
Chapter 20.60 – Standards for Specific Land Uses

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20.60.010 – Purpose

This Chapter provides site planning, development, and operational standards for a variety of specified land uses.

20.60.020 – Adult-Oriented Businesses

This Section provides standards to regulate adult-oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of adult-oriented businesses within the City, thereby reducing or eliminating the adverse secondary effects from these establishments (i.e., crime and degraded commercial and residential neighborhoods). The requirements of this Section are in addition to those provided in Municipal Code Chapter 5.96 (Adult-Oriented Business).

- A. Zoning Districts.** Adult-oriented businesses shall be allowed in compliance with Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards) and where commercial uses area allowed in planned community districts.

- B. Permit requirements.** Adult-oriented businesses shall obtain a permit in compliance with Municipal Code Chapter 5.96 (Adult-Oriented Business) before any other permit is issued (e.g., building permit, development permit, etc.).
- C. Location restrictions.** An adult-oriented business shall not be located:
1. Within 500 feet of the boundary of any residential zoning district or residential use, including residential uses in mixed-use zoning districts; or
 2. Within 1,000 feet of any lot upon which there is properly located a religious institution, public beach or park, school or City facility, including but not limited to City Hall, and Newport Beach libraries, police, and fire stations; or
 3. Within 500 feet of another adult-oriented business.
- D. Measurement.** The distance of separation shall be measured using a straight line, without regard to intervening structures or objects, from the zoning district boundary line or the property line of the lot on which the adult-oriented business is located to the nearest property line of the lot upon which is located a residential use, place of worship, park, or school. If the residential use, place of worship, park or school is located on the same lot as the adult-oriented business, the distance between the two shall be measured in a straight line between the front doors of each use without regard to intervening structures or objects.

20.60.030 – Alcohol Sales – Off-Sale [Revised]

The purpose of this Section is to preserve a healthy environment for residents and businesses by establishing a set of consistent standards for the safe operation of retail alcohol sales establishments. It is recognized that hospitality, entertainment, recreation and related businesses are a significant part of the City's economy, and that alcoholic beverage sales are important to the operation of these businesses. It is also recognized that alcohol abuse can create environments that jeopardize the continued success of these businesses and seriously affect the health, safety, and general welfare in surrounding areas, particularly residential neighborhoods.

This Section is intended to prevent alcohol-related problems (e.g., driving under the influence, assaults, domestic violence, public inebriation, littering, loitering, obstruction of pedestrian traffic, noise, traffic violations, illegal parking, interference with children on their way to and from school, interference with shoppers using the streets, defacement and damaging of public and private property, etc.). This Section provides a set of additional tools to reduce the costly and harmful effects of irresponsible alcohol sales and consumption on local businesses, residents, law enforcement, medical care, and educational, preventive, treatment and rehabilitation resources.

A. Operating standards.

1. **Alcohol consumption on premises prohibited.** Consumption of alcoholic beverages inside a retail alcohol sales establishment, outside the building, or elsewhere outside on the premises shall be prohibited.
2. **Sales activities.** Alcoholic beverages shall not be sold:

- a. Outside the exterior walls of the alcohol sales establishment;
 - b. From drive-up or walk-up service windows; or
 - c. To persons in watercraft.
- 3. Litter and graffiti.** The owner/operator shall:
- a. Maintain the exterior of the premises, including signs and accessory structures, free of litter and graffiti at all times;
 - b. Provide for daily removal of trash from the premises and abutting sidewalks or alleys within 20 feet of the premises ; and
 - c. Remove graffiti within 48 hours of written notice from the City.
- 4. Security.** The City's review authority may require the alcohol sales establishment to provide security personnel and/or surveillance devices.
- 5. Sales training.**
- a. **Personnel.** Owners, operators, and employees selling alcoholic beverages shall complete a certified training program in responsible methods and skills for serving and/or selling alcoholic beverages. A certified program shall meet the standards of a certifying/licensing body approved by the Department of Alcoholic Beverage Control.
 - b. **Records.** Records of each owner's, operator's and employee's successful completion of the certified training program shall be maintained on the premises and shall be presented to a representative of the City upon request.
- 6. Outdoor storage.** The outdoor storage of boxes, equipment, materials, merchandise, and other similar items shall be prohibited.
- 7. Posted conditions of approval.** The owner/operator shall maintain a copy of the most recent City permit conditions of approval and operating standards on the premises and shall post them where they are readily viewable by an employee, customer, or representative of a governmental agency. The posted copy shall be signed by the permittee.
- 8. Public telephones.** Upon request of the Police Chief or as required by the ABC, a public telephone located on the premises or in an adjacent area under the control of the owner/operator shall be equipped with devices or mechanisms that prevent persons from calling into that public telephone.
- B. Development standards.**
1. **Signs.** Signs shall comply with Chapter 20.54 (Signs). In addition, the following shall apply:

- a. Window signs shall not obstruct the view of the interior of the premises, (e.g., sales counter, cash register, employees, customers, etc.) from the exterior.
 - b. Loitering, open container, and other signs specified by the Alcoholic Beverage Control Act shall be posted as required by the ABC.
2. **Site and floor plans.** The site and floor plans of an alcohol sales establishment shall incorporate design features to reduce alcohol-related problems. The review authority may require the incorporation of preventive design features (e.g., openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of interior and exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior, etc.).

C. Permit requirements.

1. **New permits.** Permits and licenses required by Municipal Code Title 5 (Business Licenses and Regulations) shall be obtained for new alcohol sales establishments, in addition to permits required by Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards).
2. **Amended permits.** An existing permit for an alcohol sales establishment shall be amended in the following circumstances:
 - a. **Substantial change.** When there is a substantial change in operation including **any** of the following:
 - (1) A change in type of retail liquor license from the Department of Alcoholic Beverage Control;
 - (2) An increase in the floor area or shelf space principally devoted to alcohol sales by 25 percent or more or by 250 square feet or more, whichever is less; or
 - (3) A reinstatement of alcohol sales after the ABC has revoked or suspended the existing ABC license for a period of longer than 30 days.
 - b. **Objectionable conditions.** When the establishment is operated or maintained under objectionable conditions that constitute a public nuisance, including **any** of the following:
 - (1) A pattern of documented violations of the Municipal Code, the Penal Code, or other State statutes; or
 - (2) A pattern of substantiated complaints of activity constituting evidence of a nuisance.
3. **Required findings.** In order to approve a new or amended permit for an alcohol sales establishment, the review authority shall find that the use is consistent with

the purpose and intent of this Section. This finding shall be in addition to the findings required by Section 20.66.090 (Conditional Use Permits and Minor Use Permits). In making the required finding, the review authority shall consider the following:

- a. The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.
- b. The numbers of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.
- c. The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors.
- d. The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.

4. Post-decision procedures.

- a. **Time limits.** Notwithstanding the time limits in Section 20.68.070 (Time Limits and Extensions), an approved permit for an alcohol sales establishment shall expire within 12 months from the date of approval unless the California Department of Alcoholic Beverage Control issues or transfers the ABC license before the permit expiration date.
- b. **Extension of time.** The review authority may grant a time extension for a permit for an alcohol sales establishment for a period not to exceed 12 months. An application for a time extension shall comply with Section 20.68.070 (Time Limits and Extensions).
- c. **Revocation.** The review authority may revoke a permit for an alcohol sales establishment, upon making **one or more** of the following findings in addition to the findings required in Subsection 20.82.050.B (Revocations or changes):
 - (1) The establishment is being operated in an illegal or disorderly manner.
 - (2) Noise from the establishment violates Section 20.30.070 (Noise).
 - (3) The establishment fails to fully comply with the rules, regulations, and orders of the California State Department of Alcoholic Beverage Control, including a violation of, or failure to maintain, a valid ABC license.
- d. **Discontinuance.** A permit for an alcohol sales establishment shall lapse if the use is discontinued for 90 consecutive days or if the ABC license for the establishment is revoked or transferred to a different location.

20.60.040 – Animal-Keeping [Revised]

This Section provides standards to ensure that the raising and maintenance of animals does not create an adverse impact on adjacent properties by reason of dust, noise, visual blight, odor, fumes, bright lights, or insect infestations.

- A. Compliance with standards.** Animal-keeping shall comply with the standards in Table 4-1 (Animal-Keeping Standards).

**TABLE 4-1
ANIMAL-KEEPING STANDARDS**

Type of Animal	Maximum Number of Animals per Site	Minimum Parcel Size	Minimum Setback from Lot Lines	Zoning Districts Where Allowed	Required Permit (2)
Household Pets					
Cats and/or dogs	Total of 3 animals over 4 months old	None	None	R-1 R-2 MR All MU	P
	Total of 4 animals over 4 months old	None	None	R-1 R-2	P
	Total of 6 animals over 4 months old	None	None	RA	P
Small household pets (e.g., birds; hamsters, guinea pigs, mice; nonpoisonous reptiles and snakes; rabbits, etc.)	Any combination up to 10 total	None	None	All	P
Pot-bellied pigs	One	None	None	R-A R-1	MUP (3)
Domestic Farm Animals					
Horses (noncommercial only)	One horse per each 10,000 sq ft, up to a maximum of 3 horses (1)	½ acre	See Subsection B (Required setbacks for domestic farm animals).	R-A	P
	4 or more horses (1)	1 acre	See Subsection B (Required setbacks for domestic farm animals).	R-A	MUP
Horses (commercial)	As determined by Conditional Use Permit			R-A	CUP

**TABLE 4-1
ANIMAL-KEEPING STANDARDS**

Type of Animal	Maximum Number of Animals per Site	Minimum Parcel Size	Minimum Setback from Lot Lines	Zoning Districts Where Allowed	Required Permit (2)
Goats, pigs, sheep, cows, and similar animals kept in corrals and stables	Total of 2 adult animals (1)	15,000 sq ft	See Subsection B (Required setbacks for domestic farm animals).	R-A	P
Poultry, fowl (not including roosters, cockerels, or peacocks)	10 animals per ½ acre	½ acre	See Subsection B (Required setbacks for domestic farm animals).	R-A	MUP
Other Animals					
Apiary	Prohibited – See Municipal Code Section 7.25.010.				
Aviary (noncommercial only)	Allowed in compliance with Municipal Code Section 7.15.010 (Birds).				
Wild animals	Allowed in compliance with Municipal Code Chapter 7.08 (Wild Animals).				
Notes:					
1. Offspring are exempt until they are weaned.					
2. P = Allowed without a development permit CUP = Conditional Use Permit required (Section 20.66.090) MUP = Minor Use Permit required (Section 20.66.090)					
3. See also Municipal Code Section 7.12.010 (Keeping of Livestock).					

B. Required setbacks for domestic farm animals.

- Setbacks.** Structures housing domestic farm animals shall comply with the setbacks in Table 4-2.

**TABLE 4-2
REQUIRED SETBACKS FOR STRUCTURES HOUSING DOMESTIC FARM ANIMALS**

Type of Setback	Minimum Distance from Public Rights-of-Way	Minimum Distance from Adjacent Properties within R-A Zoning District	Minimum Distance from Adjacent Properties in Other Zoning Districts	Minimum Distance from Dwelling Unit on Adjacent Property
Front	50 ft	---	---	
Side	20 ft	5 ft	25 ft	35 ft
Rear	20 ft	5 ft	25 ft	

2. **Outdoor exercise areas.** Animal exercise areas and pasturing areas (i.e., paddocks, runs, racecourses, and show grounds) may be located up to the lot line, except that those areas abutting a public right-of-way shall be set back a minimum of:
 - a. 25 feet from a front lot line; and
 - b. 10 feet from a side lot line.
- C. Maintenance and operational standards.**
1. **Applicable health and animal control regulations.** The regulations of the Orange County Health Department and the City's Animal Control Division shall apply to animal keeping.
 2. **Enclosures.** All animals, except for cats, shall be confined at all times within a suitable enclosure (e.g., fences, pens, coops, cages, corrals, etc.).
 3. **Maintenance.** Animal enclosures shall be maintained free from litter, garbage, and the accumulation of manure to discourage flies and other disease vectors. Manure shall not be allowed to accumulate within setback areas. Each site shall be continually maintained in a neat and sanitary manner.
 4. **Noise control.** Animal keeping shall comply with the Municipal Code Chapter 7.20 (Noisy Animals).
- D. Permit application review.** Where Table 4-1 (Animal-Keeping Standards) requires a Minor Use Permit or a Conditional Use Permit, the review authority shall evaluate how the proposed animals will be housed and/or confined, and whether the location, size, and design of the area for animal keeping on the site will be adequate to allow compliance with the other standards of this Section without unreasonable effort on the part of the animal manager. In approving a Minor Use Permit or Conditional Use Permit, the review authority may limit the maximum number of animals allowed on the site as appropriate to the characteristics of the site, the surrounding land uses, and the species of animals proposed.

20.60.050 – Animal Sales and Services [New]

This Section provides standards for various animal sales and services establishments for the purpose of protecting residents from their potentially adverse effects. The keeping of dogs, cats, and other small animals that does not constitute an animal boarding/kennel facility, as defined by this Zoning Code, shall be subject to the requirements of Section 20.60.040 (Animal Keeping).

- A. **Animal boarding/kennels.** The keeping of 4 or more dogs and/or cats in any combination over the age of three 3 months shall comply with Municipal Code Chapter 7.35 (Regulations of Kennels).
- B. **Animal grooming.** Animal grooming facilities shall be entirely enclosed, soundproofed, and air-conditioned. Boarding of animals, outside runs or cages, outside trash containers, and offensive odors shall be prohibited.

- C. Animal retail sales.** Animal retail sales establishments shall be entirely enclosed and air-conditioned. Boarding of animals not offered for sale, outside runs or cages, outside trash containers, and offensive odors shall be prohibited. Grooming activities shall be incidental to the retail use.
- D. Veterinary services.** Animal hospitals/clinics shall be entirely enclosed, soundproofed, and air-conditioned. Outside runs or cages, outside trash containers, and offensive odors shall be prohibited. Animal cremation shall not be allowed. Grooming activities shall be incidental to the hospital/clinic use. Temporary boarding of animals shall be allowed as an accessory use.

20.60.060 – Bed and Breakfast Inns

This Section establishes standards for the establishment and operation of bed and breakfast inns.

A. Operational standards.

1. **Operator occupancy.** An operator of a bed and breakfast inn shall live on the premises.
2. **Meals.** Serving of meals shall be limited to registered guests only.
3. **Sales.** Accessory sales of goods and services shall be limited to registered guests only. In compliance with Business & Professions Code Section 24045.12, a bed and breakfast inn may sell alcohol to registered guests only, provided that the establishment has an approved ABC License Type 80 (On-Sale General B&B license).
4. **Length of stay.** Guests may occupy accommodations up to a maximum of 14 days in any 3-month period.

B. Design and development standards.

1. **Number of guest rooms.** A maximum of 6 guest rooms shall be allowed in a dwelling unit. The review authority may further limit the number of guest rooms in residential zoning districts to ensure preservation of the neighborhood's residential character.
2. **Kitchen facilities.** Separate kitchen facilities for guests shall not be provided.
3. **Signs.**
 - a. **Residential zoning districts.** Signs in residential zoning districts shall be limited to 1 sign no larger than 4 square feet identifying the name of the establishment. The review authority may approve an increase in the sign area up to a maximum of 6 square feet, if the review authority finds that the sign will not adversely impact the residential character of the neighborhood. Internally illuminated or luminous tube signs shall be prohibited. The maximum height of signs shall not exceed 6 feet.

- b. **Nonresidential zoning districts.** Signs shall comply with Chapter 20.54 (Signs).
- C. **Other licenses and permits.** Bed and breakfast inn owners/operators shall obtain the following licenses and permits from the City and any others required by State and local laws and ordinances:
 1. Transient Occupancy Registration Certificate in compliance with Municipal Code Chapter 3.16 (Uniform Transient Occupancy Tax).
 2. Business License in compliance with Municipal Code Chapter 5.04 (Business Licenses and Regulations).
- D. **Tsunami information and evacuation plans.** Bed and breakfast inns in areas identified in General Plan Figure S1 (Coastal Hazards) as susceptible to tsunami inundation shall provide guests with information on tsunamis and evacuation plans.

20.60.070 – Child Day Care Facilities

This Section provides standards for day care facilities for children (i.e., small child day care homes (8 or fewer children), large child day care homes (9-14 children), and general child day care facilities (15 or more).

- A. **Licensing.** The operator of a small or large child day care home shall obtain a license from the California Department of Social Services.
- B. **Care provider occupancy.** Each small and large child day care home shall be the principal residence of the care provider, and the use shall be clearly residential in character, and be accessory to the use of the property as a residence.
- C. **Standards for large child day care homes.** In addition to the requirements of Paragraphs A and B, above, large child day care homes shall comply with the following:
 1. **Separation requirement.** A large child day care home within a residential zoning district shall not be located within 500 feet of another day care facility.
 2. **Drop-off/pick-up area.** A minimum of 2 off-street parking spaces as a drop-off and pick-up area shall be provided, in addition to the spaces required for the dwelling unit. A driveway may be used to provide these spaces, subject to approval by the Traffic Engineer based on traffic and pedestrian safety considerations.
 3. **Noise.** In order to protect adjacent residential dwellings from noise impacts, a facility within a residential zoning district shall only operate a maximum of 14 hours for each day between the hours of 6:00 a.m. and 8:00 p.m. and shall only conduct outdoor activities between the hours of 7:00 a.m. and 7:00 p.m.
- D. **Standards for general day care facilities.** In addition to the requirements of Paragraph C, above, general child day care facilities shall comply with the following:

1. **Lot size.** The minimum lot size for a child day care center shall be 10,000 square feet.
2. **Separation.** The minimum separation between the main assembly building or the center and a residential zoning district shall be 30 feet.
3. **Play areas and pools.** Each facility shall provide indoor and outdoor play areas in compliance with State requirements. The on-site outdoor play area shall contain at least 75 square feet per child, and in no case shall be less than 450 square feet per facility. The outdoor play area shall not be located in the front yard. A 4-foot high fence shall enclose an outdoor play area and a 5-foot high fence shall enclose a pool.

20.60.080 – Drive-Through and Drive-Up Facilities

This Section provides standards for retail trade or service uses that provide drive-in/drive-through facilities. The intent of these standards is to mitigate problems of traffic, congestion, excessive pavement, litter, noise, and unsightliness.

- A. Circulation.** The Traffic Engineer may modify these standards to accommodate specific site conditions. Each drive-through aisle shall:
1. Be separated by curbing and landscaping from the circulation routes necessary for ingress to or egress from the property or access to a parking space.
 2. Be for vehicle stacking only.
 3. Provide at least:
 - a. 100 feet of space before a menu/order board; and
 - b. 50 feet of space before a pick-up/service window for an ATM or pharmacy.
 4. Have a minimum 10-foot interior radius at curves and a minimum 12-foot width.
 5. Be clearly designated by signs/pavement markings.
- B. Walkways.** Pedestrian walkways should not intersect the drive-through access aisles. If they do intersect drive-through access aisles, they shall be clearly visible and enhanced special paving or markings.
- C. Parking.** The provision of drive-through service facilities shall not justify a reduction in the number of off-street parking spaces required in compliance with Chapter 20.52 (Off-Street Parking and Loading).
- D. Signs and menu boards.**
1. Signs shall comply with Chapter 20.54 (Signs).
 2. Menu-only boards may be provided in compliance with Subsection 20.54.080.K (Miscellaneous signs).

E. Screening.

1. Each drive-through aisle shall be appropriately screened with a combination of landscaping, low walls, and/or berms to prevent headlight glare from impacting adjacent residences, businesses, streets, and parking lots.
2. A minimum 8-foot high solid decorative wall shall be constructed on each property line that adjoins a residentially zoned or occupied parcel. The design of the wall and the proposed construction materials shall be subject to the approval of the Director. A minimum 5-foot landscaping strip shall be provided between the wall and any driveway.

20.60.090 – Eating and Drinking Establishments [Revised]

This Section provides standards for the establishment and operation of eating and drinking establishments.

A. Standards – all eating and drinking establishments.

1. **Outdoor activities.** Activities shall be conducted entirely within an enclosed structure, except for the following, which shall not be located between the activity and the side of a structure adjacent to a residential zoning district.
 - a. The checking of patrons' identification;
 - b. Valet parking activities;
 - c. Outdoor dining when in compliance with the standards in Subsection D (Standards -outdoor dining), below.
 - f. Outdoor smoking areas in compliance with State law.
 - g. Queuing of patrons which shall be managed to:
 - (1) Allow pedestrian passage on the sidewalk; and
 - (2) Not be adjacent to residential zoning districts and residential uses.
2. **Outdoor storage.** Outdoor storage of boxes, equipment, materials, merchandise, and other similar items shall be prohibited.
3. **Solid waste storage.** The review authority may require storage areas and receptacles that are in addition to the requirements for solid waste storage areas in Section 20.30.100 (Solid Waste and Recyclable Materials Storage).

B. Standards – on-sale alcohol sales.

1. **Operational standards.** In addition to the standards in Subsection A above, the following standards shall apply to eating and drinking establishments that sell, serve, or give away alcohol:

- a. Sales activities.** Alcoholic beverages shall not be sold, served, or given away:
- (1) Outside of the exterior walls of the eating and drinking establishment;
 - (2) From drive-up or walk-up service windows; or
 - (3) To persons in watercraft.
- b. Litter and graffiti.** The owner/operator shall:
- (1) Maintain the exterior of the premises, including signs and accessory structures, free of litter and graffiti at all times;
 - (2) Provide for daily removal of trash, from the premises and abutting sidewalks or alleys within 20 feet of the premises; and
 - (3) Remove graffiti within 48 hours of written notice from the City.
- c. Security.** The review authority may require the eating and drinking establishment to provide security personnel and/or surveillance devices.
- d. Sales training.**
1. Owners, operators, and employees selling, serving, or giving away alcoholic beverages shall complete a certified training program in responsible methods and skills for serving and/or selling alcoholic beverages. A certified program shall meet the standards of a certifying/licensing body approved by the Department of Alcoholic Beverage Control.
 2. Records of each owner's, operator's and employee's successful completion of the certified training program shall be maintained on the premises and shall be presented to a representative of the City upon request.
- e. Posted conditions of approval.** The owner/operator shall maintain a copy of the most recent City permit conditions of approval on the premises and shall post them where they are readily viewable by an employee, customer, or representative of a governmental agency. The posted copy shall be signed by the permittee.
- f. Public telephones.** Upon request of the Police Chief or as required by the ABC, a public telephone located on the premises or in an adjacent area under the control of the owner/operator shall be equipped with devices or mechanisms that prevent persons from calling into that public telephone.

- 2. Development standards.**
- a. Signs.** Signs shall comply with Chapter 20.54 (Signs). In addition, the following shall apply:
- (1) Window signs shall not obstruct the view of the interior of the premises, (e.g., sales counter, cash register, employees, customers, etc.) from the exterior.
 - (2) Loitering, open container, and other signs specified by the Alcoholic Beverage Control Act shall be posted as required by the ABC.
- b. Site and floor plans.** The site and floor plans of an eating and drinking establishment that sells, serves, or gives away alcohol shall incorporate design features to reduce alcohol-related problems. The review authority may require the incorporation of preventive design features (e.g., openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of interior and exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior, etc.).
- C. Standards - late-hour operations.** To encourage appropriate patron conduct, the owner/operator of an eating and drinking establishment that sells, serves, or gives away alcohol shall post signs at clearly visible locations within the establishment and at both on-site and off-site parking areas under the owner/operator's control. The signs shall request patrons to keep noise to a minimum.
- D. Standards - outdoor dining.**
- 1. Public property.** Outdoor dining on public property shall comply with Municipal Code Chapter 13.18 (Use of Public Sidewalks for Outdoor Dining) and the standards of the Public Works Department.
 - 2. Private property.** Outdoor dining on private property shall comply with the following standards:
 - a. Barriers.** Appropriate barriers shall be placed between outdoor dining areas and parking, pedestrian, and vehicular circulation areas. Barriers shall serve only to define the areas and shall not constitute a permanent all-weather enclosure.
 - b. Associated elements.** Physical elements (e.g., awnings, covers, furniture, umbrellas, etc.) that are visible from public rights-of-way shall be compatible with one another and with the overall character and design of the principal structure(s).
- E. Standards - bars, nightclubs, and lounges.** Bars, nightclubs, and lounges shall comply with the standards in Subsections A-D, above. In addition, the structure in which the bar, nightclub, or lounge is located shall be adequately soundproofed so that interior noise is not audible beyond the property line with the doors and windows closed.

F. Permit requirements.

1. **New permits.** Permits and licenses required by Municipal Code Title 5 (Business Licenses and Regulations) shall be obtained for new eating and drinking establishments, in addition to permits required by Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards).
2. **Amended permits.** An existing permit for an eating and drinking establishment shall be amended in the following circumstances:
 - a. **Substantial change.** When there is a substantial change in operation including **any** of the following:
 - (1) An application for, or a change in type of, retail liquor license from the Department of Alcoholic Beverage Control;
 - (2) An increase in the floor area principally devoted to alcohol sales by 25 percent or more or by 250 square feet or more, whichever is less; or
 - (3) A reinstatement of alcohol sales after the ABC has revoked or suspended the existing ABC license for a period of longer than 30 days.
 - b. **Objectionable conditions.** When the establishment is operated or maintained under objectionable conditions that constitute a public nuisance, including **any** of the following:
 - (1) A pattern of documented violations of the Municipal Code, the Penal Code, or other State statutes; or
 - (2) A pattern of substantiated complaints of activity constituting evidence of a nuisance.
3. **Review criteria.**
 - a. **Late-hour operations.** When reviewing an application to allow late-hour operations, the review authority shall consider the following factors:
 - (1) The potential impacts of the late-hour operations upon adjacent residential uses and residents. For the purposes of this Subparagraph, “adjacent to residential” or “adjacent residential uses” shall mean within 100 feet of a residential use or zoning district as measured between the nearest property lines; and
 - (2) Occupancy loads of the use.
 - b. **Outdoor dining.** When reviewing an application to allow outdoor dining, the review authority shall consider the relation of outdoor dining areas to sensitive noise receptors (e.g., places of worship, hospitals, schools, and

residential uses). Mitigation measures shall be applied to eliminate potential impacts related to glare, light, loitering, and noise.

4. **Required findings.** In order to approve a new or amended permit for an eating or drinking establishment that will sell, serve, or give away alcohol, the review authority shall make the findings in Section 20.60.030 (Alcohol Sales – Off-Sale).
5. **Post-decision procedures.**
 - a. **Time limits.** Notwithstanding the time limits in Section 20.68.070 (Time Limits and Extensions), an approved permit for an eating or drinking establishment that will sell, serve, or give away alcohol shall expire within 12 months from the date of approval unless the California Department of Alcoholic Beverage Control issues or transfers the ABC license before the permit expiration date.
 - b. **Extension of time.** The review authority may grant a time extension for a permit for an eating or drinking establishment that will sell, serve, or give away alcohol for a period not to exceed 12 months. An application for a time extension shall comply with Section 20.68.070 (Time Limits and Extensions).
 - c. **Revocation.** The review authority may revoke a permit for an eating or drinking establishment that sells, serves, or gives away alcohol, upon making **one or more** of the following findings in addition to the findings required in Section 20.82.050.B (Revocations or changes):
 - (1) The establishment is being operated in an illegal or disorderly manner.
 - (2) Noise from the establishment violates Section 20.30.070 (Noise Standards).
 - (3) The establishment fails to fully comply with the rules, regulations, and orders of the California State Department of Alcoholic Beverage Control, including a violation of, or failure to maintain, a valid ABC license.
 - d. **Discontinuance.** A permit for an eating or drinking establishment that will sell, serve, or give away alcohol shall lapse if the use is discontinued for 90 consecutive days or if the ABC license for the establishment is revoked or transferred to a different location.

20.60.100 – Emergency Shelters [New]

This Section provides standards for the establishment and operation of emergency shelters in compliance with Government Code Section 65583.

- A. **Maximum number of beds.** Each emergency shelter may have a maximum of 40 beds.

- B. Parking.** Off-street parking shall comply with Chapter 20.52 (Off-Street Parking and Loading). Non-operational and unregistered vehicles shall not be kept on site. Towing shall be the responsibility of the shelter operator.
- C. Design and amenities.**
1. **Exterior waiting area.** Each emergency shelter shall provide an exterior waiting area of at least 10 square feet per bed to accommodate clients and to prevent queuing into the public right-of-way. An exterior waiting area shall be physically separated from the public right-of-way.
 2. **Facility layout.** Living, dining, and kitchen areas shall be physically separated from sleeping areas.
 3. **Sleeping area.** Each emergency shelter shall provide at least 35 square feet of sleeping area per bed.
 4. **Bathroom facilities.** Each emergency shelter shall provide facilities for personal care (i.e., bathroom and shower facilities).
 5. **Telephone services.** The shelter shall provide landline telephone services separate from the office phone in order to provide privacy. Any payphones provided shall allow call-out service only.
 6. **Additional standards.** Each emergency shelter shall comply with applicable Building Code, Fire Code, and State Department of Social Services licensing requirements.
- D. Location restriction.**
1. **Minimum separation distance.** An emergency shelter shall be located at least 300 feet away from another emergency shelter.
 2. **Measurement of separation distance.** The distance of separation shall be measured in a straight line between the main entrances of each use without regard to intervening structures or objects.
- E. Operational standards.**
1. **Length of stay.** Hours of operation shall be limited to the hours between 6:00 p.m. and 8:00 a.m.
 2. **On-site management.** Each emergency shelter shall provide on-site supervision at all times.
 3. **Congregation in neighborhood prohibited.** The shelter operator shall:
 - a. Patrol the surrounding area within 800 feet for one hour after the closing of the shelter each morning to ensure that homeless shelter residents are not congregating in the neighborhood.

- b. Regularly patrol the area surrounding the shelter site to ensure that homeless persons who have been denied access are not congregating in the neighborhood.
4. **Contact information.** The operator shall post information about how to contact the operator with questions or concerns regarding shelter operations.
5. **Litter and graffiti.** The owner/operator shall:
 - a. Maintain the exterior of the premises, including signs and accessory structures, free of litter and graffiti at all times;
 - b. Provide for daily removal of trash from the premises and abutting sidewalks or alleys within 20 feet of the premises; and
 - c. Remove graffiti within 48 hours of written notice from the City.
6. **Controlled access.** The facility and/or the premises shall be accessed by one entrance.
7. **Supplemental services.** Supplemental services (e.g., food, counseling, access to other social programs, etc.) may be offered on the inside of the premises.

20.60.110 – Home Occupations

This Section provides standards for the conduct of home occupations as an accessory use to ensure compatibility with the residential character of the neighborhoods where located and to prevent disturbances or annoyances to any reasonable person of normal sensitivity residing in the area.

- A. **Occupancy.** A home occupation shall only be operated in a residence occupied by a single-housekeeping unit.
- B. **Location.** A home occupation use shall be conducted in the principal dwelling unit; shall be excluded from a setback area, yard or accessory structure; and shall be clearly incidental and subordinate to the principal residential use.
- C. **Alterations.** Alterations shall not be made in either the internal or external structural form of the residential structure or the external appearance for purposes of any home occupation. The removal of partitions or floors, in whole or in part, shall be construed as an alteration of the external or internal structural form and is, therefore, prohibited.
- D. **Signs.** Evidence of a home occupation shall not be visible from off the lot where it is conducted. Advertising sign(s), displays of merchandise or stock-in-trade, or other identification of the business activity shall not be provided on the premises.
- E. **Employees.** Employees of a home occupation shall be limited to permanent residents of the dwelling unit. This restriction shall not apply to independent contractors who make occasional or periodic visits to the site of the home occupation.
- F. **Storage.** Equipment or materials used in a home occupation shall not be stored outside.

- G. Utilities.** Changes shall not be made in any noncommunications utility line, meter, or service to accommodate a home occupation and utility use shall not unreasonably exceed that normally or previously used at the residence.
- H. Performance standards.** Equipment or processes shall not emit radiation or create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the property. In the case of electrical interference, equipment or processes shall not create visual or audible interference.
- I. Parking.** Parking shall comply with Chapter 20.52 (Off-street Parking and Loading Standards) and Section 20.50.060 (Nonconforming Parking).
- J. Traffic generation.** A home occupation shall not create pedestrian, automobile, or truck traffic significantly in excess of the normal amount in the neighborhood.
- K. Prohibited activities.** Vehicle repair or storage associated with the home occupation shall not be allowed. Storage of hazardous materials shall not be allowed.
- L. Visitors.** Home occupations shall not be open to visitors without prior appointments.
- M. State law.** Home occupations shall be subject to all other State and local laws and ordinances.
- N. Business licenses.** Applicable business licenses shall be obtained as required by Municipal Code Title 5 (Business Licenses and Regulations).
- O. Commercial filming activities.** Commercial filming activities may be allowed subject to approval of a film permit in compliance with Municipal Code Chapter 5.46 (Regulation of Commercial Film Production).

20.60.120 – Massage Establishments and Services [Revised]

This Section provides standards for the establishment, location, and operation of massage establishments operated as an independent use, in addition to the standards in Municipal Code Chapter 5.50 (Massage Establishments). These standards are intended to promote operation of legitimate massage services and to prevent problems of blight and deterioration, which accompany and are brought about by large numbers of massage establishments that may act as fronts for prostitution and other illegal activity.

- A. Location requirements.** A massage establishment shall not be located:
 - 1. Within 500 feet of a public or private school, park or playground, civic center, cultural site, or place of worship; or
 - 2. Within 500 feet of another massage establishment site.
- B. Waiver of location restrictions.** A property owner may apply for a waiver of the location restrictions contained in Paragraph 1, above. The review authority, after a public hearing, may waive any location restriction, if all of the following findings are made:
 - 1. The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Section will be observed;

2. The proposed use will not enlarge or encourage the development of an urban blight area; and
3. The proposed use will not adversely affect a place of worship, school, park, or playground.

20.60.130 – Mixed-Use Projects [New]

This Section provides standards and criteria for the development of mixed-use projects. The primary intent of these standards and criteria is to balance the needs of nonresidential uses for access, visibility, parking, loading, safety, and possibly extended hours of operation with the needs of residential uses for privacy, security, and relative quiet.

A. Development standards. In addition to the development standards provided in this Section, development standards for mixed-use projects are provided in:

1. Table 2-11 (Development Standards for MU-V (SP #8); MU-H1-MM (SP #5); MU-H1-DW; MU-H3; MU-H4 (SP #6) Mixed-Use Zoning Districts);
2. Table 2-12 (Development Standards for MU-W1 (SP #5) and MU-W2 (SP #6) Mixed-Use Zoning Districts); and
3. Other Sections in this Part 4 for specific uses (e.g., eating and drinking establishments, live/work uses, multi-unit uses, etc.) that may be part of the proposed mixed-use project.

B. Nonresidential uses required on ground-floor. All (i.e., 100 percent) of the ground floor street frontage of mixed-use structures shall be a minimum depth of 25 feet and shall be occupied by retail and other compatible nonresidential uses except:

1. As specified otherwise by Table 2-11 or Table 2-12 in Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards); or
2. For common building entrances for residences on upper floors.

C. Open space.

1. **Security.** The common and private open spaces required for residential dwelling units shall be designed to limit intrusion by nonresidents.
2. **Common open space.** Mixed-use projects shall provide common open space for the residential uses. In general, common open space areas for residential uses shall be separated from nonresidential uses on the site. However, the sharing of common open space may be allowed by the review authority when it is clear that the open space will provide direct benefit to residents of the project. Common open space uses may be provided on rooftops for use by the residents of the project.

- D. Sound mitigation.** An acoustical analysis report, prepared by an acoustical engineer, shall be submitted to the Director describing the acoustical design features of the structure that will satisfy the exterior and interior noise standards. Projects shall be attenuated in compliance with the report.
- E. Parking, loading, and access.**
- 1. Type and layout of parking facility.** Parking facilities shall be physically separated for nonresidential uses and residential uses, except for residential guest parking. If enclosed parking is provided for an entire mixed-use complex, separate areas/levels shall be provided for nonresidential and residential uses with separate building entrances, whenever possible, subject to confirmation and approval by the review authority.
 - 2. Loading areas.** Loading areas for nonresidential uses shall be located as far away as possible from residential uses and shall be completely screened from view from the residential portion of the project and streets. Loading areas shall be compatible in architectural design and details with the overall project. The location and design of loading areas shall mitigate nuisances from odors when residential uses might be impacted.
 - 3. Site access driveways.** Separate site access driveways shall be provided, whenever possible, for nonresidential and residential uses. Site access driveways shall incorporate distinctive architectural elements, landscape features, and signs to help differentiate access to nonresidential parking areas from access to residential parking areas.
- F. Tenant notification.** Project applicants and project owners shall notify residents, whether owners or tenants, of a mixed-use project in writing before they move in that they will be living in an urban type of environment and that the noise, odor, and outdoor activity levels may be higher than a typical residential area.
- G. Location of trash.** New mixed-use projects shall locate loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noise sources away from the residential portion of the development to the greatest extent feasible.

20.60.140 – Oil and Gas Facilities

This Section provides standards for slant drilling operations for oil, gas, or other hydrocarbon substances and related support facilities where allowed in compliance with City Charter Section 1401 and this Section.

A. Drilling restrictions.

- 1. Prohibited activities.** No person shall erect or construct oil drilling derricks or oil drilling equipment within the City, or shall drill from the surface or by subterranean drilling, for oil, petroleum, tar, gas or other hydrocarbon substances within the City, or shall build or establish refineries for the purpose of refining petroleum, oil, gas, tar or other hydrocarbon substances.

2. **Allowed activities.** Drilling for oil, petroleum, tar, gas or other hydrocarbon substances by slant drilling or subterranean drilling in and under the area described below shall be allowed; provided that the:
 - a. Drilling sites shall be located outside of the City limits; and
 - b. Drilling shall be at a vertical depth of at least 400 feet below the ground surface of the following described area:

All that area lying northwesterly of the southeasterly line of 53rd Street, and the northeasterly and southwesterly prolongations of the southeasterly line of 53rd Street, as 53rd Street is laid out and shown upon a map of Ocean Front Tract, recorded in Book 4, Page 12 of Miscellaneous Maps, Records of Orange County, California, and a map of River Section, recorded in Book 4, Page 25 of Miscellaneous Maps, Records of Orange County.

B. Election required for designated area alteration.

1. Any proposed change in or expansion of the area in which slant drilling or subterranean drilling is allowed by Subsection A.2, above, shall first be submitted to the qualified electors of the City for approval or disapproval. If a majority of the qualified electors votes in favor of the question, then and only then shall the Council have the power to act on the question. This Section shall apply only to the boundaries of the City as they exist on April 13, 1954, together with any territory in the process of annexation on that date. This Section shall not apply retroactively to any drilling operation or contract entered into before the effective date of this Section [Insert date_____].
2. It is specifically declared that it is the intention of this Section that it shall apply solely to the question of a change in or expansion of the area in which slant or subterranean drilling is allowed and shall not apply to any other question involving the drilling for or production of oil, gas or other hydrocarbon substances within or under the City, or its tide and submerged lands.

C. Operational standards.

1. **Fire prevention.** Drilling operations shall be conducted so as to prevent fire that may endanger, injure or destroy the property of any person.
2. **Security guard.** A security guard shall be in constant charge and attendance for drilling operations. The leaving of any well, whether in operation or not, without a security guard in constant charge and attendance shall constitute a nuisance that may be abated in compliance with Municipal Code Chapter 10 (Public Nuisance Abatement).
3. **Well consolidation.** Consolidation of wells shall be in compliance with State law and the regulations of the State Department of Oil, Gas and Geothermal Resources ("DOGGR").

20.60.150 – Outdoor Storage, Display, and Activities [Revised]

This Section provides standards for outdoor storage and display of materials, merchandise, and equipment and for outdoor activities on private property in nonresidential zoning districts. For regulations on outdoor storage in residential zoning districts, see Municipal Code Section 10.50.020 (Nuisance). Outdoor uses within the public right-of-way require an encroachment permit issued by Public Works in compliance with Municipal Code Title 13 (Streets, Sidewalks, and Public Property).

A. Outdoor storage in nonresidential zoning districts. Outdoor storage of merchandise, material, and equipment shall be allowed in nonresidential zoning districts only when accessory to an allowed use located on the same premises, provided the following criteria are met:

1. The storage area is screened in compliance with Section 20.30.020 (Buffering and Screening). The height of merchandise, materials, or equipment stored shall not exceed the height of the screening element(s).
2. Outdoor storage shall not be allowed in setback areas except in compliance with Subsection 20.30.090.D (Allowed encroachments into setback areas).

B. Outdoor display.

1. Outdoor display of the following merchandise, if for sale or rent on the premises, shall be allowed in nonresidential zoning districts, except along property lines that abut residentially zoned lots, without screening fences or walls. The display area shall be on private property and shall not encroach on required parking areas or landscaped areas.
 - a. Flowers and plants;
 - b. Clothing and apparel;
 - b. Food products;
 - c. Handcrafted products and goods;
 - d. Artwork and pottery;
 - e. For-rent recreational equipment (e.g., bicycles, roller skates, surf boards, etc.);
 - f. Operable boats, motor vehicles, motorcycles, and trucks;
 - g. Limited on-site walkway displays adjacent to buildings; and
 - h. Other merchandise that the Director finds to be similar in character, type, or nature to the merchandise listed above.
2. Merchandise that is for sale on the premises that is not listed in Subparagraph 1, above, may be displayed outdoors, provided that the display area is screened by fences, walls, landscaping, or a combination of these screening elements. The

height of merchandise, materials, or equipment displayed shall not exceed the height of the screening element(s).

3. The outdoor display/sales area shall be directly related to an allowed use occupying a primary structure on the same premises.
4. Outdoor storage shall not be allowed in setback areas except in compliance with Subsection 20.30.090.D (Allowed encroachments into setback areas).
5. Displayed merchandise shall not obstruct traffic sight areas; encroach upon landscaped areas, driveways, parking spaces, or pedestrian walkways; or otherwise create hazards for vehicle or pedestrian traffic.
6. The outdoor display of merchandise for sale or rent shall only be allowed during regular hours of operation, except for vehicle sales/rentals and nurseries.
7. Additional signs, beyond those normally allowed for the subject use, shall not be provided for the outdoor display and sales area.

C. Outdoor activity in commercial and mixed-use zoning districts.

1. Repair, installation, manufacturing, and assembly uses allowed in commercial and mixed-use zoning districts shall be conducted within a completely enclosed building.
2. Outdoor activity or work areas shall be allowed for uses other than those listed in Subparagraph 1, above, only when associated with an allowed use located on the same premises and when not encroaching on required parking areas or landscaped areas.

D. Outdoor activity in industrial zoning districts.

1. Outdoor activity and work areas shall be allowed only when associated with an allowed use located on the same premises.
2. Outdoor activity and work areas shall not be allowed within the required front or street side setbacks or within required parking areas or landscaped areas.
3. Outdoor activity and work areas shall be completely enclosed by fences, walls, structures, or a combination of these, that comply with Section 20.30.030 (Fences, Hedges, and Walls).

20.60.160 – Personal Property Sales in Residential Districts

This Section provides standards for personal property sales in residential zoning districts.

- A. Number of days.** Sales shall be conducted for a maximum time period of 3 consecutive days.
- B. Number of times.** Sales shall not be conducted more than 2 times in any 12 month period.

- C. **Hours.** Sales shall be conducted only during daylight hours.
- D. **Public rights-of-way.** Property shall not be stored, displayed, or offered for sale within public rights-of-way or on public property, except as provided by Municipal Code Section 10.08.030 (Use of Streets and Sidewalks for Commercial Purposes).
- E. **Household goods.** Property displayed or offered for sale or trade shall be limited to used personal property from or on any residence or group of residences within the same neighborhood. New or used property acquired or consigned solely for the purposes of resale shall not be displayed or offered for sale or trade.
- F. **Food/beverages.** Food or beverages shall not be offered for sale or trade.
- G. **Signs.** Only 1 sign, not more than 3 square feet in area and not more than 4 feet in height in compliance with Table 2 (Temporary Signs), shall be displayed on the property of the residence where the personal property sale is being conducted. In no case, shall the sign be placed within a public right-of-way (e.g., sidewalk, street, etc.) or on public property.
- H. **Post-sale clean-up.** All goods, materials, and signs associated with the garage and/or yard sale shall be removed within 24 hours of the end of the sale.

20.60.170 – Recycling Facilities [New]

This Section establishes standards and procedures for the siting and operation of various types and sizes of commercial recycling facilities.

- A. **Small collection facilities.** A small collection facility shall:
 - 1. Not exceed an area of 350 square feet or 3 parking spaces, not including space that would be periodically needed for the removal of materials or exchange of containers;
 - 2. Be set back at least 10 feet from a public right-of-way and shall not obstruct pedestrian or vehicular circulation;
 - 3. Accept only CRV glass, aluminum, or plastic containers, paper, and other recyclable items;
 - 4. Not use power-driven processing equipment;
 - 6. Not be located within 50 feet of a lot zoned or occupied for residential use;
 - 7. Have containers and site fencing that are compatible in color and design and harmonious with the surrounding neighborhood;
 - 8. Store materials in sturdy containers that are secured and maintained in good condition. Storage, excluding truck trailers, shall not be visible above the height of the required screen walls;
 - 9. Be kept clean and free of litter;

10. Have signs as follows:
 - a. Identification signs with a maximum area of 15 percent for each side of the structure or 12 square feet, whichever is less. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container;
 - b. Signs that are compatible and harmonious with the character of their location; and
 - c. Directional signs, consistent with Chapter 20.54 (Sign Standards) and without advertising message, installed with the approval of the Director if found necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
11. Not reduce available parking spaces below the minimum number required for the principal use.

B. Large collection facilities. A large collection facility shall:

1. Not be located within 100 feet of a residential use;
2. Be screened from public rights-of-way by solid masonry walls or located within an enclosed structure as required by the review authority;
4. Store materials in sturdy containers that are secured and maintained in good condition. Storage, excluding truck trailers, shall not be visible above the height of the required screen walls; and
5. Be kept clean and free of litter.

20.60.180 – Residential Care Facilities

This Section provides standards for residential care facilities granted a Conditional Use Permit in compliance with Section 20.66.090 (Use Permits in Residential Zoning Districts).

A. Smoking in outdoor areas. No staff, clients, guests, or any other users of a residential care facility may smoke in an area from which the second hand smoke may be detected on any parcel other than the parcel upon which the facility is located.

B. Management and operation.

1. The property shall be operated in compliance with applicable State and local law and in conformance with the management and operating plan and rules of conduct submitted as part of the application for a Conditional Use Permit or as identified in the conditions of approval for a Conditional Use Permit.
2. Each plan shall provide a phone number by which the operator may be contacted at all times.
3. If applicable, the permittee shall comply with the business license provisions of Municipal Code Title 5 (Business Licenses and Regulations).

- C. Standards for unlicensed facilities.** In order to ensure that unlicensed residential care facilities (small or general) are operating in a manner that is consistent with State and Federal law and established industry standards and to ensure that operators do not have a pattern or practice of operating similar facilities in violation of State or local law, the standards listed below shall apply:
1. If the facility is not be required to be licensed by the State of California, owners, managers, operators, and residents shall not provide any services onsite, which would require licensure of the facility under California law.
 2. There shall be no more than 2 residents per bedroom plus 1 additional resident. Notwithstanding, upon request by the applicant for additional occupancy, the Hearing Officer has discretion to set occupancy limits based upon the evidence provided by the applicant that additional occupancy is appropriate at the site. In determining whether to set a different occupancy limit, the Hearing Officer shall consider the characteristics of the structure; whether there will be an impact on traffic and parking; and whether the public health, safety, peace, comfort, or welfare of persons residing in the facility or adjacent to the facility will be impacted.
 3. If certification specific to the type of residential care facility is available from a governmental agency or qualified nonprofit organization, the facility shall receive the certification including, without limitation, certification by Orange County under its Adult Alcohol and Drug Sober Living Facilities Certification Program.
 4. The names of all persons and entities with an ownership or leasehold interest in the residential care facility, or who will participate in operation of the facility, shall be disclosed in writing to the City, and the persons and entities shall not have a demonstrated pattern or practice of operating similar facilities in or out of the City in violation of State or local law.
 5. The operator of the residential care facility shall provide a list of the addresses of all similar facilities in the State owned or operated by the operator within the past 5 years and shall certify under penalty of perjury that none of the facilities have been found by State or local authorities to be operating in violation of State or local law. The Director shall verify the information.
- D. Services provided.** No residential use may offer or provide services to persons not residing on the site.

20.60.190 – Residential Development Standards

The development standards in this Section shall apply to all single-unit and two-unit residential dwellings in addition to the standards provided in Chapter 20.18 (Residential Zoning Districts). This section does not apply in Planned Community Zoning Districts.

A. Third story limitations.

1. **Allowed floor area.** The maximum gross floor area of habitable space that may be located on a third story shall not be greater than 15 percent of the total buildable area of the subject property. For example, if the total buildable area of a lot is 2,232 square feet, then the maximum square footage of habitable space that may be located on the third floor is 334 square feet (2232 sq. ft. X 15% = 334 sq. ft.).
2. **Location of third floor structure.** Enclosed square footage located on the third floor shall be set back a minimum of 15 feet from the front and rear setback lines.

B. Usable open space.

1. **R-1 and R-2 zoning districts.** For each dwelling, the equivalent of 20 percent of the buildable area of the residential lot shall be provided as useable and accessible open space. A minimum of 25 percent of the required open space shall be provided at the second floor level.
2. **Qualified open space areas.** To qualify as required usable open space the space provided shall meet the following minimum requirements:
 - a. Have a minimum horizontal dimension of at least 5 feet and a minimum vertical dimension of at least 7.5 feet;
 - b. Be located within the buildable area of the lot;
 - c. Be open to the outdoors on at least one side; however, a minimum of 50 percent of the required open space shall be open on at least 2 sides;
 - d. Be located no higher than the second story; and

20.60.200 – Satellite Antennas and Amateur Radio Facilities

This Section provides standards for the location and installation of satellite antennas, amateur (noncommercial) radio communication facilities, and citizen band radio antennas that are intended for the private use of the property owner.

A. Purpose. The purpose of these regulations is to:

1. Preserve visual access to major natural features (e.g., the shoreline, coastal bluffs, the bay, etc.);
2. Reasonably accommodate amateur radio communications and avoid imposing unreasonable costs on amateur radio operators;

3. Avoid unreasonable limitation on the reception or transmission of satellite-delivered signals.
- B. Exempt.** In any zoning district, a ground-mounted or structure-mounted, receive-only radio antenna or satellite dish antenna that does not project above the roof ridge line and does not have a diameter greater than one meter (39 inches) shall be exempt from the regulations in this Section.
- C. Development standards - Amateur radio antennas.**
1. **Lowering device.** Amateur radio antennas, capable of a maximum extended height in excess of 40 feet, with the exception of whip antennas, shall be equipped with a motorized device and mechanical device, each capable of lowering the antenna to the maximum permitted height when not in operation.
 2. **Allowed height.**
 - a. The height of an antenna shall be measured from existing grade at the point the mast touches, or if extended would touch, the ground.
 - b. When in operation, no part of any amateur radio antenna shall extend to a height of more than 75 feet above existing grade of the site on which the antenna is installed.
 - c. When not in operation, no part of any amateur radio antenna, excepting whip antennas, shall extend to a height of more than 28 feet measured above grade of the site on which the antenna is installed.
 3. **Number allowed.** One amateur radio antenna structure and one whip antenna shall be allowed on each site.
 4. **Siting and setbacks.** The antenna structure shall be located on site in a manner that will minimize the extent to which the structure is visible to nearby residents and members of the general public. Antenna structures shall satisfy this criteria if:
 - a. No portion of the antenna structure or mast is located within any required setback area; and
 - b. No portion of the antenna structure or mast obstructs or interferes with a public view identified in Section 20.30.080 (Public View Protection).
 - c. No portion of the antenna structure or mast is within the front 40 percent of that portion of the site that abuts a street; and
 - d. In the event a site abuts 2 or more streets, the mast is not located within the front 40 percent of that portion of the site where primary access is provided to the property.
- D. Development standards - Satellite dish antennas.**

1. **Setbacks.** A satellite dish antenna shall not be located in a required setback area, except that satellite dish antennas that do not exceed 6 feet in height may be located:
 - a. In a required side setback area behind the front setback line; and
 - b. In a required rear setback area where the rear setback area is not adjacent to an alley.
2. **Number.** A maximum of 1 satellite dish antenna shall be allowed on a site.
3. **Color.** Satellite dish antennas that are not screened shall be painted in a manner compatible with the structures on the site.
4. **Sign.** Signs shall not be posted or displayed on a satellite dish antenna.
5. **Ground-mounted satellite dish antennas.**
 - a. **Size.** The diameter of a ground-mounted dish antenna shall not exceed 10 feet.
 - b. **Height.** The height of any portion of a ground-mounted dish antenna shall not exceed 15 feet.
 - c. **Location.** In residential zoning districts, a ground-mounted dish antenna shall be located:
 - (1) On the rear one-half of the lot; or
 - (2) If a lot borders a public street and a waterway, beach, bluff, or park, in the middle one-third of the lot measured from the property line adjacent to the public street to the rear property line, mean high tide line, actual high tide line, or bulkhead line, whichever is closest to the property line adjacent to the public street.
 - d. **Other requirements.** Ground-mounted dish antennas shall not reduce areas required for parking, internal circulation, landscaping, or other development standard criteria.
6. **Roof-mounted antennas.**
 - a. **Size.** The diameter of a roof-mounted satellite dish antenna shall not exceed 10 feet.
 - b. **Height.** Roof-mounted antennas shall not exceed the height limit for the zoning district.
 - c. **Location.** Roof-mounted dish antennas shall be located:
 - (1) On the rear one-half of the lot or the rear one-half of the structure farthest from the primary access to the site, whichever is farthest from the front lot line; or

- (2) If a lot borders a public street and a waterway, beach, bluff, or park, in the middle one-third of the lot measured from the lot line adjacent to the public street to the rear lot line, mean high tide line, actual high tide line, or bulkhead line, whichever is closest to the lot line adjacent to the public street; and
- (3) In the case of a sloping roof, the antenna shall be mounted on the lower 2/3 of the roof plane to which it is attached.

- d. **Wiring.** Electrical and antenna wiring shall be placed underground or otherwise screened from view.
- e. **Permanent mounting.** For a land-based installation, dish antennas shall be permanently mounted and antenna may not be installed on a portable or movable structure.

E. Nonconforming antennas.

1. **Amateur radio antennas.** Amateur radio antennas, antenna structures, and masts in existence before April 27, 1988 shall be considered legal and nonconforming and may continue to be used without complying with this Section except as follows:
 - a. Amateur radio antennas, antenna structures, and masts that are a legal nonconforming use shall comply with the Subsection C.2 (Allowed Height), above, to the extent that they are capable of doing so without modifications.
 - b. Amateur radio antennas, antenna structures and masts may be enlarged, expanded, or relocated only if brought into compliance with this Section, unless the expansion, enlargement, or relocation is necessary to allow reasonable use of the amateur radio equipment served by the antenna. In that event, a Minor Use Permit shall be obtained in compliance with Section 20.66.090 before an expansion, enlargement, or relocation.
2. **Satellite dish antennas.** Satellite dish antennas in existence prior to July 26, 1989 shall be considered legal and nonconforming. Nonconforming satellite dish antennas may be enlarged, expanded or relocated only if the satellite dish antennas are brought into compliance with this Section, unless the expansion, enlargement, or relocation is necessary to permit reasonable use of the satellite dish antennas. In that event, a Minor Use Permit shall be obtained in compliance with Section 20.66.090 before an expansion, enlargement or relocation.

F. Permit and application requirements.

1. Amateur radio antennas, structures and masts and satellite dish antennas that comply with the development standards in this Section are allowed as an accessory use in all zoning districts.
2. Amateur radio antennas, structures and masts and satellite dish antennas that do not comply with the development standards in this Section shall require a Minor

Use Permit in compliance with Section 20.66.090 (Conditional Use Permits and Minor Use Permits).

3. The Zoning Administrator may waive or modify the development standards in this Section upon application for a Minor Use Permit. The Zoning Administrator shall issue a Minor Use Permit for an amateur radio antenna, structure, or mast, or a satellite dish antenna if the Zoning Administrator can make any of the following findings:
 - a. Strict compliance with the development standards will result in unreasonable limitations on, or will prevent, reception or transmission of signals;
 - b. The cost of strict compliance with the development standards would be excessive in light of the purchase and installation costs of the antenna; or
 - c. Strict compliance with the development standards is not necessary to achieve the purposes of this Section.

20.60.210 – Senior Accessory Dwelling Units

A. Purpose. The purpose of this Section is to:

1. Establish procedures for the creation of granny units as defined in Part 7 (Definitions) and in California Government Code Section 65852.1, and to provide development standards to ensure the orderly development of these units in appropriate areas of the City.
2. Prohibit the development of second units, as defined in Part 7 (Definitions), on single family residential lots as provided for in Government Code Section 65852.2.

B. Prohibitions. The creation of a second unit on all sites within the City where this Zoning Code and the General Plan allow only 1 dwelling unit is expressly prohibited. Nothing contained in this Section shall affect the creation of granny units under Government Code Section 65852.1 that are in compliance with the Municipal Code.

C. Development standards. The following standards shall be met before the occupancy of the granny unit in compliance with this Section:

1. **Building height.** Granny units shall comply with the maximum height limits in the zoning district in which they are located as provided in Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards).
2. **Setback requirements.** Granny units shall comply with the setback requirements applicable to the zoning district in which they are located.
3. **Minimum lot size.** A minimum lot size of 5,450 square feet shall be required in order to establish a granny unit.

4. **Minimum floor area.** Each granny unit shall provide a minimum of 600 square feet of floor area and a maximum of 640 square feet of floor area as measured from within the surrounding perimeter walls of the unit.
 5. **Owner occupancy required.** The principal dwelling unit or the granny unit shall be continuously occupied by at least 1 person having an ownership interest in the property.
- D. Verification of Occupancy.** Commencing with the final inspection of the granny unit by the Building Inspector and on an annual basis every year afterwards, the property owner shall submit to the Director the names and birth dates of any and all occupants of the granny unit to verify occupancy by a person or persons 60 years of age or older. Upon any change of tenants, the property owner shall notify the Director immediately. This information shall be submitted in writing and shall contain a statement signed by the property owner certifying under penalty of perjury that all of the information is true and correct.
- E. Deed restriction and recordation required.** After approval of a Minor Use Permit and before issuance of a Building and/or Grading Permit for a granny unit, the property owner shall record a deed restriction with the County Recorder's Office, the form and content of which is satisfactory to the City Attorney. The deed restriction document shall state that under no circumstances shall the granny unit be rented to or otherwise occupied by any person or persons less than 60 years of age. The deed restriction document shall also contain all conditions of approval imposed by the review authority. This deed restriction shall remain in effect so long as the granny unit exists on the property.
- F. Termination of use.** In the event that the property owner desires to terminate the use of the granny unit and remove the deed restriction, building permits shall be obtained that restore the property to a single dwelling unit as defined in Part 7 (Definitions). The Director shall review and approve the plans before the issuance of the building permits to ensure compliance with the intent of this Section and the definition. Upon completion of the final inspection by the Building Official, the Director shall cause the deed restriction to be removed from the property by the County Recorder.

20.60.220 – Time Share Facilities

This Section provides regulations for time share developments.

- A. Application requirements.** In addition to the application requirements in Section 20.66.090 (Conditional Use Permit and Minor Use Permits), an application for a time share project shall include the following documents:
1. **Sales Plan.** A Sales Plan shall address the times, areas and methods that will be used to sell the time share project. Factors to be defined in the plan shall include the location, length, and marketing methods that will be used, distinguishing on site and off site marketing and signage; and an estimate of the potential numbers of individuals and automobiles expected during various stages of the sales effort. The plan also shall describe measures that will be implemented to reduce traffic during peak hours.

2. **Operating Plan.** An Operating Plan shall address the terms of the timeshare resort ownership interests, the types of private unit and common amenities, and the general financing, maintenance, and management arrangements of the resort that benefit the unit owners.
 3. **Management Plan.** A Management Plan shall describe the methods employed by the applicant to guarantee the future adequacy, stability, and continuity of a satisfactory level of management and maintenance of a time share project.
 4. **Contingency Plan.** A Contingency Plan shall address the actions to be taken by the applicant if the time share project is an economic failure or fails to sell 50 percent of the time share estates or uses within 2 years of receiving a permit to occupy the first unit.
- B. Development Agreement.** The City and the operator of a time-share project shall enter into a Development Agreement, under the provisions of Municipal Code Chapter 15.45 relating to the amount of tax payable to the City by a time-share owner for the right of occupancy of any time-share unit.
- C. Development standards.**
1. **Property development standards.** A time-share project shall comply with the standards for the zoning district in which it is located.
 2. **Conversion of existing dwelling units prohibited.** The conversion of existing residential dwelling units into time-share units shall be prohibited.
 3. **Minimum number of units.** Each time-share project shall have a minimum of 100 time-share units. Time-share projects consisting of less than 100 units, but developed or converted in conjunction with a resort hotel complex of 300 or more shall be considered to be in compliance with this requirement.
- D. Required amenities.** Time-share projects shall be developed with substantial recreational amenities (e.g., golf courses, tennis courts, swimming pools, etc.).
- E. Modification or waiver.** The review authority may modify or waive any of the standards contained in this Section if strict compliance with the standards is determined to be unnecessary to achieve the purpose and intent of this Section.