

Chapter 19.07

RESIDENTIAL ZONES

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Division 1. Permitted Uses and Development Standards

19.07.010 Intent and purpose.

A. Three residential zones are established to provide residents with a comfortable, healthy, safe, and pleasant living environment. These zones should be separated from incompatible and disruptive activities that may conflict with this purpose. The various zones are designed to accommodate specific types of living situations, such as single-family and multifamily housing, in sufficient supply to serve the needs of the city's residents.

1. Low Density Residential Zone (R-1). The purpose of the R-1 zone is to provide areas for the development of detached and attached single-family dwellings that incorporate private outdoor open spaces into individual living environments. The zone is intended to protect and stabilize desirable characteristics of single-family residential areas, such as minimum lot sizes and separation from incompatible land uses.

2. Medium Density Residential Zone (R-2). The purpose of the R-2 residential zone is to provide an environment suitable for both single-family and duplex units. The intent is to promote desirable characteristics for medium-density living and to stabilize existing medium-density areas. Lots in the R-2 zone may accommodate one or two single-family detached units or duplex units.

3. High Density Residential Zone (R-3). The purpose of the R-3 zone is to provide opportunities for persons to live in medium- or high-density residential developments. Lots in this zone provide common open space areas and similar amenities. The R-3 zone is primarily intended to accommodate apartments and other multi-family dwellings, although single-family and duplex residences are also permitted. (Ord. 544 §1(part), 2000).

19.07.020 Use regulations.

A. Table 19.07.020A identifies the uses permitted in the R-1, R-2, and R-3 zones. Residential uses represent the primary permitted use, and only those additional uses that are complementary to, and can exist in harmony with, the residential character of each zone may be allowed as conditionally permitted, accessory, and temporary uses, as indicated in Table 19.07.020A.

B. Certain permitted uses and conditionally permitted uses may be subject to special conditions regarding the location, operation, or design of the use. Such uses are marked in Table 19.07.020A with an asterisk (*), and the special conditions that apply are contained in Chapter 19.31 (Standards for Specific Land Uses) of this Title 19.

C. When a use is not specifically listed, the community development director shall have the authority to determine what use the proposed use is most similar to and whether such proposed use is permitted within the context of existing regulations.

Table 19.07.020A
Permitted and Conditional Uses—Residential Zones

Use	R-1	R-2	R-3
Accessory Buildings	A	A	A
Balconies, with restrictions (see Table 19.07.040A)	A	A	A
Child Care Large Family	C*	C*	C*
Child Care Center	X	C*	C*
Clubs, Private and Fraternities/Sororities	X	X	C
Community Care Facilities	X	X	C
Dwelling, Duplex	X	P	P
Dwelling, Multifamily	X	X	P
Dwelling, Single-Family	P	P	P
Greenhouses	A	A	A
Home Occupations (see Chapter 19.39, Div. 12)	A*	A*	A*
Lodging Houses	X	X	C
Mobile Homes	P	P	P
Mobile Home Parks	X	X	X
Nursing Homes/Rest Homes	X	X	C
Parking Lots, associated with nonresidential use	X	X	C
Pets, Household (up to 3 adult dogs/cats)	A	A	A
Pets, Household, other than dog/cat	C	C	C

Key: P = Permitted Use
 C = Conditional Use Permit Required
 (See Chapter 19.39, Division 7)

A = Permitted as an Accessory Use
 X = Prohibited Use
 * = Special use conditions and/or development standards apply

Notes: (a) See Section 19.07.090 for applicable regulations.

Use	R-1	R-2	R-3
Public or Quasi-public Uses of Educational/ Recreational Nature	C	C	C
Public or Quasi-public Uses of Religious, Cultural, Public Service Nature	C	C	C
Second Dwelling Units ("Granny Flats") (a)	C	X	X
Swimming Pools, Private	A	A	A

Key: P = Permitted Use
 C = Conditional Use Permit Required (See Chapter 19.39, Division 7)
 A = Permitted as an Accessory Use
 X = Prohibited Use
 * = Special use conditions and/or development standards apply

Notes: (a) See Section 19.07.090 for applicable regulations.

(Ord. 544 §1(part), 2000).

19.07.030 Development standards.

Table 19.07.030A identifies the development standards applicable to all development in the R-1, R-2, and R-3 zones.

Development Standard	R-1	R-2	R-3
1. Maximum Density (a)	0 - 8.70 dus/acre	8.71 - 14.52 dus/acre	21.78 dus/acre (b)
2. Minimum Lot Area	4,000 sf	5,000 sf/duplex unit 3,000 sf/unit for 2 single-family units	2,000 sf/unit and not less than 7,500 sf
3. Minimum Dwelling Unit Size	950 sf	850 sf	1-bdrm: 700 sf 2-bdrm: 850 sf 3-bdrm: 1,000 sf 4+-bdrm: 1,150 sf
4. Maximum Building Height	25 ft., two-story maximum	25 ft., two-story maximum	35 ft., or three-story, whichever is less
5. Distance Between Buildings (Minimum)	Dwelling to accessory building - 5 ft. Dwelling to dwelling - 10 ft.	Dwelling to accessory building - 5 ft. Dwelling to dwelling - 10 ft.	Dwelling to dwelling - 20 ft. Increase of 5 ft. for every 10 ft. of height, or fraction thereof, above 25 ft.
6. Front Yard Setback (Minimum)	20 ft. from front property line	20 ft. from front property line	15 ft. from front property line
7. Front Yard Setback - Through Lot (Minimum)	Through lot must maintain front yards along both abutting streets	Through lot must maintain front yards along both abutting streets	N/A

Abbreviations: du(s) = dwelling unit(s); sf = square feet; ft. = feet; bdrm = bedroom; N/A = Not Applicable;

Notes: (a) A density bonus of at least 25 percent may be granted in accordance with Chapter 19.07, Division 3 (Density Bonuses).

(b) Rounding up may allow for greater density per acre.

Development Standard	R-1	R-2	R-3
8. Front Yard Setback - Key Lot (Minimum)	Key lot front yard same as that required for front yard of adjoining interior lot, but not less than 15 ft.	Key lot front yard same as that required for front yard of adjoining interior lot, but not less than 15 ft.	Key lot front yard same as that required for front yard of adjoining interior lot, but not less than 15 ft.
9. Side Yard Setback	10% of average width of lot on each side 3 ft. - min. allowed 5 ft. - max. required	10% of average width of lot on each side 3 ft. - min. allowed 5 ft. - max. required	5 ft. each side
10. Side Yard Setback - Corner Lot (Minimum)	Same as adjoining front yard, but not less than 10 ft.	Same as adjoining front yard, but not less than 10 ft.	10 ft. where lot abuts a street
11. Side Yard Setback - Reverse Corner Lot (Side Yard Adjoining Street) (Minimum)	Not less than required front yard for adjoining interior lot	Not less than required front yard for adjoining interior lot	Not less than required front yard for adjoining interior lot
12. Side Yard Setback - If Lot Abuts a Highway (Minimum)	Average width of adjacent yards	Average width of adjacent yards	No restriction
13. Rear Yard Setback (Minimum)	15 ft.	15 ft.	15 ft.
14. Minimum Distance of Garage from Street	20 ft.	20 ft.	20 ft.

Abbreviations: du(s) = dwelling unit(s); sf = square feet; ft. = feet; bdrm = bedroom; N/A = Not Applicable;

Notes: (a) A density bonus of at least 25 percent may be granted in accordance with Chapter 19.07, Division 3 (Density Bonuses).

(b) Rounding up may allow for greater density per acre.

(Ord. 544 §1(part), 2000).

19.07.040 Permitted projections.

Architectural and structural features on a building or structure are permitted to project into required setback areas as set forth in Table 19.07.040A, but in all cases shall be at least three feet from any property line.

**Table 7-3
Permitted Projections into Required Setback Areas—Residential Zones**

Feature	R-1	R-2	R-3
Eaves, cornices, other architectural features	2 ft. maximum	2 ft. maximum	2 ft. maximum
Fireplace structures, 8 ft. wide or less	2 ft. maximum	2 ft. maximum	2 ft. maximum
Stairways, fire escapes	Side Yard: No case closer than 3 ft. To the adjacent property line Rear yard: No closer than 5 ft. to rear property line	Side Yard: No case closer than 3 ft. To the adjacent property line Rear yard: No closer than 5 ft. to rear property line	Side Yard: No case closer than 3 ft. To the adjacent property line Rear yard: No closer than 5 ft. to rear property line
Uncovered porches at first floor level	6 ft. into front yard	6 ft. into front yard	6 ft. into front yard
Balconies	3 ft. maximum No balconies or sundecks allowed in the required rear yard setback	3 ft. maximum	3 ft. maximum
Planting boxes, planters(a)	3 ½ ft. maximum height	3 ½ ft. maximum height	3 ½ ft. maximum height
Guard railings around ramps	3 ½ ft. maximum height	3 ½ ft. maximum height	3 ½ ft. maximum height

(a) No such projections are permitted on any lot within recorded Tract No. 37889, also known as the "Village."

(Ord. 544 §1(part), 2000).

19.07.050 Fences, hedges, and walls.

A. In any required front yard, except lots included within recorded Tract No. 37889, fences, hedges, and walls shall not exceed three and one-half feet in height, or six feet in height if the fence is made of decorative wrought iron.

B. On all lots within recorded Tract No. 37889, known as the "Village," no front yard fencing shall be permitted within the twenty-foot front yard setback area.

C. In any required side or rear yard, or at the rear of the front yard setback, fences, hedges and walls shall not exceed six feet in height.

D. The maximum height for any fence, hedge, or wall adjacent to a freeway right-of-way is ten feet. (Ord. 544 §1(part), 2000).

19.07.060 Accessory structures.

The following standards shall apply to all accessory buildings and structures in a residential zone:

A. Accessory Building in Side Yard.

1. An accessory building or structure is allowed along the side property line not abutting a street if:
 - a. The accessory building is located fifty feet or more from the front property line for R-1 and R-2 properties, and seventy feet or more from the front property line for R-3 properties;
 - b. There is no opening along the property line;
 - c. One-hour fire resistance construction is provided on all sides of the building or structure; and
 - d. All roof drainage is accommodated on the property on which the building or structure is placed.

Otherwise, the minimum side yard requirements set forth in subsection (A)(2) of this section shall apply.

2. Minimum side yard requirements for an accessory building or structure along the side property line abutting a public street:

- a. R-1 and R-2 Zones. An accessory building located fifty feet or more from the front property line shall require a minimum side yard setback of three feet; otherwise, the side yard setback shall be the same as required for the main building.

- b. R-3 Zone. An accessory building located seventy feet or more from the front property line shall require a minimum side yard setback of three feet; otherwise, the side yard setback shall be the same as required for the main building.

3. An accessory building with direct alley access must be located a minimum of twenty-six feet from the opposite side of the alley.

B. Accessory Building in Rear Yard.

1. An accessory building is permitted along the rear property line if:

- a. There is no opening along the property line;
 - b. One-hour fire resistance construction is provided on all sides of the building or structure; and
 - c. All roof drainage is accommodated on the property on which the building or structure is placed.
- Otherwise, a minimum rear yard setback of three feet is required.

2. An accessory building with direct auto access from the alley must be located a minimum of twenty-six feet from the opposite side of the alley.

3. On a reverse corner lot, the accessory building must have a minimum setback of five feet from the rear property line, which is also the side property line of an adjoining property. (Ord. 544 §1(part), 2000).

19.07.070 Restrictions on vehicle parking.

A. No motorized vehicle, either operable or inoperable, shall be permitted to be parked within any front yard area other than on a paved driveway leading directly to a garage or other approved vehicle parking area.

B. No vehicle with a gross vehicular weight of ten thousand pounds or greater shall be parked on any portion of a lot within a residential zone. This restriction shall not apply to delivery, service, or similar vehicles providing temporary service. (Ord. 544 §1(part), 2000).

19.07.080 Driveway restrictions.

A driveway in a front yard in any residential zone shall be no more than twenty feet in width. In the case where a driveway or other access leads directly to three covered side-by-side parking spaces, the driveway width shall not exceed thirty feet. (Ord. 544 §1(part), 2000).

19.07.090 Second units.

Second dwelling units are also known as dependent housing or granny flats. Conditional use permit approval pursuant to Chapter 19.39, Division 7 of this Title 19 is required for second dwelling units. In acting to approve a conditional use permit for a second dwelling unit, the planning commission shall impose the following conditions:

- A. The second unit shall be attached to and located within the living area of the existing unit or shall be a detached unit located on the same lot.
 - B. The second unit shall not be for sale.
 - C. The street address shall have the suffix "S".
 - D. All construction shall conform to the height, setback, lot coverage, parking, and other requirements for residential construction in the R-1 zone.
 - E. If the entrance is separate from the existing unit, it shall not be visible from the street.
 - F. There shall be no more than one second unit on a lot.
 - G. Either the primary unit or the second unit shall be occupied by the property owner.
 - H. Any increase in the floor area of an attached second unit shall not exceed thirty percent of the existing living area of that unit.
 - I. The total area of floor space for a detached second unit shall not exceed one thousand two hundred square feet.
- Two enclosed parking spaces for the second dwelling unit shall be provided in addition to any parking required for the primary unit.
- K. The second dwelling unit shall comply with all applicable building, health and safety, and other city codes and ordinances.
 - L. Certification of compliance shall be obtained annually subject to an inspection of the unit and with fees charged according to the city's fee schedule. (Ord. 544 §1(part), 2000).

19.07.100 Reserved.

19.07.110 Other applicable regulations.

In addition to the requirements contained in this Chapter 19.07, regulations contained in the following chapters of this Title 19 shall apply to development in residential zones:

- Chapter 19.01: General Provisions
 - Chapter 19.15: Planned Development Overlay Zone
 - Chapter 19.19: Site Planning and General Development Standards
 - Chapter 19.21: Off-Street Parking and Loading
 - Chapter 19.23: Landscaping Standards
 - Chapter 19.25: Signs
 - Chapter 19.31: Standards for Specific Land Uses
 - Chapter 19.37: Nonconforming Uses and Structures
- Title 8 (Animals) of the city of Commerce Municipal Code
(Ord. 544 §1(part), 2000).

Division 2. Community Care Facilities

19.07.120 Intent, purpose, and applicability.

A. **Intent and Purpose.** The city recognizes the need of all persons to have equal access to housing and to live in an environment that facilitates the development of healthy individuals, families, and community. The city also recognizes the need to preserve the character of its residential neighborhoods and to ensure that all uses within those neighborhoods contribute to the overall health and safety of the neighborhoods. Therefore, the city establishes these regulations for nontraditional residential facilities that are permitted in the R-3 zone subject to conditional use permit review and approval.

B. **Applicability.** These regulations shall apply to all community care facilities housing more than six unrelated persons living together. A community care facility or group home which serves six or fewer residents shall be considered a residential use of property and shall not be subject to these regulations. (Ord. 544 §1(part), 2000).

19.07.130 Use regulations.

A. As indicated in Table 19.07.020A, community care facilities are permitted in the R-3 zone, subject to conditional use permit review and approval. The planning commission may use the following grounds to deny a conditional use permit:

1. Approval of the proposed facility would result in an overconcentration of such facilities within the neighborhood where the facility is to be operated. For the purposes of this Title 19, "overconcentration" shall mean that one or more similar approved uses is located within three hundred feet of the proposed facility; or
2. The proposed facility is located within one mile of an elementary school and a person who has been convicted of a sex offense against a minor, pursuant to Section 1564 of the Health and Safety Code, resides in the facility and such residence will continue after the permit is granted; or
3. Such use cannot be sufficiently conditioned to make it compatible with surrounding uses.

B. Any violation of Section 1564 of the Health and Safety Code shall be cause for revocation of the conditional use permit. (Ord. 544 §1(part), 2000).

19.07.140 Reserved.

Division 3. Density Bonuses

19.07.150 Intent and purpose.

This Division 3 is established pursuant to the provisions of Section 65915 et seq., of the California Government Code to encourage the development of affordable rental and for-sale housing. (Ord. 544 §1(part), 2000).

19.07.160 Minimum requirements.

A. Developers of residential projects containing five or more units may be eligible to receive a twenty-five percent density bonus if:

1. Twenty percent or more of the units are set aside for, and affordable to, households with very low and low incomes.
2. Ten percent or more of the units are set aside for, and affordable to, households with very low incomes.
3. Fifty percent or more of the units are set aside for qualifying residents as defined in Section 51.2 of the Civil Code.

B. Projects qualifying for a density bonus also are eligible for at least one additional regulatory concession or incentive resulting in identifiable cost reduction, or other incentive of equivalent financial value based upon the land cost per dwelling unit. (Ord. 544 §1(part), 2000).

19.07.170 Affordability controls.

A. "Affordable housing payment for a for-sale housing unit" shall mean a monthly payment that does not exceed thirty percent of the low or very low income household's gross monthly income. Payment includes principal and interest on any mortgage, taxes, insurance, and association dues.

B. "Affordable housing payment for a for-rent housing unit" shall mean:

1. For those units targeted for households of low incomes, a monthly rental payment that does not exceed thirty percent of sixty percent of the area median family income.

2. For those units targeted for households of very low income, a monthly rental payment that does not exceed thirty percent of fifty percent of the area median family income.

C. A developer shall agree to ensure continued affordability of all lower income density bonus units for thirty years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

D. If an additional concession or incentive is not granted by the city, the developer shall agree to ensure continued affordability for ten years of all lower income density bonus units. (Ord. 544 §1(part), 2000).