

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, APPROVING MUNICIPAL CODE AMENDMENT NO. 23-003 TO AMEND MULTIPLE SECTIONS OF CHAPTER 30 OF THE FONTANA ZONING AND DEVELOPMENT CODE, INCLUDING SECTIONS 30-30 TO MODIFY APPEAL HEARING TIMEFRAMES, DIVISION 24 TO PROVIDE FOR MINOR AND MAJOR PLANNED UNIT DEVELOPMENTS (PUDS), SECTION 30-417 TO REDUCE LANDSCAPE SETBACKS FOR BUS TURNOUTS AND DECELERATION LANES, SECTION 30-430 TO CREATE A DISTINCTION BETWEEN MAJOR AND MINOR PUDS, SECTION 30-434 AND SECTION 30-444 TO AMEND DEVELOPMENT STANDARDS IN RESIDENTIAL ZONING DISTRICTS, SECTION 30-435 TO MODIFY GARAGE DOOR DESIGN REQUIREMENTS AND SECTION 30-451 TO PROVIDE ADDITIONAL OPTIONS FOR RECREATIONAL FACILITIES WITHIN THE R-4 AND R-5 ZONING DISTRICTS PURSUANT TO A CATEGORICAL EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTIONS 15060(C) AND 16051(B)(3).

WHEREAS, pursuant to article XI, section 5 of the California Constitution and Government Code section 37100, the legislative body of a city may pass ordinances not in conflict with the Constitution and laws of the State or the United States; and

WHEREAS, Government Code sections 50022.1 to 50022.10 authorizes a city to codify and recodify its ordinances; and

WHEREAS, the City of Fontana (“City”) desires to restate without substantive revision, amend and recodify certain ordinances codified in the Code; and

WHEREAS, the General Plan includes policies and actions calling for numerous updates to the Municipal Code; and

WHEREAS, Section 30-30 – Hearing date and notices, will be amended related to timing of appeals to provide staff additional time to facilitate the preparation the staff report and the associated documents; and

WHEREAS, Division 24 – Planned Unit Developments, will be amended to include specific provisions for major and minor planned unit developments (“PUD”). Discerning a difference between a Major and Minor PUD will provide flexibility in the development

standards for the construction of single-family and multi-family residential projects, and would encourage residential development of infill properties; and

WHEREAS, Section 30-417 will be amended to decrease landscaped setback requirements adjacent to the public right of way for certain public facilities to provide for more orderly site planning, such as when a bus turn out is adjacent to a development; and

WHEREAS, Section 30-430 will be amended to provide for Major and Minor PUDs, in Table No. 30-430, for R-1 and R-2 zoning districts; and

WHEREAS, Section 30-434 will be amended to modify the development standards to include reduce standards and, which will encourage development of infill sites in the R-2 zoning district by streamlining and modifying the existing development standards and providing more flexibility; and

WHEREAS, Section 30-435 will be amended by allowing various design options for garage doors that developers can use based on the design of the home; and

WHEREAS, Section 30-451 will provide flexibility related to allowable recreational facilities; and

WHEREAS, State law requires Zoning regulations to be consistent with the General Plan and therefore updating the Municipal Code would contribute to consistency with the General Plan; and

WHEREAS, a notice of the public hearing was published in the local newspaper on Saturday, September 23, 2023 and simultaneously displayed at City Hall; and

WHEREAS, on October 3, 2023, the Fontana Planning Commission ("Planning Commission") held a public meeting on City Code Amendment (MCA No. 23-003) where they received evidence and public testimony on the amendments and recommended that the Fontana City Council ("City Council") determine that the amendments qualify for a categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c), 15061(B)(3) (the common-sense exemption), and Sections No. 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for Implementing CEQA. This Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, the Planning Commission carefully considered all evidence and testimony presented at its public hearing on October 3, 2023 and recommended that the Fontana City Council ("City Council") approve the modifications to the Zoning and Development Code; and

WHEREAS, the amendments in MCA No. 23-003 are consistent and compatible with the General Plan and are in line with goals, policies and objectives of the City; the Housing Element policies and the Zoning and Development Code; and

WHEREAS, the amendments in MCA No. 23-003 will be in conformity with appropriate land use practices and will establish appropriate development standards for the land use designations; and

WHEREAS, the amendments in MCA No. 23-003 are attached here to as Exhibit "A" and incorporated herein by reference, will not be detrimental to the public health, safety and general welfare, nor will it adversely affect the orderly development of property; and

WHEREAS, the amendments in MCA No. 23-003 will better express the City's policies and will generally promote good land use planning and regulation; and

WHEREAS, On November 3, 2023, the Planning Department sent out the notice to the surrounding property within 660 feet of the project site; and

WHEREAS, on November 14, 2023, the City Council held a public meeting on MCA No. 23-003 where City Council received evidence and public testimony pertaining to the Zoning and Development Code amendments; and

WHEREAS, the City Council carefully considered all information pertaining to MCA No. 23-003 that was presented at its public hearing on November 14, 2023; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

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

SECTION 1. Recitals. The recitals are true, correct and incorporated herein by this reference.

SECTION 2. CEQA. The City Council hereby determines that this project qualifies for a categorical exemption pursuant to the California Environmental Quality Act (CEQA)

Guidelines Sections 15060(c), 15061(b)(3) (the common-sense exemption) , and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA, as implementation of this Ordinance is to improve the environment.

SECTION 3. Development Code Amendment Findings. The City Council hereby makes the following findings for Municipal Code Amendment No. 23-003 accordance with Section 30-40 “Purpose” of the Fontana Zoning and Development Code:

Finding: **A Zoning and Development Code may be amended by changing the development standards (text) or zoning designation map boundaries of any zone whenever such an amendment is deemed necessary to protect or promote the public's health, safety or general welfare or when modification is viewed as appropriate in the context of generally accepted planning principles, surrounding land uses, and the General Plan.**

Findings of Fact: The City initiated the Municipal Code Amendment to amend Chapter 30 to modify multiple sections, including modification to Section 30-30 for the appeal hearing timeframes, Division 24 adding language to provide for minor and major planned unit developments (PUDs) which will provide flexibility and streamline the existing Medium Density Residential (R-2) zoning district development standards, Section 30-417 to include language to reduce landscape setback requirements to accommodate bus turn outs and deceleration lanes, Section 30-430 to provide additional language to distinguish between Major and Minor PUDs, Section 30-434 and Section 30-444 to provide additional language to be consistent with the PUD language, add language to streamline certain development within Medium Density Residential (R-2), and simplify the permitted uses table and development standards for the Medium Density Residential and Multiple Family (R-3) zoning districts, Section 30-435 to modify the garage door design requirements; and Section 30-451 to add language that will provide additional recreational facilities options within the Multi-Family Medium/High Density (R-4) and Multi-Family High Density Residential (R-5) zoning districts. These amendments would provide clarity, eliminate inconsistencies, and streamline City processes, and will improve implementation of the Municipal Code which will be beneficial to the community to promote public welfare and furthers good planning principals. The amendments will provide flexibility to various development standards which will allow for various housing developments and promote the public’s health and safety or general welfare.

SECTION 4. Development Code Amendment Approval. Based on the foregoing, the City Council hereby approves the amendments as set forth in ZCA No. 23-

003, which is attached hereto as **Exhibit “A”** and incorporated herein by reference as fully set forth herein.

SECTION 5. Effective Date/Publication. This Ordinance shall take effect thirty (30) days after the date of the adoption and prior to the expiration of fifteen (15) days from the passage thereof, shall be published by the City Clerk at least once in the Fontana Herald News, a local newspaper of the general circulation, published and circulated in the City of Fontana, and henceforth and thereafter the same shall be in full force and effect.

SECTION 6. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk’s office located at 8353 Sierra Avenue, Fontana, CA 92335. The custodian of records is the City Clerk.

SECTION 7. Certification. The City Clerk of the City Council shall certify to the adoption of this Ordinance.

SECTION 8. Severability. If any provision of this Ordinance or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application.

APPROVED AND ADOPTED this 14th day of November 2023.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

I, Germaine Key, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing Ordinance is the actual Ordinance adopted by the City Council and was introduced at a regular meeting on the 14th day of November 2023, and was finally passed and adopted not less than five days thereafter on the 12th day of December 2023, by the following vote to wit:

AYES:

NOES:

ABSENT:

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:

City Clerk

“EXHIBIT A”

Below are the Amendments to Chapter 30 of the Municipal Code.

Chapter 30, Article II. – Administrative Procedures, Section 30-30 of the Code is hereby restated and amended as follows:

Sec. 30-30. - Hearing date and notice.

Upon receipt of the notice of appeal, the body hearing the appeal shall set a date for hearing of the matter and give notice of the date, time and place of the hearing to the appellant at least ten days prior to the date of the hearing. The appeal hearing shall be scheduled no sooner than 30 days nor no later than ~~60~~ 90 days from the date the application has been deemed complete. This time limit may be extended by mutual agreement of the City and the appellant.

Chapter 30, Article II. – Administrative Procedures, Division 24 of the Code is hereby restated and amended as follows:

DIVISION 24 – PLANNED UNIT DEVELOPMENT (PUD)

Sec. 30-323. Purpose.

This division establishes the regulations and procedures for the approval of a Planned Unit Development (PUD) project, Major and Minor.

(1) *Purpose*. The purpose of this division is as follows:

- a. To encourage within the density standards of the general plan and Zoning and Development Code the development of a more desirable living environment by application of modern site planning techniques and building groupings or arrangements that are not permitted through strict application of the present zoning and subdivision ordinances;
- b. To encourage the reservation of greater open space and amenities for visual enjoyment and recreational use;
- c. To encourage a more efficient, aesthetic and desirable use of land; and
- d. To encourage variety in the physical development patterns of the City.

(2) *Intent*. The intent of this division is to ensure that:

- a. Planned unit development permits will be issued only where the subject parcel is ~~large enough~~ suitable to make innovative and creative site planning possible;
- b. Applicants for planned unit development permits have the

- professional capability to produce a creative plan;
- c. The public's interest in achieving goals stated in the general plan will be served more fully through the planned unit development process than through application of conventional zoning regulations;
- d. The advantages to landowners afforded by the planned unit development process will be balanced by public benefits; and
- e. Natural or man-made features and resources of the site such as topography, trees, watercourses, and the like are preserved.

Sec. 30-324. Authority.

~~The City Council is authorized to approve or deny general plan amendment applications.~~ Minor Planned Unit Developments are allowed by-right in applicable zoning districts. The Planning Commission is authorized to approve or deny a Major Planned Unit Development application and to impose reasonable conditions upon approval.

Sec. 30-325. Uses permitted.

Only those uses permitted in the zoning district shall be permitted under conditions of this division.

Sec. 30-326. Development regulations.

Any project developed pursuant to this division shall comply with the following regulations, and any permit issued shall be subject to such provisions established as conditions of approval.

(A) Major Planned Unit Development

- (1) *Area of project.* Planned unit development projects shall not be less than one acre in total area, except as modified below:
 - a. For residential projects or mixed-use projects where all units are affordable according to City standards, the minimum land area shall be the minimum lot area requirement of the zoning district in which the project is located.
 - b. For applications involving conversions of cooperatives to condominiums, the minimum lot area shall be the minimum lot area requirement of the zoning district in which the project is located.
- (2) *Maximum density.* The dwelling unit density shall not exceed a number of units as set forth in the zoning district in which the project

is located.

- (3) *Minimum area and dimensions of lot.* The area, width and depth of individually owned parcels of land within the development shall be established as a condition of approval, based on the following factors:
 - a. Topography of the land.
 - b. The ground area covered by individual dwellings and accessory structures.
 - c. Location of common open space and its relationship to the dwelling to be served.
 - d. Aesthetic relationships between individual units and open spaces.
 - e. Yards and setbacks.
 1. Front, side, and rear yards shall be established as a condition of approval. Building lines shall be indicated on the approved site plan map.
 2. All buildings shall be set back from all perimeter lines of the project a distance not less than 15 feet for rear yards and 10 feet for side yard setbacks. Greater perimeter setbacks may be required as a condition of approval.
- (4) *Distance between buildings.* The distance between any two buildings within the project shall be established as a condition of approval but shall not be less than ten-foot between the edges of the eaves.
- (5) *Maximum building height.* The maximum building height permitted in the zoning district shall apply.
- (6) *Required on-site parking.*
 - a. The number of required parking spaces shall conform to provisions of Article XI.
 - b. The location and arrangement of parking shall be subject to review by the Planning Commission.
- (7) *Walls, fences, and landscaping.*
 - a. Appropriate walls, fencing and landscaping around the perimeter of the project shall be required.
 - b. A landscaping plan for all common open areas shall be submitted with required plans. Approval of the landscape element shall include approval of an acceptable watering system, and

assurance of continued maintenance.

- (8) *Signs*. The provisions of the zoning district in which the project is located shall apply.
- (9) *Access*.
 - a. Vehicular access shall be subject to review and approval of the Planning Commission.
 - b. Conflicts between pedestrian and vehicular circulation shall be minimized. Where such conflicts exist, adequate safety measures shall be in place to protect pedestrians.
 - c. All pedestrian access to common recreation and open areas shall be subject to review and approval of the Planning Commission.
 - d. Amenities adjacent to drive aisles and streets shall be separated by a physical barrier (i.e. low walls).
 - e. A variety of pavement textures and colors are required for streets, access ways and driveways, including stamped concrete, pavers, colored concrete and interlocking paving materials.
- (10) ~~(9)~~ *Minimum dwelling unit floor area*. The minimum floor area for each dwelling unit shall not be less than the requirements established by the zoning district.
- (11) ~~(10)~~ *Common open space elements*. The Planning Commission shall review and approve the location, intent, landscape treatment and method of maintaining each common open space or recreational elements proposed. The Planning Commission may require, as a condition of approval, such improvements as fencing, walls, and/or landscaping necessary to protect abutting residential development.
- (12) ~~(11)~~ *Fencing*. All fences and walls shall be constructed of durable, long- lasting materials. Walls constructed of concrete block shall vary in texture, color, and/or incorporate landscaping in order to provide visual relief. Wood, chain link fencing, and barbed wire are prohibited.
- (13) ~~(12)~~ *Amenities/recreational uses*. Active and passive recreational uses shall be encouraged, including greenbelts, hiking and walking trails, parks, swimming pools, spas, barbecue areas and sports courts. The design of such recreational uses shall be properly integrated into the overall design of the project. Amenities adjacent to drive aisles and streets shall be separated by a physical barrier (i.e. low walls).

- (14) ~~(13)~~ *Private yards*. Private yards shall be of sufficient size to be useable for passive outdoor use by occupants.
- (15) ~~(14)~~ *Orientation*. Buildings shall be oriented and located in such a manner as to maximize views and privacy and minimize exposure to intrusive elements such as noise, traffic and negative views.
- (16) ~~(15)~~ *Nuisance factors*. The Planning Commission may impose standards, including restrictions on operating hours, for nuisance factors such as lighting, noise, vibrations, smoke, dust, dirt, odors, gases, heat, glare, or other physical impacts.
- (17) ~~(16)~~ *Natural features*. The development shall incorporate, where possible, natural terrain and trees or other vegetation into the overall design of the project.
- (18) ~~(17)~~ *Other conditions*. The Planning Commission may impose other conditions that it deems necessary or desirable to ensure that the project will be established, operated, and maintained in accordance with this division and all other requirements of this chapter and other provisions of law. The decision-making authority may further require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

(B) Minor Planned Unit Development – Where a conflict exists between the standards in this section and those pertaining to the underlying zoning district, this section shall take precedence.

- (1) *Area of project*. Minor Planned Unit Development projects shall be located on sites that meet the following criteria:
 - a. Located within one of the following zoning districts:
 - 1. ~~Single-Family Residential (R-1)~~
 - 2. Medium Density Residential (R-2) zoning districts, and
 - b. Located where at least 80 percent of the land within a 300- foot radius of the site has been developed, and where water, sewer, streets, schools and fire protection are provided.
 - c. Not larger than three (3) acres in size.
- (2) *Maximum density*. The dwelling unit density shall not exceed a number of units as set forth in the zoning district in which the project is located, except in cases of utilizing units from any

- allowable density bonus program.
- (3) Minimum area and dimensions of lot. The area, width and depth of individually owned parcels of land within the development shall be established as part of the Minor Planned Unit Development approval, with a maximum deviation of 20% from the requirements of the applicable zoning district, based on the following factors:
- a. Topography of the land.
 - b. The ground area covered by individual dwellings and accessory structures.
 - c. Location of common open space, if provided, and its relationship to the dwelling to be served.
 - d. Aesthetic relationships between individual units and open spaces.
- (4) Yards and setbacks.
- a. Front, side and rear yards shall be permitted to deviate from the requirements of the underlying zoning district a maximum of 20% from the requirements of the applicable zoning district. Front, side, and rear yards shall be established as part of the Minor Planned Unit Development approval.
- (5) Lot coverage. Lot coverage shall be established as part of the Minor Planned Unit Development approval, with a maximum deviation of 20% from any applicable lot coverage of the zoning district.
- (6) Distance between buildings. The distance between any two buildings within the project shall be established as part of the Minor Planned Unit Development approval but shall not be less than six-feet between the edges of the eaves.
- (7) Maximum building height. The maximum building height permitted in the zoning district shall apply.
- (8) Required on-site parking.
- a. The number of required parking spaces shall conform to provisions of Article XI.
 - b. The location and arrangement of parking shall be determined as part of the Minor Planned Unit Development approval.

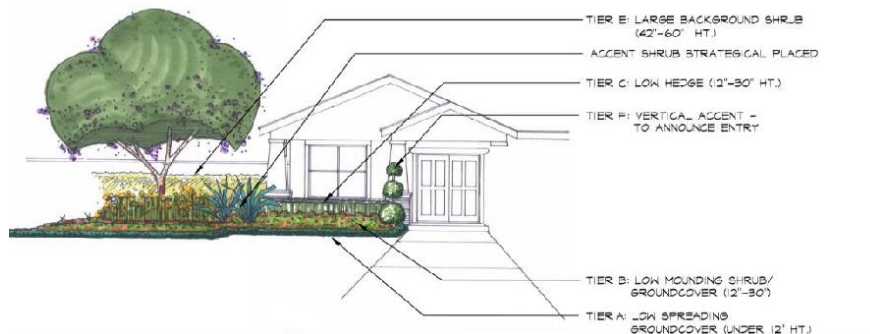
(9) Walls and fences.

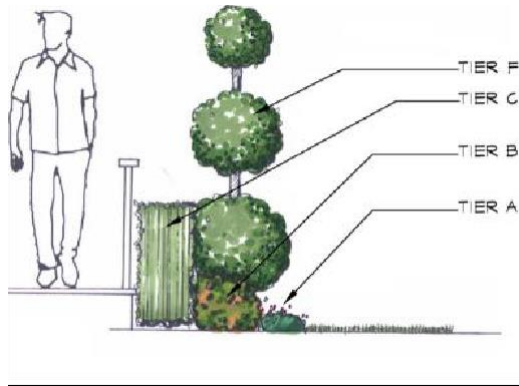
- a. Fences and walls shall be designed to be an attractive part of the project with materials and designs that are compatible with the exterior building materials and demonstrate design integrity with the project as a whole. Wood fencing, chain link or chain link with slats, and barbed wire shall be prohibited.

(10) Landscaping.

- a. Landscaping shall meet the requirements of Article X (General Landscape Requirements)
- b. Landscaping shall be incorporated to create an attractive visual for residential units, to provide privacy for adjacent residential units and to create useable open space when possible.
- c. The landscape design shall provide shade and accent plant materials of distinctive texture and color.
- d. A tiered planting plan shall be proposed and installed.
1. A minimum of three tier types that include a combination of groundcover, shrubs, and specimen trees shall be incorporated.
 2. Different scales, forms, colors and/or textures of plant materials shall be used as “tiered” planting visually increases the depth of planters and promotes interest and diversity.
 3. The tiered concept shall be applied to areas facing the right-of-way and in front of individual residential units or multi-family housing projects.

Tier	DESCRIPTION	SIZE
Tier A	Low spreading groundcover (1) (3) (including turf or turf substitute)	Under 12" height
Tier B	Low mounding shrub/groundcover (1) (2) (3) (informal mass planting)	12"-30" height
Tier C	Low hedge (formal-linear) (3)	12"-30" height





- (11) Signs. The provisions of the zoning district in which the project is located shall apply.
- (12) Access and paving.
- a. Decorative pervious paving shall be incorporated into paved and landscaped areas in order to enhance the appearance of the project, reduce the visual impact of paved surfaces and act as a traffic calming measure.
 1. Decorative paving, including stamped concrete, pavers, brick, grasscrete, interlocking paving materials and other comparable materials, shall be used for all drive aisles in the entire development.
 - b. Conflicts between pedestrian and vehicular circulation shall be minimized. Where such conflicts exist, adequate safety measures shall be in place to protect pedestrians.
 - c. The development shall include entry monumentation to provide an aesthetically pleasing, “celebrated” entry statement. The development shall provide all of the following components:
 1. A minimum of two 36 inch box trees.
 2. Uplighting on the building and landscaping.
 3. Architectural elements, such as columns, pergolas, low walls, and similar elements with signage identifying the community and/or address.



- (13) Minimum dwelling unit floor area. The minimum floor area for each dwelling unit shall established as required by the applicable zoning district.
- (14) Architectural design and site criteria. All criteria in Sec. 30-435 and 30- 477 shall apply to projects utilizing the Minor Planned Unit Development.
- (15) Orientation. Buildings shall be oriented and located in such a manner as to maximize views and privacy and minimize exposure to intrusive elements such as noise, traffic and negative views. End units shall be oriented toward, and take access from, the public right-of-way.
- (16) Frontage and Entries. Each residential unit taking access from the ground floor shall incorporate one of the following frontage types:
 - a. Porch. In the porch frontage type, the main façade of the building has a small-to-medium setback from the frontage line. The resulting front yard is typically small and can be defined by a wall or fence to spatially maintain the edge of the street. The engaged porch has two adjacent sides of the porch that are attached to the building while the other two sides are open.
 - b. Dooryard. In the dooryard frontage type, the main facade of the building is set back a small distance and the frontage line is defined by a low wall or hedge, creating a small dooryard. The dooryard shall not provide public circulation along a ROW. The dooryard may be raised, sunken, or at grade and is intended for ground-floor residential.
 - c. Stoop. In the stoop frontage type, the main facade of the building is near the frontage line and the elevated stoop

engages the sidewalk. The stoop shall be elevated above the sidewalk to ensure privacy within the building. Stairs or ramps from the stoop may lead directly to the sidewalk or may be side-loaded. This type is appropriate for residential uses with small setbacks.

- (17) Natural features. The development shall incorporate, where possible, natural terrain and trees or other vegetation into the overall design of the project.

Sec. 30-327. General requirements.

- (a) *Phased development.* A proposed ~~Major~~ Planned Unit Development project that is phased over time shall be accompanied by a schedule establishing approximate dates when each phase shall be complete. Each phase of a phased development shall include its pro-rata share of total planned common space, facilities, services, and inclusionary units, as applicable.
- (b) *Common areas.* Where common areas or facilities are proposed, an operation and maintenance program shall be prepared.
- (c) *Development agreements.* Completion time and complexity of proposed planned developments may make desirable a development agreement between the project applicant and the City. Any such development agreement shall be subject to the provisions of Division 23, of this article herein.

Sec. 30-331. Findings for approval.

Before the Planning Commission may grant a Major Planned Unit Development permit, it must make all of the following findings:

- (1) The proposed project conforms to the general plan and is consistent with the purposes and requirements of this division.
- (2) The uses within the project are compatible.
- (3) New buildings or structures related to the project are compatible with the scale, mass, bulk, and orientation of buildings and structures in the surrounding vicinity.
- (4) The project is consistent with any adopted design guidelines applicable to the project area.
- (5) The overall project reflects a high level of development and design quality that will enhance and benefit the City as a whole.

- (6) The proposed project will be served by adequate water, sewer, public utilities, and services, and will have adequate vehicular and pedestrian access to ensure that it will not be detrimental to the public health, safety, or welfare.

Sec. 30-333. Hearing – ~~Planning Commission~~. Approval Process.

(1) Major Planned Unit Development

- (a) Upon the filing of a complete application for ~~amendment to the text or land use map of the general plan, the matter shall be set for hearing before the Planning Commission for recommendation to the City Council. Applications for general plan amendments shall be heard four times (approximately quarterly) per year. The filing deadlines for such applications shall be set at a date no closer than 51 days prior to the appropriate meeting date.~~ the required entitlements for a proposed residential development requesting to utilize the Major Planned Unit Development, the matter shall be set for hearing before the Planning Commission.
- (b) The Planning Commission shall hold at least one public hearing upon the matters referred to in the application for amendment. If the Planning Commission finds that the proposal substantially promotes the goals of the City's general plan, the Planning Commission shall recommend the change to the City Council. The Planning Commission shall transmit its report in writing to the City Council within 90 days following the public hearing. The report shall set forth the reasons of the Planning Commission recommendations and the relationship of the proposed change to the general plan. The Planning Commission shall also have the authority to forward the application to the City Council for consideration.
- (c) ~~If the decision of the Planning Commission is to deny an application requesting the change of general plan amendment, the decision shall be final unless there is an appeal as provided for in Division 5 of this article herein.~~
- (d) ~~The Planning Commission shall also have the authority to forward the application to the City Council for consideration.~~

(2) Minor Planned Unit Development

- (a) Minor Planned Unit Developments are allowed by-right in applicable zoning districts. Compliance with the development standards in this Division is required for approval of the Minor Planned Unit Development application but does not preclude the proposed development from being subject to other required review and approval for site, architectural, subdivision, and other applicable applications

Chapter 30, Article IV. – Zoning District, Section 30-417 of the Code is hereby restated and amended as follows:

Sec. 30-417 – Setback requirements.

- (a) *Required setback.* Any person constructing, erecting, enlarging, or relocating a structure or portion of any structure fronting or siding on any street, highway, or other right-of-way for vehicular travel shall place such structure no closer to the right-of-way than as indicated by the development standards outlined in the various zoning districts.
- (b) *Greater setback may be required.* Where a setback distance clearly exists as a general pattern in a particular block or area, the setback requirements for the area shall be no less than the distance established by the existing setback pattern in the block or area, as determined by the approval body.
- (c) *Lesser setback.* The approval body may adopt by resolution a lesser setback line by way of variance along any street or highway when the existing setback of buildings or structures in an area necessitates a modification in the highway cross-section standard for that street or highway or as determined by the City Engineer.
- (d) *Location of centerline.* In those cases where there is a question as to the location of the official centerline of the street or highway, the City Engineer shall determine the precise location of the centerline.
- (e) *No use or storage within setbacks.* All used car lots, parking lots, gasoline pump islands, or similar open storage or use, shall be designed, located, and maintained in such a manner as to comply with the building setback provisions as set forth in this pursuant to the appropriate article herein. Auto display areas for car sales may be approved in a required setback area with a conditional use permit pursuant to the appropriate article herein. No utility transformer shall be located within any street/highway setback area.
- (f) *Projection into landscape setbacks along public rights-of-way.* A landscape setback along public rights-of way may be reduced by up to 50% where a deceleration lane or bus bay would result in an encroachment into the required landscape setback area.

- a) The reduced landscape setback area shall be no more than the length of the required deceleration lane or bus bay, as determined by the City Engineer.
- b) Does not include any reduction of the landscaped area requirement or landscape screening requirement for parking areas.

Chapter 30, Article V. – Residential Zoning District, Section 30-430 of the Code is hereby restated and amended as follows:

Sec. 30-430. Uses permitted.

- (a) *Uses by zoning district.* Table No. 30-430 lists the uses permitted in each of the residential zoning districts. A "P" indicates a use is permitted by right, a "C" indicates the use requires the granting of a conditional use permit, and "—" means the use is not permitted in that zoning district.
- (b) *Uses subject to specific requirements.* Permitted uses marked with an asterisk "*" indicate that the use is subject to special use regulations in Section 30-432. Conditional uses are subject to the provisions in Section 30-433.

Table No. 30-430 Permitted Uses in Residential Zoning Districts						
	Use	R-E	R-1	R-2	R-3	R-PC
A.	Residential Uses					
	Single-Family Detached Dwelling	P(a)	P(a)	P(a)	P(a)	P(a)
	Single-Family Attached Dwelling	—	—	P	P	—
	Planned Unit Development - <u>Major</u>	—	C	C	C	—
	<u>Planned Unit Development – Minor</u>	—	<u>P</u> —	<u>P</u>	—	—
	Multiple-Family Dwelling	—	—	P	P	—
	Senior Housing	C	C	C	C	C
	Manufactured Home	P	P	P	P	P
	Accessory Dwelling Unit	P	P	P	—	P
	Group Home—Licensed (One to Six Persons)	P	P	P	P	P
	Group Home—Licensed (Seven or More Persons)	C	C	C	C	C
	Mobile Home (Not in a Mobile Home Park)	—	—	—	—	—
	Mobile Home Park	P	P	P	P	P
	Boarding Home (2 Rooms or Less)	P	P	P	P	P
	Boarding Home (3 or More Rooms)	—	—	C	C	—
B.	Other Uses					

	Ambulance Building	—	P	P	P	P
	Assisted Living Facility (Senior or Otherwise)	C	C	C	C	C
	Automobile Sales (Wholesale Internet Only, No Display)	P	P	P	P	P
	Cemetery	C	C	C	C	C
	Child Care (One to Seven Persons)	P	P	P	P	P
	Child Care (Eight to 14 Persons)	M	M	M	M	M
	Clubs, Civic, Community or Private	—	—	C	C	C
	Convalescent or Nursing Home	C	C	C	C	C
	Equestrian Facility (Other Than Private Stable)	C	—	—	—	—
	Fire Stations/Police Stations	P	P	P	P	P
	Golf Courses and Accessory Uses	C	C	C	C	C
	Governmental Buildings and Uses	C	C	C	C	C
	Parolee Housing	C	C	C	C	C
	Philanthropic and Charitable Organizations	—	—	C	C	C
	Places of Assembly	C	C	C	C	C
	Public Park or Playground	P	P	P	P	P
	Public Utility and Public Service Structures	C	C	C	C	C
	Residential Care Facility—License (Six or Fewer Persons)	P	P	P	P	P
	Residential Care Facility—Licensed (Seven or More Persons)	C	C	C	C	C
	Schools, Private or Parochial	C	C	C	C	C
	Schools, Public	P	P	P	P	P
	Stable, Private	P*	—	—	—	—
C.	Accessory Uses					
	Accessory dwelling units	P	P	P	P	P
	Accessory Structures	P	P	P	P	P
	Agricultural Uses	P*	—	—	—	—
	Animals, Small—Keeping and Raising	P*	P*	P*	P*	P*
	Animals, Large—Keeping and Raising	P*	—	—	—	—
	Antenna, Receiving	P	P	P	P	P
	Antenna, Transmitter, Cellular Poles	C	C	C	C	C
	Commercial Vehicle Parking	—	—	—	—	—
	Garage, Private	P*	P*	P	P	P
	Carports	P*	P*	P*	P*	P*
	Guest House	P	P	—	—	P
	Home Occupation	P*	P*	P*	P*	P*
	Junior accessory dwelling units	P	P	P	—	P
	Private Swimming Pool	P*	P*	P*	P*	P*
	Oversized Vehicle Parking	P*	P*	P*	P*	P*
	Tennis Courts, Private	P	P	P	P	P
D.	Temporary Uses					

	Construction Trailers	P*	P*	P*	P*	P*
	Sales or Rental Office	P*	P*	P*	P*	P*

(a) Only one single-family dwelling is permitted per legal parcel. An Accessory Dwelling Unit (ADU) may also be permitted if all requirements of the Municipal Code are met. Subdivisions of property for the purpose of single-family development requires approval of a tentative tract map or parcel map.

Chapter 30, Article V. – Residential Zoning District, Section 30-434 of the Code is hereby restated and amended as follows:

Sec. 30-434. Residential development standards in R-E, R-1, R-2, R-3, and R-PC.

Residential development standards are basic standards designed to create quality residential developments. The residential development standards indicated in Table No. 30-434, (residential development standards) and Table No. 30-437, (density bonus residential development standards) serve as the minimum standards controlling development.

See Sec. No. 30-444 for additional requirements pertaining to properties in the R-2 and R-3 zoning districts.

Table No. 30-434 Residential Development Standards						
	R-E	R-1	R-2	R-2	R-3	R-PC
Maximum permitted number of dwelling units per adjusted gross acre	2.0	5.0	7.6 detached or up to 12.0, subject to Minor PUD standards	5.1-12.0 attached or multi-family	12.0-24.0	3.0
Lot Dimensions, Lot Size, and Lot Coverage						
Minimum width @ required setback	80-foot	60-foot	50 40-foot (a)	N/A	N/A	70-foot
Minimum width @ front P/L	80-foot	60-foot	50 40-foot (a)	200-foot 50-foot	200-foot	70-foot

Minimum flag lot frontage @ front P/L	N/A	N/A	N/A	N/A	N/A	N/A
Minimum depth	150-foot	100-foot	75 90-foot (a)	300-foot 90-foot	300-foot	100-foot
Minimum lot size (sq. ft.) (r)	21,780	6,000 with an average of 7,200	3,000 (a) 5,000 with an average of 5,445	5 acres 5,000 with an average of 5,445	5 acres	10,000
Maximum lot coverage (as a percent of adjusted gross acreage of total site)	45%	45%	50%	50%	50%	45%
Single-Family Minimum Dwelling Unit Size						
Minimum dwelling unit size (sq. ft.), one-story	2,000	1,200	1,200	Multi-Family Minimum Dwelling Sizes below	Multi-Family Minimum Dwelling Sizes below	2,000
Minimum dwelling unit size (sq. ft.), two-story (e)	2,000	1,200	1,200	Multi-Family Minimum Dwelling Sizes below	Multi-Family Minimum Dwelling Sizes below	2,000
Minimum dwelling unit size (sq. ft.) in-fill development, one- and two-story (e)	N/A	1,200	1,200	N/A	N/A	N/A

Minimum dwelling unit size (sq. ft.) affordable/density, one- and two-story	See Table 30-437.A. Density Bonus	See Table 30-437.A. Density Bonus	See Table 30-437.A. Density Bonus	See Table 30-437.A. Density Bonus	See Table 30-437.A. Density Bonus	See Table 30-437.A. Density Bonus
Multiple-Family Minimum Dwelling Size (Standard, <u>Senior and Affordable Housing</u>)						
Studio	N/A	N/A	N/A	550 sq. ft.	550 sq. ft.	N/A
One bedroom	N/A	N/A	N/A	600 sq. ft.	600 sq. ft.	N/A
Two bedrooms	N/A	N/A	N/A	800 sq. ft.	800 sq. ft.	N/A
Three or more bedrooms	N/A	N/A	N/A	900 sq. ft.	900 sq. ft.	N/A
Multiple-Family Minimum Dwelling Size (Seniors)						
Studio	N/A	N/A	N/A	550 sq. ft.	550 sq. ft.	550 sq. ft.
One bedroom	N/A	N/A	N/A	600 sq. ft.	600 sq. ft.	700 sq. ft.
Two bedrooms	N/A	N/A	N/A	800 sq. ft.	800 sq. ft.	900 sq. ft.
Three or more bedrooms	N/A	N/A	N/A	900 sq. ft.	900 sq. ft.	1,000 sq. ft.
Multiple-Family Minimum Dwelling Size (Affordable)						
Studio	N/A	N/A	N/A	550 sq. ft.	550 sq. ft.	N/A
One bedroom	N/A	N/A	N/A	600 sq. ft.	600 sq. ft.	N/A

Two bedrooms	N/A	N/A	N/A	800 sq. ft.	800 sq. ft.	N/A
Three or more bedrooms	N/A	N/A	N/A	900 sq. ft.	900 sq. ft.	N/A
Maximum Building Heights						
Single-Family/ Detached ^(d)	35-foot	35-foot	35-foot	N/A	N/A	35-foot
Multi-Family/ <u>Attached</u>	N/A	N/A	N/A	55-foot	55-foot	N/A
Single-Family Setbacks Building to P/L						
Front	30-foot	22-foot	22 18-foot	N/A 22-foot	25-foot	25-foot
Side, Interior Two-Story	15-foot	5-foot min./15-foot aggregate ^(e)	5-foot	N/A 5-foot	5-foot min./15-foot aggregate	5-foot min./20-foot aggregate
Side, Interior Single-Story	15-foot	5-foot ^(e)	5-foot	N/A 5-foot	N/A	5-foot min./20-foot aggregate
Side, Corner lot	15-foot	10-foot	10-foot	N/A 10-foot	10-foot	15-foot
Rear	30-foot	20-foot	20 15-foot	N/A 20-foot	20-foot	20-foot
Single-Family Patio and Enclosed Patio Setbacks						
Rear	15-foot	10-foot	6-foot	6-foot	10-foot	15-foot
Side	15-foot	See (c)	5-foot	N/A 5-foot		

Single-Family one-story open sided patios of 200 square feet and less. See Note (9)						
Rear		3-foot	3-foot	3-foot		
Side		3-foot	3-foot	3-foot		
Single-Family Balcony Setbacks						
Rear	15-foot	10-foot	6-foot	6-foot	10-foot	15-foot
Side	15-foot		5-foot	N/A 5-foot		
Multi-Family Parking Setbacks to P/L						
Major or primary	N/A	N/A	N/A	25-foot	25-foot	N/A
Secondary or collector	N/A	N/A	N/A	20-foot	20-foot	N/A
Local	N/A	N/A	N/A	15-foot	15-foot	N/A
Multi-Family Open Space Requirements						
Open space, private ground/upper floor (sq. ft.), minimum	N/A	N/A	N/A	150/100	150/100	N/A
Open space, common, as a percentage of adjusted gross acreage of project area, minimum	N/A	N/A	N/A	35%	35%	N/A
Open space, useable, (combined total of private and common open space), as a percentage of adjusted gross acreage of project area, minimum	N/A	N/A	N/A	40%	40%	N/A

Landscape Requirements	See Article X	See Article X	See Article X	See Article X	See Article X	See Article X
Recreational Facilities	N/A	N/A	See Section No. 30-451	See Section No. 30-451	See Section No. 30-451	N/A
Amenities	N/A	N/A	<u>See Sec. 30-344</u>	<u>See Sec. 30-344</u>	<u>See Sec. 30-344</u>	N/A

N/A = Not Applicable.

Notes:

- (a) Developments with detached units utilizing a condominium map for subdivision shall not be subject the minimum lot size, dimensions and interior property line setbacks.
- (b) Additional Standards Pertaining to Development in the R-2 and R-3 Zoning Districts Notes:
- (1) Minimum width of cul-de-sac lots and "knuckles" shall be 42 linear feet as measured at the property line. The Planning Commission may reduce this minimum requirement provided the applicant submits the tentative tract map and design review concurrently along with a plotting exhibit (showing the footprint and driveway of each dwelling unit located on a cul-de-sac or knuckle) demonstrating parking compliance to the satisfaction of the Director of ~~Community Development~~ Planning.
 - (2) For single-family residential lots, the Planning Commission may vary the minimum lot width or depth by ten percent for particular lots, due to unique or special circumstances, and/or parcel of unusual configuration. For lots located on a cul-de-sac or knuckle, the lot depth can be calculated by averaging both side property lines provided the average is not less than the specified lot depth for that zoning district.
 - (3) Side setbacks for patios in the R-1, R-2 and R-PC shall be consistent (equal to or greater) with the side setback for any existing dwelling unit.

- (4) Each dwelling unit built within any residential zoning district shall provide a minimum one-half bath ("powder room"), consisting of at least a water closet (toilet) and sink, on the first or ground floor when such first or ground floor contains habitable living space.
- (5) In hillside areas, structure heights shall be limited to 25 feet as specified in Section 30-630 (hillside overlay).
- (6) For lots located on a cul-de-sac or knuckle, the rear setback can be calculated by averaging both rear corners of dwelling provided the average is not less than the specified setback for that zoning district.
- (7) Where any door (excluding a service door to an attached garage) opens onto a side setback area from habitable living space, that side setback area shall be increased to 10 feet.
- (8) Any garage which fronts on, or opens onto, a street shall be setback at least 22 feet.
- (9) For one-story open sided detached patio covers of 200 square feet or less in R- 1, R-2, and R-PC, the setback shall be no less than three feet to the rear property line and no less than three feet to the interior side property line.
- (10) ~~Development standards apply to attached or multi-family projects of 7.7 to 12 du/ac.~~
- (10) ~~(11)~~ For allowed projections into required setback area, see Section 30-441, projections into setbacks.
- (11) ~~(12)~~ For setbacks pertaining to accessory buildings and structures see Section 30-461 (accessory buildings and structures).
- (12) ~~(13)~~ The habitable living space of a building may be allowed to encroach into the required front setback in compliance with the plotting and design criteria; in no case, however, shall the garage portion of a building encroach into the required front setback, except as provided for by [subsection] ~~(14)~~ 13.
- (13) ~~(14)~~ Side-on garages may be allowed to encroach into the required front setback up to a maximum of six feet.
- (14) ~~(15)~~ For the purposes of this section, subterranean or partial subterranean parking shall not be considered a floor/story for the purpose of determining

building setbacks.

- (15) ~~(16)~~ "Alternative" minimum standards may be established with an approved conditional use permit pursuant to Article II, Division 24, (planned unit development regulations).
- (16) ~~(17)~~ For existing legal lots smaller than this minimum see Section 30-414 (lot size conformance).
- (17) ~~(18)~~ Corner lots shall have a width of not less than 65 feet (see Section 26- 180(1), area and width of lots).
- (18) ~~(19)~~ The 15-foot aggregate pertains to new single-family residential development only.
- (19) ~~(20)~~ All setbacks shall be measured from the main structure, not the overhang.
- (20) ~~(21)~~ Two-story multi-family units shall be required to provide a minimum of 100 square feet of private open space, either on the first or second floor. Multi-family units located above the ground floor shall be required to provide a minimum of 75 square feet.
- (21) ~~(22)~~ Existing legal lots of record located in any residential zoning district may be developed pursuant to the required development standards identified in the applicable zoning district.

Chapter 30, Article V. – Residential Zoning District, Section 30-435 of the Code is hereby restated and amended as follows:

Sec. 30-435. - Plotting and design criteria.

The following shall comply with new design reviews. Variations and possible additional criteria may be added by the Planning Commission to individual design reviews based upon Planning Commission consideration of individual circumstances:

- (1) No two adjacent homes using the same floor plan shall have the same exterior color scheme/treatment.
- (2) Adjacent homes shall have varying setbacks. Minimum variation shall be four feet unless located on a curvilinear street, which provides a varied street scene, and then the variation shall be three feet. When one-story and two-story homes

are adjacent, the two-story home shall have the larger front setback.

- (3) Window mullions shall be provided on first, second, and third story windows of all elevation seen from public view, as approved by the Planning Commission. The mullions shall be provided in a variety of shapes.
- (4) Trim with a stucco covering may be painted in a contrasting color. The contrasting color should be color compatible with the trim color.
- (5) Homes with a trim (band) feature, which distinguishes the first and second floors, should have the band on the front, side, and rear elevation of the homes.
- (6) A variety of designs (~~window and door pattern~~) shall be used on car garage doors, with no two adjacent homes that have the same floor plan and elevation shall use the same garage door/~~window~~ pattern. In no case shall more than three homes of any floor plan or elevation have the same garage door/~~window~~ pattern in a row. The applicant shall provide a color board indicating proposed garage door colors and ~~window~~ patterns for Planning Commission approval.
- (7) Wall-mounted decorative lighting fixtures at a minimum of 18 inches in height shall be provided at the front porch and on each side of the garage door. A sample of lighting types shall be provided for Planning Commission review and approval.
- (8) All front doors shall provide decorative treatment. A sample of door treatments shall be provided for Planning Commission review and approval.
- (9) All utility boxes shall be landscaping with shrubs or other low-profile landscaping. A sample of landscaping/landscaping treatments shall be provided for Planning Commission review and approval.
- (10) The ~~Community Development Director~~ Director of Planning, or his/her designee, shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, facade treatments, and architectural relief. Questions on the interpretation of this provision or changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a revision to the design review.
- (11) All lots shall provide decorative hardscape within the concrete walkways leading to the front door of the house in order to complement the home's exterior architectural elements. (Example: If the home uses rock, brick, or

other similar material on the exterior of the house, these materials shall be incorporated into the walkways along with decorative trowled bands; decorative patterned scoring; exposed aggregate finishes; stamped concrete, etc. This requirement shall be identified on the phasing site plan that is submitted to the Building and Safety Division for plan check. A detail of the types of hardscape to be used on the walkways shall also be shown on the phasing site plan.)

- (12) Steel gates with privacy screening (defined as material used on the steel gate to obscure the view of the back yard from the street) shall be required for side yards. A sample of gate privacy screening treatment shall be provided for Planning Commission review and approval.

Chapter 30, Article V. – Residential Zoning District, Section 30-444 of the Code is hereby restated and amended as follows:

Sec. 30-444. Additional development standards in R-2 and R-3 zoning districts.

Residential development standards are basic standards designed to create quality residential developments. The residential development standards indicated in Table No. 30-434 (residential development standards) and Table No. 30-437 (density bonus residential development standards) serve as the minimum standards controlling development. In addition to the applicable standards indicated in Table No. 30-434 and Table No. 30-437, the following standards shall be required of all multiple-family residential developments in the R-2 and R-3 zoning districts.

- (1) *Building separation.* Table No. 30-444 sets forth specific standards for minimum building separation and setbacks as follows:

Table No. 30-444 Building Separation Requirements		
Building (b) Setback and Separation (in feet) <u>to Adjacent</u> Zones	R-2	R-3
R-E	75-foot	75-foot
R-1	25-foot	25-foot
R-2	25 <u>10</u> -foot	25 <u>10</u> -foot
R-3	45 <u>10</u> -foot	45 <u>10</u> -foot
R-PC, Single-Family	75 20-foot	75 20-foot

R-PC, Specific Plan (single-family/multi-family)	25-foot/15-foot	25-foot/15-foot
All other zoning districts	20-foot	20-foot
	R-2	R-3
Single-Family Detached – Minimum Building to Building	10-foot	10-foot
Single-Family Detached – Minimum Distance to Public Right	<u>15-foot</u>	<u>15-foot</u>
Attached/Multi-Family Building to Public Rights-of-Way (streets)	R-2	R-3
Major or primary	30-foot	30-foot
Secondary or collector	25-foot	25-foot
Local	20-foot	20-foot
Attached/Multi-Family - Minimum Building to Building Distance	R-2	R-3
Front to front	35 <u>25</u> -foot	35 <u>25</u> -foot
Front to side	35 <u>25</u> -foot	35 <u>25</u> -foot
Front to rear	35 <u>25</u> -foot	35 <u>25</u> -foot
Rear to side	25 <u>15</u> -foot	25 <u>15</u> -foot
Rear to rear	25 <u>15</u> -foot	25 <u>15</u> -foot
Side to side	20 <u>15</u> -foot	20 <u>15</u> -foot
Parking and drive aisle setbacks to adjacent zoning districts	R-2	R-3
All residential	10-foot	10-foot
All other	10-foot	10-foot
Parking setback to public rights-of-way (streets) (h)	R-2	R-3
Major or primary	25-foot	25-foot
Secondary or collector	20-foot	20-foot
Local	15-foot	15-foot
Private street or driveway	5-foot	5-foot

1. Additional Standards Pertaining to the R-2 and R-3 Zoning Districts Notes:

- i. For the purpose of this table, accessory structure means a subordinate structure which is incidental and not attached to a building but is on the same lot. If an accessory structure is attached to the building, or if the roof is a continuation of the building roof, the accessory structure shall be considered an addition to the building.

- ii. Building shall mean dwelling units. For purpose of this table, building setback standards shall be for two-story development, setback standards may be modified by other lettered notes herein.
 - iii. Subtract ten feet for a single-story dwelling unit or a multi-story dwelling unit having a single-story element with a depth of at least ten feet.
 - iv. "Front" is defined as that face of the building or unit with a major glass area and/or major private recreation area and may include access to that private recreation area. This access may or may not relate to the primary entrance to the building that faces the street or drive; therefore, some buildings may have more than one "front" under this definition.
 - v. The "rear" of a building is defined as the point or area farthest from the front. Where a building is identified to have two fronts the building may be considered not to have a rear facing. For the purpose of this table, zoning districts are not considered adjacent if separated by a dedicated public right-of-way of more than 50 feet in width.
 - vi. Balconies, patios (uncovered and covered), patio fences/walls, porches, and similar liked structures may project into the setback area up to a maximum of six feet, providing, however, that such structures shall never be separated by less than 15 feet (horizontal).
 - vii. Buildings may be staggered to encroach into the required setback up to a maximum of five feet, provided there is an equal or greater setback at the opposite/other face of the building. Such staggered encroachment shall be averaged so that for each building which encroaches into the setback, another building will offset such encroachment by an equal number of feet along the same frontage.
 - viii. Where there is a grade differential between properties of greater than ten feet (as determined by the precise grading plan), the setback requirement may be modified as follows: when the building is at the lower grade, the required setback may be reduced by one linear foot for each three vertical feet of difference. Where the building is at the higher grade, the required setback shall be increased by one linear foot for each three vertical feet of difference. Such modification to the required setback shall be limited to a maximum of ten feet.
 - ix. The pedestrian walkway may project into the setback area provided a minimum ten-foot area is maintained free and clear for landscaping.
2. Separation of accessory buildings, parking areas, and vehicular access ways.
- a. Distance between an accessory building and side and rear property lines shall be no less than ten feet. Where the adjacent zoning district is non- residential or for safety, as determined by the Police Department, garages and carports may encroach a maximum of 50 percent into the required width of the side or

rear setback.

- b. Distance between two accessory buildings shall be no less than ten feet.
 - c. Distance between an accessory building and any dwelling unit shall be no less than 15 feet.
 - d. Distance between open, guest parking areas and any dwelling unit shall be no less than ten feet.
 - e. Distance between vehicular access way and any dwelling unit shall be no less than ten feet.
 - f. If a carport is located no less than ten feet from a side or rear property line, the rear wall of the carport may have openings to allow view and accessibility to an adjacent landscaped area, as illustrated in the design guidelines.
 - g. Detached assigned and/or required parking stalls, carports and enclosed garages shall be located no more than 150 feet from the dwelling unit they serve, unless otherwise approved by the Director of ~~Community Development~~ Planning.
3. *Minimum driveway access width.* Minimum access way width of 26 feet is required for all access drives serving multiple-family developments. A minimum access way width of 30 feet is required for all access drives serving multi-family developments of three stories or more.
4. *Water heaters.* Each dwelling unit shall have a separate hot water heater or may be provided with a centralized circulation water heating system sufficient to serve all dwelling units on the property.
5. *Laundry facilities.* All multiple-family residential units shall be provided washer and dryer hookups and laundry space with the unit or garage. The laundry area shall not infringe upon garage parking area. In the case of apartments, common laundry facilities may be included in addition to the individual unit hookups.
6. *Storage facilities.* A separate area having a minimum of 125 cubic feet of private and secure storage space shall be provided for each unit.
- a. Said storage area may be located within an attached garage, provided it does not interfere with garage use for automobile parking.
 - b. Normal closet and cupboard space within the dwelling unit shall not count toward meeting this requirement.
 - c. ~~No storage shall be in carport area.~~ Storage in carport areas shall be over hood or overhead. Over hood storage shall provide a minimum of four feet of clearance and overhead storage shall provide eight (8) feet of clearance.
 - d. Enclosed garages are required to provide 125 cubic feet of storage cabinet space, or 125 cubic feet of storage space may be provided elsewhere on the site.

7. Garage doors. All garages shall be provided with sectional garage doors and automatic garage door openers.
8. Dwelling entries.
 - a. All units shall be provided with standard door locks and dead bolts. No dwelling entry shall be located with direct, uninterrupted, unimpeded access to a primary or secondary arterial street.
9. *Refuse storage areas.* Individual trash receptacles for each unit shall only be permitted with an approved site layout of refuse pick-up by the City and ~~Burtee~~ the authorized refuse hauler. Projects that do not have an approved plan shall provide standard refuse storage facilities for the containment of standard receptacles based on the following requirements:
 - a. Number of receptacles.

Number of Units	Types of Receptacles	Number of Receptacles Required
0—8	3-Yard Bin	1
16—24	3-Yard Bin	2
Each 8 Additional Units	3-Yard Bin	1

- b. All refuse storage areas shall be readily accessible to the users they serve as well as for collection operations and shall be enclosed by a solid decorative masonry or concrete block wall at least 60 inches in height that shall be designed in a manner architecturally compatible with the overall design of the project's buildings.
 1. The site area shall have a concrete pad at least four inches in thickness.
 2. The storage area shall be designed with a lattice or metal solid cover matching the exterior building material and color with a solid gate or with mesh.
 3. The refuse storage area shall be located within 150 feet walking distance of the unit it services.
10. *Recreational facilities.* The developer shall provide recreational facilities in conjunction with common open space as a minimum requirement for all ~~multi-family~~ projects in the R-2 zone and ~~for the minimum density allowed in the R-3 zones~~. Recreational facilities shall not be required for projects utilizing a Minor Planned Unit Development (Minor PUD) for development.
 - a. Development consisting of 30 units or fewer shall provide three of the following recreational facilities:
 1. Large open lawn area, minimum dimensions shall be 50 feet by 20 feet.
 2. Tot-lot with multiple play equipment.

3. Spa and/or pool.
 4. Barbecue facility equipped with grill, picnic benches, etc.
- b. Development consisting of 31 units to 100 units shall provide an additional recreational facility as in (a) above, or equivalent, as approved by the Planning Commission.
 - c. Development consisting of 101 units to 200 units shall provide five of the following recreational facilities, or equivalent, as approved by the Planning Commission:
 1. Large open lawn area, minimum dimensions shall be 100 feet by 50 feet.
 2. Multiple tot-lots with multiple play equipment. The tot-lots shall be conveniently located throughout the site and separated with a low decorative wall or tubular steel fence from any drive aisle.
 3. Pool and spa.
 4. Community multi-purpose room equipped with kitchen, defined areas for games, exercises, etc.
 5. Barbecue facilities equipped with multiple built in gas grills with shelving, picnic benches and shade structures. The barbecue facilities shall be conveniently located throughout the site.
 6. Court facilities (e.g. tennis, volleyball, basketball, etc.).
 7. Jogging/walking trails with exercise stations.
 - d. For each 100 units above the first 200 units, another recreational facility as described in Section 30-451, or equivalent, shall be provided for approval by the Planning Commission.
 - e. Other recreational facilities not listed above may be considered subject to the Planning Commission review and approval.
 - f. Related recreational activities may be grouped together and located at any one area of the common open space.
 - g. Recreational facilities shall be dispersed throughout the site.
 - h. All recreational areas or facilities required by this section shall be maintained by private homeowner's associations, property owners, or private assessment.
11. *Circulation, pedestrian and vehicular parking.*
- a. *Pedestrian circulation.* Every multiple-family residential development shall be designed in such a manner that adequate walkways are provided convenient to the needs of the residents and guests and the services of public agencies. Pedestrian access to the unifying elements of any development should be

separate from and free of conflict with vehicular access ways. All developments consisting of six units or more shall provide directories placed in a convenient location at the development entry.

- b. *Vehicular circulation.* Every multiple-family residential development shall be designed with an internal street and parking system adequate to handle the need for vehicular circulation. Said system shall be in compliance with all applicable standards of this chapter.

Chapter 30, Article V. – Residential Zoning District, Section 30-451 of the Code is hereby restated and amended as follows:

Sec. 30-451. – (R-4 and R-5) Recreational facilities.

On-site amenities shall be considered in the context of existing off-site amenities and their spatial relationships (distance, ease of access and safety) to active retail services, bicycle lanes, walking trail, and mass transit such as commuter/light rail or bus rapid transit (BRT) service.

In addition to the off-site amenities mentioned above, the developer shall provide on-site recreational facilities in conjunction with common open space as a minimum requirement for all multi-family projects in the R-4 zone and the R-5 zone:

- (1) Development consisting of 50 units to 79 units shall provide three of the following recreational facilities:
 - a. Indoor gym/fitness facility (minimum 500 square feet).
 - b. Tot-lot with multiple play equipment.
 - c. Spa and pool (min 25 yard by 15 yards).
 - d. Barbecue facility equipped with grill, picnic benches, etc (min of five areas).
- (2) Development consisting of 80 units to 200 units shall provide all recreational facilities as listed in Section 30-451 above. Other recreational facilities or community benefits not listed above may be considered subject to the Planning Commission review and approval.
- (3) Development consisting of 201 units to 400 units shall provide all recreational facilities as listed in Section 30-451 and a minimum of one of the following additional recreational facilities, or equivalent, as approved by the Planning Commission:
 - a. Large open lawn area, minimum dimensions shall be 100 feet by 50

feet (e.g. Rooftop garden).

- b. Multiple tot-lots with multiple play equipment. The tot-lots shall be conveniently located throughout the site. The number of tot-lots and their location shall be subject to Planning Commission review and approval.
- c. Lap pool and spa (e.g. Rooftop, min 25 yard by 25 yards).
- d. Community multi-purpose room equipped with kitchen, defined areas for games, exercises, etc.
- e. Barbecue facilities equipped with multiple grills, picnic benches and shade structures. The barbecue facilities shall be conveniently located throughout the site. The number of barbecue facilities and their location shall be subject to Planning Commission review and approval.
- f. Court facilities (e.g. tennis, volleyball, basketball, etc.).
- g. Jogging/walking trails with exercise stations.
- h. Other recreational facilities not listed above may be considered subject to the Planning Commission review and approval.

Related recreational activities may be grouped together and located at any one area of the common open space. Where multiple recreational facilities are provided such facilities shall be required to be dispersed throughout the site. All recreational areas or facilities required by this section shall be maintained by private homeowner's associations, property owners, or private assessment districts.

- (4) Circulation, pedestrian, and vehicular parking. Pedestrian circulation. Each multiple-family residential development shall be designed with adequate walkways to provide convenience to the needs of the residents, guests, and the service providers of public agencies. Pedestrian access to the unifying elements of any development shall be separate from, and free of, conflict with vehicular access ways. All developments consisting of six units or more shall provide directories placed in a convenient location at the development.