

ORDINANCE NO. 08-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE ADDING NEW MIXED USE ZONING STANDARDS, DEFINITIONS, AND SPECIFIC ADMINISTRATIVE PROCEDURES TO TITLE 17 OF THE ORANGE MUNICIPAL CODE TO IMPLEMENT THE NEW MIXED USE LAND USE DESIGNATIONS OF THE 2010 GENERAL PLAN.

WHEREAS, on March 9, 2010 the City adopted its 2010 General Plan, which established five new mixed use land use designations in its Land Use Element and as presented on the Element's Land Use Policy Map ; and

WHEREAS, Title 17 of the Orange Municipal Code does not contain mixed use zoning districts or standards; and

WHEREAS, California Government Code §65860 requires a city's zoning ordinances to be consistent with its general plan; and

WHEREAS, the Implementation Plan of the City of Orange 2010 General Plan includes Implementation Program I-1, which indicates that the City will develop mixed use zoning and standards to implement the mixed use land use designations of the General Plan; and

WHEREAS, the Planning Commission, having considered the proposed changes to the Orange Municipal Code contained herein at public hearings held on January 17, February 23, and March 21, 2011, including review of the staff report and having received public testimony, has determined the proposed amendment is justified and recommended approval thereof; and

WHEREAS, the City Council having conducted a public hearing on April 26, 2011, including review of the staff report and receiving public testimony on the item, has determined the proposed amendment is justified and recommends approval thereof; and

WHEREAS, the City Council believes the proposed amendment will serve the public health, safety and welfare.

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

SECTION I:

Section 17.04.022 "C" Definitions of the Orange Municipal Code is hereby amended to add the following definition to appear in alphabetical order:

COMMERCIAL RECREATION AND ENTERTAINMENT -

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: athletic clubs, bowling alleys, ice/roller skating rinks, scale-model courses, and similar uses.

Section 17.04.032 “M” Definitions of the Orange Municipal Code is hereby amended to add the following definitions to appear in alphabetical order:

MIXED USE VERTICAL DEVELOPMENT - Development that combines two or more types of land uses (e.g., residential, commercial, office, industrial, institutional, or recreation) in a single building in a vertical configuration, typically with residential uses located above nonresidential uses.

MIXED USE HORIZONTAL DEVELOPMENT - Development that combines two or more types of land uses (e.g., residential, commercial, office, industrial, institutional, or recreation) on a single development site, but not necessarily in the same building, typically nonresidential uses are located adjacent to the street and residential uses are located away from major streets behind nonresidential uses.

MIXED USE ZONE - A land use designation (zoning district) that allows a combination of uses, which may include residential, commercial, office, industrial, institutional, or recreational uses.

Section 17.04.041 “V” Definitions of the Orange Municipal Code is hereby amended to add the following definition to appear in alphabetical order:

VENDING CART - A movable, nonmotorized, cart-type stand including related accessory appurtenances (e.g., awning, canopy) used for the retail sale of goods (e.g., beverages, food, flowers, and similar items) and located on private property. Does not include indoor or outdoor stationary kiosk-type stands when located on the same property as other indoor retail uses, such as when located in a shopping center or shopping mall. A kiosk shall be treated as a building for the purpose of this Zoning Code.

SECTION II:

Chapter 10.10 of the Orange Municipal Code is hereby amended to add Section 10.10.040.D.8, to the Variance provisions included in the Specific Administrative Procedures, to read as follows:

8. Waiver of building frontage requirements for commercial development in the Neighborhood Mixed Use and Urban Mixed Use Zones.

SECTION III:

Title 17 of the Orange Municipal Code is hereby amended to add Chapter 17.19, Mixed Use Districts, to read in its entirety as follows:

Chapter 17.19 MIXED USE DISTRICTS

17.19.010 Purpose and Intent.

This Chapter establishes use regulations and development standards for the City's mixed use districts. Mixed use districts are intended to provide suitable locations for a wide variety of interrelated and compatible commercial, office, residential, civic, and entertainment uses in a pedestrian oriented environment. Uses will vary in composition and intensity based on location, accessibility, and surrounding development context.

In addition, it is the intent of this Chapter to establish use regulations and development standards for the provision of adequate sites for the development for affordable housing in compliance with General Plan Policy D.17: Provide Adequate Sites of Housing Development.

17.19.020 Districts Established.

Five Mixed Use zoning districts are established as follows:

- A. **Neighborhood Mixed Use District - 24 DU/AC.** The NMU - 24 DU/AC zoning district is intended to provide local- and neighborhood-supporting mixed use activity centers and corridors. Commercial retail uses are the primary uses allowed on the ground floor. Professional office and residential uses are also allowed, either integrated with a commercial use, or as separate, free-standing uses. Along south Main Street, residential uses and uses supportive of a medical-related corridor are encouraged. Walkability and pedestrian orientation are key considerations. Density range: 16-24 DU/AC. Intensity range: 1.0-1.5 FAR.
- B. **Old Towne Mixed Use District - 15 DU/AC.** The OTMU - 15 DU/AC zoning district surrounds the Plaza and lines much of Chapman Avenue, Glassell Street, and the Burlington Northern Santa Fe railroad corridor. It includes most of the eight block Downtown Core identified in the Historic Preservation Design Standards for Old Towne Orange. Commercial retail uses are the primary uses allowed on the ground floor. Residential development is encouraged either in conjunction with a commercial use or as a separate, freestanding use. Freestanding residential (100 percent residential) developments are allowed off the spoke streets (i.e., other than Chapman Avenue or Glassell Street). Density range: 6-15 DU/AC. Intensity range: 0.5 -1.0 FAR. Development shall conform to the standards outlined in the Historic Preservation Design Standards for Old Towne Orange and any other adopted design and land use guidelines and/or regulations.

- C. **Old Towne Mixed Use District - 15S.** The OTMU - 15S zoning district includes areas of East and West Chapman near the edge of the Old Towne boundary, and North and south Glassell Street near the Old Towne boundary. Commercial retail uses are the primary uses allowed on the ground floor. Residential development is encouraged either in conjunction with a commercial use or as a separate, freestanding use when located off Chapman Avenue and Glassell Street. Density range: 6-15 DU/AC. Maximum intensity: 0.6 FAR. Development shall conform to the standards outlined in the Historic Preservation Design Standards for Old Towne Orange and any other adopted design and land use guidelines and/or regulations.

- D. **Old Towne Mixed Use District - 24 DU/AC.** The OTMU - 24 DU/AC zoning district generally applies along Olive Street and Pixley Street south of Chapman Avenue. Commercial retail uses are the primary uses allowed on the ground floor. Residential development is allowed either in conjunction with a commercial use or as a separate, freestanding use. Freestanding residential developments are allowed off the Spoke Streets (i.e., other than Chapman Avenue or Glassell Street). Density range: 16-24 DU/AC. Intensity range: 1.0 -1.5 FAR. Development shall conform to the standards outlined in the Historic Preservation Design Standards for Old Towne Orange and any other adopted design and land use guidelines and/or regulations.

- E. **Urban Mixed Use District.** The UMU zoning district is intended to provide urban, high-intensity, regionally-oriented activity centers. This zoning district provides for integrated commercial retail, professional office, residential, and civic uses. Commercial retail uses are the preferred uses allowed on the ground floor. Residential development is allowed, either as part of a mixed use project or as a freestanding use. Convenient transit access, innovative housing options, and pedestrian-oriented design are key considerations. Density range: 30-60 DU/AC. Intensity range: 1.5 - 3.0 FAR.

17.19.030 Permitted Uses.

Table 17.19.030 lists uses permitted (P), permitted by conditional use permit (C), permitted as an accessory use (A), and not permitted (-) in the mixed use zones.

If special use or development regulations are indicated in the “Additional Requirements” column of Table 17.19.030 (far right column) the use shall be subject to those requirements regardless of the zone in which it is located.

**TABLE 17.19.030
USE REGULATIONS FOR
MIXED-USE ZONES**

USE	MIXED USE DISTRICTS					
	OTMU-15S	OTMU-15	OTMU-24	NMU-24	UMU	Additional Requirements
Retail Sales						
Retail stores within a building	P	P	P	P	P	
Liquor store	C	C	C	C	C	17.18.070
Newspaper and magazine shop	P	P	P	P	P	
Plant nurseries, retail	P	P	P	P	P	
Pharmacy	P	P	P	P	P	
Photocopy centers	P	P	P	P	P	
Private postal centers	P	P	P	P	P	
Sandwich shop	P	P	P	P	P	
Wine shop w/o tasting	C	C	C	C	C	
Regional-Serving Retail Uses: bulk merchandise, design showrooms & sales, furniture stores, home improvement & garden centers, office & electrical equipment, retail outlets, etc.	--	--	--	P	P	
Personal Services						
Appliance repair and service	P	P	P	P	P	

USE	MIXED USE DISTRICTS					
	OTMU-15S	OTMU-15	OTMU-24	NMU-24	UMU	Additional Requirements
(portable appliances only)						
Barber, beauty shop, manicure salon, or spa	P	P	P	P	P	
Day care center, child or elderly	C	C	C	P	P	17.18.060
Dog and cat grooming w/o boarding	--	P	P	P	P	
Dog and cat grooming with boarding	--	C	C	C	C	
Dry cleaners w/o onsite cleaning	P	P	P	P	P	
Fortunetelling	P	P	P	P	P	17.18.070
Laundromat	P	P	P	P	P	
Massage establishments	A	A	A	A	A	17.18.060
Shoe repair	P	P	P	P	P	
Tailoring	P	P	P	P	P	
Veterinary clinic, animal hospital (boarding permitted only as part of medical treatment)	--	P	P	P	P	
Veterinary clinic, animal hospital with boarding	--	C	C	C	C	
Office Uses						
General and Professional	P	P	P	P	P	

USE	MIXED USE DISTRICTS					
	OTMU-15S	OTMU-15	OTMU-24	NMU-24	UMU	Additional Requirements
Offices						
Medical Offices	P	P	P	P	P	
Real estate office, temporary	P	P	P	P	P	17.14.050
Financial Services						
Banks and similar financial institutions	P	P	P	P	P	
Check cashing, pay day loans	--	--	--	--	C	
Stock or bond broker	P	P	P	P	P	
Automobile and Other Vehicle Related Uses						
Automobile rental agency (with on-site auto storage)	--	--	--	--	C	
Automobile repair--Vehicles of Historic Value (per California Vehicle Code)	--	P	P	--	--	17.19.070
Automobile sales--Vehicles of Historic Value (per California Vehicle Code)	--	A	A	--	--	17.19.070
Automobile sales and related service activities	--	--	--	--	C	17.19.070
Automobile service stations	--	--	--	--	C	17.30.060
Car wash/auto detailing	--	--	--	C	C	
Motorcycle sales and service	--	--	--	P	P	

USE	MIXED USE DISTRICTS					
	OTMU-15S	OTMU-15	OTMU-24	NMU-24	UMU	Additional Requirements
Parking lot/garage, Private (stand alone)	C	C	C	C	C	
Installation of retail auto accessories (such as automobile alarm, phone or stereo installation, tires, batteries)	--	--	--	C	C	
Restaurants, Eating and Drinking						
Restaurants w/o alcoholic beverage sales	C	P	P	P	P	
Restaurants w/alcoholic beverages sales	C	C	C	C	C	17.30.030
Restaurants w/drive thru window	--	--	--	C	C	17.19.070
Restaurants w/walk-up take out window	C	P	P	P	P	
Restaurants w/on-site brewing and sale of beer or wine	C	C	C	C	C	17.30.030
Wine tasting	C/A	C/A	C/A	C/A	C/A	17.30.030
Entertainment/Commercial Recreation Uses						
Amusement devices (e.g., video games, pinball machines, pool tables, computers, and similar)	A	A	A	A	A	17.18.060

USE	MIXED USE DISTRICTS					
	OTMU-15S	OTMU-15	OTMU-24	NMU-24	UMU	Additional Requirements
devices (three or fewer)						
Amusement arcade	C	C	C	C	C	17.18.070
Billiard parlor	C	C	C	C	C	17.18.070
Commercial recreation facility	--	--	--	--	C	
Dance floor as accessory use	C	C	C	C	C	17.18.070
Entertainment establishment	C	C	C	C	C	17.18.070
Movie theaters, walk in	P	P	P	P	P	
Museum; art gallery	P	P	P	P	P	
Performance theaters	P	P	P	P	P	
Lodging Services						
Hotels	C	C	C	C	C	17.18.070
Bed and Breakfast Inns	C	C	C	--	--	17.18.070
Residential Uses						
Congregate care, assisted living	--	--	--	P	P	
Conversion of multi-family units	P	P	P	P	P	17.30.040
Day care, small (8 or fewer)	P	P	P	--	--	
Day care, large (9 to 14)	C	C	C	--	--	17.14.060
Garage or yard sale	A	A	A	A	A	17.14.050

USE	MIXED USE DISTRICTS					
	OTMU-15S	OTMU-15	OTMU-24	NMU-24	UMU	Additional Requirements
Home occupation	A	A	A	A	A	17.14.050
Live/work units	P	P	P	P	P	17.19.100
Multi-family housing in conjunction with a mixed use development	P	P	P	P	P	17.19.080
Multi-family housing as a stand alone development not in conjunction with a mixed use development	P	P	P	P	P	17.19.090
Planned unit development	C	C	C	C	C	17.14.060
Senior housing	P	P	P	P	P	
Single family residences	P	P	P	--	--	
Miscellaneous Uses						
Antennas, Satellite Dishes	A	A	A	A	A	17.12.020
Antennas, wireless communication	A/C	A/C	A/C	A/C	A/C	17.12.025
Assembly uses (clubs, lodges, and similar uses)	C	C	C	C	C	
Bingo games	C	C	C	C	C	17.18.070
Businesses providing drive-through lanes/windows	--	--	--	C	C	17.19.070
Church	C	C	C	C	C	
Collection facilities, small (recycling)	--	--	--	C	C	17.18.070.

USE	MIXED USE DISTRICTS					Additional Requirements
	OTMU-15S	OTMU-15	OTMU-24	NMU-24	UMU	
Community center	P	P	P	P	P	
Convalescent facility, skilled nursing facility	--	--	--	P	P	
Convention center	--	--	--	--	C	
Conversion of a residential structure to a nonresidential use	P	P	P	--	--	17.18.060
Day care center (child and other)	C	C	C	C	C	17.18.060
Health clubs	P	P	P	P	P	
Heliports or helistops (accessory use only)	--	--	--	A	A	
Manufacturing, processing, assembling of materials, warehousing, and products in conjunction with on site retail sales	A	A	A	A	A	17.19.070
Mixed use development	P	P	P	P	P	17.19.080
Mortuary (not including crematorium)	C	C	C	C	C	
Movie production studios	C	C	C	--	C	
Moving an existing structure or building	P	P	P	P	P	17.18.060
Public service or use	P	P	P	P	P	
Recording studios	C	C	C	--	P	

USE	MIXED USE DISTRICTS					
	OTMU-15S	OTMU-15	OTMU-24	NMU-24	UMU	Additional Requirements
Reverse vending machines (recycling) inside a building	--	P	P	P	P	17.18.070
Reverse vending machines (recycling) outside a building	--	C	C	C	C	17.18.070
Sale of alcoholic beverages	C	C	C	C	C	17.30.030
School (private)	C	C	C	C	C	
Vending carts (located on private property only)	P	P	P	P	P	17.19.070
All other commercial uses not listed, but which the Community Development Director determines are not substantially conforming, but may be similar in character to other uses listed herein, may be considered by the Planning Commission. Also see Section 17.19.050, below.	C	C	C	C	C	17.19.050

17.19.040 Prohibited Uses.

Any use not listed in Table 17.19.030 as a permitted use, conditional use, or accessory use shall be prohibited.

17.19.050 Land uses not listed.

The Community Development Director shall have the authority to determine if an unlisted use substantially conforms to the purpose of the applicable zoning district as provided in Section 17.19.020, above, and is similar to a use listed in Table 17.19.030.

17.19.060 Site Plan and Design Review Required.

Depending on the nature of the development, a proposed project, including residential projects, may require review and approval in compliance with Sections 17.10.060 (Site Plan Review) and 17.10.070 (Design Review). However, residential projects are not subject to other non-design related discretionary review in compliance with Policy D.17 of the General Plan Housing Element.

For nonresidential and mixed use projects within the UMU zoning district subject to Site Plan and/or Design Review, the reviewing body shall make the additional finding that approval of the project will not reduce the amount of land available in mixed use zoning districts to a point where the City's affordable housing needs under the Regional Housing Needs Assessment (RHNA) cannot be met. In compliance with Policy D.17 of the General Plan Housing Element, at no time shall the capacity of available sites for affordable residential development be exceeded by the adjusted RHNA need.

17.19.070 Special Use Regulations.

Uses that have "Additional Requirements" as indicated in Table 17.19.030 (far right column) shall be permitted by right or conditionally permitted subject to the regulations in this Section. In addition, the use regulations provided in Chapter 17.30 (Special Use Regulations) shall also apply.

A. Automobile parts and/or repair - Vehicles of historic value (per California Vehicle Code). The selling of parts and/or the provision of repair services for Vehicles of Historic Value as defined by the California Vehicle Code shall comply with the following regulations:

1. All vehicle parts sales, restoration, repair, and service activities shall be limited to Vehicles of Historic Value;

The sale of Vehicles of Historic Value shall be allowed only as an accessory use that is incidental to the selling of parts and/or the provision of repair and restoration services;

3. Vehicle repair, restoration, and storage areas shall be located within an enclosed building. Outdoor storage and work areas are prohibited; and
4. All repair, restoration, and service work shall be conducted within an enclosed building, where service bays are screened from direct public view. If service bay doors face a street the service bays shall be situated parallel to the adjacent street.

B. Automobile sales and service. New projects and buildings related to automobile sales and service shall comply with the following regulations. New buildings and

additions to existing automobile sales and service facilities shall comply with the following regulations to the greatest extent feasible.

1. The indoor display facility (showroom) shall contain a minimum of 2,000 square feet of floor area and may be set back from the front property line not more than 25 feet. This setback area may be used for the display of vehicles in a manner that is integrated with the design of the landscaping and/or showroom. A landscaped area a minimum of five feet in depth shall be provided between the indoor display facility and the front property line or outdoor vehicle display area.

The indoor display facility shall have direct pedestrian access to the adjacent public sidewalk.

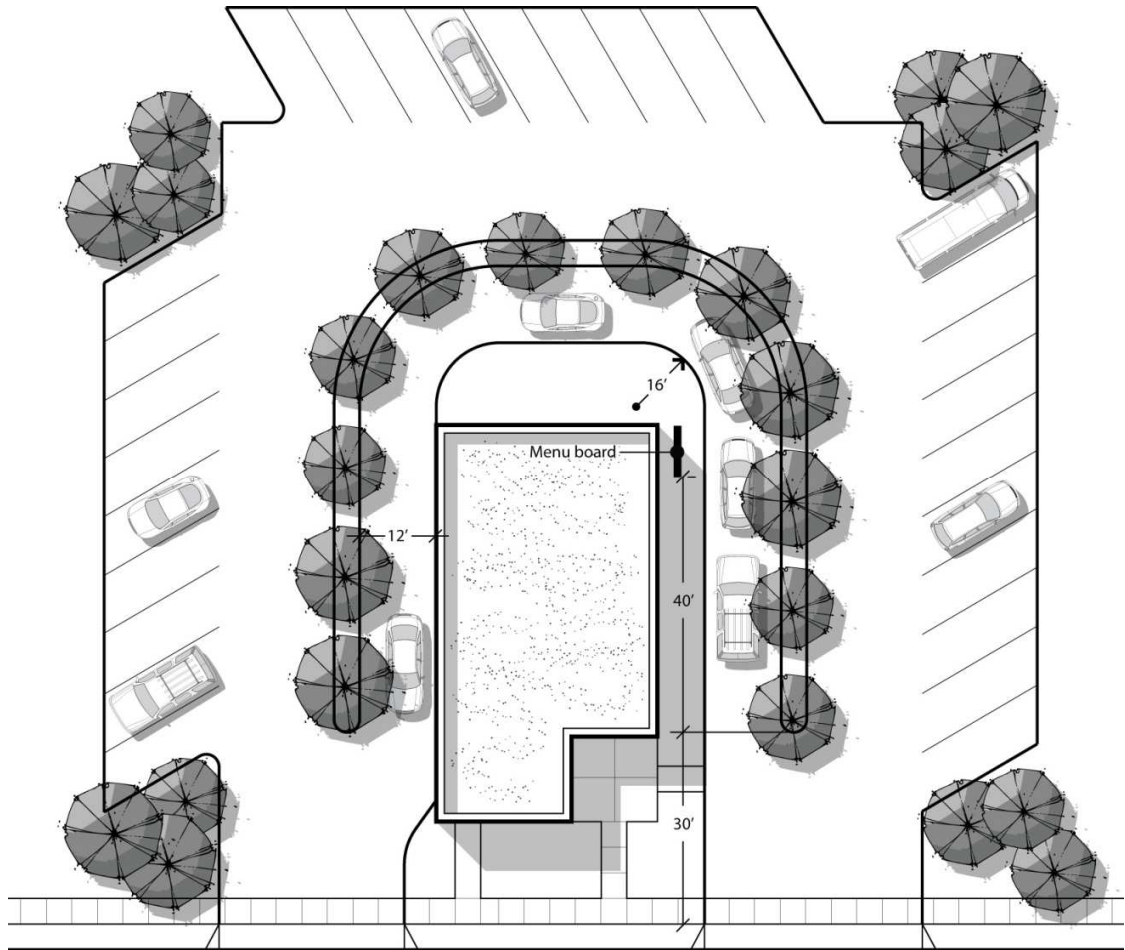
3. Any outdoor area used for the display or storage of vehicles that is visible from a public street shall be limited to not more than two times the area of the indoor display area. This limitation does not apply to the use of structured parking for the display or storage of vehicles. There is no limitation on the size of outdoor vehicle storage areas that are screened from public view.
4. Repair and service facilities shall contain a minimum of 1,600 square feet of floor area.
5. All automobile repair and service work shall be conducted within an enclosed building, or screened from view from adjacent streets and adjoining properties. If service bay doors face a street the service bays shall be situated parallel to the adjacent street.
6. Public address systems shall not be audible at any exterior boundary of the site.
7. Exterior lighting shall be designed and installed to prevent direct glare from impacting adjoining properties. Lighting plans shall be subject to City review and approval

C. Drive through lanes. The following standards shall apply to the design of any new development providing drive-through service:

1. Drive through windows and lanes shall not obstruct the circulation routes necessary for access to the property, parking areas (including backup area of parking spaces), and pedestrian walkways.

Drive through lanes shall not be located adjacent to a street, including side streets.

3. Buildings shall be oriented towards the street with pedestrian connections to the adjacent sidewalk. Parking shall not be allowed between the building and the front property line.
4. Drive through lanes shall be a minimum of 12 feet in width and shall have a minimum inside radius of 16 feet at curves.
5. Applications for businesses with drive through lanes shall include a parking or queuing study that is based on similar operations, addressing the anticipated traffic volumes and vehicular stacking needs of the proposed business.
6. Entrances and exits to/from drive through lanes (queuing aisles) shall be at least 30 feet from the interior side of a driveway apron providing access to a public or private street or alley.
7. There shall be a minimum distance of 40 feet between the entrance to the drive through lane and the first menu board for vehicle stacking.
8. Each drive through lane shall be separated by curbing and landscaping from the circulation aisles provided for ingress or egress from the site, or access aisles to off-street parking spaces.
9. Pedestrian walkways should not intersect the drive through lanes. Where they do, they shall have clear visibility and be emphasized by enhanced paving or markings, as deemed necessary by the Community Development Director.
10. Sound from a loudspeaker system (e.g., menu board) shall not be audible at any exterior boundary of the site. In the case of a mixed use project with residential uses, but without intervening property lines between the uses (including vertical mixed use projects), an acoustical study that analyzes the noise impact on nearby residential uses may be required at the time of project application. The study shall recommend mitigation measures to eliminate any noise impact on residential uses, including the use of touch screen/pad menu boards.
11. At the point of ordering, the microphone/speaker system shall also contain an electronic readout message that displays the order and cost.
12. A solid six-foot high masonry sound wall shall be constructed on the property boundary when the site is contiguous to residentially zoned or used property(s).
13. During the initial staff review of the application, the City's Police Department, in coordination with the Public Works Department, shall review and approve the proposed drive through configuration to ensure that public safety and security issues are adequately addressed.



Typical Drive Aisle Configuration

D. Manufacturing, processing, warehousing, assembling of materials, and products in conjunction with the on-site retail sales.

1. The manufacturing, processing, or assembling of materials shall be allowed only as an accessory use to an allowed retail sales use located on the same site.

The use shall be subject to review and approval by the Community Development Director.

3. All activities associated with the use shall be conducted within a completely enclosed building.
4. The use shall not generate any negative impacts from dust, glare, noise, odor, vibration, or any other nuisance impact outside the building.

E. Vending carts. The following regulations apply to mobile, removable vending carts only. The standards do not apply to stationary kiosks located within a commercial center or mall.

1. Vending carts shall be subject to Site Plan Review in compliance with Section 17.10.060 (Site Plan Review).

Written authorization of the property owner shall be submitted to the City at the time of application.

3. The area occupied by the vending cart and any associated service areas shall not exceed six feet by ten feet. All products associated with the vending cart shall be contained on the cart at all times.
4. Operating a vending cart within a public street or other public property shall not be permitted.
5. If food items are sold, details of the proposal shall be submitted to the Orange County Health Department for review and a report to the City relating to the acceptability of the proposal and any desired conditions of approval shall be submitted to the City at the time of project application.
6. An adequate means for trash disposal shall be provided and the site and surrounding area shall be kept clean and free of litter at all times.
7. The application shall include a dimensioned site plan identifying the specific location of the vending cart on the property and a brief description of the proposal, including the items to be sold, hours of operation, and plans for sanitary control.
8. All associated signs shall be attached to the cart (i.e., no freestanding signs shall be permitted). A total of two signs shall be allowed with sign area limited to four square feet each. In addition, one menu board sign up to four square feet in area shall also be allowed.
9. If food items are sold proof of issuance of a County of Orange Health Department permit authorizing operation of the mobile food vending cart shall be provided to the City prior to final approval of the proposed activity.
10. Amplified sound (e.g., music, voice) shall not be audible from a public right-of-way.
11. Flashing or moving lights on the vending cart, or products sold from the vending cart, shall not be visible from a public right-of-way.
12. The applicant shall enter into an agreement with the City acknowledging that the privilege to operate may be revoked in the event of violation of the City regulations.

13. Vending carts shall be removed from the site during nonbusiness hours or carts may be stored onsite if located within an area not visible from a public right-of-way.
14. A City business license shall be obtained prior to the use of a vending cart.

17.19.075 Commercial Development

A. Generally.

1. Stand alone commercial development shall comply with the development standards in Section 17.19.120 and the following.
 - a. Provide direct pedestrian linkages to adjacent public sidewalks.
 - b. Provide enhanced pedestrian amenities throughout the project, including seating, pedestrian area lighting, special paving, public art, water features, common open space, directories, and similar items to create a pleasant pedestrian experience.
 - c. Incorporate architectural design elements and materials that relate to a pedestrian scale.
 - d. Locate uses in proximity to one another without large intervening parking lots so that it is convenient for people to walk between the various uses and their vehicles parking only once;
 - e. Create a pedestrian scale and character of development along the street by providing significant wall articulation and varying roof heights, incorporating pedestrian scale elements (e.g., doors, windows, lighting, landscaping), and locating storefronts and common open space areas (e.g., plaza, courtyard, outdoor dining) near the public sidewalk to contribute to an active street environment.
 - f. Incorporate variations in the front street level building plane through the use of building setbacks, variations in wall planes, and the inclusion of pedestrian amenities (e.g., plaza, courtyard, outdoor dining, landscaping). Long expanses of blank walls shall be prohibited.
 - g. The design of new infill development shall be sensitive to the scale and design characteristics of established structures in abutting residential neighborhoods, with the objective of achieving harmonious transition between the new development and existing neighborhood. Consideration shall be given to factors including, but not limited to, orientation of architectural features, building articulation, and exterior building treatments.

- h. Lighting shall be incorporated along sidewalks or other pedestrian walkways, plazas, paseos, courtyards, and other common open areas to enhance the pedestrian environment and increase public safety.
 - i. Projects shall be designed to minimize security risks to residents and to minimize the opportunities for vandalism and theft by maximizing visibility to common open space areas and internal walkways, and minimizing areas of concealment and dead spaces.
2. In the case of either a new single or new multiple building development, a minimum of 50 percent of the primary public street frontage shall be occupied by building frontages that incorporate any of the following; storefront entrances, display windows that provide views into the interior commercial space, plazas, courtyards, outdoor dining areas, or similar features. In the case of a secondary public street frontage, a minimum of 30 percent of the street frontage shall be occupied by building frontages that provide the same amenities as described above. These building frontage requirements only apply to lots/sites with primary or secondary street frontage. In the case of a multiple lot and/or building development, additional lots and/or buildings may be dispersed throughout the interior portions of the site with no street frontage requirements.

17.19.080 Mixed Use Development.

A. Generally.

- 1. Mixed-use projects shall comply with the development standards in this Section in addition to the standards in Table 17.19.120.
- 2. Mixed-use projects shall be subject to Site Plan Review in compliance with Section 17.10.060. If a proposed mixed use development is located in an area covered by a specific plan the development standards of the specific plan shall take precedence over the standards of this Section.
- 3. If a proposed mixed use project that includes residential units is located in a housing overlay zone the project will be subject to administrative review and approval to ensure the City's regional share of lower-income housing need can be met on the remaining sites.

B. Development standards.

- 1. A mixed-use development project shall be designed and constructed to:

- a. Be pedestrian in its focus by:
 - i. Providing direct pedestrian linkages to adjacent public sidewalks.
 - ii. Creating enhanced pedestrian connections throughout the project between residential and nonresidential uses and parking areas.
 - iii. Providing enhanced pedestrian amenities throughout the project, including seating, pedestrian area lighting, special paving, public art, water features, common open space, directories, and similar items to create a pleasant pedestrian experience.
 - iv. Incorporating architectural design elements and materials that relate to a pedestrian scale.
- b. Locate uses in proximity to one another without large intervening parking lots so that it is convenient for people to walk between the various uses and their vehicles park only once;
- c. Create a pedestrian scale and character of development along the street by providing significant wall articulation and varying roof heights, incorporating pedestrian scale elements (e.g., doors, windows, lighting, landscaping), and locating storefronts and common open space areas (e.g., plaza, courtyard, outdoor dining) near the public sidewalk to contribute to an active street environment.
- d. Provide a transition to adjacent residential uses by reducing building height and increasing building setbacks where possible.

Consistent use of architectural details and materials. Architectural style and use of quality materials shall be compatible and consistent throughout an entire mixed-use project. However, differences in architectural details and materials may occur to differentiate between the residential and nonresidential portions of the project. The overall project design and site layout shall be one that promotes a strong pedestrian environment and active street frontage. This can be accomplished by incorporating features into the project as outlined below.

3. Features.
 - a. Street level features. Variations in the front building plane shall be incorporated through the use of varying building setbacks, variations in wall planes, and the inclusion of pedestrian amenities (e.g., plaza, courtyard, outdoor dining, landscaping). Long expanses of blank walls shall be prohibited.

- b. Pedestrian-oriented features. At least 75 percent of the building frontage facing a public street, primary pedestrian way, or parking lot shall be devoted to pedestrian-oriented features (e.g., storefronts, pedestrian entrances to nonresidential uses; transparent display windows; landscaping).
- c. Upper level features. Upper floor balconies, bays, and windows shall be provided whenever opportunities exist for these types of features.
- d. Entrances. When nonresidential and residential uses are located in a vertical mixed use structure, separate pedestrian entrances shall be provided for each use. The entrances for nonresidential uses shall be designed to be visually distinct from the entrances for residential uses. Entrances to individual residential units in a vertical mixed use project shall not be allowed along a street frontage. Instead shared entrances to residential units located above the ground floor shall be from lobbies that serve multiple units.
- e. Neighborhood interface. The design of new infill development shall be sensitive to the scale and design characteristics of established structures in abutting residential neighborhoods, with the objective of achieving a harmonious transition between the new development and existing neighborhood. Consideration shall be given to factors including, but not limited to, orientation of architectural features, building articulation, and exterior building treatments.
- f. Lighting. Lighting shall be incorporated along sidewalks or other pedestrian walkways, plazas, paseos, courtyards, and other common open areas to enhance the pedestrian environment and increase public safety.
- g. Security. Projects shall be designed to minimize security risks to residents and to minimize the opportunities for vandalism and theft. This may be accomplished by:
 - i. Maximizing visibility to common open space areas, internal walkways, and public sidewalks. Use opportunities for natural surveillance to increase visibility.
 - ii. Using walkways, low fences, lighting, signage, and landscaping to clearly guide people and vehicles to and from the proper entrances;
 - iii. Eliminating areas of concealment, hiding places, and dead spaces.
 - iv. Using lighting to improve the visibility of common areas while enhancing the pedestrian environment. Lighting should not be overly bright and should provide a uniform level of light over the subject area to eliminate dark spaces.

C. Site organization standards.

1. Location of nonresidential uses along street frontages.
 - a. For vertical mixed use projects, only nonresidential uses shall be located on the ground floor along public/private street frontages. Residential uses may be located above the ground floor and in areas that do not have frontage on a street. Up to 20 percent of the ground floor frontage may be occupied by lobby entrances to multiple residential units and pedestrian amenities (e.g., plaza, paseo, or courtyard).
 - b. For horizontal mixed use projects, the residential portion of the project may have frontage on a public/private street
 - c. On corner parcels, the nonresidential space shall turn (wrap around) the corner for a distance of at least 30 feet along secondary/side streets.

Primary building entrances shall be oriented to the major street on which the structure has frontage, street corner, courtyard, plaza, park, or other structures on the site, but not to interior blocks or parking lots/structures.

3. Site planning shall integrate the street pedestrian environment with the nonresidential uses through the provision of pedestrian-oriented features (e.g., courtyard, plaza, paseo, street furniture, enhanced walkways, lighting, and landscaping).

D. Lighting standards. Lighting for nonresidential uses shall be designed, located, and shielded to ensure that they do not impact the residential uses. The provisions of section 17.12.030 shall also apply to mixed use development.

E. Open space standards.

1. Common and private open spaces shall be provided for projects with five units or more as follows:
 - a. A freestanding residential project within a horizontal mixed use development (not part of a vertical mixed use development) shall provide common and private open space in compliance with the requirements in Section 17.19.090.D (Open space standards); and
 - b. Residential units that are part of a vertical mixed use project (i.e., located above the ground floor and above nonresidential uses) shall provide open space as required below. Residential units that are part of a horizontal mixed use project shall provide open space as required for multi-family residential in compliance with Section 17.19.090.D.

- i. A minimum of 15 percent of the total floor area of the dwelling units shall be provided as private and/or common open space. Up to 25 percent of the total open space requirement may be met by counting any private open space areas (patios and balconies) provided within the project.
- ii. The minimum area of any private open space shall be 40 square feet. This may be in the form of patios or balconies accessible only to the abutting unit.
- iii. The minimum dimension (length and width) of eligible common open space areas shall be 20 feet. These may be located at grade or above grade and may include terraces, courtyards, rooftop gardens, or other similar areas.
- iv. Common open space areas shall include amenities for residents. Examples of facilities are listed in Section 17.14.110.

Common and private open spaces shall be designed to limit intrusion by nonresidents.

3. Sharing of common open space between residential and nonresidential uses may be allowed by the applicable reviewing body when it is clear that the open space will provide direct benefit to residents of the project and the public in general subject to the following limitations:
 - a. Up to 30 percent of the required open space for residential uses in a horizontal mixed use project may be provided as quasi-public open space within the nonresidential component of the project; or
 - b. Up to 50 percent of the required open space for residential uses in a vertical mixed use project may be provided as quasi-public open space within the nonresidential component of the project.
 - c. The minimum dimension (length and width) of shared common open space areas shall be 20 feet. These areas shall be located at grade and shall be accessible for use by the general public.
 - d. Quasi-public open space areas shall not include outdoor dining areas or other outdoor activity areas for exclusive use by an individual business.
 - e. Quasi-public open space areas are areas located on private property and accessible to the general public. These areas shall include pedestrian oriented amenities, including enhanced seating, lighting, paving, landscaping, public art, water features, and other similar features deemed appropriate by the Community Development Director.

F. Operational standards.

1. Outdoor nonresidential uses in a mixed-use project that includes residential uses shall be prohibited from operating between the hours of 10:00 P.M. and 6:00 A.M. Approval of a conditional use permit may modify these hours.

Loading and unloading activities, including refuse, shall not take place after 10:00 P.M. or before 7:00 A.M. on any day of the week.
3. Owners' association.
 - a. An owner's association shall be formed to ensure the well being of each tenant and owner in a mixed-use project.
 - b. The association bylaws shall be subject to approval by the City Attorney. The association's bylaws shall include the following in addition to any requirements of the City Attorney:
 - i. Identification of maintenance responsibilities for landscaping, parking facilities, and recycling and refuse storage facilities;
 - ii. Noise notification procedures in compliance with Subparagraph 4, below;
 - iii. Relationship between uses regarding association representation;
 - iv. Voting procedures; and
 - v. Procedures for solving problems that may arise between the different types of uses or residents.
4. Noise notification procedure.
 - a. Residents, whether owners or tenants, of a mixed-use development project shall be notified in writing before taking up residence that they will be living in an urban environment and that the noise levels may be higher than a typical residential area.
 - b. The covenants, conditions, and restrictions of a mixed-use project shall require that the residents acknowledge their receipt of the written noise notification. Their signatures shall confirm receipt and understanding of this information.
5. The location and design of recycling and refuse storage facilities shall mitigate nuisances from odors when residential uses might be impacted

6. Residential dwelling unit interiors and private open space areas shall be designed to be sound attenuated against present and future project noise. New vertical mixed use projects shall provide an acoustical analysis report, by an acoustical engineer, describing the acoustical design features of the structure required to satisfy the exterior and interior noise standards.

G. Parking, loading, and circulation.

1. The total number of parking spaces shall comply with the requirements of Chapter 17.34 (Off-Street Parking and Loading). Applicants for a mixed-use project may be required to submit a parking study for review and decision by the applicable reviewing body.

Parking facilities shall be separated for nonresidential uses and residential uses, except that guest parking for the residential use may be shared with nonresidential uses.

3. If enclosed parking, including parking garages and structures, is provided for residential and nonresidential portions of a mixed-use project, separate areas/levels shall be provided for each use and separate entrances shall be provided whenever possible.
4. Loading areas for nonresidential uses shall be located as far as possible from residential units and shall be completely screened from view from the residential portion of the project and public 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 noise when residential uses might be impacted.
5. Separate site access driveways shall be provided, whenever possible, for nonresidential and residential uses. Site access driveways shall incorporate distinctive design elements, landscape features, and signs to help differentiate access to nonresidential parking areas from access to residential parking areas.
6. Vehicular circulation shall be designed to direct traffic away from adjacent residential streets outside the mixed use districts to the greatest extent feasible.

H. Trash and recycling enclosures.

1. Trash and recycling enclosures for nonresidential uses shall be located as far as possible from residential units and shall be completely screened from view from the residential portion of the project and public streets.
2. Trash and recycling storage facilities shall be integrated into and be compatible with the architectural design and details with the overall project.

3. The location and design of trash and recycling enclosures shall mitigate nuisances from noise and odors.

I. Screening and buffering standards. Mechanical and air conditioning equipment shall be screened and buffered in compliance with Section 17.18.180 (Screening of Mechanical Equipment).

17.19.090 Multi-family Development.

Multi-family development shall comply with the following standards, the standards in Section 17.19.120, and the applicable standards for the R-4 zoning district in Chapter 17.14 (Residential Districts). If there is a conflict between any of the standards in this Chapter and Chapter 17.14 the stricter standard shall apply.

- A. Project design.** The overall design of the project shall be one that promotes a pedestrian friendly environment and one that is oriented towards adjacent streets while still maintaining adequate security for residents.
- B. Distance between structures.** Distance between buildings is required in order to provide adequate light, air, and privacy. The provisions in Table 17.19.090 shall apply, as well as specific provisions found in building and fire codes.

Table 17.19.090

REQUIRED DISTANCES BETWEEN PRINCIPAL BUILDINGS

Building Height (a) (b)				
Condition	20 - 60 ft.	61 - 80 ft.	81 - 100 ft.	101 ft. +
Window wall to window wall	20 ft.	25 ft.	30 ft.	35 ft.
Window wall to non-window wall	20 ft.	25 ft.	30 ft.	35 ft.
Non-window wall to non-window wall	15 ft.	15 ft.	15 ft.	15 ft.

Notes to table:

- (a) Required minimum distances between buildings shall be provided at the closest point between buildings.
 - (b) Where buildings of different heights face each other, the height of the tallest building shall determine the minimum distance required between buildings.
- C. Minimum Floor Area.** The minimum floor area for residential units shall be as required by Section 17.14.130.
- D. Open space standards.** Common and private open spaces shall be provided for projects with five units or more as follows:
- 1. A minimum of 15 percent of the total floor area of the dwelling units shall be provided as private and/or common open space. Up to 25 percent of the total open space requirement may be met by counting any private exterior open space areas (patios and balconies) provided within the project.

The minimum area of any private exterior open space shall be 40 square feet in order to qualify as required open space. This shall be provided in the form of patios or balconies accessible only to the abutting unit.
 - 3. The minimum dimension (length and width) of common open space areas shall be 20 feet. Common open space areas may be located at grade or above grade and may include terraces, courtyards, rooftop gardens, or other similar areas. General open areas that provide access to buildings (e.g., walkways) and required setback areas shall not count towards the common open space requirement unless they meet the minimum dimension and contain amenities as provided below.
 - 4. Common open space areas shall include amenities for residents. Examples of facilities are listed in Section 17.14.110.
 - 5. Common and private open spaces shall be designed to limit intrusion by nonresidents.
- E. Security.** Projects shall be designed to minimize security risks to residents and to minimize the opportunities for vandalism and theft. This may be accomplished by:
- 1. Maximizing visibility to common open space areas, internal walkways, and public sidewalks. Use opportunities for natural surveillance to increase visibility.

Using walkways, low fences, lighting, signage, and landscaping to clearly guide people and vehicles to and from the proper entrances;

3. Eliminating areas of concealment, hiding places, and dead spaces.
4. Using lighting to improve the visibility of common areas while enhancing the pedestrian environment. Lighting should not be overly bright and should provide a uniform level of light over the subject area to eliminate dark spaces.

17.19.100 Live/Work Units.

Live/Work units are structures or spaces within structures that are used jointly for commercial and residential purposes.

The development of live/work units and the reuse of existing nonresidential structures to accommodate live/work opportunities shall comply with the regulations and development standards in this Section in addition to the standards in Table 17.19.120. Also see Section 17.19.210 regarding the adaptive reuse of existing buildings.

A. Allowed uses.

1. The nonresidential component of a live/work unit shall only be a nonresidential use allowed within a mixed-use zoning district, except that certain uses are determined to be not appropriate within a residential environment and are therefore prohibited as provided in Subsection B, below.

The residential component of a live/work unit shall only be a residential use allowed within a mixed-use zoning district.

B. Prohibited uses. A live/work unit shall not be used for any of the following activities or similar activities as determined by the Community Development Director:

1. Adult-oriented businesses;
Animal care or boarding;
3. Classroom instruction (e.g., art/music lessons, tutoring, and similar uses) involving five or more students at any one time;
4. Commercial food preparation activities;
5. Industrial uses;
6. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc;
7. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;

8. Medical and dental offices, clinics, and laboratories (not including chiropractors or counselors/psychotherapists);
9. Activities or uses that are not compatible with residential activities that would clearly conflict with other live/work activities or the character of the surrounding neighborhood as determined by the Community Development Director; and
10. Activities or uses that would adversely affect the health or safety of live/work unit residents, because of dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or that would be hazardous because of materials, processes, products, or wastes.

C. Site planning and design standards.

1. Each live/work unit fronting a public street shall have a pedestrian-oriented frontage that allows views into the interior of the nonresidential areas of the unit.

Each live/work unit shall have a clearly identified, separate access from other live/work units within the structure or development. Access to individual units shall be from common access areas, parking lots, or walkways. Access to each unit shall be clearly identified to provide for emergency services.

3. The living space within the live/work unit shall be contiguous with the working space, with direct access between the two areas.

D. Operating standards.

1. A City Business License shall be required for the business conducted within a live/work unit.

No portion of a live/work unit shall be separately sold or rented.

3. The owner or developer of a structure containing live/work units shall provide written notice to all occupants, tenants, and users that the surrounding area may be subject to higher impacts associated with nonresidential uses (e.g., noise) than exist in more predominantly residential areas. Performance standards for live-work units shall be those applicable to nonresidential uses allowed in the zoning district in which the live/work units are located.
4. All activities related to the “work” component of a live/work unit shall be conducted within a completely enclosed building.
5. Up to two additional persons who do not reside in the live/work unit may work in the unit.

6. Client and customer visits to live/work units are allowed.
7. Parking for each live/work unit shall be provided in compliance with Chapter 17.34 (Off-Street Parking and Loading).
8. A live/work unit shall not be converted to either entirely residential use or entirely nonresidential use.
9. A live/work use may display a window or building-mounted sign up to a maximum of four square feet. Signs shall not be illuminated, including neon signs.

17.19.110 Outdoor Use Regulations.

All uses shall be conducted entirely within a completely enclosed building, with the following exceptions:

- A. The dispensing of gasoline and related customer service at a service station;
- B. Seasonal Christmas tree and pumpkin sales;
- C. Recreational amenities including, but not limited to, swimming pools, tennis courts, basketball court, gardens, or tot lot;
- D. Outdoor eating facilities in connection with permitted restaurants;
- E. Commercial nurseries, lumber and building material yards, pottery and ceramic yards; provided that the outdoor sales and storage areas shall be surrounded by a view-obscuring wall, fence, or landscaping of minimum height of six feet. Plant materials may be screened by a decorative, rather than view obscuring fence. Except for plants, material stored behind the screening shall not be visible above the screening;
- F. Automobile sales or leasing agencies with limited outdoor display and storage areas in compliance with Subsection 17.19.070. B;
- G. Off-street parking and loading facilities;
- H. Temporary outdoor displays, as described in Section 17.36.150 of this title; and
- I. Other uses similar in character to those listed above, as determined by the Community Development Director.

17.19.120 Development Standards.

New land uses and structures, and alterations to existing land uses and structures, shall be established in compliance with the requirements in Table 17.19.120.

**TABLE 17.19.120
DEVELOPMENT STANDARDS FOR
MIXED-USE ZONES**

Development Feature	OTMU-15S	OTMU-15	OTMU-24	NMU-24	UMU
Lot Dimensions	<i>Minimum dimensions required for each NEWLY CREATED lot. See section 17.19.130</i>				
Lot Area (a)	10,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	40,000 sq. ft.	40,000 sq. ft.
Lot Width	50 ft.	50 ft.	50 ft.	100 ft.	100 ft.
Residential Density (b)	<i>Minimum/Maximum Density Range for residential uses.</i>				
Dwelling Units Per Acre (Net)	6-15	6 - 15	6 - 24	16 - 24	30 - 60
Floor Area Ratio (b)	<i>Minimum/Maximum Floor Area Ratio (FAR) for nonresidential uses.</i>				
Nonresidential development	Max. 0.6	Min. 0.5 Max. 1.0	Min. 1.0 Max. 1.5	Min. 1.0 Max. 1.5	Min. 1.5 Max. 3.0
Setbacks	<i>Minimum setbacks required for primary structures.</i>				
Front (c)(e)(f)(g)	0 ft. Min. W. Chapman.	0 ft. Max. Plaza	(e)	10 ft. Max. (g)	10 ft. Max. (g)

**TABLE 17.19.120
DEVELOPMENT STANDARDS FOR
MIXED-USE ZONES**

Development Feature	OTMU-15S	OTMU-15	OTMU-24	NMU-24	UMU	
Side	15 ft. Min. Glassell and E. Chapman. 25 ft. Max (e)	Historic District (e)				
	0 ft. Min. W. Chapman. 5 ft. Min. Glassell and E. Chapman (f)	0' (f)	0' (f)	0 (d)	0 (d)	
	Side - Street Side (f)(g)	(e)	(e)	(e)	10 ft. Max. (g)	10 ft. Max. (g)
	Rear	0' (d)	0' (d)	0' (d)	0' (d)	0' (d)
Height (h)(i) (Whichever is less)	<i>Maximum permitted building height without discretionary approval.</i>					
	32 ft. (h) 2 stories	32 ft. (h) 2 stories	32 ft. (h) 2 stories	45 ft. (i) 3 stories	45 ft. (i) 3 stories	
Building separation	<i>See Section 17.19.090</i>					
Fences and walls	<i>See Section 17.19.140</i>					
Landscaping	<i>See Section 17.19.160</i>					
Lighting	<i>See Section 17.12.030</i>					

**TABLE 17.19.120
DEVELOPMENT STANDARDS FOR
MIXED-USE ZONES**

Development Feature	OTMU-15S	OTMU-15	OTMU-24	NMU-24	UMU
Parking	<i>See Sections 17.19.150 and 17.19.160.C</i>				
Signs	<i>See Section 17.19.170</i>				

Notes:

- (a) New lots less than 40,000 square feet may be allowed within the NMU-24 and UMU zoning districts provided such lots are designed as part of a larger development project and are fully integrated into the larger development by means of access, circulation, parking, landscape theme, signage, and overall project design and that the overall development project complies with the minimum required density and/or floor area ratio.
- (b) The following applies to situations involving new infill development on a site with existing structures where the proposed new infill development, together with the existing development falls below the required minimum density and/or floor area ratio for the site, the overall development shall not be required to conform with the required minimum density and/or floor area ratio provided the new development together with the existing development brings the site into closer conformance with City standards.
- (c) In cases where the frontage of the block is partially within a residential district, the required front setback shall be the same as required for the residential district. In the case of an automobile sales facility for new vehicles the maximum setback shall be 25 feet to accommodate display of new vehicles.
- (d) In cases where the side or rear property line abuts a single-family residential district, and where the proposed building exceeds either one story or 20 feet in height, a rear setback of at least 10 feet shall be required.
- (e) Buildings located within the Old Towne Historic Districts shall comply with the following front setback and street side setback requirements:

- (1) Properties in the Downtown Core, outside of the Plaza Historic District, shall have a front setback equal to or greater than the average of the setbacks provided on adjacent structures facing the same street.
- (2) Within the Spoke Streets, a minimum 15 foot front setback is required for a parking area adjacent to a street.

Exceptions to (1) and (2) above:

- (i) Additions or modifications to existing commercial and industrial structures that were originally constructed with no front setback may maintain the same front setback as the original building;
 - (ii) Properties within the boundaries of the Santa Fe Depot Specific Plan area shall comply with the setback standards of the Specific Plan.
- (f) The required front setback or street side setback shall not be used for off-street parking.
 - (g) For the UMU and NMU zoning districts, the maximum allowed front and street side setbacks may be increased up to a maximum of 20 feet for projects *that* incorporate sidewalk oriented pedestrian amenities (e.g., plaza, fountain, outdoor dining, or enhanced landscaping, including street trees) subject to approval by the Community Development Director.
 - (h) All buildings located within one of the three OTMU zones shall not exceed two stories or 32 feet, nor the heights of adjacent buildings, whichever is less.
 - (i) Building height may exceed the allowed maximum provided no part of the building exceeds one-quarter of the horizontal distance, measured in feet, between the ground point of the building and the nearest single-family residential district boundary line.

17.19.130 Lot Area Requirements.

In addition to the lot area requirements provided in Table 17.19.120, the size and shape of each newly created lot shall be adequate to allow the full development of the allowed uses in a manner consistent with the following:

- A. Adequate provision shall be made to promote safe and orderly access and circulation of pedestrian and vehicular traffic within the site and from public streets and adjacent developments;
- B. Adequate provision shall be made for buildings to be sited to allow for functional use of space between structures and to provide areas for parking, access, and landscaping;

- C. Adequate provision shall be made to ensure the compatibility of the site development with surrounding development in regard to size, scale, building and site design, and limitation of overshadowing effects; and
- D. The proposed development shall not limit or adversely affect the growth and development potential of adjacent properties or the general area in which the proposed development shall be located.

17.19.140 Fences and Walls.

Fences and walls shall be subject to the following regulations:

- A. **Division wall required.** A masonry division wall shall be constructed on all property lines adjacent to any single-family residential district, except in the OTMU-15S zone where a wood fence may also provide separation between properties. Pedestrian access points are encouraged and may be allowed subject to approval of the Community Development Director. The division wall shall be six feet in height, as measured from the highest elevation of land contiguous to the wall, except in a required front yard and in a required exterior side yard for a corner, reverse corner or key lot, where the wall shall be limited to 42 inches in height.
- B. **Other fences and walls.** Fences and walls are permitted in any yard area subject to the following height regulations:
 - 1. Front yard area. In the front yard area, the height shall be limited to 42 inches.

Street side yard. In street side yard areas, the height shall be limited to 42 inches.
 - 3. All other areas. In all other areas, the height shall be limited to six feet, as measured from the side of the fence or wall with the highest grade.
- C. **Location.** All perimeter fences and walls shall be constructed on the property line unless a different location is permitted by the Community Development Director. No parallel wall or fence shall be constructed less than five feet from an existing wall or fence, unless approved by the Community Development Director.
- D. **Materials.**
 - 1. Chain link fencing shall not be erected between a primary or accessory structure and a public or private street, except that chain link fencing may be used for security purposes for public utility structures and for temporary fencing needs (construction sites, special events, vacant lots, etc.).

Barbed wire and concertina wire are not permitted, except at public utility structures.

17.19.150 Off-Street Parking and Loading.

Off-street parking and loading shall be provided as required in Chapter 17.34 of this title.

17.19.160 Landscaping

Landscaping shall be provided for each site to enhance the appearance of development projects, provide pedestrian comfort, create shaded areas, reduce heat and glare, conserve water, screen potentially incompatible land uses and facilities, improve air and water quality, and improve pedestrian and vehicular safety.

A. Applicability. The landscape standards in this Section apply in all mixed use zoning districts. In addition, the standards specified in City of Orange Landscape Standards and Specifications (Orange Municipal Code Chapter 16.50) shall also apply as a guideline.

1. New projects. Each new nonresidential project and multi-family residential project shall provide landscaping in compliance with this Section.

Existing development. When expansions to existing developments are proposed, the applicant shall comply with the requirements of this Section to the greatest extent feasible, as determined by the Community Development Director. The approval of a discretionary application for physical alterations or expansions to an existing nonresidential or multi-family development may include conditions of approval requiring compliance with the requirements of this Section. This Section does not apply to changes of use or interior tenant improvements.

3. Exempt projects. This Section shall not apply to properties recognized as having historic significance in the City’s Historic Recourses Inventory, or properties eligible for listing in the Historic Recourses Inventory.

B. Landscape plans. A landscape plan shall be submitted as part of the development application.

1. Required information. Landscape plans shall contain the information required by the Planning Division and as specified in City of Orange Landscape Standards and Specifications.

Intent of landscape plan.

- a. The landscape plan shall meet the purpose of this Section and the City of Orange Landscape Standards and Specifications by exhibiting a design layout that demonstrates the desired landscaping program in terms of function, location, size/scale, theme, and similar attributes.

- b. Landscaping shall be planned as an integral part of the overall project design and not simply be located in excess space after parking areas and structures have been planned.
 - c. Landscaping shall be planned to enhance the pedestrian environment. Pedestrian access to sidewalks and structures shall be considered in the design of all landscaped areas.
 - d. The landscape plan shall provide the reviewing body with a clear understanding of the landscaping program before preparation of the detailed final landscape and irrigation plan.
3. Preparation by qualified professional. Each landscape plan shall be prepared by a California licensed landscape architect, architect, licensed landscape contractor, certified nurseryman, or other professional determined by the Community Development Director to be qualified.
 4. Review and approval. The Planning Division shall review each landscape plan to verify its compliance with the provisions of this Section.
 5. Changes to final landscape plans. The Community Development Director may authorize minor changes to a final landscape plan that do not significantly affect the theme or character established for the project.

C. Landscape location requirements. Landscaping shall be provided in all areas of a site as follows.

1. Setback and open areas. All setback areas and other open areas of the site not occupied by buildings shall be landscaped. Trees shall be provided within setback areas adjacent to streets at a rate of one for each 30 lineal feet of landscaped area. The minimum size shall be 50 percent 24 inch box containers and 50 percent 15 gallon containers at time of planting. Street and street-side setback areas adjacent to parking lots shall be landscaped as required in subparagraph 3.a (Parking lots), below.

Unused areas. All areas of a project site not intended for a specific use, including a commercial pad site intended for future development, shall be landscaped unless the reviewing body determines that landscaping is not necessary to achieve the purposes of this Section.

3. Parking lots. Surface parking lots shall be landscaped as provided below.
 - a. Perimeter parking lot landscaping adjacent to street.
 - i. Parking lots abutting a public street shall be designed to provide a perimeter landscape strip a minimum 10 feet wide between the street right-of-way and parking area. Car overhangs shall not be included in this area.

- ii. Trees shall be provided at a rate of one for each 30 lineal feet of landscaped area and shall be a minimum 24 inch box container at time of planting.
 - iii. Landscaping, other than trees, shall be designed and maintained to screen cars from view from the street and shall be maintained at approximately 36 inches in height. Plant material shall be minimum five gallon container at time of planting.
 - iv. Screening materials may include a combination of plant materials, earth berms, raised planters, low walls, or other screening devices that meet the intent of this requirement as approved by the Community Development Director.
 - b. Interior surface parking lot landscaping.
 - i. Trees shall be evenly spaced throughout the interior parking area at a rate of one tree for every four parking spaces. Trees shall be located in planters that are bounded on at least three sides by parking area paving. Planters shall have a minimum interior dimension of least five feet.
 - ii. All trees within the parking area shall be a minimum 24 inch box container at time of planting.
 - iii. All ends of parking aisles shall have landscaped islands planted with trees, shrubs, and ground cover.
 - iv. Parking lots with more than 400 spaces shall provide an entry feature consisting of a concentration of landscape elements, including specimen trees, flowering plants, enhanced paving, and project identification.
- 4. Parking structures. Landscaping shall be provided along the perimeter of parking structures to screen the structure from view from public rights-of-way. Planters located on the upper levels of the exterior of the structure shall also be considered as a means of screening and softening the often utilitarian appearance of such structures.
- 5. Street trees.
 - a. Street trees are required along public streets and shall be approved on a project by project basis through the design review process and based upon the City's Street Tree Master Plan and location requirements.

- b. Where site conditions do not allow the installation of the street trees in the public parkway and where buildings are not located adjacent to the front or side street property lines, trees shall be located on private property within 10 feet of property lines adjacent to public streets. Trees shall be canopy-type shade trees planted at a rate of at least one tree for every 20 lineal feet of property frontage unless there are conflicts with utility or public right-of-way features in which case the Community Development Director may approve alternative spacing.

D. General Landscape Standards

1. Landscape design. The required landscape plan shall be designed to integrate all elements of the project (i.e., structures, parking lots, and streets) to achieve aesthetic objectives, provide shade and amenities for pedestrians, and to minimize water and energy demand.

Quality of materials. All plant materials shall conform to or exceed the plant quality standards of the latest edition of American Standard for Nursery Stock published by the American Association of Nurserymen, or the equivalent.

3. Size at time of planting. Plant materials shall be sized and spaced to achieve immediate effect and shall be a mixture of not less than a 15-gallon, 24 inch box, and 36 inch box containers for trees, minimum 5-gallon container for shrubs, and 6-inch pots for mass planting.
4. Plant selection and grouping. Plant materials shall be selected and grouped in compliance with Section IX (Water Efficient Landscapes) of the City of Orange Landscape Standards and Specifications.
5. Minimum dimensions. Each area of landscaping shall have a minimum interior width of three feet for shrubs and groundcover and five feet for trees.
6. Protective curbing. Landscaping shall be protected with a minimum six-inch high concrete curb or alternative method that complies with the City's surface water quality program requirements as determined by the Community Development Director and Public Works Director.

E. Safety requirements. Landscape materials shall be located so that at maturity they do not:

1. Interfere with safe sight distances for vehicular, bicycle, or pedestrian traffic;
Conflict with overhead utility lines, overhead lights, or walkway lights;
3. Block pedestrian or bicycle ways; or

4. Conflict with public safety concerns for crime prevention by not providing convenient places for criminals to hide, defining public and private spaces, and not blocking opportunities for adequate surveillance of public and quasi-public places.

17.19.170 Signs.

All signs shall comply with the requirements of Chapter 17.36 (Sign Regulations).

17.19.180 Screening of Mechanical Equipment.

- A. Mechanical and air conditioning equipment shall be shielded and screened from view from adjacent streets and properties. The screening shall be integrated architecturally with the building. Ground-mounted equipment shall be screened with a solid wall, solid fence, or sufficient landscaping to a height at least one foot above the equipment. Otherwise, such equipment shall be enclosed in a building.
- B. All mechanical equipment shall be baffled for sound.
- C. Mechanical equipment shall not be located in required setback areas.

17.19.190 Trash Enclosures.

All developments shall provide trash collection areas adequately and conveniently placed throughout the development. Trash collection areas shall be screened from view on three sides by a six foot high masonry wall in compliance with Department of Public Works standards. A view obscuring self-latching gate shall be provided.

17.19.200 Undergrounding of Utilities.

The installation of utility lines shall comply with Section 12.44.010 of the Orange Municipal Code.

17.19.210 Adaptive reuse of existing buildings.

- A. **Modification of standards.** In order to encourage the reuse of existing nonresidential buildings in the Old Towne Orange Historic District that are listed in the City's Historic Resources Inventory as contributing structures or properties eligible for listing in the inventory, the development standards in this Chapter may be modified by the reviewing body if they conflict with the historic design or character defining features of such buildings.
- B. **Incentives.** Adaptive reuse projects may be entitled to the incentives provided below subject to the approval of the reviewing body.

1. Mezzanines. New or existing loft spaces that do not exceed more than 33 percent of the floor area of the space below shall not be considered new floor area for the purpose of determining floor area ratio.
2. Density. When new dwelling units, including live/work units are created within an existing nonresidential building the allowed density of the zoning district may be increased by up to 15 percent by the reviewing body. This incentive is not available in conjunction with any incentives provided in compliance with Chapter 17.15 (Density Bonus).
 - a. In order to provide additional incentive for the adaptive reuse of existing historic packing houses recognized as historically significant in the City's Historic Resources Inventory, the allowed density of the zoning district may be increased by up to 35 percent by the reviewing body. This density bonus shall be applied only to dwelling units contained within building envelope of the historic packing house structure. This incentive is not available in conjunction with any incentives provided compliance with Chapter 17.15.
3. Off-street parking. The required number of parking spaces may be reduced by up to 20 percent unless the number of spaces that existed on the site at the time of application can accommodate the required number of spaces.
 - a. Subterranean parking areas shall not be counted toward the floor area ratio of the building in the adaptive reuse of a historic packing house.
4. Loading space. Where an existing loading space is provided it shall be maintained. If no loading space exists at the time of application, then a loading space shall not be required.
5. Site plan review. Adaptive reuse projects shall be subject to Minor Site Plan Review and Design Review.

17.19.220 Transportation Demand Management Program.

New commercial and mixed use developments and redevelopment resulting in a job site employment of 100 persons or more are required to prepare a Transportation Demand Management Program in compliance with Chapter 10.83 (Transportation Demand Management Program).

17.19.230 Old Towne Standards.

Developments within the Old Towne Mixed Use Districts shall conform to the Historic Preservation Design Standards for Old Towne Orange.

17.19.240 Orange Merged and Amended Redevelopment Project Area.

Development within the Orange Merged and Amended Redevelopment Project Area shall comply with the following design standards and guidelines when applicable:

- A. Historic Preservation Design Standards for Old Towne Orange;
- B. Santa Fe Depot Specific Plan; and
- C. Southwest Design Guidelines.

SECTION IV:

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION V:

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. A summary of this Ordinance shall also be published once within fifteen (15) days after this Ordinance's passage in a newspaper of general circulation, published, and circulated in the City of Orange. The City Clerk shall post in the Office of the City Clerk a certified copy of the full text of such adopted Ordinance along with the names of those City Council members voting for and against the Ordinance in accordance with Government Code Section 36933. This Ordinance shall take effect thirty (30) days from and after the date of its final passage.

ADOPTED this 10th day of May, 2011.

Carolyn V. Cavecche, Mayor, City of Orange

ATTEST:

Mary E. Murphy, City Clerk, City of Orange

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

I, MARY E. MURPHY, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the 26th day of April 2011, and thereafter at the regular meeting of said City Council duly held on the 10th day of May, 2011, was duly passed and adopted by the following vote, to wit:

AYES: COUNCILMEMBERS: Whitaker, Smith, Cavecche, Dumitru, Bilodeau
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

Mary E. Murphy, City Clerk, City of Orange