

# Division 3 Single Family Residential Zones

## Chapter 19.304 Purpose and Description of Single-Family Residential Zones

### 19.304.010 Purpose and General Plan Consistency.

The General Plan outlines goals and objectives regarding **single-family** residential uses and development. The purpose of this Division is to implement those General Plan goals and objectives that relate to **single-family** residential land use.

### 19.304.020 Description of Zones.

The following single-family residential zones, with their general purpose as indicated, have been created to implement the goals, objectives, and residential land use designations of the General Plan.

- A. **RS-16, Select Estate Residential Zone.** For the development and preservation of residential areas of single-family homes on large lots in order to maintain a park-like setting within a hillside environment.
- B. **RS-10, Estate Residential Zone.** For the development and preservation of residential areas of single-family homes on relatively large lots located adjacent to or near a golf course.
- C. **RS-8, Suburban Residential Zone.** For the development and preservation of residential areas of single-family homes on medium-size lots located in hillside areas or near a golf course.
- D. **RS-6, One-Family Residential Zone.** For the development and preservation of residential areas of single-family homes located on moderate to minimum size lots on relatively flat terrain.
- E. **Planned Development Zones.** To provide for land uses and development standards to be tailored to individual sites. This land use designation requires that a master plan be prepared for each area so designated. The master plan must discuss development phasing, development intensities, amenities, design, and how the development is to conform with the guiding principals included in the Land Use Element of the General Plan for each area designated as Planned Development. It is intended to preclude incremental development which may be detrimental to the whole.
- F. **Overlay Zones.** The following special designations are established which may be combined by notation on the Zoning Map with any of the zones above in order to accomplish the additional purposes indicated below:
  - 1. **A, Agricultural Overlay Zone.** To provide for the preservation of areas of single-family homes on large lots with associated agricultural activities, including limited animal keeping.
  - 2. **P, Parking Overlay Zone.** To provide for and encourage the development of needed parking areas to serve adjacent commercial and public service uses located in the central area of the City. Such parking use is intended to be arranged within residential zones adjacent to commercial zones in a manner which protects the residential areas from undue adverse effects of adjacent commercial activity and may lead to an orderly transition from residential to parking use for such areas.
  - 3. **Housing Incentive Overlay (HIO) Zones.** The HIO Zones includes six (6) Overlays that serve to implement the Housing Element's goal of providing new housing that addresses affordable housing needs by establishing objective design criteria for designated housing opportunity sites. The HIO's include Mixed-Use Overlay-45, Mixed-Use Overlay-60, Mixed-Use Overlay-100, Housing Opportunities Overlay, Religious Congregational and Fraternal Overlay, and Hotel/Motel Conversion Overlay. The HIO Zones have been applied to properties shown on the Zoning Map.

(Ord. 1553 § 3, 2012; Ord. 1315 § 11, 1994)

### 19.304.030 Housing Incentive Overlay (HIO) Classification.

Properties located in areas shown on the Zoning Map with the symbol “MUO45”, “MUO60”, “MUO100”, “RCFO”, or “HMCO” may be used for higher-density housing as a primary use in lieu of, but not in combination with, other uses authorized for the underlying zone. Objective Design Standards apply to such properties. Refer to the adopted Housing Incentive Overlay (HIO) Objective Design and Development Standards for applicable standards.

### 19.304.040 Planned Unit Developments.

- A. A planned unit development, wherein the owners of individual lots also hold undivided interests in common areas within the same development, all as defined in Section [19.104.080](#), may be approved in any RS zone. Such approval shall be accomplished under both the subdivision ordinance ([Division I of Title 18](#)) and site plan review (Section [19.128.040](#)) procedures, except a conditional use permit also is required for the planned unit development for any development in the PD Overlay Zone.
- B. For planned unit developments, the minimum lot size and dimension requirements of Section [19.308.050](#), as well as other regulations of this Division based on dimensions from lot lines, shall not apply to the individual unit lots, but shall apply to the total net site area of each such development.

### 19.304.050 Interpretation of Uses Permitted.

Further definition and enumeration of uses permitted in the various zones may be determined by interpretation in accordance with Section [19.128.010](#).

## Chapter 19.308 Intensity of Use and Site Requirements

### 19.308.010 Residential Base Densities.

The base density table below refers to the maximum number of units per acre permitted under the corresponding zoning district. Additional density may be achievable in the form of a density bonus (Cluster Bonus, Affordable Housing Bonus, and Senior Housing Bonus). Before any density bonuses are applied, the number of dwelling units permitted in a single-family residential development shall not exceed the base density specified below.

Zone	Base Density (dwelling units per net acre)
RS-16	2.7
RS-10	4.3
RS-8	5.4
RS-6	7.2

### 19.308.020 Cluster Bonus.

When a cluster bonus is approved in accordance with Section [19.348.020](#), the dwelling unit density of a single-family development shall not exceed a density 20% greater than otherwise permitted.

### 19.308.030 Affordable Housing Bonus.

State Density Bonus Law (Government Code Sections [65915-65918](#)) provides that local governments shall grant density bonuses and regulatory concessions and incentives to developers of housing, childcare facilities, or for donation of

land for housing, where the developer agrees to construct a specified percentage of housing for lower-income households, very low-income households, moderate-income households or qualifying residents. This section adopts the State Density Bonus Law by reference. Where a provision contained in the Municipal Code does not discuss a specific condition or situation that arises, the provisions set forth in State Density Bonus Law shall apply. In the event of a conflict between these provisions and the provisions of State Density Bonus Law, whichever is stricter shall prevail.

**19.308.040 Fractional Results.**

- A. Regardless of the maximum density calculated pursuant to this Chapter, one (1) dwelling unit shall be permitted on any lawfully established lot in an RS zone if such lot has a net area of at least 2,500 square feet.
- B. In other cases, in determining the maximum number of dwelling units permitted within a subdivision, any fraction of dwelling unit in the calculated result, after applying all density factors, shall not be construed as allowing an additional dwelling unit if such fraction is less than 0.5.

**19.308.050 Site Dimensions.**

The minimum size and dimensions of lots created in the various zones shall be as shown in Table 19.308.050.

<b>Table 19.308.050 MINIMUM SITE DIMENSIONS</b>				
<b>Zone</b>	<b>Minimum Lot Area (square feet) <sup>(4)</sup></b>	<b>Minimum Street Frontage (feet)</b>	<b>Minimum Lot Width (feet)</b>	<b>Minimum Lot Depth (feet)</b>
RS-16	16,000 <sup>(1)</sup>	100	100 <sup>(1)</sup>	150
RS-10	10,000 <sup>(1)</sup>	85	85 <sup>(1)</sup>	110
RS-8	8,000 <sup>(1)</sup>	80	80 <sup>(1)</sup>	100
RS-6	6,000 <sup>(1) (2) (3)</sup>	40 <sup>(3)</sup>	60 <sup>(1)</sup>	—

<sup>(1)</sup> For corner lots in single-family residential zones, the minimum lot area shall be increased by 500 square feet and the minimum lot width shall be increased by five (5) feet over the amount shown in this table.  
<sup>(2)</sup> Where property is also located in the A – Agricultural Overlay Zone, the minimum lot size shall be 14,000 square feet. See Section [19.312.030](#).  
<sup>(3)</sup> For existing lots in the RS-6 Zone in Tracts 280, 624, 625, and 650, lots may be combined and/or divided to meet the predominant lot area, street frontage and lot width dimensions of lots within the tract containing such lots.  
<sup>(4)</sup> For parcels in single-family residential zones that do not conform to the minimum lot area required, see [Chapter 19.204 Nonconforming Uses and Sites](#).

**19.308.060 Urban Dwellings and Urban Lot Splits (SB-9)**

Urban Dwellings and Urban Lot Splits (SB-9) pursuant to Government Code Sections 65852.21 and 66411.7 requires ministerial approval of a housing development with no more than two (2) primary units in a single-family zone and/or the subdivision of a single-family zoned parcel into two (2) parcels (See Section [19.348.090](#)). SB-9 allows for up to four (4) housing units in the lot area typically developed with one (1) single-family home. Section [19.348.090](#) and Section [19.348.100](#) implements Sections 65852.21 and 66411.7 of the Government Code through objective zoning standards, objective subdivision standards, and objective design review standards as provided in 65852.21. (b). These standards implement requirements of Senate Bill (SB) 9 California Housing Opportunity & More Efficiency (HOME) Act and Sections 65852.21 and 66411.7 of the California Government Code and shall remain in effect, as modified until SB 9 and Sections 65852.21 and 66411.7 are rescinded or extended.

# Chapter 19.312 Uses

## 19.312.010 Uses Permitted.

- A. Land, buildings, and other facilities shall be designed, developed, and used only for those activities indicated for the various zones by Table 19.312.010, entitled Uses Permitted. The symbols shown in this table have the following meanings:

Symbol	Meaning
P	Automatically permitted use.
I	Incidental use—use permitted only if incidental to another primary use on the same site. If incidental to a use authorized by conditional use permit, such incidental use is permitted only if included within the terms of the conditional use permit.
C	Conditional use—use eligible for consideration under the conditional use procedure (Section <a href="#">19.128.020</a> ) and permitted only if a conditional use permit is approved, subject to the specific conditions of such permit.
Ci	Incidental conditional use—use eligible for consideration under the conditional use procedure only if incidental to another primary use of the site, whether such primary use is automatically permitted or permitted by conditional use permit.
T	Temporary use—permitted if approved in accordance with Title 19, Division 10.

- B. Those uses listed as accessory uses in the Uses Permitted Table are subject to the definition of accessory use in Section [19.104.080](#) as well as the meanings of the indicated symbols in the table.

Uses	Residential Zones					Additional Requirements
	RS-16	RS-10	RS-8	RS-6	PD <sup>(1)</sup>	
<b>Residential Uses</b>						
<b>Single-Family Dwellings:</b>						
Site-Built.	P	P	P	P	C	
Manufactured Homes.	P	P	P	P		Refers to manufactured homes, factory-built homes, modular homes, and panelized homes.
Single-Family Cluster.			C	C	C	See Section <a href="#">19.348.020</a> .
<b>Multi-Family Dwellings:</b>						
Cottage Cluster			P	P		100% affordability requirement applies. See Section <a href="#">19.348.100</a> .
Employee Housing (6 or fewer).	P	P	P	P	P	Employee Housing as defined by the Health and Safety Code Section 17008. Employee housing shall be subject to the provisions of the Health and Safety Code Sections 17021.5 and 17021.6.
Transitional/Supportive Housing.	P	P	P	P	C	Transitional housing facilities providing accommodations for six (6) or fewer individuals are allowed in RS zones, unless otherwise indicated by State Law. Refer

						to Government Code Section 65651.
Duplex		P	P	P	P	See Section <a href="#">19.348.100</a> .
<b>Residential Accessory Uses:</b>						
Non-Habitable Accessory Structure.	I	I	I	I	I	See Section <a href="#">19.316.080</a> .
Accessory Dwelling Units.	I	I	I	I	I	See Section <a href="#">19.348.010</a> .
Junior Accessory Dwelling Units.	I	I	I	I	I	See Section <a href="#">19.348.010</a> .
Guesthouse.	I	I	I	I	I	A guest house shall be used only by the occupants of the main residence, their nonpaying guests, or domestic employees. The guest house shall not be rented or otherwise occupied independently from the main residence.
Home Occupation.	I	I	I	I	I	See Section <a href="#">19.348.030</a> .
Short-Term Rental.	I	I	I	I	I	See Section <a href="#">19.348.080</a> .
Animal Keeping.	I	I	I	I	I	See Section <a href="#">19.348.050</a> .
Swimming Pool, Therapeutic Pool, Recreational Structure, Spa.	I	I	I	I	P	See Section <a href="#">19.324.050</a> .
Clubhouse, Meeting Room, Game Room, Gymnasium, Sauna, Health Center (Private Use Only).			I	I	P	Permitted as an incidental use for single-family cluster housing, cottage cluster housing, and planned developments.
Firepits and Fixed Freestanding Barbecues	I	I	I	I	P	See Section <a href="#">19.324.030</a> .
Game Courts (tennis, pickleball, basketball)	I	I	I	I	I	
Parking, within Garage.	I	I	I	I	P	
Parking, under Carport.	I	I	I	I	P	Carports are permitted for parking spaces which are in addition to the required garage spaces.
Parking, Uncovered.	I	I	I	I	P	Uncovered parking is permitted for parking spaces which are in addition to the required garage spaces.
Yard Sale.	I	I	I	I	I	See Section <a href="#">19.348.040</a> .
<b>Public Service Uses</b>						
<b>Community Day Care:</b>						
Small group child day care home (1-14 children).	I	I	I	I	I	All applicants shall comply with the State <a href="#">Health and Safety Code</a> with regard to the maximum number of children that may be supervised at any one time based on applicable standards and criteria. In no case, shall the total number of children supervised at any one time at any residence exceed 14.
Small group adult day care home (1-6 adults).	I	I	I	I	I	
Child day care center.		Ci		Ci	Ci	Permitted with a CUP as an incidental use provided that sufficient parking and circulation can be provided

						on the property and the hours of operation for the incidental use will not conflict with the primary use.
Adult day care center.		Ci		Ci	Ci	Permitted with a CUP as an incidental use provided that sufficient parking and circulation can be provided on the property and the hours of operation for the incidental use will not conflict with the primary use.
<b>Public Assembly:</b> (See also Recreation)						
Church.				C		In all residential zones in which churches are permitted, such churches shall be located on and oriented to a major, primary, or secondary highway as defined and designated in the Buena Park General Plan. Bingo games shall be permitted as an accessory use only when authorized under Chapter 5.16 et seq., and only when fire and safety regulations are met and parking facilities are fully conforming to the requirements for public assembly use.
Café / Coffee Shop	Ci	Ci		Ci		Permitted only as an incidental use to an existing permitted religious facility and subject to all building and fire safety standards applicable to commercial / assembly use. Must be less than 3,000 square feet.
Emergency Shelters.				I		See Section <u>19.348.070</u> .
<b>Education:</b>						
Educational institution.		C	C	C		Bingo games shall be permitted as an accessory use only when authorized under Chapter 5.16 et seq., and only when fire and safety regulations are met and parking facilities are fully conforming to the requirements for education use.
<b>Recreation:</b> (see also Division 5, Commercial Uses – Commercial Recreation.)						
Public park, public playground, public recreational area, public landscaped open space, public-owned historical site or feature.	P	P	P	P	P	
Community recreation center.				P	C	

<b>Utilities and Communications:</b>						See Division 12 of Zoning Ordinance.
Aviation navigational aids.		C	C	C	C	
Public utility facilities or structures, including electrical substations and cellular telephone facilities.	C	C	C	C		
<b>Transportation:</b>						
Parking Lot.		C	C	C	C	
<b>Agricultural Uses</b>						
Horticultural production, plant nursery (no sales), keeping of livestock.				P		Applies to A-Agricultural Overlay Zone only. See Section <u>19.312.030</u> .
Horticultural production, plant nursery (with sales).				C		See Section <u>19.348.060</u> .
<b>Temporary Uses</b>						
On-site construction facilities.	P	P	P	P	P	Offices, storage, activities, and facilities directly pertaining to construction for a permitted use on the same site provided construction is not suspended for more than 30 consecutive days.
On-site real estate sales office.	P	P	P	P	P	Temporary real estate sales office, only for sales or leasing of new subdivision and for not more than 1 year.
<sup>(1)</sup> Permitted uses and intensity of use in the PD zone shall be determined in a public hearing subject to the provisions of the General Plan for the individual area designated as Planned Development.						

(Ord. 1315 § 11, 1994; Ord. 1344 § 4, 1997; Ord. 1443 § 4, 2003; Ord. 1564 § 3, 2013; Ord. 1642 § 5, 2018; Ord. 1674 § 5, 2020; Ord. 1675 § 3, 2020)

### 19.312.020 Parking Overlay Classification.

Property located in an area shown on the zoning map with the symbol “P” may be used for a parking lot or parking structure as a primary use in lieu of, but not in combination with, other uses authorized for the underlying zone. Such parking use shall serve activities located in the same or adjacent zones. Yard, setback, and landscape requirements of the underlying zone shall apply.

### 19.312.030 Agricultural Overlay Classification.

**A. Permitted Uses.** Property located in an area shown on the Zoning Map with the symbol “A” may be used for the following agricultural activities in addition to the uses authorized for the underlying zone:

1. Horticultural production;
2. Plant nursery;
3. Orchards and tree crops;
4. Field crops, berry crops, bush crops, truck gardening;
5. Raising or keeping of livestock subject to the requirements of subsection C of this section;
6. Beekeeping, subject to the requirements of subsection D of this section;
7. Agricultural accessory uses and structures.
8. Raising or keeping of chickens subject to the requirements of subsection E of this section;
9. Employee housing consisting of no more than thirty-six (36) beds in a group quarter, or twelve (12) units or spaces designed for use by a single family or household in compliance with [Health and Safety Code §17021.6](#).

- B. Lot Size.** Notwithstanding the requirements of the underlying zone, the minimum lot size in the A – Agricultural Overlay Zone shall be 14,000 square feet.
- C. Livestock.** Raising or keeping of livestock shall be limited to domesticated animals such as rabbits, fowl, and not more than two (2) horses, mules, cows, goats, sheep, or similar large animals in any combination. Any animal keeping structure for such animals shall be located at least:
1. 100 feet from the front property line;
  2. 30 feet from any other property line;
  3. 40 feet from any dwelling or other building used for human habitation, on either the subject or adjacent properties.
- D. Beekeeping.** Unless otherwise permitted by conditional use permit, not more than four (4) bee hives shall be permitted within the Agricultural Overlay Classification subject to the following development and operational standards:
1. The number of hives fluctuates slightly depending on the season; properties found with more than four (4) hives will first be issued a warning to reduce the number of hives prior to initiating further enforcement actions.
  2. Hives may be located in the side or rear yard but must be a minimum of ten (10) feet from any property line.
  3. Parcels that share a common property line with a School, licensed childcare facility, or park shall not be permitted to keep bees.
  4. No property may keep bees without first obtaining a ministerial permit from the Community and Economic Development Department.
  5. Each application for beekeeping shall be on a City-provided form and shall include the following information and documentation:
    - i. The property address where beekeeping is proposed.
    - ii. Property owner authorization.
    - iii. A site plan showing the location on the parcel where the beehives will be located and the required six-foot tall fence/wall/hedge around the property or apiary.
    - iv. The location of the on-site water source.
    - v. Self-attestation that the applicant has completed a training/certification course on beekeeping.
  6. The Community and Economic Development Director may issue additional rules and requirements regulating the keeping or maintaining of chickens based on the site-specific conditions, and may deny, suspend or revoke any such permit for violations of these requirements.
- E. Chicken Keeping.** Unless otherwise permitted by conditional use permit, not more than six (6) chickens (no roosters) may be kept on each single-family (RS) zoned property subject to the following development and operational standards:
1. No property may keep chickens without first obtaining a ministerial permit from the Community and Economic Development Department.
  2. Any property which keeps or maintains chickens shall provide an adequate enclosure.
  3. The enclosure must be a minimum size of ten (10) square feet of permeable land per chicken.
  4. The enclosure must provide protection for the chickens from the elements, and to prevent wildlife or other predators from gaining entry.
  5. Chicken enclosures or related structures may be located in the side or rear of the property but shall not be located in the front yard.
  6. Chicken coops/runs/enclosures shall be at least 10-feet from any side or rear property line.
  7. Chickens must be provided proper feeding and water at intervals not longer than twelve (12) hours apart.
  8. Coops, pens, enclosures or yards where chickens are kept must be maintained in a clean and sanitary condition. Manure or other debris shall be removed from such enclosures daily.

9. Each application for the keeping of chickens shall be on a City-provided form and shall include the following information and documentation:
  - i. The property address where chicken keeping is proposed.
  - ii. Property owner authorization.
  - iii. A site plan showing the location on the parcel where the enclosure/coop/run will be located.
  - iv. Self-attestation that the applicant has completed a training/certification course on keeping of chickens.
10. The Community and Economic Development Director may issue additional rules and requirements regulating the keeping or maintaining of chickens based on the site-specific conditions, and may deny, suspend or revoke any such permit for violations of these requirements.

#### **19.312.040 Single-Family Residential Zone—Commercial Parties Prohibited.**

- A. Purpose and Intent.** It is the purpose and intent of the City Council by the adoption of this section to prohibit parties conducted in a commercial manner within all single-family residential zones in order to preserve the rights of residents to the quiet enjoyment of their property.
- B. Definitions.** For purposes of this section, the following words and phrases shall have the meanings set forth herein:
  1. “Admission charge” means a tangible benefit, monetary or otherwise, which is expressly or implicitly required as a condition of admittance to a party. Customary courtesies and clearly noncommercial activity such as gifts by guests and voluntary sharing of expenses for meals shall not be considered to be an “admission charge.” “Admission charge” shall not include donations for political, community service, charitable, or religious purposes.
  2. “Party” means three (3) or more persons meeting together for social, recreational, or amusement purposes.
- C. Admission Charge Prohibited.** No person or group of persons shall require, implicitly or expressly, any admission charge to any party conducted in any single-family residential zone.

## Chapter 19.316 Development Standards—Building Form

### 19.316.010 Buildings Required.

- A. All activities and facilities, where permitted by other provisions of this Division, shall be enclosed within permanently constructed buildings.
- B. Outdoor activities, storage, and display may be permitted in accordance with Sections [19.312.010](#) and [19.324.020](#), and the regulations and limitations of [Division 10, Title 19](#).
- C. Where a use is permitted by conditional use permit, temporary use permit, or special permit (see [Division 10, Title 19](#)), outdoor activities and temporary facilities may be authorized by the terms of such permit notwithstanding the provisions of this section.

### 19.316.020 Building Type.

Every building shall be designed or remodeled to accommodate its use in accordance with applicable building codes and other laws. A residential building shall not be occupied by a nonresidential primary use.

### 19.316.030 Height of Structures.

- A. The maximum height of any building or structure shall be as shown in Table 19.316.030.

Table 19.316.030 HEIGHT LIMITS IN RS ZONES		
Type of Building	Maximum Height	
Detached House (Primary Building)	2 stories	Shall not exceed 30 feet
Single-Family Cluster <sup>(1)</sup>	2 stories	Shall not exceed 30 feet
Duplex <sup>(2)</sup>	2 stories	Shall not exceed 30 feet
<sup>(1)</sup> See Section <a href="#">19.348.010</a> for additional standards.		
<sup>(2)</sup> Duplexes are only permitted pursuant to SB-9. See Section <a href="#">19.348.100</a> for additional standards.		

### 19.316.040 Building Coverage.

- A. The maximum building coverage of net lot area for all single-family residential zones shall be 40 percent.
- B. The following shall be calculated as building coverage of a lot;
  - 1. All roofed structures over 6 foot in height, with dimensions measured around the outside bearing walls and/or support columns of the structures, including covered breezeways and recessed entryways, as well as patio structures whether open-sided or enclosed, trellised, or solid-roofed.
  - 2. Decks, platforms, porches, or stoops, 18 inches or higher from the finished floor to the finished grade of the lot.
- C. The following is not calculated as building coverage under this section:
  - 1. Uncovered balconies and eaves, awnings, and other shading devices cantilevered from a structure.
  - 2. Hardscape such as driveways, parking space, walkways, sidewalks patios and patio covers (unenclosed).

## 19.316.050 Building Form

- A. Orientation to the Street.** The main elevation of a single-family home shall face the primary public or private street on which the lot is located. In addition, the main entry to the single-family home shall also be located on the elevation facing the primary or public street.
- B. Driveway Centerline.** Driveways shall include a decorative element at least one (1) foot wide composed of pavers, colored concrete, aggregate, brick banding or other decorative treatment to break up uninterrupted concrete surfaces to no more than 12-foot wide sections.
- C. Front Elevation Massing.** Building elevations on which the main entry is located shall include at least two (2) of the following massing reduction strategies, compliant with the associated standards:
- 1. Single Floor Projection.** A façade projection on the lower or upper floor that projects project at least one (1) foot from the main wall plane, with a total area of at least 80 feet and capped by a gable, eave or other roof form.
  - 2. Multi-Floor Projection.** A façade projection extending from ground level to the upper floor ceiling that projects at least one (1) foot from the main wall plane, with a total area of at least 124 feet, and capped by a gable or other roof form.
  - 3. Massing Break.** A break in the main wall plane of at least two (2) feet that extends from ground level to the upper floor ceiling. The break shall be located so as to separate primary façade elements such as entries and garages, and picture windows.
  - 4. Bay Window.** A protruding window, such as a bay window, which is at least two (2) feet in depth.
  - 5. Second Floor Stepback.** A minimum five (5) foot, street-facing stepback applied to the second floor. The setback shall span at least 60% of the total street-facing building elevation and shall be covered with an eave or roof component that matches the primary roof form of the building.
  - 6. Contrasting Materials or Finish on Floors.** Application of siding, panels or materials that vary from the primary exterior finish, to at least 40% of the total elevation area of one story of the building. All materials shall comply with Section [19.316.100](#).
- D. Window Perimeter.** All windows shall include at least one (1) of the following perimeter design details:
- 1.** Trim at least two (2) inches wide around the entire window.
  - 2.** A minimum two (2) inch recess from the surrounding exterior wall plane.
- E. Street Fronting Roofline.** Roof surfaces that face front property lines and are wider than 30 feet shall be vertically articulated at least once every 30 feet, with at least one (1) of the following techniques:
- 1.** A change in height of at least four (4) feet.
  - 2.** A roof dormer.
  - 3.** A change in roof orientation.
  - 4.** A change in roof form that projects at least three (3) feet above the main roofline.
- F. Garage Door Design.** All garages shall be designed and located to limit their visual presence, using one of the following techniques:
- 1. Design sensitive front garage.** Garages located at the front building elevation shall comply with the following standards:
    - i.** The width shall not exceed 60 percent of the total width of the front elevation of the building.
    - ii.** The garage shall be prohibited from projecting from the surrounding wall plane.
    - iii.** The garage shall include either 1) an overhang at least 12 inches deep with the same materials and color palette as the primary roof form, or 2) a recess of at least 12 inches from the surrounding wall plane.

2. **Side accessible attached garage.** Such garages shall be located a minimum of 12 feet behind the main elevation of the home.
3. **Detached or attached rear garage.** Such garages shall be located at the rear of residential lots and be made accessible from a side lot driveway or from the rear.

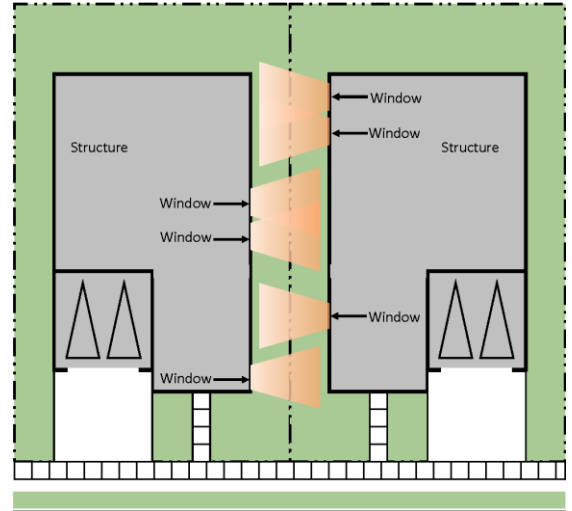
**G. Window Placement and Privacy.** To ensure privacy, windows shall be positioned so that it is not in line or directly face a window on an adjacent structure, as shown in Figure A.

**H. Antennae.** Notwithstanding the restrictions of subsection A of this section, radio, television, microwave antennae, and similar equipment shall be subject to the following regulations:

1. Ground-mounted antennae which are incidental or accessory uses are permitted to a height of 60 feet, unless permitted higher by a conditional use permit.
2. Roof-mounted antennae, which shall include dishes to a maximum of 24 inches in diameter, may be used but may not be more than 25 feet higher than the highest point of the building to which they are attached, excluding chimneys and like projections, unless permitted higher by the issuance of a conditional use permit.
3. Any antenna that is primary to the use shall be subject to the height limit established under a conditional use permit.

**I. Flagpoles.** Flag poles shall be permitted within front, side or rear yards provided they are setback a minimum of five (5) feet from property line and shall be limited to no more than thirty (30) feet in height subject to issuance of a building permit.

**J. Other Structures.** Any free-standing structure, not specifically referenced in this Title shall be limited to no more than eight (8) feet in height and may not be located within the front, side or rear yard setback area.



**Figure A– Window Placement and Privacy**

### 19.316.060 Space between Buildings.

- A.** In *single-family* residential zones, the minimum distance between buildings located on the same lot shall be six (6) feet, or the buildings shall be attached as one structure with a minimum ten (10) foot common wall or roofline. *The six (6) foot distance shall be measured from the closet points of the building walls or structure walls.*
- B.** Permitted Building Projections. The following building features may project a maximum 2.5 feet into the minimum required space between buildings;
  1. Cantilevered eaves, awnings, and shading devices.
  2. Architectural features—sills, cornices, buttresses, etc.
  3. Chimneys and fireplaces, with a maximum 8 foot length.
  4. Mechanical equipment cantilevered from building.

### 19.316.070 Residential Building Floor Area.

The minimum floor area of each dwelling unit shall be as indicated in the table below. Attic and basement space, where the headroom is less than six and one-half feet, and garages and accessory buildings shall not be included as part of the required dwelling unit floor area.

Zone	Minimum Floor Area
RS-16	2,200 sq. ft.
RS-10	2,200 sq. ft.
RS-8	1,800 sq. ft.
RS-6	1,100 sq. ft.

### 19.316.080 Non-Habitable Accessory Structures.

For the purpose of this section, accessory structures shall include those detached structures designed and intended for permitted accessory uses within the single-family residential zones.

- A. For all single-family dwellings, accessory structures shall be non-habitable with the exception of an accessory dwelling unit as a permitted use pursuant to Section [19.312.010](#). Examples of non-habitable accessory structures may include garages, patios, carports, storage sheds, gazebos, cabanas, and other similar structures.
- B. Notwithstanding other provisions of this Division, the floor area of all non-habitable accessory structures shall not exceed 50 percent of the habitable residential floor area of the primary dwelling or 600 square feet, whichever is less. Non-habitable accessory structures shall be approved ministerially if the site plans are in compliance with all applicable development and design standards. Non-habitable accessory structures greater than 50 percent of the habitable residential floor area or 600 square feet shall require a conditional use permit pursuant to Section [19.128.020](#).
- C. A canopy, including support structure, may be installed within the side or rear yard setbacks in single-family residential zones if it complies with the following standards:
  - 1. The canopy may be located within a side yard abutting a street provided it is located behind a solid block wall or fence maintaining a minimum height of five (5) feet.
  - 2. The canopy shall be firmly attached to the ground or the primary structure.
  - 3. The canopy shall be maintained in good condition and structurally sound, and shall be removed, cleaned, or replaced if faded, torn, tattered, dirty, or missing.
  - 4. For the purposes of this Section, a canopy is defined as a fabric, vinyl, metal, or other durable material stretched over a supporting frame, intended to provide shelter or shade for outdoor spaces such as yards or patios.
- D. See Section [19.348.010](#) for requirements pertaining to Accessory Dwelling Units.

(Ord. 1443 § 5, 2003; Ord. 1450 § 4, 2004; Ord. 1642 § 4, 2018)

### 19.316.090 Residential Garages and Carports.

For required single-family residential garages, the minimum floor area and vehicular openings shall be as shown in Table 19.316.090. Carports may be permitted only in addition to the required garage and shall not be used in place of the required garage.

**Table 19.316.090  
SINGLE-FAMILY RESIDENTIAL GARAGES**

Minimum Gross Floor Area		Minimum Clear Width of Vehicular Doors or Openings	
		One Opening	Two or More Openings
RS-16 Zone	600 sq. ft.	16 ft.	8 ft. each
RS-10 Zone	600 sq. ft.	16 ft.	8 ft. each
Other zones <sup>(1) (2)</sup>	400 sq. ft.	16 ft.	8 ft. each

<sup>(1)</sup> Any new home containing five (5) bedrooms or at least 3,000 sq. ft. of living space shall maintain a minimum 600 sq. ft. garage.

<sup>(2)</sup> For existing homes containing less than four (4) bedrooms, any addition which increases the number of bedrooms to five (5) or greater shall provide (1) additional parking space, covered or uncovered on the same property for each bedroom in excess of four (4).

(Ord. 1481 § 3, 2006)

### 19.316.100 Building Materials

- A. Façade Materials.** Primary, Secondary and Accent materials are allowed or prohibited as illustrated in Table 19.316.100, which may be updated periodically by the Community and Economic Development Director as new or amended materials become available. Community and Economic Development Director approval is required for materials not identified in Table 19.316.100 below.
- B. Primary Building Materials.** The primary building materials listed in Table 19.316.100 are permitted to make up approximately 50% to 75% of the building design. The primary building materials include the appropriate wall surface materials and visible roofing materials. The primary building materials cover the primary/front façade, secondary/corner side façade, side façade, and rear façade of the entire building.
- C. Accent/Secondary Materials.** The accent/secondary building materials listed in Table 19.316.100 are permitted to make up approximately 5% to 35% of the building design. This includes exterior windows, decorative window treatments and balconies, decorative entries, etc.
- D. Chimneys.** Chimneys shall either be painted the same color as the exterior wall or constructed with the same materials present on other accents or elements of the façade.
- E.** Single family subdivisions with two (2) or three (3) units shall provide a minimum of two (2) color schemes. Single family subdivisions with more than three (3) residential structures shall provide a minimum of three (3) color schemes and shall not use a single-color scheme on more than 40% of the residential structures. Structures shall incorporate a color scheme that contains a maximum of four (4) distinct colors per building. A color scheme is defined as (body one and/or body two, trim, and a contrasting accent color).
- F.** Building materials and colors shall be in compliance with the Architectural Styles provided in Section 19.316.110.
- G.** This Section does not pertain to developments located within HIO Zones. The HIO's are subject to separate objective design criteria.

**Table 19.316.100  
RESIDENTIAL MATERIAL LIST**

<b>Material</b>	<b>Maximum Usage % of Façade Area <sup>(3)</sup></b>
<b>Permitted as Primary Building Materials</b>	
Brick (full dimensional)	75%
Stone/masonry	75%
Stucco/Cement Plaster	75%
Finished wood, engineered wood	75%
Fiber reinforced cement siding and panels	75%
Vinyl siding	50%
Glass (transparent, spandrel)	50%
Exterior Insulation Finishing System (EIFS)	50%
<b>Permitted as Accent/Secondary Materials</b>	
Concrete (poured in place or precast) (hardscape)	35%
Concrete blocks with integral color (ground, polished, or glazed finishes)	35%
Concrete blocks with integral color (split face finish)	35%
Ceramic tile	35%
Brick (vaneer/thin brick)	35%
Standing seam metal	35%
Vegetated wall panels or trellises	35%
Wrought Iron	10%
Three-Dimensional Glass	5%
<b>Roofing Materials</b>	
Asphalt shingles	100%
Clay tiles	100%
Slate tiles	100%
Concrete tile	100%
<b>Prohibited Building and Roof Materials <sup>(1) (2)</sup></b>	
Corrugated sheet metal	Not Permitted
Galvanized metal	Not Permitted
Interlocking metal	Not Permitted
T-111 Plywood	Not Permitted
Wood shingles	Not Permitted
Rolled/flat roof	Not Permitted
<p><sup>(1)</sup> No building shall have a metallic exterior surface such as, but not limited to, galvanized, corrugated or interlocking metal sheets, unless the use of such metallic surface material is approved under the site plan review procedure (Section 19.128.040) for the purpose of enhancing the architectural quality of the building while preserving architectural harmony and compatibility with the surrounding area.</p> <p><sup>(2)</sup> The following structures shall be exempt from the provisions of this section:</p> <ul style="list-style-type: none"> <li>• Storage sheds as an accessory structure to a single-family dwelling which do not require building permits;</li> <li>• Storage containers as a permitted temporary use which do not require building permits.</li> </ul> <p><sup>(3)</sup> The Community and Economic Development Director is authorized to allow deviations of up to 10%.</p>	

## 19.316.110 Architectural Styles

The Architectural Styles for new development apply to all new construction pursuant to this Division, except those areas within the boundary of an existing Specific Plan. The Architectural Styles Objective Design Standards identifies six (6) preferred architectural styles, as indicated below. Architectural design elements and materials shall be consistent throughout the project, recognizing that a building is three-dimensional and must be well-designed on all sides. Detailing, choice of materials, and window and door choices shall reinforce the overall project design. Alternative styles may be submitted to review by the Community and Economic Development Department, although discretionary approval may be required by the Planning Commission.

- A. Spanish Colonial Revival.** The Spanish Colonial Revival architectural style draws inspiration from Spanish, Mediterranean, and early Californian influences, and it originated during the late 19th and early 20th centuries. Typically, buildings with this style exhibit an asymmetrical design. They are characterized by low-pitched roofs with minimal or no overhang, adorned with serpentine roof tiles. This style often incorporates wood framing and is covered with light-colored stucco siding. The use of arches is prevalent, particularly above doors, porch entries, and main windows.
- B. Craftsman.** The Craftsman architectural style originated in the early 20th century as part of the Arts and Crafts movement. Notable design features include exposed rafters and beams beneath the eaves, decorative brackets and fasteners, full or partial-width porches, and prominent columns or piers. While the Craftsman style emphasizes a horizontal emphasis, vertical architectural elements are often incorporated to highlight corners and entrances. Traditional Craftsman homes typically showcased exterior cladding made of wood shingles or clapboard siding, along with details such as extended lintels and decorative lighting with geometric patterns.
- C. Farmhouse.** The Farmhouse architectural style is an expression of rural residential designs and materials, with the Contemporary Farmhouse style specifically reflecting the agricultural history and commercial structures found in Southern California. This style incorporates playful elements, such as shed roofs, vibrant color blocking, and contemporary interpretations of traditional farm structures like barns and silos. The roofs of Farmhouse-style buildings are typically medium to high-pitched, and the overall detailing is kept simple.
- D. Tuscan.** The Tuscan architectural style blends modern and classic elements, incorporating both Spanish Revival and Italian influences. This style draws inspiration from Mediterranean variants found in California, showcasing rustic elements. Key characteristics include the use of stone and stucco, light earthy tones, and red tiled roofs. Classical elements like columns, arches, and decorative ironwork add visual interest and complexity. Squared towers and projections reflect classic Italianate influences. Porches and porticoes are commonly featured, as well as vertically oriented recessed windows.
- E. Modern.** The Modern architectural style draws inspiration from utilitarian design principles, featuring block forms, contrasting colors, and eclectic combinations of materials in contemporary compositions. This style embodies a minimalist and clean aesthetic. It utilizes simple rectangular shapes and forms, integrating them within horizontal and vertical planes to create dynamic lines. Flat roofs are commonly used to reinforce the rectangular shapes while also providing opportunities for outdoor deck areas. Accents in the Modern style are understated and unpretentious, often taking the form of trellis elements.
- F. American Traditional.** The American Traditional architectural style is a fusion of various traditional American styles such as Cottage, Cape Cod, and Farmhouse. It is characterized by simplicity and classic design elements, including rectangular forms, spacious front porches, decorative shutters, dormers, and wood siding. This style represents a traditional interpretation of rural farmhouses. The color palette used in American Traditional homes is typically subtle, with shades of white or gray for the main body of the house, while light or dark shutters provide contrasting accents.

## 19.316.120 Home Expansions and Additions

### A. General Requirements.

1. All existing non-conformities pursuant to Chapter 19.204 shall be brought to conformance prior to the issuance of a building permit.
2. Interior access to all parts of the home shall be maintained at all times. No sections of the home shall be partitioned off and provided solely with exterior access without first obtaining approval for either an accessory dwelling unit or guest house.
3. No secondary kitchen or other cooking facilities shall be provided without first obtaining an accessory dwelling unit approval.
4. All on-site landscaping, including the front yard and parkway areas which are damaged during construction, shall be replaced upon completion of construction, as necessary, prior to final building permits. All landscaping including the parkway shall be maintained in a healthy, green, pruned, growing condition.
5. Any home addition that increases the number of bedrooms in excess of four (4), shall provide one (1) additional parking space on the same property. See Section 19.316.090.
6. All new construction, additions, alterations, and repairs shall be consistent with the Objective Design and Development Standards set forth in this Division.

### B. Single-Family Residential Additions.

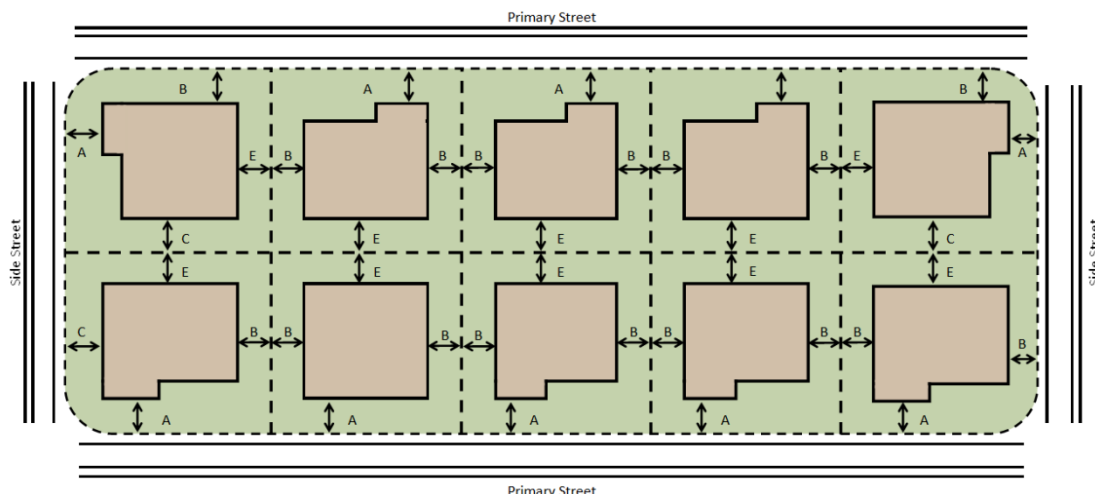
1. Roofs of new additions shall match the existing roof in style, pitch, and be of unified material. In cases where the existing home has more than one roof style or pitch, the predominant style and pitch of the existing home shall be matched for the proposed addition.
2. Enhanced elevations to include superior finishes, materials, and colors are essential to streetscape appearance and neighborhood compatibility.
  - i. For single-story additions to single family homes, enhancements shall be included on the street facing building elevation(s).
  - ii. For single-family home additions that include a new second story, enhancements shall be included on all second-story elevations. The street facing elevation(s) shall include both first and second story enhancements. The side and rear elevations shall include at least second story enhancements.
  - iii. Enhancements may include stone, brick, siding, banding, window trim, decorative shutters, projections, offsets, and other equivalent decorative features.
  - iv. Design, materials, and treatments shall be subject to review and approval of the Community Development Department.
3. Balconies shall include appropriate design and/or location for screening or obscuring the balcony to minimize the loss of privacy for neighboring properties. A minimum balcony side yard setback of 5 ft. to the property line shall be provided. Rear yard balconies shall be located a minimum of 5 ft. from the rear corners of the home.
4. Windows and glass doors shall include decorative treatment such as raised stucco or wood trim or equivalent enhancement. Windows located on the same elevation shall be consistent in design, style, method of operation and material. Second story windows and glass doors shall be located to promote privacy between properties through such methods as offset or clerestory placement, use of opaque or view-obscuring glass, or other methods as approved by the Community and Economic Development Director.
5. Landscaping (trees and shrubs) of sufficient size and quantities shall be installed to provide screening and to protect privacy of adjacent properties.

# Chapter 19.320 Development Standards – Yards and Related Encroachments

## 19.320.010 Setbacks.

The following minimum setback requirements apply to residential development within the RS zones.

Yard	Minimum Setbacks
<b>Front Yard Setbacks</b> <i>(Front yard setback is measured from the primary street lot line to the closest exterior wall of a building's façade)</i>	
Front Yard (A)	The minimum required front yard setback shall be 15 feet and provided no building erected or structurally altered upon such frontage shall project beyond the average front yard line of the developed lots immediately adjacent on either side. A vacant lot shall not be considered for purposes of determining front yard setbacks.
<b>Side Yard Setbacks</b> <i>(Side street setback is measured from the side street lot line to the closest exterior wall of a building's façade)</i> <i>(Side yard setback is measured from the side yard lot line to the closest exterior wall of a building's façade)</i>	
<b>RS-6 and RS-8 Zones – Side Yard</b>	
Side Yard not abutting a street (B)	5 feet
Side Yard abutting a street for a Reversed Corner Lot (C)	10 feet <sup>(1)</sup>
Side Yard abutting a street for other Corner Lots (D)	10 feet
Accessory Structures	Accessory structures 120 sq. ft. or less, shall be located at least three (3) feet from the property line. Accessory structures greater than 120 sq. ft., shall be located at least five (5) feet from the property line.
<b>RS-10 and RS-16 Zones – Side Yards.</b>	
Side Yard not abutting a street (B)	10 feet
Side Yard abutting a street for a Reversed Corner Lot (C)	15 feet <sup>(1)</sup>
Side Yard abutting a street for other Corner Lots (D)	15 feet
Accessory Structures	Accessory structures 120 sq. ft. or less, shall be located at least three (3) feet from the property line. Accessory structures greater than 120 sq. ft., shall be located at least five (5) feet from the property line.
<b>Rear Yard Setbacks</b> <i>(Rear yard setback is measured from the rear yard lot line to the closest exterior wall of a building's façade)</i>	
Rear Yard (E)	25 feet <sup>(2)</sup>
<sup>(1)</sup> A Reversed Corner Lot is defined pursuant to Section <a href="#">19.104.080</a> .	
<sup>(2)</sup> Rear yard setbacks may be decreased by five (5) feet if at least 70% of the rear twenty-five (25) feet of the lot remains open and uncovered.	



## 19.320.020 Encroachments and Projections.

- A. In all RS zones, encroachments are permitted within the minimum required setbacks, as indicated in Table 19.320.020-A. Permitted building projections are located in Table 19.320.020-B.

Type of Encroachment	Front Yard	Side Yard			Rear Yard	
		Not Along a Street	Along a Street		Not Along a Street	Along a Street or Alley
			Reversed Corner Lot	Other Corner Lot		
Utility-owned pole lines within approved easements.	Permitted				Permitted	Permitted
Access walkways and driveways.	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Uncovered parking of operative vehicles, permitted in driveway only.	Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Real estate signs.	Permitted	Not Permitted	Permitted	Permitted	Permitted	Permitted
Fences, walls, and hedges, subject to the allowable fence height and design requirements of Chapter 19.328.	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Landscaping, such as trees, shrubs, etc.	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Mechanical equipment, freestanding with 5 ft. maximum height, subject to screening requirements.	Not Permitted	Permitted	Not Permitted	Permitted	Permitted	Permitted, only where a screening fence is permitted.
Other above-ground utilities-owned facilities— transformer boxes, pedestal terminals, etc., with 5 ft. max. height, subject to screening requirements.	Not Permitted	Permitted (in approved easements)	Not Permitted	Permitted (in approved easements)	Permitted (in approved easements)	Permitted (in approved easements)
Swimming and therapeutic pools, including above-ground installations and subject to fencing requirements.	Not Permitted	Permitted, with 5 ft. min. setback	Not Permitted	Permitted, with 5 ft. min. setback	Permitted, with 5 ft. min. setback	Permitted, with 5 ft. min. setback

Decorative pool, with max. 18 “ depth.	Not Permitted	Permitted	Not Permitted	Permitted	Permitted	Permitted
Parking, uncovered only.	Not Permitted	Permitted, subject to screening, landscaping, and wall requirements	Permitted, temporary in driveway only	Permitted, subject to screening, landscaping, and wall requirements	Permitted, subject to screening, landscaping, and wall requirements	Permitted, subject to screening, landscaping, and wall requirements
Storage of vehicles over 24 hours, trash areas, other permitted outdoor storage.	Not Permitted	Permitted, if screened from public view.	Not Permitted	Permitted, if screened from public view.	Permitted, if screened from public view.	Permitted, if screened from public view.
Recreational facilities, which are subject to building permits—play equipment, play structure, playhouse, etc.	Not Permitted	Permitted	Not Permitted	Permitted	Permitted	Permitted
Private Frontages, pursuant to Section 19.316.070	Permitted	Not Permitted -	- Not Permitted	Not Permitted -	Not Permitted	Not Permitted
Patio Covers, Gazebos, and Cabanas	Not Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Firepits and Detached Fireplaces	- Not Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Fountains	Permitted	Not Permitted	Not Permitted	Not Permitted	Permitted	Permitted
EV Charging Stations	Permitted	Permitted	Not Permitted	Permitted	Permitted	Permitted

- B. Certain building projections are permitted in the minimum required setbacks as indicated in Table 19.320.020-B. Minimum setbacks indicated in the table are measured from the applicable side property line.

Table 19.320.020-B PERMITTED PROJECTIONS IN MINIMUM REQUIRED SETBACKS											
Type of Projection	Front Yard	Side Yard - RS-6 and RS-8 Zones			Side Yard - RS-10 and RS-16 Zones			Rear Yard			
		Not Along a Street	Along a Street		Not Along a Street	Along a Street		RS-6 and RS-8 Zones		RS-10 and RS-16 Zones	
			Reversed Corner Lot	Other Corner Lot		Reversed Corner Lot	Other Corner Lot	Not Along a Street	Along a Street or Alley	Not Along a Street	Along a Street or Alley
<b>Cantilevered eaves, awnings, and shading devices.</b>											
<i>Less than 15 ft. in height</i>	2.5 ft.	2.5 ft.	7.5 ft.	7.5 ft.	2.5 ft.	7.5 ft.	7.5 ft.	2.5 ft.	2.5 ft.	7.5 ft.	7.5 ft.
<i>Exceeding 15 ft. in height.</i>	-	-	-	-	7.5 ft.	12.5 ft.	12.5 ft.	-	-	12.5 ft.	12.5 ft.
<b>Architectural features—sills, cornices, buttresses, etc.</b>											

<i>Less than 15 ft. in height</i>	2.5 ft.	2.5 ft.	7.5 ft.	7.5 ft.	2.5 ft.	7.5 ft.	7.5 ft.	2.5 ft.	2.5 ft.	7.5 ft.	7.5 ft.
<i>Exceeding 15 ft. in height.</i>	-	-	-	-	7.5 ft.	12.5 ft.	12.5 ft.	-	-	12.5 ft.	12.5 ft.
<b>Chimneys and fireplaces, with a maximum 8-foot length along a wall.</b>											
<i>Less than 15 ft. in height</i>	2.5 ft.	2.5 ft.	7.5 ft.	7.5 ft.	2.5 ft.	7.5 ft.	7.5 ft.	2.5 ft.	2.5 ft.	7.5 ft.	7.5 ft.
<i>Exceeding 15 ft. in height.</i>	-	-	-	-	7.5 ft.	12.5 ft.	12.5 ft.		--	12.5 ft.	12.5 ft.
Attached Chimney, projecting above the roof line (maximum)	4 ft.	4 ft.	4 ft.	4 ft.	4 ft.	4 ft.	4 ft.	4 ft.	4 ft.	4 ft.	4 ft.
Patio slabs, decks, stoops, planters, etc., with a max.18 inch height, except railing may extend 3.5 ft. above deck or tread. Railing must be open-type where required by Chapter 19.328.	Min. 14 ft. setback from front property line	Permitted	4 ft.	Permitted	Permitted	4 ft.	Permitted	Permitted	Permitted	Permitted	Permitted
<b>Mechanical equipment, cantilevered from building.</b>											
<i>Less than 15 ft. in height</i>	-	2.5 ft.	Not Permitted	7.5 ft.	2.5 ft.	Not Permitted	7.5 ft.	2.5 ft.	7.5 ft.	7.5 ft.	7.5 ft.
<i>Exceeding 15 ft. in height.</i>	-	-	-	-	7.5 ft.	Not Permitted	7.5 ft.	-	-	12.5 ft.	12.5 ft.
Balconies projecting into setbacks shall be screened and utilized by a single dwelling unit. Screening may include side yard landscaping or decorative lattices made of durable materials such as brick, treated wood, metal, etc. Balconies shall not exceed 15 ft in height	-	5 ft.	10 ft.	10 ft.	5 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.

<p>above grade with a minimum 7 ft. headroom clearance from the finished floor grade. Balconies may have 100% ceiling coverage. Second floor balconies shall not be positioned along any side elevation within 20 feet of the adjacent property line.</p>											
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**19.320.030 Pedestrian Access to Dwelling.**

- A. For every single-family dwelling, a minimum **three (3)** foot wide pedestrian walkway, other than the driveway, shall provide direct access from the sidewalk to the main entry.

**19.320.040 Future Rights-of-Way.**

- A. This section is applicable only where a portion of a lot is within an area planned to be part of a future street, alley, or other public right-of-way as determined from an officially adopted plan, and the acquisition of such portion would not reduce the buildable lot width to less than forty (40) feet.
- B. All required setbacks, yards, and open areas shall be provided in addition to the future right-of-way areas, and the future right-of-way lines shall be considered to be lot lines for purposes of measuring such other setbacks, yards, and open areas.
- C. **Permitted Encroachments.** The following encroachments are permitted within the future rights-of-way area:
  1. Utility-owned pole lines within approved easements.
  2. Access walkways and driveways.
  3. Uncovered parking—to the same extent as permitted in adjoining front, side, or rear yard.
  4. Storage (vehicles for over 24 hours, trash areas, other permitted outdoor storage)—to the same extent as permitted in adjoining side or rear yard.
  5. Recreation facilities which are subject to building permit (play equipment, play structure, playhouse, etc.)—to the same extent as permitted in adjoining side or rear yard.
  6. Real estate signs.
  7. Fences, walls, hedges, and berms—to the same extent as permitted in adjoining front, side, or rear yard.
  8. Landscaping, other than hedges.

## 19.320.050 Right-of-Way Improvements

- A.** The purpose of this section is to establish requirements for right-of-way improvements for all RS zoned parcels within the City of Buena Park on which property improvements are made. "Right-of-way improvements" shall include curbs, gutters, sidewalks, street pave outs, driveway approaches, handicapped ramps, water lines and appurtenances, sewer lines and appurtenances, storm drainage facilities, property dedications of right-of-way, streetlights, pavement markings, signs, and street trees.
- B. Required Improvements.** All projects shall be required to provide the following right-of-way improvements as are deemed necessary and applicable by the Director of Public Works:
1. **Sidewalk and Parkway.** Construction or repair of a sidewalk and parkway along the project frontage. The sidewalk shall have a minimum clear width of five (5) feet with a parkway, or six (6) feet if the sidewalk adjoins the curb.
  2. **Curb and Gutter.** Construction or repair of curbs and gutters adjoining the site. All unused curb cuts shall be replaced with a full-height curb and gutter.
  3. **Street Trees.** As required by Subsection 18.24.190 of the Municipal Code.
  4. **Bicycle Trail.** As required by Subsection 18.64.020. Construction of bicycle trail as required by the "Fourth District Bikeways Strategy" adopted by the Orange County Transportation.
- C. Encroachment Permit Required.** Except as otherwise provided in this Section, it is unlawful for any person to encroach or make or cause to be made any encroachment in the public right-of-way or on property subject to a public utility easement, or other easement available for use by public utilities, without first obtaining an encroachment permit from the Public Works Department.
1. Encroachment permits for right-of-way improvements shall be obtained prior to the issuance of a building permit and prior to any work being done within the right-of-way.
  2. Street improvement plans for all work in the public right-of-way shall be prepared by a licensed civil engineer, whose signed engineer's stamp shall appear on the plans. Final construction plans and specifications shall be approved by the City Engineer, and released for construction, prior to the issuance of the encroachment permit.
- D. Parkways.** A parkway (i.e., sidewalk strip, parking strip, or tree buffer) is a portion of the street right-of-way lying between the curb and sidewalk.
1. Any objects placed in the parkway (e.g. rocks, benches, etc.) shall not present a hazard or public nuisance and shall not block a clear line of sight across the parkway.

## Chapter 19.324 Development Standards—Outdoor Improvements

### 19.324.010 Trash Storage Facilities.

- A. All refuse shall be stored within trash containers which meet City standards. Except when temporarily placed for pickup, all such containers shall be located or screened so as not to be in public view.
- B. Except for a temporary use, any non-residential use in the residential zones shall comply with the trash storage requirements for commercial uses under Division 5.

### 19.324.020 Outdoor Storage and Display.

- A. **Outdoor Storage.** Outdoor storage of materials, equipment or other items is permitted, subject to all other limitations of this ordinance and other laws. Outdoor storage shall not be located in any required parking area or accessway, in any front yard, in any area required to be landscaped, or in any area where a six (6) foot high fence is not permitted. Outdoor storage shall be stored within a detached accessory structure, such as a shed or similar structure.
- B. **Outdoor Display.** Temporary outdoor displays are permitted when authorized as part of a special events sale under Title 19, Division 10, or as part of a yard sale authorized under Section 19.348.080.

### 19.324.030 Firepits, Detached Fireplaces, and Fountains.

- A. Outdoor fire/barbecue pits and fixed freestanding barbecues shall maintain a minimum setback of five (5) feet from any property line. However, an exception applies to "zero lot line" properties. Where a "zero lot line" condition exists, the outdoor fire/barbecue pits and fixed freestanding barbecue may be built up to the property line provided the easement is three (3) feet or greater in width. However, in no instance may the outdoor fire/barbecue pits and fixed freestanding barbecue be located within the "zero lot line" easement area. Outdoor fire/barbecue pits and fixed freestanding barbecues shall maintain a minimum of five (5) feet from any dwelling or accessory structure on a lot.
- B. Detached firepits and fireplaces are permitted within the side yard and rear yard setback. Detached firepits and fireplaces located within the side and rear yard areas shall not be greater than eight (8) feet in width. Residential detached fireplace/chimneys shall have a maximum height of 7.5 feet within the side yard and ten (10) feet within the rear yard. Any outdoor firepit or detached fireplace shall maintain a minimum setback of five (5) feet from any side or rear yard property line.
- C. Fountains may be located within the front and/or rear yard setback. Fountains located within the required fifteen (15) feet front yard setback shall be at least six (6) feet from the property line and shall not exceed seven (7) feet in height. Fountains located within the required twenty-five (25) feet rear yard setback shall be at least five (5) feet from the property line and shall not exceed ten (10) feet in height. All fountains shall not exceed ten (10) square feet.

### 19.324.040 Patio Covers, Gazebos, and Cabanas.

- A. The construction of patio covers, gazebos, and cabanas shall comply with the following standards:
  - 1. These structures may be erected within the required side yard or rear yard provided that the clear space between the structure and the property line shall not be less than four (4) feet on the side and ten (10) feet in the rear.

2. If located within a required side yard or rear yard setback, the height of the structure shall not exceed ten (10) feet from finished grade.
3. None of these structures shall be enclosed by solid materials including transparent or opaque.

### **19.324.050 Swimming Pools and Spas.**

- A. Pools and Spas enclosures shall be compliant with CBC Chapter 31 Section 3109, the California Residential Code (CRC) Appendix V, The California Health and Safety Code (HCS) Article 2.5 (Sections 115920-115929)- “The Swimming Pool Safety Act” and this Code.
- B. **Enclosure.** A fence, wall or other barrier that isolates the swimming pool from access to the home is required. Indoor swimming pools or spas shall not be allowed. The enclosure shall be compliant with the following standards:
  1. The top of the enclosure shall be at least 60 inches above grade measured on the side of the enclosure which faces away from the swimming pool. The maximum vertical clearance between the grade and the bottom of the enclosed fence/barrier shall be 2 inches.
  2. Any decorative design work on the side away from the swimming pool, that would render the enclosure climbable is prohibited.
  3. If the barrier is composed of horizontal or vertical members, and the distance between two horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence.
  4. Maximum mesh size for a chain link fence shall be a 1 ½ inch square, unless the fence has slats fastened at the top or the bottom which reduces the openings to not more than 1 ¾ inches.
  5. Access gates shall comply with requirements for enclosures and shall be equipped to accommodate a locking device. Access gates shall open outward, away from the pool or spa, and by self-latching.
    - i. If the release mechanism is less than 60 inches from the ground, the release mechanism and opening shall be located on the pool side of the gate at least three inches below the top of the gate and the gate and barrier shall not have an opening larger than ½ inches within 18 inches of the release mechanism.

# Chapter 19.328 Development Standards—Fences, Walls, Hedges, and Berms

## 19.328.010 General Requirements.

- A. **Required Permits and Approvals.** No fence shall be constructed within any single-family residential zoning district until the plans and design for such fence have been approved by the Planning Director pursuant to the zoning compliance review procedure (Section [19.128.090](#)).
  - 1. **Building Permit.** Fences and walls may require a building permit as required by the California Building Code. This includes retaining walls exceeding four (4) feet in height as measured from the bottom of the footing to the top of the wall, garden and perimeter walls exceeding five (5) feet in height from the bottom of the footing to the top of the wall, and fences exceeding six (6) feet in height as measured from grade.
- B. All fences, whether required or not, shall be located and limited in accordance with provisions of this Division.
- C. Fences are required under various provisions of this Division and other laws, including, but not limited to, the screening and protection of parking areas, storage areas, swimming and therapeutic pools, and utility facilities.
- D. Such required fences together with the facilities and activities required to be enclosed shall be located so as not to conflict with open space and yard setback requirements.
- E. **Conflict with State Law.** In the case of fencing requirements pursuant to state law which unavoidably conflict with the requirements of this Division, the State requirements shall prevail.

## 19.328.020 Fence Height and Locations.

- A. Each fence, wall, and screen shall comply with the height limits and locations shown in Table 19.328.020.
- B. Fence height shall be measured as the vertical distance between the finished grade at the base of the fence and the top edge of the fence material. Grade shall not be modified in order to increase fence height.

**Table 19.328.020**  
**Maximum Height of Fences, Walls, and Screening in Required Yard Area**

Location of Fence/Wall/Screen <sup>(2)</sup>	Design Standard	Maximum Height
Located anywhere on a lot	Solid Fencing	2 feet
Located anywhere on a lot	Upper 2 feet shall be non-view-obscuring, such as wrought iron, split-rail, or picket fencing. <sup>(1)</sup>	4 feet (additional one-half foot for decorative additions on top of pilasters)
Located within the required minimum 15-foot front yard setback. Fences and walls shall be setback at least 30 inches from the front property line for the purposes of providing landscaping. Landscaping shall consist of any combination of turf, groundcover, shrubs, or vines and shall not exceed the height of the fence or wall.	-	6 feet
Located within the required 10-foot side yard setback adjacent to a street for a reversed corner lot, measured from the street property line.	-	7 feet <sup>(3)</sup>

Perimeter of corner lot	All perimeter fencing shall be constructed with the structural support system to the inside of the property and the finished side facing to the outside.	4 feet (additional one-half foot for decorative additions on top of pilasters)
<p><sup>(1)</sup> Non-view obscuring shall mean a design which does not obscure sight through more than 25 percent of the area in the vertical plane.</p> <p><sup>(2)</sup> Except as restricted above, the maximum height of any fence in residential zones shall be seven feet, except where a greater height is required for noise reduction as determined by an acoustical analysis.</p> <p><sup>(3)</sup> On corner lots no fence, wall, or hedge of a height more than four (4) feet shall extend into the side yard adjacent to the street nearer than any portion of the main building on such lot; and if the corner lot abuts a key lot to the rear, no fence, wall, or hedge of a height more than four feet shall extend into the side yard adjacent to the street nearer than the closest front corner of the main building on the lot.</p>		

**19.328.030 Fence Materials and Design.**

**A.** All fences in each RS zone, whether required or not, shall:

1. Utilize no salvaged materials unless reconditioned or refinished to the satisfaction of the Community and Economic Development Director;
2. Be suitably finished on both sides unless the applicant prefers the lesser finish facing their property, such as stringers on interior for security purposes and stucco versus non-stucco finish;
3. Shall be architecturally compatible with the primary structure and include matching paint, finish, and trim cap of the building.
4. All fences shall be maintained in good repair and appearance.

**B.** In each RS zone:

1. All fences visible from the public right-of-way shall provide decorative fencing to enhance the appearance of the front or side yard setback of a property and shall not obstruct visibility into or out of the lot of a property.

**C. Vision Clearance Area.** Any fence within a required vision clearance area adjacent to any driveway or alley where it intersects with a public street. The design of such fence shall not obscure sight through more than 4 inches of spacing between the vertical elements between 2 – 7 feet in height.

**D.** Any masonry wall shall be of a minimum 6-inch-wide block construction. In addition, the wall shall be of ornamental masonry in earth tone colors compatible with the structures on the property. Standard grey or pink block shall not be considered as ornamental masonry and may not be used except to match existing adjacent walls.

**E. Prohibited Materials.** The following fence materials are prohibited in each RS zone unless approved by the designated approval authority for security needs or required by the City, State, federal law, regulation, or as specified below.

1. Chain link fencing
2. Barbed wire or electrified fencing
3. Razor or concertina wire in conjunction with a fence or wall, or by itself.

### **19.328.040 Double Fences.**

- A.** Any parallel fences constructed with less than three (3) feet separation shall be considered double fences. It is the intent of the City to discourage double fences whenever possible in order to avoid areas in which children and animals may become lodged, areas which may encourage rodent infestation, and areas which may accumulate litter, debris, and weeds.
- B.** In instances where double fences are unavoidable, the gap between the fences shall be completely sealed with flashing, cement cap, or other material in a manner acceptable to the Planning and Building Divisions.
- C.** Where a new fence is required along a property line and an existing fence or wall is located on the opposite side of the property line, the Director may suspend the requirement for the new fence provided that the existing fence can substantially satisfy all requirements of this Division and/or any conditions of an approval. Such suspension shall become null and void once the adjacent wall or fence is removed or found unacceptable by the Director and the requirement for the new fence shall be complied with at such time.

# Chapter 19.332 Development Standards—Landscaping

## 19.332.010 Landscape Provisions for Residential Uses.

- A. For residential uses in the RS zones, all required yards which abut streets shall be permanently landscaped except for any portion of such yards occupied by permitted encroachments or located inside permitted fences at least six (6) feet high.
- B. For all single-family residential uses, a minimum of thirty (30) percent of each required yard abutting a street shall be permanently maintained with landscaping. The requirement of this section shall not preclude the provision of access walkways and driveways which meet other minimum requirements of this Division.
- C. All landscape installation or rehabilitation shall meet the requirements of the City of Buena Park’s Water Efficient Landscape Ordinance to ensure that the design, installation, and maintenance of landscaping conserves regional water resources.
- D. Artificial turf may be permissible in lieu of natural turf within the front, side, and rear yards and shall require an Artificial Turf Permit. Installation of artificial turf shall comply with the following criteria:

### 1. Artificial Turf Permit Requirements:

- i. If artificial turf is proposed to be located in the parkway, the Applicant shall contact the Public Works Department, as separate approval is required.
- ii. If artificial turf is proposed to be located in the front yard, side or rear yard abutting a street, the Property Owner shall fill out an application for an Artificial Turf Permit and shall complete a Certification of Artificial Turf Installation completed by a licensed professional, along with a minimum 8-year “no fade” warranty.
- iii. Installation shall be performed by a licensed professional and shall be installed pursuant to manufacturer’s requirements.
- iv. Artificial turf shall be maintained in a green fadeless condition and shall be maintained free of stains, weeds, debris, tears, holes, and impressions.
- v. Artificial turf shall be separated from flower beds by a concrete mow strip, bender board, or other barrier acceptable to the City in order to prevent intrusion of living plant material into the artificial turf.
- vi. A minimum of twenty (20) percent of the landscaped area shall contain living plant material (i.e. flower beds, tree wells, etc.) shall be included within the overall landscape design when installing artificial turf. Living plant material shall include shrubs, vines, trees, and flowering ground covers.
- vii. All areas not occupied by structures or pavement shall be landscaped. Landscaped areas shall consist of plantings, lawn/turf, mulch, or bark. Artificial turf may be used if it and its substrate is permeable and has a minimum pile height of 1.25 inches.

- E. **Tree Removal Regulations.** No person shall damage or remove or cause to be damaged or removed, any protected tree on a single-family residential property in the City of Buena Park without first obtaining approval from the Community and Economic Development Director.

- 1. The Community and Economic Development Director may approve the removal or relocation a tree, at no cost to the City, if the tree is:
  - i. To be relocated on the same property
  - ii. Posing an immediate threat to health safety or property
  - iii. Dead or diseased as determined by a certified arborist
  - iv. Damaging public property creating a public safety hazard
  - v. Damaging improvements on private property

- vi. Interfering with public utilities
- vii. Removed to preserve the health of an urban grove
- viii. A non-native tree and is to be replaced by a healthy native tree

- F. All landscaped areas within any lot or parcel designated as single family shall be kept and maintained in a manner so as not to detract from the appearance of the immediate neighborhood and to protect the health, safety, and welfare of the user, occupant, and general public. Landscaped areas shall be kept in a neat and clean condition, free of debris and dead, diseased or dying vegetation, and broken or defective decorative elements of the landscaped area. Vegetation in landscaped areas shall be mowed, groomed, trimmed, pruned, and watered as to keep the same in a healthy, growing condition. Irrigation systems shall be kept in good working condition and repair so as to prevent leaks, or create public health hazards.
- G. New development shall plant a minimum of one (1) tree along the street frontage. Trees shall be a minimum box size of 24 inches at the time of planting.
- H. The front yard shall not exceed a maximum of 50 percent of pavement or hardscape. See Figure B.

**Figure B. Pavement/Hardscape Requirement**



(Ord. 1474 § 5, 2005)

### 19.332.020 Landscape Provisions for Non-residential Uses.

- A. For non-residential uses permitted in the RS zones, all portions of a developed site not occupied by other permitted facilities shall be permanently landscaped in accordance with subsection B of this section and with the landscape and irrigation requirements of Chapter [19.532](#), Division 5 for commercial uses.
- B. **Buffer Fence and Landscaping Abutting RS-zoned Property.** For any permitted non-residential use in the RS zones with parking located adjacent to residentially zoned property, an ornamental block fence with a minimum six (6) foot height and a minimum five (5) foot wide planter shall be provided along the property line as a buffer.

## Chapter 19.336 Development Standards—Vehicular Provisions

### 19.336.010 Street Dedication and Improvement.

No building permit shall be issued until the following requirements are met:

- A. All streets, alleys, and other public rights-of-way shown on plans approved by the City Council and which abut the subject property shall be dedicated to the planned right-of-way line or a deed of dedication deposited in escrow with an escrow agent acceptable to the City Attorney, the delivery of which is conditioned upon the required permit being granted.
- B. All improvements of streets, alleys, and other public rights-of-way which abut the subject property and are required in order to conform to improvement standards approved by the City Council shall be installed, or a performance bond, in a reasonable amount to be determined by the City Engineer, with sureties to be approved by the City Attorney, shall be filed with the City Clerk, or cash in a like amount shall be deposited with the Finance Director, to be placed in a trust fund.

### 19.336.020 Vehicular Provisions for Non-residential Uses.

With the exception of required setbacks (see Section [19.320.010](#)) and the landscape buffer requirement of Section [19.332.020](#), the vehicular provisions of Chapter [19.536](#), Division 5 for commercial uses shall apply for any permitted non-residential use in the RS zones.

### 19.336.030 Vision Clearance.

- A. Vision clearance areas shall be provided as follows:
  - 1. On any corner lot: a triangular area at the street intersection measuring fifteen (15) feet along each street property line (or the projections thereof parallel to the centerlines of the streets) from the point of intersection of such property lines (or the projections thereof);

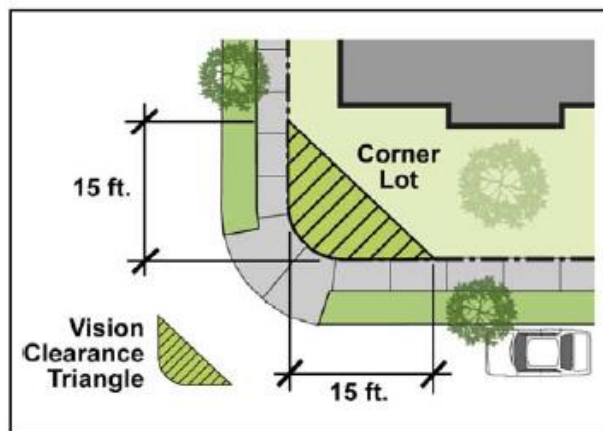


Figure C. Corner Lot Vision Clearance

- 2. At the intersection of an alley with a street, or at the intersection of two (2) alleys, or at an angle point where the alignment of an alley changes by sixty (60) degrees or more: a triangular area measuring

fifteen (15) feet along each street or alley property line from the point of intersection of the property lines;

3. At any driveway entrance from or exit to a street: triangular areas on each side of the driveway measuring fifteen (15) feet along the street property line and fifteen (15) feet along the edge of the driveway from the point of intersection of the edge of the driveway with the street property line.
- B.** Within a required vision clearance area, there shall be no obstruction to sight between two (2) feet and seven (7) feet above the established street grade with any fence, tree, shrub, or other obstruction. Where the vision clearance area for an existing driveway falls on adjacent property, no additional obstruction in the two-foot to seven-foot height range shall be placed in the vision clearance area except a fence which meets the fence design criteria for vision clearance areas under Section 19.328.030. Where existing obstructions exist on adjacent property in the two-foot to seven-foot height range, any new driveway constructed on the subject property shall be located so as to not have any such obstructions in its vision clearance areas.
- C. Permitted Encroachments.** The following encroachments are permitted within the minimum required vision clearance area:
1. Utility-owned pole lines within approved easements.
  2. Access walkways.
  3. Fences, walls, hedges, and berms, subject to the design criteria under Section 19.328.030.
  4. Landscaping, such as trees, vines, shrubs, and/or ornamental grasses, not exceeding two (2) feet high. Landscaping height may be adjusted to four (4) feet in height provided that it does not act as a privacy screen by spacing less dense trees and shrubs a minimum of five (5) feet apart.

### **19.336.040 Residential Driveway Standards.**

- A.** In case of any conflict between the requirements of this section and any safety requirements pursuant to the Fire Code, the Fire Code requirements shall prevail.
- B.** All garage, carport, parking area, or other off-street vehicular area shall be connected to one (1) or more public streets or alleys by one (1) or more driveways meeting the standards set forth in this section.
- C. Driveway Width.**
1. The minimum driveway width in all RS zones shall be ten (10) feet.
  2. The maximum driveway width in all RS zones shall not be wider than 20-feet, unless the number of bedrooms exceeds four (4), in which case the maximum driveway width shall be 30-feet. If more parking spaces are required pursuant to 19.336.050, additional parking spaces may be provided in the side or rear yards. When a garage is located in the rear yard, whether attached or detached, the maximum permitted driveway width within the front yard shall be no more than twelve (12) feet.
  3. Where the driveway approach width at the street property line required by the City Engineer pursuant to Title 12 is different from the driveway width required by this section, a variable width transition segment outside the street right-of-way shall be provided to provide a smooth connection.
  4. Vehicle parking in the front yard area of any residentially zoned lot or parcel or land is prohibited, with the exception of parking on a paved driveway and/or a driveway ribbon.

#### D. Vehicle Storage in Single-Family Zones.

1. **Vehicle Parking.** Refer to Section [19.1108.050](#) (Motor Vehicle Parking).

#### E. Ribbon Driveway Design Standards.

1. Ribbons shall be a minimum of two (2) feet wide and a maximum of three (3) feet wide.
2. Ribbons shall be a maximum of three (3) feet apart measured from their nearest edges. The space between ribbons shall be planted in turf grass, artificial turf, or other ground cover used in the front yard.
3. Ribbons shall be surfaced with concrete including decorative concrete, patterned concrete, and exposed aggregate concrete; porous asphalt, concrete pavers, paving blocks, gravel, or other materials approved by the Community Development Director.
4. Honeycomb shaped concrete grids filled with artificial turf or landscape may be used instead of ribbon driveways to reduce the amount of hardscape in the front yard.
5. One (1) driveway is permitted per parcel. Parcels with more than 60-feet of street frontage are permitted to have two (2) driveways and a maximum of two (2) curb cuts may be allowed per lot to allow street parking between the two (2) driveways. This may include the following:
  - i. One (1) driveway with one (1) curb-cut and one (1) ribbon driveway leading to the side yard with an additional curb cut within the front yard.
  - ii. One (1) driveway with one (1) curb cut and one (1) ribbon driveway extending off of driveway without a curb cut within the front yard. See subsection 7.
  - iii. One (1) driveway with one (1) curb-cut located in the front yard and one (1) ribbon driveway located within the rear yard/alley or side yard abutting a street in corner lots.
  - iv. One (1) driveway with one (1) curb-cut located in the front yard and one (1) ribbon driveway with an additional curb cut within the rear yard/alley side yard abutting a street in corner lots.
  - v. Other unique lot configurations will be reviewed and approved by the Community Development Director.
6. One (1) single slab or ribbon driveway and one (1) curb cut shall be permitted per every 60 feet of frontage of a single-family residential lot. A maximum of two (2) curb cuts may be allowed per parcel. New single-family developments taking access from collector or arterial streets shall share driveways in order to protect public safety by limiting curb cuts.
7. A single slab driveway may be used in conjunction with a ribbon driveway provided that the current driveway does not provide access to the side or rear yard for the purposes of recreational vehicle storage. An additional curb cut is required.

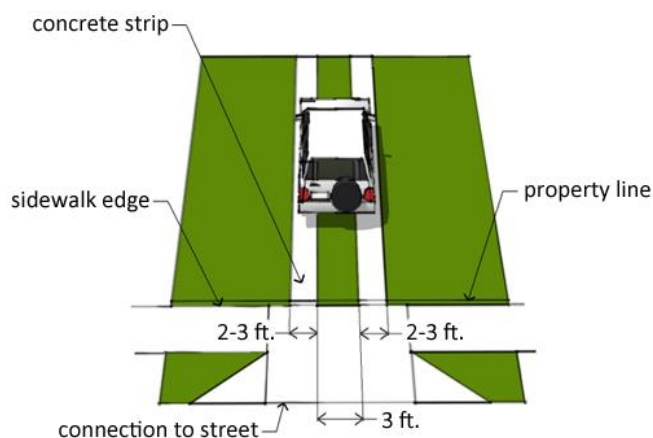


Figure D. Driveway Ribbons

8. Ribbon driveways may extend off of the driveway within the front yard setback to the adjoining side yard. When the ribbon driveways extend off of the driveway, parking and storage of recreational vehicles shall

be located behind the fence in the side yard. Parking or storing a recreational vehicle for over two (2) days within the front yard setback on ribbon driveways that extend off of the driveway is prohibited. Ribbon driveways that extend off of the driveway shall include a parking pad for recreational vehicles behind the fence to the side yard. A parking pad located in the side yard is not required for non-recreational vehicles.



Figure E. Driveway Ribbons extending off driveway

- F. Permitted Encroachments.** The following encroachments are permitted within the required minimum driveway width:
1. Projections from buildings, with the minimum required height clearance of subsection G of this section, such as:
    - i. Cantilevered eaves, awnings, and shading devices.
    - ii. Architectural features—sills, cornices, buttresses, etc.
    - iii. Mechanical equipment cantilevered from building.
    - iv. Balconies, second floor overhangs, and porte cocheres.
  2. Utility-owned pole lines within approved easements.
  3. A maximum of four (4) foot walkway in addition to the permissible driveway leading to the side yard and/ or the front of the house.
  4. Uncovered parking permitted in driveway (not counted as required parking).
  5. Security gate, subject to vision clearance requirements of Section [19.336.030](#) and allowable fence height of Section [19.328.020](#).
- G. Driveway Height Clearance.** Within the required driveway width, there shall be no obstruction from the driveway surface to a height of **eight (8) feet**.
- H. Driveway Curvature.** The minimum turning radius for any curve in a driveway shall be twenty-five (25) feet measured to the outside edge of the driveway.
- I. Circular Driveways.** There shall be no circular driveway in a front yard area with two driveway entrances from the same street unless the distance between the driveway approaches are a minimum of thirty (30) feet or more. Such driveways shall be subject to Director and City Engineer approval via the Interdepartmental Review procedure (Section [19.128.100](#)).

**J. Driveway Circulation Pattern.**

1. Any garage or accessory building having vehicular entry facing an alley shall be located at least thirty (30) feet from the opposite side of the alley. Such garages shall have vehicular access only from the alley.
2. Any garage or carport with its vehicular entrance facing a street shall be set back at least twenty (20) feet from the street property line in order to allow temporary parking in the driveway without obstructing any portion of a public right-of-way.

(Ord. 1652 § 2, 2018)

**19.336.050 Parking Spaces Required.**

- A. The minimum requirements for each use shall be as shown in Table [19.336.050](#), entitled Parking Spaces Required. Additional requirements may be imposed, based upon substantiated estimates, as a condition of approval of a development under site plan review, conditional use permit, or other development approval procedure provided for in this Title.
- B. For uses or property for which no parking requirement is set forth in Table [19.336.050](#), nor previously determined under the interpretation procedure (Section [19.128.010](#)), nor established under a development approval procedure, a parking requirement shall be determined for that type of use pursuant to the interpretation procedure set forth in Section [19.128.010](#).
- C. Required off-street parking covered and uncovered parking spaces must be for the parking of vehicles, unless approved by the City for another use. Garage entrances and driveways shall be free of obstacles so that vehicles can freely access the driveway and garage or carport interior and be parked inside.

<b>Table 19.336.050 PARKING SPACES REQUIRED</b>	
Use	Parking Spaces Required
<b>Residential Uses</b>	
<b>RS-6 and RS-8 Zones</b>	
Single family dwelling containing less than 5 bedrooms.	2 garage spaces + 2 additional driveway spaces
Single family dwelling containing 5 or more bedrooms.	2 garage spaces + 2 additional driveway spaces plus 1 space per each bedroom in excess of 4 bedrooms.
<b>RS-10 and RS-16 Zones</b>	
Single family dwelling.	3 garage spaces + 2 additional driveway spaces
<b>Community residential care</b>	
Small group care home.	2 spaces (in garage)
Other community residential care facility.	To be determined under conditional use permit based on licensed capacity, type of care, and number of employees
<b>Commercial Uses</b>	
See Table <a href="#">19.536.040</a> for parking spaces required for Commercial Uses.	

### 19.336.060 Residential Parking Location.

Required residential parking shall be located on the same lot as the residential dwelling.

### 19.336.070 Residential Parking Dimensions and Layout.

- A. **Dimension of parking space.** In RS zones, a parking space (interior or exterior) shall have minimum ten (10) foot width and twenty (20) foot length, with a minimum twenty-five (25) foot aisle for access into the parking spaces where applicable and with a minimum garage floor area as required pursuant to Section [19.316.070](#).
- B. There shall be a clear vehicular entry to every required parking space at least equal in width to the required width of the space, except that for spaces in residential garages or carports, the vehicular entry widths shall be at least equal to the minimum door or opening widths as required by Section [19.316.090](#).
- C. Each parking space and aisle shall have a clear height of at least six and one-half feet, except a storage bin may project not more than two and one-half feet into the front of a parking space with a clear height from the parking surface of at least four feet. For all nonresidential parking areas and for residential visitor parking spaces, at least twenty percent of the spaces provided together with their associated parking aisles shall have a clear height of at least seven feet.
- D. For permitted residential uses in the RS zones, other than a single family dwelling, the residential parking dimensions and layout provisions of Section [19.436.070](#) of Division 4 may apply upon the Director's approval.

### 19.336.080 Residential Parking Improvements.

- A. Except as otherwise specified in this Title, parking may be provided in parking lots, carports, garages, or other parking structures. **Non single family uses in the RS Zones refer to [Chapter 19.536](#).**
- B. **Drainage.** All areas for the movement, parking, loading, repair, or storage of vehicles shall be graded and drained to dispose of surface water. In all cases except single-family residential uses, drainage shall be arranged to prevent surface flow across walkways and driveways.
- C. **Paving.**
  - 1. With the exception of non-required parking spaces on single-family residential lots, all areas for the movement and parking of vehicles shall be paved and maintained to eliminate dust and mud, to provide an even, unbroken driving surface, and to present a uniform appearance.
  - 2. Single family uses in the RS Zones, all driveway approaches, driveways, required parking areas, and floors of carports and garages shall be concrete or decorative cement pavers. The use of asphalt, decomposed granite, gravel, or similar materials is not permitted.

## Chapter 19.340 Development Standards – Utilities and Mechanical Equipment

### 19.340.010 Undergrounding of Utilities.

- A. Except for underground utilities waivers permitted for single family homes in accordance with Section [19.128.100](#), new construction or relocation of a main building, or a change of use to a nonresidential use requires that all utility lines within the site boundaries shall be placed underground. Necessary surface-mounted utility equipment is permitted, provided it is screened from public view in the same manner as required for mechanical equipment as provided in Section [19.340.020](#).
- B. The provisions of this section may be waived pursuant to the procedure provided under Section [19.128.060](#) and Section [19.128.100](#).

(Ord. 1338 § 13, 1996)

### 19.340.020 Visual Screening of Mechanical Equipment.

- A. All exterior equipment, whether freestanding or attached to a building, including pipes, conduit, and duct work shall be effectively screened from public right-of-way or architecturally integrated into a building structure, with the following exceptions:
  - 1. Ordinary vents on single-family dwellings;
  - 2. Window-mounted air conditioning units on single-family dwellings;
  - 3. Solar panel surfaces (but not supports, piping, etc.);
  - 4. Outdoor lighting standards and fixtures.
- B. It is required for all new construction to provide for any such equipment during the initial design stages by parapets, penthouses, etc. Existing facilities, or those structures under construction may screen such equipment with architecturally designed screens.
- C. **Plan Check (Retrofits).** Applicant shall submit two copies of a plot plan which shall indicate clearly and by full dimensions the following information:
  - 1. Lot dimensions
  - 2. All buildings and structures: location, size, height, and proposed use.
  - 3. All walls, fences and landscaping: location, height, and materials.
  - 4. Location of equipment proposed to be installed.
  - 5. Elevations of equipment and proposed screening, depicting colors, materials, and dimensions of screening.
- D. **Design / Materials.**
  - 1. Screening must be architecturally consistent with the building in terms of design type, materials and colors. Effective screening does not call attention to itself, but quietly complements the building.
  - 2. No raw or untreated materials shall be used on roof or building mounts. Fire Code requirements for the particular use and/or building will determine the permitted combustible or non-combustible material.
  - 3. Above-ground utilities, transformers, and other mechanical equipment placed between the front or street side of a residence and a public street or vehicular or pedestrian accessway, shall be screened from view by a fence, wall, or landscaping.

4. Excluding solar panels, roof-mounted equipment shall be hidden from view from the public street behind roof peaks or parapets.
5. Utility and mechanical equipment shall not obstruct pedestrian pathways.

**E. Electric Vehicle (EV) Charging Stations in Single-Family Zones.**

1. Pursuant to Government Code Sections 65850.7 and 65850.71, any EV charging stations installed within any RS zone, is subject to the provisions of the streamlined permitting process pursuant to Chapter 15.71 of the City of Buena Park Municipal Code. In addition, EV charging stations in RS zones shall meet the requirements set forth in the Building Division's Electric Vehicle Charging System Guidelines for Residential Buildings. In addition, the EV charging station installation and equipment shall be consistent with the rules and regulations in CALGreen Building Standards Code and CBC Chapter 11A and 11B as applicable.

**F. Treatment of Above Grade Transformers; Meters; Gas Manifolds, etc.** It is the intent to encourage the placement of such equipment in underground vaults. If located above grade for a residential use, such equipment shall be placed in a side yard out of direct view from the street. If located above grade for a non-residential use, such equipment shall be screened from public view by an architectural screen and landscaping.

**G. Maintenance.** All screening devices shall be permanently maintained as a condition of the use.

**19.340.030 Communications Antennae Placement in Residential Zones.**

- A. Communication antennae (including guy wires, supports, and antennae elements) shall be permitted anywhere on a lot except in front or side yard setback areas abutting a street and in required rear and side yard setback areas.
- B. Communication antennae shall not be supported by wooden towers.

**19.340.040 Receive-only Television, Satellite Dish, and Radio Antennae Placement in Residential Zones.**

**A. Receive-only Antennae Weighing Less than Thirty-Five (35) Pounds.**

1. Any receive-only antenna weighing less than thirty-five (35) pounds may be mounted in the rear yard, interior side yard, or on the roof of any residential structure, subject to all conditions hereinafter provided.
2. Any receive-only antenna weighing less than thirty-five (35) pounds may be mounted in the front yard or street side yard of any residence, subject to conditions hereinafter provided, upon receipt of an antenna permit obtained in accordance with the provisions of subsection E of this section.

**B. Receive-only Antennae Weighing Thirty-Five (35) Pounds or More.**

1. Each receive-only antenna weighing thirty-five (35) pounds or more shall be installed in the rear yard, except as hereinafter provided.
2. In the event overall quality of reception in the rear yard is not at least equal to that received by cable, or other circumstances preclude such installation, a permit may be obtained, in accordance with the provisions of subsection E of this section, authorizing the antenna to be located in order of preferred placement, in a side yard, on the roof of a structure, or in the front yard, subject to conditions hereinafter imposed.

**C. Screening Required.**

1. Each receive-only antenna visible to the public which has a surface area exceeding twenty (20) square feet, or which is to be mounted in the front yard, shall be screened to the satisfaction of the City Planner or his or her designee. If such antenna is to be mounted directly, or through a supporting structure, to the ground, then such screening shall be accomplished through the use of appropriate plants, trees or shrubbery, and wood lattice or other material compatible with the residence or other structures. Plants, trees, or shrubs to be utilized for screening purposes shall have a minimum container volume of fifteen (15) gallons at the time of planting. All such screening shall be on three (3) sides and shall be sufficiently high so as to screen ninety percent or more of the antenna from public view.
2. Each receive-only antenna with a surface area exceeding twenty (20) square feet which is permitted to be roof mounted, shall be screened with materials compatible with the structure upon which such antenna is mounted and shall be screened to the satisfaction of the City Planner or his or her designee. Such screening shall be on at least three (3) sides and shall be sufficiently high so as to screen at least ninety (90) percent of the antenna from public view.

**D. Conditions and Restrictions Applicable to All Receive-only Antenna Installations.**

**1. Location.**

- a. The preferred order of placement of any receive only antenna is rear yard first, then side yard, roof, and finally front yard.
- b. No receive-only antenna, or its supporting structure, shall be installed in any required setback or in any other location which would impede emergency access to any portion of the subject property.

2. **Height.** No receive-only antenna shall exceed ten (10) feet in height above the peak roof line of the structure upon which such antenna is mounted or ten (10) feet above the peak roof line of the closest building or residential structure located on the subject property if such antenna is not to be roof mounted.

3. The provisions of Section [19.340.030](#) and this section hereinafter shall not be deemed to preempt or supersede contractual conditions, covenants and/or restrictions which may prohibit such antenna installation.

4. No receive-only satellite dish antenna shall exceed ten (10) feet, six (6) inches in diameter.

5. Each receive-only satellite dish antenna shall be earth-tone or neutral in color and shall be constructed of a “see-through” mesh or open grid design. Solid surface receive-only satellite dish antennae, such as solid white fiberglass designs, are prohibited unless completely screened from view at all times.

6. Nothing herein shall excuse any person from obtaining all permits otherwise required or from complying with any and all applicable local and State codes, laws and regulations pertaining to the installation of antennae and/or antenna supporting structures.

**E. Receive-only Antenna Permit Application.**

1. Where a permit is required, or application therefor is authorized, under any provision of Section [19.340.030](#) or this section, each person desiring a permit shall apply to the City’s Planning Division. The applicant shall provide a completed application on a form provided by the Planning Division containing at minimum, the following:
  - i. Name, address, and telephone number of the applicant

- ii. The specific location where the applicant proposes to install the antenna, including a detailed description of the antenna design and any supporting structure proposed to be utilized, including size, weight, and such other information as the Planning Division may require
  - iii. Specific reasons as to why the antenna proposed to be installed should not be mounted in the rear yard, or otherwise, in accordance with the preferred order of placement, as herein prescribed
  - iv. If required herein, a description of the screening proposed to be utilized by the applicant
  - v. A sketch or other drawing, satisfactory to the Director, showing:
    - a. Location of physical features on the subject property
    - b. Approximate dimensions (plus or minus one foot) of the subject lot and physical features thereon
    - c. The specific location where the antenna, and screening if required, are proposed to be installed
    - d. Any other physical features in the area of the subject property which applicant feels would adversely affect reception in those areas set forth herein as "preferred," and
    - e. The design of the antenna and proposed support structure
  - vi. A statement as to why the proposed antenna may not be satisfactorily installed, or will not satisfactorily function, in a preferred area, as prescribed herein
  - vii. A declaration made under penalty of perjury that either the property upon which the antenna is proposed to be installed is not subject to any contractual covenants, conditions, or restrictions, or alternatively, that any applicable contractual covenants, conditions, or restrictions do not preclude the installation of the antenna, as proposed by the applicant.
2. All applicants for an antenna permit may be required to show to the satisfaction of the Director that circumstances preclude installation in a preferred area, or that reception quality in the preferred area or areas is insufficient, as herein prescribed.
  3. Any person aggrieved by any provisions of this section due to exceptional circumstances may apply for an antenna permit in accordance with the provisions of subsection E of this section.

## Chapter 19.344 Development Standards—Environmental Effects

### 19.344.010 Noise Control.

- A. In addition to the requirements of Title 8, the following noise standards shall be met where applicable:
- B. **Residential Acoustical Design.**
1. For all dwelling and group quarters, the development shall be designed to achieve:
    - i. Within each main building, a community noise equivalent level (CNEL) not exceeding forty-five decibels;
    - ii. In outdoor areas, a community noise equivalent level (CNEL) not exceeding sixty-five (65) decibels, except that where it is not reasonably possible to achieve this objective, the development shall be designed to provide the lowest noise level reasonably possible within private open areas and/or common usable open areas of at least one hundred (100) square feet per unit, with access to such area available to the residents of each unit.
  2. Acoustical design and analysis shall be based upon the projected noise contours as shown in the noise element of the General Plan and Chapter 8.28 of the Buena Park Municipal Code.
- C. **Air Conditioning Equipment.** Exterior air conditioning equipment, other than self-contained window-mounted units in single-family dwellings, shall have a decibel rating of no more than 60dBA and shall comply with the City's noise standards pursuant to Chapter 8.28.

### 19.344.020 Compliance with Airport Environs Land Use Plan for Orange County.

(RESERVED)

### 19.344.030 Lighting.

- A. Lighting on any premises shall be directed, controlled, screened, or shaded in such a manner as not to shine or fall directly onto surrounding properties or create glare hazards within public rights-of-way. Where adjacent owners enter into a written agreement, which shall be recorded, for the joint illumination of their premises, their combined properties shall be considered as a single premises for purposes of this regulation.
- B. The use of unshaded clear bulbs in exterior lighting is prohibited.

### 19.344.040 Maintenance and Operation.

All uses and activities shall be operated and maintained so as not to be hazardous, obnoxious, or offensive due to air pollution, odor, dust, smoke, gas, water pollution, noise, vibration, illumination, glare, electromagnetic disturbance or other radiation, or similar effects detrimental to public health, safety, and welfare. All federal, state, and local laws and regulations concerning environmental protection shall be complied with.

## Chapter 19.348 Special Requirements for Certain Uses

### 19.348.010 Accessory Dwelling Units and Junior Accessory Dwelling Units.

**A. Purpose.** The purpose of this section is to establish regulations governing accessory dwelling units (ADU) and junior accessory dwelling units (JADU) in compliance with California [Government Code](#) Sections 65852.2 and 65852.22, and to provide local standards for the development of accessory dwelling units and junior accessory dwelling units so as to increase the supply of smaller and affordable housing units in the City while ensuring that such units remain compatible with existing neighborhoods. An accessory dwelling unit also includes a manufactured home, as defined in Section 18007 of the Health and Safety Code.

**B. Submittal Requirements and Application Processing.** Any application for an accessory dwelling unit or junior accessory dwelling unit shall include a site plan, floor plan, demolition plan, and elevations substantiating and evidencing compliance with all applicable development standards. Where all requirements of this section and the Buena Park City Code appear to be met, the application shall be approved ministerially without discretionary review or public hearing within 60 days of receiving the application. The City and applicant may agree to additional time with a written request from the applicant.

If the City denies an application for an ADU or JADU, the City shall, within the 60-day period, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and provide a description of how the application can be corrected by the applicant.

Applications to replace a detached garage with an ADU shall require a demolition permit for the garage. The demolition permit will be reviewed with the application for the ADU and issued at the same time as the permit to construct the ADU.

**C. Development Standards.** Under the provisions of this section, each accessory dwelling unit or junior accessory dwelling unit shall comply with local building codes and all development standards contained in Division 3 (Single Family Residential Zones) of this Title 19 (Zoning), except as otherwise specified herein:

1. **Location.** Accessory dwelling units are allowed on lots zoned for single-family residential which contain or are proposed to be developed with a single-family dwelling, or on lots zoned for multifamily residential or mixed-use residential use which contain or are proposed to be developed with a multifamily dwelling. Subject to the standards of this section, accessory dwelling units may be attached, detached, or located within an existing primary residence, which shall include an attached garage, or existing accessory structure. Junior accessory dwelling units shall only be allowed on lots zoned for single-family residential use and which are developed with or are proposed to be developed with a single-family dwelling.
2. **Minimum Lot Size and Allowable Density.** Minimum lot size and density requirements shall not be applicable when determining minimum lot size or allowable density for development of an accessory dwelling unit or junior accessory dwelling unit.
3. **Height of Structure.** The height of an accessory dwelling unit shall not exceed 16 feet, measured from grade, except as follows:
  - a. Notwithstanding subsection C.3 above, on single-family zoned lots, if the ADU is attached to the primary dwelling unit, the maximum height is 2 stories not to exceed 30 feet, or as high as the existing two-story primary dwelling unit, whichever is lower.
  - b. Notwithstanding subsection C.3 above, the maximum height of a detached ADU on a lot zoned for multifamily residential or residential mixed-use which are developed or proposed to be developed with a multifamily, multistory dwelling is 20 feet.
  - c. Notwithstanding subsection C.3 above, if a parcel contains an existing or proposed single-family or multifamily dwelling unit is located within one-half of one mile of a "major transit stop" or a "high quality transit corridor"

as those terms are defined in Section 21155 of the Public Resource Code, the maximum height of a detached ADU is 20 feet, measured from existing finished grade to the highest point of the roof.

4. **Access.** Any external access staircase for the accessory dwelling unit, whether attached or detached, shall not be located on street facing elevation(s) of the single-family or multifamily dwelling unit(s), as applicable.

**5. Setbacks.**

- a. An existing living area or accessory structure that is converted to an accessory dwelling unit, or an accessory dwelling unit that is constructed in the same location and to the same dimensions as an existing living area or accessory structure, may maintain the existing setbacks applicable to the existing area or structure. Any other accessory dwelling unit must maintain a minimum setback of 4 feet to the rear-yard property line and 4 feet to the side-yard property line.
- b. Any second story windows, decks, balconies or landing shall provide screening to minimize the loss of privacy for neighboring properties. A minimum second story balcony side or rear yard setback of 5 feet to the property line shall be provided.
- c. An ADU that complies with all other applicable development standards may be built within the front yard setback of a lot if it is otherwise physically infeasible to build such an ADU on other areas of the lot while maintaining the minimum rear and side yard setbacks outlined in this subsection C.5.

**6. Number of Dwelling Units.**

- a. **Single-Family Zone.** The number of accessory dwelling units or junior accessory dwelling units that may be located on any lot in single-family zones is limited to one (1) of the following options:
  - i. **ADU Conversion.** One (1) accessory dwelling unit may be located within an existing single-family dwelling or existing accessory structure, or within a single-family dwelling that is proposed to be constructed. Accessory dwelling units that are located within an existing accessory structure may include an expansion of not more than 150 square feet beyond the existing or proposed physical dimensions of the structure for the exclusive purpose of accommodating ingress and egress to the accessory dwelling unit.
  - ii. **New ADU.** One (1) detached or attached newly constructed accessory dwelling unit may be located on lots which contain an existing single-family dwelling or which are proposed to be developed with a single-family dwelling.
  - iii. **Junior ADU.** One (1) junior accessory dwelling unit may be located within a single-family dwelling, which shall include an attached garage, or within a single-family dwelling that is proposed to be constructed. The junior accessory dwelling unit conversion may include an expansion of not more than 150 square feet beyond the existing physical dimensions of the single-family dwelling only for the purpose of accommodating ingress and egress to the junior accessory dwelling unit.
  - iv. **Unit Combinations.** One (1) junior accessory dwelling unit under subsection C.6.a.iii above, plus one (1) detached accessory dwelling unit under subsection C.6.a.i or subsection C.6.a.ii above, may be located on lots which are or are proposed to be developed with a single-family dwelling.
- b. **Multifamily Zones and Mixed-Use Zones.** The number of accessory dwelling units that may be constructed on any lot in multifamily residential zones and mixed-use zones is limited as follows:
  - i. A maximum of two (2) newly constructed detached accessory dwelling units may be constructed on lots which are developed or are proposed to be developed with a multifamily dwelling unit.
  - ii. Within an existing multifamily dwelling structure, an accessory dwelling unit may be converted from areas not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages. The number of accessory dwelling units that may be developed within an existing multifamily dwelling shall not exceed 25 percent of the existing dwelling units within the multifamily dwelling structure (not counting any accessory dwelling units). At least one (1) such accessory dwelling unit conversion is permitted under this subsection. All such units shall comply with applicable fire and building code requirements.
  - iii. Junior accessory dwelling units are not permitted in multifamily residential zones.

**7. Dwelling Size.**

- a. Newly constructed attached or detached accessory dwelling units shall not exceed 850 square feet for an accessory dwelling unit that provides up to one bedroom, and shall not exceed 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.
  - b. The total floor area of any attached or detached accessory dwelling unit or a junior accessory dwelling unit shall be of a minimum of 150 square feet, or as specified in Section 17958.1 of the California Health and Safety Code.
  - c. Junior accessory dwelling units shall not exceed 500 square feet.
8. **Off-Street Parking.** One parking space per accessory dwelling unit shall be provided. These spaces may be provided as tandem parking on an existing driveway, or on a driveway in side yard and rear yard as permitted in this Title. Parking is limited to lawfully paved areas approved by the City. No parking for the accessory dwelling unit is required if any one (1) of the following conditions are met:
- a. The unit is located within one-half of one mile of walking distance of public transit.
  - b. The unit is located within an architecturally and historically significant historic district.
  - c. The unit is part of (i.e., contained within) the footprint of the primary single-family dwelling or an accessory building unit.
  - d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
  - e. When there is a car share vehicle located within 1 block of the unit.
  - f. When an existing garage, carport, or covered parking structure is demolished in conjunction with the development or conversion of an ADU, replacement off-street parking for the main dwelling unit shall not be required.
  - g. When a permit application for an ADU is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the ADU or the parcel satisfies any other criteria listed in this paragraph.
9. **Location of Parking.** Parking required or proposed for the accessory dwelling unit may be located in the following locations, as approved by the City, ordered from most preferred to least preferred:
- a. A garage, carport, or covered space on a driveway; which complies with required setbacks for both primary and accessory structures.
  - b. An uncovered tandem space on a driveway.
  - c. Within the required street side yard setback.
  - d. Within the required side or rear yard setback subject to screening.
  - e. Within the required front yard setback.
  - f. Parking in setbacks and tandem driveway parking remain subject to the Building Code regarding egress and any other applicable site specific fire and/or life safety conditions of approval as determined by the Building Official.
  - g. On-site parking required for the accessory dwelling unit shall be maintained and available for parking purposes at all times.
10. **Vehicular Access.**
- a. The accessory dwelling unit shall utilize the same vehicular access that serves the existing main dwelling unit, unless:
    - i. The accessory dwelling unit has access from an alley contiguous to the lot; or
    - ii. The lot is a corner lot with a second driveway, and the second driveway is located on the side street; and
    - iii. A second driveway does not result in the loss of an on-street parking space.
  - b. No passageway connecting the accessory dwelling unit to a street is required. Each accessory dwelling unit or junior accessory dwelling unit shall maintain independent exterior access from the existing residence.
11. **Way Finding.** Each unit shall display address in compliance with the current California Residential Code as adopted and amended by the City.
12. **Utilities.** All utilities servicing the accessory dwelling unit or junior accessory dwelling unit may be metered in conjunction with the primary dwelling, in compliance with Government Code Section 65852.2(f).

- 13. Restricted Areas.** Accessory dwelling units or junior accessory dwelling units shall not be allowed where roadways, public utilities and services are inadequate with reference to objective and published thresholds established by the utility or service provider. To ensure access by public safety vehicles, an accessory dwelling unit may not be located on a lot that fronts a roadway that is narrower than the minimum road width standards established by the Orange County Fire Authority's Master Plans for Commercial and Residential Development (as the same may be amended from time to time), unless:
- a. One (1) on-site parking space is provided for each bedroom included in the accessory dwelling unit; and
  - b. Replacement on-site parking spaces are provided for any parking spaces that are lost or converted to accommodate the accessory dwelling unit; or alternatively.
  - c. A conditional use permit is issued pursuant to Section 19.128.020 of this Code, provided that the conditional use permit shall be approved if affirmative findings are made based on the following criteria:
    - i. Adequate street access and traffic capacity are or will be available to serve the proposed development as well as existing and anticipated development in the surrounding area; and
    - ii. Adequate utilities and public services are or will be available to serve the proposed development as well as existing and anticipated development in the surrounding area.
- 14. Building and Fire Codes.** The property owner shall comply with all current State and local building and fire codes. Fire sprinklers are not required for the accessory dwelling unit or junior accessory dwelling unit if they are not required for the primary residence or multi-family dwelling. The construction of an ADU, by itself, shall not trigger requirements to install fire sprinklers in any existing main dwelling.
- 15. Park Fees.** For accessory dwelling units of 750 square feet or more, a proportionate amount of Park Land Dedications and In-Lieu Fees shall be paid, based upon the City's adopted Development Impact Fee Schedule.
- 16. Objective Design Standards.** Accessory dwelling units or junior accessory dwelling units shall incorporate the same architectural features, building materials, and color as the main dwelling unit on the property. These features shall include, but are not limited to, roofing material, roof design (i.e., slope, style), fascia, exterior building finish, color, exterior doors, windows, garage door, and architectural enhancements.
- When an existing garage is converted into a JADU/ADU, the existing garage door, if visible from public or private right-of-way, shall be eliminated and replaced with a wall, windows, door, or other exterior design features which are architecturally consistent with the exterior design of the structure and the main dwelling.
- Second story windows and glass doors shall be located to retain privacy between properties through such methods as offset or clerestory placement, use of opaque or view-obscuring glass.
- Manufactured homes shall be equipped with skirting to give the appearance of the manufactured home being located on grade. Synthetic materials of a similar appearance to the materials of the structure of the main dwelling and equivalent durability shall be permitted. Exterior siding shall be installed from the exterior finished grade to a point at or near the roof. However, if an approved solid wood, metal, concrete, or masonry perimeter foundation is used, the siding need not extend below the top of the foundation.
- 17. Separate Sale Prohibited.** An accessory dwelling unit may not be sold separately from the primary residence.
- 18. Short-Term Rental Prohibited.** The minimum rental term of the accessory dwelling unit shall be no less than 30 days.
- 19. Demolished or Destroyed.** If the accessory dwelling unit is demolished or destroyed, or if the accessory dwelling unit is modified such that it no longer complies with this section, the property owner shall return the lot and all improvements into a condition that complies fully with applicable land use and building standards set forth in this Code. The property owner shall apply for any and all permits necessary to complete the scope of work, as required under the City's building and fire codes.
- 20. Specific Junior Accessory Dwelling Units Requirements.** Notwithstanding anything contrary in this section, the requirements and standards of this subsection shall apply specifically to junior accessory dwelling units.

- a. The owner of the single-family lot shall occupy the single-family dwelling, any accessory dwelling unit that may exist on the lot in compliance with this section, or the junior accessory dwelling unit as their principal place of residence.
- b. As a condition to obtaining a building permit for a junior accessory dwelling unit, the property owner shall file with the County Recorder a declaration or agreement to restrictions, containing a reference to the deed under which the property was acquired by the owner and stating that:
  - i. The junior accessory dwelling unit cannot be sold separately from the primary residence; and
  - ii. The size and attributes of the junior accessory dwelling units shall conform at all times with the requirements of California Government Code Section 65852.22 and the Buena Park Municipal Code; and
  - iii. Minimum rental term of either the junior accessory dwelling unit or primary residence shall be no less than 30 days; and
  - iv. The restrictions shall be binding upon any successor in interest and ownership of the property and lack of compliance may result in legal action against the property owner to compel compliance with this section.
- c. A junior accessory dwelling unit shall include: a separate entrance from the main entrance to the proposed or existing single-family residence; and an efficiency kitchen, which shall include a cooking facility with appliances, and a food preparation counter or counters that is of reasonable size in relation to the size of the junior accessory dwelling unit.
- d. When an existing garage, carport, or covered parking structure is demolished in conjunction with the development or conversion of a JADU, replacement off-street parking is required.
- e. A junior accessory dwelling unit that does not include a separate bathroom shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
- f. The owner of a property with a junior accessory dwelling unit shall reside in one of the dwelling units on the property. This owner-occupancy requirement shall not apply to a junior accessory dwelling unit owned by a governmental agency, land trust, or housing organization.

(Ord. 1642 § 3, 2018; Ord. 1674 § 4, 2020; Ord. 1686 § 4, 2020; Ord. 1697 § 2, 2021; Ord. 1736, 3/26/2024)

### **19.348.020 Single-Family Cluster Housing.**

**A. Purpose.** The purpose of this section is to encourage **detached** single-family residential design on parcels which are less than the minimum size specified in the underlying RS zone for but are designed to maximize common open space, energy and water conservation, and architectural harmony.

**B. Density.**

- 1. Where contiguous sites for four (4) or more single-family dwelling units are to be developed, the dwelling unit density may be increased by up to 20% of the density otherwise allowed (as provided in Section 19.308.050).
- 2. Approval of such density increase shall be accomplished as part of the subdivision map approval procedure (Title 18), and shall be based upon an objective evaluation of the degree to which the purposes of this section is achieved by the design proposed in comparison with typical projects meeting the normal minimum lot size and configuration requirements of the City.
- 3. The objective evaluation shall be accomplished via a conditional use permit review procedure prescribed by Section 19.128.020 and shall be conducted concurrently with the tentative tract map procedure under Title 18 of this Code and the State Subdivision Map Act. If a cluster housing plan is approved, the recording of a final tract map shall be a condition of the conditional use permit approval. **Note: If a single-family cluster development proposes to provide a minimum of 80% affordable housing in the RS-8 and RS-6 zones, the project shall be approved ministerially subject to the objective design standards herein.**
- 4. **Notwithstanding other provisions of this Division, a project approved under this section may include lots to be held in separate ownership which do not meet the site requirements otherwise applicable, provided the project**

site as a whole, including any land parcels to be held in common, satisfies the overall density requirement established.

5. Parcels to be held in common ownership shall be governed by an association of owners and be established similar to that required for residential condominium projects under Section 19.448.030 of Division 4.
6. The following table identifies the minimum and maximum density requirements for single-family cluster developments.

Zone	Minimum Density (dwelling units per net acre)	Maximum Density (dwelling units per net acre)
RS-8	5.4 du/ac	6.5 du/ac
RS-6	7.2 du/ac	8.7 du/ac
PD	Varies	Varies

**C. Development Standards.**

1. Notwithstanding other provisions of this Division, an approval under this section may include waivers of the front, side, and rear yard and space between building regulations otherwise applicable if it is determined that the project design offers at least equal safety and privacy with superior environmental quality.
2. **Site Dimensions.** The minimum site dimensions for all single-family cluster developments in the RS-8, RS-6, and PD zones is shown in the table below.

Minimum Lot Area (Development Site)	43,560 square feet (1 acre)
Minimum Street Frontage (Development Site)	150 square feet

3. **Lot Coverage.** The lot coverage for individual lots within a single-family cluster development may exceed the maximum allowable 40 percent, provided that the total lot coverage of all structures within the development does not exceed 40 percent of the net project area, excluding common vehicular streets, driveway aisles, and guest parking.
4. **Floor Area.** The minimum floor area for each single-family cluster unit within the development shall be at least 1,600 square feet with an attached garage. The attached garage shall be included as part of the minimum floor area requirement.
5. **Building Height.** The maximum building height for single-family cluster developments shall be two (2) stories or thirty (30) feet, whichever is less.
  - i. Antennae. Notwithstanding the restrictions of subsection 5 of this section, radio, television, microwave antennae, and similar equipment shall be subject to the following regulations:
    1. Ground-mounted antennae which are incidental or accessory uses are permitted to a height of sixty (60) feet, unless permitted higher by a conditional use permit.
    2. Roof-mounted antennae, which shall include dishes to a maximum of twenty-four (24) inches in diameter, may be used but may not be more than twenty-five (25) feet higher than the highest point of the building to which they are attached, excluding chimneys and like projections, unless permitted higher by the issuance of a conditional use permit.
    3. Any antenna that is primary to the use shall be subject to the height limit established under a conditional use permit.

- ii. Flagpoles. Flag poles shall be permitted within front, side or rear yards provided they are setback a minimum of five (5) feet from property line and shall be limited to no more than thirty (30) feet in height subject to issuance of a building permit.
  - iii. Other Structures. Any free-standing structure, not specifically referenced in this Title shall be limited to no more than eight (8) feet in height and may not be located within the front, side or rear yard setback area.
- 6. **Setbacks.** The minimum setback requirements for single-family cluster developments shall meet the required setbacks for single-family zones provided in Section 19.320.010.
- 7. **Zero Side or Rear Yard.** Where no side or rear yard is required or where a zero side yard is permitted, any building or structure shall be located either at the property line or at least five (5) feet from the property line.
- 8. **Zero Residential Side Yard.** In the residential zones, where the lots on both sides of a property line are being developed anew (with all existing buildings on both lots being removed), a zero side yard, in lieu of the side yard otherwise required, may be provided on one or both sides of the property line, provided:
  - i. Any building wall along the property line shall be of a sound-absorbing type in accordance with standards adopted pursuant to Section 19.124.050.
  - ii. An agreement or covenant between the property owners involved and running with the land, in a form acceptable to the Director, shall be recorded setting forth acceptance of the physical arrangement and, providing that failure to maintain such wall to the prescribed standard shall obligate each party to conform to the otherwise applicable yard regulations.
- 9. **Common Useable Open Area.** For single family cluster housing developments of ten (10) or more dwellings, a common usable open area shall be provided with at least two hundred (200) square feet per dwelling unit for the first twenty (20) units, plus one hundred fifty (150) square feet per dwelling unit for each additional dwelling unit over twenty (20).
  - i. The minimum dimension of such common usable open area shall be 10 feet in each direction and the least horizontal dimension shall be at least one-third (1/3) of the greatest horizontal dimension.
- 10. **Parking Required.** The entire single-family cluster housing development shall provide a minimum of 5 parking spaces per home with up to four bedrooms and 6 parking spaces per home with five or more bedrooms. Each home shall maintain a minimum 400 square feet garage consisting of 2 parking spaces 10 feet in width and 20 feet in length. Non-garage parking spaces may be located on streets, public or private, or within a driveway directly in front of the garage provided that the driveway has a minimum width of 8 feet per space and minimum length of 20 feet and is not shared with any other property.

(Ord. 1315 § 11, 1994; Ord. 1445 § 4, 2003)

### **19.348.030 Home Occupations.**

- A. **Purpose.** The purpose of this section is to prevent detrimental effects of occupational activities in residential areas by setting forth reasonable and necessary limitations on such activities.
- B. **Uses Permitted.** No home occupation shall be conducted which, in order to be operated, would necessitate exceeding the limitations set forth in this section or any other provision of this Division.
- C. **Limitations.**

1. Any sales activity shall be conducted only by mail, telephone or internet.
2. The space occupied by home occupations shall be limited to no more than one room in a dwelling unit. Garages and accessory buildings shall not be used for a home occupation.
3. There shall be no interior or exterior remodeling or change in appearance of a dwelling in order to accommodate a home occupation.
4. There shall be no signs or other structures except those permitted for a dwelling use in the zone.
5. There shall be no indoor or outdoor storage of materials or equipment pertaining to a home occupation.
6. Materials and equipment used in a home occupation shall be only of a type normally used in connection with household activities or hobbies.
7. Employment in a home occupation shall be limited to members of the resident family.
8. There shall be no transportation by commercial vehicle of materials or other items used in or produced by the home occupation.
9. No vehicular or pedestrian traffic shall be generated by the home occupation.
10. A home occupation shall not place any added burden or demand on utility services or community facilities.
11. A home occupation shall not present any external evidence of nonresidential activity such as by appearance, noise, vibrations, odors, lighting, or signs.

#### **19.348.040 Yard Sales.**

- A. Purposes.** The purposes of this section are to control the nature and frequency of yard sales in residential areas in order to maintain the noncommercial character of such areas and to prevent excessive traffic congestion and noise in such areas.
- B. Location, Frequency, and Time.** In any RS zone, on any one lot in residential use, a yard sale may be conducted on not more than two consecutive days in any six-month period. Sales shall be conducted only between eight a.m. and sunset.
- C. Limitations.** Items displayed, offered, or sold at a yard sale shall be only household items which have been in regular use or storage for six months or more on the same premises.

### 19.348.050 Animal Keeping.

- A. **Purpose.** The purpose of this section is to reasonably control the number and types of animals being maintained within the City in order to protect the peace, health, and safety of residents and to preserve the urban and suburban quality of the environment.
- B. **Animals Allowed.** No animal shall be kept or maintained within the RS zones except as follows:
1. **Household Pets.** Not more than three dogs and three cats per household plus any unweaned litter from such pets not over six months old, and parrots, canaries, and other house birds of a similar nature. Rabbits and fowl (other than house birds) are prohibited except in an A Overlay Zone subject to the provisions of Section 19.312.030. In addition, the following types of animals may be kept as household pets: hamsters, guinea pigs, white rats, white mice, turtles, salamanders, newts, chameleons, kangaroo rats, not more than three nonpoisonous reptiles not over six feet long, any nonpoisonous toad, lizard or spider, and other animals of a similar nature as may be determined by interpretation pursuant to Section 19.128.010.
  2. Beekeeping and the keeping of chickens shall be permitted within the RS zone subject to the development and operational standards outlined in the sections below.
- C. **Beekeeping.** Unless otherwise permitted by conditional use permit, not more than 4 bee hives shall be permitted within any RS-zoned property subject to the following development and operational standards:
1. The number of hives fluctuates slightly depending on the season; properties found with more than four (4) hives will first be issued a warning to reduce the number of hives prior to initiating further enforcement actions.
  2. Hives may be located in the side or rear yard but must be a minimum of ten (10) feet from any property line.
  3. Parcels that share a common property line with a School, licensed childcare facility, or park shall not be permitted to keep bees.
  4. No property may keep bees without first obtaining a ministerial permit from the Community and Economic Development Department.
  5. Each application for beekeeping shall be on a City-provided form and shall include the following information and documentation:
    - i. The property address where beekeeping is proposed.
    - ii. Property owner authorization.
    - iii. A site plan showing the location on the parcel where the beehives will be located and the required six-foot tall fence/wall/hedge around the property or apiary.
    - iv. The location of the on-site water source.
  6. Self-attestation that the applicant has completed a training/certification course on beekeeping.
  7. The Community and Economic Development Director may issue additional rules and requirements regulating the keeping or maintaining of chickens based on the site-specific conditions, and may deny, suspend or revoke any such permit for violations of these requirements.
- D. **Chicken Keeping.**
1. No property may keep chickens without first obtaining a ministerial permit from the Community and Economic Development Department.
  2. Any property which keeps or maintains chickens shall provide an adequate enclosure.
  3. The enclosure must be a minimum size of ten (10) square feet of permeable land per chicken.
  4. The enclosure must provide protection for the chickens from the elements, and to prevent wildlife or other predators from gaining entry.
  5. Chicken enclosures or related structures may be located in the side or rear of the property but shall not be located in the front yard.
  6. Chicken coops/runs/enclosures shall be at least 10-feet from any side or rear property line.
  7. Chickens must be provided proper feeding and water at intervals not longer than twelve (12) hours apart.

8. Coops, pens, enclosures or yards where chickens are kept must be maintained in a clean and sanitary condition. Manure or other debris shall be removed from such enclosures daily.
  9. Each application for the keeping of chickens shall be on a City-provided form and shall include the following information and documentation:
    - i. The property address where chicken keeping is proposed.
    - ii. Property owner authorization.
    - iii. A site plan showing the location on the parcel where the enclosure/coop/run will be located.
    - iv. Self-attestation that the applicant has completed a training/certification course on keeping of chickens.
  10. The Community and Economic Development Director may issue additional rules and requirements regulating the keeping or maintaining of chickens based on the site-specific conditions, and may deny, suspend or revoke any such permit for violations of these requirements.
- E. Domesticated animals such as horses, mules, cows, goats, or sheep may be kept only within the A Overlay Zone subject to the requirements of Section 19.312.030.
- F. Animals may be kept in an educational institution for the purpose of instruction, provided such animals are securely confined and properly cared for in a manner satisfactory to the Orange County poundmaster;

**G. Limitations.**

1. No person shall keep, maintain, or permit on any lot, parcel of land or premises under his or her control, any animal which by any sound or cry disturbs the peace and comfort of the inhabitants of the neighborhood or interferes with any person in the reasonable and comfortable enjoyment of life or property. Nor, shall any person maintain any animals in such a manner as to cause the breeding of flies or the creation of obnoxious odors, or in any manner which becomes or is a nuisance or health hazard.
2. All animals shall be kept under control at all times by leash, fences, pens, corrals, cages, or suitable enclosures within buildings.
3. All animal-keeping structures shall conform to any applicable zoning and building code requirements.
4. Any premises where animals are kept shall be open to reasonable inspection by City personnel and other public officers have responsibility for enforcement of animal-control regulations.

**19.348.060 Agricultural Use.**

**A. Findings and Purpose.** It is found that an agricultural use as a commercial enterprise may provide an acceptable interim land use for certain undeveloped or under-utilized properties within the City. The purpose of this section is to minimize any adverse effects with the surrounding properties.

**B. Uses Permitted.** Except for properties designated with the A - Agricultural Overlay Zone, the type and extent of agricultural uses, as well as any related uses, shall be established and restricted by the terms of a conditional use permit.

**C. Site Requirements.**

1. Except for property designated with the A – Agricultural Overlay Zone, the minimum lot area for an agricultural use shall be 4 acres.
2. The site for an agricultural use shall have a minimum frontage of 150 feet with a secondary or greater highway, as designated in the Buena Park General Plan.

- D. Development Standards.** All development standards including, but not limited to, building design and materials, setbacks, and parking improvements shall be determined through the conditional use permit process.

### **19.348.070 Emergency Shelters.**

- A.** Emergency shelters are permitted in the RS-6 zone as an incidental use to a religious assembly.
- B.** The maximum number of beds/persons permitted to be served nightly shall be based on the individual capacity of the building and overall facility and shall not be less than 50 square feet per person served. Shelters are limited to 30 occupants per site as a principal permitted use, consistent with Cal. Gov't Code Section 65583(4)(A).
- C.** Maximum stay at the facility shall not exceed 180 days in a 365-day period.
- D.** Facility location shall be within a 1/2 mile radius from an OCTA bus stop, as measured from the property line.
- E.** The proximity to other emergency shelters shall be a maximum distance of 300 feet.
- F.** A minimum of 1 staff member per 15 beds shall be awake and on duty when the facility is in operation.
- G.** A minimum of one (1) parking stall for every eight (8) beds and one (1) covered and secure bicycle parking space for every four (4) beds. Parking requirements may be waived if the emergency shelter is located within ½ mile of public transit, although one (1) space per employee is recommended.
  - 1.** Exceptions. An Emergency Shelter may propose fewer parking spaces if the Emergency Shelter can demonstrate by a parking study that the proposed parking will satisfy the anticipated parking demand for the project to the satisfaction of the Public Works Department. In any case, the required parking for an Emergency Shelter shall not be more than that which is required for similar residential or commercial uses within the zone.
- H.** Exterior lighting shall be provided for the entire outdoor area of the site consistent with the provisions of Section [19.536.070\(G\)](#).
- I.** On-site client waiting and intake areas shall be located internally in the building where feasible. If not feasible, a waiting area shall be provided which contains a minimum of 10 square feet per bed provided at the facility. The waiting area shall be in a location not adjacent to the public right-of-way, shall be visually separated from public view by minimum 6-foot tall visually screening mature landscaping or a minimum 6-foot tall decorative masonry wall, and shall provide consideration for shade/rain provisions.
- J.** The emergency shelter manager shall be responsible for ensuring that any food service or on-site meal preparation areas comply with all applicable requirements of the county health department.
- K.** Any outdoor storage, including, but not limited to, items brought on-site by clients for overnight stays, shall be screened from public view. Any outdoor storage areas provided shall be screened from public view by minimum 6-foot tall visually screening mature landscaping or a minimum 6-foot tall decorative masonry wall.
- L.** A private storage area or closet shall be provided with each on-site bed. At no time shall any client of an emergency shelter be allowed to keep on-site any alcoholic beverages or store any type of illegal substances, drugs, and/or firearms of any kind. The manager of the emergency shelter shall conduct routine inspections of each on-site client's personal space to verify compliance with this section.
- M.** Facility improvements shall additionally provide:
  - 1.** A minimum of 1 toilet for every 10 persons.

2. A minimum of 1 shower for every 8 persons.
  3. A minimum of 1 hand-washing station for every 10 persons.
  4. Private shower and toilet facility for each area designated for use by individual families.
- N.** An operational plan shall be provided for the review and approval of the Community Development Director. Plans may be required to address additional specific needs as identified by the Director. The approved operational plan shall remain active throughout the life of the facility and updated as necessary. At a minimum, the plan shall contain provisions addressing the topical areas outlined below:
1. Security and safety - addressing both on- and off-site needs, including provisions to address the separation of male/female sleeping areas as well as any family areas within the facility;
  2. Loitering control - with specific measures regarding off-site controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site;
  3. Management of outdoor areas - including a system for daily admittance and discharge procedures and monitoring of waiting areas with a goal to minimize disruption to nearby land uses;
  4. Staff training - with objectives to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income;
  5. Communication and outreach with objectives to maintain good communication and response to operational issues which may arise from the neighborhood, City staff, or the general public;
  6. Screening of clients for admittance eligibility - with objectives to provide first service to Buena Park residents;
  7. Counseling programs to be provided with referrals to outside assistance agencies, and provide an annual report on this activity to the City; and
  8. Litter control - with an objective to provide for the timely removal of litter attributable to clients within the vicinity of the facility.
- O.** The facility may provide the following services in a designated area separate from sleeping areas and restrooms:
1. A recreation area either inside the shelter or in an outdoor area visually separated from public view by a minimum six (6) foot tall visually screening decorative wall or fence;
  2. A counseling center for job placement, educational, health care, legal, or mental health services;
  3. Laundry facilities to serve the number of clients at the shelter;
  4. Kitchen for the preparation of meals and dining area;
  5. Client storage area (i.e., for the overnight storage of bicycles and personal items); or
  6. Similar services geared to homeless clients.

(Ord. 1564 § 3, 2013)

## **19.348.080 Residential Short-Term Rentals.**

**A. Scope, Purpose and Findings.** The purposes of this section are to:

1. Document the procedures and regulations that govern the application for, and the issuance and implementation of, permits for the operation of any residential short-term rental use within the City.
2. Establish that transient occupancy uses are not permitted or conditionally permitted in residential or nonresidential zoning districts, unless either: (a) the City has approved a hotel use in a nonresidential zoning district pursuant to Title 19; or (b) the City has approved a short-term rental permit pursuant to this section.

**B. Definitions.**

**Advertise.**

“Advertise” means any communication that induces or encourages any person to rent for transient occupancy purposes, or that provides information (to any person) that promotes the availability to rent for transient occupancy purposes, any building in the City.

**Applicant.**

“Applicant” means any person, who seeks approval of a short-term rental permit under the authority of this section.

**Authorized agent.**

“Authorized agent” means the person specifically authorized by a short-term rental host in lieu of themselves as the 24-hour emergency contact for a lawfully operating short-term rental.

**Bedroom.**

“Bedroom” means a room within a dwelling unit, other than a kitchen, living room or dining room, which could be used for sleeping purposes, is provided with natural light and natural ventilation, and is separated by a door or archway from the rest of the dwelling unit. “Code” means the Buena Park Municipal Code.

**Director.**

“Director” means the Director of the Community Development, or designee.

**Enforcement officer.**

“Enforcement officer” means the Director, Building Official, Fire Marshall, City Code Enforcement Officer, or any other City employee designated by the Director or City Manager to enforce this section.

**Guest.**

“Guest” means an invitee of a renter or other person visiting a renter of a short-term rental unit who is not listed on the rental agreement.

**Host.**

“Host” means a person or persons holding fee title to the real property that is the subject of a short-term rental permit and to whom the short-term permit is issued.

**Owner.**

“Owner” means a person or persons, not a corporation or a limited liability company, holding fee title to the real property.

**Renter.**

“Renter” means a person or persons, not a host, who have lawfully obtained the exclusive use and possession of the short-term rental property or portion thereof from its host or authorized agent.

**Resides.**

“Resides” means legal residence, also referred to as primary residence of a property owner, as reflected in title records, as evidenced by homeowner’s exemption, voter registration, vehicle registration, or similar means.

**Short-term rental.**

“Short-term rental” means the renting of any portion of any structure or residential dwelling unit for a period of not less than 12 hours and for a maximum of 29 consecutive days to a particular occupant. A short-term rental shall not be considered as a hotel, extended stay hotel, motel or corporate apartment.

**Short-term rental unit.**

“Short-term rental unit” means the structure or residential dwelling unit in which the short-term rental use is permitted to operate, pursuant to a permit issued in accordance with this section.

**Sign.**

“Sign” shall have the same meaning as the term used in Title 19 Division 9 of this Code.

**Transient occupancy.**

“Transient occupancy” shall have the same meaning as the term is used in Chapter 3.16 of this Code.

**C. Short-Term Rental Eligibility.**

1. **Qualified Dwelling Unit.** A qualified dwelling unit is a structure that has been legally permitted by the City as a habitable space. Accessory dwelling units (ADU) are not considered qualified dwelling units and may not be operated as STRs. The table below list examples of some common permitted structures and their eligibility for STR use.

Qualified for STR Use	Not Qualified for STR Use
<ul style="list-style-type: none"> <li>• Single-Family Dwelling or portions thereof</li> </ul>	<ul style="list-style-type: none"> <li>• Garage</li> <li>• Storage Room</li> <li>• Pool house</li> <li>• ADUs or JADUs</li> <li>• Live/Work Units/Spaces</li> <li>• Campers/RVs</li> <li>• Treehouse</li> </ul>

**D. Short-Term Rental Permit Application.** No short-term rental may operate without a permit as required by this Section 19.348 of the Buena Park Municipal Code.

1. The Director shall accept written applications for short-term rental permits in accordance with this section. The Director shall make a decision and provide that decision in writing within 6 weeks of the date of receipt of a complete application.
2. Each application for a short-term rental permit shall be on a City-provided form and shall include the following information and documentation, signed by the host, and otherwise in a form acceptable to the Director:
  - a. Location of real property where a short-term rental use is proposed.
  - b. Identity of the host(s) of the real property on which the short-term rental is proposed (include the name, mailing address, email address, and 24-hour telephone number). Identity of the authorized agent on behalf of the host (include the name, mailing address, email address, and telephone number).

- c. Provide adequate documentation such as driver's license, voter registration, vehicle registration, utility bills or property tax records showing name of the host(s) and the short-term rental property address that establishes the host resides at the short-term rental unit as their primary residence.
  - d. A sketch of the floor plan, which identifies sleeping areas, proposed maximum number of guests, evacuation route(s), location of fire extinguisher(s), and approximate square footage in the vacation rental unit.
  - e. The maximum number of vehicles allowed for overnight occupants, including host's and other long-term residents' vehicles and location of designated on-site parking spaces. All required garage spaces will be used for storage of operable vehicles.
  - f. Written acknowledgement and agreement that the owner(s) have read and agree(s) to all regulations pertaining to the operation of a short-term rental, including this section, the City's business license requirements (Title 5.00 of this Code), the City's transient occupancy tax requirements (Chapter [3.16](#) of this Code), and any additional administrative regulations promulgated by the Director to implement this section.
  - g. Copy of the standard rental agreement to be used by the short-term rental host, including 'house rules', and any associated materials as required by subsection E.5 of this section. Written acknowledgement and agreement that claims, requests, objections and arguments not set forth in the short-term rental permit application, prior to the final decision on the permit, are and shall be deemed waived to the maximum extent permitted by law.
  - h. Written agreement that any and all use of the property for short-term rental/transient occupancy purposes shall cease upon the expiration or revocation of the short-term rental permit.
  - i. Written agreement to hold harmless, indemnify and defend the City, its elected officials, officers, employees, contractors, volunteers, and agents, against any and all claims and liabilities arising out of, or related to the issuance of the short-term rental permit, to the maximum extent permitted by law.
  - j. Declaration under penalty of perjury that the information submitted is accurate and truthful, and that the applicant agrees to comply with all conditions of the permit and this section.
  - k. Payment of the application and processing fee established by City Council resolution based on the City's estimated reasonable costs to process and review the application materials, and to mail notice to property owners within 300 feet.
  - l. Previous active or expired short-term rental permits on the property.
  - m. Letter of No Objection from the Home Owner's Association (if applicable).
  - n. Any other information that the Director deems reasonably necessary to administer this section.
3. Applications shall not be considered complete until all documentation required under this section has been submitted, and until the full application and permit fees have been paid. Incomplete applications will not be processed.

**E. Decision on Application.** The Director shall process and evaluate permit applications pursuant to this section.

1. If the Director determines that an applicant has failed to satisfy the application requirements of subsection C of this section, the Director shall provide written notice to the applicant that the application has been denied and the basis for the denial.
2. Director will mail notice of applicant's request to property owners within 300 feet of the subject property. The Director will consider any written comments received within 10 days of the mail of the notice, in his or her decision on the application.
3. Property line of the property that is the subject of the permit application shall not be within 300 feet of the nearest property line of any other short-term rental (approved or conditionally approved by the Director pursuant to this section).
4. If the Director determines supplemental evidence at a public hearing is warranted in order to determine whether an applicant will adequately mitigate potential adverse impacts to the public health, safety, or welfare due to substantial concerns raised by neighbors, or to evaluate the impacts of a concentration of uses, under subsection D.3 above, the Director shall notice a public hearing of the Planning Commission. The Planning Commission is authorized to deny, approve, or conditionally approve the permit in accordance with the criteria set forth in this section, particularly subsection C of this section. The Planning Commission's decision shall be final.
5. If the Director determines that an applicant has satisfied the application requirements of subsection C of this section, and that the applicant has borne the burden of proving that the applicant will adequately mitigate potential adverse impacts on the public health, safety, and welfare, the Director shall provide written notice to the applicant that the short-term rental permit is approved or conditionally approved, subject to compliance with the conditions identified by the Director in the notice. The conditional short-term rental permit shall be effective upon receipt of the applicant's written agreement to comply with all permit conditions set forth in the notice, and all requirements of this section and such date shall be set forth in the permit.
6. Upon the Director's receipt of the signed agreement, the Director shall provide written notice to all property owners within 300 feet of the conditional or otherwise, approval of the short-term rental permit, which shall include the following:
  - a. A concise summary of the terms of the permit, including: (i) the maximum number of occupants permitted to stay in the short-term rental unit; (ii) any special conditions or restrictions applied to the short-term rental permit; and (iii) how to obtain a complete copy of the permit and this section.
  - b. The City's Code Enforcement telephone number at which members of the public may report violations of this section, the short-term rental permit, and any permit conditions.

**F. Conditions Applicable to Permits.** Each short-term rental permit issued pursuant to this section shall be subject to all of the following requirements:

1. Short-term rentals are permitted in single-family residential dwelling unit only. Use of portions of a unit for "day-use" for portions of a day shall not be permitted.
2. The host is required to reside on the property on which the short-term rental is located. Further, a sleeping area must, at a minimum, include shared use of a full bathroom.
3. The host shall comply with all requirements of and be subject to the Business License Fees (Title 5 of this Code) and the Transient Occupancy Tax (TOT) (Chapter 3.16 of this Code) for the short-term rental use. The TOT may be remitted by the hosting platform on behalf of the host. The host shall have the duty and liability to ensure timely remittance of the TOT to the City in compliance with Chapter 3.16 of this Code.

4. The host shall permit the Enforcement Officer to conduct an annual inspection of the short-term rental premises to confirm compliance with this section. The City shall notify the permittee of the scheduled inspections at least 2 weeks in advance.
  - a. The property address shall be visible from the street and in contrasting colors for quick identification by emergency responders.
  - b. Smoke detectors shall be installed per the California Building Code.
  - c. No double keyed dead bolts may be installed on exit doors.
  - d. A fully charged, portable fire extinguisher shall be provided in an easily accessible and clearly designated area.
  - e. Exit doors may not be obstructed and/or prohibited from fully opening.
  - f. Clearance from ignition sources such as luminaries, heaters and flame-producing devices shall be maintained in an approved manner.
  - g. Hot ashes or coals shall be disposed in a metal container with a tight-fitting lid and kept a minimum of 10 feet from any structures.
  - h. Wood burning fire pits are not allowed.
  - i. No electrical wiring may be exposed or open in any outlet, switch or junction.
  - j. The electrical breaker box shall be labeled for distribution to appliances and may not contain any open slots.
  - k. There shall be no unpermitted improvements or modifications to the home or garage.
  - l. An informational packet of emergency numbers shall be prepared for renters to direct them in the event of an emergency.
  - m. Each bedroom that is a part of the short-term rental use shall have an emergency escape or rescue exit plan posted.
  - n. All swimming pools and spas must meet 2 of the 7 safety features listed below, as defined in Article 2.5 of the State of California Health and Safety Code.
    - i. An enclosure that meets the requirements of California Health and Safety Code Section 115923 and isolates the swimming pool or spa from the private single-family home.
    - ii. Removable mesh fencing that meets American Society for Testing and Materials (ASTM) Specifications F2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
    - iii. An approved safety pool cover, as defined in subdivision (d) of California Health and Safety Code Section 115921.
    - iv. Exit alarms on the private single-family home's doors that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that "the door to the pool is open."

- v. A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on the private single-family home's doors providing direct access to the swimming pool or spa.
  - vi. An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 "Standard Safety Specification for Residential Pool Alarms," which includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.
  - vii. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the features set forth above and has been independently verified by an approved testing laboratory as meeting standards for those features established by the ASTM or the American Society of Mechanical Engineers (ASME).
5. Short-term rental host shall be responsible for informing their renters of the "house rules." Such rules shall, at a minimum, include rules as explained in this paragraph. As part of the application for rental, the prospective renter shall sign an agreement acknowledging the house rules and promising to comply with the following:
- a. A copy of the house rules, and the short-term rental permit shall be posted in a prominent location inside the short-term rental unit.
  - b. The permittee shall provide access to the garage of the residence if that area has been included in the determination of the number of available on-site spaces for renters.
  - c. It is the intent of the City to enforce all applicable provisions of State law related to the provision for emergency vehicle access. Accordingly, no limousine or bus parking, and no stopping without the driver's presence, shall be allowed in any manner that would interfere with emergency vehicle access. In the event of an emergency, the vehicle driver shall immediately move the vehicle from the emergency access area.
  - d. Renter and/or guests of the short-term rental unit shall maintain the property free of debris both on-site and in the street. Trash cans shall be maintained in a clean and sanitary manner in conformance with this Code. Trash cans shall not be placed on the street prior to 24 hours before pick up day and shall be promptly removed from the street following service.
  - e. Quiet times shall be from 10:00 p.m. to 7:00 a.m.
  - f. The renters and/or guests of the short-term rental shall not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any State law pertaining to noise or disorderly conduct. Further, the permittee shall contact the Police Department in the event renters or guests fail to comply with this subsection.
  - g. No short-term rental unit may be used for any wedding, auction, commercial function, or other similar event that is inconsistent with residential uses permitted by this Code.
  - h. Pets may be permitted by the short-term rental business host, provided the pet is attended to at all times and has current vaccinations.
  - i. Discharge of fireworks is prohibited except on the 4th of July, between the hours of 10:00a.m. and 10:00p.m.

j. Maximum occupancy permitted within the active short-term rental permit.

6. No person shall advertise the use of a building in a residential or nonresidential zoning district of the City for a transient occupancy use unless: (a) the use is a hotel use in a nonresidential zoning district approved by the City pursuant to Title 19; or (b) there is a current City issued short-term rental permit for the property. All advertisement for short-term rentals must include the City issued short-term rental permit number.
7. There shall be no signs or other structures except those permitted for a dwelling use in the zone.
8. Pools and hot tubs shall have the hours of operation clearly posted adjacent to the facility. Hours shall comply with the hours set forth in subsection E.5.e.
9. Lighting on premises shall be directed, controlled, screened, or shaded in such a manner as not to shine directly on surrounding premises. Lighting on premises shall be controlled so as to prevent glare on driveways, walkways, and public thoroughfares. The use of unshaded clear bulbs in exterior lighting is prohibited.
10. A short-term rental shall not operate on a property where an accessory dwelling unit exists. A short-term rental permit shall become void upon approval of an accessory dwelling unit on a property.
11. Structures not built for habitable use such as but not limited to tents, trailers, tree houses, garage, storage shed; or temporary structures such as recreational vehicles shall not be used for short-term rentals or to satisfy the host occupant requirement of this section.
12. A host shall maintain liability insurance of not less than \$1,000,000.00 to cover each short-term rental unless such short-term rental is offered through a hosting platform that maintains equal or greater coverage.
13. Maximum occupancy of a residential unit with an active short-term rental permit shall be limited to 2 adults per bedroom and 2 additional adults for the entire unit. There is no occupancy limitation on the number of accompanied children under the age of 18.
14. All short-term rental hosts must maintain a detailed and accurate record of their guest information pertaining to hosting dates, and financial documentation, and make this information available to relevant authorities upon request. Hosts must keep this record for 5 years and may be audited to ensure tax compliance.
15. For each short-term rental use:
  - a. The host or the authorized agent must be available to the Enforcement Officer and the renter, by telephone 24 hours per day, 7 days per week when the short-term rental is rented.
  - b. The host or authorized agent must be on the premises of the short-term rental unit within one hour of being notified (by a renter, or by the Director or Enforcement Officer) that there is a need for the host or the authorized agent to address an issue of permit compliance or the health, safety, or welfare of the public or the renter.
16. Only one short-term rental permit within the City, per individual shall be in effect at any time.

**G. Restrictions on Permit Transfer.** Each short-term rental permit issued in accordance with this section shall be personal to the host to whom the permit is issued, and no person shall transfer, or attempt to transfer, the permit to any other person, unless the transfer is made in accordance with this section. Any attempt to transfer a short-term rental permit, or use a transferred short-term rental permit, that is not transferred in accordance with this section shall be void, and shall constitute a violation of this Code.

1. A short-term rental permit shall not be transferred by any person.

2. If the residence is sold to a new owner, the permit is void and the new owner will need to apply for a new short-term rental permit in their own name.
3. If the permit requires a name change due to a partial change in ownership, the new owner(s) can be added or removed from the permit by written notice to the Director. The written notice must include the reason for the change, documentation partial change in ownership, such as marriage certificate, divorce decree etc., the name(s) and contact information to be removed and the name(s) and contact information to be added. All parties on the current permit and any new parties, must sign and the document must be notarized.

#### **H. Permit Renewal and Annual Review.**

1. Unless revoked by the Director earlier pursuant to this section, a permit to operate a short-term rental expires 3 years after the date of its issuance.
2. A host shall apply for renewal prior to the expiration of the permit on a form provided by the Director no later than 30 days prior to its expiration. The host shall update the information contained in the original permit application required per this Section, if any information has changed. The host shall sign a statement affirming that there is either no change in the information contained on the original permit application and any subsequent renewal applications, or that any information that has been updated is accurate and complete.
3. An application for permit renewal received after the expiration of the current permit shall be treated as an application for a new permit set forth in this section.
4. The Director shall follow the procedures set forth in this chapter when determining whether to renew a permit.
5. Upon expiration of any short-term rental permit, it shall be of no further force, validity or effect, and use of the property for transient occupancy purposes shall cease.
6. An annual inspection shall be conducted. The host shall submit to the Director the annual inspection fee along with all of the information set forth in this section.
  - a. The host shall pay the annual inspection fee established by City Council resolution based on the City's estimated reasonable costs to perform the annual inspections identified in this section.
  - b. The host shall comply with the requirements of subsection E.
  - c. The host shall document compliance with all requirements of the Business License Ordinance (Title 5 of this Code).
  - d. The host shall provide evidence of compliance with all requirements of the Transient Occupancy Tax Ordinance (Chapter 3.16 of this Code), as may be required by the Director. The host shall also document each date on which the short-term rental was rented during the previous term of the permit (if applicable).

#### **I. Director's Action Following Annual Inspection.** Following an annual permit inspection:

1. If the Director determines that the host is in compliance with all requirements of this section and the permit, the Director shall provide written notice to the host and authorized agent that the inspection passed.
2. If the Director determines that the host has failed to comply with this section or the permit conditions, the Director shall provide written notice of the inspection failure, listing what defects were found. The host shall be allowed to remedy any defect as identified by the Director, by submitting proof of remedy within 30 days. If the permittee does not submit proof of remedy within 30 days, subsection J of this section shall be followed.

**J. Permit Modification, Suspension, or Revocation.**

1. At any time during the term of a short-term rental permit, the Director may modify, suspend, or revoke the short-term rental permit (or pursue any other remedy set forth in Title 1 of this Code), if the Director makes any of the following findings:
  - a. A short-term rental use is detrimental to the public health, safety, or welfare; or
  - b. The host has provided false or misleading information in connection with any submittal required under this section or this Code; or
  - c. The host is in violation of, or has failed to comply with, any requirements of this section, the permit terms and conditions, this Code, or any State or Federal law; or
  - d. If the host has not rented the short-term rental for a minimum of 10 total days within any 12-month period.
2. In the event the Director finds any of the above findings and orders the modification, suspension, or revocation of a short-term rental permit (whichever the case may be), the Director shall provide written notice to the permittee of his or her decision by certified mail to the name and address listed on the permit.

**K. Violation and Penalties.**

1. It is unlawful for any person to violate any provision or fail to comply with any requirement of this section. Any person who violates any provision of this section, or fails to comply with any obligation or requirement of this section, or who fails to comply with any order or notice issued pursuant to the provisions of this section, is guilty of a misdemeanor offense punishable in accordance with Chapter 1.04 of this Code. Nothing in this section shall prevent the city attorney or city prosecutor from prosecuting a violation of this chapter as an infraction, at his or her discretion, as set forth in Chapter 1.04 of this Code.
2. Each violation of this section shall be a separate offense for each and every day, or part thereof, during which a violation of this section, or of any law or regulation referenced herein, is allowed, committed, continued, maintained or permitted by such person, and shall be punishable accordingly.
3. In addition to the remedies set forth in this section, any person who violates any provision of this section, or fails to comply with any obligation or requirement of this section, or who fails to comply with any order or notice issued pursuant to the provisions of this section, is subject to any and all civil and administrative penalties and remedies authorized under Chapter 1.04 of this Code.
4. Public Nuisance. In addition to the penalties provided by this section, any condition or activity caused or permitted to exist in violation of any provision, restriction, or requirement of this section or any notice, order, or permit issued pursuant to this section, shall be deemed a public nuisance and may be summarily abated by the city by any and all means (civil, administrative, and/or equitable) as provided by law or in equity.

**L. Appeals.** Any determination made by the Director pursuant to this section shall be final unless appealed pursuant to the requirements of this section.

1. Any decision by the Director to approve, conditionally approve, or deny a permit application, or to modify, suspend, or revoke a permit, or to impose any penalty or undertake any enforcement action permitted herein, may be appealed only to the Planning Commission. A written appeal must be received by the Director within 10 business days of the date the appealed decision was rendered or action was taken. Upon receipt of an appeal within 10 working days, the Director will schedule a public hearing before the Planning Commission. The

Planning Commission may affirm, reverse, or conditionally reverse the Director’s decision and the Planning Commission’s decision shall be final.

2. Failure to file an appeal within 10 business days of the date the appealed decision was rendered, or action was taken shall constitute a waiver of the appeal and a failure to exhaust administrative remedies, and shall preclude any and all relief and claims arising in connection with the determination by the Director pursuant to this section.

(Ord. 1675 § 2, 2020)

### 19.348.090 Urban Lot Splits (SB-9)

**A. Purpose.** The purpose of this Urgency Ordinance is to allow and appropriately regulate urban lot splits in accordance with Government Code section 66411.7.

**B. Definition.** An “urban lot split” means the subdivision of an existing, legally subdivided lot into two lots in accordance with the requirements of this section.

**C. Application.**

1. Only individual property owners may apply for an urban lot split. “Individual property owner” means a person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Rev. & Tax Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by § 214.15).
2. An application for an urban lot split must be submitted on the city’s approved form. Only a complete application will be considered. The city will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.
3. The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application.

**D. Approval.**

1. An application for a parcel map for an urban lot split is approved or denied ministerially, by the Public Works Director, without discretionary review.
2. A tentative parcel map for an urban lot split is approved ministerially if it complies with all the requirements of this Chapter. The tentative parcel map may not be recorded. A final parcel map is approved ministerially as well, but not until the owner demonstrates that the required documents have been recorded, such as the deed restriction and easements. The tentative parcel map expires three months after approval if not recorded.
3. The approval must require the owner and applicant to hold the city harmless from all claims and damages related to the approval and its subject matter.
4. The approval must require the owner and applicant to reimburse the city for all costs of enforcement, including attorneys’ fees and costs associated with enforcing the requirements of this code.

**E. Requirements.** An urban lot split must satisfy each of the following requirements:

1. **Map Act Compliance.**
  - i. The urban lot split must conform to all applicable objective requirements of the Subdivision Map Act (Gov. Code § 66410 et. Seq., “SMA”), including implementing requirements in this code, except as otherwise expressly provided in this section.

- ii. If an urban lot split violates any part of the SMA, the city’s subdivision regulations, including this section, or any other legal requirement:
      - 1. The buyer or grantee of a lot that is created by the urban lot split has all the remedies available under the SMA, including but not limited to an action for damages or to void the deed, sale, or contract.
      - 2. The city has all the remedies available to it under the SMA.
    - iii. Notwithstanding section 66411.1 of the SMA, no dedication of rights-of-way or construction of offsite improvements is required for an urban lot split.
- 2. **Zone.** The lot to be split is in a single-family residential zone (RS-6, RS-8, RS-10 and RS-16).
- 3. **Lot Location.** The lot to be split is not located on a site that is described by any of subparagraphs of California Government Code Section 65913.4(a)(6)(B)–(K).”
- 4. **Not Historic.** The lot to be split must not be a historic property or within a historic district.
- 5. **No Prior Urban Lot Split.**
  - i. The lot to be split was not established through a prior urban lot split.
  - ii. The lot to be split is not adjacent to any lot that was established through a prior urban lot split by the owner of the lot to be split or by any person acting in concert with the owner.
- 6. **No Impact on Protected Housing.** The urban lot split must not require or include the demolition or alteration of any of the following types of housing:
  - i. Housing that is income-restricted for households of moderate, low, or very low income or housing that is subject to any form of rent or price control through a public entity’s valid exercise of its policy power.
  - ii. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
  - iii. Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which an urban lot split is sought must provide a sworn statement as to this fact with the application for the parcel map. The city may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.
- 7. **Lot Size.**
  - i. The lot to be split must be at least 2,400 square feet.
  - ii. The resulting lots must each be at least 1,200 square feet (Two (2) lots maximum after SB-9 subdivision).
  - iii. One (1) lot shall not be less than forty (40) percent of the lot area of the original lot. Each lot is allowed to contain up to two (2) units in one (1) or two (2) primary dwellings.
- 8. **Easements.**
  - i. The owner must enter into an easement agreement with each public-service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.
  - ii. Each easement must be shown on the tentative parcel map.
  - iii. Copies of the unrecorded easement agreements must be submitted with the application. The easement agreements must be recorded against the property before the final map may be approved.
- 9. **Lot Access.** Each resulting lot must have access to or adjoin the public right of way and each have at least 10 feet of frontage on a public right of way.

**10. Separate Conveyance.**

- i. Within a resulting lot.
  1. Primary dwelling units on a lot that is created by an urban lot split may not be owned or conveyed separately from each other.
  2. Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an urban lot split.
  3. All fee interest in a lot and all dwellings on the lot must be held equally and undivided by all individual property owners.
- ii. Between resulting lots. Separate conveyance of the resulting lots is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate CC&Rs, easements, or other documentation that is necessary to allocate rights and responsibility between the owners of the two lots.

**19.348.100 Urban Dwellings/Two-Unit Developments (SB-9)**

**A. Purpose.** The purpose of this section is to allow and appropriately regulate two-unit projects in accordance with Government Code section 65852.21.

**B. Definition.** A “two-unit project” means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of this section.

**C. Application.**

1. Only individual property owners may apply for a two-unit project. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Rev. & Tax Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by § 214.15).
2. An application for a two-unit project must be submitted on the city’s approved form.
3. The applicant must provide evidence to the City that the subject lot has been legally subdivided as part of the application submittal.
4. Only a complete application will be considered. The city will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.
5. The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application.

**D. Approval.**

1. An application for a two-unit project is approved or denied ministerially, by the Community and Economic Development Director, without discretionary review.
2. The ministerial approval of a two-unit project does not take effect until the city has confirmed that the required documents have been recorded, such as the deed restriction and easements.
3. The approval must require the owner and applicant to hold the city harmless from all claims and damages related to the approval and its subject matter.
4. The approval must require the owner and applicant to reimburse the city for all costs of enforcement, including attorneys’ fees and costs associated with enforcing the requirements of this code.

**E. Requirements.** A two-unit project must satisfy each of the following requirements:

1. **Map Act Compliance.** The lot must have been legally subdivided.
2. **Zone.** The lot is in a single-family residential zone.
3. **Lot Location.** The lot is not located on a site that is described by any of subparagraphs 65913.4(a)(6)(B)–(K).
4. **Not Historic.** The lot must not be a historic property or within a historic district.
5. **No Impact on Protected Housing.** The two-unit project must not require or include the demolition or alteration of any of the following types of housing:
  - a. Housing that is income-restricted for households of moderate, low, or very low income.
  - b. Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its policy power.
  - c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
  - d. Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which a two-unit project is sought must provide a sworn statement as to this fact with the application for the parcel map. The city may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.
6. **Unit Standards.**
  - a. Quantity.
    - i. No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under this section of this code, an ADU, or a JADU.
    - ii. A lot that is not created by an urban lot split may have a two-unit project under this section, plus any ADU or JADU that must be allowed under state law and the city’s ADU ordinance.
  - b. Unit Size.
    - i. The total floor area of each primary dwelling built that is developed under this section shall not be less than 800 square feet and shall not exceed 1,200 square feet.
    - ii. A primary dwelling that was legally established on the lot prior to the two-unit project and that is larger than 800 square feet is limited to the lawful floor area at the time of the two-unit project. The unit may not be expanded.
    - iii. A primary dwelling that was legally established prior to the two-unit project and that is smaller than 800 square feet may be expanded to 800 square feet after or as part of the two-unit project.
  - c. Height Restrictions.
    - i. On a lot that is larger than 2,000 square feet, no new primary dwelling unit may exceed a single story or 16 feet in height, measured from grade to peak of the structure.
    - ii. On a lot that is smaller than 2,000 square feet, no new primary dwelling unit may exceed two stories or 22 feet in height, measured from grade to peak of the structure. Any portion of a new primary dwelling that exceeds one story must be stepped back by an additional five feet from the ground floor; no balcony deck or other portion of the second story may project into the step-back.

- iii. No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot with a two-unit project.
  - d. Demo Cap. The two-unit project may not involve the demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last three years.
  - e. Lot Coverage. The maximum building coverage of net lot area for all single-family residential zones shall be 40 percent. This lot coverage standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.
  - f. Setbacks.
    - i. Generally. All setbacks must conform to the setbacks that are imposed through the underlying zone except as follows:
      - 1. Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
      - 2. Interior Side Yard and Rear Yard Setbacks. Dwelling units shall provide a minimum of zero (0) feet interior side yard and rear yard setbacks from the property line, if adjacent to a non-residential zone. Dwelling units shall provide a maximum of four (4) feet interior side yard and rear yard setbacks from the property line, if adjacent to any residential zone.
      - 3. Corner Lot Setbacks for side yards abutting a street. Dwellings that are constructed pursuant to this Chapter must provide setbacks at least 10-feet from the side yard abutting a street.
  - g. Parking. Each new primary dwelling unit shall provide a maximum of one (1) off-street parking space per unit that is 800 square feet or less, unless the dwelling is located within ½ mile from a high-quality transit corridor or one (1) block from a car share vehicle location as those terms are defined in Subdivision B of Section 21155 of the Public Resources Code or a Major Transit Stop as defined in Section 21064.3 of the Public Resources Code.
  - h. Privacy. These standards are designed to provide privacy between primary living spaces of buildings on each side of an original interior side or rear lot line. Windows and balconies along the side of a building within six(6) feet of an original interior side or rear lot line are subject to these standards.
    - i. Primary living spaces adjoining an interior side setback shall either:
      - 1. Orient principal/main windows/glazed openings toward the front and rear of the building, away from interior side lot lines; or
      - 2. Set the window/glazing openings:
        - a. Perpendicular to interior side lot lines; or
        - b. More than six (6) feet from interior side lot lines
    - ii. Windows and balconies openings within six (6) feet of an interior side lot line shall either:
      - 1. Have a minimum sill height of 44 inches; or
      - 2. Place the window at an angle of at least 30 degrees, measured perpendicular to the adjacent side lot line.
  - i. Building Types. Division 3 permits single-family homes and accessory dwelling units, and objective design standards are provided for those building types herein. Duplexes are not allowed in single-family zones, unless pursuant to SB-9.
    - i. Each lot may have up to two primary building types for a total of two units, using only the allowed building types in this Division. The building types may be combined as allowed by this Section. Alternatively, each lot is allowed one primary building type and an accessory dwelling unit.

- ii. A maximum of two (2) single-family homes are allowed per lot pursuant to SB-9.
- iii. Duplexes (Side-by-Side or Stacked)
  - 1. Duplex, Side-by-Side. A duplex, side-by-side, may be one (1) or two (2) stories that consists of two (2) side-by-side units, both within a single building massing. A duplex, side-by-side, shall have a maximum of two (2) units per building, and one (1) maximum building per lot.
  - 2. Duplex, Stacked. A duplex, stacked, shall be two (2) stories that consists of two (2) stacked units, both within a single building massing. A duplex, stacked, shall have a maximum of two (2) units per building, and one (1) maximum building per lot.
  - 3. General Standards:
    - a. Height requirements. See Section 19.328.020.
    - b. The building width shall be a maximum of 50 feet and the maximum building depth shall be 40 feet.
    - c. Pedestrian access shall be located along the primary street for both units. All buildings not fronting a street shall have their entry connected to the street by a sidewalk.
    - d. The entry to buildings located behind the front building(s) that abut open yard must be located along the open yard.
    - e. On corner lots, each unit shall front a different street.
    - f. Unit entries shall be combined with one (1) of the allowed frontage types in Section 19.316.070.

j. Objective Architectural and Design Standards.

- i. The roof pitch/slope and roof style (e.g. hip, gable, mansard, dutch-gable, flat, etc.) of the proposed unit or addition must be the same as the primary dwelling.
- ii. The window style, method of operation (hung, double-hung, slider, casement, etc.), window trim and sills of the proposed unit or addition must be the same as the primary dwelling.
- iii. The exterior of the new dwelling unit must contain a primary material and an accent material which is not the same as the primary material (e.g. wood siding, stucco, brick, stone). The accent material must cover a minimum of twenty-five percent of the street facing elevations.
- iv. The size of the common indoor living areas of a dwelling unit, such as the living room, dining room, kitchen, family room, etc., must be equal to, or greater than, the square footage of bedrooms provided. The square footage of bathrooms, closets, garages or other defined storage spaces may not be counted towards common living area square footage to comply with this requirement.
- v. New two-story structures, including second story additions, shall be stepped back a minimum of five feet from the first floor wall plane on all street facing elevations. No balcony deck or other portion of the second story may project into the step-back.
- vi. Direct exterior access from a first-floor bedroom to the exterior of the dwelling unit may only be through a sliding glass door or double-french doors.
- vii. Water Heaters (excluding tank less water heaters) and Laundry Facilities (Washer and Dryer) may not be located on the exterior of a dwelling unit.
- viii. No window of a dwelling that is constructed on the lot may have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.

k. Landscaping. All landscaping shall comply with the City's Water Efficient Landscape Ordinance.

l. Nonconforming Conditions. A two-unit project may only be approved if all nonconforming zoning conditions are corrected.

- m. Utilities. Each primary dwelling unit on the lot must have its own direct utility connection to the utility service provider.
- 7. Fire-Prevention Measures.
  - a. All dwellings on the site must comply with current fire code requirements.
- 8. Separate Conveyance.
  - a. Primary dwelling units on the lot may not be owned or conveyed separately from each other.
  - b. Condominium airspace divisions and common interest developments are not permitted within the lot.
  - c. All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.
- 9. Deed Restriction. The owner must record a deed restriction, acceptable to the city, that does each of the following:
  - a. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
  - b. Expressly prohibits any non-residential use of the lot.
  - c. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
  - d. If the lot is not created by an urban lot split: Expressly requires the individual property owners to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile.
  - e. States that the property is formed by an urban lot split and is therefore subject to the city's urban lot split regulations, including all applicable limits on dwelling size and development.

**F. Specific Adverse Impacts.**

- 1. Notwithstanding anything else in this section, the city may deny an application for a two-unit project if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- 2. "Specific adverse impact" has the same meaning as in Gov. Code § 65589.5(d)(2): "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).

**State Law Compliance.** Section 19.348.040 and Section 19.348.050 implements Government Code Sections 65852.21 and 66411.7 through objective design standards as provided in 65852.21 (b). All development and/or subdivisions using the standards of the SB-9 must also be in compliance with all other requirements of Sections 65852.21 and 66411.7 of the Government Code not contained in this Division. Where a provision contained in the Municipal Code does not discuss a specific condition or situation that arises, the provisions set forth in SB-9 Law shall apply. In the event of a conflict between these provisions and the provisions of SB-9 Law, whichever is stricter shall prevail.

**19.348.110 Cottage Cluster Developments.**

**A. Purpose.** The purpose of this section is to encourage affordable detached cottage cluster developments that include between four (4) and ten (10) smaller single-family residential units arranged around a shared court visible from the street on parcels 20,000 square feet or more in size in the RS-8 and RS-6 zones.

**B. Submittal Requirements and Application Processing.** Any application for a cottage cluster development shall include a site plan, floor plan, and elevations substantiating and evidencing compliance with all applicable development standards. Cottage cluster developments that do not provide a minimum of 80% affordable housing shall be subject to discretionary review. Where all requirements of this section and the Buena Park City Code are met, the application shall be approved ministerially without discretionary review or public hearing within 60 days of receiving the application for affordable housing exceeding the minimum 80% affordability requirement. The City and applicant may agree to additional time with a written request from the applicant.

**C. Development and Objective Design Standards.**

1. **Site Dimensions.** The minimum site dimensions for cottage cluster developments in the RS-8 and RS-6 zones is shown in the table below.

Site Dimensions	RS-8	RS-6
Minimum Lot Area (square feet)	24,000 sq. ft.	20,000 sq. ft.
Minimum Street Frontage (square feet)	150 sq. ft.	100 sq. ft.
Minimum Lot Width (square feet)	150 sq. ft.	100 sq. ft.
Minimum Lot Depth (square feet)	150 sq. ft.	100 sq. ft.

2. **Setbacks.** The minimum setbacks for cottage cluster developments are shown in the table below.

Minimum Front Yard Setbacks (Property Line to Dwelling)	20 feet
Minimum Side Yard Setbacks (Property Line to Dwelling)	15 feet
Minimum Rear Yard Setbacks (Property Line to Dwelling)	20 feet
Minimum Setbacks from Dwellings to Parking Lot	15 feet
Minimum Building Separation (Side to Side)	5 feet

3. **Lot Coverage.** The lot coverage for cottage cluster developments shall not exceed 60%.

4. **Building Height.** The maximum building height shall not exceed two (2) stories or thirty (30) feet, whichever is less. Building projections shall meet the requirements set forth in Section 19.320.020.

5. **Density.** Density requirements shall be pursuant to the density standards of the underlying zone. Cluster bonuses may be applied to cottage cluster developments, although the number of units per cottage cluster on a single parcel shall not exceed ten (10) units in any RS zone.

6. **Floor Area.** The minimum floor area for each cottage cluster unit within the development shall be a minimum of 600 square feet and a maximum of 1,200 square feet. Attached garages are not required. If an attached garage is provided, the floor area shall not be less than 1,200 square feet. The attached garage shall be included as part of the minimum floor area requirement.

7. **Parking.** The cottage cluster development is exempt from minimum parking requirements if the development is located within a half-mile from public transit or located within one (1) block of a dedicated car share lot.

i. Garage parking is not required. If garage parking is provided, each unit shall maintain a minimum 400 square feet garage consisting of 2 parking spaces 10 feet in width and 20 feet in length. Garages shall

not be shared by more than one (1) cottage cluster unit. Garages shall be attached to the cottage cluster unit but shall not abut common open spaces. Parking may also be located in the driveway in front of the garage provided that the driveway has a minimum width of 8 feet per space and minimum length of 20 feet and is not shared with any other unit.

- ii. On-site parking for cottage cluster developments shall provide a minimum of one (1) parking space per unit with up to two (2) bedrooms, two (2) parking spaces per unit with three (3) bedrooms, and three (3) parking spaces per unit with four (4) bedrooms or more. Guest parking shall provide a minimum of 0.5 parking spaces per unit, regardless of the number of bedrooms.
- iii. Parking Lots.
  - 1. Parking spaces in a parking lot on-site shall be provided in clusters of up to eight (8) spaces. Parking clusters shall be separated by a minimum four (4) foot landscaped buffer.
  - 2. Parking lots shall be setback at least ten (10) feet from the property line.
  - 3. Screening shall be required between clustered parking areas and public streets, common courtyards, and existing single-family residential.
  - 4. Landscaping, fencing, or walls at least three (3) feet tall shall separate parking areas and parking structures from common courtyards and public streets.

## 8. Cottage Orientation.

- i. Each cottage cluster unit shall either abut a common courtyard or shall be directly connected to the common courtyard by an ADA compliant pedestrian path, and shall meet the following standards:

- 1. A minimum of 50% of the cottage cluster units within a cottage cluster development shall be oriented to the common courtyard and shall:

- a. Have a main entrance facing the common courtyard, as applicable.

- b. Be within ten (10) feet of the common courtyard, measured from the façade of the cottage cluster unit to the nearest edge of the common courtyard.

- c. Be connected to the common courtyard by a pedestrian path.

- 2. Cottage cluster units within twenty (20) feet of a street property line may have their entrances facing the street.

- 3. Cottage cluster units not facing the common courtyard or the street, shall have their main entrances facing a pedestrian path that is directly connected to the common courtyard.



*Figure F. Example of a small lot single-family cluster development.*

## 9. Common Courtyard.

- i. The minimum common courtyard shall be 150 square feet per cottage cluster unit.

- ii. The common courtyard shall be a single compact, continuous, central open space, that has a minimum width of fifteen (15) feet.
  - iii. The common courtyard shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, and/or paved courtyard area. Impervious elements of the common open space shall not exceed 70 percent of the total common courtyard area.
  - iv. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
10. **Community Buildings.** Single-family cluster developments may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, daycare, or community eating areas. Community buildings shall require a conditional use permit.