

32-22 SINGLE FAMILY RESIDENTIAL DISTRICTS.

32-22.1 Purpose.

The purposes of the single family residential districts are to:

- a. Assure that future development complement Danville's existing small town character and established quality of life.
- b. Integrate new development in a manner that is visually and functionally compatible with the physical character of the surrounding community.
- c. Preserve, protect and enhance appropriately located areas for residential land use, consistent with the Town-wide design guidelines, the General Plan and with standards of public health and safety.
- d. Minimize the impacts of uses, protect residents from the harmful effects of excessive noise, overcrowding, excessive traffic, insufficient parking and other adverse environmental effects.
- e. Ensure adequate provisions for sites, with reasonable access to public services, for appropriate public and semipublic land uses, including care facilities, needed to complement residential development or that require a residential environment. At the same time, protect the relatively quiet, primarily noncommercial, family atmosphere of neighborhoods.

(Ord. #2014-03, § 2)

32-22.2 Definitions.

Words and Phrases as used in the Chapter Defined.

Abut or *abutting* shall mean having property lines, street lines, building lines, and/or zoning boundaries in common.

Accessory dwelling unit shall mean a dwelling unit, attached or detached to the primary dwelling, which provides complete independent living facilities with accommodations for a kitchen, living, sleeping, eating, and bathroom on the same parcel as a primary structure on a residentially zoned site. Accessory dwelling units shall be consistent with the requirements of Section 32-76.

Accessory structure shall mean a structure that is physically detached from, secondary and incidental to, and commonly associated with a primary structure on the same parcel. Accessory structures include garages, car ports, greenhouses, gazebos, sheds, arbors, pergolas, cabanas, pools, spas, play structures, and similar structures. An Accessory Dwelling Unit as described in Section 32-76, fences, and retaining walls shall not be considered accessory structures for purposes of this section.

Accessory use shall mean a use customarily incidental to, related but clearly subordinate to a primary use on the same parcel.

Animal, domestic or *Domestic animal* shall mean any animal customarily kept by humans for companionship, including domesticated dogs and cats, non-restricted birds (e.g., canaries, parrots, parakeets, and the like), rabbits or hares, and hamsters, mice, guinea pigs and similar animals.

Antenna, private or *private antenna* shall mean a system of wires, rods, reflecting discs or similar devices used for the wireless transmission or reception of electromagnetic waves for the sole benefit of the occupant of the residential structure.

Apartment unit shall mean a room or a group of related rooms, among similar sets in one (1) building, including facilities for cooking, sanitation, plumbing, heat, light and ventilation, and means of ingress and

egress, designed for and occupied by one (1) or more persons living as a single housekeeping unit, and usually leased as a dwelling.

Arbor shall mean an attached or detached structure, which is generally constructed with a non-solid roof design, used to define a point of entry or to denote the division of two (2) areas. Arbors are often constructed with latticework and covered with climbing shrubs or vines.

Aviary shall mean a coop, pen, cage, or other similar structure which serves as an enclosure to house one (1) or more birds, other than poultry.

Basement shall mean any area of a building which is wholly or partially below ground level. If not wholly below ground, the ceiling of the basement area cannot be located more than six (6) feet above the adjacent finished grade.

Bed and Breakfast shall mean a small lodging establishment that offers overnight accommodations and breakfast with no more than five (5) rooms available for commercial use.

Breezeway shall mean a roofed, open-sided structure serving as a passageway connecting structures and/or buildings.

Building shall mean any structure with a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or property.

Building height shall mean the vertical distance between the average of the highest and lowest pad elevation within the footprint of the structure (measured at natural grade or finished grade, whichever is lower) to the highest point of the structure. Architectural projections such as spires, weather vanes, and chimneys may extend an additional three (3) feet above the applicable height limit. For building height in a scenic hillside or major ridgeline area, see Section 32-69.

Cabana shall mean a structure, typically constructed for use in conjunction with the use of a swimming pool and/or a spa, that provides shade, may be used as a dressing room, may include bathroom facilities (i.e., toilet, sink, bathtub and/or shower facilities) and may include partial kitchen amenities (i.e., refrigerator, sink, dishwasher, but no stove or oven).

Cemetery shall mean a spatially defined area where the remains of dead people or domestic pets are buried or otherwise interred, which may include any one or any combination of following:

1. A burial park for earth interments;
2. A mausoleum for crypt or vault interments; and/ or
3. A columbarium for cinerary interments.

Child care center shall mean a commercial facility established for the caring for and supervision of fifteen (15) or more children. A child care center includes the care of children of all ages, including pre-school, nursery school, and day care.

Community care facility shall mean a California Department of Social Services licensed facility that provides non-medical residential care, day treatment, adult day care, foster family agency services, including physically or mentally handicapped, incompetent persons, and abused, neglected, or medically fragile children, and Alcohol and Drug Programs (ADP) involving individuals in recovery from drug or alcohol addiction, as further defined under California Health and Safety Code Section 1502.

Contractor's yard, including corporation yards, public utility yards, or general service yards shall mean buildings and premises used for the storage and maintenance of vehicles and/or equipment and/or materials involved in construction, installation, maintenance, and/or landscaping on other property.

Cottage food operation shall mean a specialized home occupation use in a dwelling unit where low-risk food products are prepared or packaged for sale to consumers and as more particularly defined in California

Health and Safety Code Section 113758, as may be amended.

Day Care Home, Large Family or Large Family Day Care Home shall mean an in-home child care operation that provides care for between nine (9) and fourteen (14) children and is in compliance with Section 1574.65 of the California Health and Safety Code.

Day Care Home, Small Family or Small Family Day Care Home shall mean an in-home child care operation providing care for a maximum of eight (8) children and is in conformance with Section 1597.44 of the California Health and Safety Code.

Deck or platform, elevated shall mean structures that are either attached or detached from the primary structure that are greater than thirty (30) inches in height above finished grade.

Deck or platform, ground-level shall mean structures that are either attached or detached from the primary residential structure that are not more than thirty (30) inches in height above finished grade.

District shall mean a portion of Danville within which certain uses of land, buildings, and structures are permitted; certain other uses of land, buildings, and structures are not permitted; certain yards and other open spaces are required, and certain minimum lot areas, development standards, and maximum heights are established for land, buildings and structures, under the regulations of this section.

Duplex shall mean a building constructed for use as a dwelling unit and designed for occupation as the residence of two (2) families living independently of each other.

Dwelling unit shall mean a room or suite of rooms designed or occupied as separate living quarters for one (1) of the persons or groups specified as a family by this chapter.

Family shall mean an individual or collective body of persons in a domestic relationship whose members are an interactive group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, sharing household activities and responsibilities such as meals, chores, household maintenance and expenses. If the unit is rented, this means that all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease for the entire dwelling, with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.

Fence shall mean a constructed barrier of wood, metal, masonry, or other material that is intended to enclose, separate, define, secure, protect, and/or screen one (1) or more areas of a site, including open wire fencing, decorative metal or wrought iron, chain link fence, or safety fencing.

Flag Lot shall mean a lot with a fee ownership strip extending from a vehicular right-of-way or access easement to the buildable area of the lot.

Frontage, primary or primary frontage or front shall generally mean the side of a lot which abuts a road, street, highway, right-of-way, or vehicular access easement towards which the front of the primary residence is oriented and/or where the primary residence's driveway is located between the street and the garage.

Frontage, secondary or secondary frontage or front shall generally mean the side of a lot which abuts two (2) or more roads, streets, highways, right-of-ways, or vehicular access easements which is not determined to be the primary frontage as defined herein.

Garage, private or Private garage shall mean a structure, or portion thereof, in which only private or pleasure-type motor vehicles used by the owners or resident tenants of the site are stored or kept.

Greenhouse, residential or Residential Greenhouse shall mean temporary or permanent accessory structures typically made of, but not limited to, glass, plastic and/or fiberglass in which plants are cultivated for private, non-commercial consumption by the occupants of the site, except as allowed for as part of a Cottage Food Operation as defined under this section.

Group home or housing shall mean any living situations that are non-medical and not for temporary use that accommodates unrelated individuals, including but not limited to licensed and alcohol and drug treatment facilities, unlicensed sober living environments, licensed board and care homes for the elderly including convalescent or rest homes and nursing homes, licensed homes for minor children, licensed homes for mental patients, licensed homes for developmentally disabled, and single room occupancy (SRO) projects. Group homes typically involve a living arrangement where either support services are provided to the occupants, where cooking, living or support sanitation facilities are shared in common between the occupants, or where there is a formal program establishing rules of conduct and purpose of the facility.

Health Facility shall mean a facility, place or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation, and care during and after pregnancy. Health facilities include general acute care and psychiatric hospitals, skilled nursing facilities, intermediate care facilities including developmentally disabled, congregate care, correctional treatment facilities, and hospice facilities, and as further defined under the California Health and Safety Code Section 1250.

Home occupation shall mean the narrow range of commercial or professional activities, conducted as incidental and accessory uses to the residential use of a property.

Horticulture shall mean the science of agriculture involving the skill or occupation of cultivating plants, especially flowers, fruit, and vegetables, in gardens or greenhouses. Horticulture involves working small plots of land with the aid of only simple gardening tools.

Intermediate Care Facility shall mean twenty-four (24) hour personal care, developmentally disabled habilitation and nursing or congregate living health facility, development and supportive health services in compliance with California Health and Safety Code Sections 1267.8 and 1267.9.

Kitchen shall mean any room or space within a building used, or intended to be used, for the cooking or preparation of food, which includes all of the following: refrigerator, cooking facilities (i.e.; stove, oven, and/or range top), and sink.

Livestock shall mean domestic hooved animals such as horses, donkeys and mules or domestic cattle, goats, sheep, llamas, or swine.

Lot shall mean an area of land occupied by, or to be occupied by, a building or buildings and structures accessory thereto, together with such open and yard spaces as are required by this chapter in computing the area of a lot, those portions lying within the boundaries of an existing or proposed public or private road, street, highway, right-of-way, or easement owned, dedicated or used for purposes of vehicular access to the lot shall not be included in order to satisfy minimum area, yard or dimensional requirements.

Lot; average width or *Average lot width* shall mean the total area of the lot divided by the depth of the lot.

Lot depth or *Depth of a lot* shall mean the distance perpendicular to the frontage to the point of the lot farthest from the frontage.

Lot, double frontage or *double frontage lot* shall mean a lot with a vehicular right-of-way or vehicular access easement along two (2) non-contiguous property lines.

Lot frontage or *Frontage of a lot* shall mean the distance measured between the two (2) points on the vehicular right-of-way or vehicular access easement that are farthest apart.

Multiple family buildings shall mean a single building or structure containing multiple dwelling units, including townhouses, condominiums, and apartments.

Nonconforming structure shall mean a structure that was legally established and maintained that does not conform to this chapter for the district in which it is situated, and does not comply with the current setback, height limit, and/or other applicable requirements of this chapter.

Nonconforming use shall mean a use of land and/or a structure (either conforming or nonconforming) that was legally established and maintained that does not conform to this chapter for the district in which it is situated.

Pergola shall mean a detached structure used to define an outdoor space, typically larger than an arbor, which characteristically uses columns and is topped with beams and open rafters to provide partial shade protection but may also be constructed with solid roof sheathing.

Personal property sales, commonly referred to as garage sales, shall mean the sale of used household or personal articles, such as furniture, tools, or clothing, held on the sellers own premises.

Porch, front or *Front porch* shall mean an architectural feature with a floor-like platform structure attached to the exterior elevation of a residence, is external to the conditioned living space, has direct access to the street level of the building, and is covered only by a roof or eave.

Primary structure shall mean the single family residence on the lot.

Primary use shall mean the main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.

Residential Care Facilities shall mean California Department of Social Services licensed non-medical facilities which provide long-term care to adults or children which stay in a residential setting rather than in their own home. Occupants may include persons with chronic life threatening illness including HIV or AIDS, or the elderly. Residential care facilities provide room, board, housekeeping, supervision, and personal care assistance with basic activities such as bathing and grooming, as further defined under the California Health and Safety Code Section 1568.0831.

Sight distance triangle shall mean the triangular area bounded by the right-of-way lines (public or private) which approach a corner and a diagonal line joining points on the right-of-way lines twenty-five (25) feet back from the point of their intersection, or in the case of rounded corners, the triangular area between the tangents to the curve of the right-of-way line and a diagonal line joining points on the tangents twenty-five (25) feet back from the point of their intersection. The tangents referred to are those at the beginning and at the end of the curve of the right-of-way line at the corner.

Single family residence shall mean a room or group of permanently affixed internally connected rooms that do not share any walls in common with another dwelling unit, and includes sleeping, eating, and sanitation facilities. This definition includes factory-built, modular housing units, constructed in compliance with the Uniform Building Code, and manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundations. Attached single family residences, including condominiums, townhouses, and row houses are included under the definition of "multifamily dwelling." A detached single family residence may include an accessory dwelling unit which is in conformance with Section 32.76.

Story shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above the ground adjacent to the building for more than fifty percent (50%) of the total perimeter, such basement, cellar or unused under-floor space shall be considered a story not a basement.

Story, half or *Half story* shall mean that portion of a building under a gable, hip or gambrel roof, the top wall plat of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor of such building portion.

Storage shed, portable or *portable storage shed* shall mean those structures that are freestanding and moveable, have no permanent foundation, are less than one hundred twenty (120) square feet in area, and have a building height no greater than eight (8) feet as measured at the highest pitch of the roof, and contain no plumbing or electrical installations

Structure shall mean anything constructed or erected on and permanently attached to land, except: (1) fences with a maximum height of six (6) feet, or retaining walls with a maximum height of three (3) feet or any combination thereof not over six (6) feet high; (2) sidewalks, at grade patios or other flat work, gateways, pipes, meters, meter boxes, manholes, and mailboxes; and (3) poles, wires, pipes and other devices, and their appurtenant parts, for the transmission or transportation of electricity and gas for light, heat or power, or of telephone and telegraphic messages, or of water.

Supportive housing shall mean housing with no limit on length of stay, that is occupied by a target population, and that is linked to on or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximize his or her ability to live and, when possible, work in the community, as defined under California Government Code Section 65582(f).

Target population shall mean persons with low incomes who have one (1) or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people, as defined under Government Code Section 65582(g).

Transitional housing shall mean buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and circulation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months of the assistance, as defined under California Government Code Section 65582(h).

Trellis shall mean an attached or detached structure, characteristically constructed with a tighter weave of open framework or intersecting pieces called lattice, typically with a horizontal design to shade spaces or vertically to divide them.

Viticulture shall mean the science, art, or process of cultivating grapevines and the growing of grapes.

Yard; front or *Front yard* shall mean an open area extending across the front of a lot, measured toward the rear of the lot to the nearest line of any building on it. The area between the setback line and the boundary line that determines the position of the setback line shall constitute the front yard of the lot.

Yard; rear or *Rear yard* shall mean an open area extending across the rear of a lot, measured from the rear line toward the front to the nearest line of any building on the lot.

Yard; side or *Side yard* shall mean an open area between each line of a lot and the nearest line of any building on the lot and extending from the front line to the rear line of the lot.

(Ord. #2014-03, § 2)

32-22.3 Allowed Uses.

a. The following uses are allowed in all single family residential districts (i.e., the R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100 Single Family Residential Districts):

1. A detached single family dwelling on each lot and the accessory structures and uses normally auxiliary to it;
2. Horticulture and viticulture;
3. Raising or keeping of domestic animals, with a limit of three (3) dogs and/or three (3) cats over the age of four (4) months;
4. Publicly or privately owned parks and playgrounds;

5. Group Homes including Community Care Facilities and Residential Care Facilities where six (6) or fewer persons reside or receive care, consistent with state law;
6. Intermediate Care Facilities where six (6) or less persons reside or receive care, consistent with state law;
7. Health Facilities where six (6) or fewer persons reside or receive care, consistent with state law;
8. Transitional housing where no more than six (6) persons reside, consistent with state law;
9. Supportive housing where no more than six (6) persons reside, consistent with state law;
10. A small family day care home where the small family day care home operates in addition to the residential use of the property, not including the licensee or members of the licensee's family or persons employed as facility staff;
11. Aviaries which comply with subsection 32-22.9.b. and which are maintained in a sanitary manner as determined by the Health Department;
12. A cottage food operation complying with this section;
13. Home Occupations complying with this section;
14. Personal property sales complying with this section;
15. Accessory dwelling units that have one thousand (1,000) square feet or less of conditioned living space and comply with Section 32-76 (Accessory Dwelling Unit Ordinance);
16. Residential greenhouses, under three hundred (300) square feet;

b. In addition to the above uses, the following uses are permitted in the R-20, R-40, R-65 and R-100 districts:

1. The raising of a maximum of ten (10) hens or rabbits in the R-20 and R-40 zoning districts and a maximum of twenty (20) hens or rabbits in the R-65 and R-100 zoning districts. No roosters shall be permitted in any residential zoning district.
2. Keeping livestock on lots forty thousand (40,000) or more square feet in area. The lot must be at least forty thousand (40,000) square feet for each two (2) head of livestock and all contiguous in one fee ownership. On lots over forty thousand (40,000) square feet, the owner is allowed one (1) head of livestock per each additional twenty thousand (20,000) square feet in area.

(Ord. #2014-03, § 2)

32-22.4 Conditional Uses; Uses Requiring a Land Use Permit and/or Development Plan Permit.

The following uses are permitted upon the issuance of a land use permit and/or development plan permit:

- a. Churches and religious institutions and parochial and private schools;
- b. Child care centers;
- c. Large family day care home where the large family day care home operates in addition to the residential use of the property;
- d. Bed and Breakfast;
- e. Community buildings, clubs and activities of a quasi-public, social, fraternal or recreational character, such as golf, tennis and swimming clubs, and veterans and fraternal organizations;
- f. Group Homes including Community Care Facilities and Residential Care Facilities where seven (7) or more persons reside or receive care, consistent with state law;

- g. Intermediate Care Facilities where seven (7) or more persons reside or receive care, consistent with state law;
- h. Health Facilities where seven (7) or more persons reside or receive care, consistent with state law;
- i. Transitional Housing where seven (7) or more persons reside, consistent with state law;
- j. Supportive Housing where seven (7) or more persons reside, consistent with state law;
- k. Residential greenhouses, over three hundred (300) square feet;
- l. Publicly owned buildings and structures (except that accessory structures forming a part of public utilities, publicly owned utilities and pipelines are not regulated by this chapter, except for setback regulations (see subsection 32-22.7));
- m. An accessory dwelling unit within the range of one thousand and one (1,001) to two thousand (2,000) square feet of conditioned living space on parcels that are one (1) acre or larger in size. Additional design criteria are established under Section 32-76 of this chapter (Accessory Dwelling Unit Ordinance);
- n. Horse riding academies and horse riding instruction, if the requirements listed in subsection 32-22.2, are met;
- o. Private antennas, consistent with this section;
- p. Wind mills erected for the production of electricity, consistent with this section;
- q. Residential development on Town-identified Scenic Hillside or Major Ridgeline lots complying with Section 32-69;
- r. Wireless communications facilities, complying with Section 32-70;
- s. The modification or expansion of a non-conforming use or structure;
- t. Uses which the Planning Commission has found, after notice and hearing, to be comparable to the above uses.

(Ord. #2014-03, § 2)

32-22.4.5 Prohibited Uses. The following uses are prohibited:

- a. Short term rentals.

(Ord. #2016-02, § 3)

32-22.5 Standards for Specific Land Uses.

a. *Cottage Food Operations.* A cottage food operation (CFO) shall comply with the following requirements, which are supplemental to the home occupation requirements listed in this section. In the case of conflict between the two (2) sets of requirements, the requirements for CFOs shall take precedence:

1. The CFO operator shall provide a business narrative, site plan and floor plan to the Planning Division for review and approval, with the submittal describing the CFO activity in narrative and plan format and clearly depicting the location of CFO-related activities, the maximum gross floor area for the proposed CFO, and the seasonal aspects of the business operation.

2. CFOs shall be limited to a maximum of one (1) full-time equivalent employee (beyond family members).

3. CFOs are non-transferable to another person, location, type of food sales, distribution activity or time period of activity.

4. Direct customer sales shall be by prior appointment only and shall be limited to one (1) customer per hour during authorized sales hours.
 5. Direct customer sales and CFO-related deliveries shall be limited to the period between 8:30 a.m. and 6:00 p.m., Monday through Saturday.
 6. Building additions or modifications, if any and as shown in the site plan and floor plan submittal, are subject to all other applicable codes and permits.
 7. The operation shall be limited to the areas designated on the site and floor plan and shall not exceed twenty five percent (25%) or six hundred (600) square feet, whichever is less, of the gross floor area of the primary structure and not more than 600 square feet of additional gross floor area on the site in the form of accessory structures.
 8. CFO-related goods to be stored, displayed, and/or sold on the premises shall be contained within the areas designated on the site and floor plan. No outside storage of CFO-related material or supplies shall be permitted.
 9. There shall be no onsite consumption of CFO-related products other than small samples.
 10. CFOs may not exceed gross sales levels as established by the State of California for CFOs. The CFO operator shall, upon Town request, supply copies of the CFO's most recent income tax return to verify compliance with the gross sales levels.
 11. The CFO operator shall provide to the Planning Division a copy of the approved CFO registration and permit as required by the Contra Costa County Health Department.
- b. *Home Occupations.* A home occupation shall comply with the following requirements:
1. A Home Occupation Application report, which provides information regarding the proposed operation of the home occupation, must be submitted in conjunction with a Business License application. After reviewing the report, the Town must determine that the activity complies with the requirements set forth in this section, with other Town ordinances, and with applicable state laws, including any state licensing requirements.
 2. Client or customer visits associated with the home occupation use shall be appointment-only visits, shall be limited to a maximum of one (1) visit per hour and shall be limited to Mondays through Saturdays between 8:30 a.m. and 6:00 p.m. An exception shall be allowed for home occupation uses involving students engaged in individual home instruction, where instruction period may be expanded to the period of between 8:30 a.m. and 8:30 p.m., daily.
 3. The home occupation shall not include any direct, in-person retail sales transactions conducted at the premises, except as allowed for as part of a cottage food operation as defined in this section.
 4. Deliveries shall be limited to the frequency of deliveries and types of vehicles normally associated with residential neighborhoods and shall be restricted to the period between 8:30 a.m. and 6:00 p.m., Mondays through Saturdays.
 5. Not more than twenty five (25%) or six hundred (600) square feet, whichever is less, of the gross floor area of the primary structure may be devoted to the home occupation and not more than six hundred (600) square feet of additional area in accessory structures may be devoted to the home occupation.
 6. The home occupation shall not involve employment of help other than the members of the household and one (1) assisting non-family employee, with the one (1) non-resident employee's hours limited to the period of 8:30 a.m. and 6:00 p.m., Mondays through Saturdays.
 7. Onsite parking of employee vehicles is not allowed for employees who perform functions of the home occupation away from the premises.

8. There shall be no home occupation-related exterior storage of equipment, parts, materials, supplies, merchandise, refuse, or debris. [Note: home occupation-related equipment, parts, materials, supplies, or merchandise may be stored within a permanent, fully enclosed compartment of a passenger vehicle or truck, but no refuse or debris may be stored in any vehicle].

9. There shall be no storage of hazardous chemicals other than that which would normally be found at a private residence.

10. The residential appearance of the site must be maintained, and there shall be no exterior indication of the business, including commercial advertising signs or window displays. An exception is allowed for the display of one (1) nameplate sign, measuring no more than two (2) square feet, which may be placed on the premises attached to the primary building near the business entrance, indicating the property address, name of the business, hours of operation, contact information, and the nature of the business activity conducted.

11. The required residential parking at the site shall remain available for the purpose of parking vehicles of the residents of the site.

12. Authorized business vehicles associated with home occupation business shall be limited to vehicles with a gross vehicle weight rating of under nineteen thousand five hundred (19,500) lbs. and are limited to a maximum of two vehicles in the range of fourteen thousand and one (14,001) to nineteen thousand five hundred (19,500) lbs. (i.e., limited to a maximum of two (2) Class 4 or Class 5 vehicles, as classified by the Department of Transportation's Federal Highway Administration classification for commercial trucks).

13. The home occupation use shall not result in the onsite parking of any of the following vehicles: limousines, dump trucks, tow trucks, pick-up trucks with the bed converted into a hauling compartment designed to hold materials and equipment that exceed the height of the top of the truck, construction vehicles (e.g., front-end loaders or backhoes), trailers (e.g., construction trailers, chipper trailers), construction equipment (e.g., cement mixers or chippers), or similar vehicles.

14. The home occupation business shall not be conducted in a manner that creates a public nuisance, under State law or under the Danville Municipal Code. Without limiting the foregoing, a home occupation shall not create noise, odor, dust, vibration, smoke, electrical disturbance, or any other interference with residential uses of adjacent property and shall be invisible to the neighborhood and the home occupation shall not result in excessive use of, or unusual discharge into any one (1) or more of the following utilities: water, sanitary sewers, electrical, garbage, or storm drains.

15. The number of home occupations at one (1) address shall not be limited except the cumulative impact of authorized home occupations shall not exceed these regulations.

c. *Personal Property Sales.* Personal property sales shall comply with the following requirements.

1. The sales activities are limited to a maximum of six (6) days per calendar year;

2. Any on-site or off-site signage is removed by 6:00 p.m. following the last day of the sale;

3. The sales activities are limited to the hours between 8:00 a.m. and 6:00 p.m.; and

4. The sales activity does not result in unusually significant adverse impacts related to noise, traffic, safety, congestion, and parking.

(Ord. #2014-03, § 2)

32-22.6 Minimum Lot Area, Width and Depth. *No single family dwelling or other structure permitted under this section may be erected or placed on a lot with less than the following minimum requirements:*

a. *Minimum Lot Area.*

<i>Table 32-22.1</i>	
<i>Residential Zoning District</i>	<i>Minimum Lot Area</i>
R-6	6,000 square feet
R-7	7,000 square feet
R-10	10,000 square feet
R-12	12,000 square feet
R-15	15,000 square feet
R-20	20,000 square feet
R-40	40,000 square feet
R-65	65,000 square feet
R-100	100,000 square feet

All public or private rights-of-way or easements for road or access purposes shall be excluded from the calculations for determining compliance with lot area minimums.

b. *Minimum Average Lot Width.*

<i>Table 32-22.2</i>	
<i>Residential Zoning District</i>	<i>Minimum Average Lot Width</i>
R-6	60 feet
R-7	70 feet
R-10	80 feet
R-12 and R-15	100 feet
R-20	120 feet
R-40 and R-65	140 feet
R-100	200 feet

c. *Minimum Lot Depth.*

<i>Table 32-22.3</i>	
<i>Residential Zoning District</i>	<i>Minimum Lot Depth</i>
R-6, R-7, R-10, R-12 and R-15	100 feet
R-20	120 feet
R-40 and R-65	140 feet
R-100	200 feet

(Ord. #2014-03, § 2)

32-22.7 Minimum Setback Requirements for a Primary Structure.

a. *General Requirements.* The primary structures on residential properties shall comply with the setback requirements of the applicable zoning district established by this section, or as otherwise allowed under this section.

b. *Minimum Primary and Secondary Front Yard Setback.*

<i>Table 32-22.4</i>		
<i>Residential Zoning District</i>	<i>Minimum Primary Front Yard Setback</i>	<i>Minimum Secondary Front yard Setback</i>
R-6, R-7, R-10, R-12 and R-15	20 feet	15 feet
R-20, R-40 and R-65	25 feet	20 feet
R-100	30 feet	25 feet

c. *Minimum Side Yards Setback.* The following minimum width requirements apply to side yards:

<i>Table 32-22.5</i>		
<i>Residential Zoning District</i>	<i>Minimum Side Yard Setback</i>	<i>Minimum Aggregate Side Yard Setback</i>
R-6 and R-7	5 feet	15 feet
R-10	10 feet	20 feet
R-12 and R-15	10 feet	25 feet
R-20	15 feet	35 feet
R-40 and R-65	20 feet	40 feet
R-100	30 feet	60 feet

d. *Minimum Rear Yards Setback.* There shall be a rear yard for any primary residence of at least:

<i>Table 32-22.6</i>	
<i>Residential Zoning District</i>	<i>Minimum Rear Yard Setback</i>
R-6 and R-7	20 feet
R-10, R-12 and R-15	25 feet
R-20, R-40, R-65, and R-100	30 feet

e. *Measurement of Setbacks for Specific Lot Configurations.* Setbacks shall be measured and applied as follows, unless different setback measurement methods are determined by the Planning Division to be required due to an unusual parcel configuration that makes the following infeasible or ineffective.

1. *Corner Lot.* Four-sided corner lots shall be considered to have a primary front yard and a secondary front yard, the two (2) interior property lines shall be treated as side yards, and there shall be no rear yard.

Corner lots composed of more than four (4) property lines shall be considered to have a primary front yard and a secondary front yard, interior side yards, and a rear yard. The property line considered to be the rear yard shall be separated from either the primary front yard or the secondary front yard property line by at least one (1) side yard property line. Regardless of its location on either the primary or secondary front yard, front-loaded garages shall maintain a minimum front yard setback of twenty (20) feet.

2. *Flag Lot.* For flag lots, the front setback shall be measured from the point where the access strip meets the bulk of the lot to the nearest point of the wall of the structure.

3. *Determination of setbacks on irregular-shaped lots.* The Planning Division shall determine setbacks for irregular-shaped lots that are not covered by any of the above examples on a case-by-case basis.

f. *Second Story Setbacks Applicable to R-6, R-7, R-10, R-12, and R-15 Districts and Lots that are fifteen thousand (15,000) Square Feet or Smaller in any Other Zoning District.* The gross square footage of second story additions shall be no larger than eighty percent (80%) of the gross square footage of the ground floor of the home. Gross square footage shall be defined as the sum of the square footage of both conditioned living space and garage or other non-conditioned storage space. As a minimum, the second story addition along the primary front elevation, and secondary front elevation as applicable, shall be recessed a minimum of five (5) feet as measured vertically from the existing ground floor exterior elevations, where such additions are setback less than thirty-five (35) feet from any front property line. Where a setback of thirty-five (35) feet or more from the property line are observed for both ground floor and second story additions, the second story setbacks are waived.

g. For any single family residential lot that was created prior to July 1, 1982, side yard setbacks shall be permitted consistent with the Section 32-1.12.

h. *Projections into Setbacks.* Where allowed in the applicable District, an architectural feature that is part of the primary structure may extend beyond the wall of the structure and into a required primary front, secondary front, side, or rear yard setback in compliance with the following table.

<i>Table 32-22.7</i>			
<i>Allowed Projections Into Setbacks</i>			
<i>Projecting Feature</i>	<i>Primary Front Yard Setback</i>	<i>Secondary Front and Side Yard Setbacks</i>	<i>Rear Yard Setbacks</i>
Awnings, arbors and canopies	5 feet	24 inches	5 feet
Balcony, landing, porch, stairway - If covered but unenclosed	5 feet	24 inches	5 feet
Bay window, or similar projecting feature - Not extending into foundation	24 inches	24 inches	24 inches
Chimney/fireplace/media-niche	24 inches	24 inches	24 inches
Cornice, eave, or roof overhang	24 inches	24 inches	24 inches

(Ord. #2014-03, § 2)

32-22.8 Maximum Building Height for a Primary Structure.

No single family dwelling or other structure permitted under this section may exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, whichever is less. Residential development within Town-

identified Scenic Hillside or Major Ridgeline areas shall comply with the additional height restrictions as outlined in Section 32-69.

(Ord. #2014-03, § 2)

32-22.9 Minimum Setbacks for Accessory Structures. *The following setback requirements apply to accessory structures allowed within the applicable zoning districts.*

a. *Yards - Accessory Structures.*

1. The primary front yard and secondary front yard setbacks requirements for the primary structure also apply to accessory structures.
2. The minimum side yard or rear yard setback for accessory structures shall be the same as the setbacks for the primary structure but may be reduced to five (5) feet if it is setback from the primary front yard proper line or secondary front yard property line is at least:

<i>Table 32-33.8</i>		
<i>Residential Zoning District</i>	<i>Minimum Setback from the Primary Front Yard Property Line for Reduced Side or Rear Yard Setback</i>	<i>Minimum Setback from the Secondary Front Yard Property Line for reduced Side or Rear Yard setback</i>
R-6, R-7, and R-10	50 feet	25
R-12, R-15, and R-20	65 feet	30
R-40, R-65, and R-100	75 feet	35

b. *Setback Standards for specific types of accessory structures.*

1. *Animal Structures/Aviaries.* Where permitted within the applicable zoning district, a chicken house, rabbit hutch, or similar accessory structure provided for the housing of animals, and aviaries for housing birds other than poultry, shall be set back not less than sixty (60) feet from the front property line or any street line, and shall be not less than forty (40) feet from any side or rear property line; a barn, stable or other building or structure used to shelter livestock shall be set back not less than one-hundred (100) feet from the front property line or any street line, and may not be less than fifty (50) feet from any side or rear property line; a fenced pasture, paddock or other enclosed livestock area may not be located nearer than ten (10) feet to any property line.

2. *Detached Structures, Detached Garages, Storage Sheds, and Cabanas.* If utilizing the reduced five (5) foot side and rear property line setback, the structure must meet the following requirements in consideration of impact to neighboring properties:

- (a) If the eave overhang is greater than six (6) inches in depth, the five (5) foot setback is measured from the exterior face of the eave, not the exterior wall.
- (b) If the eave overhang is six (6) inches or less in depth, the five (5) foot setback may be measured from the exterior wall.

3. *Portable Storage Sheds.* Portable storage sheds are exempt from structure setback requirements when placed in the rear yard area. The required minimum set back from the front and/or secondary front property lines must be maintained as defined for each District. Sheds, overhangs and sheltered areas shall not be created by utilizing a property line fence and such structures do not qualify as portable storage sheds.

4. *Decks.*

(a) Ground-level decks and platforms shall maintain five (5) foot side and rear yard setbacks.

(b) Elevated decks and platforms shall maintain the setback requirements of the applicable zoning district for the primary structure.

5. *Attached Arbors and Patio Shade Structure.*

(a) Arbors and patio shade structures that are attached to or abut the primary residence (within two (2) feet), are open on at least three (3) sides, and are constructed without a solid roofing material, shall maintain a minimum ten (10) foot side and rear yard setback, or the structure setback of the primary home, whichever is less.

(b) Arbors and patio shade structures that are attached to or abut the primary residence (within two (2) feet), have a solid roof material or are not open on at least three (3) sides shall meet the minimum required structure setbacks of the primary structure.

(c) Arbors and patio shade structures that are not attached to or abut the primary residence (within two (2) feet) shall maintain a minimum six (6) foot separation from the primary residence. Such structures shall comply with the setback and height requirements for accessory structures.

6. *Private antennas.* Private antennas shall be required to maintain the same minimum setback requirements as the primary structure on the lot.

7. *Windmills.* Windmills shall comply with accessory structure setback requirements but shall maintain a minimum ten (10) foot side and rear yard setback.

8. *Flag poles.* Flag poles shall maintain a minimum ten (10) foot front, side, and rear yard setback.

9. Batting cages shall not be allowed in the primary front yard or secondary front yard setback, and shall maintain a minimum ten (10) foot side and rear yard setback.

10. Basketball standards shall maintain a minimum ten (10) foot primary front, secondary front, side, and rear yard setback. Permanently affixed basketball standards are not allowed in the public right-of-way. Movable basketball standards are allowed in the public-right-of way only when being used for play, and when placed in a location that does not interfere with normal vehicular or pedestrian circulation or otherwise create a nuisance in the neighborhood.

11. *Other Accessory Structures Less than Six (6) Feet in Height.* Other accessory structures including pools, spas, and mechanical equipment which are less than six (6) feet in height shall maintain a minimum five (5) foot setback from the side and rear property lines. Examples of mechanical equipment include HVAC units, swimming pool pumps and filters, ventilation, cable television distribution boxes, transformers, and other utility equipment. This setback requirement does not apply to utilities installed underground within the public right-of-way, as may be approved by the Town.

(Ord. #2014-03, § 2)

32-22.10 Maximum Height for Accessory Structures.

Except as specified in this section, accessory structures shall have a maximum height of fifteen (15) feet. Additionally, no part of any accessory structure shall be greater than twelve (12) feet in height within ten (10) feet of a side or rear property line.

a. Maximum height standards for specific types of accessory structures.

1. *Play structures.* The maximum height of a play structure is limited to ten (10) feet, and no part of a play structure shall be greater than eight (8) feet in height within ten (10) feet of a side or rear property line.

2. *Private antennas, ground mounted.* The maximum height of a ground mounted private antenna shall be thirty-five (35) feet. Private antennas shall have a non-shiny finish.

3. *Flag poles.* Flag poles shall not exceed twenty-five (25) feet in height.

4. *Elevated deck or platform.* The horizontal plain of a deck or platform shall not exceed ten (10) feet in height, or exceed four (4) feet in height within ten (10) feet of a side or rear property line.

5. *Hot tub, spa.* The highest point of a hot tub or spa shall not exceed six (6) feet, or four (4) feet in height if within ten (10) feet of a side or rear property line.

6. *Portable storage shed.* The highest point of a portable storage shed shall have a building height no greater than eight (8) feet as measured at the highest pitch of the roof.

7. *Solar, ground mounted.* A ground mounted structure designed to hold solar panels shall not exceed eight (8) feet in height, or four (4) feet in height within ten (10) feet of a side or rear property line.

(Ord. #2014-03, § 2)

32-22.11 Fencing and Retaining Walls.

Fences and retaining walls do not qualify as accessory structures and are subject to their own setback and design criteria as follows:

a. *Front Yard Fences.* The height limit for fences or hedges located within the primary front yard setback area is three and one-half (3-1/2) feet, as measured at the existing grade of the location of fence placement. For corner lots, the height limit for fences within the site distance triangle shall be further limited as specified under Section 32-22.12.a. of this chapter.

b. *Secondary Front Yard Fence.* The height limit for secondary front yard fences is six (6) feet. Additionally, secondary front yard fences shall maintain a minimum setback of five (5) feet from the adjacent right-of-way or vehicular access easement, and landscaping shall be installed and maintained along the exterior face of the fence. The maximum height of a fence within five (5) feet of the edge of an adjacent right-of-way or vehicular access is three and one-half (3-1/2) feet. All fences must comply with the Visibility at Intersections for Corner Lots - site distance triangle requirements as defined in Section 32-22.12.a. of this chapter.

c. *Interior Side and Rear Yard Fence.* The height limit for side and rear yard shared property line fences which do not abut a public right-of-way or vehicular access easement is six (6) feet, but may be increased to seven (7) feet if the top one (1) foot is constructed with an open lattice. For shared property line fences which are placed on top, or within two (2) feet of the top of, a retaining wall, the height of the fence shall be determined by averaging the height of the two (2) sides of the fence, inclusive of the retaining wall. On the side in which the retaining wall is visible, the retaining wall shall not exceed three (3) feet and the fence shall not exceed four feet six inches (4'6"), for a total combined fence and retaining wall height that shall not exceed seven feet six inches (7'6").

d. *Fence and Retaining Walls Separations.*

1. The height limit for retaining walls is six (6) feet. The height of retaining walls within the front yard or secondary front yard setback area is restricted to three and one-half (3-1/2) feet. Retaining walls within primary or secondary front yard areas shall meet the standards for visibility at intersections for corner lots as defined in Section 32-22.12.a. of this chapter.

2. Retaining walls that are greater than three (3) feet in height shall maintain a minimum three (3) foot setback from side or rear property lines. For sloped areas where multiple retaining walls are proposed, the retaining walls shall maintain a minimum separation width equal to the height of tallest adjacent retaining wall. The ground area between the retaining walls may have a maximum slope of 3:1. Installation and maintenance of landscaping in the ground area between retaining walls is required for retaining walls of any height in which building permits are required.

3. Retaining walls required for structural or geotechnical reasons, or for public capital improvements, are exempt from the six (6) foot height restriction, subject to determination by the Town.

e. *Prohibited Fences.* Installation of the following types of fences and use of fences constructed with the following fencing material is prohibited unless specifically approved by the Planning Division for animal control, special security needs, or as required by city, state, or federal law or regulation.

1. Barbed wire, razor, or concertina wire;
2. Electrified fence;
3. Chain link fencing when visible from public areas and/or public rights-of-way; or

4. Temporary fencing such as plastic or wire mesh fencing, barricades, and/or panel-system fences, except to control access to construction sites, for use associated with Town-sponsored events, and/or in conjunction with operation of temporary Town-approved uses.

(Ord. #2014-03, § 2)

32-22.12 Additional Development Standards.

a. *P-1 Districts.* Setbacks established for properties zoned P-1; Planned Unit Development District prior to the Town's incorporation in 1982 are not changed by approval of this chapter. Where the Town has established specific setback or height limitations through a P-1; Planned Unit Development District, subdivision map, final development plan or other entitlement, setback restrictions established through such entitlement process shall apply to continuing or future development within the approved project. At the discretion of the Chief of Planning, proposals for exterior architectural modification or additions to any residential structure for which architecture was initially approved through public hearing may be subject to approval of a Development Plan application and, at the discretion of the Chief of Planning, may be referred to the Design Review Board and/or Planning Commission for review.

b. *Visibility at Intersections for Corner Lots.*

1. The maximum height of fences and vegetation shall be two and one-half (2-1/2) feet above the curb grade, or three (3) feet above the pavement surface at the outside edge of pavement adjoining the premises, within the sight distance triangle of corner lots.

2. An exception for vegetation in the site distance triangle is allowed for trees with limbs and canopies which maintain a seven (7) foot vertical clearance from the sidewalk or roadway.

c. *Creek Structure Setbacks.*

1. Major creek channels are defined as San Ramon Creek, Sycamore Creek, Green Valley Creek, East Branch of Alamo Creek, and the West Branch of Alamo Creek. For properties that abut major channels, all additions and/or new structures shall meet the creek current structure setback requirements as defined by Contra Costa County Flood Control and Water Conservation District or as determined by the City Engineer.

2. For properties that abut non-major channels, all additions and/or new structures shall meet the structure setback requirements as defined in Danville Municipal Code Chapter 31-29, as determined by the City Engineer.

3. All structures shall observe the minimum creek setback or the property line setback otherwise established under the applicable zoning district, whichever is greater.

d. *Breezeways.* For purposes of determining the maximum allowable height and minimum yard setbacks, a structure shall not be considered connected to, and part of, the primary residence by utilizing a breezeway unless: the breezeway is structurally integrated into the construction of both the primary residence and the second structure; the distance of the wall-to-wall separation between the two (2) structures connected by the breezeway does not exceed twelve (12) feet, and; the depth of the breezeway roof structure including eaves (front to back) is at least twelve (12) feet. A structure shall be restricted to the maximum height requirement applicable to an accessory structure if the breezeway does not meet all of

the above requirements. However, a structure attached to the primary residence in any manner shall comply with the setback standards applicable to the primary residence.

e. *Garage conversions.* The conversion of either the entire garage or any portion of the garage to living space or other residential use is allowed if:

1. The property meets the minimum on-site parking requirement as specified under Section 32-22.13.a. of this chapter;

2. The existing garage door is removed, and replaced with walls, windows, doors and other suitable materials;

3. The exterior of converted space uses the same exterior colors, materials and style of the existing structure; and

4. The curb is replaced, the driveway is removed and landscaping is installed so that the converted space no longer resembles a garage.

(Ord. #2014-03, § 2)

32-22.13 Off-Street Parking.

a. *Minimum Off-Street/On-Site Parking Requirement.* Each single family lot shall have a minimum of two (2) off-street parking spaces. The spaces shall be provided in an enclosed garage structure that meets the setback requirements of each district. The garage dimensions as measured from the face of the interior walls shall be at least twenty (20) feet wide and twenty-two (22) feet deep.

b. *Side-loaded garages.* Driveways serving side-loaded garages shall have a minimum width of twenty-four (24) feet and be served by a minimum five (5) foot depth back-out area located beyond the interior side wall of the garage to facilitate vehicle back-out maneuvers.

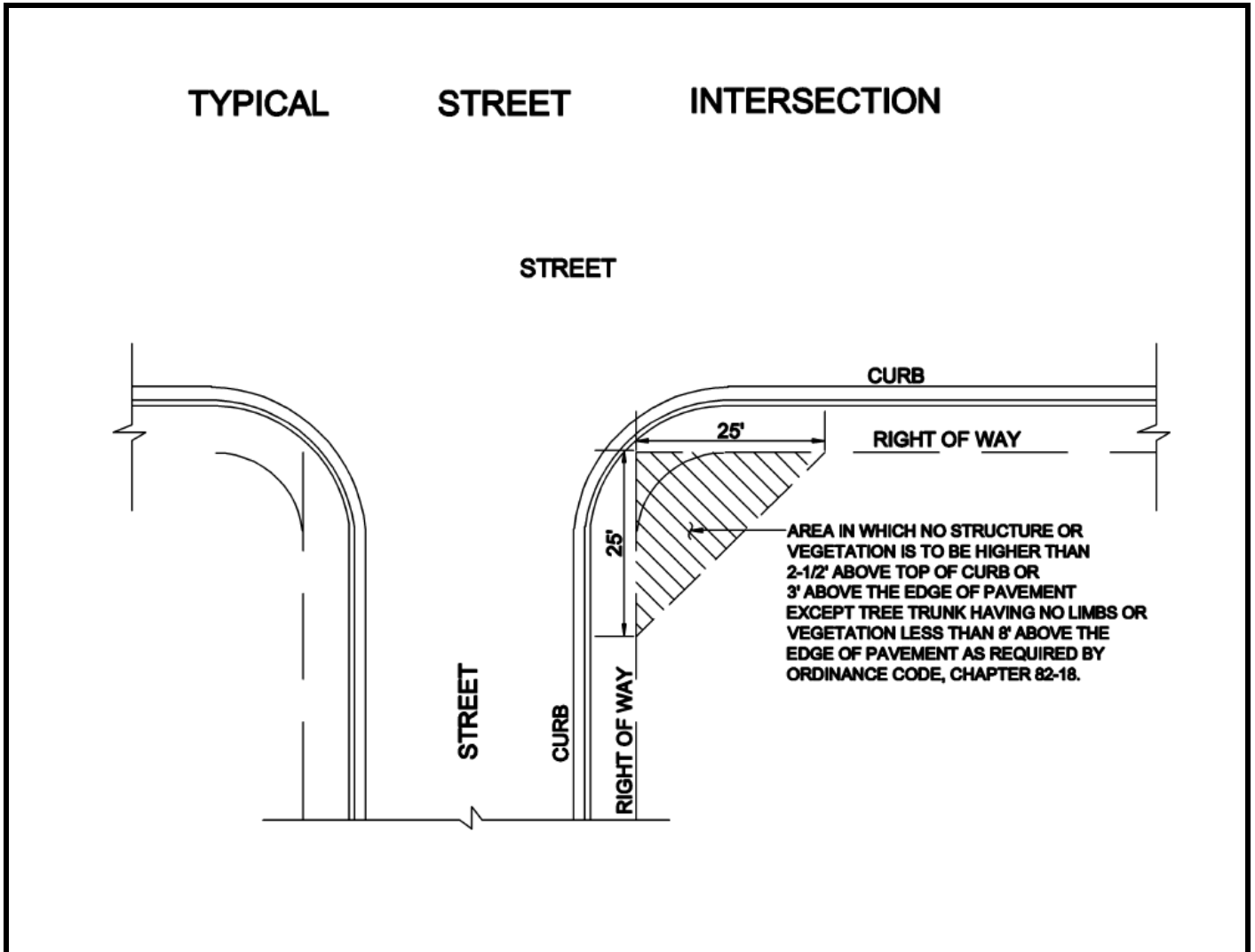
(Ord. #2014-03, § 2)

32-22.14 Granting of Land Use or Variance Permits.

Land Use Permits for the Conditional Uses listed in subsection 32-22.4 and Variance permits to modify the provisions in subsections 32-22.6 through 32-22.13, may be granted in accordance with Section 32-3 of the Danville Municipal Code.

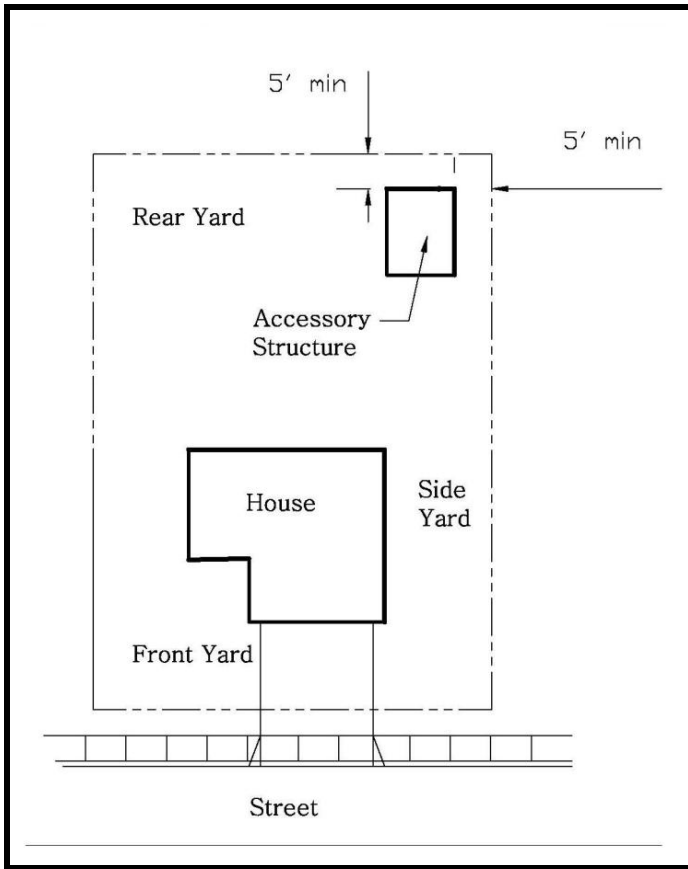
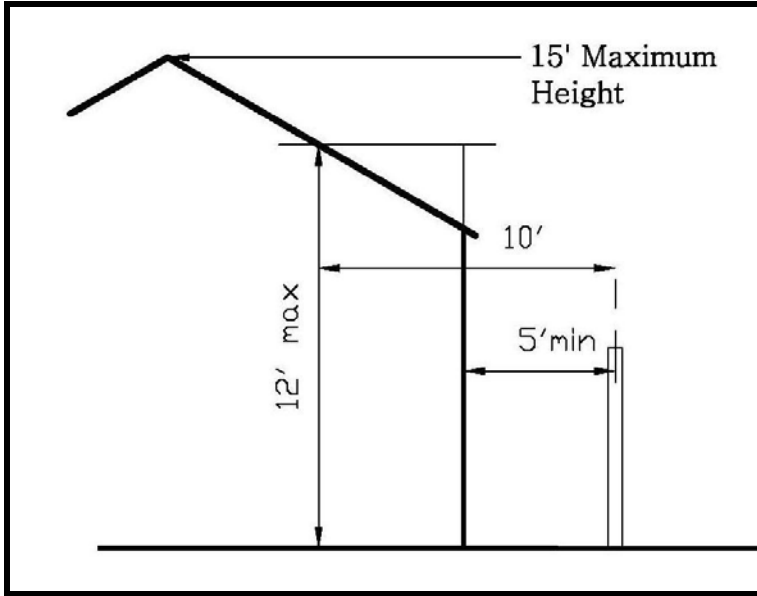
(Ord. #2014-03, § 2)

Determining visibility at intersections: For complete details, see Municipal Code Section 32-22.2



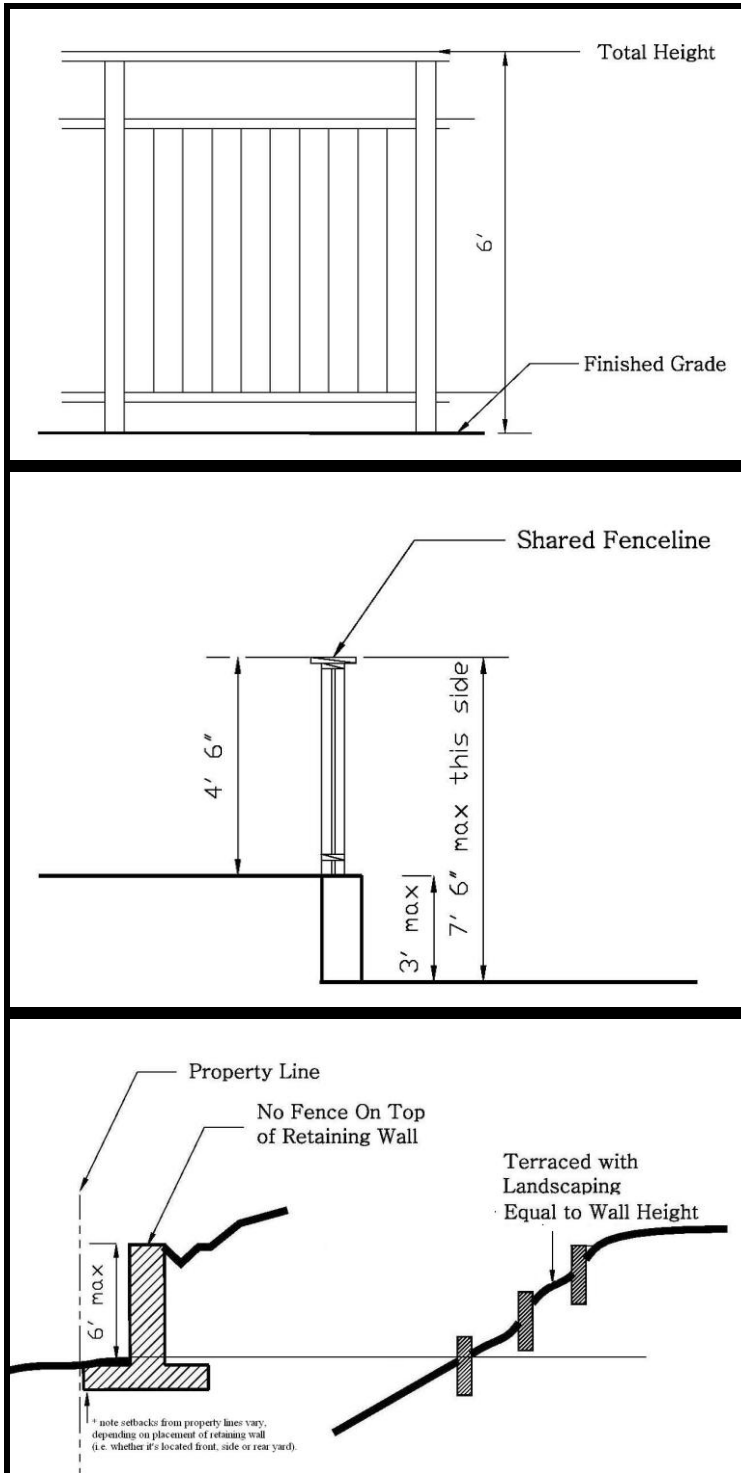
These graphics are for illustrative purposes only. For definitions and standards in its entirety, see Section 32-22 of the Danville Municipal Code, available at the Town's permit counter at 510 La Gonda Way or online at www.danville.ca.gov

Accessory Structures: For complete details, see Municipal Code Section 32-22.10



These graphics are for illustrative purposes only. For definitions and standards in its entirety, see Section 32-22 of the Danville Municipal Code, available at the Town's permit counter at 510 La Gonda Way or online at www.danville.ca.gov

Fences and retaining walls: For complete detail, see Municipal Code Section 32-22.11

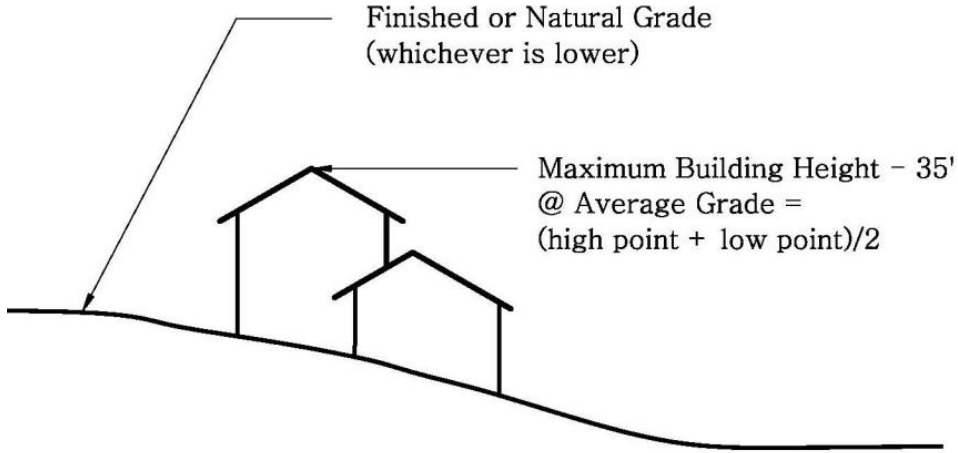


These graphics are for illustrative purposes only. For definitions and standards in its entirety, see Section 32-22 of the Danville Municipal Code, available at the Town's permit counter at 510 La Gonda Way or online at www.danville.ca.gov

Single Family Residential

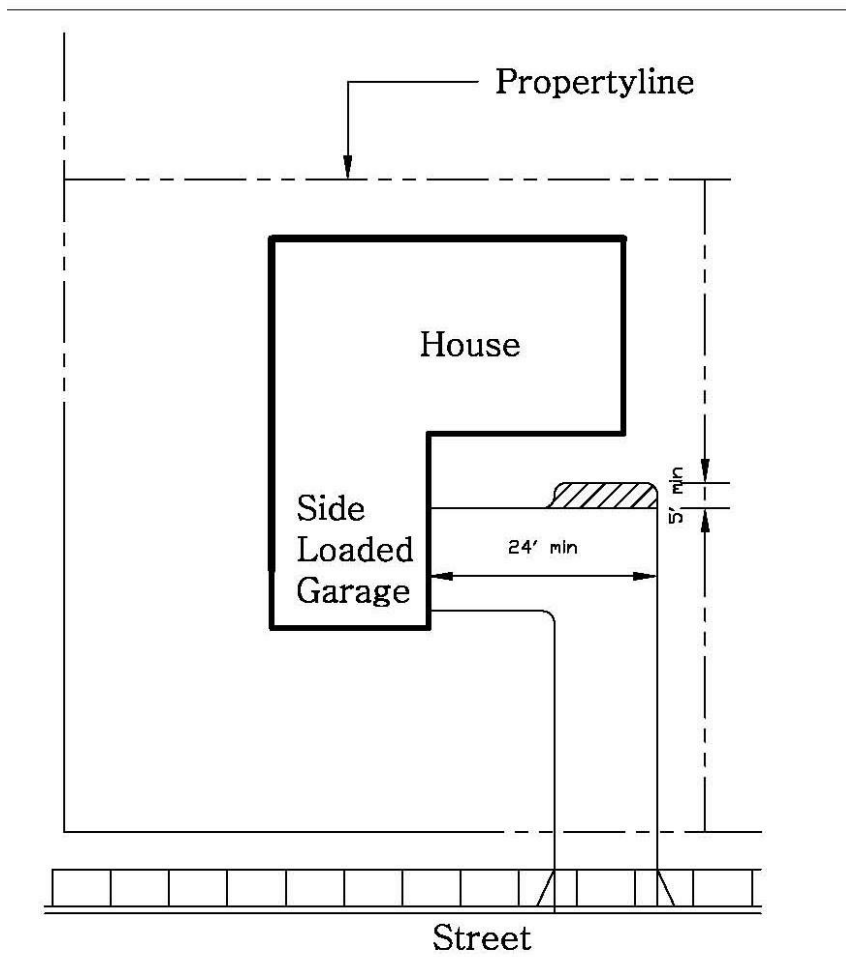
Determining height:

a. Lots outside of Scenic Hillside and Major Ridgeline (so-called “Flat lots”)



These graphics are for illustrative purposes only. For definitions and standards in its entirety, see Section 32-22 of the Danville Municipal Code, available at the Town’s permit counter at 510 La Gonda Way or online at www.danville.ca.gov

Side Loaded Garages:



These graphics are for illustrative purposes only. For definitions and standards in its entirety, see Section 32-22 of the Danville Municipal Code, available at the Town's permit counter at 510 La Gonda Way or online at www.danville.ca.gov