

ORDINANCE NO. 12-95

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ORANGE AMENDING TITLE 17
OF THE ORANGE MUNICIPAL CODE**

WHEREAS, the City staff has been has been working for a number of years to develop a comprehensive update of Title 17 ("the Zoning Ordinance") of the Orange Municipal Code; and

WHEREAS, on April 4, 1994, the Planning Commission, after numerous reviews of the proposed document, voted to recommend to the City Council, approval of the comprehensive update of Title 17.

WHEREAS, on April 11, 1995, the City Council held a public hearing to consider adoption of the comprehensive update of Title 17 and on May 9, 1995 held a second public hearing to consider the matter of floor area ratios.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORANGE
DOES ORDAIN AS FOLLOWS:**

SECTION I:

Title 17 of the Orange Municipal Code is hereby repealed.

SECTION II:

Title 17, the text of which is attached hereto and hereby incorporated by reference, is added to the Orange Municipal Code.

SECTION III:

This Ordinance shall become effective on September 1, 1995.

SECTION IV:

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. A summary of this Ordinance shall also be published once within fifteen (15) days after this Ordinance's passage in a newspaper of general circulation, published, and circulated in the City of Orange. The City Clerk shall post in the Office of the City Clerk a certified copy of the full text of such adopted Ordinance along with the names of those City Council members voting for and against the Ordinance in accordance with Government Code Section 36933. This Ordinance shall take effect on September 1, 1995.

ADOPTED this 11th day of July, 1995.


Mayor of the City of Orange

ATTEST:

MARILYN J. JENSEN
City Clerk of the City of Orange

By: 
Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF ORANGE)

I, MARILYN JENSEN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the 27th day of June, 1995, and thereafter at the regular meeting of said City Council duly held on the 11th day of July, 1995, was duly passed and adopted by the following vote, to wit:

AYES:	COUNCILMEMBERS:	MURPHY, BARRERA, MAYOR COONTZ, SPURGEON, SLATER
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
ABSTAIN:	COUNCILMEMBERS:	NONE

MARILYN J. JENSEN
City Clerk of the City of Orange

By: 
Deputy City Clerk

SSH:dh.....Ord.. No. **12-95**

ORANGE MUNICIPAL CODE

17.02--17.02.030

CHAPTER 17.02

GENERAL PROVISIONS

Sections:

- 17.02.010 Purpose and Intent
- 17.02.020 Compliance Required
- 17.02.030 Enforcement--Legal Procedures--Penalty
- 17.02.040 Sale of Copies of Plans

17.02.010 Purpose and Intent. In interpreting and applying the provisions of this Title, they shall be held to be the minimum requirement for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this Title to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Title imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger space than is imposed or required by other ordinances, rules or regulations or by easements, covenants or agreements, the provisions of this Title shall govern. (Ord. 12-95: Prior Code 9116)

17.02.020 Compliance Required. All officers and employees of the City authorized or required by law to issue permits, licenses or other evidences of authority for the erection or locating of any building, structure or installation within the meaning of this Title shall issue no such permit, license or evidence contrary to the provisions of this Title. Any permit, license or evidence issued in conflict with the provisions of this Title shall be null and void. (Ords. 12-95; 14-65: Prior Code 9113.45)

17.02.030 Enforcement--Legal Procedures--Penalty.

- A. It shall be the duty of the Chief Building Official to enforce the provisions of this Title pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure.
- B. It shall be the duty of the Police Department of the City and all officers of the City otherwise charged with the enforcement of the law, to enforce this Title and all the provisions of the same.

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- C. Any building set up, erected, built, moved or maintained, or any use of property contrary to the provisions of this Title, or contrary to any variance or contrary to any condition attached to such variance or conditional use permit is unlawful and a public nuisance, and the City Attorney shall, upon order of the Council, immediately commence proceedings for the abatement, removal and enjoinder thereof in the manner provided by law.
(Ords. 12-95; 14-65: Prior Code 9113.45)

17.02.040 Sale of Copies of Plans. Copies of maps, charts, plans and other descriptive matter regarding the Zoning Code and map as made and provided for in this Title may be sold by the Planning Division of the City at a charge determined by the Planning Division, and all moneys received therefrom shall be paid into the City Treasury, provided, however, that any fee charged shall be consistent with the requirements of law.
(Ords. 12-95; 20-82: Prior Code 9124)

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17.04--17.04.010

CHAPTER 17.04

DEFINITIONS

Sections:

17.04.010	Construction
17.04.020	"A" Words, Terms, and Phrases.
17.04.021	"B" Words, Terms, and Phrases.
17.04.022	"C" Words, Terms, and Phrases.
17.04.023	"D" Words, Terms, and Phrases.
17.04.024	"E" Words, Terms, and Phrases.
17.04.025	"F" Words, Terms, and Phrases.
17.04.026	"G" Words, Terms, and Phrases.
17.04.027	"H" Words, Terms, and Phrases.
17.04.028	"I" Words, Terms, and Phrases.
17.04.029	"J" Words, Terms, and Phrases.
17.04.030	"K" Words, Terms, and Phrases.
17.04.031	"L" Words, Terms, and Phrases.
17.04.032	"M" Words, Terms, and Phrases.
17.04.033	"N" Words, Terms, and Phrases.
17.04.034	"O" Words, Terms, and Phrases.
17.04.035	"P" Words, Terms, and Phrases.
17.04.036	"Q" Words, Terms, and Phrases.
17.04.037	"R" Words, Terms, and Phrases.
17.04.038	"S" Words, Terms, and Phrases.
17.04.039	"T" Words, Terms, and Phrases.
17.04.040	"U" Words, Terms, and Phrases.
17.04.041	"V" Words, Terms, and Phrases.
17.04.042	"W" Words, Terms, and Phrases.
17.04.043	"X" Words, Terms, and Phrases.
17.04.044	"Y" Words, Terms, and Phrases.
17.04.045	"Z" Words, Terms, and Phrases.

17.04.010 Construction. For the purposes of carrying out the intent of this Chapter, the following words, phrases, and terms shall have the meaning ascribed to them in this Section.

- A. The word "City" shall mean the City of Orange.
- B. The word "Council" shall mean the City of Orange Council, the governing body of the City.
- C. The word "Commission" shall mean the City of Orange Planning Commission.
- D. The word "County" shall mean the County of Orange.
- E. The word "State" shall mean the State of California.

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- F. The words "Zoning Code" or "Code" refer to Title 17 Zoning, of the Municipal Code of the City of Orange.
- G. The word "shall" is mandatory and not discretionary. The word "may" is permissive and discretionary.
- H. References in the masculine and feminine genders are interchangeable.
- I. Unless the context clearly indicates to the contrary, words in the present and the future tense are interchangeable, and words in the singular and plural are interchangeable.
- J. Unless the context clearly indicates to the contrary, the following conjunctions shall be interpreted as follows:
 - 1. "And" indicates that all connected items or provisions shall apply.
 - 2. "Or" indicates that the connected items or provisions may apply singularly or in any combination.
 - 3. "Either...or" indicates that the connected items or provisions shall apply singularly but not in combination.
- K. The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, occupied, or intended to be utilized.
- L. Unless the context clearly indicates to the contrary, other words and phrases shall be construed as set forth in this chapter. (Ords. 12-95; 400: Prior Code 9100.1)

17.04.020 "A" Definitions

ABANDONED - The cessation of the use of a property by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property. (Ord. 12-95)

ABUTTING LAND - A parcel of land having a common boundary with another parcel of land except that parcels having no common boundary other than a common corner shall be considered abutting. (Ord. 12-95)

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ACCESSORY LIVING QUARTERS - Living quarters within an accessory building for the sole use of persons employed on the premises or for use by relatives or guests of the occupants of the premises, having no kitchen or cooking facilities and not rented nor otherwise used as a separate dwelling. (Ord. 12-95)

ACCESSORY SECOND HOUSING UNIT - An attached or detached permanent residential unit which provides complete independent living facilities for one or more persons on the same lot upon which an existing single-family dwelling is situated. For purposes of this definition, "independent living facility" shall mean an individual unit consisting of living, sleeping, eating, cooking and sanitation facilities with plumbing and electrical connections attached to an on-site system. Such unit shall contain a maximum floor area of 640 square feet. (Ord. 12-95)

ACCESSORY STRUCTURE - A building attached to or detached from the principal building on the same lot and customarily incidental and subordinate to the principal building. An accessory building shall not include habitable space unless the accessory building conforms to the same setback requirements for a principal building within the zone in which the accessory building is located. An accessory building shall not contain facilities for fully independent living. (Ord. 12-95; 20-82; 400: Prior Code 9100.3)

ACCESSORY USE - A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. (Ord. 12-95; 20-82; 400: Prior Code 9100.3)

ACREAGE, GROSS - The total land area within a defined boundary. Gross acreage measurements are made to the centerline of abutting local streets or to right-of-way boundary of adjacent arterials. (Ord. 12-95)

ACREAGE, NET - That portion of gross acreage exclusive of all public lands and rights-of-way. (Ord. 12-95)

ADDITION - Any construction that is attached to an existing building and which increases the size of a building or facility in terms of site coverage, height, length, width, or gross floor area. (Ord. 12-95)

ADMINISTRATIVE ADJUSTMENT PERMIT - A special permit which will allow minor adjustments to certain requirements set forth in the Zoning Ordinance, or as more particularly described in Section 17.10.050 when it can be shown that strict compliance would be impractical or undesirable in meeting the purpose and intent of

the ordinance and that the adjustment will not have an adverse effect on the adjoining properties. An Administrative Adjustment Permit is granted at the discretion of the Zoning Administrator, subject to limitations set forth in the Zoning Ordinance and is not the automatic right of any applicant. (Ords. 12-95; 35-70: Prior Code 9130.4(c))

ADULT ENTERPRISE - An adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult theater, drug paraphernalia store, massage parlor, sexual encounter establishment, or any establishment restricting admission to persons over 18 years of age. Adult enterprise does not include establishments where the only adult use is the sale of alcoholic beverages and/or tobacco. The following definitions shall apply to various adult enterprises:

- A. **Adult Arcade.** An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
- B. **Adult Bookstore.** An establishment which sells or offers for sale instruments, devices or paraphernalia which are intended or designed for sale in connection with "specified sexual activities," or which has a substantial portion of its stock-in-trade and offers for sale for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
- C. **Adult Cabaret.** A nightclub, bar, restaurant or similar establishment which features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction of "specified sexual activities" or "specified anatomical areas."
- D. **Adult Motel.** A motel or similar establishment offering public accommodations for any form of consideration and which features live performances which are characterized by

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the exposure of "specified anatomical areas" or by "specified sexual activities," or features closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified anatomical areas."

- E. Adult Motion Picture Theater. An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
- F. Adult Theater. A theater, concert hall, auditorium or similar establishment which, for any form of consideration, features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- G. Drug Paraphernalia Store. An establishment subject to the regulations of Orange Municipal Code Sections 5.57.010, et seq. and/or 5.96.010 et seq.
- H. Massage Parlor. An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, or physical therapist licensed by the State of California.
- I. Sexual Encounter Establishment. An establishment (other than a hotel, motel or similar establishment offering public accommodations) or a privately owned or controlled structure which for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with "specified sexual activities" or the exposure of "specified anatomical areas."
- J. Specified Anatomical Areas. As used herein, "specified anatomical areas" shall mean and include any of the following:
 - 1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female

breasts below a point immediately above the top of the areola; or

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

K. Specified Sexual Activities. As used herein, "specified sexual activities" shall mean and include any of the following:

1. The fondling or other touching of human genitals, pubic region, buttocks, anus or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in 1. through 3. above. (Ords. 12-95; 32-82)

AGENT - Any person showing written verification that he or she is acting for, and with the knowledge and consent of, a property owner. (Ord. 12-95)

AGRICULTURE - The use of land for farming, dairying, pasturing and grazing, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, and including accessory activities but not limited to storage, harvesting, feeding, or maintenance of equipment, excluding stockyards, slaughtering or commercial food processing. (Ord. 12-95)

ALLEY - A public or private way permanently reserved as a secondary means of access to an abutting property. (Ord. 12-95; 20-82; 400: Prior Codes 17.94.050 and 9100.5)

ALTERATION - Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another. (Ord. 12-95)

AMENITY - A natural or man-made feature which enhances a particular property. (Ord. 12-95)

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AMUSEMENT PARK - An outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment. (Ord. 12-95)

ANTENNA - The outdoor portion of equipment used for the receiving or transmitting of television or radio or similar signals through space. (Ords. 12-95; 20-02: Prior Code 17.26.080)

APARTMENT - One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing more than two dwelling units. (Ords. 12-95; 20-82; 400: Prior Codes 9100.6 and 17.04.080)

APARTMENT HOUSE - A structure containing three or more apartment units which is intended for rental purposes. (Ord. 12-95)

APPLICANT - A person who requests in writing the approval of a lease, permit, license, certificate, or other entitlement for use from one or more public agencies. (Ord. 12-95)

APPLICATION - The form and information submitted by an applicant for purposes of requesting an entitlement to use or develop property. (Ord. 12-95)

ARBOR - A latticework frame or open trellis that can support climbing vines, used as a gateway to a yard or garden area. Dimensions shall not exceed eight feet in height, four feet in width and two feet in depth. (Ord. 12-95)

AUTOMOBILE DETAILING - An establishment which may include hand-washing, waxing, and interior cleaning of vehicles. (Ord. 12-95)

AUTOMOBILE REPAIR, MAJOR - Includes all activities as defined under minor automobile repair, and additionally includes body work and painting. (Ord. 12-95)

AUTOMOBILE REPAIR, MINOR - General automobile repair, including mechanical repairs, oil changes, tune-ups, upholstery and installation of tires, batteries and accessories, including the repair of trucks less than one ton capacity. (Ord. 12-95)

AUTOMOBILE SALVAGE/WRECKING - The dismantling or wrecking of one or more used motor vehicles or trailers, or storage, sale or dumping of one or more dismantled or partially dismantled, obsolete or wrecked vehicles or their parts. (Ord. 12-95)

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AUTOMOBILE/TRAILER SALES AREA - The use of any building, land area or other premise for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles and including any warranty repair and other repair service conducted as an accessory service. (Ord. 12-95)

AUTOMOBILE/TRUCK DEALERS - A facility which sells automobiles and trucks of one ton or less capacity, both new and used, and includes the repairing of same. Trucks of more than one ton capacity shall not be included in this term. (Ord. 12-95)

17.04.021 "B" Definitions

BANK - An establishment for the custody, loan, exchange or issue of money, for the extension of credit and for facilitating the transmission of funds; includes savings and loans and credit unions. (Ord. 12-95)

BAR - An establishment where alcoholic beverages are served for consumption on the premises, and where food may or may not be offered for sale, and when licensed by the Alcoholic Beverage Control (ABC) Board. (Ord. 12-95)

BASEMENT - A space wholly or partly underground and having more than one-half of its height, measuring from its floor to its ceiling, below the average adjoining grade; if the finished floor level directly above a basement is more than six feet above grade, such basement shall be considered a story. (Ord. 12-95)

BATCHING PLANTS - A facility which processes and mixes various materials including concrete and asphalt. (Ord. 12-95)

BED AND BREAKFAST INN - A building of residential design determined to be architecturally or historically significant to the City of Orange wherein lodging is provided to tourists. The operator of the inn shall live on the same property. (Ords. 12-95; 27-87)

BEDROOM - Any habitable room other than a bathroom, kitchen, dining room or living room. (Ord. 12-95)

BERM - A mound of earth, usually two to six feet in height. (Ord. 12-95)

BIKEWAY - A paved pathway, usually separated from streets and sidewalks, designed to be used by bicyclists. (Ord. 12-95)

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BILLIARD PARLOR - Any place of business where any of several games are played on a table by driving small balls against one another or into pockets with a cue. Such place of business may include, as an accessory use, any mechanical amusement device not otherwise prohibited by Section 5.38.050 or Section 5.36.020. (Ords. 12-95; 55-72: Prior Codes 17.04.130 and 9100.191)

BIRDS - Birds shall include, but are not limited to, budgies, buntings, canaries, cardinals, cockatiels, cockatoos, conures, doves, finches, lorries, lorikeets, lovebirds, macaws, mynahs, parakeets, parrots, pigeons, sparrows, toucans, and weavers. Additional bird species can be considered as pets subject to approval from the Community Development Director. (Ords. 12-95; 20-90)

BLOCK - A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity to development. (Ord. 12-95)

BOARDING HOUSE - A dwelling containing no more than five guest rooms and where lodging and/or meals are provided to the guests and members of the occupant's immediate family who might be occupying such building. (Ord. 12-95)

BUFFER AREAS - An area of land used to visibly separate one use from another or to shield noise, lights or other possible nuisances. (Ord. 12-95)

BUILDING - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature. (Ord. 12.95; 400: Prior Codes 17.04.140 and 9100.10)

BUILDING HEIGHT - The vertical distance from the average finished grade, as measured around the perimeter of the structure five feet out from the exterior wall surface to the highest point of the structure, that being the ridgeline of the roof or the top of the parapet wall on a flat roof. Screened mechanical and electrical towers, chimneys, and other integral parts of the building or structure occupying no more than five percent of the roof area shall be excluded from the measurement. (Ords. 12-95; 20-82; 400: Prior Codes 17.04.150 and 9100.11)

17.04.022 "C" Definitions

CARETAKER MOBILE HOME - A mobile home, placed on either a permanent or temporary foundation, established on any premises as

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living quarters for a person or persons responsible for the maintenance and/or security of those premises. (Ord. 12-95)

CARETAKER'S RESIDENCE - A dwelling unit accessory to a principal use on a site and intended for occupancy on same site as a caretaker, security guard, servant, or similar position generally requiring residence on the site. (Ord. 12-95)

CARPORT - A roofed structure providing space for the parking or storage of motor vehicles, but not fully enclosed. (Ord. 12-95)

CEMETERY - Property used for the interring of the dead including columbariums, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundary of a cemetery. (Ord. 12-95)

CENTERLINE - The centerline of a street as referred to in this Code shall mean the right-of-way centerline as established by the County Engineer of the County, by the City Engineer of any city within the County, by the State Division of Highways of the State of California. (Ord. 12-95)

CHURCH - An institution providing facilities for worship or the assemblage of the public for worship, including personal counseling, education (church schools), day care, and the building or buildings where such activities take place. (Ord. 12-95)

CLINIC - An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not lodged overnight. (Ord. 12-95)

CLUB - A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws. (Ord. 12-95)

CLUSTER DEVELOPMENT - A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. (Ord. 12-95)

COMMERCIAL USE - An activity, normally retail sales, carried out for monetary gain. (Ord. 12-95)

COMMON AREA - Land held in common and/or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner. (Ord. 12-95)

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COMMON FACILITY - A non-commercial use established primarily for the benefit and enjoyment of the community in which it is located, typically utility or service use oriented. (Ord. 12-95)

COMMUNAL HOUSING - for non-family groups with common kitchen and dining facilities but without medical, psychiatric or other care including boardinghouses, lodging houses, dormitories, fraternity/sorority houses, communes, and religious homes. (Ord. 12-95)

COMMUNITY CARE FACILITIES - Any facility, place or building where non-medical care and supervision are provided for seven or more persons (does not include the licensee or members of the licensee's family or persons employed as facility staff). (Ord. 12-95)

COMMUNITY CENTER - A facility operated to provide recreational, cultural or other similar activities. (Ord. 12-95)

CONDITIONAL USE PERMIT - A zoning instrument used primarily to review the location, site development, or conduct of certain land uses. These are uses which generally have a distinct impact on the area in which they are located, or are capable of creating special problems for bordering properties unless given special attention. A conditional use permit is granted at the discretion of the Planning Commission or Zoning Administrator and is not the automatic right of any applicant. (Ords. 12-95; 20-82; 13-65: Prior Codes 17.86.010 and 9114)

CONDOMINIUM - A building or group of buildings owned on a proportional basis with a specific benefit of ownership being the right to occupy an individual unit located within the structure(s). (Ords. 12-95; 38-80)

CONTRIBUTING STRUCTURES - All pre-1940 buildings and structures so identified in the City's Historic Building Inventory. (Ord. 12-95)

CONVALESCENT FACILITY - A use providing bed care and in-patient services for persons requiring regular medical attention, and persons aged or infirm unable to care for themselves, excluding surgical or emergency medical services. (Ord. 12-95)

CONVALESCENT HOSPITAL - A facility providing long-term nursing, dietary and other medical services to convalescents or invalids but not providing surgery or primary treatments such as are customarily provided in a hospital. A convalescent hospital must be licensed by the State as such. (Ord. 12-95)

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CONVENIENCE MARKET - A retail food market providing goods and other services on an extended hour basis. (Ord. 12-95)

COOP - A coop is a place of confinement, usually in the form of a cage or small enclosure, used in conjunction with the keeping of birds. (Ords. 12-95; 20-82)

CORNER CUT-OFF - The triangular area created by measuring from a corner a given distance along each property line or driveway and connecting the points at the end of those lines. (Ord. 12-95)

COUNTRY CLUB - A club organized and operated primarily for social and outdoor recreation purposes, including incidental accessory uses and structures. (Ord. 12-95)

CULTURAL RESOURCE - any structure, portion of a structure, improvement, district, or any grouping of structures or improvements related to one another by virtue of their sharing of common characteristics or uses, and any natural feature, landscape, site, area or object of scientific, aesthetic, educational, cultural, architectural, landscape architectural, archaeological, or historic significance to the citizens of the City and the State of California, the Southern California region or the Nation which is listed in the National Register or is eligible for listing in the National Register. (Ord. 12-95)

CURB GRADE - The level of the established curb in front of a building, as measured at the center of the frontage. (Ord. 12-95)

17.04.023 "D" Definitions

DAY CARE CENTER - Any facility which provides nonmedical care for an individual on less than a twenty-four hour basis including child day care centers for thirteen or more children. (Ord. 12-95)

DAY NURSERIES - A facility where children are temporarily cared for in their parents' absence when and if there is provided on the lot or adjacent to the premises a play lot completely fenced, and containing an area of not less than 900 square feet, plus an additional 50 square feet for each child in excess of nine children and subject to all safety precautions as required by the Fire Department and Building Division. (Ords. 12-95; 20-82; 18-76)

DEFENSIBLE SPACE - A physical space which is made usable and safe by means of a design encouraging pedestrian circulation, visual

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access and the elimination of visually obstructed areas. (Ord. 12-95)

DEMOLITION - An act or process that destroys, moves, or razes in whole or in part a building, structure, or site or permanently impairs its structural or architectural integrity. (Ord. 12-95)

DENSITY - The number of families, individuals, dwelling units, or housing structures per unit of land. (Ord. 12-95)

DENSITY BONUS - A density increase of at least 25% over the otherwise allowable residential density under the applicable land use element of the General Plan. (Ord. 12-95)

DENSITY TRANSFER - Permitting unused allowable densities in one area to be transferred to another area while maintaining the average density over the aggregate land area. (Ord. 12-95)

DESIGN - Design means: (1) architectural features; (2) street alignments, grades and widths; (3) drainage and sanitary facilities and utilities, including alignments and grades thereof; (4) location and size of all required easements and rights-of-way; (5) fire roads and fire breaks; (6) lot size and configuration; (7) traffic access; (8) grading; (9) land to be dedicated for park or recreation purposes; and (10) such other specific requirements in the plan and configuration of the entire project as may be necessary or convenient to insure conformity to or implementation of the General Plan or any adopted specific plan. (Ord. 12-95)

DESIGNATION - The official listing and recognition of individual cultural resources, landmarks, and districts which meet National Register criteria as to their significance to the city, region, state, or nation's history or development. (Ord. 12-95)

DETACHED BUILDING - A building which does not have a wall of four feet or more in length in common with another building. (Ord. 12-95)

DEVELOPER - The person or firm who prepares acreage for development and installs sufficient improvements to facilitate further subdivision of the property and construction of authorized uses. In the case of larger acreage there may be a master developer who sells property to several builders. With smaller acreage, the developer may be the original land owner or an individual builder. (Ord. 12-95)

DEVELOPMENT PLAN - A map or maps, along with supporting text and data, statistics or tables which describe the entitlement to use

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and associated conditions thereto authorized for a described parcel of land, approved in accordance with the requirements of the applicable Plan. (Ord. 12-95)

DEVELOPMENT - The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land. (Ords. 12-95; 20-82)

DISCRETIONARY PROJECT - An activity which requires the exercise of judgment, deliberation, or decision on the part of the public agency in the process of approving or disapproving a particular activity, as distinguished from situations where the public agency merely has to determine whether there has been conformity with statutes, ordinances or regulations. (Ord. 12-95)

DISTRIBUTION - A use engaged primarily in distribution of manufactured products, supplies, and equipment, including incidental storage and sales activities, but exclusive of bulk storage of materials which are flammable or explosive. (Ord. 12-95)

DIVISION WALL - A masonry wall constructed between parking, commercial or less restricted zones and the residential zones as a condition precedent to the approval of a building plan or the issuance of a Building Permit. (Ord. 12-95; Ref. Ord. 77-64: Prior Code 17.72.010)

DRIVE-IN OPERATION - An operation or business in which any goods, wares, merchandise, or services are sold and delivered to persons while such persons are occupants of vehicles. (Ords. 12-95; Ref. Ord. 5-71: Prior Code 9100.2711)

DRIVE-IN THEATERS - An outdoor movie theater where patrons view movies or any other form of entertainment on a screen or stage from their vehicles. (Ords. 12-95; 5-89)

DRIVEWAY - A private roadway of 100 feet or less in length providing direct access for vehicles to a parking space, garage, dwelling or other structure. (Ord. 12-95)

DUPLEX - A building containing two dwelling units. (Ord. 12-95)

DWELLING - A structure or portion thereof which is used exclusively for permanent human habitation. (Ord. 12-95)

DWELLING, MULTIPLE-FAMILY - A building or portion thereof used and/or designed as a residence with separate dwelling units for

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three or more households living independently of each other.
(Ords. 12-95; 400: Prior Code 17.04.230 and 9100.18)

DWELLING, SINGLE-FAMILY - An attached or detached building not to contain more than one kitchen which, regardless of form of ownership, is designed and/or used to house not more than one household. (Ords. 12-95; 400: Prior Codes 17.04.240; 9100.15)

DWELLING, TWO-FAMILY - A building not containing more than two kitchens designed and/or used to house not more than two households living independently of each other. (Ords. 12-95; 400: Prior Codes 17.04.250 and 9100.16)

DWELLING UNIT - One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single household. (Ord. 12-95)

17.04.024 "E" Definitions

EASEMENT - A grant of one or more of the property rights by the property owner to, and/or for the use by the public, a corporation or another person or entity. (Ord. 12-95)

EAVES - The projecting lower edges of a roof overhanging the wall of a building. (Ord. 12-95)

ELEVATION - A flat scale drawing of the front, rear or side of a building or structure. (Ord. 12-95)

ENCLOSED - A covered space fully surrounded by walls, including windows, doors, and similar openings or architectural features, for a space of not less than 100 square feet fully surrounded by a building or walls exceeding eight feet in height. (Ord. 12-95)

ENTERTAINMENT ESTABLISHMENT - An establishment such as a night club, cabaret, or similar facility which provides live entertainment for an audience of 50 or more persons, whether or not alcoholic beverages are served on the premises. (Ord. 12-95)

ENVIRONMENTAL IMPACT REPORT (EIR) - A detailed statement setting forth the environmental effects and considerations pertaining to a project as specified in Section 21100 of the California Environmental Quality Act, and may mean either a draft or a final EIR. (Ord. 12-95)

EQUESTRIAN FACILITY - A structure or area, the use of which is devoted to activities involving horses, including mules, donkeys, and jackasses. (Ord. 12-95)

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EQUIPMENT RENTAL YARD OR CONTRACTOR YARD - A use providing for maintenance, servicing, or storage of motor vehicles, equipment, or supplies; or for the dispatching of service vehicles; or distribution of supplies or construction materials required in connection with a business activity, public utility service, transportation services, or similar activity. The term "contractor yard" shall include a construction materials yard, vehicular service center, or similar use. (Ord. 12-95)

17.04.025 "F" Definitions

FACADE - The exterior wall of a building exposed to public view or that wall viewed by persons not within the building. (Ord. 12-95)

FAMILY - One or more persons related by blood or legal status or a group of not more than six persons who are not so related, living together as a single housekeeping unit in a dwelling unit. (Ords. 12-95; 61-64: Prior Code 17.04.260)

FAMILY DAY CARE HOME, LARGE - A single-family dwelling with the accessory daytime care of seven to 12 children. (Ord. 12-95)

FAMILY DAY CARE HOME, SMALL - A single-family dwelling with the accessory daytime care of one to six children. (Ord. 12-95)

FLOOD PLAIN ZONE - AREA OF SHALLOW FLOODING - A designated AH, AO, or VO zone on the Flood Insurance Rate Map (F.I.R.M.) in which: (1) The base flood depths range from one to three feet; (2) A clearly defined channel does not exist; and (3) The path of flooding is unpredictable and indeterminate. (Ords. 12-95; 20-82)

FLOOD PLAIN ZONE - AREA OF SPECIAL FLOOD HAZARD - The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. (Ords. 12-95; 20-82)

FLOOD PLAIN ZONE - BASE FLOOD - A flood having a one percent chance of being equaled or exceeded in any given year. (Ords. 12-95; 20-82)

FLOOD PLAIN ZONE - BREAKAWAY WALLS - Any type of walls, whether solid or lattice; and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material, which are not part of the structural support of the building and which are so designed as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. (Ords. 12-95; 20-82)

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FLOOD PLAIN ZONE - COASTAL HIGH HAZARD AREA - The area subject to high velocity waters, including but not limited to, tsunamis. The area is designated on a F.I.R.M. as Zones V and VI-30. (Ords. 12-95; 20-82)

FLOOD PLAIN ZONE - FLOOD - A general and temporary condition of partial or complete inundation of normally dry land area from: (1) the overflow of inland or tidal waters; (2) the unusual and rapid accumulation of runoff of surface waters from any source; and/or (3) mud slides (i.e., mud flows) which are proximately caused or precipitated by accumulations of water above or under the ground. (Ords. 12-95; 20-82)

FLOOD PLAIN ZONE - FLOOD, DESIGN - That flood against which protection is to be provided by means of land use regulation, flood protective or flood control works. The design flood shall be the 100-year recurrence interval (base flood). (Ords. 12-95; 20-82)

FLOOD PLAIN ZONE - FLOOD HAZARD AREA - An area having special flood mudslide (i.e., mudflow) and/or flood-related erosion hazards, as shown on a Sectional District Map, Flood Insurance leased, let or hired out to be occupied, or which is occupied, at the home or residence of three or more families living independently of each other, with provisions for doing their own cooking in said building. (Ords. 12-95; 20-82)

FLOOD PLAIN ZONE - FLOOD INSURANCE RATE MAP (F.I.R.M.) AND FLOOD BOUNDARY FLOODWAY MAP - The official maps on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. (Ords. 12-95; 20-82)

FLOOD PLAIN ZONE - FLOOD INSURANCE STUDY - The Federal Insurance Administration "Flood Insurance Study for Orange County, Unincorporated Areas," dated March 15, 1979, providing flood profiles, as well as the boundaries and the water surface elevations of the base flood, including the Flood Boundary and Floodway Map incorporated therein. (Ords. 12-95; 20-82)

FLOOD PLAIN ZONE - FLOOD PROOFING - Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. (Ords. 12-95; 20-82)

FLOOD PLAIN ZONE - FLOOD PROTECTION SYSTEM - Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed

specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards. (Ords. 12-95; 20-82)

FLOOD PLAIN ZONE - FLOOD RELATED EROSION - The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining, caused by waves or currents of water exceeding anticipated cyclical levels, or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or by an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding. (Ords. 12-95; 20-82)

FLOOD PLAIN ZONE - FLOODWAY - The channel or a river or other watercourse and that part of the flood plain reasonably required to discharge the design flood without cumulatively increasing the water surface elevation more than one foot at any point assuming equal conveyance reduction outside the channel from the two sides of the flood plain. (Ords. 12-95; 20-82)

FLOOD PLAIN ZONE - FLOODWAY FRINGE - The area between the 100-year flood boundary and the Floodway shown on the Flood Boundary and Floodway Map incorporated in the Flood Insurance Study. (Ords. 12-95; 20-82)

FLOOD PLAIN ZONE - FLOODWAY, REGULATORY - The area designated as the "floodway" on the official Federal Insurance Administration Flood Boundary and Floodway Maps incorporated in the Flood Insurance Study for the County of Orange. (Ords. 12-95; 20-82)

FLOOD PLAIN ZONE - HABITABLE FLOOR - Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor." (Ords. 12-95; 20-82)

FLOOD PLAIN ZONE - STRUCTURE - Anything constructed or erected requiring a fixed location on the ground or attached to something having a fixed location on the ground except business signs and other improvements of a minor character. For flood plain management purposes, "structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, and includes a mobile-home. (Ords. 12-95; 20-82)

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FLOOR AREA, GROSS - The total horizontal area, in square feet, including the exterior walls of all floors of a structure. (Ord. 12-95)

FLOOR AREA RATIO (F.A.R.) - The building square footage divided by lot area. Building square footage shall include all structures on a lot, including garages and accessory structures, unless otherwise provided in this Code. (Ord. 12-95)

FRONTAGE - The length of that portion of a lot abutting a street. (Ord. 12-95)

17.04.026 "G" Definitions

GARAGE - A deck, building or structure, or part thereof, used or intended to be used for the parking and storage of vehicles. (Ords. 12-95; 400: Prior Code 17.04.270)

GENERAL PLAN - The adopted General Plan of the City of Orange which is the official statement of policy relative to physical development within the City boundaries. (Ord. 12-95)

GRADE, NATURAL - The elevation of the ground surface in its natural state, before man-made alterations. (Ords. 12-95; 20-82; 723: Ref. Code 12.04.010)

GRADING, CONTOUR - A grading concept designed to result in earthforms and contours which resemble natural terrain characteristics, with generally curving, non-linear slope banks having variations in the slope ratios of the horizontal and vertical curves. (Ord. 12-95)

"GRANNY" HOUSING - Refer to Accessory Second Housing Unit.

GROUP HOME - Any residential care facility for six or fewer persons who are mentally disordered or otherwise handicapped or supervised and where such a facility is licensed by the State. (Ord. 12-95)

GUEST PARKING - Parking spaces provided with a residential unit for intermittent use by visitors. (Ord. 12-95)

GUEST ROOM - Any rented or leased room which is used or designed to provide sleeping accommodations for one or more guests in apartments, hotels, motels, private clubs, lodges, and fraternal organizations. (Ord. 12-95)

17.04.027 "H" Definitions

HANDICAPPED HOUSING - Any housing which is designed and physically improved to accommodate physically handicapped persons. (Ord. 12-95)

HEALTH FACILITY - Any facility, place or building which is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental. For a complete definition, refer to Section 1250 of the California Health and Safety Code. (Ord. 12-95)

HISTORIC BUILDING INVENTORY - The list of nominated cultural resources worthy of preservation within the City which have been identified in the 1982 Historic Survey as commissioned by the City. The updated 1992 Historic Inventory includes both an update of contributing structures and non-contributing buildings within the Old Towne Square Mile District, and potential landmarks within the City. (Ord. 12-95)

HISTORIC DISTRICT - A geographically definable area which: a) possesses a significant concentration, linkage or continuity of sites, buildings, improvements or objects united by past events, architectural style or design, or aesthetically by plan or physical development, and b) is comprised of individual elements separated geographically but linked by association or history. (Ord. 12-95)

HISTORIC PROPERTY - A separate structure or site fifty years old or older that has significant historic, architectural, or cultural value but is not a landmark. (Ord. 12-95)

HOME OCCUPATION - Any accessory activity carried out for financial gain which is conducted within a dwelling unit or an accessory structure to the unit. The principal use of the dwelling unit must be a residential use, and the home occupation must be incidental to the residential use of the dwelling unit. Home occupation activities shall involve the use of materials and equipment only found customarily in a residential unit. (Ords. 12-95; 3-93; 12-80; 35-79; 15-69: Prior Code 17.04.290)

HOMEOWNERS ASSOCIATION - A community association which is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping, and/or facilities. (Ord. 12-95)

HOSPITAL - An institution consisting of a facility licensed by the State Department of Public Health for the provision of

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clinical, temporary or emergency service of a medical, obstetrical or surgical nature to human patients, including overnight care of patients. (Ord. 12-95)

HOT DOG VENDING CART - A portable, non-motorized device, operating outside of a building, from which a vendor primarily sells hot dogs. (Ords. 12-95; 22-92)

HOTEL - A residential building designed or used to be rented for transient occupancy by guests for dwelling, lodging, or sleeping purposes containing six or more guest rooms or suites of rooms not containing cooking facilities, but not including any building in which human beings are housed or detained under legal restraint or which is used as a drug or other rehabilitation center. (Ords. 12-95; 20-82; 400: Prior Code 17.04.030)

17.04.028 "I" Definitions

IMPROVEMENT - Any building, structure, wall fences, steps, paving, gate, sign, light, general arrangement of place or area, the kind of texture or quality of building material, landscaping, hardscape, or work of art or other object which may be erected upon or proposed to be erected upon any specific real estate. (Ord. 12-95)

INSTITUTIONAL USE - A non-profit or quasi-public use of institution such as a church, library, public, or private school, hospital, or municipally owned or operated building, structure or land, used for public purpose. (Ord. 12-95)

INTERIOR STREET - A private drive or lane having a designated speed of 25 mph or less which affords circulation and access within a residential development of attached or multi-family dwelling units. (Ord. 12-95)

INTERMEDIATE CARE FACILITY - Similar to Residential Care Facility, but greater levels of care and supervision are provided, including up to 40 hours of nursing care per week. Such a facility requires State licensing and is not considered "senior citizen housing" for the purposes of this Title. (Ord. 12-95)

17.04.029 "J" Definitions

JUNK OR SALVAGE YARD - Any area, lot, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags,

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scrap metal, or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable motor vehicles or other type of junk. (Ord. 12-95)

17.04.030 "K" Definitions

KENNEL - An establishment in which four or more domesticated animals, more than four months old, are housed, groomed, bred, boarded, trained or sold. (Ords. 12-95; 16-65: Prior Code 17.04.310)

KITCHEN - A room or portion thereof containing facilities designed or used for the preparation of food, including a sink and cooking facilities such as a stove, oven, microwave oven, range and/or hot plate. (Ords. 12-95; 400: Prior Code 17.04.030)

17.04.031 "L" Definitions

LAND USE PLAN - A plan showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes. (Ord. 12-95)

LANDMARK - any site or improvement, manmade or natural, which has special character or special historical, cultural, architectural, archeological, community or aesthetic value as part of the heritage of the city, region or the United States. (Ord. 12-95)

LANDSCAPING - An area devoted to or developed and maintained predominantly with native or exotic plant materials including lawn, ground cover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, paved or decorated surfaces (excluding driveways, parking, loading, or storage areas). (Ord. 12-95)

LANDSCAPING PLANS - A plan which indicates the type, size and location of vegetative and accent material proposed for the landscaping of a site including all irrigation and other devices necessary to maintain such landscaping. (Ord. 12-95)

LOADING SPACE - An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or

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unloading merchandise or materials and which abuts upon a street, alley, or other appropriate means of access. (Ord. 12-95)

LOCAL REGISTER - the list of properties located within the City that comprise the list of designated cultural resources and historic districts. (Ord. 12-95)

LODGING HOUSE - A house with guest rooms where lodging is provided for compensation and where meals are not served. (Ord. 12-95)

LOT - Land which abuts upon at least one public street, or any numbered or otherwise designated parcel of land shown on: (1) a recorded tract map, (2) a record of survey map recorded pursuant to an approved division of land, or (3) a parcel map. (Ords. 12-95; 20-82; 62-64: Prior Code 17.04.330)

LOT, CORNER - A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees. (Ords. 12-95; 400: Prior Code 17.04.340)

LOT, CUL-DE-SAC - A lot which is adjacent to a cul-de-sac as defined in Standard Plan No. 109 of the Department of Public Works Plans and Specifications, January 1981 edition. (Ords. 12-95; 22-78: Ref. Code 16.16.030)

LOT, FLAG - A lot having access to a street by means of a private driveway access easement, or parcel of land not meeting the requirements of this Code for lot width, but having a dimension of at least 20 feet at its narrowest point. (Ord. 12-95)

LOT, FRONTAGE - The distance between the side lot lines measured at the front setback line on a line parallel with the street property line. (Ord. 12-95)

LOT, INTERIOR - A lot other than a corner lot. (Ords. 12-95; 400: Prior Code 17.04.350)

LOT, KEY - The first interior lot to the rear of a reversed corner lot which is not separated therefrom by an alley. (Ord. 12-95)

LOT, KNUCKLE - A lot adjacent to a street knuckle as defined in Standard Plan 110 of the Department of Public Works Plans and Specifications, January 1981 edition. (Ords. 12-95; 20-82)

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LOT, REVERSED CORNER - A corner lot in which the side lot line is substantially a continuation of the front lot line of the nearest lot to its rear. (Ord. 12-95)

LOT, SUBSTANDARD - Any lot which does not meet the minimum dimensions, the area of any easement which restricts the normal usage of the lot may be excluded. (Ord. 12-95)

LOT, THROUGH - A lot which fronts upon two streets which do not intersect at the boundaries of the lot. (Ords. 12-95; 400: Prior Code 17.04.360)

LOT AREA, NET - The area within the property lines of a parcel exclusive of any dedications for public rights-of-way, parks and school sites. (Ord. 12-95)

LOT COVERAGE - The area devoted to the principal and accessory structures, patios enclosed on three sides, garages, and covered parking. (Ord. 12-95)

LOT DEPTH - The average linear measurement between the front and rear lot lines when measured at 90 degree angles from the front lot line. (Ord. 12-95)

LOT LINE - The lines bounding a lot as defined herein. (Ord. 12-95)

LOT LINE, FRONT - The line separating the narrowest street frontage of the lot from the street right-of-way. (Ord. 12-95)

LOT LINE, REAR - The lot line opposite and most distant from the front lot line; or in the case of an irregularly shaped lot, a straight line not less than ten feet long, within the lot, and most nearly parallel to and at the maximum distance from the front lot line. (Ord. 12-95)

LOT LINE, SIDE - Any lot lines other than the front or rear lot lines. (Ord. 12-95)

LOT WIDTH - The average linear distance between side lot lines when measured at a 90 degree angle to the front lot line. (Ord. 12-95)

17.04.032 "M" Definitions

MANUFACTURED HOME - A structure designed for single-family residential use that is factory made and assembled on-site. (Ord. 12-95)

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MANUFACTURING - A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental processing of extracted or raw materials. (Ord. 12-95)

MAP ACT - The Subdivision Map Act of the State of California. (Ord. 12-95)

MARQUEE - A permanent roof structure attached to and supported on a building projecting over a building setback line. (Ord. 12-95)

MAXIMUM LOT (BUILDING) COVERAGE - The maximum area of the lot that may be covered by buildings, roofed structures and patios enclosed on three sides. This may be expressed in square footage or as a percentage of the minimum lot area. (Ord. 12-95)

MERGER - The joining of two or more contiguous parcels of land under one ownership into one parcel pursuant to the Subdivision Map Act. (Ord. 12-95)

MILLS ACT - Provides property tax relief for owners of qualified historic properties who agree to comply with certain preservation restrictions. (Ca. Gov. Code Sections 90280-50289), (Revenue and Tax Code Number Sections 439.2-439.4) (Ord. 12-95)

MINI-WAREHOUSE - A structure containing separate storage spaces of varying sizes, leased or rented on an individual basis. (Ord. 12-95)

MINIMUM BUILDING PAD - The minimum land area in square feet required within a lot which constitutes an acceptable building pad. (Ord. 12-95)

MINIMUM NET LOT AREA - The amount of land that must be contained in a lot for each dwelling unit to be built on that lot. This ratio is typically applied in multiple family zones. In single family zones, it is the same as minimum lot size. (Ord. 12-95)

MIXED USE - The development of a tract of land or building or structure with two or more different uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form. (Ord. 12-95)

MOBILE HOME - A detached structure intended for single-family dwelling with all of the following characteristics:

- A. Designed for long term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and

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kitchen facilities, with plumbing and electric connections provided for attachment to an outside system;

- B. Designed to be transported after fabrication on its own wheels, or on a flat bed or other trailer or detachable wheels; mobile homes do not move by means of an internal power source;
- C. Delivered to the site where it is to be occupied as a complete dwelling, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation, connections to utilities and other incidental preparations for occupancy. (Ords. 12-95; 20-82; 38-73: Prior Code 17.04.370)

MOBILE HOME PARK - Any area or tract of land which accommodates two or more mobile homes used for human habitation. (Ords. 12-95; 38-73: Prior Code 17.04.380)

MOTEL - An establishment otherwise defined as a hotel with at least 25% of all rooms having direct access to the parking areas without the necessity of passing through the main lobby of the building. (Ords. 12-95; 20-82; 400: Prior Code 17.04.300)

MOTOR VEHICLE - A machine capable of self-propulsion, with or without human guidance, whether for the performance of work or as a mode of transportation. (Ord. 12-95)

MULTI-PHASE DEVELOPMENT - A development project that is constructed in increments, each increment capable of existing independently of the other. (Ord. 12-95)

17.04.033 "N" Definitions

NATIONAL REGISTER - The National Register of Historic Places maintained by the Secretary of the Interior under authority of the Historic Sites Act of 1935 and the National Historic Preservation Act. (Ord. 12-95)

NOMINATED RESOURCE - Those structures, buildings, places, urban design features and other objects for which application for designation has been made. (Ord. 12-95)

NONCONFORMING LAND - A parcel the size, dimensions or use of which was lawful prior to the adoption, revision or amendment to a zoning ordinance, but which fails by reason of such adoption,

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revision or amendment, to conform to the present requirements of the zoning district. (Ords. 12-95; 20-82)

NONCONFORMING STRUCTURE - A structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to a zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district. (Ord. 12-95)

NONCONFORMING USE - A use or activity which was lawful prior to the adoption, revision or amendment to a zoning ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district. (Ords. 12-95; 20-82)

NONCONTRIBUTING BUILDINGS - Buildings within the Old Towne Square Mile historic district which do not contribute to the district because the buildings are contemporary in architectural style and are less than 50 years old. (Ord. 12-95)

NURSING HOME - An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. (Ord. 12-95)

17.04.034 "O" Definitions

OFF-STREET PARKING SPACE - A parking area for a motor vehicle that is not located on a dedicated street right-of-way. (Ord. 12-95)

OFFICE, PROFESSIONAL - A use providing professional or consulting services in the fields of law, medicine, architecture, design, engineering, accounting, reading of palms, and similar services. (Ord. 12-95)

ON-STREET PARKING SPACE - A short term parking area for a motor vehicle which is located on a dedicated street right-of-way. (Ord. 12-95)

OPEN SPACE, ACTIVE - Any parcel or area of land or water set aside, dedicated, designated, reserved or developed for public or private use which may contain recreational facilities such as pools and swimming areas, court and other game areas, playing fields and equipment facilities for various activities. (Ord. 12-95)

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OPEN SPACE, COMMON - Land within or related to a development, neither individually owned nor dedicated for public use, which is intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate. (Ord. 12-95)

OPEN SPACE, PASSIVE - Any parcel or area of land or water set aside, dedicated, designated, reserved or developed for public or private use or enjoyment which is established in order to preserve the natural and aesthetic qualities of the area and may be used for non structured recreational activities. (Ord. 12-95)

OPEN SPACE, PRIVATE - An open space, fenced or otherwise, which is reserved for the exclusive use by the occupants of a single specified dwelling unit. (Ord. 12-95)

OPEN SPACE, PUBLIC - Open space owned by a public agency and maintained by it for the use and enjoyment of the general public. (Ord. 12-95)

OPEN SPACE, USABLE - Any space on a lot not enclosed by buildings and intended for recreation and leisure uses. Usable open space includes yards, courtyards, balconies, decks, porches, and patios but does not include driveways, parking spaces or side yards less than eight feet in width. In multiple family developments, indoor recreation areas may count toward the usable open space requirement. (Ord. 12-95)

OUTDOOR ADVERTISING STRUCTURE - A structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign or other advertising device may be placed. (Ord. 12-95)

OVERHANG, VEHICLE - The portion of a parking space for a vehicle that extends beyond the wheel stops or curb. (Ord. 12-95)

OVERLAY DISTRICT - A district established by this ordinance, which may be applied to an area or vicinity only in combination with a base district. (Ord. 12-95)

OVERLAY ZONE - A set of zoning requirements that is described in the text of the Orange Municipal Code, is mapped and is imposed in addition to those requirements of the underlying district. (Ord. 12-95)

OWNER OF PROPERTY - The owner of record on any parcel of real property as listed on the county assessor's tax roll, or a holder of a subsequently recorded deed to the property. (Ord. 12-95)

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OWNER'S AUTHORIZED AGENT - Any person authorized to act for the owner of a property by virtue of a notarized statement of authorization, a proof of contract to purchase or a lease to the property. (Ord. 12-95)

17.04.035 "P" Definitions

PAD, BUILDING - The relatively flat buildable portion of a lot, not exceeding a five percent grade, created with the original subdivision. Retaining walls used to increase pad size shall not exceed three feet in overall height as measured from top of wall's foundations to top of wall. (Ord. 12-95)

PARAPET - The vertical extension of external walls of a building that rise above the roof level. (Ord. 12-95)

PARCEL - An area of land, the boundaries of which have been legally established in conformance with the state Subdivision Map Act. (Ord. 12-95)

PARCEL MAP, TENTATIVE - A map made for the purpose of showing the design and improvement of a proposed subdivision which need not be based upon an accurate or detailed final survey of the property. (Ord. 12-95)

PARCEL MAP, VESTING - A map which meets the requirements of Section 66452 State Planning Law and confers a vested right to develop. (Ord. 12-95)

PARKING - The stopping or stationary location of a vehicle without the operator present. (Ord. 12-95)

PARKING AREA, PRIVATE - An area, other than a street, designed or used primarily for the parking of private vehicles and not open to general public use. (Ord. 12-95)

PARKING AREA, PUBLIC - An area used for the parking of vehicles and available for general public use, either free or for remuneration. (Ord. 12-95)

PARKING SPACE - An area with minimum dimensions as established in the parking standards for a district, which is accessible and available for the parking of one vehicle. (Ord. 12-95)

PARKS, PUBLIC - An open space intended for public recreational use which is operated by the City, County or State. (Ord. 12-95)

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PAWN SHOP - An establishment wherein a person or entity lends money on personal property pledged to such person or entity, or deposited with such person or entity as security until redeemed or, if unredeemed, an establishment where such property is displayed and sold. (Ord. 12-95)

PERMITTED USE - Any use allowed in a zoning district by right and subject to the restrictions applicable to that zoning district. (Ord. 12-95)

PLANNED UNIT DEVELOPMENT - A development established to provide an alternative to standard residential development wherein the existing General Plan densities are preserved but flexibility is provided by allowing the clustering of units and combining of open space, recreation areas and roadways under common ownership. (Ords. 12-95; 20-82)

PLAZA HISTORIC DISTRICT - The City's original commercial hub of Historic Structures dating from the 1880's to the 1930's which surround the central public square and circular Plaza at Glassell Street and Chapman Avenues as designated in the National Register. The Plaza District was listed on the National Register on March 19, 1982. (Ord. 12-95)

PLOT PLAN - A diagram of a lot, as seen from above, showing the outline of all structures on the lot and indicating the distance of the structures from the borders of the lot. (Ord. 12-95)

PRELIMINARY SITE PLAN - A preliminary plan developed to identify the location and general relationships between: land uses, improvements, structures, circulation systems, landscaping and design elements. (Ord. 12-95)

PRIVATE CLUB - A building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members and not primarily for profit, and whose members share common interest or pay dues. (Ord. 12-95)

PUBLIC SERVICES OFFICES OR USES - Those offices or uses established by any governmental or public entity which are established to provide direct service to the public at a particular location. Examples of public service offices and uses include, but are not limited to, the following:

- A. Department of Social Welfare;
- B. Department of Motor Vehicles;
- C. Department of Human Resources Development;

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- D. Internal Revenue Service;
- E. Social Security Administration;
- F. Jails and similar detention facilities;
- G. Hospitals established and maintained by public entities;
- H. Courts. (Ords. 12-95; 15-73: Prior Code 17.04.410)

PUBLIC UTILITY STRUCTURE - Any substation, equipment housing building, or similar structure used or operated by a public utility. (Ord. 12-95)

17.04.036 "Q" Definitions

QUARRY - A place where rock, ore, stone and similar materials are excavated. (Ord. 12-95)

QUASI-PUBLIC - A use owned or operated by a non-profit, religious or charitable institution and providing education, cultural, recreational, religious or similar types of public programs. (Ord. 12-95)

17.04.037 "R" Definitions

REBUILD - To undertake construction within and/or on an existing building which has a valid construction permit with a construction value greater than 75% of the replacement cost of the existing building being rebuilt. (Ord. 12-95)

RECREATIONAL TRAIL - A multi-purpose pathway designated and maintained for use by equestrians, hikers, and bicyclists. Motorized vehicles are restricted from recreational trails. (Ord. 12-95)

RECREATIONAL VEHICLE - A trailer or motorized vehicle that is intended for recreational, camping and travel use, including but not limited to truck campers, camping trailers, self-propelled motor homes, all-terrain vehicles and boats. (Ord. 12-95)

RECREATIONAL VEHICLE PARK - An area used or intended to be used for camping by Recreational Vehicles. (Ords. 12-95; 20-82; 400: Prior Code 17.04.090)

RECYCLING FACILITIES - A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass, metal cans; and other products are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production. (Ords. 12-95; 7-89)

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RESIDENTIAL CARE FACILITY - Any family home, group care facility or similar facility as determined by the Director of the State Department of Social Services which provides 24 hour non-medical services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual. Such facilities require State licensing and are not considered "senior citizen housing" for the purposes of this Title. (Ord. 12-95)

RESOURCE RECOVERY - The process of obtaining materials or energy, particularly from solid waste. (Ord. 12-95)

REST HOME - An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. (Ord. 12-95)

RESTAURANT - An establishment where food and beverages are prepared, served and consumed primarily within the principal building. (Ords. 12-95; 5-71: Prior Code 17.04.430)

RESTAURANT, DRIVE-IN - A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designated to take place outside the confines of the building, often in a motor vehicle. (Ords. 12-95; 5-71: Prior Code 17.04.420)

RESTAURANT, FAST FOOD - A restaurant which supplies food and beverages primarily in disposable containers and which is characterized by high automobile accessibility, self-service and short stays by customers. (Ord. 12-95)

RETAIL - The selling of goods, wares or merchandise directly to the ultimate consumer. (Ord. 12-95)

RIGHT-OF-WAY - A corridor, either public or private, on which a right of passage has been recorded. (Ord. 12-95)

ROOM - An area of a building fully enclosed by walls, windows, and/or doors, and a roof and floor. (Ord. 12-95)

ROOM, PRIMARY - A living room, dining room or family room. (Ord. 12-95)

ROOM, SECONDARY - All rooms other than primary rooms. (Ord. 12-95)

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ROOM AND BOARD FACILITY - A facility where centralized kitchen and dining areas are provided, and where individual units do not have full kitchens. Services such as housekeeping, laundry, and full-time staff supervision may also be offered, but medical care or individual care or supervision is not provided. (Ord. 12-95)

17.04.038 "S" Definitions

SALVAGE - The utilization of waste materials. (Ord. 12-95)

SANITARIUM, HEALTH - An institution where patients, other than the mentally disoriented or mentally incompetent, are housed and where medical or post-surgical treatment is provided. (Ord. 12-95)

SANITARIUM, MENTAL - An institution for the recuperation and treatment of the mentally disordered, mentally incompetent or victims of drug addiction. (Ord. 12-95)

SATELLITE DISH ANTENNA - A parabolic or disc shaped antenna of either solid or mesh construction intended for the purpose of receiving communications from orbiting satellite transceivers. (Ord. 12-95)

SCENIC HIGHWAY - Any highway designated as a scenic highway by an agency of the city, county, state or federal government. (Ord. 12-95)

SCREENING - A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation. (Ord. 12-95)

SECOND HAND STORE - Any premises used for the sale or handling of used goods including establishments for the sale or trade of used clothing, furniture and appliances, but excluding a pawn shop. (Ord. 12-95)

SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION - The guidelines prepared by the National Park Service for Rehabilitation of Historic Buildings and the Standards for Historic Preservation Projects. (Ord. 12-95)

SENIOR CITIZEN APARTMENT PROJECT - A residential apartment complex, developed in accordance with the provisions contained in Chapter 17.14, Division VII of this Title, with each dwelling unit containing independent living and kitchen facilities. At least one resident of each apartment unit must be a senior citizen, with the exception of the resident manager, if any. (Ord. 12-95)

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SENIOR CITIZEN HOUSING, CONGREGATE CARE - Senior citizen housing which provides meal service at a central dining facility but does not provide 24 hour services or supervision. (Ord. 12-95)

SENIOR CITIZEN HOUSING DEVELOPMENT - Housing designed to meet the physical and social needs of senior citizens, developed in accordance with the provisions contained in Chapter 17.14, Division VII of this Title. Such developments include, but are not limited to, senior citizen apartments, room and board facilities, and care and supervision facilities. Senior citizen housing does not include state licensed rest homes, group homes, convalescent hospitals, etc., which are regulated by other provisions of the Municipal Code. (Ord. 12-95)

SERVICE STATION - A retail place of business engaged primarily in the sale of petroleum products, goods, and services required in the operation and maintenance of motor vehicles under one and one-half ton capacity as the same is defined by the Motor Vehicle Code by the state and in which maintenance in minor repairs, washing, and lubrication services are conducted wholly within the service station building. (Ords. 12-95; 20-82; 12-64: Prior Codes 17.04.110 and 9100.272)

SERVICE STATION, IDLE - Any automobile service station which has not been opened for business for at least 90 eight-hour days out of 180 consecutive days. (Ord. 12-95)

SETBACK LINE - A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and governing the placement of structures and uses on the lot. (Ord. 12-95)

SHOPPING CENTER - A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements. (Ord. 12-95)

SIDEWALK - A paved surface or leveled area paralleling and usually separated from the street used as a pedestrian walkway. (Ord. 12-95)

SIGN - Any writing (including letter, word, or numeral), pictorial presentation (including illustration or decoration), emblem (including device, symbol, or trademark), flag (including banner or pennant), or any other device, figure or similar character which:

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- A. Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure or device; and,
- B. Is used to announce, direct attention to or advertise; and,
- C. Is visible from outside the building or structure. (Ords. 12-95; 13-66: Prior Code 17.84.030.L)

SIGN, COMMERCIAL - A sign whose message concerns goods or services offered for consideration by a person or entity engaged in a profit-oriented business. (Ord. 12-95)

SIGN, FREESTANDING - The term "ground sign" or "pole sign" shall mean any sign which is supported by one or more uprights, poles or braces in or upon the ground which are not a part of any building. (Ord. 12-95)

SIGN, ILLUMINATED - See "Sign, Lighted."

SIGN, LIGHTED - Any sign illuminated by electric lighting devices. (Ord. 12-95)

SIGN, MARQUEE - A permanent roofed structure that projects over public property and is attached to and supported by a building. (Ord. 12-95)

SIGN, MOVING - Any advertising structure which has any visibly moving or revolving parts. Digital clocks and thermometers are exempt from this definition. (Ord. 12-95)

SIGN, NON-COMMERCIAL - Any sign that is not intended to augment any commercial enterprise or to generate income. Non-commercial signs include, but are not limited to messages that are religious, civic or political in nature. (Ord. 12-95)

SIGN, NONSTRUCTURAL TRIM - The molding, battens, reveals, caps, returns, letters, and raceways which are attached to the sign structure. (Ord. 12-95)

SIGN, POLE - See "Sign, Freestanding."

SIGN, PROJECTING - A sign other than a wall sign which projects from and is supported by a wall or a building or structure. (Ord. 12-95)

SIGN, ROOF - A sign erected, painted or attached upon or above the roof of a building or structure. (Ords. 12-95; 13-66: Prior Code 17.84.030.K)

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SIGN, TEMPORARY - Any sign, banner, pennant, valance, or advertising display constructed on cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a limited period of time only. (Ord. 12-95)

SIGN, WALL - Any sign attached to, erected against, or painted upon the wall of a building or structure, the face of which is in a single plane attached and parallel to the plane of the wall. (Ord. 12-95)

SIGN, WIND - A series of similar banners or objects of plastic or other light material more than two inches in any diameter which are fastened together at intervals by wire, rope, cord, string or by any other means, designed to move and attract attention upon being subjected to pressure by wind breeze. (Ord. 12-95)

SIGN AREA - The sign area of an individually lettered sign including the background, is measured by enclosing the entire sign within two sets of parallel lines that contain all words or images composing the sign. The sign area of a sign with border or background is measured by a single continuous perimeter enclosing the exterior limits of the border or background. In calculating the area of signs, only one side of a two-sided sign shall be counted, so long as the parallel planes are not more than 20 inches apart. (Ord. 12-95)

SIGN STRUCTURE - The sign and the supports, uprights, braces and framework of the sign. (Ord. 12-95)

SITE - Any plot or parcel of land or combination of contiguous lots or parcels of land. (Ord. 12-95)

SITE PLAN - A plan drawn to scale showing uses and structures proposed for a parcel of land as required by the applicable regulations including lot lines, streets, building sites, reserved open space and other specific development proposals. (Ord. 12-95)

SLOPE - The degree of deviation of a surface from the horizontal, usually expressed by a ratio, percent or degrees. (Ord. 12-95)

SLOPE BANK - A man-made natural slope steeper than 15 percent. (Ord. 12-95)

SOLAR ACCESS - A property owners right to have the sunlight shine on his land. (Ord. 12-95)

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SOLAR ENERGY SYSTEM - A complete design or assembly consisting of a solar energy collector, and energy storage facility, and components for the distribution of transformed energy. (Ord. 12-95)

SOLID FENCE - A wood or masonry fence with no openings. (Ord. 12-95)

SOLID WASTE DISPOSAL FACILITY - Any facility or location authorized by Orange County, where disposal of solid waste occurs. "Solid waste" means all decomposable and non-decomposable solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes excluding sewage wastes. (Ord. 12-95)

SPECIFIC PLAN - A fully planned community, with all design controls, servicing requirements and financing techniques incorporated into the plan, which is adopted with a self-contained regulatory text and serves to implement the General Plan in more detail. (Ord. 12-95)

STABLE, PRIVATE - A building or portion of a building used to shelter and feed horses or ponies which are used exclusively by the occupants of the property on which the stable is situated. (Ord. 12-95)

STABLE, PUBLIC - A stable other than a private stable. (Ord. 12-95)

STANDARDS, DEVELOPMENT - The physical design and development portion of the Development Code controlling such items as building coverage, yard areas, height of structures or floor area ratios. (Ord. 12-95)

STOCK COOPERATIVE - A corporation that holds title to improved real property, either in fee simple or for a term of years. All or substantially all of the shareholders have a right of exclusive occupancy in a portion of the property, and the right of occupancy is transferable only concurrently with the transfer of the corporate stock. (Ords. 12-95; 38-80: Prior Code 17.04.437)

STORY - That portion of the building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and

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the ceiling above it and including those basements used for the principal use. A basement of underground parking lot shall be considered a story when the vertical distance from the average adjoining grade to its ceiling is over five feet. (Ords. 12-95; 20-82; 400: Prior Code 17.04.440)

STORY, HALF - One half story as opposed to full story buildings are structures in which the top floor area is within the established roof line, and room heights within the half story space conform to the Uniform Building Code regulations for "habitable" space. The building has two floors of habitable rooms but appears as a one story structure from an architectural standpoint. The half story may contain dormers. (Ord. 12-95)

STREET - A vehicular right-of-way, other than an alley, which affords a primary means of access to abutting property:

- A. Private - A street in private ownership, not dedicated as a public street, which provides the principal means of vehicular access to a property but not including driveways, alleys, or parking areas.
- B. Public - A street owned and maintained by the City, the County, or the State. The term includes streets offered for dedication which have been improved, or for which a bonded improvement agreement is in effect. All public streets shall be constructed to City of Orange Department of Public Works Standard plans and specifications. (Ords. 12-95; 20-82; 400: Prior Code 17.04.440)

STREETSCAPE - That portion of the net lot area and improvements that is exposed to view from the street. (Ord. 12-95)

STRUCTURE - A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. (Ords. 12-95; 20-82; 400: Prior Code 17.04.470)

SUBDIVISION - The division by any person or partnership, firm, corporation, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. "Subdivision" includes a condominium project, a community apartment project, or the conversion of five or more existing dwelling units to a stock more existing dwelling units to a stock operative. (Ord. 12-95)

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17.04.038--17.04.039

SUBDIVISION, TRACT - A subdivision which creates five or more parcels to be developed as a whole by an owner or builder. (Ord. 12-95)

SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. (Ords. 12-95; 20-82)

17.04.039 "T" Definitions

TEMPORARY STRUCTURE - A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. (Ord. 12-95)

TEMPORARY USE - A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period. (Ord. 12-95)

TERRACING - An erosion control method that uses small hills and contours on the land surface to control flooding and runoff. (Ord. 12-95)

TOPOGRAPHY - The configuration of a surface area showing relative elevations. (Ord. 12-95)

TOT LOT - An improved and equipped play area for small children. (Ord. 12-95)

TOWNHOUSE - A dwelling unit with one or two common walls, and which has direct exterior access, private yards and no common floors or ceilings with other units. (Ord. 12-95)

TOXIC - Capable of producing injury, illness, or damage to humans, domestic livestock or wildlife through ingestion, inhalation or absorption through any body surface. (Ord. 12-95)

TRACT - An area, parcel, site, piece of land, or property which is the subject of a development application. (Ord. 12-95)

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TRAILER - A structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupation, carrying materials, goods or objects, or as a temporary office. (Ord. 12-95)

TRAILER, CONSTRUCTION - A trailer, the use of which is incidental to new construction on a site, including but not limited to temporary office space for the direction of onsite construction activities. (Ord. 12-95)

TRAILER, HOUSE - A vehicle designed for or used for living or sleeping purposes and which is equipped with wheels or other similar devices used for the purpose of transporting such vehicle from place to place, whether by motive or by other means. (Ord. 12-95)

TRANSFER OF DEVELOPMENT RIGHTS (TDR) - The removal of the right to develop or build, expressed in dwelling units per acre, from land in one zoning district, to land in another district where such transfer is permitted. (Ord. 12-95)

TRANSITIONAL AREA - An area which acts as a buffer between two land uses of different intensity. (Ord. 12-95)

TRIPLEX - A building containing three dwelling units. (Ord. 12-95)

TRUCK STOP - A facility intended to provide services to the trucking industry, and includes, but is not limited to the following activities: the dispensing of fuel, repair shops, automated washes, restaurants, and motels all as part of the facility. (Ord. 12-95)

TRUCK TERMINAL - A lot, lot area or parcel of land used, designed or maintained for the purpose of storing, parking, refueling, repairing, dispatching, servicing or keeping motor trucks and associate equipment together with those facilities necessary to service, dispatch, store or maintain aforementioned vehicles, their cargoes and crews. (Ord. 12-95)

17.04.040 "U" Definitions

ULTIMATE RIGHT-OF-WAY - The right-of-way shown as ultimate on an adopted precise plan of highway alignment, or the street rights-of-way shown within the boundary of a recorded tract map, a recorded parcel map or a recorded Planned Community development plan. The latest adopted or recorded document in the above case shall take precedence. If none of these exist, the ultimate

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right-of-way shall be considered the right-of-way required by the highway classification as shown on the Master Plan of Highways. In all other instances, the ultimate right-of-way shall be considered to be the existing right-of-way in the case of a public street. (Ord. 12-95)

UNDEVELOPED LAND - Land in its natural state before development. (Ord. 12-95)

UNIQUE NATURAL FEATURE - That part of the natural environment which is rare or not duplicated in the community or region. (Ord. 12-95)

USE - The purpose for which land or a building is occupied, arranged, designed or intended, or for which either land or building is, or may be, occupied or maintained. (Ord. 12-95)

USE, PERMITTED - A use listed by the regulation of any particular district as a permitted use within that district and permitted therein as a matter of right when conducted in accord with the regulations established by Ordinance. (Ord. 12-95)

USE, PRINCIPAL - A use which fulfills a primary function of a household, establishment, institution, or other entity. (Ord. 12-95)

UTILITY, PRIVATE OR PUBLIC -

- A. Any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar service.
- B. A closely regulated private enterprise with an exclusive franchise for providing a public service. (Ord. 12-95)

UTILITY SERVICES - Establishments engaged in the generation, transmission and/or distribution of electricity, gas or steam, including water and irrigation systems and sanitary systems used for the collection and disposal of garbage, sewage and other wastes by means of destroying or processing materials. (Ords. 12-95; 20-82)

17.04.041 "V" Definitions

VARIANCE - Permission to depart from development standards required in the zoning ordinance when because of special

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circumstances applicable to the property, strict application of the ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning. Any variance granted will assure that the adjustment granted will not constitute a special privilege. (Ords. 12-95; 36-70: Prior Code 17.86.020)

VEHICLE, DISASSEMBLED - A vehicle without hoods, doors, fenders, body panels, headlights, trunk lids, tires, wheels, windows, or windshields. (Ord. 12-95)

VEHICLE, WRECKED - A vehicle with dented areas in excess of one square foot, rusted exterior body parts or broken glass parts. (Ord. 12-95)

VEHICULAR ACCESSWAY - A private, non-exclusive vehicular easement affording access to abutting properties. (Ord. 12-95)

VESTED RIGHT - A right which has been legally established and cannot be revoked by subsequent conditions or changes in law without due process of law. (Ord. 12-95)

VIDEO ARCADE - An establishment which provides coin- or token-operated pinball, video, or similar machines for customer use under either of the following circumstances:

- A. Where 15 or more such machines are located, regardless of any other type of business conducted at the premises; or
- B. Where four or more such machines exist adjacent to or in close proximity to one another, and where the building floor area occupied by these machines exceeds five percent of the total floor area accessible to the general public. (Ords. 12-95; 36-70: Prior Code 17.86.020)

17.04.042 "W" Definitions

WALL - A substantial solid barrier intended to enclose, separate or surround. (Ord. 12-95)

WINDOW - An opening in a wall of a building designed to allow light and/or ventilation into a room of a building, and enclosed by casement or sash containing glass or other similar transparent or semitransparent material. (Ord. 12-95)

WING WALL - An extension of a wall of a building beyond that enclosing the space within the building. (Ord. 12-95)

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17.04.043 "X" Definitions

XERISCAPE - Landscaping characterized by the use of vegetation which is drought resistant or low water use in character.
(Ord. 12-95)

17.04.044 "Y" Definitions

YARD - An open space on a built lot that, except as otherwise provided in this chapter, is unoccupied or unobstructed from the ground upwards, and when a yard dimension is given it represents the minimum horizontal distance between the lot line from which the distance must be measured and a line parallel to the lot line. (Ords. 12-95; 20-082; 400: Prior Code 17.04.080)

YARD, REQUIRED FRONT - The space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot, excepting those projections of a main building permitted in a front yard by Section 17.14.090. (Ords. 12-95; 20-082; 400: Prior Code 17.04.490)

YARD, REQUIRED REAR - The space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel thereto on the lot. (Ords. 12-95; 20-082; 400: Prior Code 17.04.500)

YARD, REQUIRED SIDE - The space extending across the full length of the lot, the depth of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot, excepting those projections as allowed elsewhere in this Code. (Ords. 12-95; 20-082; 400: Prior Code 17.04.510)

17.04.045 "Z" Definitions

ZERO LOT LINE - The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line. (Ord. 12-95)

ZONING DISTRICT - A specifically delineated area or district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings. (Ord. 12-95)

ZONING MAP - The map or maps, which are a part of the development code, and delineate the boundaries of zone districts.
(Ord. 12-95)

CHAPTER 17.06

ZONING DISTRICTS AND MAP

Sections:

- 17.06.010 Purpose and Intent
- 17.06.020 Districts Established
- 17.06.030 Establishment of Zones by Map
- 17.06.040 Division of Zoning Map
- 17.06.050 Uncertainty of Boundaries
- 17.06.060 Annexed Territory - Zoning and Classification
- 17.06.070 Annexed Territory - Prezoning

17.06.010 Purpose and Intent. The incorporated territory of the City of Orange is divided into land use districts, or zones, pursuant to the Planning Act of the State of California. The districts are established to serve the public health, safety, and general welfare; to provide the social and economic advantages which result from an orderly, planned use of land resources; and to guide, control, and regulate the future growth and development of the City. (Ords. 12-95; 672; 431; 400: Prior Code 9100)

17.06.020 Districts Established. Table 17.06.020 establishes the classes of zone districts. These districts classify, regulate, restrict, and segregate the uses of land and buildings; regulate and restrict the height and bulk of buildings; regulate the area of yards, courts, and other open spaces around buildings; specify other development standards applicable to uses; and provide a framework for the review of building design. No building, structure, land or premises shall be used for any purpose or in any manner other than permitted by this Title, or amendments thereto, in the district in which such building, structure, land or premises is located. (Ords. 12-95; 588)

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TABLE 17.06.020

Use District Symbol	Use Classification	Chapter
R1-R	Single Family Residential District	17.14
R1-40	Single-Family Residential District	17.14
R1-20	Single-Family Residential District	17.14
R1-15	Single-Family Residential District	17.14
R1-12	Single-Family Residential District	17.14
R1-10	Single-Family Residential District	17.14
R1-8	Single-Family Residential District	17.14
R1-7	Single-Family Residential District	17.14
R1-6	Single-Family Residential District	17.14
R1-5	Single Family Residential District	17.14
R2-8	Duplex Residential District	17.14
R2-7	Duplex Residential District	17.14
R2-6	Duplex Residential District	17.14
R-3	Multiple-Family Residential District	17.14
R-4	Multiple-Family Residential District	17.14
MH	Mobile Home Residential District	17.14
OP	Office Professional District	17.18
CP	Commercial Professional District	17.18
C1	Limited Business District	17.18
C-TR	Limited Business District - Tustin Redevelopment Project Area	17.18
C2	General Business District	17.18
C3	Commercial District	17.18
M1	Light Industrial District	17.20
M2	Industrial Manufacturing District	17.20
SG	Sand and Gravel Extraction District	17.32
A-1	Agricultural District	17.22
RO	Recreation Open Space District	17.22
SH	Slope Hazard District	17.22
PI	Public Institution District	17.24
PC	Planned Community District	17.26
FP	Flood Plain Overlay District	17.28
A	Single-Story Overlay District	17.28
E	Equestrian Overlay District	17.28
P	Parking Overlay District	17.28
PUD	Planned Unit Development District	17.16

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17.06.030--17.06.050

17.06.030 Establishment of Zones by Map.

- A. The location and boundaries of the various zone districts are shown and delineated on the zoning maps of the City of Orange. The official zoning maps of the City are entitled "Zoning Map" and are on file in the Planning Division, City Hall, City of Orange.
- B. The districts designated on the zoning maps shall be the official zoning classifications on all areas within the corporate City limits. Should there be a zoning reclassification of any property or area within the City, the zoning map delineating and designating such classification shall likewise be amended.
- C. All such maps and amendments to the maps are incorporated into this Title by reference and shall be deemed as much a part of this Title as if the matters and information upon the maps were all fully described herein. (Ords. 12-95; 431)

17.06.040 Division of Zoning Map. The zoning map may, for convenience, be divided into parts, and each part may, for purposes of more readily identifying areas shown on the map, be divided into units. Such parts and units may be used separately for purposes of amending the zoning map or for any official reference to the zoning map. (Ords. 12-95; 9-58)

17.06.050 Uncertainty of Boundaries. Where uncertainty exists as to the boundaries of any zone shown on the zoning map or any part or unit thereof, the following rules shall apply:

- A. Where such boundaries are indicated as approximately following a street line, an alley line or a lot line, the centerline of the street or alley, or the lot line shall be construed to be the boundary.
- B. In the case of unsubdivided property where the boundary divides a lot, the location of the zone boundary, unless it is indicated by dimensions, shall be determined by the use of the scale appearing on the zoning map.
- C. Where a public street or alley is officially vacated or abandoned, the area comprising the vacated street or alley shall acquire the zoning classification or classifications of the property or properties to which it reverts. (Ords. 12-95; 20-82; 9-58)

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17.06.060--17.06.070

17.06.060 Annexed Territory - Zoning and Classification.

Any territory hereafter annexed to the City shall, upon becoming part of the City, be zoned for land use in accordance with the procedures established in Section 17.10.020. (Ords. 12-95; 26-60)

17.06.070 Annexed Territory - Prezoning.

- A. Authority to Prezone: All territory located outside of the corporate City limits but within the City's sphere of influence may be prezoned prior to annexation to the City in accordance with procedures outlined in Section 17.10.020 and Chapter 6 of this Title and as provided for in Section 65859 of the Government Code of the State of California.
- B. Prezoning Becomes Official: When territory outside the City has been prezoned, then such territory and the prezoning designation shall become part of the City's zoning map and thereafter shall be subject to all provisions of this code. (Ords. 12-95; 20-82; 42-66; 26-60)

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17.08--17.08.020

CHAPTER 17.08

GENERAL ADMINISTRATIVE PROCEDURES

Sections:

- 17.08.010 Purpose and Intent
- 17.08.020 Reviewing Bodies
- 17.08.030 Applications
- 17.08.040 Notice of Hearings
- 17.08.050 Appeals
- 17.08.060 Time Extensions
- 17.08.070 Fees

17.08.010 Purpose and Intent. The purpose and intent of this chapter is to set forth the general provisions established by the City of Orange for the administration of the zoning ordinance and the implementation of General Plan goals. The provisions outlined and set forth in this chapter are established generally for all administrative procedures. (Ord. 12-95)

17.08.020 Reviewing Bodies. There are five reviewing bodies established to administer the provisions of the zoning ordinance and General Plan. These five reviewing bodies have authority to make decisions and/or recommendations for applications as outlined in Table 17.08.020:

TABLE 17.08.020

Type of Procedure, Permit or Hearing	SRC	DRB	ZA	PC	CC
Zoning Ordinance Amendment	A			A	X
Zone Change	A			A	X
Conditional Use Permit	A	A(1)	X(1)	X(1)	X(1)
Variance	A	A(1)	X(1)	X	
Administrative Adjustment Permit			X		
Design Review		A/X(1)		X(1)	
Old Towne Demolition Permit		X			
Site Plan Review - Minor	X				
Site Plan Review - Major	A	A		X	
Tentative Tract Map	A			A	X
General Plan Amendment	A			A	X
Environmental Documentation	A			X(1)	X(1)

Key: SRC = Staff Review Committee

DRB = Design Review Board
 ZA = Zoning Administrator
 PC = Planning Commission
 CC = City Council
 A = Advisory
 X = Final Project Determination
 (1) = Restricted to certain applications

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GENERAL NOTES:

(a) All items may be finally decided by the City Council upon appeal.

(b) When more than one type of application is filed for a single project, the application requiring the highest level of approval shall dictate the review process for the entire group of applications.

The five reviewing bodies are established and described as follows:

A. City Council. The City Council is established through the incorporation of the City of Orange and has final review of all matters relating to planning and zoning. (Ord. 12-95)

B. Planning Commission. The Planning Commission is established through the provisions of Title 2, Chapter 2.64 of this Code.

1. Purpose.

- a. To make land use decisions in accordance with State law, that are consistent with City's General Plan goals and policies as formally adopted by the City Council.
- b. To provide technical and advisory assistance to the City Council regarding land use matters.
- c. To assist in formulating development policy.
- d. To make environmental assessments in accordance with California Environmental Quality Act (CEQA) provisions and the City's Environmental Review Guidelines. (Ord. 12-95)

2. Powers & Duties. The Planning Commission shall have all the powers and duties of a Board of Adjustment pursuant to Section 65901 of the Government Code of the State of California in appropriate cases and, subject to appropriate conditions and safeguards.

- a. Authority to hear and decide:
 - i. Applications for conditional use permits with the exception of those made to the Zoning Administrator pursuant to 17.10.030.E;
 - ii. Applications for variances with the exception of those made to the Zoning Administrator pursuant to 17.10.040.D;
 - iii. Applications for Major Site Plan Review.
 - iv. Applications for Negative Declarations and Mitigated Negative Declarations.
- b. Authority to review and make recommendations to the City Council:
 - i. Applications for zone changes and zone ordinance amendments.

- ii. Applications for land divisions - Tentative Tract Maps.
 - iii. Applications for General Plan Amendments.
 - iv. Conditional use permit applications as listed in Section 17.10.030.D.
 - v. Environmental documentation including Environmental Impact Reports (EIRs), Negative Declarations and Mitigated Negative Declaration as described in the City's Environmental Review Guidelines.
 - c. Authority to act upon an appeal of any order, requirement, permit, decision or determination made by an administrative or appointed official or body such as the Community Development Director, Staff Review Committee, Zoning Administrator or Design Review Board in the administration or enforcement of this chapter.
 - d. In exercising the powers given by this chapter, the Planning Commission may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination previously rendered by the Planning Commission. (Ords. 12-95; 13-65; 80-62: Prior Codes 17.92.020 and 17.86.050)
3. Meetings.
- a. The Planning Commission shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this chapter. Meetings shall be held in accordance with Section 2.64.040 of this code at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public.
 - b. The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its own examinations and other official action, all of which shall be a public record and be immediately filed in the office of the Community Development Department. (Ords. 12-95; 20-82: Prior Codes 17.92.080 and 17.86.110)
- C. Zoning Administrator. The Zoning Administrator is appointed to perform certain duties as described below pursuant to the authority granted to municipalities by the State Planning Act. The City Manager shall appoint the Zoning Administrator and determine qualifications for the office.

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17.08.020

1. Purpose.
 - a. To provide a method by which minor adjustments from ordinance requirements may be permitted without the necessity of the delays incident to the setting of such matters for public hearing before the Planning Commission;
 - b. To relieve the Planning Commission from the performance of certain functions of a more routine nature which tend to divert this body from the planning and major zoning functions entrusted to the Commission by the Orange Municipal Code and the laws of the State; and
 - c. To provide more expedient service to the citizens of the City and to those persons desiring to develop projects within the City through the reduction of the time necessary to consider minor adjustments from ordinance requirements. (Ords. 12-95; 20-82; 35-70: Prior Code 17.94.010)
2. Powers & Duties. The Zoning Administrator shall have authority to grant administrative adjustment permits as provided for herein and to hear and grant applications for certain variances, conditional use permits and other matters more particularly specified in Chapter 17.10. The Zoning Administrator shall have the following additional duties and authority:
 - a. Authority to make a declaration as to what constitutes the front of a lot.
 - b. Authority to permit the use of a mobile home for temporary office and/or storage use in commercial and industrial zones in accordance with policy set forth in City Council Resolution No. 3252. This authority does not extend to temporary construction trailers. (Ords. 12-95; 12-94; 20-82; 35-70: Prior Codes 17.94.090 and 17.94.080)
3. Meetings. The Zoning Administrator shall adopt rules and regulations to govern the procedures at public meetings within his jurisdiction and to set a time for such meetings. All public hearings shall be held in the Council Chambers of the City Hall and shall be open to the public. (Ords. 12-95; 20-82; 35-70: Prior Code 17.92.120)

D. Design Review Board. The Design Review Board is hereby established to uphold community aesthetics. Recognizing that the inclusion of specific aesthetic development standards is impracticable due to the variable nature of architectural concepts, construction materials and aesthetic goals from one time period to another and from one neighborhood to another, it is in the public interest to establish an authority for project review.

1. Purpose.

- a. To review development projects, by considering the elements of architectural design, massing and scale, color palette, context, landscaping and signage to ensure that projects are compatible with surrounding development and community aesthetics.
- b. To interpret and apply adopted design guidelines and standards.
- c. To assist in formulating design policy.
- d. To encourage the preservation of cultural historic resources, while allowing for orderly and compatible development. (Ords. 12-95; 4-74: Prior Code 17.96.020)

2. Powers & Duties.

- a. The Design Review Board shall have the authority to review and make a final determination on design matters for the following types of projects:
 - i. Signs in accordance with Chapter 17.36.
 - ii. Replacement structures for proposed demolitions, when no Planning Commission and City Council review is otherwise required (such as a conditional use permit or variance).
 - iii. All development projects within a redevelopment project area, when no Planning Commission or City Council review is otherwise required (such as a conditional use permit or variance), unless exempted by the specific design guidelines/standards adopted for the project area.
 - iv. All development projects within the Old Towne Historic District, when no Planning Commission or City Council review is otherwise required (such as a conditional use permit or variance), unless exempted by the specific design guidelines/standards adopted for the project area.

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- v. Any external modifications to a structure in conjunction with seismic retrofit for unreinforced masonry buildings.
 - b. The Design Review Board shall have the authority to review and make recommendation to the Planning Commission on design matters for all development projects requiring Planning Commission recommendation or approval. (Ords. 12-95; 16-94; 4-87; 20-82; 4-74: Prior Code 17.96.100)
- 3. Meetings. The Design Review Board shall meet two times a month as needed. Board members shall be compensated for each meeting as determined by the City Council. (Ords. 12-95; 16-94; 4-87; 20-82; 4-74: Prior Code 17.96.100)
- 4. Membership. The Design Review Board shall consist of five members who shall be appointed by the City Council. The five Board members shall include: at least one licensed architect, one licensed landscape architect, and one licensed general building contractor. The two remaining members shall be appointed from the community at large and shall have demonstrated knowledge of or experience in the visual arts, architecture or similar fields. At least two of the five members shall have professional background in urban planning, architectural history, or historic preservation and shall have general knowledge of architectural styles prevalent in Old Towne. Members of the Board shall be residents of the City and shall be appointed for four-year terms. (Ords. 12-95; 20-82; 4-74: Prior Code 17.96.060)
- 5. Officers/Terms of Office. Officers shall consist of a chairman and vice-chairman, both of whom shall be selected by the members of the Board. Terms of office shall be for one year starting after the second regularly scheduled meeting of the Board in April of each year. Each officer must continue to serve until his successor has been installed. Officers may be reelected for no more than two consecutive terms. (Ords. 12-95; 4-74: Prior Code 17.96.070)
- 6. Rules and Regulations. The Design Review Board shall adopt rules and regulations to provide for the holding of meetings, election of officers, quorum and voting provisions, hearings and notices, and may provide for such other matters as may be in the general welfare of the City subject to approval by the City Council. (Ords. 12-95; 4-74: Prior Code 17.96.090)

- E. Staff Review Committee. The Staff Review Committee is established to review development proposals in order to ensure that yards, open space, structures, parking, loading facilities, landscaping, streets and similar uses and the development of the land remains compatible with surrounding properties reflecting the highest quality of land planning and design.
1. Purpose.
 - a. To provide site plan review in accordance with the City's General Plan and Zoning Ordinance, and other pertinent ordinances.
 - b. To provide for review of those development qualities which are not regulated by precise standards.
 - c. To make environmental assessments in accordance with California Environmental Quality Act (CEQA) provisions and the City's Environmental Review Guidelines. (Ord. 12-95)
 2. Powers & Duties. The Staff Review Committee shall have the authority to:
 - a. Decide upon minor site plan applications.
 - b. Review and make recommendations to the Planning Commission on major site plans and other discretionary applications as specified in Chapter 17.10.
 - c. Consider minor modifications to previously approved site plans and to determine whether such modifications are in substantial conformance with the approved plans.
 - d. Review and make recommendations to Planning Commission on environmental documentation, and all duties defined in City of Orange Environmental Review Guidelines. (Ord. 12-95)
 3. Meetings. The Staff Review Committee shall adopt rules and regulations to govern the procedures at meetings within the Committee's jurisdiction and to set a time for such meetings. (Ord. 12-95)
 4. Membership. The Staff Review Committee shall consist of the Community Development Director, who shall be Chairman, Chief Building Official, Economic Development Director, Public Works Director/City Engineer, Community Services Director, Police Chief, and Fire Chief, and/or their designated representatives. (Ord. 12-95)

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17.08.030

17.08.030 Applications.

- A. Application Form Required. Applications for all activities related to the Zoning Ordinance which require a public hearing by one or more of the reviewing bodies established in Section 17.08.020 shall be filed with the Planning Division upon the forms which are required by the Planning Division. Administrative review is excepted from the following requirements unless an appeal is made for a public hearing. (Ords. 12-95; 40-88: Prior Code 17.98.020)
- B. Initiation of Application. Applications may be initiated by the City Council, Planning Commission, and owners or authorized agents of real property affected by the proposed amendment or action. (Ord. 12-95)
- C. Contents of Applications. Applications shall include the following:
 - 1. Witness of the signature of the landowner by a notary public or city staff;
 - 2. A legal description and street address of the site;
 - 3. A list of all property owners, including addresses, within 300 feet of the site subject to the application. The list must be verified by a title insurance company authorized to do business in Orange County, California. Applications filed by the City are exempt from verifications;
 - 4. A list of the reasons justifying an approval of the application;
 - 5. A fully dimensioned site plan showing proposed building size(s) and use(s), circulation, parking, and landscaping; and
 - 6. Fees as required by Section 17.08.070. (Ords. 12-95; 40-88: Prior Code 17.98.020)
- D. Additional Data. Additional data and information may be required at the discretion of the Planning Division. (Ord. 12-95)
- E. Completeness Determination. Within 30 days of receipt of an application for a development project, the Staff Review Committee shall make a determination and notify the applicant as to whether the application is complete. (Ord. 12-95)

- F. **Withdrawal of Application and Refund of Filing Fees.** If an application is withdrawn prior to advertising for the public hearing, an applicant shall be entitled to a full or partial refund of filing fees. The full fee amount may be refunded only if an application is withdrawn prior to the mailing or publishing of any public notice regarding the project, and if no staff time has been expended. (Ord. 12-95)
- G. **Inactive Applications.** If an application is inactive for a period of six months or more, it shall be deemed to have expired, and all processing will be terminated. For the purpose of this section, "inactive" shall mean that an applicant has not responded to a City request for additional information or plans. An applicant shall be notified prior to expiration of an application, and given the opportunity to reactivate. (Ord. 12-95)
- H. **Limits on Reapplication.** Applications which are denied shall not be resubmitted for review until a period of at least six months has passed, unless the development proposed by the application is substantially different from the application which was denied. (Ord. 12-95)
- I. **Modifications to Previously Approved Projects.** A project proponent may request a modification of a previously approved project as follows:
 - 1. Any modification to a condition of approval shall be reviewed and approved by the same process as required for the original application.
 - 2. Any modification to a previously approved project, when such modification requires separate approval through one of the procedures listed in Table 17.08.020, and when such modification is requested either prior to completion of initial construction, or within two years of the original project approval, shall be reviewed and approved by the same process as required for the original approval. In the event the modification requires a higher level of approval than that of the original application, then the original approving body shall act as an advisory body, and the application and hearing process shall occur in accordance with the provisions of Chapter 17.10.
 - 3. Any modification to a previously approved project, when such modification requires separate approval through one of the procedures listed in Table 17.08.020, and when such modification is requested subsequently to the

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17.08.030--17.08.040

time frames outlined in Section 17.08.030.I.2, shall be processed in accordance with the provisions of Chapter 17.10.

4. Minor modifications to site plans may be considered by the Staff Review Committee, who may make a final determination or refer to another Reviewing Body for decision. (Ords. 12-95; 40-88: Prior Code 17.98.180)

17.08.040 Notice of Hearings.

- A. General. Notice shall be given in accordance with State Law for all hearings requiring notice, as set forth in Table 17.08.040. In addition to the notice required by this section, the City may give notice of the hearing in any other manner it deems necessary or desirable.

TABLE 17.08.040

Type of Procedure, Permit or Hearing	Surrounding Property Owners	Publication and/or Posting	Other
Appeal			(a)
Conditional Use Permit	Yes	Publish or Post	
Demolition Permit, Old Towne	No	Publish	
Development Agreement	Yes	Publish	
Environmental Impact Report			(b)
General Plan Amendment (Map)	Yes	Publish	
General Plan Amendment (Text)	No	Publish	
Negative Declaration			(b)
Site Plan Review - Major	Yes	Publish or Post	
Site Plan Review - Minor	No	Post	
Tentative Tract Map	Yes	Publish	
Variance	Yes	Publish or Post	
Zone Change	Yes	Publish	
Zoning Ordinance Amendment	No	Publish	(c)

NOTES: (a) Notification shall occur in same manner as was required for the original permit issuance.

(b) Notification shall be required in accordance with California Environmental Quality Act.

(c) In the event the amendment affects the permitted uses of real property, owners of subject real property and surrounding properties shall also be notified. (Ords. 12-95; 40-88: Prior Code 17.98.100)

B. Noticing Requirements.

1. For all hearings requiring public notification, the following shall apply:
 - a. Property Owner. Notice of hearing shall be mailed or delivered to the owner of the subject real property or to the owner's duly authorized agent.
 - b. Project Applicant. Notice shall be mailed or delivered to the project applicant.
 - c. Request for Notification. Notice of the hearing shall also be mailed or delivered to any person who has filed a written request for the notice with either the clerk of the governing body or with another person designated by the governing body to receive such requests.
2. For all hearings requiring notification of surrounding property owners, the following shall apply:
 - a. Notice of the hearing shall be mailed or delivered to all owners of real property, as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the hearing. In lieu of using the assessment roll, the City may use records of the county assessor or tax collector, whichever contains more recent information than the assessment roll.
 - b. If the number of owners to whom notice would be mailed or delivered pursuant to this subsection is greater than 1,000, the City, in lieu of mailed or delivered notice, may provide notice by placing an advertisement of at least one-eighth page in at least one newspaper of general circulation within the local agency in which the proceeding is conducted.
3. For all hearings requiring publication of notice, notice shall be made by publication in a local newspaper of general circulation in the City of Orange no less than one time.
4. When notice may be provided through either publication or posting, the Community Development Director shall determine whether to publish or post the notice, and the following shall apply:
 - a. If notification is to be provided by publication, it shall occur in accordance with #3 above.
 - b. If notification is to be provided by posting, then notice shall be posted in at least three public places within City boundaries, including one place in the area directly affected by the proceeding.

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17.08.050

17.08.050 Appeals.

- A. Right of Appeal. Any action taken by the Community Development Director, Staff Review Committee, Zoning Administrator, or the Design Review Board in the administration or enforcement of the provisions of this chapter may be appealed by any person aggrieved, or by an officer, commission or department of the City. Such appeals can be made to the Planning Commission. Any action taken by the Planning Commission may be appealed to the City Council. (Ords. 12-95; 20-82: Prior Codes 17.92.090 and 17.86.120)
- B. Appeal Stays Proceedings. An appeal stays all proceedings in furtherance of an action appealed, unless the Community Development Director, after reviewing the case, recommends to the body deciding the appeal that a stay would, in his opinion, cause imminent peril to life and property. (Ord. 12-95: Prior Codes 17.92.100 and 17.86.130)
- C. Form and Content of Notice of Appeal. The notice of appeal shall be in writing and shall be filed in the Planning Division upon forms provided by the City. An appeal from any action in the administration or enforcement of this chapter shall indicate specifically the error or abuse of discretion. (Ord. 12-95)
- D. Time for Filing. Any appeal shall be filed within 15 calendar days after the hearing or action from which the appeal is made. Upon the filing of appeal, the Planning Division shall transmit a copy of the appeal to the body authorized to hear the appeal. (Ords. 12-95; 4-87; 38-68: Prior Code 17.92.120)
- E. Appeal of Actions taken by the Community Development Director, Staff Review Committee, Design Review Board or the Zoning Administrator.
 - 1. Hearing Date and Notice. Upon receipt of the notice of appeal, the Planning Division shall set a date for a Planning Commission hearing of the matter and give notice of the date, time and place of the hearing to the applicant and appellant. Further, the Planning Division shall give public notice of the hearing as required in Section 17.08.040 at least ten days prior to the date of the hearing. Prior to such hearing, the Planning Division shall transmit to the Planning Commission a report of the findings and at such hearing shall present all documents on file.

2. Authority of Planning Commission. The Planning Commission shall consider the record and such additional evidence as may be offered and may affirm, reverse or modify, in whole or in part, the action that was appealed. The Commission may also make or substitute additional decisions or determinations as it finds warranted under the provisions of this chapter. The Planning Commission shall transmit a copy of the decision to the applicant, appellant, and the Planning Division.

F. Appeal of Actions taken by the Planning Commission.

1. Hearing Date and Notice. Upon receipt of the notice of appeal, the City Clerk shall set a date for City Council hearing of the matter and give notice of the date, time and place of the hearing to the applicant, the appellant and the Planning Division. The City Clerk shall give public notice of the hearing as required in Section 17.08.040 at least ten days prior to the date of the hearing. Prior to such hearing, the Planning Division shall transmit to the City Clerk a report of the findings and at the City Council hearing shall present all documents on file.
2. Authority of City Council. The City Council shall consider the record and such additional evidence as may be offered and may affirm, reverse or modify, in whole or in part, the action that was appealed. The Council may also make or substitute additional decisions or determinations as it finds warranted under the provisions of this chapter. The City Council shall transmit a copy of the decision to the applicant, appellant, and the Planning Division. (Ord. 12-95)

17.08.060 Time Extensions. The body granting final approval may, upon written request prior to expiration, grant up to one year extension of time of any approved permit application, upon presentation of extenuating circumstances, subject to the contingency that no conditions are added, deleted or modified. Such time extension shall not require public notice. (Ords. 12-95; 4-87; 38-68: Prior Code 17.92.120)

17.08.070 Fees. A filing fee, as determined by City Council resolution, shall accompany an application for any action taken under the provisions of this Title. Any applications made by the City or any of its representatives shall be exempted from this requirement. (Ords. 12-95; 20-82; 53-77: Prior Code 17.92.050)

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17.10--17.10.020

CHAPTER 17.10

SPECIFIC ADMINISTRATIVE PROCEDURES

Sections:

- 17.10.010 General Plan Amendments
- 17.10.020 Amendments to Zoning Ordinance and Zoning Map
- 17.10.030 Conditional Use Permits
- 17.10.040 Variances
- 17.10.050 Administrative Adjustments
- 17.10.060 Site Plan Review
- 17.10.070 Design Review
- 17.10.080 Environmental Review
- 17.10.090 Demolition

17.10.010 General Plan Amendments. Amendments to the General Plan shall be processed in the same manner as Amendments to the Zoning Ordinance, subject to the additional requirements of California Government Code Sections 65350-65362. (Ord. 12-95)

17.10.020 Amendments to Zoning Ordinance and Zoning Map.

- A. Initiation and Application. Initiation and application for amendments to the Zoning Ordinance or Zoning Map shall be made pursuant to Section 17.08.030 of this Title.
- B. Planning Commission Procedures.
 - 1. Hearing Required. Upon receipt of an application requesting a Zone Change or Zoning Ordinance Amendment, the secretary of the Planning Commission shall set the matter for hearing not more than 60 days from the date an application is deemed complete. The Planning Commission shall hold at least one public hearing on the matter. (Ord. 12-95: Prior Code 17.92.090)
 - 2. Recommendation to City Council. The Planning Commission shall render its decision in written form to the City Council, and the report shall include the following information:
 - a. Reasons for the recommendation;
 - b. The relationship of the proposed amendment to the General Plan and applicable Specific Plans; and
 - c. Environmental determination.

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- C. Hearing by City Council. Upon receipt of the report from the Planning Commission, the Council shall conduct at least one public hearing on the matter. The Council may approve, modify or disapprove the Commission's recommendation. If the matter under consideration is a change of zone and the Planning Commission has recommended against the adoption of the change of zone, the Council shall not be required to take any further action on the amendment unless an interested party appeals the matter to the Council within 15 days of the date of the denial. (Ords. 12-95; 4-87; 38-68: Prior Code 17.92.120)
- D. Planning Commission Review of City Council Changes. Substantial modification of the proposed amendment by the City Council which was not previously considered by the Planning Commission shall be referred to the Planning Commission for report and recommendation. (Ords. 12-95; 4-87; 38-68: Prior Code 17.92.120)

17.10.030 Conditional Use Permits.

- A. Purpose and Intent. The City recognizes that certain types of land use, due to the nature of the use, require special individual review. Such review is required to determine whether the proposed use, or the location of the use, is compatible with surrounding uses or can be made compatible through the imposition of development conditions. The conditional use permit is established to facilitate such review. (Ords. 12-95; 1-95; 17-86; 10-85; 26-83; 20-82; 41-76; 37-73; 3-68; 13-65: Prior Codes 17.92.010)
- B. Initiation and Application. Initiation and application for a conditional use permit shall be made pursuant to Section 17.08.030 of this Title. (Ord. 12-95)
- C. Conditional Use Permits Reviewed by Planning Commission.
 - 1. The Planning Commission shall hear applications made for all conditional use permits with the exception of those made to the City Council or Zoning Administrator, pursuant to Sections 17.10.030 (D and E). At least one noticed public hearing shall be held for a conditional use permit application. Also, the Planning Commission shall hear any conditional use permit application which has been submitted in conjunction with any other application subject to Planning Commission review.

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2. The Planning Commission shall make a finding by resolution stating its authority to grant, deny or make a recommendation to the City Council regarding the conditional use permit. The granting or revocation thereof shall conform to Subsections F, G, and H of this section.
 3. Due to the nature of some specific uses, special conditions may apply beyond those outlined in this section. The special conditions, where applicable, are contained within the regulations established for the various zone districts (Chapters 17.14 through 17.32 of this Title).
- D. Conditional Use Permits Reviewed by City Council. The City Council shall have the final authority to review and determine the following conditional use permits.
1. Accessory Second Housing Unit applications pursuant to Section 17.14.060.
 2. Alcoholic beverage sales in conjunction with sale of motor fuel, and off-sale of alcoholic beverages in industrial zones.
 3. Bingo Games pursuant to Section 17.18.060.
 4. Hazardous Waste Facility applications pursuant to Chapter 17.42.
 5. Heliports pursuant to Sections 17.18.060 and 17.20.030.
 6. Hospital expansions or new construction pursuant to Section 17.18.060.
 7. Planned Unit Development applications pursuant to Chapter 17.16. (Ords. 12-95; 38-68: Prior Code 17.92.120)
- E. Conditional Use Permits Reviewed by Zoning Administrator.
1. The Zoning Administrator shall have the authority to review the following conditional use permits:
 - a. Permits to allow video and similar games in appropriate zones as prescribed.
 - b. Permit for large family day care homes, subject to special criteria and hearing requirements set forth in Section 17.14.060.
 - c. Permits for collection or processing facilities (recycling) subject to standards set forth in Section 17.18.060.

2. At least one noticed public hearing shall be held for a conditional use permit application.

F. Requirements for Granting Conditional Use Permits.
Conditional use permits may be heard and decided provided that findings are made based on the following guidelines:

1. A conditional use permit shall be granted upon sound principles of land use and in response to services required by the community.
2. A conditional use permit shall not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located. (Ords. 12-95; 1-95; 40-76: Prior Codes 17.94.050 and 17.94.060)
3. A conditional use permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is located.
4. A conditional use permit, if granted, shall be made subject to those conditions necessary to preserve the general welfare, not the individual welfare of any particular applicant. (Ord. 12-95)

G. Approval May Be Conditional. In granting any conditional use permit, the reviewing body may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this code and punishable under this code. The reviewing body may prescribe a time limit within which the action for which the conditional use permit is required shall be started, completed or both. (Ord. 12-95)

H. Revocation of Conditional Use Permits.

1. A conditional use permit granted in accordance with the terms of this chapter shall be revoked if:
 - a. It has not been used in accordance with the terms of approval;
 - b. Was obtained under fraud or misinformation; or
 - c. The use has ceased to exist for more than six months.
2. Every approved conditional use permit shall become void unless the use has commenced or substantial construction has begun within 24 months after the date the conditional

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use permit was approved. Extensions of time may be granted in accordance with Section 17.08.060.

3. A conditional use permit may be revoked if any of the conditions or terms are violated, or if any ordinance or other provision of law is violated in connection with the permit. The Planning Commission shall hold a public hearing to determine if the terms of the conditional use permit are being violated in addition to any other ordinance or provision of law, and shall make a recommendation to the City Council. The City Council shall make the final determination on a revocation. (Ords. 12-95; 20-82; 20-79; 3-79; 40-73; 20-69: Prior Codes 17.92.140 and 17.86.170)

17.10.040 Variances.

- A. Purpose and Intent. The City recognizes that certain properties, due to their unique shape, size, location or other physical condition cannot be developed in strict conformance with the regulations of this Title. The variance procedure is established to provide guidelines and regulations for the granting of relief from certain provisions of this Title. However, in no case may a variance be granted to permit a use otherwise not permitted in a zone district. (Ord. 12-95)
- B. Initiation and Application. Initiation and application for a variance shall be made pursuant to Chapter 17.08.030 of this Title. (Ords. 12-95; 4-87; 80-62; 56-60; 13-58: Prior Codes 17.02.040, 17.92.030 and 17.86)
- C. Variances Reviewed by Planning Commission. The Planning Commission shall hear applications for all variances not under the jurisdiction of the Zoning Administrator, as indicated in Section 17.10.040.D. Also, the Planning Commission shall hear any variance application which has been submitted in conjunction with any other application subject to review by the Commission. At least one noticed public hearing shall be held to consider the variance application. (Ords. 12-95; 64-62: Prior Code 17.10.040)
- D. Variances Reviewed by Zoning Administrator. The Zoning Administrator shall have the authority to review the following applications for Variances:
 1. The location of accessory buildings which do not conform to the requirements of the Orange Municipal Code;

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2. Waiver of the following building site requirements for buildings constructed on a single lot or for buildings constructed on separate parcels of land provided there are less than five lots or parcels:
 - a. Building setback and yard requirements;
 - b. Building site area;
 - c. Building site coverage; and
 - d. Building site width.
3. Waiver of wall height requirements;
4. Waiver of garage location and access requirements;
5. Waiver of parking lot dimensional standards;
6. Waiver of sign requirements; and
7. Waiver of antenna requirements for height, location, site, and setbacks.

Certain minor variations from development standards can be accomplished through the granting of an Administrative Adjustment Permit, as outlined in Section 17.10.050 of this Chapter. (Ords. 12-95; 2-86; 20-82; 35-70: Prior Codes 17.94.060 and 17.94.070)

- E. Requirements for Granting of a Variance. The following findings must be made by the responsible reviewing body in granting a variance pursuant to Section 65906 of the California Government Code:
1. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; and
 2. That the variance granted shall be subject to such conditions which will assure that the authorized adjustment shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is located. (Ords. 12-95; 40-74: Prior Codes 17.94.070 and 17.94.080)

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- F. Approval May Be Conditional. In granting any variance, the reviewing body may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this code and punishable under this code. The reviewing body may prescribe a time limit within which the action for which the variance is required shall be started, completed or both. (Ord. 12-95)
- G. Revocation of Variances.
1. A variance granted in accordance with the terms of this chapter shall be revoked if:
 - a. It has not been used in accordance with the terms of approval; or
 - b. Was obtained under fraud or misinformation.
 2. Every approved variance shall become void unless utilized within 24 months after the date the variance was approved. Extensions of time may be granted in accordance with Section 17.08.060.
 3. A variance granted in accordance with the terms of such permit may be revoked if any of the conditions or terms are violated or if any ordinance or other provision of law is violated in connection with the variance. The Planning Commission shall hold a public hearing to determine if the terms of the variance are being violated in addition to any other ordinance or provision of law, and shall make a recommendation to the City Council. The City Council shall make the final determination on a revocation. (Ords. 12-95; 20-82; 20-79; 3-79; 40-73; 20-69: Prior Codes 17.92.140 and 17.86.170)

17.10.050 Administrative Adjustments.

- A. Purpose and Intent. The administrative adjustment permit process is established to allow for a simplified review process for specific land use actions which the City anticipates will not adversely affect surrounding properties. (Ords. 12-95; 20-82; 35-70)
- B. Initiation and Application. Applications may be initiated by the City Council, Planning Commission, or owners or authorized agents of real property affected by the proposed amendment or action. Applications shall include the following:

1. A description of the request (site plans may be required);
 2. Reasons justifying an approval of the application;
 3. Fees as required by Section 17.08.070; and
 4. Additional data and information may be required at the discretion of the Planning Division. (Ords. 12-95; 20-82; 35-70)
- C. Zoning Administrator Review. The Zoning Administrator shall have the authority to review administrative adjustment permit applications and may act to approve, conditionally approve or deny such applications. No public hearing shall be required to consider the issuance of an administrative adjustment permit. (Ords. 12-95; 20-82; 35-70: Prior Codes 17.94.080 and 17.94.090)
- D. Actions Considered To Be Administrative Adjustments. The following types of land use actions shall be subject to review by the Zoning Administrator as administrative adjustments:
1. Adjustment of Required Yards and Setbacks. The Zoning Administrator may approve a reduction in the required yard within any zone as follows:
 - a. Front Yard - A maximum of 20 percent.
 - b. Side Yard - A maximum of 20 percent
 - c. Rear Yard - A maximum of 20 percent.
 Any proposed deviation in excess of these limits shall be considered a variance and shall be subject to the provisions of Section 17.10.040.
 2. Adjustment of Other Development Standards. Other development standards in all zones may be adjusted a maximum of ten percent. Any proposed deviation in excess of ten percent shall be considered a variance and shall be subject to the provisions of Section 17.10.040.
 3. Cul-de-Sac and Knuckle Lot Frontage. The Zoning Administrator may reduce lot frontage requirements for lots fronting on cul-de-sac or knuckle streets.
 4. On-Site Sale of Agricultural Products. The Zoning Administrator may approve the sale of agricultural products on the site where they are being grown. (Ords. 12-95; 40-74: Prior Codes 17.94.070 and 17.94.080)

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- E. Findings Required. The Zoning Administrator shall make the following findings in granting an administrative adjustment permit:
1. That the reduction in standards will not be detrimental to the public health, safety, and general welfare of persons residing or working on the subject property or in the vicinity.
 2. That issuance of the permit does not compromise the intent of this code. (Ords. 12-95; 20-82: Prior Code 17.94.120)

17.10.060 Site Plan Review.

- A. Purpose and Intent. The site plan review process is established to provide a means of reviewing development projects to ensure that projects reflect the highest quality of land planning and design, that projects conform to City development standards, that new projects are compatible with surrounding development and neighborhoods in terms of scale, style and construction materials, that on and off-site circulation is adequate to support the project; that City services are adequate and available, and to ensure the maintenance, restoration, enhancement and protection of the environment. (Ord. 12-95)
- B. Initiation and Application. Applications for site plan review shall be filed in accordance with submittal requirements as determined by the Staff Review Committee. Additional information may be requested from an applicant to allow for thorough site plan review of a project. (Ord. 12-95)
- C. When Site Plan Review is Required. Site plan review shall apply to any new use of previously vacant land, new construction, or rehabilitation or expansion of existing structures in all zones. Exception: Site plan review shall not be required for construction of a new single family residence, or rehabilitation of an existing single family residential structure in zoning districts permitting such use. Expansion of an existing single family residence is also exempt from site plan review, provided that such expansion does not result in the creation of any additional dwelling unit(s). (Ord. 12-95)

D. Minor Site Plan Review.

1. **Criteria.** Any proposal meeting the criteria below may be considered a minor site plan unless the Community Development Director or the Staff Review Committee determines that the special circumstances relating to the project warrant review as required for major site plan review. These criteria correspond to those projects identified by the California Environmental Quality Act (CEQA) as being categorically exempt.
 - a. Additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the general plan, and the area is not environmentally sensitive.
 - b. Construction of six or fewer residential units on a single parcel, when only one parcel is being developed.
 - c. Construction of up to three small commercial or industrial structures, not involving the use of significant amounts of hazardous substances, and designed with a maximum occupancy load of 30 persons.
 - d. Conversion of a residence to a non-residential use within zones permitting such use.
 - e. Remodeling or reuse of an idle service station, or conversion of any portion of a service station to another use as required in Section 17.30.060.
 - f. Creation of lots or building sites with no direct access to a public street.
 - g. Establishment of mobile homes as a residence for a caretaker, custodian, or guard at recreational, equestrian, industrial, and institutional locations.
 - h. Moving any existing structure or building onto a building site from another location or building site.
 - i. Restriction of access to any required parking spaces on any property by means of fencing or gating.
2. **Procedure.** Staff Review Committee, as established by Section 17.08.020.E of this Title, shall serve as the reviewing body for minor site plan review. Once an application for minor site plan review has been deemed complete, the Committee shall consider and approve, approve with conditions, deny or refer the project to the Design Review Board and/or the Planning Commission. A continuance may be granted upon mutual consent of the applicant and Staff Review Committee. Appeals of Staff Review Committee decisions shall be made in accordance with City appeal procedures, Section 17.08.050. (Ord. 12-95)

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E. Major Site Plan Review.

1. Criteria. Any proposal exceeding the criteria for minor site plan review shall require major site plan review.
2. Procedure. Staff Review Committee and Design Review Board shall serve as the preliminary reviewing bodies for major site plan review. Once an application for major site plan review has been deemed complete, both the Staff Review Committee and Design Review Board shall independently consider and make a recommendation to approve, approve with conditions, or deny the project. A continuance may be granted upon mutual consent of the applicant and Staff Review Committee. The recommendations shall be forwarded to the Planning Commission secretary for placement on the Commission's consent calendar, and shall be noticed as provided for in Section 17.08.040 of this Title. Procedures for acting on consent calendar items shall be established by the Planning Commission and shall be adopted by resolution. The Commission, in considering a site plan review application, shall review the recommendations of the Staff Review Committee and Design Review Board. The Commission shall act to approve, approve with conditions or deny the application. A continuance may be granted upon mutual consent of the applicant and Planning Commission. Planning Commission action shall be deemed final unless an appeal to the City Council is filed within 15 days of the decision in accordance with Section 17.08.050. (Ord. 12-95)

F. Site Plan Review Criteria. In addition to project review for compliance with the development standards of the underlying zoning district and other applicable ordinance provisions, site plan review will include review of those development qualities which are not subject to precise definition in the regulations of each zone. The following criteria are listed to illustrate the issues to be considered by the Staff Review Committee and/or Planning Commission in project review and determination:

1. Compatibility of the project with surrounding development and neighborhoods:
 - a. The development shall be consistent in size and scale with surrounding development.
 - b. The building design and materials shall be compatible with the character of the surrounding area.
 - c. The building design shall consider and respect the privacy of adjacent residents.

- d. Building and site design shall be consistent with any applicable design guidelines.
 - e. Projects within Redevelopment Project Areas shall be consistent with Project Area goals.
 - f. Development shall have adequate buffering to screen exterior trash, loading and storage areas from view of adjacent streets and structures, and to minimize impacts of noise and lighting.
 - g. Projects in historic districts shall comply with applicable design standards.
2. Building/site planning issues:
- a. Buildings shall be sited to allow for a functional use of space between structures, and to provide for light, air and recreational opportunities commensurate with the requirements of the proposed use.
 - b. Building siting and grading shall consider the existing topography, and grading shall blend contours with those of adjacent properties, consistent with City Landform Grading Guidelines.
 - c. Landscaping shall be provided in setback and parking areas to provide visual relief within the streetscape and minimize the expansive appearance of parking lots. Landscaping shall be designed in a manner to preserve adequate sight distances for motorists and pedestrians entering and exiting the site, and to maintain visibility of addressing.
 - d. Building bulk and massing shall consider the size, shape and location of the site.
 - e. Mechanical equipment shall be screened from view of adjacent streets and structures, in a manner which is architecturally compatible with the building design and materials.
 - f. All signage shall be integrated with building design.
3. Circulation/traffic safety, on and off site:
- a. Site access points shall be located so as to promote safe site access and egress, and cause minimal disruption to public street traffic flow. The following guidelines should be used in locating access drives:
 - i. Minimize the number of driveways/access points serving a single site.
 - ii. Provide for reciprocal access between adjacent parcels where possible.
 - iii. Provide adequate sight distance for drivers exiting a site.

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- iv. Locate site access points a safe distance from street intersections, and from other street/driveway intersections. Factors to consider include:
 - (a) Specific characteristics of the abutting public streets, including street width, capacity, traffic volume, curvature, gradient, design speed, and intersection characteristics;
 - (b) Specific characteristics of the proposed site and development plan, including site size, shape, topography, and traffic generation potential;
 - (c) Characteristics of the surrounding land uses, including existing and potential traffic generation rates, peak hour usage, and potential for reciprocal access.
- b. Interior site drive aisles shall align in a manner which promotes ease of circulation, and minimizes traffic and pedestrian/vehicular conflicts.
- c. Adequate provisions shall be made for the loading and unloading of passengers and/or goods.
- 4. City services:
 - a. Project developers shall be responsible for improvements to public infrastructure in accordance with the City's Master Plan of Streets and Highways, and water, sewer, and storm drain master plans.
 - b. Projects shall employ concepts of crime prevention through environmental design, and shall provide for site access to accommodate emergency services (police, fire).
 - c. Trash receptacles shall be placed throughout the site in locations and numbers adequate for usage and accessible for pickup.
- 5. Environmental protection:
 - a. Projects shall minimize the disruption of existing natural features such as vegetation, topography and ground features.
 - b. All streambed modification proposals shall identify compliance with California Department of Fish and Game requirements.
 - c. Projects shall make every attempt to preserve historic properties and landmarks. (Ord. 12-95)

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G. Conditions of Approval. The Staff Review Committee may recommend or require reasonable conditions of approval which may include, but not be limited to those items listed below. The Design Review Board may recommend conditions of approval for major site plan review in accordance with Section 17.10.070.E.

1. A revised site plan;
2. Modifications of building height, bulk, mass or scale;
3. Increased setbacks;
4. Division or sound walls;
5. Mitigation of potential project related environmental impacts;
6. Increased open space;
7. Screening of parking areas, trash receptacles, mechanical equipment, storage areas;
8. Increased landscaping;
9. Relocation of buildings;
10. Revised interior circulation or parking area design;
11. Off site improvements;
12. Revised grading plan; or
13. Any other changes or additions the Committee feels are necessary to further the goals of the site plan review process. (Ord. 12-95)

H. Findings Required. Findings shall be made as follows in conjunction with any project approval.

1. That the project will not cause a deterioration of neighboring land uses.
2. That the project conforms to City of Orange development standards and any applicable special design guidelines or specific plan requirements.
3. That the project will not cause significant negative environmental impact.

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4. That on and off-site circulation is adequate to support the project.
 5. That City services are available and adequate to serve the project.
 6. The project is compatible with community aesthetics.
(Ord. 12-95)
- I. Expiration. If not utilized, project approval expires two years from the approval date. Extension of time may be granted in accordance with Section 17.08.060. (Ord. 12-95)

17.10.070 Design Review.

- A. Purpose and Intent. The design review process is established to provide a means of reviewing development projects to ensure that these projects are compatible with community aesthetics including architectural design, massing and scale, context, color palette, signage and landscaping. The design review process additionally serves a primary role in the implementation of adopted design standards. (Ords. 12-95; 4-74: Prior Code 17.96.020)
- B. When Design Review is Required. Design review is required for all projects listed below:
1. Development projects requiring Planning Commission or City Council approval.
 2. Any project requiring major site plan review.
 3. Signs as specified in Chapter 17.36.
 4. All projects located within a Redevelopment Project Area except where otherwise exempted by the specific design guidelines adopted for the project area.
 5. All projects within Old Towne or other historic districts as established, except where otherwise exempted by adopted design standards or by an adopted specific plan.
 6. Replacement structures or uses resulting from the removal or demolition of any structure over 120 square feet in area within an established historic district.

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7. External changes and facade renovations on unreinforced masonry (URM) buildings undergoing seismic retrofitting as required under the City's Seismic Strengthening Provisions for URM Buildings, Chapter 15.55.
(Ords. 12-95; 4-74: Prior Code 17.96.020)
- C. Initiation and Application. Design review applications shall be filed in accordance with application and submittal requirements as determined by the Design Review Board. Application materials may include site, building and landscape plans, photographs, colored renderings and material boards. This information must be of sufficient detail to allow the Board to determine the compatibility of the change to the existing structure, area or district and that the project meets established design standards and criteria. Application for new construction in historic districts shall also include contextual information pertaining to scale, massing, streetscape, landscaping and open space. (Ords. 12-95; 4-87; 20-82; 4-74: Prior Code 17.96.110)
- D. Design Review Procedure and Criteria. The Design Review Board shall make a recommendation or final determination as authorized by Section 17.08.020.D to approve, approve with conditions or deny a project at a public meeting. In making such recommendation or determination, the Board shall consider adopted design standards and guidelines (where applicable), Secretary of the Interior's Standards and Guidelines for Rehabilitation (where applicable) and the following general criteria in making a project determination:
1. Compatibility of the project with surrounding development and neighborhoods:
 - a. The development shall be consistent in size and scale with surrounding development.
 - b. Building design, colors and material shall be compatible with the character of the existing structure (when the project is a building addition) and with the surrounding area.
 2. Adequacy of screening/buffering:
 - a. Trash receptacles, storage and loading areas, and mechanical equipment shall be screened from view of public streets, in a manner which is architecturally compatible with the building.
 - b. Landscape areas shall be provided in and around parking lots to break up the appearance of large expanses of paving.

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3. Landscaping:
 - a. The type, size, and location of landscape materials shall be compatible with the scale of building(s) and property.
 - b. Landscaping shall not obstruct visibility of required addressing, nor shall it obstruct vision of motorists or pedestrians on or in proximity to the site.
4. Signs:
 - a. All signage shall be compatible with the building design, scale, colors and materials.
 - b. All signs within the Plaza District should be of a size and style compatible with the historic building and should not cover or obscure significant architectural detailing or features.
5. Streetscape:
 - a. Building facades shall blend with other structures with regard to horizontal or vertical expression.
 - b. Spacing, pattern and rhythm of structures and their architectural features shall be complementary.
 - c. Direction and location of entrances shall relate to the predominate pattern on the street.
6. Bulk and Mass:
 - a. The existing context of bulk and mass of each block face shall be considered when additions and new in-fill development are proposed.
 - b. Buildings located to the rear of a lot shall not overshadow in height or mass other structures on the property.
7. Respect for historic context:
 - a. The project shall retain the historic relationship between buildings, landscape features and open space.
 - b. Additions shall be designed and constructed so as to not significantly change, obscure, damage, or destroy the character defining features of an historic building or feature.
 - c. Development shall not erode or adversely affect an historic district. (Ords. 12-95; 16-94; 4-87; 20-82; 4-74: Prior Code 17.96.100)
- E. Conditions of Approval. The Design Review Board may require reasonable conditions of approval to mitigate potential aesthetic impacts of a project. These conditions may include but are not limited to the following:
 1. Modifications to building height, bulk, scale, mass and placement.

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2. Changes in building materials.
 3. Modification of building roof lines.
 4. Screening of parking areas, trash receptacles, storage areas, mechanical equipment.
 5. Changes in project color palette.
 6. Changes to the variety, number and size of plants in required landscape areas.
 7. Other changes which are necessary to accomplish the goals of the design review process. (Ords. 12-95; 4-87; 20-82; 4-74: Prior Code 17.96.110)
- F. Findings Required. The Design Review Board shall make findings for all projects based upon design criteria stated above. Specific findings shall be made for projects as follows:
1. In the Old Towne Historic District, the proposed work conforms to the prescriptive standards and design criteria referenced and/or recommended by the Design Review Board for the project.
 2. For building additions and modifications, the proposed work will neither adversely affect the significant architectural features of the structure nor adversely affect the historical, architectural, or aesthetic interest or value of the resource, its site, or the surrounding area.
 3. For new construction, the use and design of any new construction within an historic district shall not adversely affect, and shall be compatible with, the use and design of existing resources within the same historic district.
- G. Expiration. If not utilized, project approval expires two years from the approval date. Extensions of time may be granted in accordance with Section 17.08.060. (Ords. 12-95; 20-82; 4-74: Prior Code 17.96.130)

17.10.080 Environmental Review. Environmental assessments shall occur in accordance with California Environmental Quality Act (CEQA) provisions and the City of Orange Environmental Review Guidelines. (Ord. 12-95)

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17.10.090 Demolition Review

A. Purpose and Intent. The demolition review process has been established to preserve the integrity of the City's cultural and architectural history. For this reason, a specific demolition review process has been established for historic districts and structures. The provisions of this section shall apply to the demolition of:

1. Any structure within an established historic district that is over 120 square feet in area.
2. Any structure listed on the National Register at any location within the City.

Exception: This process is not intended to apply to:

1. Demolitions ordered by the Chief Building Official or Fire Chief of the City of Orange to remedy conditions determined to be dangerous to life, health, or property. Demolition of structures in the Plaza Historic District shall require approval of the State Historic Preservation Office.
 2. Demolition of a non-contributing structure which has a floor area less than 120 square feet. (Ord. 12-95)
- B. Initiation and Application. Demolition review requires filing an application for design review in accordance with Section 17.10.070 for any replacement use or structure. (Ord. 12-95)
- C. Issuance of a Demolition Permit. A permit to demolish a building or structure within the boundaries of Old Towne shall only be issued concurrently with the issuance of a building permit for the approved replacement building, structure, or other permit approving the future use. This section shall be effective when:
1. The structure is to be removed from the site, by either destruction or relocation.
 2. All or part of the structure is to be demolished to the extent that its structural or architectural integrity is permanently impaired. (Ord. 12-95)

D. Appeals.

1. A decision by the Design Review Board to either approve or disapprove the design of a replacement building, structure, or use may be appealed within 15 days of the approval in accordance with Section 17.08.050.

An appeal of a decision by the Design Review Board to disapprove the design of a replacement building, structure or use shall be based upon the criteria contained in Section 17.10.070.D of this code.

An appeal of a decision by the Design Review Board to approve the design of a replacement building, structure, or use shall be based on either one or both of the following criteria:

- a. The design of the replacement building, structure, or the proposed use is not in conformance with the design standards for the Old Towne District as adopted by reference in Chapter 17.17.070 of this Code; and/or
- b. The building or structure proposed for demolition is worthy of preservation because it makes a significant contribution to the historical or cultural heritage of the City.

It shall be the responsibility of the appellant at the time of the appeal to submit evidence from an expert in the area of historical structures establishing the historic or cultural value of the structure.

2. An appeal which is based only on nonconformity with the design standards for the Old Towne District will be heard within 30 days.
3. An appeal based at least in part against the demolition of a historically or culturally significant building or structure shall be reviewed within 60 days from Design Review Board approval at a duly-noticed public hearing. At the hearing, the appellant shall present a plan and schedule for the preservation through relocation of the building or structure with evidence of financial ability to complete the proposed project. The 60-day period will allow the appellant time to gather and prepare documentation needed for the public hearing. Final action shall be taken on the appeal within four months of the date of the Design Review Board decision, except on a showing by appellant of the most compelling circumstances justifying additional time.

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17.10.090

4. If no appeal is filed within the established 15-day appeal period, the demolition permit shall be issued subject to all the provisions of this Chapter.
(Ord. 12-95)

E. Penalties for Non-Compliance. Any structure demolished without benefit of a City demolition permit may be subject to either or both of the following penalties:

1. Civil penalties specified in Section 1.08.010 of the OMC.
2. No application for permit nor building construction shall be allowed for a period of one year from the date of the demolition of the structure. This penalty shall apply to all properties unless waived or modified, upon appeal in accordance with Section 17.08.050 of this Title.
(Ord. 12-95)

CHAPTER 17.12

GENERAL REGULATIONS APPLICABLE TO ALL DISTRICTS

Sections:

- 17.12.010 Purpose and Intent
- 17.12.020 Antennas
- 17.12.030 Lighting
- 17.12.040 Setback Lines
- 17.12.050 Height of Non-Habitable Freestanding Structures

17.12.010 Purpose and Intent. This chapter establishes regulations applicable to specified zone districts. (Ord. 12-95)

17.12.020 Antennas. The purpose of this section is to permit antennas subject to regulations necessary to reduce adverse environmental impacts created by their construction and use. For definition of terms used in this section refer to Chapter 17.04 of this Title.

A. Amateur Radio Antennas. Amateur radio antennas are permitted uses in all zone districts and shall be subject to the following:

1. Number. One mast shall be permitted per lot. No more than three antennas may be mounted per mast and provided, further, that no antennas or antenna wires shall be attached to balloons.
2. Height. Maximum height of a mast or an antenna shall be 50 feet. However, the maximum height of an antenna mounted upon a self supporting telescoping tower may exceed the limit by 16 feet, provided that the highest portion of the antenna is kept at the 50 foot height limit at all times when the antenna is not in use. Further provided that upon proof that the owner or person in control of the antenna has been determined by the State of California to be handicapped, the requirement to retract the self-supporting telescoping tower to maintain the maximum height of 50 feet when not in use may be waived by the Zoning Administrator through approval of an administrative adjustment.
3. Location. An antenna mast not roof mounted shall be located behind the main structure and no closer than ten feet to the rear and side property lines. A roof mounted antenna shall be kept to the rear portion of the main structure to minimize antenna visibility from the street.

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17.12.020

Horizontal antenna elements shall be located to the rear of the center line of the main building and not extend beyond the property line. (Ords. 12-95; 2-86: Prior Code 17.73.030)

B. Cellular Antennas. Cellular antennas are permitted uses in CP, C1, C2, CTR, C3, M1 and M2 districts and shall be subject to the following:

1. Ground Mounted Antennas. Antennas shall be located at least 100 feet from any residentially zoned property, shall not exceed 65 feet in height and shall conform to all building setback requirements. All equipment associated with the operation of a ground mounted cellular antenna shall comply with development standards for the zone in which they are located.
2. Building Mounted Antenna. Antenna elements located on top of buildings shall not exceed ten feet in height, and the combined height of the building and antenna shall not exceed the height limitations of the underlying zone or building approval. Support and/or switching equipment shall be located inside the building. All applications for building mounted antennas will require administrative review by planning staff prior to issuance of building permits. Planning staff will review antennas for visual impact, affect on surrounding land uses, and potential safety hazards. (Ords. 12-95; 1-91; 2-86; 20-82: Prior Code 17.72.010)

C. Satellite Dish Antennas. Satellite dish antennas are permitted uses in all zone districts subject to the following:

1. Number. One satellite dish antenna shall be permitted per lot.
2. Height. Satellite dish antennas shall be limited to a maximum height of 15 feet as measured from pedestal base to highest point on the dish.
3. Location. Satellite dish antennas shall not be located within that area between the ultimate right-of-way of any street and the building face and shall conform to all building code requirements. Dish antennas shall be ground mounted in all residential zones and may be roof mounted in all other districts. All antennas must be screened in such a manner as not to be visible from a public right-of-way.

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17.12.020--17.12.040

Any screening shall be architecturally compatible with the main structure. No antennas shall be installed on portable or movable structures such as a trailer.

- D. Other Antennas. Any antenna not specified in Sections A through C above used for commercial purposes shall comply with the provisions of Section B above. (Ord. 12-95)

17.12.030 Lighting. The following provisions shall apply:

- A. Lighting on any premise shall be directed, controlled, screened or shaded in such a manner as not to shine directly on surrounding premises. Furthermore, lighting on any residential property shall be controlled so as to prevent glare or direct illumination of any public sidewalk or thoroughfares. (Ords. 12-95; 14-93: Prior Codes 17.38.230; 17.32.260 and 17.26.230)
- B. On any commercial or industrial zoned property, glare from exterior lighting shall be shielded, screened or oriented so as to not be seen from any point beyond the exterior boundaries of the property and so the source shall not be a nuisance to any point beyond the exterior boundaries of the property or cause illumination in residential districts in excess of 0.5 foot-candles. Flickering or intrinsically bright sources of illumination shall be controlled so as not to be a nuisance in residential districts. Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the spectral luminous efficiency curve as adopted by the International Commission on Illumination. (Ords. 12-95; 14-93: Prior Codes 17.46.320 and 17.40.230)

17.12.040. Setback Lines. The following regulations apply to all zone districts with regard to building setback lines.

- A. Necessity and Purpose. The Planning Commission and the City Council of the City of Orange find that the setback lines established in this Title are necessary to promote public safety, health and welfare as follows:
1. To provide for reasonable access for firefighting equipment;
 2. To provide for access by police;
 3. To provide for means by which civil defense measures may be enforced;

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17.12.040

4. To provide greater traffic safety and easy movement of vehicular traffic;
 5. To protect pedestrians from hazards;
 6. To provide for pedestrian travel and to permit pedestrians adequate ingress and egress and easy access to and from public streets and sidewalks;
 7. To provide for property drainage control;
 8. To provide permanent open space;
 9. To provide light and air and to eliminate congestion;
 10. To provide room for landscaping and architectural trim features; and
 11. To implement comprehensive plans to generally improve the welfare of the public and the neighborhood. (Ords. 12-95; 20-82; 14-65; 568: Prior Codes 17.72.030 and 17.76.010)
- B. Measurement of Setback Lines from Street. The front yard and street side setback in all zone districts shall be measured from the ultimate street right-of-way line. The ultimate width of the street shall be as shown in the Master Plan of Streets and Highways and as modified by adopted precise street plans. (Ords. 12-95; 20-82; 14-65; 33-60; 568: Prior Codes 17.72.040 and 17.76.030)
- C. Structures Prohibited Within Setback Area. No building, structure, heating, air conditioning, pool or other mechanical equipment shall be erected or relocated between the required setback line and the ultimate right-of-way of any public street except as provided for in Chapters 17.14 through 17.26 of this Title. Signs may be permitted within the setback areas as specified in Chapter 17.36 of this Title. (Ord. 12-95)
- D. Landscaping of Setback Area Required. All required setbacks abutting a public right-of-way shall be permanently maintained with landscaping. The following features may also be permitted in such setback areas:
1. Walkways, and driveways leading to parking spaces.
 2. Railings or fences not exceeding 42" in height.

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17.12.40--17.12.050

3. Fountains, ponds, sculptures, planters, and flagpoles for the display of national and state ensigns only. (Ords. 12-95; 14-65: Prior Code 17.72.050)

17.12.050 Height of Non-Habitable Freestanding Structures.

The height of freestanding structures, other than antennas as provided in 17.12.020 and sign structures as provided in 17.36, shall comply with building height requirements of the zone. Additional height may be considered by minor site plan review as specified in Section 17.10.060. (Ords. 12-95; 1-91; 2-86; 20-82: Prior Codes 17.72.010 and 17.74.010)

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17.14

CHAPTER 17.14

RESIDENTIAL DISTRICTS

Sections:

- 17.14.010 Residential Districts - Purpose and Intent
- 17.14.015 New Residential Development
- 17.14.020 Districts Established
- 17.14.030 Permitted Uses
- 17.14.040 Prohibited Uses
- 17.14.050 Special Use Regulations
- 17.14.060 Conditional Use Regulations
- 17.14.070 General Requirements
- 17.14.080 Building Lot Area Requirements
- 17.14.090 Yard Requirements
- 17.14.100 Greater Height Permitted
- 17.14.110 Usable Open Space Required
- 17.14.120 Distance Between Dwellings and Other Principal Structures
- 17.14.130 Minimum Floor Area in R-3 and R-4 Districts
- 17.14.140 Minimum Storage Area in R-3 and R-4 Districts
- 17.14.150 Corner Cut-Off Required
- 17.14.160 Attached Accessory Structures or Garages
- 17.14.170 Detached Accessory Structures or Garages
- 17.14.180 Fences and Walls
- 17.14.190 Swimming Pools
- 17.14.200 Parking
- 17.14.210 Landscaping
- 17.14.220 Signs
- 17.14.230 Trash Enclosures
- 17.14.240 Screening of Mechanical Equipment
- 17.14.250 Old Towne Design Standards
- 17.14.260 Additional Development Standards for Mobile Home Parks
- 17.14.270 Senior Citizen Housing - Purpose and Intent
- 17.14.280 Definitions
- 17.14.290 General Development Requirements
- 17.14.300 State Incentives and Requirements
- 17.14.310 Special Incentives and Requirements
- 17.14.320 Conditional Use Permit Required
- 17.14.330 Deed Restriction
- 17.14.340 Affordable Housing - Purpose and Intent
- 17.14.350 Definitions
- 17.14.360 Eligibility
- 17.14.370 Development Incentives
- 17.14.380 Application Procedure
- 17.14.390 Affordable Unit Distribution and Product Mix
- 17.14.400 Affordability Agreement
- 17.14.410 Findings
- 17.14.420 Enforcement

17.14.010--17.14.020

17.14.010 Residential Districts - Purpose and Intent. The purpose of this chapter is to create and preserve residential areas for a range of housing types and lifestyles. These provisions establish use regulations and development standards which are intended to create the highest quality residential development, minimize land use conflicts, encourage the rehabilitation and maintenance of residential neighborhoods and implement the goals of the City's General Plan.

The provisions of this chapter do not guarantee that the maximum General Plan density is achievable for all projects and properties. Development density is dependent on many factors including lot configuration, topography, unit size, development standards, neighborhood context and other discretionary factors. (Ord. 12-95)

17.14.015 New Residential Development. The City Council has adopted a policy that establishes a target goal of allocating 20% of the annual production of new residential housing as affordable to very low, low and moderate income households. Developers of projects with 11 or more dwelling units are required to participate in discussions with City staff to evaluate the feasibility of providing affordable units. Such discussions are encouraged to occur early in the development review process, notably prior to the filing of applications. Various incentives are available to assist in making it economically feasible for developers to provide affordable housing. Incentives such as increases to residential density and reductions to development standards are available by request and approval of a conditional use permit. Financial assistance through local, state, and federal programs may also be requested. The New Housing Construction Policy, the available incentives, and the development review process involved with determining feasibility are described in the City's Affordable Housing Plan, which supplements the Orange General Plan Housing Element. (Ords. 12-95; 19-94)

17.14.020 Districts Established. Sixteen residential zoning districts are established by this chapter. All uses within these districts are subject to the provisions of Table 17.14.030, and all development shall be in accordance with the City's General Plan Land Use policy goals and with the development standards set forth in Table 17.14.070.

- A. R1-5 (Single-Family Residential). A single-family residential district with a minimum lot area of 5,000 square feet. The R1-5 district is created to implement the East Orange General Plan where policies have been established to ensure functional and attractive single-family neighborhoods.

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The R1-5 designation shall be permitted only in areas designated Low Medium Density Residential on the General Plan Land Use Policy Map. The R1-5 district is intended for limited use (no more than 10% of total residential product mix) in large scale development projects in which at least 40% of the planning area is retained as permanent open space. (Ord. 12-95)

- B. R1-6 (Single-Family Residential). A single-family residential district with a minimum lot area of 6,000 square feet. (Ords. 12-95; Prior Codes 17.10 and 17.26.010)
- C. R1-7 (Single-Family Residential). A single-family residential district with a minimum lot area of 7,000 square feet. (Ords. 12-95; 42-65; 8-62; 33-59; 700: Prior Codes 17.12. and 17.24)
- D. R1-8 (Single-Family Residential). A single-family residential district with a minimum lot area of 8,000 square feet. (Ords. 12-95; 42-65; 54-59; 700: Prior Codes 17.14 and 17.22)
- E. R1-10 (Single Family Residential). A single family residential district with a minimum lot area of 10,000 square feet. (Ords. 12-95; 45-65; 33-59; 700: Prior Code 17.16 and 17.20)
- F. R1-12 (Single-Family Residential). A single-family residential district with a minimum lot area of 12,000 square feet. (Ords. 12-95; 45-65: Prior Codes 17.18 and 9105.10)
- G. R1-15 (Single-Family Residential). A single-family residential district with a minimum lot area of 15,000 square feet. (Ords. 12-95; 45-65: Prior Codes 17.20; 17.16.010, 9105.9)
- H. R1-20 (Single-Family Residential). A single-family residential district with a minimum lot area of 20,000 square feet. (Ords. 12-95; 49-71: Prior Codes 17.22; 17.14)
- I. R1-40 (Single-Family Residential). A single-family residential district with a minimum lot area of one acre (43,560 square feet). (Ords. 12-95; 11-89; 49-71: Prior Codes 17.24 and 17.12)
- J. R1-R (Single-Family Residential). A single-family rural residential district with a minimum lot area of two and one-half acres (108,900 square feet). The purpose of this district is to allow for low density rural residential use in a manner which will eliminate or minimize modifications

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to significant riparian habitat, oak woodlands and prominent landforms located within the areas encompassed by this land use designation. (Ord. 12-95)

- K. R2-6 (Duplex Residential). A residential district that provides opportunities for duplex development on lots containing a minimum area of 6,000 square feet. This district recognizes the need to provide multiple-family housing in the form of duplexes, detached dwellings, or small apartment buildings. (Ords. 12-95; 12-87; 20-82; 6-80; 17-76; 44-58; 493: Prior Codes 17.26 and 17.28)
- L. R2-7 (Duplex Residential). A residential district that allows duplex housing on lots containing a minimum area of 7,000 square feet. (Ords. 12-95; 12-87; 20-82; 16-76: Prior Code 17.28 and 17.28.060)
- M. R2-8 (Duplex Residential). A residential district that allows duplex housing on lots containing a minimum lot area of 8,000 square feet. (Ords. 12-95; 12-87; 20-82; 16-76: Prior Codes 17.30 and 17.28.070)
- N. R-3 (Multiple-Family Residential). A multiple-family residential district which allows apartments, condominiums, and townhomes. The purpose is to provide a minimum of ground area coverage and a maximum of open space within higher density developments. (Ords. 12-95; 19-94; 5-89; 12-87; 20-87; 18-76; 4-65; 44-58; 634: Prior Codes 17.32; 17.30)
- O. R-4 (Multiple-Family Residential). A multiple-family residential district which allows apartments, condominiums, and townhomes. (Ords. 12-095; 12-87; 20-82; 20-76: Prior Codes 17.34 and 9107.8.1)
- P. MH (Mobile Home Residential). A mobile home district which allows for the preservation and construction of mobile home parks. The district recognizes the need to provide the unique setting and services of a mobile home park. (Ords. 12-95; 38-73; 385: Prior Codes 17.36 and 17.64.040, 090, 180, 210)

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17.14.030 Permitted Uses. Table 17.14.030 indicates all uses permitted (P), permitted by conditional use permit (C), permitted as an accessory use (A), and not permitted (-) in the residential zones. Permitted uses with an asterisk (*) are subject to special use or development conditions outlined in Section 17.14.050. Conditional uses marked with a plus (+) also have special use or development standards as outlined in Section 17.14.060. Conditional uses marked with a pound symbol (#) must conform to special provisions contained in Section 17.14.070 (V & W), as well as City Council policy. (Ord. 12-95)

TABLE 17.14.030- USES IN RESIDENTIAL ZONES

LAND USE	R1-5	R1-6 to R1-15	R1-20 to R1-40 & R1-R	R2-6 to R2-8	R-3	R-4	MH
RESIDENTIAL USES							
Single Family Residence	P#	P	P	P	P	P	-
Duplex	-	-	-	P	P	P	-
Multiple-Family Dwelling	-	-	-	P*	P*	P*	-
Condominium	-	-	-	P*	P*	P*	-
Accessory Second Housing Unit	-	C+	C+	-	-	-	-
Mobile Home Park	C	C	C	C	C	C	C
Mobilehome, Modular, or Manufactured Housing Unit with permanent foundation	P	P	P	P	P	P	P
Mobilehome, Modular, or Manufactured Housing Unit without permanent foundation	-	-	-	-	-	-	P
Planned Unit Developments	C+	C+	C+	C+	C+	C+	-
Boarding and Lodging Houses	-	-	-	-	C	C	-
Fraternity, sorority	-	-	-	-	C	C	-
Rest home, convalescent hospital, sanitarium	-	-	-	-	C	C	-
Community Care Facility	-	-	-	-	C	C	-
Congregate Care Home Health Facility (6 or fewer persons)	P*	P*	P*	P*	P*	P*	P*
Home for Elderly, or mentally, or physically disabled persons (6 or fewer persons)	P*	P*	P*	P*	P*	P*	P*
Senior Citizen Housing Development	-	-	-	-	C+	C+	-
DAY CARE USES							
Family Day Care, Large 7-12 children	C+	C+	C+	C+	C+	C+	C+
Family Day Care, Small 6 or fewer children	P	P	P	P	P	P	P
Child Care Center in conjunction with a church or school	C	C	C	C	C	C	C
Child Care Center	-	-	-	-	C	C	C
COMMERCIAL USES							
Bed and Breakfast Inn	-	-	-	C+	C+	C+	-
Garage or Yard Sales	A*	A*	A*	A*	A*	A*	A*
Commercial Nursery with Seasonal Sales	C+	C+	C+	C+	C+	C+	C+
Home Occupation	A*	A*	A*	A*	A*	A*	A*
Hospital	-	-	-	-	C	C	-
Mini-Warehouse/Self Storage Facility	-	-	-	-	C	C	C
Real Estate Office, Temporary	P*	P*	P*	P*	P*	P*	P*
Tree and Shrub Farm	C+	C+	C+	C+	C+	C+	C+

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17.14.030--17.14.050

TABLE 17.14.030- -USES IN RESIDENTIAL ZONES(continued)

LAND USE	R1-5	R1-6 to R1-15	R1-20 to R1-40 & R1-R	R2-6 to R2-8	R-3	R-4	MH
OTHER USES							
Accessory Structures, Attached and Detached	A	A	A	A	A	A	A
Agriculture/Horticulture	-	P*	P*	-	-	-	-
Animal Keeping	P*	P*	P*	P*	P*	P*	P*
Antenna, Private Radio/TV	P*	P*	P*	P*	P*	P*	P*
Antenna, Private Satellite Dish	P*	P*	P*	P*	P*	P*	P*
Cemetery (not including crematoriums)	C	C	C	C	C	C	C
Charitable Institution	-	-	-	-	C	C	-
Church, Museum, Library	C	C	C	C	C	C	C
Creation of a lot without frontage on a public street	P*	P*	P*	P*	P*	P*	P*
Keeping of Horses & Livestock	-	-	A*	-	-	-	-
Moving an existing structure or building onto a building site from another location	P*	P*	P*	P*	P*	P*	P*
Public Recreation Facility or Park	P	P	P	P	P	P	P
Public Utility/Structure	C	C	C	C	C	C	C
School, College (public/ private)	C	C	C	C	C	C	C

KEY: P = Permitted Use.

C = Conditional Use Permit required. Refer to administrative procedure provisions in Section 17.08.030.

- = Not Permitted.

A = Accessory Use.

* = Use subject to special provisions contained in Section 17.14.050.

+ = Use subject to special provisions contained in Section 17.14.060.

= Use subject to special provisions contained in Sections 17.14.070 (V) and (W).

17.14.040 Prohibited Uses. Any use not listed in Table 17.14.030 as a permitted use, conditional use, or accessory use is prohibited. However, the Community Development Director or his designee shall have the authority to determine that an unlisted use is similar to a use listed in 17.14.030 and subject to all applications and restrictions specified. (Ord. 12-95)

17.14.050 Special Use Regulations. Accessory uses and permitted uses marked with an asterisk (*) in Table 17.14.030 are permitted subject to the following use regulations:

A. Agricultural/Horticultural. Sale of agricultural products from the site on which they are grown may be permitted subject to an administrative adjustment as specified in Section 17.10.050. (Ords. 12-95: Prior Code 17.08.030A)

B. Animal Keeping.

1. The keeping of animals shall conform to the provisions of Chapter 6 of the Orange Municipal Code.

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17.14.050

2. The keeping of birds (as defined in Section 17.04.030) as pets or hobby shall conform to the following standards:
 - a. The occasional sale of birds is permitted when such sale is incidental to the keeping of birds as pets or hobby.
 - b. All birds permitted under this section shall be confined indoors or in a coop or aviary.
 - c. Coops or aviaries shall at all times be maintained in a clean and sanitary condition and shall at all times be free of offensive odors.
 - d. The location of coops or aviaries shall maintain a minimum setback of five feet from all property lines.
 - e. The City's Code Enforcement Supervisor or designee shall be responsible for determining if the keeping of birds permitted under this section constitutes a nuisance, health or safety hazard, or is being conducted in violation of subsections a, b, c or d above.
3. The keeping of animals on lots having less than 20,000 square feet of lot area per dwelling unit, shall conform to the following:
 - a. The total number of mature dogs and cats shall be limited to three dogs and three cats.
 - b. Poultry, rabbits, reptiles, rodents, and other small animals (less than five pounds), shall be limited to a total number of five, and all such animals shall be maintained in coops, pens, or other quarters or restraints located a minimum of 20 feet from any property line.
 - c. A maximum of five animals in any combination, as listed in items a and b above, shall be permitted on a property.
4. The keeping of animals in single family districts on lots having 20,000 square feet or more per dwelling unit and zoned R1-20 or greater shall conform to the following:
 - a. Adult equine, bovine, sheep, goats, and swine shall be limited to a total of two such animals in any combination per the initial 20,000 square feet of land area. One additional equine, bovine, sheep, goat, or swine may be kept for each additional 10,000 square feet of owned or leased contiguous land. However, no more than six such adult animals in any combination shall be kept. The offspring of such animals shall be considered adults when eight months old, except the offspring of equine shall be considered adults when 12 months old.

- b. Animals listed in subsection 3 above shall not exceed a total of ten in any combination on a 20,000 square foot property. An additional five such animals in any combination may be kept for each additional 5,000 square feet of owned or leased contiguous land in the aggregate with a maximum of 50 such animals in any combination. The keeping of more than three dogs shall be subject to the requirements of Section 17.30.050.
 - c. All equine, bovine, sheep, goats, swine, poultry, rabbits, birds, and rodents shall be maintained in coops, pens, corrals, stables, tethers, or in some other means of confinement. Such animals shall not be kept in the required front yard and shall be kept stabled, or tethered a minimum of 50 feet from any structure used for human habitation other than that of the subject property owner, and a minimum of 20 feet from any property line.
- 5. All animals and animal quarters shall be maintained in a clean and sanitary condition, and shall be subject to inspection by City code enforcement or legally authorized County of Orange employees for the enforcement of Division 1 of Title 4 of the Codified Ordinances of the County of Orange, established for animal control, welfare, license, and health requirements.
- 6. The following types of animal keeping or raising shall not be permitted:
 - a. Commercial dairies;
 - b. Commercial kennels;
 - c. Rabbit, fox, goat, and other animal-raising farms;
 - d. Farms devoted to the hatching, raising, fattening, and/or butchering of poultry or the commercial production of eggs;
 - e. Livestock-feeding ranches; and
 - f. Ranches operated publicly or privately for the disposal of garbage, sewage, rubbish, or offal.
(Ord. 12-95)
- C. Antennas. Subject to the provisions contained in Orange Municipal Code Section 17.12.020. (Ords. 12-95; Prior Codes 17.04; 17.42; 17.43; 17.72; 17.73)
- D. Condominiums. A minimum of five units is required for the development of a condominium project. The development project must be accompanied by a tentative tract map as provided in Title 16 of the Orange Municipal Code. For the conversion of existing multiple family rental housing units to condominiums, stock cooperatives or community projects refer to Section 17.30.040. (Ords. 12-95; 20-92; 20-82; 38-80; Prior Codes 17.84, 17.83)

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17.14.050

- E. Creation of a lot without frontage on a public street. Such development requires minor site plan review approval by the Staff Review Committee as described in 17.10.060 of this Title. (Ord. 12-95)
- F. Garage or Yard Sales.
1. A sales event shall take place at one address no more than once every four months. However, the Community Development Director may authorize one additional sales events at one address within a four month period. Any person aggrieved by the action of the Community Development Director either authorizing or denying an additional sales event shall have the right to appeal the matter to the City Council for final determination.
 2. A sales event may continue for up to a maximum of four consecutive days. When a sales event has begun and is actually interrupted by inclement weather, the sales event period may be extended by an additional sales day for each day of actual interruption until there is a total of not more than four sales days.
 3. A sales event shall take place between the hours of 8:00 a.m. and 8:00 p.m.
 4. Items to be sold at a sales event shall be "used" items which were part of a reasonable household use. No merchandise or new goods shall be brought in from another location for the purpose of being displayed or sold at a sales event. The term "a reasonable household use" shall be construed broadly in favor of the sale of the item.
 5. No sign advertising the sales event may be placed or maintained upon any portion of a public right-of-way, including street signs, street trees or utility poles.
 6. No item for sale or advertising sign shall obstruct any street, sidewalk, parkway, or driveway.
 7. Any violation of this subsection shall be considered an infraction. (Ords. 12-95; 4-87; 17-84; 15-80; 43-69: Prior Codes 17.10.030K and 17.26.010)
- G. Health Facility or Home for Elderly, or Mentally or Physically Disabled (Six or fewer persons). All such uses are permitted provided the use complies with applicable provisions contained in the California Health and Safety Code. (Ords. 12-95; 26-83; 20-82; 25-76: Prior Codes 17.54.030 and 17.42.020)

H. Home Occupations. A home occupation is one carried on in a dwelling as a secondary use, where there are no displays or signs at or upon the premises, no other commodity or services are sold upon the premises and no storage of materials and/or supplies upon those premises except within the dwelling or an enclosed garage. Where storage will take place within an enclosed garage, such storage shall be conducted in such a manner so as not to interfere with the parking of vehicles therein. Any materials and/or supplies which are stored upon the premises shall not occupy a space in excess of 500 cubic feet. Such an occupation shall not:

1. Create light, noise, odor, dust, vibration, fumes or smoke readily discernible at the exterior boundaries of the parcel.
2. Involve the use of mechanical equipment or storage of material and/or supplies on trucks in amounts not recognized as part of reasonable household use.
3. Involve the use of services at the premises of non-occupants of the dwelling in any manner; provided, however, that deliveries made by bona fide delivery firms shall be permitted, as long as such deliveries are in amounts or performed in a manner recognized as part of a reasonable household use.
4. Have the premises or adjacent public right-of-way serve as an assembly point for non-occupants, including serving as a location from which such non-occupants are dispatched to off-site locations.
5. Significantly increase the off-street parking load.
6. Involve the storage or use of flammable substances as defined by the Uniform Fire Code, Section 15.101 et. seq., or hazardous chemicals as defined by the Uniform Fire Code, Section 19.101, et. seq.
7. Involve the sale of firearms or ammunition except to those set forth in California Penal Code Section 12078. Records shall be kept for a minimum of one year on the sales of firearms. Information on these records shall include:
 - a. Date of purchase.
 - b. Name, address, phone number, driver's license number and date of birth of the person buying any firearms.
 - c. Brand name, model number and serial number of firearm purchased.

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8. Involve the sale, preparation, or storage of food or food products. (Ords. 12-95; 3-93; 4-87; 17-84; 15-80; 12-80; 35-79; 43-69; 15-69: Prior Codes 17.10.030, 17.26.010 and 17.04.290)
- I. Moving an existing structure or building onto a building site from another location. Such development requires minor site plan review approval by the Staff Review Committee as described in Section 17.10.060 of this Title. (Ord. 12-95)
- J. Multiple Family Dwelling. Apartments and other multiple family developments are permitted in the R2 zone provided that project density does not exceed the residential development standard indicated on Table 17.14.070. (Ord. 12-95)
- K. Real Estate Office, Temporary.
 1. A temporary real estate office shall be used only for the sale of real estate in the same or adjacent development or subdivision in which the office is located.
 2. The office may consist of a trailer, a housing unit, or a garage of a housing unit.
 3. If a garage is used for a real estate office and other than standard garage doors are provided at the garage entrance, a \$5,000 cash bond shall be posted to ensure the garage is later converted for parking purposes and a driveway leading to the garage is installed.
 4. A temporary real estate office may be used for a period of time not to exceed one year. Time extensions may be granted by the Community Development Director upon written request, but in no case shall said office remain after all units in the development are sold. (Ords. 12-95; 64-62: Prior Code 17.10.030.H)

17.14.060 Conditional Use Regulations. A conditional use permit must be obtained pursuant to the requirements outlined in Section 17.08.030. In addition, the following special conditions shall be applied to specific uses, marked with a plus (+) in Table 17.14.030.

A. Accessory Second Housing Unit.

1. Accessory second housing units shall be permitted only on lots which contain one existing permanent single-family dwelling unit, but in no case shall be permitted where there is an existing guest house, granny housing unit, maid's quarters or similar facility.

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Lots containing a mobile home, tent, trailer or other temporary structure shall not be considered for development of accessory second unit housing.

2. The lot shall be the minimum size as required by the zone or larger.
3. Either the existing single-family dwelling unit or the accessory second unit shall be occupied by the owner of both units. The unit not occupied by the owner may be rented. The owner shall record an agreement with the Orange County Recorder's office, approved in form by the City Attorney, which shall set forth the requirements of this section in addition to other conditions of approval imposed by the Planning Commission or the City Council.
4. The accessory second housing unit or the contiguous land area surrounding the unit shall not be sold separately from the existing (principal) dwelling unit.
5. The floor area of the accessory second unit shall not exceed 640 square feet, and the unit shall contain a minimum floor area of 450 square feet.
6. A mobile home, tent, trailer or other temporary structure shall not be used as an accessory second unit structure.
7. The accessory second housing unit may be attached or detached but if detached, shall not be constructed less than eight feet from the existing (principal) residence. If the accessory second unit is attached to the principal residence and any part of the accessory second unit is created out of existing floor area, then the size of the principal unit may not be reduced to a floor area of less than 1,000 square feet. (Ords. 16-95; 12-95)
8. All construction shall conform to Municipal Code requirements of height, setback, lot coverage, local building architectural compatibility standards, fees, charges, and other zoning requirements applicable to residential construction in the R1-6 zone.
9. Materials, colors, and design features shall be compatible with the principal structure. Special landscape screening materials may be required to ensure land use compatibility.
10. One unenclosed parking space in excess of the code parking requirement for the existing (principal) residential use shall be required. The Planning Commission or City Council may require additional parking upon making a finding that the need for additional

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parking is directly related to the use of the second unit, and that the requirement is consistent with neighborhood standards applicable to existing dwellings. The location and orientation of the required parking shall be determined as sufficient by the Planning Commission or City Council. Tandem or parallel parking shall not be permitted as required parking, nor shall any parking space be located in a required front setback. (Ords. 16-95; 12-95)

11. If a private sewage disposal system is being used, approval by the local health officer shall be obtained prior to issuance of a building permit.
12. The accessory secondary housing unit shall not be allowed in any portion of the City defined by City Council Resolution as being significantly impacted by insufficient capacity for traffic circulation, parking, public utilities, or similar infrastructure needs.
13. All conditional use permits shall be reviewed in a public hearing and finally determined by the City Council after an initial public hearing before the Planning Commission. (Ords. 12-95: Prior Codes 17.10, 17.26.190, and 17.32.190)

B. Bed and Breakfast Inn.

1. An owner, manager, proprietor or caretaker of the property must reside on the subject premises at all times.
2. No cooking facilities shall be permitted in any guest room.
3. Guest meals shall be served only to persons registered as overnight guests.
4. No guest shall be permitted to rent accommodations or remain in occupancy for a period in excess of 14 days during any consecutive 90 day period.
5. The structure shall be architecturally or historically significant as determined by the Design Review Board, in consultation with recognized architectural or historical authorities. (Ords. 12-95: Prior Codes 17.26.040A; 17.32.040G; 17.76.040)

C. Commercial Nursery with Seasonal Sales.

1. No seasonal sale period shall exceed one consecutive 30 day period during a calendar year.

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2. At least one portable chemical toilet facility shall be made available on the site at all times during the sales period. (Ords. 12-95: 39-80: Prior Code 17.10.030D, 040F)

D. Family Day Care Home - Large (7-12 children).

1. No other licensed and permitted large family day care home shall exist within 300 feet of the exterior property boundaries of the proposed facility.
2. The Noise Ordinance of the Orange Municipal Code (Chapter 8) shall be complied with at all times, and hours of outdoor play or activities shall only be permitted between the hours of 8:00 a.m. and 8:00 p.m.
3. Onsite garages and parking areas needed to meet the parking requirements of the zone shall not be converted to any other use.
4. All owners of real property within 100 feet of the property boundaries of the proposed use, as indicated on the last equalized assessment roll and the City Council, shall be notified by the Zoning Administrator regarding the application not less than ten days prior to the date on which the decision will be made.
5. No hearing on the application for a permit issued pursuant to this Section shall be held before a decision is made unless requested by the applicant or other affected person, in writing, prior to 3:00 p.m. of the decision date.
6. The applicant or other affected person may appeal the decision on the application within 15 days of the decision. Appeals shall be made in accordance with Section 17.08.050. (Ords. 12-95: Prior Code 17.10.040C)

E. Planned Unit Developments. Planned Unit Developments shall be developed in accordance with the requirements of Chapter 17.16 of this Title. (Ords. 12-95: Prior Code 17.66)

F. Senior Citizen Housing. Senior citizen housing shall be developed in accordance with the requirements contained in Sections 17.14.270 through 17.14.330 of this chapter. (Ords. 12-95: Prior Code 17.35)

G. Tree or Shrub Farm.

1. Incidental wholesale sales are permitted; retail sales are not permitted.

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2. The only accessory structure permitted in conjunction with a tree or shrub farm shall be an equipment storage building, not exceeding 200 square feet and ten feet in height. Greenhouses or shade structures used solely for the purpose of sheltering plants may be permitted subject to minor site plan review. (Ords. 12-95)

17.14.070 General Requirements. The development standards indicated in Table 17.14.070 shall apply to all primary structures in all residential zones. The footnotes and text following the table clarify the standards as necessary.

TABLE 17.14.070
RESIDENTIAL DEVELOPMENT STANDARDS

District	Units Per Lot	Minimum Lot Area in Sq. Ft. (x)	Minimum Lot Area per Unit in Sq. Ft.	Minimum Lot Frontage in Feet (a)	Minimum Lot Depth in Feet	Minimum Yard Setback in Feet (b,h)			Maximum Height (Ft. Stories) whichever is less (g)	Maximum Floor Area Ratio (o) or Lot Coverage (p)	Minimum Usable Open Space in Sq. Ft. (q)
						Front	Side	Rear			
R1-5	1	5,000 (v.1)	N/R	50 (k)	90	Bld-15 Gar-20 (v.2)	(c, v.2)	(v.2)	32' - 2 stories	Based on bldg. pad (v.3.w)	875 sf
R1-6	1	6,000	N/R	60(k)	100	20	5 (c)	20 (d,e,f)	32' - 2 stories (y)	(u)	900 sf
R1-7	1	7,000	N/R	60(k)	100	20	5(c)	20 (d,e,f)	32' - 2 stories	(u)	950 sf
R1-8	1	8,000	N/R	60(k)	100	20	5(c)	20 (d,e,f)	32' - 2 stories	(u)	1,000 sf
R1-10	1	10,000	N/R	80(k)	100	20	5(c)	20 (d,e,f)	32' - 2 stories	(u)	1,000 sf
R1-12	1	12,000	N/R	80(k)	100	20	5(c)	20 (d,e,f)	32' - 2 stories	(u)	1,000 sf
R1-15	1	15,000	N/R	80(k)	100	20	5(c)	20 (d,e,f)	32' - 2 stories	(u)	1,200 sf
R1-20	1	20,000	N/R	100(k)	100	20	5(c)	20 (d,e,f)	32' - 2 stories	(u)	1,500 sf
R1-40	1	43,560	N/R	100(k)	100	20	5(c)	20 (d,e,f)	32' - 2 stories	0.40 FAR	2,000 sf
R1-R	1	108,900	N/R	100(k)	100	20	5(c)	20 (d,e,f)	32' - 2 stories	0.40 FAR	2,000 sf
R2-6	(s)	6,000	3,000(s)	60(k)	N/R	15 (z)	5(c)	10 (d,e)	32' - 2 stories (y)	0.70 FAR	350 sf/unit
R2-7	(s)	7,000	3,500(s)	60(k)	N/R	15	5(c)	10 (d,e)	32' - 2 stories	0.70 FAR	350 sf/unit
R2-8	(s)	8,000	4,000(s)	60(k)	N/R	15	5(c)	10 (d,e)	32' - 2 stories	0.70 FAR	350 sf/unit
R-3	(t)	7,000 Interior 8,000 Corner	(t)	70 Interior 80 Corner	100	15 (z)	5(i)	10	32' - 2 stories (j) (y)	45%: 2-story str 55%: 1-story str	250 sf/unit
R-4	(t)	6,000 Interior 7,000 Corner	(t)	60 Interior 70 Corner	N/R	10 (z)	5(i)	10	32' - 2 stories (j) (y)	60%	150 sf/unit
MH	(n)	N/R	(n)	N/R	N/R	(l,m)			Refer to Section 17.14.260	75% of MH Space	200 sf space (r)

N/R = No requirement

Notes:

- (a) Lot frontage is the distance between the side lot lines measured at the front setback line parallel with the street property line.
- (b) See Section 17.14.090.
- (c) The following exceptions apply:
 - 1. Corner and reverse corner lots shall have a minimum ten foot street side yard.
 - 2. Wherever a garage opening faces onto a street, a minimum 20-foot side yard shall be provided.
 - 3. When the main entrance to a building faces the side lot line, the entrance shall be located at least ten feet from the property line.
- (d) Extensions into the required rear yard are permitted subject to the conditions stated in Section 17.14.090.C.
- (e) Corner or reverse corner lots - extensions within five feet of the rear property line are permitted providing that all requirements for usable open space are met.
- (f) Where the rear lot line abuts and is common to the boundary of a street, alley, or permanent open space, the rear yard setback may be reduced by five feet. However, any garage opening onto a street shall be set back a minimum of 20 feet.
- (g) Building height is the vertical distance from the average finished grade, as measured around the perimeter of the structure five feet out from the exterior wall surface to the highest point of the structure, that being the ridgeline of the roof or the top of the parapet wall on a flat roof. Chimneys and other similar devices may exceed the height requirement. Greater height or additional stories for habitable space may be permitted under Section 17.14.100.
- (h) For all yard areas, garages which open onto an abutting street require a minimum 20-foot setback. Garages which open onto an alley or private drive require 25 foot unobstructed back-up area which may include alley right-of-way.
- (i) The following exceptions apply:
 - 1. Corner or reverse corner lots - minimum ten foot on street side.
 - 2. Access to an interior court through side yard - minimum ten foot side yard.
 - 3. Entrance to building faces the side lot line - minimum ten foot side yard.
- (j) When the development abuts an R1 (single-family) zone, the maximum height of any building within 70 feet (including streets and alleys) of the R1 zone is one story or 20 feet, whichever is less except as provided in 17.14.100.
- (k) Adjustments to minimum lot frontage requirements for cul-de-sac and knuckle lots shall be considered part of the discretionary approval of the subdivision.

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- (l) The minimum distance between a mobile home and another mobile home shall be ten feet from side to side, eight feet from side to front or rear, and six feet from rear to rear, or front to front, or front to rear. Mobile homes shall be located a minimum of three feet from all lot lines, except that no setback is required when a lot line borders an interior roadway. The minimum distance between a mobile home and a permanent building shall be ten feet, except for mobile home parks established prior to September 15, 1961, the distance shall be six feet.
- (m) Eave overhangs and other similar projections may extend into the required setback area provided that a minimum of six feet separation is maintained between the edge of the projection and an adjacent mobile home, an accessory structure or its projection. Any projection is required to have a minimum three foot setback from any lot line not bordering a roadway, and any projection may be built up to a property line bordering a roadway.
Carport awnings may be erected up to a property line provided the construction material is non-combustible, and that there is a minimum three foot separation provided from a mobile home or any other structure on the adjacent lot.
Awnings attached to a mobile home shall not exceed 12 feet in width. Detached awning's width and length are not regulated except by lot coverage.
- (n) The maximum density allowed is ten mobile home spaces per net acre, excluding public streets. One mobile home is allowed per mobile home space, except two or more mobile home units may be combined to create a single residence.
- (o) The floor area ratio (FAR) calculation is the building square footage divided by lot area. Building square footage shall include all structures on a lot, including garages and accessory structures, unless otherwise provided in this code.
- (p) Lot coverage shall include the area devoted to the principal and accessory structures, patios enclosed on three sides, garages, and covered parking.
- (q) See Section 17.14.110 for specific usable open space standards.
- (r) The minimum open space requirement shall be in addition to all access drives, laundry, office, parking, storage, and mobile home yard area requirements. Such area may be in one or more locations and shall be readily accessible to all residents of the mobile home park.
- (s) Two or more units are permitted on a lot depending upon the area of the lot and the ability to comply with other zoning requirements. Two units may be constructed upon any legally created lot, even if less than the minimum lot size permitted under this Title, subject to compliance with all development standards (other than minimum lot area per unit).

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- (t) The permitted density range shall be as indicated on the General Plan Land Use Policy Map. The actual yield shall be dependent upon lot area and other zoning requirements.
- (u) Floor area ratio (FAR) shall vary according to lot area as follows:

<u>Lot Area in Square Feet</u>	<u>Maximum FAR</u>
<10,000	0.60
10,000-39,999	0.50
>40,000	0.40

- (v) The following standards shall apply to the R1-5 zone. In addition, all policies identified in Goal 11.0 of the East Orange General Plan, Land Use Element, adopted 12-19-89, shall apply to all R1-5 zones throughout the City as well.

(v.1) Lot Area. A 5,000 square foot average lot area is permitted within builder tracts, subject to a conditional use permit and the following criteria:

1. No lots less than 4,500 square feet.
2. Any lots less than 5,000 square feet are to be distributed throughout the project, with no more than three such lots adjoining.
3. No more than 35 percent of total lots in tract are to be less than 5,000 square feet.
4. The minimum pad size within the R1-5 category shall be 4,500 square feet. Deviations from the minimum standard may be considered where multi-level pads or other hillside adaptive grading techniques are utilized, subject to approval of a conditional use permit.

(v.2) Setbacks.

1. Front Yard Setbacks
 - i. Garages. Driveways shall be a minimum of 20 feet measured from back of sidewalk or back of curb if there is no sidewalk. Driveway lengths less than ten feet may be permitted in limited numbers by conditional use permit, as provided in Policy 11.5(b) of the East Orange General Plan, Land Use Element.
 - ii. The minimum setback for any residential unit shall be 15 feet from back of sidewalk or back of curb if there is no sidewalk. The second story of each residential unit shall vary the setback from 15 to 25 feet, measured from back of sidewalk or back of curb if there is no sidewalk.
2. Rear Yard Setbacks
 - i. The first story of a residential unit shall be set back a minimum of 15 feet from the property line provided that 50 percent of the

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- unit shall be set back 20 feet from the property line.
- ii. The second story of a residential unit shall vary the setback from 15 to 25 feet from the property line.
 - iii. Where flat building pads are created on individual lots, the minimum usable rear yard area shall be 875 square feet as measured from edge of pad. Usable rear yards smaller than 875 square feet may be permitted, subject to approval of a conditional use permit.
3. Side Yard Setbacks. The minimum distance between buildings shall be ten feet. Open lattice patio covers may be constructed within sideyards subject to requirements of the Uniform Building Code.
- (v.3) Floor Area Ratio. R1-5 housing, excluding two car garages, shall not exceed maximum FAR of 0.55 and an average FAR of 0.5 based on pad size.
- (w) Definition of pad contains the following criteria:
- 1. The relatively flat buildable portion of a lot, not exceeding a five percent grade, created with the original subdivision.
 - 2. Retaining walls used to increase pad size shall not exceed three feet in overall height as measured from top of wall's foundation to top of wall.
- (x) Minimum lot area in square feet shall be subject to Section 17.14.080.
- (y) Projects within the Old Towne District shall relate and be visually compatible with existing structures in the project vicinity. Therefore, height of new infill and building additions shall be as specified in the Old Towne Standards.
- (z) All buildings located within the Old Towne residential quadrants shall have a minimum front yard setback of 20 feet. (Ords. 12-95; 12-87; 20-82; 19-79; 44-73: Prior Codes 17.66.090 and 17.34.090)

17.14.080 Building Lot Area Requirements. Table 17.14.070 indicates the minimum building lot area for individual lots. The following portions of a lot shall not be included in the minimum building lot calculation:

- A. Access easements; or
- B. That portion of a panhandle or flag-shaped lot that is used for access purposes and is less than 40 feet in width; or
- C. Any portion of a lot entirely separated from a larger building lot area by an access easement. (Ords. 12-95; 12-87; 20-82; 19-79; 18-76; 44-73; 400: Prior Codes 17.66.090, 17.34.090, 17.32.130, and 17.04.130)

17.14.090 Yard Requirements. Yards shall provide for light and air, pedestrian and vehicular circulation, emergency access, and general aesthetic improvements. The following requirements shall apply to yards:

- A. Front Yard Calculation. The front yard shall be measured from the ultimate right-of-way line, with the ultimate width of the street being determined by the Master Plan of Arterial Streets and subsequent width modifications as defined by adopted precise street plans. (Ords. 12-95; 20-82; 45-66; 57-60; 400: Prior Codes 17.04.140, 260, 490)
- B. Side Yard Calculation. Side yard setbacks shall be measured from the side property line, or on corner properties from the ultimate right-of-way line, and shall be provided as indicated in Table 17.14.070. (Ords. 12-95; 20-82; 6-80; 33-59; 400: Prior Codes 17.04.260, 510; 17.10.150)
- C. Rear Yard Calculation. Rear yard setbacks shall be measured from the rear property line and shall be provided as indicated in Table 17.14.070. In the R1 districts, buildings may extend into the required rear yard setback as follows, provided that all requirements for usable open space are met. (Ords. 12-95; 20-82; 29-80; 20-62; 400: Prior Codes 17.04.260, 500; 17.10.160, 17.30.070, 17.32.160)
 - 1. One-Story Structure. A single-story structure may extend into the required rear yard setback provided a minimum ten foot setback from rear property line is maintained. (Ord. 12-95)
 - 2. Two-Story Structure. A two-story living area, second story deck or balcony may extend into the required rear yard setback no closer than ten feet from the rear property line only if the yard abuts a street, alley, or permanent open space area. (Ord. 12-95)
 - 3. Covered Patios. Covered patios, at grade and unenclosed on at least two sides, may project into the rear yard setback area, no closer than ten feet from the rear property line. (Ord. 12-95)
- D. Structures and Features Permitted Within a Yard Setback. Notwithstanding accessory structure requirements set forth in Sections 17.14.150 and 17.14.160, the following structures may be located within a required setback or yard area, provided a minimum clear space of two feet, six inches (2'6") be maintained for pedestrian access, and handicapped access, if required, is provided elsewhere on the site:

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1. Walkways, driveways, and uncovered patios at grade.
 2. Railings or fences; however, in the required front yard, fences shall be limited in height to three and one-half feet.
 3. Signs, permitted in conformance with Chapter 17.36 of this Title.
 4. Chimneys and fireplace structures not wider than eight feet, as measured in the general direction of the wall, and architectural trim such as cornices may project not more than two feet into setback areas.
 5. Bay windows and garden windows and eaves may project no more than two feet into any required setback area.
 6. Balconies which do not provide primary or secondary access to the building may project into required rear yard areas not more than four feet and shall be at a height of not less than eight feet. Any projection into required side yards must conform to the Uniform Building Code.
 7. Fountains, ponds, sculpture, planters, and flagpoles for the display of national and state ensigns only may be permitted within required setback areas.
 8. Mechanical equipment in the side or rear yard setback and only when screened from view and meeting noise requirements.
 9. Outside stairways, uncovered and unenclosed above or below floor or steps may extend into the rear yard a distance of four feet.
 10. Recreational vehicles as specified in F below.
 11. Arbors, consisting of a latticework frame or open trellis to support climbing vines, and used as a gateway to a yard or garden area, provided that the arbor structure does not exceed eight feet in height, four feet in width and two feet in depth, is located entirely on private property, and is securely installed or mounted so as to not pose a risk to passers by. (Ords. 12-95; 20-82; 14-65; 568: Prior Codes 17.72.030 and 17.76.010)
- E. Storage/Parking in Front Yard. Storage is prohibited within the front yard setback area. Parking of motor vehicles other than recreation vehicles within the front yard is permitted

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only on a paved driveway leading to a garage or carport.
(Ords. 12-95; 47-83; 10-83; 20-82; 70-65: Prior Codes
17.72.060 and 17.76.120)

F. Recreational Vehicle Parking/Storage. Recreational vehicles may be parked/stored in any yard area except within any required front yard setback area, subject to the following provisions:

1. The recreational vehicle shall not exceed 11 feet in height or 36 feet in length.
2. The recreational vehicle shall be screened by a view obstructing fence of minimum height six feet. (Ords. 12-95; 47-83; 10-83; 20-82; 70-65: Prior Codes 17.72.060 and 17.76.120)

17.14.100 Greater Height Permitted. Greater height than the height limit established for a district or additional height and stories for habitable space in the R-3 and R-4 districts, may be considered by a Conditional Use Permit before the Planning Commission. In reviewing such a request, the Commission shall consider:

- A. Siting buildings or structures so as to achieve greater usable open space area than could be achieved with two story construction.
- B. Siting buildings or structures so as to consider shadows, solar orientation, and noise impacts, as well as respecting the terrain.
- C. Designing and/or screening all roof-top mechanical and electrical equipment as an integral part of the building design.
- D. Illustrating a design compatibility with both the existing and desired character of the surrounding area and uses.
(Ords. 12-95; 1-91; 2-86; 20-82: Prior Codes 17.72.010 and 17.74.010)

17.14.110 Usable Open Space Required. All residential developments in the R-1, R-2, R-3 and R-4 zone districts shall provide a landscaped, unified, and usable open recreational and leisure area as indicated in Table 17.14.070. The following standards shall apply to the requirements for usable open space:

- A. Usable Open Space Defined. Usable open space, for the purpose of this section, shall mean an open area or an indoor

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or outdoor recreational facility which is designed and intended to be used for outdoor living and/or recreation. Usable open space shall not include any portion of off-street parking spaces, streets, driveways, turnaround areas, required front setback area and slope areas exceeding five percent (20:1 gradient) and shall have a minimum dimension as specified below. (Ords. 12-95; 12-87; 20-82; 18-76; 4-65; 44-58; 634: Prior Codes 17.32.030, 9107.7; 17.30)

B. Usable Open Space Requirements:

1. Private Open Space.

- a. R-1 Zone Districts - Minimum usable open space shall be provided outdoors as required by Section 17.14.070. (Ords. 12-95: Prior Codes 17.10, 17.12, 17.14, 17.16, 17.18, 17.20, 17.22, 17.24, 17.26, 17.28)
- b. In multi-family developments (R-2, R-3, R-4), each unit shall be provided with at least one area of private usable open space accessible directly from the living area of the unit, in the form of a fenced yard or patio, a deck or balcony. In order to count toward the open space requirement, a yard area, or uncovered deck or patio shall have a minimum width and length of ten feet, and the minimum dimension of a balcony (both width and depth) shall be seven feet.

In the R-3 and R-4 districts all such private open space may be counted up to a total of one-third of the required usable open space specified in Table 17.14.070. In the R-2 district, up to 100% of the usable open space specified in Table 17.14.070 may be provided as private open space. (Ords. 12-95: Prior Codes 17.26, 17.28, 17.30, 17.32, 17.34)

2. Common Open Space.

- a. General. All common open space shall be conveniently located and accessible to all dwelling units on the site. In projects containing fewer than ten units, the common open space shall have a minimum width and depth of ten feet. In projects containing ten or more units, the minimum width and depth shall be 20 feet. (Ord. 12-95)
An area of usable common open space shall not exceed an average grade of five percent (20:1 gradient). The area may include landscaping, walks, recreational facilities, and small decorative objects such as artwork and fountains. Open space which does not meet the above requirements but provides visual relief, such as landscaped slopes, may be counted on

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a one to three basis (three square feet of slope = one square foot of open space), up to one-third of the requirement, in meeting the usable common open space requirements. Water-oriented visual amenities such as lakes and streams may be counted on a one-for-one basis but shall be included in the one-third limitation for usable open space.

b. Recreation Amenities/Facilities.

i. For projects containing ten or more units, one common recreational amenity shall be provided for each 25 units or fraction thereof. A mix of recreational amenities shall be provided for projects exceeding 25 units.

ii. The following listed amenities satisfy the above recreational facilities requirements. Recognizing that certain facilities serve more people than others, have a wider interest or appeal, and/or occupy more area, specified items may be counted as two amenities as noted. In all cases, each square foot of land area devoted to a recreational amenity shall be credited as usable open space on a 1:1 basis.

- (a) Clubhouse (two)
- (b) Swimming pool (two)
- (c) Tennis court (one per court)
- (d) Basketball court (one per court)
- (e) Racquetball court (one per court)
- (f) Weightlifting facility
- (g) Children's playground equipment
- (h) Sauna
- (i) Jacuzzi
- (j) Day Care facility (two)
- (k) Other recreational amenity/facility deemed adequate by the Community Development Director. (Ords. 12-95: Prior Code 17.52)

c. Pedestrian Paths. There shall be a system of pedestrian pathways connecting all dwelling units or dwelling groups to common usable open space areas. (Ord. 12-95)

17.14.120 Distance Between Dwellings and Other Principal Structures. Distance between dwellings are required in order to provide adequate light and air and privacy. The provisions outlined in Table 17.14.120 shall apply, as well as specific provisions found in building and fire codes.

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TABLE 17.14.120
REQUIRED DISTANCES BETWEEN BUILDINGS

Minimum Required Distance Between Principal Structures on the Same Lot (a)

Number of Structures	Front/Any Other Building Wall	All Other Configurations	Minimum Distance Between Principal and Accessory Structure
One	N/A	N/A	6 feet
Two to Four	15 feet	8 feet	6 feet
Five or More	25 feet from view allowing windows in 1 structure to facing windows in any adjacent structure. 15 feet minimum between solid facing walls, or when windows are located on only one facing wall.		6 feet

NOTE: (a) For obliquely aligned buildings, the required distance between two principal structures may be decreased by up to five feet if the distance at the opposite corner is increased by an equal or greater distance. (Ords. 12-95; 20-82; 5-80; 18-76; 17-76: Prior Codes 17.26.170; 17.28.040, 17.30.110; 17.32.170)

17.14.130 Minimum Floor Area in R-3 and R-4 Districts. The minimum floor area shall be as follows:

- A. Studio Units. 550 square feet.
- B. Bachelor and One Bedroom Units. 600 square feet.
- C. Units Having More Than One Bedroom. 600 square feet plus 150 square feet for each additional bedroom. (Ords. 12-95; 20-82: Prior Code 17.32.180)

17.14.140 Minimum Storage Area in R-3 and R-4 Districts. Secured tenant storage shall be provided as follows:

- A. Each unit shall be provided with a unified storage area or module, at least 120 cubic feet in size.
- B. Such storage area must be in addition to cabinets and closets typically found within a unit (such as kitchen and bathroom cabinets, clothes and linen closets). (Ord. 12-95)

17.14.150 Corner Cut-Off Required. Corner cut-off shall be provided at all intersecting streets, driveways, or alleys. Nothing shall be placed or allowed to grow within the corner cut-off in such a manner as to impede visibility. Figure 17.14.150 illustrates restrictions applicable to corner cut-off areas. However, this provision shall not be construed to require a property owner to remove landscaping, fencing or other materials from a corner area if a driveway on an adjacent parcel is constructed subsequent to the placement of such materials within the corner area. (Ord. 12-95)

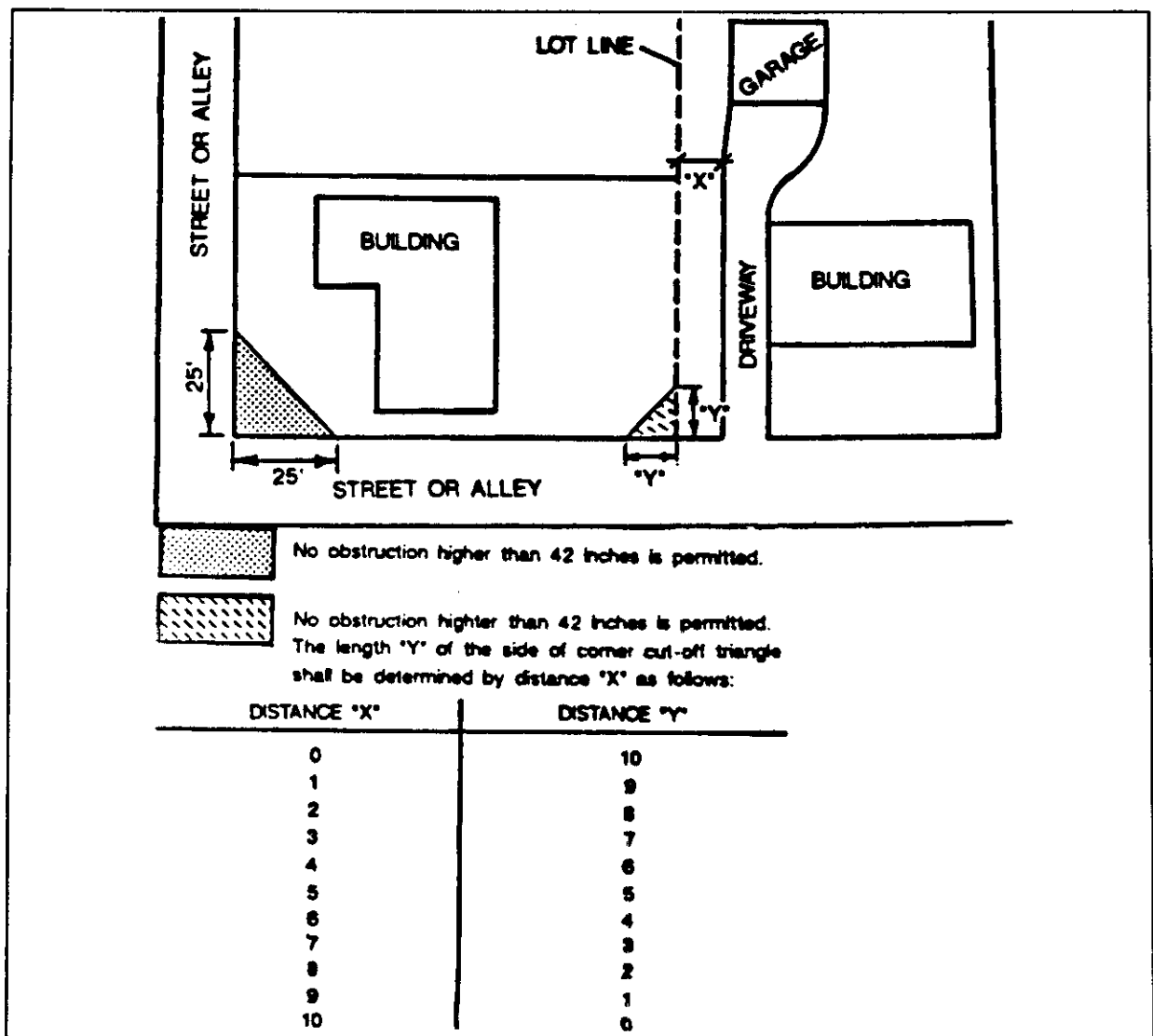


Figure 17.14.150

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17.14.160 Attached Accessory Structures or Garages. Where a garage or accessory structure is attached to and made a part of the principal structure, at least 50 percent of the length of one of the walls of the accessory structure or garage shall be an integral part of the principal structure, and the garage or accessory structure shall comply in all respects with the requirements of this Title applicable to a principal structure. (Ord. 12-95)

17.14.170 Detached Accessory Structures or Garages.

- A. Principal Structure Required. Accessory structures shall only be permitted with a permissible principal structure on the same or an adjacent lot under the same ownership.
- B. Setbacks. The setback requirements outlined in Table 17.14.170.B shall apply.
- C. Height. Height requirements for accessory structures shall be the same as for principal structures, except as provided in Table 17.14.170.B.
- D. Square Footage Limitation. The total square footage of all accessory structures on a lot shall not exceed 50 percent of the square footage of the principal structure.

TABLE 17.14.170(B)
SETBACK REQUIREMENTS
DETACHED ACCESSORY STRUCTURES AND GARAGES(a)

Zone	Minimum Distance from Principal Structure (in feet)	Minimum Front Yard Setback (in feet)	Minimum Interior Side Yard Setback (in feet)	Minimum Street Side Yard Setback of Corner or Reverse Corner Lot (in feet)	Minimum Rear Yard Setback (in feet)
R1-6 through R-1-R	6	20	0 (c,d,e)	10	0 (b,c,d,e)
R2-6 through R2-8	6	20	0 (c,d,e)	10	0 (b,c,d,e)
R-3 and R-4	6	20	0 (c,d,e)	10	0 (b,c,d,e)

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NOTES:

- (a) In all cases, detached garages and carports which open onto an abutting street shall be set back a minimum of 20 feet from the property line.
- (b) The accessory structure may abut the rear lot line only if the accessory structure and permitted extensions of the primary structure do not cover more than 40 percent of the required rear yard area. Also, a minimum five foot rear yard setback is required for corner or reverse corner lot.
- (c) No eave, projection or overhang shall extend over a property line.
- (d) Precautionary measures shall be taken to ensure runoff is deflected away from side and rear property lines.
- (e) Building height shall not exceed ten feet for that portion of the accessory structure that occurs within the side or rear setback areas, as defined for principal structures. (Ord. 12-95)

17.14.180 Fences and Walls. Fences and walls shall be permitted in all residential zone districts subject to the following height regulations:

- A. Side and Rear Yards - Standard Lot. Fences and walls located in the side and rear yards of standard lots shall be limited in height to six feet, as measured from the highest elevation of land contiguous to the fence, and ten feet as measured from the lowest elevation contiguous to the fence, whichever is less. (Ords. 12-95; 20-82; 77-64: Prior Codes 17.74.040 and 17.72.090)
- B. Front Yard - Standard Lot. In the required front yard area, the height shall be limited to three and one-half feet. (Ords. 12-95; 20-82; 77-64: Prior Codes 17.74.040 and 17.72.090)
- C. Corner, Reverse Corner and Key Lots. For corner, reverse corner, and key lots, fence and wall heights shall be limited as indicated on Figure 17.14.180.C. (Ords. 12-95; 20-82; 77-64: Prior Codes 17.74.040 and 17.72.090)

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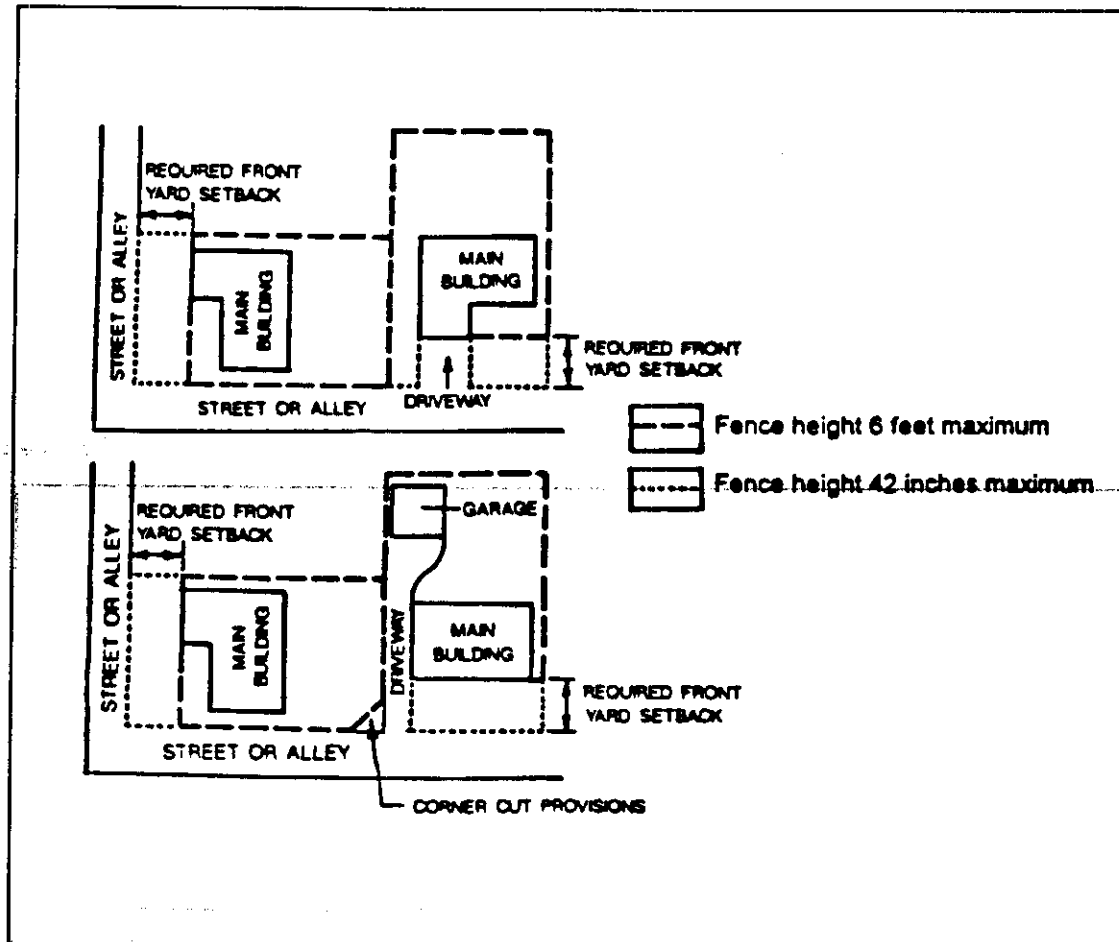


Figure 17.14.180.C

17.14.190 Swimming Pools. A swimming pool or spa may be placed anywhere on a lot except in the required front yard setback, subject to the following:

- A. **Fencing.** A fence or wall not less than five feet in height, as measured from outside the pool area, shall be provided around the pool or spa. The fence or wall shall enclose the pool or spa completely and shall be designed to prevent unauthorized access. If a wrought iron fence is provided, the openings in the fence shall not be wider than four inches.
- B. **Gates and Latches.** All gates or doors within the fence or wall shall be kept securely closed at all times when not in use. The gate or door shall be equipped with a self-closing and self-latching device which enables the gate or door to be securely closed. Latches shall be placed a minimum of five feet above the ground.

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- C. **Emergency Access.** A clear path at least three feet wide shall be provided around the entire pool or spa to allow for emergency access. For properties containing two or fewer units, a clear path shall be provided around 50 percent or more of the pool perimeter.
- D. **Above Grade Pools or Spas.** All above grade pools or spas and associated elevated decking shall maintain a minimum setback of three feet from any property line. (Ords. 12-95; 49-79; 5-78; 15.44.020, 040)

17.14.200 Parking. Parking requirements and standards are specified in Chapter 17.34 of this Title. (Ord. 12-95)

17.14.210 Landscaping. Landscaping shall be provided as required by Orange Municipal Code Chapter 16.50 (Landscape Standards and Specifications). (Ord. 12-95)

17.14.220 Signs. All signs shall comply with the requirements outlined in Chapter 17.36 of this Title. (Ord. 12-95)

17.14.230 Trash Enclosures. All multiple-family residential and mobile home park developments comprised of four or more units shall provide trash collection areas adequately and conveniently placed throughout the development. Trash collection areas shall be screened from view on three sides by a six foot high wall. A visually opaque gate shall be provided. (Ords. 12-95; 20-82: Prior Code 17.74.110)

17.14.240 Screening of Mechanical Equipment. All mechanical equipment including, but not limited to, air conditioning units and pool equipment shall be acoustically shielded and architecturally screened from view from adjacent streets and adjacent properties. Ground-mounted mechanical equipment screening shall consist of a solid wall, solid fence, or sufficient landscaping. Otherwise, such equipment shall be enclosed within a building. (Ords. 12-95; 15.12)

17.14.250 Old Towne Design Standards. Developments within Old Towne shall conform to the Historic Preservation Design Standards for Old Towne Orange. Refer to 17.17.030 for delineation of the limits of Old Towne. (Ord. 12-95)

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17.14.260

17.14.260 Additional Development Standards for Mobile Home Parks. The following additional standards apply to all mobile home park developments:

A. Building Height.

1. Mobile homes shall be limited in height to one-story not to exceed 20 feet.
2. The maximum height for recreation buildings shall not exceed 35 feet, provided the buildings are set back from adjacent R1 property and public streets a distance equivalent to twice the building's height.
3. The maximum height for all structures other than recreation buildings and mobile homes shall not exceed 15 feet and/or one story. (Ords. 12-95; 38-73: Prior Code 17.36.060)

B. Laundry Facilities. Laundry facilities shall be provided in a centrally located common structure. An enclosed area screened from view shall be provided for the outdoor drying of clothes. No clothes drying shall be permitted on the individual mobile home space unless done within an enclosed structure. (Ords. 12-95: Prior Codes 17.36.130 and 17.64.130)

C. Light and Glare. All mobile homes and their annexes shall be treated or screened so as to minimize sunlight reflection off their sides or roofs beyond the boundaries of the mobile home park. (Ords. 12-95; 38-73: Prior Codes 17.36.180 and 17.64.180)

D. Management Office. All mobile home parks shall be supervised at all times and shall have a centrally-located, separate office or room on the mobile home park premises to serve as a management office. (Ords. 12-95; 38-73: Prior Code 17.36.160)

E. Perimeter Screening. In order to provide a buffer between mobile home parks and abutting uses, the following standards shall apply. A six foot high, view-obscuring screen shall be installed and maintained along, but no closer than, ten feet from the ultimate or future right-of-way from any public street and three feet from any mobile home. Where there is a difference in elevation on opposite sides of such screen, the height shall be measured from the highest grade level. Such screen shall consist of one or any combination of the following:

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1. A solid, masonry wall;
 2. A landscaped, earthen berm, not to exceed 20 feet in width at the base; and/or
 3. A six foot high hedge. (Ords. 12-95; 38-73: Prior Code 17.36.090, 17.64.090)
- F. Private Storage Space. A minimum of 150 cubic feet of enclosed, usable storage space shall be provided on each mobile home space prior to occupancy of such mobile home. Such storage space shall be in addition to the storage provided in or under the mobile home. (Ords. 12-95; 38-73: Prior Code 17.36.120)
- G. Public Storage Space. A minimum of one 10 x 20 foot storage area shall be provided for each three mobile home spaces in the park. Storage spaces shall be distributed within the park so that they are readily accessible to all residents of the mobile home park and shall be used for the storage of boats, campers, and similar items. Such spaces shall be screened with a six foot high solid wall or fence. No boats, trailers, or campers shall be parked or stored on the mobile home park premises except in such designated storage areas. (Ord. 12-95; 38-73: Prior Code 17.36.120)
- H. Screening of Undercarriage. The undercarriage of all mobile homes shall be screened from view on all sides, except that an access panel shall be provided according to state requirements. (Ords. 12-95; 38-73: Prior Code 17.36.170)
- I. Trash Collection. Trash collection areas shall be provided. Common trash collection areas shall be adequately distributed throughout the mobile home park and shall be enclosed or screened from view on three sides by a six foot high wall. A visually opaque gate shall be provided. (Ords. 12-95; 38-73; 385 Sect 20: Prior Code 17.36.080)
- J. Underground Utilities. All utilities such as natural gas, electric, water, sewer, phone and cable TV shall be underground. (Ords. 12-95; 385: Prior Code 17.36.070)
- K. Usable Open Space. Usable open space shall be provided as required by Table 17.14.070 and shall be in addition to all access drives, laundry, office, parking, storage, and mobile home yard area requirements. Common open space areas may be in one or more locations and shall be located to be readily accessible to all residents of the mobile home park. Such common areas shall have minimum dimensions of 20 feet by 20 feet. (Ord. 12-95)

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17.14.270--17.14.280

17.14.270 Senior Citizen Housing - Purpose and Intent. This section establishes the requirements and the review procedure for housing developments designed to accommodate senior citizens. This section also presents State mandated incentives to encourage the development of senior citizen housing as well as incentives established by the City. (Ords. 12-95; 28-87: Prior Code 17.35.010)

17.14.280 Definitions.

- A. Senior Citizen or Qualifying Resident. For the purposes of these provisions, a senior citizen is considered any person 62 years of age or older, or for persons residing in a senior citizen housing development consisting of at least 150 units, any person 55 years of age or older.
- B. Senior Citizen Housing Development. Residential projects, where at least 50% of the units are designed to meet the physical and social needs of senior citizens. Senior Citizen Housing includes, but is not limited to senior citizen's apartments, and Room and Board facilities, but does not include those facilities providing medical care, or "care and supervision" as defined below.
- C. Senior Citizen Apartment Project. A residential apartment project, developed according to the standards contained in this chapter where at least 50% of the units are designated for senior citizens and contain facilities for independent living and cooking. At least one resident of each designated apartment unit must be a senior citizen as defined above, with the exception of the resident manager, if any.
- D. Room and Board Facility. A facility where centralized kitchen and dining areas are provided, and individual units do not have full kitchens. Services such as housekeeping, laundry and full time staff supervision may also be offered, but medical care or "care and supervision" (as defined below) is not provided.
- E. Care and Supervision. Those activities, which if provided, shall require the facility to be licensed by the State. It involves assistance as needed with activities of daily living and the assumption of varying degrees of responsibility for the safety and well being of residents. "Care and Supervision" shall include:
 - 1. Assistance in dressing, grooming and other personal hygiene;
 - 2. Assistance with taking medication;

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3. Central storing and distribution of medications;
4. Arrangement of and assistance with medical and dental care. This may include transportation.

NOTE: Any facility providing care and supervision shall be considered, for the purpose of zoning, as a rest home or convalescent hospital, and shall not be governed by the provisions of this chapter. Development of such a facility shall be in accordance with all conditions and standards of the zone in which the use is permitted.

- F. Residential Care Facility for the Elderly. A housing arrangement chosen voluntarily by the residents, or the resident's guardian, conservator or other responsible person, where 75 percent of the residents are at least 62 years of age, or, if younger, have needs compatible with other residents, and where varying levels of care and supervision are provided, as agreed to at time of admission or as determined necessary at subsequent times or reappraisal. Such a facility requires State licensing, and is not governed by the provisions of this chapter, except as provided in 17.14.030.
- G. Intermediate Care Facility. Similar to Residential Care Facility for the Elderly, but greater levels of care and supervision are provided, including up to 40 hours of nursing care per week. Such a facility requires State licensing and is not governed by the provisions of this chapter, except as provided in Section 17.14.030.
- H. Skilled Nursing Facility. Residential facility in which skilled nursing care and supervision is provided. Such a facility requires State licensing and is not governed by the provisions of this chapter, except as provided in 17.14.030. (Ords. 12-95; 28-87: Prior Code 17.35.020)

17.14.290 General Development Requirements.

- A. Base Zoning District Applies. Unless otherwise indicated by the provisions of this division, the development standards established for the base zoning district shall apply as follows:
 1. Projects located in the R-3, CP and OP zones shall be subject to the development standards of the R-3 zone.

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17.14.290--17.14.310

2. Projects located in the R-4, C1, C2, C3 and C-TR zones shall be subject to the development standards of the R-4 zone. (Ords. 12-95; 28-87: Prior Code 17.35.060)
- B. Parking Required. Off street parking and circulation shall be provided in accordance with Chapter 17.34. (Ords. 12-95; 28-87: Prior Code 17.35.100)
- C. Elevators Required. Any building which has two or more stories shall be provided with elevators for use by building residents. (Ords. 12-95; 28-87: Prior Code 17.35.080)

17.14.300 State Incentives and Requirements. The provisions of this section are in accordance with California Government Code Section 65919.

- A. Eligibility. The incentives in this section shall apply when at least 50% of the dwelling units within a housing development are designated for senior households. (Ord. 12-95: Prior Code 17.35.050)
- B. Development Incentives
 1. A 25% density bonus shall be granted, and;
 2. One additional incentive shall be granted such as, a reduction in the minimum floor area required for each senior unit, or a reduction in the usable open space required, or an allowance for a density bonus greater than 25%. (Ord. 12-95: Prior Code 17.35.050)
- C. Tenure Requirements. The senior units shall be reserved for a minimum of 30 years when a density bonus and an additional incentive is granted, and a minimum of ten years when only either a density bonus, or an incentive is granted. (Ords. 12-95; 28-87: Prior Code 17.35.040)

17.14.310 Special Incentives and Requirements. The provisions of this section are intended to promote the construction of housing that will be reserved for senior households in perpetuity, and that a percentage of which will be reserved as affordable to senior households.

- A. Eligibility. The special incentives in this section shall apply when at least 50 percent of the dwelling units within a housing development are designated for seniors, and at least 10% of the senior units are provided for "very low income" households, or 20% of the senior units are provided for "lower income" households. (Ord. 12-95)

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17.14.310

B. Development Incentives.

1. **Density Bonus.** At least a 25% density bonus shall be granted for projects that meet the minimum eligibility requirements. A density bonus greater than 25% may be granted if a higher percentage of units within a housing development are designated for seniors and very low or lower income households. (Ords. 12-95: Prior Code 17.35.050)
2. **Minimum Floor Area.** The minimum floor area of individual living units shall be as indicated in Table 17.14.310, unless otherwise preempted by Federal regulations. (Ords. 12-95; 28-87: Prior Code 17.35.090)

TABLE 17.14.310
MINIMUM FLOOR AREA FOR SENIOR CITIZEN UNITS

Type of Unit	Minimum Floor Area in Square Feet
Efficiency Apartment	450
One Bedroom Unit	550
Two Bedroom Unit	750
Room and Board Unit	400

3. **Recreation and Leisure Area Requirements.** Common recreation and leisure areas shall be provided as follows:
 - a. **20 Units or Fewer.** In developments containing up to 20 units, a unified, landscaped common recreation and leisure area, conveniently located and readily accessible from all dwelling units, shall be provided.
 - i. Total usable open space shall be provided at the ratio of at least 150 square feet per dwelling unit. Minimum dimensions shall be 20 feet by 20 feet.
 - ii. In developments where private patios or balconies are provided, up to 50 square feet of each private patio or may be deducted from the recreational area requirement.
 - b. **More Than 20 Units.** In developments of more than 20 units, at least one indoor multi-purpose or recreation room shall be provided in addition to the open space area required in Section 17.14.340.A above. The room shall have a minimum floor area of 1,000 square feet or five percent of the gross residential floor area, whichever is less. (Ords. 12-95; 28-87: Prior Code 17.35.110)

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4. Off-Street Parking and Circulation. Off-street parking and circulation shall be provided as follows:
 - a. Number of Spaces. A minimum of one parking stall per dwelling unit shall be provided, inclusive of guest parking. If more than 25 percent of the apartment units contain two bedrooms, the Planning Commission will reevaluate the parking requirement through the Conditional Use Permit process and may require additional parking to be provided.
 - b. Reduction in Spaces. The Planning Commission may reduce the parking requirements where findings can be made that a less restrictive parking requirement is appropriate due to the nature of the use (for example, a facility for non-ambulatory residents).
 - c. Type of Stalls. Parking stalls may be either open or covered.
 - d. Parking Lot Layout. The location, orientation, and overall design of the parking lot shall be as required by Chapter 17.34 of this Title.
 - e. Circulation and Access Requirements.
 - i. All proposed points of vehicular access, vehicular circulation to and from the off-street parking area, and driveway locations shall be approved by the City Engineer.
 - ii. All private drives shall be constructed in accordance with standards on file in the Public Works Department.
 - iii. A passenger drop-off area may be required at a sidewalk location immediately adjacent to the building main entrance.
- C. Tenure Requirements. All senior units and all affordable senior units shall be reserved for the life of the project. (Ords. 12-95; 28-87: Prior Code 17.35.040)

17.14.320 Conditional Use Permit Required. All senior housing projects shall be subject to the Conditional Use Permit review process, and shall be subject to the following additional considerations:

- A. Proximity to Services. The proposed project shall be reviewed for its proximity to necessary services such as retail stores, banks, medical facilities, and transit stops.
- B. Compatibility with Surrounding Development. All senior citizen housing shall be designed and located in a manner compatible with existing and planned land uses in the area in terms of density, scale, type of use, traffic circulation, and other considerations.

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- C. Provision of Amenities. The provision of certain amenities shall be considered on a case-by-case basis. Amenities such as the following should be included:
1. Porches, balconies, or window boxes for each unit.
 2. Kitchen or kitchenette facilities provided in conjunction with common recreational rooms.
 3. Additional common leisure area beyond the minimum requirements.
 4. On-site services and medical facilities.
- D. Adequacy of Health and Safety Features. The adequacy of the following required features shall be considered:
1. Provision of safety features such as grab bars in showers and bath tubs, hallway railings, emergency buzzers, intercom systems, and attended or unattended locking building entries.
 2. The location and size of communal laundry rooms relative to the number of units in a senior citizen development. (Ords. 12-95; 28-87: Prior Code 17.35.030)

17.14.330 Deed Restriction. All senior housing projects that utilize the incentives listed in Sections 17.14.300 and 17.14.310 shall be required to execute and record an agreement with the City which may include, but is not limited to, the following:

- A. Identification of affordable units;
- B. Initial rents to be charged;
- C. Methods used to calculate periodic rental increase;
- D. Programs to be used to monitor compliance with the agreement;
- E. Term for which the agreement is operative;
- F. Penalties for non-compliance; and
- G. Priority given to residents of the City of Orange. (Ords. 12-95; 28-87: Prior Code 17.35.040)

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17.14.340--17.14.350

17.14.340 Affordable Housing - Purpose and Intent. The purpose of this chapter is to provide incentives to developers for the production of lower income housing units in order to meet the affordable housing goals of the City's General Plan Housing Element. These provisions are based upon Section 65915 of the California Government Code that requires local governments to adopt provisions for the granting of density bonuses and additional concessions as incentives for the development of affordable housing. (Ords. 12-95; 11-93: Prior Code 17.37.010)

17.14.350 Definitions.

- A. Affordable Units - Housing units, both single and multiple family, to be rented or sold to lower or very-low income households, as set forth in Section 17.14.400.
- B. Area Median Income - Median income figures published annually by the State Department of Housing and Community Development (HCD), and are based upon annual income limits established by the Federal Department of Housing and Urban Development (HUD).
- C. Density Bonus - An increase in the proposed number of units over the number permitted pursuant to the current general plan designation of the project site.
- D. Housing Development - One or more groups of projects for residential units, planned as one project, such as projects planned under a specific plan, or within a Planned Community (PC) zone when defined by a single development plan.
- E. Lower Income Households - Persons and families whose income does not exceed 80% of the area median income, as adjusted for family size (Section 50079.5 of the California Health and Safety Code).
- F. Very Low Income Households - Persons and families whose income does not exceed 50% of the area median income, as adjusted for household size (Section 50105 of the California Health and Safety Code). (Ords. 12-95; 11-93: Prior Code 17.37.020)

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17.14.360 Eligibility. This Chapter shall apply to a qualifying housing development, which is defined as the new construction of rental or for-sale housing developments consisting of five or more dwelling units, provided the zoning and general plan designations for the subject project site allow a minimum of five, when at least ten percent of the units are provided for "very low income" households, or 20% of the units are provided for "lower income" households. (Ords. 12-95; 11-93: Prior Code 17.37.030)

17.14.370 Development Incentives. Pursuant to Section 65915 of the California Government Code, the proponent of a qualifying housing development project shall be eligible for a density bonus of at least 25% over the otherwise maximum allowable density permitted by the City's General Plan for the project site and one additional incentive, unless the reviewing body makes a written finding that additional concessions or incentives are not necessary for the project's affordability. The project proponent may propose the particular incentive or concession desired, but the reviewing body shall determine which incentive or concession is most appropriate considering the economic feasibility of the development project, and impacts on the City's budget, public health, safety and welfare and surrounding properties. At least one of the following incentives may be requested:

- A. A reduction in one site development standard which exceeds minimum State building code requirements such as, lot coverage, frontage, or depth, building setback or height, or a substitution of covered parking for enclosed parking, public recreational amenities for private open space;
- B. Allow for mixed use in conjunction with the housing development upon properties zoned for commercial, office, or industrial use;
- C. A regulatory incentive or concession resulting in identifiable cost reductions such as a reduction, waiver or reimbursement of planning review fees, development fees, or building plan check and permit fees;
- D. Allow for a density bonus greater than 25% or more than one regulatory incentive provided a higher percentage of units are designated as affordable;
- E. Other incentives of equivalent financial value based upon the land cost per dwelling unit. (Ords. 12-95; 11-93: Prior Code 17.37.040)

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17.14.380 Application Procedure. All applicants/owners who are proposing to construct housing developments eligible to utilize the provisions of this chapter are subject to the following application procedures:

- A. Preliminary Application Required. A preliminary application shall be submitted to the Community Development Department to include a site plan and narrative description of the project. The description shall detail the general scope of the proposed project, zoning and general plan designation of the property, and based upon the site constraints and proposed housing product type, the maximum possible density permitted under the current zoning and general plan designation, and when utilizing the provisions of this Chapter. When requesting the City to modify any development standard as an incentive, the applicant/owner shall include in the narrative a detailed explanation as to how the requested incentive is necessary to achieve the affordability goal of this Chapter. In evaluating such preliminary applications, the City may require an independent appraisal and/or financial analysis of the subject property with and without a density bonus, and with and without the proposed concession or incentive of equivalent financial value to be performed by an appraiser or financial analyst deemed acceptable by the Community Development Department and at the expense of the applicant/owner. Pursuant to Section 65915 of the California Government Code, the City shall, within 90 days of receipt of the site plan and written proposal, notify the applicant/owner in writing of the procedures which will apply to the review process.
- B. Conditional Use Permit Required. Subsequent to the preliminary application process, a conditional use permit application, in conjunction with any corresponding development applications necessitated by the project, shall be submitted for review to the Community Development Department. An evaluation using the criteria set forth by this Chapter and a recommendation shall be forwarded to the Planning Commission. Final determination of the request shall be made by the Planning Commission as provided for in Section 17.10.030, unless financial assistance is requested, in which case the Planning Commission shall make a recommendation to the City Council, who shall make the final determination. The reviewing body may place reasonable conditions on the granting of a density bonus and any other incentives as proposed by the applicant. However, such conditions must not have the effect, individually or cumulatively, of impairing the goal of Section 65915 of the California Government Code, and this Chapter, to make the development of affordable housing for very-low or lower income households economically feasible. (Ords. 12-95; 11-93: Prior Code 17.37.060)

17.14.390 Affordable Unit Distribution and Product Mix.

Affordable units shall be distributed throughout the project and shall include a mixture of unit types (floor area, number of bedrooms/baths, etc.) and amenities representative of and similar in character to the entire project. (Ord. 12-95)

17.14.400 Affordability Agreement. The project proponent/owner shall agree to construct, operate and maintain the required number of affordable units in accordance with a written agreement between the applicant and the City, approved in form and content by the City Attorney, and recorded, as a deed restriction, with the Orange County Recorder's Office, prior to the issuance of any building permits for such eligible housing development. The agreement shall include the following:

- A. Identification of Affordable Units. Units shall be identified by address and legal description, type (floor area, number of bedrooms/baths, etc.), and designated household income category. The Agreement shall also identify the total number of affordable units to market rate units within the development project.
- B. Terms of Affordability. Pursuant to Section 65915 of the California Government Code, the affordable units shall be reserved for a minimum of 30 years when a density bonus and an additional incentive or concession is granted, and a minimum of ten years when only either a density bonus, or a concession is granted. Such reservation period shall begin on the date a certificate of occupancy is granted for the affordable units.
- C. Maximum Allowable Rent or Sales Price.
 - 1. Rental Projects.
 - a. Determination of Rent. A maximum rent schedule shall be submitted to the Community Development Department prior to the issuance of an occupancy permit for the affordable units, and updated annually on the anniversary date of occupancy. Pursuant to Section 65915, the maximum monthly rent to be charged for very-low income households cannot exceed 30% of 50% of the area median income, and for lower income households, 30% of 60% of the area median income, as adjusted for family size.
 - b. Deposit Amount. Total move-in costs for eligible tenants occupying affordable units shall be limited to first month's rent plus a security/cleaning deposit not to exceed one month's rent.

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- c. "Upward Mobility" Allowance. When a tenant occupying an affordable unit no longer qualifies under the income provisions, as defined in Section 17.14.350 and verified through the monitoring program required as part of Affordability Agreement, that tenant may then be charged market rate rent. If this occurs, any currently-vacant unit of similar type to the affordable unit shall then be designated as an affordable unit, and the applicant/owner shall immediately attempt to secure tenants in accordance with this Chapter. The applicant/owner is required to maintain the total number of affordable units identified in the Agreement.
 - d. Subletting of Rental Units. No subletting of designated affordable units shall be allowed unless the following conditions are met:
 - i. Written permission is obtained from the applicant/owner and submitted to the Community Development Department; and,
 - ii. The sublettee qualifies as a very-low or lower income household and the combined income of all potential tenants, adjusted for family size, does not exceed the income limits set forth in Section 17.14.350.
 - iii. The rent collected shall not exceed the maximum monthly rent allowed to be charged as specified in Section 17.14.400.C.
2. Ownership Projects.
- a. Determination of Sales Price. A maximum sale price shall be submitted to and verified by the Community Development Department for the initial and subsequent resale of affordable units where very-low income or lower income households could qualify for a fixed-rate 30-year mortgage for 90% of the purchase price under current conventional home mortgage lending criteria and interest rates, or under the lending criteria and interest rates of a below-market rate home mortgage lending program for which such household actually qualifies and receives a loan.
 - b. Sale Clause. The Affordability Agreement shall stipulate that when the terms of affordability have expired on a dwelling unit that the City of Orange and regional non-profit housing organizations shall have a first right of purchase option 60 days prior to the unit being advertised on the market.

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- c. Rental of For-sale Units. Rental of designated affordable for-sale units shall not be allowed unless the renter(s) qualifies as a very-low or lower income household as set forth in Section 17.14.350, and the rent to be charged is in accordance with 17.14.400.C.
- D. Monitoring of Compliance to Agreement. Monitoring program shall include specifying the party responsible for certifying tenant incomes and rent levels or sales price, maintaining the required number of affordable units and each unit's property, and marketing and filling unit vacancies.
- E. Where a demonstrable need can be shown in order to comply with affordable housing financing programs, in place of the provisions required by subsections A (Identification of Affordable Units and C.1.c ("Upward Mobility" Allowance), the project proponent/owner may propose, as part of the conditional use permit application, alternative provisions for assuring compliance with the requirements for maintaining the affordability of the specified number of units, which may be approved or denied by the Planning Commission or City Council as part of the conditional use permit process. To approve such alternative provisions the determining body shall make a finding based on substantial evidence in the record of the hearing that the alternative provisions will reasonably assure the continued affordability of the specified number of units for the time prescribed in this Chapter.
- F. Disclosure of Project Approval. For purposes of notice to third parties, the Agreement shall reference or delineate all conditions imposed upon the project or any incentive by the final approval of the project. (Ords. 12-95; 11-93: Prior Code 17.37.070)

17.14.410 Findings. In addition to the criteria used for consideration of conditional use permit applications, the reviewing body shall make the following findings when considering housing development projects that utilize this Chapter:

- A. The project provides a quality living environment for very low income and lower income households.
- B. The project fulfills a demand for affordable housing which is currently not provided for by the existing housing stock.
- C. The project conforms to the goals set forth in the General Plan Housing Element.

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- D. The project can be adequately serviced by the City and County water, sewer, and storm drain systems, without significantly impacting the overall service or system.
- E. The project will not have a significant adverse impact on traffic volumes and road capacities, school enrollment, or recreational resources.
- F. The density bonus and additional incentive(s) are necessary in order to achieve the affordability of the units and will not impose an undue financial hardship on the City, or adversely impact public health, safety and welfare and surrounding properties. (Ords. 12-95; 11-93: Prior Code 17.37.080)

17.14.420 Enforcement. Violation of any provision of this Chapter or of any provision of the Affordable Housing Agreement required under Section 17.14.400, shall be a misdemeanor with each day of the continuance of the violation a separate offense, and shall be punishable by a fine not to exceed \$500.00 or imprisonment for not more than six months or by both such fine and imprisonment. (Ords. 12-95; 11-93: Prior Code 17.37.090)

ILLUSTRATIVE DENSITY BONUS CALCULATION

Land Use Designation	Multiple Family Residential
Maximum Permitted Density	24 dwelling units/acre
Property Size	2 acres
Maximum Units at Permitted Density	48 units
Units Affordable to Target Households (20% for lower-income households) [48 x .20 = 9.6 or 10]	10 units
Density Bonus Units (@ 25%) [48 x .25 = 12]	12 units

Total Project	48 base Units
Units with 25% Density Bonus:	+ <u>12 density bonus units</u>
	60 Total Units

(50 units at market rate,
10 units at affordable
rate)

CHAPTER 17.16

PLANNED UNIT DEVELOPMENTS

Sections:

- 17.16.010 Purpose and Intent
- 17.16.020 Conditional Use Permit Required
- 17.16.030 Findings
- 17.16.040 Permitted Locations
- 17.16.050 Application for a Planned Unit Development
- 17.16.060 Development Standards
- 17.16.070 Conditions, Covenants and Restrictions
- 17.16.080 Changes or Amendments to Approved PUD's

17.16.010 Purpose and Intent. The Planned Unit Development (PUD) is established to provide an alternative to standard residential development wherein the existing General Plan densities are preserved but flexibility is provided by allowing the clustering of units and combining of open space, recreation areas and roadways under common ownership. (Ords. 12-95; 20-82; 44-73: Prior Code 17.66.010, 17.82.010)

17.16.020 Conditional Use Permit Required. A Conditional Use Permit before the Planning Commission and City Council shall be required for the establishment of a Planned Unit Development (PUD). Once a PUD is established, the Conditional Use Permit shall be binding upon the applicants, their successors, and assignees, and shall regulate the construction, location, use and maintenance of all land and structures within the development. (Ords. 12-95; 20-82; 65-79; 44-73: Prior Codes 17.66.040 and 17.82.020)

17.16.030 Findings. In order to qualify for a Planned Unit Development, the following findings must be made by the reviewing body to justify the approval:

- A. The project conforms to the General Plan in regard to land use designation and density.
- B. The project utilizes creative and imaginative planning and design features to create a quality living environment, equal to or better than what might be accomplished under the base zone designation.
- C. The project preserves unique physical, topographical or environmental features, where applicable. (Ords. 12-95; 20-82; 65-79; 44-73: Prior Codes 17.66.040, 17.82.020)

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17.16.040 Permitted Locations. Planned Unit Developments may be located in any zone district zoned for residential use, or as otherwise indicated in Table 17.14.030 of this Title. A PUD shall be adopted by Ordinance, and indicated on the zoning map by the base zoning designation and the Conditional Use Permit number applicable to that PUD. For example, in the R-1 zone, a PUD may be indicated R1-7 (PUD 1901-91). (Ord. 12-95)

17.16.050 Application for a Planned Unit Development.

A. In addition to the information required for a Conditional Use Permit application, applications for a PUD shall include a precise plan of development that includes the following details:

1. The dimensions of the total site, including gross and net acreage.
2. The project density calculated on gross acreage and net acreage (exclusive of public right-of-way).
3. The proposed site design and organization of buildings and residential clusters, including building footprints with all setbacks identified.
4. The location and dimensions of infrastructure, including roads, pedestrian paths, and bicycle or equestrian paths and trails.
 - a. The interior circulation system shall be shown in relationship to the exterior circulation system.
 - b. The plan shall indicate whether the circulation system will be private or dedicated to the public.
5. Areas reserved for common open space and any designated active recreation areas or facilities, and calculations showing the acreage of open space.
6. Architectural concept for structures proposed within the PUD.
7. A calculation of the total number of parking spaces required and provided, and detailed plans of parking areas.
8. A conceptual landscape plan, including perimeter walls for the development.
9. An anticipated phasing plan.

10. Other information as determined to be necessary to facilitate review by the Director of Community Development.

- B. Whenever a planned unit development is proposed to be subdivided in any manner, a tentative tract map or parcel map shall also be filed. (Ord. 12-95)

17.16.060 Development Standards. This section establishes minimum development standards for PUDs. The reviewing body may require more stringent standards to ensure compatibility with surrounding uses, quality of life for future residents and protection of public health, safety, and general welfare.

- A. Density. The total number of dwelling units permitted shall not exceed the number allowed by the General Plan. In establishing the density, the reviewing body shall consider compatibility with surrounding land uses and densities on adjacent parcels.
- B. Building Height. The underlying zone district shall govern the maximum permitted building heights for all structures within a PUD.
- C. Building Separation. Distance between dwellings are required in order to provide adequate light and air and privacy. The provisions outlined in Table 17.16.060 shall apply, as well as specific provisions found in building and fire codes. Architectural features such as chimneys and eaves may encroach into the required separation area by no more than two feet.
- D. Setback from Public right-of-way. All structures (including walls or fences exceeding 42" in height) shall be setback a minimum of 20 feet from a public right-of-way. The required setback area shall be landscaped.
- E. Project Area Boundary Setback. All habitable structures shall be set back a minimum of ten feet from any project boundary not abutting a street. Buffer of trees or hedges shall be provided as appropriate to ensure compatibility with adjacent uses.
- F. Interior Street Setbacks. All structures shall be set back a minimum of ten feet from any interior street. Garage door openings shall be set back a minimum of 20 feet from any interior street, unless one additional parking space is provided for all units containing garages with driveways less than 20 feet in length. Such space must be conveniently located to the units.

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TABLE 17.16.060
REQUIRED DISTANCES BETWEEN BUILDINGS

Minimum Required Distance
Between Principal Structures on the Same Lot(a)

Number of Structures	Front/Any Other Building Wall	All Other Configurations	Minimum Distance Between Principal and Accessory Structure
One	N/A	N/A	6 feet
Two to Four	15 feet	8 feet	6 feet
Five or More	25 feet from view allowing windows in any adjacent structure. 15 feet minimum between solid facing walls, or when windows are located on only one facing wall.		6 feet

NOTE:

- (a) For obliquely aligned buildings, the required distance between two principal structures may be decreased by up to five feet if the distance at the opposite corner is increased by an equal or greater distance.

G. Landscaping. Landscaping shall be provided as required by the City's Landscape Standards and Specifications.

H. Open Space/Recreation.

1. Usable Open Space shall be provided as set forth in Table 17.14.070 of this Title. Usable open space shall not include any portion of off-street parking space, driveways, turnaround areas, required setback area from public right-of-way.
 - a. Private Open Space shall be provided in the form of a fenced or screened yard or patio, a deck, or a balcony. In order to count toward the open space requirement, a yard area, or uncovered patio or deck shall have a minimum width and length of ten feet, the minimum dimension of a balcony (both width and depth) shall be seven feet.
 - i. For PUDs containing up to six units per acre, a minimum of 450 square feet per unit shall be provided.

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- ii. For PUDs containing seven or more units per acre, a minimum of 100 square feet per unit shall be provided.
 - b. Common usable open space areas shall conform to the requirements set forth in Table 17.14.070 and Section 17.14.110.B of this Title.
- 2. Recreation Facilities/Open Space Amenities.
 - a. Within each PUD, one common recreational or open space amenity shall be provided for each 25 units or fraction thereof. A mix of recreational amenities shall be provided for PUD's exceeding 25 units.
 - b. The following listed amenities satisfy the recreational facilities requirement recognizing that certain facilities serve more people, have a wider interest or appeal and/or occupy more land area than others, specified items may be counted as 2 amenities:
 - i. Clubhouse (two)
 - ii. Swimming pool (two)
 - iii. Tennis court (one per court)
 - iv. Basketball court (one per court)
 - v. Racquetball court (one per court)
 - vi. Weightlifting facility
 - vii. Children's playground equipment
 - viii. Sauna
 - ix. Jacuzzi
 - x. Day Care Facility
 - xi. Lake or water feature (excluding water fountain)
 - xii. Other recreational amenity/facility deemed adequate by the Community Development Director.
- 3. Pedestrian Paths. There shall be a system of pedestrian pathways connecting all dwelling units or dwelling groups to common usable open space areas.
- I. Private Streets. Private streets shall be permitted when a home owner's association is established to maintain them. Streets shall be constructed to standards and specifications acceptable to the Director of Public Works.
- J. Access. Access to each residential unit shall be provided by either a public right-of-way or private vehicular way. Residential units shall not have individual vehicular access onto arterial highways. Access roadways shall adequately provide for fire fighting apparatus and refuse collection.

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- K. Parking Regulations. Off-Street parking shall be provided as set forth in Chapter 17.34 of this Title. (Ords. 12-95; 20-82; 19-79; 44-73: Prior Code 17.66.090, 17.82.030)

17.16.070 Conditions, Covenants and Restrictions. A community association or other means acceptable to the City must be established to maintain all commonly held property. Copies of conditions, covenants and restrictions that will apply to the proposed development shall be submitted to the Community Development Department and City Attorney for review prior to the issuance of the building permit for the project. (Ords. 12-95; 20-82; 44-73: Prior Code 17.66.030)

17.16.080 Changes or Amendments to Approved PUD's. Minor changes which are limited to small site alterations which do not substantially change the concept of the PUD as approved, may be authorized by the Community Development Director. Major changes, such as those pertaining to density, land use, and amount or arrangement of open space, must be approved by the City Council upon recommendation of the Planning Commission. Major changes require submittal of a modification to the original conditional use permit(CUP), including a conditional use permit application, fee as determined by City Council resolution, narrative and plans detailing the requested changes. (Ord. 12-95)

CHAPTER 17.17

HISTORIC DISTRICTS

Sections:

- 17.17.010 Title
- 17.17.020 Purpose and Intent
- 17.17.030 District Established
- 17.17.040 Establishment Procedure
- 17.17.050 Criteria for Establishment
- 17.17.060 Development Standards
- 17.17.070 Use of State Historic Building Code

17.17.010 Title. Historic District Zone as amended, previous reference "Old Towne Overlay Zone" and "Old Towne Districts" (Ord. 38-88), supplements the existing base zoning standards for residential, commercial, and industrial development within the City's historic areas. (Ords. 12-95; 38-88: Prior Code 17.10.010A)

17.17.020 Purpose and Intent. The City Council has determined that the spirit, character and history of the City, State, and Nation are reflected in the historic structures, improvements, natural features, sites, and areas of significance located within the City, and that in the face of ever-increasing pressures of modernization, cultural historic resources and historic districts located within the City are threatened with alteration, removal or demolition.

These structures and districts represent the City's unique historical, social and cultural foundations, and should be preserved as living parts of community life and development in order to build a greater understanding of the City's past and to give future generations the opportunity to appreciate, understand and enjoy the City's rich heritage.

This Chapter is intended to promote the public health, safety, and general welfare by:

A. Providing a means of reviewing development projects to ensure that these projects are compatible with community aesthetics including architectural design, massing and scale, context, signage, and landscaping.

B. Providing and encouraging preservation and complementary new development within the existing components of the Old Towne Historic District including the Plaza, Downtown Core, Spoke Streets, Nutwood Tract, and Residential Quadrants, and other districts as established.

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C. Preserving diverse architectural styles, patterns of development and design preferences reflecting the City's history and encouraging complementary design and construction and inspiring a more livable urban environment.

D. Integrating the preservation of cultural historic resources, and historic districts into the public and private land use management and development processes.

E. Stabilizing neighborhoods through the preservation of cultural resources and the establishment of historic districts, thus enhancing the City's attraction to tourists and visitors thereby stimulating business and industry.

F. Encouraging public participation in identifying and preserving historic and architectural resources thereby increasing community pride in the City's cultural heritage. (Ords. 12-95; 38-88: Prior Code 17.70.010)

17.17.030 District Established. One district has been established, the Old Towne District as bounded by Batavia Street on the west, Cambridge Street on the east, Walnut Avenue on the north, and La Veta Avenue on the south, including the Nutwood Tract on the south side of La Veta Avenue. The boundaries of the Old Towne District shall run along the centerline of the designated streets and the borders of the Nutwood Tract. (Ord. 38-88) Other historic districts may be established in the future. (Ords. 12-95; 38-88: Prior Code 17.70.010B)

17.17.040 Establishment Procedure. Application for a historic district shall comply with the zoning amendment procedure for a change in the zoning district classification upon designation approval by City Council as prescribed under Section 17.10.020. (Ords. 12-95; 38-88: Prior Code 17.70.040)

17.17.050 Criteria for Establishment. An historic district may be established to preserve landmarks and areas exemplary of architectural, archaeological, cultural, economic, social, or historical value if the landmark or area meets the following criteria:

A. The resource exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, architectural or natural history and possesses an integrity of location, design, setting, materials, workmanship, feeling and association; and

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1. It embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or
 2. It contributes to the significance of an historic area, being a geographically definable area possessing a concentration of historic or scenic properties or thematically related grouping of properties which contribute to each other and are unified aesthetically, by plan or physical development; or
 3. It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning; or
 4. It embodies elements of architectural design, detail, materials, or craftsmanship that represent a significant structural or architectural achievement or innovation; or
 5. It has a unique location or singular physical characteristic or is a view or vista representing an established and familiar visual feature of a neighborhood, community or the City of Orange.
- B. It is one of the few remaining examples in the City, region, state, or nation possessing distinguishing characteristics of an architectural or historical type, or specimen; or
- C. It is identified with persons or events significant in local, state or national history; or
- D. It is representative of the work of a notable builder, designer or architect. (Ords. 12-95; 38-88)

17.17.060 Development Standards. A historic district zone includes additional regulations and uses over base zoning of a particular area to encourage historic preservation and complementary new development. To promote orderly development and preservation within historic districts the following standards and their amendments shall apply: Old Towne Historic Preservation Design Standards, The Southwest Project Area Design Standards, the General Plan's Historic Preservation Element sample guidelines

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including the Secretary of the Interior's Standards and Guidelines for Rehabilitation. (Ord. 12-95)

17.17.070 Use of State Historic Building Code. Pursuant to the California Health and Safety Code 18950 et. seq., any alteration made to a cultural resource or structure within a historic district for the rehabilitation, preservation, restoration or relocation of such structures shall be made according to the requirements of the State historic Building Code. (Ords. 12-95; 38-88)

CHAPTER 17.18

COMMERCIAL DISTRICTS

Sections:

- 17.18.010 Purpose and Intent
- 17.18.020 Districts Established
- 17.18.030 Permitted Uses
- 17.18.040 Prohibited Uses
- 17.18.050 Non Conforming Uses and Developments in Commercial Recreation (CR) District
- 17.18.060 Special Use Regulations
- 17.18.070 Conditional Use Regulations
- 17.18.080 Outdoor Use Regulations
- 17.18.090 General Provisions
- 17.18.100 Building Lot Area Requirements
- 17.18.110 Building Intensity Requirement for Commercial Recreation (CR) District
- 17.18.120 Building Height
- 17.18.130 Yard Requirements
- 17.18.140 Fences and Walls
- 17.18.150 Off-Street Parking and Loading
- 17.18.160 Landscaping
- 17.18.170 Signs
- 17.18.180 Screening of Mechanical Equipment
- 17.18.190 Trash Enclosures
- 17.18.200 Undergrounding of Utilities
- 17.18.210 Transportation Demand Management Program
- 17.18.220 Old Towne
- 17.18.230 Tustin Street Redevelopment Project Area
- 17.18.240 Southwest Redevelopment Project Area

17.18.010 Purpose and Intent. This chapter establishes use regulations and development standards for the City's commercial districts. Commercial districts are intended to provide suitable locations for a wide variety of commercial enterprise, as well as certain residential developments which benefit from locations within or adjacent to commercial districts. (Ords. 12-95: Prior Codes 17.40, 17.42, 17.43, 17.44, 17.45)

17.18.020 Districts Established. Seven commercial zone districts are established as follows:

- A. Office Professional (OP). This district permits single family residences and professional offices. Limited retail and service commercial uses are permitted only when clearly incidental to the permitted primary office use. Intended to preserve historic structures by allowing their conversion to office use, in areas which are transitioning from residential

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17.18.020--17.18.030

to office uses, and to accommodate professional offices along arterial streets, where more intensive commercial uses would conflict with adjacent residential uses. (Ords. 12-95: Prior Code 17.38)

- B. Commercial Professional (CP). This district permits lower intensity office, general retail and service commercial businesses. (Ords. 12-95: Prior Code 17.40)
- C. Limited Business (C1). This district permits lower intensity office, general retail and service commercial businesses. (Ords. 12-95: Prior Code 17.42)
- D. Limited Business - Tustin Redevelopment Project Area (C-TR). This district applies only to the Tustin Redevelopment Project Area and is designed to permit commercial uses developed in a manner consistent with the goals and programs of the redevelopment project. (Ords. 12-95: Prior Code 17.43)
- E. General Business (C2). This district allows a broad range of commercial uses. (Ords. 12-95: Prior Code 17.44)
- F. Commercial (C3). This district provides an area where retail sales and services along with related assembling, processing, and manufacturing can be carried out. (Ords. 12-95: Prior Code 17.45)
- G. Commercial Recreation (CR). This district is intended to provide for commercial and office uses with a specific focus upon entertainment and recreational uses, regional and community-serving retail and service uses, and higher intensity office developments. This district classification was created for the Katella Avenue Corridor based upon its status as a "Smart Street" and its proximity to the regional serving stadium and arena in the adjoining City to the West. (Ord. 21-95)

17.18.030 Permitted Uses. Table 17.18.030 lists all uses permitted (P), permitted by conditional use permit (C), permitted as an accessory use (A), and not permitted (-) in the commercial zones. Permitted and accessory uses marked with an asterisk (*) are subject to special use or development conditions outlined in Section 17.18.050. Conditional uses marked with a plus (+) also have special use or development standards as outlined in Section 17.18.060. All uses are subject to compliance with the development standards contained in this chapter and must comply with parking standards contained in Chapter 17.34. (Ords. 12-95: Prior Codes 17.40, 17.42, 17.43, 17.44, 17.45)

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TABLE 17.18.030
COMMERCIAL USE REGULATIONS

USE	OP	CP/C 1	CTR	C2	C3	CR
RETAIL SALES						
Retail stores within a building, except as below	-	P	P	P	P	P*
The following retail uses are permitted/ conditionally permitted only as noted:						
Drive-in dairy	-	C+	C+	C+	C+	-
Liquor store	-	C+	C+	C+	C+	-
Pawnshop	-	-	-	C+	C+	-
The following retail uses are permitted in the OP District provided they are integrated within and clearly incidental to a professional or general office development:						
Newspaper and magazine shop	P	P	P	P	P	P*
Pharmacy	P	P	P	P	P	P*
Photocopy centers	P	P	P	P	P	P*
Private postal centers	P	P	P	P	P	P*
Sandwich shop	P	P	P	P	P	P*
Regional-Serving Retail Uses such as: bulk merchandise, design show- rooms & sales, furniture stores, home improvement & garden centers, office & electrical equipment, retail outlets, etc.	-	P	P	P	P	P
PERSONAL SERVICES						
Appliance repair and service (portable appliances only)	-	P	P	P	P	-
Barber, beauty shop, manicure or tattoo salon	P	P	P	P	P	-
Day care, child or elderly	C	P*	P*	P*	P*	-
Dog and cat grooming	-	P	P	P	P	-
Dry cleaners	-	P	P	P	P	-
Fortunetelling	C+	P*	P*	P*	P*	-
Laundromat	-	P	P	P	P	-
Massage parlor	-	-	-	-	C	-
Shoe repair	-	P	P	P	P	-
Tailoring	-	P	P	P	P	-
Veterinary clinic, animal hospital (boarding permitted only as part of medical treatment)	-	P	P	P	P	-

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TABLE 17.18.030 (Continued)

USE	OP	CP/C1	CTR	C2	C3	CR
OFFICE USES						
General and Professional Offices	P	P	P	P	P	P
Medical Offices	P	P	P	P	P	-
FINANCIAL SERVICES						
Banks and similar financial institutions	P	P	P	P	P	P*
Stock or bond broker	P	P	P	P	P	P
AUTOMOBILE AND OTHER VEHICLE RELATED USES						
Automobile body shop	-	-	-	-	-	-
Automobile Rental Agency (with on-site auto storage)	-	C	C	C	C	-
Automobile repair - major	-	-	-	-	-	-
Automobile repair - minor, on properties adjacent to residential districts	-	C+	C+	C+	C+	-
Automobile repair - minor, on properties <u>not</u> adjacent to residential districts	-	P*	P*	P*	P*	-
Automobile sales and related service activities	-	C+	C+	C+	C+	P
Automobile service stations	-	P*/C+	P*/C+	P*/C+	P*/C+	-
Boat sales and service	-	-	-	C	C	P
Car wash/auto dealing	-	C	C	C	C	-
Motorcycle sales and service	-	C	C	C	C	P
Parking garage	-	-	-	-	-	A
Recreational Vehicle Storage	-	-	-	-	-	A
Sale of service related to retail merchandising of auto tires, batteries and accessories	-	C	C	C	C	A*
Truck Repair (more than 1 ton capacity)	-	-	-	-	-	-
Used car sales (with no service facilities)	-	-	-	C	C	-

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TABLE 17.18.030 (Continued)

USE	OP	CP/C1	CTR	C2	C3	CR
RESTAURANTS, BARS						
Bars	-	-	C+	C+	C+	C+
Restaurants w/o alcoholic beverage sales	C	P	P	P	P	P
Restaurants w/alcoholic beverage sales	-	C+	C+	C+	C+	C+
Restaurants w/drive thru or take out window	-	C+	C+	C+	C+	P
Restaurants w/on-site brewing and sale of beer	-	C+	C+	C+	C+	C+
ENTERTAINMENT/COMMERCIAL RECREATION USES						
Amusement devices, including video games, pinball machines, pool tables and similar devices (three or fewer)	-	A*	A*	A*	A*	P
Amusement devices, including video games, pinball machines, pool tables, and similar devices (4 or more), provided pool tables are an accessory use	-	C+	C+	C+	C+	P
Billiard Parlor	-	C+	C+	C+		C+
Commercial Recreation Facility	-	-	-	-	-	P
Commercial Sports Facility	-	-	-	-	-	P
Dance floor or hall as primary use	-	C	C	C	C	P
Dance floor as accessory use	-	C+	C+	C+	C+	P
Entertainment establishment	-	C+	C+	C+	C+	P
Movie theaters, drive in	-	-	-	C	C	P
Movie theaters, walk in	-	P	P	P	P	P
Museum; art gallery	-	P	P	P	P	P
Performance theaters	-	P	P	P	P	P
Roller/ice rink, skateboard park, amusement park, miniature golf course and similar uses	-	-	C	C	C	P
Stadium; other arena	-	-	-	-	-	P
RESIDENTIAL USES						
Bed and Breakfast inns	C+	-	-	-	-	-
Caretaker mobile homes	A*	A*	A*	A*	A*	-
Fraternity, sorority	C	-	-	-	-	-
Hotels and motels	-	C+	C+	C+	C+	-
Multi-Family Housing in conjunction with a mixed use development	C+	C+	C+	C+	C+	-
Rest homes, convalescent hospitals	C	C	C	C	C	-
Senior Housing	C+	C+	C+	C+	C+	-
Single Family Residences	P	-	-	-	-	-

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TABLE 17.18.030 (Continued)

USE	OP	CP/C1	CTR	C2	C3	CR
MISCELLANEOUS USES						
Adult Enterprise	-	-	-	-	C+	-
Ambulance Service	-	C	C	C	C	-
Bingo games	C+	C+	C+	C+	C+	C+
Cellular antennas, satellite dishes	-	A*	A*	A*	A*	A*
Cemetery (not including crematorium)	-	C	C	C	C	-
Church	C	C	C	C	C	-
Collection facilities (recycling)	-	C+	C+	C+	C+	-
Commercial Laundries	-	-	-	-	P	-
Community center	-	P	P	P	P	-
Convention center	-	-	-	-	-	P
Conversion of a residential structure to a non residential use	P*	P*	P*	P*	P*	P*
Creation of a lot w/o frontage on a public street	P*	P*	P*	P*	P+	P*
Health Clubs	-	P	P	P	P	P
Heliports or helistops	C	C	C	C	C	C
Hospitals	C+	C+	C+	C+	C+	-
Hot Dog Vending Carts	C+	C+	C+	C+	C+	-
Manufacturing, processing, assembling of materials, and products in conjunction with the retail sales and service or office functions related to such products	-	-	-	-	P	-
Mixed use development	C	C	C	C	C	-
Mini-warehouse/self storage facility	-	C	C	C	C	-
Movie Production Studios	-	-	-	-	-	P
Moving an existing structure or building onto a building site from another location	P*	P*	P*	P*	P*	P*
Mortuary(not including crematorium)	C	C	C	C	C	-
Nurseries(for plants), Retails	-	P	P	P	P	C
Private clubs and lodges	C	P	P	P	P	-
Public service or use	C	C	C	C	C	P
Recording Studios	-	-	-	-	P	P
Reverse vending machines(recycling) inside a building	-	P	P	P	P	-
Reverse vending machines(recycling) outside a building	-	C+	C+	C+	C+	-
Sale of alcoholic beverages	-	C+	C+	C+	C+	C+
Small buildings (200 sf or less)	-	C+	C+	C+	C+	-
Trade School	-	C	C	C	C	-
Upholstery Shop	-	-	-	-	P	-
All other commercial uses not listed, but which the Community Development Director determines are similar in character to any of the uses listed herein, may be considered by the Planning Commission	C	C	C	C	C	C

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Key: P = Permitted Use
C = Conditional Use Permit required. Refer to provisions in Section 17.08.020.
- = Not Permitted
A = Accessory Use
* = Permitted and accessory use subject to special provisions contained in Section 17.18.050.
+ = Conditional use subject to special provisions contained in Section 17.18.060.

17.18.040 Prohibited Uses. Any use not listed in Table 17.18.030 as a permitted use, conditional use, or accessory use is prohibited. However, the Community Development Director shall have the authority to determine if an unlisted use substantially conforms to the intent of this chapter, as provided for in Section 17.18.020 of this Title. (Ords. 21-95; 12-95)

17.18.050 Non Conforming Uses and Developments in the Commercial Recreation (CR) District. The following provisions apply exclusively to the Katella Avenue Corridor Rezone Area, and supersede the non conforming provisions contained in Orange Municipal Code Chapter 17.38.

A. Non conforming use of a conforming or non conforming development.

1. A legally established use which because of revisions or changes to the zoning use provisions is no longer permitted in a particular zone shall be considered a "non conforming use".
2. A non conforming use shall be allowed to remain indefinitely, and can be replaced by a similar non conforming use provided the Community Development Director finds that the proposed use is equally or more appropriate than the existing non conforming use. The Director's findings shall be based upon referencing the use provisions contained in the M-1(Light Manufacturing) and M-2(Industrial) Districts. Manufacturing uses that contain retail or office space consisting of more than 25% of the gross floor area shall be determined as an equally or more acceptable use, provided the uses complies with the City's parking ordinance.
3. A non conforming use shall be allowed to expand within a conforming or non conforming parcel. When the expansion of a non conforming use requires an alteration of buildings or site improvements, the building addition,

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additional structures or site improvements shall comply with the requirements contained herein, and all applicable requirements of the Orange Municipal Code.

B. Non Conforming Development containing a Conforming or Non Conforming Use.

1. A legally constructed development which because of revisions or changes to the zoning development standards is no longer in compliance with the standards shall be considered a "non conforming development".
2. A non conforming development shall be allowed to remain indefinitely.
3. A non conforming development shall be allowed to be routinely repaired to maintain public health, safety and general welfare.
4. A non conforming development shall be allowed to expand provided that the expansion complies with the requirements contained herein, and all applicable requirements of the Orange Municipal Code.
5. Those existing industrial developments within the Katella Avenue Corridor project area that were established prior to Zone Change 1177-95, and that choose to remain as a non conforming development, shall be governed by the M-1(Light Manufacturing) and M-2(Industrial) provisions.
6. The transition from Industrial to Commercial Recreation uses, and the conversion back to Industrial from Commercial Recreation, may occur within existing industrial developments within the Katella Avenue Corridor project area provided that the uses comply with the City's Parking Ordinance and that a portion of the development remains industrial. Once more than 95 percent of the development has transitioned to Commercial Recreation the development shall not be allowed to convert back to Industrial.

C. Repair of Damaged or Destroyed Non Conforming Developments.

1. A non conforming development that is damaged or destroyed shall be permitted to be repaired or reconstructed to the condition which existed prior to the calamity, provided the structure or building existed as a legally established development.

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2. Repair or reconstruction of a legally established non conforming development shall not be limited to a specific time constraint, and may occur within any number of years after the damage or destruction, provided that public health and safety issues are addressed.

D. Moving a Non Conforming Structure or Building. A non conforming structure or building shall be allowed to be moved provided doing so will cause the structure or building to become conforming. (Ords. 21-95; 12-95: Prior Code 17.44.030; 17.43.030; 17.88)

17.18.060 Special Use Regulations. Permitted or accessory uses marked with an asterisk (*) in Table 17.18.030 are permitted subject to the following use regulations:

A. Amusement Devices/Video Games - As An Accessory Use.

1. No more than three video games, pinball machines, pool tables, or similar amusement devices, shall be permitted at any one business.
2. No external advertising of the games or machines shall be allowed.
3. All games and machines shall be located within a completely enclosed building and shall not be permitted within an accessory building.
4. All games and machines shall be located so as to be visible at all times by one or more employees of the business. (Ords. 12-95: Prior Code 17.44.040; 17.43.030; 17.42.040)

B. Automobile Repair, Minor. General automobile repair, including mechanical repairs, oil change, smog inspection, stereo installation, tune-ups, window tinting, or installation of tires, batteries and accessories, is permitted when the use is conducted entirely within a building on properties which are not adjacent to residentially zoned properties. Properties are considered adjacent when they share any portion of a common boundary, meet at any point or are separated only by a private right of way, or by a public right of way less than 36 feet in width. (Ords. 12-95: Prior Code 17.44.030; 17.43.030)

C. Automobile Service Stations. Service stations are a permitted use, subject to compliance with the special regulations contained in Section 17.30.060, and when both of the following conditions exist:

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1. The site is located at the intersection of two arterial streets.
 2. All portions of the site are located at least 200 feet, measured horizontally in a straight line in any direction, from any property located in any "R" residential district. (Ords. 12-95: Prior Code 17.43.150; 17.40.030; 17.88)
- D. Banks and Similar Financial Institutions in the Commercial Recreation Zone. Such uses are permitted in the CR zone when part of an integrated commercial development site, or as a single tenant of a development site containing at least 2 acres. (Ord. 21-95)
- E. Barber, Beauty, Manicure or Tattoo Salon. Such personal services are a permitted use provided they are integrated within and clearly incidental to a professional office building. (Ords. 12-95; 9-94)
- F. Caretaker's Residence. A mobile home as an accessory use for the purpose of providing residence for a caretaker, custodian or guard where need has been established for 24 hour surveillance of premises. Such use requires minor site plan review approval by the Staff Review Committee as described in Section 17.10.060 of this Title. (Ord. 12-95)
- G. Cellular Antennas and Satellite Dishes. All such uses shall comply with the regulations outlined in Section 17.12.020 of this Title. (Ords. 12-95; 1-91: Prior Code 17.42.030)
- H. Conversion of a residential structure to a non-residential use. Such development requires minor site plan review approval by the Staff Review Committee as described in 17.10.060 of this Title. (Ords. 12-95: Prior Code 17.42.490)
- I. Creation of a lot without frontage on a public street. Such development requires minor site plan review approval by the Staff Review Committee as described in 17.10.060 of this Title. (Ords. 12-95: Prior Code 17.46.140)
- J. Day Care, Child or Elderly. Day care facilities provide non-medical care, including personal services, supervision or assistance with daily living activities, and/or protection of the individual, on less than a 24 hour per day basis. Such facilities shall be licensed by the State Department of Social Services, and shall comply with all applicable licensing requirements, including provision of both indoor and outdoor recreation areas. (Ords. 12-95: Prior Code 17.10.040)

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- K. Fortunetelling. All fortunetelling businesses shall be conducted in compliance with Chapter 5.55 of the Orange Municipal Code. (Ord. 12-95)
- L. Moving an existing structure or building onto a building site from another location. Such development requires minor site plan review approval by the Staff Review Committee as described in Section 17.10.060 of this Title. (Ord. 12-95)
- M. Retail uses in the Commercial Recreation(CR) Zone. General and specialty retail uses are permitted in the CR zone when part of an integrated commercial development site, or as a single tenant of a commercial development site containing at least 2 acres. Existing industrial developments can not be occupied by such uses unless compliance with parking, building code and other development standards are demonstrated. (Ord. 21-95)
- N. Restaurants with drive through service in the Commercial Recreation(CR) Zone. Such uses are permitted in the CR zone when part of an integrated commercial development site, and shall be subject to the development guidelines listed in 17.18.070(M). (Ord. 21-95)
- O. Sale of service related to the retail merchandising of auto tires batteries and accessories (automobile alarms, phone or stereo installation) in the Commercial Recreation (CR) zone. Such use are permitted when accessory to a community serving retail use. (Ord. 21-95)

17.18.070 Conditional Use Regulations. A conditional use permit (CUP) must be obtained pursuant to the regulations outlined in Chapter 17.10 of this Title. Unless otherwise stated, the Planning Commission shall determine such permits. In addition, the following specific conditions shall be applied to all uses marked with the C+ symbol in Table 17.18.030, as follows:

- A. Adult Enterprise. Such establishments shall comply with Section 17.30.020 of this Title. All conditional use permits for the purpose of permitting adult enterprises shall require issuance by the City Council, upon recommendation by the Planning Commission. (Ords. 12-95: Prior Code 17.44.040, 050)
- B. Amusement Devices (four or more).
 - 1. Because of the potential policing problems related to such a use, a conditional use permit shall be issued only

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when a determination can be reasonably made that the use is compatible with land use in the surrounding area.

2. All video games, pinball machines, and the like shall be located so as to be visible at all times by one or more employees of the business.
 3. The City may impose conditions limiting the hours of operation.
 4. The City may require that a private security guard be provided.
 5. The City may review interior and exterior lighting plans to ensure adequate lighting is provided.
 6. The City may periodically review the conditional use permit to ensure that no increase in police services is required. (Ords. 12-95: Prior Code 17.44.040)
- C. Automobile Repair, Minor. General automobile repair, including mechanical repairs, oil change, smog inspection, stereo installation, tune-up, window tinting or installation of tires, batteries and accessories, when the use is conducted entirely within a building, is permitted subject to issuance of a CUP on properties which are adjacent to residentially zoned properties. Properties are considered adjacent when they share any portion of a common boundary, meet at any point or are separated only by a private right of way, or by a public right of way less than 36 feet in width. (Ords. 12-95: Prior Code 17.44.030)
- D. Automobile Service Stations. Service stations shall comply with the special regulations contained in Section 17.30.060 of this Title.
1. A CUP shall be required, subject to approval of the Planning Commission unless otherwise provided, when any of the following apply:
 - a. Site is located at the intersection of an arterial and local street.
 - b. Any portion of the site is located less than 200 feet, as measured horizontally in a straight line in any direction, from any property located in any "R" residential district.
 - c. An application is made for any original off-sale beer or beer and wine license in conjunction with the sale of motor fuel, subject to recommendation by the Planning Commission and final determination by the City Council.

2. Minor site plan review shall be required for the following applications:
 - a. An application to reopen an idle service station. An idle service station is defined as one which has not been opened for business for at least 90 eight hour days, out of the previous 180 consecutive days. Said minor site plan review shall be subject to approval by the Staff Review Committee, and shall be approved only upon adherence to all development standards of the base zone;
 - b. An application is made to convert any substantial portion of an active or idle service station to another use. Said minor site plan review shall be subject to approval by the Staff Review Committee. In the event that the service station use is to be terminated, and the structure converted to another use, the Staff Review Committee may require the removal of pump islands, canopies, service bays, signs and other indicia of service station identification. In the event of a partial conversion or addition of uses requiring a CUP, (such as conversion or addition of floor area for a mini market or car wash), the reviewing body may require such site plan alterations as improvements to access and circulation. In all cases, development shall comply with development standards of the base zone. (Ord. 12-95)

E. Automobile Sales and Service. Must be comprised of the following components:

1. The indoor sales facility (showroom) shall contain a minimum of 2,000 square feet of floor area.
2. Repair and service facilities shall contain a minimum of 1,600 square feet of floor area.
3. All automobile repair and service work shall be conducted within an enclosed building, or screened from view.
4. A 15 foot landscaped setback shall be provided along any property line adjoining any arterial street or any street directly serving a residential neighborhood.
5. Public address systems shall not be audible from any exterior boundary of the sales and service site.
6. All exterior lighting shall be designed and installed to prevent direct glare from impacting adjoining properties. All lighting plans shall be subject to City review and approval. (Ords. 12-95: Prior Code 17-88)

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F. Bars. All bars shall comply with the alcoholic beverage control provisions contained in Section 17.30.030 of this Title. (Ords. 12-95: Prior Codes 17.42.030, 040; 17.44.030; 17.80.020, 030)

G. Bed and Breakfast Inns.

1. An owner, manager, proprietor or caretaker of the property must reside on the subject premises at all times.
2. No cooking facilities shall be permitted in any guest room.
3. Guest meals shall be served only to persons registered as overnight guests.
4. No guest shall be permitted to rent accommodations or remain in occupancy for a period exceeding 14 days during any 90 day period.
5. The structure shall be reviewed by the Design Review Board, in consultation with recognized architectural or historical authorities, to determine whether the structure is architecturally or historically significant. (Ords. 12-95: Prior Codes 17.76.040; 17.26.040A; 17.32.040G)

H. Billiard Parlors.

1. Because of the potential policing problems related to such a use, a conditional use permit shall be issued only when a determination can be reasonably made that the use is compatible with land use in the surrounding area.
2. All pool tables and incidental video games, pinball machines, and the like shall be located so as to be visible at all times by one or more employees of the business.
3. The City may impose conditions limiting the hours of operation.
4. The City may require that a private security guard be provided.
5. The City may review interior and exterior lighting plans to ensure adequate lighting is provided.

6. The City may periodically review the conditional use permit to ensure that no increase in police services is required. (Ords. 12-95: Prior Codes 17.44.030; 17.42.040)

I. Bingo Games.

1. Bingo games shall be conducted only within a recreation or assembly hall, clubroom, church, or similar facility designed for group activities.
2. All bingo games shall comply with the provisions of Chapter 5.95 of the Orange Municipal Code.
3. All conditional use permits for the purpose of permitting bingo games shall require issuance by the City Council, upon recommendation by the Planning Commission. (Ords. 12-95: Chapter 5.95)

- J. Collection Facilities (including reverse vending machines). The establishment or expansion of a Collection Facility (including reverse vending machine(s) located outside a structure). Such conditional use permits are subject to review and approval by the Zoning Administrator. A single conditional use permit may be granted to allow more than one reverse vending machine or small collection facility located on different sites under the following conditions:
- (a) The operator of each of the proposed facilities is the same;
 - (b) The proposed facilities are determined to be similar in nature, size and intensity of activity; and
 - (c) The applicable development standards set forth in this section are met for each such proposed facility. (Ord. 7-89)

In reviewing a conditional use permit request, the following development standards shall apply:

1. Reverse Vending Machine(s).
 - a. Shall be established in conjunction with a commercial use or community service facility which is in compliance with the zoning, building and fire codes;
 - b. Shall be located within 30 feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation;
 - c. Shall not occupy parking spaces required by the primary use;
 - d. Shall occupy no more than 50 square feet of floor space per installation, including any protective enclosure, and shall be not more than eight feet in height;

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- e. Shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative;
 - f. Shall have a sign area of a maximum of four square feet per machine located on the machine, exclusive of operating instructions;
 - g. Shall be maintained in a clean, litter-free condition on a daily basis;
 - h. Operating hours shall be at least the operating hours of the host use;
 - i. Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn. (Ord. 12-95; 7-89)
2. Small Collection Facilities.
- a. Shall be established in conjunction with an existing commercial use or community service facility which is in compliance with the zoning, building, and fire codes;
 - b. Shall be no larger than 500 square feet and occupy no more than five parking spaces not including space that will be periodically needed for removal of materials or exchange of containers;
 - c. Shall meet with the setback requirements of the base zone;
 - d. Shall not obstruct pedestrian or vehicular circulation;
 - e. Shall accept only glass, metals, plastic containers, papers and reusable items; used motor oil may not be included;
 - f. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;
 - g. Shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present;
 - h. Shall be maintained free of litter and any other undesirable materials, and mobile facilities at which truck or containers are removed at the end of each collection day shall be swept at the end of each collection day;
 - i. Shall not exceed noise levels of 60 dBA as measured at the property line of residentially zoned or occupied property, otherwise shall not exceed 70 dBA;

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- j. Attended facilities located within 100 feet of a property zoned or occupied for residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m.;
- k. Containers for the 24-hour donation of materials shall be at least 30 feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;
- l. Containers shall be clearly marked to identify the type of materials which may be deposited; the facility shall be clearly marked to identify the name and telephone number of a facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers;
- m. Signs may be provided as follows:
 - i. Recycling facilities may have identification signs with a maximum of 20 percent per side or 16 square feet, whichever is greater, in addition to informational signs required in Section 17.18.060.J.2.1;
 - ii. Signs must be non-illuminated;
- n. The facility shall not be located in any required landscaping area;
- o. No additional parking will be required;
- p. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;
- q. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use unless all of the following conditions exist:
 - i. A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site;
 - ii. A maximum reduction in available parking space in an established parking facility may be allowed as follows:

Number of Available Parking Spaces	Maximum Reduction
1-25	0
26-35	2
36-49	3
50-99	4
100 and up	5

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A maximum reduction of five spaces will be allowed when not in conflict with parking needs of the host use.
(Ords. 12-95; 7-89)

3. Large Collection Facilities.

- a. The facility shall be screened from the public right-of-way by:
 - i. Operating in an enclosed building; or
 - ii. Within an area enclosed by an opaque fence or wall a minimum six feet in height, and including a landscaping planter a minimum three feet in width and landscaping; or
 - iii. At least 150 feet from property zoned residential;
- b. The facility shall not be located in any of the required landscaping for the host use;
- c. The facility shall not be located in any of the required setbacks of the base zone;
- d. All exterior storage of material shall be in sturdy containers which are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing;
- e. The site shall be maintained free of litter on a daily basis;
- f. Noise levels shall not exceed the levels established by Chapter 8.24 of the Orange Municipal Code;
- g. If the facility is located within 500 feet of property zoned residential, it shall not be in operation between 7:00 p.m. and 7:00 a.m.
- h. Space will be provided on site for six vehicles to circulate and to deposit recyclable materials;
- i. Any containers provided for after hours donation of recyclable materials shall meet the following:
 - i. Be located at least 50 feet from any residential use;
 - ii. Be sturdy and rust proof construction and shall have sufficient capacity to accommodate materials collected;
 - iii. Be secured from unauthorized entry or removal of material;
 - iv. Be clearly marked to identify the type of material that may be deposited;
 - v. Be clearly marked that no material is to be left outside the containers.

- j. Facility will be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs will meet the standards of the zone;
- k. Power driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material are permitted if noise and other conditions are met. (Ords. 12-95; 7-89)

K. Dance Floor As Accessory Use. A dance floor is considered an accessory use and a conditional use permit is required only if any one of the following circumstances apply:

- 1. Over 300 square feet of space is used as dance area; or
- 2. Over 15 percent of the public area of the building or lot is used as dance area; or
- 3. The dance area is within 500 feet of a residential zone.

If none of these circumstances apply, no conditional use permit shall be required for an accessory dance floor. (Ords. 12-95; 21-79; Prior Code 17.42.040; 17.44.020K)

L. Drive-in Dairy.

- 1. The sale of alcoholic beverages shall not be permitted.
- 2. No processing or bottling shall be conducted on the premises. (Ords. 12-95; Prior Code 17.42.040)

M. Drive-thru Restaurants. The following guidelines shall be used for site development review of drive-through proposals:

- 1. Drive through lanes shall not obstruct the circulation routes necessary for access to the property, parking areas (including backup area of parking spaces), and pedestrian walkways.
- 2. Pedestrian walkways shall be emphasized by enriched paved or striping.
- 3. Drive through lanes shall be a minimum of 12 feet in width.
- 4. Sufficient stacking area shall be provided behind the menu board to accommodate a minimum of five vehicles.

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5. Separate windows for different functions shall be provided along the drive-through lane.
6. A minimum of two designated temporary parking spaces shall be provided to accommodate patrons waiting for orders that are not immediately ready for pickup.
7. A loading and unloading area shall be provided in excess of the required parking spaces.
8. Location of the proposed drive-through shall be approved by the City's Police Department in regard to possible crime activity. (Ord. 12-95)

N. Entertainment Establishment. The Police Department shall review all applications for such establishments and shall recommend conditions as deemed appropriate. (Ords. 12-95: Prior Code 17.42.040)

O. Fortunetelling. All fortunetelling businesses shall be conducted in compliance with Chapter 5.55 of the Orange Municipal Code. (Ords. 12-95: Prior Codes 17.42.040)

P. Hospitals. Hospitals and other health facilities as defined in the Hospital Seismic Safety Act of 1983, California Health and Safety Code Sections 15000 et seq. shall be permitted subject to issuance of a conditional use permit by the City Council, upon recommendation by the Planning Commission. (Ords. 12-95: Prior Code 17.42.030)

Q. Hot Dog Vending Carts.

1. Written authorization of the property owner shall be submitted to the City.
2. Provisions shall be made to provide on-site restroom facilities for the operator of the mobile food vending cart.
3. A hot dog vending cart shall be operated from an Office-Professional, Commercial or Industrial zoned property with the cart at a fixed location which must be at least 300 feet away from any public street or sidewalk and not closer than 200 feet from any residentially zoned property, church, school or park. Additionally, only one such cart may operate from any property.
4. The area occupied by the cart and any condiment service areas shall not exceed 5' x 8'.

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5. No selling within a public street or sidewalk shall be permitted.
6. Details of the proposal shall be submitted to the Orange County Health Department who will generate a report to the City relating to the acceptability of the proposal and include desired conditions of approval, prior to consideration of the conditional use permit by the City.
7. An adequate means for litter disposal shall be provided.
8. The application shall include a dimensioned site plan identifying the specific location on the property from which food vending is to take place and a brief description of the proposal, which shall include the specification of items to be sold, hours of operation, and plans for sanitary control.
9. Any signs shall be attached to the cart (i.e. no free-standing signs shall be permitted) and limited to a total display area of 30 square feet.
10. Commissary facilities must be located within the County of Orange and proof of the issuance of a County of Orange Health Department permit for such facility shall accompany the application.
11. Proof of issuance of a County of Orange Health Department permit authorizing operation of the mobile food vending cart shall be provided to the City prior to final approval of the proposed activity.
12. Approval of the Design Review Board shall be received prior to public hearing for the conditional use permit.
13. The applicant shall enter into an agreement with the City acknowledging that the privilege to operate may be revoked in the event of violation of the City regulations or terms of this approval.
14. The Planning Commission shall conduct an annual review of each approved Hot Dog Vending Cart to ensure compliance with all conditions and regulations. (Ords. 12-95: Prior Code 17.42.040)

R. Hotels and Motels.

1. For hotels and motels containing less than 50 guest rooms, kitchenette units may be provided in up to 25 percent of the rooms.

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2. For hotels and motels containing 50 or more guest rooms, kitchenette units may be provided in up to 100 percent of the rooms. (Ords. 12-95: Prior Code 17.42.040)
- S. Liquor Stores. All liquor stores shall comply with the alcoholic beverage control provisions contained in Section 17.30.030 of this Title. (Ords. 12-95: Prior Code 17.42.040)
- T. Mixed Use Development. Such development shall encompass two or more different uses, such as but not limited to residential, office, manufacturing, retail, public or entertainment. Various uses can be considered as part of a mixed use development which would not otherwise be permitted as a single use in the zone. (Ord. 12-95)
- U. Pawnshop.
1. Because of the policing problems related to a pawnshop use, a conditional use permit shall be issued only when a determination can be made that the use is compatible with existing businesses in the immediate area and nearby residential neighborhoods.
 2. The use shall adhere to requirements established by the Orange Police Department for the physical security of the facility.
 3. The City may review the conditional use permit periodically to ensure compliance with the conditions imposed and to ensure compliance with Section 5.58.010 and 5.58.120 of the Orange Municipal Code. (Ords. 12-95: Prior Code 17.42.040)
- V. Restaurant with Alcohol. All restaurants serving alcohol shall comply with the alcoholic beverage control provisions contained in Section 17.30.030 of this Title. (Ords. 12-95: Prior Code 17.42.040)
- W. Restaurants with On-Site Brewing and Sale of Beer. All restaurants brewing and selling beer shall comply with the Alcoholic Beverage Control Provisions contained in Section 17.30.030 of this Title. (Ord. 12-95)
- X. Sale of Alcoholic Beverages. A conditional use permit shall be required for both on-sale and off-sale of alcoholic beverages, in accordance with Section 17.30.030 of this Title. (Ords. 12-95: Prior Code 17.42.040)
- Y. Senior Housing. Senior housing developments shall comply with the provisions of Chapter 17.14, Division VII (Sections 17.14.270 -17.14.330). (Ords. 12-95: Prior Code 17.42.040)

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17.18.070--17.18.080

2. Small Buildings. Any detached commercial building with a gross floor area of approximately 200 square feet, unless such building is either an accessory building to a permitted use or is within a commercial mall accessible only to pedestrian traffic. Such structures shall be designed and located in accordance with the following criteria:
1. Pedestrians or vehicles utilizing or waiting to utilize the building shall not impede or endanger pedestrian or vehicular traffic on public streets, or on the project site itself.
 2. The structure shall not occupy required parking spaces or required landscaping area.
 3. There must be more than one vehicular access point from the public street to the property, or properties served by a single parking lot.
 4. A small commercial building located on a developed parcel must be architecturally compatible with the design of the existing building(s) on site.
 5. Landscaping shall be provided adjacent to building faces not primarily used to service customers. Landscaped area shall have the same width as the building and extend a distance of at least five feet from the nearest building face.
 6. A telephone or other effective means of communication must be provided for employees within the building, and the building must contain one doorway and at least two windows, all of which are manually operable.
 7. Sanitary facilities must be made available to employees occupying a small building. Such facilities may be provided by an adjacent commercial building, located within 150' of the small building. Written consent must be provided to the City, granting such use. (Ords. 12-95: Prior Code 17.)

17.18.080 Outdoor Use Regulations. All uses shall be conducted entirely within a completely enclosed building, with the following exceptions:

- A. The dispensing of gasoline and related customer service at a service station;
- B. Seasonal Christmas tree and pumpkin sales;

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17.18.080--17.18.090

- C. Permitted agricultural uses;
- D. Swimming pools;
- E. Outdoor eating facilities in connection with permitted restaurants;
- F. Commercial nurseries, and lumber, building material, pottery and ceramic yards; provided that the outdoor sales and storage areas shall be surrounded by a view-obscuring wall, fence or landscaping of minimum height six feet, except that plant materials may be secured by a decorative, rather than view obscuring fence. Material stored behind the screening shall not be visible above the screening;
- G. Automobile sales or leasing agencies;
- H. Off-street parking and loading facilities;
- I. Temporary outdoor displays, as described in Section 17.36.150 of this Title; and
- J. Other uses similar in character to those listed above, as determined by the Community Development Director. (Ords. 12-95: Prior Code 17.42.400)

17.18.090 General Provisions.

- A. Commercial Uses. All commercial uses and buildings shall conform to the development standards outlined in this division. The Commercial Recreation(CR) development regulations state the general rules that shall be observed by all development projects to provide for the continued orderly development of the Katella Avenue Corridor area, and to protect the public health, safety and welfare. It is essential to the community's economic benefit and the preservation of competitive business growth potential to continue development in a quality manner. (Ords. 21-95; 12-95)
- B. Residential Uses.
 - 1. OP, CP, C1 and C-TR Zones. Senior housing in the CP, C1 and C-TR zone districts shall comply with the development standards applicable to the R-3 zone district. Single-family uses in the OP zone shall comply with development standards applicable to the R-1-6000 zone district.

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17.18.090--17.18.100

2. C2 and C3 Zones. Senior Housing in the C2 and C3 zone districts shall comply with the development standards applicable to the R-4 zone district. (Ords. 12-95; Prior Code 17.35)
3. CR Zone. Residential uses are prohibited in the Commercial Recreation (CR) zone.
- C. Mixed Use Developments. Any development combining commercial and residential uses shall comply with the development standards of the base zone. Additional development standards may be required through the conditional use permit process. (Ords. 21-95; 12-95)

17.18.100 Building Site Area Requirements.

- A. In the OP district a minimum lot size of 7,000 square feet and minimum lot width of 70 feet, measured at the front yard setback line, shall be required. (Ords. 21-95; 12-95)
- B. In the CR district the size and shape of building site areas shall be adequate to allow the full development of the proposed Commercial Recreation use in a manner consistent with the following concerns:
 1. Adequate provision shall be made to promote safe and orderly access and circulation of pedestrian and vehicular traffic within the site and from public streets and adjacent developments.
 2. Adequate provision shall be made for buildings to be sited to allow for functional use of space between structures, and to provide areas for parking, access and landscaping.
 3. Adequate provision shall be made to ensure the compatibility of the site development with surrounding development in regard to size, scale, building and site design, and limitation of overshadowing effects.
 4. Further, the proposed development shall not limit or adversely affect the growth and development potential of adjacent properties or the general area in which the proposed development shall be located. (Ords. 21-95; 12-95)

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17.18.110--17.18.120

17.18.110 Commercial Recreation Development Intensity Requirements. Table 17.18.110 indicates the maximum development intensity or FAR (floor area ratio) permitted. The FAR calculation is the gross building square footage divided by the lot area. Building square footage shall include all structures on a lot, including storage and accessory structures, unless otherwise provided in this chapter. The use mixture and average FAR provisions are used when estimating the amount of traffic generated. (Ord. 21-95)

TABLE 17.18.110

General Plan Land Use/Zoning Designation	Area	Max FAR	Use Mixture	Avg FAR
Commercial Recreation (CR)	Katella Avenue between Glassell & Batavia Street	0.5	Office (20%) Commercial Recreation (40%) Regional Retail(40%)	0.4 0 0.2 50. 25
Commercial Recreation (CR)	"57 Impact Area" Katella Avenue, west of Batavia Steet	1.5	Office (20%) Commercial Recreation (40%) Regional Retail (40%)	1.0 0 0.3 0 0.3 0

17.18.120 Building Height. Table 17.18.120 indicates the maximum permitted building height. Additional building height may be considered by a conditional use permit before the Planning Commission.

TABLE 17.18.120

Maximum Permitted Building Height (b)

Zone District	Within 120 Feet of a Residential District		All Other Locations	
	Feet	Stories	Feet	Stories
OP	32	2	30	2
CP	32	2	See note (a) below	
C1	32	2	See note (a) below	
C-TR	32	2	See note (a) below	
C2	32	2	See note (a) below	
C3	32	2	See note (a) below	
CR	32	2	See note (c) below	

CHAPTER 17.20

INDUSTRIAL DISTRICTSSections:

- 17.20.010 Purpose and Intent
- 17.20.020 Districts Established
- 17.20.030 Permitted Uses
- 17.20.040 Prohibited Uses
- 17.20.050 Special Use Regulations
- 17.20.060 Conditional Use Regulations
- 17.20.070 Outdoor Use Regulations
- 17.20.080 Building Height
- 17.20.090 Yard Requirements
- 17.20.100 Fences and Walls
- 17.20.110 Off-Street Parking and Loading Requirements
- 17.20.120 Landscaping Requirements
- 17.20.130 Signs
- 17.20.140 Screening of Mechanical Equipment
- 17.20.150 Trash Enclosures
- 17.20.160 Undergrounding of Utilities
- 17.20.170 Transportation Demand Management Program
- 17.20.180 Hazardous Waste Facilities
- 17.20.190 Old Towne
- 17.20.200 Redevelopment Project Areas
- 17.20.210 Generally
- 17.20.220 Residential Mitigation
- 17.20.230 Fire and Explosion Hazards
- 17.20.240 Radioactivity or Electrical Disturbance
- 17.20.250 Vibration
- 17.20.260 Smoke
- 17.20.270 Noise
- 17.20.280 Emission of Lighting, Glare, Dust and Heat
- 17.20.290 Emission of Odors and Gases
- 17.20.300 Hours of Operation

17.20.010 Purpose and Intent. The industrial districts are created to allow development of the industrial base needed to make the City a balanced community which provides for local employment opportunities for its residents. It is the intent of this chapter to encourage industrial facilities and related uses, while recognizing the potential for compatibility between uses through appropriate development and performance standards. It is also the intent of this chapter to promote orderly growth and development through minimal performance standards, sustained property values, protected public safety and health, and further amenities in order to achieve an environment which is commensurate with prolonged future growth, development, and economic stability. (Ords. 12-95: Prior Code 17.48.010)

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17.20.020--17.20.030

17.20.020 Districts Established. Two industrial zones are established as follows:

- A. Light Industrial (M1). The M1 district is intended to retain, enhance, and intensify existing, and provide for the new development of, light industrial uses.
- B. Industrial Manufacturing (M2). The M2 district is intended to provide for the continuation and development of heavy manufacturing industries in locations where they are compatible with and will not adversely impact adjacent land uses. (Ord. 12-95)

17.20.030 Permitted Uses. Table 17.20.030 lists all uses permitted (P), permitted by conditional use permit (C), permitted as an accessory use (A), and not permitted (-) in the industrial zones. Permitted and accessory uses marked with an asterisk (*) are subject to special use or development conditions outlined in Section 17.20.050. Conditional uses marked with a plus (+) also have special use or development standards as outlined in Section 17.20.060. All uses are subject to compliance with the development standards contained in this chapter and must comply with parking standards contained in Chapter 17.34. (Ords. 12-95: Prior Code Chapters 17.46 and 17.48)

TABLE 17.20.030
INDUSTRIAL USE REGULATIONS

USES	M1	M2
AGRICULTURE		
Agricultural crops	P	P
Feed supply	P	P
Greenhouse	P	P
Hatcheries	P	P
Kennels	C+	C+
Nurseries (for plants)	P	P
Stables	C	C
ASSEMBLY		
Automobile parts and supplies	P	P
Building components (windows, doors, etc.)	P	P
Electronics	P	P
Furniture	P	P
Mechanical	P	P
Sheet metal fabrication	P	P

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TABLE 17.20.030
INDUSTRIAL USE REGULATIONS (Continued)

USES	M1	M2
AUTOMOTIVE RELATED (See Also Transportation And Public Utilities)		
Automobile alarm, phone or stereo installation	P	P
Auto body repair	P	P
Auto leasing and rental	P	P
Auto repair (mechanical)	P	P
Automobile sales and service	C+	C+
Automobile wrecking, salvage and storage	-	C
Boat sales and service	C+	C+
Parking garage	P	P
Recreational vehicle sales and service	C	C
Service stations	P*	P*
Tire sales and installation	P	P
Truck wash	A	A
CHEMICAL PRODUCTION		
Acetylene gas	-	C+
Acid	-	C+
Ammonia	-	C+
Chlorine	-	C+
Fertilizers	-	C+
COMMERCIAL		
Retail, comprising less than 25% of a business	A	A
Integrated industrial or commercial complex	C+	C+
Banks, within an integrated commercial development	C	C
CONSTRUCTION MATERIALS (See Also Mineral And Petroleum Products Manufacture And Wholesale)		
Bindings; rope and wire	P	P
Brick; ceramic tile, precast concrete	-	P
Drop forge industries	-	C
Electrical parts and supplies	P	P
Explosives	-	C
Farming equipment	P	P
Glass	P	P
Hardware/Lumber	P	P
Plumbing parts and supplies	P	P

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TABLE 17.20.030
INDUSTRIAL USE REGULATIONS (Continued)

USES	M1	M2
EDUCATION		
Business colleges; trade and technical schools	C	C
Driving school	C	C
Juvenile or adult education	C	C
ENTERTAINMENT		
Auditorium	C	C
Commercial recreation	C	C
Dance hall	C	C
Drive-In theater	C	C
Skating rink	C	C
Stadium; other arena	C	C
Theater	C	C
FOOD PRODUCTION		
Alcohol distillation; brewery or winery	C	C
Bottling plant	P	P
Packaging and processing	P	P
Pharmaceuticals	P	P
METALLURGY		
Blast Furnace; coke oven	-	C
Casting from refined materials	P	P
Smelting	-	C
Refining raw materials (in copper, zinc or iron ores)	-	C
MINERAL PRODUCTS (Extraction, Production Or Packaging)		
Cement, lime, gypsum, or plaster	-	C
MISCELLANEOUS		
Caretaker's residence including mobile home	P*	P*
Cemetery; crematorium	C	C
Church or religious assembly	C	C
Conversion of a residential structure to a non residential use	P*	P*
Creation of a lot without frontage on a public street	P*	P*
Hot dog vending cart	C+	C+
Laboratory; research and development	P	P

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17.20.030

TABLE 17.20.030
INDUSTRIAL USE REGULATIONS(Continued)

USES	M1	M2
Moving an existing structure or building onto a building site from another location	P*	P*
Off-site hazardous waste facility	C+	C+
Outdoor uses within 300 feet of residential zones	C+	C+
OFFICE		
Ambulance dispatch and service	P	P
Administrative, comprising less than 25% gross sq. ft.	A	A
Financial institutions, within an integrated commercial development	C	C
Medical clinic	P	P
General and professional	C	C
PETROLEUM PRODUCTS (Extraction, Manufacture And Refinery)		
Asphalt	-	C
Gasoline and other fuels	-	C
Oil or natural gas extraction	-	C
Plastic fabrication or lamination	P	P
Rubber and its constituents	-	P
Sales and supply (of fuels)	P	P
Tank storage	P	P
Tar distillation	-	C
PRINTING		
Bindery	P	P
Blueprinting and photocopying	P	P
Newspapers	P	P
Printing plant	P	P
RECYCLING OR WASTE REDUCTION		
Collection facility	C+	P*
Hazardous waste facility	C+	C+
Processing facility	C	P
Refuse transfer	-	C+
Rock crushing; treatment	-	C
RESTAURANTS		
Restaurant with alcohol beverage sales	C+	C+
Restaurant without alcohol beverage sales	C	C

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**TABLE 17.20.030
INDUSTRIAL USE REGULATIONS(Continued)**

USES	M1	M2
Drive-through restaurants, within an integrated industrial or commercial complex	C+	C+
Restaurant with on-site brewing and sale of beer	C+	C+
SERVICE AND REPAIR		
Appliance, equipment or furniture repair	P	P
Blacksmith	P	P
Dry cleaning plant	P	P
Equipment rental	P	P
Janitorial supplies and service	P	P
Commercial laundry	P	P
Photographic processing	P	P
Upholstery	P	P
Welding	P	P
STORAGE		
Cold or frozen goods	P	P
Contractor's yards	P	P
Mini-warehouse	P	P
Outdoor storage	A*	A*
Warehouse	P	P
TRANSPORTATION AND PUBLIC UTILITIES		
Airports or landing fields	C	C
Cellular antennas, Satellite Dishes	A*	A*
Fire stations	P	P
Heliports and helistops	C	C
Overnight truck trailer stop	C	C
Public utilities installation or substation	P	P
Public scales	P	P
Truck terminals	C	C

Key: P = Permitted Use
 C = Conditional Use Permit Required. Refer to provisions in Section 17.08.020.
 A = Accessory Use
 * = Use subject to special provisions contained in Section 17.20.050.
 + = Use subject to additional special conditions in Section 17.20.060.

17.20.040--17.20.050

17.20.040 Prohibited Uses. Any use not listed in Table 17.20.030 as a permitted use, conditional use, or accessory use is prohibited. However, the Community Development Director shall have the authority to determine if an unlisted use substantially conforms to the intent of this chapter, as provided for in Section 17.20.020 of this Title. (Ords. 12-95: Prior Code 17.48.070)

17.20.050 Special Use Regulations. Permitted and accessory uses marked with an asterisk (*) in Table 17.20.030 are permitted subject to the following use regulations.

- A. Caretaker's Residence. A mobile home as an accessory use for the purpose of providing residence for a caretaker, custodian, or guard where need has been established for twenty four hour surveillance of premises. Such use requires minor site plan review approval by the Staff Review Committee as described in Section 17.10.060 of this Title. (Ords. 12-95: Prior Code 17.46.040.K)
- B. Cellular Antennas and Satellite Dishes. All such uses shall comply with the regulations outlined in Section 17.12.020 of this Title. (Ords. 12-95: Prior Code 17.46.030.F)
- C. Collection Facility. All such uses shall comply with the regulations outlined in Section 17.18.060.J. (Ords. 12-95: Prior Code 17.46.040.M)
- D. Construction Materials Storage Yard. All such uses shall comply with the outdoor use regulations outlined in Section 17.20.070. (Ords. 12-95: Prior Code 17.46.040.7)
- E. Conversion of a Residential Structure to a Non-Residential Use. Such development requires minor site plan review approval by the Staff Review Committee as described in Section 17.10.060 of this Title. (Ord. 12-95)
- F. Creation of a lot without frontage on a public street. Such development requires minor site plan review approval by the Staff Review Committee as described in Section 17.10.060 of this Title. (Ord. 12-95)
- G. Moving an existing structure or building onto a building site from any other location. Such project requires site plan review approval by the Staff Review Committee as described in Section 17.10.060 of this Title. (Ord. 12-95)

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17.20.050--17.20.060

- H. Outdoor Storage. All such uses shall comply with the outdoor use regulations outlined in Section 17.20.070. (Ords. 12-95: Prior Code 17.46.030.25)
- I. Service Stations. All automobile service stations shall comply with the special regulations contained in Section 17.30.060 of this Title. (Ord. 12-95)

17.20.060 Conditional Use Regulations. Conditional uses marked with a plus (+) in Table 17.20.030 are permitted subject to the following criteria:

- A. Automobile Sales and Service. Must be comprised of the following components:
 - 1. The indoor sales facility (showroom) shall contain a minimum of 2,000 square feet of floor area.
 - 2. Repair and service facilities shall contain a minimum of 1,600 square feet of floor area.
 - 3. All automobile repair and service work shall be conducted within an enclosed building, or screened from view.
 - 4. A 15 foot landscaped setback shall be provided along any property line adjoining any arterial street or any street directly serving a residential neighborhood.
 - 5. Public address systems shall not be audible from any exterior boundary of the sales and service site.
 - 6. All exterior lighting shall be designed and installed to prevent direct glare from impacting adjoining properties. All lighting plans shall be subject to City review and approval. (Ords. 12-95: Prior Code 17.46.040.E)
- B. Boat Sales and Service. All boat sales and service facilities are subject to the following standards:
 - 1. Outdoor display areas situated within 100 feet of any street or highway shall be landscaped, and an adequate system for irrigation or sprinkling of plants shall be provided. A detailed landscape plan shall accompany development plans submitted with the application for a conditional use permit.

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2. Public address systems shall not be audible from the exterior boundaries of the developed site.
 3. All exterior lighting shall be designed to prevent direct glare on adjoining properties and all lighting details shall be submitted for approval. (Ords. 12-95: Prior Code 17.46.010.I)
- C. Collection Facility. All such uses shall comply with the regulations outlined in Section 17.18.060.J. (Ords. 12-95: Prior Code 17.46.040.M)
- D. Drive-thru Restaurants. Drive-thru restaurants may only be developed within an integrated industrial or commercial complex. The following guidelines shall be used for site development review of drive-through proposals:
1. Drive through lanes shall not obstruct the circulation routes necessary for access to the property, parking areas (including backup area of parking spaces), and pedestrian walkways.
 2. Pedestrian walkways shall be emphasized by enriched paved or striping.
 3. Drive through lanes shall be a minimum of 12 feet in width.
 4. Sufficient stacking area shall be provided behind the menu board to accommodate a minimum of five vehicles.
 5. Separate windows for different functions shall be provided along the drive-through lane.
 6. A minimum of two designated temporary parking spaces shall be provided to accommodate patrons waiting for orders that are not immediately ready for pickup.
 7. A loading and unloading area shall be provided in excess of the required parking spaces.
 8. Location of the proposed drive-through shall be approved by the City's Police Department in regard to possible crime activity. (Ords. 12-95: Prior Code 17.46.040.C)
- E. Hazardous Waste Facilities. All such facilities shall comply with the hazardous waste controls as described in Chapter 17.42. (Ords. 12-95: Prior Code 17.100)

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F. Hot Dog Vending Carts.

1. Written authorization of the property owner shall be submitted to the City.
2. Provisions shall be made to provide on-site restroom facilities for the operator of the mobile food vending
3. A hot dog vending cart shall be operated from an Office-Professional, Commercial or Industrial zoned property with the cart at a fixed location which must be at least 300 feet away from any public street or sidewalk and not closer than 200 feet from any residentially zoned property, church, school or park. Additionally, only one such cart may operate from any property.
4. The area occupied by the cart and any condiment service areas shall not exceed 5' x 8'.
5. No selling within a public street or sidewalk shall be permitted.
6. Details of the proposal shall be submitted to the Orange County Health Department who will generate a report to the City relating to the acceptability of the proposal and include desired conditions of approval, prior to consideration of the conditional use permit by the City.
7. An adequate means for litter disposal shall be provided.
8. The application shall include a dimensioned site plan identifying the specific location on the property from which food vending is to take place and a brief description of the proposal, which shall include the specification of items to be sold, hours of operation, and plans for sanitary control.
9. Any signs shall be attached to the cart (i.e. no free-standing signs shall be permitted) and limited to a total display area of 30 square feet.
10. Commissary facilities must be located within the County of Orange and proof of the issuance of a County of Orange Health Department permit for such facility shall accompany the application.

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11. Proof of issuance of a County of Orange Health Department permit authorizing operation of the mobile food vending cart shall be provided to the City prior to final approval of the proposed activity.
 12. Approval of the Design Review Board shall be received prior to public hearing for the conditional use permit.
 13. The applicant shall enter into an agreement with the City acknowledging that the privilege to operate may be revoked in the event of violation of the City regulations or terms of this approval.
 14. The Planning Commission shall conduct an annual review of each approved Hot Dog Vending Cart to ensure compliance with all conditions and regulations. (Ords. 12-95; 22-92: Prior Code 17.46.040.P)
- G. Integrated Industrial or Commercial Complex. A development that contains interdependent or service related uses including, but not limited to banks, dry cleaners, post offices, motels, and restaurants (with or without drive-through service). (Ords. 12-95: Prior Code 17.46.040.F)
- H. Kennels. All kennels shall comply with the special regulations outlined in Section 17.30.050 of this Title. (Ords. 12-95: Prior Code 17.46.040.B)
- I. Outdoor Use. Any industrial production, processing, cleaning, testing, repair, storage, or similar activities, shall require a conditional use permit when conducted within 300 feet of any residential district. The screening requirements contained in Section 17.20.070 shall apply to all outdoor uses. (Ords. 12-95; 20-82; 58-76; 40-72: Prior Code 17.46.040.L; 17.52.020)
- J. Manufacture of Chemicals. Chemical products shall not be manufactured within 300 feet of any residential property. (Ords. 12-95; 20-82; 58-76: Prior Code 17.48.070; 17.54.030)
- K. Restaurant with Alcohol. All restaurants serving alcohol shall comply with the alcoholic beverage control provisions contained in Section 17.30.030 of this Title. (Ords. 12-95: Prior Code 17.46.040.C)
- L. Restaurants with On-Site Brewing and Sale of Beer. All restaurants with on-site brewing and sale of beer shall comply with the Alcoholic Beverage Control provisions contained in Section 17.30.030 of this Title. (Ord. 12-95)

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17.20.070--17.20.090

17.20.070 Outdoor Use Regulations.

- A. Any permitted outdoor use, with the exception of customer and employee automobile parking lots, shall be completely enclosed to the satisfaction of the Community Development Director, by a solid wall, fence or landscaping not less than six feet in height.
- B. All areas used for outdoor storage must be screened with a view obscuring fence, wall or landscaping of a height equal to or higher than the height of any storage container or stored materials, whichever is higher.
- C. Any fence, wall or screening shall be erected or maintained within the required setback limitations. (Ords. 12-95; 20-82; 40-72: Prior Codes 17.46.210.D, 17.52.090)

17.20.080 Building Height. Table 17.20.080 indicates the maximum permitted building height.

TABLE 17.20.080
MAXIMUM PERMITTED BUILDING HEIGHT (b)

Zone District	Within 50 Feet Of A Residential District	All Other Locations
M-1	20 feet	45 feet (a)
M-2	20 feet	45 feet (a)

NOTES: (a) Building height may exceed 45 feet provided the building is setback from the nearest property line a distance equal to the height of the building.

(b) Additional building height may be permitted subject to a conditional use permit. (Ords. 12-95; 40-72: Prior Codes 17.46.110; 17.52.030)

17.20.090 Yard Requirements. Table 17.20.090 indicates the required minimum yard areas. Required yard areas shall be landscaped and adequately maintained, and parking spaces may not encroach within setback areas.

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17.20.090--17.20.110

**TABLE 17.20.090
DEVELOPMENT SETBACKS**

Zone District	Exterior Front, Side, & Rear Yards (a)			Interior Side & Rear Yards
	When adjacent to or across an alley from a Residential Zone	When adjacent to an arterial street	When adjacent to a local street	When adjacent to a separate parcel
M-1	20 feet	20 feet	10 feet	0 feet
M-2	20 feet	20 feet	10 feet	0 feet

NOTES:

(a) All buildings located within the Old Towne Residential Quadrants shall have a minimum front yard setback of 20 feet. (Ords. 12-95; 20-82; 40-72; 20-62: Prior Codes 17.46.140, 150, 160; 17.52.040, 050, 060)

17.20.100 Fences and Walls.

- A. **Division Wall Required.** A masonry division wall shall be constructed on all property lines adjacent to any residential district. The division wall shall be at least six feet in height, except in a required front yard and in a required exterior side yard for a corner, reverse corner or key lot, where the wall shall be limited to 42 inches in height.
- B. **Other Fences and Walls.** Fences and walls are permitted in any yard area subject to the following height regulations:
 - 1. **Front Yard -** In the required front yard area, the height shall be limited to 42 inches.
 - 2. **Side Yard -** In required side yard area, where adjacent to a public street, the height shall be limited to 42 inches.
 - 3. **All Other Areas -** In all other areas, fences and walls may exceed six feet in height provided a building permit is obtained prior to the construction of the fence or wall. (Ords. 12-95; 20-82; 40-72: Prior Codes 17.46.210.A, B, C; 17.52.090)

17.20.110 Off-Street Parking and Loading Requirements.
Off-street parking and loading shall be provided as required in Chapter 17.34 of this Title. (Ords. 12-95; 40-72: Prior Code 17.46.220)

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17.20.120--17.20.170

17.20.120 Landscaping Requirements. Landscaping shall be provided as specified in Orange Municipal Code Chapter 16.50 (Landscape Standards and Specifications). (Ords. 12-95; 20-82; 40-72: Prior Codes 17.46.240; 17.52.070)

17.20.130 Signs. All signs shall comply with the requirements outlined in Chapter 17.36 of this Title. (Ords. 12-95; 7-89: Prior Code 17.46.040.N(11); 17.78)

17.20.140 Screening of Mechanical Equipment.

- A. Shielded from View. All mechanical and air conditioning equipment shall be shielded and screened from view from adjacent streets and properties. The screening shall be architecturally integrated with the building. Ground-mounted equipment screening shall consist of a solid wall, solid fence, or sufficient landscaping. Otherwise, such equipment shall be enclosed in a building.
- B. Sound Buffered. All mechanical equipment shall be baffled for sound as required by Chapter 8.24 of the Municipal Code.
- C. Setback Required. Mechanical Equipment shall not be located in required yards, or other setback areas. (Ord. 12-95)

17.20.150 Trash Enclosures. All developments shall be provided with trash collection areas adequately and conveniently placed throughout the development. Trash collection areas shall be screened from view on three sides by a six foot high wall. A visually opaque, self-latching gate shall be provided. (Ords. 12-95: Prior Code 17.46.500; 17.48.500.F; 17.74.110)

17.20.160 Undergrounding of Utilities. The installation of utility lines shall comply with Section 12.44.010 of the Orange Municipal Code. (Ord. 12-95)

17.20.170 Transportation Demand Management Program. New industrial developments and redevelopment resulting in a job site employment of 100 persons or more are required to prepare a "Transportation Demand Management Program", in accordance with Chapter 17.40. (Ords. 12-95; 13-91: Prior Code Chapter 17.77)

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17.20.180--17.20.240

17.20.180 Hazardous Waste Facilities. Uniform standards, land use regulations and a permit process for controlling the location, design, maintenance and safety of hazardous waste facilities, are established in Chapter 17.42 of this Title. (Ords. 12-95; 16-92: Prior Code Chapter 17.100)

17.20.190 Old Towne. Developments within Old Towne shall conform to the Historic Preservation Design Standards for Old Town Orange. Refer to Section 17.17.030 for delineation of the limits of Old Towne. (Ords. 12-95; 38-88: Prior Code Chapter 17.70)

17.20.200 Redevelopment Project Areas. All developments within any designated redevelopment project area of the City shall comply with the standards set forth in applicable Redevelopment Area Plan. (Ords. 12-95; 36-88: Prior Code Chapter 17.69)

17.20.210 Generally. All uses shall comply with the limitations or performance standards set forth in Sections 17.20.220 through 17.20.300. (Ords. 12-95; 20-82; 58-76; 40-72: Prior Codes 17.46.260 through 17.46.340)

17.20.220 Residential Mitigation. Any use which is initially determined by the Community Development Director to have a deleterious impact upon an adjacent residential neighborhood including but not limited to escape of dangerous gases, chemical or explosive hazards, vibration, dust, noise, heat, smoke or glare, shall maintain a minimum 300 foot setback from those residential properties. (Ord. 12-95)

17.20.230 Fire and Explosion Hazards. All storage activities involving flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices standard in industry. Such storage shall be limited to reasonable quantities incidental to the operation of an otherwise permitted use only. Any and all incineration is prohibited. (Ords. 12-95; 40-72: Prior Code 17.46.270; 17.2.120)

17.20.240 Radioactivity or Electrical Disturbance. Devices which radiate electromagnetic and radio frequency interference (EMI/RFI) shall be operated as not to cause interference with any activity carried on beyond the boundary line of the property on which the device is located. The range of such EMI/RFI frequencies are from 30 kilohertz to 300,000 megahertz. (Ords. 12-95; 20-82; 40-72: Prior Code 17.46.280)

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17.20.250--17.20.290

17.20.250 Vibration. Every use shall be operated in a manner so that the ground vibration inherently and recurrently generated is not tactually perceptible at any point for any duration or intermittent periods of time, on any boundary line of the lot on which the use is located. (Ords. 12-95; 40-72: Prior Codes 17.46.290; 17.52.140)

17.20.260 Smoke. Smoke emission shall be controlled in accordance with standards and regulations established by the South Coast Air Quality Management District. (Ords. 12-95; 40-72: Prior Code 17.46.300)

17.20.270 Noise. All uses shall comply with the noise regulations set forth in Chapter 8.24 of the Municipal Code. (Ord. 12-95)

17.20.280 Emission of Lighting, Glare, Dust and Heat. Every use shall be operated in a manner to prevent dust, heat or glare emissions in such quantities or degrees as to be readily detectable on any boundary line of the lot on which the use is located. Glare from exterior lighting, arc welding, acetylene torch cutting or similar sources shall be shielded, screened or oriented so as not to be seen from any point beyond the exterior boundaries of the property and so the source shall not be a nuisance to any point beyond the exterior boundaries of the property or cause illumination in residential districts in excess of 0.5 footcandles. Flickering or intrinsically bright sources of illumination shall be controlled so as not to be a nuisance in residential districts. Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the spectral luminous efficiency curve as adopted by the International Commission on Illumination. (Ords. 12-95; 58-76; 40-72: Prior Code 17.46.320)

17.20.290 Emission of Odors and Gases.

- A. Odor. The emission of obnoxious odors of any kind shall not be permitted.
- B. Gas. No gas shall be emitted which is injurious to the public health, safety or general welfare. (Ord. 12-95)

ORANGE MUNICIPAL CODE

17.20.300

17.20.300 Hours of Operation. With the exception of office and security activities, any industrial production, processing, cleaning, testing or repair, outdoor activities, within 300 feet of any residential zone shall be limited to the hours of 7:00 a.m. to 10:00 p.m. The Planning Commission may approve additional hours by conditional use permit when the Commission finds that such hours will not generate additional disturbance or that mitigation measures will insure compatibility with nearby residential districts. (Ords. 12-95; 58-76; 40-72: Prior Codes 17.46.340; 17.52.190)

ORANGE MUNICIPAL CODE

17.22--17.22.020

CHAPTER 17.22

AGRICULTURAL AND OPEN SPACE DISTRICTS

Sections:

- 17.22.010 Purpose and Intent
- 17.22.020 Districts Established
- 17.22.030 Uses Permitted
- 17.22.040 Prohibited Uses
- 17.22.050 Special Use Regulations
- 17.22.060 Conditional Use Regulations
- 17.22.070 Building Lot Area Requirement
- 17.22.080 Building Height
- 17.22.090 Yard Requirements
- 17.22.100 Parking
- 17.22.110 Landscaping
- 17.22.120 Signs

17.22.010 Purpose and Intent. The purpose of this chapter is to create and preserve areas of the City for agricultural production, for passive and active open space uses, and for the protection of natural resources. Furthermore, this chapter identifies areas that could be hazardous because of geologic conditions. (Ords. 12-95; 40-74: Prior Code 17.08.010)

17.22.020 Districts Established. Three agricultural/open space districts are established by this chapter as follows:

- A. Agricultural (A1). This district allows for a variety of agricultural uses, as well as low intensity recreational and open space uses. (Ords. 12-95; 40-74: Prior Code Chapter 17.08)
- B. Recreational Open Space (RO). The purpose of this district is to protect properties from hazards such as flooding and landsliding, to protect natural resources and scenic features for public enjoyment and use, and to set aside areas of the City for active and passive recreational use, consistent with General Plan policy. (Ords. 12-95: Prior Code Chapter 17.52)
- C. Slope Hazard (SH). This district is intended to protect properties from naturally occurring hazards such as landsliding, faulting, erosion, and other earth movement. Toward this end, no structures are permitted within this district except public utility buildings and structures subject to approval of a conditional use permit as identified in Table 17.22.030. (Ords. 12-95: Prior Code Chapter 17.56)

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17.22.030

17.22.030 Uses Permitted. Table 17.22.030 indicates all uses permitted (P), permitted by conditional use permit (C), permitted as an accessory use (A), and not permitted (-) in the agricultural/open space zones. Permitted uses marked with an asterisk (*) are subject to special use or development conditions outlined in Section 17.22.050. Conditional uses marked with a plus (+) also have special use or development standards as outlined in Section 17.22.060. (Ords. 12-95; 40-74: Prior Code 17.08.030)

TABLE 17.22.030
AGRICULTURAL AND OPEN SPACE USE REGULATIONS

USE	A1	RO	SH
AGRICULTURE			
Animal Raising - Large Animals	P*	-	-
Animal Raising - Small Animals	P*	C+	-
Animal Raising and Keeping in excess of specified limits	C+	-	-
Animal Raising - Wild Animals	-	-	-
Apiary	P*	-	-
Dairy, commercial	C	-	-
Egg ranch and farm, commercial	C	-	-
Hog and livestock feeding ranch (not including feeding of garbage or offal)	C	-	-
Hog and livestock feeding ranch (including feeding of garbage or offal)	-	-	-
Horticulture	P	P	P
Manure stockpiling or processing, commercial	-	-	-
Packing plant for whole agricultural products	C	-	-
Ranches operating for disposal of garbage, sewage, rubbish or offal	-	-	-
Row crops	P	P	-
Sale of agricultural goods grown on-site	P*	P*	-
Tree crops and orchards	P	P	P
RECREATION			
Amusement Park	-	C	-
Archery Range	C	C	-
Boating	C	C	-
Country clubs, golf courses, tennis clubs and the like	C	C	-
Fishing pond or stream	P	P	-
Parks and athletic fields public and private	P	C	-

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17.22.030--17.22.040

TABLE 17.22.030
AGRICULTURAL AND OPEN SPACE USE REGULATIONS(contd)

USES	A1	RO	SH
Zone District			
Riding and hiking trails	P	P	-
Stable, commercial	C	C	-
Stadiums and grandstands	C	C	-
RESIDENTIAL			
Single-family residence	P	-	-
Caretaker's mobile home	A*	A*	-
Guest house	A	-	-
INSTITUTIONAL			
Churches, temples and similar places of worship	C	-	-
Educational facilities	C	C	-
Hospitals, medical clinics, mental and health sanitariums	C	-	-
Museums and libraries	C	C	-
MISCELLANEOUS			
Cemeteries	C	C	-
Kennel, commercial	C+	-	-
Observatory	C	C	-
Public utility buildings and structures	C	C	C
Veterinary clinics and livestock animal hospitals	C	C	-
Zoo	C	C	-

Key:

- P = Permitted
- C = Conditional Use Permit required. Refer to provisions in Section 17.10.030
- = Not Permitted
- A = Accessory Use
- * = Permitted or accessory use subject to special regulations contained in Section 17.22.050.
- + = Conditional use subject to special regulations contained in Section 17.22.060

17.22.040 Prohibited Uses. Any use not specifically listed in Table 17.22.030 as a permitted use, conditional use, or accessory use is prohibited. However, the Community Development Director shall have the authority to determine that an unlisted use is similar to a use listed in 17.22.030 and subject to all applications and conditions specified. (Ords. 12-95; 40-74: Prior Code 17.08.070)

17.22.050 Special Use Regulations. Accessory and permitted uses marked with an asterisk (*) in Table 17.22.030 are permitted subject to the following use regulations.

A. Animal Raising - Large Animals.

1. All shelters and all areas set aside for the feeding of animals shall be set back a minimum of 100 feet from the right-of-way line of any street and from the boundary of any other property not zoned for agricultural use or 50 feet from any adjoining residentially utilized structure.
2. Equine, bovine, sheep, goats, and swine shall be limited in number to ten adult animals, in any combination, for the first five acres and one animal per acre for each additional acre thereafter. The offspring of such animals shall be considered adults when eight months old, except equine offspring, which shall be considered adults when 12 months old.
3. All swine shall be maintained in pens or coops or in some other means of confinement. Such animals shall be kept a minimum distance of 50 feet from any structure used for human habitation other than that of the owner, and minimum distance of 20 feet from any property line.
4. All animal quarters shall be maintained in a clean and sanitary condition and shall be subject to inspection by legally authorized County of Orange employees for the enforcement of Division 1 of Title 4 of the Codified Ordinances of the County of Orange, the ordinances establishing animal control, welfare, license, and health requirements. (Ords. 12-95; 40-74: Prior Code 17.08.030.G)

B. Animal Raising - Small Animals.

1. All shelters and all areas set aside for the feeding of animals shall be set back a minimum of 100 feet from the right-of-way line of any street and from the boundary of any other property not zoned for agricultural use.
2. Animals shall be limited in number to a maximum of 25 animals, in any combination, per one acre.
3. All poultry, rabbits, birds, and similar small animals shall be maintained in pens or coops or in some other means of confinement. Such animals shall be kept a minimum distance of 50 feet from any structure used for

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17.22.050--17.22.060

human habitation other than that of the owner, and minimum distance of 20 feet from any property line.

4. All animal quarters shall be maintained in a clean and sanitary condition and shall be subject to inspection by legally authorized County of Orange employees for the enforcement of Division 1 of Title 4 of the Codified Ordinances of the County of Orange, the ordinances establishing animal control, welfare, license, and health requirements. (Ords. 12-95; 40-74: Prior Code 17.08.030G)
- C. Apiary. All apiaries shall comply with the provisions of Section 6.08.010 of the Orange Municipal Code. (Ords. 12-95; 40-74: Prior Code 17.08.030F)
- D. Caretaker's Mobile Home. A mobile home as an accessory use for the purpose of providing residence for a caretaker, custodian, or guard where need has been established for 24 hour surveillance of premises. Such use requires minor site plan review approval by the Staff Review Committee as described in Section 17.10.060 of this Title. (Ord. 12-95)
- E. Sale of Agricultural Goods Grown On-Site. The sale of agricultural goods grown on-site is permitted subject to the approval of an administrative adjustment by the Zoning Administrator, as outlined in Section 17.10.050 of this Title. (Ords. 12-95; 40-74: Prior Code 17.08.030.H)

17.22.060 Conditional Use Regulations. A conditional use permit must be obtained pursuant to the requirements outlined in Section 17.08.030 of this Title. In addition, the following special conditions shall be applied to specific uses.

A. Animal Raising - Small Animals. The provisions outlined in Section 17.22.050.B shall apply. (Ords. 12-95; 40-74: Prior Code 17.08.040)

B. Animal Raising or Keeping in Excess of Specified Limits. The number of animals kept on a site may exceed the maximum limits set forth in Sections 17.22.050.A and 17.22.050.B if it can be demonstrated that:

1. The property is of adequate size to accommodate the additional animals;
2. The keeping of the animals complies with all regulations established by relevant County of Orange ordinances; and

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17.22.60--17.22.090

3. The keeping of additional animals will not adversely affect adjacent properties. (Ords. 12-95; 40-74: Prior Code 17.08.040)
- C. Kennel, Commercial. All commercial kennels shall comply with the provisions contained in Section 17.30.050 of this Title. (Ords. 12-95: Prior Code Chapter 17.86)

17.22.070 Building Lot Area Requirement.

- A. Building Site With Single-Family Residence. The minimum building lot area for a single-family residence shall be five acres. The minimum lot frontage shall be 125 feet and the minimum lot depth 200 feet. However, any lot or parcel legally created prior to the rezoning of said lot or parcel to the A1 zone district shall be considered a legal, nonconforming building site under the provisions of this code. (Ords. 12-95; 40-74: Prior Code 17.08.120)
- B. All Other Uses. No minimum standards apply to all other uses. (Ords. 12-95; 40-74: Prior Code 17.08.140, 17.66.050)

17.22.080 Building Height. No building shall exceed two stories or 32 feet in height, whichever is less. Greater building height may be considered by conditional use permit. (Ords. 12-95; 40-74: Prior Code 17.08.110)

17.22.090 Yard Requirements.

- A. A1 District. The front, side, and rear yard requirements for primary and accessory structures shall be the same as required in the R1-6 zone district for such structures. (Ords. 12-95; 40-74: Prior Code 17.08.140, 17.66.050)
- B. RO District. No building or structure shall be placed closer than 30 feet to any property line abutting a residential zone district or public street, or closer than 20 feet to any property line abutting any other zone district. (Ords. 12-95; 7-67: Prior Code 17.52.140)
- C. SH District. No structures shall be erected in the SH zone district except public utility buildings and structures subject to approval of a conditional use permit as identified in table 17.22.030. (Ords. 12-95: Prior Code 17.56)

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17.22.100--17.22.120

17.22.100 Parking. Off-street parking shall be provided as required by Chapter 17.34 of this Title. (Ords. 12-95: Prior Code Chapter 17.76)

17.22.110 Landscaping. Landscaping shall be provided as specified in Orange Municipal Code Chapter 16.50 (Landscaping Standards and Specifications). (Ords. 12-95; 7-67: Prior Code 17.52.030, 17.56.030)

17.22.120 Signs. All signs shall comply with the provisions contained in Chapter 17.36 of this Title. (Ords. 12-95: Prior Code Chapter 17.78)

CHAPTER 17.24

PUBLIC INSTITUTION DISTRICTSections:

- 17.24.010 Purpose and Intent
- 17.24.020 Permitted Uses
- 17.24.030 Prohibited Uses
- 17.24.040 Special Use Regulations
- 17.24.050 Building Lot Area Requirement
- 17.24.060 Building Height
- 17.24.070 Yard Requirements
- 17.24.080 Off-Street Parking and Loading
- 17.24.090 Landscaping
- 17.24.100 Signs

17.24.010 Purpose and Intent. The Public Institution (PI) district is established to accommodate a wide range of public and quasi-public uses which, by their nature, need special consideration to ensure compatibility with surrounding development. This district is further intended to be applied only to property clearly intended for such public and quasi-public uses. (Ords. 12-95; 25-76: Prior Code 17.54.010; 17.42.010)

17.24.020 Permitted Uses. Table 17.24.020 indicates all uses permitted (P), permitted by conditional use permit (C), permitted as an accessory use (A), and not permitted (-) in the Public Institution zone. Permitted and accessory uses marked with an asterisk (*) are subject to special use regulations or development conditions outlined in Section 17.24.040. (Ords. 12-95; 26-83; 20-82; 25-76: Prior Codes 17.54.030, 040, 080; 17.42.020, 030, 040)

TABLE 17.24.020
PUBLIC INSTITUTION USE REGULATIONS

USE	PI
Caretaker's residence	A*
Cemeteries, crematoriums, and mausoleums	P
Churches (including church schools)	P
Civic center and related administrative facilities	P
Colleges and universities	P
Conversion of residential building to a non-residential use	P*
Cultural center	P

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17.24.020--17.24.030

TABLE 17.24.020
PUBLIC INSTITUTION USE REGULATIONS(cont.)

USE	PI
Day schools and nurseries incidental to a church or other institution	C
Department of Motor Vehicles office	C
Fire stations and substations	P
Highway maintenance yards and facilities	C
Historical landmarks (official)	P
Hospital	C
Housing related to church, hospital or college	A*
Libraries, public and private	P
Moving an existing structure or building onto a site from another location	P*
Municipal, county, and other government buildings	P
Museums	P
Police stations	P
Public corporation yard	P
Public utility buildings and facilities (on less than one acre)	P
Public utility buildings and facilities (on one acre or more)	C
Retail uses	A*
Schools - elementary, junior, or high school - public or private	P
Transit facilities	C

Key: P = Permitted Use

C = Conditional use permit required. Refer to Section 17.10.030 for provisions.

- = Not Permitted

A = Accessory Use

* = Special use regulations apply. Refer to Section 17.24.040.

17.24.030 Prohibited Uses. Any use not listed in Table 17.24.020 as a permitted use, conditional use, or accessory use is prohibited. However, the Community Development Director shall have the authority to determine if an unlisted use substantially conforms to the intent of this chapter, as provided for in Section 17.24.010 of this Title. (Ord. 12-95)

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17.24.040--17.24.060

17.24.040 Special Use Regulations. Permitted and accessory uses marked with an asterisk (*) in Table 17.24.020 are permitted subject to the following use regulations:

- A. Caretaker Residence. A mobile home as an accessory use for the purpose of providing residence for a caretaker, custodian or guard where need has been established for twenty-four hour surveillance of premises. Such use requires minor site plan approval by the Staff Review Committee as described in Section 17.10.060 of this Title. (Ords. 12-95; 25-76: Prior Code 17.54.080C; 17.42.030)
- B. Conversion of a Residential Building to a Non-Residential Use. Such use requires minor site plan approval by the Staff Review Committee as described in Section 17.10.060 of this Title. (Ord. 12-95)
- C. Housing Related to Church, College or Hospital. Such housing may be provided for students, faculty, nurses, doctors, or similar persons, provided the housing is administered by the institution involved. (Ords. 12-95; 25-76: Prior Codes 17.54.080A; 17.42.030)
- D. Moving an existing structure or building onto a site. Such use requires minor site plan approval by the Staff Review Committee as described in Section 17.10.060 of this Title. (Ord. 12-95)
- E. Retail Uses. Accessory retail uses may be provided in a building in conjunction with any permitted use, subject to the review and approval of the Planning Commission. Such retail uses may include, but are not limited to, book and stationary stores, barber and beauty shops, concession stands, drug stores, florists, gift shops, offices for civil and non-profit organizations, and restaurants and coffee shops. (Ords. 12-95; 25-76: Prior Codes 17.54.080D; 17.42.030)

17.24.050 Building Lot Area Requirement. The minimum building lot area shall be 6,000 square feet. (Ords. 12-95; 20-82: Prior Code 17.54.120)

17.24.060 Building Height.

- A. Near A Residential Zone. Buildings located within 120 feet of any residentially zoned property shall be limited in height to 32 feet or two stories, whichever is less. (Ords. 12-95; 20-82: Prior Code 17.54.110)

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17.24.060--17.24.100

- B. All Other Areas. A building may exceed 32 feet in height provided that the building height does not exceed one-quarter of the distance, measured horizontally, between the ground point of the building and the nearest residentially zoned property. Additional building height shall be permitted subject to approval of a conditional use permit by the Planning Commission. (Ords. 12-95; 20-82: Prior Code 17.54.110)

17.24.070 Yard Requirements. Yards shall be provided as indicated in Table 17.24.070.

TABLE 17.24.070
YARD REQUIREMENTS

Zone District	Front Yard	Interior Side Yard	Exterior Side Yard when Corner or Reverse Corner Lot	Rear Yard
PI	10 ft (a)	0	10 ft	0 (b)

NOTES:

- (a) If the property fronts on a block partially within a residential zone district, the front yard shall be the same as required for the residential zone.
- (b) If a property abuts a residential zone district and the structure exceeds one story or 20 feet in height, then a rear yard of at least ten feet shall be provided. (Ords. 12-95; 20-82: Prior Codes 17.54.140, 150, 160)

17.24.080 Off-Street Parking and Loading. Off-street parking and loading shall be provided as required by Chapter 17.34 of this Title. (Ords. 12-95; 20-82: Prior Code Chapter 17.76)

17.24.090 Landscaping. Landscaping shall be provided as specified in Orange Municipal Code Chapter 16.50 (Landscaping Standards and Specifications). (Ord. 12-95)

17.24.100 Signs. All signs shall conform to the regulations outlined in Chapter 17.36 of this Title. (Ords. 12-95; 20-82: Prior Code Chapter 17.78)

CHAPTER 17.26

PLANNED COMMUNITY DISTRICT

Sections:

- 17.26.010 Purpose and Intent
- 17.26.020 Districts Established
- 17.26.030 Establishment Procedure
- 17.26.040 Amendments
- 17.26.050 Criteria for Establishing PC District
- 17.26.060 Development Standards
- 17.26.070 Contents of Specific Plan or Development Plan

17.26.010 Purpose and Intent. The Planned Community (PC) district is intended to provide for a more efficient use of land and a better community environment by utilizing more imaginative and innovative planning concepts than would be possible under conventional zoning controls. (Ords. 12-95; 29-82; Prior Code 17.67.010)

17.26.020 Districts Established. All Planned Community districts shall be indicated on the zoning map by the PC designation, a number, and a common name (i.e. subdivision or development name). (Ord. 12-95)

17.26.030 Establishment Procedure. A Planned Community district classification shall be established in accordance with the procedures for a zone change specified in Section 17.10.020 of this Title. The application for a zone change to PC shall be accompanied by a Specific Plan or Development Plan as described in this chapter. The zone change request and Specific Plan or Development Plan shall be considered concurrently. The Specific Plan or Development Plan shall be made a part of the ordinance enacting the PC district, and all subsequent development shall substantially comply with the provisions of the adopted Specific Plan or Development Plan. (Ords. 12.95; 29-82: Prior Code 17.67.050)

17.26.040 Amendments. Specific Plans or Development Plans adopted in conjunction with a PC designation may be amended by ordinance. (Ord. 12-95)

17.26.050 Criteria for Establishing PC District. In order to qualify for a Planned Community district classification, the following findings must be made by the reviewing body to justify the approval:

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- A. That the proposal conforms to the General Plan in regard to land use designation and intensity;
- B. That the proposal contains at least ten gross acres;
- C. That the proposal provides for a mix of uses (such as, residential, commercial, office, public facilities, open space);
- D. That by incorporating features such as, but not limited to those listed below, the proposal constitutes an environment equal to or better than what might be accomplished under traditional development practices:
 - 1. Where usable open space is provided in excess of the amount required under conventional zoning;
 - 2. Where natural features are preserved that enhance the development and will benefit the community such as trees, scenic points, view corridors, ridgelines, historic buildings or landmarks, unique geological formations and other community assets;
 - 3. Where perimeter setbacks of the development exceed the minimum dimension required;
 - 4. Where distinctive design techniques are incorporated such as architectural treatments, site planning, structural design, landscaping as well as integration into the community;
 - 5. Where the project makes use of non-depletable energy sources for water heating or space heating;
 - 6. Where usable recreational amenities are provided in excess of the amount required;
 - 7. Where special amenities are provided such as daycare, preschool, community care, or other amenities;
 - 8. Where multi-modal transportation opportunities are provided such as linkages to pedestrian and recreational trails, and public transit facilities;
 - 9. Where public institutional needs are met by providing for schools, religious facilities, libraries, post offices, police/fire facilities; and
 - 10. Where special needs housing is provided. (Ord. 12-95)

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17.26.060 Development Standards.

- A. General. The land use and development regulations contained in the Specific Plan or Development Plan approved in conjunction with the PC zone shall serve as the applicable zoning regulations for that PC zone. Wherever a PC zone does not contain regulations for a particular aspect of development (i.e. parking), then the current development standards for the zone district closest to the intent of the PC zone shall apply.
- B. Development Intensity. Development intensities for various uses within the PC zone shall be consistent with the intensities specified on the General Plan Land Use Policy Map. Any area designated for residential use may be developed at a lower residential density than is indicated on the approved Specific Plan or Development Plan without requiring an amendment to that plan.
- C. Single-Family Residential Minimum Building Lot Area. The minimum building lot area for a single-family residential unit shall comply with the minimum lot standards contained in Section 17.14. (Ords. 12-95; 19-94: Prior Code 17.67.025)

17.26.070 Contents of Specific Plan or Development Plan. A Specific Plan or Development Plan shall consist of maps, site plans, and supporting text and shall contain the following information:

- A. A map showing the property boundaries, the proposed distribution of land use within the subject property, and the acreage calculation for each proposed land use. The land use distribution and acreage shall also be presented in a tabular form.
- B. A map showing the proposed circulation system of Collector, Secondary, Primary, Major, and Augmented Major Roadways. The map shall show the relationship of proposed project roadways to roadways indicated on the City Master Plan of Streets and Highways and the County Master Plan of Arterial Highways.
- C. Concept plans indicating locations for the various proposed land uses shall indicate:
 - 1. The proposed number of residential dwelling units per gross and net acre for each residential development;
 - 2. The total number of proposed residential units for the entire project;

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3. The proposed intensity of commercial and industrial development in terms of floor area ratio (FAR), as well as the maximum total square footage of all commercial and industrial development;
 4. The size and location of park sites, school sites, and other public/quasi-public facilities;
 5. The special features provided which justify the approval of a Planned Community District.
- D. A statement describing the range of housing types to be developed and the segments of the market targeted for such development.
- E. A recreational trails plan, and the relationship of that plan to adopted City Master Plan of Recreational Trails.
- F. Development standards for residential, commercial, and industrial land uses. Such standards as maximum building height, lot coverage, and required yard areas shall be specified.
- G. A topographic map showing existing topography and the proposed changes in site topography at appropriate contour intervals. Cut and fill slopes shall be indicated on a preliminary master grading plan.
- H. The location of existing public utilities on and adjacent to the site, and the proposed location of utility extensions.
- I. The nature and location of any planned off-site improvements to be performed in conjunction with site development.
- J. Prototypical plans, elevations, and renderings of residential, commercial, and industrial buildings, or design guidelines for such development.
- K. A phasing plan for development of the property.
- L. Landscape design guidelines.
- M. A description of the proposed method of financing the infrastructure proposed.
- N. Traffic impact analysis as required by the Community Development Director.

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- O. Fiscal impact analysis as required by the Community Development Director.
- P. Any other information requested by the Community Development Director which will enable the City to perform a thorough review of the proposed project. (Ords. 12-95; 29-82: Prior Code 17.67.050)

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CHAPTER 17.28

OVERLAY DISTRICTS

Sections:

- 17.28.010 Purpose of Overlay Districts
- 17.28.020 Use of Overlay Districts
- 17.28.030 Denotation of Overlay Districts
- 17.28.040 Flood Plain Overlay
- 17.28.050 Single Story Overlay
- 17.28.060 Equestrian Overlay
- 17.28.070 Parking Overlay

17.28.010 Purpose of Overlay Districts. Overlay districts are established to permit the application of additional use and development standards to certain properties where such additional standards are necessary to implement General Plan policy and to protect public health, safety, and welfare. (Ords. 12-95; 20-82: Prior Code Chapter 17.76)

17.28.020 Use of Overlay Districts. Overlay districts shall be used only in conjunction with an underlying base district. Except for the supplemental regulations described in this chapter for each overlay district, the standards established for the underlying base district shall apply. In the event of conflicting provisions, the requirements of the overlay district shall take precedence over the requirements of the base district. (Ords. 12-95; 20-82: Prior Code Chapters 17.60; 17.62; 17.64; 17.76)

17.28.030 Denotation of Overlay Districts. Overlay districts shall be denoted on the zoning map by the base district symbol followed by, as part of the symbol, parenthetically enclosed letters indicating the overlay district. (Ord. 12-95)

DISTRICT	SYMBOL
Flood Plain 1	FP-1
Flood Plain 2	FP-2
Single Story	A
Equestrian	E
Parking	P

17.28.040 Flood Plain Overlay.

- A. Purpose and Intent. The Flood Plain overlay districts (FP-1 and FP-2) are intended to be applied to those areas of the City which, under present conditions, are subject to periodic flooding and the hazards associated with flooding. The objectives of the Flood Plain districts shall be:
 - 1. To prevent loss of life and property and to minimize economic loss caused by flood flows;
 - 2. To establish criteria for land management and use in flood prone areas consistent with criteria promulgated by the Federal Insurance Administration for the purpose of providing flood insurance eligibility for property owners;
 - 3. To prohibit encroachments, new construction, or other improvements or development that would obstruct the flow of floodwaters within a regulatory floodway; and
 - 4. To regulate and control uses below the elevation of the design flood flow with the remainder of the flood plain. (Ords. 12-95; 61-80: Prior Code 17.58.010)
- B. Application. The FP-1 or FP-2 overlay shall be applied as follows:
 - 1. Regulatory Floodways shall be designated FP-1.
 - 2. Floodway Fringe areas, Mudslide Prone areas and other areas determined to be areas of Special Flood Hazard or Flood Plain areas, as determined by the City Engineer, shall be designated FP-1 or FP-2. (Ords. 12-95; 61-80: Prior Code 17.58.020)
- C. Mapping of Flood Areas Required. All Floodway, Flood Plain, Flood Hazard Areas, Regulatory Floodway, and Floodway Fringe Areas shall be identified, mapped, and so designated. Mapping may be done by the County of Orange, the Federal Insurance Administration or the Department of Public Works.
 - 1. Identification and mapping shall be based upon the design flood as determined by engineering studies satisfactory to the City Engineer and approved by City Council.
 - 2. In areas where the Floodways or Flood Plains are mapped by the County of Orange, the Federal Insurance Administration or the Department of Public Works, the

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regulatory requirements shall apply to the mapped area having the outermost boundaries. (Ords. 12-95; 4-87; 61-80: Prior Code 17.58.030; 17.59.030)

D. Use Regulations.

1. Permitted Uses. Table 17.28.040 lists all uses permitted (P), permitted by conditional use permit (C), permitted as an accessory use (A), and not permitted (-) in Flood Plain overlay areas. Permitted or accessory uses marked with an asterisk (*) are subject to special use or development conditions outlined in Section 17.28.040.D.3. Conditional uses may also have special use or development conditions as outlined in Section 17.28.040.D.4. (Ords. 12-95; 4-87; 61-80: Prior Code 17.58.030, 17.59.030)

TABLE 17.28.040
OVERLAY DISTRICT USE REGULATIONS

USE	FP-1	FP-2
Agriculture	P*	P*
Excavation and removal of rock, sand, gravel and similar materials	C	C
Flood control facilities such as channels, levees, spreading grounds and basins, roads, bridges, storm drains	P*	P*
Landfills	-	-
Mobile home	-	C
Recreation facilities such as campgrounds, playgrounds, fishing lakes, equestrian uses, hunting clubs, trails, golf courses	C	C
Public park projects	P	P
Public utility facilities	C	C
Residential structure	-	C
Road projects	P*	P*
Storage of floatable substances or materials	-	-
Storage of hazardous or toxic materials	-	-
Structure, permanent	-	C

Key: P = Permitted Use.

C = Conditional Use Permit required. Refer to provisions in Section 17.10.030 and special conditions in Section 17.28.040.D.4

- = Not Permitted.

* = Use subject to special provisions contained in Section 17.28.040.D.3.

2. **Prohibited Uses.** Any use not specifically permitted in Table 17.28.040 shall be prohibited. Also specifically prohibited is any excavation, improvement, development, or encroachment that will do the following:
 - a. Obstruct or create debris-catching obstacles to the passage of the design flood; or
 - b. Cause a cumulative increase in the elevation of the design flood water profile more than one foot at any point; or
 - c. Will tend to broaden or direct flood flows out of the natural floodplain; or
 - d. Will otherwise cause a potential hazard to life or property resulting from flood flows within the FP-1 and FP-2 areas. (Ords. 12-95; 20-82; 61-80: Prior Codes 17.58.050; 080; 17.59.070; 080)

3. **Special Use Conditions.** Permitted uses marked with an asterisk (*) in Table 17.28.040 are permitted subject to the following use regulations:
 - a. **Agriculture.** All agricultural uses permitted in the A-1 district shall be permitted. However, the following accessory uses are not permitted: permanent structures, landfills, materials or equipment storage, stream alteration, or other use that would result in any increase in flood levels within the Regulatory Floodway.
 - b. **Flood Control Facilities.** All such facilities shall be constructed in accordance with plans meeting the approval of the City Engineer.
 - c. **Road Projects.** All such facilities shall be constructed in accordance with plans meeting the approval of the City Engineer. Parking lots may be allowed within the FP-2 zone only. (Ords. 12-95; 4-87; 61-80: Prior Code 17.58.030, 060; 17.59.030)

4. **Conditional Use Regulations.** A conditional use permit must be obtained pursuant to the requirements outlined in Section 17.10.030. In issuing a conditional use permit, the responsible hearing body must make the finding that the proposed project, alone or in combination with existing developments, will not endanger life, restrict the carrying capacity of the regulatory floodway, increase flood heights, or increase flood velocities. In addition, the following special conditions shall be applied to specific uses:
 - a. **Excavation of Materials**
 - i. Rock, sand, gravel and similar materials may be excavated and removed, provided such activities preserve the integrity of the watercourse.

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- ii. The permitted excavation area shall continue to receive and release flood waters in a manner equal to that experienced prior to any excavation.
 - iii. Such excavations shall be contained within the FP-2 area and shall not create a potential flood hazard to adjacent properties resulting from flood conditions.
 - iv. All excavation activity shall conform to the operational and reclamation conditions set forth in Chapter 17.32 of this Title. (Ords. 12-95; 20-82; 61-80: Prior Code 17.58.040(3), 070(2))
- b. Mobile Homes. In all areas of special flood hazards, mobile homes shall comply with the following regulations:
- i. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - (a) Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations. Mobile homes less than 50 feet long shall require one additional tie per side;
 - (b) Frame ties shall be provided at each corner of the home, with five additional ties per side at intermediate points. Mobile homes less than 50 feet long shall require four additional ties per site;
 - (c) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and
 - (d) Any additions to the mobile home shall be similarly anchored. (Ords. 12-95; 20-82; 61-80: Prior Code 17.58.120.A; 17.59.120)
 - ii. The following requirements apply to new mobile home parks and mobile home subdivisions; expansions to existing mobile home parks and mobile home subdivisions; existing mobile home parks and mobile home subdivisions where repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and to mobile homes not placed in a mobile home park or mobile home subdivision:
 - (a) Stands or lots shall be elevated on compacted

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fill or on pilings so that the lowest floor of the mobile home will be a minimum of one foot above the base flood level; and further provided that the fill does not increase the elevation of the design flood level, or that any increases be fully provided for by means of water course improvements approved by the City Engineer.

(b) Adequate surface drainage and access for a hauler shall be provided.

(c) In the instance of elevation on pilings, lots must be large enough to permit steps; piling foundations must be placed in stable soil no more than ten feet apart; and reinforcement must be provided for pilings more than six feet above the ground level. (Ords. 12-95; 20-82; 61-80: Prior Code 17.58.120.B; 17.59.120)

iii. No mobile home shall be placed in a floodway except in an existing mobile home park or an existing mobile home subdivision.

(a) Residential Structure Other Than Mobile Home. The lowest floor, including the basement, must be elevated to one foot above the design flood level or must be protected by a flood protection system or floodproofing. (Ords. 12-95; 20-82; 61-80: Prior Code 17.58.070.D; 17.59.070)

(b) Permanent Non-Residential Structure. The lowest floor, including the basement, must be elevated to one foot above the design flood level or must be protected by a flood protection system or floodproofing. (Ords. 12-95; 20-82; 61-80: Prior Code 17.58.070.E; 17.59.070)

E. Development Standards. The establishment, operation, and maintenance of all uses permitted by Section 17.28.040 shall comply with the following development standards:

1. Structural Floodproofing for Non-Residential Structures. Structural floodproofing as permitted herein shall be in accordance with the Uniform Building Code. A civil engineer or architect registered in the State of California shall certify that the floodproofing methods are adequate to withstand the flood depths, velocities, hydrostatic and hydrodynamic loads, and effects of buoyancy and other factors associated with the design

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flood. (Ords. 12-95; 20-82; 61-80: Prior Code 17.58.090.B.1; 17.59.090)

2. Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure. (Ords. 12-95; 20-82; 61-80: Prior Code 17.58.090.B.2; 17.59.090)

3. Utilities.

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters.
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- d. Utilities shall be designed to resist destruction from flood scour and the hydrostatic and hydrodynamic loads and effects of buoyancy. (Ords. 12-95; 20-82; 61-80: Prior Code 17.58.090.B.3; 17.59.090)

F. Required Procedures for Building in FP Overlay. The establishment, operation and maintenance of all uses permitted by Section 17.28.040 shall be in compliance with the following procedures:

1. The Community Development Department shall review projects proposed in the FP overlay districts to determine that all necessary permits and certificates have been obtained. It shall make recommendations concerning Use Permit applications prior to hearing and approval by the Planning Commission to assure compliance with the requirements of this Chapter. It shall maintain for public inspection all records pertaining to the provisions of that section.
2. All development, subdivision, structure and substantial improvement proposals shall include submittal of detailed drainage studies and plans indicating how site grading - in conjunction with any necessary drainage conveyance systems including applicable swales, water course courses, channels, street flows, catch basins, storm drains and flood water retarding - will provide building pads and/or lowest floor elevations that are safe from flood flows expected from floods up to and including the design flood. The grading plan shall include identified

on-site finished grade and "design flood" elevations, both related to mean sea level. Structural plans submitted for building permits shall show the first floor elevation of such structures as related to mean sea level. Said plans and elevation information shall be maintained on file by the Public Works Department for flood insurance reference purposes.

3. The Public Works Department shall notify adjacent communities prior to any alteration or relocation of a watercourse having an effect on the flood hazard areas shown on the F.I.R.M. and shall submit evidence of such notification to the Federal Insurance Administration. The Department shall require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
 4. No uses shall be approved unless the following findings are made:
 - a. The development will not provide a significant risk to human life in the event of the design flood.
 - b. The development is designed and sited so as to offer minimal obstruction to the flow of floodwater.
 - c. The development will not create a potential hazard or otherwise adversely affect property because of diversions, increased heights, or velocities of flood waters or because of increased debris, or otherwise affect the safety, use, or stability of any public way, drainage channel, or adjacent property during a flood condition. (Ords. 12-95; 2-82; 61-80: Prior Code 17.58.090.A, C; 17.59.090)
- G. FP Nonconforming Uses. Any use lawfully existing on any premises that is made nonconforming by the application of the FP district or by any amendment of the FP district regulations shall be subject to the requirements provided in Section 17.38.030 of this Title. Within the areas designated as FP-1, the following exceptions shall apply:
1. All nonconforming structures within the area designated as FP-1 "Floodway" district on the effective date of application of the FP-1 district or any amendment of the FP-1 district regulations shall be removed subject to the following: If the useful life of the structure has not expired by a date five years after the effective date of the application of the FP-1 zone, the life of the structure shall be considered to have expired automatically, and said structure shall be removed.

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2. Any enlargement, expansion, change in use, or substantial improvements of nonconforming structures shall be prohibited.

3. Any owner of a use or structure made nonconforming by the application of the FP-1 district may request the Planning Commission to grant an extension of time. The Planning Commission may grant an extension of time beyond the five-year period. (Ords. 12-95; 20-82; 61-80: Prior Code 17.58.100; 17.59.100)

H. Technical Adjustments. This section establishes procedures for making certain technical adjustments to flood mapping. Such adjustments may be necessary when either 1) property has been inadvertently included in an FP zone due to the erroneous transportation of the curvilinear flood boundary line to the land topography that is readily identifiable for exclusion by reason of the existing physical features of the property; or 2) flood protective or flood control work adequate to protect against the design flood has been completed.

1. Procedure for Correcting Mapping Deficiencies Unrelated to Communitywide Elevation Determinations. Mapping deficiencies caused by inadvertent inclusion of the property in the FP zone or a physical alteration to surrounding property which affects the base flood level may be corrected without necessitating a zone change if the following requirements are met, as determined by the Planning Commission:
 - a. Inadvertent Inclusion. Review of the topographical map showing ground elevation contours on the entire building site area confirms that the property is not within the FP zone; or
 - b. Completion of Flood Protection/Control Work. Evidence confirms that subsequent stream, channel, storm drain, or landfill improvements fully offset flood water surface elevations so as to meet standards established by the Federal Insurance Agency. This shall require that:
 - i. Completion of work be certified by the City Engineer; and
 - ii. If the area is included in the City's Flood Insurance rate map, flood protection/control measures must be approved by the Federal Insurance Administration and the area removed from the F.I.R.M. and Flood Boundary and Floodway Maps.

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2. Appeals. Appeal of any determinations made by the Planning Commission under this section will be to the City Council. (Ords. 12-95; 20-82; 61-80: Prior Code 17.58.110; 17.59.110)

17.28.050 Single Story Overlay.

- A. Purpose and Intent. The Single Story (A) overlay is established to maintain the character of existing single story residential neighborhoods by limiting building height to one story. (Ords. 12-95; 20-82: Prior Code 17.50.010)
- B. Development Standards. The height of all buildings within the Single Story Overlay District shall be limited to one story or 20 feet, whichever is less. All other development standards applicable to the underlying district and not in conflict with this section shall apply. (Ords. 12-95; 20-82: Prior Code 17.60.090)

17.28.060 Equestrian Overlay.

- A. Purpose and Intent. The Equestrian (E) Overlay District is established to allow for the pre-zoning and subsequent annexation of certain developed residential areas where existing residents wish to retain a semi-rural environment, including the retention of equestrian uses usually not permitted due to lot size, and where such existing uses are demonstrated to be compatible with surrounding existing uses. (Ords. 12-95; 20-82; 72-76; 8-76: Prior Code 17.62.010)
- B. Principal Uses and Structures Permitted. The use regulations applicable to principal uses and structures in the underlying zone district shall apply. (Ords. 12-95; 20-82; 72-76; 8-76: Prior Code 17.62.030)
- C. Accessory Uses and Structures Permitted. The following accessory uses and structures are permitted in the Equestrian Overlay District:
 1. The keeping of horses for the private use of family members residing on the premises.
 2. The boarding of up to two horses owned by residents of the neighborhood.
 3. Stables, shelters, or corrals for horses. (Ords. 12-95; 20-82; 72-76; 8-76: Prior Code 17.62.080)

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- D. **Limit on Number of Horses.** The total number of horses kept on a lot shall in no case exceed more than one horse per 6,000 square feet of lot area. (Ords. 12-95; 20-82; 72-76; 8-76: Prior Code 17.62.380.B; 17.68.060)
- E. **Development Standards.** The development standards required by the underlying base district shall apply. In addition, the following shall apply:
1. **Minimum Lot Area.** In the R1-12 and R1-15 zones, the minimum lot area required for the keeping of horses is 12,000 square feet. In all other zones, the provisions of Section 17.14.050.B shall apply.
 2. **Distance from Streets, Residences.** The edge of any private stable, shelter, or corral shall be set back a minimum distance of 50 feet from any street, highway or any residential building other than that of the owner.

17.28.070 Parking Overlay.

- A. **Purpose and Intent.** The Parking (P) Overlay District is established to allow residentially zoned properties to be used to provide off-street parking facilities for adjacent land uses. The Parking overlay shall be applied only to residential properties and only when it can be demonstrated that the use of the residential lot for parking purposes will not adversely affect the surrounding residential neighborhood. (Ord. 12-95: Prior Code 17.64.010, Chapter 17.76)
- B. **Uses Permitted.** The following principal and accessory uses and structures are permitted:
1. All uses and structures permitted by the underlying zone district.
 2. Open air temporary parking of transient vehicles. In no case shall the parking lot be used as a car sales lot. (Ord. 12-95: Prior Code 17.64.030)
- C. **Development Standards.** The following development standards shall apply to parking lots in the Parking overlay district:
1. **Lot Size.** Where the lot is to be used exclusively for automobile parking, no minimum lot size requirement shall apply.

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2. Yards. Where the lot abuts a residential zoned lot, the front and street side yard setbacks shall be the same as required for that abutting residential lot. In all other cases, no yard requirements shall apply.
 3. Fences and Walls. A division wall shall be erected between the parking uses and adjacent residential uses. The wall shall have a minimum height of six feet, except any wall or portion of a wall located in the required front yard area shall be limited in height to 42 inches.
 4. Landscaping. The parking lot shall be landscaped as required by Section 17.34.130.H of this Title.
 5. Signage. Parking lot signage shall conform to the requirements of Section 17.36 of this Title. (Ords. 12-95: Prior Code Chapter 17.64; 17.76; 17.78)
- D. Parking Lot Standards. Parking lot and parking space dimensions, orientation, location, striping and other relevant development standards shall conform to the requirements of Chapter 17.34 of this Title. (Ords. 12-95: Prior Code 17.64.120; 220; 17.76)

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CHAPTER 17.30

SPECIAL USE REGULATIONS

Sections:

- 17.30.010 Purpose and Intent
- 17.30.020 Adult Enterprise
- 17.30.030 Alcoholic Beverage Controls
- 17.30.040 Condominium Conversions
- 17.30.050 Dog Kennels
- 17.30.060 Automobile Service Stations

17.30.010 Purpose and Intent. This section establishes definitive use regulations and development standards for certain uses which, due to the nature of the particular use, requires special development conditions to ensure that use operates in a manner compatible with existing and future adjacent uses in the vicinity. (Ord. 12-95)

17.30.020 Adult Enterprise.

- A. Locational Requirements. Notwithstanding other provisions of the Orange Municipal Code to the contrary, no conditional use permit shall be issued for any adult enterprise, as defined by Section 17.04.020 of this Title, if the use is proposed to be located:
 - 1. Within 500 feet of any lot zoned for residential use; or
 - 2. Within 1,000 feet of any lot upon which any other adult entertainment use already exists; or
 - 3. Within 1,000 feet of any public or private school, park, playground, public building, or religious institutions. (Ord. 12-95)
- B. Abatement of Nonconformities. Any adult enterprise use lawfully existing as of the effective date of this ordinance, and which has been determined to have a legal nonconforming status, shall terminate all aspects of the adult enterprise not in compliance with the provisions of this section within three years of the effective date of this ordinance. (Ord. 12-95)

17.30.030 Alcoholic Beverage Controls.

- A. Purpose and Intent. The purpose of adopting regulations for the sale of alcoholic beverages is to ensure that such sales

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will not adversely affect surrounding residents, businesses, and institutions; and to ensure that any such use operates in a manner compatible with existing and future adjacent uses. (Ords. 12-95; 1-95; 3-91: Prior Code 17.80.010)

- B. Locations Permitted. The use tables contained in Chapters 17.18 through 17.22 of this Title indicate the zones in which the off-sale and on-sale of alcoholic beverages is permitted by issuance of a conditional use permit. (Ords. 12-95; 1-95; 3-91: Prior Code 17.80.030)
- C. Conditional Use Permit Required. In order to fulfill the purposes of this chapter, the retail sale of alcoholic beverages is subject to approval of a conditional use permit. The Planning Commission has the authority to issue conditional use permits for the following, except when the application is combined with other submittals that require City Council review, the decision of the Planning Commission is appealed, or as otherwise noted below:
1. Any original off-sale alcoholic beverage license when not in conjunction with the sale of motor fuel in the CP (Commercial Professional), C1 (Limited Commercial), C-TR (Limited Business, Tustin Redevelopment), C2 (General Business), and C3 (Commercial) zones.
 2. Any original off-sale beer, or beer and wine license, in conjunction with the sale of motor fuel in the CP, C1, C-TR, C2, and C3 zones, subject to the conditions specified in Section 17.30.030.F. An initial public hearing shall be held before the Planning Commission, with final review and determination made by the City Council.
 3. Any original on-sale restaurant license in the CP, C1, C-TR, C2, C3, M1 and M2 zones.
 4. Any original license for the on-site brewing and sale of beer within a restaurant in the CP, C1, C-TR, C2, C3, M1 and M2 zones.
 5. Any original on-sale license not associated with a restaurant in the C-TR, C2 and C3 zones.
 6. Any original off-sale alcoholic beverage license, in the M1 and M2 zones, shall be subject to the following conditions and limitations. When in conjunction with the sale of motor fuels, the conditions specified in Section 17.30.030.F shall also apply:

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- a. The sale of alcoholic beverages shall not be promoted by means of exterior display of signs, posters, pictures, or product, or by visibility from outside the building of any such display.
 - b. The City shall review an approved conditional use permit after six months of operation to determine if the retail sales of alcoholic beverages at, or on, the premises are, and continue to be, an insignificant portion of total retail sales, and to determine if such use should continue.
 - c. At any time the license is sold or possession is transferred to a person, firm, or entity other than the applicant to which the conditional use permit was issued, the City shall review the operations of the new owner or operator to insure the original conditions of approval are complied with.
 - d. The applicant shall execute an agreement with the City to give written notice to the City at any time the license is sold or otherwise transferred to another person, firm, or entity other than the applicant. Moreover, the applicant shall further agree that the City may record such agreement with the Orange County Recorder.
 - e. An initial public hearing shall be held by the Planning Commission, with final review and determination by the City Council. (Ords. 12-95; 1-95; 3-91: Prior Code 17.80.030)
- D. Findings. In making the findings for a conditional use permit for the on-sale and off-sale of alcoholic beverages, the City Council or Planning Commission shall consider whether the proposed use will adversely affect the welfare of the surrounding community or will result in an undue concentration of premises for the sale of alcoholic beverages, including beer and wine, in the City or the area involved. The City Council or Planning Commission shall also consider whether the proposed use will detrimentally affect nearby residentially zoned districts, after giving consideration to the proposed hours of operation and the proximity to the following:
1. Residential buildings.
 2. Churches, schools, hospitals, public playgrounds, and other similar uses.
 3. Other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine. (Ords. 12-95; 1-95; 3-91: Prior Code 17.80.040)

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E. Upgrading Licenses. Any upgrading of existing licenses to a more restrictive license shall be regulated as follows:

1. A change from an on-sale beer license for a restaurant to an on-sale beer and wine license for a restaurant shall not require the issuance of a conditional use permit.
2. A change from an off-sale beer license to an off-sale beer and wine license shall not require the issuance of a conditional use permit.
3. A change from an on-sale alcoholic beverage license for a restaurant to include the on-site brewing of beer shall not require the issuance of a conditional use permit.
4. A change from either an on-sale or off-sale beer license or beer and wine license, to an on-sale or off-sale general license shall require the issuance of a new conditional use permit.
5. A license associated with a non-conforming use may be transferred to a new owner, but it may not be upgraded. (Ords. 12-95; 3-91; 20-82: Prior Code 17.80.050)

F. Sale of Alcoholic Beverages in Conjunction with Motor Fuel. Any original off-sale beer or beer and wine license in conjunction with the sale of motor fuel shall be subject to the issuance of a conditional use permit and subject to the following conditions:

1. No beer or wine shall be displayed within five feet of the cash register or any public entrance.
2. No sale of alcoholic beverages shall be made from a drive-up window.
3. No display or sale of beer or wine shall be made from an ice tub.
4. No beer or wine advertising shall be located on motor fuel islands and no advertising for beer or wine shall be visible from outside the building.
5. Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. shall be at least 21 years of age to sell beer and wine.
6. All containers of alcoholic beverages that are displayed for sale shall be secured against public access between the hours of 2:00 a.m. and 6:00 a.m. or more restrictive

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hours as determined by the conditional use permit process. Secured refrigerator compartments must have interior compartment separators to prevent access from neighboring non-locking doors or compartments. (Ords. 12-95; 2-89: Prior Code 17.80)

17.30.040 Condominium Conversions.

A. Purpose and Intent.

1. To establish regulations for the conversion of existing multiple family rental housing units to condominiums, stock cooperatives or community apartment projects.
2. To reduce the impact of such conversions on residents in rental housing who may be required to relocate due to the conversion of apartments to condominiums, stock cooperatives, or community apartment projects by providing procedures for notification and adequate time and assistance for such relocation.
3. To assure that purchasers of converted housing have been properly informed as to the physical condition of the structure which is offered for purchase.
4. To provide a reasonable balance of ownership and rental housing in the City, and a variety of choice of type, price and location of housing.
5. To encourage the physical rehabilitation of substandard apartments that are converted to condominiums, stock cooperatives or community apartments projects, thus upgrading the housing stock. (Ords. 12-95; 20-82; 38-80: Prior Code 17.84.010; 17.83.010)

B. Minimum Number of Units Required. A minimum of five units is required for the conversion of existing multiple family housing to condominiums. (Ords. 12-95; 20-82: Prior Code 17.84.015)

C. Application Requirements. An application for the conversion of existing multiple family residential rental housing to condominium shall consist of the following:

1. Tenant Notification. The applicant shall demonstrate compliance with California Government Code Section 66427.1 that includes requiring tenant notification of the intent to convert 60 days prior to the filing of a

condominium conversion application and grants exclusive right to the tenant to purchase their respective unit within 90 days from the date of the issuance of the subdivision public report. Compliance to any other state regulations shall also be demonstrated, when applicable.

2. Tentative Subdivision Map. A tentative subdivision map for condominium purposes shall be filed as provided for in Title 16 of the Orange Municipal Code.
3. Development Plan and Property Description. Site and floor plans and a landscaping plan shall be submitted, accompanied by a written description of the property and units to include:
 - a. The location and size of the property;
 - b. The number of dwelling units contained upon the property, and the square footage and number of rooms contained in each unit;
 - c. The type of common areas, facilities and amenities;
 - d. The general layout and location of all units, common areas, common amenities, outdoor storage areas, laundry facilities, and parking areas; and,
 - e. The areas that do not comply with zoning ordinance requirements at the time of application.
4. Tenant Information. The applicant shall provide the following tenant information. This requirement may be modified, when it is demonstrated that this information is not available.
 - a. The names and addresses of all tenants at the time of the application's submittal on three sets of gummed labels for the purpose of notifying such tenants of relevant public hearings;
 - b. The makeup of the existing tenant households, including family size, length of residence, age of tenants;
 - c. The current rents for each unit including the date and amount of the last two rent increases; also include whether tenants receive Federal or State rental subsidies; and,
 - d. The proposed sales price of all units, discounts or bonuses for existing tenants, finance terms including down payments and monthly payments, monthly maintenance or homeowner's association fees and any other relevant terms of sale.
5. Tenant Provisions. By requesting a conversion of rental units to condominiums, the applicant shall agree to adhere to the requirements, and to provide the benefits specified below:

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- a. Tenant Relocation Plan. The applicant shall submit a relocation plan to assist the existing tenants in finding suitable replacement rental housing. The relocation plan shall include:
 - i. A compensation proposal for displaced tenants. The applicant shall pay displaced resident household joint tenants a relocation assistance payment based on the length of tenancy of whichever tenant has been a resident longer. Payment shall be consistent with the following:
 - 0-3 months tenancy - no compensation
 - 3-6 months tenancy - 1/2 months current rent
 - 6-9 months tenancy - 1 months current rent
 - 9-12 months tenancy - 1-1/2 months current rent
 - 12 months or more tenancy - 2 months current rent
 - ii. "Special protection" for the groups defined below. "Special protection" includes assistance in helping the tenant find comparable rental housing, and either increased relocation assistance payments of 50% above that given to tenants of comparable rental units and tenancy not entitled to "special protection", or the addition of one year of tenancy in order to seek an available housing unit.
 - (a) The elderly, defined as a person 62 years of age or older.
 - (b) The disabled, as defined in United States Code, Title 42, Section 423.
 - (c) Handicapped person, as defined in the California Health and Safety Code, Section 50072; and,
 - (d) Low-income individual or family, defined as those households earning 80% or less of the median income of Orange County as periodically updated by the Department of Housing and Urban Development.
- b. No Increase in Rents. A tenant's rent shall not be increased for two years from the time of the filing of the tentative map until relocation takes place or until the subdivision is denied.
- c. Notice to New Tenants. After submittal of the tentative map, the applicant shall notify any prospective tenants in writing of the intent to convert prior to leasing or renting any unit.

- d. **Extension of Tenancy.** The applicant shall offer a 60-day extension of tenancy after the expiration of a lease or rental agreement that would expire prior to, or at the time of, commencement of sales or the issuance of the final public report by the Real Estate Commissioner.
 - e. **Termination of Leases and Rental Agreements.** The applicant shall permit a tenant to terminate any lease or rental agreement without any penalty whatsoever after notice has been given of the intention to convert if such tenant notifies the applicant in writing 30 days in advance of such termination.
 - f. **Students.** The applicant shall allow a time extension in order to permit a tenant, who is a student, to complete a school semester or quarter. (Ords. 12-95; 20-82; 38-80: Prior Code 17.84.020, 040; 17.83.020; 040)
- D. **Application Review Procedure.** An application for the conversion of existing multiple family housing to condominiums via a tentative subdivision map shall be reviewed and recommended upon by the Planning Commission, with final review and determination to be made in a public hearing by the City Council. The final subdivision map shall be reviewed and approved by the City Council prior to recordation. The City will notify all tenants ten days prior to the date of all relevant public hearings relating to the condominium conversion application. (Ords. 12-95; 20-82; 38-80: Prior Code 17.84.060; 17.83.060)
- E. **Condition of Final Subdivision Map Approval.** The applicant shall agree to provide the following documentation to the City as a condition of approval for the final map. This documentation is also to be included in the final report to the Department of Real Estate.
 - 1. **Physical Elements Reports.** The City of Orange Building Official shall review all reports on the project's physical elements and may require revision and resubmittal if he finds substantial evidence that any statement therein is unreliable. The Building Official may require improvements based upon such reports if he determines the building to present a threat to public health, safety or welfare. The Physical Elements Reports shall include:
 - a. A property report describing the condition and useful life of the roof, foundations, mechanical, electrical, plumbing and structural elements of all

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- existing buildings and structures. The report shall be prepared by a registered civil or structural engineer, or a licensed general building contractor or general engineering contractor.
- b. A structural pest report prepared by a licensed structural pest control operator pursuant to Section 8516 of the Business and Professions Code, relating to written reports on the absence or presence of wood-destroying pests or organisms.
 - c. A geotechnical subsurface investigation report indicating any known soil and geological conditions regarding soil deposits, rock formations, faults, groundwater and landslides in the vicinity of the project and a statement regarding any known evidence of soil problems relating to the structures. Reference shall be made to any previous soils reports for the site, of which a copy shall be submitted with said report. The report shall be prepared by a licensed civil engineer with expertise in soils engineering.
 - d. A report detailing the method of complying with the physical standards listed below:
 - i. Building Standards. The project shall conform to the Uniform Housing Code as determined through an inspection by a City of Orange Building Inspector.
 - ii. Fire Prevention. Each living unit shall be equipped with an approved smoke detector, mounted to give access to rooms used for sleeping quarters. All fire protection equipment shall be retained in an operable condition at all times. All fire protection equipment, including the water delivery system, shall be upgraded as determined by the City of Orange Fire Department.
 - iii. Utility Metering. Each dwelling unit shall be separately metered for gas and electricity. A plan for equitable sharing of communal water metering shall be developed prior to final map approval and included in the covenants, conditions, and restrictions. In such cases where the applicant can demonstrate that this standard cannot or should not reasonably be met, this standard may be modified by the Building Division.
 - iv. Noise Standards. All permanent mechanical equipment, including domestic appliances, which is determined by the Building Official to be a source of potential vibration or noise, shall be shock mounted, isolated from the floor and ceiling, or otherwise insulated in a manner approved by the Building Official to lessen the transmission of vibration and noise.

- v. Building Security. All projects shall be upgraded to meet the requirements of the Building Security Ordinance as outlined in Orange Municipal Code Chapter 15.52, and other security requirements that relate to the concepts of crime prevention through environmental design.
2. Covenants, Conditions and Restrictions (C, C & R's). The applicant shall prepare a declaration of restrictions which may provide, among other things, those powers, duties, rights and obligations set forth in Civil Code Section 1355, and such declaration shall meet the reasonable requirements of the City Attorney that may include provisions:
- a. That the association is responsible for maintenance and landscaping of all common areas and that such maintenance shall be performed to the standard of maintenance that is prevalent in the neighborhood.
 - b. That restrict the use of a residential unit to single family residential use.
 - c. That provide for City enforcement of City and other public traffic and parking laws and ordinances on private streets, under Sections 21107.5 or 21107.7 of the California Vehicle Code, if the City, in its discretion, determines that such enforcement is required (in addition to other remedies that may be available to unit owners and the Home Owner's Association).
 - d. That insure that criminal remedies against invasions of privacy such as those provided by Section 647(g) and (h) of the Penal Code that are available to non-condominium owners shall also be available to condominium owners.
 - e. That each unit owner shall have full access to commonly owned areas, facilities and utilities.
 - f. That the Homeowner's Association shall have the right of entry upon any privately owned unit, where necessary, in connection with construction, maintenance or repair for the benefit of the common area or the owners in common.
 - g. That each privately owned unit shall give to an adjacent unit easement rights to enter its unit, given adequate notification, in order to effect necessary repairs to the property of such adjacent units.
 - h. That the commonly owned recreational area is non-buildable except for recreational purposes and such limitation shall also be set forth on the airspace map.

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- i. That enable the Homeowner's Association or the Board of Directors to levy reasonable fines for violations of the covenants, conditions and restrictions or rules issued thereunder and where fines remain unpaid, have the power to treat such unpaid fines as unpaid assessments.
- j. That the terms of the declaration of restrictions shall insure to the benefit of the City of Orange.
- k. That the organizational documents shall allow the association to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties, three months after the association assumes control of the condominium conversion project or any time thereafter.
- l. That create a special fund of money in an amount to be determined by the Department of Public Works and conveyed in perpetuity by the applicant to the City to effect emergency repairs or maintenance to privately owned sewer systems, other plumbing systems, or utilities. (Ords. 12-95; 20-82; 38-80: Prior Code 17.84.030, 050)

F. Findings. In determining to approve or conditionally approve a condominium conversion application, the following findings must be made by the reviewing body to justify the approval.

1. The project has met the provisions and is consistent with the expressed purpose and intent of this ordinance.
2. The project is consistent with the City of Orange General Plan.
3. The project will not cause a deterioration to surrounding land uses or create special problems in the community.
4. The off-street parking for residents and visitors as well as the vehicle circulation is adequate.
5. There is an adequate supply of available rental housing in the area and in similar rental range; both determined by the City Council as being adequate to provide rental housing for the income group displaced, while also considering other factors such as rental vacancy rates, raw rental construction, population growth and reductions in the rental stock.
6. The proposed project does not severely diminish the rental housing stock.

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7. The tenant relocation plan submitted by the applicant is adequate.
8. There will be an effective homeowner's association established.
9. The rehabilitation or structural repairs help to upgrade the City's housing stock.
10. Any public improvements, poured driveways, parking areas or landscaping are upgraded or repaired as needed.
(Ords. 12-95; 20-82; 38-80: Prior Code 17.84.060; 17.83.060)

17.30.050 Dog Kennels.

- A. The use tables contained in Chapter 17.14 through 17.26 of this Title indicate the zones in which dog kennels are permitted by conditional use permit. Those zones include the A1, M1 and M2 Districts. (Ord. 12-95)
- B. Conditional Use Permit Required. A conditional use permit shall be required for the establishment of a new kennel, the expansion of an existing kennel, or the construction or expansion of residential units to be used in conjunction with a kennel. (Ords. 12-95; 20-82; 17-80; 27-66: Prior Code 17.86.020; 17.80.020)
- C. Guidelines to be Used in Conditional Use Permit Review. The following development standards shall be considered by the Planning Commission in its review of a conditional use permit application for a kennel. These standards are not mandatory conditions but shall be applied as the Commission sees necessary to ensure the proposed kennel will not adversely affect surrounding land uses. Lack of compliance with any one of the standards may be a cause for denial by the Commission.
 1. Site Coverage. Kennel facilities, including all runs, feeding areas, grooming centers, storage areas, drainage paths, and offices should not occupy more than 30 percent of the total area of the property.
 2. Animal Population Density. The animal population density shall not exceed 200 dogs per acre of property set aside for the animal runs.
 3. Setbacks. All kennel facilities should be set back a

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minimum of ten feet from any property line not abutting another kennel.

4. Cooling. Kennel facilities should be cooled with electric fans, shade trees, or covered segments of the run.
 5. Separation. A minimum 24 inch high masonry wall should separate adjacent runs.
 6. Walls. A six foot high masonry wall, as measured from the high grade side of the wall, shall be erected to obscure views of the animal run areas from adjacent properties.
 7. Additional Conditions. The Planning Commission may specify additional conditions as it determines to be necessary to achieve land use compatibility. (Ords. 12-95; 20-82; 17-80; 27-66: Prior Code 17.86.020; 17.80.020)
- D. Mandatory Conditions. The following standards are mandatory requirements for all kennels:
1. Dog Kennel Construction. Construction standards, area and sanitation shall conform to requirements specified by the Orange County Animal Control for licensing of kennels.
 2. Premises Attended. At least one person employed by the kennel shall be on the premises at all times of the day.
 3. Sound Attenuation. Kennel facilities shall conform to Chapter 8.24 (Noise Control) of the City of Orange Municipal Code. Methods to provide soundproofing may include applying sound absorbing materials to the faces of buildings and walls and providing enclosed sleeping quarters to house the dogs at night. (Ords. 12-95; 20-82; 17-80; 27-66: Prior Codes 17.86.030.A-D; 17.80.030)
- E. County Review. Kennels shall maintain a current license issued by the Orange County Animal Control. (Ords. 12-95; 20-82: Prior Code 17.86.040)
- F. Revocation of Use Permit. Repeated or serious violation of the these regulations or conditions of approval shall constitute grounds for revocation of the Conditional Use Permit. (Ords. 12-95; 17-80: Prior Code 17.84.050)

17.30.060 Automobile Service Stations.

- A. Locations Permitted. The use tables contained in Chapters 17.18 through 17.20 of this Title indicate the zones in which automobile service stations are permitted by right or upon issuance of a conditional use permit. (Ords. 12-95; 20-82: Prior Code 17.88.010)
- B. Prohibited Accessory Uses. The following uses are specifically prohibited in connection with automobile service station uses: body painting and repair; rental or storage of trailers containing more than a single axle or tandem wheel; repair, rental or storage of trucks exceeding one ton and other heavy equipment, sale of new or used vehicles, auto wrecking. (Ords. 12-95; 2-89, 4-88; 20-82: Prior Code 17.88.030.A)
- C. Storage of Merchandise Regulations. All merchandise shall be stored and displayed within the service station building with the exception of tires, batteries, automobile accessories, automobile lubricants other than fuel dispensing equipment. Such items shall be displayed only on movable or closable cabinets or racks especially designed for the display of such items. A maximum of two movable racks for the display of tires is permitted, and such tire racks shall be located no more than ten feet from the service building. (Ords. 12-95; 2-89: Prior Code 17.88.030.B)
- D. Rental Vehicles and Trailers.
 - 1. Rental vehicles and trailers not specifically prohibited under Subsection B above shall be permitted only as a use clearly incidental and accessory to service station operations.
 - 2. Areas used for the display of rental vehicles and trailers shall not be located between any street right-of-way line and the setback line, over any area of required parking or within any area needed for on-site circulation. (Ords. 12-95; 2-89: Prior Code 17.88.030.C)
- E. Remodeling or Reuse of Idle Service Stations. All applications to remodel or reopen an idle service station, as defined by Section 17.04.038 of this Title, shall be subject to the approval of the Staff Review Committee. The Staff Review Committee shall require the applicant to submit a precise plan of the development. The precise plan shall be approved only if all current development standards of the

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underlying zone are adhered to. All development shall be performed in accordance with approved plans. (Ords. 12-95; 20-82: Prior Code 17.88.020.A)

F. Conversion of Service Station to Another Use. All applications to convert any portion of an active or idle service station to another use shall be subject to minor site plan review by the Staff Review Committee. The following shall apply:

1. The Staff Review Committee shall require the applicant to submit a precise plan of development. The plan may be approved if it conforms to all development standards of the underlying zone and criteria site plan review. All development shall be performed in accordance with the approved plan.
2. Before approving an application, the Staff Review Committee may require the removal of pump islands, canopies, service bays, signs, and other features and structures associated with service station uses. (Ords. 12-95; 20-82: Prior Code 17.88.020.B)

CHAPTER 17.32

SAND AND GRAVEL EXTRACTION DISTRICTSections:

- 17.32.010 Purpose and Intent
- 17.32.020 Permitted Uses
- 17.32.030 Prohibited Uses
- 17.32.040 Special Use Regulations
- 17.32.050 Petition for Rezone to SG District - Filing Requirements
- 17.32.060 Operational Standards, Generally
- 17.32.070 Rehabilitation Standards
- 17.32.080 Recording of Plans with County Recorder
- 17.32.090 Nonconforming Existing Operations, Time for Compliance

17.32.010 Purpose and Intent. These regulations are established to provide for the commercial extraction and processing of natural resources in a manner that is most beneficial to the citizens of the City. Sand, gravel, earth, and similar materials can be excavated only where they have been deposited by nature, which in some instances may be close to existing or planned urban development. These regulations are intended to ensure compatibility between extraction operations and adjacent uses in a manner that will minimize adverse effects caused by the uses permitted. It is also the intent of these regulations to provide assurance that as soon as it is feasible to do so that excavated areas will be maintained or modified in order to guarantee that the property will be suitable for a useful purpose. (Ords. 12-95; 54-73; 69-62: Prior Code 17.50.010; 17.56.010)

17.32.020 Permitted Uses. Table 17.32.020 lists all uses permitted (P), permitted by conditional use permit (C), permitted as an accessory use (A), permitted as an accessory use subject to special use regulations (A*) outlined in Section 17.32.040, and not permitted (-) in the Sand and Gravel(SG) Extraction District. All uses are subject to the specific development and performance standards outlined in Sections 17.32.050 and 17.32.070. (Ords. 12-95; 20-82; 54-73; 69-62: Prior Code 17.50.020; 17.56.020)

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TABLE 17.32.020
SAND AND GRAVEL DISTRICT USE REGULATIONS

USE	SG
Agriculture or horticulture activity	P
Backfilling, with inert materials	P
Caretaker's residence	A*
Cement or concrete mixing or batching plant	C
Landfill (sanitary)	C
Manufacture from raw materials extracted on site	C
Mining, quarrying, extraction or storage of raw mineral products (including sand, gravel, rock, clay, etc.)	P
Moving an existing structure or building onto a site from another location	A*
Parks; public or private	C
Poultry farm	-
Repair shops, garages or covered storage bins, or other accessory structures	A
Structures and mechanical equipment associated with such a use	A

Key: P = Permitted Use
 C = Conditional Use Permit
 A = Accessory Use
 - = Not Permitted
 * = Use subject to special provisions

17.32.030 Prohibited Uses. Any use not listed in Table 17.32.020 as a permitted use, conditional use, or accessory use is prohibited. However, the Community Development Director shall have the authority to determine whether an unlisted use substantially conforms to the intent of this chapter. (Ords. 12-95; 54-73: Prior Code 17.50.050)

17.32.040 Special Use Regulations. Permitted and accessory uses marked with an asterisk (*) in Table 17.32.020 are permitted subject to the following use regulations:

- A. Caretaker's residence requires minor site plan review approval by the Staff Review Committee as described in Section 17.10.060 of this Title.
- B. Moving an existing structure or building onto a site from another location requires minor site plan review approval by the Staff Review Committee as described in Section 17.10.060 of this Title. (Ords. 12-95; 54-73: Prior Code 17.50.030; 17.56.030)

17.32.050 Petition for Rezone to SG District - Filing Requirements. Any petition for a zone change that would place property in the SG (Sand and Gravel Extraction) District shall be signed by all holders of easements, lessees and owners of record of all property included within the petitioned area. Any request by the property owner to continue any existing operations permitted by this section that were existing at the time this section became effective shall be accompanied by the following documents, plans, and materials:

- A. Legal Description. A legal description of the entire property upon which SG zoning is sought.
- B. Plan of Operations. A General Plan of Operations, including the following:
 - 1. A plot plan of the entire property drawn to scale and showing contour intervals of not more than five feet, defining the location and showing the perimeter of the area(s) to be excavated. The plot plan shall also show the locations of any existing structures, watercourses, levees, drainage facilities, underground utilities and roads or improvements adjoining the property;
 - 2. A vehicular access plan, which shall be designed in such a manner as to result in a minimum amount of additional vehicular traffic over local residential streets;
 - 3. A topographic map prepared by a registered civil engineer or licensed surveyor or licensed photogrammetric surveyor and a complete report of a comprehensive soils engineering and engineering geologic investigation prepared by a registered civil engineer and/or registered engineering geologist. The topographic map shall be accompanied by a written report that sets forth probable volume and depth of overburden and nonusable material;
 - 4. A description of the proposed operation during all phases, including a schedule that shows an approximate starting date, increments of extraction and the sequence in which such increments will progress. The plan shall also show approximate future locations of any machinery or processing equipment (excluding vehicles) that would be relocated during the excavation operations. The plan shall also indicate the precise location of any permanent buildings and structures, processing plants or other appurtenant equipment, storage of topsoil and overburden,

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stockpiles, parking areas, and required setbacks, fencing, berms and screen planting. Where operations include the washing of sand and gravel, the estimated daily quantity of water required, its source and disposition, shall be made a part of this description;

5. A plan showing the location of proposed protective works, settling basins, desilting ponds and other bodies of water, including a description of provisions to be taken for the conservation and protection of ground water, the disposition of drainage and the control of erosion;
 6. A statement of estimated time required to conclude excavation.
- C. Ultimate Use Proposal. In order to provide assurance that the land will be suitable to serve a useful purpose upon the completion of excavation operations, an ultimate use proposal shall be submitted, to include the following:
1. A topographic map showing the approximate final contours at intervals of not more than five feet. Such map shall be drawn to scale and shall be of sufficient detail to establish that the proposed ultimate use or uses can be accomplished. The map shall also show the location of all structures, drainage facilities and streets that are proposed to remain after the completion of extraction operations.
 2. A statement and plan that describes, or illustrates, one or more feasible ultimate uses for the property upon the completion of excavation operations. Such use or uses shall conform to the following requirements:
 - a. The proposed ultimate use or uses shall be physically and economically feasible.
 - b. The proposed ultimate use or uses shall be consistent with the general plan.
 - c. The proposed ultimate use or uses shall be compatible with existing and permitted adjacent uses.
 3. Any additional information or evidence that may be helpful in explaining the proposed ultimate use.
 4. Any subsequent change in the ultimate use proposal or proposals which affect the ultimate reuse of the site shall be subject to the approval of a conditional use permit by the City Planning Commission.

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D. Rehabilitation Plan. In order to assure that restoration procedures will commence and continue with excavation operations, a rehabilitation plan shall be submitted to include the following:

1. A preliminary grading plan, showing the property as it will be prepared for the installation or establishment or the proposed ultimate use.
2. A phasing plan that shows how the area will be incrementally restored to a natural condition when excavation operations are completed in one area, and moved to the next area.
3. A statement and plans describing the proposed rehabilitation methods and procedures, including but not limited to the following:
 - a. Landscaping plans to be approved by the Directors of Public Works, Community Development and Community Services.
 - b. Drainage plans and facilities, slope stability and erosion control plans to be approved by the Director of Public Works. (Ords. 12-95; 1-80; 20-78; 54-73: Prior Code 17.50.060; 17.56.060)

17.32.060 Operational Standards, Generally. All processing and excavating operations shall conform to all applicable plans approved in accordance with the requirements of Section 17.32.050, and with the standards set forth by this section.

A. Dust Control. All private truck roads connecting rock quarries, processing plants or stockpiles shall be kept wetted while being used or shall be oiled or hard surfaced and maintained so as to control dust.

B. Setbacks.

1. Perimeter. No excavation activities shall be carried on within 50 feet of the common property line of any parcel of land not in the SG District, or any highway or street.
2. Slope Areas and Waterways. No excavation activities shall be carried on within 100 feet (at slopes permitted in Section 17.32.060.C) or within 50 feet at a 3 to 1 slope; from any property or right-of-way line of a flood control channel, retarding or conservation basin, either existing or whose precise location has

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been adopted by the Board of Supervisors of the Orange County Flood Control District; provided, however, that this regulation shall not apply to excavation activities in the Santiago Creek between the Villa Park Dam and its confluence with the Santa Ana River. Setbacks in the Santiago Creek area shall be established at such times as a precise alignment for a flood control channel is adopted by the Board of Supervisors.

3. Residential Property. No rock crushing plant or other apparatus for the manufacture of rock, sand, or gravel, except removal operations associated with excavation, shall be located within 750 feet of the boundary line of any residential district. If the crushing unit of any rock crushing plant is placed below ground level, such rock crushing unit may be located 400 feet or more from the boundary line of any such district.
- C. Slopes. Unless the Director of Public Works determines that less restrictive excavation methods may be permitted, no production from an open pit shall be permitted which creates a finished slope steeper than one and one-half feet horizontal to one foot vertical (1.5:1). If a steeper slope than 1.5:1 is allowed, an additional setback of the excavation activities from adjacent properties will be required.
- D. Days and Hours of Operation.
1. Time Limits. With the exception of trucking, distribution, sale, loading and unloading of products and materials and equipment repairs, all processing and excavating activities permitted in Section 17.32.020 shall be limited to the days of Monday through Saturday, inclusive, between the hours of 6:00 a.m. and 8:00 p.m. However, the Planning Commission may approve operating hours of 6:00 a.m. to 10 p.m. by conditional use permit, upon the finding that noise associated with increased hours of operation will not be unreasonable for nearby residents. The hours of operation may be further controlled by Chapter 8.24 of the Orange Municipal Code, which regulates noise levels.
 2. Exceptions. Hours of operation, aside from those listed above, may be permitted upon prior notification to the Director of Public Works, under the following circumstances:
 - a. When requested by public agencies;

- b. When work requires a continuous pour of concrete;
 - c. When necessary due to public emergencies.
- E. Insurance. Before commencing any operations, the operator shall procure public liability insurance with coverage of at least \$1,000,000 for personal injury to more than one person, \$500,000 for personal injury to only one person, and \$100,000 for damage to property, which insurance shall cover all activities of the operator connected with the uses permitted, and shall be kept in full force and effect at all times during such operations.
- F. Off-Street Parking Requirements. Off-street parking shall be provided on the site for all equipment and for all cars of employees. Operations in this zone shall be exempt of all other off-street parking requirements of this zoning code. All off-street parking areas shall be oiled or hard-surfaced, or wetted or graveled to minimize dust.
- G. Screening.
 - 1. Location. Extracting and processing operations shall be screened in such a manner that they are not readily visible from adjacent public streets. An opaque screen shall be installed and maintained as necessary in order to minimize such visibility. The operator may install such screening either along the street or along the perimeter of the visible portion of the area being operated.
 - 2. Height. The required screen shall have a total height of no less than six feet. Where there is a difference in elevation on the opposite side of the screen, the height shall be measured from the highest elevation. A screen shall consist of one or a combination of the following types:
 - a. Walls. A wall shall consist of concrete masonry units, or veneer applied to a solid frame that is a minimum depth of four inches.
 - b. Berms. A berm shall be constructed of earthen materials and it shall be landscaped.
 - c. Solid Fence. A solid fence shall be constructed of wood and shall form an opaque screen.
 - d. Open Fences. An open weave or mesh type fence, when not used in combination with a berm, shall be combined with plant materials to form an opaque screen.
 - e. Planting. Plant materials, when used as a screen, shall consist of dense evergreen plants to provide

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a continuous opaque screen within 24 months after implementation of a landscaping plan. Plant materials shall not be limited to a maximum height. The design shall be prepared by a licensed landscape contractor or an architect. The Director of Community Development shall require that either subdivision a, b, or c of this subsection (G.2) shall be installed if, upon twenty-four months after plant material is installed, plant materials have not formed an opaque screen, or if an opaque screen is not maintained.

- f. Intersections. Required screening shall be set back at least twenty feet from the point of intersection of a vehicular access way, or a driveway, and a street; a vehicular access way, or a driveway, and a sidewalk; and two or more vehicular accesses, driveways or streets.
- g. Installation. Required screening shall be installed prior to commencement of operations.

H. Posting of Signs. Within 90 days after an area has been reclassified to the SG District, and continuously thereafter, the outer boundaries of the district shall be posted with signs not less than 500 feet apart, and at each change of direction of the boundary line in such a manner as will reasonably give notice to passersby, stating in letters not less than four inches in height: "THIS PROPERTY MAY BE USED AT ANY TIME FOR THE EXCAVATION OF ROCK, SAND, GRAVEL OR CLAY, ROCK CRUSHING PLANT, OR ANY USE ALLOWED IN SG ZONE." The signs shall be made of wood or metal, to be maintained in legible condition at all times. The Community Development Director may waive this requirement for good cause shown.

I. Maximum Permitted Depth of Excavation.

- 1. Standard. The maximum permitted depth of any excavation pit shall be 150 feet, unless otherwise specified by the district symbol on the official Zoning District Map.
- 2. Exception. Where a number is shown above and separated by a line from the district symbol, the number shall designate by vertical feet the maximum permitted depth of excavations in the Sand and Gravel District.

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Example: SG

- J. **Excavation Below Water Table.** Any excavations below historic water tables intended to be refilled, shall only be refilled in accordance with the provisions of the Orange County Water Pollution Control Ordinance and the California Regional Water Quality Control Board.
- K. **Fencing.** Safety fencing shall be required and maintained in accordance with the Sand and Gravel Extraction Code.
- L. **Arterial Highways.** When a property in an SG zone is traversed by a highway shown upon the City's Master Plan of Streets and Highways, the required right-of-way for such highway shall not be excavated, and permanent structures shall not be erected within the future right-of-way, and an additional 50 feet on either side.
- M. **Ingress, Egress and Traffic Safety.** Access roads to any premises are permissible only at points that have been designated on the precise plan establishing the SG District. Road construction shall be level with the pavement of any public street from which access is derived, and the adjacent 80 feet shall be paved. Adequate sight distance shall be maintained for traffic safety in compliance with the standards and requirements of the Department of Public Works.
- N. **Drainage.**
 - 1. **Control.** Surface drainage shall be controlled in a manner meeting the approval of the Director of Public Works to prevent silt or loose material from filling any existing drainage course or encroaching upon adjoining property, rights of way, or other improvements.
 - 2. **Natural Flow.** All provisions to control natural watercourses shall be designed to prevent overflow or diversion of water away from the natural point of discharge. Such provisions are subject to review and approval of the Chief Engineer of the Orange County Flood Control District and City Engineer.
- O. **Removal of Buildings and Equipment.** All buildings and equipment used in the excavation or processing of sand and gravel, or in the administration of the sand and gravel operations, shall be removed within six months of the termination of activities on the property, unless the buildings are utilized according to the Ultimate Use Proposal.

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- P. Noise and Vibration Control. All equipment and premises for the conduct of the uses permitted shall be constructed, maintained, and operated as to eliminate noise or vibration to persons living in the vicinity. Internal combustion engines shall be equipped at all times with mufflers in good working condition. All excavation activities shall be subject to Chapter 8.24 of the Orange Municipal Code, regulating noise levels.
- Q. Air Pollution Control. All operations shall be conducted in compliance with all the requirements of the South Coast Air Quality Management District. (Ords. 12-95; 54-73; 69-62: Prior Code 17.50.060-240; 17.56.060-220)

17.32.070 Rehabilitation Standards. The rehabilitation of any site where operations have been permitted under this district shall conform to the applicable use permit and to the following rehabilitation standards.

- A. Rehabilitation Schedule. Rehabilitation of each area shall commence as soon as excavation operations have been completed within this area, and the rehabilitation procedure as required by the approved rehabilitation plan shall commence and continue in a diligent manner prior to the extension of excavation operations to a subsequent area.
- B. Termination of Operations. If excavation has ceased for a period of 24 months, upon ten day notice by mail to the property owner(s) of record and the primary operator, the Planning Commission may hold a public hearing to determine whether the operations have been abandoned. The Planning Commission may also determine whether remaining mineral resources on the property should be conserved for ultimate production in the public interest, and with a consistent decision by the State's Bureau of Geology and Mines, the amount of remaining material does not justify a continued period of inactivity.

For the purpose of the foregoing, it shall be prima facie evidence of termination of operations, without an active extraction permit required by Division 9 of Title 7 of the Codified Ordinances of the County of Orange, in effect for a continuous period of 13 months.

- C. Failure to Complete Rehabilitation - Public Hearing. Any failure to complete the rehabilitation of the site in accordance with the standards specified herein, and in accordance with the approved plans, shall be unlawful and

considered a public nuisance to the endangerment of the health, safety, and general welfare of the public, and a detriment to the community.

D. Rehabilitative Work Done by City; Assessment Against Property Owners.

1. Execution. In addition to any other remedy provided by law for the abatement, removal and enjoinder of such a public nuisance, the City Council, after notice and hearing as per Section 17.08.040, may cause the necessary remedial and rehabilitative work to be done, and the cost thereof shall be assessed against the owners of the property.
2. Notice. The notice shall be in writing and mailed to all persons whose names appear on the latest equalized assessment roll as owners of the real property, or as otherwise identified by the City to be owners or operators of the property. The Director of Public Works shall also cause at least one copy of such notice to be posted in a conspicuous place on the premises. No assessment shall be held invalid for failure to post or to mail or correctly address any notice if this section has been substantially complied with.

E. Cost of Work Done by City; Assessment. The City Council shall make findings which specify the unlawful condition and the corrective work required to be done, and, if said corrective work is not commenced 30 days after receipt of such order, diligently and without interruption prosecuted to completion, the City may cause such work to be done. The cost and expense of such work, including the incidental expenses incurred by the City, will be assessed against the property and become a lien upon such property.

F. When City to Proceed With Work, Report by Director of Public Works.

1. Implementation. If, upon the expiration of the 30 day period provided for in Section 17.32.070.E, the work has not been commenced, or is not being prosecuted with diligence, the City may proceed to execute the project. Upon completion of such work, the Director of Public Works shall file a written report with the City Council setting forth the fact that the work has been completed and the cost to be assessed.

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2. Notice. The City Council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work. The City Clerk, as directed by the City Council, shall thereafter give notice in writing to the owners and operators of the property of the hour and place that the City Council will pass upon the report and will hear protests against the assessments. Such notice shall also set forth the amount of the proposed assessment.
 3. Consideration. Upon the date and hour set for the hearing of protests, the City Council shall hear and consider the report from the Director of Public Works and all protests, if there be any, and then proceed to confirm, modify or reject the assessments.
- G. List of Assessments Sent to Tax Collector. A list of assessments as finally confirmed by the City Council shall be sent to the County tax collector for collection. If any assessment is not paid within ten days after its confirmation by the City Council, the Clerk of the City Council shall cause to be filed in the office of the County Recorder of the County of Orange a notice of lien.
- H. Assessment Lien on Property. From and after the date of time recordation of such notice of lien, the amount of the unpaid assessment shall be a lien on the property against which the assessment is made, and such assessment shall bear interest at the rate of six percent per year until paid in full. Such lien shall continue until the amount of the assessment and all interest thereon shall have been paid. The lien shall be subordinate to tax liens and all fixed special assessment liens previously imposed upon the same property, but a priority over all contractual liens and all fixed special assessment liens which may thereafter be created against the property. From and after the date of recordation of such notice of lien, all persons shall be deemed to have notice of the content thereof. (Ords. 12-95; 54-73: Prior Code 17.50.250 - 17.50.310; 17.56.250, 320)

17.32.080 Recording of Plans With County Recorder. A legal description, the rehabilitation plan, a General Plan of Operations, ultimate use proposal, and ordinance adopting the zone change shall be recorded with the Orange County Recorder by the applicant prior to commencement of operations on the site. (Ords. 12-95; 54-73: Prior Code 17.50.330)

17.32.090 Nonconforming Existing Operations, Time for Compliance.

- A. Notice. Any existing operations made nonconforming by the reclassification of the subject property to the SG District or by the adoption of any amendment of the regulations of the district may nevertheless continue to operate in the nonconforming manner for a reasonable period of time sufficient to amortize the private interest. Such a time period shall be established by the Planning Commission at an advertised public hearing, to be held on notice to the owner of the land and the operator of the excavation operation. The owner, operator, or their agents may appear at the hearing to present evidence on the issue.
- B. Appeal. The decision of the Planning Commission may be appealed to the City Council in accordance with Section 17.08.050. (Ords. 12-95; 54-73; 20-82: Prior Code 17.50.330, 350)

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17.34--17.34.020

CHAPTER 17.34

OFF-STREET PARKING AND LOADING

Sections:

- 17.34.010 Purpose and Intent
- 17.34.020 Applicability
- 17.34.030 Use of Required Parking Areas
- 17.34.040 Restricting Spaces Unlawful
- 17.34.050 Parking Plan Required
- 17.34.060 Required Number of Parking Spaces
- 17.34.070 Parking Requirements for Uses Not Specified
- 17.34.080 Parking Requirements for Bicycles and Motorcycles
- 17.34.090 Parking for Mixed Occupancies in a Building
- 17.34.100 Parking Requirements for Shared Use
- 17.34.110 Parking Area Dimensions
- 17.34.120 Parking Area Locational Requirements
- 17.34.130 Maintenance and Operation of Permanent Parking Areas
- 17.34.140 Maintenance and Operation of Temporary Parking Areas
- 17.34.150 Loading Areas Required
- 17.34.160 Loading Areas for Non-Residential Uses
- 17.34.170 Loading Areas for Residential Uses
- 17.34.180 Loading Area Location
- 17.34.190 Landscaping
- 17.34.200 Transportation Demand Management

17.34.010 Purpose and Intent. The purpose of this chapter is to establish regulations for parking and loading to ensure that vehicle movement and loading activities do not interfere with circulation on public rights-of-way or within required parking areas. (Ord. 12-95)

17.34.020 Applicability. The regulations of this chapter apply to every building hereinafter erected, reconstructed, or structurally altered, and these regulations shall be the minimum requirements for all off-street parking and loading.

Exception for Single-Family Residence. Any single-family dwelling which does not conform to the provisions of this chapter shall be made to comply only at such time as additions or alterations which increase the original floor area by more than 25 percent or 500 square feet, whichever is greater, are carried out. (Ords. 12-95; 32-89; 20-82; 15-65: Prior Code 17.76.010; 1.78.010)

17.34.030 Use of Required Parking Areas. Parking facilities which are required by this chapter shall be made permanently available and permanently marked and maintained for parking purposes only. The storage of materials or other objects on required off-street parking areas shall be prohibited. (Ord. 12-95)

17.34.040 Restricting Spaces Unlawful.

- A. Spaces To Be Made Available. All parking spaces required by this chapter shall be made permanently available for automobile parking not only for employees working at the location, but also for customers and guests having lawful reason to be at the location. In the absence of prior approval from the Community Development Director, it is unlawful for any owner, lessee, tenant, or any person having control of the operation of any premises for which parking is required to prevent, prohibit, or restrict authorized persons from using parking provided for such persons.
- B. Approval Required for Access Obstruction. Restricting entry to required parking areas by means of gating, fencing, or other access obstruction may be permitted subject to minor site plan review, in accordance with Section 17.10.060.D. Any such approval shall be based on incorporation of safety design features including, but not limited to, adequate sight distance, stacking area, emergency access, and turnaround areas. (Ords. 12-95; 32-89; 4-87; 20-82; 15-65; 34-59; Prior Code 17.76.030; 17.78.030)

17.34.050 Parking Plan Required. A plan of all proposed parking facilities shall be approved prior to construction by the Community Development Department. The plan shall clearly indicate the proposed development including a summary of required parking, location, size, shape, design, curb cuts, curbs, lighting, landscaping, signs, and other features of the proposed parking facility. (Ord. 12-95)

17.34.060 Required Number of Parking Spaces. Tables 17.34.060.A and 17.34.060.B indicate the minimum required number of parking spaces which shall be provided. The following regulations shall apply to the calculation of required number of parking spaces.

- A. Fractional Numbers. Whenever the computation of the number of required parking spaces results in a fractional parking space, one additional parking space shall be provided for

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one-half (0.5) or more fractional space, and any fractional space less than one-half (0.5) shall not be counted.

- B. Company-Owned Vehicles.** The number of required parking spaces does not include parking spaces for company-owned vehicles. Parking for company-owned vehicles shall be provided in excess of the code requirements for a particular land use.
- C. Handicapped Parking.** Parking spaces for handicapped persons shall be provided in accordance with the Federal and State requirements, and may be included as required parking.
(Ords. 12-95; 32-89; Prior Code 17.76.040)

**TABLE 17.34.060.A
REQUIRED NUMBER OF PARKING SPACES
FOR RESIDENTIAL USES**

USE	REQUIRED NUMBER OF SPACES
Single-Family Housing and PUD's in R-1 Zone Districts	2 enclosed garage spaces/unit accessed by a 12 foot wide 20 foot long driveway
R-2 Zone Districts	2 parking spaces per unit, one of which shall be in an enclosed garage
Apartments, Condominiums, and PUDs in Multiple Family Zone Districts	Studio - 1.2 spaces/unit One Bedroom - 1.7 spaces/unit Two Bedroom - 2.0 spaces/unit Three or More Bedrooms - 2.2 spaces/unit Of the above requirements a minimum of one space per unit shall be covered, and a minimum of 0.2 spaces per unit shall be provided as easily accessible and distinguishable guest parking.
Boarding House, Bed and Breakfast Inns	1 space/rentable room, plus any other additional spaces required by the underlying zone
Student Housing (Dormitory, Fraternity, Sorority)	0.5 space/student resident, plus 1 space/each resident staff person

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TABLE 17.34.060.A
REQUIRED NUMBER OF PARKING SPACES
FOR RESIDENTIAL USES
(Continued)

USE	REQUIRED NUMBER OF SPACES
6. Trailer Park, Mobile Home Park	2 spaces/unit, (1 of which shall be covered, where at least 2 sides of the carport shall be at a minimum 50% open and unobstructed) plus 1 guest space/3 trailers or mobilehomes shall be provided as easily accessible and distinguishable guest parking. Tandem parking is permitted for the mobilehome.

TABLE 17.34.060.B
REQUIRED NUMBER OF PARKING SPACES
FOR NON-RESIDENTIAL USES

USE	REQUIRED NUMBER OF SPACES
ASSEMBLY USES	
Church, chapel, religious facility, cemetery, mortuary	1 space/4 seats, or 1 space/30 sq. ft. of gross assembly area, whichever is greater (18 inches of continuous bench area = 1 seat)
Cinemas - Multiple Screen	1 space/5 seats, plus 7 spaces for employees
Cinemas - Single Screen	1 space/3 seats, plus 5 spaces for employees
Performance Theaters	0.33 spaces/seat, plus 6 spaces/10 employees based on maximum employee shift (18 inches of continuous bench area = 1 seat)
Union Halls, Lodges, Clubs, and other similar assembly uses	1 space/30 sq. ft. of gross assembly floor area
AUTOMOTIVE USES	
Service and Repair	3 spaces/service bay
Car Wash Facility	
a. Hand Detail and Hand Polish	a. 3 spaces/service bay (service bays maximum size, 18' long by 16' wide for single bay; 18' long by 25' wide for double bay)
b. Self Service and Coin Operated	2.5 spaces/wash bay (spaces may be located in open pavement area as long as on-site circulation is not blocked)

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TABLE 17.34.060.B
REQUIRED NUMBER OF PARKING SPACES
FOR NON-RESIDENTIAL USES
(Continued)

USE	REQUIRED NUMBER OF SPACES
c. Automatic and Full Service (including hand dry)	6 spaces for employee parking and 5 spaces per car length of internal car wash tunnel capacity for dry off area (spaces may be located in open pavement area as long as on-site circulation is not blocked). Auxiliary uses (i.e. office, retail) calculated separately.
d. Hand Wash & Hand Dry	2 spaces per car length of internal car wash tunnel capacity for employee parking plus 5 spaces per car length of internal car wash tunnel capacity for dry off area (spaces may be located in open pavement area as long as on-site circulation is not blocked). Auxiliary uses (i.e. office, retail) calculated separately.
COMMERCIAL USES - RETAIL AND SERVICE	
Furniture Stores, Bulk Goods	2 spaces/1,000 sq. ft. of indoor GFA
General Retail with less than 25,000 sq. ft. GFA	5 spaces/1,000 sq. ft. of GFA If restaurant space occupies more than 10% of total GFA, or if an individual restaurant contains more than 1,000 sq. ft., then additional parking shall be provided for excess restaurant space beyond the 10% or 1,000 sq. ft. The additional parking shall be calculated at the restaurant rate
General Retail with 25,000 sq. ft. or greater	See Shopping Center - #9 below
Hotels and Motels	1 space/guest room, plus additional parking as required for auxiliary uses
Laundromat	1 space/3 washing machines

TABLE 17.34.060.B
REQUIRED NUMBER OF PARKING SPACES
FOR NON-RESIDENTIAL USES
(Continued)

USE	REQUIRED NUMBER OF SPACES
Outdoor Sales, including plant nurseries, lumber yards, car sales, and salvage yards	1 space/1,000 sq. ft. indoor GFA, plus 1 space/1,000 sq. ft. gross outdoor retail area
Restaurants, including drive-thrus	10 spaces/1,000 sq. ft. GFA for first 4,000 sq. ft., then 14.2 spaces each 1,000 sq. ft. GFA above 4,000 sq. ft.
Shopping Center (25,000 sq. ft. or greater)	Parking shall be provided in accordance with the graph in Figure 17.34.060.B, regardless of tenant use, with the following exceptions:
• Cinemas in shopping centers with less than 100,000 sq. ft. GFA	3 spaces/100 seats in addition to Figure 17.34.060.B requirements
• Cinemas in shopping centers with 100,000 to 199,000 sq. ft. GFA	No additional parking required for first 450 seats, then 3 spaces/100 seats for seating above 450 seats
• Cinemas in shopping centers with 200,000 or more sq. ft. GFA	No additional parking required for first 750 seats, then 3 spaces/100 seats for seating above 750 seats
• Office space occupying less than 50 percent of total shopping center GFA	No additional parking required; office space calculated the same as retail for the center
• Office space occupying more than 50 percent of total shopping center GFA	4 spaces/1,000 sq. ft. of office-GFA in excess of 50% of total shopping center.
• Restaurant areas occupying more than 15 percent of total shopping center GFA	Parking shall be provided as required above for restaurants for areas in excess of 15% of total shopping center.
EDUCATIONAL FACILITIES	
Day Care, Nursery School	2 spaces/employee
Elementary and Junior High School	1.8 spaces/classroom
High School	8 spaces/classroom
Trade School, Business School, Adult Education	1 space/35 sq. ft. of instructional area GFA
Libraries, Museums, Art Galleries	4 spaces/1,000 sq. ft. GFA

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**TABLE 17.34.060.B
REQUIRED NUMBER OF PARKING SPACES
FOR NON-RESIDENTIAL USES
(Continued)**

USE	REQUIRED NUMBER OF SPACES
College or University	1 space/employee, plus 4 spaces/10 students based on maximum classroom capacity Parking for on-campus student housing may be deducted from requirements if commuter-only lots are not available to student residents. Also, due to unique needs of colleges, a conditional use permit may be granted by the Planning Commission where different parking standards may be justified.
HEALTH CARE FACILITIES	
Convalescent Hospital, Rest Home, Sanitarium	1 space/4 beds
Hospitals (providing acute care, clinical and surgical services)	1.5 spaces/patient bed
Medical Center (providing acute care, clinical, surgical, teaching, research and office services)	3 spaces/patient bed
Medical and Dental Offices	5 spaces/1,000 sq. ft. GFA
Veterinary Office	5 spaces/1,000 sq. ft. GFA
INDUSTRIAL USES	
General Manufacturing and Processing Uses	2 spaces/1,000 sq. ft. GFA, inclusive of auxiliary office area, plus 1 space per company-owned vehicle. Office space in excess of 25% of GFA shall be calculated separately using office rates.
Mini-Storage Warehouse	4 spaces/1,000 sq. ft. office GFA, or 3 spaces, whichever is greater
Research and Development Laboratory	3.3 spaces/1,000 sq. ft. GFA
Warehouses over 10,000 sq. ft.	0.5 spaces/1,000 sq. ft. GFA
OFFICE USES	
Business and Professional (except medical offices)	4 spaces/1,000 sq. ft. GFA for first 250,000 sq. ft., then 3 spaces/each 1,000 sq. ft. GFA over 250,000 sq. ft.

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TABLE 17.34.060.B
REQUIRED NUMBER OF PARKING SPACES
FOR NON-RESIDENTIAL USES
(Continued)

USE	REQUIRED NUMBER OF SPACES
Financial Services (banks, savings and loans, credit unions)	5 spaces/1,000 sq. ft. GFA
RECREATION USES	
Arcades, Pool Halls, Bingo Halls	5 spaces/1,000 sq. ft. GFA
Bowling Alley	3 spaces/lane, with auxiliary uses calculated separately
Dance Halls	1 space/7 sq. ft. gross dance floor area, with auxiliary uses calculated separately
Golf	
• Driving Range	1 space/tee
• Regulation Course and Pitch and Putt	9 spaces/hole
• Miniature	1.5 spaces/hole
	In addition to the above requirements auxiliary uses shall be calculated separately.
Gym, Spa, Health Club	5.7 spaces/1,000 sq. ft. gross recreation floor area
Skating Rink - Ice or Roller	10 spaces/1,000 sq. ft. gross recreation area, with other uses calculated separately
Tennis/Racquetball Courts	3 spaces/court, with other uses calculated separately

Key: GFA = gross floor area

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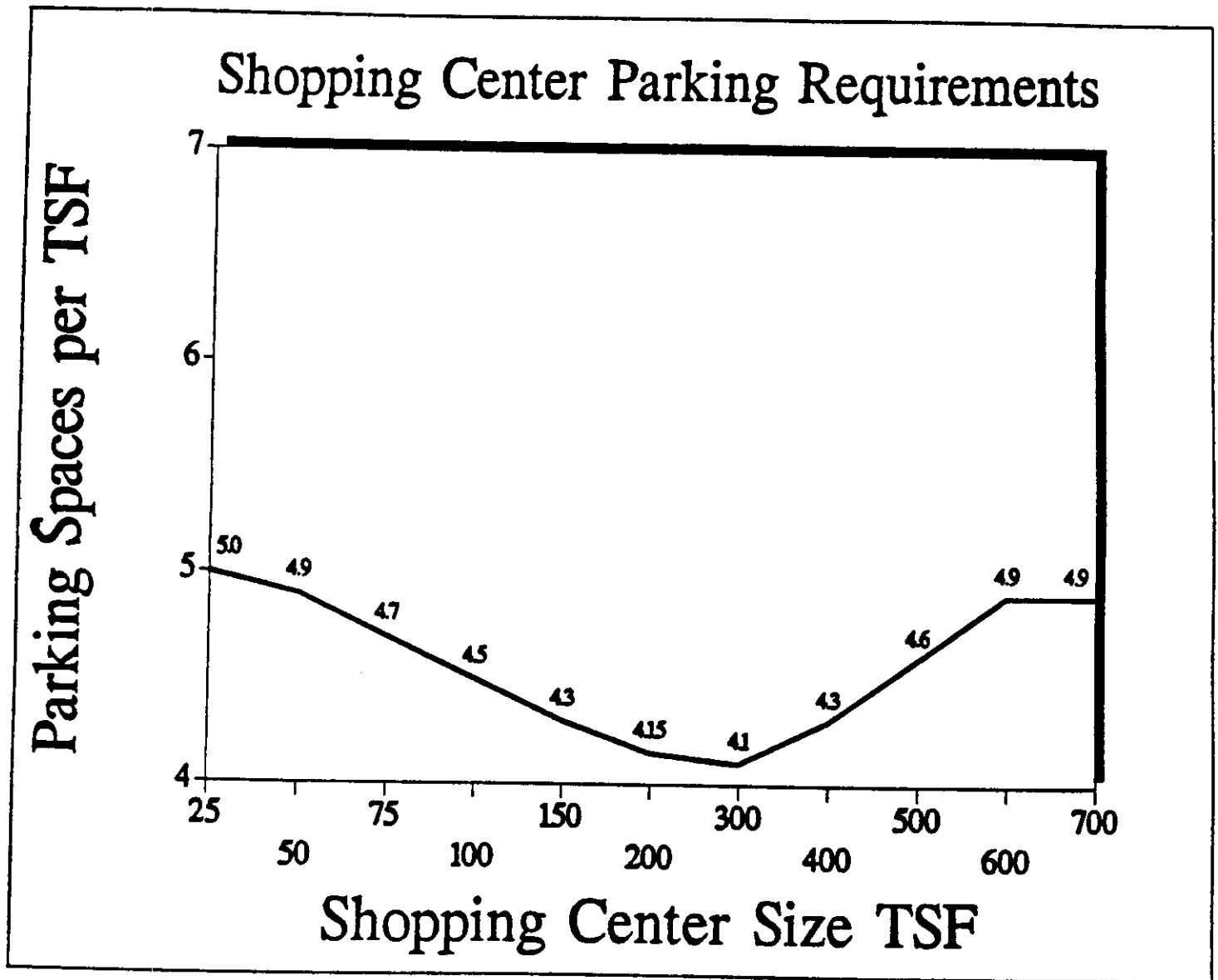


Figure 17.34.060.B

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17.34.070 Parking Requirements for Uses Not Specified.

Where the parking requirements for a particular use are not set forth in Tables 17.34.060 (A) and 17.34.060 (B), the parking requirements for such use shall be determined by the Community Development Director. The director's determination shall be based on the most comparable use specified in the tables. (Ords. 12-95; 32-89: Prior Code 17.76.050)

17.34.080 Parking Requirements for Bicycles and Motorcycles.

All new construction of residential and non-residential uses requiring over ten parking spaces shall provide parking and locking facilities for bicycles and motorcycles in the numbers specified in Table 17.34.080. Bicycle and motorcycle facilities shall be located within proximity to entrances. Bicycle racks are defined to be storage facilities with locking capabilities for a minimum of five bicycles.

TABLE 17.34.080
REQUIRED BICYCLE AND MOTORCYCLE PARKING

Number of Required Parking Spaces	Minimum Area for Motorcycles	Number of Bicycle Racks
10 - 50	50 sq. ft.	1
50 +	300 sq. ft.	2

(Ords. 12-95; 32-89: Prior Code 17.76.060)

17.34.090 Parking for Mixed Occupancies in a Building. In the case of mixed uses in a building or on a lot, the total number of required parking spaces shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities provided for one use shall not be considered as providing required parking for any other use except as specified hereinafter for shared use. (Ords. 12-95; 32-89: Prior Code 17.76.090)

17.34.100 Parking Requirements for Shared Use. The owner or lessee of any property may apply via the conditional use permit process to establish shared parking facilities. The application shall be considered by the Planning Commission, subject to review of the following information:

- A. The applicant shall provide a description of the proposed and existing uses and the project relationship to the surrounding area.

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- B. The applicant shall provide an assessment of the square footage and/or number of rooms/seats for all uses within the project.
- C. The applicant shall provide an assessment of the peak parking demand times for each use, the proximity to mass transit, and the impact of on-site market support.
- D. The applicant shall calculate the peak parking demand for each use, including peak hours of a weekday or evening, and/or weekend.
- E. The applicant shall sum hourly parking demands, as calculated above, to arrive at a total peak hour parking demand volume. (Ords. 12-95; 32-89: Prior Code 17.76.100)

17.34.110 Parking Area Dimensions. The following minimum parking area regulations are illustrated by Figure 17.34.110. Variations in parking design criteria may be permitted subject to a conditional use permit approved by the Planning Commission.

- A. Open Parking Stall. Open parking stalls shall be not less than eight feet six inches (8' 6") wide and 18 feet long, except when adjacent to a wall which requires a ten foot wide stall.
- B. Parallel Parking Stall. Parallel parking stalls shall be not less than nine feet wide and 24 feet long.
- C. Residential Garages. Residential garages shall maintain an unobstructed minimum interior dimension of ten feet by 20 feet per space.
- D. Residential Carports. Residential carports/covered parking shall consist of a solid roof structure or building overhang, or combination of both, that completely covers a parking stall. Minimum vertical clearance shall be eight feet. Carports shall be screened from public view by screening materials not less than 42 inches in height. Screening may consist of solid walls, wood lattice work, or other architectural treatments. Carports adjacent to common property lines shall have solid walls as specified in the Uniform Building Code.
- E. Parking Structures. Parking stalls within parking structures shall not be less than eight feet six inches wide and 18 feet long and such spaces shall be clear of posts or walls. When spaces are adjacent to a wall, they shall be ten feet in width.

- F. Drive Aisle Widths. Aisles to and from parking stalls shall be not less than:
1. 13 feet wide for 30 degree parking with one-way circulation only.
 2. 15 feet wide for 45 degree parking with one-way circulation.
 3. 19 feet wide for 60 degree parking with one-way circulation.
 4. 25 feet wide for 90 degree parking.
 5. One-way aisles shall be a minimum of 12 feet wide. However, one way drive aisles providing back up area for 90 degree parking shall be a minimum of 25 feet wide.
 6. Two-way aisles shall be a minimum of 25 feet wide.
- G. Drive Aisles Accessing Arterial Highway. Drive aisles which obtain direct access from an arterial highway shall have a minimum width of 30 feet for conventional type entrances (reference City Engineering Plan No. 115) and 20 feet for radius type entrances (reference City Engineering Plan No. 114). In addition, the length of the entry aisle, as measured from the back of the sidewalk, shall be a minimum of 30 feet long to allow storage space for two cars.
- H. Curb Side Loading. Wherever a curb side loading area is required, the width of the affected drive aisle shall be increased by ten feet to allow traffic to circulate around vehicles parking in the loading zone. (See Sections 150 - 180 of this chapter for applicable loading requirements.)
- I. Interior Circulation Requirements. Circulation within a parking area shall be designed such that:
1. A car entering the parking area need not enter a street to access another aisle.
 2. A car is not permitted to enter a street backwards except within residential developments containing three or fewer units. However, in no case shall a car be permitted to back onto an arterial as determined by the City's Master Plan of Arterial Highways.
 3. All parking spaces and garages shall be accessible and usable. Tandem parking is prohibited, except within the MH (Mobile Home) District.

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4. Driveways and/or turnaround aisles serving ten or more parking spaces shall not be dead-end aisles unless a turn-around or back-up area is provided to the satisfaction of the Community Development Director.
5. For all public and private parking areas, the design of all entrances and exits shall be subject to the approval of the Community Development Director. (Ords. 12-95; 32-89: Prior Code 17.76.070)

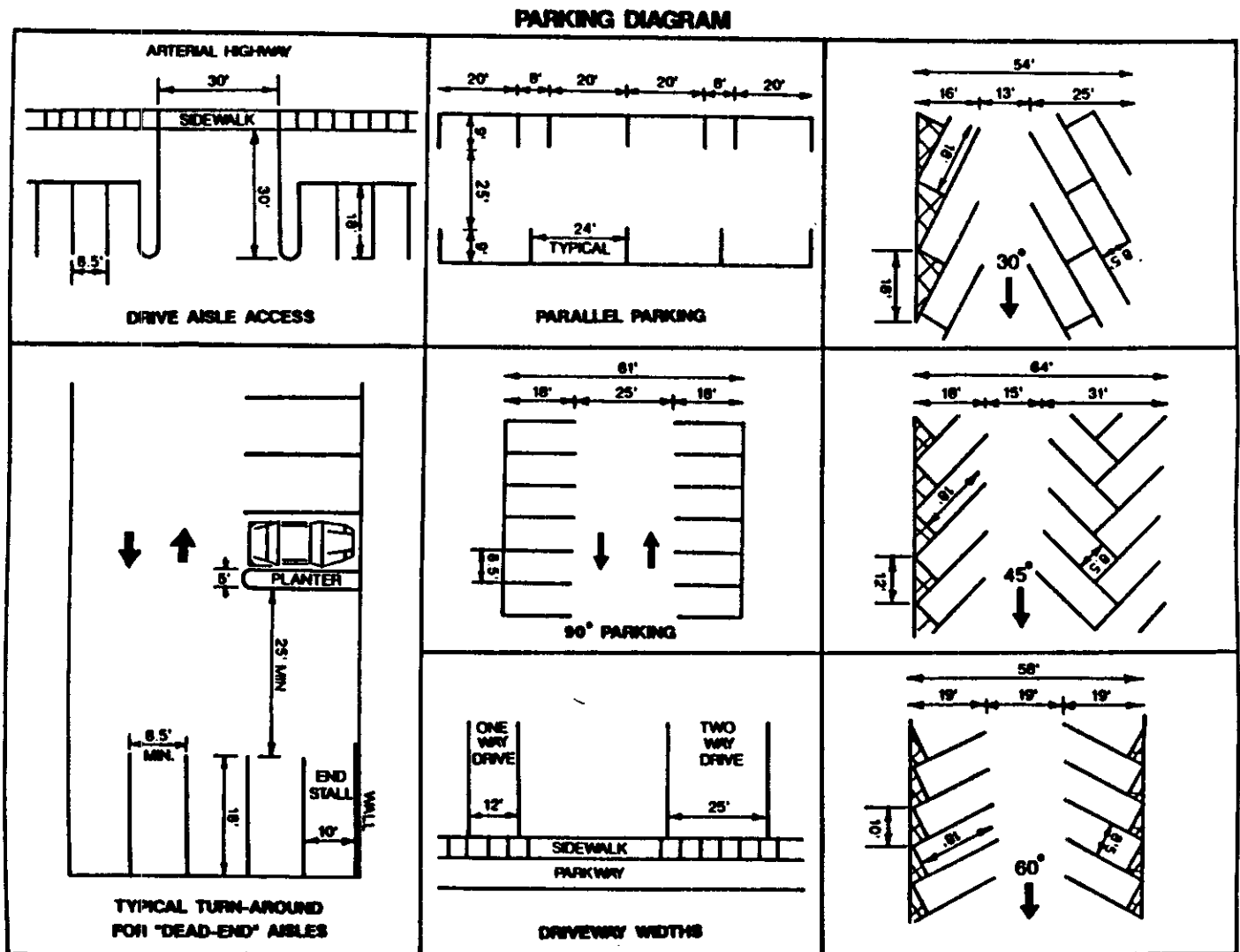


Figure 17.34.110.A

17.34.120 Parking Area Locational Requirements. The following locational requirements shall apply to parking areas.

- A. Residential Uses. For all residential uses, all parking facilities shall be located on the same lot or building site as the building they are required to serve. The parking facilities shall not extend into any required yard area abutting a public street.
- B. Non-Residential Uses. For all non-residential uses, required off-street parking shall be provided on the same lot or parcel of land as the use the parking spaces are required to serve, on a contiguous site, or on a site located within 300 feet of the subject use. Where parking is provided on a site other than the site of the use served, a recorded document stipulating the reservation of the site for parking purposes, for the duration of the use, shall be filed with the Department of Community Development prior to the issuance of building permits. The document shall be signed by the owners of the alternate site, and shall be approved by the City Attorney as to form and content prior to recording in the office of the Orange County Recorder. (Ord. 12-95)

17.34.130 Maintenance and Operation of Permanent Parking Areas. Every lot used as a permanent public or private parking area shall be developed and maintained in the following manner:

- A. Surfacing. Off-street parking areas and driveways shall be surfaced with asphalt or Portland Cement concrete surfacing or other such materials as approved by the City Engineer in accordance with standards on file in the office of the City Engineer. The parking area and driveways shall be graded and drained in a manner to dispose of all surface water. Surfacing and drainage shall be subject to approval by the City Engineer.
- B. Border and Fencing. Every parking area which abuts property located in any R (Residential) zone district shall be separated from such property by a view-obscuring masonry wall six feet in height. Wall height shall be measured from the grade of the finished surface of the parking area closest to the contiguous R-zoned property or from the high grade side of the parking lot. However, the wall shall not exceed 42 inches in height in any required front yard area. Also, no wall is required where the elevation of the parking area along the property line immediately adjacent to the R-zoned property is six feet or more below the elevation of the R-zoned property.

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- C. Curbs. A six-inch curb shall be provided wherever the parking area abuts a public walkway, landscaped area, street, or alley.
- D. Lighting. Lights used to illuminate the parking area shall be directed away from any adjoining property located in any R-zone in accordance with Section 17.12.030.
- E. Striping. All required parking shall be clearly outlined on the surface of the lot with paint or easily distinguishable material. Stripes shall be a minimum of four inches wide and in a double stripe formation with a 14 inch space between stripes (Figure 17.34.130.E). Parking stall widths shall be measured from the centerline of each double stripe.

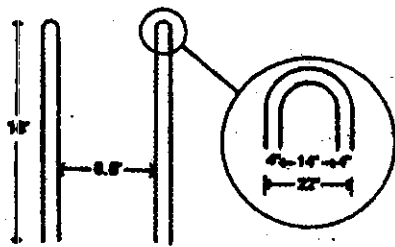


Figure 17.34.130 (E)

Figure 17.34.130.E

- F. Wheel Stops. Wheel stops are not required but if used, shall be placed a minimum of 34 inches from the front end of the parking stall.
- G. Directional Arrows. All parking facilities having more than 21 spaces shall provide directional arrows for all aisles and maneuvering areas located within the parking area.
- H. Landscaping. In addition to required landscaped setbacks, a minimum of ten percent of the parking lot area shall be landscaped and shall incorporate special design features which effectively screen the parking lot areas from view from a public street. Design features may include landscaped berms, decorative walls, planting screens, raised planters, or similar screening devices which meet the intent of this provision. Landscape borders, planters, and islands shall be surrounded by a six-inch high curb to control drainage and prevent erosion onto surrounding surfaces, and shall have a minimum width of four feet, as measured from the interior of

the curbing. Landscaped areas shall be distributed throughout the parking area, and landscaping shall be maintained in a neat and healthy condition. Landscape plans shall comply with the City's Landscape Standards and Specifications (Orange Municipal Code Chapter 16.50). (Ords. 12-95; 32-89: Prior Code 17.76.080)

17.34.140 Maintenance and Operation of Temporary Parking Areas. Every lot used as a temporary public or private parking area shall be approved by conditional use permit by the Planning Commission and shall be evaluated by the following criteria:

- A. Definition. A temporary parking lot shall mean any area other than a street, alley, or other public property which is intended for the parking needs of private enterprises or made available for use by the transient public for the parking of vehicles on an overflow basis until permanent facilities are available.
- B. Time Limit on Use of Lot. The Planning Commission, in reviewing requests for temporary parking lots, shall limit its approval to two years. An extension of up to one additional year to allow for completion of permanent facilities may be granted by the Planning Commission only if evidence is provided that the permanent facilities are near completion. A decision by the Planning Commission to deny a request for a temporary lot or an extension may be appealed to the City Council, in accordance with Section 17.08.050.
- C. Site Plan Required. Requests for temporary parking lots shall be accompanied by a site plan. The site plan shall consist of a fully-dimensioned, scaled plot plan for the entire property showing all existing structures and uses and the proposed location of the proposed parking lot.
- D. Development Standards. The following features shall be required by the Planning Commission for temporary parking lots:
 1. Landscaping. A landscaped street setback shall be installed and maintained for the duration of the temporary parking lot use. The depth of the landscaped setback shall be consistent with that prescribed by the underlying zone. A reduction of setback may be considered when the adjacent parcels and the parcels across the street from the temporary lot are under common ownership with the subject parking lot. Landscaping shall include turf or other suitable ground cover and a minimum of one 15 gallon tree for each 45 feet of street frontage.

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2. Pavement Section and Grading Plan. The paving section and grading plan requirements shall be determined by the City Engineer and shall be based upon the anticipated length of time the lot will be needed, the existing soil conditions, and the anticipated daily traffic the lot will receive.
3. Lighting. Lighting shall be provided for lots used after dark and shall be maintained to a minimum level as required by the Crime Prevention Bureau and consistent with Section 17.12.030. The lighting shall operate from dusk to one hour past the close of business for which the lot provides parking. Parking lot lighting shall be directed so as to not shine onto neighboring residential properties. The use of temporary light standards is acceptable.
4. Fencing. No parking lot fencing is required. However, consideration shall be made for common property lines with residentially zoned parcels as specified in Section 17.18.120.A of the Orange Municipal Code. (Ords. 12-95; 32-89: Prior Code 17.76.080)

17.34.150 Loading Areas Required. In addition to off-street parking areas, off-street loading spaces shall be provided as set forth in Sections 17.34.160 through 17.34.180. (Ord. 12-95)

17.34.160 Loading Areas for Non-Residential Uses. Loading zone areas shall be provided for all new construction of non-residential projects. The required length of linear curb space for loading shall be as set forth in Table 17.34.160. Loading area requirements may be modified through the site plan or conditional use permit process where it can be shown that the requirements are inconsistent with the proposed use.

TABLE 17.34.160
LOADING SPACE SIZE

Number of Required Parking Spaces	Minimum Width of Loading Zone	Minimum Length of Loading Zone
1 - 50	10 feet	40 feet
51 - 250	10 feet	60 feet
250+	10 feet	80 feet

The following exceptions shall apply:

- A. Churches, chapels, religious facilities, cemeteries, and mortuaries shall provide 50 lineal feet of curb side loading area.

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- B. Hotels and motels shall supply 50 lineal feet of curb side loading area. (Ords. 12-95; 32-89: Prior Code 17.76.070)

17.34.170 Loading Areas for Residential Uses. Loading areas shall be required only for senior housing, as defined by Section 17.14.280 of this Title. Loading area shall be provided as specified in Table 17.34.160. (Ord. 12-95)

17.34.180 Loading Area Location. Loading areas shall be located as follows:

- A. For day care centers, nursery schools, medical offices, hospitals, senior housing, and similar uses, loading/unloading areas shall be located as close as possible to the main building entrance.
- B. For retail, service commercial and professional office uses, loading/unloading areas shall be located as close as possible to a back or service entrance.
- C. For industrial uses, loading areas shall be located to provide adequate maneuvering area between loading doors and parking stalls, as determined by site plan review, and shall not face onto a public street unless screened from view.
- D. In no case shall loading areas occupy required parking areas, or back-up areas for required parking.
- E. No loading area shall be situated in a manner that requires a vehicle to back onto a street to enter or leave the loading area. (Ord. 12-95)

17.34.190 Landscaping. Landscaping shall be provided as required by Orange Municipal Code Section 16.50 (Landscaping Standards and Specifications). (Ord. 12-95)

17.34.200 Transportation Demand Management. New commercial and industrial developments resulting in employment greater than 100 persons are required to have a Transportation Demand Management Program. Such program can include provisions on parking lot design and layout that reduce the impact of traffic on the City's transportation system (Chapter 17.40). (Ords. 12-95: Prior Code Chapter 17.77)

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17.36--17.36.010

CHAPTER 17.36

SIGN REGULATIONS

Sections:

- 17.36.010 Purpose and Intent
- 17.36.020 Design Approval
- 17.36.030 Building Permit and Inspection
- 17.36.040 Prohibited Signs
- 17.36.050 Prohibited and Restricted Locations
- 17.36.060 Signs General
- 17.36.070 Freestanding Signs
- 17.36.080 Wall Signs
- 17.36.090 Wall Signs for High-Rise Buildings
- 17.36.100 Automobile Service Station Signs
- 17.36.110 Residential Signs
- 17.36.120 Office Professional Signs
- 17.36.130 Subdivision Signs
- 17.36.140 Special Promotion Signs
- 17.36.150 Special Purpose Sign Regulations
- 17.36.160 Abatement of Non-Conforming Signs

17.36.010 Purpose and Intent. These regulations governing signs (not located in public right-of-way) are established in order to:

- A. Accommodate the community's need to express commercial, political, civic, public service, religious, and other messages with the minimum of restraint;
- B. Recognize the function of signs in the City of Orange, to provide for their inclusion within the comprehensive zoning ordinance of the City, and to regulate and control all matters relating to such signs;
- C. Protect the locally recognized aesthetic amenities on which the City's economy and quality of life depend; safeguard and enhance property values, and protect public investment and the character of public thoroughfares;
- D. Promote traffic safety and reduce hazards to motorists and pedestrians traveling on public thoroughfares; and
- E. Achieve consistency between General Plan goals and regulations dealing with the size, location and design of exterior signs. (Ords. 12-95; 34-89: Prior Code 17.78.010)

17.36.020 Design Approval.

- A. A sign shall not be approved unless it is found to be consistent with the following criteria:
 - 1. Design elements including materials, letter style, spacing, color, illumination, sign type or shape shall be integrated.
 - 2. Signs shall be compatible with the buildings they identify. This may be accomplished by utilizing materials, colors, or design motif included in the building being identified.
 - 3. Approval of a sign shall not adversely affect surrounding land uses or obscure adjacent conforming signs.
 - 4. Signs shall be consistent with any applicable redevelopment area design themes.
- B. The Community Development Director is authorized to review, approve or deny, the design of any sign except the following:
 - 1. Temporary freestanding or wall mounted real estate signs of six square feet or less in a single-family residential zone and 24 square feet in multi-family, commercial, or industrial developments, when placed upon a property to advertise that property for sale, lease, or rent.
 - 2. Any sign that is placed by a governmental agency as required by law or to protect health and safety.
 - 3. Temporary construction project signs that conform to the other requirements of this chapter.
 - 4. Signs that may require no building permit, yet remain subject to the other requirements of this chapter.
 - 5. Any sign in conformance with a sign program approved by the Community Development Department.
- C. Message content shall not be considered in design approval. A declaration as to whether a sign's content is commercial or non-commercial shall be made, under penalty of perjury, by the applicant upon forms provided by the Community Development Department. Any approved non-commercial sign shall be maintained in content, as a non-commercial sign, in perpetuity, unless revisions are approved by the department. (Ords. 12-95; 34-89: Prior Code 17.78.020)

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17.36.030 Building Permit and Inspection.

- A. A building permit shall be obtained for any structure governed by the Uniform Building Code (UBC) designed or intended to support a sign. Such a structure shall also be constructed and maintained in conformance with all applicable provisions of the UBC.
- B. An inspection shall be called for by the permittee upon completion of the structural portion of every sign and before the structural connections to the building or structure are concealed. The Community Development Director shall authorize any inspection as is necessary or appropriate to ascertain whether any sign will comply or is complying with regulations set forth in this chapter and other applicable laws. (Ords. 12-95; 34-89: Prior Code 17.78.030)

17.36.040 Prohibited Signs. In addition to other provisions of this chapter, the following signs shall be prohibited in the City:

- A. Any sign erected or maintained without the consent of the owner of the land upon which the sign is located.
- B. Any sign erected upon or over public property, other than signs installed by state, county, or city agencies.
- C. Flashing, moving or otherwise animated elements or any revolving signs, other than time/temperature signs (See Section 17.36.160.E).
- D. Projecting signs, except within the commercial zones of the Old Towne District. A projecting sign is one that extends more than 12 inches from the surface of a wall to which it is attached, or a wall sign intended to be visible from more than one side.
- E. Any sign placed upon, attached, or suspended from a vehicle that is subject to license or registration by the State's Department of Motor Vehicles, intended to advertise goods or services available on site or nearby, when said vehicle is located on private property within 75 feet of a public right-of-way.
- F. Any abandoned sign that advertises goods or services which have not been available for a period of 90 or more days.

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- G. Any "sandwich" or A-frame sign, or any ground sign temporarily supported by poles or braces placed upon the ground, or any other sign propped against a vehicle or object in a parking lot or public right-of-way.
- H. Bench signs at bus stops, excluding City authorized bus shelter signs.
- I. Roof signs, or any sign proposed above a roof line that is not integrated architecturally, such as a dormer or other vertical facade constructed within the roof's structure.
- J. Any immoral or obscene sign.
- K. All banner signs, wind signs, balloons, and tube signs of a commercial nature, except those permitted as temporary special promotions, defined by Orange Municipal Code, Section 17.36.150.
- L. Items of merchandise used as a sign.
- M. All inflatable signs and signs designed to be flown, including balloons, strings of balloons, kites or aerial signs, that are made of an electrically conductive material.
- N. Signs that create sound.
- O. Any sign greater than six square feet on property located in a residential district, except as otherwise provided by this code. (Ords. 12-95; 34-89: Prior Code 17.78.050)

17.36.050 Prohibited and Restricted Locations. Signs shall not be permitted in the following areas:

- A. Public Places. Except as authorized by an encroachment permit or as authorized elsewhere in this code, no sign shall be erected upon or over any public street, sidewalk, parking lot, or other public right of way or place.
- B. Fences. No sign shall be placed upon any wall or fence located on a property line, except as permitted in Section 17.36.120.
- C. Utility Poles/Street Lights. No sign shall be placed or maintained, in any manner, on any utility pole or street light or their appurtenances, except for operational notices placed by the utility.

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17.36.050--17.36.060

D. Setback Areas.

1. Front Yards. No portion of a freestanding sign or sign structure shall be located within two feet of any other structure, nor a public right-of-way.
2. Minimal Spacing. No freestanding sign shall be located within 200 feet of any other freestanding sign on the same property.
3. Side Yards. Signs located on interior lots with less than 200 feet of frontage shall be positioned within the central 50 percent of the parcel frontage. On parcels with more than 200 feet of frontage, signs shall be located no closer than 50 feet to a side property line.
4. Side Yards for Corner Parcels. Signs located on corner lots with less than 200 feet of frontage shall be positioned within the 75 percent of the property frontage closest to the street corner. On corner lots having more than 200 feet of frontage, signs shall be located no closer than 50 feet to a side property line.

E. Street Intersections. No sign or portion thereof shall be erected at the intersection of public streets within a corner cut-off area, unless the sign is less than 42 inches in height, or greater than eight feet clearance provided to the bottom of the sign, as measured from the top of the nearest curb in the adjacent right of way. The supporting structure(s) of a sign exceeding eight feet in height shall not present a visible obstruction exceeding 12 inches in width. The corner cut-off shall be defined by a triangular area formed by a diagonal line connecting two points on the side property lines, 25 feet distant from their intersection when projected into the public right of way.

F. Private Driveways. No sign shall be located within 15 feet from the intersection of a property line and a private driveway or alley, unless the sign is less than 42 inches in height, or greater than eight feet clearance provided to the bottom of the sign, as measured from the top of the nearest curb in the adjacent right of way. The supporting structure(s) of a sign exceeding eight feet in height shall not present a visible obstruction exceeding 12 inches in width. (Ords. 12-95; 34-89: Prior Code 17.78.055)

17.36.060 Signs - General. The following regulations shall apply to all permitted signs.

A. Sign Program.

1. **Multi-Tenant Buildings.** A sign program for all multi-tenant buildings shall be required to ensure proper design of signage and adequate identification of building tenants. Such programs shall provide for consistency in the size, color and placement of signs within a property and shall be approved by the Design Review Board.
 - a. When 60 percent of the tenant wall signs have been changed to conform to the approved sign program of a multi-tenant building, the remaining tenant signs shall also be changed to conform to the approved sign program.
 - b. In order to aide the identification of a building or development, the identification of each building address is required and specified in Title 15.52 of the Orange Municipal Code. Phone numbers may not be displayed upon a sign (or a building), in order to avoid confusion and minimize clutter.
 - c. Sign backgrounds and lettering colors are to be designed with sufficient contrast so as to be readily legible.
2. **New Planned Developments.** Planned Communities, Planned Unit Developments and Specific Plans may propose sign criteria that differ from the limitations contained within this chapter, subject to review and approval by the Planning Commission. Approved sign programs shall be consistent with the intent of this chapter.

B. Lighting of Signs. Where a sign is externally illuminated, the light source must be shielded so that it is not visible from the front or side of the light fixture, or beyond a property line. Illuminated surfaces with an internal light source, such as luminescent plastic paneling may be used on commercial or industrial property, so long as illumination intensity does not exceed one-half (1/2) foot candle at the property line. Internally illuminated signs are prohibited in residential districts except as permitted by Section 17.36.120.C of this Chapter.

C. Flags. Each separate business may display one "house" flag (containing the name, symbol, or logotype of the business) when displayed in conjunction with the display of the United States Flag, or in conjunction with the display of the U.S. Flag and other governmental flags. The U.S. Flag (and any other governmental flag) shall be displayed in a predominant and appropriate manner, with house flag or banner displayed in a similar manner, no higher or larger than the U.S. Flag.

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No flag shall exceed 100 square feet in area. Flag poles are limited to a maximum height of 60 feet in commercial and industrial districts, 20 feet in a residential district.

- D. Awning Signs. Printed or painted lettering is permissible upon an awning valance, subject to all restrictions for wall signs.
- E. Window Signs. Any sign that is painted on, attached to, or otherwise displayed within windows shall not exceed 25% of each window's area.
- F. Non-Commercial Signs. Non-commercial signs containing political, civic, public service, or religious messages may be erected in all districts in conformity with maximum limitations on height, area, location, and number of signs contained within this chapter. Such signs are not permitted within public rights-of-way.
- G. Off-Site Commercial Signs. No commercial signs shall be erected or used for advertising, or any business or income generating purposes, unless located on the same site where that enterprise is situated. (Ords. 12-95; 34-89: Prior Code 17.78.060)

17.36.070 Freestanding Signs. Except as otherwise provided in this chapter, freestanding signs shall be allowed in commercial and industrial districts subject to the following regulations, permitted only in accordance with approval of a building permit.

- A. Number. One freestanding sign shall be permitted for each parcel with frontage measuring up to 400 feet along an arterial street. Parcels with more than 400 feet of frontage may have one additional freestanding sign for each 400 foot increment. When a commercial or industrial center is comprised of multiple occupants or tenants with a common parking facility or shared access, frontage shall be considered by joint use of the shopping center or overall length of the project site and not the frontage of the individual businesses or occupancies.
- B. Area.
 - 1. The maximum area of such signs may be one-half (1/2) square foot per lineal foot of parcel frontage upon the adjacent arterial street, with a maximum area of 160 square feet.

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2. When 60 percent of the tenant signs on a freestanding sign have been replaced and conform to the approved sign plan for that property, the entire freestanding sign must be changed to conform to the approved sign plan.
 3. A minimum of ten percent of sign area must be devoted to the development's title and address, as required in Chapter 15.52 of the Orange Municipal Code. Multi-tenant projects must display the full range of tenant addresses on the freestanding sign. The street address will be illuminated in the same manner as the sign display area. Phone numbers are not permitted on a sign in order to avoid confusion and minimize clutter.
 4. No sign copy shall extend beyond a display area contained within architectural features.
- C. Height. When parcel frontage measures 100 feet or more, freestanding signs are limited to a maximum height of 15 feet. For parcels with frontage measuring less than 100 feet, maximum height is limited to five feet. Sign height is measured from the top of the adjacent curb to the top of the sign face area. Architectural features may increase overall height, but not by more than 15 percent. (Ords. 12-95; 34-89: Prior Code 17.78.070)

17.36.080 Wall Signs. Except as otherwise provided in this Chapter, wall signs in the commercial and industrial districts shall comply with the requirements below:

- A. Number. The number of wall signs permitted on each building elevation shall be no greater than the number of tenants in a building. No building shall be deemed to have more than four building elevations. One additional wall sign may be permitted for a singular tenant on any one wall, only when that tenant's frontage exceeds 100 lineal feet along said wall.
- B. Area.
1. The total area of wall signs per building elevation is limited to one square foot of sign area per lineal foot of that building elevation. Wall signs for individual tenants shall not exceed one square foot of area per lineal foot of a tenant building frontage.
 2. Corner sites are permitted one and one-half (1-1/2) square feet of sign area per linear foot of the

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building's address frontage, provided that no more than two-thirds (2/3) of the sign area occurs on either facade.

- C. Height. The height of a wall sign is limited by the height of the vertical surface to which it shall be displayed. A wall sign shall be limited by a ratio of 2:3, so that a sign is sufficiently buffered by space at the top and bottom. Sign height shall not exceed a dimension that is greater than two-thirds (2/3) of the height of the vertical surface (or plane) upon which it is located. The applicant shall indicate those dimensions upon any plan submitted for a sign permit. Photographs may be required or submitted to convey existing conditions. Multiple lines of text must be contained within this requirement.
- D. Location. Wall signs shall be installed upon a vertical surface, and shall not extend beyond the lateral edges of a building.
- E. Depth. No wall sign, including any light box or other structural part, shall project more than 12 inches from the surface on which it is installed. (Ords. 12-95; 34-89: Prior Code 17.78.080)

17.36.090 Wall Signs for High-Rise Buildings. A high-rise building shall be defined as any building five stories or greater in height. In addition to wall signs normally permitted for a building, high-rise buildings shall be allowed additional wall sign area for tenant identification at the top of the building, subject to the following restrictions.

- A. Number. Only one sign shall be permitted per building elevation. No building shall be determined to have more than four building elevations.
- B. Area. Sign area shall not exceed seven square feet per lineal foot of the structural width at the top of the building.
- C. Height. Sign height shall not exceed a height of one foot per story, with a maximum height of 12 feet. (Ords. 12-95; 34-89: Prior Code 17.78.090)

17.36.100 Automobile Service Station Signs.

A. Freestanding Sign.

- 1. Number. One 15 foot tall identification sign is permitted for each automotive service station.

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2. Area. The identification sign shall not exceed 150 square feet in area.
 3. Location and Visibility. General provisions for freestanding signs shall otherwise apply.
- B. Pump Island Canopies. In addition to wall signs permitted for a primary structure (see Section 17.36.080), signs that do not exceed an area of 20 square feet per sign, and an aggregate area of 80 square feet may be approved for each pump island canopy.
- C. Price Change Sign. Additional permanently affixed fuel price signs (or changeable copy signs), may be permitted by the Community Development Director, if consistent with State law. Such signs are limited to a maximum area of 24 square feet. Sale prices must be posted within the freestanding sign.
- D. Miscellaneous Signs. Small accessory signs, such as credit card signs, cash machine signs, cigarette, tire signs, car wash, mini-mart and price signs may be permitted, with the location approved by the Community Development Director, provided such signs do not exceed an area of eight square feet per sign face, or an aggregate area of 24 square feet. (Ords. 12-95; 34-89: Prior Code 17.78.100)

17.36.110 Residential Signs.

- A. Neighborhood Identification Signs.
1. Single Family Residential Tracts. Two signs shall be permitted at each entry point to any single-family residential neighborhood comprised of two acres or more. Such a sign shall not exceed an area of 35 square feet, with a maximum height of 42 inches, if located on a wall measuring at least five feet in height; and a maximum area of 20 square feet, with a maximum height of 24 inches on a wall measuring less than five feet in height.
 2. Apartments or Condominiums. One sign shall be permitted per street frontage for any multiple-family apartment or condominium complex of not less than ten units. Such a sign shall not exceed an area of 35 square feet with a maximum height of 42 inches.
- B. Mobile Home (MH) Districts. Mobile home parks may have one identification sign per park entrance, which may consist of one of the following:

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1. Ground Sign. A mobile home park ground sign shall not exceed a height of 42 inches, measured from the top of the curb within the adjacent public right of way to the highest portion of the sign structure. Display area shall not exceed an area of 24 square feet.
 2. Wall Sign. A mobile home park wall sign may be affixed to the screening wall, at any entrance. Such a sign shall not exceed 42 inches in height, and an area of 35 square feet.
- C. Institutional Uses in a Residential District. Signs for approved institutional uses, such as a church, school, or congregate care facility, when located in a residential district, shall be permitted subject to the following requirements:
1. Freestanding Sign. One sign is allowed per parcel, with less than 400 feet of street frontage. Any parcel greater than 400 feet may have one additional sign for each 400-foot increment. No such sign shall exceed a height of five feet, with a maximum area of 24 square feet. General provisions for freestanding signs shall otherwise apply. Internally illuminated signs are permissible, so long as intensity of light does not exceed 0.25 foot-candles at the property line.
 2. Wall Signs. Any number of wall signs may be permitted, with an aggregate maximum area of one-half (1/2) square foot of sign area per lineal foot of each building elevation, and a maximum letter height of 12 inches.
- D. Name Plate. One name plate or marker is permitted for each residential unit, to indicate the occupant's name. Such a sign shall not exceed one square foot in area, nor shall it contain any reference associated with a home occupation, as defined by Orange Municipal Code Section 17.04.029.
- E. Open House Signs. Signs advertising private residences as open for inspection, intended for prospective buyers, may not be placed on public rights of way, but may be placed upon private property subject to the consent of the owner, lessee, or legal occupant of the property upon which the sign is located. Such signs are unlimited in number, but may not exceed six square feet in area. (Ords. 12-95; 34-89: Prior Code 17.78.120)

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17.36.120--17.36.130

17.36.120 Office Professional Signs.

- A. Freestanding Signs. One freestanding sign shall be permitted for each parcel of record zoned Office Professional. The sign shall not exceed an area of 24 square feet per face. Sign height shall not exceed five feet. General provisions for freestanding signs shall otherwise apply.
- B. Wall Signs. Wall sign area shall not exceed one half (1/2) square foot per lineal foot of that building elevation. General provisions for commercial wall signs shall otherwise apply (see Orange Municipal Code Section 17.36.080).
- C. Name Plates. One name plate or marker is allowed for each tenant, to indicate the tenant's name, title, or profession. Such a sign shall not exceed two square feet in area. (Ords. 12-95; 34-89: Prior Code 17.78.130)

17.36.130 Subdivision Signs. Signs offering new real estate or homes for sale by the tract developer in an approved subdivision may be erected under the following conditions:

- A. Locality. Approval is limited to tracts that are located within the City's limits.
- B. Number. No more than two such signs shall be located off the subdivision, and no more than two such signs shall be located on the subdivision that is advertised.
- C. Location. No such sign shall be erected on or situated within 50 feet of any occupied residential parcel not part of the advertised tract.
- D. Area. No such sign shall exceed 32 square feet in area.
- E. Illumination. No such sign shall be illuminated.
- F. Abatement. All signs shall be removed when all lots and houses in the subdivision have been sold.
 - 1. Deposit. The application for a permit for any such sign shall be accompanied, in addition to the permit fee, by a deposit of five hundred dollars (\$500.00) for each sign to guarantee proper maintenance and ultimate removal thereof.

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17.36.130--17.36.140

2. Permit. The permit for any such sign shall be issued for a period not to exceed 12 months. At the end of such period, additional extensions of six months each may be granted by the Community Development Director or his designee.
3. Expiration. Upon expiration of the permit or any extension thereof, the sign shall be removed by the applicant. Following the removal of the sign, and upon request, the deposit shall be refunded to the applicant.
4. Removal. If for any reason the applicant fails to remove the sign within 30 days of written notice by the City, the City may cause said sign to be removed and shall apply the cost of such removal against the deposit. Upon written request of the applicant, the remainder of the deposit shall be returned. (Ords. 12-95; 34-89: Prior Code 17.78.150)

17.36.140 Special Promotion Signs.

- A. Permit Required. Special promotion signs are allowed when a permit has been granted by the Community Development Director or his or her designee, for a limited period of time as a means of publicizing special events such as "grand opening," "under new management," "inventory sale," or public or charitable events.
 1. Definition. A "Special Promotion" is an event allowing the use of portable signs, banners, outdoor display of merchandise and other advertising devices that are otherwise prohibited by this chapter, upon private property, for a limited period of time. Safety regulations (that are contained in this chapter) must be sustained .
 2. Time Limit. A special promotion shall not exceed a maximum of 45 days per calendar year. The applicant may determine how the 45 days will be allocated. However, no more than three special promotion permits shall be issued for any permanent business address during the calendar year.
 3. Application Required. Applications for "Special Promotion" permits shall be filed with the Department of Community Development on forms furnished by the Department at least five days prior to the beginning of the event. The Director of Community Development may

exempt an applicant from the five day application prior to the beginning of an event provided the applicant files a declaration under penalty of perjury that the nature of his business activities does not permit advance knowledge by the applicant of the time of the particular "Special Promotion" and that such applicant agrees that he will not exceed the total number of 45 days within any calendar year. A processing fee of one hundred dollars (\$100.00) shall be paid at the time each application is filed. Non-profit organizations are not subject to the application fee upon submitting an Internal Revenue Service "Exempt-Status" letter.

B. Requirements. All "Special Promotions" shall comply with the following requirements and restrictions:

1. The applicant shall obtain any other required permits, licenses, and written approvals from the City of Orange or other agencies and observe all laws concerning health and safety.
2. Written approval from the property owner or authorized agent shall be submitted with the permit application.
3. A copy of the approved permit application will be furnished by the Department of Community Development. This copy and all other required permits must be displayed in a conspicuous place on the premises throughout the duration of the event.
4. Signs, advertising devices, and other approved outdoor displays shall substantially conform in size and location to the site plan sketched on or attached to the permit and conform with any restrictions stated upon the permit.
5. A special promotion shall only be approved in conjunction with an authorized licensed business conducting operations from a permanent, contiguous facility that is located on the same site. A special promotion event is not permitted on any vacant lot, or unimproved parcel, within the City.
6. No sign, advertising device, or other approved outdoor display shall exceed 42 inches in height above grade or be placed within ten feet of any vehicular access or public right-of-way line. No public right-of-way shall be used for locating any sign or display.

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7. Portable signs or banners shall be permitted of a size equal to one square foot for each lineal foot of store or building front, owned or operated by the permittee, up to a maximum of 80 aggregate square feet.
8. The aggregate length of wind signs, pennants, streamers, balloons, and other similar devices shall be permitted up to twice the length of the store or building frontage and with a maximum height of 50 feet above grade. However, at no time shall said devices be allowed to reach within ten feet of any power or telephone transmittal lines.
9. All parking accesses, exits, and traffic aisles shall remain unobstructed at all times. No more than 15 percent of the required parking spaces, as calculated in the Orange Municipal Code Section 17.34.060 may be used for the special promotion activities.
10. All signs, advertising displays, or other approved outdoor displays shall be erected or maintained in a clean and safe manner and in good repair.
11. No balloons shall exceed 30 inches in diameter nor shall they exceed a maximum height of 50 feet above grade nor shall they be allowed to reach within ten feet of any power or telephone transmittal lines.
12. Large structural balloons exceeding 30 inches in diameter may be permitted by the City Council in areas deemed appropriate by the Council and subject to such conditions as the Council shall deem appropriate to protect the public interest.
13. Portable shielded arc-type searchlights shall be permitted subject to a special promotion permit in commercial and industrial districts only, provided that the beam of the searchlight shall not be projected at less than a 45 degree angle measured from a horizontal plane, and shall not project upon or reflect upon property or buildings other than the property or buildings of the permittee.

C. Special Provisions

1. The Community Development Director may impose special requirements and restrictions at his discretion. Such restrictions shall be listed on the approved permit and shall be followed throughout the duration of the event.

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2. If an approved "Special Promotion" is interrupted for reasons beyond the control of the permittee, the Community Development Director is authorized to grant additional permits, provided that the total number of event days do not exceed the maximum standards listed in Section 17.36.150.A. (Ords. 12-95; 34-89: Prior Code 17.78.160)

17.36.150 Special Purpose Sign Regulations.

A. Construction Project Signs.

1. No more than two on-site signs may be erected in conjunction with construction projects. Such signs may be used for publicizing the future occupants of the building or the project owners and construction organizations and professionals participating in the project.
2. In a residential district, no such sign shall exceed six square feet in area, and no freestanding sign shall exceed five feet in height. In all other districts, no such sign shall exceed 32 square feet in area, and no freestanding sign shall exceed ten feet in height.
3. All such signs shall be removed before a final release on the construction is given by the Building Official.

B. On-Site Directional Signs

1. Directional signs may be erected for the purpose of facilitating or controlling the efficient or safe movement of pedestrians or vehicles on or to private property and shall be located on the property to which they pertain.
2. Such signs shall not be used for advertising purposes.
3. Such signs shall not exceed an area of six square feet and a height of 42 inches.

C. Menu Boards. Additional signs located internal to a private parking facility, such as a drive-through restaurant or car wash, may be permitted in conjunction with an automotive travel lane associated with a specific use. Such a sign shall not be located between the primary structure and any public right of way, unless screened by landscaping and

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17.36.150--17.36.160

subject to review and approval by the Community Development Director.

- D. Name Plates. In addition to any other sign requirements in non-residential zones, excluding the Office Professional District, one name plate not exceeding an area of one square foot, containing the name and profession of the occupant of the premises, shall be permitted upon the building for each tenant.
- E. Illuminated Time and Temperature Signs. Time and temperature devices may be included in sign area but may not exceed 20 percent of the allowable sign area.
- F. Pedestrian Signs. One small sign that is suspended beneath a canopy or other roof structure, perpendicular to the store front, and intended to identify business entryways from a walkway in a multi-tenant commercial or industrial building, may be permitted by the Community Development Director, if it is not directed at passing motor vehicles. Such signs shall have a maximum size of three square feet and shall be non-illuminated. (Ords. 12-95; 34-89: Prior Code 17.78.140)

17.36.160 Abatement of Non-Conforming Signs.

- A. Non-Conforming Defined. Signs and sign structures that were permitted before this ordinance was adopted may not conform to the provisions and limitations contained herein. Such a sign is classified as non-conforming. Non-conforming signs or sign structures are subject to the provisions of Section 17.38.020 - Exception to Compliance (Nonconformities) of this Title.
- B. Signs Hereafter Rendered Non-Conforming. Any sign which becomes non-conforming subsequent to the effective date of this Chapter either by reason of the annexation to the City of the territory upon which the sign is located, or the amendment of this Chapter to render such sign nonconforming or otherwise, shall also be subject to the provisions of Section 17.38.020.
- C. Signs Relating to Inoperative Activities. Signs pertaining to activities or occupants that are no longer using a property shall be removed from the premises, or sign copy on such signs shall be obliterated within 90 days after the associated enterprise or occupant has vacated the premises. Any such sign not removed within the required period shall constitute a nuisance and shall be subject to removal under the provisions of Section 1.08.020 of Orange Municipal Code.

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- D. Modification of Non-Conforming Signs. No non-conforming sign shall be altered in any manner, reconstructed, or moved without being made to comply in all respects with the provisions of this Chapter; provided, however, that nothing herein shall prohibit the normal maintenance or repair of any non-conforming sign nor the painting or replacement of the face thereof.
- E. Enforcement, Legal Procedures and Penalties. Enforcement, legal procedures, and penalties shall be in accordance with Section 1.08.010 of the Orange Municipal Code. (Ords. 12-95; 34-89; 20-85: Prior Code 17.78.170)

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17.38--17.38.020

CHAPTER 17.38

NONCONFORMING USES

Sections:

- 17.38.010 Purpose and Intent
- 17.38.020 Exception to Compliance (Nonconformities)
- 17.38.030 Regulations for Nonconforming Uses
- 17.38.040 Termination of Nonconforming Uses
- 17.38.050 Exemption for Public Utilities and Publicly Owned Uses
- 17.38.060 Nonconformities Connected with Public Acquisition
- 17.38.070 Nonconforming Lot

17.38.010 Purpose and Intent. This chapter is intended to accomplish the following:

- A. To provide for the regulation of nonconforming uses and nonconforming development or performance standards.
- B. To specify the circumstances and conditions under which nonconformities may continue to exist.
- C. To limit the number and extent of nonconformities by prohibiting or limiting their enlargement or extension; their re-establishment after abandonment; and their alteration or restoration after partial destruction.
- D. To discourage the continuance of nonconformities where they adversely affect the intent and purpose of this Code and the General Plan or the maintenance, development, use, enjoyment or economic value of other property in the vicinity. (Ord. 12-95)

17.38.020 Exception to Compliance (Nonconformities). The following provisions shall apply to nonconforming uses and structures legally established prior to the effective date of this ordinance or any prior applicable ordinance.

- A. Continuation of Nonconforming Uses and Structures. A nonconforming use or structure, as defined by Section 17.04.033 of this Title, may be maintained and continued, provided there is no alteration, or addition to any structure, nor any enlargement of area, space, or volume occupied by or devoted to that use, except as otherwise provided in this Title.

B. Regulations for Nonconforming Structures. The following regulations shall apply to nonconforming structures:

1. Repairs and Alterations to a Nonconforming Structure. Ordinary repairs and maintenance may be made to a nonconforming structure as required to maintain the public health, safety, and general welfare.
2. Permitted Expansions and Alterations. The following exceptions to this Title are provided for the extension, expansion, or enlargement of a nonconforming structure. These exceptions set forth the only allowable alterations for nonconforming structures and shall not be construed to authorize the modification of any provisions of this Title nor extend the termination date of the subject nonconforming use.
 - a. When a subsequently adopted ordinance or regulation requires alterations, those alterations shall be permitted.
 - b. When a structure other than a single family residential structure located in a residential zone, is nonconforming because it does not meet off-street parking requirements for the number of parking spaces, alterations or expansions may be permitted provided that all parking facilities are increased to meet the standards required by this Title.
 - c. When a single family residential structure located in a residential zone is nonconforming because it does not meet off-street parking requirements, alterations and expansions may be permitted without increasing the number of off-street parking spaces provided, in accordance with Section 17.34.020. However, no existing off-street parking shall be eliminated.
 - d. Additions may be made to a nonconforming structure which is nonconforming because it does not meet the requirements for yards, building height, or dimensions for parking and loading. However, the proposed addition shall meet the requirements in effect at the time the application for the addition is made.

C. Repair of Damaged or Destroyed Structures. The following shall apply to damaged or partially destroyed nonconforming structures.

1. Any nonconforming non-residential structure or structures which are damaged or partially destroyed by fire, explosion, act of God, act of a public enemy, collapse, or any other casualty or calamity, may be reconstructed,

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17.38.020

provided the damage to the structure does not exceed 75 percent of the appraised value (as defined by this Title) of the damaged structure, and further provided the structure or structures existed as legally established structures. All such construction or repairs shall be properly permitted and started within two years from date of damage and shall be pursued diligently to completion. Otherwise, the legal nonconforming status of the structure or structures shall be lost.

2. Any nonconforming residential structure or structures which are damaged or partially destroyed by fire, explosion, act of God, act of a public enemy, collapse, or any other casualty or calamity, may be reconstructed to the conditions which existed prior to the casualty or calamity, provided the structure or structures existed as legally established structures. All such construction or repairs shall be started within two years from the date of damage and shall be diligently pursued to completion. Otherwise, the legal nonconforming status of the structure(s) shall be lost.
3. In determining the appraised value of any nonconforming structure, the cost of land or any factors other than those concerning the nonconforming structure itself shall not be considered.

Appraised value, for the purpose of this section, shall mean the market value of the structure as reported by the owner, based upon the market value of comparable structures in the City. Where the City and owner do not agree upon the appraised value based on said comparable, appraised value shall mean the value reported by a qualified appraiser, approved by the City, hired by the owner to determine the value of the structure.

4. A nonconforming structure may be repaired or reconstructed to a size no larger in area or volume than that which existed at the time the damage occurred.
 5. If, in the process of repairing or reconstructing a nonconforming structure, certain nonconformities can be brought into conformance, they shall be brought into conformance.
- D. Moving a Nonconforming Structure. No nonconforming structure shall be moved unless doing so will cause the structure to become conforming.

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17.38.020--17.38.030

- E. Structures Under Construction. Construction which is underway on a structure at the time the ordinance implementing these provisions is adopted may be completed and the structure then used in accordance with provisions of this Title, or any amendments thereto, provided that:
1. A valid building permit has been issued prior to the effective date of this Title; and
 2. The construction or proposed use of the building or structure is not in violation of any other ordinance or law; and
 3. The building or structure is completed within one year from the date of the ordinance; and
 4. The building or structure is completed in accordance with the plans, ordinances and permits under which it was issued. (Ords. 12-95; 10-94; 431: Prior Code 17.90.020)

17.38.030 Regulations for Nonconforming Uses. The following regulations shall apply to nonconforming uses:

- A. Continuation. The lawful use of a building or structure may be continued, although such use does not conform with the provisions of this Title, provided no structural alterations, except those required by law or ordinance, are made in the building. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use which, in the opinion of the Community Development Director, is of the same or more restricted classification.
- B. Discontinuance - Future Use Must Conform. The lawful use of land, although such use does not conform to the provisions of this Title, may be continued, but if such nonconforming use is discontinued voluntarily or involuntarily for more than six months, all non-conforming privileges will be lost, any future use of the land shall be in conformity with the provisions of this chapter.
- C. Physical Expansion Not Permitted. A nonconforming use shall not be enlarged or extended to any other portion of a lot not in use at the time the nonconformity was created, except as provided for in Subsection 17.38.060.A. (Ords. 12-95; 20-82; 431: Prior Code 17.90.010, 17.88.010)

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17.38.040--17.38.060

17.38.040 Termination of Nonconforming Uses.

Discontinuance of a nonconforming use as follows shall immediately terminate the right to operate such nonconforming use:

- A. By changing a nonconforming use to a conforming use.
- B. By discontinuance of a nonconforming use for a consecutive period of six months or for an intermittent period totaling one year over a span of three years.
- C. This section does not apply to structures nonconforming to development standards only. (Ords. 12-95; 20-82; 431: Prior Code 17.90.010; 17.88.010)

17.38.050 Exemption for Public Utilities and Publicly Owned Uses. Nonconforming public utilities and publicly-owned uses are not subject to nonconforming provisions except as follows:

- A. Additional nonconformities or increases in the extent to which a use or structure is nonconforming are prohibited.
- B. The site upon which a use was located at the time the use was rendered nonconforming shall not be increased in size. (Ord. 12-95)

17.38.060 Nonconformities Connected with Public Acquisition. In the case of nonconformities created by public acquisition, the following shall apply:

- A. Where a structure is located upon a lot, a portion of which is acquired for any public use (by condemnation, purchase, dedication, or otherwise) by any governmental entity, such structure may be maintained upon the remaining portion of said lot, and may thereafter be used, maintained or repaired without relocating or altering the same to comply with the development standards of this Code.
- B. Further, if such structure is partially located upon the property being acquired for public use, it may be relocated upon the same lot or premises without observing the required yard space adjacent to the new lot line created by such acquisition, and without reducing the number of dwelling units to conform to the development standards of the district in which it is located.

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17.38.060--17.38.070

- C. If a lot does not comply with the development standard of the district due to an acquisition of a portion thereof for public use, or if a legally existing nonconforming lot is reduced in size due to an acquisition of a portion thereof for public use, the remainder of said lot (so long as said remainder is not smaller in area or width than one-half of the minimum area or width required for the zone in which it is situated) may continue to be utilized as a conforming lot. However, all other development standards will still apply to any construction thereafter. (Ord. 12-95)

17.38.070 Nonconforming Lot. Any lot or parcel existing prior to annexation or prior to May 7, 1946 and any lot or parcel created since that date by City approval of a lot division or subdivision application and subsequent recordation in accordance therewith, having less area or width than required by its subsequent zone classification may be used in accordance with such classification regardless of its deficiency in area or width. All other development standards of the zone shall apply. (Ord. 12-95)

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17.40--17.40.010

CHAPTER 17.40

TRANSPORTATION DEMAND MANAGEMENT PROGRAM

Sections:

- 17.40.010 Purpose and Policy
- 17.40.020 Intent
- 17.40.030 Definitions
- 17.40.040 Applicability
- 17.40.050 TDM Program Plan, and Required Actions and Reports
- 17.40.060 Program and Facility Options and Complimentary Actions
- 17.40.070 Ordinance Implementation and Monitoring
- 17.40.080 Enforcement; Penalties
- 17.40.090 Appeals
- 17.40.100 Fees

17.40.010 Purpose and Policy. New commercial, industrial, and mixed use development and redevelopment resulting in the job site employment of 100 persons or more may adversely impact existing transportation and parking facilities, resulting in increased motor vehicle emissions, deteriorating levels of service, and possible significant additional capital expenditures to augment and improve the existing transportation system. In order to more efficiently utilize the existing and planned transportation system and to reduce vehicle emissions, it is the policy of the City of Orange to:

- A. Reduce the number of peak-period vehicle trips generated in association with new development or redevelopment to achieve a goal of 1.5 Average Vehicle Ridership (AVR) or other standard as established by South Coast Air Quality Management District (SCAQMD);
- B. Promote and encourage the use of alternative transportation modes such as ridesharing, carpools, vanpools, public bus and rail transit, bicycles and walking, as well as those facilities that support such modes;
- C. Achieve related reductions in vehicle trips, traffic congestion, and public expenditure and achieve air quality improvements through utilization of existing local mechanisms and procedures for project review and permit processing;
- D. Promote coordinated implementation of strategies on a county-wide basis to reduce transportation demand;

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17.40.010--17.40.030

- E. Achieve the most efficient use of local resources through coordinated and consistent regional and/or local Transportation Demand Management (TDM) programs. (Ords. 12-95; 13-91: Prior Code 17.77.020)

17.40.020 Intent. This chapter is intended to meet the requirements of AB 1791, Section 65089 (b) (3) which requires development of a trip reduction and travel demand element to the Congestion Management Plan (CMP), and Section 65089.3 (b) which requires adoption and implementation of a Trip Reduction and Travel Demand Ordinance and meets the stated Trip Reduction Policy objectives of the City of Orange.

This chapter is not intended to supersede, substitute for or replace the requirements of the AQMD Regulation XV. (Ords. 12-95; 13-91: Prior Code 17.77.020)

17.40.030 Definitions. For purposes of this chapter, if not herein before defined, the definitions of the following words and terms shall apply:

- A. "Alternative Transportation Modes" means any mode of travel that serves as an alternative to the single occupant motor vehicle. This can include all forms of ridesharing such as carpooling or vanpooling, as well as public and private transit, bicycling or walking.
- B. "Applicable Development" means any new development or redevelopment project that is determined to meet or exceed the employment threshold, using the criteria contained in Section 17.40.040 of this Title.
- C. "Average Vehicle Ridership (AVR)" means the number of employees reporting to the worksite during the peak period divided by the number of employee motor vehicles driven to the worksite. The AVR is predicated on a typical two-week consecutive weekday average for both employees and motor vehicles arriving or at the worksite between 6:00 a.m. and 10:00 a.m. of each day. Tele-commuting, clean fueled vehicles or compressed work weeks shall be credited in the AVR calculation.
- D. "Developer" means the individual, company or agency who is responsible for the planning, design and/or construction of an applicable development project. A developer may be responsible for implementing the provisions of this Ordinance. (See definition of Participation Agreement below).

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- E. "Employee" means any person performing their normal workday activities at a worksite of a firm, person(s), business, educational institution, non-profit agency or corporation, government agency or other entity.
- F. "Employee Generation Factors" means the factors adopted by the City for protecting the probable employment for any proposed development or redevelopment project based on the methodology in Section 17.40.040.
- G. "Employer" means any person(s), firm, business, educational institution, government agency, non-profit agency or corporation, or other entity which employs persons at a single worksite, and may be either a property owner or tenant of an applicable development or redevelopment project.
- H. "Facility(ies)" means the total of all buildings, structures and grounds that encompass a worksite, and comprise or is associated with, an applicable development or redevelopment project.
- I. "HOV" means High Occupancy Vehicles; typically shuttle vans or buses.
- J. "Immediate Accessibility" means walking distance not to exceed 1/4 of a mile.
- K. "Level of Service (LOS)" means a measure of operational quality of a road or intersection ranging from LOS A (best) to LOS F (worst). As required by CMP legislation, the Orange County LOS standard shall be not worse than LOS E or the existing Level of Service if it is further from LOS A.
- L. "Mixed Use Development" means any development or redevelopment project that combines any one of these land uses with another: commercial, industrial, office professional, business park, or residential.
- M. "Development Project" means any non-residential development or redevelopment project being reviewed by the City requiring review to determine concurrence to existing codes or some level of discretionary action by the City Planning Commission and/or City Council, inclusive of projects conditioned through Development Agreements.
- N. "Complimentary Transportation Demand Management(TDM) Actions" means those actions or techniques necessary to support a TDM Facility Option. For example, the Facility Option for remote parking would require a complimentary employee shuttle.

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- O. "Participation Agreement" means a document duly signed by the Property Owner in recordable form, to be recorded in the Office of the County Recorder, stating that the subject property has specific Traffic Demand Management requirements and said requirements are on file in the Office of the City Clerk.
- P. "Peak Period" means those hours of the business day between 6:00 a.m. and 10:00 a.m. inclusive, Monday through Friday.
- Q. "Property Owner" means the legal owner of the applicable development project who serves as the lessor to an employer or tenant. The property owner shall be responsible for complying with the provisions of this Ordinance, either directly or by delegating such responsibility, as appropriate, to an employer or tenant. (See definition of Participation Agreement above.)
- R. "Remote Parking Facilities (Mode Mixer)" means an off-site, principally employee oriented, parking facility that services development by HOV.
- S. "Site Development Plan" means a precise plan of development or redevelopment requiring an approval by the City Planning Commission, City Council or by the Department of Community Development.
- T. "Tenant" means the lessee of facility space at an applicable development project who also serves as an employer. A tenant may be responsible for implementing the provisions of this Ordinance as determined by the property owner. (See definition of Participation Agreement above.)
- U. "Transportation Demand Management (TDM)" means the implementation of programs, plans or policies designed to encourage changes in individual travel behavior. TDM can include an emphasis on alternative travel modes to the single occupant vehicle such as carpools, vanpools and transit; reduction or elimination of the number of vehicle trips, or shifts in the time of vehicle commutes to other than the peak-period.
- V. "TDM Program Plan" means that plan to be prepared by the project proponent that defines those facility options and complimentary strategies, programs and actions to be employed to achieve a goal of 1.5 AVR for the subject worksite. This document, upon approval by the City, shall be filed in the Office of the City Clerk.

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17.40.030--17.40.040

- W. "Trips Reduction" means reducing the number of related trips occurring between 6:00 a.m. and 10:00 a.m. inclusive Monday through Friday in single occupancy vehicles.
- X. "Worksite" means a building, or grouping of buildings, which are owned or operated by the same property owner or employer (or by employers under common control) and which either were or are to be developed under a common site development plan whether or not physically separated by public or private street right-of-way or are held out to the public to be one place of business under a common name such as a shopping center, mall or office building complex. (Ords. 12-95; 13-91: Prior Code 17.77.030).

17.40.040 Applicability. For the purpose of this Ordinance the following methods may be used to estimate employment pursuant to determining whether a new development, redevelopment, or modification or improvement of an existing development project is subject to the conditions of this Ordinance.

Method A - Estimated employment per type of land use or proportion thereof as determined by the project applicant. Documentation allowing certification of applicants' employment projection is required in conjunction with this method.

Method B - Estimated employment per type of land use or proportion thereof shall be determined from Schedule A - Site Development Employee Generation and Parking Requirements (below).

If employment projection for modification or improvement of an existing development, a proposed development or redevelopment project is 100 or more, the applicant shall, in accordance with Section 17.40.050 - Trip Reduction/TDM Program Plan and Required Actions and Reports, prepare a plan, strategy or action to achieve a goal of 1.5 AVR. (Ords. 12-95; 13-91: Prior Code 17.77.040)

SCHEDULE A
Site Development Employee Generation and Parking Requirements
City of Orange
1991

Land Use	Required Parking Per Type of Lane Use	(4) Estimated Employees per Unit of Development
BANKING		
Bank	5.0 / 1,000 S.F. GFA	1.5 TSF
Bank (with drive thru)	5.0 / 1,000 S.F. GFA	3.4 TSF
Savings and Loan	5.0 / 1,000 S.F. GFA	1.5 TSF
Savings and Loan (with drive thru)	5.0 / 1,000 S.F. GFA	2.0 TSF
LODGING		
Hotel (with meeting rooms and restaurant)	1.0 / Rentable Room 10.0 / 1,000 S.F. Gross Dining & Conference Room Area	.74 / Rental Room
Motel	1.0 / Rentable Room w/auxiliary uses calculated separately	.23 / Rental Room
RECREATION		
Health Clubs	5.7 / 1,000 S.F. Gross Recreation Floor Area	.3 TSF
Cinema	1.0 / 5 seats + 7 for Employees	
Multi Screen	1.0 / 3 seats + 5 for Employees	.17 / 5 seats
Single Screen		
Footnotes		
(1)	See City of Orange Parking Ordinance 32-89 Figure 1 Shopping Center Parking Requirements.	
(2)	Applicable for buildings in excess of 25,000 S.F. GFA	
(3)	Includes up to 25% subsidiary office area	
(4)	Sources:	17.40.040
	Institute of Transportation Engineers - Trip Generation 1979	
	San Diego Association of Governments - Traffic Generation 1990	
	Economic Research Associates - Sid White	
	P & D Technologies - Joanne Lombardo	
	Transportation Management Services - Peter Volk	
	Austin-Foust & Associates - Joe Foust	

Figure - Schedule A

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SCHEDULE A
Site Development Employee Generation and Parking Requirements
City of Orange
1991

Land Use	Required Parking Per Type of Lane Use	(4) Estimated Employees per Unit of Development
COMMERCIAL/RETAIL		
Regional	300,000+ S.F.	1.7 TSF
Community	100,000 S.F.	2.2 TSF
Neighborhood to 100,000 S.F.	(1) 4.1-4.5 / 1,000 S.F. GFA, (1) 4.5-5.0 / 1,000 S.F. GFA	3.0 TSF
Discount - Individual determ.	Individually determined	2.5 TSF
Shops (inc. Strip Commercial)	(2) 5.0 / 1,000 S.F. GFA	3.5 TSF
Auto-Cumulative		2.1 TSF
Sales-Outdoors	1.0 / 1,000 S.F. GFA	
Sales-Indoors	5.0 / 1,000 S.F. GFA	
Office	4.0 / 1,000 S.F. GFA	
Service	3.0 / Service Bay	
Restaurant - Sit down	10.0 / 1,000 S.F. to 4,000 S.F. GFA	6.1 TSF
Fast Food (with drive thru)	14.2 / 1,000 S.F. over 4,000 S.F. GFA	
Fast Food (without drive thru)	18.0 / 1,000 S.F. GFA	16.7 TSF
	Same as restaurant sit-down	
INDUSTRIAL		
Business Park (with commercial)	2.0 / 1,000 S.F. GFA	4.0 TSF
Industrial Park (without commercial)	4.0 / 1,000 S.F. Office GFA	1.9 TSF
	5.0 / 1,000 S.F. Commercial GFA	
Industrial Plant	(3) 2.0 / 1,000 S.F. GFA	1.8 TSF
Manufacturing/Assembly	(3) 2.0 / 1,000 S.F. GFA	1.9 TSF
Warehouse/Storage (freestanding)	0.5 / 1,000 S.F. GFA	1.0 TSF
Research and Development	3.3 / 1,000 S.F. GFA	2.4 TSF
OFFICE/PROFESSIONAL		
General Office to 100,000 S.F.	4.0 / 1,000 S.F. GFA	4.7 TSF
General Office	4.0 / 1,000 S.F. GFA	4.2 TSF
to 250,000 S.F. GFA		
over 250,000 S.F. GFA	3.0 / 1,000 S.F. GFA	3.1 TSF
Corporate (single tenant)	3.0 / 1,000 S.F. GFA	2.9 TSF
Medical	5.0 / 1,000 S.F. GFA	4.2 TSF

Figure - Schedule A

17.40.050 TDM Program Plan and Required Actions and Reports. If, pursuant to Section 17.40.040 of this chapter, the modification or improvement of an existing development, a new development or a redevelopment results in a worksite having 100 or more employees, the City shall require programs, strategies, and facility options designed to achieve the 1.5 AVR goal, reduce peak-hour vehicle trips and promote the use of alternative transportation modes.

The intent of this section may be met by the following means:

- A. A TDM program plan describing the facility options employed and complimentary actions to be taken to meet the policy objectives of this chapter, shall accompany the project submittal to the Community Development Department. This program plan shall include, but not be limited to:
 - 1. Trip reduction goal for the project;
 - 2. Facility options employed on the project as described in Section 17.04.060 - Facility Options and Complimentary Actions;
 - 3. Implementation Plan for Complimentary Actions of the project as described in Section 17.04.060 - Facility Options and Complimentary Actions;
 - 4. Responsibilities of property owner(s) and employers in achieving and maintaining program goal;
 - 5. A program for monitoring and enforcement.
- B. Upon approval of the development and the TDM Program Plan, the plan shall be placed on file in the Office of the City Clerk. A Participation Agreement shall be recorded in the Office of the County Recorder. No building permit or part thereof shall be issued until these actions are complete.
- C. On or before June 30 of each calendar year commencing after the date of approval of the TDM Program Plan by the City, the Property Owner will certify to the City, in letter form, that the on-site improvements and complimentary TDM Actions are continuing in effect.
- D. With the mutual consent of the participants and upon approval of the City Council, requirements of the approved TDM Program Plan may be changed. (Ords. 12-5; 13-91: Prior Code 17.77.050).

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17.40.060 Program and Facility Options and Complimentary Actions. The following table (Table 17.40.060) represents those facility options and complimentary actions that the owner of a development may use to achieve the 1.5 AVR goal. The options and complimentary actions may be used individually or in combination and options methodologies, techniques and actions not listed may be submitted for consideration.

TABLE 17.40.060
PROGRAM FACILITY OPTIONS

FACILITY OPTIONS	COMPLIMENTARY ACTIONS
A. Carpool/Rideshare Parking Spaces	• Establish and maintain an employee carpool/rideshare program. • Identify person(s) in responsible charge of program. • Designate preferential area for carpool/rideshare parking location. • Establish and maintain loading area. • Regulate parking and loading zone(s). • Establish participation incentives.
B. Vanpool and/or HOV Shuttle	• Establish and maintain an employee vanpool and/or HOV shuttle program. • Establish and maintain an employee or contract service. • Identify person(s) in charge of program. • Establish and maintain on-site loading area(s). • Establish participation incentives.
C. Bus Bays (Off Site)*	• Provide all right-of-way and street improvements necessary to construct a bus bay, boarding area, bus bench or shelter conforming to City standards. • Provide bus use incentives. • Identify site location relative to regional trails and housing.
D. Bicycle Parking Storage*	• Provide bicycle parking (racks) or locker facilities. • Provide shower facilities. • Provide bicycle use incentives.

TABLE 17.40.060
PROGRAM FACILITY OPTIONS
(Continued)

FACILITY OPERATIONS	COMPLIMENTARY ACTIONS
E. Transportation Information Center (TIC)* NOTE: Mandatory requirement for all development in excess of 150,000 sq. ft. GFA.	• Establish, maintain and staff the TIC. • Define TIC location, business hours and person in charge. • Define activities.
F. Remote Parking Facilities*	• Participate in construction, maintenance and operation of facility. • Establish and maintain an employee user program. • Participate in the purchase, operation and maintenance of the HOV support vehicles. • Provide user incentives.
G. Pedestrian Facilities (On-Site)*	• Define on site pedestrian circulation system interfacing with adjacent public, pedestrian or private facilities. • Define amenities and improvements
H. Pedestrian Facilities (Off-Site)*	• Provide accessibility to compatible off-site facilities (shopping, eating, recreation, parking, transit, etc.). • Define amenities and improvements.
I. Recreation/Health Facilities	• Provide for within a minimum distance from development if not on-site. • Identify hours of operation. • Establish employee incentives.
J. Restaurant or Eating Facilities	• Provide for within a minimum distance from development if not on-site. • Identify type of establishment (restaurant, cafeteria, vending machines, catering trucks, etc.). • Identify hours of operation. • Identify amenities (sit down, outside, benches, tables, etc.). • Establish employee incentives.
K. Parking Fees	• Provide for parking program for single occupancy employee vehicles. • Provide for no fee/reduced fee for carpool/ride share vehicles.

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TABLE 17.40.060
PROGRAM FACILITY OPTIONS
(Continued)

FACILITY OPTIONS	COMPLIMENTARY ACTIONS
L. Parking (Employee) Reduction	• Establish and maintain those TDM measures which would proportionately reduce the demand for employee parking.

- * Program or facility options which may be required as traffic operations improvements in conjunction with development plan approval. These facilities may also be included as part of TDM Program Plan.

The TDM Program may involve physical on-site and off-site improvements; purchase and maintenance of special equipment or vehicles; time or monetary incentives or subsidies, and additional employees. (Ords. 12-95; 13-91: Prior Code 17.77.060).

17.40.070 Ordinance Implementation and Monitoring. For the purpose of determining compliance to the provisions of this chapter the City shall have the power to:

- A. Apply and specify the requirements and conditions of this chapter in conjunction with all other development review processes.
- B. Monitor and verify the recordation of the Program Participation Agreement.
- C. Monitor and verify the complimentary TDM Actions if such actions are required. Monitoring and verifying may include, but are not limited to:
 1. Verification of Annual Letter of Compliance.
 2. Response to documented inquiries or complaints.
 3. Random site inspections.
- D. Provide consultation in the development or explanation of new programs and projects as may be initiated by the owner, City or other agency. (Ords. 12-95; 13-91: Prior Code 17.77.070)

17.40.080--17.40.090

17.40.080 Enforcement; Penalties. To ensure that applicable developments comply with the provisions and requirements of this chapter, the City may initiate enforcement actions which may include, but are not limited to:

- A. Facility Options and Required Complimentary TDM Actions involving physical on-site and off-site improvements, shall be deemed incorporated into and made a part of any conditions of approval of any conditional use permit or other conditional discretionary land use or development approval for the project under the City's normal development review process, and shall be further identified and conditioned in the TDM Program Plan.
- B. Failure to comply with any provision of this chapter, including, without limitation, failure to certify annual compliance on or before June 30 of any year, failure to implement, or continue any required Facility Option or any Complimentary TDM Action as specified in the TDM Program Plan shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$500 or imprisonment for not more than six months, or both.

Each day of any continued failure to comply shall be a separate offense.

No employer or property owner shall be deemed to be in violation of this chapter if the failure to comply occurs solely as a result of a temporary or permanent cessation of work towards completing the development project in whole or in part.

- C. In addition to all other penalties and remedies provided for, all further approvals and permits for the affected development project, including, without limitation, grading permits, building permits, Certificates of Occupancy and conditional use permits, shall be withheld until such time as compliance is satisfactorily demonstrated. (Ords. 12-95; 13-91)

17.40.090 Appeals.

- A. An appeal may be made by the property owner or his designee of any decisions made by the Community Development Director regarding the applicability of this chapter, the approval, disapproval, or contents of any proposed TDM Program Plan for the development project, including the necessity of any required Facility Option or Complimentary Action.

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17.40.090--17.40-100

- B. Such appeal may be filed in accordance with Section 17.08.050. (Ords. 12-95; 13-91: Prior Code 17.77.080)

17.40.100 Fees. The developer or property owner shall pay to the City a fee in the amount of the costs incurred by the City in administering, implementing and verifying compliance with this chapter, including staff time and materials used. The Community Development Director may require a deposit in the amount of a reasonable estimate of such costs at the time the proposed TDM Program Plan is submitted for review and approval. Such deposits may be reviewed from time to time and required to be increased or supplemented if the Director determines that such deposits will be inadequate to provide for the City's actual costs. Costs shall be charged against such deposits as they accrue. Staff time shall be charged at rates established by resolution of the City Council from time to time. Fees for appeals under their chapter shall be as required for appeals of other land use decisions under the Orange Municipal Code. (Ords. 12-95; 13-91: Prior Code 17.77.100)

CHAPTER 17.42

HAZARDOUS WASTE FACILITIES

Sections:

- 17.42.010 Purpose and Intent
- 17.42.020 Definitions
- 17.42.030 Permit Required
- 17.42.040 Application Requirements
- 17.42.050 Environmental Review
- 17.42.060 Local Assessment Committee
- 17.42.070 Public Hearings
- 17.42.080 Findings
- 17.42.090 Appeals
- 17.42.100 Facility Siting Criteria And Permitting Requirements
- 17.42.110 Special Development Requirements
- 17.42.120 Use of Permit

17.42.010 Purpose and Intent. The purpose of this Chapter is to establish uniform standards, land use regulations and a permit process for controlling the location, design, maintenance and safety of off-site hazardous waste facilities. The Zoning Ordinance is amended to implement general plan policies regarding Section 6.5 of Division 20 of the California Health and Safety Code and Program A-3 in the Orange County Hazardous Waste Management Plan. (Ords. 12-95; 16-92: Prior Code 17.10.010)

[NOTE: A HANDOUT IS AVAILABLE FROM THE COMMUNITY DEVELOPMENT DEPARTMENT OUTLINING THE PROCESS SET FORTH IN STATE LAW FOR APPROVAL OF AN OFF-SITE HAZARDOUS WASTE FACILITY]

17.42.020 Definitions. Unless otherwise stated, the following definitions pertain to this ordinance:

- A. "Applicant" means any person applying to the City for a permit or a land use decision concerning a specified hazardous waste facility, as defined under the term "Proponent" of California Health and Safety Code Section 25199.1(i).
- B. "Governor's Appeal Board" means a board formed to review the appeal by an applicant as defined herein of a specified hazardous waste facility land use decision disapproved by the City or County or of one or more conditions of approval placed on an approved specified hazardous waste facility or an appeal by an interested person as defined herein based solely on the grounds

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that the conditions imposed do not adequately protect the public health, safety, or welfare. The Governor's Appeal Board's membership purpose and procedures are defined by California Health and Safety Code Section 25199.9 through 14.

- C. "Hazardous Waste" means a waste, or combination of wastes, which because of its quantity, concentration, toxicity, corrosiveness, reactivity, carcinogenicity, teratogenicity, mutagenicity or flammability, or any physical, chemical, or infectious characteristic may:
1. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness;
 2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

Without limiting the foregoing, "Hazardous Waste" also includes any waste defined as hazardous or toxic under applicable federal, state or local laws, ordinances, rules, or regulations.

- D. "Health And Safety Assessment" means a technical and environmental evaluation of a proposed facility, site, and surrounding area prior to approval of a local permit. The assessment will consider the qualities and the physical and chemical characteristics of the specific types of waste that would be handled. The assessment will include a hydraulic evaluation as well as risks due to flooding, earthquakes and potential water or air pollution. It is not intended that the Health and Safety Assessment duplicate information developed for environmental impact reports or risk assessments required under local, state or federal regulations.
- E. "Immobile Populations" means schools, hospitals, convalescent homes, prisons, facilities for the mentally ill, and other similar facilities.
- F. "Interested Person" means a person who participated in one or more public meetings or hearings held to consider an application for a land use decision for a specified hazardous waste facility project. Participation as

defined in California Health and Safety Code Section 25199.1(c) includes, but is not limited to, the giving of or written testimony at a meeting or hearing, submission of questions at a meeting or hearing, or attendance at a meeting or hearing.

- G. "Land Use Decision" means a discretionary decision of the City concerning a specified hazardous waste facility including the issuance of a land use permit, a conditional use permit, the granting of a variance, the subdivision of property and the modification of existing property lines pursuant to Title 7 commencing with Section 65000 of the Government Code.
- H. "Local Assessment Committee (LAC)" means a State required committee of locally appointed representatives, designated to negotiate with the proponents of a proposed hazardous waste facility. The membership, duties and mission of the Committee are defined by California Health and Safety Code Section 25199.7(d) as reiterated herein by this Section of this Title.
- I. "Off-Site Hazardous Waste Facility" means any structures, other appurtenances, and improvements on the land, and all contiguous land serving more than one producer of hazardous waste and used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste including but not limited to:
 - 1. Incineration facility (i.e. rotary kiln, fluid bed);
 - 2. Residual repository; (receives only residuals from hazardous waste treatment facilities)
 - 3. Stabilization/solidification facilities;
 - 4. Chemical oxidation facilities;
 - 5. Neutralization/precipitation facilities;
 - 6. transfer/storage facilities.

Off-site Hazardous Waste Facility shall not include any: a) Transportable Treatment Unit (TTU), designed to be moved either intact or in modules and which are intended to be operated at a given location for a limited period of time; or b) permanent on-site hazardous waste facility at the location where hazardous waste is produced, and which is owned by, leased to, or under the control of the producer of the waste.

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- J. "Office Of Permit Assistance (OPA)" means the State of California Office of Permit Assistance.
- K. "Office Of Planning and Research (OPR)" means the State of California Office of Planning and Research.
- L. "Residuals Repository" means a waste disposal facility specifically restricted to receiving only residuals from hazardous waste treatment facilities.
- M. "Specified Hazardous Waste Facility" means a specific off-site facility project proposal. (Ords. 12-95; 16-92: Prior Code 17.100.020)

17.42.030 Permit Required. No Off-site Hazardous Waste Facility shall be constructed, installed, operated, or maintained in, or within 300 feet of any residential, commercial, or office/professional zone or district. Off-site Hazardous Waste Facilities shall be constructed, installed, operated, or maintained only in the M1 and M2 Zones and only after first obtaining a Hazardous Waste Facility Siting Permit (in accordance with this chapter and Division 20, Chapter 6.5 of the California Health and Safety Code, as amended from time to time including, without limitation, Sections 25199 through 25199.14) and all other applicable federal, state, county, and city permits, licenses, and approvals. The Hazardous Waste Siting Permit is also a conditional use permit, and is subject to all provisions of the Orange Municipal Code relating to conditional use permits (except as specifically modified in this chapter) in addition to the requirements of this chapter. (Ords. 12-95; 16-92: Prior Code 17.100.030)

17.42.040 Application Requirements. An application for a Hazardous Waste Facility Siting Permit shall not be deemed complete unless it includes all of the following information in such form, format, and detail as reasonably determined by the Director of Community Development:

- A. A completed application form;
- B. A completed environmental assessment form;
- C. Property owner verification/permission for request;
- D. A deposit/fee in an amount at least sufficient to pay all costs required by this chapter and/or any provision of state law to be borne by the applicant, or as otherwise established by City Council Resolution;

E. A scaled site plan drawn in sufficient detail to clearly describe the following:

1. Physical dimensions of property and structures;
2. Location of existing and proposed structures;
3. Setbacks;
4. Methods of circulation;
5. Ingress and egress;
6. Utilization of property under the requested permit;
7. The distance from the project property lines to the nearest residential structure;
8. Proximity of the project to 100-year flood plain areas;
9. Proximity of the project to any known earthquake fault zones;
10. The relationship of the proposed project to all above ground water supplies as well as known underground aquifers that could conceivably suffer contamination;
11. Topographic description of the property and surrounding area;
12. Existing and proposed utilities which service or will be needed to service the facility;
13. Identification of surrounding zoning and land uses;
14. Identification of Immobile Populations within one mile of the proposed site;
15. Landscape plans showing the location and details of all landscape areas;
16. Building elevations showing building height, exterior materials and architectural theme; and
17. Other information as required by the Community Development Director.

F. A preliminary geological study of the property and surrounding area which includes as deep a soils analysis as

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there are known aquifers, regardless of the portability of those aquifers;

- G. Identification of all waste water, treated and untreated, generated by the proposed facility and the method and place of final discharge;
- H. Identification of the amounts (tonnage) and types of hazardous wastes to be treated at the proposed facility; the sources of the these wastes; the ultimate disposition of the wastes; and the anticipated life of the facility. Information shall be provided on the amounts, sources and types of hazardous wastes to be treated which shall be based on an actual survey of the industries to be served and be representative of the wastes that will be processed at the facility;
- I. The three sets of mailing labels, in accordance with Section 17.42.070.A, for all owners of record, as shown on the latest County equalized assessment rolls, of surrounding properties that lie within a 300 foot radius of the boundary of the project site;
- J. A plan that clearly delineates all public involvement with the proposed project prior to any formally advertised and scheduled public hearings. Said plan will provide for adequate public testimony on the project in an effort to mitigate all public concerns prior to the public hearing on the application;
- K. A plan that identifies an ongoing monitoring program to ensure no unintentional release of any hazardous substance from the site. This shall include but not be limited to any ongoing monitoring necessary by other permitting agencies such as the California Department of Health Services, South Coast Air Quality Management District, Environmental Protection Agency, California Air Resources Board, Regional Water Quality Control Board, etc.;
- L. A preliminary contingency plan for emergency procedures designed to minimize hazards to human health or the environment from fires, explosions or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. The plan shall provide for its immediate implementation whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment. The preliminary contingency plan shall address the requirements included in Section 17.42.110.B;

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- M. An explanation of how the proposed project will meet the required findings of Section 17.42.080 and Section 17.10.030.F;
- N. A closure plan meeting the requirements of Section 17.42.110.D; and
- O. Other information as required by the Director of Community Development to demonstrate compliance with the Facility Siting Criteria as outlined in Section 17.42.100. (Ords. 12-95; 16-92: Prior Code 17.100.040)

17.42.050 Environmental Review.

- A. The project shall be subject to environmental analysis according to the City's established procedures pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000-21177; 15000-15387).
- B. The environmental analysis shall address but not be limited to the following:
 - 1. Descriptions of a reasonable range of feasible alternatives to the project including, but not limited to, at least two alternative sites in addition to a "no project" alternative, which shall be reviewed pursuant to the California Environmental Quality Act (Public Resources Code Section 15060(d)).
 - 2. An analysis of visual, noise and any olfactory impacts associated with the project and proposed mitigation measures.
 - 3. An analysis of all anticipated air quality impacts associated with the project and proposed mitigation measures to ensure no degradation of air quality in the area.
 - 4. A health and safety assessment that analyzes in detail all probabilities of accidents or spills at the site, as well as, transportation related accidents from the point of origin to the facility. Such analysis shall identify mitigation measures to reduce identified risks. The health and safety assessment shall identify the most probable routes for transporting hazardous wastes to the facility within Orange County.

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5. An analysis of traffic impacts associated with the project and recommended mitigation measures.
6. An analysis of all anticipated water quality impacts associated with the project and proposed mitigation to ensure no degradation of water quality in the area.
7. Other information as required by the California Environmental Quality Act. (Ords. 12-95; 16-92: Prior Code 17.100.050)

17.42.060 Local Assessment Committee. Pursuant to Section 25199.7 of the California Health and Safety Code, the City Council shall appoint a seven member Local Assessment Committee (LAC) for each proposed project. The City Council shall have authority to appoint additional members to this committee as they deem appropriate. Each LAC shall have the power and duties, and perform the functions set forth in said Section 25199.7 and/or as otherwise specified by state law. The LAC shall be broadly constituted to reflect the makeup of the community and shall include three representatives of the community at large, two representatives of environmental or public interest groups, and two representatives of affected businesses and industries or as otherwise specified by state law. Members of the LAC shall have no direct financial interest, as defined in Section 87103 of the California Government Code, in the proposed specified hazardous waste facility project.

If the LAC and the applicant are unable to resolve all issues and differences through the procedures specified in state law, the matter shall be submitted for dispute resolution assistance by the State Office of Permit Assistance prior to any public hearings. The applicant shall pay any part of the costs for this assistance not paid by the State of California. (Ords. 12-95; 16-92: Prior Code 17.100.060)

17.42.070 Public Hearings.

- A. The applicant shall provide not less than one month prior to a scheduled public hearing, three sets of mailing labels for all owners of record as shown in the latest County equalized assessment rolls that lie within a 300 foot radius of the boundary of the project site.
- B. Public Notices:
 1. Notice of a public hearing shall be given not less than ten days prior to the date of hearing.

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2. Notices shall contain information on the project, including a brief description of the proposal, the environmental review status, and the hearing date, time and location.
3. Notices shall be mailed out to all names on the list required by Section 17.42.070.A.
4. Notices shall be displayed on the property and at public posting sites designated by the City Council and/or published in newspaper(s) of general circulation.
5. The applicant shall pay the costs of all public notices, whether mailed, posted or published, as part of the deposit/fee required in Section 17.42.040.

C. Public Hearings:

1. The Director of Community Development shall set the time and place of public hearings required to be held by the Planning Commission.
2. The Planning Commission shall hold at least one public hearing and shall then recommend to the City Council approval, denial, or conditional approval of the request by resolution based on the findings in Section 17.42.080.
3. The City Council shall then hold at least one public hearing and shall approve, deny or conditionally approve the request, by resolution, based on the findings in Section 17.42.080.

- D. A Hazardous Waste Facility Siting Permit shall become valid 30 days after the date approved by the City Council unless appealed in accordance with Section 17.42.090. (Ords. 12-95; 16-92: Prior Code 17.100.070)

17.42.080 Findings. No Hazardous Waste Facility Siting Permit shall be granted unless the following findings are made in writing by the Planning Commission and City Council, after consideration of the evidence presented at the public hearings:

- A. The project will be consistent with the General Plan.
- B. The project will not be detrimental to the health, safety, or general welfare of the community.

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- C. The project site is or will be adequately served by roads and other public or private service facilities.
- D. The project will be consistent with the Regional Fair Share Facility Needs Assessment and siting policies established in the Orange County Hazardous Waste Management Plan.
- E. The project will comply with the Facility Siting Criteria per Section 17.42.100.
- F. The project will meet the required findings for a Conditional Use Permit set forth in Section 17.10.030.F of the Orange Municipal Code. (Ords. 12-95; 16-92: Prior Code 17.100.080)

17.42.090 Appeals. An applicant or an interested person may file an appeal of a land use decision made hereunder by the City Council to the Governor's Appeals Board pursuant to the California Health and Safety Code Section 25199.9, or as otherwise provided by state law. (Ords. 12-95; 16-92: Prior Code 17.100.090)

17.42.100 Facility Siting Criteria And Permitting Requirements. The following siting criteria has been established for use by hazardous waste facility applicants in locating and designing suitable facility sites and facility projects. The purpose of the criteria is to reduce public health and environmental risks and governmental costs associated with development of the facility (Reference: 1988 Orange County Hazardous Waste Management Plan - Table V-3).

A. Protect the Residents of Orange County and the City of Orange.

1. Health and Safety Assessment.

All Facilities: Facilities shall be sited so as not to create significant risks or cause adverse impacts to the health and safety of populations in surrounding public and private areas, as determined by a Health and Safety Assessment. A Health and Safety Assessment by a state licensed expert in the applicable field (or, if no state license is applicable, a preparer otherwise shown by academic training and experience to be a qualified expert to the satisfaction of the City) is required for a proposed facility prior to approval of a local permit, to provide technical and environmental evaluation of the proposed facility, site and surrounding area.

A Health and Safety Assessment will provide the information and analysis needed to demonstrate compliance of the proposed facility with the Siting Criteria. The scope of the assessment will vary according to the size, type and proposed location of the facility. It is not intended that the Health and Safety Assessment duplicate information developed for environmental impact reports or risk assessments required under local, state or federal regulations. When environmental impact reports and health risk assessments are required, their scope should provide the information and analysis required, and thereby suffice for the Health and Safety Assessment.

The Health and Safety Assessment shall evaluate, at minimum the area within 2,000 feet of the site, which is designated a sensitive area, and shall evaluate the potential impact on sensitive populations within that area and on immobile populations within one mile of the site. Sensitive populations include residential populations, employment populations, and immobile populations such as those in schools, hospitals, convalescent homes, jails and other similar facilities within the area of potential impact. The Health and Safety Assessment must consider the quantities and the physical and chemical characteristics of the specific types of waste that would be handled, the facility design features and planned operational practices. The need and distance for any buffering of the facility from residential areas or other sensitive land uses will be identified. The Assessment shall include a hydrologic evaluation, and shall assess risks due to physical hazards such as flooding and earthquakes and potential water or air pollution. The Assessment shall detail credible potential accidents, including the distance over which effects would carry a variety of options for reducing risks, and procedures for dealing with the effects. The Assessment will identify the capabilities (including equipment and trained personnel) and response times of existing emergency services with regard to accidents at the facility, and will provide an emergency evacuation plan. If existing emergency services are deemed inadequate, the local agency may require the developer to supplement those services with onsite trained personnel and equipment.

Avoidance or mitigation of potential significant health or safety risks must be demonstrated to the satisfaction of the local permitting agency and the California Department of Health Services.

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2. Distance from Populations.

- a. Treatment, Recycling and Collection Facilities: Facilities shall comply with local minimum zoning code setbacks unless a greater buffer distance from other uses is deemed necessary, based on a required Health and Safety Assessment.
- b. Residuals Repositories: A minimum buffer distance of 2,000 feet from residences and other sensitive land uses is required for a hazardous waste residuals repository per Health and Safety Code Section 25202.5(b) and (d). The size of the buffer zone necessary to protect public health and safety will be identified based on a required Health and Safety Assessment.

B. Ensure the Structural Stability of the Facility.

1. Floodplains.

- a. All Facilities. Facilities must be designed, constructed, operated and maintained to preclude failure due to flooding, per flood control authorities and requirements. Provisions must be made to contain and test storm runoff prior to discharge in areas subject to contamination by waste or treated material. The required Health and Safety Assessment will address flooding risks associated with the facility.
- b. Treatment, Recycling and Collection Facilities. Facilities may be located in areas subject to 100-year flooding only if protected by offsetting engineered improvements, such as berms or raising the facility above flood levels. This includes areas subject to flooding by dam or levee failure and natural causes such as river flooding, flash floods, rainfall, or snow melt, tsunamis (tidal waves), seiches (earthquake-induced waves in lakes), and coastal flooding. A structural analysis or engineering design study must be provided which shows methods to prevent inundation or washout.
- c. Residual Repositories. Repositories are prohibited from locating in floodplain areas subject to 100-year flooding from natural causes or dam failure, even with protection, per Code of Federal Regulations (CFR), Title 40, Section 264.18(b), and California Administrative Code (CAC), Title 22, Section 66391(a)(11)(b).

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2. **Earthquakes - All Facilities.** Facilities must have a minimum 200-foot setback from active or recently active geologic faults, per the California Administrative code (CAC), Title 22, Section 6391(a)(11)A(1) and (2). The required Health and Safety Assessment will address earthquake safety of the facility.
3. **Unstable Soils.**
 - a. **Treatment, Recycling and Collection Facilities.** Facilities are prohibited from locating in areas of potential rapid geologic change, unless the facility and its containment structures have engineered design features to assure structural stability. This includes areas with unstable soils, steep slopes, and areas subject to liquefaction, subsidence, or other severe geologic constraints. The required Health and Safety Assessment will include a geologic report defining any such constraints and engineered solutions.
 - b. **Residual Repositories.** Repositories are prohibited from locating in areas of potential rapid geologic change, subsidence, or liquefaction per California Code of Regulations, Title 23, Subchapter 15, Section 2531(e). The required Health and Safety Assessment will include a geologic report.

C. Protect Surface and Groundwater Quality

1. **Containment and Groundwater Monitoring - All Facilities.** Facilities shall be fully enclosed by containment structures of impermeable materials which would contain any unauthorized release of hazardous material. Facilities shall be equipped with leak detection and spill control and recovery capability. Groundwater monitoring wells must be located around each facility to determine background vadose zone and groundwater quality, and to detect leaks and spills from the facility. An ongoing groundwater monitoring program should be developed in consultation with local, state and water district representatives.
2. **Water Quality.**
 - a. **All Facilities.** Facilities shall not be sited within watershed areas tributary to open reservoirs and aqueducts that contain drinking water supplies. Facilities shall locate such that domestic water supply wells cannot be adversely affected from unauthorized releases of contaminants.

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As a minimum standard, facilities shall locate at least one mile from domestic supply wells in the Forebay area (principal), recharge area to the Orange County groundwater basin, and at least one-half mile from domestic supply wells in the pressure area of the Orange County groundwater basin, unless clearly demonstrated to be safe at closer proximity through the Health and Safety Assessment. Facilities shall not locate within wellhead protection zones as identified by EPA guidelines or municipal water supply agencies and local water districts. Facilities shall not impact the quality of surface waters (lakes, rivers, streams, creeks, etc.) or groundwater resources which have been identified for beneficial uses by the Regional Water Quality Control Board Basin Plan (per State Water Resources Control Board Policy Resolution 88-63). The required Health and Safety Assessment will identify water quality issues. Facilities must meet federal, state and local water quality requirements.

- b. Treatment, Recycling and Collection Facilities. Facilities may locate in the following areas only with increased engineering design features, such as horizontal and vertical containment and monitoring systems clearly demonstrated in the Health and Safety Assessment to be safe at the particular site, to ensure protection: (a) Major aquifer recharge areas, (b) Areas of permeable strata and soils, (c) Areas where the existing groundwater has beneficial uses as described in the Basin Plan. Facilities with subsurface storage or treatment must be sited, designed and operated to ensure that hazardous materials will be a minimum of five feet above the highest anticipated elevation of underlying groundwater.
- c. Residuals Repositories. Repositories are prohibited from locating in principal recharge areas to regional aquifers as defined in local or state plans, including the Forebay area. Repositories are prohibited in areas of high permeability (such as sand and gravel) per the requirements of the State Water Quality Control Board and California Code of Regulations, Title 23, Subchapter 15, Section 2531(b) or any other applicable state, federal or local law, ordinance, rule or regulation. Repositories may be located only where the uppermost water-bearing zone or aquifer is presently mineralized (by natural or man-induced conditions) to the extent that it is not considered for beneficial use by the Basin Plan.

Repositories must be sited, designed and operated to ensure that hazardous materials will be a minimum of five feet above the highest anticipated elevation of any underlying groundwater.

3. Wastewater - All Facilities. Facilities generating wastewater should be located in areas with adequate industrial sewer capacity. The quality of wastewater must meet all federal, state and local sewerage agency discharge requirements and the facility must obtain a valid industrial wastewater discharge permit.
- D. Protect Air Quality. Air Quality Nonattainment and PSD Areas - All Facilities. Facilities are prohibited in Class I areas as identified in the Clean Air Act, and within wilderness, National Parks, memorial areas and similarly dedicated areas. Facilities may be sited in other nonattainment and PSD (Prevention of Significant Deterioration) areas only if they meet the requirements of the South Coast Air Quality Management District. The required Health and Safety Assessment will identify air emissions, impacts and mitigation associated with the facility.
- E. Protect Environmentally Sensitive Areas.
 1. Wetlands - All Facilities. Facilities are prohibited from locating in wetlands such as saltwater, freshwater and brackish marshes, swamps and bogs, as defined in local, regional, and state plans and policies (generally, areas inundated by surface or groundwater with a frequency to support, under normal circumstances, a prevalence of vegetative or aquatic life which requires saturated soil conditions for growth and reproduction).
 2. Animal and Plant Habitats - All Facilities. Facilities are prohibited from locating within critical or significant habitat areas of animal and plant species (including threatened or endangered species), as defined in local, regional or state plans and policies.
 3. Prime Agricultural Lands - All Facilities. Facilities are prohibited from locating on prime agricultural lands, as defined in California law and local plans, unless an overriding public need is served and demonstrated.
 4. Recreational, Cultural and Aesthetic Resources.
 - a. Collection Facilities. Low volume transfer and storage facilities may locate in protected, recreational, cultural or aesthetic resource areas,

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as defined by local, regional, state or national plans or policies, only if necessary to handle hazardous wastes generated by workers, residents or visitors in these areas.

- b. Treatment and Recycling Facilities and Residuals Repositories. Facilities are prohibited from locating in protected recreational, cultural and aesthetic resource areas, as defined by local, regional, state or national plans or policies.

- 5. Mineral Resource Areas - All Facilities. Facilities are prohibited from locating on lands containing significant mineral deposits, as classified by local plans or California's mineral land class maps and reports, if the extraction of the mineral deposit would be precluded.

F. Ensure Safe Transportation of Hazardous Waste.

- 1. Proximity to Waste Generation Areas.
 - a. Treatment, Recycling and Collection Facilities. Facilities should locate close to sources of hazardous waste generation (generally industrial areas) to minimize the risks of transportation.
 - b. Residuals Repositories: Repositories may be located more distance from the sources of hazardous waste generation than other facilities because of the need for larger land areas and buffer zones.
- 2. Proximity and Access to Major Routes - All Facilities. Facilities shall be located to minimize distance from major transportation routes. Facilities must have good access by road designed to accommodate heavy vehicles. Travel routes from facilities to major transportation routes shall not pass through residential neighborhoods, shall minimize residential frontages, and shall be demonstrated as safe with regard to road design and construction, accident rates, excessive traffic, etc. The required Health and Safety Assessment will evaluate risks associated with transportation of hazardous wastes.

G. Protect the Social and Economic Goals of the Community.

- 1. Consistency with General Plan - All Facilities. Facilities must be consistent with local planning policies, including the City general plan and zoning ordinances.
- 2. Fiscal Impact. All Facilities: A facility's fiscal impact to the City must be demonstrated.

3. Socioeconomic Impacts - All Facilities. The City may require the facility developer to fund an independent study on socioeconomic impacts of the facility.
4. Consistency with Orange County Hazardous Waste Management Plan - All Facilities. Facilities shall be consistent with the goals and policies of the Orange County Hazardous Waste Management Plan, and must demonstrate compliance with the siting criteria established herein. Facilities shall be consistent with the fair share principle, and with any inter-jurisdictional agreements on hazardous waste management. Local needs are to be the primary basis for facility siting criteria decisions, along with regional commitments; facilities are to be designed and sized primarily to meet the hazardous waste management needs of Orange County, or to meet the County's broader regional commitments under an inter-jurisdictional agreement. (Ords. 12-95; 16-92: Prior Code 17.100.100)

17.42.110 Special Development Requirements.

- A. Generally Applicable Conditions. Every City hazardous waste facility permit is deemed to be subject to the following conditions, whether or not specifically listed in the permit approval, and the applicant and facility operator shall comply with each of the following:
 1. The owner or operator shall prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto any portion of the facility.
 2. The operator shall provide a 24-hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel) which continuously monitors and controls entry onto the facility.
 3. An artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff) shall be constructed which completely surrounds the facility.
 4. All gates or other entrances into the facility shall be provided with adequate means to control entry at all times. Signs with the legend, "Danger-Hazardous Waste Area-Unauthorized Personnel Keep Out," shall be posted at each entrance to the facility, and at other locations, in sufficient numbers to be seen from any approach.

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The legend shall be written in English, Spanish and any other language predominate in the area surrounding the facility, and shall be legible from a distance of at least 25 feet. Existing signs with a legend other than "Danger-Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion, and that entry onto the active portion can be dangerous.

B. Contingency Plan.

1. Every hazardous waste facility is required to have a contingency plan designed to minimize hazards to human health and the environment from fires, explosions, or unplanned release of hazardous waste to air, soil, or surface water. The plan shall be carried out immediately whenever a fire, explosion, or unplanned release occurs.
2. The contingency plan shall include:
 - a. The actions employees must take in response to a fire, explosion, or unplanned release of hazardous waste;
 - b. Procedures for notification of emergency response agencies;
 - c. The names, addresses and telephone numbers (office and home) of all persons qualified to act as emergency coordinator. (If more than one name is listed, the order in which they may assume authority shall be given, with one person designated as primary coordinator.) The emergency coordinator shall be available to respond to an emergency and shall have the responsibility for coordinating all emergency response measures. The emergency coordinator shall be familiar with all aspects of the contingency plan, all operations and activities of the facility, the location and characteristics of wastes handled, and general facility layout. The emergency coordinator shall have the authority to commit the resources needed to carry out the contingency plan;
 - d. A listing of all emergency equipment at the facility, including its location and an outline of its capabilities;
 - e. An evacuation plan for employees where evacuation may be necessary, including signals used to begin evacuation, primary evacuation routes and alternate routes.
3. Facility Emergency Coordinator Responsibilities shall be identified in the contingency plan to include, at minimum, the following:

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- a. In event of emergency (imminent or natural) fire, the emergency coordinator shall immediately activate facility alarms to notify employees and shall contact all appropriate state and/or local emergency response agencies.
- b. In the event of a fire, explosion, or release of hazardous material, the emergency coordinator shall immediately identify and disclose to all appropriate state and/or local emergency response agencies the character, exact source, amount and real extent of any released materials. Concurrently, the emergency coordinator shall assess possible hazards both direct and indirect, to human health or the environment that may result from the emergency.
- c. If the emergency coordinator determines that the facility has had a release, fire or explosion which could threaten human health and/or the environment outside the facility, the emergency coordinator shall report his findings as per the following Subsections d and e.
- d. If evacuation is necessary, local officials shall be so notified.
- e. The emergency coordinator shall, in every situation, promptly notify the State Office of Emergency Services by telephone or such other telecommunications as provided by that Office, providing the following information:
 - i. Name and telephone of person reporting;
 - ii. Name and address of facility;
 - iii. Time and type of incident;
 - iv. Name and quantity of material(s) involved;
 - v. Extent of injuries; and
 - vi. Possible hazard to human health and the environment outside facility.
- f. During the emergency, the emergency coordinator shall take all reasonable measures to ensure that fires, explosions, and releases do not occur or spread, including such measures as:
 - i. Stopping operations;
 - ii. Collecting and containing released waste; and
 - iii. Removing or isolating containers.
- g. If the facility stops operations during an emergency, the emergency coordinator shall monitor for leaks, pressure build-ups, gas generation or ruptures in valves, pipes or other equipment as appropriate.
- h. Immediately after an emergency, the emergency coordinator shall provide for treating, storing or disposing of recovered waste, contaminated soil or surface water, or any other material resulting from a release, fire or explosion.

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- i. Other activities required of the emergency coordinator after an emergency are:
 - i. No wastes incompatible with the release material is handled until clean-up is completed; and
 - ii. Emergency equipment is cleaned and ready for use before operations are resumed.
4. Owner/Operator Responsibilities shall be identified in the contingency plan to include, at minimum, the following:
 - a. Notify the State Department of Health Services and appropriate state and local authorities that the above requirements have been met before operations are resumed in the affected area.
 - b. Record the time, date and details of any incident which requires implementing the contingency plan.
 - c. Within 15 days submit a written report on the incident to the State Department of Health Services. The report shall include:
 - i. Name, address and telephone number of the Owner/Operator;
 - ii. Name, address and telephone number of the facility;
 - iii. Date, time and type of incident;
 - iv. Name and quantity of materials involved;
 - v. Extent of any injuries;
 - vi. Assessment of actual or potential hazards to human health or the environment, where applicable; and
 - vii. An estimate of the quantity of material recovered and its disposition.
 - d. A copy of the contingency plan shall be maintained at the facility. A copy shall be sent to the City and County police and fire departments, local hospitals, and the County environmental health agency.
 - e. The contingency plan shall be reviewed and amended when any of the following occur:
 - i. The facility permit is revised;
 - ii. Applicable regulations are revised;
 - iii. The plan fails in an emergency;
 - iv. Operations at the facility change in a way that materially increases the potential of fire, explosion or unplanned release of hazardous waste;
 - v. The list of emergency coordinators changes;
 - vi. The list of emergency equipment changes.

C. Monitoring.

1. Upon notice, City officials, their designated representative and representatives of other affected

regulatory agencies may enter a parcel on which a hazardous waste facility permit has been granted for the purpose of monitoring the operation of the facility.

2. In addition to the requirements of Chapter 15.33 of the Orange Municipal Code, the holder of a hazardous waste facility permit shall report quarterly to the City of Orange Fire Department, the amount, type and disposition of all wastes processed by the facility. The report shall also include a map showing the exact location (coordinates and elevation) by quantity and types of materials placed in repositories (or otherwise stored or disposed of) onsite.
 3. All structures shall remain accessible for inspection purposes.
- D. Closure Plan. Pursuant to Section 17.42.040.N, the owner or operator of a hazardous waste management facility shall submit a written closure plan, which must be approved as part of the permit process by the City Council. A copy of the approved plan and all revisions to the plan shall be kept at the facility until closure is completed. The plan shall identify steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life. The closure plan shall include at least:
1. A description of how and when the facility will be partially closed, if applicable, and finally closed. The description shall identify the maximum extent of the operation which will be open during the life of the facility.
 2. An estimate of the maximum inventory of wastes in storage and in treatment at any time during the life of the facility.
 3. A description of the steps needed to decontaminate facility equipment during closure.
 4. An estimate of the expected year of closure and a schedule for final closure. The schedule shall include at minimum, the total time required to close the facility and the time required for intervening closure activities which will allow tracking of the progress of closure. The owner or operator may amend his closure plan at any time during the active life of the facility. (The active life of the facility is that period during which wastes

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are periodically received.) The owner or operator shall amend the plan whenever changes in operating plans or facility design affect the closure plan, or whenever there is a change in the expected year of closure. When the owner or operator requests a permit modification to authorize a change of operating plans or facility design, he shall request a modification of the closure plan at the same time.

5. The plan shall clearly indicate an effective and ongoing use for the facility after closure. The plan will identify how the subject property will be used after the anticipated life of the project; the nature and type of reclamation, provisions for maintenance of the project and finally the requirements for long-term monitoring of the reclaimed area to ensure no hazardous materials are leaking from the site.
 6. The plan shall indicate financial arrangements (irrevocable trust or other form of security arrangement) for the purpose of providing funds for the closure of its site and its long-term post closure monitoring maintenance, per Section 17.42.110.E.3.
- E. Financial Responsibility. Prior to issuance of an "Occupancy Permit" to begin the use identified in this permit, the applicant shall show proof of liability insurance as follows:
1. The types, amounts, periods of coverage, and provisions for periodic review as to adequacy of coverage shall be specified in the conditions of approval. Required insurance shall include, but not be limited to: general liability insurance, automotive liability insurance, environmental impairment liability insurance, and architect's and engineer's professional liability insurance. All such insurance shall be in form, substance and amounts, and with carriers, acceptable to the City; shall name the City as an additional insured and shall be maintained for the life of the site and such additional periods as shall be specified in the conditions of approval.
 2. Additionally, coverage will be provided for workers compensation insurance and such other insurance as may be required. Said insurance will name the City as either additional insured or as an additional loss payee. Certificates of Insurance will be submitted to the City annually.

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3. An irrevocable trust will be established to provide funds for closure of the site and its long-term post-closure and monitoring and maintenance. Funds for this trust would be provided by the Owner/Operator of the facility quarterly based on quantity and types of hazardous wastes received and processed or percentage of gross income. The terms of the Trust shall be in amounts and reasonably calculated to provide sufficient funds to fully implement the closure, and shall be in form and substance acceptable to the Community Development Director. The terms will be reviewed annually regarding the amount of funds in the trust and anticipated closure monitoring and maintenance costs. Applicant shall also provide a bond in an amount to be determined by the City for purposes of closure of the site.
 4. The applicant shall defend, indemnify, and hold harmless the City, its officers, agents, servants, and employees from all claims, actions or liabilities arising out of the issuance of this permit, operations at the facility and transportation of wastes to and from the facility.
- F. Additional Conditions. The Planning Commission or City Council may impose such additional conditions upon any hazardous waste facility permit as it deems necessary or proper to achieve the purposes of this ordinance and the City's General Plan and/or to protect the health, safety and general welfare of the community or affected persons and property. (Ords. 12-95; 16-92: Prior Code 17.100.110)

17.42.120 - Use of Permit.

- A. Qualifying Facilities. A Hazardous Waste Facility Siting Permit shall be granted for only those substances and quantities identified in the conditions of approval. No additional types of wastes or increases in the quantity of approved wastes shall be allowed beyond those specified in the approved facility permit, unless a separate application is made therefore, which shall satisfy the same procedures and requirements as those for an initial application.
- B. Expiration of Permit. Any Hazardous Waste Facility Siting Permit that is granted shall be used within two years from the effective date thereof, or within such additional time as may be set forth in the conditions of approval, which shall not exceed a total of five years; otherwise, the permit shall be null and void. Notwithstanding the foregoing, if a permit

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is required to be used within less than five years the permittee may, prior to its expiration, request an extension of time in which to use the permit. A request for extension of time shall be made to the body issuing the original permit, on forms provided by the Community Development Department and shall be filed with the Community Development Department accompanied by the appropriate fee. Within 60 days following the filing of a request for an extension, the matter shall be set as an advertised public hearing on the regular agenda of the City Council who shall review the application. An extension of time may be granted upon a determination that valid reason exists for permittee not using the permit within the required period of time; that the permittee has complied in good faith with all applicable conditions of the permit to date; and that there has been no intervening change in circumstances that would render the extension a potential detriment to health, safety or general welfare. The City Council in granting an extension may impose additional conditions or modify previous conditions as it may deem necessary or proper based upon the applicable standards for granting an original permit. If an extension is granted, the total time allowed for use of the permit shall not exceed a period of seven years, calculated from the effective date of the issuance of the original permit. The term "use" shall mean the beginning of substantial construction of the use that is authorized, which construction must thereafter be pursued diligently to completion.

- C. Permit Review and Renewal. Permit review and renewal shall be determined at the time of approval, but an initial review and renewal procedure shall be required not more than three years from the date of project completion. (Ords. 12-95; 16-92: Prior Code 17.100.120)

CHAPTER 17.44

DEVELOPMENT AGREEMENTS

Sections:

- 17.44.010 Authority and Scope
- 17.44.020 Application Forms
- 17.44.030 Fees
- 17.44.040 Qualified Applicant
- 17.44.050 Proposed Agreement
- 17.44.060 Filing and Review of Application
- 17.44.070 Notice of Intention
- 17.44.080 Manner of Giving Notice
- 17.44.090 Failure to Receive Notice
- 17.44.100 Hearing and Recommendation of Planning Commission
- 17.44.110 Recommendation of Orange Redevelopment Agency
- 17.44.120 Hearing by City Council
- 17.44.130 Decision by City Council
- 17.44.140 Approval of Development Agreement
- 17.44.150 Recordation
- 17.44.160 Amendment and Cancellation
- 17.44.170 Periodic Review
- 17.44.180 Modification or Termination
- 17.44.190 Irregularity in Proceedings
- 17.44.200 Policy

17.44.010 Authority and Scope. This chapter is adopted pursuant to Government Code Section 65864, et. seq. as the same may now exist or hereafter be amended. All development agreements entered into on or after the date of approval of this chapter shall be processed in accordance with the provisions of this chapter. (Ords. 12-95; 40-88: Prior Code 17.98.010)

17.44.020 Application Forms. The Community Development Director shall prescribe the form of each application, notice and documents provided for or required under this chapter for the preparation, processing and implementation of development agreements. The application shall include as separate documents and/or concurrent land use actions and supporting documents by reference, the following information:

- A. Duration of the agreement;
- B. A legal description of all property affected by the agreement;
- C. The permitted uses of the property;

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- D. The density or intensity of use of the property;
- E. The maximum height and size of proposed buildings;
- F. Provisions for reservation of land dedication for public purposes;
- G. Fiscal impact statement;
- H. Phasing and project completion date;
- I. Consistency with the General Plan and any applicable specific plan;
- J. Site plans, elevations, and all other such pertinent information concerning and describing the proposed project;
- K. Specific public facilities that will be required to serve the project, and provision for financing such facilities;
- L. Name of legal entity with which the City would contract; identity of all joint ventures, limited partners, or others with whom the developer proposes to associate; and
- M. Any additional information and supporting data as the Director considers necessary to process the application. (Ords. 12-95; 40-88: Prior Code 17.98.020)

17.44.030 Fees. The City Council shall establish, and from time to time amend by resolution, a schedule of fees imposed for the filing and processing of each application and document required by this chapter. The fee may be waived in whole or in part by the City Council. (Ords. 12-95; 40-88: Prior Code 17.98.030)

17.44.040 Qualified Applicant. An application for a development agreement may only be filed by a person, or the authorized representative of such a person, who has a legal or equitable interest in the real property located within the municipal boundaries of the City, or real property to be annexed to the City of Orange, for which a development agreement is sought. Written evidence of such title or authority shall accompany the application. (Ords. 12-95; 40-88: Prior Code 17.98.040)

17.44.050 Proposed Agreement. Each application shall be accompanied by the development agreement proposed by the applicant consistent in form with the City of Orange Model Development Agreement incorporated herein by reference. (Ords. 12-95; 40-88: Prior Code 17.98.050)

17.44.060 Filing and Review of Application. The Community Development Department shall endorse on the application the date it is received. The application and proposed development agreement shall be distributed to a Staff Review Committee comprised of representatives of the various City Departments. The Director and Committee shall review the application and determine the additional requirements necessary to complete the agreement. The Director may reject the application if it is not completed in the manner required by this chapter. After receiving the required information, the Director shall prepare a staff report. The staff report shall analyze the proposed development and shall contain a recommendation as to whether or not the development agreement proposed, or in an amended form, would be consistent with the General Plan or any applicable specific plan, and shall state what action will be required for compliance with the California Environmental Quality Act, to the extent that it is applicable. The staff report and the proposed development agreement shall be distributed to members of the Planning Commission and the City Council. (Ords. 12-95; 40-88: Prior Code 17.98.060)

17.44.070 Notice of Intention. Upon completion of the staff report required by Section 17.44.060, in addition to any other notice required by law, the Director shall give notice of intention to consider adoption of a development agreement. The notice shall contain:

- A. The time and place of the public hearing before the Planning Commission;
- B. A general explanation of the development agreement, including a general description of the property proposed to be developed;
- C. Other information that the Director considers necessary or desirable. (Ords. 12-95; 40-88: Prior Code 17.98.070)

17.44.080 Manner of Giving Notice. All notice required by this Chapter shall be given in the manner provided in Section 17.08.040, in accordance with Government Code Section 65867. (Ords. 12-95; 40-88: Prior Code 17.98.080)

17.44.090 Failure to Receive Notice. The failure to receive notice by any persons entitled thereto by law or by this chapter does not affect the authority of the City to enter into a development agreement or the validity of any such agreement. (Ords. 12-95; 40-88: Prior Code 17.98.090)

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17.44.100 Hearing and Recommendation of Planning Commission.
The Planning Commission shall hold a public hearing on the proposed development agreement at the time and place specified in the notice of intention or in accordance with any continuance thereof granted by the Planning Commission at the scheduled hearing. The Planning Commission shall make its recommendation to the City Council in writing within 30 days of the public hearing. The recommendation shall include whether or not the proposed development agreement:

- A. Is consistent with the objectives, policies, general land uses, and programs specified in the General Plan and any applicable specific plan or redevelopment plan;
- B. Is compatible with the uses authorized in the district or planning area in which the real property is located;
- C. Is in conformity with the public necessity, public convenience, general welfare, and good land use practices;
- D. Will be beneficial to the health, safety, and general welfare consistent with the policy of the City with respect to development agreements as provided in Section 17.44.200;
- E. Will adversely affect the orderly development of property in the City. (Ords. 12-95; 40-88: Prior Code 17.98.100)

17.44.110 Recommendation of Orange Redevelopment Agency.
Any proposed development agreement located within a redevelopment project area in the City shall be reviewed by the Redevelopment Agency. The Redevelopment Agency shall make its recommendation to the City Council, based upon whether the proposed agreement promotes the policies and purposes of the applicable redevelopment plan. The Redevelopment Agency shall not be required to hold a public hearing, and its recommendation may be made either in writing or by oral motion and the vote of the majority of the Agency members in voting. (Ords. 12-95; 40-88: Prior Code 17.98.110)

17.44.120 Hearing by City Council. After the recommendation of the Planning Commission (and Redevelopment Agency, if applicable) or after the expiration of the time period specified in Section 17.44.100, the Director shall give notice of a public hearing before the City Council in the manner provided for in Sections 17.44.070 and 17.44.080. (Ords. 12-95; 40-88: Prior Code 17.98.120)

17.44.130 Decision by City Council.

- A. After it completes the public hearing and considers the recommendation, if any, of the Planning Commission and, if applicable, the Redevelopment Agency, the City Council may accept, modify, or deny the proposed development agreement. It may, but need not, refer the matters not previously considered by the Planning Commission during its hearing, back to the Planning Commission, who shall not be required to hold a public hearing on matters referred back to it by the City Council.
- B. The development agreement shall not be approved unless the City Council finds that the development agreement is consistent with the General Plan and any applicable specific plan or redevelopment plan. (Ords. 12-95; 40-88: Prior Code 17.98.130)

17.44.140 Approval of Development Agreement. Approval of the development agreement shall be by the adoption of an ordinance. Upon the approval of the Ordinance, the City shall enter into the development agreement by the execution thereof by the Mayor. (Ords. 12-95; 40-88: Prior Code 17.98.140)

17.44.150 Recordation.

- A. No later than ten days after the City enters into the development agreement, the City Clerk shall record with the County Recorder a copy of the development agreement.
- B. If the parties to the agreement or their successors in interest amend or cancel the agreement, or if the City terminates or modifies the agreement for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City Clerk shall cause notice of such action to be recorded with the County Recorder. (Ords. 12-95; 40-88: Prior Code 17.98.150)

17.44.160 Amendment and Cancellation.

- A. Either the City or the applicant or successor in interest thereto may propose an amendment or cancellation in whole or in part of the development agreement.
- B. The procedure for proposing and approving an amendment to or cancellation in whole or in part of the development agreement shall be the same as the procedure for entering into a development agreement.

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- C. Except as provided for in Section 17.44.180, the development agreement may only be amended or canceled in whole or in part by the mutual consent of all parties to the development agreement. (Ords. 12-95; 40-88: Prior Code 17.98.160)

17.44.170 Periodic Review.

- A. The City Council shall review the development agreement at least every 12 months from the date the development agreement is entered into until expiration of the term of the agreement.
- B. The Director shall give the applicant or successor in interest thereto at least 30 days advance notice of the time at which the City Council will review the development agreement.
- C. The City Council may refer the matter to the Planning Commission for further proceedings or for a report and recommendation.
- D. The applicant or successor in interest thereto shall demonstrate good faith compliance with the terms of the development agreement. The burden of proof on this issue shall be on the applicant or successor in interest.
- E. If, as a result of such periodic review, the City Council finds and determines, on the basis of substantial evidence, that the applicant or successor in interest thereto has not complied in good faith with the terms or conditions of the development agreement, the City Council may commence proceedings to enforce, modify, or terminate the development agreement. (Ords. 12-95; 40-88: Prior Code 17.98.170)

17.44.180 Modification or Termination.

- A. If, upon a finding under Section 17.44.170.D, the City Council determines to proceed with modification or termination of the development agreement, the City Council shall give notice to the applicant or successor in interest thereto of its intention to do so. The notices shall contain:
1. The time and place of the hearing;
 2. A statement as to whether or not the City Council proposes to modify or terminate the development agreement;

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3. Any proposed modification to the development agreement;
 4. Other information which the City Council considers necessary to inform the applicant or successor in interest thereto of the nature of the hearing.
- B. At the time set for the hearing on the modification or termination, the City Council may refer the matter back to the Planning Commission for further proceedings or for report and recommendation. The City Council may take such action as it deems necessary to protect the interests of the City. The decision of the City Council shall be final and notice thereof shall be recorded as prescribed in Section 17.44.150. (Ords. 12-95; 40-88: Prior Code 17.98.180)

17.44.190 Irregularity in Proceedings. No action, inaction, or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect, or omission as to any matter pertaining to the application, notice, finding, record, hearing, report, recommendation, or any other matters of procedure whatsoever unless after an examination of the entire record the court is of the opinion that the error complained of was prejudicial and that a different result would have been probable if the error had not occurred or existed. (Ords. 12-95; 40-88: Prior Code 17.98.190)

17.44.200 Policy. It is the policy of the City of Orange to enter into development agreements under the provisions of this chapter where the development agreement and proposed development project, in the City's opinion, is of significant public benefit not only to the prospective residents of the proposed development, but to the entire community. (Ords. 12-95; 40-88: Prior Code 17.98.200)