

SEC. 10-1.200 SINGLE-FAMILY RESIDENTIAL DISTRICT (RS)

Sections:

- Section 10-1.205 Purpose.
- Section 10-1.210 Subdistricts.
- Section 10-1.215 Uses Permitted.
- Section 10-1.220 Conditionally Permitted Uses.
- Section 10-1.225 Lot Requirements.
- Section 10-1.230 Yard Requirements.
- Section 10-1.235 Height Limit.
- Section 10-1.240 Site Plan Review Required.
- Section 10-1.245 Design and Performance Standards.

SEC. 10-1.205 PURPOSE.

The RS District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to promote and encourage a suitable environment for family life where children are members of many families. The RS District is to be used only for single-family homes and the community services appurtenant thereto as permitted by this Zoning Ordinance.

SEC. 10-1.210 SUBDISTRICTS.

Any combining B District (See Sec. 10-1.2400).

SEC. 10-1.215 USES PERMITTED.

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the RS District as primary uses.
 - (1) **Residential Uses.**
 - (a) Single-family dwelling.
 - (b) Group home (6 or fewer residents, excluding staff). (See definitions)
 - (2) **Other Uses.**
 - (a) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
 - (b) Public agency facilities. (See definitions)

b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the primary uses permitted in the RS District:

(1) **Residential Uses.**

- (a) Attached second dwelling unit. (Also referred to as a “Granny or in-law unit.” See Section 10-1.245n., for criteria)
- (b) Second single-family dwelling. (Where one single-family dwelling already exists on a lot, one additional single-family dwelling may be constructed provided the minimum development standards (lot size, setbacks, height, etc., can be met for each dwelling).

(2) **Other Uses.**

- (a) Accessory buildings and uses. (See Section 10-1.245a. & b.)
- (b) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735.d.)
- (c) Home Occupation. (See definitions)
- (d) Household pets.

SEC. 10-1.220 CONDITIONALLY PERMITTED USES.

a. **Administrative Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the RS District subject to approval of an administrative use permit:

(1) **Residential Uses.**

None.

(2) **Other Uses.**

- (a) Ambulance service.
- (b) Cultural facilities.
- (c) Day care center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions)
- (d) Educational facility.
- (e) Home Occupation, expanded. (See definitions)
- (f) Hospital, convalescent home.
- (g) Livestock.
- (h) Parking lot.
- (i) Recreational facility.
- (j) Religious facility.
- (k) Wind energy conversion system.

b. **Conditional Uses.** The following uses, or uses determined to be similar by Planning Director, are conditional uses permitted in the RS District subject to the approval of a conditional use permit:

- (1) Residential Uses.
Large group home. (7 or more residents, excluding staff.)
- (2) Other Uses.
 - (a) Cultural facility.
 - (b) Golf course, country club.

SEC. 10-1.225 LOT REQUIREMENTS

- a. Minimum Lot Size.
 - (1) Interior Lot: 5,000 square feet.
 - (2) Corner Lot: 5,914 square feet.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Flag Lot Frontage.
 - (1) One-Flag Lot: 22 feet.
 - (2) Two-Flag Lots: 28 feet.

(Note: Except on hillsides where shared driveways are preferable, flag lots should generally be avoided where other lot designs are possible and they should not be used solely to increase the maximum number of lots. See General Regulations Section 10-1.2720.b., City Standard Detail #SD-109 and Design Guidelines for additional flag lot criteria)
- d. Minimum Average Lot Width.
 - (1) Interior Lot: 50 feet.
 - (2) Corner Lot: 60 feet (excluding radius for street return).
- e. Maximum Lot Coverage : 40 percent.
- f. Maximum Rear Yard Coverage: 40 percent.
(Cumulative coverage of the required rear yard area for accessory structure(s) plus one-story home addition).
- g. Minimum Average Lot Depth: 80 feet.
- h. Special Lot Requirements and Exceptions: See General Regulations Section 10-1.2720.

SEC. 10-1.230 YARD REQUIREMENTS.

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Yard: 5 feet, or 10 percent of the lot width at the front setback line whichever is greater up to a maximum of 10 feet.

- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: 20 feet.
(Exception: Reduction of the required rear yard to 10 feet is permitted for one-story additions attached to the rear of a single-family dwelling, provided the required rear yard area is not reduced by more than 20 percent)
- e. Special Yard Requirements and Exceptions: See General Regulations Section 10-1.2725.

SEC. 10-1.235 HEIGHT LIMIT.

- a. Maximum Building Height: 30 feet.
- b. Maximum Accessory Building Height: 14 feet and one story.
(See General Regulations Section 10.2735.e. for height exceptions allowed for livestock barns)
- c. Maximum Height for Fences/hedges/walls.
 - (1) Front and Side Street Yard: 4 feet.
 - (2) Side and Rear Yard: 6 feet.
(See Section 10-1.245f for additional standards)
- d. Special Height Requirements and Exceptions: See General Regulations Section 10-1.2730.

SEC. 10-1.240 SITE PLAN REVIEW REQUIRED.

Site Plan Review approval shall be required before issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area, or may be incompatible with City policies, standards, and guidelines. This may include fences, such as anodized gray chain link fences, which are visible to the public.

SEC. 10-1.245 MINIMUM DESIGN AND PERFORMANCE STANDARDS.

The City recognizes that high-quality design of residential structures can contribute to a positive appearance of neighborhoods and improve the overall character and general welfare of neighborhoods. This Section establishes design and performance standards that shall apply to the construction of new single-family dwellings, additions to existing dwellings, and accessory buildings and uses

Single-family dwelling

Refer to the design criteria contained in the City of Hayward Design Guidelines, the Hillside Design and Urban/Wildland Interface Guidelines, applicable Neighborhood Plans, and the following specific criteria and standards indicated below.

Non-Residential development

For commercial buildings and uses, including but not limited to cultural, educational, religious or recreational facilities, refer to the criteria and standards contained in the CN District, Section 10-1.800.

a. **Accessory Buildings, Detached.**

Detached accessory buildings, including but not limited to carports, garages, greenhouses, patio covers, sheds, etc., shall meet the following criteria:

- (1) Shall not exceed one story or 14 feet in height (except livestock barns. See Section 10-1.2735.e(5)).
- (2) Shall use exterior building materials and colors which either match or are compatible with the primary building, with the exception of premanufactured structure less than 120 square feet in area. Special design consideration should be given to structures visible from a public street.
- (3) Shall not be located in a required front yard or side street yard.
- (4) Shall not be located in front of the primary building, with the exception of detached carports or garages.
- (5) Accessory buildings less than 120 square feet in area and less than 14 feet in height may be setback a minimum of 3 feet from a side and rear property line, measured from the closest point of the structure (i.e. edge of roof eave or wall).
- (6) Accessory buildings exceeding 120 square feet in area shall be setback a minimum of 5 feet from a side and rear property line.
- (7) Shall be setback a minimum of 6 feet from the primary building and any other accessory building (measured from the wall, foundation or support post of both structures).
- (8) The area of all accessory buildings, either individually or cumulatively, shall not exceed 50 percent of the ground floor area of the primary building.
- (9) Accessory buildings and single-story home additions shall not cumulatively exceed 40% coverage of a required rear yard.
- (10) Accessory buildings may include a bathroom but may not include a kitchen or sleeping quarters.

b. **Additions and Accessory Structures Attached to Primary Building.**

- (1) Additions and accessory structures attached to the primary building shall meet all the development standards required of the primary building, including the City of Hayward Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines.
- (2) At the time that cumulative additions to a single-family dwelling increase the original building floor area by more than 50 percent or increase the number of sleeping rooms, the dwelling shall be required to provide all required off-street parking (per Section 10-2.200(d) of the Off-Street Parking Regulations).

c. **Antennas and Satellite Dishes and Telecommunications Devices.**

Refer to Chapter 10, Article 13 of the Hayward Municipal Code, the Antenna and Telecommunications Facilities Ordinance for regulations of antennas, satellite dishes and telecommunications devices.

d. **Architectural Projections into Yards.**

- (1) Architectural features such as bay windows, fireplace chimneys, cornices, eaves, open or covered porches and entries, may extend 2 feet into any required side yard and 5 feet into any required front or rear yard.
- (2) Uncovered first floor landing places and outside open stairways may project 3 feet into any required yard, provided they do not exceed 6 feet in height (excluding railings) above ground level.
- (3) Second or third floor landing places and outside open stairways may project 3 feet into a required side or rear yard, but no closer than 5 feet to a side property line.
- (4) Balconies shall conform to the minimum yard setback requirements of the primary structure.
- (5) First floor entertainment center/bookshelf projections may extend 2 feet into a required side or rear yard when combined with a fireplace chimney, provided the combined width does not exceed 10 feet.

e. **Decks and Ramps.**

- (1) Decks and ramps 12 inches or less in height and ramps required for persons with physical disabilities may be located in any required yard area.
- (2) Decks and ramps between 12 to 30 inches in height may be located in any rear or side yard but no closer than 3 feet to the rear or side property line.

- (3) Decks 30 inches or more in height shall conform to the minimum yard setback requirements of the primary building.
- (4) Decks located in hillside areas shall conform to the Hillside Design and Urban/Wildland Interface Guidelines.
- (5) Ramps for persons with physical disabilities providing access to single-family dwellings shall be constructed in a side yard where possible. If constructed in the front yard shall be decorative, and materials used shall match the home as much as possible. Landscape screening shall be provided along the sides of the ramp.

f. **Fences, Hedges and Walls.**

- (1) Fences, hedges, and walls shall be limited to a height of 4 feet in any portion of a front or side street yard, and to a height of 6 feet in any side or rear yard.
- (2) Where the rear or side yard is contiguous to commercially or industrially developed or zoned land, freeway, flood control channels, arterial streets, parking lots, or similar use, a maximum 8-foot-high fence or wall may be permitted by the Planning Director.
- (3) On through lots, fences, hedges and walls shall be limited to a height of 4 feet in any portion of the front yards unless the Planning Director determines that up to a height of 6 feet, in the designated rear yard, would not compromise the safety of motorists and pedestrians nor the aesthetic value of the streetscape.
- (4) Where a lot is situated at the intersection of two or more streets, fences, hedges and walls shall not be erected, placed, planted, or allowed to grow in such a manner as to obstruct intersection visibility, as contained in Ordinance No. 100 C.S., as amended, Hayward Traffic Code, Sections 9.01 through 9.05, relating to Obstructions to Visibility at Intersections Prohibited, as the same are now in effect or which may hereafter be amended or replaced.
- (5) The use of anodized gray chain-link fencing which is visible to the public is discouraged; barb or razor wire or similar fences is prohibited.

g. **Grading.**

All grading and storm drainage shall follow the grading, storm drainage and terrain design standards of the City of Hayward Subdivision Ordinance, Design Guidelines and Hillside Design and Urban/ Wildland Interface Guidelines.

h. **Group homes, large.**

A large group home shall not be located within 500 feet of the boundaries of a parcel containing another group home, unless a conditional use permit is issued on the basis that

waiver of such separation requirement would not be materially detrimental or injurious to the property, improvements or uses in the immediate vicinity.

i. **Landscaping.**

For all new single-family dwellings the following landscaping shall be provided:

- (1) A minimum of one 15-gallon-size or larger street tree, species to be approved by the Planning Director, shall be planted within the required front yard and side street yard of each lot.
- (2) For a lot with more than 50 feet of frontage, or with a side street yard more than 50 feet, one street tree shall be planted for every 50 feet or fraction thereof of frontage.
- (3) Where trees have been removed pursuant to provisions of the Tree Preservation Ordinance (Chapter 10, Article 15 of the Hayward Municipal Code), the Planning Director or other approving authority may require replacement trees exceeding 15 gallons in size.
- (4) For subdivisions with 5 or more lots, or for subdivisions with less than 5 lots where site conditions warrant (such as graded hillside slopes), all front and side street yards shall be landscaped. Landscape and irrigation plans shall be approved by the Planning Director prior to issuance of building permits.

j. **Manufactured Housing.**

Please refer to Section 10-1.2735.f. for Manufactured Housing regulations.

k. **Parking, Driveways and Paving.**

Parking, driveways and paving for a single-family dwelling(s) shall be provided in accordance with the City of Hayward Off-Street Parking Regulations, Standard Details, and the following criteria:

- (1) **Parking Spaces Required.**
 - (a) A minimum of two parking spaces per single-family dwelling shall be provided within an enclosed garage.
 - (b) A lot abutting a public or private street that has no parking lane on either side of the street or where a street is posted for no parking on both sides of the street shall provide four parking spaces outside the required front yard area; of which two spaces must be covered and two may be uncovered. As an alternative, a three-car garage may be used to fulfill this requirement if the driveway providing access to the garage can accommodate three vehicles.
 - (c) Parking spaces shall not be located within the required front yard or side street yard setback or within 5 feet of any side or rear yard property line.

(2) Parking Space Dimensions.

- (a) The minimum dimensions for covered parking spaces within a garage shall be 20 feet wide by 19 feet deep for two side-by-side spaces, 11 feet wide by 19 feet long for one space, and 11 feet wide by 38 feet long for two tandem spaces. Parking space areas shall be unobstructed by stairs, utilities, posts, etc.
- (b) The minimum garage door width shall be 16 feet for a two-car garage and 8 feet for a one-car garage.
- (c) A one-car garage which is either less than 9 feet wide or 19 feet deep shall be considered nonconforming, and may be eligible to be converted to habitable living area without having to provide replacement parking.
- (d) Covered parking spaces shall provide a minimum unobstructed vertical clearance of 7 feet, with the exception of garage door openings which shall provide a minimum unobstructed vertical clearance of 6 feet 6 inches.

(3) Driveways and Paving.

- (a) Driveway widths in front of two-car garages or carports shall not exceed 20 feet nor be less than 16 feet wide and driveway widths providing access to three-car garages shall not exceed 26 feet. Driveways shall not be less than 20 feet long.
- (b) Driveways providing access to required parking located in a side yard or rear yard shall be setback a minimum of 3 feet from a side property line and 2 feet from the primary building.
- (c) Parking surfaces and driveways 40 feet or less in length shall be paved with Class B Portland Cement concrete (per SD-109), or other comparable decorative surface, such as bricks, Bomanite, or paving stones. Subject to approval of the Planning Director, driveways exceeding 40 feet in length may be paved with asphaltic concrete.
- (d) The combined driveway and paving surface area in the front yard shall not exceed a maximum of 50 percent of the required front yard area, unless otherwise approved by the Planning Director.
- (e) For lots 70 or more feet in width, the Planning Director may approve a greater driveway width if the Planning Director determines the design of the driveway is aesthetically pleasing and compatible with the lot terrain and adjacent development, and will not create a pedestrian or vehicular hazard.
- (f) For single-family homes, a curved driveway (“Hollywood driveway”) is permitted on lots that are 100 feet or more in width, and where item #(d) above is met.
- (g) For access to a recreational vehicle storage area adjacent to a dwelling, a maximum 10-foot wide driveway may be located on the opposite side of the lot from the garage, and outside the required side yard.

(4) Driveway Turnaround Requirement.

Lots that front on a major or secondary arterial and/or where driveways exceed 80-feet in length shall provide a sufficient paved driveway turnaround to allow vehicles to exit property in a forward direction, unless waived by the Planning Director or other approving authority.

- (5) Emergency Vehicle Turn-Around Requirement.
Where the farthest point of a structure(s) is located 150 feet or more from the point of street access, a turn-around area shall be provided which will accommodate the turning around of fire protection vehicles, unless otherwise approved by the Fire Prevention Bureau. (For further details or alternative design considerations contact the Fire Prevention Bureau.)
- (6) Private Street Criteria.
Refer to Section 10-1.2735.h. for design criteria.

1. **Parking, Storage, Display, and Vehicle Repair Requirements.**

- (1) Parking and Storage in Front Yards.
Vehicles shall be parked in the required front yard only on the paved driveway that provides direct access to the garage from a public street or an approved private street, perpendicular to the street, or on a curved driveway.
- (2) Parking or Storage in Other Than Front Yards.
Parking or storage of vehicles in areas other than the front yard is permitted subject to the following requirements:
 - (a) No vehicle shall be parked or stored in a required side yard with the following exceptions: recreational vehicles that are not self-propelled, and are less than 6 feet in height, such as a boat, compact trailer tent or similar recreational vehicle can be stored in a required side yard if screened from view from the street by a 6 foot high solid fence.
 - (b) Parking or vehicle storage areas shall be paved with asphaltic or Portland Cement concrete and conform to City standards. A secondary driveway which provides access to a recreational vehicle storage area may be constructed with concrete, “grasscrete”, asphalt, or rock or concrete wheel tracks.
 - (c) Open parking or vehicle storage areas located on lots less than 10,000 square feet in area shall not exceed 500 square feet in area or 700 square feet for lots 10,000 feet or larger, excluding driveways.
 - (d) Open parking areas, garages or carports shall be located no less than 5 feet from the side or rear property line and shall conform to all other requirements of the Zoning Ordinance and Building Code.
- (3) Display and Sale of Motor Vehicles.
Display for sale of one motor vehicle, boat, trailer, motorhome, or other vehicle is permitted as an accessory residential use, provided said vehicle is registered to a person who currently resides on the property.
- (4) Vehicle and Boat Repair.
It shall be unlawful and a public nuisance for any person to engage in, or any property owner to allow to occur, vehicle or boat repair in any residential zone:

- (a) Upon any vehicle which is not registered to a current occupant of the premises where the work is being performed.
- (b) Upon more than two vehicles at one time on the same premises or by the same person.
- (c) Outside a fully enclosed structure for uses defined as major automobile repair as defined in this Ordinance.
- (d) Home repair may be performed outside a fully enclosed structure where elapsed time between the beginning and end of the repair does not exceed forty-eight (48) hours.
- (e) Vehicle painting, other than spot painting, shall not be permitted in residential zones.

m. **Retaining Walls.**

- (1) Retaining walls which are not a part of walls of buildings shall not exceed 6 feet in height as measured from finished grade elevation to top of wall.
- (2) A maximum of two successive, approximately parallel retaining walls is permitted when they are separated by a minimum horizontal distance of 6 feet as measured between centerline of the walls.
- (3) Any additional successive walls shall require a minimum of 15 feet separation provided the required grading is in conformance with City standards and guidelines.
- (4) The sides of exposed exterior retaining walls shall be architecturally treated as approved by the Planning Director.
- (5) The Planning Director may administratively alter or waive any wall requirement, if, in the Planning Director's opinion, no practical alternative exists, the purpose of the regulation will not be compromised, and no detrimental impact will result.

n. **Second Dwelling Unit, Attached ("Granny or in-law unit").**

An attached second dwelling unit ("Granny or in-law unit") may be constructed in accordance with the following standards:

- (1) An attached second dwelling unit may only be added to an existing detached single-family dwelling on a parcel containing no other dwellings, and which has at least two covered parking spaces, with at least one common wall between the attached second dwelling unit and the living or garage area of the existing dwelling.
- (2) An attached second dwelling unit shall contain no more than one bedroom, shall be a minimum of 400 square feet in area and shall not exceed 640 square feet in area. No additional covered parking shall be provided.

- (3) Any separate entry constructed for an attached second dwelling unit shall be located only in the side, side-street (if approved by the Planning Director) or rear yard.
- (4) An attached second dwelling unit shall be counted as part of the primary building coverage requirements and also shall conform to all required lot, yard, and height requirements.
- (5) An attached second dwelling unit shall not be sold separately from the primary dwelling, but it may be rented.
- (6) An attached second dwelling unit shall only be approved where the owner of the existing dwelling has applied for the building permit and where same owner resides in the primary dwelling at the time of application and occupancy of the attached second dwelling.
- (7) Unless exempted, as determined by the Building Official, the primary or existing dwelling and the attached second dwelling unit shall conform to all applicable City code requirements; for example, building, fire, plumbing, electrical. A Certificate of Occupancy shall have been obtained for both units prior to occupancy of the attached second dwelling.
- (8) An attached second dwelling unit shall not be located within the garage area or a converted garage area of the existing dwelling unless adequate substitute 2-car garage parking is provided outside required front, side, and side street yards.
- (9) The exterior design of the attached second dwelling unit shall appear to constitute an integral part of the primary dwelling and not a separate dwelling unit.

o. **Signs.**

- (1) One name plate and one address sign not exceeding 2 square feet in area shall be permitted for each single-family dwelling. Signs shall be of a design in harmony with the environment, shall not constitute excessive visual impact, and shall not be hazardous to vehicular traffic.
- (2) Garage/yard sale signs shall be permitted in accordance with the Hayward Sign Ordinance.
- (3) No sign(s) shall be permitted which identifies a home occupation business within a dwelling unit.

p. **Swimming Pools, Hot Tubs and Spas.**

May be located in any yard other than the required front or side street yard, provided that no wall line of a swimming pool, hot tub or spa shall be closer than 5 feet from any building, nor closer than 5 feet from any property line.

Section 10-1.200 amended by Ord. 13-12, adopted November 19, 2013.