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## Chapter 20.30 – Property Development Standards

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### **20.30.010 – Purpose and Applicability**

The purpose of this Chapter is to ensure that development is consistent with the General Plan, complies with the standards of this Chapter, produces an environment that is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties.

The standards of this Chapter apply to all zoning districts. These standards shall be considered in combination with the standards for each zoning district in Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards), and Part 4 (Standards for Specific Land Uses). Where there may be a conflict, the standards specific to the zoning district or specific land use shall override these general standards.

All structures, additions to structures, and uses shall conform to the standards of this Chapter as determined applicable by the Director.

### **20.30.020 – Buffering and Screening**

This Section provides standards for the screening and buffering of adjoining land uses, equipment, and outdoor storage areas. Multi-unit residential and nonresidential land uses shall comply with the requirements of this Section.

#### **A. Roof-mounted and ground-mounted mechanical equipment.**

1. **Screening required.** The screening of roof-mounted and ground-mounted mechanical equipment is required in all zoning districts at the time of new installation or replacement. Roof-mounted and ground-mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts and exhaust vents, swimming pool and spa pumps and filters, transformers and generators, and similar equipment, but excluding solar collectors and related equipment), shall be screened from public view and adjacent residential districts, and shall comply with the requirements below.

## 2. **Roof-mounted mechanical equipment.**

- a. **Screening.** Roof-mounted mechanical equipment shall not be visible in any direction (360 degrees) from a public right-of-way or adjacent residential property, as may be seen from a point 6 feet above ground level. In addition, screening of the top of roof-mounted mechanical equipment may be required by the Director, if necessary to protect views from a residential zoning district located at a higher elevation.
- b. **Height limit.** Roof-mounted mechanical equipment and screening shall be subject to the height limitations of Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards) and any height limit exceptions in Section 20.30.060 (Height Limits and Exceptions).
- c. **Screening methods.** Screening of roof-mounted equipment shall be accomplished with mechanical roof wells recessed below the roof line or by solid and permanent roof-mounted screens. Screening shall be compatible with the architectural style, materials, and color of the building upon which the equipment is located, subject to the approval of the Department.

## 3. **Ground-mounted mechanical equipment.**

- a. **Screening.** Ground-mounted mechanical equipment shall be screened from any public rights-of-way and/or public property as seen from a point 6 feet above ground level.
- b. **Setback required.** Ground-mounted mechanical equipment and screening, except landscaping, shall be subject to the setback requirements of Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards) and any allowed encroachments in Section 20.30.110 (Setback Regulations and Exceptions).
- c. **Screening methods.** Screening of ground-mounted mechanical equipment shall be accomplished with fences, walls, solid hedges, or other methods approved by the Department. Chain link fencing with or without slats is not allowed.

## 4. **Sound rating.** Roof-mounted and ground-mounted mechanical equipment shall be subject to Municipal Code Section 10.26.025 (Exterior Noise Standards).

## 5. **Mixed-Use and commercial zoning districts.** Mechanical equipment within mixed-use or commercial zoning districts shall be located so that the impact of noise on residential uses within the development and on adjacent residential uses is minimized to the greatest extent feasible in compliance with Municipal Code Section 10.26.025 (Exterior Noise Standards).

## 6. **Maintenance required.** Screening shall be maintained in good condition at all times. Landscaping used as screening shall provide a dense, year-round screen.

- 7. Exception to screening requirement.** Where it can be clearly demonstrated that the exterior roof-mounted or ground-mounted mechanical equipment is not visible from any public right-of-way, public property, or residential property in a residential zoning district, the Director may waive the screening requirements of this Section.
- B. Outdoor storage areas.** Where equipment, material, or merchandise is allowed to be stored outdoors these items shall be screened from public view and adjacent residential districts with fences, walls, solid hedges, or other methods approved by the Department. Chain link fencing with or without slats is not allowed.
- C. Solid waste storage areas.** Screening of solid waste storage areas and trash receptacles shall be provided in compliance with the requirements of Section 20.30.120 (Solid Waste and Recyclable Materials Storage).
- D. Screening and buffering between different zoning districts.**
- 1. Nonresidential use.** Where a nonresidential zoning district abuts a residential zoning district, a solid masonry wall a minimum of 6 feet in height shall be required.
  - 2. Industrial use.** Where an industrial zoning district abuts a residential zoning district, a solid masonry wall a minimum of 8 feet in height shall be required.

### 20.30.030 – Reserved

### 20.30.040 – Fences, Hedges, Walls, and Retaining Walls

This Section provides standards for the provision of fences, hedges, walls, and retaining walls.

**A. Maximum height allowed.**

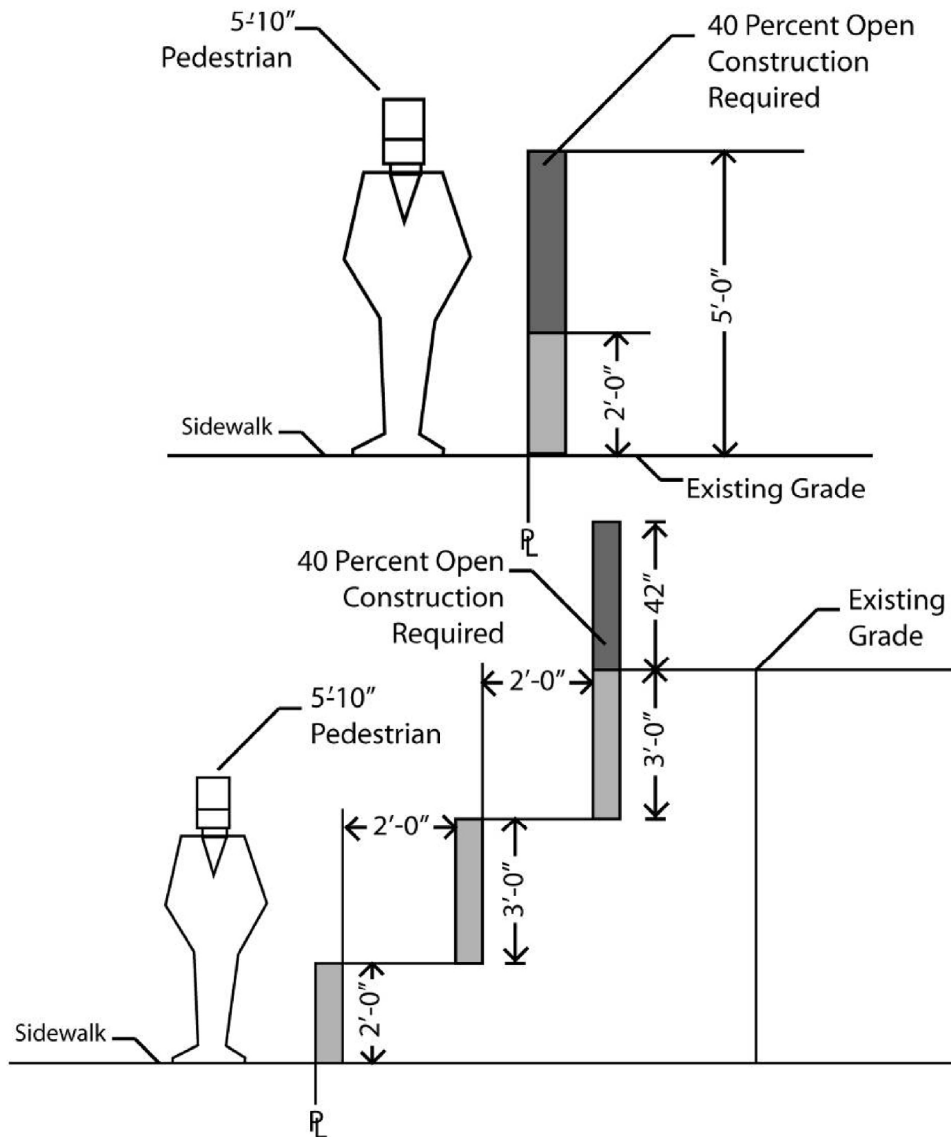
- 1. Fences, hedges, and walls.** Maximum heights of fences, hedges, and walls are shown in Table 3-1.

**TABLE 3-1  
MAXIMUM HEIGHT OF FENCES, HEDGES, AND WALLS**

Location	Maximum Height
Front setback areas.	42 inches. See Subsection B, below.
Rear and interior side setback areas.	6 feet in residential and commercial zoning districts. 8 feet in industrial zoning districts adjacent to residential uses.
Rear setback area abutting or adjacent to the waterfront of Newport Bay, the shoreline of the Pacific Ocean, the Old Channel of the Santa River (the Oxbow Loop), or the channels in West Newport.	42 inches.
At intersections of streets, alleys and driveways within traffic sight areas.	See Section 20.30.130 (Traffic Safety Visibility Area).

2. **Retaining walls.** The maximum height of a retaining wall shall be 8 feet measured from finish grade at the base of the wall, not including any required guardrails. A minimum horizontal separation equal to the height of the tallest retaining wall shall be provided between retaining walls, except that the required separation shall not be more than 6 feet. The above requirements shall not apply to retaining walls that are an integral part of principal structures. An increase in the height of a retaining wall may be requested in compliance with Section 20.52.50 (Modification Permits).
- B. Special area regulations.** In front setback areas in Balboa Peninsula, Balboa Island, Corona del Mar, West Newport, East Bay Front on Little Balboa Island, and North Bay Front and South Bay Front on Balboa Island fences and walls shall be allowed to extend to a height of 5 feet, provided that any portion of the fence or wall above 2 feet shall be constructed of open grillwork, wrought iron, latticework, pickets, Plexiglas, or similar materials so that at least 40 percent of the portion of the fence or wall above 2 feet is open.
- C. Exceptions to maximum height.**
1. **Grade differential.** Where the existing grade of a lot adjacent to the front setback area is more than 24 inches above the adjacent sidewalk (or curb elevation where no sidewalk exists), a maximum 24-inch high retaining wall shall be allowed to be located at the front property line. Additional retaining walls shall be allowed to a maximum height of 36 inches each provided they are set back a minimum distance of 24 inches from the inward face of the previous retaining wall. Additional retaining walls shall be subject to the same limitation. A maximum 42-inch guard rail shall be allowed atop the upper most retaining wall for safety purposes, provided the guard rail is constructed of open grillwork, wrought iron, latticework, pickets, or similar materials so that at least 40 percent of the fence is open. See Figure 3-1.
  2. **Decorative fence/wall details and lights.**
    - a. Finials, light fixtures, pilaster caps, pots, and similar decorative items may be placed on fence or wall vertical support elements (e.g., pilasters, pillars, posts, etc.) provided they are secure and do not extend more than 12 inches above the maximum allowed height.
    - b. The number of decorative items (e.g., finials, pilaster caps, pots, and similar items) and light fixtures shall be limited to not more than one item or fixture for every 6 lineal feet of fence or wall.
  3. **Fencing for pools and spas.**
    - a. Swimming pools, spas, and other similar features shall be fenced in compliance with Municipal Code Title 15.
    - b. Fencing and guardrails for ponds, spas, and swimming pools located in a front setback area, or in the rear and side setback areas regulated as front setback areas on lots with 42-inch height limitations may be allowed to exceed the height limit in compliance with the following standards:

- (1) Fences shall be constructed of open grillwork, wrought iron, latticework, pickets, or similar materials so that at least 40 percent of the fence or wall is open. In lieu of the above, glass or Plexiglas may be allowed; and
- (2) Fence height shall be limited to the minimum required by Municipal Code Title 15.

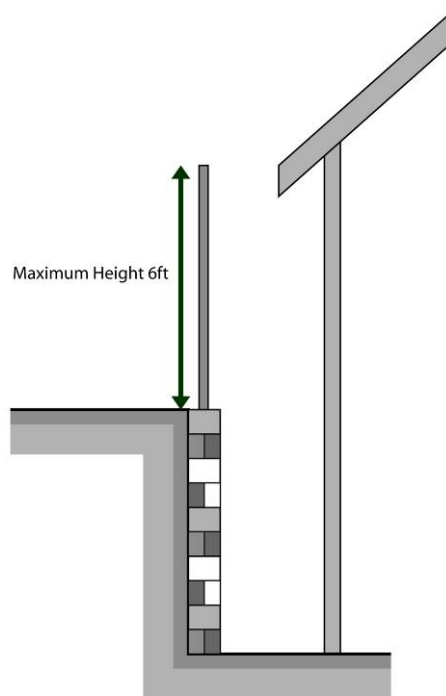


**Figure 3-1**  
**Grade Differential at Front Property Line**

4. **Residential uses adjacent to commercial uses or alleys.** For residential lots adjacent to nonresidential zoning districts or commercial alleys fences, walls, or hedges may be up to 8 feet in height in required residential side yards for buffering and/or sound attenuation.

**D. Measurement of fence or wall height.**

1. The height of a fence, hedge, or wall shall be measured from the lowest existing grade at the location where the fence, hedge, or wall is located.
2. Where a fence or wall is constructed on top of a retaining wall the height of the fence or wall shall be measured from the side of the retaining wall with the highest elevation. See Figure 3-2



**Figure 3-2  
Fence Height**

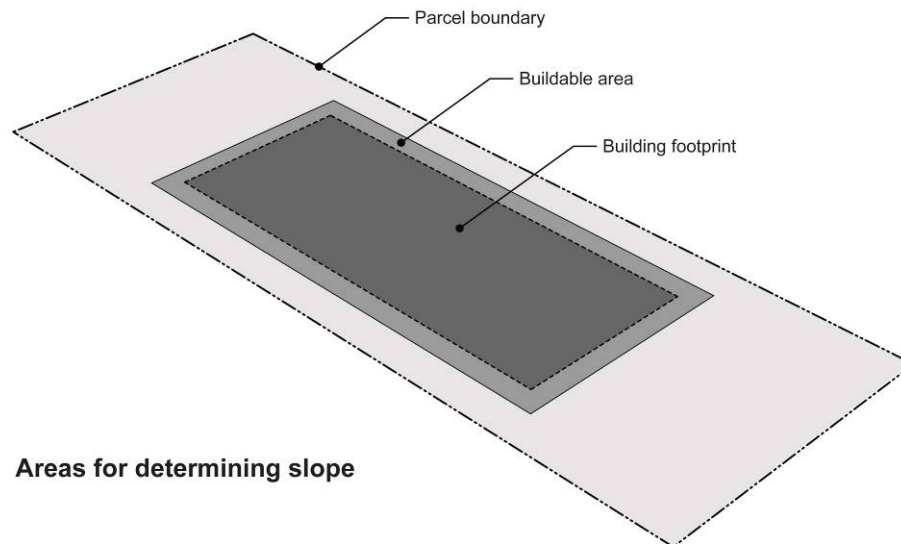
- E. **Prohibited fence materials.** Barbed wire, electrical fences, razor wire, and other similar materials shall not be allowed in residential zoning districts.

**20.30.050 – Grade Establishment**

This Section provides regulations for establishing the slope and grade of a lot for the purpose of identifying the surface from which to measure structure height to be used in conjunction with the provisions of Section 20.30.060 (Height Limits and Exceptions).

**A. Establishment of slope.** In order to determine which of the two methods to use to establish the grade of the lot from which to measure structure height as provided in Subsection B, below, it is first necessary to determine the slope of the lot as follows:

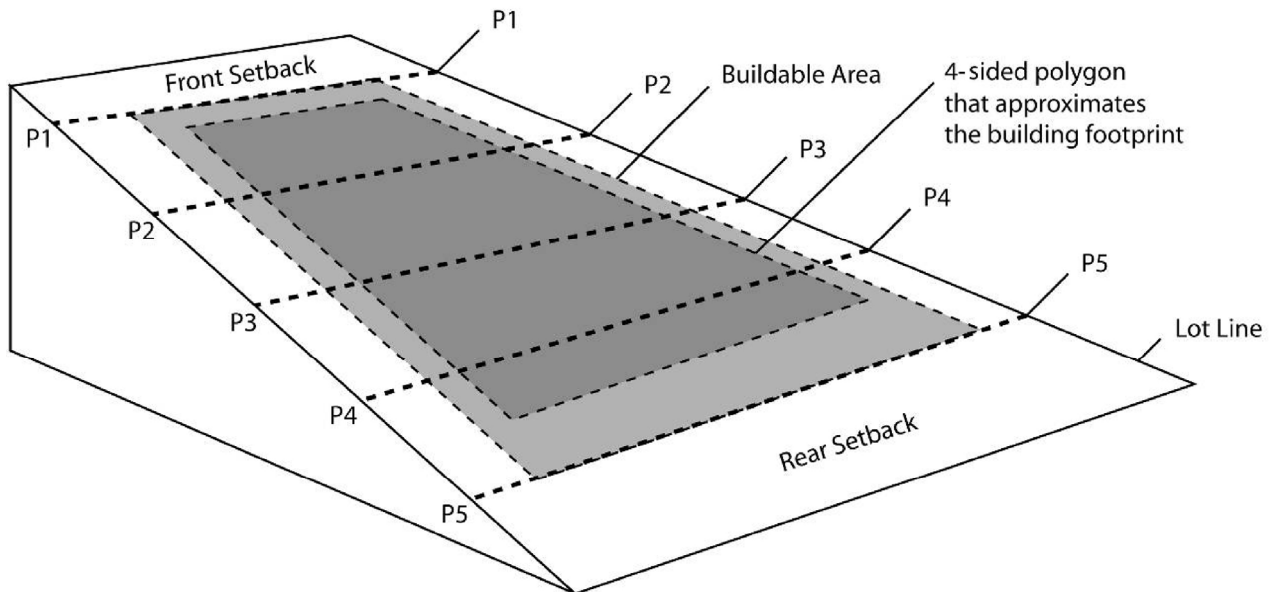
1. The slope of a lot shall be determined using a 4-sided polygon that most closely approximates the actual footprint of the proposed structure. The area of the 4-sided polygon shall not be smaller than the footprint of the proposed structure and shall be located entirely within the buildable area of the lot; (See Figure 3-3)



**Figure 3-3**  
**Area for Determining Slope**

2. The slope of the polygon shall be determined using the highest and lowest elevation at any of the 4 corners of the polygon and the distance between the respective corners;
  3. If the location of the polygon selected by the applicant is not clearly representative of the lot's topography or representative of the prevailing slopes on adjoining lots because of retaining structures or previous excavation/fill, the Director shall establish the appropriate area to be used to determine the slope of the lot.
- B. Establishment of grade.** The grade of a lot shall be established by one of the following methods unless the Director establishes the grade in compliance with Subsection C (Establishment of grade by Director), below.
1. **Subdivisions.** If the City approves or has approved a grading plan in conjunction with an approved subdivision, the established grade shall be the finished grade as shown on the grading plan or Final Subdivision Map.

2. **5 percent or less slope.** On lots where the slope of the 4-sided polygon is 5 percent or less, the grade of the surface from which structure height is measured shall be a plane established using the average of the elevations at each corner of the 4-sided polygon. Example:  $A + B + C + D = X$ ;  $X/4 =$  Established grade elevation from which to measure structure height.
3. **More than 5 percent slope.**
  - a. On lots where the slope of the 4-sided polygon is greater than 5 percent, the established grade from which structure height is measured shall be a plane established by determining the elevation of the lot at 5 evenly spaced points along each of the 2 side property lines and connecting each of the points along a side property line with the corresponding point on the opposite side property line.
  - b. The 5 evenly spaced points along each side property line shall be located so that one point is located at the intersection of the front setback line with the side property line and another point is located at the intersection of the rear setback line with the side property line. The other 3 points along the side property line shall be located so that all 5 points are equidistant from each other. (See Figure 3-4)



**Figure 3-4**  
**Slope Greater than 5%**



- c. On lots that slope an average of 20 percent or greater, or on irregularly shaped or sloping lots, the Director may require that additional points of elevation be provided.

**C. Establishment of grade by director.** If the director finds that the existing grade on the subject lot has been previously altered (e.g., contains retaining structures, property line walls, planters, or excavation/fill), or other conditions are present to the degree that the existing grade is not representative of the prevailing grades on adjoining lots and/or the general area and, therefore, is not appropriate for the purpose of establishing the grade of the subject lot, the director may establish the grade that is reasonable and comparable with the grades of adjoining lots and that will not be detrimental or injurious to property and improvements on adjoining lots.

### 20.30.060 – Height Limits and Exceptions

**A.** This section establishes regulations for determining compliance with the maximum allowable height limits established for each zoning district by Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards).

**B. Height of structures and measurement.**

1. **Structure height established.** Structures shall not exceed the maximum allowable height for the zoning district in which the structure is located, except as provided in Subsection B (Increase in height limit), or Subsection C (Exceptions to height limits), below.
2. **Height measurement.** Height shall be measured as the vertical distance from the established grade of the pad to the highest part of the structure, including any protective guard rails and parapet walls. Structures with sloping roofs shall be measured to the highest peak of the roof. Structures with flat roofs shall be measured to the top of the roof, guard rail, or parapet wall. The established grade of the pad shall be determined by one of the methods identified in Section 20.30.050 (Grade Establishment).
3. **Flood hazard areas.**
  - a. **Finished first floor elevation.** The minimum required finished first floor elevation for interior living areas of all new structures within flood hazard areas shall be as established by the Flood Insurance Rate Maps recognized by the Building Department as part of flood safety requirements and maps adopted by the Council. Notwithstanding the building elevations established by the Flood Insurance Rate Maps, the minimum required ground floor finished floor elevation for interior living areas of all new structures shall be at least 9.00 (NAVD 88).
  - b. **Height measurement.** The height of a principal structure shall be measured from the elevation of the finished first floor, including habitable floor area over a garage or other nonhabitable space.
  - c. **Accessory structures.** The height of accessory structures may be measured from either the existing grade of the lot or the elevation established by the Flood Insurance Rate Maps.

4. **Structures on Ocean Boulevard.** New structures and additions/changes to existing structures on the bluff side of Ocean Boulevard in Corona del Mar shall not be constructed to a height greater than the elevation of the adjacent curb. The top of curb height limit shall be established by a plane created by the extension of the top of curb line across each lot.

**C. Increase in height limit.**

1. **Procedure.** The base height limits established in Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards) may be increased within specified areas with the adoption of a planned community district, adoption of a specific plan, or approval of a Planned Development Permit, or Site Development Review. The maximum height limit is not guaranteed by right and shall require approval of a discretionary action when all applicable findings are met in compliance with Subparagraph 3, (Required findings), below. Height limits established as part of an adopted Planned Community shall not be subject to this subsection.
2. **Height limit areas.** The height limit areas shall be as follows;
  - a. **R-A, R-1, R-BI, and R-2 zoning districts height limit area.** In this height limit area the base height limit for structures with flat roofs is 24 feet (including guard rails and parapet walls) and the base height limit for structures with sloped roofs is 29 feet. The height of a structure may be increased up to a maximum of 28 feet with a flat roof or 33 feet with a sloped roof through the approval of a discretionary application as provided above. This height limit applies in all R-A, R-1, R-BI, and R-2 zoning districts as shown on the Zoning Map.
  - b. **RM and RMD zoning districts height limit area.** In this height limit area the base height limit for structures with flat roofs is 28 feet (including guard rails and parapet walls) and the base height limit for structures with sloped roofs is 33 feet. The height of a structure may be increased up to a maximum of 32 feet with a flat roof or 37 feet with a sloped roof through the approval of a discretionary application as provided above. This height limit applies in all RM and RMD zoning districts as shown on the Zoning Map.
  - c. **Nonresidential, shoreline height limit area.** In this height limit area the base height limit for nonresidential and mixed use structures with flat roofs is 26 feet and the base height limit for structures with sloped roofs is 31 feet. The height of a structure may be increased up to a maximum of 35 feet with a flat roof or 40 feet with a sloped roof through the approval of a discretionary application as provided above. The shoreline height limit shall apply to all nonresidential zoning districts and mixed use zoning districts within the boundaries of the Shoreline Height Limit Area shown on the High Rise and Shoreline Height Limit Areas Map (See Part 8, Map H-1).

- d. **Nonresidential, nonshoreline height limit area.** In this height limit area the base height limit for nonresidential and mixed use structures with flat roofs is 32 feet and the base height limit for structures with sloped roofs is 37 feet. The height of a structure may be increased up to a maximum of 50 feet with a flat roof or 55 feet with a sloped roof through the approval of a discretionary application as provided above. This height limit shall apply to all nonresidential, nonshoreline zoning districts and mixed use zoning districts within its boundaries. The nonresidential, nonshoreline height limit area is identified as all of the area outside the Shoreline Height Limit Area shown on the High Rise and Shoreline Height Limit Areas Map (See Part 8, Map H-1).
  - e. **High Rise Height Area.** In this height limit area, the maximum height limit shall be 300 feet and no further increase to the maximum allowed height is available. This height limit is applicable to all nonresidential zoning districts within its boundaries as indicated on the High Rise and Shoreline height Limit Areas Map (See Part 8, Map H-1). Proposed projects within this height limit area shall comply with the requirements of Subsection E (Airport Environs Land Use Plan for John Wayne Airport and Airport Land Use Commission Review Requirements), below.
3. **Required findings.** The review authority may adopt a planned community district, adopt a specific plan, or approve a Planned Development Permit, or Site Development Review to allow an increase in the height of a structure above the base height only after first making all of the following findings in addition to the findings required for the discretionary permit application:
- a. The project applicant is providing additional project amenities beyond those that are otherwise required. Examples of project amenities include, but not limited to:
    - (1) Additional landscaped open space;
    - (2) Increased setback and open areas;
    - (3) Enhancement and protection of public views; and
  - b. The architectural design of the project provides visual interest through the use of light and shadow, recessed planes, vertical elements, and varied roof planes;
  - c. The increased height will not result in undesirable or abrupt scale changes or relationships being created between the proposed structure(s) and existing adjacent developments or public spaces. Where appropriate, the proposed structure(s) provide a gradual transition to taller or shorter structures on abutting properties; and
  - d. The structure will have no more floor area than could have been achieved without the approval of the height increase.

#### D. Exceptions to Height Limits

1. **Assembly and meeting facilities.** Structures used as places of worship may be allowed to exceed the height limit subject to the approval of a Site Development

Review in compliance with Section 20.52.080. Where more than one structure exists or is proposed for the site, only the principal structure shall be eligible for approval to exceed the maximum height limit.

2. **Architectural Features.** Architectural features (e.g., cupolas, weathervanes, and other decorative roof-top features) of an open nature, but excluding guardrails, parapet walls, and similar features may be allowed up to the height limit for a sloped roof. Architectural features with a height greater than that allowed for a sloped roof shall be subject to the approval of a Modification Permit.
3. **Boat cranes.** Boat cranes used in conjunction with an approved marine-oriented nonresidential use may be allowed to exceed the maximum height limit up to a maximum operating height of 70 feet, subject to the approval of a Minor Use Permit.
4. **Chimneys and vents.** Chimneys and spark arrestors for fireplaces and roof-mounted vents shall be allowed to exceed the allowed height limits as follows;
  - a. Chimneys may extend above the allowed height limit a maximum of 2 feet or a greater height if required by the City's Building Code;
  - b. Spark arrestors may extend above the top of a chimney a maximum of 2 feet provided they do not exceed a width of 2 feet and a length of 4 feet; and
  - c. Roof-mounted vents may extend above the allowed height limit a maximum of 12 inches or a greater height if required by the City's Building Code.
5. **Dormers.** Dormers may be allowed to exceed the maximum height provided that:
  - a. The total width of the dormer that exceeds the height limit shall not be greater than 35 percent of the length of the side of the structure where the dormer is located;
  - b. The roof pitch of the dormer shall not be less than 2:12; and
  - c. The peak of the dormer shall not be higher than the peak of the roof on which it is located.
6. **Elevator shafts, enclosed stairwells.** Elevator shafts and enclosed stairwell housings may exceed the allowed height limit by the minimum height required by Municipal Code Title 15 (Building and Construction) provided they do not exceed 30 square feet in area, unless a larger elevator is required by Municipal Code Title 15 and/or Fire Department. In these instances, the area of the elevator or stair housing shall not exceed the minimum size required by Municipal Code Title 15 and/or Fire Department. Elevator shafts and enclosed stairwell housings that exceed 30 square feet in area shall have sloped roofs with a minimum 3/12 pitch.

7. **Fences, hedges, and walls.** Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls) sets forth exceptions to height limits for these structures.
8. **Flag poles.**
  - a. Ground-mounted flag poles shall be allowed in residential zoning districts to a maximum height of 28 feet and in nonresidential zoning districts to a maximum height of 35 feet.
  - b. Flag poles mounted on tops of buildings located in nonresidential zoning districts shall be allowed to exceed the maximum height limit by up to 20 feet.
9. **Landmark buildings.** An alteration or addition to a landmark building shall be exempt from height limits, provided that structural alterations or additions that exceed the height of the existing structure shall require approval of a Site Development Review in compliance with Section 20.52.080 and shall not exceed a maximum of 55 feet in height. The Site Development Review may be approved only if all of the following findings are first made in addition to those findings identified on Section 20.52.080:
  - a. The portion of the structural alteration or addition that exceeds the height of the existing structure does not significantly impact public views from public rights-of-way.
  - b. The portion of the structural alteration or addition that exceeds the height of the existing structure will not be used in a manner that increases the intensity of the use of the Landmark Building.
  - c. The allowed height of the Landmark Building will not be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the neighborhood of the Landmark Building.
10. **Light standards.** Light standards may be allowed to exceed maximum height limits, subject to the approval of a Site Development Review in compliance with Section 20.52.080. All light fixtures and standards shall comply with the requirements of Section 20.30.070 (Outdoor Lighting).
11. **Mechanical equipment.**
  - a. **Nonresidential zoning districts.** In nonresidential zoning districts, roof-mounted mechanical equipment, totaling not more than 30 percent of the total roof area, including required screening devices, shall be allowed to exceed the maximum height limit by up to 5 feet.
  - b. **Residential zoning districts.** In residential zoning districts, roof-mounted equipment is not allowed to exceed the maximum height limit for the zoning district.
12. **Solar equipment.** The height limit regulations in this Zoning Code do not apply to equipment and panels used for the production of solar energy.

13. **Skylights and roof windows.** Skylights or roof windows shall be allowed to exceed the maximum height limit by up to 6 inches on conforming roofs.
- E. Airport Environs Land Use Plan (AELUP) for John Wayne Airport and Airport Land Use Commission (ALUC) Review Requirements.**
1. **AELUP requirements.**
    - a. Buildings and structures shall not penetrate Federal Aviation Regulation (FAR) Part 77 Obstruction Imaginary Surfaces for John Wayne Airport unless approved by the Airport Land Use Commission (ALUC).
    - b. In compliance with FAR Part 77, applicants proposing buildings or structures that penetrate the 100 :1 Notification Surface shall file a Form 7460-1, Notice of Proposed Construction or Alteration with the FAA. A copy of the FAA application shall be submitted to the ALUC and the applicant shall provide the City with FAA and ALUC responses.
  2. **Citywide requirements.** Development projects that include structures higher than 200 feet above existing grade shall be submitted to the Airport Land Use Commission (ALUC) for review. In addition, projects that exceed a height of 200 feet above existing grade shall file Form 7460-1 with the Federal Aviation Administration (FAA).

### **20.30.070 – Outdoor Lighting**

This Section establishes outdoor lighting standards in order to reduce the impacts of glare, light trespass, over lighting, sky glow, and poorly shielded or inappropriately directed lighting fixtures, and promote safety and encourage energy conservation.

#### **A. General outdoor lighting standards.**

1. All outdoor lighting fixtures shall be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways. Parking lot light fixtures and light fixtures on buildings shall be full cut-off fixtures.
2. Flashing, revolving, or intermittent exterior lighting visible from any property line or street shall be prohibited, except if approved as an accessory feature on a temporary basis in conjunction with a Special Event Permit.
3. A photometric study may be required as part on an application for a Zoning Clearance if it is determined that there is potential for a negative impact to surrounding land uses or sensitive habitat areas.
4. If in the opinion of the Director existing illumination creates an unacceptable negative impact on surrounding land uses or sensitive habitat areas the Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.

- B. Light standards within parking lots.** Light standards within parking lots shall be the minimum height required to effectively illuminate the parking area and eliminate spillover of light and glare onto adjoining properties and roadways. To accomplish this, a greater number of shorter light standards may be required as opposed to a lesser number of taller standards.
- C. Outdoor lighting standards for buildings, statues, other man-made objects, and landscapes,** Spotlighting or floodlighting used to illuminate buildings, statues, signs, or any other objects mounted on a pole, pedestal, or platform, or used to accentuate landscaping shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the object intended to be illuminated to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the feature with minimum spillover. The lighting shall not shine directly into the window of a residence or directly into a roadway. Light fixtures attached to a building shall be directed downward.
- D. Outdoor recreation/entertainment areas.** Sports courts and similar facilities used for outdoor recreation or entertainment located within a residential zoning district or closer than 200 feet to the boundary of a residential zoning district, shall not be lighted unless a Minor Site Development Review has been approved in compliance with Section 20.52.080 (Site Development Review).

### 20.30.080 – Noise

This Section establishes standards for the regulation of noise levels to protect the health, safety, and welfare.

- A. Compliance with noise control provisions.** All land uses and their associated activities shall comply with the provisions of this Section and Chapters 10.26 (Community Noise Control) and 10.28 (Loud and Unreasonable Noise) of the Municipal Code.
- B. Acoustical study.** The Director may require the preparation of an acoustical study in instances where the Director determines that a project may expose existing or proposed noise-sensitive land uses to noise levels exceeding the standards specified in Chapters 10.26 or 10.28 of the Municipal Code.
- C. Noise exposure verification for new development.** Applicants for projects located in areas projected to be exposed to a CNEL of 60 dBA and higher may conduct a field survey, noise measurements, or other noise modeling analysis in a manner acceptable to the Director to provide evidence that the noise contours identified in the Noise Element of the General Plan do not adequately account for local noise exposure circumstances due to topography, variation in traffic speeds, or other conditions. These findings shall be used to determine the level of required noise attenuation methods and the feasibility of mitigation.

- D. Deliveries, loading, and unloading.** Deliveries, loading, unloading, opening/closing or other handling of boxes, crates, containers, building materials, trash receptacles, or similar objects within a nonresidential zoning district shall not be allowed between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays.
- E. Noise sensitive land uses.**
1. New noise sensitive land uses that will be impacted by existing land use related noise sources shall be required to mitigate the noise levels from those noise sources so that the resulting noise levels on the proposed noise-sensitive land use(s) do not exceed the standards in Chapter 10.26 (Community Noise Control) of the Municipal Code.
  2. Dedications of avigation easements in favor of the County of Orange may be required when noise sensitive uses are proposed in the John Wayne Airport (JWA) Planning Area, as established in the JWA Airport Environs Land Use Plan.
- F. Airport Environs Land Use Plan.** Residential uses, including mixed use residential, shall be prohibited within the 1985 John Wayne Airport (JWA) Master Plan 65 dBA CNEL contour.
- G. Mitigation of impacts.** Noise mitigation measures may be required in conjunction with the approval of an application for new development when a significant noise impact is identified.

**TABLE 3-2  
SIGNIFICANT NOISE INCREASE**

CNEL (dBA)	dBA increase
55	3
60	2
65	1
70	1
Over 75	Any increase is considered significant

- H.** Dedications of avigation easements in favor of the County of Orange may be required when noise sensitive uses are proposed in the JWA Planning Area, as established in the JWA AELUP.
- I.** New public parks in Noise Impact Zones 1 and 2 identified in the JWA AELUP shall be required to post notifications to users regarding aircraft overflight and potential noise impacts.

### **20.30.090 – Public Access to Bay Front.**

- A. Applicability.** In approving a development on a site with frontage along the bay that requires discretionary approval the review authority shall require the dedication of vertical and lateral public access easements, except where adequate public access already exists or where the provision of access is inconsistent with public safety or the protection of fragile coastal resources.



- B. Standards.** The following standards shall be applied to all lateral and vertical public access easements:
1. Public access easements shall be a minimum of 6 feet in width;
  2. Public access easements may be provided within required setback areas;
  3. Signs shall be provided for the purpose of directing the public to the bay front access; and
  4. All dedicated public access easements shall be recorded with the Orange County Recorder's Office in a manner satisfactory to the Director of Public Works.

### 20.30.100 – Public View Protection

- A.** This Section provides regulations to preserve significant visual resources (public views) from public view points and corridors. It is not the intent of this Zoning Code to protect views from private property, to deny property owners a substantial property right or to deny the right to develop property in accordance with the other provisions of this Zoning Code.
- B. Applicability.** The provisions of this Section shall apply only to discretionary applications where a project has the potential to obstruct public views from public view points and corridors, as identified on General Plan Figure NR 3 (Coastal Views), to the Pacific Ocean, Newport Bay and harbor, offshore islands, the Old Channel of the Santa River (the Oxbow Loop), Newport Pier, Balboa Pier, designated landmark and historic structures, parks, coastal and inland bluffs, canyons, mountains, wetlands, and permanent passive open space.
- C. Initial evaluation.** Discretionary applications involving a project site adjacent to an identified public view point or corridor shall be reviewed to evaluate the development's potential to impact public views.
- D. Visual impact analysis.** Where a proposed development has the potential to obstruct a public view(s) from a identified public view point or corridor, as identified on General Plan Figure NR 3 (Coastal Views), a view impact analysis may be required by the Department. The view impact analysis shall be prepared at the project proponent's expense. The analysis shall include recommendations to minimize impacts to public views from the identified public view points and corridors while allowing the project to proceed while maintaining development rights.
- E. Landscape standards.** Landscape improvements shall be installed and maintained to ensure that landscape materials do not unnecessarily obstruct public views at maturity. Landscaping at the edges of roads from which there is an identified public view should be designed, planted and maintained to frame and accent public views.
- F. Other Development Features.** Freestanding signs, rooftop equipment, antennas, and other project features shall be designed and sited to ensure they minimize impacts to public views.

- G. View protection easement.** The review authority may require applicants to provide public view protection easements to protect public views.

### 20.30.110 – Setback Regulations and Exceptions

This Section establishes standards to ensure the provision of open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light and ventilation; separation of incompatible land uses; space for privacy, landscaping, and recreation; protection of natural resources; and safety from fire and geologic hazards.

#### A. Setback requirements.

##### 1. Structures.

- a. Principal structures.** Principal structures shall conform with the setback requirements established for:

- (1) Each zoning district in Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards) of this Code;
- (2) Any specific uses identified in Part 4 (Standards for Specific Land Uses) of this Zoning Code;
- (3) Any special setback areas established in Section 20.28.040 (Bluff Overlay District); and
- (4) Any special setback areas established in Municipal Code Title 9 and Title 15.

- b. Access to dwellings.** On residential lots wider than 30 feet, if the primary entrance to a single- or two-unit dwelling faces a side setback area the entry door shall be set back a minimum of 5 feet from the side property line and a 3-foot wide unobstructed walkway shall be provided up to a minimum height of 8 feet between the primary entrance and the public street or alley.

- c. Access to side setback area.** On residential lots, regardless of the setback area encroachments allowed by this Subsection, a minimum 36-inch wide passageway shall be maintained within at least one side setback area adjacent to the principal structure in compliance with the following:

- (1) The passageway shall be free of any encroachments or obstructions from ground level to a height of 8 feet, including mechanical equipment, and other items attached to, or detached from, the principal structure;
- (2) Fences and walls located immediately adjacent to the property line may encroach up to 6 inches. No reduction or modification to this requirement shall be allowed; and

- (3) The opposite side setback area may have encroachments allowed by this Subsection.
    - d. Accessory structures.** All accessory structures shall comply with the setback requirements established for:
      - (1) Accessory Structures in Subsection 20.30.110.D.2 (Accessory structures), below, and any allowed encroachments; and
      - (2) Any special setback areas established in Municipal Code Title 9 and Title 15.
  - 2. Setback areas to be open.** Each required setback area shall be open and unobstructed from the ground upward, except as provided in this Section.
- B. Location and measurement of setbacks.** Setbacks shall be located and measured as follows:
- 1. General.**
    - a. Measure at right angles.** The distance/depth of a setback area (i.e., front, side, or rear) shall be measured at right angles from the nearest property line establishing a setback area line parallel to that property line.
    - b. Future street right-of-way.** Whenever a future street right-of-way line is officially established, required setback areas shall be measured at right angles from the established future right-of-way line(s).
  - 2. Front setback area.**
    - a. General.** The front setback area shall extend across the entire width of the lot frontage.
    - b. Corner lots.** The front setback area for a corner lot shall be the required distance parallel to the shortest property line adjoining the street.
  - 3. Side setback area.** The side setback area shall be established by a line parallel with the side property line and extending between the front and rear setback areas.
  - 4. Street side setback area.** The side setback area on the street side of a corner lot shall be established by a line parallel with the side property line adjoining the street and extending between the front and rear setback areas.
  - 5. Rear setback area.**
    - a. General.** The rear setback area shall extend across the entire width of the rear of the lot.

- b. **Irregular shaped lots.** Where the side lot lines converge to a point at the rear of the lot and make an angle 90 degrees or less, a line 10 feet long within the lot, parallel to and at a maximum distance from the front lot line, shall be deemed to be the rear lot line for the purpose of determining the depth of the required rear setback area. Where the angle created by the convergence of two side lot lines at the rear of the lot is greater than 90 degrees, a line 10 feet long measured from the point of convergence and perpendicular to the front lot line shall establish the location of the required rear setback line. See Figure 3-6. (Rear Setback Areas on Irregularly-shaped Lots), below.

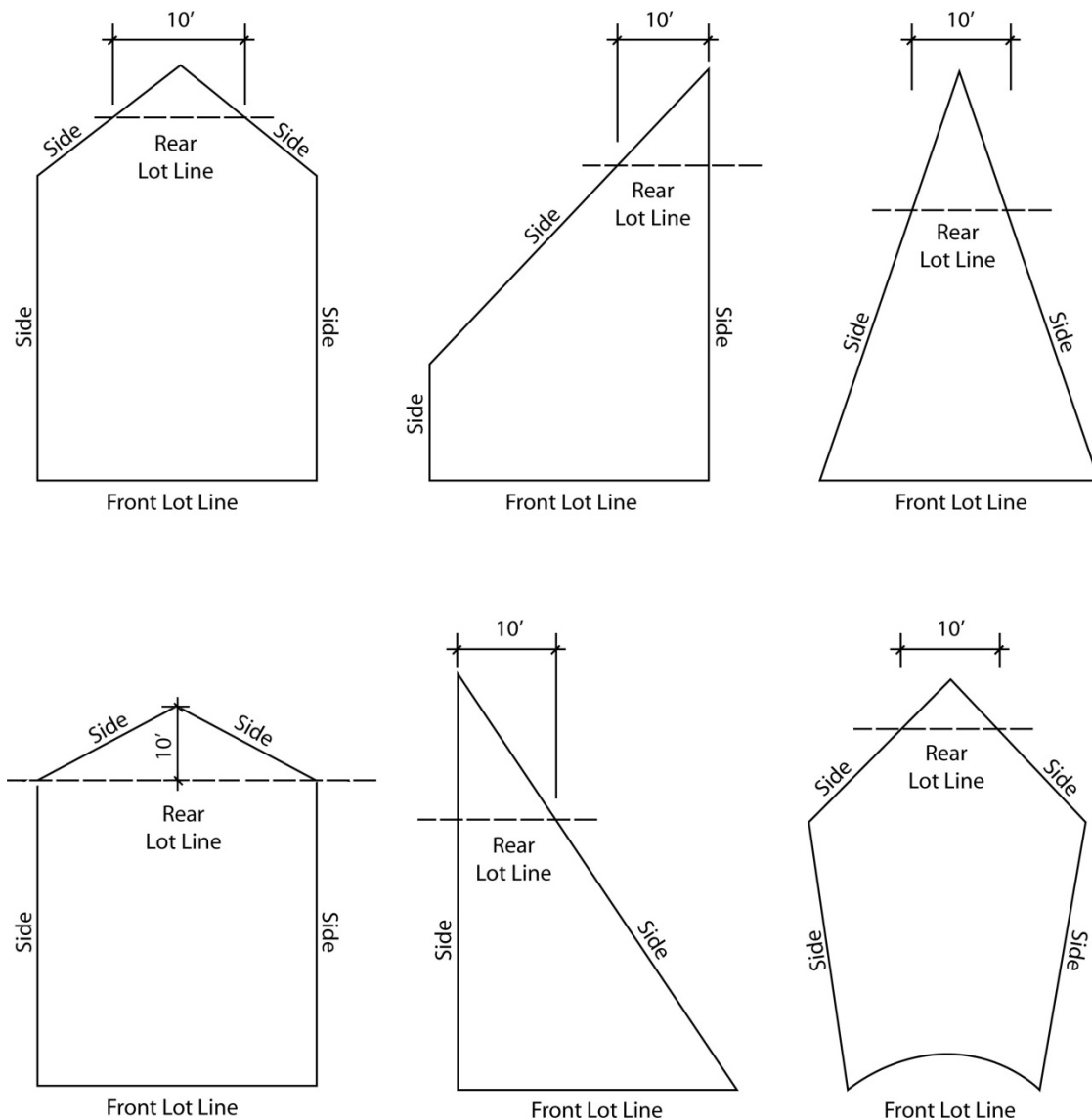


Figure 3-6

Rear Setback Areas on Irregularly-Shaped Lots

- C. Alternative setback area location.** In cases where the orientation of an existing lot and the application of the setback area are not consistent with the character or general orientation of other lots in the vicinity, the Director may redefine the location of the front, side, and rear setback areas to be consistent with surrounding properties. The reorientation of setback areas is not applicable to the bluff overlay district.
- D. Allowed encroachments into setback areas.** Encroachments into required setback areas are allowed in compliance with the standards in this Subsection, except as provided Paragraph 1, below.
- 1. General regulations.**
    - a. Setbacks on setback maps.** Notwithstanding any requirements in this Section, all setback areas identified on the setback maps shall be regulated as front setback areas.
    - b. Bluff overlay.** The encroachments allowed by this Subsection shall not apply to designated bluff setback areas. Refer to Section 20.28.040 (Bluff Overlay District) for setback regulations and encroachments.
    - c. Alleys.** No encroachments at the ground level are allowed within the required setback area of a lot abutting an alley. All alley setback areas shall be clear of obstructions.
    - d. Waterfront areas.** Allowed encroachments into required setback areas abutting or adjacent to the waterfront of Newport Bay, the shoreline of the Pacific Ocean, the Old Channel of the Santa River (the Oxbow Loop), or the channels in West Newport shall not exceed a height of 42 inches above the existing grade.
    - e. Traffic safety visibility area.** See Section 20.30.130 for restrictions on encroachments into traffic safety visibility areas.
  - 2. Accessory structures**
    - a.** Accessory structures, including housings for mechanical equipment, not more than 6 feet in height and totaling no more than 150 square feet per structure, may be located within a required side or rear setback area other than those abutting an alley.
    - b.** Arbors, trellises, and similar garden structures may be allowed to encroach into required front, side, and rear setback areas subject to the following limits:
      - (1) The maximum footprint of the structure shall not exceed 16 square feet; and
      - (2) The maximum height of the structure shall not exceed 9 feet.

- c. Display areas for new motor vehicles associated with an allowed vehicle sales facility may encroach into a required front or street side setback area provided a setback of at least 2 feet is maintained from the street adjacent property line.
- d. Fences, hedges, and walls may be established within required setback areas in compliance with the requirements of Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls).
- e. Decks, landings, patios, platforms, porches, steps, and terraces, and similar structures not more than 18 inches in height measured from the existing grade may be located within a required side or rear setback area other than those abutting an alley.

**3. Architectural features.**

- a. Roof overhangs, brackets, cornices, and eaves may encroach up to 30 inches into a required front, side, or rear setback area, including required setbacks above 24 feet, provided that no architectural feature shall project closer than 30 inches from a side property line and a minimum vertical clearance above grade of at least 8 feet is maintained.
- b. Decorative architectural features (e.g., belt courses, ornamental moldings, pilasters, and similar features) may encroach up to 6 inches into a required setback area.

**4. Awnings and canopies.** Awnings and canopies may encroach into required setback areas up to a maximum of 5 feet subject to the following limits.

**a. Residential districts.**

Front: One half the depth of the required front setback area  
 Side: 0 feet, except over doors up to 30 inches from property line, maximum width shall not exceed the standard width of a door plus 12 inches  
 Rear: 2½ feet  
 Vertical Clearance: 6½ feet above grade

**b. Nonresidential districts, including mixed use districts.**

Front: One half the depth of the required front setback area  
 Side: 2 feet  
 Rear: One half the depth of the required rear setback area  
 Vertical Clearance: 8 feet above grade.

**5. Balconies abutting East Ocean Front and West Ocean Front.**

- a. Balconies may encroach up to a maximum of 36 inches into a required front setback area along East Ocean Front and West Ocean Front. Balcony railings shall not exceed a maximum height of 42 inches and shall be constructed of either transparent material (except for supports) or

opaque material (e.g., decorative grillwork, wrought iron, latticework, or similar open materials) so that at least 40 percent of the railing is open.

- b. Balconies shall be cantilevered so that no underlying support is necessary. Roofs over balconies shall not be allowed to encroach into required front setback areas except as provided in Subsection 20.30.110.D.3 (Architectural features), above.

**6. Bay windows and greenhouse windows.** Bay windows and greenhouse windows shall be allowed to encroach into required setback areas subject to the following limits:

- a. No more than 2 bay windows or greenhouse windows shall be allowed to encroach into any one setback area;
- b. Bay windows and greenhouse windows shall not exceed 8 feet in width or 10 feet in height within the area of encroachment;
- c. Bay windows and greenhouse windows shall be cantilevered and shall be designed to preclude use as a door or entry;
- d. The exterior bottom surface of a bay window or greenhouse window shall be elevated a minimum of 18 inches above the adjacent finished interior floor surface at the required building setback line;
- e. Encroachments into required setback areas shall be limited as follows:

**TABLE 3-3  
ENCROACHMENTS**

Standard	Allowed Encroachment	Additional Regulations
Front setback (4 ft. to less than 10 ft.):	16 in.	
Front setback (10 ft. or more):	2 ft.	
Side setback:	2 ft.	Limited to first floor only.  The encroachment shall be at least 24 inches from the side property line.
Rear setback:	2 ft.	Not allowed when the rear property line abuts an alley.
Distance between detached structures:	2 ft.	

7. **Fireplaces, barbeques, and chimneys - attached**
  - a. **Front and rear setback area.** Fireplaces, barbeques, and chimneys attached to the principal structure that are less than 9 feet in width may encroach up to 2 feet into a required front or rear setback area that is 10 feet or greater in depth.
  - b. **Side setback area.** Fireplaces and chimneys attached to the principal structure that are less than 9 feet in width may encroach up to 30 inches into a required side setback area provided that the encroachment shall be at least 30 inches from the side property line.
8. **Fireplaces and barbeques - freestanding.**
  - a. **Front setback area.** Freestanding fireplaces (gas only) and barbeques with a maximum height of 42 inches (not including the barbeque hood) shall be allowed to encroach into the required front setback area provided the total length of the barbeque and counter does not exceed 6 feet.
  - b. **Side and rear setback area.** Freestanding fireplaces (gas only) and barbeques with a maximum height of 6 feet shall be allowed to encroach into the required side or rear setback area provided a minimum 36-inch clear path of travel is maintained adjacent to any habitable structures.
9. **Garages and carports for duplexes.** Where 3 parking spaces are located in garages or carports across the rear of a lot that is less than 30 feet 10 inches wide, one garage/carport wall or support may encroach into the side setback area subject to the following:
  - a. **Distance to property line.** The distance from the garage wall or carport support to the nearest side property line shall be not less than 26 inches plus the amount that the width of the lot exceeds 30 feet. The other side setback area shall have a clear passageway a minimum of 36 inches wide, clear of any obstructions; and
  - b. **Width of garage/carport.** The width of each garage/carport shall not be greater than the minimum required by Section 20.40.090 (Parking Standards for Residential Uses).
10. **Foundations, basement walls, and structural supports.** Foundations, basement walls, and their structural supports (caissons) that are located completely below grade may encroach into a required setback area up to 12 inches, provided they are located at least 24 inches from any property line.
11. **Light standards.** In nonresidential zoning districts, light standards used in conjunction with the illumination of parking lots and walkways shall be allowed to encroach into a required setback area provided all of the requirements of Section 20.30.070 (Outdoor Lighting) are complied with.



12. **Protective Railing.** Protective railings around balconies and windows required by Municipal Code Title 15 may encroach up to 6 inches into a required setback area.
13. **Second stories abutting alleys.** In residential districts having alleys to the rear of the lot or development site, a second story may be allowed to encroach into the required setback area subject to the following conditions and exclusions:
  - a. Encroachments shall not extend closer than 7.5 feet to the center of any alley;
  - b. Encroachments shall not extend closer than 2.5 feet to the rear property line;
  - c. That portion of the building that encroaches into the required rear setback area shall have a minimum ground clearance of 8 feet;
  - d. No encroachment shall be allowed on lots having a depth exceeding 85 feet; and
  - e. No encroachment shall be allowed on corner lots located at the intersection of two 10-foot wide alleys.
14. **Shoring.** Permanent or temporary shoring may encroach into a required setback area provided it is located completely below finish grade and at least 12 inches from any property line.
15. **Swimming pools/spas.** Swimming pools, spas, and other similar devices/equipment that are placed directly upon the existing grade and are less than 42 inches in height may be located within a required front, side, or rear setback area other than those abutting an alley.

#### 20.30.120 – Solid Waste and Recyclable Materials Storage

- A. **Purpose.** This Section provides standards for the provision of solid waste (refuse) and recyclable material storage areas in compliance with State law (California Solid Waste Reuse and Recycling Access Act, Public Resources Code Section 42900) and Chapter 6.04 (Garbage Refuse and Cuttings) of the Municipal Code.
- B. **Applicability.**
  1. **New developments.** All new development projects requiring a Building Permit shall provide adequate, enclosed areas with solid roofs for collecting and loading solid waste and recyclable materials.
  2. **Existing developments undergoing alterations.** An existing development that is undergoing alterations, including remodeling and additional floor area shall provide adequate, accessible, and convenient enclosed areas with solid roofs for collecting and loading solid waste and recyclable materials in compliance with this Section to the greatest extent possible as determined by the Director.

- C. **Multi-unit projects.** Multi-unit residential projects with 5 or more dwelling units shall provide enclosed refuse and recyclable material storage areas with solid roofs in compliance with the requirements provided in Table 3-4, below.

**TABLE 3-4  
MULTI-UNIT DEVELOPMENT  
MINIMUM COMMON STORAGE AREAS REQUIRED  
(SQ. FT.)**

Number of Dwelling Units	Refuse	Recycling	Total Area
5-6	16	16	32
7-15	24	24	48
16-25	48	48	96
26-50	96	96	192
51-75	144	144	288
76-100	192	192	384
101-125	240	240	480
126-150	288	288	576
151-175	316	316	672
176-200	384	384	768
201+	Every additional 25 dwellings shall require an additional 100 sq. ft. for solid waste and 100 sq. ft. for recyclables.		

- D. **Nonresidential projects.** Nonresidential projects within all zoning districts shall provide enclosed refuse and recyclable material storage areas in compliance with the minimum storage area requirements provided in Table 3-5, below. These requirements apply to each individual structure. Food service uses may require additional enclosed storage areas as determined by the review authority.

**TABLE 3-5  
NONRESIDENTIAL STRUCTURES  
MINIMUM STORAGE AREAS REQUIRED (SQ. FT)**

Structure Floor Area (SQ. FT.)	Refuse	Recycling	Total Area
0-5,000	16	16	32
5,001-10,000	24	24	48
10,001-25,000	48	48	96
25,001-50,000	96	96	192
50,001-75,000	144	144	288
75,001-100,000	192	192	384
100,001+	Every additional 25,000 sq. ft. shall require an additional 48 sq. ft. for solid waste and 48 sq. ft. for recyclables.		

**E. Development standards for nonresidential and multi-unit projects.** Solid waste storage area(s) shall:

1. Comply with the dimension, capacity, and number requirements in this Subsection and shall be adequate in distribution to serve the development project;
2. Include an adequate number of bins and containers located within the enclosed storage areas to allow for the collection and loading of solid waste and recyclable materials generated by the development project;
3. Include a sign that is permanently posted or painted on each container clearly identifying the container type and the name and telephone number of the company responsible for maintaining the containers;
4. Be appropriately located, enclosed, have a solid roof, and be screened from public rights-of-way and/or public property as seen from a point 6 feet above ground level. Screening shall consist of solid masonry walls, metal gates, and landscaping;
5. Be compatible with the surrounding structures and land uses;
6. Be properly secured to prevent access by unauthorized persons, while allowing authorized persons access for disposal of materials;
7. Provide a concrete pad within the fenced or walled area(s) and a concrete apron, which facilitates the handling of the individual bins or containers;
8. Protect the areas and the individual bins or containers provided within from adverse environmental conditions that might render the collected materials unmarketable; and
9. Comply with National Pollutant Discharge Elimination System (NPDES) and Regional Water Quality Control Board (RWQCB) requirements.

**F. Location standards for nonresidential and multi-unit projects.** Refuse and recyclable materials storage areas shall be located in the following manner:

1. Locations where recyclable materials are deposited, collected, and loaded shall be as convenient as the locations where solid waste materials are deposited, collected, and loaded. Wherever feasible, recycling areas shall be located adjacent to or combined with solid waste collection areas.
2. Storage areas shall only be located:
  - a. Inside a specially-designated structure; and
  - b. Outside required setback areas, parking spaces, and required landscaped areas.
3. Storage area(s) shall be accessible to residents and employees at all times. Storage areas within multi-unit residential developments shall be located within 250 feet of an access doorway to the dwellings that they are intended to serve.

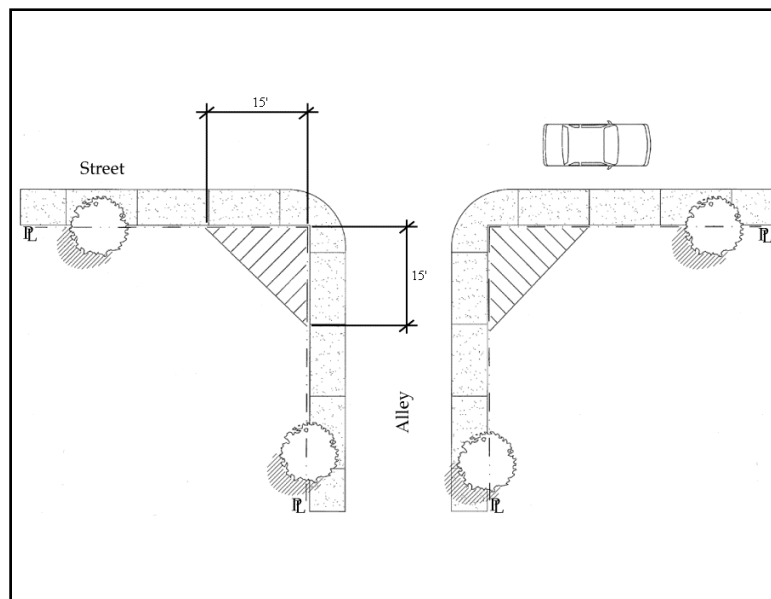
4. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles utilized by the designated collector.
5. Storage areas shall not be closer than 20 feet from doors or operable windows of adjacent structures and property located in a residential zoning district.

**G. Development and location standards for residential uses with one to four units.**

1. Trash container storage areas shall be located out of view from public places and shall not be located in required parking areas.
2. If trash container storage areas cannot be located out of public view they shall be screened from public view. Screening shall consist of fences, walls, and landscaping to a height at least 6 inches above the tops of the containers.

**20.30.130 – Traffic Safety Visibility Area**

- A. Visibility at corners of intersections required.** Corner lots in all zoning districts shall be developed in a manner that ensures visibility across the corners of the intersecting streets, alleys, and private driveways.
- B. Traffic safety visibility area described.** The traffic safety visibility area shall be described as a triangular-shaped area on a corner lot formed by measuring the prescribed distance from the intersection of the front and street side property lines, an intersecting alley, or an intersecting driveway and connecting the lines diagonally across the property making a triangular area. See Figure 3-7 below.



**Figure 3-7**  
**Traffic Safety Visibility Area**

- C. Area of traffic safety visibility area.** The dimensions of a traffic safety visibility triangle shall be as follows and shall be subject to further review and approval of the City Traffic Engineer:
1. City Standard 110-L shall apply at the intersection of public or private two street rights-of-way and at the intersections of commercial driveways and streets;
  2. 15 feet from the intersection of a public or private street right-of-way and an alley;
  3. 10 feet from the intersection of two alleys, See Subsection E, below; and
  4. 5 feet from the corner of an intersecting street right-of-way and a driveway.
- D. Height limit.** The following height limit requirements shall apply within a traffic safety visibility area;
1. Fences, walls, signs, accessory structures, mounds of earth, or other visual obstructions shall not extend above 30 inches in height as measured from adjacent finished grade;
  2. Hedges, shrubbery, and vegetation shall be maintained to a height of 24 inches or less as measured from adjacent finished grade;
  3. Only trees with single trunks are allowed and tree canopies shall be maintained at a minimum height of 7 feet above ground level, as measured from adjacent street curb elevation.
- E. Exemptions to traffic safety visibility height limit.**
1. **Alleys.** No above ground improvements (e.g., fences, walls, accessory structures, mounds of earth, vegetation and similar items) shall be allowed within the traffic safety visibility area required at the intersection of two alleys.
  2. **City Traffic Engineer approval.** Improvements, structures, or vegetation that exceed the allowed height limit for visibility in the traffic safety visibility area may be approved by the City Traffic Engineer if it is determined that the location and/or height of the existing or proposed hedge, shrubbery, structure, or other obstruction allows for the unobstructed view of oncoming traffic, bicyclists, and pedestrians by a driver approaching an intersection including those with private driveways.

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