

ORDINANCE NO. 15-21

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

WHEREAS, small lot subdivision development provides an alternative housing type to larger scale condominiums and apartments in multi-family residential zones and some mixed use zones, and is particularly well-suited in transitional areas between established neighborhoods developed with single-family homes and other more intensive residential or commercial uses;

WHEREAS, this Small Lot Subdivision Ordinance will allow for development of smaller single-family residential lots in the multi-family residential zones (R-3 and R-4) and in the Neighborhood Mixed Use - 24 zone (NMU-24), consistent with existing permitted densities;

WHEREAS, this Ordinance will provide a space-efficient and economical alternative to traditional options for homeownership in the City of Orange and potentially create opportunities for affordable homeownership through lower land costs;

WHEREAS, the Planning Commission conducted a duly advertised public hearing on July 19, 2021, at which time interested persons had an opportunity to testify either in support of or in opposition to the proposed Ordinance and recommended its approval to the City Council;

WHEREAS, the City Council conducted a duly advertised public hearing on September 14, 2021, at which time interested persons had an opportunity to testify either in support of or in opposition to the proposed Ordinance; and

WHEREAS, the City Council finds that the proposed Ordinance will serve the public health, safety, and welfare of the City.

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

SECTION I:

The recitals stated above are true and correct, incorporated herein, and form the basis for the adoption of this Ordinance.

SECTION II:

The action proposed herein is not a project subject to CEQA in accordance with CEQA Section 21065 and State CEQA Guidelines Sections 15060(c)(2), 15060(c)(3), and 15378. The Ordinance involves general policy and procedure making that would not cause either a direct

physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Furthermore, the action is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3), the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Such is the case with the Ordinance. No new development is proposed and the regulations for small lot subdivisions would generally allow for infill development, which would not result in a significant impact on the environment. Furthermore, any development applications subject to these provisions will be reviewed for CEQA compliance under a separate entitlement. On a case-by-case review of each project, the appropriate environmental document will be prepared to address any project-specific impacts. Therefore, the Ordinance will not have a significant effect on the environment.

SECTION III:

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 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 Planning Commission on all tentative and final tract maps.

SECTION IV:

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 review the tentative tract map and shall approve, conditionally approve, or disapprove the tentative tract map.

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

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.

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.

F. If the map is approved by the City 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 V:

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

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

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 VI:

The definition of HOUSING DEVELOPMENT in Section 17.15.020 of the Orange Municipal Code, “Zoning – Density Bonus – Definitions,” is hereby amended in its entirety to read as follows:

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 VII:

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 VIII:

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 IX:

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
Small Lot Subdivision	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.

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.

SECTION X:

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

SECTION XI:

The City Clerk is hereby directed to certify the adoption of this Ordinance and cause the same to be published as required by law. This Ordinance shall take effect thirty (30) days from and after the date of its final passage.

ADOPTED this ____ day of _____, 2021.

Mark A. Murphy, Mayor, City of Orange

ATTEST:

Pamela Coleman, City Clerk, City of Orange

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

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the ___ day of _____, 2021, and thereafter at the regular meeting of said City Council duly held on the ___ day of _____, 2021 was duly passed and adopted by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Pamela Coleman, City Clerk, City of Orange