

## ORDINANCE NO. XX-21

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE AMENDING TITLE 16 AND TITLE 17 OF THE ORANGE MUNICIPAL CODE RELATING TO REGULATING SMALL LOT SUBDIVISIONS.

#### **SECTION I:**

Section 16.04.060 of the Orange Municipal Code, “Subdivisions – General Provisions – Advisory Agencies,” is hereby amended in its entirety to read as follows:

#### **16.04.060 – Advisory Agencies.**

Advisory agencies are charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property and the imposing of requirements or conditions thereon. The Community Development Director ~~and the City Planning Commission~~ ~~are~~ is designated as the advisory agency as that term is used in the Subdivision Map Act and in this title. Subject to the provisions and according to the procedures of this title, such agency shall make reports and recommendations to the City ~~Council~~ Planning Commission on all tentative and final tract maps.

#### **SECTION II:**

Section 16.12.010 of the Orange Municipal Code, “Subdivisions – Procedure – Tentative Tract Map,” is hereby amended in its entirety to read as follows:

#### **16.12.010 – Tentative Tract Map.**

A. A tentative tract map, accompanied by any forms and fees required, shall be submitted to the Community Development Director for review. The Community Development Director shall refer the map to a staff review committee as designated by the City Manager for review and comment.

B. After the tentative tract map is reviewed by staff, the Community Development Director shall forward the map to the City Planning Commission with his/her comments and/or recommendations. Within fifty (50) days of the submittal of the tentative tract map to the Community Development Director, the City Planning Commission shall ~~have reviewed~~ the tentative tract map and ~~made its recommendations~~ shall approve, conditionally approve, or disapprove the tentative tract map.

~~C. — After the tentative tract map is reviewed by the City Planning Commission, the map shall then be forwarded to the City Council together with any comments and/or recommendations. The City Council shall then review the tentative tract map and shall have the power to approve, conditionally approve, or disapprove the tentative tract map.~~

~~D-C.~~ If the map is not approved by the City ~~Council~~ Planning Commission, the subdivider will be notified and given the opportunity to correct the map.

~~E.~~ ~~With respect to a tentative tract map, the subdivider may appeal from any action of the Community Development Director to the City Planning Commission and taken to the City Council pursuant to the procedure set forth in the Subdivision Map Act.~~

D. The subdivider may appeal to the City Council from any action taken by the City Planning Commission pursuant to the procedure set forth in the Subdivision Map Act.

~~F E.~~ Any interested person adversely affected by a decision of the Planning Commission may file a complaint with the City Council concerning any such decision. Processing of the complaint shall comply with the Subdivision Map Act.

~~G F.~~ If the map is approved by the City ~~Council~~ Planning Commission, or by the City Council on appeal, a final tract map, substantially in conformance with the tentative tract map, must be recorded within eighteen (18) months.

### **SECTION III:**

Section 17.14.270, “Zoning – Residential Districts – Small Lot Subdivision Development Standards,” Table 17.14.270, “Small Lot Subdivision Development Standards,” and Section 17.14.275, “Zoning – Residential Districts – Small Lot Subdivision Guidelines,” are hereby added to the Orange Municipal Code to read as follows:

#### **17.14.270 – Small Lot Subdivision Development Standards.**

A. The purpose of this section is to provide supplemental development standards allowing alternative housing typologies in small lot subdivisions within multiple-family residential zones and specific mixed use zones. A subdivision for the purpose of small lots enables construction of new small lot homes and provides a space-efficient and economical alternative to traditional single dwelling unit and multiple dwelling unit development. It also provides pedestrian-friendly developments that are compatible with the existing neighborhood character and context.

B. A small lot subdivision shall be permitted in the R-3, R-4, and NMU-24 zoning districts pursuant to an approved tract or parcel map.

C. The following supplemental regulations shall apply to small lot subdivisions:

(1) A tract map or parcel map pursuant to Chapter 16.08 (Maps) of this code shall be required for the creation of a small lot subdivision.

(2) The Design Review Committee shall review small lot subdivision projects prior to issuance of any demolition, grading, or building permit and make a finding that the small

lot subdivision project complies with the small lot subdivision guidelines in Section 17.14.275 of this chapter. The application for design review shall be filed concurrent with the tract or parcel map application.

(3) A small lot subdivision development shall comply with the regulations in Table 17.14.270 and the supplemental regulations in this section. The footnotes and text following Table 17.14.270 clarify the development standards as necessary.

**Table 17.14.270**

**SMALL LOT SUBDIVISION DEVELOPMENT STANDARDS**

<b><u>Maximum Permitted Density</u></b>	
<b><u>Within Subdivision – dwelling units (du) per acre (ac)</u></b>	<b><u>Per the underlying zone</u></b>
<u>R-3 and R-4</u>	<u>(a)</u>
<u>NMU-24</u>	<u>16-24</u>
<b><u>Subdivided Lot – dwelling units (du) per lot</u></b>	<u>1</u>
<b><u>Minimum Lot Area – square feet (sf)</u></b>	<u>n/a</u>
<b><u>Minimum Lot Frontage – feet (ft)</u></b>	<u>25</u>
<b><u>Minimum Lot Depth – feet (ft)</u></b>	<u>50</u>
<b><u>Perimeter Setbacks – feet (ft)</u></b>	
<b><u>Front</u></b>	<u>(b)</u>
<b><u>Side</u></b>	<u>(c)</u>
<b><u>Rear</u></b>	<u>(d)</u>
<b><u>Interior Setbacks – feet (ft)</u></b>	<u>(e)</u>
<b><u>Maximum Height – feet (ft) or stories, whichever is less</u></b>	
<u>R-3 and R-4</u>	<u>35' or 3 stories</u>
<u>NMU-24</u>	<u>45' or 3 stories</u>
<b><u>Maximum Lot Coverage</u></b>	<u>75% of an approved small lot (f)</u>
<b><u>Minimum Private Open Space – square feet (sf) per dwelling unit (du)</u></b>	<u>150</u>

Notes:

- (a) The permitted density range shall be as indicated on the General Plan Land Use Policy Map. Typically, 6-15 du/ac for R-3 and 16-24 du/ac for R-4.
- (b) The provisions of the front yard of the underlying zone shall apply to the front lot line of the perimeter of the subdivision.

- (c) A minimum five-foot yard shall be required along the side lot line of the perimeter of the subdivision, except that corner and reverse corner lots along the perimeter of the subdivision shall have a minimum ten-foot street side yard.
- (d) A minimum ten-foot yard shall be required along the rear lot line of the perimeter of the subdivision, except that where the rear lot line abuts an alley, a minimum five-foot rear yard shall be required along the perimeter of the subdivision.
- (e) No front, side, or rear yard shall be required between interior lot lines created within an approved small lot subdivision.
- (f) Unless the tract or parcel map provides a usable common open space area equivalent to 25% of the lot area of each lot not meeting this provision, and subject to the requirements of Section 17.14.110(B)(2) of this chapter.

(4) Site Access. Access to a small lot within a small lot subdivision, and to its required parking spaces, shall be provided by way of a public or private street, alley, access easement, or driveway.

(5) Accessory Structures, Garages, and Accessory Dwelling Units. Accessory structures, garages, and accessory dwelling units shall be permitted in small lot subdivisions in accordance with Section 17.14.160 (Accessory Structures, Garages, and Accessory Dwelling Units) of this chapter.

(6) Open Space. Each small lot shall provide no less than a total of 150 square feet of private usable open space, accessible directly from the living area of the unit, in the form of a fenced yard or patio, a deck, or balcony. In order to count toward the open space requirement, a yard area, or uncovered deck or patio shall have a minimum width and length of ten feet, and the minimum dimension of a balcony (both width and depth) shall be seven feet. Parking areas, driveways, and required front setback areas shall not count as private usable open space.

(7) Fences and Walls. Fences and walls shall be permitted in small lot subdivisions in accordance with Section 17.14.180 (Fences and Walls) of this chapter and subject to the following regulations:

a. Within the front yard setback areas along the perimeter of the proposed subdivision, the height shall be limited to three and one-half feet.

b. Within the side and rear yard setback areas along the perimeter of the proposed subdivision, the height shall be limited to six feet, except that where the perimeter abuts a major arterial street or a commercial zoned property the height shall be limited to eight feet.

(8) Parking. Parking requirements and parking design shall comply with the following regulations and Chapter 17.34 (Off-Street Parking and Loading) of this title for small

lot subdivisions. Where there is a conflict with Chapter 17.34, the requirements of this section shall apply.

a. The number of off-street parking spaces shall be consistent with the ratios for small lot subdivisions in Table 17.34.060.A of this title.

b. Required parking shall be provided on each lot except that guest parking may be provided in an easily accessible common parking area, or on private streets and alleys associated with the small lot subdivision.

c. Required parking spaces on each lot shall be provided within a garage or a carport. Guest parking may be unenclosed.

d. Tandem parking is permitted only for the required parking spaces on each lot and not for guest parking in common parking areas.

(9) Landscaping. Landscaping shall be provided as required by Chapter 16.50 (Landscaping Requirements) of this code.

(10) Stormwater Management. Small lot subdivision developments shall comply with Chapter 7.01 (Water Quality and Stormwater Discharges) of this code and shall require low impact development (LID) practices that result in the infiltration, evapotranspiration, or otherwise natural drainage of stormwater in order to protect water quality.

(11) Trash Enclosures. All small lot subdivision developments shall provide trash (including trash, recycling, and green waste) collection areas adequately and conveniently placed throughout the development. These collection areas shall be screened from view on three sides by a six-foot high masonry wall. A view obscuring gate shall be provided.

(12) Access and Maintenance. An agreement for access and maintenance for all facilities used in common shall be executed to the satisfaction of the City Attorney and shall be recorded in the office of the Orange County Clerk-Recorder prior to the issuance of a certificate of occupancy for the project.

(13) Hazardous Fire Areas and Vegetation Management. Small lot subdivision developments shall be subject to the requirements of the Orange City Fire Department, including the fuel modification requirements outlined in the “Vegetation Management Guideline—Technical Design for New Construction Fuel Modification Plans and Maintenance Program.”

#### **17.14.275 – Small Lot Subdivision Guidelines.**

Small lot subdivision development shall conform to the City of Orange small lot subdivision guidelines adopted by resolution of the City Council and available at the Community Development Department.

### **SECTION III:**

Title 17, Chapter 17.15, Section 17.15.020 is hereby amended to read as follows:

**17.15.020 – Definitions.**

HOUSING DEVELOPMENT – (1) one or more groups of projects of five or more residential units constructed in a planned development; (2) a subdivision, [including a small lot subdivision](#), or common interest development approved by the City and consisting of five or more residential units or unimproved residential lots; and (3) either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling where the result of the rehabilitation would be a net increase in available residential units of five or more.

**SECTION V:**

Section 17.19.250, “Zoning – Mixed Use Districts – Small Lot Subdivisions,” is hereby added to the Orange Municipal code to read as follows:

**17.19.250 – Small Lot Subdivisions.**

[Small lot subdivision development in the NMU-24 zoning district shall conform to the regulations for small lot subdivisions contained in Section 17.14.270 \(Small Lot Subdivision Development Standards\) of this title.](#)

**SECTION VI:**

Section 17.34.060.D, “Zoning – Off-Street Parking and Loading – Required Number of Parking Spaces,” is hereby amended in its entirety to read as follows:

D. Tandem parking, mechanical lifts, or other similar parking solutions may be allowed in multifamily residential developments [and in small lot subdivisions](#) in cases where tandem or vertical parking spaces are assigned to the same unit and meet required findings for site plan review. Tandem parking, mechanical lifts, or other similar parking solutions may be approved through a Minor Site Plan Review process described in Section 17.10.060.D of this title. Mechanical lifts and other similar equipment shall be user-friendly, maintained in good operating condition, and enclosed within a structure that is visually compatible with the primary structure(s) on the site.

**SECTION VII:**

The following use is hereby added to Table 17.34.060.A, “Required Number of Parking Spaces for Residential Uses,” to read as follows:

**Table 17.34.060.A**

**REQUIRED NUMBER OF PARKING SPACES FOR RESIDENTIAL USES**

USE	REQUIRED NUMBER OF SPACES
<a href="#"><u>Small Lot Subdivision</u></a>	<a href="#"><u>2 parking spaces per unit, either enclosed or covered (i.e. garage or carport). For units with 4 or more bedrooms, 1 additional space shall be provided on the lot, which may be enclosed or unenclosed. Enclosed or covered parking may be provided in a tandem format.</u></a>
	<a href="#"><u>A minimum of 0.25 spaces per unit (with a minimum of 2 guest spaces) shall be provided as easily accessible and distinguishable guest parking in addition to the required parking for each unit. Guest parking may be unenclosed.</u></a>