
Chapter 20.86 – Definitions [Revised]

Sections:

20.30.010 – Purpose of Part

20.30.020 – Definitions of Specialized Terms and Phrases

20.86.010 – Purpose of Part

This Part provides definitions of terms and phrases used in this Zoning Code that are technical or specialized, or that may not reflect common usage. If the definitions in this Part conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Zoning Code. If a word is not defined in this Part, or elsewhere in this Zoning Code, the most common dictionary definition is presumed to be correct.

20.86.020 – Definitions of Specialized Terms and Phrases

As used in this Zoning Code, the following terms and phrases shall have the meaning ascribed to them in this Part, unless the context in which they are used clearly requires otherwise.

“A” Definitions

Abandon. To cease or suspend from developing or maintaining a structure or use for a stated period of time.

ABC. See “Alcoholic Beverage Control.”

Abutting/adjoining. Contiguous to. Having district boundaries or lot lines in common (i.e., not separated by an alley, public or private right-of-way, or street). See “Adjacent.”

Access. A safe, adequate, and usable way of approaching or entering a property or use, including ingress (the right to enter) and egress (the right to exit).

Accessory Dwelling Unit (Land Use). See “Dwelling Unit, Accessory.”

Accessory Equipment.

- Air conditioning equipment
- Pool and spa equipment
- Solar collection devices
- Satellite antennas and amateur radio facilities that are exempt from regulation in compliance with Section 20.60.200 (Satellite Antennas and Amateur Radio Facilities)

Accessory Structure (Land Use).

Nonresidential Accessory Structure. An attached or detached structure that is a part of, and clearly incidental and secondary to, a nonresidential structure and that does not change the character of the nonresidential structure. Illustrative examples of these structures include:

- decks
- garages
- gazebos
- kiosks and carts for selling beverages, food, clothing, phones, toys, etc.
- outdoor fireplaces
- outdoor kitchens
- outdoor play equipment
- patios
- platforms
- porches
- refuse collection structures/trash enclosures
- spas and hot tubs
- storage or work sheds
- swimming pools
- tennis and other on-site sport courts
- terraces
- walls
- workshops

Residential Accessory Structure. An attached or detached structure that is a part of, and clearly incidental and secondary to, a residence and that does not change the character of the residential structure. Does not include granny units (see “Accessory Dwelling Units”). Illustrative examples of these structures include:

- carports
- decks
- garages
- gazebos
- greenhouses (noncommercial)
- outdoor play equipment
- patios
- platforms
- porches
- spas and hot tubs
- storage or work sheds
- studios
- swimming pools
- tennis and other on-site sport courts
- terraces
- walls
- workshops

Accessory Use (Land Use).

Nonresidential Accessory Use. A use that is at all times a part of, and clearly incidental and secondary to, a principal use; that does not change the character of the nonresidential use; and that does not necessitate an increase in required number of parking spaces. Includes the retail sales of various products or the provision of services in a defined area that is located within a health care, hotel, office, or industrial complex for the purpose of serving employees or customers; and that is typically not visible from public streets. Does not include Accessory Alcohol Sales, Off-Sale or On-Sale (see "Alcohol Sales"). Illustrative examples of these uses include:

- ATMS
- child day care
- dry cleaning (collection/pick-up only)
- food service establishments
- gift shops
- live entertainment and dancing
- newsstands
- pharmacies
- travel services
- vending machines

Residential Accessory Use. A use that is a part of, and clearly incidental and secondary to, a residence; located on the same lot as a residence; and that does not change the character of the residential use. Illustrative examples of these uses include:

- Home occupations
- Personal property sales (i.e., garage or yard sales)

Adjacent. The condition of being near to, or close to, but not having a common boundary or dividing line. Properties that are separated by a public access easement, alley, public or private right-of-way, street (other than arterial highways or commuter roadways identified in the Circulation Element of the General Plan), or by a creek, river, stream, or other natural or artificial waterway shall be considered as adjacent to one another. See "Abutting/adjoining."

Adjoining. See "Abutting/adjoining."

Adult Day Care (Land Use). See "Day Care."

Adult-Oriented Businesses (Land Use). See Municipal Code Chapter 5.96 (Adult-Oriented Business).

Affordable Housing Agreement. An agreement entered into between the City and a developer that restricts the rental or sale of affordable units to very low- income, low-income, and/or moderate-income households.

Affordable Housing Cost.

1. For purposes of Chapter 20.32 (Density Bonus), see California Health and Safety Code Section 50052.5.
2. For purposes of Chapter 20.34 (Inclusionary Housing), a maximum price that is no more than 3 times the State income limits for very low-income, low-income, or moderate-income households.

Affordable Housing Implementation Plan (AHIP). A plan that specifies how a new residential development project will meet the City's affordable housing goal as stated in the Housing Element of the General Plan. An AHIP indicates what proportion of the total number of housing units in a new residential development project are affordable to very low-income, low-income, and moderate-income households.

Affordable Rent.

1. For purposes of Chapter 20.32 (Density Bonus), see California Health and Safety Code Section 50053.
2. For purposes of Chapter 20.34 (Inclusionary Housing), an annual rent that does not exceed 30 percent of maximum income level for very low-income, low-income, or moderate-income households, as adjusted for household size. In determining the maximum household income for a given affordable unit, it is assumed that each bedroom is occupied by two persons, except for efficiency units (one person).

Affordable Unit. An ownership or rental housing unit, including senior housing, affordable to very low-income, low-income, and moderate-income households.

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with City employees, committees, Commissions, and the Council, regarding matters regulated by this Zoning Code.

Air Pollution. The presence of contaminants in the air in concentrations that exceed naturally occurring quantities and are undesirable or harmful.

Airport Area. An area of the City that encompasses the properties adjacent to John Wayne Airport (JWA) and that is in close proximity to the Irvine Business Complex and University of California, Irvine as depicted on General Plan Figure LU22 (Airport Area).

Alcohol Sales, Off-Sale (Land Use). An establishment that sells, serves, or gives away alcoholic beverages for consumption off the premises and that is applying for or has obtained an ABC License Type 20 (off-sale beer & wine-package store) or License Type 21 (off-sale general-package store). The establishment shall include any immediately adjacent area that is owned, leased, rented, or controlled by the licensee. Does not include an establishment that sells alcoholic beverages as an accessory line of merchandise. See "Alcohol Sales, Off-Sale, Accessory Only."

Alcohol Sales, Off-Sale, Accessory Only (Land Use). An establishment that has **all of** the following characteristics:

- 1) Alcoholic beverages will be or are sold, served, or given away for consumption off the premises where sold, served, or given away;
- 2) The establishment is applying for or has obtained an ABC License Type 20 (off-sale beer & wine - package store) or License Type 21 (off-sale general - package store); and
- 3) The sale of alcoholic beverages are accessory to the retail sale of food products or beverages. Illustrative examples include convenience stores, drug stores, grocery stores, and supermarkets.

Alcohol Sales, On-Sale. An establishment that sells, serves, or gives away alcoholic beverages for consumption on the premises and that is applying for or has obtained any ABC Licenses for on-site consumption. The establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee. May includes “Bars, Lounges, and Nightclubs”, “Eating and Drinking Establishments”, or “Alcohol Sales, On-Sale, Accessory Only”.

Alcohol Sales, On-Sale, Accessory Only (Land Use). An establishment that has **all of** the following characteristics:

- 1) Alcoholic beverages will be or are sold, served, given away for consumption on-site;
- 2) The establishment is applying for or has obtained a restricted license, seasonal license, or similar special purpose license (e.g., ABC License Type 51 (Club); ABC License Type 57 (Special On-Sale General); ABC License Type 60 (On-Sale Beer – Seasonal), etc.); and
- 3) The sale of alcoholic beverages is only accessory to a commercial recreation use. Illustrative examples include snack bars and concession stands at recreation facilities.

Alcoholic Beverage. A fermented or distilled beverage including alcohol, spirits, liquor, wine, beer, and every other liquid or solid containing alcohol, spirits, wine or beer that contains one half of one percent or more of alcohol by volume and that is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

Alcoholic Beverage Control (ABC). California State Department of Alcoholic Beverage Control.

Alley. A public or private roadway or easement, generally not more than 30 feet wide, that provides vehicle access to the rear or side of lots having other public street frontage and that is not intended for general traffic circulation.

Allowed Use. See “Use, Allowed.”

Alquist-Priolo Earthquake Fault Zoning Act. California state law (Public Resources Code Section 2621 et seq.) that mitigates the hazard of surface faulting to structures for human occupancy.

Alteration. A change, addition, or modification in construction or occupancy of an existing structure.

Alteration, Structural. A change or replacement in the supporting members of a structure (e.g., bearing walls, columns, beams, girders, foundations, etc.).

Alternative Transportation Modes. A mode of travel that serves as an alternative to the single-occupant motor vehicle (e.g., carpooling, ridesharing, vanpooling, public transit, bicycling, walking, etc.).

Ambulance Services (Land Use). A privately-owned facility for the dispatch, storage, and minor maintenance of emergency medical care vehicles.

Animal Keeping (Land Use).

Animal, Domestic Pet. A type of animal that is customarily kept by humans for companionship and that lives in or near human habitation (e.g., cats, dogs, gerbils, hamsters, guinea pigs, rabbits, nonpoisonous reptiles and snakes, etc.). Includes pot-bellied pigs.

Animal, Domestic Farm. An animal, other than a household pet, that is customarily considered to be livestock and is kept for noncommercial education or recreation purposes (e.g., fowl, goats, pigs, sheep, horses, cattle, etc.). Does not include pot-bellied pigs.

Animal, Wild. An animal that is not customarily confined or cultivated by man for domestic or commercial purposes but kept for display. Includes an animal that may be imported, transported, or possessed only by first obtaining a California Department of Fish and Game Permit, as required in California Code of Regulations Title 14, Section 671 (Importation, Transportation and Possession of Live Restricted Animals).

Animal Sales and Services (Land Use).

1. **Animal Boarding/Kennel.** An establishment where more than 3 dogs over the age of four months, 3 cats over the age of four months, or three other animals are treated, conditioned, boarded, raised, or offered for sale for any form of compensation including donations by a person or entity. See Municipal Code Chapter 7.35 (Regulation of Kennels).
2. **Animal Grooming.** An establishment that bathes, clips, or combs animals for the purpose of enhancing their aesthetic value or health.
3. **Animal Retail Sales.** Retail sales and boarding of animals offered for sale.
4. **Veterinary Service.** An establishment where veterinarians provide medical and surgical treatment to animals and accessory boarding services.

Antenna. A device used to transmit and/or receive radio or electromagnetic waves between earth and/or satellite-based systems (e.g., reflecting discs, panels, microwave dishes, whip antennas, antennas, etc.)

Amateur Radio Antennas. An antenna that is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

Antenna Structure. A supporting mast or tower for an antenna.

Mast. A pole of wood or metal used to support an amateur radio antenna and maintain it at the proper elevation.

Satellite Dish Antenna. A parabolic and/or disk shaped antenna of either solid or mesh construction, intended for the purposes of receiving communications from an orbiting satellite, transceiving or transmitting signals or communications to a satellite, as well as supporting equipment necessary to install or mount the antenna.

Whip Antenna. An antenna, consisting of a single, slender, rod-like element less than 1 wavelength long, that is supported only at or near its base.

Apartment. One or more rooms of a structure designed for and rented as the home, residence, or sleeping place of one or more persons living as a Single Housekeeping Unit, in a structure containing at least 5 units used for the same purpose, all under one ownership. See “Dwelling, Multi-Unit.”

Appeal Area. That portion of the Coastal Zone, designated in compliance with California Coastal Act Section 30603 and approved by the Coastal Commission, in which City decisions on Coastal Development Permits may be appealed to the Coastal Commission. The appeal area(s) is/are depicted on the Permit and Appeal Jurisdiction Map. (See Part 8, Figures P-1 through P-3)

Applicant. Owner(s) or owner-authorized lessee(s) of property, or prospective owner(s)/lessee(s) who have contracted to purchase or lease property contingent upon their ability to acquire the necessary permits, or their agent(s) (see “Agent”), or who are seeking to obtain a development permit. This term includes the successor(s)-in-interest.

Approval in Concept. As defined in Subsection 20.66.020.J.4 (Approval in concept), a statement that a proposed development project conforms in concept to all applicable City land use and property development regulations and standards, including applicable discretionary actions, and therefore entitles an owner to apply to the Coastal Commission for a Coastal Development Permit.

Area, Buildable. The area of a development site, excluding the minimum front, side, and rear setback areas and other identified nonbuildable areas (e.g. fuel modification areas, ESHA buffer areas, steep slopes, setbacks from bulkheads, etc.).

Area, Gross Floor. The total enclosed square footage of all floors within a structure, as measured to the outside face of the exterior walls, and including halls, stairways, service and mechanical equipment rooms, internal shafts, and attic areas having a height of more than 6 feet 6 inches. Does not include “Garages” or “Basements”.

Area, Lot. See “Lot Area.”

Area Median Income. The median income, adjusted for family size, applicable to Orange County, established by the U.S. Department of Housing and Urban Development, and published annually by the California Department of Community Development in the California Code of Regulations, Title 25, Section 6932 (or its successor provision).

Area, Net Public. The total area used to serve customers, including customer sales and display areas, customer seating areas, service counters, and service queue and waiting areas, but excluding restrooms and offices, kitchens, storage and utility areas, and similar areas used by the employees of the establishment.

Artist's Studio (Land Use). Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft, and producing custom-made works. Does not include handicraft industries (see "Handicraft Industries").

Assembly/Meeting Facilities, Public or Private (Land Use). A facility for public or private assembly and meetings. May include incidental serving of alcoholic beverages. Illustrative examples of these uses include:

- banquet rooms
- civic and private auditoriums
- community centers
- conference/convention facilities
- meeting halls for clubs and other membership organizations
- places of worship, including limited associated accessory uses (i.e., religious school activities that are not full-time and residences for clergy [see "Caretaker Residence"]), and excluding schools with regular daily sessions
- sports stadiums and arenas
- yacht clubs

Also includes functionally related internal facilities (i.e., kitchens, multi-purpose rooms, storage, etc.) Does not include conference and meeting rooms that are accessory and incidental to another principal use and typically used only by on-site employees and clients, and that occupy less floor area on the site than the principal use they support. Does not include sports or other commercial entertainment facilities (see "Commercial Entertainment and Recreation"). Does not include funeral homes and mortuaries (see "Funerals Homes and Mortuaries"). Related on-site facilities including day care centers and schools are separately defined (see "Day Care, General" and "Schools, Public and Private").

ATM (Automated Teller Machine) (Land Use). An automated device used by the public to conduct banking and financial transactions electronically (i.e., withdrawing cash from, or depositing cash or checks into, a bank, savings, credit union, credit card or similar account). Does not apply to retail point-of-sale transactions within a fully enclosed structure.

Attic. An unfinished enclosed area that is not habitable and that is located between roof framing and the adjacent ceiling/side walls of immediately adjacent habitable rooms. Sometimes used for storage or mechanical equipment.

Awning. An ornamental roof-like cover that is attached to the side or wall of a structure and projects over a window, doorway, or pedestrian walkway for protection from the sun or weather. See "Canopy" and "Patio Cover."

“B” Definitions

Balcony. A platform that projects from the wall of a structure, typically above the first level; is not supported by columns or pillars; and is surrounded by a rail or parapet. See “Deck.”

Bars. See “Eating and Drinking Establishments.”

Basement. That portion of a structure between its floor and ceiling that is wholly below-grade, except for 8 inches that may extend above-grade.

Bay Window. A window or series of windows that project outward from a wall of a structure forming a bay or alcove in a room within. This definition includes bow, oriel, greenhouse, and similar projecting windows.

Beach. The expanse of sand, gravel, cobble, or other loose material that extends landward from the mean low water line to the place where there is distinguishable change in physiographic beach form, or to the line of permanent vegetation. The seaward limit of a beach (unless specified otherwise) is the mean low water line.

Bed and Breakfast Inns (Land Use). See “Visitor Accommodations.”

Bedroom. An enclosed space in a structure that is designed to be used for sleeping purposes; that meets the room dimension requirements of the most recent edition of the California Building Code; that is not accessed directly from the garage; and that has one or more windows.

Berm. A mound or embankment of earth. Also a nearly horizontal portion of the beach or backshore formed by the deposit of material by wave action.

Best Management Practices (BMPs). Activities, practices, facilities, and/or procedures that when implemented to their maximum efficiency will prevent or reduce pollutants in discharges; and a program, technology, process, siting criteria, operational methods or measures, or engineered system that, when implemented, prevents, controls, removes, or reduces pollution. Examples of BMPs include public education and outreach, proper planning of development projects, as well as stormwater treatment and detention facilities.

Block. An area of land that is bounded on all sides by streets, or by streets and a beach or bulkhead, or by streets and a cul-de-sac, or by another form of termination of the street.

Bluff.

Bluff. A high bank or bold headland that slopes down to a body of water or a plain. A bluff may consist of a gently sloping upper area and a steeper lower area or sea cliff. The term “coastal bluff” refers to the entire slope between a marine terrace or upland area and the shoreline. The term “sea cliff” refers to the lower, near vertical portion of a coastal bluff. A bluff may be currently subject to marine erosion or may have been historically (generally within the last 200 years) subject to marine erosion.

Bluff Edge. The upper termination of a bluff. In cases where the top edge of the bluff is rounded away from the face of the bluff as a result of erosional processes related to the

presence of the steep bluff face, the bluff edge shall be defined as that point nearest the bluff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the bluff. In a case where there is a steplike feature at the top of the bluff face, the landward edge of the topmost riser shall be taken to be the bluff edge. Bluff edges typically retreat landward due to erosion, landslides, development of gullies, or by grading (cut). In areas where the bluff top or bluff face has been cut or notched by grading, the bluff edge shall be the landwardmost position of either the current or historic bluff edge. In areas where fill has been placed near or over the historic bluff edge, the original natural bluff edge, even if buried beneath fill, shall be taken to be the bluff edge.

Bluff Face. The downward gradient of a bluff surface between the bluff edge and the toe of the bluff.

Bluff Toe. For bluffs subject to marine erosion, the point at which the landward extent of the mean high water line of the sea meets the face of the bluff. For bluffs not subject to marine erosion, the point where the downward slope of the bluff face first decreases to a grade of less than 33%.

Bluff and Canyon Setback Line. A line that is established in order to govern the location of buildings, structures, or uses within lots that abut or include bluffs or canyons. The line is depicted on the Setback Maps. (See Part 8, Figures S1 through ...)

Boarding or Rooming House. A residence or dwelling unit, or part thereof, wherein a room or rooms are rented under 2 or more separate written or oral rental agreements, leases or subleases or combination thereof, whether or not the owner, agent or rental manager resides within the residence. See “Group Residential.”

Buffer, Habitat. A development setback that provides essential open space between development and protected habitat. Buffers keep disturbance at a distance, accommodate errors in the estimation of habitat boundaries, and provide important auxiliary habitat that may be used, for example, for foraging, maintenance of pollinators, or refuge from high tides.

Buildable Area. See “Area, Buildable.”

Building. A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind. See “Structure.”

Building Code. Municipal Code Title 15 (Buildings and Construction).

Building Materials and Services (Land Use). Retailing or wholesaling of building supplies or equipment (e.g., fixtures, glass, lawn and garden supplies, lumber, nursery stock, paint, tools, wallpaper, etc.) where the majority of display, sales, and storage activities occur indoors. Rental activities are incidental to the sales activities. Does not include “Contractor’s Storage Yards,” “Retail Sales, General,” or “Wholesaling.”

Building Site. A lot or adjoining lots that constitute a site eligible for building development under the requirements of Municipal Code Title 19 (Subdivision Code) and this Zoning Code.

Business Park. A development that contains a number of separate office buildings, accessory and supporting uses, and open space all designed, planned, constructed, and maintained on an integrated and coordinated basis.

Bulk Merchandise (Land Use). See “Retail Sales.”

Bulkhead. Vertical walls built into and along the Harbor shoreline to prevent the erosion of land into the water and to protect the land from wave, tide and current action by the water, similar to a “retaining wall” on land. Bulkheads may be directly bordered by water, or may have sloped stones (riprap) or sand beach between the bulkhead and the water and land areas.

Bulkhead Line. Harbor land/water perimeter lines that are established in Newport Harbor by the Federal government and for the purpose of defining the permitted limit of filling or solid structures that may be constructed in the Harbor.

“C” Definitions

Calendar Day. A 24-hour time period measured from midnight to midnight. See “Working Day.”

California Environmental Quality Act (CEQA). A state law (California Public Resources Code Section 21000 et seq.).

Canopy. A rooflike cover, supported from the ground or from the floor or walls of a structure, for protection from the sun or weather. Does not include “Carport.” See “Awning” and “Patio Cover.”

Canyon.

Canyon. A deep narrow valley with precipitous sides formed by the downward cutting of streams through resistant rock.

Canyon Base. The point where the downward slope of the canyon face first decreases to a grade of less than xx%.

Canyon Edge. The upper termination of a canyon. In cases where the top edge of the canyon is rounded away from the face of the canyon as a result of erosional processes related to the presence of the canyon face, the canyon edge shall be defined as that point nearest the canyon beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the canyon. In a case where there is a steplike feature at the top of the canyon face, the landward edge of the topmost riser shall be taken to be the canyon edge.

Canyon Face. The downward gradient of a canyon surface between the canyon edge and base.

Caretaker Residence (Land Use). A permanent residence on the site of a nonresidential use. The residence is secondary or accessory to the principal nonresidential use of the site and houses a caretaker employed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, facilities, or other conditions on the site. Includes an official residence maintained by a place of worship as a benefit to the spiritual leader (e.g., imam, minister, monk, rabbi, etc.).

Carport. A structure or portion of a structure, open or enclosed by walls or doors on not more than three sides, that is designed and intended to shelter 1 or more parking spaces.

Carwashes. See “Vehicle/Equipment Services (Land Use).”

Categorical Exemption. As defined by Section 15354 of the State CEQA Guidelines (Title 14, California Code of Regulations), an exemption from CEQA for a class of projects based on a finding by the Secretary of Resources that the class of projects does not have a significant effect on the environment.

Categorical Exclusion Area. That portion of the Coastal Zone within an exclusion area boundary adopted in compliance with the California Coastal Act (Public Resources Code Sections 30000 et seq.) and depicted on the Permit and Appeal Jurisdiction Map. See “Permit Appeal and Jurisdiction Map.”

Categorical Exclusion Order. An decision issued by the California Coastal Commission in compliance with the Coastal Act (Public Resources Code Section 30610(e)), in which the Coastal Commission excludes certain categories of development from requirements to obtain coastal development permits from the Coastal Commission. A categorical exclusion order automatically terminates upon the effective date of the delegation of development review authority to a local government in compliance with California Code of Regulations Section 13249(b).

Catering Service (Land Use). An establishment that prepares and delivers food and beverages for off-site consumption, without facilities for on-site pick-up or consumption. See “Eating and Drinking Establishments.”

Certificate of Compliance. A certificate issued by the Director certifying that a lot was legally created, as described in Chapter 19.80 (Certificates of Compliance) in Municipal Code Title 19 (Subdivisions).

Change of Use. A discontinuance of a use and the substitution of a different use.

Child Day Care. See “Day Care.”

City. The City of Newport Beach.

City Council. The Newport Beach City Council, referred to in this Zoning Code as the “Council.”

City Manager. An individual designated by the City Council as City Manager, or a duly designated representative of the City Manager.

Coastal Access. See “Public Access.”

Coastal Commission. The California Coastal Commission, the State agency established by State law responsible for carrying out the provisions of the California Coastal Act of 1976, as amended (Public Resources Code Sections 30000 et seq.) and for appellate review of decisions rendered by a City review authority.

Coastal Development. See “Development.”

Coastal Land Use Plan (CLUP). A plan derived from the Land Use Element of the General Plan that identifies the permitted uses of land in the Coastal Zone and provides policies for protection of coastal resources and coastal access. It is one component of the City’s Local Coastal Program (LCP) (“Local Coastal Program”).

Coastal View. See “Public View.”

Coastal Zone. A geographic zone adjacent to the shoreline, the land and water area boundaries of which are determined by the California Coastal Act of 1976, as amended (Public Resources Code Sections 30000 et seq.).

Commercial Filming. Commercial motion picture or video photography at the same location more than 6 days per quarter of a calendar year, as regulated by Municipal Code Chapter 5.46 (Regulation of Commercial Film Production).

Commercial Recreation and Entertainment (Land Use). Establishments providing participant or spectator recreation or entertainment, either indoors or outdoors, for a fee or admission charge. Does not include “Adult-Oriented Businesses” or “Bars, Lounges, and Nightclubs.” Illustrative examples of commercial recreation and entertainment uses include:

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| <ul style="list-style-type: none"> • arcades or electronic games centers having three or more coin-operated game machines • amusement parks • bowling alleys • billiard parlors • cinemas • golf courses • ice/roller skating rinks | <ul style="list-style-type: none"> • internet cafes • miniature golf course • pool rooms • scale-model courses • smoking lounges (cigars, hookah, etc.) • sports stadiums and arenas • tennis/racquetball courts • theaters |
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Commission. The City of Newport Beach Planning Commission, referred to in this Zoning Code as the “Commission.”

Common Interest Development. Any of the following:

- 1) A community apartment project;
- 2) A condominium project;
- 3) A planned development; or
- 4) A stock cooperative.

Common Open Space. See “Open Space.”

Communication Facility (Land Use). An establishment that provides commercial and public communications services (e.g., radio and television broadcasting and receiving stations and studios, etc.) with facilities contained entirely within structures. Does not include transmission and receiving apparatus, including antennas and towers (see "Wireless Telecommunications Facilities").

Compatibility. The characteristics of different uses or activities that permit them to be located near each other in harmony and without conflict. Elements affecting compatibility include: intensity of occupancy, pedestrian or vehicular traffic generated, volume of goods handled, and environmental effects (e.g., air pollution, glare, hazardous materials, noise, vibration, etc.).

Conditional Use. A use of land identified by Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards) as being allowed in a particular zoning district subject to the approval of a Conditional Use Permit in compliance with Section 20.66.090 (Conditional Use Permits and Minor Use Permits).

Condominium. A form of property ownership providing for individual ownership of space in a structure together with an individual interest in the land or other parts of the structure in common with other owners. Includes a condominium project, community apartment project, or stock cooperative, as defined in California Civil Code Section 1351.

Condominium Project. An entire lot proposed to be used or divided, as land or airspace, into two or more units as a condominium.

Condominium Unit. The particular area of land or airspace that is designed, intended, or used for exclusive possession or control by individual owners or occupiers.

Congregate Care Home. Age-segregated housing built specifically for the elderly that provides services to its residents, the minimum of which is usually an on-site meal program, but which may also include housekeeping, laundry, social activities, counseling, and transportation (sometimes referred to as "assisted living facilities"). Does not include "Convalescent Facilities."

Contour. A line on a topographic map or bathymetric (depth) chart representing points of equal elevation with relation to a datum (point or set of points). Contour lines are usually spaced into intervals for easier comprehension and utilization.

Contractor's Storage Yards (Land Use). Indoor and/or outdoor storage facilities operated by, or on behalf of, a contractor licensed by the State of California (e.g., building contractors, landscape contractors, sign contractors, etc.) for storage of large equipment, vehicles, and/or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and structures for related offices and repair activities.

Convalescent Facility (Land Use). An establishment that provides care on a 24-hour basis for persons requiring regular medical attention (may also be referred to as a "nursing home" or "hospice"). Does not include facilities providing emergency medical services or surgical services ("Emergency Health Facilities," "Hospitals," or Outpatient Surgery Facilities").

Convenience Market. A retail establishment that sells prepackaged food items, beverages and small convenience items (e.g., periodicals, tobacco, miscellaneous household and pharmaceutical goods, etc.) primarily for off-site consumption; that typically has late hours of operation; that is in a relatively small structure located along heavily traveled streets. This term excludes delicatessens and other specialty food shops and establishments that carry a sizeable assortment of fresh fruits, fresh vegetables, and fresh-cut meat or fish. Includes an establishment located within or associated with another use (e.g., service stations).

Conversion. For the purposes of Chapter 20.36 (Conversion or Demolition of Affordable Housing), a change of a residential dwelling, including a mobile home, to a condominium, cooperative, or similar form of ownership; or a change of a residential dwelling, including a mobile home, to a nonresidential use.

County. The County of Orange in the State of California.

Coverage. See “Site Coverage.”

Cultural Institution (Land Use). A public or private institution that displays or preserves objects of community or cultural interest in one or more of the arts or sciences. Illustrative examples of these uses include:

- libraries
- museums

Cumulative Effect. The effect of an individual project in combination with the effects of past projects, other current projects, and probable future projects.

“D” Definitions

Day. Unless otherwise specified, a calendar day. See “Calendar Day.”

Day Care (Land Use). Nonresidential, nonmedical care and supervision of 14 or fewer persons on a less than 24-hour basis.

1. Child Day Care.

- a. Child Day Care, Small (8 or fewer children).** Day care facilities located in single-unit dwellings where an occupant of the dwelling provides care and supervision for 8 or fewer children. Children under the age of 10 years who reside in the dwelling count as children served by the day care facility.
- b. Child Day Care, Large (9 to 14 children).** Day care facilities located in single-unit dwellings where an occupant of the dwelling provides care and supervision for 9 to 14 children. Children under the age of 10 years who reside in the dwelling count as children served by the day care facility.
- c. 15 or more children.** See “Day Care, General” for facilities serving 15 or more children.

2. Adult Day Care.

- a. **Adult Day Care, Small (6 or fewer adults).** Day care facilities located in single-unit dwellings where an occupant of the dwelling provides care and supervision for 6 or fewer adults.
- b. **Adult Day Care, Large (7 to 14 adults).** Day care facilities located in single-unit dwellings where an occupant of the dwelling provides care and supervision for 7 to 14 adults.
- c. **15 or more adults.** See “Day Care, General” for facilities serving 15 or more adults.

Day Care, General (Land Use). An establishment that provides nonmedical care for 15 or more persons on less than a 24-hour basis, including nursery schools, preschools, and day care centers for children or adults. General day care establishments may be accessory to an industrial, commercial, or institutional use.

Deck. A platform, either free-standing or attached to a structure, that is supported by pillars or posts. See “Balcony.”

Dedication. The conveyance by an owner or developer of private land for public use and the acceptance of land for public use by the governmental agency having jurisdiction over the public function for which it will be used.

Dedication Fee, In-lieu of. Cash payments that may be required of an owner or developer as a substitute for a dedication of land, usually calculated in dollars per lot, and referred to as “in lieu fees” or “in lieu contributions.”

Demolition.

1. For the purposes of Chapter 20.36 (Conversion or Demolition of Affordable Housing), the demolition of a residential dwelling, including a mobile home, or a mobile home lot in a mobile home park, that has not been declared to be a public nuisance under Health and Safety Code Section 17000 *et seq.* or under this Zoning Code or the Municipal Code.
2. For the purposes of all other Sections of this Zoning Code, the deliberate removal or destruction of the frame or foundation of a portion of a structure.

Density. The number of dwelling units per unit of land; usually density is expressed “units per acre,” or “minimum land area per unit.” Thus, the density of a development of 100 units occupying 20 acres is 5 units per acre.

Density Bonus. As defined by Government Code Section 65915 *et seq.*, an increase over the maximum density otherwise allowed by the applicable zoning district that is granted to the owner/developer of a housing project who agrees to construct a prescribed percentage of dwelling units that are affordable to very-low and low-income households.

Detached Structure. See “Structure, Detached” and also “Dwelling Unit, Detached.”

Development. On land, in or under water, the placement or erection of solid material or a structure; discharge or disposal of dredged material or of gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of materials; change in the density or intensity of use of land, including, but not limited to, subdivision in compliance with the Subdivision Map Act (commencing with Government Code Section 66410), and another division of land, including lot splits, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of a structure, including a facility of a private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes and kelp harvesting.

Development Permit. Authority granted by the City to use or develop a specified site for a particular purpose, as established by Part 5 (Planning Permit Procedures) of this Zoning Code.

Director. The City of Newport Beach Planning Director, referred to as the "Director."

Discretionary Decision. A decision requiring the exercise of judgment, with or without deliberation, on the part of the decision-making authority in the process of approving or disapproving a particular activity, as distinguished from situations where the decision-making authority merely has to determine whether there has been conformity with fixed standards or objective measurements contained in applicable statutes, ordinances, or regulations. Examples of discretionary permits include Coastal Development Permits and Conditional Use Permits. See "Ministerial Decision."

Dormer. An extension projecting from the slope of a roof, usually provided with its own roof and housing a window or series of windows. A dormer is located below the highest point of a roof. Examples of typical dormers include eyelid or eyebrow dormers (i.e., with an arched roof that gives it the appearance of an eyelid; gable dormers (i.e., with a gable roof); and shed dormers (i.e., with a shed roof). See Figure 7-1 (Dormer Types).

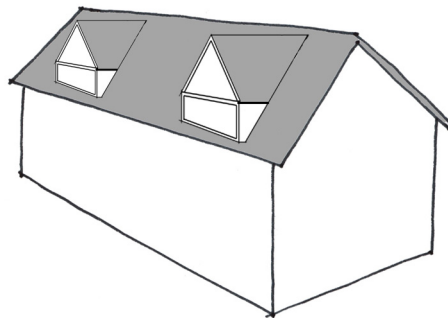


Figure 7-1 - Dormer Types

Drive-Through Facility (Land Use). Establishments that provide services accessible to persons who remain in their motor vehicles.

Driveway. A designated passageway providing vehicular access between a street and a garage or carport, a designated parking area, or other driveway or street. A driveway shall not be considered a street.

Dune. Ridge or mound of loose, wind-blown material, usually sand.

Dune Habitat. Stands of dense to sparse annual and perennial herbs, grasses, or shrubs occurring on sand dunes along the coast. Dune habitat is considered a sensitive plant community and is listed as rare or threatened or is otherwise protected by the U.S. Fish and Wildlife Service, California Department of Fish and Game, California Coastal Commission, or the City.

Duplex. See “Dwelling, Two-Unit.”

Dwelling, Multi-Unit (Land Use). A structure or development containing 3 or more dwelling units, each of which is for occupancy by one or more persons living as a Single Housekeeping Unit (see “Single Housekeeping Unit”). Includes: triplexes, (structures under one ownership with 3 dwelling units in the same structure), fourplexes (structures under one ownership with 4 dwelling units in the same structure) and apartments (5 or more units under one ownership in a single structure or complex) (see “Apartments”); and common ownership, attached unit projects including condominiums (see “Condominiums”). Also includes factory-built, modular housing units, constructed in compliance with the California Building Code (CBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, when placed on permanent foundation systems. Does not include duplexes (see “Dwelling, Two Unit”).

Dwelling, Single-Unit (Land Use). A structure containing 1 dwelling unit located on a single lot for occupancy by one Single Housekeeping Unit (see “Single Housekeeping Unit”). Also includes factory-built, modular housing units, constructed in compliance with the California Building Code (CBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, when placed on permanent foundation systems.

Attached Single-Unit Dwelling. A dwelling that is attached to another dwelling, excluding accessory dwellings. Each dwelling is owned in fee, located on an individual lot, and is joined to another dwelling along a single lot line. Each dwelling is totally separated from the other by an unpierced wall extending from ground to roof.

Detached Single-Unit Dwelling. A dwelling that is not attached to another dwelling, excluding an accessory dwelling unit (see “Accessory Dwelling Unit”). The dwelling is owned in fee and is located on an individual lot.

Dwelling, Two-Unit (Land Use). A structure(s) located on a single lot and containing 2 dwelling units, each of which is for occupancy by 1 Single Housekeeping Unit (see “Single Housekeeping Unit”). Also includes factory-built, modular housing units, constructed in compliance with the California Building Code (CBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, when placed on permanent foundation systems.

Dwelling Unit. An area within a structure on a lot that:

- 1) Contains separate or independent living facilities for one or more persons, with area or equipment for sleeping, sanitation and food preparation, and that has independent exterior access to ground level; or
- 2) Is being utilized for residential purposes by one or more persons separately or independently from occupants of other areas within the structure.

Facilities for food preparation. A room or part of a room used, intended, or designed to be used for cooking or the preparation of food. The presence of a range or oven, or utility connections suitable for servicing a range or oven, shall be considered as establishing a kitchen. The meaning of “kitchen” shall exclude a bar or butler’s pantry.

Independent access. An arrangement of dwelling units so that each dwelling unit has an entrance directly into the unit that is separate from the entrance into another unit.

Dwelling Unit, Accessory (Land Use). A dwelling unit accessory to and attached to, detached from, or contained within, the principal dwelling unit on a site zoned for a single-family dwelling. The unit is intended for the sole occupancy of 1 or 2 adult persons who are 60 years of age or older. The floor area of the unit does not exceed 640 square feet.

“E” Definitions

Easement. A grant of one or more property rights by the property owner for use by the public, or another person or entity. Examples include right-of-way easements, utility easements, or view easements. Typically easements are recorded against real property by an instrument or subdivision map. See “Right-of-Way.”

Eating and Drinking Establishments (Land Use).

Accessory Food Service. A type of food service establishment that:

1. Sells food and/or beverages as an accessory use in a retail, office, or institutional structure;
2. Does not change the character of the principal use;
3. Does not sell, serve, or give away alcoholic beverage;
4. Does not have an entrance separate from the principal use; and
5. Has hours of operation that are the same as those of the principal use.

Bars, Lounges, and Nightclubs. An establishment that sells or serves alcoholic beverages for consumption on the premises and is holding or applying for a public premise license from the California State Department of Alcoholic Beverage Control (ABC) (i.e., ABC License Type 42 [On Sale Beer & Wine-Public Premises], ABC License Type 48 [On Sale General-Public Premises], and ABC License Type 61 [On Sale Beer-Public Premises]). Persons under 21 years of age are not allowed to enter and remain

on the premises. The establishment shall include any immediately adjacent area that is owned, leased, rented, or controlled by the licensee.

Fast Food. An establishment whose design or principal method of operation includes **four or more** of the following characteristics:

- 1) 45 percent or more of the floor area is devoted to food preparation, employee work space, and customer service area;
- 2) A permanent menu board is provided from which to select and order food;
- 3) A chain or franchise restaurant;
- 4) Customers pay for food before consuming it;
- 5) A self-service condiment bar is provided;
- 6) Trash receptacles are provided for self-service bussing; and
- 7) Furnishing plan indicates stationary seating arrangements.

A fast food establishment may or may not have late hour operations (see “Late Hour Operations”). Alcoholic beverages are not sold, served, or given away on the premises. If alcoholic beverages are sold, served, or given away on the premises, the use shall be considered a food service use. See “Food Service.”

Food Service, No Late Hours. An establishment that sells food and beverages, including alcoholic beverages, prepared for primarily on-site consumption, and that has **all of** the following characteristics:

- 1) Establishment DOES NOT have late hour operations (see “Late Hour Operations”);
- 2) Customers order food and beverages from individual menus;
- 3) Food and beverages are served to the customer at a fixed location (i.e., booth, counter, or table); and
- 4) Customers pay for food and beverages after service and/or consumption.

Food Service, Late Hours. An establishment that sells food and beverages, including alcoholic beverages, prepared for primarily on-site consumption, and that has **all of** the following characteristics:

- 1) Establishment DOES have late hour operations (see “Late Hour Operations”);
- 2) Customers order food and beverages from individual menus;
- 3) Food and beverages are served to the customer at a fixed location (i.e., booth, counter, or table); and

- 4) Customers pay for food and beverages after service and/or consumption.

Late Hour Operations. Facilities that provide service after 11:00 p.m.

Outdoor Dining. An outdoor dining area contiguous and accessory to a food service establishment.

Take-Out Service, Limited. An establishment that sells food or beverages and that has **all of** the following characteristics:

- 1) Sales are primarily for off-site consumption;
- 2) Customers order and pay for food at either a counter or service window;
- 3) Incidental seating up to 6 seats may be provided for on-site consumption of food or beverages; and
- 4) Alcoholic beverages are not sold, served, or given away on the premises.

Typical uses include bakeries, candy, coffee, nut and confectionery stores, ice cream and frozen dessert stores, small delicatessens, and similar establishments.

Take-Out Service Only. An establishment that offers a limited variety of food or beverages and that has **all of** following characteristics:

- 1) Sales are for off-site consumption;
- 2) Seating is not provided for on-site consumption of food or beverages; and
- 3) Alcoholic beverages are not sold, served, or given away on the premises.

Economic Life. The period of time during which a structure may reasonably be expected to perform the function for which it was designed or intended. For the purposes of this Zoning Code, the economic life of a structure shall be 75 years.

Emergency Health Facility (Land Use). Establishments that provide emergency medical service (i.e., outside normal physician office hours or before a physician appointment is available) with no provision for overnight or continuing care on an inpatient basis. Also includes "urgent care" facilities and walk-in clinics. Does not include hospitals (see "Hospitals").

Emergency Shelter (Land Use). As defined in Health and Safety Code Section 50801(e), housing with minimal supportive services for homeless persons (e.g., food, counseling, access to other social programs, etc.).

Emergency Work. Work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by a natural or man-made disaster.

Encroachment. An intrusion of development on public property, on environmentally sensitive lands, or into required setback areas.

Enlargement of Use. The expansion of a land use activity on a site or within a structure so that the use/activity occupies more floor or site area than before the expansion.

Entertainment, Commercial. An establishment (indoors or outdoors) where entertainment is provided for a fee for the pleasure of the patrons, either independent of or in conjunction with another use.

Entertainment and Excursion Services. Commercial vessels engaged in the carrying of passengers for hire for hire for the purposes of fishing, whale watching, diving, educational activities, harbor and coastal tours, dining/drinking, business or social special events and entertainment.

Environmental Assessment. A detailed statement setting forth the environmental effects and considerations pertaining to a project as specified in the California Environmental Quality Act, and may mean either a draft or a final EIR, or an Initial Study leading to a Negative Declaration.

Environmental Impact Report (EIR). An informational document used to assess the physical characteristics of an area and to determine what effects will result if the area is altered by a proposed action, prepared in compliance with the California Environmental Quality Act (CEQA).

Environmentally Sensitive Habitat Area (ESHA). As defined in Public Resources Code Section 30107.5, an area in the Coastal Zone in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. See “Environmental Study Area (ESA).”

Environmental Study Area (ESA). An undeveloped area that may contain natural habitats capable of supporting sensitive biological resources, as identified in Figure NR-2 (Environmental Study Areas) in the General Plan. See “Environmental Study Area.”

Establishment. A business.

Exaction. A contribution or payment required as an authorized precondition for receiving a permit for development.

Exclusion Area. See “Categorical Exclusion Area.”

Exclusion Order. See “Categorical Exclusion Order.”

Explosives. A substance defined as an explosive by Health and Safety Code Sections 12000 et seq., and for which a permit is required by the Health and Safety Code.

“F” Definitions

Factor of Safety. The ratio of the ultimate breaking strength of the material to the force exerted against it. In terms of slope stability analysis, the factor of safety is determined by dividing the resisting forces by the driving force. The forces resisting a potential landslide are essentially the strength of the rocks or soils making up the bluff. The forces driving a potential landslide are the weight of the rocks as projected along a potential slide surface.

Fair Housing Laws. The Federal Fair Housing Act, the Americans with Disabilities Act, and California's Fair Employment and Housing Act, as each Act may be amended from time to time, and each Act's implementing regulations.

Family. One or more persons living together as a Single Housekeeping Unit in a dwelling unit (see "Single Housekeeping Unit").

Fault. A rock fracture accompanied by displacement.

Fault, Active. A fault that has moved within the last 11,000 years and that is likely to move again within the next 100 years.

Fault, Inactive. A fault that shows no evidence of movement in the last 11,000 years and no potential for movement in the relatively near future.

Fault, Potentially Active. A fault that last moved within the Quaternary Period (the last 2,000,000 to 11,000 years) before the Holocene Epoch (11,000 years to the present); or a fault that, because it is judged to be capable of ground rupture or shaking, poses an unacceptable risk for a proposed structure.

Fence. A structure, solid or otherwise, that is a barrier and used as a boundary or means of protection, confinement, or concealment. Does not include hedges, shrubs, trees, or other natural growth.

Fill. Material (e.g., earth, clay, sand, concrete, rubble, wood chips, bark, waste, etc.), including pilings placed for the purpose of erecting structures, that is placed, stored, or dumped upon the surface of the ground resulting in an increase in the natural surface elevation.

Final Map. A subdivision map prepared in compliance with Subdivision Map Act, Article 2, Chapter 2, and approved in compliance with Subdivision Map Act, Article 4, Chapter 3, that is used to complete the subdivision of five or more lots.

Financial Institutions and Related Services (Land Use). Establishments that solicit, receive, or accept money or its equivalent on deposit and loan money as a regular business. Typical examples include federal or state-regulated banks, savings and loan associations, savings banks, credit unions, and lending establishments, with automatic teller machines (ATMs) as an accessory use. Does not include mortgage broker, accounting, financial investment, or similar offices ("Office, Business," "Office, Corporate," or "Office, Professional").

Finding(s). The result(s) of an investigation and the basis upon which decisions are made. Findings are used by government agents and bodies to justify action taken by the entity.

Finished Floor/Surface. The surface of a floor after the final installation or application of floor coverings or other surfacing materials.

Finished Grade. See "Grade, Finished."

First Public Road Paralleling the Sea. The road that is nearest the sea (see "Sea") and that meets all of the following criteria.

1. The road is lawfully open and suitable for uninterrupted use by the public.
2. The road is maintained by a public agency.
3. The road contains an improved all-weather surface open to motor vehicle traffic in at least one direction.
4. The road is not subject to any restrictions on use by the public except during an emergency or for military purposes.
5. The road connects with other public roads providing a continuous access system and generally parallels and follows the shoreline so as to include all portions of the sea where the physical features (e.g., bays, lagoons, estuaries, wetlands, etc.) cause the waters of the sea to extend landward of the generally continuous coastline.

Floor, First. See “Ground Floor.”

Floor Area, Gross. See “Area, Gross Floor.”

Food Processing (Land Use). Establishments engaged in the manufacturing or processing of food or beverages for wholesale distribution.

Fourplex. See “Dwelling, Multi-Unit.”

Frontage. See “Lot Frontage.” The property line of a lot that abuts a street right-of-way.

Fuel Modification Zone. A strip of land where combustible native or ornamental vegetation must be modified and partially or totally replaced with drought-tolerant, fire-retardant plants.

Funeral Homes and Mortuaries (Land Use). Establishments engaged in the provision of service involving the care, preparation, or disposition of human dead other than in cemeteries. May or may not include crematories and/or mortuaries. No internment is provided on site. May include areas for assembly services and living quarters for funeral home/mortuary manager (see “Caretaker Residence”).

“G” Definitions

Garage. A structure or portion of a structure, completely enclosed by walls or doors on all sides, that is designed or used to shelter 1 or more parking spaces. Does not include a carport (see “Carport”).

Garage, Public. See “Parking Facilities, Commercial.”

Garage Sale. See “Personal Property Sales.”

Garage, Storage. See “Vehicle/Equipment Services.”

Gazebo. A detached, covered, freestanding, open-air structure designed for recreational use only and not for habitation. See "Accessory Structure."

General Plan. The City of Newport Beach General Plan, and all amendments thereto, as adopted by the City Council under the provisions of Government Code Sections 65300 et seq., and referred to in this Zoning Code as the "General Plan."

Governmental Facility (Land Use). A structure owned, operated, or occupied by a governmental agency to provide a governmental service to the public (e.g., city hall, community recreation center, post office, library, etc.).

Grade, Existing. The surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project.

Grade, Finished. The surface of the ground or pavement at a stated location as it exists after completion of a project.

Grade, Natural. The unaltered natural surface of the ground at a stated location.

Granny Unit. See "Accessory Dwelling Unit."

Greenhouse Window. See "Bay Window."

Gross Floor Area. See "Area, Gross Floor."

Ground Floor. The first floor of a structure that is at ground level or street level. Does not include a "Basement."

Group Residential. Shared living quarters, occupied by 2 or more persons not living together as a single housekeeping unit ("Single Housekeeping Unit"). Includes, without limitation, boarding or rooming houses (see "Boarding or Rooming Houses"), dormitories, fraternities, sororities, parolee-probationer homes (see "Parolee-Probationer Homes"), and private residential clubs. Excludes residential care facilities (see "Residential Care Facilities").

"H" Definitions

Habitat. The physical location or type of environment in which an organism or biological population lives or occurs.

Habitable Space (Room). A room meeting the requirements of the California Building Code (CBC) for sleeping, living, cooking, or dining purposes, excluding enclosed places (e.g., closets, bath or toilet rooms, hallways, laundries, pantries, storage spaces, utility rooms, etc.).

Handicraft Industry (Land Use). Establishments engaged in on-site production of goods by hand involving the use of hand tools and small-scale equipment (e.g., drills and saws, hammers and chisels; paint brushes and sprayers; pottery wheels and kilns; sewing machines; spinning wheels, etc.) and the incidental direct sale to consumers of only those goods produced on-site. Illustrative examples of these products include:

- | | |
|---|---|
| <ul style="list-style-type: none"> • candles • ceramics • costume novelties • jewelry • mosaics • musical instruments • needlework | <ul style="list-style-type: none"> • pottery • quilting • small glass, metal art, and craft products • sporting and athletic goods • stained glass • toys • wood carving |
|---|---|

Harbor. See “Newport Bay.”

Hazardous Materials. An injurious substance, including, but not limited to, pesticides, herbicides, toxic metals and chemicals, liquefied natural gas, explosives, volatile chemicals, nuclear fuels, and substances on the comprehensive master list of hazardous substances compiled and maintained by the California Department of Health Services.

Health/Fitness Club (Land Use).

Small. An indoor facility of 2,000 square feet or less in size where passive or active exercises and related activities are performed using minimal muscle-building equipment or apparatus for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. Examples of uses include Pilates, personal training, and yoga and studios.

Large. A full service fitness center, gymnasium, or health and athletic club that is over 2,000 square feet in size and may include the following: aerobic classes and other indoor sports activities; indoor handball, racquetball, or tennis courts; locker rooms and showers; sauna, spa, or hot tub facilities; swimming pools, weight rooms; etc.

Hearing Officer. A person designated to conduct hearings as provided in Section 20.74.040.

Hedge. A group of shrubs or trees planted in a line or in groups forming a compact, dense, barrier that protects, shields, separates, or demarcates an area from view. For purposes of this definition, a shrub is a perennial woody plant smaller than a tree, having multiple permanent stems branching from or near the base and lacking a single trunk; a bush. See “Fence.”

Height. A vertical dimension established and measured in compliance with Section 20.30.050 (Height Limits and Exceptions).

Heliport and Helistop (Land Use).

1. **Heliport.** An area used for the landing, parking, or takeoff of helicopters including operations facilities (e.g., fueling, loading and unloading, maintenance, storage, terminal facilities, etc.).

2. **Helistop.** A single pad used for the landing, parking, or takeoff of one helicopter and other facilities as may be required by Federal and State regulations, but not including operations facilities (e.g., fueling, loading and unloading, maintenance, storage, terminal facilities, etc.).

Home Occupation (Land Use). The conduct of a business within a dwelling unit or residential site occupied by a single housekeeping unit, with the business activity being incidental and clearly accessory to the principal residential use of the property. Does not include “Residential Care Facilities.” See Section 20.60.110 (Home Occupations).

Hospital (Land Use). An establishment that provides medical, surgical, psychiatric, or emergency medical services to sick or injured persons, on an inpatient or outpatient basis. Includes facilities for training, research, and administrative services for patients and employees. May include accessory pharmacy uses and food service uses. Does not include walk-in clinics (“Emergency Health Facilities”).

Hotel. See “Visitor Accommodations.”

“I” Definitions

Individual with a Disability. As more specifically defined under the Fair Housing Laws (see “Fair Housing Laws”), a person who has a physical or mental impairment that limits one or more major life activities; a person who is regarded as having that type of impairment; or a person who has a record of that type of impairment, not including current, illegal use of a controlled substance.

Industry (Land Use). Establishments engaged in the manufacturing of finished parts or products, either from raw materials or previously prepared materials, within an enclosed structure. Includes processing, fabrication, assembly, treatment, testing (e.g., laboratories), packaging, incidental office storage, sales, and distribution of the parts or products; and laundry and dry cleaning plants. Excludes vehicle/equipment rentals (“Vehicle/Equipment Rentals”), vehicle/equipment repair (“Vehicle/Equipment Repair”), vehicle/equipment sales (“Vehicle/Equipment Sales”), and vehicle/equipment services (“Vehicle/Equipment Services”).

Small. Establishments located in facilities that are 5,000 square feet or less in size.

Large. Establishments located in facilities that are over 5,000 square feet in size.

Marine-Related. Establishments primarily engaged in the manufacture of marine-related parts or products. Does not include “Boat Yards” (see “Marine Services”).

In Situ. A Latin phrase meaning “in place.” Archaeologically it refers to an artifact or object being found in its original, undisturbed position.

Integral Facilities (Land Use). Any combination of two or more Residential Care (Small Licensed, Small Unlicensed, or General) facilities that may or may not be located on the same or contiguous lots, that are under the control and management of the same owner, operator, management company or licensee or any affiliate of any of them, and are integrated

components of one operation shall be considered one facility for purposes of applying Federal, State, and local laws to its operation. Examples of Integral Facilities include, but are not limited to, the provision of housing in one facility and recovery programming, treatment, meals, or any other service or services to program participants in another facility or facilities or by assigning staff or a consultant or consultants to provide services to the same program participants in more than one licensed or unlicensed facility.

Integral Uses (Land Use). Any two or more licensed or unlicensed residential care programs commonly administered by the same owner, operator, management company or licensee, or any affiliate of any of them, in a manner in which participants in two or more care programs participate simultaneously in any care or recovery activity or activities so commonly administered. Any such Integral Use shall be considered one use for purposes of applying Federal, State, and local laws to its operation.

Intensity. Relative measure of development impact as defined by physical and operational characteristics (e.g., number of dwelling units per acre, amount of parking required, amount of traffic generated, etc.).

Invasive. See “Noninvasive Plant.”

“J” Definitions

Jetty. An artificial barrier perpendicular to the shoreline used to change the natural littoral drift to protect inlet entrances from clogging by excess sediment, or to protect a harbor area from storm waves.

Jurisdiction. The limits or territory within which a particular power may be exercised.

“K” Definitions

Kennel and Animal Boarding. See “Animal Sales and Services.”

“L” Definitions

Laboratory (Land Use). An establishment that provides medical or dental laboratory services or photographic or analytical services. Other laboratories are classified under “Industry.”

Landscaping. An area devoted to or developed and maintained with native or exotic plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials, and associated decorative outdoor landscape elements.

Landmark Structure. A structure constructed before December 12, 1950 and listed on the National Register of Historic Places.

Landmark Theater. A structure constructed for use as a cinema or theater that has the following characteristics:

- 1) Constructed on or before December 12, 1950;
- 2) Contains a single screen or stage;
- 3) Designed to seat more than 300 people.

Late Hour Operations. See “Eating and Drinking Establishments.”

Live Entertainment (Land Use). Entertainment provided by one or more live performers, including musical, theatrical, dance, cabaret, or comedy acts. For purposes of this definition, a disc jockey or a person whose performance consists of selecting or manipulating prerecorded music is considered a performer. Does not include “Adult Oriented Businesses.” Does not include live, unamplified musical accompaniment to dining, in a restaurant by no more than 2 performers, including patrons, without dancing.

Amplified. The increase in the degree of sound level of voices or instruments through electronic devices and equipment (e.g., amplifiers, loudspeakers, microphones, etc.).

Unamplified. Voices or instruments without sound boosting electronic devices and equipment.

Live-Work Unit (Land Use). A structure or spaces within structures that are used jointly for commercial and residential purposes.

Local Coastal Program (LCP). The documents that comprise the City of Newport Beach Local Coastal Program, in compliance with the Coastal Act.

Lot. The basic unit of land development. A designated area of land established by plat, subdivision, lot line adjustment, or as otherwise permitted by law, to be used, developed, or built upon as a unit. Typically a lot is indicated upon a final map, parcel map, lot line adjustment map, certificate of compliance, or record of merger filed in the Office of the County Recorder. Types of lots include the following. See Figure 7-2 (Lot Types).

Corner Lot. A lot located at the intersection of two or more streets, where they intersect at an interior angle of not more than 135 degrees. If the intersection angle is more than 135 degrees, the lot is considered an interior lot. The front lot line of a corner lot abuts

the shortest street property line, unless otherwise determined by the Director in compliance with Section 20.30.090 (Setback Regulations and Acceptions).

Flag Lot. A lot not meeting minimum lot frontage requirements and where access to the private or public street is provided by a narrow private access way that is between abutting lots and that is owned in fee.

Interior Lot. A lot abutting only one street.

Key Lot. An interior lot, the front of which abuts the side property line of a corner lot.

Reversed Corner Lot. A corner lot, the rear of which abuts the side of another lot.

Through Lot. A lot with frontage on two generally parallel streets. May be an interior lot having frontage on more than one street or a corner lot having frontage on more than two streets. Each street frontage of an interior lot and the two shortest street frontages of a corner lot shall be deemed a front lot line.

Waterfront Lot. A lot with one or more lot lines abutting the waterfront of Newport Bay, the Pacific Ocean, the Old Channel of the Santa River (the Oxbow Loop), or the channels in West Newport.

Illustration of Terms

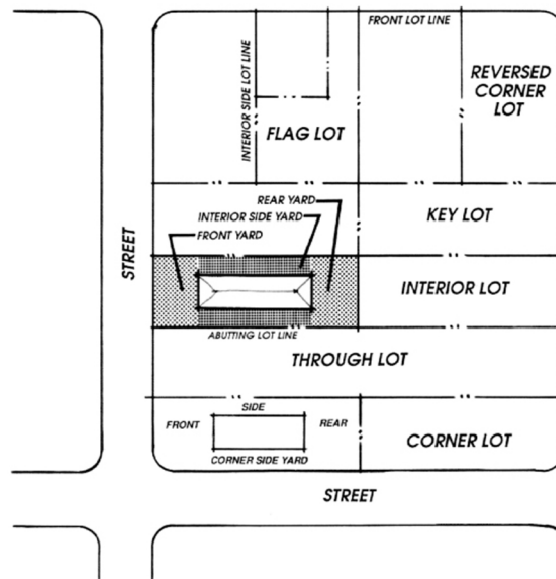


Figure 7-2 – Lot Types

Lot Area. The total area within the exterior lines of a lot excluding public access corridors, vehicular easements, and areas to be included in future street rights-of-way or other public facilities or uses established by easement, dedication, or ordinance.

Lot Depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line; or for irregularly shaped lots where the side lot lines converge to a point at the rear of the lot, the horizontal distance from the midpoint of the front lot line to a line 10 feet long within the lot, parallel to and at a maximum distance from the front lot line.

Lot Frontage. The property line of a lot that abuts a street right-of-way.

Lot Line. A recorded boundary of a lot. Types of lot lines include the following.

Front Lot Line. On an interior lot, a lot line separating the lot from the street or the waterfront, if there is no street. For corner lots, the shortest side fronting upon a street is considered the front of the lot regardless of which street is used for vehicle or pedestrian access, or street address. Where two lot lines abutting a street are substantially the same length, the Director shall determine the location of the front lot line. For a through lot, both lot lines are front lot lines and the lot is considered to have no rear lot line.

Interior Lot Line. A lot line not abutting a street or alley.

Rear Lot Line. A lot line, not a front lot line, that is parallel or approximately parallel to the front lot line and that does not intersect the front lot line. For irregularly shaped lots where the side lot lines converge to a point at the rear of the lot, the rear lot line is a line 10 feet long within the lot, parallel to and at a maximum distance from the front lot line

Side Lot Line. A lot line that is not a front or rear lot line.

Lot Line Adjustment. As provided in the Subdivision Map Act (Government Code Section 66412(d)), a lot line adjustment relocates one or more lot lines between two or more existing adjacent lots, where land taken from one lot is added to an adjacent lot and where no more lots are created than originally existed.

Lot Width. The horizontal distance between the side lot lines, measured at right angles to the line that defines the lot depth at a point midway between the front and rear lot lines.

Lounge (Land Use). See “Eating and Drinking Establishments.”

Low-Income Household. A household whose income is between 50% and 80% of the Orange County median income, adjusted for actual household size, as determined by the California Department of Housing and Community Development.

“M” Definitions

Maintenance and Repair Services (Land Use). Establishments that provide home appliance and/or electronic or office equipment repair and maintenance, or building maintenance services.

Does not include maintenance and repair of vehicles (see “Vehicle/Equipment Repair”) or boats, ships, or vessels (see “Marine Sales and Services”).

Map Act. See “Subdivision Map Act.”

Marina (Land Use). A commercial berthing facility (other than moorings or anchorage) in which five or more vessels are continuously wet-stored (in water) and/or dry-stored (on land/racks) for more than 30 days. May include on-shore support facilities (e.g., administrative offices, bathrooms, laundry facilities, storage lockers, picnic areas, snack bar, etc.).

Marine Activities Permit. A permit issued to commercial users of Newport Harbor in compliance with Municipal Code Title 17 (Harbor Code).

Marine and Wildlife Preserve (Land Use). An area of land or water, essentially unimproved, that is set aside, dedicated, designated, or reserved for protection from an activity that would significantly alter the open space or passive recreational value or ecological integrity, balance, or character. Includes wetlands, vernal pools, floodplains, riparian forests, riparian corridors, and habitat for multiple species of wildlife; preserves, and lands that are in need of being preserved for their habitat and/or open space values. Does not include parks, playgrounds, and athletic fields for active recreational uses (“Parks and Playgrounds”), or the same facilities that are privately-owned, or commercial facilities (“Commercial Recreation and Entertainment”).

Marine Rentals and Sales (Land Use). Establishments engaged in renting, selling or providing supplies and equipment for commercial fishing, pleasure boating, or related activities.

1. **Boat Rentals and Sales (Land Use).** An establishment that rents or sells vessels, including storage and incidental maintenance. See “Vessel.” Does not include “Marine Services.”
2. **Marine Retail Sales (Land Use).** An establishment that provides supplies and equipment for commercial fishing, pleasure boating, or related activities. Examples of goods sold include navigational instruments, marine hardware and paints, nautical publications, nautical clothing (e.g., foul-weather gear), and marine engines. Does not include uses in which fuel for boats and ships is the primary good sold (see “Marine Services.”).

Marine Services (Land Use).

1. **Boat Storage.** Storage of operative or inoperative boats or ships.
2. **Boat Yard.** Construction, maintenance, or repair of boats or ships, including the sale, installation, and servicing of related equipment and parts.
3. **Entertainment and Excursion Services.** An establishment that provides vessels engaged in the carrying of passengers for hire for the purposes of entertainment or excursions (e.g., fishing, whale watching, diving, educational activities, harbor and coastal tours, dining/drinking, business or social special events and entertainment, etc.).

4. **Marine Service Station.** A retail establishment that sells gasoline, diesel, and alternative fuels, lubricants, parts, and accessories for vessels and other convenience items.
5. **Water Transportation Service.** An establishment that provides vessels to carry passengers for hire who are traveling to destinations within and outside of Newport Harbor.

Market-Rate Unit. A dwelling unit in a residential project that is not an affordable unit.

Massage. The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.

Massage Establishment (Land Use). See definition in Municipal Code Section 5.50.010.

Massage Service, Accessory (Land Use). A massage establishment that is regulated by State law and operated as an accessory use in conjunction with an approved health club, athletic club, gym, or hotel or in conjunction with a medical office or chiropractic office. For the purpose of this definition, an accessory use shall mean a use that is not more than 25 percent of the floor area of the related health or athletic activities of the primary use. Does not include “Adult-Oriented Businesses.”

Master Fee Schedule. A resolution adopted by the City Council from time to time that sets fees for services provided by the City.

Mean High Water. The 19-year average of the higher high water heights. For diurnal tides, high water and higher water are the same.

Mean Low Water. The 19-year average of all low water heights (if the tide is either semidiurnal or mixed) or the lower low water heights if the tide is diurnal. For diurnal tides low water and lower low water are the same.

Medical Clinic. See “Offices, Medical and Dental (Land Use).”

Merger. The process authorized by the Subdivision Map Act to combine two or more adjacent lots into a single lot of record.

Ministerial Decision. A decision involving only the use of fixed standards or objective measurements and no exercise of discretion by the public official. Examples of ministerial permits include Zoning Clearances or Building Permits. See “Discretionary Decision.”

Mitigate. To ameliorate, alleviate, or avoid.

Mitigated Negative Declaration. Same as a Negative Declaration, with the addition of identified mitigation measures and a Mitigation Monitoring Program.

Mitigation Measure. A measure imposed on a project to ameliorate, alleviate, or avoid adverse impacts on the environment. Consistent with Section 15370 of the *State Guidelines for Implementation of the California Environmental Quality Act*.

Mobile Home. A trailer, transportable in one or more sections; that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974; that is over 8 feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. A mobile home on a permanent foundation is included under the definition of "Single-Unit Dwelling."

Moderate-Income Household. A household whose income is between 80% and 120% of the Orange County median income, adjusted for actual household size, as determined by the California Department of Housing and Community Development.

Monitoring. The systematic collection of physical, biological, or economic data or a combination of these data in order to confirm or verify compliance regarding project operation or to evaluate project performance.

Motel. See "Visitor Accommodations."

Multi-Unit Dwelling. See "Dwelling, Multi-Unit."

Municipal Code. The Municipal Code of the City of Newport Beach, as amended.

"N" Definitions

Nail Salon (Land Use). An establishment where 25 percent or more of the work stations are used to provide manicure and/or pedicure services.

National Register of Historic Places. An official list, established by the National Historic Preservation Act, of sites, districts, buildings, structures, and objects significant in the nation's history or whose artistic or architectural value is unique.

Natural Communities Conservation Plan (NCCP). A plan for multi-species habitat conservation that is a collaboration of federal and state resource agencies, local governments, special districts, and private property owners. The plan covers nearly 38,000 acres in coastal southern California. In July of 1996, the City became a signatory agency in the Orange County Central-Coastal NCCP Subregional Plan.

NAVD 88. See "North American Vertical Datum of 1988."

Negative Declaration. A written statement describing the reasons that a proposed project will not have a significant adverse effect on the environment and therefore does not require the preparation of an EIR, in compliance with the California Environmental Quality Act (CEQA). See "Mitigated Negative Declaration."

Net Public Area. See "Area, Net Public."

Newport Bay/Harbor.

Back Bay. See "Upper Newport Bay" below.

Lower Newport Bay. The area of the Bay southerly of the Coast Highway.

Newport Bay. The estuary consisting of the Lower Newport Bay and the Upper Newport Bay. The terms “Newport Bay” and “Newport Harbor” are often used interchangeably.

Newport Harbor. The water area within the Lower Newport Bay and within the Upper Newport Bay, exclusive of the Upper Newport Bay Marine Park. See “Newport Bay” above.

Upper Newport Bay. The area of the Bay northerly of the Coast Highway Bridge. The terms “Upper Newport Bay” and “Back Bay” are often used interchangeably.

Nightclub. See “Eating and Drinking Establishments.”

Noise. An undesired sound.

Nonconforming Lot. A lot that was legally created before the adoption of this Zoning Code or that legally existed at the time of annexation, and that does not conform to current Code provisions/standards (e.g., access, area or width requirements, etc.) prescribed for the zoning district in which the lot is located.

Nonconforming Structure. A structure that was lawfully erected, but that does not conform to the property development regulations for the zoning district in which the structure is located by reason of adoption or amendment of this Zoning Code or by reason of annexation of territory to the City.

Nonconforming Use. A use of a structure or land that was lawfully established and maintained, but that does not conform to the use regulations for the zoning district in which it is located by reason of adoption or amendment of this Zoning Code or by reason of annexation of territory to the City.

Noninvasive Plant. A plant that does not invade a habitat to the detriment of native species.

Nonresidential Zoning District. See “Zoning District, Nonresidential.”

North American Vertical Datum of 1988 (NAVD 88). A fixed reference for elevations determined by geodetic leveling created by the National Geodetic Survey.

Nursery School/Pre-School. See “Day Care Facilities.”

Nursing Home. See “Convalescent Facilities.”

“O” Definitions

Off-Street Loading Facility. A site, or portion of a site, devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Off-Street Parking Facility. A site, or portion of a site, devoted to parking of motor vehicles, including parking structures, parking spaces, aisles, access drives, and landscaped areas. See "Parking Facility."

Offer to Dedicate (OTD). An offer by a landowner to grant a public access easement across their property for future public recreational use.

Office, Business (Land Use). An office where common business services are provided to the general public (e.g., consumer services [e.g., auto club, entertainment ticket sales, etc.], insurance, investment, real estate, tax preparation, travel, utility company offices, etc.). Typically, these uses have a higher rate of walk-in traffic than a professional office and visits are often made without an appointment. Does not include "Financial Institutions and Related Services," "Office, Corporate," "Office, Professional," or "Postal Services."

Office, Corporate (Land Use). A use where internal administration services for large organizations (e.g., the headquarters, regional offices, or administrative offices for a corporation, etc.) are provided.

Office, Medical and Dental (Land Use). A use where medical and/or dental services are provided. Includes facilities for the diagnosis and treatment of human patients and laboratories incidental to the office use.

Office, Professional (Land Use). A use where professional services (e.g., accounting, architectural, engineering, legal, planning, psychological, psychiatric, etc.) are provided. Typically, these uses serve visitors on an appointment only basis and walk-in traffic is minimal. Does not include "Assembly/Meeting Facilities," "Financial Institutions and Related Services," "Office, Business," "Office, Medical and Dental," or "Postal Services."

Oil and Gas Drilling. *The digging or boring for the purpose of exploring for, developing, or producing oil, gas, or other hydrocarbons, for the purpose of injecting liquids or gas for stimulating oil or gas recovery, repressurizing, or pressure maintenance of oil or gas reservoirs, or disposing of oil field waste fluids. [May be deleted if use tables changed to refer to City Charter.]*

Oil and Gas Well. *Any perforation through the Earth's surface designed to find and release both petroleum oil and gas hydrocarbons. [May be deleted if use tables changed to refer to City Charter.]*

Slant Drilling. *The practice of drilling non-vertical wells (sometimes also known as directional drilling). [May be deleted if use tables changed to refer to City Charter.]*

Open Space (Land Use). A lot or area of land or water set aside, designated, dedicated, or reserved for public or private use or enjoyment.

Common Open Space. The land area within a residential development that is not individually owned or dedicated for public use and that is designed, intended, and reserved exclusively for the shared enjoyment or use by all the residents and their guests. Does not include enclosed spaces/facilities (e.g., community center, meeting rooms, etc.). Illustrative examples include:

- areas of scenic or natural beauty
- barbecue areas

- habitat areas
- hiking, riding, or off-street bicycle trails
- landscaped areas
- play areas
- swimming pools
- tennis courts
- turf areas

Private Open Space. An outdoor or unenclosed area directly adjoining and accessible to a dwelling unit, reserved for the exclusive private enjoyment and use of residents of the dwelling unit and their guests (e.g., balcony, deck, porch, terrace, etc.). Boundaries are evident through the use of fences, gates, hedges, walls, or other similar methods of controlling access and maintaining privacy.

Usable Open Space. An outdoor or unenclosed area within a residential development on the ground, or on a roof, balcony, deck, porch or terrace, designed and accessible for outdoor living, active or passive recreation, pedestrian access, or landscaping. Parking facilities, driveways, utility or service areas, required front or street side setback areas, and sloped or submerged land do not constitute usable open space.

Outdoor Storage and Display (Land Use). The storage of various materials outside of a building, either as an accessory or primary use.

Outpatient Surgery Facility (Land Use). An establishment, separate from or not within a hospital, that offers planned surgical procedure(s) on an outpatient basis, with no overnight stays. See "Overnight."

Overnight. The period between 6:00 p.m. of one day and 7:00 a.m. of the next day. See "Day."

"P" Definitions

Parcel. See "Lot."

Parcel Map. The subdivision map described by the Subdivision Map Act, Article 3, Chapter 2, which is required to complete a subdivision of 4 or fewer lots.

Parking, Shared. A public or private parking area used jointly by two or more uses.

Parking Structure (Land Use). A structure that is open for public use for parking of motor vehicles; that is composed of one or more levels; and that may be totally below grade (as in an underground parking garage) or either partially or totally above grade. A fee may or may not be charged. Does not include "Garages" or "Carports."

Parking Space. An unobstructed space or area other than a street or alley that is permanently reserved, maintained, and accessible for the parking of 1 motor vehicle.

Parking Space, Tandem. A pair of parking spaces (i.e., 2 spaces) arranged one behind the other.

Parks and Recreational Facilities (Land Use).

Recreation, Active. A type of outdoor recreation or activity that requires the use of organized play areas (e.g., baseball, football, softball, and soccer fields; swimming pools; tennis and basketball courts; children’s play equipment, etc.).

Recreation, Passive. A type of outdoor recreation or activity that can be carried out with little alteration or improvement to existing topography of a site, with the use of existing natural resources, and with a minimal impact (e.g., bicycling, hiking, jogging, walking, bird-watching, picnicking, etc.)

Parolee-Probationer. A parolee-probationer includes: (i) any individual who has been convicted of a federal crime, sentenced to a United States prison, and received conditional and revocable release in the community under the supervision of a federal parole officer; (ii) any individual who has served a term of imprisonment in a State prison and who is serving a period of supervised community custody, as defined in Penal Code Section 3000, and is under the jurisdiction of the California Department of Corrections, Parole and Community Services Division; (iii) an adult or juvenile sentenced to a term in the California Youth Authority and who has received conditional and revocable release in the community under the supervision of a Youth Authority Parole Officer; or (iv) any individual who has been convicted of a felony, sentenced to any correctional facility, including County correctional facilities, and is under the jurisdiction of any federal, state, or County parole or probation officer. For the purposes of this definition, “felony” means a felony as defined by any California or United States statute.

Parolee-Probationer Home (Land Use). Any residential structure or dwelling unit, whether owned and/or operated by an individual or a for-profit or nonprofit entity, which houses 2 or more parolees-probationers unrelated by blood, marriage, or legal adoption, in exchange for monetary or nonmonetary consideration given and/or paid by the parolee-probationer and/or any public or private entity or person on behalf of the parolee-probationer. Does not include “Residential Care Facilities.”

Patio. A paved outdoor area that is used for lounging, dining, etc.

Patio Cover. A solid-roof or open-roof structure that covers a patio, platform, or deck area. A patio cover may be detached from, or attached to, another structure. See “Awning” and “Canopy.”

Permit and Appeal Jurisdiction Map. Permit and Appeal Jurisdiction Map. A map depicting those areas where the Coastal Commission retains permit and appeal jurisdiction and those areas that are categorically excluded from requirements to obtain a Coastal Development Permit; provided that development conforms to the conditions of the Exclusion Order. See “Appeal Area” and “Categorical Exclusion Area.” (See Part 8, Figures P-1 through P-3)

The exclusion only excludes a category of development from permitting, not everything.

Person. An individual, organization, partnership, limited liability company, or other business association or corporation, including a utility, and a federal, state, local government, or special district or agency.

Personal Property Sales (Land Use). The sale or offering for sale to the general public of miscellaneous personal property, as regulated by Section 20.60.160 (Personal Property Sales). The term “personal property sales” includes “estate sales,” “garage sales,” “lawn sales,” and “yard sales.” Does not include “sidewalk sales” (see “Outdoor Storage, Display, and Activities.”).

Personal Services (Land Use). Establishments that provide recurrently needed services of a personal nature. Illustrative examples of these uses include:

- | | |
|--|---|
| <ul style="list-style-type: none"> • barber and beauty shops • clothing rental shops • day spas • dry cleaning pick up stores with limited equipment | <ul style="list-style-type: none"> • healing arts (acupuncture, aromatherapy, etc.) with no services qualifying under “Massage Establishments” • laundromats (self service laundries) • shoe repair shops • tailors and seamstresses • tanning salons • tattoo services and body piercing studios |
|--|---|

Personal Storage (Mini-Storage) (Land Use). A structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces.

Pharmacy, Medical Supplies (Land Use). An establishment that sells medical equipment and supplies for home health care (e.g., scales, walking aids, bathroom safety aids; skin and personal care products; braces, supports, and splints; bandages and tape; etc.)

Planning Commission. The Newport Beach Planning Commission, referred to throughout this Zoning Code as the “Commission.”

Postal Service (Land Use). An establishment that provides commercial postal services directly to the customer, including letter and parcel mailing, post office box rental, and related services.

Principal Structure. See “Structure, Principal.”

Principal Use. See “Use, Principal.”

Principal Zoning District. See “Zoning District, Principal.”

Printing and Duplicating Services (Land Use). Establishments that provide printing and duplicating services using blueprint, photocopy, and offset printing and similar equipment, including small-scale photo processing. Does not include photographic laboratories and industrial printing and publishing plants.

Private Open Space. See “Open Space.”

Project. An enterprise involving the development, structural modification, or redevelopment of commercial, industrial, mixed-use, residential, or other properties.

Protective Structure. A structure built parallel to the bluff edge, bluff toe, canyon edge, canyon toe, or shoreline (e.g., retaining wall, vertical seawall, riprap, revetment, bulkhead, etc.) for the purposes of protecting a structure or other upland property.

Public Access. The ability of the public to pass to and from the ocean, harbor, bay, channels, estuaries, salt marshes, sloughs, coastal blufftops, and coastal recreation areas and trails.

1. **Vertical access:** Provides public access from the first public road to the shoreline or bluff edge, or perpendicular to the shoreline or bluff edge.
2. **Lateral access:** An accessway for public access and use along the shoreline or bluff edge.

Public Park and Playground (Land Use). Land owned or operated by a municipality, school district, county, state, or other governmental unit and designed to serve the recreation needs of the residents of the City. Includes parks, play lots, playgrounds, athletic fields, sports courts. May also include passive outdoor recreation areas that are located in conservation areas ("Conservation Areas"). Does not include the same facilities that are privately-owned or commercial facilities ("Commercial Recreation and Entertainment").

Public Trust Lands. All lands subject to the Common Law Public Trust for commerce, navigation, fisheries, recreation, and other public purposes. Public Trust Lands include tidelands, submerged lands, the beds of navigable lakes and rivers, and historic tidelands and submerged lands that are presently filled or reclaimed and which were subject to the Public Trust at any time (California Code of Regulations, Section 13577). See "Tidelands" and "Submerged Lands."

Public View.

1. **Coastal View Road.** A vantage point along a public road or corridor as designated on General Plan Figure NR 3 (Coastal Views).
2. **Public View.** A vista of features seen from a public vantage point, including bodies of water, beaches, coastline, islands, ridges, bluffs, canyons, geologic features, and landmarks. The term "view" does not mean an unobstructed panorama of these features.
3. **Public View Point.** A public vantage point as designated on General Plan Figure NR 3 (Coastal Views).

"Q" Definitions

Qualified Biologist. A person who has earned a minimum of a Bachelor of Science degree in biology or a related field from an accredited college or university and has demonstrated field experience evaluating land use impacts on marine or wildlife species and their habitats. Biologists who conduct wetland delineations shall have completed the U.S. Army Corps of Engineers' "Reg IV" wetland delineation training, or the equivalent, and shall have the demonstrated ability to independently conduct wetland delineations.

Queue Space. A temporary waiting area for motor vehicles or persons obtaining a service or other activity.

“R” Definitions

Recreational Vehicle (RV). A motor home, travel trailer, truck camper, or camping trailer, with or without motor power, designed for human habitation for recreational, emergency, or other occupancy.

Recreational Vehicle (RV) Park. See “Visitor Accommodations.”

Recycling Facilities (Land Use). A variety of facilities involved with the collection of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. Recyclable material includes reusable materials that can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper, and plastic. Recyclable material does not include refuse or hazardous materials. This land use does not include storage containers located on a residentially, commercially, or industrially designated site used solely for the recycling of material generated on the site.

1. **Collection facility (large).** A facility that occupies an area of more than 350 square feet and/or includes permanent structures where the public may donate, redeem, or sell recyclable materials.
2. **Collection facility (small).** A facility that occupies an area of 350 square feet or less where the public may donate, redeem, or sell recyclable materials.

Research and Development (Land Use). Establishments engaged in industrial or scientific research, including product testing. Includes electronic research firms or pharmaceutical research laboratories. Excludes manufacturing, except of prototypes, and medical testing and analysis.

Residential Care, Accessory.

Residential Care Facilities (Land Use).

General Licensed (7 or more persons). A place, site or building, or groups of places, sites or buildings, licensed by the State, in which 7 or more individuals with a disability reside who are not living together as a single housekeeping unit (see “Single Housekeeping Unit”) and in which every person residing in the facility (excluding the licensee, members of the licensee's family, or persons employed as facility staff) is an individual with a disability. Does not include “Group Residential.”
Licensed vs. Unlicensed.

General Unlicensed (7 or more persons). A place, site or building, or groups of places, sites or buildings, which is not licensed by the State, and is not required by law to be

licensed by the State, in which 7 or more individuals with a disability reside who are not living together as a single housekeeping unit (see “Single Housekeeping Unit”) and in which every person residing in the facility (excluding persons employed as facility staff) is an individual with a disability. Does not include “Group Residential.”

Limited Licensed (6 or fewer persons). State licensed facilities that provide care, services, or treatment in a community residential setting for 6 or fewer adults, children, or adults and children and which are required by State law to be treated as a single housekeeping unit for zoning purposes. Small licensed residential care facilities shall be subject to all land use and property development regulations applicable to single housekeeping units (see “Single Housekeeping Unit”). Does not include “Group Residential.”

Small Unlicensed (6 or fewer persons). A place, site or building, or groups of places, sites or buildings, which is not licensed by the State of California and is not required by law to be licensed by the State, in which 6 or fewer individuals with a disability reside who are not living together as a single housekeeping unit and in which every person residing in the facility (excluding persons employed as facility staff) is an individual with a disability. Does not include “Group Residential.”

Responsible Authority. See “Review Authority.”

Restaurant. See “Eating and Drinking Establishments.”

Retail Sales (Land Use).

General. Retail establishments, completely enclosed within structures, engaged in selling goods or merchandise to the general public. Examples of these establishments and lines of merchandise include:

- antiques
- appliances
- artists' supplies
- automotive parts and accessories
- bakeries (retail only)
- bicycle sales and rentals
- books
- cameras and photographic supplies
- carpeting and floor covering
- clothing and accessories
- convenience market
- drug and discount stores
- electronic equipment
- fabrics and sewing supplies
- florists and houseplant stores (indoor sales only)
- gift shops
- grocery store
- handcrafted items
- hardware
- hobby materials
- jewelry
- kitchen utensils
- locksmiths
- luggage and leather goods
- medical supplies and equipment
- musical instruments, parts and accessories
- newsstands
- office supplies
- orthopedic supplies
- paint and wallpaper
- pharmacies
- religious goods
- secondhand clothing sales
- shoe stores
- small wares
- specialty food and beverage
- specialty shops
- sporting goods and equipment
- stationery
- supermarket
- tobacco
- toys and games
- travel services

Bulk Merchandise. Retail establishments engaged in selling goods or merchandise to the general public as well as to other retailers, contractors, or businesses, and rendering services incidental to the sale of the goods. Bulk retail is differentiated from general retail by either of the following characteristics:

1. A high volume of sales of related and/or unrelated products in a warehouse setting (i.e., “big box” retail).
2. The sale of goods or merchandise that require a large amount of floor space and that are warehoused and retailed at the same location.

Examples of items for sale include:

- Electrical and heating fixtures and supplies
- Furniture
- Groceries
- Household appliances
- Household furnishings
- Household products
- Lumber
- Nursery stock
- Personal care products

Does not include “Marine Sales”, “Warehousing,” “Wholesaling,” or “Vehicle Sales.”

Retaining Wall. A wall used to support or retain an earth embankment or area of fill.

Review Authority. The individual or official City body identified by this Zoning Code as having the responsibility and authority to review and approve or disapprove ministerial and discretionary permit applications described in this Zoning Code. Includes Newport Beach City Council (“Council”), the Planning Commission (“Commission”), the Planning Director (“Director”), the Zoning Administrator (“Zoning Administrator”), and the Planning Department (“Department”).

Right-of-Way. An area of land acquired by reservation, dedication, prescription, or condemnation for public road, crosswalk, pedestrian walkway, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer, or other similar uses.

Riparian. Consists of trees, shrubs, or herbs that occur along watercourses or water bodies. The vegetation is adapted to flooding and soil saturation during at least a portion of its growing season.

“S” Definitions

Scenic Area. Places on, along, within, or visible from coastal view roads, trails, beaches, and parklands that offer scenic vistas of the beach and ocean, coastline, mountains, and coastal canyons.

Schools, Public and Private (Land Use). A public or private academic educational institution or schools providing specialized education/training. Illustrative examples of these uses include:

- | | |
|--|--|
| <ul style="list-style-type: none"> • art school • boarding school • business, secretarial, and vocational school • community college, college, or university • computers and electronics school • culinary arts • dance school • drama school • driver education school | <ul style="list-style-type: none"> • elementary, middle, or high schools • language school • military academy • music school • photography school • professional school (law, medicine, etc.) • seminaries/religious ministry training facility • tutoring centers |
|--|--|

Also includes facilities that offer specialized programs in personal growth and development (i.e., arts, communications, diet centers, environmental awareness, management, etc.). Does not include part-time religious instruction at places of worship or preschools and child day care facilities (see "Day Care, General"). See "Studio - Art, Dance, Martial Arts, Music, etc."

School, related to medical professions (Land Use). An establishment that provides specialized on-site training of technical medical skills (e.g. anesthesiology technician, cardiovascular technician, dental assistant, emergency medical technician, medical laboratory technician, MRI technician, optical technician, pharmacy technician, phlebotomy technician, ultrasound technician, x-ray technician, etc.).

Sea. The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through a connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, and creeks and excluding flood control and drainage channels.

Second Unit. A dwelling unit accessory to and attached to, detached from, or contained within the principal dwelling unit on a site.

Security. Bonds, cash deposits, letters of credit, and/or other instruments acceptable to the City that are used to guarantee specific performance.

Senior Citizen Housing Development. A residential development developed, substantially rehabilitated, or substantially renovated for, senior citizens that has at least 35 dwelling units and that conforms to Civil Code 51.3 (4).

Sensitive Species. Includes those plant and animal species considered threatened or endangered by the U.S. Fish and Wildlife Service and/or the California Department of Fish and Game according to Section 3 of the Federal Endangered Species Act.

Endangered. A species in danger of extinction throughout all, or a significant portion of, its range.

Threatened. A species likely to become an endangered species within the foreseeable future throughout all, or a portion of, its range.

Service Station. See “Vehicle/Equipment Services.”

Service Station Fueling Space. A temporary parking space immediately adjacent to a fuel dispensing unit.

Setback. The distance by which a structure, parking area, or other feature must be separated from a lot line or other designated point or line. See "Setback Area" and Figure 7-4 (Setbacks).

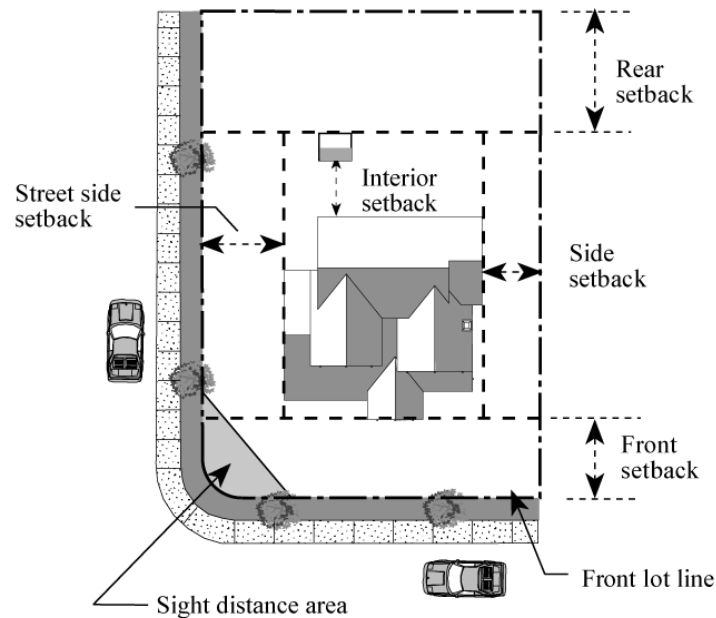


Figure 7-3 - Setbacks

Setback Area. An area within a lot that is established for the purpose of governing the location of structures on a lot. A setback area is located between a setback line and the nearest relevant parallel lot line and is unobstructed and unoccupied from the ground upward, except for encroachments allowed in compliance with Section 20.30.090 (Setback Regulations and Exceptions). See Figure 7-3 (Setbacks). See “Yard.”

- 1. Front Setback Area.** An area that extends across the full width of a lot between the front lot line and the required front setback line.

2. **Rear Setback Area.** An area that extends the full width of a lot between the rear lot line and the required rear setback line.
3. **Side Setback Area.** An area that extends from a front setback line to a rear setback line between the side lot line and the required side setback line.

Setback Line. Within a lot, a line established to indicate the boundary of a specified front, side, or rear setback area. A setback line may be parallel to and equidistant from a lot line (front, back, and side) or from a current or future public right-of-way, whether acquired in fee, easement, or otherwise; or may be coterminous with the lot line. See the development standards tables in Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards) for the minimum required horizontal distance between a lot line and a setback line. See “Lot Line.”

Shopping Center. A grouping of retail business and service uses on a single site with common parking facilities.

Shoreline. Intersection of the sea with land; the line that delineates the shoreline on nautical charts and surveys published by the National Oceanic and Atmospheric Administration and that approximates the mean low water line from the time the chart was prepared. See “Sea.”

Shoreline Protective Structure. See “Protective Structure.”

Short-Term Lodging (Land Use). See “Visitor Accommodations – Residential.”

Signs. See Chapter 20.54 (Signs).

Single Housekeeping Unit. The functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities and responsibilities (e.g., meals, chores, household maintenance, expenses, etc.) and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.

Single-Unit Dwelling. See “Dwellings.”

Site. A lot or adjoining lots under single ownership or single control, considered as a unit for the purposes of development or other use.

Site Coverage. The percentage of a site covered by structures and accessory structures and by decks more than 30 inches in height.

Site Plan. A drawing of a lot, drawn to scale, showing the actual measurements, the size and location of existing structures or structures to be erected, the location of the lot in relation to abutting streets, and other information.

Skylight. The portion of a roof that is glazed to admit daylight, including the mechanical fastening required to hold the glazing and to provide a weatherproofing barrier.

Slope. Land gradient described as the vertical rise divided by the horizontal run, and expressed in percent or ratio. Slope is determined using the following equation:

Slope = (V / H) x 100, where

V = vertical distance between the highest elevation and lowest elevation of a straight line drawn perpendicular to the sloping surface;

H = horizontal distance of a straight line drawn perpendicular to the sloping surface.

Solar Equipment. A solar collector or solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, water heating, or for power generation.

Solid Waste. Garbage, refuse, rubbish, or other discarded materials, including garbage with insufficient liquid content to be free flowing, generally disposed of in landfills or incinerated.

Special Events (Land Use). See Municipal Code Chapter 11.03.

Specific Plan. Under Government Code Section 65450 et seq., a policy statement and implementation tool adopted by the City Council that addresses a single project or planning problem. A specific plan may include detailed regulations, conditions, programs, and/or proposed legislation that may be necessary or convenient for the systematic implementation of a General Plan element(s).

Stream. A topographic feature that at least periodically conveys water through a bed or channel having banks. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation.

Street. A public or private vehicular right-of-way (e.g., local streets, commuter roadways, arterials, etc.), but not including alleys, driveways, or off-road bikeways.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Includes "Building."

1. **Structure, Accessory.** See "Accessory Structures."
2. **Structure, Attached.** A structure that is connected to another structure by means of a wall, roof, stairway, atrium, breezeway, or other structural connection.
3. **Structure, Detached.** A structure that does not have a wall or roof in common with another structure.
4. **Structure, Principal.** A structure in which the principal use of the lot and/or building site is conducted.

Studio - Art, Dance, Martial Arts, Music, etc. (Land Use). A small-scale instructional facility that typically accommodates one student or a group of students at a time, in no more than one instructional space. Examples of these small-scale facilities include: instruction and training in the arts, martial arts, gymnastics, etc.; photography and the processing of photographs produced only by users of the studio facilities; production studios for individual filmmakers, musicians, painters, sculptors, photographers, and other artists. Larger facilities are included

under the definition of "Schools – Public and Private." These uses may also include accessory retail sales of products related to the services provided.

Submerged Lands. Lands that lie below the line of mean low tide (from California Code of Regulations, Section 13577). See "Public Trust Lands."

Subdivision. See Municipal Code Title 19 (Subdivisions).

Subdivision Map Act. Division 2, Title 7 of the California Government Code, commencing with Section 66410, as amended, regarding the subdivision of real property.

Supermarket (Land Use). A retail establishment that generally maintains a minimum gross floor area of 10,000/15,000 square feet and carries a broad range of food products (e.g., fresh fruits; fresh vegetables; baked goods, meat, poultry, and/or fish products; frozen foods; processed and prepackaged foods, etc.). May include accessory uses (coffee kiosks, ATM's, banks, etc.). Does not include "Convenience Market."

Surface, Finished. See "Finished Surface."

"T" Definitions

Tandem Parking Space. See "Parking Space, Tandem."

Temporary Events (Land Use). See Section 20.66.080 (Limited Term Permits). Does not include Special Events (see "Special Events").

Temporary Structures (Land Use). See Section 20.66.080 (Limited Term Permits)

Temporary Uses (Land Use). See Section 20.66.080 (Limited Term Permits).

Tidelands. Lands that are located between the lines of mean high tide and mean low tide (from California Code of Regulations, Section 13577). See "Public Trust Lands."

Time Share Facility (Land Use). See "Visitor Accommodations."

Traffic Safety Area. A triangular area as described in Section 20.30.110 (Traffic Safety Visibility Area).

Transportation Demand Management (TDM). A strategy for reducing demand on the road system by reducing the number of vehicles using the roadways and/or increasing the number of persons per vehicle. TDM attempts to reduce the number of persons who drive alone on the roadway during the commute period and to increase the number in carpools, vanpools, buses and trains, walking, and biking. TDM can be an element of Transportation Systems Management (TSM) (see "Transportation Systems Management (TSM)").

Transportation Systems Management (TSM). Individual actions or comprehensive plans to reduce traffic congestion by increasing the efficiency of the transportation system itself.

Examples include improved traffic signal timing, coordination of multiple traffic signals, or spot improvements that increase capacity of the roadway system.

Triplex. See “Dwelling, Multi-Unit.”

Tsunami. A long period wave, or seismic sea wave, caused by an underwater disturbance (e.g., volcanic eruption, earthquake,, etc.).

Two-Unit Dwelling. See “Dwelling, Two-Unit.”

“U” Definitions

Unit. See “Dwelling Unit.”

Usable Open Space. See “Open Space.”

Use. The purpose for which land or a structure is, arranged, designed, intended, maintained, or occupied.

Use, Accessory. See “Accessory Use.”

Use, Allowed. A use of land identified by Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards) as a permitted or conditional use that may be established with a development permit, subject to compliance with all applicable provisions of this Zoning Code.

Use, Principal. The predominant use of a lot, building, or structure.

Use, Nonconforming. See “Nonconforming Use.”

Utility (Land Use). A facility for the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication, and telephone cable services by public utilities, and includes facilities for the generation of electricity. Does not include utilities in the public right-of-way (see Municipal Code Chapter 13.20 [Public Rights-of-way]) and does not include “Wireless Telecommunication Facilities” (see Municipal Code Chapter 15.70 [Wireless Telecommunication Facilities]).

“V” Definitions

Variance. A discretionary entitlement that waives or relaxes the development standards of this Zoning Code, in compliance with Section 20.66.100 (Variances).

Vehicle/Equipment Rentals (Land Use).

General. Rental of automobiles, construction equipment, motorcycles, recreational vehicles, trucks, and similar vehicles and equipment, including on-site storage and incidental maintenance that does not require pneumatic lifts. Does not include boat rentals (see “Marine Rentals and Sales”).

Limited. Limited to the rental of bicycles, tricycles, quadricycles, or similar pedal-propelled or battery-propelled equipment. May also include the maintenance, minor repair, and on-site storage of the equipment offered for rent.

Office Only. Rental of automobiles, motorcycles, recreational vehicles, trucks, and other types of transportation vehicles. Does not include the on-site storage of or incidental maintenance of vehicles. Does not include boat rentals (see “Marine Rentals and Sales”).

Vehicle/Equipment Sales (Land Use).

General. Sale of automobiles, construction equipment, motorcycles, recreational vehicles, trucks, and similar vehicles and equipment, including display, storage, maintenance, repair, and incidental rental of the vehicles and equipment. May include the sale, installation, and servicing of related equipment and parts. Does not include boat sales (see “Marine Rentals and Sales”).

Limited. Limited to the sale of automobiles, including display, storage, minor maintenance, and incidental rental. Does not include maintenance and/or repair requiring pneumatic lifts. Does not include boat sales (see “Marine Rentals and Sales”).

Vehicles Sales, Office Only. Limited to an office for the sale of automobiles. Does not include on-site inventory, display, storage, maintenance, or repair of automobiles. May be subject to parking requirements of the Department of Motor Vehicles.

Vehicle/Equipment Repair (Land Use).

General. Major repair of automobiles, motorcycles, recreational vehicles, or trucks. Examples of uses include body and fender shops; brake shops; full-service motor vehicle repair garages; machine shops; painting shops; tire sales and installation shops; towing services; and transmission shops. Does not include vehicle dismantling or salvage and tire retreading or recapping. Does not include boat repair (see “Marine Services”).

Limited. Minor repair of automobiles, motorcycles, recreational vehicles, or light trucks, vans, or similar size vehicles. Examples of uses include brake adjustments and repairs; installation of electronic equipment (e.g., alarms, stereos, etc.); servicing of cooling, electrical, fuel, and exhaust systems; oil and lube shops; wheel alignment and balancing. Does not include boat repair. See “Marine Services.”

Vehicle/Equipment Services (Land Use).

1. **Automobile Washing/Detailing.** Establishments engaged in the washing, waxing, or cleaning of automobiles or similar light vehicles.

Full Service. A car wash establishment where operating functions are performed entirely by an operator/owner with the use of washing, waxing, and drying equipment supplemented with manual detailing by the operator/owner.

Self Service or Accessory. An establishment where washing, drying, polishing, or vacuuming of an automobile is done by the car driver or occupant.

2. **Service Station.** An establishment engaged in the retail sale of gasoline, diesel, and alternative fuel, lubricants, parts, and accessories, including incidental "minor" maintenance and repair of automobiles and light trucks, vans, or similar size vehicles. Does not include body and fender work or "heavy" repair of trucks or other motor vehicles (see "Vehicle/Equipment Repair, General").
3. **Vehicle Storage.** Storage of operative or inoperative vehicles, including tow yards (i.e., outdoor storage facilities for the temporary storage of towed vehicles), impound yards, and storage lots for automobiles, trucks, buses, and recreational vehicles. Does not include vehicle/equipment repair activities (see "Vehicle/Equipment Repair") or vehicle dismantling or salvage.

Very Low-Income Household. A household whose income is 50% or less of the Orange County median income, adjusted for actual household size, as determined by the California Department of Housing and Community Development.

Vessel. Every type of watercraft that is used or capable of being used as a means of transportation on water. This includes all vessels of any size home-ported, launched/retrieved, or visiting in Newport Harbor, arriving by water or land, and registered or unregistered under State or Federal requirements, except a seaplane on the water.

Visitor Accommodations, Residential (Land Use).

1. **Bed and Breakfast Inn.** A dwelling unit that offers guest rooms or suites for a fee for less than 30 days, with incidental eating and drinking service provided from a single kitchen for guests only.
2. **Short-Term Lodging.** A dwelling unit that is rented or leased as a Single Housekeeping Unit (see "Single Housekeeping Unit") for a period of less than 30 days, subject to the requirements of Municipal Code Chapter 5.95 (Short-Term Lodging Permits).

Visitor Accommodations, Nonresidential (Land Use).

1. **Hotel.** An establishment that provides guest rooms or suites for a fee to transient guests for sleeping purposes. Access to units is primarily from interior lobbies, courts, or halls. Related accessory uses may include conference and meeting rooms, restaurants, bars, and recreational facilities. Guest rooms may or may not contain kitchen facilities for food preparation (i.e., refrigerators, sinks, stoves, and ovens). Hotels with kitchen facilities are commonly known as extended stay hotels. A hotel operates subject to taxation under Revenue and Taxation Code Section 7280.

2. **Motel.** An establishment that provides guest rooms for a fee to transient guests for sleeping purposes. Guest rooms do not contain kitchen facilities. A motel is distinguished from a hotel primarily by direct independent access to, and adjoining parking for, each guest room. A motel operates subject to taxation under Revenue and Taxation Code Section 7280.
3. **Recreational Vehicle (RV) Park.** A lot upon which two or more recreational vehicle sites are located, established, or maintained for occupancy for a rental fee by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

5. **Time Share Facilities.**

Time Share Project. A development in which a purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of an ownership interest in a lot, unit, room(s), or segment of real property, annually or on some other seasonal or periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided and shall include, but not be limited to time share estate, interval ownership, vacation license, vacation lease, club membership, time share use, hotel/condominium, or uses of a similar nature.

Time Share Estate. A right of occupancy in a time share project that is coupled with an estate in the real property.

Time Share Interval. The period or length of time of occupancy in a time share unit.

Time Share Unit. Each portion of the real property or real property improvement in a project that is divided into time share intervals.

Time Share Use. A license or contractual or membership right of occupancy in a time share project that is not coupled with an estate in the real property.

Visitor-Serving Retail (Land Use). Retail establishments engaged in selling goods or merchandise to tourists and visitors. Examples of these establishments and lines of merchandise include:

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- antiques
 - appliances
 - art galleries
 - artists' supplies
 - bakeries (retail only)
 - bicycle sales and rentals
 - books
 - cameras and photographic supplies
 - clothing and accessories
 - convenience market
 - drug and discount stores
 - gift shops
 - handcrafted items
 - hobby materials
 - jewelry
 - luggage and leather goods
 - newsstands
 - pharmacies
 - specialty food and beverage
 - specialty shops
 - sporting goods and equipment
 - tobacco
 - toys and games
 - travel services

“W” Definitions

Warehousing (Land Use). Establishments engaged in providing facilities for the storage of furniture, household goods, products, or other commercial goods. Includes cold storage. Does not include personal storage (mini storage) facilities offered for rent or lease to the general public ("Personal Storage-Mini-Storage"); or warehouse facilities in which the primary purpose of storage is for wholesaling ("Wholesaling").

Small – Establishments located in facilities that are 5,000 square feet or less in size.

Large – Establishments located in facilities that are over 5,000 square feet in size.

Water Transportation Services (Land Use). See “Marine Services.”

Waterfront Lot. See “Lot, Waterfront.”

Water Course. A natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite channel, bed and banks, and includes an area adjacent thereto subject to inundation by reason of overflow or flood water.

Wetlands – WITHIN Coastal Zone. Lands that may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. [Section 30121, Coastal Act.] Also includes land

where the water table is at near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes and types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentration of salts or other substances in the substrate. These wetlands can be recognized by the presence of surface water or saturated substrate at some during each year and their location within, or adjacent to vegetated wetland or deepwater habitats. [Section 13577 (b)(1) of the California Code of Regulations.]

Wetlands – OUTSIDE the Coastal Zone. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. [Joint definition of the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency]

Wholesaling. An establishment that sells and/or distributes merchandise to retailers; to industrial, commercial, institutional, or professional businesses; or to other wholesalers; or acts as an agent or broker and buys merchandise for, or sells merchandise to, retailers, businesses, or other wholesalers. Does not include “Retail Sales” or “Warehousing.”

Wireless Telecommunication Facility. See Municipal Code Chapter 15.70 (Wireless Telecommunication Facilities.)

Working Day. A day when work is normally done as distinguished from a Saturday, Sunday, legal holiday, or other day the City is not open for business. See “Calendar Day.”

“X” Definitions

Xeriscaping. A set of landscape design and maintenance principles and horticultural practices that promote efficient use of water. The term “xeriscape” is a registered trademark of the National Xeriscape Council and means water-conserving, drought-tolerant landscaping.

“Y” Definitions

Yard. The area between a lot line and a principal structure. May be the same size as or larger than a required setback area.

“Z” Definitions

Zoning District. A residential, commercial, industrial, mixed-use, special purpose, or overlay district established by Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards) within which certain land uses are allowed or prohibited, and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.).

(i.e.,

Zoning District, Principal. The zoning district applied to a site by the Zoning Map, to which an overlay zoning district may also be applied. See “Overlay Zoning District.”