

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DAVIS REPEALING AND REPLACING
ARTICLE 40.15 OF THE MUNICIPAL CODE PERTAINING TO THE
MIXED USE (M-U) ZONING DISTRICT

THE CITY COUNCIL OF THE CITY OF DAVIS DOES HEREBY ORDAIN AS FOLLOWS:

Article 40.15

MIXED USE (M-U) DISTRICT

Sections:

- 40.15.010 Purposes.**
- 40.15.015 Mixed Use District Subareas.**
- 40.15.020 Applicability of the Downtown and Traditional Residential Neighborhood Overlay District.**
- 40.15.030 Permitted uses.**
- 40.15.040 Accessory uses.**
- 40.15.050 Conditional uses.**
- 40.15.060 Height regulations.**
- 40.15.070 Open space, lot area, yard and residential density.**
- 40.15.080 Lot coverage; floor area ratio requirements.**
- 40.15.090 Parking requirements.**
- 40.15.100 Residential use requirements.**

Section 40.15.010 Purposes.

The purposes of the mixed use (M-U) district are as follows: To implement the policies of the core area plan; to preserve the older architectural styles, and to encourage a harmonious intermingling of other structures; to provide for an increased variety and intermixture of residential and commercial activities; to enhance the tree-shaded ambience, the pedestrian usage and character of the district. (Ord. No. 924, § 4; Ord. No. 946, § 4.)

Section 40.15.015 Mixed Use District Subareas

(a) **Main Street Scale:** applies to parcels with frontage onto Second and Third Street between B and E Streets, Fifth, Fourth and Third Streets between the railroad tracks and the alley.

(b) **Residential Scale:** applies to inner parts of blocks facing north-south streets, between Second and Third Streets, and all parts of other blocks on the south side of Fifth Street where Main Street Scale is not designated and the block bound by East Eighth, G, and H Streets and Sweet Briar.

(c) **Old North G Street Transition Scale:** applies to parcels on the west side of G Street between Fifth and Seventh Streets.

Section 40.15.020.

Applicability of the Downtown and Traditional Residential Neighborhood Overlay District.

The requirements of the Downtown and Traditional Residential Neighborhood Overlay District as set forth in 40.13A shall apply to the Mixed Use (M-U) district. (Ord. No. 924, § 4; Ord. No. 946, § 4.)

(Ord. 2066, Amended, 08/01/2001)

Section 40.15.030 Permitted uses.

Permitted uses of land in the M-U district shall be as follows:

(a) Single family, duplex, multiple dwellings and residential infill.

(b) Cooperative housing, as defined in section 40.01.010.

(c) Retail stores, shops and business and professional offices supplying commodities or performing services such as those provided by department stores, specialty shops, personal and business service establishments, antique shops, artists' supply stores and similar uses.

(d) Restaurants, including outdoor eating areas and establishments. For the purpose of this district only, a restaurant is an eating establishment which serves food to customers primarily for consumption on the premises. It includes, but is not limited to, lunch counters, coffee shops, cafes, pizza parlors, soda fountains, fast-food and full-service dining establishments. It may provide alcoholic beverage sales for drinking on premises provided that such sales are ancillary to food service. Restaurants shall close by 11:00 P.M. on Sundays through Thursdays and midnight (12:00 A.M.) on Fridays and Saturdays.

(e) Business and technical schools, and schools and studios for photography, art, music and dance.

(f) Family and group day care homes as defined in section 40.26.270.

(g) Mixed uses, if the nonresidential use is consistent with sections 40.15.030(c) through (f).

(h) Group care homes with six or fewer clients, subject to the provisions of section 40.26.135. (Ord. No. 924, § 4; Ord. No. 946, § 4; Ord. No. 1198, § 1 (part); Ord. No. 1424, § 1, 2; Ord. No. 1737, § 16; Ord. No. 1787, § 22.)

(Ord. No.2126 Amended 05/28/2003; Ord. 1898, Amended, 04/09/1997; Ord. 1737, Amended, 03/09/1994)

(Manual, Amended, 03/11/2005; Ord. 2126, Amended, 05/28/2003)

Section 40.15.040 Accessory uses.

The following accessory uses are permitted in the M-U district:

(a) Home occupations and professional offices, subject to the provisions of sections 40.26.150.

(b) Signs, (1) commercial frontages as set forth in section 40.26.020; (2) noncommercial frontages as set forth in section 40.26.020(c).

(c) Other accessory uses and accessory buildings customarily appurtenant to a permitted use subject to the requirements of section 40.26.010.

(d) Secondary dwelling units meeting the requirements of section 40.26.450 (ministerial secondary units).

(Ord. No. 924, § 4; Ord. No. 946, § 4; Ord. No. 2126, § 5)
(2126, Amended, 03/11/2005)

Section 40.15.050 Conditional uses.

The following conditional uses may be permitted in the M-U district:

(a) Commercial recreation facilities such as recreation centers and health clubs.

(b) Theaters.

(c) Commercial or office uses in the Old North G Street Transition Scale subarea as put forth in subsections (c) through (f) of section 40.15.030 which are not located in mixed use buildings or mixed use infill structures.

(d) Nursery schools and day care centers subject to the provisions of section 40.26.270.

(e) Public and semipublic buildings and uses of a recreational, educational, religious or public service type, but not including corporation yards, storage or repair yards, warehouses and similar uses.

(f) Any other retail business, service establishment, or mixed use involving retail, service or commercial uses not listed in section 40.15.030(c) through (f) which the planning commission finds to be consistent with the purposes of this article and which will not impair the present or potential use of adjacent properties.

(g) Hotels, Inns and Bed and Breakfast establishments.

(h) Group care homes with more than six clients, subject to the provisions of section 40.26.135.

(i) Living groups, subject to the provisions of section 40.26.260.

(j) Restaurants in the Old North G Street Transition Scale subarea as defined in 40.15.030(c).

(k) Formula Fast Food in Main Street and Residential Scale subareas. Formula Fast Food prohibited in North G Street Scale subarea.

(Ord. No. 2113 Amended 04/23/2003; Ord. No. 924, § 4; Ord. No. 946, § 4; Ord. No. 1424, § 3; Ord. No. 1737, § 17; Ord. No. 1739, § 4; Ord. No. 1787, § 23; Ord. No. 1893 § 6, 7, 8.)

(Ord. 1898, Amended, 04/09/1997; Ord. 1739, Amended, 03/23/1994; Ord. 1737, Amended, 03/09/1994)

(Ord. 2113, Amended, 04/23/2003)

Section 40.15.060 Height regulations.

All buildings should be carefully designed to avoid appearance of excessive bulk. Development of parcels in the district shall incorporate the design principles found in the Downtown and Traditional Residential Neighborhoods Design Guidelines.

(a) **Main Street and Residential Scale.** Structures shall not exceed three stories in height.

(b) **Old North G Street Transition Scale.** Structures shall not exceed three stories and shall be no greater than 30 feet in height within 50 feet of the rear property line.

(Ord. No. 924, § 4; Ord. No. 946, § 4, Ord. No. 1893, § 9, 10)

Section 40.15.070 Open space, lot area, yard and residential density requirements.

(a) **Open space.**

(1) **Private Open Space. Main Street and Residential Scale.** Each studio or one bedroom unit, forty square feet. Each two bedroom unit, eighty square feet. Each three bedroom or larger unit, 10 percent of the gross floor area of such unit. For the purposes of this section, private open space shall be directly accessible from the unit and may be in the form of patios, decks, balconies or similar features.

(2) **Usable Open Space. Old North G Street Transition Scale.** For mixed or single use buildings, total usable open space shall equal twenty-five percent of gross residential floor area, and a portion of the twenty-five percent may be aboveground level, in form of decks or similar features.

(b) **Lot area.** No minimum lot size.

(1) **Main Street and Residential Scale.** Lot areas in excess of twenty-four thousand square feet shall require a conditional use permit.

(2) **Old North G Street Transition Scale.** Lot areas in excess of twelve thousand square feet shall require a conditional use permit.

(c) **Setbacks Main Street Scale.** Setbacks shall be the same as those in those shown for the Central Commercial (C-C) district.

(d) **Setbacks Residential Scale.**

(1) **Front yards.** Required front yards shall equal or exceed the average depth of the front

yard setbacks of the two nearest buildings on the same street frontage.

(2) **Side yards.** Required side yards shall be a minimum total of ten feet per lot. In addition to projections allowed under Section 40.27.060, architectural features characteristic of traditional structures in the district such as bay windows, covered stoops, and other architectural projections that break up the perceived building mass may project to within three feet of the property line but in no instance may be greater than three feet in depth.

(3) **Rear yards.** Required rear yards shall be a minimum of five feet. In addition to projections allowed under Section 40.27.060, architectural features characteristic of traditional structures in the district such as bay windows, covered stoops, and other architectural projections that break up the perceived building mass may project to within three feet of the property line but in no instance may be greater than three feet in depth.

(e) **Setbacks Old North G Street Transition Scale.**

(1) **Front yards.** Required front yards shall equal or exceed the average depth of the front yard setbacks of the two nearest buildings on the same street frontage.

(2) **Side yards.** Side yards shall be a minimum of five feet per side, except for projections allowed under Section 40.27.060.

(3) **Rear yards.** Required rear yards shall be a minimum of five feet per lot, except for projections allowed Section 40.27.060.

(Ord. No. 924, § 4; Ord. No. 946, § 4; Ord. No. 2223, § 1, Amended 09/13/2005)
 (2223, Amended, 04/18/2006)

Section 40.15.080 Lot coverage; floor area ratio requirements.

(a) **Lot coverage (Old North G Street Transition Scale).**

- (1) Mixed use and residential structures, fifty percent.
- (2) Commercial and office uses not combined with residential uses, forty-five percent.

(b) **Floor area ratio (FAR) shall be determined using the following chart:**

Base/Bonus FAR	Mixed use and residential structures	Commercial and office use structures not combined with residential uses
Base FAR	1.5	1.0
Buildings providing underground parking	bonus up to 0.5 FAR	bonus up to 0.5 FAR
Buildings providing plazas/outdoor gathering areas	bonus up to 0.2 FAR	bonus up to 0.2 FAR
Preservation of residential structure	bonus up to 0.5 FAR	bonus up to 0.5 FAR
Total permitted FAR, including bonuses	2.0	2.0

FAR in the M-U district not to exceed 2.0 with bonuses.

- (1) Mixed use and residential structures, one hundred fifty percent of the total lot area.

(c) **Floor area ratio bonuses.** Mixed use projects must comply with the residential use

requirements of Section 40.15.100 to be eligible for FAR bonuses under the mixed use and residential structures column. Total amount of floor area ratio bonus shall be determined through the design review process. (Ord. No. 924, § 4; Ord. No. 946, § 4, Ord. No. 1893, § 11, 12, 13, 14, 15, 16, 17, 18)

Section 40.15.090 Parking requirements.

(a) Off-street parking shall be required for all uses, subject to the requirements set forth in sections 40.25.010 to 40.25.120 and the requirements of this section. The requirements of this section shall prevail in case of conflict.

(b) The number of parking spaces required shall be as follows:

(1) Business and professional offices. One space per five hundred square feet.

(2) Restaurants. One space per six seats.

(3) All other commercial uses. One space per four hundred square feet.

(4) Dwellings. One parking space per efficiency unit or one or two bedroom unit; one and one-half parking spaces per three bedroom unit.

(5) All requirements in this subsection may be reduced if conditions set forth in subsections (c) and/or (d) are met. North G Street Scale must provide a minimum of one on-site parking space per residential unit.

(c) No off-street loading shall be required for any commercial use.

(d) In the case of conversion or preservation of older residential structures, parking requirements shall be reduced as follows: For each square foot at ground level of structure preserved, one square foot of parking eliminated.

(e) Parking may be reduced where necessary to preserve a Landmark Tree or tree of significance as defined by the city's Tree Preservation Ordinance. Total amount of parking reduction for tree preservation shall be determined through the design review process which includes the submittal of a tree preservation and monitoring plan approved by the City Arborist.

(f) **Main Street and Residential Scale.** Parking spaces may be provided through in-lieu-of payments, pursuant to section 40.25.060, or by participation in a parking district as provided in section 40.25.050.

(g) **Old North G Street Transition Scale.** In any case, where the requirements specified in Section 40.15.090 (a) and (b) cannot be satisfied, a conditional use permit shall be required for Planning Commission review. The Planning Commission may approve a conditional use permit to reduce parking requirements and/or provide for parking through in-lieu of payments, pursuant to section 40.25.060, upon making the following findings: that the use is compatible with the Old North neighborhood, that the design of the building as proposed is consistent with the Design Guidelines for the district, and that an adequate alternative parking plan has been provided to ensure that parking within the neighborhood will not be adversely impacted.

(h) **Bicycle parking.**

(1) The number and location of all bicycle parking spaces shall be in accordance with the community development director or his/her designee.

(2) Residential units are required to provide two bicycle spaces per bedroom.

Section 40.15.100 Residential use requirements.

The following minimum requirements shall be used in order to qualify for floor area ratio bonuses as a "mixed use" project under Article 40.15:

(a) One residential unit shall be required for a mixed-use project on a lot containing nine thousand square feet of area or less;

Two residential units shall be required for a mixed-use project on a lot containing from nine thousand one square feet to twelve thousand square feet of area;

Three residential units shall be required for a mixed-use projection a lot containing from twelve thousand one square feet to eighteen thousand square feet of area;

Four residential units shall be required for a mixed-use project on a lot containing from eighteen thousand one square feet to twenty-four thousand square feet of area;

Five residential units shall be required for a mixed-use project on a lot containing twenty-four thousand square feet of area or more.

(b) A residential unit may have a ground floor and upper floors such as in a townhouse design or be located in a structure that is accessory to the principal structure.

(c) In any case, where the requirements specified in section 40.15.100(a)--(d) cannot be satisfied, a conditional use permit shall be required for planning commission review. The planning commission may approve a conditional use permit to modify or eliminate any or all of these requirements upon a finding that the lot size, existing building size or configuration, or other size characteristics make the requirements impracticable to satisfy. (Ord. No. 1227, § 1.)

Section 40.15.110 Severability.

If any subsection, sentence, clause or phrase of this article is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article and Council hereby declares that it would have passed this article and adopted this article and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more section subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 2. Findings

A. The City Council of the City of Davis hereby finds that the public necessity and convenience and general welfare require the adoption of the amendments as set forth and that said amendments are consistent with the Davis General Plan and Core Area Specific Plan.

B. That Revised Negative Declaration #16-04 has been prepared and the City Council finds that the proposed ordinance amendments will not have a significant impact upon the environment.

SECTION 3.

This ordinance shall become effective on and after the thirtieth (30th) day following its adoption. INTRODUCED ON _____, and PASSED AND ADOPTED on _____, by the following vote:

AYES:
NOES:
ABSENT:

SUE GREENWALD, Mayor

ATTEST: Margaret Roberts, City Clerk