

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

ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE AMENDING SECTION  
19.08.090, 19.10.030, 19.12.020, 19.22.030, 19.28.010, 19.28.020, 19.28.030, 19.28.040,  
19.28.050, 19.28.060, 19.28.070, 19.28.080, 19.28.085, 19.28.090, 19.28.100, 19.28.110,  
19.60.060, 19.60.070, 19.80.070, AND 19.95.030 OF THE ROSEVILLE MUNICIPAL CODE  
REGARDING ZONING

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. The Sections of the Roseville Municipal Code referenced above are hereby amended to read as shown on Attachment "A".

SECTION 2. This ordinance shall be effective at the expiration of thirty (30) days from the date of adoption.

SECTION 3. The City Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in at least three (3) public places in the City and enter in the Ordinance Book a certificate stating the time and place of said publication by posting.

PASSED AND ADOPTED by the Council of the City of Roseville this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the following vote on roll call:

AYES COUNCILMEMBERS:

NOES COUNCILMEMBERS:

ABSENT COUNCILMEMBERS:

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MAYOR

ATTEST:

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City Clerk

ATTACHMENT "A"

# Title 19. Zoning

## Article 11. Regulations for the Principal and Special Purpose Zones

### Chapter 19.08. USE TYPE CLASSIFICATIONS

#### § 19.08.090. Commercial use types.

Commercial use types include the distribution, sale and rental of goods, and the provision of services other than those classified as civic or industrial use types. Specific commercial use types referred to in this title are:

- A. **Adult-oriented businesses**, include those uses specifically referred to in Chapters 9.11 and 19.32 of this Code and include any adult arcade, adult bookstore, adult cabaret, adult hotel/motel, adult motion picture theater, adult theater or modeling studio defined therein. Any reference in this Code to "adult business establishment" shall mean adult-oriented business, as provided herein.
- B. **Animal sales and services**, includes establishments primarily engaged in animal-related sales and services. The following are animal sales and services use types:
  - 1. **Grooming and pet stores**, includes grooming or selling of dogs, cats, and similar small animals with limited indoor boarding. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores.
  - 2. **Kennels**, includes indoor and outdoor kennel services for dogs, cats, and similar small animals. Typical uses include boarding kennels, pet hotels, and dog training centers.
  - 3. **Veterinary clinic**, includes a fully enclosed veterinary facility containing only enough cage arrangements as necessary to provide services for small animals requiring acute medical or surgical care, as well as boarding and grooming.
  - 4. **Veterinary hospital**, includes a veterinary facility conducted in an enclosed building and an outdoor space which provides long-term medical care, boarding and grooming.
- C. **Automotive and equipment**, includes establishments primarily engaged in automotive-related or heavy equipment sales or services. The following are automotive and equipment use types:
  - 1. **Automotive body and equipment repair**, includes automobile body repair and painting; repair of equipment such as aircraft, boats, recreational vehicles, and trucks; and the installation and servicing of tractor-trailer, semi-trucks and heavy construction equipment.

2. **Automotive rentals**, includes rental from the premises of automobiles, light trucks, and recreational vehicles. Typical uses include car rental agencies.
3. **Automotive repairs**, includes repair of automobiles and the sale, installation, and servicing of automobile equipment and parts completely within an enclosed building, but excluding body repair and painting. Typical uses include muffler shops, automobile repair garages, automobile glass shops, and minor services including oil change, tuneup/lube shops, tire installation, and stereo and car accessory installation.
4. **Automotive sales**, includes the sale, retail or wholesale, of automobiles, light trucks, boats, recreational vehicles, motorcycles, motor homes, and trailers together with associated enclosed repair services and parts sales, but excluding body repair and painting. Typical uses include automobile dealers and recreational vehicle sales agencies.
5. **Car wash and detailing**, includes washing and polishing of automobiles . Typical uses include automobile detailing services and car washes.
6. **Commercial parking**, includes parking of operable motor vehicles on a temporary basis within a privately owned off-street parking area with or without a fee. Typical uses include commercial parking lots and garages.
7. **Heavy equipment rental and sales**, includes rental and sales of heavy equipment such as aircraft, trucks, tractor-trailer, semi-trucks and heavy construction equipment.
8. **Fuel sales**, includes establishments primarily engaged in the retail sale, from the premises, of petroleum, natural gas, or other fuel products [\(not including hydrogen, separately defined\)](#) primarily for use by individual vehicles with the incidental sale of tires, batteries, and replacement items, lubricating services, or minor repair services and may include drive through car washes, convenience eating places and neighborhood commercial. Typical uses include automobile service stations, filling stations and neighborhood commercial uses with gas sales.
9. **Electric vehicle charging center**, includes establishments primarily engaged in the provision, from the premises, of charging for electric vehicles, with the incidental sale of tires, batteries, and replacement items, lubricating services, or minor repair services and may include drive through car washes, convenience eating places and neighborhood commercial. This definition does not include accessory use electric vehicle charging stations, which are individual electric vehicle charging stations located in parking lots on parcels which support residential, commercial, or employment uses as the primary use, and are principally permitted as an accessory use pursuant to Chapter [19.22](#).
- ~~9.10.~~ **Hydrogen fuel sales**, [includes establishments primarily engaged in the provision, from the premises, of hydrogen fuel primarily for use by individual vehicles, with the incidental sale of replacement items, lubricating services, or minor repair services and may include drive through car washes, convenience eating places and neighborhood commercial uses.](#)

- D. **Banks and financial services**, includes financial institutions including: banks and trust companies; lending and thrift institutions, credit agencies; brokers and dealers in securities and commodity contracts; security and commodity exchanges; holding, (but not predominantly operating) companies; and other investment companies; vehicle finance leasing agencies. Automated teller machines (ATMs) located away from banks are included under the definition of "personal services."
- E. **Bars and drinking places**, includes establishments within a building where alcoholic beverages are sold for onsite consumption, that are not part of a restaurant. Includes bars, taverns, pubs, brew pubs, wine bars and similar establishments where any food service is subordinate to the sale of alcoholic beverages. Dance floors are not permitted.

**§ 19.10.030 Residential zone general development standards.**

**A. Residential Development Standards.** Permitted uses and associated structures shall comply with the following development standards, in addition to any other applicable requirements of this title:

| RESIDENTIAL ZONE GENERAL DEVELOPMENT STANDARDS   |  |   |  |  |   |                             |
|--|--|---|--|--|---|-----------------------------|
|  | Requirement by Zoning District   |   |  |  |   |                             |
|  | R1   | RS<br>with attached sidewalk <sup>(10)</sup>  | RS<br>with separated sidewalk <sup>(8), (10)</sup>   | R2   | R3 <sup>(2)</sup>   | RMU                         |
| Area, interior lot   | 6,000 sq ft  | 4,500 sq ft   | 4,275 sq ft  | 6,000 sq ft  | 6,000 sq ft   | None <sup>(7)</sup>         |
| Area, corner lot   | 7,500 sq ft  | 5,500 sq ft   | 4,710 sq ft  | 7,500 sq ft  | 7,500 sq ft   |                             |
| Width, interior  | 60 ft  | 45 ft   | 45 ft  | 60 ft  | 60 ft   |                             |
| Width, corner  | 75 ft  | 55 ft   | 50 ft  | 75 ft  | 75 ft   |                             |
| <b>Residential Density</b>   |  |   |  |  |   |                             |
| Maximum number of primary dwelling units per lot   | 2 dwellings <sup>(1)</sup>   | 2 dwellings <sup>(1)</sup>  | 2 dwellings <sup>(1)</sup>   | 2 dwellings <sup>(1)</sup>   | As provided by General Plan, but a minimum of 3 dwellings <sup>(13)</sup> | As provided by General Plan |
| Maximum number of accessory/ junior dwelling units per lot <sup>(11)</sup>   | Up to 2 dwellings  | Up to 2 dwellings   | Up to 2 dwellings  | Up to 2 dwellings  | Up to 2 dwellings   | Up to 2 dwellings           |
| See Chapter <u>19.22</u> for accessory structure development standards for the following standards                       |  |   |  |  |   |                             |
| <b>Setbacks (minimum)</b>  |  |   |  |  |   |                             |
| Front <sup>(1) (9)</sup>   | 20 ft for interior lots; 15 ft for corner lots; 20 ft minimum driveway depth | 15 ft to living space or side wall of garage; 12.5 ft to porch; 18 ft minimum driveway depth <sup>(6)</sup>                   | 10 ft to first floor living space or side wall of garage; 7.5 ft to porch, but in no case may encroach into a PUE; 15 ft to second floor living space; 18 ft minimum driveway depth <sup>(6)</sup> | 20 ft for interior lots; 15 ft for corner lots; 20 ft minimum driveway depth | 20 ft minimum on all street frontages                                     | None <sup>(7)</sup>         |
| Sides <sup>(1) (9)</sup>   | 5 ft interior; 15 ft street side on corner                                   | 5 ft interior; 12.5 ft street side on first floor; 15 ft street side on second floor  | 5 ft interior; 10 ft street side on first floor; 13 ft street side on second floor   | 5 ft interior; 15 ft street side on corner                                   | 5 ft interior; 20 ft minimum on all street frontages                      | None <sup>(7)</sup>         |
| Rear <sup>(1)</sup>  | 20% of lot depth; need not exceed 20 ft; 10 ft minimum <sup>(3)</sup>        | 10 ft minimum with minimum useable open space of 700 sq ft or 500 sq ft where a usable front porch is provided <sup>(4)</sup> | 10 ft minimum with minimum useable open space of 500 sq ft <sup>(4)</sup>  | 20% of lot depth; need not exceed 20 ft; 10 ft minimum                       | 20 ft; 20 ft minimum on all street frontages                              | None <sup>(7)</sup>         |
| <b>Lot Coverage (primary buildings)</b>  | 35% for 2 story; 45% for 1 story   | None <sup>(4)</sup>   | None <sup>(4)</sup>  | 40%  | 50%   | None <sup>(7)</sup>         |
| <b>Height Limits</b>   | 35 ft  | 35 ft   | 35 ft  | 35 ft  | 45 ft <sup>(5)</sup>  | None <sup>(7)</sup>         |
| <b>Additions to a single-family or two-family primary structure greater than 700 square feet in area <sup>(12)</sup></b> |  |   |  |  |   |                             |

**Notes:**

(1) Up to two residential units are permitted in the R1 and RS zone districts provided the criteria of 19.10.030 (G) are met. Residential units may be attached or detached in the R1, RS, or R2 zone districts.

(2) The general development standards for the R3 district may be modified through approval of a Design Review Permit.

## Notes:

- (3) On corner lots, the minimum rear setback may be determined by using an average of three measurements taken at the ends of the structure and a point midway between the ends of the structure. The measurements shall be made perpendicular to the rear lot line.
- (4) The rear and side yards may be utilized to meet the minimum usable open space provided the minimum dimension, measured perpendicular to the applicable rear or side yard is 10 feet. Maximum coverage is a function of lot size, required setbacks and usable open space. A minimum usable open space of 500 square feet may be applied where a front porch is provided with minimum dimensions of six feet by 10 feet exclusive of entry way.
- (5) Except for residential units immediately adjacent to the R1 and RS zone districts, where the height limit shall be 35 feet.
- (6) Minimum driveway depth of 18 feet requires a roll-up garage door.
- (7) As provided in development standard overlay or special area overlay district.
- (8) Sidewalk separated from back of curb by five-foot planter strip.
- (9) Front setback (and side setback where adjacent to street) measured from back of walk. Fence side yard setback is five feet from back of walk where facing a street. In the absence of sidewalk, setbacks measured from the edge of right-of-way.
- (10) Variations to the standards and other housing product types may be permitted subject to processing of a Design Review Permit for Residential Subdivision (DRRS) concurrent with the approval of a tentative subdivision map and review of product type.
- (11) A combination of up to two accessory dwelling/junior accessory dwelling units are permitted within areas zoned to allow single-family, two-family or multi-family residential use provided the lot contains an existing or proposed single-family dwelling, two-family or multi-family unit as defined in Sections 19.08.080(F)(1) and (F)(2) (Residential Use Types), the accessory dwelling/junior accessory dwelling unit complies with the standards identified in Chapter 19.60 (Accessory Dwelling Units) , and the lot has not been created via a ministerial two-lot single-family map or a ministerial multifamily map pursuant to Municipal Code Chapter 18.05. See Chapter 19.60 for the maximum number and combination of units allowed per lot. For purposes of density, accessory dwelling units shall be deemed to be an accessory use or an accessory building or structure and shall not be considered to exceed the allowable density for the lot upon which it is located.
- (12) Additions (attached or detached) to primary structures that exceed 700 gross square feet in area may be permitted upon approval of an Administrative Permit, which may include a public hearing as provided in Sections 19.74.010 and 19.78.020. Excludes accessory dwelling units complying with the standards identified in Chapter 19.60 (Accessory Dwelling Units).
- (13) Parcels created through the exercise of the ministerial multifamily map provisions of Chapter 18.05 are limited to the number of units permitted by Government Code 66499.41, as may be amended from time to time, and are not permitted accessory dwelling units or junior accessory dwelling units.

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**19.12.020. Permitted use types.**

Primary uses are permitted in commercial zones subject to the requirements of this title as designated below:

- A. Principally permitted use, designated as “P”;
- B. Conditionally permitted use, designated as “CUP”;
- C. Administratively permitted use, designated as “A.”

Refer to the Downtown Code for permitted uses within the CBD and HD zones.

| COMMERCIAL ZONE DISTRICTS PERMITTED USES     |     |     |     |     |     |     |     |
|--|-----|-----|-----|-----|-----|-----|-----|
|  | BP  | NC  | CC  | GC  | HC  | RC  | CMU |
| <b>AGRICULTURAL AND OPEN SPACE USE TYPES</b> |     |     |     |     |     |     |     |
| Resource Protection and Restoration          | CUP | CUP | CUP | CUP | CUP | CUP | P   |
| Resource Related Recreation                  | P   | P   | P   | P   | P   | CUP | P   |
| <b>CIVIC USE TYPES</b>                       |     |     |     |     |     |     |     |
| Community Assembly                           | CUP | P   | P   | P   | -   | -   | P   |
| Community Services                           | P   | CUP | P   | P   | P   | P   | P   |
| Essential Services                           | P   | P   | P   | P   | P   | P   | P   |
| Hospital Services                            |     |     |     |     |     |     |     |
| General Hospital Services                    | -   | -   | CUP | CUP | -   | -   | P   |
| Psychiatric Hospital Services                | -   | -   | CUP | CUP | -   | -   | P   |
| Libraries and Museums, Private               | -   | CUP | P   | P   | P   | P   | -   |
| Public Parking Services                      | P   | P   | P   | P   | P   | P   | P   |
| Schools                                      |     |     |     |     |     |     |     |
| College and University                       | A   | -   | P   | P   | -   | P   | P   |
| Public/Private Elementary and Secondary      | -   | CUP | CUP | CUP | -   | -   | P   |
| Social Services                              |     |     |     |     |     |     |     |

| COMMERCIAL ZONE DISTRICTS PERMITTED USES   |     |       |       |       |       |                   |       |
|--|-----|-------|-------|-------|-------|-------------------|-------|
|  | BP  | NC    | CC    | GC    | HC    | RC                | CMU   |
| Emergency Shelter <sup>(5)</sup>           | -   | -     | -     | CUP   | CUP   | -                 | CUP   |
| Food Distribution <sup>(3)</sup>           | -   | -     | -     | A/CUP | A/CUP | -                 | A/CUP |
| Food Service <sup>(4)</sup>                | -   | -     | -     | A/CUP | A/CUP | -                 | A/CUP |
| Power Generating Facilities <sup>(9)</sup> |     |       |       |       |       |                   |       |
| Emergency                                  | A   | A     | A     | A     | A     | A                 | A     |
| Supplemental/Individual Use                | CUP | CUP   | CUP   | CUP   | CUP   | CUP               | CUP   |
| Passive Power                              | P   | P     | P     | P     | P     | P                 | P     |
| <b>RESIDENTIAL USE TYPES</b>               |     |       |       |       |       |                   |       |
| Accessory Dwelling Units <sup>(11)</sup>   | -   | P     | P     | P     | P     | -                 | P     |
| Caretaker/Employee Housing                 | -   | CUP   | CUP   | CUP   | CUP   | CUP               | P     |
| Community Care Facilities, Small           | P   | P     | P     | P     | -     | P                 | P     |
| Community Care Facilities, Large           | CUP | CUP   | CUP   | CUP   | -     | CUP               | P     |
| Dwelling <sup>(10)</sup>                   |     |       |       |       |       |                   |       |
| Multi-Family <sup>(13, 14)</sup>           | -   | CUP/A | CUP/A | -     | -     | P <sup>(15)</sup> | P     |
| Single-Family <sup>(14)</sup>              | -   | CUP   | CUP   | CUP   | CUP   | -                 | P     |
| Two-Family <sup>(14)</sup>                 | -   | CUP   | CUP   | CUP   | CUP   | -                 | P     |
| Family Day Care Home, Small                | P   | P     | P     | P     | -     | P                 | P     |
| Family Day Care Home, Large                | -   | CUP   | CUP   | CUP   | -     | -                 | P     |
| Single Room Occupant                       | -   | -     | -     | -     | -     | -                 | CUP   |
| Low-Barrier Navigation Centers             | -   | -     | -     | -     | -     | -                 | P     |
| <b>COMMERCIAL USE TYPES</b>                |     |       |       |       |       |                   |       |
| Adult-Oriented Businesses <sup>(2)</sup>   | -   | -     | -     | P     | -     | P                 | P     |
| Animal Sales and Service                   |     |       |       |       |       |                   |       |
| Grooming and Pet Stores                    | -   | P     | P     | P     | -     | P                 | P     |
| Kennels                                    | -   | -     | -     | CUP   | CUP   | CUP               | P     |
| Veterinary Clinic                          | -   | CUP   | P     | P     | -     | -                 | P     |

| COMMERCIAL ZONE DISTRICTS PERMITTED USES         |                |                  |                  |                  |                  |                  |                  |
|--|----------------|------------------|------------------|------------------|------------------|------------------|------------------|
|  | BP             | NC               | CC               | GC               | HC               | RC               | CMU              |
| Veterinary Hospital                              | -              | -                | CUP              | CUP              | -                | -                | P                |
| Automotive and Equipment                         |                |                  |                  |                  |                  |                  |                  |
| Automotive Body and Equipment Repair             | -              | -                | -                | CUP              | -                | CUP              | CUP              |
| Automotive Rentals                               | -              | -                | -                | P                | P                | P                | P                |
| Automotive Repairs                               | -              | -                | CUP              | P                | P                | P                | P                |
| Automotive Sales                                 | -              | -                | CUP              | P                | -                | P                | P                |
| Car Wash and Detailing                           | -              | -                | CUP              | P                | -                | P                | P                |
| Commercial Parking                               | P              | -                | -                | P                | P                | -                | P                |
| Electric Vehicle Charging Center <sup>(12)</sup> | <del>CUP</del> | <del>P/CUP</del> | <del>P/CUP</del> | <del>P/CUP</del> | <del>P/CUP</del> | <del>P/CUP</del> | <del>P/CUP</del> |
| Fuel Sales <sup>(12)</sup>                       | CUP            | P/CUP            | P/CUP            | P/CUP            | P/CUP            | P/CUP            | P/CUP            |
| <a href="#">Hydrogen Fuel Sales</a>              | <u>P</u>       | <u>P</u>         | <u>P</u>         | <u>P</u>         | <u>P</u>         | <u>P</u>         | <u>P</u>         |
| Heavy Equipment Rental and Sales                 | -              | -                | -                | P                | -                | P                | P                |
| Banks and Financial Services                     | P              | P                | P                | P                | -                | P                | P                |
| Bars and Drinking Places                         | -              | -                | P                | P                | -                | P                | P                |
| Broadcasting and Recording Studios               | P              | -                | -                | P                | -                | -                | P                |
| Building Material Stores                         | -              | -                | CUP              | P                | -                | P                | P                |
| Business Support Services                        | P              | -                | P                | P                | -                | -                | P                |
| Commercial Recreation                            |                |                  |                  |                  |                  |                  |                  |
| Amusement Center                                 | -              | CUP              | P                | P                | -                | P                | P                |
| Indoor Entertainment                             | -              | -                | P                | P                | -                | P                | P                |
| Indoor Sports and Recreation                     | -              | -                | P                | P                | -                | P                | P                |
| Large Amusement Complexes                        | -              | -                | -                | CUP              | CUP              | P                | P                |
| Outdoor Entertainment                            | -              | -                | -                | CUP              | -                | CUP              | P                |
| Outdoor Sports and Recreation                    | -              | -                | -                | P                | CUP              | P                | P                |
| Community Care Facility                          | P              | P                | P                | P                | -                | -                | P                |
| Day Care Center                                  | P              | P                | P                | P                | -                | P                | P                |

| COMMERCIAL ZONE DISTRICTS PERMITTED USES     |     |     |       |       |       |       |       |
|--|-----|-----|-------|-------|-------|-------|-------|
|  | BP  | NC  | CC    | GC    | HC    | RC    | CMU   |
| <b>Eating and Drinking Establishments</b>    |     |     |       |       |       |       |       |
| Fast Food with Drive-Through <sup>(12)</sup> | -   | -   | P/CUP | P/CUP | P/CUP | P/CUP | P/CUP |
| Convenience                                  | P   | P   | P     | P     | P     | P     | P     |
| Full Service                                 | P   | P   | P     | P     | P     | P     | P     |
| Food and Beverage Retail Sales               | -   | -   | P     | P     | -     | -     | P     |
| Funeral and Interment Services               | -   | -   | P     | P     | -     | -     | P     |
| Lodging Services                             | -   | -   | P     | P     | P     | P     | P     |
| Long-Term Care Facility                      | CUP | CUP | P     | P     | -     | -     | P     |
| Maintenance and Repair                       | -   | P   | P     | P     | -     | -     | P     |
| Medical Services, General                    | P   | P   | P     | P     | P     | P     | P     |
| Neighborhood Commercial                      | P   | P   | -     | -     | -     | -     | P     |
| Nightclubs <sup>(6)</sup>                    | -   | -   | CUP   | CUP   | -     | CUP   | CUP   |
| Nursery, Retail                              | -   | -   | -     | P     | -     | P     | P     |
| Offices, Professional                        | P   | P   | P     | P     | -     | P     | P     |
| Personal Services                            | P   | P   | P     | P     | P     | P     | P     |
| Retail Sales and Services                    | -   | -   | P     | P     | P     | P     | P     |
| <b>Specialized Education and Training</b>    |     |     |       |       |       |       |       |
| Vocational Schools                           | -   | -   | P     | P     | -     | -     | P     |
| Specialty Schools                            | -   | CUP | P     | P     | -     | P     | P     |
| Storage, Personal Storage Facility           | -   | -   | CUP   | P     | -     | -     | P     |
| <b>INDUSTRIAL USE TYPES</b>                  |     |     |       |       |       |       |       |
| Laundries, Commercial                        | -   | -   | CUP   | CUP   | -     | -     | P     |
| Printing and Publishing                      | -   | -   | -     | CUP   | -     | -     | P     |
| Research Services                            | -   | -   | -     | P     | -     | -     | P     |
| Wholesaling and Distribution, Light          | -   | -   | -     | P     | -     | -     | P     |

| COMMERCIAL ZONE DISTRICTS PERMITTED USES          |         |         |         |         |         |         |         |
|---|---------|---------|---------|---------|---------|---------|---------|
|   | BP      | NC      | CC      | GC      | HC      | RC      | CMU     |
| <b>TRANSPORTATION AND COMMUNICATION USE TYPES</b> |         |         |         |         |         |         |         |
| Heliport  | CUP     | CUP     | CUP     | CUP     | CUP     | CUP     | P       |
| Intermodal Facilities <sup>(8)</sup>              | CUP     | CUP     | CUP     | CUP     | CUP     | CUP     | P       |
| Tele communication Facilities <sup>(7)</sup>      | P/A/CUP | P/A/CUP | P/A/CUP | P/A/CUP | P/A/CUP | P/A/CUP | P/A/CUP |

- Notes:
- (1) Reserved.
  - (2) Additional requirements are contained in Chapter 19.32.
  - (3) Additional requirements are contained in Chapter 19.40.
  - (4) Additional requirements are contained in Chapter 19.39.
  - (5) Additional requirements are contained in Chapter 19.38.
  - (6) Additional requirements are contained in Chapter 19.49.
  - (7) Additional requirements are contained in Chapter 19.34.
  - (8) Additional requirements are contained in Chapter 19.36.
  - (9) Additional requirements are contained in Chapter 19.55.
  - (10) Transitional housing and supportive housing are considered residential use types and are permitted (P) where residential uses are permitted (P) or conditionally permitted (CUP).
  - (11) Accessory dwelling/junior accessory dwelling units are only permitted within areas zoned to allow single-family, two-family or multi-family residential use and must be located on a lot that contains an existing or proposed single-family, two-family or multi-family dwelling unit which has an approved CUP as defined in Sections 19.08.080(F)(1) and (F)(2) (Residential Use Types). See Chapter 19.60 for additional accessory dwelling/junior accessory dwelling unit regulations.
  - (12) A Conditional Use Permit is required for fast food with drive through establishments, fuel sales establishments, or electric vehicle charging centers contiguous to: (a) properties with a residential zoning designation; (b) parcels designated as a public utilities easement or landscape easement which are contiguous to a property having a residential zoning designation; and (c) any other parcel of land upon which a building cannot be developed and which separates the subject parcel by less than 100 feet which is contiguous to a property having a residential zoning designation. A conditional use permit is not required for these uses if the subject parcel is separated from properties with a residential zoning designation by a public roadway.
  - (13) Multi-family uses are permitted with an Administrative Permit in the NC and CC zone districts when the housing development is constructed on or adjacent to a site occupied by a non-profit organization, and a non-profit organization will offer supportive services to the proposed residents. Examples of supportive services include transportation, child care, education assistance, and the provision of clothing and other supplies.
  - (14) For sites within a specific plan, residential units are only permitted with a CUP if the specific plan has allocated units to the site. If no units are allocated or if fewer units are allocated than are proposed, a unit transfer or Specific Plan Amendment is required in addition to the CUP.
  - (15) Multi-family units are permitted by right in the RC zone district if the specific plan has allocated units to the site. If no units are allocated or if fewer units are allocated than are proposed, a unit transfer or Specific Plan Amendment will be required.

## Title 19. Zoning

### Article 111. General Development Regulations Chapter 19.20

#### Chapter 19.22. ACCESSORY USES AND STRUCTURES

##### § 19.22.030. Accessory structures.

- A. **Accessory Structures Included With Permitted Uses.** In addition to the primary structures associated with permitted uses, each use classification shall be deemed to include such accessory structures which are specifically identified by these regulations, and such other accessory structures which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to, such primary structures. It shall be the responsibility of the Planning Manager to determine if a proposed accessory structure is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the primary structure, based on the Planning Manager's evaluation of whether the proposed accessory structure is necessary or customarily associated with the use for which the development was constructed. Determinations by the Planning Manager shall be subject to appeal pursuant to Chapter **19.80**, and a record of all such determinations shall be maintained by the Planning Manager. All accessory structures shall be located in compliance with all other applicable requirements of the zone district in which they are located and any other permits required (e.g., Design Review Permit).
- B. **Accessory Structures Subject to Regulations.** Accessory structures shall be regulated in the same manner as the primary structures within each zoning district, except as otherwise expressly provided by these regulations. Accessory structures may be established concurrently or following the construction of a primary structure.
- C. **Permitted Accessory Structures to Dwelling Use Type (Single-Family and Two-Family):**
1. **Decks and Balconies.** Uncovered decks under 30 inches in height at the top of the deck sheathing are permitted anywhere on a parcel, without respect to required setbacks. Any deck or balcony (uncovered or covered) which is 30 inches or taller in height, when measured as outlined in Section **19.95.030(H)(1)** (Height, Building and Other Structures), shall maintain a minimum side yard setback of two times the required interior side yard setback for the primary structure, a rear yard setback of one-half the required rear yard setback for the primary structure, a 10-foot front yard setback, and shall be located consistent with the residential clear vision triangle requirements of Section **19.10.030(6)** .
  2. **Unenclosed structures**, including, but not limited to, shade structures, carports, boat and RV covers, patio covers and gazebos located on the ground floor. Such structures are subject to the following requirements:

- a. The structure shall not enclose any area equal to or greater than 20 percent on any side not attached to the residence;
- b. The structure shall not be constructed of materials which would create a year round livable area;
- c. Less than seven feet in height:
  - i. Interior Lot. Unenclosed structures less than seven feet in height may be located anywhere within a parcel, but shall maintain the required front yard setback;
  - ii. Corner Lot. On the street side of a corner lot, the structure shall maintain a five-foot setback as measured from the back of the sidewalk or, in the absence of a sidewalk, the right-of-way;
  - iii. On the street side of a corner lot located adjacent to a key lot, the structure shall maintain a 10-foot setback as measured from the back of the sidewalk or, in the absence of a sidewalk, the right-of-way.
- d. Greater than seven feet in height.
  - i. The structure shall maintain the required front yard setback and a five-foot rear and side yard setback;
  - ii. The structure shall not exceed 15 feet in height and one story. For each foot in height above 10 feet the required setback, except the front yard setback, shall be increased by one foot. Structures integrated into the existing roofline of the primary structure, and exceeding the height limit, or constructed concurrently with the main residence shall be considered attached to (and part of) the primary structure for purposes of this article;
  - iii. On the street side of a corner lot, the structure shall maintain a five-foot setback as measured from the back of the sidewalk or, in the absence of a sidewalk, the right-of-way;
  - iv. On the street side of a corner lot located adjacent to a key lot, the structure shall maintain a 10-foot setback as measured from the back of the sidewalk or, in the absence of a sidewalk, the right-of-way.

**3. Enclosed structures** are subject to the following requirements:

- a. Less than seven feet in height.
  - i. The minimum setback is five feet from the back of sidewalk or right-of-way, whichever is greater, on the street side for corner lots;
  - ii. The minimum setback is 10 feet from the back of sidewalk or right-of-way, whichever is greater, when adjacent to a key lot; and
  - iii. No setback is required adjacent to the rear or interior side property lines.
- b. Greater than seven feet in height.
  - i. The maximum height is 15 feet and one story;
  - ii. The minimum setback is five feet from the rear and side property lines;
  - iii. The minimum setback is 12.5 feet from the back of sidewalk or edge of right-of-way on corner lots; and

iv. For each foot in height above 10 feet, the required setback, except for the front yard setback, shall be increased by one foot.

c. General.

i. If the building or structure is located within a required rear yard setback, the total size of the building or buildings, cumulatively, shall be less than 50 percent of the required rear yard area.

ii. The required front yard of the applicable residential zone district shall be maintained.

iii. A maximum of 700 square feet of detached building(s) or structure(s) is permitted on the same lot. Additional square footage of detached accessory building(s) or structure(s) (excluding Accessory Dwelling Units), in excess of 700 square feet, may be permitted upon approval of an Administrative Permit.

iv. An extension of the main building or accessory building roof (e.g., a breezeway) may connect the accessory building to the primary building, but it shall not be considered part of (attached to) the main (primary) building, except as specified below. The breezeway and accessory building must maintain required side yard setbacks.

v. Any accessory structure located less than six feet from the primary building shall be considered attached to (and part of) the primary building for purposes of this article, and shall be subject to the development standards for the primary building. Additions to primary structures are regulated pursuant to Section **19.10.030** (Residential Zone General Development Standards).

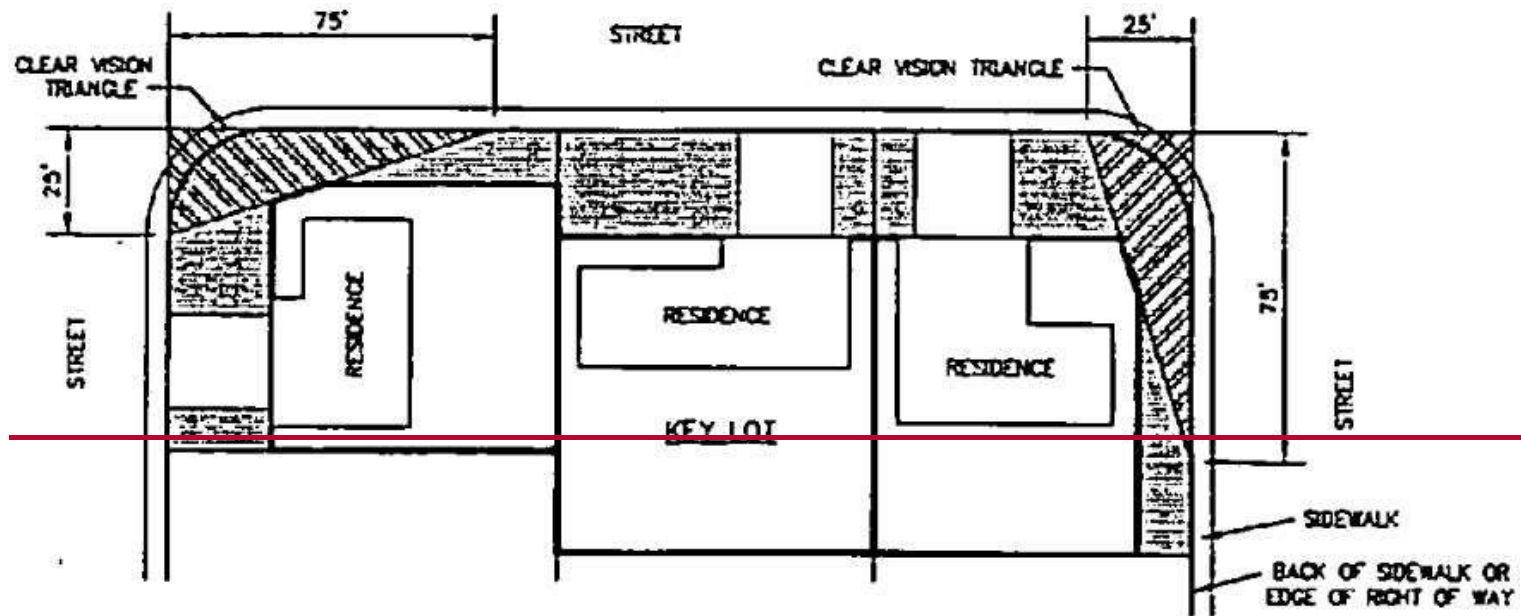
**4. Fences and Walls.** A maximum seven-foot high fence (including lattice and similar attachments) or wall may be located on a parcel consistent with the following requirements:

a. The maximum height shall be reduced to three feet if located:



i. Within a residential [or residential driveway](#) clear vision triangle (see Chapter **19.95** , Definitions);

ii. Within a required front setback; or

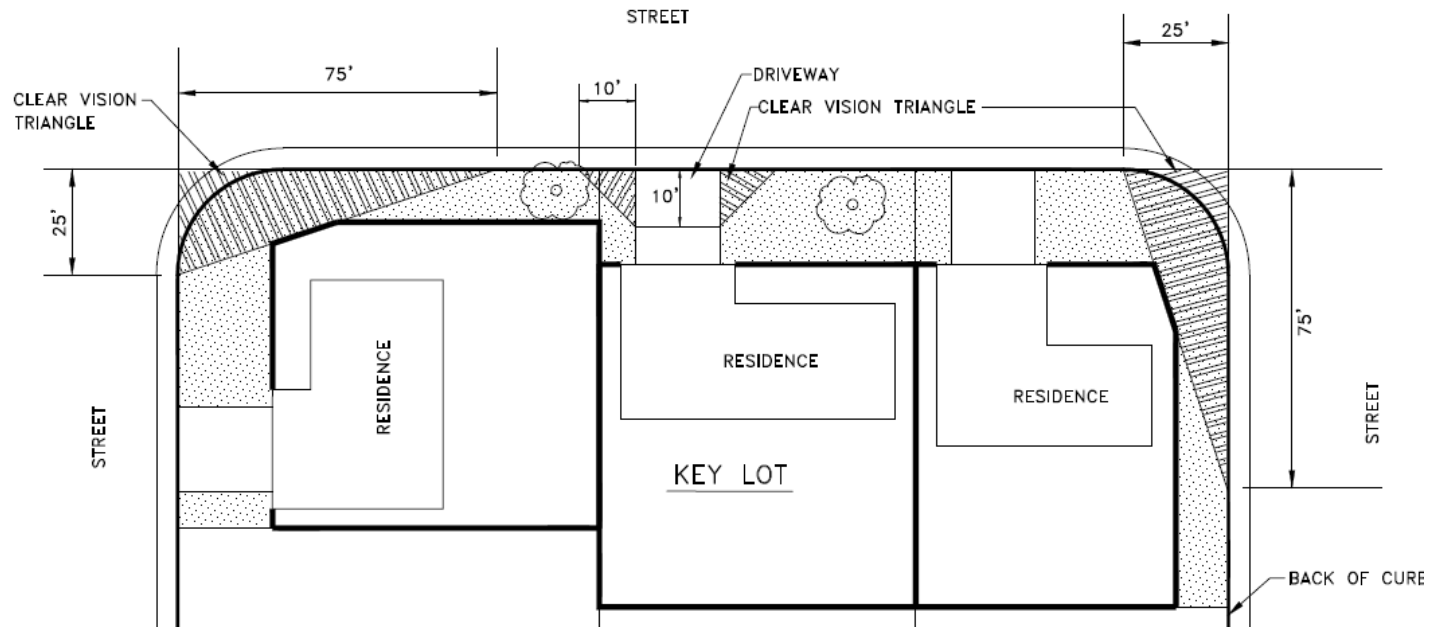
iii. Within five feet of the back of the sidewalk [of a street-side for a corner lot,](#) ~~or if~~ In the absence of a sidewalk, [the five foot setback is measured from](#) the back of the right-of-way, ~~of a street-side for a corner lot, or within 10 feet of the back of the sidewalk, or in the absence of a sidewalk, the back of the right-of-way of a street-side for a corner lot adjacent to a key lot.~~



NOTE: ASSUME ALL RESIDENCES AT FRONT SETBACK LINES

-  FENCES UP TO 3' IN HEIGHT
-  FENCES 3'-7' IN HEIGHT

**FENCE HEIGHT**  
NO SCALE



- b. When there is a difference in the ground level between two adjoining parcels, the height of any fence or wall constructed along a common property line shall be determined by using the finished grade of the highest contiguous parcel.
  - c. The height of a fence or wall may be increased a maximum of one foot to provide for noise attenuation or buffering of adjacent land uses, subject to approval of an Administrative Permit. Fences and walls in excess of eight feet may be permitted subject to the approval of a Conditional Use Permit.
  - d. The provisions of this section shall not apply to any fence or wall required by any law or regulation of the City or State.
5. **Flag Poles.** The pole may be a maximum of 35 feet in height and shall maintain a minimum five-foot setback from any property line.
  6. **Security facilities,** including security gates and gate houses at a project entrance.
  7. **Antennas,** including HAM radio, radio and television receiving antennas subject to requirements of Chapter 19.34 .
  8. **Children's play equipment,** including playsets, playhouses and tree houses.

9. **Recreation facilities**, including recreation activity courts and facilities (excluding associated fencing and netting), swimming pools, spas and hot tubs, which are customarily associated with residential use, are permitted in the rear and side yards. Recreational facilities shall not include automated pitching equipment or similar noise generating recreation equipment not typically associated with residential use.
10. **Satellite Dishes.** Satellite dishes as allowed in Chapter **19.34**.
11. **Entry Arbors.** Entry arbors may be located within the required front yard setback provided they do not cover more than 25 square feet in area and do not exceed a height of 10 feet.
12. **Landscape Features.** Landscape features including fountains less than seven feet in height may be located within the front yard setback provided the feature is located outside of the clear vision triangle and does not exceed 25 square feet in area.
13. **Mailboxes.** United States Postal Service (USPS) mailboxes may be located within the required front yard setback provided the mailbox is located outside of the clear vision triangle and does not exceed six square feet in area. The mailbox must also comply with the USPS requirements.
14. **Outdoor Living Elements.** Outdoor living elements including, but not limited to, outdoor fireplaces and outdoor kitchens, are not permitted in the required front yard and shall adhere to the development requirements for Enclosed Accessory Structures.
15. **Exceptions to Setbacks.** Notwithstanding the requirements of subsection **A** of this section, the following structures are permitted to encroach into the required development setbacks, as follows:
  - a. Architectural features, such as, but not limited to: cornices, eaves and similar features, but not any flat wall may encroach up to two feet into any required setback.
16. **Exceptions to Accessory Structure Requirements.** Unless otherwise noted that a Conditional Use Permit is required, an exception to the requirements of this section may be approved subject to the approval of an Administrative Permit.

**D. Permitted Accessory Structures to Dwelling Use Type (Multi-Family).**

1. **Bicycle lockers and off-street parking areas.**
2. **Decks and Balconies.** Uncovered decks under 30 inches in height at the top of the deck sheathing are permitted anywhere on a parcel, without respect to required setbacks. Any deck or balcony (uncovered or covered) of 30 inches or taller in height, when measured as outlined in Section **19.95.030(H)(1)** (Height, Building and Other Structures), shall maintain a minimum side yard setback of two times the required interior side yard setback for the primary structure, a rear yard setback of one-half the required rear yard setback for the primary structure, a 10-foot front yard setback, and shall be located consistent with the residential clear vision triangle requirements of Section **19.10.030(B.)**
3. **Unenclosed structures**, including detached shade structures, covered patios, arbors, and gazebos located on the ground floor. Such structures are subject to the following requirements:
  - a. The structure shall not enclose any area equal to or greater than 20 percent on any side;
  - b. The structure shall not be constructed of materials which would create a year round livable area;

- c. The structure shall not exceed 15 feet in height and one story. For each foot in height above 10 feet the required setback, except the front yard setback, shall be increased by one foot;
  - d. The structure shall maintain a 15-foot front yard setback and a five-foot rear and side yard setback;
  - e. On the street side of a corner lot, the structure shall maintain a five-foot setback as measured from the back of the sidewalk or, in the absence of a sidewalk, the right-of-way;
  - f. On the street side of a corner lot located adjacent to a key lot, the structure shall maintain a 10-foot setback as measured from the back of the sidewalk or right-of-way; and
  - g. The size or location of the structure does not violate any requirements of an approved site review, design review or Administrative Permit.
- 4. Fences and Walls.** A maximum seven-foot high fence (including lattice and similar attachments) or wall may be located anywhere on a parcel consistent with the following requirements:
- a. The maximum height shall be reduced to three feet if located:
    - i. Within a residential [or residential driveway](#) clear vision triangle (see Chapter **19.95**, Definitions);
    - ii. Within a required front setback; or
    - iii. Within five feet of the back of the sidewalk [of a street-side for a corner lot](#), ~~or in~~ [In](#) the absence of a sidewalk, [the five foot setback is measured from](#) the back of the right-of-way. ~~of a street-side for a corner lot, or within 10 feet of the back of the sidewalk, or in the absence of a sidewalk, the back of the right-of-way of a street-side for a corner lot adjacent to a key lot.~~
  - b. When there is a difference in the ground level between two adjoining parcels, the height of any fence or wall constructed along a common property line shall be determined by using the finished grade of the highest contiguous parcel.
  - c. The height of a fence or wall may be increased a maximum of one foot to provide for noise attenuation or buffering of adjacent land uses, subject to approval of an Administrative Permit. Fences and walls in excess of eight feet may be permitted subject to the approval of a Conditional Use Permit.
  - d. The provisions of this section shall not apply to any fence or wall required by any law or regulation of the City or State.
- 5. Flag Poles.** The pole may be a maximum of 35 feet in height and shall maintain a minimum five-foot setback from any property line.
- 6. Security facilities,** including security gates and gate houses at a project entrance.
- 7. Antennas,** including HAM radio, radio and television receiving antennas subject to the requirements of Chapter **19.34**.
- 8. Recreation facilities,** including recreation activity courts and facilities, children's play equipment, swimming pools, spas and hot tubs.
- 9. Satellite Dishes.** Satellite dishes as allowed in Chapter **19.34**.
- 10. Signs,** as permitted by Title 17 of this Code.

## **Title 19. Zoning**

### **Article 111. General Development Regulations Chapter 19.20**

#### **Chapter 19 .28. RESIDENTIAL DENSITY BONUS**

##### **§ 19.28.010. Purpose.**

This chapter is adopted pursuant to the provisions of California **Government Code** Sections 65915 through 65918, as they now exist or may hereafter be amended. The purpose of adopting this chapter is to encourage affordable housing by providing the incentive of increased density and such other incentives provided by this chapter. The provisions of this chapter are intended to comply with California Government Code Sections 65915 through 65918. In the event that any provision of this chapter conflicts with California **Government Code** Sections 65915 through 65918, state law shall control over the conflicting provision.

##### **§ 19.28.020. Definitions.**

For the purpose of this chapter, the following words and phrases shall have the following meanings:

"Approving authority" is as defined in the Roseville Municipal Code Title **19**, Zoning Section **19.78.020**.

"Child care facility" is defined as a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age child care centers.

"Density bonus" is defined as an increase in density over the otherwise maximum allowable residential density under the applicable general plan designation as of the date of filing of an application for density bonus with City or, if elected by the applicant, a lesser percentage of density increase. A density bonus request shall be considered as a component of a qualified housing development.

"Development standard" is defined as the site, development, or construction standards and/or conditions of approval that apply to a residential development, and includes (but is not limited to) a height limitation, a setback requirement, a floor area ratio, an on-site open space requirement, a minimum lot area per unit requirement, or a parking ratio.

"Housing development" is defined as a development project for five or more residential units, including mixed-use developments, constructed within a large lot parcel. For the purposes of this chapter, "housing development" also includes a subdivision or common interest development as defined in Section 4100 of the **Civil Code** and consists of residential units or unimproved residential lots. A density bonus shall be permitted in geographic areas of the housing development other than the areas where the affordable units are located, so long as the density bonus units are located on the same large lot parcel.

"Incentive" is defined as a reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission. An incentive can be requested by the applicant for purposes of reducing the cost of development to make the project financially feasible. The term "incentive" includes the term "concession" as that term is used in California **Government Code** Sections 65915 through 65918.

"Large lot parcel" is defined as that term is used in any applicable specific plan (large lot parcel is hereby generally deemed as a geographic area).

"Located within one-half mile of a major transit stop" means that any point on a proposed development, for which an applicant seeks a density bonus, other incentives or concessions, waivers or reductions of development standards, or a vehicular parking ratio pursuant to this chapter, is within one-half mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating the major transit stop.

"Lower income" or "lower income household" is defined as ~~less than~~ 80 percent of the area median income or less, as defined by Section 50079.5 of the California Health and Safety Code, as may be amended from time to time.

"Lower income unit" is defined as a unit with an affordable rent or payment that does not exceed 30 percent of 60 percent of area median income adjusted for family size appropriate for the unit.

"Major transit stop" is defined as a site containing any of the following: (1) an existing rail or bus rapid transit station; (2) a ferry terminal served by either a bus or rail transit service; or (3) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

"Maximum allowable residential density" or "base density" means the ~~maximum~~ greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the General Plan, or if a range of density is permitted, means the ~~maximum~~ greatest number of units allowed by the specific zoning range, specific plan, or land use element of the General Plan applicable to the project. ~~If the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the General Plan or specific plan, the greater shall prevail.~~ Density shall be determined using dwelling units per acre. However, if the applicable zoning ordinance, specific plan, or land use element of the general plan does not provide a dwelling-units-per-acre standard for density, then the number of units shall be calculated by:

1. Estimating the realistic development capacity of the site based on the objective development standards applicable to the project, including, but not limited to, floor area ratio, site coverage, maximum building height and number of stories, building setbacks and stepbacks, public and private open space requirements, minimum percentage or square footage of any nonresidential component, and parking requirements, unless not required for the base project. Parking requirements shall include considerations regarding number of spaces, location, design, type, and circulation. A developer may provide a base density study and the City shall accept it, provided that it includes all applicable objective development standards.

2. Maintaining the same average unit size and other project details relevant to the base density study, excepting those that may be modified by waiver or concession to accommodate the bonus units, in the proposed project as in the study.

"Moderate income" or "moderate income household" is defined as ~~less than~~ 120 percent of the area median income or less, as defined in Section 50093 of the California Health and Safety Code, as may be amended from time to time.

"Moderate income unit" is defined as a unit with an affordable rent or payment that does not exceed 35 percent of 120 percent of area median income adjusted for family size appropriate for the unit.

"Senior citizen housing development" is defined as a housing project where residency is restricted to persons 62 years of age or older, or 55 years of age or older in a senior citizen housing development per Section 51.3 of the California Civil Code, as may be amended from time to time.

"Shared housing building" means a residential or mixed-use structure, with five or more shared housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants. The kitchens and dining areas within the shared housing building shall be able to adequately accommodate all residents. If any section of this code further restricts the attributes of a shared housing building beyond the requirements established in this section, the code definition shall apply to the extent that it does not conflict with the requirements of this section.

1. A "shared housing building" may include other dwelling units that are not shared housing units, provided that those dwelling units do not occupy more than 25 percent of the floor area of the shared housing building. A shared housing building may include 100 percent shared housing units.
2. A "shared housing building" may include incidental commercial uses, provided that those commercial uses are otherwise allowable and are located only on the ground floor or the level of the shared housing building closest to the street or sidewalk of the shared housing building.

"Shared housing unit" means one or more habitable rooms, not within another dwelling unit, that includes a bathroom, sink, refrigerator, and microwave, is used for permanent residence, that meets the "minimum room area" specified in Section R304 of the California Residential Code (Part 2.5 of Title 24 of the **California Code of Regulations**), as may be amended from time to time, and complies with the definition of "guestroom" in Section R202 of the California Residential Code, as may be amended from time to time. If a local ordinance further restricts the attributes of a shared housing building beyond the requirements established in this section, the local definition shall apply to the extent that it does not conflict with the requirements of this section.

"Total units" or "total dwelling units" means a calculation of the number of units that:

1. Excludes a unit added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.
2. Includes a unit designated to satisfy an inclusionary zoning requirement.  
For purposes of calculating a density bonus granted pursuant to this section for a shared housing building, "unit" means one shared housing unit and its pro rata share of associated common area facilities.

"Unobstructed access to a major transit stop" means a resident is able to access the major transit stop without encountering natural or constructed impediments. "Natural or constructed impediments" includes, but is not limited to, freeways, rivers, mountains, and bodies of water, but does not include residential structures, shopping centers, parking lots, or rails used for transit.

"Very low income" or "[very low income household](#)" is defined as ~~less than~~ 50 percent of the area median income or less, as defined in Section 50105 of the California Health and Safety Code, as may be amended from time to time.

"Very low income unit" is defined as a unit with an affordable rent or payment that does not exceed 30 percent of 50 percent of the area median income, adjusted for family size appropriate for the unit.

## § 19.28.030. Application requirements.

A density bonus may be approved pursuant to a request for approval of a density bonus, provided the request complies with the provisions of this chapter. Each application for a density bonus request shall be accompanied by the following:

- A. A site plan that identifies all units in the project including the location of the affordable units and the bonus units.
- B. A narrative briefly describing the housing development and shall include information on:
  1. The number of units permitted under the General Plan;
  2. The total number of units proposed in the project;
  3. The number of affordable and/or senior units;
  4. The number of bonus units requested based on the tables provided in Section **19.28.050** of this chapter;
  5. A breakdown of units proposed for very low, lower, and moderate income ~~;~~ senior citizen or other bonus-eligible housing type listed in this Chapter, and/or market rate units; and
  6. Any requested incentive(s), including an explanation as to why the incentive(s) is required for the housing development.
- C. Information indicating that appropriate and sufficient infrastructure capacity (water, sewer, roadway) and water supply is available to serve the bonus units.
- D. A pro-forma illustrating the financial need for the density bonus and/or any requested incentives. The information that shall be included is as follows:
  1. The project pro-forma shall include, but is not limited to: capital costs, operating expenses, return on investment, revenues, loan-to-value ratio and debt-coverage ratio, any contribution provided by subsidy programs, and the economic effect created by the use and income restrictions of the affordable units;
  2. An appraisal report indicating the value of the density bonus and any incentive(s) requested; and
  3. A source and use of funds statement identifying any projected financing gap of the project. The developer shall establish how much of the gap is covered by the density bonus units, and how much will be covered by the requested incentive(s) and/or waiver(s).
- E. Any such additional information in support of a request for a density bonus as may be requested by the Planning Division.

## § 19.28.040. Eligibility for bonus.

A developer of a housing development containing five or more units may qualify for a density bonus and at least one other incentive as provided by this chapter if the developer does one of the following:

- A. Agrees to construct and maintain at least five percent of the units for rental or sale dedicated to very low income households (includes a shared housing building development, in which case minimum unit size or bedroom requirements shall not conflict with the definition of "shared housing building");
- B. Agrees to construct and maintain at least 10 percent of the units for rental or sale dedicated to lower income households (includes a shared housing building development, in which case minimum unit size or bedroom requirements shall not conflict with the definition of "shared housing building");
- C. Agrees to construct and maintain at least 10 percent of the units of a housing development to be sold to moderate income households, provided that all units in the development are offered to the public for purchase, [consistent with Government Code Section 65915, as may be amended from time to time](#);
- D. Agrees to construct and maintain a senior citizen housing development ("development" includes a shared housing building development), as defined in Section **19.28.020** of this chapter, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the California **Civil Code**, as may be amended from time to time;
- E. Donates land to the City dedicated for the construction of very low income units pursuant to Section **19.28.080** of this chapter;
- F. Includes a qualifying child care facility as described in Section **19.28.070** of this chapter in addition to providing housing as described in subsections **A** through **C** of this section;
- G. Agrees to construct and maintain at least 10 percent of the units of a housing development for transitional foster youth, as defined in Section 66025.9 of the California **Education Code**, as may be amended from time to time, disabled veterans, as defined in Section 18541 of the California Government Code, as may be amended from time to time, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Section 11301 et seq.), as may be amended from time to time, dedicated to very low income households;
- H. Agrees to construct and maintain at least 20 percent of the units for lower income students in a student housing development pursuant to Section **19.28.085** of this chapter; or
- I. Agrees to construct and maintain 100 percent of the units, including total units and density bonus units, but exclusive of a manager's unit or units, dedicated to lower income households, except that up to 20 percent of the units, including total units and density bonus units, may be dedicated to moderate income households (includes a shared housing building development).

## § 19.28.050. Density bonus calculation and allowance.

- A. **State Law Preemption.** Pursuant to state law, the granting of a density bonus or the granting of a density bonus together with an incentive(s) shall not be interpreted, in and of itself, to require a general plan amendment, specific plan amendment, rezone, or other

discretionary approvals.

- B. **Density Bonus Calculation.** An applicant must choose a density bonus from only one applicable affordability category in subsection **C** and may not combine categories with the exception of child care facilities or land donation, which may be combined with an affordable housing development.
- C. **Density Bonus Allowance.** In calculating the number of units required for very low, lower and moderate income households, the density bonus units shall not be included. In no event shall a density bonus exceed 80 percent. A housing development that satisfies all applicable provisions of this chapter shall be allowed the following applicable density bonuses:

- 1. **Very Low Income.** The density bonus for very low income units shall be calculated as follows:

| Percentage of Very Low-Income Units | Percentage Density Bonus |
|-------------------------------------|--------------------------|
| 5                                   | 20                       |
| 6                                   | 22.5                     |
| 7                                   | 25                       |
| 8                                   | 27.5                     |
| 9                                   | 30                       |
| 10                                  | 32.5                     |
| 11                                  | 35                       |
| 12                                  | 38.75                    |
| 13                                  | 42.5                     |
| 14                                  | 46.25                    |
| 15                                  | 50                       |

- 2. **Lower Income.** The density bonus for lower income units shall be calculated as follows:

| Percentage of Lower Income Units | Percentage Density Bonus |
|----------------------------------|--------------------------|
| 10                               | 20                       |
| 11                               | 21.5                     |
| 12                               | 23                       |
| 13                               | 24.5                     |
| 14                               | 26                       |
| 15                               | 27.5                     |
| 16                               | 29                       |
| 17                               | 30.5                     |

| Percentage of Lower Income Units | Percentage Density Bonus |
|----------------------------------|--------------------------|
| 18                               | 32                       |
| 19                               | 33.5                     |
| 20                               | 35                       |
| 21                               | 38.75                    |
| 22                               | 42.5                     |
| 23                               | 46.25                    |
| 24                               | 50                       |

3. **Moderate Income.** The density bonus for moderate income ownership units shall be calculated as follows:

| Percentage of Moderate-Income Units | Percentage Density Bonus |
|-------------------------------------|--------------------------|
| 10                                  | 5                        |
| 11                                  | 6                        |
| 12                                  | 7                        |
| 13                                  | 8                        |
| 14                                  | 9                        |
| 15                                  | 10                       |
| 16                                  | 11                       |
| 17                                  | 12                       |
| 18                                  | 13                       |
| 19                                  | 14                       |
| 20                                  | 15                       |
| 21                                  | 16                       |
| 22                                  | 17                       |
| 23                                  | 18                       |
| 24                                  | 19                       |
| 25                                  | 20                       |
| 26                                  | 21                       |
| 27                                  | 22                       |
| 28                                  | 23                       |
| 29                                  | 24                       |
| 30                                  | 25                       |

| Percentage of Moderate-Income Units | Percentage Density Bonus |
|-------------------------------------|--------------------------|
| 31                                  | 26                       |
| 32                                  | 27                       |
| 33                                  | 28                       |
| 34                                  | 29                       |
| 35                                  | 30                       |
| 36                                  | 31                       |
| 37                                  | 32                       |
| 38                                  | 33                       |
| 39                                  | 34                       |
| 40                                  | 35                       |
| 41                                  | 38.75                    |
| 42                                  | 42.5                     |
| 43                                  | 46.25                    |
| 44                                  | 50                       |

4. **Senior Citizen Housing Development.** The density bonus for a senior citizen housing development that provides housing for seniors consistent with Section **19.28.040** of this chapter shall be 20 percent.
5. **Child Care Facility.** A project (whether a housing, commercial, or industrial project) is eligible for a density bonus for a child care facility when in compliance with Section **19.28.070** of this chapter and California **Government Code** Section 65917.5.
6. **Donation of Land.** A project is eligible for the following density bonus for the donation of land when in compliance with Section **19.28.080** of this chapter:

| Percentage of Very Low-Income Units | Percentage Density Bonus |
|-------------------------------------|--------------------------|
| 10                                  | 15                       |
| 11                                  | 16                       |
| 12                                  | 17                       |
| 13                                  | 18                       |
| 14                                  | 19                       |
| 15                                  | 20                       |
| 16                                  | 21                       |
| 17                                  | 22                       |
| 18                                  | 23                       |

| Percentage of Very Low-Income Units | Percentage Density Bonus |
|-------------------------------------|--------------------------|
| 19                                  | 24                       |
| 20                                  | 25                       |
| 21                                  | 26                       |
| 22                                  | 27                       |
| 23                                  | 28                       |
| 24                                  | 29                       |
| 25                                  | 30                       |
| 26                                  | 31                       |
| 27                                  | 32                       |
| 28                                  | 33                       |
| 29                                  | 34                       |
| 30                                  | 35                       |

7. **Conversion of Apartments to Condominiums.** A project is eligible for a 25 percent density bonus for the conversion of apartments to condominiums when in compliance with California **Government Code** Section 65915.5.
8. **Foster Youth, Disabled Veterans, and Homeless Persons.** The density bonus for a housing development for transitional foster youth, disabled veterans, or homeless persons shall be 20 percent.
9. **Students.** The density bonus for a student housing development that provides housing for students consistent with Section **19.28.085** of this chapter shall be 35 percent.
10. **One Hundred Percent Affordable.** The density bonus for a 100 percent affordable housing development consistent with Section **19.28.040(1)** of this chapter shall be 80 percent of the number of units for lower income households. Except that, if the affordable housing development is located within one-half mile of a major transit stop, maximum density requirements shall not apply.
11. **Additional Density Bonus.** Projects qualifying for a density bonus pursuant to this Chapter may also qualify for an additional bonus, if it meets all of the following eligibility criteria:
  - a. No more than 50% of the housing development units shall be restricted to very low, lower, or moderate income households.
  - b. The additional bonus shall include rental or for-sale units affordable to very low income households or moderate income households.
  - c. The housing development conforms to any of the following:
    - i. The housing development is consistent with Section 19.28.040(A) and provides 15 percent of the total units to very low income households.
    - ii. The housing development is consistent with Section 19.28.040(B) and provides 24 percent of the total units to lower income households.

iii. The housing development is consistent with Section 19.28.040(C) and provides 44 percent of the total units to moderate income households.

The additional density bonus calculation shall exclude any additional bonus units, and shall be calculated as follows:

| <u>Percentage of Very Low-Income Units</u> | <u>Percentage Density Bonus</u> |
|--|---------------------------------|
| <u>5</u>                                   | <u>20</u>                       |
| <u>6</u>                                   | <u>23.75</u>                    |
| <u>7</u>                                   | <u>27.5</u>                     |
| <u>8</u>                                   | <u>31.25</u>                    |
| <u>9</u>                                   | <u>35</u>                       |
| <u>10</u>                                  | <u>38.75</u>                    |
| <u>Percentage of Moderate Income Units</u> | <u>Percentage Density Bonus</u> |
| <u>5</u>                                   | <u>20</u>                       |
| <u>6</u>                                   | <u>22.5</u>                     |
| <u>7</u>                                   | <u>25</u>                       |
| <u>8</u>                                   | <u>27.5</u>                     |
| <u>9</u>                                   | <u>30</u>                       |
| <u>10</u>                                  | <u>32.5</u>                     |
| <u>11</u>                                  | <u>35</u>                       |
| <u>12</u>                                  | <u>38.75</u>                    |
| <u>13</u>                                  | <u>42.5</u>                     |
| <u>14</u>                                  | <u>46.25</u>                    |
| <u>15</u>                                  | <u>50</u>                       |

## § 19.28.060. Eligibility and application requirements for incentives.

- A. **Available Incentives.** A housing development qualifying for a density bonus may be entitled to at least one incentive. Incentives may include, but are not limited to:
1. A reduction in site development standards such as:
    - a. Reduced minimum lot sizes and/or dimensions.
    - b. Reduced minimum lot setbacks.

- c. Reduced minimum outdoor and/or private outdoor living area.
  - d. Increased maximum lot coverage.
  - e. Increased maximum building height and/or stories.
  - f. Reduced on-site parking requirements.
  - g. Reduced street standards.
2. A reduction in architectural design requirements.
  3. A density bonus greater than the amount required by this chapter.
  4. Other regulatory incentives proposed by the developer or the City, which result in identifiable, financially sufficient, and actual cost reductions.

B. **Parking Requirements.** If an applicant qualifies for a density bonus pursuant to this chapter, the applicant may request, in addition to any requested incentive(s), that reduced parking requirements be applied to the project in place of the City's current parking requirements. The parking requirement is inclusive of accessible and guest parking for the entire housing development, but shall not include on-street parking spaces in the count towards the parking requirement. The housing development may provide on-site parking through tandem or uncovered parking, but not through on-street parking. In calculating the number of parking spaces required for a development, if the total number of parking spaces is other than a whole number, the number shall be rounded up to the next whole number.

1. Except as otherwise provided in this subsection, the following parking requirements shall apply:
  - a. Zero to one bedroom: one on-site parking space.
  - b. Two to three bedrooms: one and one-half on-site parking spaces.
  - c. Four or more bedrooms: two and one-half on-site parking spaces.
2. If the housing development includes at least 20 percent lower income units or at least 11 percent very low income units, is located within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the development, then the parking requirement shall be one-half on-site parking space per unit.
3. If a housing development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the California **Health and Safety Code** as may be amended from time to time, then no parking spaces shall be required as long as the development meets either of the following criteria:
  - a. The development is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the development; or
  - b. The development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the California **Civil Code** as may be amended from time to time, and the development has either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

4. If a housing development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the California **Health and Safety Code** as may be amended from time to time, and the development is either a special needs housing development, as defined in Section 51312 of the California **Health and Safety Code** as may be amended from time to time, or a supportive housing development, as defined in Section 50675.14 of the California **Health and Safety Code** as may be amended from time to time, then no parking spaces shall be required. A development that is a special needs housing development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.
5. Upon the request of the developer, the parking requirement (inclusive of parking for persons with a disability and guests) shall be 0.5 spaces per bedroom if all of the following are met:
  - a. The housing development includes at least 40 percent moderate-income units and at least 10 percent of the units of the housing development are sold to moderate-income households, provided that all units in the development are offered to the public for purchase; and
  - b. The housing development is located within one-half mile of a major transit stop, as defined in **Public Resources Code** Section 21155(b), as may be amended from time to time; and
  - c. The residents of the development have unobstructed access to the major transit stop from the development.

C. **Eligibility for Incentives.** Incentives are available to a housing developer as follows:

1. One incentive for housing developments that: (a) restrict at least 10 percent of the total units to lower income households, at least five percent for very low income households, or at least 10 percent for persons and families of moderate income in a development in which the units are for sale; or (b) are for senior housing.
2. Two incentives for housing developments that restrict at least 17 percent of the total units to lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a development in which the units are for sale.
3. Three incentives for housing developments that restrict at least 24 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a development in which the units are for sale.
4. ~~Four~~Five incentives for housing developments that restrict 100 percent of the units, including total units and density bonus units, but exclusive of a manager's unit or units, dedicated to lower income households, except that up to 20 percent of the units, including total units and density bonus units, may be dedicated to moderate income households. If the project is located within one-half mile of a major transit stop, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.
5. One incentive ~~or concession~~ for projects that include at least 20 percent of the total units for lower income students in a student housing development.
6. Four incentives for projects that include at least 16 percent of the units for very low income households or at least 45 percent for persons and families of moderate income in a development in which the units are for sale.

## § 19.28.070. Child care facilities.

- A. **Child Care Facility Density Bonus.** When an applicant proposes to construct a housing development that is eligible for a density bonus under Section 19.28.040 of this chapter and California Government Code Section 65917.5, and includes a child care facility that will be located on the premises or adjacent to the housing development, the City shall grant either:
1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the square footage of the child care facility; or
  2. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
- B. **Child Care Facility Requirements.** The City shall require, as a condition of approving the housing development, that the following occur:
1. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable per this chapter; and
  2. Of the children who attend the child care facility, the children of very low income households, lower income households or families of moderate income households shall equal a percentage that is equal to or greater than the percentage of affordable units in the housing development that are required for very low, lower or families of moderate income households.
- C. **Child Care Facility Criteria.** The City shall not be required to provide a density bonus or incentive for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

## § 19.28.080. Donation of land.

- A. **Donation of Land Density Bonus.** When a developer of a tentative subdivision map, parcel map, or other residential development donates land to the City, the developer shall be entitled to a density bonus above the otherwise maximum allowable residential density, up to a maximum of 35 percent depending on the amount of land donated (see Section 19.28.050 of this chapter). This increase shall be in addition to any increase in density permitted by Section 19.28.040 of this chapter up to a maximum combined density increase of 35 percent if an applicant seeks both the increase required by Section 19.28.040 and this section of this chapter.
- B. The developer shall be eligible for the density bonus for the donation of land, if all of the following conditions are met:
1. The developer shall donate and transfer land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
  2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in the amount not less than 10 percent of the residential units in the proposed development.
  3. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The transferred land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income units on the transferred land, except that the City may subject the proposed development to subsequent design review if the design is not reviewed by the local government prior to the time of transfer.

4. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section **19.28.110** of this chapter if required by financing programs or subsidy programs.
5. The land is transferred to the City or to a housing developer approved by the City. The City may require the developer to identify and transfer the land to the affordable housing developer.
6. The transferred land shall be within the boundary of the proposed development or, if the City determines appropriate, within one-quarter mile of the boundary of the proposed development.
7. A proposed source of funding for the very low income units shall be identified no later than the date of approval of the final subdivision map, parcel map, or residential development application.

## § 19.28.085. Student housing.

- A. **Student Housing Density Bonus Requirements.** In order for a student housing development to be eligible for a density bonus under Section **19.28.040** of this chapter, the student housing development must meet the following requirements:
1. All units in the student housing development shall be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. The developer shall, as a condition of receiving a certificate of occupancy, provide evidence to the City that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions.
  2. The applicable 20 percent units ~~will~~ shall be used for lower income students. For purposes of this clause, "lower income students" means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the California **Education Code**.
  3. The rent provided in the applicable units of the development for lower income students shall be calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type.
  4. The development ~~will~~ shall provide priority for the applicable affordable units for lower income students experiencing homelessness.
- B. **Definition of Units.** For purposes of calculating a density bonus granted for a student housing development, the term "unit" means one rental bed and its pro rata share of associated common area facilities.

## § 19.28.090. General guidelines.

- A. **Location of Bonus Units.** As required by California Government Code Section 65915(i), the location of density bonus units within the qualifying housing development may be at the discretion of the developer, and need not be in the same area of the project where the units for the lower income households are located as long as the density bonus units are located within the same housing development.

- B. **Preliminary Review.** A developer may submit to the Planning Division a preliminary proposal for the development of housing pursuant to this chapter prior to the submittal of any formal application for a density bonus. The City shall, within 90 days of receipt of a written proposal, notify the housing developer in writing of either: (1) any specific requirements or procedures under this chapter, which the proposal has not met; or (2) the proposal is sufficient for preparation of an application for density bonus.
- C. **Infrastructure and Supply Capacity.** Criteria to be considered in analyzing the requested bonus will include the availability and capacity of infrastructure (water, sewer, road capacity, etc.) and water supply to accommodate the additional density.

### § 19.28.100. Findings for approval for density bonus and/or incentive(s).

- A. **Density Bonus Approval.** The following finding shall be made by the Approving Authority in order to approve a density bonus request:
  - 1. The density bonus request meets the requirements of this chapter.
- B. **Density Bonus Approval with Incentive(s).** The following findings shall be made by the Approving Authority in order to approve a density bonus and incentive(s) request:
  - 1. The density bonus request meets the requirements of this chapter;
  - 2. The incentive is required in order to provide affordable housing; and
  - 3. Approval of the incentive(s) will have no specific adverse impacts upon health, safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, low, and moderate income households.
- C. **Denial of a Request for an Incentive(s).** The Approving Authority shall make the following findings prior to disallowing an incentive (in the case where an accompanying density bonus may be approved, or in the case of where an incentive(s) is requested for senior housing or child care facility):
  - 1. That the incentive is not necessary in order to provide for affordable housing costs as defined in Section **19.28.020** of this chapter, or for rents for the targeted units to be set as specified in Section **19.28.020** of this chapter.
  - 2. That the incentive would result in specific adverse impacts upon health, safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, low, and moderate income households.
  - 3. That the incentive would be contrary to State or Federal law.

### § 19.28.110. Affordable housing agreement required.

- A. **Agreement Required.** In approving a density bonus, the associated permit or tentative map shall require that an affordable housing agreement, or other form of agreement as approved by the City Attorney, effectuating the terms of affordability of the development be

executed prior to effectuation of the permit or recordation of the final map.

- B. **Continued Availability.** The density bonus request shall include the procedures proposed by the developer to maintain the continued affordability of all affordable income density bonus units and shall be evidenced by an affordable housing agreement as follows:
1. An applicant shall agree to, and the City shall ensure, continued affordability of all very low and low income units that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section **19.28.020** of this chapter. Owner-occupied units shall be available at an affordable housing cost as defined in Section **19.28.020** of this chapter.
  2. An applicant shall agree to, and the City shall ensure that, the initial occupants of the moderate income units are directly related to the receipt of the density bonus in the common interest development as defined in Section 4100 of the California **Civil Code**, are persons and families of moderate income, as defined in Section **19.28.020** of this chapter and that the units are offered at an affordable housing cost, as that cost is defined in Section **19.28.020** of this chapter. The City shall enforce an equity-sharing agreement unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity-sharing agreement:
    - a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation . The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the California Health and Safety Code, [as may be amended from time to time](#), that promote homeownership .
    - b. For purposes of this subdivision, the City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household plus the amount of any down payment assistance or mortgage assistance . If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.
    - c. For purposes of this subdivision, the City's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.
- C. **Specialty Units.** In approving a density bonus for units for transitional foster youth, disabled veterans, homeless persons, and students, the associated permit or tentative map shall require that an affordable housing agreement, or other form of agreement as approved by the City Attorney, effectuating the terms of affordability of the development for 55 years be executed prior to effectuation of the permit or recordation of the final map. In addition, for units for transitional foster youth, disabled veterans and homeless persons, the units shall be provided at the same affordability level as very low income units.

## Title 19. Zoning

### Article IV. Special Area and Specific Use Requirements Chapter 19.30

#### Chapter 19.60. ACCESSORY DWELLING UNITS

##### § 19.60.060. Development standards for accessory dwelling units proposed within existing structures or existing living areas.

Accessory dwelling units are permitted to be developed within existing structures or within the living area of an existing primary dwelling unit. Accessory dwelling units developed within existing structures or living areas shall be allowed only in compliance with the following standards:

- A. **Setbacks.** No setback shall be required for an accessory dwelling unit, including porches, decks, balconies, stairs, and patios which are attached to and for the use of the accessory dwelling unit, built within the footprint and dimensions of an existing living area or existing structure. Garages are subject to the setbacks of Section **19.22.030** (Accessory structures).
- B. **Floor Area.** The total floor area of an attached accessory dwelling unit developed within an existing primary dwelling unit shall not exceed the floor area of the existing primary dwelling unit, except that an expansion of up to 150 square feet beyond the same physical dimensions as the existing primary dwelling unit is permitted for accommodating ingress and egress. The total floor area for a detached accessory dwelling unit developed within an existing detached accessory structure shall not exceed the floor area of the existing detached accessory structure, except that an expansion of up to 150 square feet beyond the same physical dimensions as the existing detached accessory structure is permitted for accommodating ingress and egress. Expansions beyond 150 square feet must comply with the standards set forth in Section **19.60.070** (Development standards for accessory dwelling units proposed as new construction).
- C. **Unit Sizes.**
  - 1. An accessory dwelling unit shall not be less than the minimum size for an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, as it now exists or may hereafter be amended.
  - 2. An accessory dwelling unit shall not be more than 850 square feet for a studio or one-bedroom or more than 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.
- D. **Minimum Facilities.** Accessory dwelling units developed within existing structures or living areas shall include permanent provisions for independent living, sleeping, eating, cooking, and sanitation within the unit and must include a separate exterior entrance from the primary

dwelling unit if the primary dwelling is a single-family dwelling.

- E. **Appearance.** The accessory dwelling unit shall be designed and constructed with the same architectural style, exterior materials and colors as the primary dwelling. ~~so as to be compatible with the existing primary dwelling unit and neighborhood in terms of height, form, and materials, as determined by the Planning Manager or designee applying objective standards, and t~~The accessory dwelling unit shall be subordinate to the primary dwelling unit. Manufactured homes shall meet the architectural standards set forth in Section **19.10.030(E)** (Residential zone general development standards).
- F. **Parking Requirements.** Accessory dwelling units developed within existing structures or living areas shall not be required to provide parking. A garage, carport, or covered parking structure shall be subject to the development regulations of Section **19.22.030** (Accessory structures), if the owner chooses to provide parking as part of the accessory dwelling unit. In addition, when a garage, carport, or covered parking structure is converted to an accessory dwelling unit, the required off-street parking spaces for the primary dwelling unit, if eliminated, do not need to be replaced. If the property owner chooses to replace the parking spaces, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including within the front yard or street side setback, and may be covered spaces subject to conformance with the applicable requirements set forth in Section **19.22.030(C)(2)** (Permitted accessory structures to dwelling use type (single-family and two-family)) or Section **19.22.030(0)(3)** (Permitted accessory structures to dwelling use type (multi-family)), uncovered spaces or tandem spaces. All replacement parking shall comply with the requirements set forth in Section **11.20.110** (Parking on private property prohibited), Section **19.10.030(F)** (Residential zone general development standards), and Section **19.26.040(A)** (Design and improvement of parking).
- G. **Passageways.** No passageways shall be required in conjunction with accessory dwelling units developed within existing structures or living areas.
- H. **Building and Fire Codes.** Except as otherwise provided in this chapter, accessory dwelling units developed within existing structures or living areas shall comply with all local building and fire codes. A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit must be reviewed with the application of the accessory dwelling unit and issued at the same time.
- I. **Fire Sprinklers.** Accessory dwelling units developed within existing structures or living areas shall not be required to provide fire sprinklers if fire sprinklers were not required for the primary dwelling unit.
- J. **Utilities.** Accessory dwelling units developed within existing structures or living areas shall not be required to install a new or separate utility connection directly between the accessory dwelling unit and the public utility infrastructure, unless the accessory dwelling unit was constructed with a new single-family dwelling unit. However, if necessary utility infrastructure does not exist with capacity available to serve both the primary dwelling unit and the accessory dwelling unit, the property owner shall be responsible for all costs related to installation of necessary infrastructure or upsizing existing infrastructure. Property owners may install a new or separate utility connection directly between the accessory dwelling unit and the public utility infrastructure at the property owner's option and expense.
- K. **Height.** An accessory dwelling unit shall not exceed the height limits prescribed in Section **19.10.030** (Residential zone general development standards) for the zone in which the accessory dwelling unit will be located, or if not within a residential zone, the height shall not exceed the standards established in Section **19.10.030** for the single-family residential (R1) zone.
- L. **Number Permitted.** Except as otherwise permitted by subsection **M**, only one accessory dwelling unit is permitted per lot.
- M. Exceptions to Development Standards.**
1. One accessory dwelling unit and one junior accessory dwelling unit is permitted per lot with a proposed or existing single-family dwelling if all of the following apply:

- a. The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling unit or existing space of a single-family dwelling unit or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
  - b. The space has exterior access from the proposed or existing single-family dwelling unit.
  - c. The side and rear setbacks are sufficient for fire and safety.
  - d. The junior accessory dwelling unit complies with the requirements of **Government Code** Section 65852.22, as [may be amended from time to time](#). ~~it now exists or may hereafter be amended.~~
2. Multiple accessory dwelling units within portions of existing multi-family dwelling units are permitted in areas not used as livable spaces, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if all of the following apply:
    - a. Each unit complies with state building codes for dwellings.
    - b. At least one accessory dwelling unit is permitted within an existing multi-family dwelling or up to 25 percent of the existing multi-family dwelling units may be converted to accessory dwelling units, whichever is greater.
  3. Two detached accessory dwelling units are permitted per lot that has an existing multi-family dwelling unit, subject to four-foot rear and side setbacks and the following height standards:
    - a. A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single-family or multi-family dwelling unit.
    - b. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single-family or multi-family dwelling unit that is within one-half mile of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the **Public Resources Code**, as may be amended from time to time. An additional two feet in height is also permitted when the height is to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
    - c. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multi-family, multi-story dwelling.
    - d. A height of 25 feet or the height limitation in this Code that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This clause shall not require City to allow an accessory dwelling unit to exceed two stories.
  4. No physical improvements shall be required for the creation or conversion of an accessory dwelling unit, including but not limited to sidewalk, street, or access improvements. The addition of an accessory dwelling unit shall not require the correction of nonconforming zoning conditions, per Government Code Section 65852.2, subd. (e)(2), as may be amended from time to time.
- N. **Waivers.** Notwithstanding anything to the contrary contained in this title, limits on height, setbacks, lot coverage, floor area ratio, open space, front setbacks, and lot sizes are hereby waived if they do not permit at least an 800 square foot accessory dwelling unit which provides four-foot rear and side setbacks and meets the following height standards:
1. A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single-family or multi-family dwelling unit.

2. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single-family or multi-family dwelling unit that is within one-half mile of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the **Public Resources Code**, as may be amended from time to time. An additional two feet in height is also permitted when the height is to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
3. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multi-family, multi-story dwelling.
4. A height of 25 feet or the height limitation in this Code that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This clause shall not require City to allow an accessory dwelling unit to exceed two stories.

## § 19.60.070. Development standards for accessory dwelling units proposed as new construction.

Newly constructed accessory dwelling units are permitted to be attached to a proposed or existing primary dwelling unit or detached from a proposed or existing primary dwelling unit as long as the newly constructed accessory dwelling unit is located on the same lot as a proposed or existing primary dwelling unit. Newly constructed accessory dwelling units shall be allowed only in compliance with the following standards:

- A. **Minimum Lot Area.** There is no minimum lot area.
- B. **Maximum Lot Coverage.** There is no maximum lot coverage.
- C. **Setbacks.** No setback shall be required for an accessory dwelling unit constructed in the same location (i.e., footprint) and to the same dimensions as an existing accessory structure. A setback of four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is otherwise newly constructed, including porches, decks, balconies, stairs, and patios which are attached to and for the use of the accessory dwelling unit.
- D. **Floor Area.** The total floor area of an attached accessory dwelling unit shall not be less than 150 square feet nor exceed the standards of subsection E (Unit sizes). The total floor area for a detached accessory dwelling unit shall not be less than 150 square feet nor exceed the standards of subsection E (Unit sizes).
- E. **Unit Sizes.**
  1. An accessory dwelling unit shall not be less than the minimum size for an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, as [may be amended from time to time](#). ~~it now exists or may hereafter be amended.~~
  2. An accessory dwelling unit shall not be more than 850 square feet for a studio or one-bedroom or more than 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.
- F. **Minimum Facilities.** The accessory dwelling unit shall include permanent provisions for independent living, sleeping, eating, cooking, and sanitation within the unit and must include a separate exterior entrance from the primary dwelling unit if the primary dwelling is a single-family dwelling.
- G. **Appearance.** The accessory dwelling unit shall be designed and constructed [with the same architectural style, exterior materials and colors as the primary dwelling](#). ~~so as to be compatible with the proposed or existing primary dwelling unit and neighborhood in terms of height, form, and materials, as determined by the Planning Manager or designee applying objective standards, and t~~ The accessory dwelling unit shall be subordinate to the primary dwelling unit. Manufactured homes shall meet the architectural standards set forth in Section 19.10.030(E) (Residential zone general development

standards).

- H. **Parking Requirements.** Except as otherwise provided by this chapter, the parking required by this section is in addition to that required for the primary dwelling unit located on the lot by Chapter 19.26 (Off-Street Parking and Loading). Garages, carports, and covered parking structures attached to the accessory dwelling unit and built to satisfy the required parking standards for the accessory dwelling unit are subject to the same setbacks and other development regulations as the accessory dwelling unit.
1. Accessory dwelling units with one or more bedrooms shall provide at least one off-street parking space. Studios shall not be required to provide any parking spaces. The parking requirement for accessory dwelling units with bedrooms can be met by providing the required parking space within the front yard setback and may be located in tandem with other on-site parking as long as it complies with the requirements set forth in Section 11.20.110 (Parking on private property prohibited), Section 19.10.030(F) (Residential zone general development standards), and Section 19.26.040(A) (Design and improvement of parking).
  2. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the required off-street parking spaces for the primary dwelling unit, if eliminated, do not need to be replaced. If the property owner chooses to replace these parking spaces, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including within the front yard or street side setback, and may be covered spaces subject to conformance with the applicable requirements set forth in Section 19.22.030(C)(2) (Permitted accessory structures to dwelling use type (single-family and two-family)) or Section 19.22.030(D)(3) (Permitted accessory structures to dwelling use type (multi-family)), uncovered spaces or tandem spaces. All replacement parking shall comply with the requirements set forth in Section 11.20.110 (Parking on private property prohibited), Section 19.10.030(F) (Residential zone general development standards), and Section 19.26.040(A) (Design and improvement of parking).
  3. Notwithstanding the above, accessory dwelling units shall not be required to provide parking in any of the following circumstances:
    - a. When the accessory dwelling unit is located within one-half mile walking distance of public transit.
    - b. When the accessory dwelling unit is located within the Old Town Historic District (DT-4) or the Central Business District (DT-6).
    - c. When the accessory dwelling unit is part of an existing or proposed primary dwelling unit or an existing accessory structure.
    - d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
    - e. When there is a car share vehicle located within one block of the accessory dwelling unit.
    - f. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family or multi-family dwelling.
- I. **Passageways.** No passageways shall be required in conjunction with the construction of an accessory dwelling unit.
- J. **Building and Fire Codes.** Except as otherwise provided in this chapter, newly constructed accessory dwelling units shall comply with all local building and fire codes.
- K. **Fire Sprinklers.** Accessory dwelling units shall not be required to provide fire sprinklers if fire sprinklers were not required for the primary dwelling unit.
- L. **Utilities.** New or separate utility connections directly between the accessory dwelling unit and the public utility infrastructure shall only be required if directed by the environmental utilities department or the electric department. In such cases, if necessary utility infrastructure does not exist with capacity available to serve both the primary dwelling unit and the accessory dwelling unit, the property owner shall be responsible for all costs related to installation of necessary

infrastructure or upsizing existing infrastructure.

M. **Height.** An accessory dwelling unit shall not exceed the height limits prescribed in Section 19.10.030 (Residential zone general development standards) for the zone in which the accessory dwelling unit will be located, or if not within a residential zone, the height shall not exceed the standards established in Section 19.10.030 for the single-family residential (R1) zone.

N. **Number permitted.** Except as otherwise permitted by subsection O, only one accessory dwelling unit is permitted per lot.

**O. Exceptions to Development Standards.**

1. One newly constructed detached accessory dwelling unit that does not exceed four-foot rear and side setbacks, which may be combined with one junior accessory dwelling unit, is permitted per lot if all of the following apply:
  - a. The total floor area for the newly constructed detached accessory dwelling unit shall not exceed 800 square feet.
  - b. The newly constructed detached accessory dwelling unit shall not exceed the following height standards:
    - i. A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single-family or multi-family dwelling unit.
    - ii. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single-family or multi-family dwelling unit that is within one-half mile of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, as may be amended from time to time. An additional two feet in height is also permitted when the height is to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
    - iii. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multi-family, multi-story dwelling.
    - iv. A height of 25 feet or the height limitation in this Code that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This clause shall not require City to allow an accessory dwelling unit to exceed two stories.
2. Two newly constructed detached accessory dwelling units are permitted per lot that has an existing multifamily dwelling unit, subject to four-foot rear and side setbacks and the following height standards:
  - a. A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single-family or multi-family dwelling unit.
  - b. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single-family or multi-family dwelling unit that is within one-half mile of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, as may be amended from time to time. An additional two feet in height is also permitted when the height is to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
  - c. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multi-story dwelling.
  - d. A height of 25 feet or the height limitation in this Code that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This clause shall not require City to allow an accessory dwelling unit to exceed two stories.
3. No physical improvements shall be required for the creation or conversion of an accessory dwelling unit, including but not limited to sidewalk, street, or access improvements. The addition of an accessory dwelling unit shall not require the correction of nonconforming zoning conditions, per Government Code Section 65852.2, subd. (e)(2), as may be amended from time to time.

P. **Waivers.** Notwithstanding anything to the contrary contained in this title, limits on height, setbacks, lot coverage, floor area ratio, open space, front setbacks, and lot sizes are hereby waived if they do not permit at least an 800 square foot accessory dwelling unit which provides four-foot rear and side setbacks and meets the following height standards:

1. A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single-family or multi-family dwelling unit.
2. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single-family or multi-family dwelling unit that is within one-half mile of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, as may be amended from time to time. An additional two feet in height is also permitted when the height is to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
3. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multi-story dwelling.
4. A height of 25 feet or the height limitation in this Code that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This clause shall not require City to allow an accessory dwelling unit to exceed two stories.

# Title 19. Zoning

## Article V. Administration and Procedures Chapter 19.70

### Chapter 19.80. APPEALS

#### § 19.80.070. Action on appeal.

Each appeal shall be considered to be a de novo hearing on the matter being appealed. The ~~appellate Approving Authority~~ appeal authority may grant the appeal, grant the appeal in part, or deny the appeal. In taking its action on an appeal, the ~~Approving Authority~~ appeal authority shall state the basis for the action being taken on the appeal, and may refer the matter back to the original Approving Authority for further action. The ~~appellate Approving Authority~~ appeal authority may modify or delete any conditions which have been appealed, or add such conditions as may be necessary to address the issues being appealed, or may modify or delete any other conditions of approval which are necessarily related to those which have been appealed. Any condition which was not appealed, and which has not been modified or deleted upon appeal, shall remain unaffected.

Having received notice of the appeal authority's public hearing to consider the appeal, an appellant failing to appear at the public hearing will be found to have failed to exhaust their administrative remedies and the appeal will be denied. In such case, the appeal authority's decision on the appeal is final and may not itself be appealed.

# Title 19. Zoning

## Article VI. Definitions

### Chapter 19.95. DEFINITIONS OF TERMS AND PHRASES

#### § 19.95.030. Definitions.

- A.
1. **Accessory Building or Structure:** (See Building, Accessory).
  2. **Act:** The Fair Housing Amendments Act of 1988.
  3. **Amendment:** Any change, modification, deletion, or addition to the wording, text or substance of this title or any change, modification, deletion, or addition to the application of this title to property within the City of Roseville, including any alteration in the boundaries of a zone district, when adopted by ordinance passed by the City Council in the manner prescribed by law.
  4. **Antenna:** A device used in communications which transmits or receives radio signals. Common forms of antennae are panel arrays and whip antennas. Panel arrays are designed to concentrate a radio signal in a particular area and are typically flat and rectangular in design. Whip antennas transmit a signal 360 degrees and are cylindrical with an 18-foot height limit.
    - a. **Co-Location.** Locating wireless communications equipment from more than one provider on a single site.
    - b. **Telecommunication Facility.** A land use facility supporting antennas and microwave dishes that sends and/or receives radio-frequency signals. Communication facilities include structures (aka monopole, towers) and accessory buildings.
    - c. **Dish Antenna.** A dish-like antenna used to link communication sites together by wireless transmission of voices or data. Also called microwave antenna or microwave dish antenna.
    - d. **Equipment Building, Shelter or Cabinet.** A structure designed and used to house equipment used by telecommunication providers at a facility.
    - e. **Monopole.** A structure of a single spire used to support communications equipment.

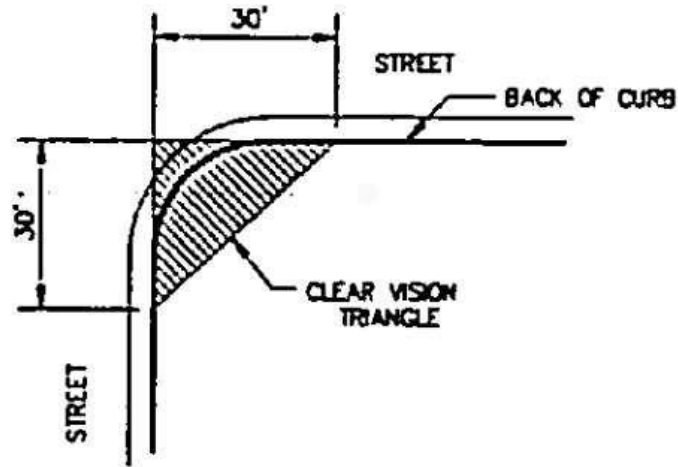
- f. **Related Equipment.** All equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit and connectors.
  - g. **Satellite Antennas.** A satellite antenna is a dish like antenna used to link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.
  - h. **Stealth Facility.** Any communications facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to link like light poles. Also called concealed antennas.
  - i. **Telecommunication Tower.** A mast, pole, monopole or guyed or lattice, free-standing tower designed and primarily used to support antennas, to include dishes, arrays and similar devices.
5. **Appellate Approving Authority:** As designated in Section **19.80.020**, it is either the Planning Commission or the City Council that is authorized to hear and act on appeals to actions and decisions provided by this title.
6. **Approving Authority:** As designed in Section **19.80.020**, it means one of the following depending on the nature of the application: City Council, Planning Commission, Design Committee, Planning Manager, or designee.

B.

- 1. **Building:** Any structure having a roof supported by columns and/or walls and intended for the shelter, housing and enclosure of any individual, animal, process, equipment, vehicles, goods or materials of any kind or nature.
- 2. **Building or Structure, Accessory:** A building or structure detached from a principal building on the same lot and incidental to the principal building.
- 3. **Building or Structure, Nonconforming:** A building or structure, or portion thereof, which was lawfully erected, altered or maintained, prior to the effective date of the ordinance codified in this title, but which, because of the application of this title to it, no longer conforms to the specific regulations applicable to the zoning district in which it is located.
- 4. **Building(s), Primary:** A building(s) devoted primarily to the principal or conditionally permitted use of the lot or building site on which it is situated, as permitted by this title.
- 5. **Bus Depot or Station:** A place of business serving as a point of arrival or departure for passengers traveling by intercity or interstate bus, except those buses operated by a governmental entity.

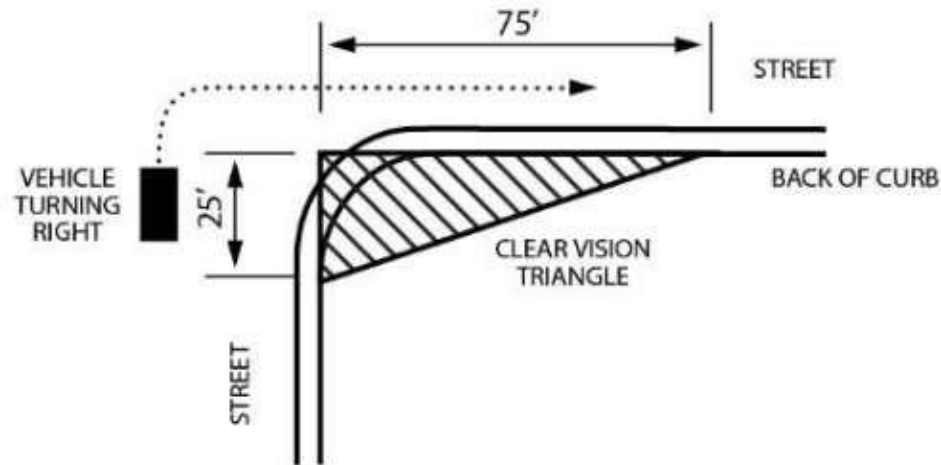
C.

- 1. **City:** The City of Roseville, California.
- 2. **City Council:** The City Council of the City of Roseville.
- 3. **Clear Vision Triangle, Commercial:** That portion of both private property and public right-of-way located at any corner where two streets intersect. The clear vision triangle is defined by the triangular area created by the diagonal connection of two points measured 30 feet back from the intersection of the prolongation of points measured along the front and corner street side back of curb (see figure below). The dimensions of the clear vision triangle may be required to be increased if the Director of Public Works determines that additional area is needed to ensure that a potential traffic hazard is not created.



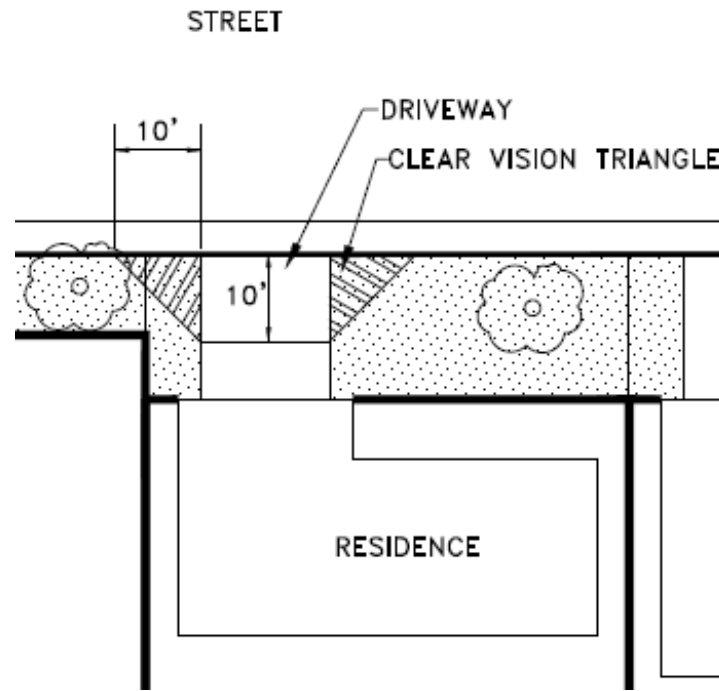
**CLEAR VISION TRIANGLE - COMMERCIAL**  
NO SCALE

4. **Clear Vision Triangle, Residential:** The clear vision triangle is defined by the path of travel of a vehicle making a right turn at an intersection, and is intended to preserve appropriate line-of-sight for the driver and pedestrians at a turn. The clear vision triangle is the area created by the diagonal connection of two points measured 25 feet along the back of curb on the right-hand side of the vehicle as it approaches the intersection to turn right, and 75 feet along the perpendicular side of the back of curb on the right-hand side of the vehicle as it completes the turn and departs the intersection (see figure below).



**CLEAR VISION TRIANGLE - RESIDENTIAL**  
NO SCALE

5. **Clear Vision Triangle, Residential Driveway:** The clear vision triangle is defined by the path of travel of a vehicle exiting a driveway and is intended to preserve appropriate line-of-sight for the driver and pedestrians at the driveway-street interface. The clear vision triangle is the area created by the diagonal connection of two points measured 10 feet along the edge of driveway on the right- or left-hand side of the vehicle as it approaches the street, and 10 feet along the perpendicular side of the back of curb on the right- or left-hand side of the vehicle as it enters the street (see figure below).



**CLEAR VISION TRIANGLE - RESIDENTIAL DRIVEWAY**  
NO SCALE

5.6. **Compact Residential Development:** Attached or detached single-family housing units on a parcel or parcels with a General Plan land use designation of medium density residential or higher (seven dwelling units per acre or higher, as depicted on the General Plan Land Use Map).

6.7. **Condominium:** An estate in real property consisting of an undivided interest in common in portions of a parcel of real property together with a separate interest in a dwelling, industrial or commercial building on such real property, such as an apartment, office, warehouse or store. A condominium may include, in addition, a separate interest in other portions of such real property.

7.8. **Condominium Conversion:** Condominium conversion occurs whenever a multiple residential dwelling unit building or a residential housing project containing three or more dwelling units under the same ownership, or such a project that has been granted an occupancy permit is subdivided so that individual dwelling units are available for sale as condominiums within the meaning of **Civil Code** Section 783.

~~8.9.~~ **Cooking:** As referred to in Section **19.08.080** and Chapter **19.60**, "cooking" means that the unit will contain a residential stove/oven/cooktop requiring dedicated utility connections such as large amperage wiring or a dedicated gas connection.

~~9.10.~~ **Council, or City Council:** The City Council of the City of Roseville, California.

~~10.11.~~ **Construction Trailer:** A trailer used as an on-site office only during actual construction of an approved building site.

D.

1. **Density:** The number of dwelling units per gross acre excluding accessory dwelling units pursuant to **Government Code** Section 65852.2.
2. **Department:** The planning and redevelopment department of the City of Roseville.