

CITY COUNCIL ORDINANCE NO. 22-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00863847-PZC TO AMEND THE ZONING ORDINANCE AND MUNICIPAL CODE TO PROVIDE NEW CITYWIDE REGULATIONS FOR RESIDENTIAL BEEKEEPING

WHEREAS, the City of Irvine Community Development Department has initiated Zone Change 00863847-PZC to revise the Zoning Ordinance and Municipal Code to establish procedures and development standards for a Residential Beekeeping Permit; and

WHEREAS, Zone Change 00863847-PZC will create two new chapters within the Zoning Ordinance (Chapters 2-39 and 3-41) to establish Administrative Procedures for processing eligible Residential Beekeeping Permits and to establish the development and approval requirements for a Residential Beekeeping Permit, respectively; and

WHEREAS, Zone Change 00863847-PZC will amend Title 4 – Public Safety, Chapter 10, Section 4-5 1009 of the Municipal Code and Chapter 3-37 (Section 3-37- 12 2.1 Estate Density Residential, Section 3-37-13 2.2 Low Density Residential, Section 3-37-14 2.3 Medium Density Residential, Section 3-37-15 2.4 Medium High Density Residential, Section 3-37-16 2.5 High Density Residential, Section 3-37-17 3.1 Multi Use, and Section 3-37-39 8.1 Trails and Transit Oriented Development) of the Zoning Ordinance to ensure consistency by allowing residential beekeeping within residential districts; and

WHEREAS; the Zone Change is considered a “project” under regulations of the State of California Environmental Quality Act; and

WHEREAS, Pursuant to Section 4 of the City of Irvine CEQA procedures and Article 5 of the State of California Environmental Guidelines, the proposed Zone Change is exempt from CEQA under Section 15061(b)(3) as it can be seen with certainty that the proposed ordinance does not have the potential to significantly impact the environment; and

WHEREAS, the Planning Commission of the City of Irvine considered information presented by Community Development Department and other interested parties at a public hearing held March 17, 2022 and recommended City Council approval of the Zone Change subject to minor revisions in Chapter 3-41, Section 3-41-3 and Section 3-41-4 for clarification purposes; and

WHEREAS, the City Council of the City of Irvine has considered information presented by City staff, the applicant, and other interested parties at a public hearing held April 26, 2022.

NOW, THEREFORE, the City Council of the City of Irvine DOES HEREBY ORDAIN as follows:

SECTION 1. Pursuant to Section 4 of the City of Irvine CEQA procedures and Article 5 of the State of California Environmental Guidelines, the proposed project has been found to be exempt from the requirements of CEQA under Section 15061(b)(3) as it can be seen with certainty that the proposed ordinance does not have the potential to significantly impact the environment.

SECTION 2. The findings required for approval of a Zone Change as set forth in Section 2-38-7 of the City of Irvine Zoning Ordinance have been made as follows:

A. The proposed zone change is consistent with the City's General Plan.

The Zone Change is consistent with the City's General Plan as the proposed regulations for a Residential Beekeeping Permit do not conflict with any goal or policy in the General Plan.

B. The proposed zone change is consistent with any applicable concept plan.

There is no Concept Plan associated with this project.

C. The proposed zone change meets all the requirements set forth within division 8 for dedication of permanent open space through a specified phased implementation program for affected planning areas and zoning districts.

This project is not required to dedicate open space because there is no development associated with the zone change.

D. The proposed zone change is in the best interest of the public health, safety, and welfare of the community.

The Zone Change is in the best interest of the public health, safety, and welfare of the community as it establishes administrative procedures and development standards for processing Residential Beekeeping Permits, as well as requirements within the Best Management Practices Manual that will ensure safe and responsible beekeeping. The Residential Beekeeping Ordinance has been designed to ensure beehives remain ancillary to the primary use of residential properties and will not affect the public health and safety of the neighborhood. Furthermore, the Zone Change includes response strategies that have been developed in coordination with Public Safety's Animal Services Division to minimize any potential impacts of beehives within neighborhoods.

- E. Based upon information available at the time of approval, adequate sewer and water lines, utilities, sewage treatment capacity, drainage facilities, police protection, fire protection/emergency medical care, vehicular circulation and school facilities will be available to serve the area affected by the proposed zone change when development occurs.

The Zone Change does not create new development and will only revise and introduce new chapters within the Zoning Ordinance and amend the Municipal Code to establish procedures and regulations pertaining to Residential Beekeeping. Therefore, it will have no impact on any of the aforementioned public facilities or services.

- F. The proposed zone change affects land located within the coastal zone, the proposed zone change will comply with the provisions of the land use plan of the certified local coastal program.

The project does not include any development within the coastal zone.

SECTION 3. Based on the above findings, the City Council of the City of Irvine DOES HEREBY APPROVE Zone Change 00863847-PZC amending the City's Zoning Code and to provide new Citywide regulations for Residential Beekeeping.

SECTION 4. The City Clerk shall certify to the passage of this Ordinance and this Ordinance shall be published as required by law and shall take effect as provided by law.

PASSED AND ADOPTED by the City Council of the City of Irvine at an adjourned regular meeting held on the 10th day of May, 2022.

  
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MAYOR OF THE CITY OF IRVINE

ATTEST:

  
\_\_\_\_\_  
CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) SS  
CITY OF IRVINE )

I, CARL PETERSEN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing ordinance was introduced for first reading on the 26<sup>th</sup> day of April 2022, and duly adopted at an adjourned regular meeting of the City Council of the City of Irvine, held on the 10th day of May, 2022.

AYES:	5	COUNCILMEMBERS:	Agran, Carroll, Kim, Kuo, and Khan
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

  
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CITY CLERK OF THE CITY OF IRVINE

## DIVISION 2 – ADMINISTRATION

### *Chapter 2-39 – Residential Beekeeping Permit*

#### Sec. 2-39-1. – Intent.

A. It is the intent and purpose of this section to establish procedures whereby the City may grant a Residential Beekeeping Permit.

#### Sec. 2-39-2. – Need for Beekeeping Permit.

A. A Residential Beekeeping Permit is required for all residential beehives where the Zoning Ordinance identifies “Residential Beekeeping (Accessory Use)” as a permitted use

#### Sec. 2-39-3. – Application requirements.

A. Persons eligible. The property owner or authorized agent of the property owner is eligible to apply for a Residential Beekeeping Permit with the Community Development Department.

B. All of the information below must be submitted by an eligible person at the time a Residential Beekeeping Permit application is submitted:

1. A complete Residential Beekeeping Permit application signed by the property owner or its authorized representative.
2. Site Plan - City Form XX-XX - identifying the following information:
  - Proposed beehive location and existing structures;
  - Minimum setbacks of the proposed beehive from all property lines and adjacent streets;
  - Property lines, exterior walls/fences, and all easements of record;
  - Easements on the property, if any; and
  - Surrounding land uses.
3. Required Beehive Information and Acknowledgements form, which includes all of the following acknowledgements:
  - a. Property owner understands that, at any time, an adjoining property resident may submit proof to the City of a medically-certified allergy to the sting of bees, which shall result in the City’s initiation of the revocation

process of a Residential Beekeeping Permit in accordance with Zoning Ordinance Chapter 2-39.

b. Property owner understands that the ability to maintain bees on residential property may be subject to Sec. 4-11-111 - Emergency Abatement - of the Municipal Code if a permit violation exists and/or if any related activity affects the public health and safety of the neighborhood.

c. A Residential Beekeeping Permit does not override private property restrictions in Covenants, Conditions and Restrictions (CC&Rs) or Homeowners' Association regulations.

d. Property owner has read and understands the City of Irvine's Best Management Practices (BMPs) Manual.

e. Property owner certifies that they will maintain bees in a manner that conforms with Chapter 3-41 and the City of Irvine's BMPs Manual.

4. Proof of notification to adjacent property owners abutting the subject site regarding the submittal of a Residential Beekeeping Permit. Proof of Notification shall include the following information:

- Copies of notification letter;
  - Neighbors signature acknowledging receipt of letter;
  - Contact Information (name, email address, and phone number);
- and
- Property address.

5. Homeowners' Association acknowledgement and authorization, if applicable.

6. A deposit or fee as set forth by ordinance or resolution of the City Council.

7. Proof of completion of a beekeeping course.

8. Registration with the County of Orange Agricultural Commissioner on the first day of January of each year or within 30 calendar days of acquiring an apiary consistent with Food and Agricultural Code Sections 29040-29056. The applicant must submit proof of registration to the City prior to final approval and renewal of a Residential Beekeeping Permit.

Sec. 2-39-4. – Approval body.

The Director of Community Development Department, or his or her designee, shall review applications for Residential Beekeeping Permits.

Sec. 2-39-5. – Appeal.

The decision of the Director of Community Development, or his or her designee, with respect to the Residential Beekeeping Permit shall be final unless appealed in accordance with Chapter 2-5 -Appeal Procedure – of the Zoning Ordinance.

Sec. 2-39-6. – Expiration and Renewal.

A. A Residential Beekeeping Permit shall expire one (1) year from the date of the final approval of the permit.

B. The recipient of a Residential Beekeeping Permit shall submit a permit application in accordance with Section 2-39-3 of this Chapter to renew the permit. All permit renewals shall be secured prior to the expiration of the previous year's permit.

Sec. 2-29-7. – Inspections

A. Subsequent to the approval of an initial residential beekeeping permit, City staff or their designee shall inspect the site to determine that the permit complies with the development standards in Chapter 3-37, Section 3-41 of the Zoning Ordinance.

Sec. 2-39-8. – Enforcement and revocation.

A. The Director of Community Development, or his or her designee, is authorized to revoke a residential beekeeping permit if any of the following occurs:

1. An adjoining property owner (a property touching the subject site) has provided medical proof of a bee sting allergy.
2. The beehive(s) creates an imminent danger and affects the public health and safety of the community and surrounding area.
3. The permittee violates any of the conditions or terms of approval or any law or ordinance in connection with the permit approval on three (3) separate occasions within a 12-month period.
- 4.

B. Upon determining that the grounds for permit revocation exist, the Director of Community Development shall furnish written notice of the revocation to the permittee. Such notice shall summarize the principal reasons for the revocation, and shall be delivered by first class mail and certified mail, return receipt requested and postage prepaid, addressed to the permittee as the name and address appears on the permit. Upon receipt of such notice, the permittee shall immediately suspend all beekeeping activities including removing all bees from the subject property.

C. Within 30 calendar days after having served notice of revocation, the Director of Community Development, or his or her designee, shall meet with the permittee, permittee's authorized agent, or permittee's successor. The intent of the meeting shall be to discuss reason(s) for the cited revocation of the permit and ways to remedy the revocation, if possible. If no agreement can be reached, the Director of Community Development, or his or her designee, shall permanently revoke the permit. The decision of the Director shall immediately become effective and final unless an appeal is timely made as provided in Sec.2-39-9 of this Chapter.

**Sec. 2-39-9. - Appeal.**

A. For purposes of this chapter, the appeal procedure set forth in this section applies to only a revocation of a permit and supersedes that contained in Chapter 2-5.

B. The permittee shall, within 15 calendar days after having been notified of an adverse determination, file a written notice of appeal with the City Clerk.

C. The written notice of appeal shall be addressed to the Planning Commission and shall specify the subject matter of the appeal, the date of any original and amended applications or requests, the date of the adverse decision (or receipt of notice thereof), the basis of the appeal, the action requested of the Planning Commission, and the name and address of the permittee.

D. The appeal shall be accompanied by a deposit or fee as required by City Council resolution.

E. The City Clerk shall place the appeal on the Planning Commission agenda within 60 calendar days after receipt of it. The permittee shall have the burden of proving that the decision rendered by the Director of Community Development, or his or her designee, was unreasonable, erroneous, or a clear abuse of discretion.

F. The decision of the Planning Commission shall be final.

**Sec. 2-38-9 Emergency abatement.**

A. A residential beehive(s) shall be subject to Division 11, Sec. 4-11-111 – Emergency Abatement – of the Municipal Code should any of the following conditions occur:

1. Colonies of bees exhibit defensive or objectionable behavior or interfere with normal use of neighboring properties without owner's immediate and successful response to rectify the problem.

2. Colonies of bees swarm because of failure to re-queen without owner's immediate and successful response to rectify the problem.



3. Colonies of aggressive bees swarm without owner's immediate and successful response to contain or relocate the bees.
4. Hives become abandoned by the property owner.
5. Beehives create an imminent public health and safety concern to the neighborhood.

B. In the event that the City has evidence that any of the following has occurred, a Residential Beekeeping Permit shall be subject to the provisions of the enforcement and revocation procedures in Section 2-38-8 and appeal procedures in Section 2-39-9 of this Chapter.

#### Sec. 2-38-10 – Judicial Remedies

A. The City Attorney may bring a civil action and civil penalties against any person who continues to violate any provision of this Chapter or Chapter 3-41 of the Zoning Ordinance. In any civil action that is brought pursuant to this Chapter or Chapter 3-41 of the Zoning Ordinance, a court of competent jurisdiction may award civil penalties and costs to the prevailing party.

A violation of this chapter shall constitute a misdemeanor and may be prosecuted in the name of the people of the State of California. The maximum fine or penalty for any violation shall be the same as established by the general laws for a misdemeanor.

## Chapter 3-41. - RESIDENTIAL BEEKEEPING

### Section 3-41-1. – Intent.

This Chapter establishes development standards for residential beekeeping. These standards are intended to protect the public health and safety of the residential home and surrounding neighborhood.

All residential beekeeping activities shall both follow the City's Best Management Practices (BMP) Manual and be ancillary to the primary residential use of the property.

### Section 3-41-2. – Definitions.

**Apiary:** Single location where one or more beehives are kept.

**Bee:** Any stage of the common domestic honey bee (*apis mellifera* species).

**Beekeeping (Residential):** The raising, breeding, and maintenance of domestic honey bees (*apis mellifera* species) as an accessory use in residential zones.

**Bee Box, Brood Box or Honey Supers:** Boxes used in a Langstroth hive with removable frames that have no top or bottom which allow the beekeeper to expand or condense the hive depending on the strength of the hive.

**Bee Hive:** Structure for the housing of a bee colony.

**Beekeeper:** A person who keeps honey bees and manages bee hives.

**Brood:** The eggs, larvae and pupa of the honey bee prior to emerging as an adult bee.

**Brood Manipulation:** Frames of brood that are taken from a healthy colony and donated to a weaker colony to strengthen its health and success for survival.

**Colony:** A collection of bees with one queen. This can be anywhere from a few hundred bees to many thousand bees.

**Colony Collapse Disorder (CCD):** The phenomenon that occurs when the majority of worker bees in a colony disappear and leave behind a queen, plenty of food and a few nurse bees to care for the remaining immature bees and the queen.

**Frame:** A hive component where bees build their honeycomb.

**Hive:** An artificial/man-made structure to house a honey bee nest.

**Honeycomb:** Beeswax cells where honey nectar and brood are stored.

**Langstroth Hive:** A type of hive that is designed to be expandable or contractible with frames that can be removed for inspection.

**No Kill Policy:** the preservation, salvation and relocation of honey bees as humanely as possible.

**Pollination:** The process of collecting pollen from one flower and depositing it on another flower.

**Queenright:** A hive with a queen is called "queenright", a hive without a queen is called "queenless". Queen bees are vital to a colony because they are the only bees capable of laying fertilized eggs, called workers (female honey bees).

**Removable Frame:** A frame designed to be removed from a hive for inspection purposes.

**Requeen:** To replace the queen bee in a colony with a new, younger and mated queen, a common practice in beekeeping to prevent bee swarming, increase brood and honey production or reduce hive defensiveness.

**Robbing:** Bees trying to steal honey from a hive that is not their own and depleting it of its resources.

**Smoker:** A tool used by a beekeeper to produce smoke to calm the bees.

**Swarm:** Group of bees in a transitional state leaving their original hive, clustering nearby, and then leaving again to establish a new hive in a new cavity.

**Top Bar Hive:** A trapezoidal box with slats of wood which the bees will make comb along. These slats can be pulled out with the comb for inspection.

### Section 3-41-3. – Allowable zoning districts.

Residential Beekeeping shall be allowed as an accessory use to single-family detached and single-family attached homes with single property ownership (*homes on a condominium lot with multiple property ownership are prohibited*) only in the following zoning districts:

- 2.1 Estate Density Residential
- 2.2 Low Density Residential
- 2.3 Medium Density Residential
- 2.4 Medium High Density Residential
- 2.5 High Density Residential
- 3.1 Multi-Use
- 8.1 Trails and Transit Oriented Development

**Section 3-41-4. – Residential beekeeping standards.**

All submittals for a residential beekeeping permit shall comply with all of the following requirements and development standards:

1. Allowable bee species: *Apis mellifera* (Western honey bee)
2. Minimum Lot Size: 2,400 square feet total
3. Maximum Number of Beehives: Two (2) Langstroth beehives
4. Location:
  - a. Beehive shall be located in the rear yard and behind side yard fencing'
  - b. Beehive location shall be secured from unauthorized access; and
  - c. Beehive location shall be screened and not visible from an adjacent street.
5. Beehive Setback: Refer to the building setback standards of the subject property's zoning designation.
6. Beehive Signage: The permittee shall comply with the following sign requirements:
  - a. Location: Front yard gate/fence
  - b. Sign Copy: Text conveying an active beehive (e.g. "Warning: Active Beehive")
  - c. Size: 12"x24" (2 square feet) max. Signs shall be exempt from Division 7 of the Zoning Ordinance.
7. Residential Beekeeping Best Management Practices Manual:

The City's BMPs Manual has been established to provide guidance for beekeepers and to provide information that will safeguard neighbors and the public in close proximity to where beehive(s) are kept.

**Sec. 4-5-1009. Keeping of unpermitted bees.**

It shall be unlawful for any person to have, keep or maintain any unpermitted hive or swarm of bees within the City. The provisions of this section shall not apply to the keeping of bees in nonresidential zones as part of an educational institution for study or observation or a physician's office or laboratory for medical research, treatment, or other scientific purposes, provided that the bees are not permitted to fly at large. In any nonresidential zone where City zoning expressly permits the keeping of hives or swarms of bees, bees may be kept and maintained in compliance with all applicable municipal and zoning codes, but in no case may a person keep or maintain any hive or swarm of bees within 100 yards of any bicycle trail or lane, equestrian trail, pedestrian right-of-way, or residential district.

(Ord. No. 09-10, § 1, 9-22-09)

**Sec. 3-37-12. 2.1 Estate Density Residential.**

A. *Intent.* This category allows zero to 1.0 dwelling units per net acre, which is equivalent to the General Plan designation of Estate Density, of zero to 1.0 dwelling units per gross acre. Both attached and conventional housing are allowed in the category as long as the density averaged over the entire planning area does not exceed 1.0 dwelling unit per net acre.

B. *Intensity standard.*

0—1.0 dwelling units per net acre.

0.1—12.5 dwelling units per net acre (2.1A).

C. *Permitted uses.*<sup>1</sup>

1. Accessory use.
2. Agriculture (interim use).
3. Cottage food operations.
4. Home care.
5. Home occupation permit.
6. Information center.
7. Large family child care permit.
8. Manufactured structure permit (up to two years).
9. Model home sales complex.
10. Park.
11. Public park facility (only in public parks).
12. Residential beekeeping as an accessory use. (Only in single-family detached homes and single-family attached homes with single property ownership of the lot)
13. Residential, accessory dwelling unit.
14. Residential, attached (2.1A only).
15. Residential, single-family detached.

16. School, public.
17. Stable, private (except 2.1A).
18. Transitional housing — Small.
19. Wireless communication facility (may require a wireless communication facility permit, a minor conditional use permit, a major conditional use permit or may be prohibited, depending on the type of installation and the location of the installation site, pursuant to the review procedures matrix in Section 2-37.5-3).

D. *Conditional uses.*<sup>2</sup>

1. Boarding house.
2. Cemetery, mausoleum, and crematory (prohibited in 2.1A).
3. Child care center.
4. Church<sup>3</sup> (footnote #3 does not apply to 2.1A).
5. Community facility.
6. Manufactured structure (over two years).
7. Recreational vehicle storage, private.
8. School, private<sup>4</sup> (footnote #4 does not apply to 2.1A).
9. Stable, public (2.1A only).
10. Stable, private (conditionally permitted in 2.1A).
11. Transitional housing — Large.
12. Utility building and facility.

E.	<i>Minimum site size</i>	1 acre 20,000 square feet (2.1A only) 2,400 square feet (2.1A only—projects greater than 2.2 du's/net acre)
F.	<i>Maximum site coverage</i>	25% 35% (2.1A only) Not applicable for projects greater than 2.2 du's/net acre—2.1A only)
G.	<i>Maximum building height</i>	50 feet <sup>6</sup> 35 feet (projects greater than 2.2 du's/net acre—2.1A only)
H.	<i>Minimum site landscaping</i>	Not applicable to Estate Density Residential 30%—Projects greater than 2.2 du's/net acre—2.1A
I.	<i>Building setbacks<sup>5</sup>from:</i>	
	Freeways, transportation corridors	50 feet
	Major highways	50 feet
	Primary highways	42 feet
	Secondary highways:	
	In nonresidential areas	35 feet
	In residential areas	25 feet
	Commuter highways and local streets	15 feet
	Private drives	10 feet
	Interior boundary if adjacent to residential uses:	
	Side	35 feet 20 feet (2.1A only) <sup>7</sup> 5 feet (projects greater than 2.2 du's/net acre—2.1A only)
	Rear	25 feet <sup>7</sup> 10 feet (projects greater than 2.2 du's/net acre—2.1A only)
	Interior boundary if adjacent to nonresidential uses:	
	Side	35 feet 10 feet (projects greater than 2.2 du's/net acre—2.1A only)
	Rear	25 feet 10 feet (projects greater than 2.2 du's/net acre—2.1A only)
	Building to building	10 feet 10 feet (projects greater than 2.2 du's/net acre—2.1A only)

<sup>1</sup> Some permitted uses may have to conform to or fulfill conditions of approval imposed in conjunction with previous discretionary approvals. Additionally, a Master Plan application may need to be processed (see Chapter 2-17).

<sup>2</sup> A Master Plan application may be required in addition to a conditional use permit (see Chapter 2-17).

<sup>3</sup> A church that proposes to locate in an existing permanent building and meets all the general development standards will not require a conditional use permit (CUP).

<sup>4</sup> A private school for adults (18 years and older) that proposes to locate in an existing permanent building and meets all the general development standards will not require a conditional use permit.

<sup>5</sup> Exceptions to these building setback requirements appear on the setback exceptions matrix in Section 3-27-2.

<sup>6</sup> The height for homes located in the special height limitation zone in the Planning Area 22 zoning (Chapter 9-22) is subject to a maximum elevation.

<sup>7</sup> Cabanas and patio/gazebos, solid covered shall be setback a minimum of 15 feet from any property line, measured to the face of the support post. The maximum height is 12 feet. (Code 1976, § V.E-325.2.1; Ord. No. 92-3, 4-14-92; Ord. No. 92-21, § 6, 11-24-92; Ord. No. 93-7, 6-22-93; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-2, § 3, 2-8-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 94-15, § 3, 12-13-94; Ord. No. 94-16, 12-13-94; Ord. No. 95-3, § 3B, 4-25-95; Ord. No. 95-4, § 1, 5-9-95; Ord. No. 95-7, § 4, 7-11-95; Ord. No. 95-8, § 3, 7-11-95; Ord. No. 95-12, § 3, 9-12-95; Ord. No. 95-16, § 2, 10-10-95; Ord. No. 96-2, § 2, 1-23-96; Ord. No. 96-18, § 4, 12-10-96; Ord. No. 05-13, § 4, 7-12-05; Ord. No. 05-16, § 2, 7-12-05; Ord. No. 09-02, § 3, 3-24-09; Ord. No. 10-03, § 3, 4-13-10; Res. No. 15-86, § 3(Exh. A), 8-11-15; Ord. No. 18-05, Exh. A, 4-24-18)

### **Sec. 3-37-13. 2.2 Low Density Residential.**

A. *Intent.* This category allows zero to 6.5 dwelling units per net acre, which is approximately equivalent to the General Plan Low Density category of zero to five dwelling units per gross acre. Attached and conventional housing, as well as other appropriate uses such as churches and child care centers, are allowed.

(2.2A and 2.2B) University Park (Planning Area 20).

(2.2C) Westpark (Planning Area 14).

(2.2D) Orchard Hills (Planning Area 1).

B. *Intensity standard.*

0—6.5 dwelling units per net acre.

2.2C: 0—6.9 dwelling units per net acre (Westpark).

2.2D: 0—31.0 dwelling units per net acre (Planning Area 1). Individual project densities in 2.2D may exceed 6.5 dwelling units/net acre. However, no individual project may exceed 31.0 dwelling units/net acre and the overall density within all of 2.2D cannot exceed 6.5 dwelling units/net acre. For individual residential projects within 2.2D, the development standards to be applied shall depend on the actual net density of the individual residential product as follows:

1. For projects from 0 to 6.5 dwelling units per net acre, Section 3-37-13 development standards shall apply.



2. For projects from 6.6 to 12.5 dwelling units per net acre, Section 2-37-14 development standards shall apply.
3. For projects from 12.6 to 31.0 dwelling units per net acre, Section 3-37-15 development standards shall apply.

C. *Permitted uses*.<sup>1, 6</sup>

1. Accessory use.
2. Agriculture (interim use).
3. Cottage food operations.
4. Home care.
5. Home occupation permit.
6. Information center.
7. Large family child care permit.
8. Manufactured structure (up to two years).
9. Model home sales complex.
10. Park.
11. Public park facility (only in public parks).
12. Residential beekeeping as an accessory use. (Only in single-family detached homes and single-family attached homes with single property ownership of the lot)
13. Residential shelter.
14. Residential, accessory dwelling unit.
15. Residential, attached.
16. Residential, single-family detached.
17. School, public.
18. Supportive housing — Small.
19. Transitional housing — Small.
20. Wireless communication facility (may require a wireless communication facility permit, a minor conditional use permit, a major conditional use permit or may be prohibited, depending on the type of installation and the location of the installation site, pursuant to the review procedures matrix in Section 2-37.5-3).

D. *Conditional uses*.<sup>2, 6</sup>

1. Boarding house.
2. Child care center.
3. Church.<sup>3</sup>
4. Community facility.
5. Convalescent home.
6. Manufactured structure (over two years).
7. Recreational vehicle storage, private.
8. Residential care facility.
9. School, private.<sup>4</sup>
10. Senior housing.
11. Supportive housing — Large.
12. Transitional housing — Large.
13. Utility building and facility.

E.	<i>Minimum site size</i>	4,000 square feet
		2.2D: 3,000 square feet
F.	<i>Maximum site coverage</i>	50%
G.	<i>Maximum building height</i>	35 feet
H.	<i>Minimum site landscaping</i>	Not applicable to Low Density Residential
I.	<i>Building setbacks<sup>5</sup>from:</i>	
	Freeways, transportation corridors	50 feet
	Major highways	50 feet
	Primary highways	42 feet
	Secondary highways:	
	In nonresidential areas	35 feet
	In residential areas	25 feet
	Commuter highways and local streets	15 feet 2.2A: 20 feet 2.3C: 15-foot average, 10-foot minimum (Westpark)
	North-south San Diego Creek ROW	2.2C: 50-foot minimum parking setback with 65-foot average setback; 65-foot building setback with 75-foot average setback (Westpark)
	East-west San Diego Creek ROW	2.2C: 30 feet (Westpark)
	Private drives	10 feet
	Interior boundary if adjacent to residential uses:	
	Side	5 feet
	Rear	10 feet
	Interior boundary if adjacent to nonresidential uses:	
	Side	10 feet
	Rear	10 feet
	Building to building	6 feet

<sup>1</sup> Some permitted uses may have to conform to or fulfill conditions of approval imposed in conjunction with previous discretionary approvals. Additionally, a Master Plan application may need to be processed (see Chapter 2-17).

<sup>2</sup> A Master Plan application may be required in addition to a conditional use permit (see Chapter 2-17).

<sup>3</sup> A church that proposes to locate in an existing permanent building and meets all the general development standards will not require a conditional use permit (CUP).

<sup>4</sup> A private school for adults (18 years and older) that proposes to locate in an existing permanent building and meets all the general development standards will not require a conditional use permit.

<sup>5</sup> Exceptions to these building setback requirements appear on the setback exceptions matrix in Section 3-27-2.

(Code 1976, § V.E-325.2.2; Ord. No. 92-3, 4-14-92; Ord. No. 92-21, § 6, 11-24-92; Ord. No. 93-7, 6-22-93; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-2, § 3, 2-8-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 94-15, § 3, 12-13-94; Ord. No. 94-16, 12-13-94; Ord. No. 95-3, § 3B, 4-25-95; Ord. No. 95-4, § 1, 5-9-95; Ord. No. 95-7, § 4, 7-11-95; Ord. No. 95-8, § 3, 7-11-95; Ord. No. 95-12, § 3, 9-12-95; Ord. No. 95-16, § 2, 10-10-95; Ord. No. 96-2, § 2, 1-23-96; Ord. No. 96-18, § 4, 12-10-96; Ord. No. 05-12, § 6, 6-28-05; Ord. No. 05-13, § 4, 7-12-05; Ord. No. 05-16, § 2, 7-12-05; Ord. No. 09-02, § 3, 3-24-09; Ord. No. 12-04, § 5(Exh. A), 3-13-12 ; Ord. No. 12-12 , § 5(Exh. A), 9-25-12; Res. No. 15-86, § 3(Exh. A), 8-11-15; Ord. No. 18-05 , Exh. A, 4-24-18)

### **Sec. 3-37-14. 2.3 Medium Density Residential.**

A. *Intent.* This category allows zero to 12.5 dwelling units per net acre as either single-family detached or attached dwelling units. This corresponds to the Medium Density category of zero to 10 dwelling units per gross acre.

(2.3A) University Town Center (Planning Area 24).

(2.3B) University Park (Planning Area 20).

(2.3C) Westpark (Planning Area 14).

(2.3D) Harvard Square (Planning Area 10).

(2.3E) Reserved.

(2.3F) Lower Peters Canyon<sup>1</sup> (Planning Area 4).

(2.3G) Quail Hill (Planning Area 17).

(2.3H) Northwood (Planning Area 8).

(2.3I) Northwood Point (Planning Area 5).

(2.3J) Woodbury, Stonegate, Woodbury East (Planning Area 9A, 9B and C2, and 9C1).

(2.3K) Portola Springs (Planning Area 6).

(2.3L) Westpark II (Planning Area 38 west of Harvard Avenue).

(2.3M) Lambert Ranch Tract 16868 (Planning Area 6).

(2.3N) Cypress Village (Planning Area 40).

(2.3O) Tract 17359 (Planning Area 15).<sup>15</sup>

(2.3P) Tract 17358 and Tract 17497 (Planning Area 20).

B. *Intensity standard.*

0—12.5 dwelling units per net acre

2.3C: 0—13.0 dwelling units per net acre (Westpark).

2.3D: Individual project densities may exceed 12.5 dwelling units per acre provided that the total number of dwelling units does not exceed 8,000 within Planning Area 4 (Lower Peters Canyon).

2.3F: Individual project densities may exceed 12.5 dwelling units per acre provided that the total number of dwelling units does not exceed 8,000 within Planning Area 4 (Lower Peters Canyon).

2.3G: Individual project densities may exceed 12.5 dwelling units per acre provided that the total number of dwelling units does not exceed 2,673 within Planning Area 17.

2.3H: Individual project densities may exceed 12.5 dwelling units per acre provided that the provisions of Section 9-6-7.B are met.

- 2.3I: Individual project densities may exceed 12.5 dwelling units per acre provided that the provisions of Section 9-5-7.B are met.
- 2.3J: Individual project densities may exceed 12.5 dwelling units per acre provided that the provisions of Section 9-9-7.B are met.<sup>2</sup>
- 2.3K: Individual project densities may exceed 12.5 dwelling units per acre provided that the provisions of Section 9-6-7.B are met.
- 2.3L: Individual project densities may exceed 12.5 dwelling units per acre provided that the total number of dwelling units west of Harvard Avenue in Planning Area 38 does not exceed 552 units, and the total number of dwelling units west of Harvard Avenue south of Warner Avenue does not exceed 409 units.
- 2.3N: See Sections 9-40-5 and 9-40-7.B.

*C. Permitted uses.*<sup>3</sup>

1. Accessory use.
2. Agriculture (interim use).
3. Cottage food operations.
4. Home care.
5. Home occupation permit.
6. Information center.
7. Large family child care permit.
8. Manufactured structure (up to two years).
9. Model home sales complex.
10. Park.
11. Public park facility (only in public parks).
12. Residential beekeeping as an accessory use. (Only in single-family detached homes and single-family attached homes with single property ownership of the lot)
13. Residential shelter.
14. Residential, accessory dwelling unit.
15. Residential, attached.
16. Residential, single-family detached.
17. School, public.
18. Supportive housing — Small.
19. Transitional housing — Small.
20. Wireless communication facility (may require a wireless communication facility permit, a minor conditional use permit, a major conditional use permit or may be prohibited, depending on the type of installation and the location of the installation site, pursuant to the review procedures matrix in Section 2-37.5-3).

*D. Conditional uses.*<sup>4</sup>

1. Boarding house.
2. Child care center.
3. Church.<sup>5</sup>
4. Community facility.
5. Congregate care facility.
6. Convalescent home.

7. Manufactured structure (over two years).
8. Recreational vehicle storage, private.
9. Residential care facility.
10. School, private.<sup>6</sup>
11. Senior housing.
12. Supportive housing — Large.
13. Transitional housing — Large.
14. Utility building and facility.

E.	<i>Minimum site size</i>	2,400 square feet
		2.3P: 3,300 square feet (Tract 17358 and Tract 17497 in PA 20)
F.	<i>Minimum building site area</i>	2.3F: 3,000 square feet (Lower Peters Canyon)
G.	<i>Maximum site coverage</i>	
	All uses except single-family detached	Unlimited
	Single-family detached	50%
		2.3P: 50% (Tract 17358 and Tract 17497 in PA 20)
H.	<i>Maximum building height</i>	35 feet <sup>7</sup>
		2.3A: 50 feet (University Town Center)
		2.3F: 40 feet (Multifamily only) <sup>8</sup>
		2.3P: 30 feet (Tract 17458 and Tract 17498 in PA 20)
I.	<i>Minimum site landscaping</i>	30%
		2.3F: Not applicable (Lower Peters Canyon)
J.	<i>Minimum open space area</i>	2.3F: 5% (multifamily only) <sup>9</sup>
K.	<i>Building setbacks<sup>10</sup>from:</i>	
	Freeways, transportation corridors:	50 feet
		2.3F <sup>11</sup> : 25 feet, 45 feet along open space spine (Lower Peters Canyon)
	Major highways:	50 feet
		2.3F <sup>10</sup> : 25 feet, 45 feet along open space spine (Lower Peters Canyon)
	Primary highways:	42 feet
		2.3F <sup>10</sup> : 25 feet, 45 feet along open space spine (Lower Peters Canyon)
	Secondary highways:	
	In nonresidential areas	35 feet
		2.3F <sup>10</sup> : 25 feet, 45 feet along open space spine (Lower Peters Canyon)
	In residential areas	25 feet

			2.3F <sup>10</sup> : 25 feet, 45 feet along open space spine (Lower Peters Canyon)
		Commuter highways and local streets	15 feet
			2.3C, 2.3F <sup>10</sup> : 15-foot average, 10-foot minimum (Westpark and Lower Peters Canyon)
		North/south San Diego Creek ROW	2.3C: 50-foot minimum parking setback with 65-foot average setback; 65-foot building setback with 75-foot average setback (Westpark)
		East/west San Diego Creek ROW	2.3C: 30 feet (Westpark)
		Private drives	10 feet
		Interior boundary if adjacent to residential uses:	
		Side	5 feet <sup>17</sup>
			2.3O <sup>15</sup> : To be determined at time of master plan review
		Rear	10 feet <sup>17</sup>
		Interior boundary if adjacent to nonresidential uses:	
		Side	10 feet <sup>17</sup>
		Rear	10 feet <sup>17</sup>
		Building to building	6 feet
		2.3F: (Lower Peters Canyon): <sup>12, 13</sup>	
		Front:	
		From sidewalk or back of curb	10 feet
		Garage or carport	8 feet/18 feet <sup>14</sup>
		Side:	
		Interior	No minimum
		From street	10 feet
		Rear	10 feet

<sup>1</sup> Permitted and conditional uses within Planning Area 4 (Lower Peters Canyon) are outlined in Section 9-4-4, as provided through the Lower Peters Canyon development agreement.

<sup>2</sup> For 2.3J, residential structures within 325 feet of the curb face at the ultimate width of Jeffrey Road, shall be limited to two stories.

<sup>3</sup> Some permitted uses may have to conform to or fulfill conditions of approval imposed in conjunction with previous discretionary approvals. Additionally, a Master Plan application may need to be processed (see Chapter 2-17).

<sup>4</sup> A Master Plan application may be required in addition to a conditional use permit (see Chapter 2-17).

<sup>5</sup> A church that proposes to locate in an existing permanent building and meets all the general development standards will not require a conditional use permit (CUP).

<sup>6</sup> A private school for adults (18 years and older) that proposes to locate in an existing permanent building and meets all the general development standards will not require a conditional use permit.

<sup>7</sup> In 2.3F: (Lower Peters Canyon), screened mechanical units and chimneys that do not exceed 10 percent of the roof area may extend up to 43 feet.

<sup>8</sup> Multifamily residential buildings within 2.3F: (Lower Peters Canyon) shall allow screened mechanical units and chimneys that do not exceed 10 percent of the roof area to extend up to 48 feet.

<sup>9</sup> The following elements shall not be included as open space: streets, common driveways, slopes greater than 4:1 incline, and any property not reserved for the sole use and enjoyment of the occupants of the project and their guests.

<sup>10</sup> Exceptions to these building setback requirements (except 2.3F: Lower Peters Canyon) appear on the setback exceptions matrix in Section 3-27-2.

<sup>11</sup> Measured from back of curb. See Exhibits 3a and 3b in Chapter 9-4.

<sup>12</sup> No attached or detached covered patio shall be located closer than three feet to a property line. If the patio is located on the streetside property line of a corner lot, the patio shall not be located closer than five feet to the property line.

<sup>13</sup> Eaves, cornices, chimneys, outside staircases, balconies and similar architectural features may project a maximum of four feet into any required setback or one foot from the property line, whichever is less.

<sup>14</sup> The point of vehicular entry to a garage or carport shall be a distance of eight feet or less from back of curb, or 18 feet or more from the back of the sidewalk, or if there is no sidewalk, from the back of the curb.

<sup>15</sup> Refer to Section 9-15-8 for additional special development requirements.

<sup>16</sup> See special development requirements contained in Section 9-20-7 for permitted and conditionally permitted uses located within the 2.3P zoning district located on either Tract 17358 and/or Tract 17497 in Planning Area 20.

<sup>17</sup> See special development requirements contained in Section 9-20-7 for improvements to properties visible to either Michelson Drive and/or Rosa Drew Lane within the 2.3P zoning district located on either Tract 17358 and/or Tract 17497 in Planning Area 20.

(Code 1976, § V.E-325.2.3; Ord. No. 92-3, 4-14-92; Ord. No. 92-21, § 6, 11-24-92; Ord. No. 93-7, 6-22-93; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-2, § 3, 2-8-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 94-15, § 3, 12-13-94; Ord. No. 94-16, 12-13-94; Ord. No. 95-3, § 3B, 4-25-95; Ord. No. 95-4, § 1, 5-9-95; Ord. No. 95-7, § 4, 7-11-95; Ord. No. 95-8, § 3, 7-11-95; Ord. No. 95-12, § 3, 9-12-95; Ord. No. 95-16, § 2, 10-10-95; Ord. No. 96-2, § 2, 1-23-96; Ord. No. 96-18, § 4, 12-10-96; Ord. No. 97-06, § 3, 5-13-97; Ord. No. 00-11, § 3.B, 10-10-00; Ord. No. 02-09, §§ 1—7, 6-11-02; Ord. No. 03-02, § 4, 1-14-03; Ord. No. 05-02, § 5, 1-11-05; Ord. No. 05-13, § 4, 7-12-05; Ord. No. 05-16, § 2, 7-12-05; Ord. No. 06-17, § 4, 9-26-06; Ord. No. 08-12, § 3, 9-9-08; Ord. No. 09-02, § 3, 3-24-09; Ord. No. 11-13, § 5(Exh. A), 10-11-11 ; Ord. No. 12-12 , § 5(Exh. A), 9-25-12; Res. No. 15-86, § 3(Exh. A), 8-11-15; Ord. No. 18-05 , Exh. A, 4-24-18)

### **Sec. 3-37-15. 2.4 Medium-High Density Residential.**

A. *Intent.* This category allows zero to 50.0 dwelling units per net acre and corresponds to the General Plan Medium-High Density category of zero to 25 units per gross acre. This category is intended for attached and detached single-family residential units and compatible uses.

(2.4A) University Town Center (Planning Area 24).

(2.4B) University Town Center (Planning Area 24).

(2.4C) Woodbridge (Planning Area 15).

(2.4D) Woodbridge (Planning Area 15).

(2.4E) Westpark (Planning Area 14).

- (2.4F) Lower Peters Canyon (Planning Area 4).
- (2.4G) Woodbury, Stonegate, Woodbury East (Planning Area 9A, 9B and 9C2, and 9C1).
- (2.4H) Los Olivos (Planning Area 39).

*B. Intensity standard.*

0—31.0 dwelling units per net acre	
(2.4C)	0—31.0 dwelling units per net acre (Woodbridge)
(2.4D)	0—31.0 dwelling units per net acre (Woodbridge)
(2.4E)	0—31.0 dwelling units per net acre (Westpark)
(2.4H)	0—50.0 dwelling units per net acre (Projects may exceed 50 DU/acre in Planning Area 39 subject to Planning Commission approval of a Master Plan and/or Conditional Use Permit)
(2.4I)	See Sections 9-40-5 and 9-40-7B.

*C. Permitted uses.<sup>2</sup>*

1. Accessory use.
2. Agriculture (interim use).
3. Cottage food operations.
4. Home care.
5. Home occupation permit.
6. Information center.
7. Large family child care permit.
8. Manufactured structure permit (up to two years).
9. Model home sales complex.
10. Park.
11. Public park facility (only in public parks).
12. Residential beekeeping as an accessory use. (Only in single-family detached homes and single-family attached homes with single property ownership of the lot)
13. Residential shelter.
14. Residential, accessory dwelling unit.
15. Residential, attached.
16. Residential, single-family detached.
17. School, public.
18. Supportive housing — Small.
19. Transitional housing — Small.
20. Wireless communication facility (may require a wireless communication facility permit, a minor conditional use permit, a major conditional use permit or may be prohibited, depending on the type of installation and the location of the installation site, pursuant to the review procedures matrix in Section 2-37.5-3).



D. *Conditional uses.*<sup>3</sup>

1. Boarding house.
2. Child care center.
3. Church.<sup>4</sup>
4. Commercial recreation (under 1,500 square feet) (only in 2.4B University Town Center).
5. Commercial recreation (over 1,500 square feet) (only in 2.4B University Town Center).
6. Community facility.
7. Congregate care facility.
8. Convalescent home.
9. Manufactured structure (over two years).
10. Recreational vehicle storage, private.
11. Residential care facility.
12. School, private.<sup>5</sup>
13. Senior housing.
14. Supportive housing — Large.
15. Transitional housing — Large.
16. Utility building and facility.

E.	<i>Minimum site size</i>	0.5 acre (all uses except single-family detached) 2,400 square feet (single-family detached only) 2.4F: Not applicable (Lower Peters Canyon)
F.	<i>Minimum building site area</i>	2.4F: 3,000 square feet (Lower Peters Canyon) <sup>6</sup>
G.	<i>Maximum site coverage:</i>	
	All uses except single-family detached	Unlimited
	Single-family detached	50%
H.	<i>Maximum building height:</i>	
	All uses except single-family detached	50 feet 2.4A: 6 stories (University Town Center) 2.4E: Architectural features may be permitted to exceed maximum building heights (Westpark) 2.4F: 35 feet <sup>7</sup> ; 40 feet (multifamily only) <sup>8</sup>
	Single-family detached	35 feet
I.	<i>Minimum site landscaping:</i>	

	All uses except single-family detached	30% 2.4F: Not applicable (Lower Peters Canyon)
	Single-family detached	Not applicable
J.	Minimum open space area	2.4F: 5% (multifamily only) <sup>9</sup>
K.	Building setbacks <sup>10</sup> from:	
	Freeways, transportation corridors	50 feet 2.4F <sup>11</sup> : 25 feet, 45 feet along open space spine (Lower Peters Canyon)
	Major highways	50 feet 2.4F <sup>11</sup> : 25 feet, 45 feet along open space spine (Lower Peters Canyon)
	Primary highways	42 feet 2.4F <sup>11</sup> : 25 feet, 45 feet along open space spine (Lower Peters Canyon)
	Secondary highways:	
	In nonresidential areas	35 feet 2.4F <sup>11</sup> : 25 feet, 45 feet along open space spine (Lower Peters Canyon)
	In residential areas	25 feet 2.4F <sup>11</sup> : 25 feet, 45 feet along open space spine (Lower Peters Canyon)
	Commuter highways and local streets	15 feet 2.4E: 15-foot average, 10-foot minimum (Westpark)
	North/south San Diego Creek ROW	2.4E: 50-foot minimum parking setback with 65-foot average setback; 65-foot building setback with 75-foot average setback (Westpark)
	East/west San Diego Creek ROW	2.4E: 30 feet (Westpark)
	Private drives	10 feet
	Interior boundary if adjacent to residential uses:	
	Side, all uses except single-family detached	10 feet plus 2 feet for every 5 feet in height over 30 feet
	Side, single-family detached	5 feet
	Rear	10 feet plus 2 feet for every 5 feet in height over 30 feet
	Interior boundary if adjacent to nonresidential uses:	
	Side	10 feet
	Rear	10 feet
	Building to building:	
	All uses except single-family detached	10 feet

	Single-family detached	6 feet
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<sup>1</sup> Permitted and conditional uses within Planning Area 4 (Lower Peters Canyon) are outlined in Section 9-4-4, as provided through the Lower Peters Canyon development agreement.

<sup>2</sup> Some permitted uses may have to conform to or fulfill conditions of approval imposed in conjunction with previous discretionary approvals. Additionally, a Master Plan application may need to be processed (see Chapter 2-17).

<sup>3</sup> A Master Plan application may be required in addition to a conditional use permit (see Chapter 2-17).

<sup>4</sup> A church that proposes to locate in an existing permanent building and meets all the general development standards will not require a conditional use permit (CUP).

<sup>5</sup> A private school for adults (18 years and older) that proposes to locate in an existing permanent building and meets all the general development standards will not require a conditional use permit.

<sup>6</sup> The gross land area per dwelling unit for single-family attached and multifamily residential sites within 2.4F (Lower Peters Canyon) shall be 1,000 square feet, regardless of the slope of the land.

<sup>7</sup> In 2.4F (Lower Peters Canyon), screened mechanical units and chimneys that do not exceed 10 percent of the roof area may extend up to 43 feet.

<sup>8</sup> Multifamily residential buildings within 2.3D (Lower Peters Canyon) shall allow screened mechanical units and chimneys that do not exceed 10 percent of the roof area to extend up to 48 feet.

<sup>9</sup> The following elements shall not be included as open space: streets, common driveways, slopes greater than 4:1 incline, and any property not reserved for the sole use and enjoyment of the occupants of the project and their guests.

<sup>10</sup> Exceptions to these building setback requirements (except 2.4F: Lower Peters Canyon) appear on the setback exceptions matrix in Section 3-27-2.

<sup>11</sup> Measured from back of curb. See Exhibits 3a and 3b in Chapter 9-4.

(Code 1976, § V.E-325.2.4; Ord. No. 92-3, 4-14-92; Ord. No. 92-21, § 6, 11-24-92; Ord. No. 93-7, 6-22-93; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-2, § 3, 2-8-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 94-15, § 3, 12-13-94; Ord. No. 94-16, 12-13-94; Ord. No. 95-3, § 3B, 4-25-95; Ord. No. 95-4, § 1, 5-9-95; Ord. No. 95-7, § 4, 7-11-95; Ord. No. 95-8, § 3, 7-11-95; Ord. No. 95-12, § 3, 9-12-95; Ord. No. 95-16, § 2, 10-10-95; Ord. No. 96-2, § 2, 1-23-96; Ord. No. 96-18, § 4, 12-10-96; Ord. No. 97-06, § 3, 5-13-97; Ord. No. 97-09, § 3, 5-27-97; Ord. No. 04-11, § 3, 9-14-04; Ord. No. 05-13, § 4, 7-12-05; Ord. No. 05-16, § 2, 7-12-05; Ord. No. 06-05, § 6, 6-27-06; Ord. No. 08-12, § 3, 9-9-08; Ord. No. 09-02, § 3, 3-24-09; Ord. No. 12-09, § 3(Exh. A), 5-22-12; Res. No. 15-86, § 3(Exh. A), 8-11-15; Ord. No. 18-05, Exh. A, 4-24-18)

### **Sec. 3-37-16. 2.5 High Density Residential.**

A. *Intent.* This category allows development at zero to 50.0 dwelling units per net acre.

This corresponds to the General Plan High Density category of zero to 40 units per gross acre. Attached, detached residential and compatible uses are allowed.

(2.5A) Oak Tree (Planning Area 12).

B. *Intensity standard.*

0—50.0 dwelling units per net acre.

C. *Permitted uses.*<sup>1</sup>

1. Accessory use.
2. Agriculture (interim use).
3. Cottage food operations.
4. Home care.
5. Home occupation permit.
6. Information center.
7. Large family child care permit.
8. Manufactured structure permit (up to two years).
9. Model home sales complex.
10. Park.
11. Public park facility (only in public parks).
12. Residential beekeeping as an accessory use. (Only in single-family detached homes and single-family attached homes with single property ownership of the lot)
13. Residential, accessory dwelling unit.
14. Residential, attached.
15. Residential, shelter.
16. Residential, single-family detached.
17. School, public.
18. Supportive housing — Small.
19. Transitional housing — Small.
20. Wireless communication facility (may require a wireless communication facility permit, a minor conditional use permit, a major conditional use permit or may be prohibited, depending on the type of installation and the location of the installation site, pursuant to the review procedures matrix in Section 2-37.5-3).

D. *Conditional uses.*<sup>2</sup>

1. Boarding house.
2. Child care center.
3. Church.<sup>3</sup>
4. Community facility.
5. Congregate care facility.
6. Convalescent home.
7. Manufactured structure (over two years).
8. Recreational vehicle storage, private.
9. Residential care facility.
10. School, private.<sup>4</sup>
11. Senior housing.
12. Supportive housing — Large.
13. Transitional housing — Large.
14. Utility building and facility.

E.	<i>Minimum site size</i>	0.5 acre (all uses except single-family detached) 2,400 square feet (single-family detached only)
F.	<i>Maximum site coverage:</i>	
	All uses except single-family detached	Unlimited
	Single-family detached	50%
G.	<i>Maximum building height:</i>	
	All uses except single-family detached	50 feet
	Single-family detached	35 feet
H.	<i>Minimum site landscaping:</i>	
	All uses except single-family detached	30%
	Single-family detached	Not applicable
I.	<i>Building setbacks<sup>5</sup>from:</i>	
	Freeways, transportation corridors	50 feet
	Major highways	50 feet
	Primary highways	42 feet
	Secondary highways:	
	In nonresidential areas	35 feet
	In residential areas	25 feet
	Commuter highways and local streets	15 feet
	Private drives	10 feet
	Interior boundary if adjacent to residential uses:	
	Side, all uses except single-family detached	10 feet plus 2 feet for every 5 feet in height over 30 feet
	Side, single-family detached	5 feet
	Rear	10 feet plus 2 feet for every 5 feet in height over 30 feet
	Interior boundary if adjacent to nonresidential uses:	
	Side	10 feet
	Rear	10 feet
	Building to building:	
	All uses except single-family detached	10 feet
	Single-family detached	6 feet

<sup>1</sup> Some permitted uses may have to conform to or fulfill conditions of approval imposed in conjunction with previous discretionary approvals. Additionally, a Master Plan application may need to be processed (see Chapter 2-17).

<sup>2</sup> A Master Plan application may be required in addition to a conditional use permit (see Chapter 2-17).

<sup>3</sup> A church that proposes to locate in an existing permanent building and meets all the general development standards will not require a conditional use permit (CUP).

<sup>4</sup> A private school for adults (18 years and older) that proposes to locate in an existing permanent building and meets all the general development standards will not require a conditional use permit.

<sup>5</sup> Exceptions to these building setback requirements appear on the setback exceptions matrix in Section 3-27-2.

(Code 1976, § V.E-325.2.5; Ord. No. 92-3, 4-14-92; Ord. No. 92-21, § 6, 11-24-92; Ord. No. 93-7, 6-22-93; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-2, § 3, 2-8-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 94-15, § 3, 12-13-94; Ord. No. 94-16, 12-13-94; Ord. No. 95-3, § 3B, 4-25-95; Ord. No. 95-4, § 1, 5-9-95; Ord. No. 95-7, § 4, 7-11-95; Ord. No. 95-8, § 3, 7-11-95; Ord. No. 95-12, § 3, 9-12-95; Ord. No. 95-16, § 2, 10-10-95; Ord. No. 96-2, § 2, 1-23-96; Ord. No. 96-18, § 4, 12-10-96; Ord. No. 97-09, § 3, 5-27-97; Ord. No. 05-13, § 4, 7-12-05; Ord. No. 05-16, § 2, 7-12-05; Ord. No. 09-02, § 3, 3-24-09; Res. No. 15-86, § 3(Exh. A), 8-11-15; Ord. No. 18-05, Exh. A, 4-24-18)

**Sec. 3-37-17. 3.1 Multi-Use.**

A. *Intent.* This category corresponds to the Multi-Use land use category as defined in the General Plan. This category allows for a combination of commercial, office, residential, and institutional uses within the same project site. Information on minimum requirements for commercial floor area, office floor area, and residential dwelling units shall be provided with the concept plan, zone change, or Master Plan to ensure a mix of uses is provided.

(3.1)	Woodbridge (Planning Area 15)
(3.1A)	University Town Center (Planning Area 24)
(3.1B)	Westpark (Planning Area 14)
(3.1C)	Lower Peters Canyon <sup>1</sup> (Planning Area 4)
(3.1D)	Oak Creek (Planning Area 12)
(3.1E)	Woodbury, Stonegate, Woodbury East (Planning Area 9A, 9B and C2, 9C1)
(3.1F)	El Camino Real (Planning Area 11)
(3.1H)	Planning Area 40

B. *Intensity standard.*

0—50.0 dwelling units per net acre.

3.1B: 0—50.0 dwelling units per net acre (Westpark).

3.1C: 12,250 ADT and 6.5-12.5 dwelling units per net acre (Lower Peters Canyon).<sup>2</sup>

3.1H: 0—50.0 dwelling units per net acre (Planning Area 40).<sup>12</sup>

C. *Permitted uses.*<sup>3</sup>

1. Accessory use.

2. Agriculture (interim use).

3. Alternative health care provider.

4. Commercial recreation (under 1,500 square feet) (3.1F: prohibited).
5. Cottage food operations.
6. Department store (3.1F: prohibited).
7. Financial institution (except drive-thru) (3.1F: prohibited).
8. Home care.
9. Home occupation permit.
10. Industry, service (3.1E only).
11. Information center (3.1F: prohibited).
12. Large family child care permit.
13. Manufactured structure permit (up to two years).
14. Model home sales complex (3.1F: prohibited).
15. Office, administrative, business professional.
16. Office, design professional (3.1E only).
17. Office, headquarters (3.1E only).
18. Office, medical.
19. Outdoor vendor.
20. Park.
21. Public park facility (only in public parks).
22. Pushcart.
23. Residential, accessory dwelling unit.
24. Residential beekeeping as an accessory use. (Only in single-family detached homes and single-family attached homes with single property ownership of the lot)
25. Residential shelter.
26. Restaurant (3.1F: prohibited).
27. Restaurant, fast food (except drive-thru) (3.1F: prohibited).
28. Retail and/or service business, general (except drive-thru) (3.1F: prohibited).
29. Retail business, home improvement related (3.1F: prohibited).
30. Reverse vending machine.
31. School, commercial.
32. School, public.
33. Supermarket (3.1F: prohibited).
34. Supportive housing — Small.<sup>14</sup>
35. Transitional housing — Small.<sup>15</sup>
36. Veterinary service domestic (3.1F: prohibited).
37. Warehouse and sales outlet (3.1E only).
38. Wireless communication facility (may require a wireless communication facility permit, a minor conditional use permit, a major conditional use permit or may be prohibited, depending on the type of installation and the location of the installation site, pursuant to the review procedures matrix in Section 2-37.5-3).

**D. Conditional uses.<sup>4</sup>**

1. Ambulance service (3.1F: prohibited).
2. Arcade, game (3.1F: prohibited).
3. Bar, tavern, cocktail lounge (3.1F: prohibited).
4. Carwash (3.1F: prohibited).

5. Child care center.
6. Church.<sup>5</sup>
7. Commercial recreation (over 1,500 square feet) (3.1F: prohibited).
8. Community facility.
9. Conference/convention facility (3.1H only).
10. Congregate care facility.
11. Convalescent home.
12. Convenience or liquor store (3.1F: prohibited).
13. Domestic animal care facility<sup>13</sup> (3.1A: Prohibited).
14. Drive-thru (3.1F: prohibited).
15. Equipment rental (3.1E only).
16. Financial institution, drive-thru (3.1F: prohibited).
17. Fraternal and service club (3.1F: prohibited).
18. Funeral home/mortuary (3.1F: prohibited).
19. Gas station/fuel dispenser (3.1F: prohibited).
20. Government facility.
21. Health club (3.1F: prohibited).
22. Manufactured structure (over two years).
23. Massage establishment.
24. Outdoor sales (3.1F: prohibited).
25. Outdoor storage (3.1F: prohibited).
26. Recreational vehicle storage, private (3.1F and 3.1H: prohibited).
27. Recreational vehicle storage, public (3.1F and 3.1H: prohibited).
28. Residential, attached (3.1A and 3.1F: prohibited).
29. Residential care facility.
30. Residential, single-family detached (3.1F: prohibited).
31. Restaurant, "Type 47" ABC License operating after 12:00 a.m. (3.1F: prohibited).
32. Restaurant, fast food (drive-thru) (3.1F: prohibited).
33. School, commercial (3.1H only).
34. School, private.<sup>6</sup>
35. Senior housing.
36. Small collection facility (3.1F: prohibited).
37. Supportive housing — Large.
38. Transitional housing — Large.
39. Utility building and facility.
40. Vehicle repair (3.1F: prohibited).

E.	<i>Minimum site size</i>	0.25 acre (all uses except single-family detached) 2,400 square feet (single-family detached only) 3.1C: Not applicable (Lower Peters Canyon)
F.	<i>Maximum site coverage</i>	65% 3.1 A: 50% (University Town Center)



G.	<i>Maximum building height</i>	70 feet 3.1B: Architectural features may be permitted to exceed maximum building heights (Westpark) 3.1C: 45 feet (Lower Peters Canyon) 3.1D: 35 feet (Oak Park)
H.	<i>Minimum site landscaping</i>	15% 3.1C: Not applicable (Lower Peters Canyon)
I.	<i>Building setbacks<sup>7</sup>from:</i>	
	Freeways, transportation corridors	30 feet
	Major highways:	45 feet
	In nonresidential areas	3.1C: 25 feet <sup>9</sup> (Lower Peters Canyon)
	In residential areas	3.1C: 40 feet <sup>9</sup> (Lower Peters Canyon)
	Primary highways	45 feet 42 feet (3.1 D residential only, otherwise 45 feet)
	Secondary highways:	
	In nonresidential areas	45 feet
	In residential areas	35 feet
	Commuter highways and local streets:	25 feet
	Adjacent to nonresidential areas	3.1 C: 15 feet <sup>10</sup> (Lower Peters Canyon)
	Adjacent to residential or open space	3.1C: 40 feet or a distance equal to the height of the building, whichever is greater (Lower Peters Canyon)
	North/south San Diego Creek ROW	3.1B: 50-foot minimum parking setback with 65-foot average setback: 65-foot building setback with 75-foot average setback (Westpark)
	East/west San Diego Creek ROW	3.1B: 30 feet (Westpark)
	Interior boundary if adjacent to residential uses:	
	Side:	To be determined at time of master plan or conditional use permit review
	Rear:	To be determined at time of master plan or conditional use permit review
	Interior boundary if adjacent to nonresidential uses:	
	Side:	To be determined at time of master plan or conditional use permit review
	Rear:	To be determined at time of master plan or conditional use permit review

	Building to building	10 feet 6 feet (3.1 D residential only, otherwise 10 feet)
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<sup>1</sup> Permitted and conditional uses within Planning Area 4 (Lower Peters Canyon) are outlined in Section 9-4-4, as provided by the Lower Peters Canyon development agreement.

<sup>2</sup> All uses in 3.1C (Lower Peters Canyon) shall not generate more than 12,250 ADT unless additional environmental documentation ensures traffic mitigation.

<sup>3</sup> Some permitted uses may have to conform to or fulfill conditions of approval imposed in conjunction with previous discretionary approvals. Additionally, a Master Plan application may need to be processed (see Chapter 2-17).

<sup>4</sup> A Master Plan application may be required in addition to a conditional use permit (see Chapter 2-17).

<sup>5</sup> A church that proposes to locate in an existing permanent building and meets all the general development standards will not require a conditional use permit (CUP).

<sup>6</sup> A private school for adults (18 years and older) that proposes to locate in an existing permanent building and meets all the general development standards will not require a conditional use permit.

<sup>7</sup> Exceptions to these building setback requirements (except 3.1C: Lower Peters Canyon) appear on the setback exceptions matrix in Section 3-27-2.

<sup>8</sup> Unsupported roofs, sunscreens, or architectural elements serving energy or aesthetic needs may project six feet into the required setback area.

<sup>9</sup> Structures of less than 20 feet in height may encroach into the required setback area no more than 20 feet and may cover no more than 50 percent of the required setback area.

<sup>10</sup> Unsupported roofs or sunscreens may project six feet into the required setback area.

<sup>11</sup> A conditional use permit for a miniwarehouse use in the 3.1D (Woodbridge Parcel A) Multi-Use district shall require review and approval by the Planning Commission.

<sup>12</sup> Up to 1,309 dwelling units may be substituted for square footage in 3.1H on the basis of equivalent traffic generation as set forth in Section 9-40-7.D.

<sup>13</sup> Domestic animal care facilities shall require a veterinary certificate of health and proof of current vaccinations for distemper, rabies and parvovirus. Animals may be groomed, trained, exercised socialized and kept or boarded overnight, but not bred, sold or let for hire.

<sup>14</sup> A conditional use permit and/or Master Plan are not required for supportive housing — small when occupying an existing, approved residential unit.

<sup>15</sup> A conditional use permit and/or Master Plan are not required for transitional housing — small when occupying an existing, approved residential unit.

(Code 1976, § V.E-325.3.1; Ord. No. 92-3, 4-14-92; Ord. No. 92-21, § 6, 11-24-92; Ord. No. 93-7, 6-22-93; Ord. No. 93-14, § 3, 10-12-93; Ord. No. 94-2, § 3, 2-8-94; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 94-15, § 3, 12-13-94; Ord. No. 94-16, 12-13-94; Ord. No. 95-3, § 3B, 4-25-95; Ord. No. 95-4, § 1, 5-9-95; Ord. No. 95-7, § 4, 7-11-95; Ord. No. 95-8, § 3, 7-11-95; Ord. No. 95-12, § 3, 9-12-95; Ord. No. 95-16, § 2, 10-10-95; Ord. No. 96-2, § 2, 1-23-96; Ord. No. 96-18, § 4, 12-10-96; Ord. No. 97-06, § 3, 5-13-97; Ord. No. 01-04, § 5, 4-10-01; Ord. No. 01-15, § 4, 9-25-01; Ord. No. 02-09, §§ 1—7, 6-11-02; Ord. No. 05-13, § 4, 7-12-05; Ord. No. 05-16, § 2, 7-12-05; Ord. No. 07-16, § 6, 8-14-07; Ord. No. 08-06, § 5, 7-8-08; Ord. No. 08-12, § 3, 9-9-08; Ord. No. 09-02, § 3, 3-24-09; Ord. No. 10-04, § 3, 4-13-10; Res. No. 15-86, § 3(Exh. A), 8-11-15)

**Sec. 3-37-39. 8.1 Trails and Transit Oriented Development.**

A. *Intent.* The Trails and Transit Oriented Development zoning district allows a variety of uses on the same site consistent with the Great Park land use category as defined in the General Plan. The Trails and Transit Oriented Development zoning district allows for a mix of residential, commercial, recreational and education uses that support a multi-use environment, and which are complementary to the Irvine Station and to the Orange County Great Park. Pedestrian paths and trails, including, but not limited to, bike paths, sidewalks, and recreational trails, shall be encouraged in the Trails and Transit Oriented Development zoning district. The variety of trail types and transit choices are intended to provide connectivity to the Orange County Great Park, to the Irvine Station, to public open space outside the Orange County Great Park, and to other nearby areas.

8.1 TTOD Great Park Neighborhoods Development (Planning Area 51).

8.1A TTOD Portola Springs (Planning Area 6).

8.1B TTOD Great Park Neighborhoods Development (Planning Area 51).

B. *Intensity standard.*

1. 5.0 to 50.0 dwelling units per net acre.
2. Total maximum development intensity shall not exceed the building intensities described in Section 9-51-6.C and shall not cause the total maximum average daily trips (ADT) in PA 51 to exceed 148,910 ADT, based on the socio-economic-based trip generation (ADT) rates used to analyze the Orange County Great Park traffic impacts, not including the ADT associated with the 1,269 density bonus units granted pursuant to State law, Section 2-3, and Planning Commission Resolution No. 08-2926, and 1,194 density bonus units subsequently granted pursuant to State law.
3. Total maximum development intensity for 8.1A shall not exceed the building intensities described in Section 9-6-9. The development intensity allocated to 8.1A equates to 175,000 square feet of office use and 325,000 square feet of research and development use with a post-2030 trip limit of 5,115 average daily trips, 506 am peak hour trips and 509 pm peak hour trips based on NITM land use rates. Up to 790 dwelling units (in excess of 4,670 maximum number of dwelling units for PA 6) may be substituted for nonresidential square footage in terms of equivalent traffic generation as set forth in Section 9-6-9.B.

C. *Permitted uses.*

1. Accessory use (Including clubhouses and recreational amenities for the residential community - Prohibited in the Amended and Restated Development Agreement (ARDA) Transfer Site).
2. Agriculture (interim use).
3. Alternative health care provider.
4. Caretaker's quarters - (Prohibited in the ARDA Transfer Site).
5. Commercial recreation (under 1,500 square feet).
6. Department store.
7. Domestic animal care facility.<sup>1</sup>
8. Financial institution (except drive-thru).

9. Home care - (Prohibited in the ARDA Transfer Site).
10. Home occupation permit - (Prohibited in the ARDA Transfer Site).
11. Information center.
12. Manufactured structure permit (up to two years).
13. Model home sales complex - (Prohibited in the ARDA transfer site).
14. Office, administrative, business professional.
15. Office, design professional.
16. Office, headquarters.
17. Office, medical.
18. Outdoor vendor.
19. Park.
20. Public park facility (only in public parks).
21. Pushcart.
22. Residential, accessory dwelling unit - (Prohibited in the ARDA Transfer Site).
23. Residential, attached - (Prohibited in the ARDA Transfer Site).
24. Residential beekeeping as an accessory use. (Only in single-family detached homes and single-family attached homes with single property ownership of the lot)
25. Residential, single-family detached - (Prohibited in the ARDA Transfer Site).
26. Residential shelter - (Prohibited in the ARDA Transfer Site).
27. Research and development.
28. Restaurant.
29. Restaurant, fast food (except drive-thru).
30. Retail business, accessory (subject to requirements in Chapter 3-5-2).
31. Retail and/or service business, general (except drive-thru).
32. Reverse vending machine.
33. School, public.
34. Stable, private (only within agriculture area).
35. Supermarket.
36. Vehicle repair and detailing, mobile.
37. Warehousing, storage and distribution.<sup>2</sup>
38. Wireless communication facility (May require a wireless communication facility permit, a minor conditional use, a major conditional use, or may be prohibited, depending on the type of installation and the location of the installation site, pursuant to the review procedures matrix in Section 2-37.5-3).  
See Section 9-51-6(U) for special development requirements.

**D. Conditional uses.**

1. Ambulance service.
2. Arcade, game.
3. Bar, tavern, cocktail lounge.
4. Boarding house - (Prohibited in the ARDA Transfer Site).
5. Car wash.
6. Reserved.
7. Child care center.
8. Church.

9. Commercial recreation (over 1,500 square feet).
10. Community facility.
11. Composting facility. (In conjunction with demolition, removal and recovery of existing buildings, structures and landscaping associated with the former military use of the property.)
12. Concrete recycling facility. (In conjunction with demolition, removal and recovery of existing buildings, structures and landscaping associated with the former military use of the property.)
13. Conference/convention facility.
14. Congregate care facility - (Prohibited in the ARDA Transfer Site).
15. Convalescent home - (Prohibited in the ARDA Transfer Site).
16. Convenience or liquor store.
17. Drive-thru.
18. Financial institutions (drive-thru).
19. Equipment rental.
20. Fraternal and service club.
21. Reserved.
22. Gas station/fuel dispenser.
23. Golf course/driving range.
24. Government facility.
25. Health club.
26. Heliport.
27. Hospital.
28. Hotel, extended stay - (Prohibited in the ARDA Transfer Site).
29. Hotel/motel - (Prohibited in the ARDA Transfer Site).
30. Industry, service.
31. Large family child care permit - (Prohibited in the ARDA Transfer Site).
32. Manufacturing, light.
33. Manufactured structure (over two years).
34. Massage establishment and related business.
35. Materials recovery facility. (In conjunction with demolition, removal and recovery of existing buildings, structures and landscaping associated with the former military use of the property.)
36. Miniwarehouse (8.1A only).
37. Outdoor sales.
38. Outdoor storage.
39. Recreational vehicle storage, private.
40. Recreational vehicle storage, public.
41. Residential care facility - (Prohibited in the ARDA Transfer Site).
42. Residential shelter - (Prohibited in the ARDA Transfer Site).
43. Restaurant, "Type 47" ABC License operating after 12:00 a.m.
44. Restaurant, fast food (drive-thru).
45. Retail business, home improvement related.
46. School, commercial.
47. School, private.
48. Senior housing - (Prohibited in the ARDA Transfer Site).

- 49. Small collection facility.
- 50. Sober living facilities - (Prohibited in the ARDA Transfer Site).
- 51. Stable, public (only within agriculture area).
- 52. Utility building and facility.
- 53. Vehicle assembly.<sup>3</sup>
- 54. Vehicle body repair, paint or restoration.<sup>3</sup>
- 55. Vehicle leasing and rental.
- 56. Vehicle repair.
- 57. Vehicle sales.
- 58. Veterinary service, domestic.
- 59. Warehouse and sales outlet.

See Section 9-51-6(U) for special development requirements.

E. Introduction of unique land uses that are not specified in the permitted and conditionally permitted uses but fit within the intent of the Trails and Transit Oriented Development zoning district (Section 3-37-39) shall be encouraged subject to an initial determination by the Director of Community Development and subsequently subject to a conditional use permit for consideration by the Planning Commission.

F. <i>Minimum site size</i>	0.25 acres (all uses except single-family detached) 2,400 square feet (single-family detached only)
G. <i>Maximum site coverage</i>	50% for single-family detached, Unlimited for residential, attached
	65% for non-residential and mixed-use, (8.1B - unlimited)
H. <i>Maximum building height</i>	South of Marine Way and/or south of SCRRRA rail lines 70 feet (residential, attached) 70 feet (nonresidential) except no height limit within 8.1B 90 feet for hotel/hospitality use North of Marine Way and north of SCRRRA rail lines 55 feet (residential, attached and non-residential) in Districts 5 and 6 only 70 feet (residential, attached and non-residential) 35 feet (single family detached) 90 feet for Hotel/hospitality use
I. <i>Minimum site landscaping<sup>(4)</sup></i>	15% for residential, attached and non-residential Not applicable for single-family detached
J. <i>Building setbacks<sup>(4)</sup> from:</i>	
Major highways:	45 feet
Primary Highways:	42 feet
Secondary highways:	
In non-residential areas	35 feet (Alternate setbacks may be approved through a master plan)
In residential areas	25 feet
In mixed use areas	25 feet

Commuter highways and local streets	15 feet
Private Drives (including Private Ways) and Private Streets	8 feet (only applicable to ground floor living area, and garage setbacks per Section 3-27-10.A./B.)
Great Park edge	To be determined at time of master plan review
Interior boundary adjacent to residential or non-residential uses:	
Side	5 feet
Rear	10 feet
Building to Building	
Residential	6 feet
Non-residential	0 feet

<sup>1</sup> Domestic animal care facilities shall require a veterinary certificate of health and proof of current vaccinations for distemper, rabies and parvovirus. Animals may be groomed, trained, exercised socialized and kept or boarded overnight, but not bred, sold or let for hire.

<sup>2</sup> Permitted within Planning Area 51 Development Districts 2 and 3 only.

<sup>3</sup> Conditionally permitted within Planning Area 51 Development Districts 1, 2, 3, and 6 only.

<sup>4</sup> Unless a lesser amount is approved at the time of Master Plan approval.

(Ord. No. 06-18, § 4, 10-24-06; Ord. No. 09-08, § 4, 9-8-09; Ord. No. 10-04, § 3, 4-13-10; Ord. No. 11-12, § 4(Exh. A), 9-13-11 ; Ord. No. 12-01, § 5(Exh. A), 1-24-12 ; Ord. No. 13-07 , § 4(Exh. A), 12-10-13; Res. No. 15-86, § 3(Exh. A), 8-11-15; Ord. No. 18-05 , Exh. A, 4-24-18; Ord. No. 19-20 , § 4(Exh. A), 12-10-19; Ord. No. 20-05 , § 6, 5-12-20)

## **Sec. 7-2-1. Special sign regulations.**

### **A. Light beams (i.e., searchlights or laser beams).**

1. Searchlights and laser beams are permitted in nonresidential planning areas in conjunction with an approved City of Irvine special event permit for a period not to exceed three consecutive nights. Subject to determination by the Community Development Department, review and approval by the Airport Land Use Commission, may be required. In no circumstance shall these light mechanisms be permitted in residential planning areas or within 300 feet of a residential dwelling unit.
2. Prior to the approval of a special event permit involving a laser, the applicant must provide the Director of Community Development with an approval letter issued by the Federal Aviation Administration (FAA).

### **B. Signs requiring a sign program.** The following types of signs shall require a sign program which must be approved prior to issuance of a sign permit. Refer to Chapter 2-31, Sign Program Procedures, for other circumstances requiring a sign program.

1. *Exposed neon sign (also gaseous light and fiber optic tubing).* The use of exposed neon signs, including decorations, shall be permitted only where authorized by other sections of this chapter or as part of a sign program approved by the Planning Commission. Exposed neon signs and decorations located within a business establishment, intended to be read or viewed from outside the business establishment, are not permitted, unless approved as part of a sign program.
2. *Icon sign.* An icon sign is a unique, artistic, two- or three-dimensional image reflective of a company's use, product or service. The image may be illuminated and may include, but is not limited to, exposed neon and animated or moving parts. The image may be a monument, wall or projecting sign. An icon sign shall be incorporated into a sign program and must be approved by the Planning Commission.
3. *Village identification sign.* A sign which displays the name of the village within which it is located. Whenever village identification signs are affixed to significant structures, such as, but not limited to, arch ways or other structures straddling sidewalks, streets or parkways, Planning Commission approval of the underlying structure is required. Approval of such structures shall be processed as a Master Plan prior to or concurrent with approval of the sign program. A village identification sign shall be incorporated into a sign program and must be approved by the Planning Commission.
4. *Lightbulb strings.* An external display of lights which consist of festoons and/or strings of open lightbulbs. The sign program shall demonstrate how the lightbulb strings or "Tivoli lights" are compatible with the project. Lightbulb strings in a nonresidential village shall be incorporated into a sign program and may be approved by the Director of Community Development. Lightbulb strings in residential villages shall be incorporated into a sign program and must be approved by the Zoning Administrator.



5. *Attraction board sign.* A sign which displays information about events or items offered at sites such as, but not limited to, movie theaters, educational facilities, or concert facilities. An attraction board sign shall be incorporated into a sign program and must be approved by the Planning Commission.
6. *Super graphic sign.* A painted design which covers an area greater than 10 percent of a wall, building facade, or other structure. A super graphic sign in a nonresidential village shall be incorporated into a sign program and may be approved by the Director of Community Development. A super graphic sign in a residential village shall be incorporated into a sign program and must be approved by the Zoning Administrator.
7. *Decorative construction fence sign.* A sign that contains a decorative theme with artistic merit in order to provide interest to the construction fence. A decorative construction sign shall be incorporated into a sign program and may be approved by the Director of Community Development.
8. *Electronic message center.* A changeable copy system that is controlled by an electronic computer. An electronic message center sign shall be incorporated into a sign program and must be approved by the Planning Commission.
9. *Signs in the Jeffrey Open Space Spine.* Any private development project and/or business identification sign located in the Jeffrey Open Space Spine shall be incorporated into a sign program and must be approved by the Planning Commission.
10. Residential Beekeeping signs as required in Chapter 3-37 Section 3-41 (Ord. No. 01-17, § 3, 10-19-01)

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA)  
COUNTY OF ORANGE ) ss  
CITY OF IRVINE )

I, CARL PETERSEN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that on the 10<sup>th</sup> day of May, 2022, I caused to have published and posted a foregoing true and correct copy of Ordinance No. 22-07 of the City of Irvine in the following public places in the City:

- 1) Bulletin Board in Walnut Village Shopping Center, Culver and Walnut, Irvine.
- 2) Bulletin Board in University Park Shopping Center, Culver at Michelson, Irvine.
- 3) Bulletin Board in Northwood Shopping Center, Irvine Boulevard at Yale, Irvine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City Council of the City of Irvine, California, the 10<sup>th</sup> day of May, 2022.

  
CITY CLERK OF THE CITY OF IRVINE