subject to design review, pursuant to section 40.04A.90 of this article. In addition to standards established in 40.04A.030(d) and elsewhere in this R-2 CD zoning district, the following standards shall apply:

(A) The maximum lot coverage shall be fifty percent (50%) for the total of the primary structure, any secondary unit and any other accessory structure.

(B) The maximum total square footage for a secondary dwelling unit or guest house is 1,200 square feet or fifty percent (50%) of the primary structure, whichever is less.

(C) Attached secondary dwelling units and guest houses shall have the same setbacks as those established for primary buildings in section 40.04A.060 of this article.

(D) Parking for secondary dwelling units and guest houses shall be determined in accordance with section 40.04A.070 of this article.

(E) Guest houses may have restroom facilities (toilet, sink, bathtub and/or shower) but are prohibited from having a kitchen or cooking facilities. A guest house may not be rented or leased separate from the principal structure.

#### **40.04A.040 Conditional uses.**

The following conditional uses may be permitted in the R-2CD district:

(a) Public and semi-public buildings and uses of a recreational, educational, cultural or public service type, including public utility, but not including corporation yards, storage or repair yards, warehouses and similar uses.

(b) Hospitals, churches and other religious and eleemosynary institutions, subject to the provisions of section 40.26.160.

(c) Temporary tract offices, subject to the provisions of section 40.26.360 of this chapter.

(d) Nursery schools and day care centers, subject to the provisions of section 40.26.270 of this chapter.

(e) Multiple dwellings meeting the area, lot width, open space, yard, parking, special conditions and height limitations allowable within the R-3-L district.

(f) Group care homes with more than six clients, subject to the provisions of section 40.26.135 of this chapter.

(g) Conversion of an existing non-conforming non-habitable accessory structure to a secondary dwelling unit or guest house as provided for in section 40.04A.080 of this article; provided that:

(1) The accessory structure was not constructed in violation of any zoning ordinance previously in effect in the district; and

(2) The new use will not constitute a nuisance.

#### **40.04A.050 Height regulations.**

- (a) **Principal buildings.** No principal building shall exceed two stories or thirty feet in height.
- (b) **Accessory buildings.** No accessory building shall exceed fifteen feet in height, unless the accessory building is located in Old East Davis or on a lot on the east side of "F" Street, and the Planning Commission has approved a discretionary design review application to increase the maximum height to no more than thirty feet, pursuant to section 40.040A.090 of this chapter.

#### **40.04A.060 Area, lot width and yard requirements.**

The following minimum requirements shall be observed, except where increased for conditional uses or as provided in section 40.04A.080 or 40.27.040 of this chapter:

- (a) **Lot area.** In Old North Davis, the minimum lot size for any lot adjoining an alley shall be 5,625 square feet, and the minimum lot size for any lot not adjoining an alley shall be 6,000 square feet. In Old East Davis, the minimum lot size for all lots shall be 5,250 square feet.
- (b) **Lot width.** All lots shall be a minimum of fifty feet wide.
- (c) **Usable Open space.** A minimum of twenty percent of the lot area shall be usable open space.
- (d) **Lot coverage.** Lot coverage shall not exceed forty percent, except that an accessory structure may, in combination with the primary structure, exceed the otherwise applicable maximum lot coverage, up to a maximum of fifty percent. Trellises are exempt from lot coverage calculations.
- (e) **Rear Yard Coverage.** No more than thirty percent of the square footage of the required rear yard area may be covered with impervious surfacing for parking and/or structures, unless the rear yard abuts an alley. If the rear yard abuts an alley, trellises and a maximum of two required parking spaces may be exempted from rear yard coverage calculations.
- (f) **Front yard setback.**
  - (1) The least restrictive criteria shall apply to front yard setbacks:
    - (A) The front yard setback is equal to the average front setback of all residences on both sides of the street within 100 feet of the property lines of the new project; or
    - (B) The front yard setback is equal to the average of the two immediately adjacent buildings.
  - (2) Certain architectural features such as stoops, but not including porches that are an integral architectural element on the front of a house, and other minor covered entrances attached to the main building front may project into the required front setback by an additional five feet.
  - (3) Accessory structures, including garages and carports, but excluding trellises and arbors, may not be located within the front half of the lot.
- (g) **Side yard setback.**
  - (1) If a street side yard adjoins a sidewalk that is separated from the street by a planting strip, the minimum setback shall be ten feet. If a street side yard adjoins a sidewalk without a planting strip, the minimum setback shall be fifteen feet.
  - (2) **Interior side yards.** The minimum side yard setback for any primary or accessory structure with an interior side yard shall be five feet, and the total side yard setback shall be a minimum of twelve feet. These setbacks shall not apply to projections as permitted by section 40.27.060 or as otherwise provided for elsewhere in this section. If the principal building is at least two stories or exceeds twenty feet in height, then the setback for the one-story portion, or any portion less than twenty feet, shall be five feet. The setback for the two-story portion, or any portion of a single story structure that exceeds twenty feet in height, shall be ten feet.
  - (3) Upon approval by the Planning Commission of a discretionary design review application,

pursuant to section 40.04A.090 of this chapter, if an accessory structure's side yard adjoins an alley, the required side yard setback of the accessory structure may be reduced from five feet to zero feet.

(4) Upon approval by the Planning Commission of a discretionary design review application, pursuant to section 40.04A.090 of this chapter, the required side yard setback for the second story of a two story structure (or for any portion of a one story structure that exceeds twenty feet in height) may be reduced from ten feet to no less than five feet. Consistent with the DTRN Design Guidelines, the Planning Commission shall consider, among other design considerations, the proposed building's mass and scale and the effect of reducing the set back on streetscape, neighbors' privacy and shading patterns.

(5) Pursuant to the design review process set forth in section 40.04A.090 of this chapter, any side yard setback may be reduced in order to encourage the clustering of garages and other accessory structures on adjacent properties and/or to protect historic landscaping.

(h) Rear yard setback.

(1) Except as otherwise provided for in this section, the minimum rear yard setback for the first story of a primary structure shall be twenty feet.

(2) If a structure is over one story, the minimum rear yard setback for the first story shall be twenty feet, and the minimum rear yard setback for any portion of the structure that is over one story shall be twenty-five feet.

(3) Corner lots. The minimum rear yard setback for corner lots may be five feet, but only if there is an unimproved area in the rear yard that is equal to the open space square footage that would otherwise be required by this article. The open space square footage that would otherwise be required by this article is determined by making the following computation: by multiplying the lot width by twenty for any single-story principal building, or by multiplying the lot width by twenty-five for a principal building that is at least two stories.

(4) The minimum rear yard set back for an accessory structure shall be ten feet, unless the accessory structure adjoins an alley, in which case the minimum rear yard setback shall be five feet. Upon approval by the Planning Commission of a discretionary design review application pursuant to section 40.04A.090 of this chapter, the rear yard setback of an accessory structure may be reduced from ten feet to no less than five feet unless the rear yard of the lot adjoins an alley, in which case the rear yard setback may be reduced from five feet to zero feet.

(i) Alley landscaping. 40 percent of the rear lot line adjoining an alley in Old North Davis shall be landscaped with plant materials. This alley landscaping requirement does not apply to Old East Davis.

(j) Floor Area Ratio (FAR).

(1) Gross square footage for purposes of determining FAR shall be measured in accordance with City Council Resolution Number 3, Series 2002, as it reads now or may be amended in the future. FAR shall not exceed forty percent in addition to 500 square feet for a garage or carport.

(2) Upon approval of a discretionary design review application pursuant to section 40.04A.090 of this chapter, the floor area ratio may exceed the standard set forth in section 40.04A.060(j)(1) above.

#### **40.04A.070 Parking.**

(a) Number of parking spaces required.

(1) Single-family dwelling. For dwellings that contain four or fewer bedrooms, one covered and

one uncovered off-street parking space shall be required. For each additional bedroom over four in a dwelling, one additional parking space shall be required. For purposes of calculating bedrooms, bedrooms in a guest house shall be included.

(2) Duplexes and two single-family detached dwelling units on one lot. For dwellings containing three or fewer bedrooms, one covered and one uncovered off-street parking space shall be required. For each additional bedroom over three, one additional parking space shall be required.

(3) Secondary Dwelling Unit. One additional parking space shall be required for each bedroom in a secondary dwelling unit in accordance with section 40.25.070 of this chapter. If the parking required for the primary residence has been fully provided for, the secondary dwelling unit parking requirement shall be reduced by one space.

(4) Off-street parking shall be required for all other uses, as provided in article 40.25 of this chapter.

(b) Number of parking spaces: exception. Notwithstanding the parking requirements established in this section or elsewhere in this chapter, the parking space requirement for lots in Old North Davis may be reduced by one parking space, and such space may be reserved and maintained as landscaping so long as such landscaping does not include trees or other semi-permanent plantings if all of the following criteria are satisfied:

(1) The maximum lot width is 50 feet;

(2) The parcel adjoins an alley;

(3) There is no more than one single family residence and one secondary dwelling unit; and

(4) The lot does not have a curb cut or driveway from the street-site frontage.

(c) On any lot, the Planning Commission may approve a design review application to reduce the number of required parking spaces with a finding that the reduction is needed to protect a significant historic building element or landscape feature.

(d) Development and maintenance of parking spaces.

(1) Parking spaces shall be developed and maintained in accordance with section 40.25.100 of this chapter, except that alternate surfacing materials and methods that further the goal of limiting hard surface paving will be encouraged and approved in accordance with section 40.04A.090 of this article.

(2) When covered parking is required, trellises may be used to cover a parking space. If a detached trellis is used to meet covered parking requirements, the side yard setback for the trellis may be reduced to zero through the design review process as specified in section 40.04A.090 of this chapter, so long as all building requirements have been met and the trellis is no greater than the minimum size needed to cover one parking space.

#### **40.04A.080 Special Exceptions for existing legal non-conforming structures.**

The provisions elsewhere in this article and in article 40.28 of this chapter shall apply to all existing legal non-conforming uses and structures except as follows:

(a) Conversion of non-habitable accessory structures. The Planning Commission may grant a use permit in accordance with section 40.04A.040 of this article to allow a legal, non-conforming, non-habitable accessory structure to be converted to habitable space, providing findings as provided for in section 40.04A.040 of this article are adopted and further that any changes to the structure are approved in accordance with section 40.04A.090 and article 40.31 of this chapter.

(b) Replacement of damaged or destroyed legal non-conforming structures. Notwithstanding

section 40.28.110 of this chapter, up to one hundred percent of a legal non-conforming structure damaged up to one hundred percent of its then appraised value for tax purposes, exclusive of the foundations at the time of damage, may be restored or rebuilt as it was before the damage, without expansion, provided that substantial construction shall commence within eighteen months of the damage or destruction.

**40.04A.090 Design Review.**

Site plan and architectural approval shall be required for all applicable activities and projects as specified within the adopted "Davis Downtown and Traditional Residential Neighborhoods Design Guidelines" and in accordance with articles 40.13A, 40.31 and 40.39 of this chapter.

**SECTION 2.** The parcels currently zoned Residential One and Two Family (R-2) Districts labeled within the Downtown and Traditional Neighborhood Overlay District as Old North Davis and Old East Davis and identified on the attached map are hereby zoned RESIDENTIAL ONE AND TWO FAMILY CONSERVATION DISTRICT (R-2 CD).

**SECTION 3. Effective Date.** This ordinance shall become effective on or after the thirtieth day following its adoption.

**SECTION 4. Findings.** The City Council hereby finds the following:

- A. The proposed ordinance is in general conformance with the City's General Plan.
- B. The public necessity, convenience and general welfare require the adoption of the proposed ordinance.
- C. The proposed ordinance will help implement the policies and guidelines of the Davis Downtown and Residential Neighborhood Overlay Zoning District and the adopted DTRN Design Guidelines.
- D. Negative Declaration #22-02 has been prepared, and the proposed ordinance will not have a significant negative impact upon the environment.

INTRODUCED ON December 9, 2003, and PASSED AND ADOPTED by the City Council of the City of Davis on January 13, 2004, by the following vote:

AYES:

NOES:

ABSENT:

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Susie Boyd  
Mayor

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ATTEST:  
Bette E. Racki, City Clerk

