

Chapter 17.40

MEDIUM DENSITY RESIDENTIAL (MR) DISTRICT

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17.40.010 Purpose.

The MR district is established for consistency with the medium density residential general plan designation. The district provides for single-family detached homes, accessory dwelling units, limited agricultural uses and compatible uses. Residential densities shall not be less than 5.1 dwelling units per acre nor more than sixteen (16) dwelling units per acre. (Ord. 07-5 § 2 (part); Ord. 05-4 § 1 (part); prior code § 27.50)

17.40.020 Permitted uses.

The following are the permitted uses in the MR district:

- A. Remodeling or reconstruction of one single-family dwelling on a parcel of record;
- B. New construction of one single-family dwelling on parcels where the minimum density is 1.99 units or less;
- C. Day care facility serving six or fewer children;

D. Intermediate care facility or developmentally disabled nursing facility serving six or fewer persons;

E. Residential facility serving six or fewer persons;

F. The installation of mobile homes constructed and/or purchased after October 1976, and certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a foundation system pursuant to Section 18551 of the Health and Safety Code shall be permitted in accordance with the following conditions:

1. To be occupied only as a single-family residential use,
2. To be subject to all provisions of the zoning ordinance applicable to conventionally built dwellings,
3. To be attached to a permanent foundation system in compliance with all applicable building regulations,
4. To be covered with an exterior material customarily used on conventionally built dwellings extending to the top of the foundation,
5. To have parapet walls or roofs which utilize shingles or other materials customarily used on conventionally built dwellings;

G. One accessory dwelling unit, as defined in Section 17.04.160, and consistent with the provisions of Section 17.116.030;

H. Accessory buildings or structures without toilet plumbing or cooking facilities, consistent with the provisions of Section 17.116.010;

I. One short-term rental per parcel, as defined in Section 17.04.160, and consistent with the provisions of Chapter 17.134;

J. Supportive housing;

K. Transitional housing;

L. Agricultural employee housing providing accommodations for six or fewer employees;

M. Other similar uses found consistent with the general plan and the MR district pursuant to Chapter 17.08;

N. Multiple-family dwellings, apartments, and dwelling groups at a density up to the maximum allowed by the medium density residential district shall be allowed as a permitted use on the following MR zoned parcels, which are identified as "Key Housing Sites" in Table 42 of the city's 2015-2023 housing element, and are identified as follows by street address and assessor's parcel number (APN): 567 Pope St. APN 009-070-002; 591 McCorkle Ave. APN 009-070-003; 1817 Spring St. APN 009-322-009; Sulphur Springs Ave. APN 009-362-015; Spring St. APN 009-441-023 and 009-552-002; 576 Pope St. APN 009-552-003; 1105 Pope St. APN 009-090-003. (Ord. 17-2 § 6 (part); Ord. 16-8 § 1; Ord. 15-2 § 7 (part); Ord. 12-2 § 6; Ord. 07-5 § 2 (part); Ord. 05-4 § 1 (part); Ord. 03-4 § 11; prior code § 27.51)

17.40.030 Conditional uses.

The following uses require approval of a use permit as regulated by Chapter 17.168:

A. New construction of one single-family dwelling on parcels where the minimum density is two units or greater, pursuant to Section 17.40.060;

B. New attached duplex or triplex units or conversion of an existing single-family dwelling to duplex or triplex, compatible with the design and architecture of the neighborhood and consistent with the density and floor area ratio of the district;

C. Bed and breakfast inns when located in an existing residential dwelling subject to the provisions of Chapter 17.132;*

D. Flag lot development subject to the provisions of Chapter 17.112;

E. Small lot development meeting the standards of Chapter 17.112 limited to one primary unit per lot;

F. Day care facility serving seven or more children;

G. Intermediate care facility or developmentally disabled nursing facility serving seven or more persons;

H. Residential facility serving seven or more persons;

Residential condominium or townhouse dwelling projects subject to the provisions of Chapter 17.112; provided, that the density and development standards of the MR district shall be observed. The minimum lot size of the MR district shall not apply to an individual dwelling lot, airspace unit or common area lot in a condominium project;

- I. Utility substations;
- J. Other similar uses found consistent with the general plan and the MR district pursuant to Chapter 17.08.

* Note: The city has established a limit on the number of transient occupancy rooms permitted in the city.

(Ord. 17-2 (part); Ord. 15-2 § 7 (part); Ord. 07-5 § 2 (part); Ord. 05-4 § 1 (part); Ord. 03-4 § 12; prior code § 27.52)

17.40.040 Design review required.

Pursuant to Chapter 17.164 all subdivisions, signs, new structures or buildings (except for one accessory dwelling unit which complies with the provisions set forth in Section 17.116.030), or exterior revisions (not including change in exterior color) of any existing structures or buildings for both permitted and conditional uses shall require design review. (Ord. 17-2 § 6 (part); Ord. 07-5 § 2 (part); Ord. 07-4 § 2 (part); Ord. 05-4 § 1 (part); prior code § 27.53)

17.40.050 Accessory uses, buildings and structures.

The following are the accessory uses, buildings and structures permitted in the MR district:

- A. Garages, carports, workshops, pool houses, gazebos, patio covers and other accessory buildings or structures without plumbing or cooking facilities;
- B. Home occupations subject to the provisions of Chapter 17.116;
- C. Family day care home serving twelve (12) or fewer children;
- D. Lodging house providing housing for not less than thirty (30) consecutive days for not more than two paying occupants, when located within the principal building, one on-site parking space is provided for each room, and the dwelling is owner occupied.

Lodging house for more than two but not more than five paying occupants is permitted only upon approval of a use permit;

E. Household pets and not more than twelve (12) small domestic animals in total.

“Household pets” means animals of the type generally accepted as pets, including dogs, cats, rabbits, domesticated pigs, pigeons, hens, and the like; but not including roosters, quacking ducks, geese, pea fowl, goats, sheep, hogs, kennels or the presence of animals for commercial purposes. Beekeeping (apiaries) shall be allowed pursuant to Chapter 17.190, Beekeeping;

F. Gardening excluding the retail sale of any products on the premises;

G. Signs subject to the provisions of Chapter 17.148;

H. Swimming pools when located at least five feet from the property boundary and are fenced in a fashion to protect children;

I. Satellite television receiving antennas subject to the provisions of Chapter 17.136;

J. Fences and hedges subject to the provisions of Chapter 17.120;

K. Cottage food operations subject to the provisions of Section 17.116.045;

L. Other uses and structures which are customarily incidental and clearly subordinate to permitted and conditional uses pursuant to Chapter 17.08. (Ord. 16-3 § 8: Ord. 11-2 § 2 (Exh. A (part)); Ord. 07-5 § 2 (part): Ord. 05-4 § 1 (part): Ord. 03-4 § 13: Ord. 02-6 § 3; prior code § 27.54)

17.40.060 Development standards.

The following standards and requirements shall apply in the MR medium density residential district, except as otherwise provided in this title:

A. Maximum Standards.	
1. Density	16.0 dwelling units per acre or as set forth in subsection E of this section.

2. Lot coverage	45%
3. Height of principal building	30 feet
4. Height of accessory building as regulated by Chapter 17.116	15 feet
5. Floor Area Ratio	(F.A.R.) shall be as regulated in Section 17.40.070.
6. Width	The width of a structure shall not exceed 60% of the width of the lot as measured at the front elevation, excluding lineal footage of staggered architectural features that start at least 20 ft. back from the front elevation. The width is measured from the outside wall and shall not include roof eaves, but shall include porches and cantilevered floor areas. The front of lots shall be determined as set forth in Section 17.112.030, Front of lot/setbacks and yards in unusual situations.
B. Minimum standards for parcels, except for flag lots, small lots or residential condominium projects and townhouses as provided for in Chapter 17.112:	

1. Density	Not less than 5.1 dwelling units per acre consistent with subsection E of this section.
2. Lot area	7,000 square feet
3. Lot width	70 feet
4. Lot frontage	70 feet
C. Minimum standards for structures with a maximum height of twenty-five (25) feet or less:	
1. Front setback	20 feet
2. Side setback	20 feet
3. Side yard	10 feet
4. Rear yard	20 feet
D. Minimum standards for structures with a maximum height greater than twenty-five (25) feet and thirty (30) feet or less:	
1. Front setback	30 feet
2. Side setback	30 feet
3. Side yard	15 feet
4. Rear yard	30 feet

E. The planning director shall determine the density of the parcel utilizing assessor parcel information or a record of survey. Generally, if the density calculation results in housing that is a fraction of a unit and the fraction is less than one-half, the whole number shall be rounded down. If the fraction is one-half or greater, the whole number shall be rounded up. The determination of the planning director may be appealed to the planning commission.

1. The planning commission may approve a use permit to allow a reduced density on a parcel if environmental site constraints, the size and configuration of pre-

existing development, or the provision of city services make compliance with the minimum density and other development standards impractical. Environmental constraints may include, without limitation, the presence of streams, significant trees, steep slopes, unusual lot configurations, or the presence of historic structures and cultural resources.

2. Approval of a general plan amendment is required to reduce the density for other reasons. In approving a general plan amendment the city council and planning commission shall make the findings of Section 17.12.110.
3. A legal accessory dwelling unit may be counted for purposes of compliance with the minimum density standard, but is exempt from the maximum density standard pursuant to Section 17.116.030(B)(5).
4. Prior to permitting a density reduction by use permit or by general plan amendment, the city shall ensure compliance with Government Code Section 65863 by either finding that the remaining sites identified in the housing element are adequate to accommodate the city's share of the regional housing need; or by identifying sufficient additional, adequate, and available sites with an equal or greater density so that there is no net loss in residential density.

F. Consistent with California Government Code Sections 65915 through 65918, a density bonus may be given for housing projects that are affordable for persons of very low, low, or moderate income. (Ord. 17-2 § 6 (part); Ord. 07-5 § 2 (part); Ord. 05-4 § 1 (part); Ord. 04-4 § 2 (part); Ord. 00-5 § 4 (part); prior code § 27.55)

17.40.070 Other uses, standards and requirements.

The floor area ratio in the MR district shall be regulated as follows:

A. The maximum floor area limitation pertains to the construction of single-family dwelling units, duplexes, and triplexes. Exceptions to the limitation may be granted by the planning commission dependent upon the minimum density requirements for the parcel and the size and configuration of the pre-existing development.

1. The maximum gross floor area is the product of the parcel area multiplied by the floor area ratio (F.A.R.) shown on the table below:

	Maximum
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Net Parcel Area (Square Feet)	Floor Area Ratio (F.A.R.)	Gross Floor Area (Square Feet)
4,999 and less	—	1,800
5,000	0.36	1,800
6,000	0.35	2,100
7,000	0.34	2,380
8,000	0.33	2,640
9,000	0.32	2,880
10,000	0.31	3,100
11,000	0.30	3,300
12,000	0.29	3,480
13,000	0.28	3,640
14,000	0.27	3,780
15,000	0.26	3,900
16,000	0.25	4,000
17,000	0.24	4,080
18,000	0.23	4,140
19,000	0.22	4,180
20,000 or greater	0.21	4,200

2. The F.A.R. shall be interpolated to the nearest two-tenths of one percent based upon each two hundred (200) square feet of parcel area. For example, a parcel that is ten thousand six hundred (10,600) square feet in size has an allowable F.A.R. of .304.

B. The maximum gross floor area for a single-family dwelling, regardless of parcel size, is four thousand two hundred (4,200) square feet. The maximum gross floor area may be increased by four hundred (400) square feet per parcel for construction of an accessory dwelling unit in compliance with Section 17.116.030.

C. The following buildings and areas are exempt from the F.A.R. provisions:

1. One covered parking space of two hundred (200) square feet in size;

2. Nonhabitable accessory buildings less than one hundred twenty (120) square feet in size;
3. A nonhabitable basement or attic as defined in subsection D of this section;
4. A balcony, porch, deck or other structure where at least one of the longest dimensions is unenclosed;
5. A legally constructed building which exceeds the maximum floor area permitted by this chapter and which is destroyed by fire, flood, landslide or other act of God. Such a building may be rebuilt with up to the same amount of floor area, subject to development plan review and approval by the city in accordance with Section 17.16.050.

D. Definitions.

“Attic” means a room or space immediately below the roof of a building that is not habitable and is utilized only for storage. The area must be an unconditioned, unfinished area less than seven feet at its highest point with an average height not exceeding four feet.

“Basement” means any floor level below the first story in a building in which the finished floor level directly above is less than four feet above finished grade on all sides.

“Floor area ratio” means the ratio of building gross floor area divided by net parcel area.

“Gross floor area” means the total horizontal area in square feet of each floor within the exterior walls of all buildings on a parcel, as measured at the exterior face of the enclosing walls, unless specifically excluded by subsections (C)(1) through (5) of this section.

“Lot coverage” means the land area covered by all buildings or structures on a lot, including all projections except eaves. Decks or other structures with an elevation of eighteen (18) inches or less above finished grade shall not be considered as lot coverage.

“Net parcel area” means the total horizontal area included within the property lines of a parcel, excluding area within vehicular rights-of-way and vehicular easements.

“Pre-existing development” means structures and improvements that were vested with

a building permit prior to March 8, 2005, the date of adoption of the ordinance codified in this chapter.

E. Property owners within this district shall recognize that there exists a right to farm properties within the district and in the vicinity of the district. There is a good faith expectation that no complaints will occur regarding legal normal agricultural activities on properties in the district or in the vicinity of the district. Such activities may include day or night disbursement of chemicals, and creation of dust, noise, or fumes. (Ord. 17-2 § 6 (part); Ord. 07-5 § 2 (part); Ord. 05-4 § 1 (part); Ord. 02-6 § 4; Ord. 00-5 § 4 (part); prior code § 27.56)