



## CITY COUNCIL AGENDA REPORT

MEETING DATE: February 7, 2005

ITEM NUMBER:

**SUBJECT:** ORDINANCE 05-3 AMENDING TITLES 13 AND 20 TO CLARIFY EXISTING ZONING DEFINITIONS AND STANDARDS AND TO ADD REGULATIONS REGARDING SEASONAL EVENTS AND LANDSCAPING REQUIREMENTS IN THE R1 ZONE.

**DATE:** JANUARY 26, 2005

**FROM:** DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

**PRESENTATION BY:** KIMBERLY BRANDT, PRINCIPAL PLANNER

**FOR FURTHER INFORMATION CONTACT:** KIMBERLY BRANDT (714) 754-5604

### **RECOMMENDATION:**

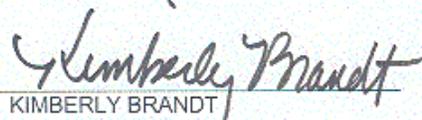
Give second reading to Ordinance 05-3, which amends the Zoning Code (Title 13) and Private Property Maintenance (Title 20), to clarify existing zoning definitions and standards and add regulations regarding seasonal events and landscaping requirements in the R1 zone.

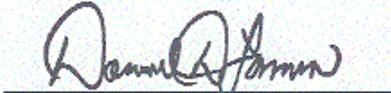
### **BACKGROUND:**

On January 18, 2005, City Council gave first reading to the attached ordinance. Council directed staff to modify the language in Section 13-75(a) in respect to fences on interior property lines. The language has been modified to read as follows (see section g. of the Ordinance):

"(a) In residential zones, including planned development, except R-1: All interior property lines of the master development lot shall have 6-foot high solid opaque walls or fences that conform to the City's Walls, Fences and Landscaping Standards.

Staff has no further information on this ordinance.

  
KIMBERLY BRANDT  
Principal Planner

  
DONALD D. LAMM  
Deputy City Mgr. – Dev. Svcs. Director

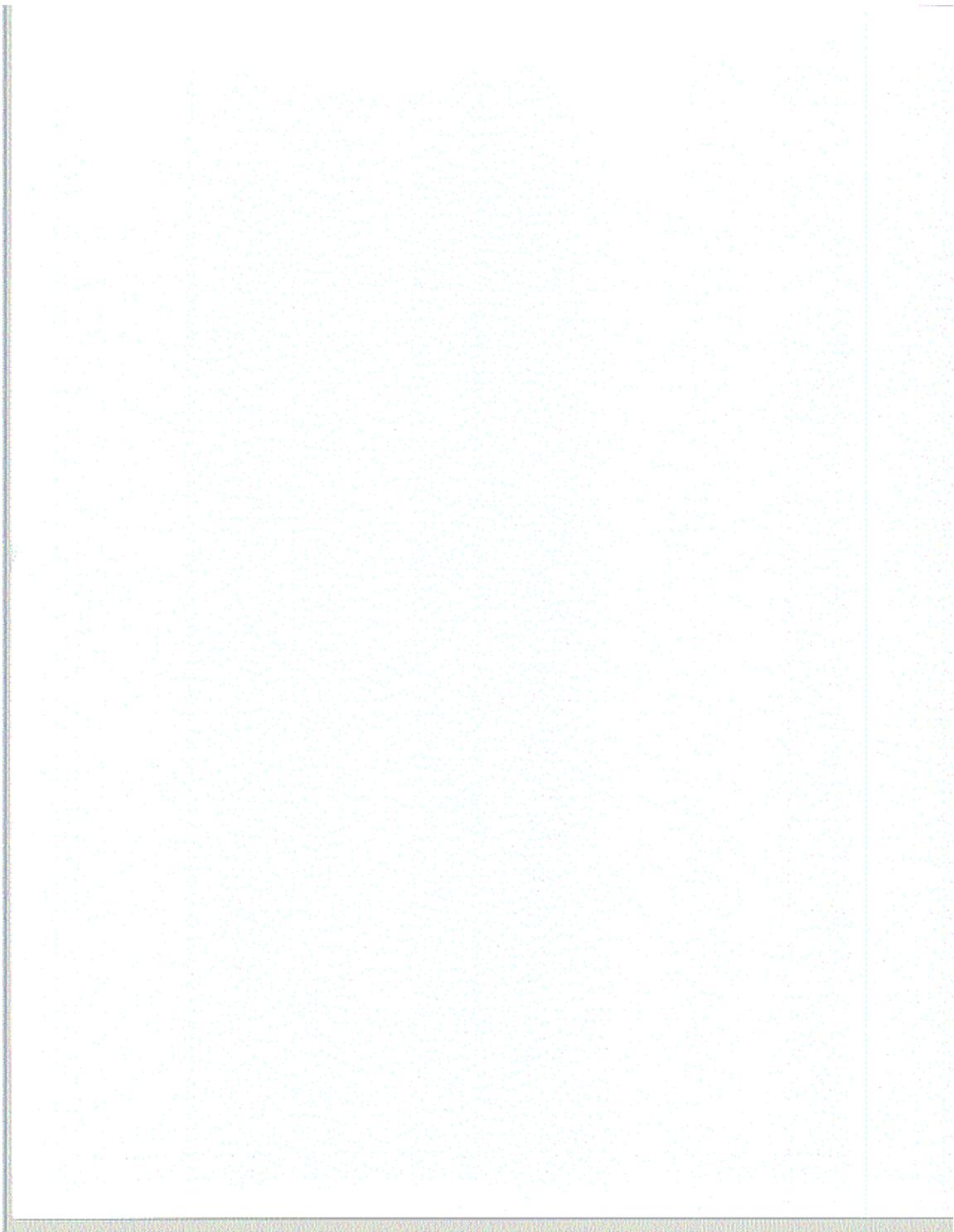
**DISTRIBUTION:** City Manager  
Assistant City Manager  
City Attorney  
Deputy City Manager – Dev. Svcs. Dir.  
Public Services Director  
City Clerk (2)  
Staff (4)  
File (2)

**ATTACHMENTS:** 1 Ordinance 05-3

File Name: 020705ZoningCode

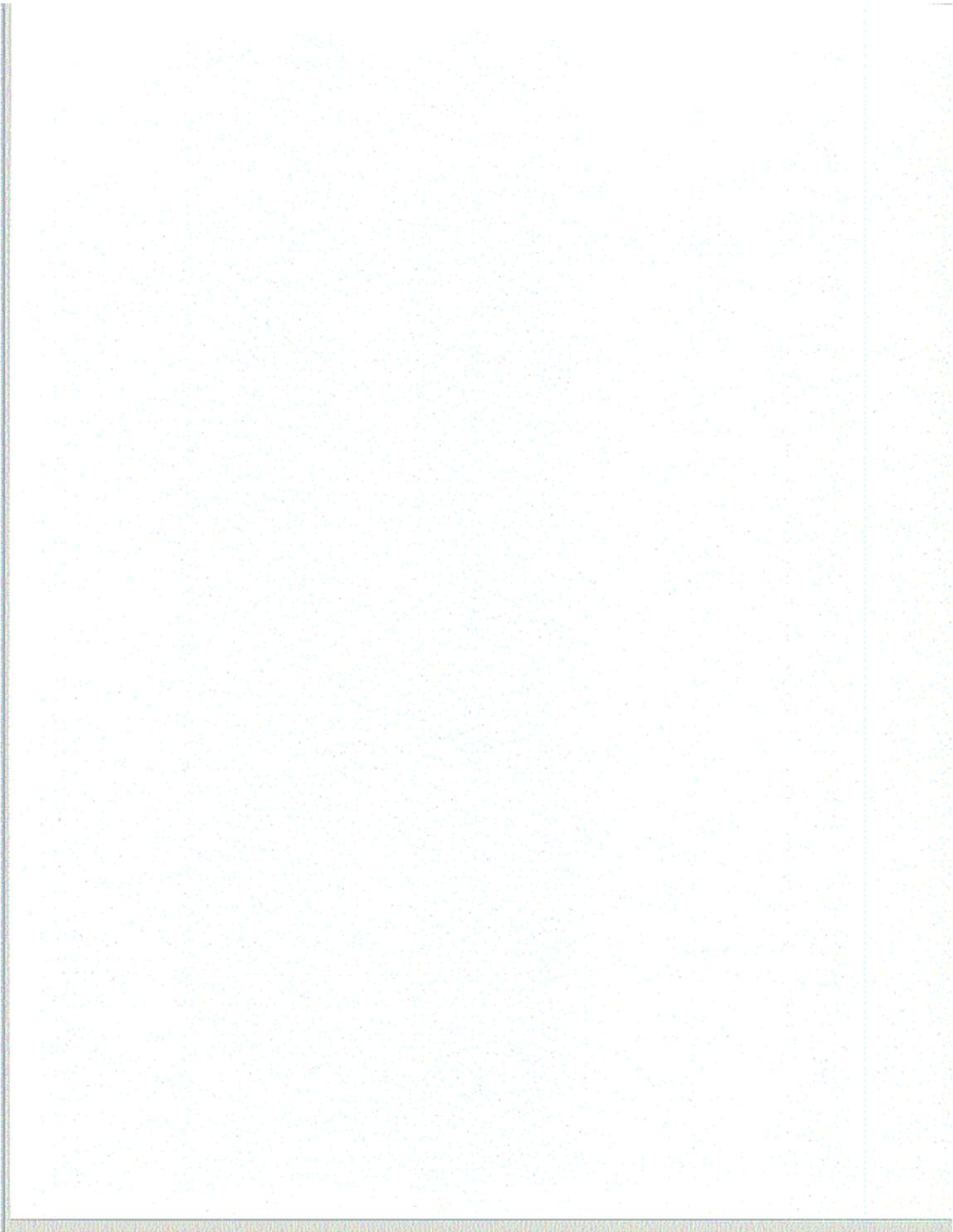
Date: 01/25/05

Time: 10 am



**ATTACHMENT 1**

**ORDINANCE 05-3**



ORDINANCE NO. 05-3

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLES 13 AND 20 OF THE COSTA MESA MUNICIPAL CODE TO CLARIFY EXISTING DEFINITIONS AND STANDARDS AND TO ADD REGULATIONS REGARDING SEASONAL EVENTS AND LANDSCAPING REQUIREMENTS IN THE R1, SINGLE-FAMILY RESIDENTIAL DISTRICT.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 13 of the Costa Mesa Municipal Code is hereby amended to read as follows:

a. Amend Section 13-20(b) through (d) to read as follows:

“(b) **R2-MD Multiple-Family Residential District, Medium Density.** This district is intended to promote the development of multi-family rental as well as ownership properties on lots with a minimum size of 12,000 square feet. The maximum density allowed is 3,630 square feet per dwelling unit, which equals 12 dwelling units per gross acre. Legal lots existing as of March 16, 1992 with a minimum lot area of 6,000 sq. ft. up to 7,260 sq. ft. are allowed 2 dwelling units.

(c) **R2-HD Multiple-Family Residential District, High Density.** This district is intended to promote the development of multi-family rental as well as ownership dwelling units on lots with a minimum size of 12,000 square feet. The maximum density allowed is 3,000 square feet per dwelling unit, which equals 14.52 dwelling units per gross acre.

(d) **R3 Multiple-Family Residential District.** Like the R2-MD and R2-HD districts, this district is intended to promote the development of multi-family rental as well as ownership dwelling units. The required minimum lot size is 12,000 square feet. The maximum density allowed is 2,178 square feet per dwelling unit, which equals 20 dwelling units per gross acre.”

b. Amend Section 13-28(f) to read as follows:

“(f) **Lot line adjustment.** Any adjustment to an existing lot line between two lots, where the land taken from one lot is added to an abutting lot and/or where a greater number of lots than originally existed is not created. A lot line adjustment may be used to combine no more than four abutting lots.”

- c. Amend the following rows of Table 13-32 to read as follows:

"TABLE 13-32 RESIDENTIAL DEVELOPMENT STANDARDS				
STANDARDS	R1	R2-MD	R2-IID	R3
LANDSCAPING (See also Chapter VII).				
SETBACKS FOR MAIN BUILDINGS AND ACCESSORY BUILDINGS AND STRUCTURES (Minimum distances given, unless otherwise noted. All setbacks from streets are measured from the ultimate property line shown on the Master Plan of Highways).				
Side	Interior property line: 5 feet. Note: Accessory structures that do not exceed 6½ feet in height in the R1 zone or 15 feet in height in the other residential zones may have a zero side setback. Property line abutting a public street: 10 feet. Note: Driveways providing straight-in access from a public street to a garage shall be at least 19 feet long, as measured from the property line. Property line abutting an alley: 5 feet."			
LANDSCAPING (See also Chapter VII).				
Landscaping Required.	All unpaved areas visible from the public right-of-way shall be landscaped and the landscaping shall be maintained in a healthy condition, free of dying, dead, diseased, decayed, discarded, and/or overgrown vegetation.		See Chapter VII, LANDSCAPING."	

- d. Delete Section 13-41(b)(4) in its entirety and reserve for future use.

"(4) Reserved."

- e. Amend Section 13-48 to include the following subsection:

"(c) Seasonal events that include live entertainment, dancing, and/or amplified music may be allowed without a conditional use permit or live entertainment permit provided that it complies with the following standards. Each establishment is limited to four nonconsecutive events per calendar year.

- (1) The event shall not exceed 1 day in duration;
- (2) The event shall be conducted entirely indoors; and
- (3) The event shall comply with Chapter XII NOISE CONTROL."

- f. Amend the following rows of Table 13-58 to read as follows:

TABLE 13-58 PLANNED DEVELOPMENT STANDARDS						
DEVELOPMENT STANDARD	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI
Maximum Density per Section 13-59 MAXIMUM DENSITY CRITERIA, (dwelling units per acre)	8	12	20	35	20	Note: The maximum density for 1901 Newport Boulevard is 40 dwelling units per acre.
Perimeter Open Space per Section 13-61 PERIMETER OPEN SPACE CRITERIA.	20 feet abutting all public rights-of-way, excluding alleys (may be reduced in the PDC and PDR-NCM zones pursuant to Section 13-61 PERIMETER OPEN SPACE CRITERIA).					

- g. Amend Section 13-75(a) through (e) to read as follows:

**"Sec. 13-75. FENCES AND WALLS**

- (a) In residential zones, including planned development, except R-1: All interior property lines of the master development lot shall have 6-foot high solid opaque walls or fences that conform to the City's Walls, Fences and Landscaping Standards.
- (b) In commercial zones, including planned development: All interior property lines abutting residentially-zoned property shall have solid masonry walls, at least 6 feet but no more than 8 feet in height, unless an environmental study requires additional height.
- (c) In industrial zones, including planned development: A solid masonry wall, at least 6 feet in height shall be constructed along all property lines which abut a residential or commercial zone. The maximum wall height shall not exceed 8 feet, unless an environmental study requires additional height.
- (d) If a fence or wall is constructed adjacent to a public street, the fence or wall shall be approved by the Planning Division in terms of its compatibility and harmony with the proposed building and site development and buildings and site developments existing or approved for the general neighborhood. For arterial streets that are adjacent to residential developments, new arterial walls shall comply with the City's Streetscape and Median Development Standards. No fence or wall located in any street setback shall obscure the required street setback landscaping in the commercial and industrial zones.
- (e) Fences and walls placed on interior property lines or between the property line and the required setback line for main buildings shall conform to the City's Walls, Fences and Landscaping Standards."

- h. Amend Section 13-205(b)(1) and (20) to read as follows:

"Sec. 13-205 PROVISIONS FOR MULTI-FAMILY ZONES FOR REBUILDING AFTER VOLUNTARY DESTRUCTION

- (1) Provision of garages instead of carports for greater security.  
(20) Other amenities that enhance the project and the overall neighborhood."

- i. Amend Section 20-7(o) to read as follows:

- (o) "Landscaping. With the exception of R-1 properties, all landscaping on the property shall be maintained pursuant to Section 13-108 LANDSCAPE MAINTENANCE of this Code. For R-1 properties, all unpaved areas visible from the public right-of-way shall be landscaped and the landscaping shall be maintained in a healthy condition free of dying, dead, diseased, decayed, discarded and/or overgrown vegetation."

Section 2. Environmental Determination. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt.

Section 3. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

Section 4. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 5: This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be

published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2005

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk of the  
City of Costa Mesa  
STATE OF CALIFORNIA)  
COUNTY OF ORANGE) ss  
CITY OF COSTA MESA)

\_\_\_\_\_  
City Attorney

I, Julie Folcik, Deputy City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 04-\_\_ was introduced and considered section by section at a regular meeting of said City Council held on the \_\_\_ day of \_\_\_\_\_, 2004, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the \_\_\_ day of \_\_\_\_\_, 2005, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this \_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Deputy City Clerk and ex-officio  
Clerk of the City Council of the  
City of Costa Mesa