

Chapter 18.10

LOW-DENSITY RESIDENTIAL (R-E, R-2 and RMD) DISTRICTS

Sections:

18.10.010	Purposes
18.10.020	Applicable Regulations
18.10.030	Land Uses
18.10.040	Development Standards
18.10.050	Permitted Encroachments, Projections and Exceptions
18.10.060	Parking
18.10.070	Second Dwelling Units
18.10.080	Accessory Uses and Facilities
18.10.090	Basements
18.10.100	Standards for Agricultural Uses
18.10.110	Home Improvement Exceptions
18.10.120	Architectural Review
18.10.130	Historical Review
18.10.140	Neighborhood Preservation Combining District (NP) Standards
18.10.150	Grandfathered Uses

18.10.010 Purposes

Three low-density residential districts are defined in this chapter. Requirements for the single-family residential (R-1) district and related subdistricts and combining districts are included in Chapter 18.12. The specific purpose of each low-density residential district is stated below:

(a) Residential Estate District [R-E]

The R-E residential estate district is intended to create and maintain single-family living areas characterized by compatibility with the natural terrain and native vegetation. The R-E district provides locations for residential, limited agricultural, and open space activities most suitably located in areas of very low density or rural qualities. Second dwelling units and accessory structures or buildings are appropriate where consistent with the site and neighborhood character. Community uses and facilities should be limited unless no net loss of housing units would result.

(b) Two Family Residential District [R-2]

The R-2 two-family residence district is intended to allow a second dwelling unit under the same ownership as the initial dwelling unit on appropriate sites in areas designated for single-family use by the Palo Alto Comprehensive Plan, under regulations that preserve the essential character of single-family use. Community uses and facilities should be limited unless no net loss of housing would result.

(c) Two Unit Multiple-Family Residential District [RMD]

The RMD two-unit multiple-family residence district is intended to allow a second dwelling unit under the same ownership as the initial dwelling unit on appropriate sites in areas designated for multiple-family use by the Palo Alto Comprehensive Plan. The RMD district is intended to minimize incentives to replace existing single-family dwellings, maintain existing

neighborhood character and increase the variety of housing opportunities available within the community. The maximum density in this zone shall not exceed seventeen dwelling units per acre.

(Ord. 4875 § 2 (part), 2005)

18.10.020 Applicable Regulations

The specific regulations of this chapter and the additional regulations and procedures established by Chapters 18.52 to 18.80 inclusive shall apply to all low-density residential districts.

(Ord. 4875 § 2 (part), 2005)

18.10.030 Land Uses

Table 1 shows the permitted and conditionally permitted uses for the low-density residential districts.

**TABLE 1
PERMITTED AND CONDITIONALLY PERMITTED LOW-DENSITY RESIDENTIAL USES
[P = Permitted Use • CUP = Conditional Use Permit Required]**

	R-E	R-2	RMD	Subject to Regulations in:
ACCESSORY AND SUPPORT USES				
Accessory facilities and uses customarily incidental to permitted uses (no limit on number of plumbing fixtures)	P	P	P	18.10.080
Home Occupations, when accessory to permitted residential uses.	P	P	P	18.42.060
Horticulture, gardening, and growing of food products for consumption by occupants of the site.	P	P	P	
Sale of agricultural products produced on the premises ⁽¹⁾	P			18.10.110
Second Dwelling Units	P	P ⁽²⁾	P ⁽²⁾	18.10.070
AGRICULTURE AND OPEN SPACE USES				
Agriculture	P			18.10.110
EDUCATIONAL, RELIGIOUS, AND ASSEMBLY USES				
Private Educational Facilities	CUP	CUP	CUP	
Religious Congregations and Institutions	CUP	CUP	CUP	
PUBLIC/QUASI-PUBLIC USES				
Community Centers	CUP	CUP	CUP	
Utility Facilities essential to provision of utility services to the neighborhood, but excluding business offices, construction or storage yards, maintenance facilities, or corporation yards.	CUP	CUP	CUP	
RECREATION USES				
Neighborhood Recreational Centers			CUP	
Outdoor Recreation Services	CUP	CUP		

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	R-E	R-2	RMD	Subject to Regulations in:
RESIDENTIAL USES				
Single-Family	P	P	P	
Two-Family use, under one ownership		P	P	
Mobile Homes	P	P	P	18.42.100
Residential Care Homes	P	P	P	
RETAIL USES				
Cemeteries	CUP			
Commercial Plant Nurseries	CUP			
SERVICE USES				
Convalescent Facilities	CUP			
Day Care Centers	CUP	CUP	CUP	
Small Adult Day Care Homes	P	P	P	
Large Adult Day Care Homes	CUP	CUP	CUP	
Small Family Day Care Homes	P	P	P	
Large Family Day Care Homes	P	P	P	
Bed & Breakfast Inns			P ⁽³⁾	
P = Permitted Use		CUP = Conditional Use Permit Required		

- (1) **Sale of Agricultural Products:** No permanent commercial structures for the sale or processing of agricultural products are permitted.
- (2) **Second Units in R-2 and RMD Zones:** A second dwelling unit associated with a single-family residence on a lot in the R-2 or RMD zones is permitted, subject to the provisions of Section 18.10.070, and such that no more than two units result on the lot.
- (3) **Bed and Breakfast Inns:** Bed and breakfast inns are limited to no more than 4 units (including the owner/resident's unit) in the RMD district.

(Ord. 4875 § 2 (part), 2005)

18.10.040 Development Standards

(a) Site Specifications, Building Size, Height and Bulk, and Residential Density

The development standards for the low-density residential districts are shown in Table 2:

**TABLE 2
LOW-DENSITY RESIDENTIAL DEVELOPMENT STANDARDS**

	R-E	R-2	RMD	Subject to Regulations in:
Minimum Site Specifications				
Site Area (ft ²)				
All lots except flag lots ⁽¹⁾	1 acre	6,000	5,000	18.10.040(c)
Flag lots	<i>As established by Section 21.20.301 (Subdivision Ord.)</i>			
Site Width (ft)	100	60	50	
Site Depth (ft)	100	100	100	
Maximum Lot Size Lot Area (square feet)	None	11,999	9,999	18.10.040(g)

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	R-E	R-2	RMD	Subject to Regulations in:
Minimum Setbacks	<i>Setback lines imposed by a special setback map pursuant to Chapter 20.08 of this code may also apply.</i>			18.10.050
Front Yard (ft)	30	20	20	
Rear Yard (ft)	30	20	20	
Interior Side Yard(ft)	15	6	6	
Street Side Yard (ft)	24	16	16	
Maximum Height (as measured to the peak of the roof) (ft)	30	30 ⁽²⁾	35	18.04.030 (67) 18.10.050
Side Daylight Plane (Side lot lines)				18.04.030 (44); 18.10.050
Initial Height (ft)	10	10 ⁽³⁾	15	
Angle (degrees)	45	45	45	
Front Daylight Plane (Front setback line)				18.10.050
Initial Height (ft)	16	16 ⁽³⁾		
Angle (degrees)	60	60		
Rear Daylight Plane (Rear setback line)				18.10.050
Initial Height (ft)	16	16 ⁽³⁾	15	
Angle (degrees)	60	60	45	
Maximum Site Coverage:				18.04.030 (86A)
Single story development	25%	40%	40%	
Multiple story development	25%	35%	40%	
Additional area permitted to be covered by a patio or overhang		5%		
Maximum Floor Area Ratio (FAR)²				18.04.030 (65)
First 5,000 square feet	.45	.45	.50	
Square footage in excess of 5,000 square feet	.30	.30	.50	
Additional floor area permitted for covering of one parking space (ft ²)		200 ⁽⁴⁾	200 ⁽⁴⁾	
Maximum House Size (ft²)	6,000 ⁽⁵⁾	6,000 ⁽⁵⁾	6,000 ⁽⁵⁾	
Minimum Usable Open Space (ft²)			450 sf per unit	
Residential Density				For second unit requirements, see 18.10.070
Minimum site area permitting two units	1 acre	7,500	5,000	
Parking	See Sec. 18.10.060 (Parking)			Chs. 18.52, 18.54

- (1) **Minimum Lot Size:** Any lot less than the minimum lot size may be used in accordance with the provisions of Section 18.40.080
- (2) **R-2 Floodzone Heights:** Provided, in a special flood hazard area as defined in Chapter 16.52, the maximum heights are increased by one-half of the increase in elevation required to reach base flood elevation, up to a maximum building height of 33 feet.
- (3) **R-2 Floodzone Daylight Plane:** Provided, if the site is in a special flood hazard area and is entitled to an increase in the maximum height, the heights for the daylight planes shall be adjusted by the same amount.

- (4) **Exemption from Floor Area for Covered Parking Required for Two-Family Uses:** In the R-2 and RMD districts, for two-family uses, floor area limits may be exceeded by a maximum of two hundred square feet, for purposes of providing one required covered parking space.
- (5) **Maximum House Size:** The gross floor area of attached garages and attached second dwelling units are included in the calculation of maximum house size. If there is no garage attached to the house, then the square footage of one detached covered parking space shall be included in the calculation. This provision applies only to single-family residences, not to duplexes allowed in the R-2 and RMD districts.

(b) Substandard and Flag Lots in R-2 District

The following site development regulations shall apply to all new construction on substandard and flag lots within the R-2 district in lieu of comparable provisions in subsection (a).

(1) Substandard Lots

- (A) For the purposes of this subsection (c), a substandard lot shall be a lot with a width of less than 50 feet or a depth of less than 83 feet and an area less than 83% of the minimum area required by the zoning of the parcel.

(B) Development Standards

- (i) The maximum height shall be 17 feet, as measured to the peak of the roof.
- (ii) There shall be a limit of one habitable floor. Habitable floors include lofts, mezzanines, and similar area with interior heights of five feet (5) or more from the roof to the floor, but exclude basements and exclude attics that have no stairway or built-in access. The chief building official shall make the final determination as to whether a floor is habitable.
- (iii) For lots less than 50 feet in width, the required street side setback shall be 10 feet.
- (C) Nothing in this subsection (c) shall affect or otherwise redefine the provisions of Section 18.40.080 as to whether a substandard lot may be used as a lot under this title.

(2) Flag Lots

- (A) A flag lot shall be defined as set forth in Section 18.04.030(84)(B).

(B) Flag Lot Development Standards:

- (i) The maximum height shall be 17 feet, as measured to the peak of the roof.
- (ii) There shall be a limit of one habitable floor. Habitable floors include lofts, mezzanines, and similar areas with interior heights of five feet (5') or more from the roof to the floor, but exclude basements and exclude attics that have no stairway or built-in access. The chief building official shall make the final determination as to whether a floor is habitable.
- (iii) Front Setback: 10 feet. Flag lots are not subject to contextual front setback requirements.
- (iv) Flag lots are not subject to contextual garage placement requirements.

(c) **Maximum Lot Sizes in R-2 and RMD Districts**

This provision limits the potential for lot combinations with a net loss of housing stock and resultant homes that would be out of scale with homes in the surrounding neighborhood. In the R-2 and RMD districts, no new lot shall be created equal to or exceeding two times the minimum lot size prescribed for the district, as prescribed in Table 2. Lots larger than the prescribed maximum size are permitted only under the following circumstances: (i) where a Village Residential land use is approved concurrent with the new lot, resulting in no net loss of housing on the site(s); (ii) where underlying lots must be merged to eliminate nonconformities and no net loss of housing units would result; and (iii) where an adjacent substandard lot of less than 25 feet in width is combined with another lot, resulting in no net loss of housing units on the site.

(d) **Garage Doors in R-2 District**

In the R-2 district, for garages located within 50 feet from a street frontage, on lots less than 75 feet in width, the total combined width of garage doors which are parallel to the street shall not exceed 20 feet.

(e) **Special Setbacks**

Where applicable, setback lines imposed by a special setback map pursuant to Chapter 20.08 of this code shall be followed for the purpose of determining legal setback requirements.

(f) **Certification of Daylight Plane Compliance**

Upon request by the building official, any person building or making improvements to a structure in the low density residential districts shall provide a certification that the structure, as built, complies with the daylight plane provisions in subsection (a). Such certification shall be prepared by a licensed engineer, architect, or surveyor, and shall be provided prior to frame inspection.

(g) **Lighting in R-2 District**

In the R-2 district, recreational and security lighting shall be permitted only so long as the lighting is shielded so that the direct light does not extend beyond the property where it is located. Free-standing recreational and security lighting installed on or later than March 11, 1991, shall be restricted to twelve feet (12') in height.

(h) **Location of Noise-Producing Equipment**

All noise-producing equipment, such as air conditioners, pool equipment, generators, commercial kitchen fans, and similar service equipment, shall be located outside of the front, rear and side yard setbacks. Such equipment may, however, be located up to 6 feet into the street sideyard setback. All such equipment shall be insulated and housed, except that the planning director may permit installation without housing and insulation, provided the equipment is located within the building envelope and where a combination of technical noise specifications, location of equipment, and/or other screening or buffering will assure compliance with the city's Noise Ordinance at the nearest property line. Any replacement of such equipment shall conform to this section where feasible. All service equipment must meet the city Noise Ordinance in Chapter 9.10 of this code.

(i) Individual Review

The Individual Review provisions of Section 18.12.110 of the Zoning Ordinance shall be applied to any single-family or two-family residence in the R-2 or RMD districts to those sides of a site that share an interior side lot line with the interior side or rear lot line of a property zoned for or used for single-family or two-family dwellings, except where architectural review board review is required for a second dwelling on an RMD-zoned site. The individual review criteria shall be applied only to the project's effects on adjacent single-family and two-family uses.

(Ord. 4964 § 9, 2007; Ord. 4875 § 2 (part), 2005)

18.10.050 Permitted Encroachments, Projections and Exceptions

The following projections and encroachments into required yards, daylight plane and height are permitted, provided a projection shall not be permitted to encroach into a special setback, as established by the setback map pursuant to Chapter 20.08 of the Palo Alto Municipal Code, except as noted in (a)(1)(D) below.

(a) Setback/Yard Encroachments and Projections**(1) Horizontal Additions**

In the R-2 district and the RMD district, where a single-family dwelling legally constructed according to existing yard and setback regulations at the time of construction encroaches upon present required yards, one encroaching side (first floor wall) of the existing structure at a height not to exceed 12 feet may be extended in accord with this section. Only one such extension shall be permitted for the life of such building. This subsection shall not be construed to allow the further extension of an encroachment by any building which is the result of the granting of a variance, either before or after such property became part of the city.

- (A) Front Yard. In cases where the existing setback is less than 20 feet, but at least 14 feet, the existing encroachment may be extended for a distance of not more than 100% of the length of the encroaching wall to be extended; provided, that the total length of the existing encroaching wall and the additional wall shall together not exceed one-half the maximum existing width of such building.
- (B) Interior Side Yard. In cases where the existing setback is less than 8 feet, but at least 5 feet, the existing encroachment may be extended for a distance of not more than 100% of the length of the encroaching wall to be extended, but not to exceed 20 additional feet.
- (C) Street Side Yard. In cases where the existing setback is less than 16 feet, but at least 10 feet, the existing encroachment may be extended for a distance of not more than 100% of the length of the encroaching wall to be extended, but not to exceed 20 feet.
- (D) Special Setbacks. In cases where a Special Setback is prescribed pursuant to Chapter 20.08 of the Municipal Code, and the existing setback is less than the Special Setback distance, but is at least 14 feet for the front setback or at least 10 feet for the street side yard setback, the existing encroachment may be extended for a

distance of not more than 100% of the length of the encroaching wall to be extended, provided that the total length of the existing encroaching wall and the additional wall shall together not exceed one-half the maximum existing width of such building.

(2) Rear Yard Encroachments for Portions of Homes

A portion of a main building that is less than half the maximum width of the building may extend into the required rear yard no more than six feet and with a height of no more than one story, except that a corner lot having a common rear property line with an adjoining corner lot may extend into the required rear yard not more than ten feet with a height of no more than one story.

(3) Allowed Projections

(A) Cornices, Eaves, Fireplaces, and Similar Architectural Features

For cornices, eaves, fireplaces, and similar architectural features, excluding flat or continuous walls or enclosures of usable interior space, the following projections are permitted:

- (i) A maximum of two feet into a required side yard. Fireplaces in a required side yard may not exceed five feet in width. Fireplaces not exceeding five feet in width may project into a required side yard no more than two feet.
- (ii) A maximum of four feet into a required front yard
- (iii) A maximum of four feet into a required rear yard

(B) Window Surfaces

Window surfaces, such as bay windows or greenhouse windows, may extend into a required side or rear yard a distance not to exceed two feet, or into a required front yard a distance not exceeding three feet. The window surface may not extend into any yard above a first story.

(C) Detached Storage Structures

In addition to the provisions for location of accessory structures under Section 18.12.080(b), the following further projections are permitted. For structures not over six feet in height or twenty-five square feet in floor area, used exclusively for storage purposes, the following projections are permitted:

- (i) A maximum of two feet into a required side yard.
- (ii) A maximum of four feet into a required front yard.
- (iii) A maximum of four feet into a required rear yard.

(D) Patios, Decks, Stairways, Landings, Balconies, or Fire Escapes

For uncovered porches (less than 30 inches above grade), patios, decks, stairways, landings, balconies, or fire escapes the following projections are permitted, provided these projections are not permitted above the first story:

- (i) A maximum of three feet into a required side yard.
- (ii) A maximum of six feet into a required front yard.

(iii) A maximum of six feet into a required rear yard.

(E) Canopy or Patio Cover

A canopy or patio cover may be located in the required rear yard or that portion of the interior side yard, which is more than 75 feet from the street lot line measured along the common lot line. Such canopies shall be subject to the following conditions:

- (i) A canopy or patio cover shall not be more than 12 feet in height.
- (ii) The canopy or patio cover shall be included in the computation of building coverage.
- (iii) The canopy or patio cover and other structures shall not occupy more than 50 percent of the required rear yard.
- (iv) The canopy or patio cover shall not be enclosed on more than two sides.

(F) Pools, Spas, and Hot Tubs

- (i) Pools, spas, and hot tubs may extend into a required rear yard a distance not to exceed fourteen feet, provided that a minimum setback of six feet from the property line shall be maintained.
- (ii) No swimming pool, hot tub, spa, or similar accessory facility shall be located in any portion of a required front or street side yard.
- (iii) No swimming pool, hot tub, spa, or similar accessory facility shall be located closer than six feet from an interior side yard property line.

(b) Height Exceptions

The following features may exceed the height limit established by the specified districts:

- (1) R-E and R-2 Districts: In the R-E and R-2 districts, flues, chimneys, and antennas may exceed the established height limit by not more than 15 feet.
- (2) RMD District: In the RMD district, flues, chimneys, exhaust fans or air conditioning equipment, elevator equipment, cooling towers, antennas, and similar architectural, utility, or mechanical features may exceed the height limit established in any district by not more than 15 feet, provided that no such feature or structure in excess of the height limit shall be used for habitable space, or for any commercial or advertising purposes.

(c) Daylight Plane Exceptions

The following features may extend beyond the daylight plane established by the applicable district, provided that such features do not exceed the height limit for the district unless permitted to do so by subsection (b):

- (1) R-E and R-2 districts:
 - (A) Television and radio antennas;
 - (B) Chimneys and flues, provided that chimneys do not extend past the required daylight plane a distance exceeding the minimum allowed pursuant to Chapter 16.04 of this code;

- (C) Dormers, roof decks, gables, or similar architectural features, provided that
 - (i) the sum of the horizontal lengths of all such features shall not exceed 15 feet on each side; and
 - (ii) the height of such features does not exceed 24 feet.
- (D) Cornices, eaves, and similar architectural features, excluding flat or continuous walls or enclosures of usable interior space, provided such features do not extend past the daylight plane more than 2 feet.

(2) RMD District:

- (A) Television and radio antennas; and
- (B) Chimneys and flues.

(Ord. 4875 § 2 (part), 2005)

18.10.060 Parking

Off-street parking and loading facilities shall be required for all permitted and conditional uses in accord with Chapters 18.52 and 18.54 of this title. The following parking requirements apply in the R-E, R-2, and RMD districts. These requirements are included for reference purposes only, and in the event of a conflict between this Section 18.10.060 and any requirement of Chapters 18.52 and 18.54, Chapters 18.52 and 18.54 shall apply:

(a) Parking Requirements for Specific Uses

Table 3 shows the minimum off-street automobile parking requirements for specific uses.

**TABLE 3
PARKING REQUIREMENTS FOR R-E, R-2 AND RMD USES**

Use	Minimum Off-Street Parking Requirement
Single-family residential use (excluding second dwelling units)	2 spaces per unit, of which one must be covered
Two family (R2 & RMD districts)	3 spaces total, of which at least two must be covered
Second dwelling unit, attached or detached:	
>450 sf in size	2 spaces per unit, of which one must be covered
≤450 sf in size	1 space per unit, which may be covered or uncovered
Other Uses	See Chapter 18.40

(b) Parking and Driveway Surfaces

Parking and driveway surfaces may have either permeable or impermeable paving. Materials shall be those acceptable to Public Works Department standards. Gravel and similar loose materials shall not be used for driveway or parking surfaces within 10 feet of the public right of way.

(c) Parking in Yards

- (1) No required parking space shall be located in a required front yard.
- (2) No required parking space shall be located in the first ten feet adjoining the property line of a required street side yard.

(d) Tandem Parking

Tandem parking shall be permitted for single-family uses and for single-family uses with a permitted second dwelling unit. Tandem parking is permitted for two-family uses where both spaces in tandem (front space and tandem space) are designated for use by the same unit.

(e) Bicycle Parking

For two family uses, at least one Class I bicycle parking space shall be required.

(f) Design of Parking Areas

Parking facilities shall comply with all applicable regulations of Chapter 18.54 (Parking Facility Design Standards).

(Ord. 4875 § 2 (part), 2005)

18.10.070 Second Dwelling Units

The intent of this section is to provide regulations to accommodate second dwelling units, in order to provide for variety to the city's housing stock and additional affordable housing opportunities. Second dwelling units are intended as separate self-contained living units, with separate entrances from the main residence, whether attached or detached. The standards below are provided to minimize the impacts of second dwelling units on nearby residents and to assure that the size, location and design of such dwellings is compatible with the existing residence on the site and with other structures in the area.

(a) Second Units in the R-2 and RMD Districts

Second dwelling units are allowed on R-2 or RMD lots that meet lot size requirements in Table 2 to accommodate two units on a lot. For R-2 zoned lots of 6,000 square feet or greater, but less than 7,500 square feet, a second dwelling unit of 450 square feet or less is permitted, subject to all other regulations of the R-1 chapter outlined in Section 18.12.070. Any second dwelling unit, and any airspace rights thereto, under different ownership from the initial dwelling unit, shall be prohibited in the R-2 and RMD districts.

(b) Second Units in the R-E District

The following regulations apply to second dwelling units in the R-E district:

(1) Minimum Lot Sizes

In the R-E district, the minimum lot size for a second dwelling unit is one acre. Provided, for flag lots, the minimum lot size shall be 35% greater than the minimum lot size established by Section 21.20.301 of the Subdivision Ordinance.

(2) Development Standards for Attached Second Dwelling Units

Attached second dwelling units are those attached to the main dwelling. Attached unit size counts toward the calculation of maximum house size. All attached second dwelling units shall be subject to the following development requirements:

- (A)** The minimum site area shall meet the requirements specified in subsection (1) above.
- (B)** Maximum size of living area: 450 square feet. The second dwelling unit and covered parking shall be included in the total floor area for the site. Any base-

ment space used as a second dwelling unit or portion thereof shall be counted as floor area for the purpose of calculating the maximum size of the unit.

- (C) Maximum size of covered parking area for the second dwelling unit: 200 square feet.
- (D) Maximum height: 30 feet.
- (E) Except on corner lots, the second dwelling unit may not have an entranceway facing the same lot line (property line) as the entranceway to the main dwelling unit, and exterior staircases to second floor units shall be located toward the interior side or rear yard of the property.

(3) Development Standards for Detached Second Dwelling Units

Detached second dwelling units are those detached from the main dwelling. All detached second dwelling units shall be subject to the following development requirements:

- (A) The minimum site area shall meet the requirements specified in subsection (b) above.
- (B) Minimum separation from the main dwelling: 12 feet.
- (C) Maximum size of living area: 900 square feet. The second dwelling unit and covered parking shall be included in the total floor area for the site. Any basement space used as a second dwelling unit or portion thereof shall be counted as floor area for the purpose of calculating the maximum size of the unit.
- (D) Maximum size of covered parking area for the second dwelling unit: 200 square feet.
- (E) Maximum height: one story and 17 feet.
- (F) The detached second dwelling shall be architecturally compatible with the main residence, with respect to style, roof pitch, color and materials.

(4) Street Access

The second dwelling unit shall have street access from a driveway in common with the main residence in order to prevent new curb cuts, excessive paving, and elimination of street trees. Separate driveway access may be permitted by the director upon a determination that separate access will result in fewer environmental impacts such as excessive paving, unnecessary grading or unnecessary tree removal, and that such separate access will not create the appearance, from the street, of a lot division or two-family use.

(5) Parking

The following parking criteria apply to both detached and attached second dwelling units:

- (A) Two parking spaces shall be provided for each second dwelling unit, with at least one of the spaces being covered; provided, however, that if the floor area of the second dwelling unit is 450 square feet or less, only a single parking space is required, and it may be covered or uncovered.

- (B) Such parking shall be located out of required front setbacks and not closer than 15 feet from the street in a street side setback. New parking areas created in the street side setback shall be of permeable materials if required by the Planning Director.

(Ord. 4939 § 3, 2007; Ord. 4875 § 2 (part), 2005)

18.10.080 Accessory Uses and Facilities

Accessory uses and facilities, as referenced in Section 18.10.030, shall be permitted when incidental to and associated with a permitted use or facility in the R-E, R-2, or RMD districts, or when incidental to and associated with an allowable and authorized conditional use therein, subject to the provisions below and of Chapters 18.40 and 18.42.

(a) Types of Accessory Uses

Accessory uses and facilities include, but are not limited to, the following list of examples; provided that each accessory use or facility shall comply with the provisions of this title:

- (1) Residential garages, carports, and parking facilities, together with access and circulation elements necessary thereto;
- (2) Facilities for storage incidental to a permitted use; and
- (3) Recreational uses and facilities for the use and convenience of occupants or employees, or guests thereof, of a principal use or facility;

(b) Location and Development Standards

Except as otherwise provided in this section, accessory buildings shall at all times be located in conformance with requirements for principal buildings, and shall not be located in any required front, side, or rear yard. See Section 18.10.050(a)(3)(C) for allowed encroachments for small storage structures. Accessory buildings may be located in a required interior yard subject to the following limitations:

- (1) An accessory building shall not be used for living and/or sleeping purposes unless the building was legally constructed for or was legally converted to living and/or sleeping purposes prior to October 13, 1983.
- (2) An accessory building shall not be located in a required front yard, required street yard, or required rear yard of a through lot.
- (3) An accessory building shall not be located in a required interior side or rear yard unless the building is at least seventy-five feet from any property line adjacent to a street, measured along the respective lot line. Provided, on corner lots, accessory buildings including detached garages and carports may be located in the rear yard if located at least 75 feet from the front street and at least 20 feet from the side street property lines.
- (4) Accessory buildings located within a required interior yard as permitted by this section shall be subject to a maximum height established by a daylight plane beginning at a height of eight feet at the property line and increasing at a slope of one foot for every three feet of distance from the property line, to a maximum height of twelve feet.

- (5) When located within a required interior yard as permitted by this section, no such accessory building shall have more than two plumbing fixtures.
- (6) Accessory buildings located within a required interior yard, as permitted by this section, shall not individually or cumulatively occupy an area exceeding fifty percent of the required rear yard.
- (7) The minimum distance between separate buildings located on the same site shall be as required by Title 16; provided, accessory buildings in the Residential Estate (R-E) district shall be separated from the principal building by at least three feet.
- (8) A principal building and an accessory building, meeting the requirements of Title 16 and each located on a site as otherwise permitted for principal building and accessory buildings, may be connected by a structure meeting the definition of a breezeway. Such structure, or breezeway, shall be a part of the accessory building.

(Ord. 4875 § 2 (part), 2005)

18.10.090 Basements

Basements shall be permitted in areas that are not designated as special flood hazard areas, as defined in Chapter 16.52, subject to the following regulations:

(a) Permitted Basement Area

Basements may not extend beyond the building footprint and basements are not allowed below any portion of a structure that extends into required setbacks, except to the extent that the main residence is permitted to extend into the rear yard setback by other provisions of this code.

(b) Inclusion as Gross Floor Area

Basements shall not be included in the calculation of gross floor area, provided that:

- (1) basement area is not deemed to be habitable space, such as a crawlspace; or
- (2) basement area is deemed to be habitable space but the finished level of the first floor is no more than three feet above the grade around the perimeter of the building foundation. Grade is measured at the lowest point of adjacent ground elevation prior to grading or fill, or finished grade, whichever is lower.

(c) Lightwells, Stairwells and Other Excavated Features

Excavated features shall not affect the measurement of the grade for the purposes of determining gross floor area, so long as such features meet the following provisions:

- (1) Lightwells, stairwells and similar excavated features along the perimeter of the basement shall not affect the measurement of grade, provided that:
 - (A) such features are not located in the front of the building;
 - (B) such features shall not exceed 3 feet in width;
 - (C) the cumulative length of all such features does not exceed 30% of the perimeter of the basement;

- (D) such features do not extend more than 3 feet into a required side yard nor more than 4 feet into a required rear yard, but where a side yard is less than 6 feet in width, the features shall not encroach closer than 3 feet from the adjacent side property line;
 - (E) the cumulative length of any features or portions of features that extend into a required side or rear yard does not exceed 15 feet in length;
 - (F) the owner provides satisfactory evidence to the planning division prior to issuance of a building permit that any features or portions of features that extend into a required side or rear yard will not be harmful to any mature trees on the subject property or on abutting properties; and
 - (G) such features have either a drainage system that meets the requirements of the public works department or are substantially sheltered from the rain by a roof overhang or canopy of a permanent nature.
- (2) Below-grade patios, sunken gardens or similar excavated areas along the perimeter of the basement that exceed the dimensions set forth in subsection (1), are permitted and shall not affect the measurement of grade, provided that:
- (A) such areas are not located in the front of the building;
 - (B) All such areas combined do not exceed 2% of the area of the lot or 200 square feet, whichever is greater; that each such area does not exceed 200 square feet, and that each such area is separated from another by a distance of at least 10 feet. Area devoted to required stairway access shall not be included in the 200 square foot limitation.
 - (C) the cumulative length of any excavated area or portion thereof that extends into a required side or rear yard does not exceed 15 feet;
 - (D) such features do not extend more than 2 feet into a required side yard nor more than 4 feet into a required rear yard;
 - (E) the owner provides satisfactory evidence to the planning director prior to issuance of a building permit that any features or portions of features that extend into a required side or rear yard will not be harmful to any mature trees on the subject property or on abutting properties;
 - (F) such features have either a drainage system that meets the requirements of the public works department or are substantially sheltered from the rain by a roof overhang or canopy of a permanent nature;
 - (G) any roof overhang or canopy installed pursuant to subsection (F) is within and is counted toward the site coverage requirements established in Section 18.10.040;
 - (H) such areas are architecturally compatible with the residence; and
 - (I) such areas are screened to off site views by means of landscaping and/or fencing as determined appropriate by the planning director.

(Ord. 4875 § 2 (part), 2005)

18.10.100 Standards for Agricultural Uses

In the R-E district, agricultural use shall be allowed subject to the following regulations:

(a) Keeping and Raising of Livestock

Keeping and raising of livestock, poultry, or other animals may be conducted accessory to a residential use, and raising of animals for commercial purposes is prohibited.

(b) Required Site Area for Keeping of Livestock

- (1) At least 21,528 square feet (0.5 acre) of site area shall be required for each horse, mule, donkey, cow, steer or similar livestock.
- (2) At least 21,528 square feet (0.5 acre) of site area shall be required for each three goats, hogs, sheep, or similar livestock.

(c) Location of Livestock Facilities

Barns, stables, sheds, chicken houses, and other similar facilities for the shelter and feeding of animals, exclusive of domestic household pets, shall be located a minimum of 40 feet from any lot line (property line).

(Ord. 4964 § 10, 2007; Ord. 4875 § 2 (part), 2005)

18.10.110 Home Improvement Exceptions

Home improvement exceptions may be granted for existing single-family residences in the R-E, R-2, and RMD districts, pursuant to the provisions of Section 18.12.120 (R-1 Residential District, Home Improvement Exceptions).

(Ord. 4875 § 2 (part), 2005)

18.10.120 Architectural Review

Architectural review, as required in Section 18.76.020, is required in the R-E, R-2, and RMD districts whenever three or more adjacent residential units are intended to be developed concurrently, whether through subdivision or individual applications. Architectural review is also required for second dwelling units of more than 900 square feet, when located in the Neighborhood Preservation Combining District (NP).

(Ord. 4875 § 2 (part), 2005)

18.10.130 Historical Review and Incentives

Historic home review, as required in Chapter 16.49 of Title 16 of the Municipal Code, is required in the R-E, R-2, and RMD low density residential districts for alterations or modifications to any residence designated on the City's Historic Inventory as a Category 1 or Category 2 historic structure as defined in Section 16.49.020 of this code or any contributing structure located within a locally designated historic district.

Exemptions to gross floor area requirements are available for historic homes pursuant to the definition of gross floor area in Section 18.04.030(65)(C)(2). Home improvement exceptions provide for additional square footage and certain other exceptions for historic homes pursuant to Section 18.12.120 (R-1 Residential District, Home Improvement Exceptions).

(Ord. 4875 § 2 (part), 2005)

18.10.140 Neighborhood-Preservation Combining District (NP)

(a) Purpose and Applicability

The neighborhood preservation-combining district is intended to modify the regulations of the RMD two unit multiple-family residential district areas where it is deemed essential to maintain the visual and historic character of existing neighborhoods. The combining district is intended to foster retention of existing single-family structures, to foster additions to existing properties without demolition of sound residential structures, and to assure compatibility of design of new residential units with existing structures on the same or surrounding properties.

Properties in the (NP) combining district are subject to the following regulations:

(b) Design Review

(1) Purposes

The purpose of design review of properties in an (NP) combining district is to achieve compatibility of scale, silhouette, façade articulation, and materials of new construction with existing structure on the same property or on surrounding properties within a combining district.

(2) Design Review Required

For properties on which two or more residential units are developed or modified, design review and approval shall be required by the architectural review board in compliance with procedures established in Section 18.76.020 for any new development or modification to any structure on the property and for site amenities. No design review is required for construction of or modifications to single-family structures that constitute the only principal structure on a parcel of land. No design review is required for construction of second dwelling units on a parcel except when the second unit exceeds 900 square feet in size.

(3) Design Review Guidelines

The architectural review board shall, at its discretion, develop specific design review guidelines for each specific area to which this combining district is applied.

(c) Exceptions to Development Standards

(1) Applicability

Subject to the provisions of Section 18.76.040 and the general purposes of this title to foster retention of existing single-family structures and to maintain the existing historic and general character of the neighborhood, the planning director may grant exceptions to site development regulations (except limitations on residential density), parking regulations, and from the special setback requirements of Title 20 applicable to the underlying zone district where combined with the neighborhood preservation (NP) combining district. This exception procedure is the exclusive procedure for procuring an exception to development standards in the NP combining district. It is not necessary for the property owner to obtain a variance.

(2) Findings

The director may only grant an (NP) District Exception if, from the application or the facts presented at the public hearing, he finds:

- (A) The granting of the exception will facilitate the preservation of an existing residential structure on the same property and will be of benefit in maintaining the existing historic and general character of the surrounding neighborhood, and
- (B) The granting of the application will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare, or convenience.

(3) Conditions

In granting NP District Exceptions, reasonable conditions or restrictions may be imposed as deemed appropriate or necessary to protect the public health, safety, general welfare, or convenience, and to secure the purposes of this title.

(4) Procedures

Please refer to Chapters 18.76 and 18.77 for further information regarding the procedures applicable to requests for exceptions.

(Ord. 4875 § 2 (part), 2005)

18.10.150 Grandfathered Uses

(a) Applicability

The uses specified in subsection (b) may remain as grandfathered uses provided that those uses:

- (1) are located in the specified district;
- (2) existed on the specified date;
- (3) on that date, were lawful permitted uses or conditional uses operating subject to a conditional use permit; and
- (4) on that date, were conforming uses.

(b) Grandfathered Uses

(1) R-2 district:

- (A) Professional and medical office uses (except product testing and analysis, and prototype development), existing on July 20, 1978 or such uses which were, prior to July 20, 1978, located in an R-2 district which was imposed by reason of annexation of the property to the city without benefit of rezoning and which, prior to the date of annexation, were lawful conforming permitted uses or conditional uses operating subject to a conditional use permit.
- (B) Two-family uses, except where one of the units is a legal nonconforming detached single-family dwelling on a substandard lot size, and multiple-family uses existing on July 20, 1978 or such uses which were, prior to July 20, 1978, located in an R-2 district which was imposed by reason of annexation of the property to the city without

benefit of rezoning and which, prior to the date of annexation, were lawful conforming permitted uses or conditional uses operating subject to a conditional use permit.

- (2) RMD district:
 - (A) Professional and medical office uses (except product testing and analysis, and prototype development), existing on July 20, 1978.
 - (B) Multiple-family uses existing on July 20, 1978.

(c) Permitted Changes

The following regulations shall apply to the grandfathered uses specified in subsection (b):

- (1) Such uses shall be permitted to remodel, improve, or replace site improvements on the same site, for continual use and occupancy by the same use, provided that
 - (A) such remodeling, improvement or replacement shall not:
 - (i) result in increased floor area;
 - (ii) result in an increase in the number of offices, in the case of professional or medical office uses, or dwellings, in the case of residential uses;
 - (iii) result in shifting of building footprint;
 - (iv) increase the height, length, building envelope, or size of the improvement,
 - (v) increase the existing degree of noncompliance, except through the granting of a design enhancement exception pursuant to Chapter 18.76.
- (2) If a grandfathered use ceases and thereafter remains discontinued for twelve consecutive months, it shall be considered abandoned and may be replaced only by a conforming use.
- (3) A grandfathered use which is changed to or replaced by a conforming use shall not be reestablished, and any portion of a site or any portion of a building, the use of which changes from a grandfathered use to a conforming use, shall not thereafter be used except to accommodate a conforming use.
- (4) The following additional regulations shall apply to grandfathered professional or medical office uses:
 - (A) Any remodeling, improvement, or replacement of any building designed and constructed for residential use shall be subject to the issuance of a conditional use permit in accord with Chapter 18.76.
 - (B) In the event of redevelopment of all or a portion of the site for permitted residential uses, professional and medical office uses may not be incorporated in the redevelopment, except that this provision shall not apply to permanent conversion to residential use of space within an existing structure now used for professional and medical office uses.

(d) Existing Accessory Dwellings and Guest Cottages

In the R-E district, accessory dwellings and guest cottages existing on April 28, 1986, and which prior to that date were lawful, conforming permitted uses may remain as legal

nonconforming uses. Such uses shall be permitted to remodel, improve or replace site improvements on the same site, without necessity to comply with site development regulations for continual use and occupancy by the same use; provided that any such remodeling, improvement or replacement shall not add a kitchen nor result in increased floor area, number of dwelling units, height, length or any other increase in the size of the improvement without complying with the standards set forth in this subsection and applying for and receiving a conditional use permit pursuant to Chapter 18.76

(e) Existing Second Dwelling Units on Substandard Size Lots

In the R-2 district, notwithstanding any provisions of Chapters 18.40, 18.42 and/or 18.70, in the case of a legal and nonconforming second detached single-family dwelling existing prior to July 20, 1978 on a substandard size lot, such nonconforming use shall be permitted to remodel, improve, or replace site improvements on the same site without necessity to comply with site development regulations; provided, that any such remodeling, improvement or replacement shall not result in increased floor area, number of dwelling units, height, length, or any other increase in the size of the improvement.

(f) Existing Homes on Substandard Lots

In the R-2 district, single-family and two-family homes on substandard lots, as defined in Section 18.10.040(b), and flag lots existing on August 1, 1991 and which prior to that date were lawful, complying structures, may remain and be remodeled, improved, or replaced without complying with the height and habitable floor limitations for substandard lots specified in Section 18.10.040, provided that:

- (1) any such remodeling, improvement, or replacement does not result in a height above seventeen feet or any additional habitable floor area above a first habitable floor, except that any structure damaged or destroyed by a natural disaster (such as fire, flood or earthquake) may be replaced to its previous size without regard to the height and habitable floor limitations imposed by this section; and
- (2) in the case of a conflict between the provisions of this section and the provisions of Chapter 18.70, this section shall control.

(Ord. 4875 § 2 (part), 2005)