

EXHIBIT 2

PROPOSED CODE AMENDMENTS

The following language is shown in delete/add, ~~strike-through~~/double underline format.

Chapter 14.09.104 Overlay Districts – RUHD, Residential Urban High Density Overlay District Uses and Development Standards

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14.09.104.010 Purpose.

The RUHD-Residential Urban High Density Overlay district provides for the development of high density residential or mixed use development in the downtown area. The overlay applies to the Downtown Commercial areas and to those General Commercial areas shown on Figure 14.09.104-1, Residential Urban High Density Overlay. Freestanding townhouse, condominium, and apartment development, or attached multi-family development as part of a mixed use project, are allowed in separate buildings east of Wilson Street and Andrews Park between E. Monte Vista Avenue and Mason Street (refer to Figure 14.09.104-1), subject to the approval of a planned development or design review; as described in Sections [14.09.111.040](#) and [14.09.113.040](#). Freestanding multi-family structures shall not be allowed in the Main Street Vacaville Historic District.

This chapter establishes the permitted and conditional uses allowed in the RUHD overlay district, and also establishes development standards for uses in this district. The provisions of this chapter are established to achieve the following purposes:

- A. To provide for higher density residential development in the downtown area;
- B. To encourage innovative housing by providing the means to vary development standards;

C. To allow for a mix of uses to meet the diverse housing needs of the citizens of Vacaville;

D. To implement the goals, objectives, and policies of the Zoning Ordinance, the Development Code, and the Housing Element of the General Plan.

14.09.104.020 Applicability.

The RUHD district development standards are minimum requirements and shall not be construed to prevent the City Council, the Planning Commission, or the Director from imposing, as part of a project approval, specific conditions which may be more restrictive, in order to meet the intent of these regulations.

A. The standards established by this chapter apply to land development permits and approvals that are subject to the Zoning Ordinance and are applicable to new construction, to site improvements, and to the modification of existing structures. Such new construction or modifications shall be subject to the development standards contained in this chapter, unless otherwise specified in the applicable zoning district, or in Chapter 14.09.135, Non-Conforming Uses and Structures, of the Zoning Ordinance.

B. Any requirements or standards established by an adopted specific plan, policy plan, or a special standards overlay district, shall supersede the standards of the applicable zoning district and the provisions of this chapter.

C. These standards shall apply unless a deviation has been granted through a planned development, a variance, or an administrative clearance, in accordance with the provisions of this division.

D. All uses are also subject to the provisions of Chapters 14.09.127 through 14.09.139, Supplemental Standards, of this division, which includes, but is not limited to, Performance Standards, Off-Street Parking and Loading, Tree Preservation, Signs, Airport Land Use Compatibility, and Non-Conforming Uses and Structures. In addition, the provisions of Chapter 14.09.139, Additional Standards Applicable to all Zoning Districts, and the Water Efficient Landscape Requirements, of this Title shall apply.

E. The provisions of this chapter shall apply to any mixed use project and to any residential only project, unless otherwise specified.

F. The establishment of a RUHD overlay district shall be subject to the provisions of Chapter 14.09.071, Zoning Map Amendments, of this division. (Ord. 1598, §7, 1998)

14.09.104.030 Permitted Uses.

A. The following uses are permitted uses in the RUHD overlay district, and include the following:

1. Permitted uses and structures, and accessory uses and structures, allowed by the underlying zoning district;

2. Multi-family dwellings in a separate building from non-residential uses, subject to the approval of a planned development, except that freestanding multi-family dwellings shall only be permitted east of Wilson Street and Andrews Park between E. Monte Vista Avenue and Mason Street (refer to Figure 14.09.104-1):

a. Accessory uses to multi-family dwellings in accordance with Section [14.09.075.030](#).B of this division.

3. Mixed use projects of five or less units:

a. Accessory uses to the residential uses in accordance with Section [14.09.075.030](#).B of this division.

14.09.104.040 Conditional Uses.

A. The following conditional uses are allowed in the RUHD district upon the granting of a conditional use permit, in accordance with the provisions of Chapter 14.09.110 of this division, and include:

1. Conditional uses and structures, and accessory uses and structures allowed by the underlying zoning district;

2. Mixed use projects with more than five units where multi-family uses and non-residential uses are in the same building:

a. Accessory uses to the residential uses in accordance with Section [14.09.075.030](#).B of this division.

**TABLE 14.09.104.01
RUHD-RESIDENTIAL URBAN HIGH DENSITY MINIMUM DEVELOPMENT STANDARDS (These standards apply to permitted and conditional uses in the RUHD district. These are minimum standards. Greater standards may be required as a condition of project approval.)**

RUHD Overlay District	Density (units per acre)	Max. Floor Area Ratio (FAR) (See Note 1)	Min. Site Area (ft) (See Note 2)	Min. Yard Adjoining A Street (ft.) (See Note 3)	Min. Yard Not Adjoining A Street, (ft.)	Max. Building Height (ft.) (See Note 4)	Off-Street Parking (per dwelling unit) (See Note 5)
Mixed Use Project	Up to 36.0 (<u>up to 65.0 du/ac in Opportunity Hill & Depot St. areas</u>)	3.0 / 2.0	None	CD: none CG: 20	None	40	1
Residential Only Project	8.1 to 36.0 (<u>up to 65.0 du/ac in Opportunity Hill & Depot St. areas</u>)	—	10,000	CD: 10 CG: 20	10	40	1

(1) Maximum Floor Area Ratio. The Downtown area shall be subject to a maximum FAR of 3.0 for the area in the 1967 Downtown Parking Assessment District, as defined in

Chapter 14.09.128, Off-Street Parking and Loading, of this division. The FAR for the rest of the Downtown area may range up to 2.0. The Downtown area is generally identified as the area between Stevenson Street, Cernon Street, Monte Vista Avenue, and the former Southern Pacific Railroad track, including the Basic American Foods plant site.

- (2) Minimum Site Area. Lots which were in existence prior to the effective date of Ordinance No. 1708 (May 27, 2004) are developable subject to the requirements of this chapter. The minimum number of dwelling units per site is five for residential only projects. Projects may not be subdivided into individual units under separate ownership except through a condominium or other similar form of ownership which provides for common maintenance of the site and facilities.
- (3) Minimum Yard Adjoining a Street.
 - a. For Mixed Use Projects in the CD district, no minimum yard shall apply, except as follows:
 - i. A minimum yard of 10 feet shall be required when a front, side, or rear yard is on a site adjoining Mason Street, between Davis and McClellan Streets.
 - b. In the CG district, the minimum yard shall be 20 feet. The following exceptions shall apply to mixed use projects:
 - i. The decision-maker may approve a reduction of a required front yard adjoining a non-arterial street by no more than 5 feet, subject to the finding that the lesser setback would be compatible with the surrounding area and consisting with existing building setbacks in the surrounding area.
 - ii. The required yard shall be increased by 1 foot for every 2 feet of building height above 20 feet when adjoining a street.
 - c. For Residential Only Projects in the CD district, the minimum yard shall be 10 feet. In the CG district, the minimum yard shall be 20 feet.
- (4) Maximum Building Height. The maximum building height may be adjusted up to 70 feet through a planned development. Exceptions to building height: Towers, spires, cupolas, chimneys, penthouses, water tanks, flagpoles, monuments, scenery lofts, radio and television aerials, telecommunication equipment, light poles, transmission towers, fire towers, and similar structures and necessary mechanical appurtenances covering not more than 10 percent of the ground area covered by the structures may be erected to a height not more than 25 feet above the height limit prescribed by the regulations for the district in which the site is located. Electric utility poles and towers shall not be subject to the height limits prescribed in the district regulations.
- (5) Off-Street Parking. One covered parking space shall be provided per dwelling unit, except that no parking shall be required when the upper floor of an existing commercial building is converted to residential use.

14.09.104.130 Noise Attenuation.

The decision-maker, in reviewing a project within the RUHD overlay district, shall consider potential noise impacts to future residents from existing commercial uses. In the interest of these residents, the decision-maker, in coordination with the City's Building Official, shall be authorized to impose reasonable conditions on the development application. Such conditions may include requiring an increase in the State's Sound Transmission Control construction rating for noise (db) attenuation to a maximum of 110 db (the standard is 55 db).

14.09.104.140 Disclosure Statement.

The decision-maker, in reviewing a proposed project within the RUHD overlay district, shall be authorized to impose a condition on the applicant to provide a disclosure statement to future residents of the project informing them of potential noise occurrences in the area. This disclosure should include information about City-sponsored events in the Downtown, operating hours of nearby businesses, and truck delivery times to nearby businesses.

This amendment is to the Zoning Districts Established, Chapter 14.09.070 of the Code.

14.09.070.090.G.1 Zoning Districts Established.

G. Overlay Districts. An overlay district indicates the presence of special regulations, conditions, or limitations on land use which apply to an area, and establishes separate development standards. One or more overlay zones may apply to the underlying zoning district. Development must conform to the requirements of both the overlay and the underlying zoning district, although the overlay district standards may limit the types of permitted uses that are allowed within the underlying zoning district. In the event of an inconsistency between the two zones, the overlay zone standards supersede. An overlay district shall be noted on the zoning map, identified by the district initials, within a set of parentheses.

1. Residential Urban High Density (RUHD). This overlay to the Downtown Commercial and General Commercial districts in the downtown area allows for an intensive form of residential development to encourage a mix of uses. The density allowed is 20.1 to 36.0 units per gross developable acre, although the actual density may be less than the minimum in order to accommodate a mixed use project. The density on the Opportunity Hill/Depot Street (East Main District) sites shall have an allowable density of up to 65.0 units per gross developable acre. Townhouse, condominium, or apartment development or other attached multi-family development would be allowed as separate buildings or in commercial and mixed use buildings in this district.

This amendment is to Chapter 14.09.103.020, Overlay Districts Established of the Code.

14.09.103.020 Overlay Districts Established.

Chapter 14.09.070, Zoning Administration, establishes the overlay districts within this Title.

A. These districts include the following:

1. RUHD – Residential Urban High Density Overlay District

This amendment is to Chapter 14.09.087.050, Special District Provisions of the Code.

14.09.087.050 Special District Provisions.

The following special district provisions shall apply to uses within the CG district:

A. Overlay Districts. The RUHD-Residential Urban High Density overlay may be applied to the CG district in the downtown area. The RO-Residential overlay may be applied to the CG district in other areas. The SS-Special Standards overlay may be applied to any CG district.