

CITY COUNCIL ORDINANCE NO. 22-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING A ZONE CHANGE (00869397-PZC) TO AMEND THE MUNICIPAL CODE AND ZONING ORDINANCE BY PROVIDING NEW AND REVISED MUNICIPAL CODE AND ZONING PROVISIONS RELATED TO MUNICIPAL CODE CHAPTER 2, GENERAL PENALTY AND CHAPTER 3, ADMINISTRATIVE FINES, AND ZONING ORDINANCE CHAPTER 3-25, SHORT TERM RENTALS; CHAPTER 1-2, GENERAL DEFINITIONS; CHAPTER 2-15, LARGE FAMILY DAY CARE PERMIT; CHAPTER 3-3, LAND USE MATRIX; CHAPTER 3-35, WALL AND FENCE STANDARDS; CHAPTER 3-37, ZONING DISTRICT LAND USE REGULATIONS AND DEVELOPMENT STANDARDS; CHAPTER 7-3, SIGN REGULATIONS; AND CHAPTER 2-22, PARK PROCEDURES

WHEREAS, the City of Irvine has an adopted Municipal Code and Zoning Ordinance; and

WHEREAS, the City of Irvine Community Development Department has initiated a Zone Change 00869397-PZC to amend the Municipal Code and Zoning Ordinance by providing new and revised provisions related to Chapter 2, General Penalty, Chapter 3, Administrative Fines, Chapter 3-25, Short-Term Rentals, Chapter 1-2, Definitions, Chapter 2-15, Large Family Day Care, Chapter 3-3, Land Use Matrix, Chapter 3-35, Wall and Fence Standards, Chapter 3-37, Zoning District Land Use Regulations and Development Standards, and Chapter 7-3, Sign Regulations; and Chapter 2-22, Park Procedures; and

WHEREAS, Zone Change Zone Change 00869397-PZC will improve the functionality of the Municipal Code and Zoning Ordinance by providing accurate information and updated standards within the documents and ensuring compliance with State law in applicable sections of the Code; and

WHEREAS, Zone Change 00869397-PZC is considered a “project” as defined by the California Environmental Quality Act (CEQA); and

WHEREAS, Pursuant to Section 4 of the City of Irvine CEQA procedures and Article 5 of the CEQA Guidelines, the proposed project is covered by the General Rule Exemption [Section 15601(b)(3) of the CEQA Guideline], for projects where it can be seen with certainty that the activity in question will have no significant effect on the environment; and

WHEREAS, the Planning Commission of the City of Irvine has considered information presented by staff at a duly-noticed public hearing held June 16, 2022 and has recommended that the City Council approve the Municipal Code and Zoning Ordinance Technical Update (vote 5-0); and

WHEREAS, the City Council of the City of Irvine considered information presented by the Community Development Department at a duly-noticed public hearing held July 26, 2022.

NOW, THEREFORE, the City Council of the City of Irvine, California, DOES HEREBY RESOLVE as follows:

SECTION 1. That the above recitals are true and correct and are incorporated herein.

SECTION 2. Pursuant to Section 4 of the City of Irvine CEQA procedures and Article 5 of the CEQA Guidelines, the proposed project is covered by the General Rule Exemption [Section 15601(b)(3)], for projects where it can be seen with certainty that the activity in question will have no significant effect on the environment.

SECTION 3. The City Council finds that the findings required by Section 2-38-7 of the City of Irvine Zoning Ordinance for adoption of a Zone Change have been made as follows:

A. The proposed Zone Change is consistent with the City of Irvine General Plan.

The purpose of the Zone Change includes the removal of Chapter 2-15 and revisions related to Chapter 2, General Penalty, Chapter 3, Administrative Fines, Chapter 3-25, Short-Term Rentals, Chapter 1-2, Definitions, Chapter 3-3, Land Use Matrix, Chapter 3-35, Wall and Fence Standards, Chapter 3-37, Zoning District Land Use Regulations and Development Standards, Chapter 7-3, Sign Regulations, and Chapter 2-22 Park Procedures. The proposed changes will ensure consistency with State law and help streamline review procedures.

This Zone Change will remain consistent with the goals and objectives of the City of Irvine General Plan.

B. The proposed Zone Change is consistent with any applicable Concept Plan.

There is no Concept Plan associated with this project.

C. The proposed Zone Change meets all the requirements set forth within Division 8 for the dedication of permanent open space through a specified phased implementation program for affected planning areas and zoning districts.

This project is not required to dedicate open space because there is no development associated with the Zone Change.

- D. The proposed Zone Change is in the best interest of the public health, safety, and welfare of the community.

The Zone Change is consistent with all applicable provisions of the Zoning Ordinance and is in the best interest of the community's health, safety, and welfare. The proposed project does not include any specific development. The Zone Change is limited to removing Chapter 2-15 and including revisions related to Chapter 2, General Penalty, Chapter 3, Administrative Fines, Chapter 3-25, Short-Term Rentals, Chapter 1-2, Definitions, Chapter 3-3, Land Use Matrix, Chapter 3-35, Wall and Fence Standards, Chapter 3-37, Zoning District Land Use Regulations and Development Standards, Chapter 7-3, Sign Regulations, and Chapter 2-22 Park Procedures.

- E. Based upon information available at the time of approval, adequate sewer and water lines, utilities, sewage treatment capacity, drainage facilities, police protection, fire protection/emergency medical care, vehicular circulation and school facilities will be available to serve the area affected by the proposed Zone Change when development occurs.

The project is a Municipal Code and Zoning Ordinance Technical Update and does not include any development. Therefore, it will not affect any infrastructure or utilities.

- F. If the proposed Zone Change affects land located within the coastal zone, the proposed Zone Change will comply with the provisions of the land use plan of the certified local coastal program.

The project does not include any development within the coastal zone.

SECTION 4. The City Clerk shall certify to the passage of this Ordinance and this Ordinance shall be published as required by law and shall take effect as provided by law.

PASSED AND ADOPTED by the City Council of the City of Irvine, California, at the regular meeting held the 9th of August, 2022.


MAYOR OF THE CITY OF IRVINE

ATTEST:


CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, CARL PETERSEN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing Ordinance was introduced for first reading on the 26th of July, 2022, and duly adopted at a regular meeting of the City Council of the City of Irvine held on the 9th day of August, 2022.

AYES: 5 COUNCILMEMBERS: Agran, Carroll, Kim, Kuo, and Khan

NOES: 0 COUNCILMEMBERS: None

ABSENT: 0 COUNCILMEMBERS: None

ABSTAIN: 0 COUNCILMEMBERS: None



CITY CLERK OF THE CITY OF IRVINE

EXHIBIT A

Proposed Municipal Code and Zoning Ordinance Technical Updates related to:

- 1. Zoning Ordinance Division 3- General Development Standards and Land Use Regulations, Chapter 3-25.- Short Term Rentals
Sec. 3-25-5. Violations; misdemeanors and infractions.**
 - 2. Municipal Code Title 4- Public Safety, Division 13- Code Enforcement, Chapter 2.- General Penalty
Sec. 4-13-202. Infraction penalty.**
 - 3. Municipal Code Title 4- Public Safety, Division 13- Code Enforcement, Chapter 3.-Administrative Fines. Sec. 4-13-306. Advance deposit hardship waiver.**
 - 4. Zoning Ordinance Division 2- Administration, Chapter 2-15.- Large Family Day Care Permit. Sec. 2-15-1.- Large Family Day Care Permit**
 - 5. Zoning Ordinance Division 3- General Development Standards and Land Use Regulations, Chapter 3-3. - Land Use Matrix. Sec. 3-3-1. Land use matrix.**
 - 6. Zoning Ordinance Division 3- General Development Standards and Land Use Regulations, Chapter 3-37. - Zoning District Land Use Regulations and Development Standards. Sections 3-37-12, 3-37-13, 3-37-14, 3-37-15, 3-37-16, 3-37-17, and 3-37-39.**
 - 7. Zoning Ordinance Division 1- General Provisions and Definitions, Chapter 1-2. - Definitions, Sec. 1-2-1 Definitions.**
 - 8. Zoning Ordinance Division 7- Signs, Chapter 7-3.- Sign Regulations
Sec. 7-3-1 General regulations—Signs requiring a sign permit**
 - 9. Zoning Ordinance Division 3- General Development Standards and Land Use Regulations, Chapter 3-35- Wall and Fence Standards, Section 3-35-2 Wall and fence requirements**
 - 10. Zoning Ordinance Division 2- Administration, Chapter 2-22 Park Procedures, Section 2-22-9, Effective date, time limits and extension**
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- 1. Zoning Ordinance Division 3- General Development Standards and Land Use Regulations, Chapter 3-25- Short Term Rentals.**

Sec. 3-25-5. Violations; misdemeanors and infractions.

It shall be unlawful for any Responsible Party to violate any provision or to fail to comply with any of the requirements of this Chapter. Such a violation may be prosecuted in the name of the people of the State, redressed by civil action, or resolved by administrative remedies. Any Responsible Party who violates or fails to comply with any provision of this Code or any City ordinance is guilty of an infraction or a misdemeanor if the circumstances so warrant.

(Ord. No. 18-05 , Exh. A, 4-24-18)

2. Municipal Code Title 4- Public Safety, Division 13- Code Enforcement, Chapter 2.- General Penalty

Sec. 4-13-202. Infraction penalty.

A. Except as otherwise provided for in the Code, or in the City's bail schedule as established by resolution of the City Council and which may be amended from time to time, every violation determined to be an infraction is punishable by:

1. A fine not exceeding \$100 for a first violation;
2. A fine not exceeding \$200 for a second violation of the same provision within one year;
3. A fine not exceeding \$500 for each additional violation of the same provision within one year.

B. A violation of local building and safety codes determined to be an infraction is punishable by:

1. A fine not exceeding \$130 for a first violation;
2. A fine not exceeding \$700 for a second violation of the same ordinance within one year;
3. A fine not exceeding \$1,300 for each additional violation of the same ordinance within one year of the first violation.
4. A fine not exceeding \$2,500 for each additional violation of the same ordinance within two years of the first violation if the property is a commercial property that has an existing building at the time of the violation and the violation is due to failure by the owner to remove visible refuse or failure to prohibit unauthorized use of the property.

C. A violation of a short-term rental ordinance that is an infraction is punishable by:

1. A fine not exceeding \$1,500 for a first violation;
2. A fine not exceeding \$3,000 for a second violation of the same ordinance within one year;
3. A fine not exceeding \$5,000 for each additional violation of the same ordinance within one year of the first violation.

(Ord. No. 18-06 , Exh. A, 4-24-18)

3. Municipal Code Title 4- Public Safety, Division 13- Code Enforcement, Chapter 3. - Administrative Fines.

Sec. 4-13-306. Advance deposit hardship waiver.

The Director of Community Development, or his or her designee, may grant a hardship waiver to reduce the amount of the fine upon a showing by the responsible party that the responsible party has made a bona fide effort to comply after the first notice of violation and that payment of the full amount of the fine would impose an undue financial burden on the responsible party.

(Ord. No. 18-06 , Exh. A, 4-24-18)

4. Zoning Ordinance Division 2- Administration, Chapter 2-15.- Large Family Day Care Permit

Sec. 2-15-1. - Large Family Day Care Permit

(RESERVED)

5. Zoning Ordinance Division 3- General Development Standards and Land Use Regulations, Chapter 3-3.- Land Use Matrix

Sec. 3-3-1. Land use matrix.

Remove 'large family day care permit' as a land use from the land use matrix.

6. Zoning Ordinance Division 3- General Development Standards and Land Use Regulations, Chapter 3-37.- Zoning District Land Use Regulations and Development Standards

Sec. 3-37-12. 2.1 Estate Density Residential.

- A. *Intent.* This category allows zero to 1.0 dwelling units per net acre, which is equivalent to the General Plan designation of Estate Density, of zero to 1.0 dwelling units per gross acre. Both attached and conventional housing are allowed in the category as long as the density averaged over the entire planning area does not exceed 1.0 dwelling unit per net acre.
- B. *Intensity standard.*
 - 0—1.0 dwelling units per net acre.
 - 0.1—12.5 dwelling units per net acre (2.1A).

C. *Permitted uses.*¹

1. Accessory use.
2. Agriculture (interim use).
3. Cottage food operations.
4. Home care.
5. Home occupation permit.
6. Information center.
7. Manufactured structure permit (up to two years).
8. Model home sales complex.
9. Park.
10. Public park facility (only in public parks).
11. Residential, accessory dwelling unit.
12. Residential, attached (2.1A only).
13. Residential, single-family detached.
14. School, public.
15. Stable, private (except 2.1A).
16. Transitional housing — Small.
17. Wireless communication facility (may require a wireless communication facility permit, a minor conditional use permit, a major conditional use permit or may be prohibited, depending on the type of installation and the location of the installation site, pursuant to the review procedures matrix in Section 2-37.5-3).

(Remaining Code Section excluded- no changes proposed to remainder of Code section)

Sec. 3-37-13. 2.2 Low Density Residential.

- A. *Intent.* This category allows zero to 6.5 dwelling units per net acre, which is approximately equivalent to the General Plan Low Density category of zero to five dwelling units per gross acre. Attached and conventional housing, as well as other appropriate uses such as churches and child care centers, are allowed.

(2.2A and 2.2B) University Park (Planning Area 20).

(2.2C) Westpark (Planning Area 14).

(2.2D) Orchard Hills (Planning Area 1).

- B. *Intensity standard.*

0—6.5 dwelling units per net acre.

2.2C: 0—6.9 dwelling units per net acre (Westpark).

2.2D: 0—31.0 dwelling units per net acre (Planning Area 1). Individual project densities in 2.2D may exceed 6.5 dwelling units/net acre. However, no individual project may exceed 31.0 dwelling units/net acre and the overall density within all of 2.2D cannot exceed 6.5 dwelling units/net acre. For individual residential projects within 2.2D, the development standards to be applied shall depend on the actual net density of the individual residential product as follows:

1. For projects from 0 to 6.5 dwelling units per net acre, Section 3-37-13 development standards shall apply.
2. For projects from 6.6 to 12.5 dwelling units per net acre, Section 2-37-14 development standards shall apply.
3. For projects from 12.6 to 31.0 dwelling units per net acre, Section 3-37-15 development standards shall apply.

C. *Permitted uses.*^{1, 6}

1. Accessory use.
2. Agriculture (interim use).
3. Cottage food operations.
4. Home care.
5. Home occupation permit.
6. Information center.
7. Manufactured structure (up to two years).
8. Model home sales complex.
9. Park.
10. Public park facility (only in public parks).
11. Residential shelter.
12. Residential, accessory dwelling unit.
13. Residential, attached.
14. Residential, single-family detached.
15. School, public.
16. Supportive housing — Small.
17. Transitional housing — Small.
18. Wireless communication facility (may require a wireless communication facility permit, a minor conditional use permit, a major conditional use permit or may be prohibited, depending on the type of installation and the location of the installation site, pursuant to the review procedures matrix in Section 2-37.5-3).

(Remaining Code Section excluded- no changes proposed to remainder of Code section)

Sec. 3-37-14. 2.3 Medium Density Residential.

- A. *Intent.* This category allows zero to 12.5 dwelling units per net acre as either single-family detached or attached dwelling units. This corresponds to the Medium Density category of zero to 10 dwelling units per gross acre.

(2.3A) University Town Center (Planning Area 24).

(2.3B) University Park (Planning Area 20).

(2.3C) Westpark (Planning Area 14).

(2.3D) Harvard Square (Planning Area 10).

(2.3E) Reserved.

(2.3F) Lower Peters Canyon¹ (Planning Area 4).

(2.3G) Quail Hill (Planning Area 17).

(2.3H) Northwood (Planning Area 8).

(2.3I) Northwood Point (Planning Area 5).

(2.3J) Woodbury, Stonegate, Woodbury East (Planning Area 9A, 9B and C2, and 9C1).

(2.3K) Portola Springs (Planning Area 6).

(2.3L) Westpark II (Planning Area 38 west of Harvard Avenue).

(2.3M) Lambert Ranch Tract 16868 (Planning Area 6).

(2.3N) Cypress Village (Planning Area 40).

(2.3O) Tract 17359 (Planning Area 15).¹⁵

(2.3P) Tract 17358 and Tract 17497 (Planning Area 20).

- B. *Intensity standard.*

0—12.5 dwelling units per net acre

2.3C: 0—13.0 dwelling units per net acre (Westpark).

2.3D: Individual project densities may exceed 12.5 dwelling units per acre provided that the total number of dwelling units does not exceed 8,000 within Planning Area 4 (Lower Peters Canyon).

2.3F: Individual project densities may exceed 12.5 dwelling units per acre provided that the total number of dwelling units does not exceed 8,000 within Planning Area 4 (Lower Peters Canyon).

2.3G: Individual project densities may exceed 12.5 dwelling units per acre provided that the total number of dwelling units does not exceed 2,673 within Planning Area 17.

2.3H: Individual project densities may exceed 12.5 dwelling units per acre provided that the provisions of Section 9-6-7.B are met.

2.3I: Individual project densities may exceed 12.5 dwelling units per acre provided that the provisions of Section 9-5-7.B are met.

2.3J: Individual project densities may exceed 12.5 dwelling units per acre provided that the provisions of Section 9-9-7.B are met.²

2.3K: Individual project densities may exceed 12.5 dwelling units per acre provided that the provisions of Section 9-6-7.B are met.

2.3L: Individual project densities may exceed 12.5 dwelling units per acre provided that the total number of dwelling units west of Harvard Avenue in Planning Area 38 does not exceed 552 units, and the total number of dwelling units west of Harvard Avenue south of Warner Avenue does not exceed 409 units.

2.3N: See Sections 9-40-5 and 9-40-7.B.

C. *Permitted uses.*³

1. Accessory use.
2. Agriculture (interim use).
3. Cottage food operations.
4. Home care.
5. Home occupation permit.
6. Information center.
7. Manufactured structure (up to two years).
8. Model home sales complex.
9. Park.
10. Public park facility (only in public parks).
11. Residential shelter.
12. Residential, accessory dwelling unit.
13. Residential, attached.
14. Residential, single-family detached.
15. School, public.
16. Supportive housing — Small.
17. Transitional housing — Small.
18. Wireless communication facility (may require a wireless communication facility permit, a minor conditional use permit, a major conditional use permit or may be prohibited, depending on the type of installation and the location of the installation site, pursuant to the review procedures matrix in Section 2-37.5-3).

(Remaining Code Section excluded- no changes proposed to remainder of Code section)

Sec. 3-37-15. 2.4 Medium-High Density Residential.

A. *Intent.* This category allows zero to 50.0 dwelling units per net acre and corresponds to the General Plan Medium-High Density category of zero to 25 units per gross acre. This category is intended for attached and detached single-family residential units and compatible uses.

(2.4A) University Town Center (Planning Area 24).

(2.4B) University Town Center (Planning Area 24).

(2.4C) Woodbridge (Planning Area 15).

(2.4D) Woodbridge (Planning Area 15).

(2.4E) Westpark (Planning Area 14).

(2.4F) Lower Peters Canyon (Planning Area 4).

(2.4G) Woodbury, Stonegate, Woodbury East (Planning Area 9A, 9B and 9C2, and 9C1).

(2.4H) Los Olivos (Planning Area 39).

B. *Intensity standard.*

0—31.0 dwelling units per net acre	
(2.4C)	0—31.0 dwelling units per net acre (Woodbridge)
(2.4D)	0—31.0 dwelling units per net acre (Woodbridge)
(2.4E)	0—31.0 dwelling units per net acre (Westpark)
(2.4H)	0—50.0 dwelling units per net acre (Projects may exceed 50 DU/acre in Planning Area 39 subject to Planning Commission approval of a Master Plan and/or Conditional Use Permit)
(2.4I)	See Sections 9-40-5 and 9-40-7B.

C. *Permitted uses.*²

1. Accessory use.
2. Agriculture (interim use).
3. Cottage food operations.
4. Home care.
5. Home occupation permit.
6. Information center.
7. Manufactured structure permit (up to two years).
8. Model home sales complex.
9. Park.
10. Public park facility (only in public parks).
11. Residential shelter.

12. Residential, accessory dwelling unit.
13. Residential, attached.
14. Residential, single-family detached.
15. School, public.
16. Supportive housing — Small.
17. Transitional housing — Small.
18. Wireless communication facility (may require a wireless communication facility permit, a minor conditional use permit, a major conditional use permit or may be prohibited, depending on the type of installation and the location of the installation site, pursuant to the review procedures matrix in Section 2-37.5-3).

(Remaining Code Section excluded- no changes proposed to remainder of Code section)

Sec. 3-37-16. 2.5 High Density Residential.

- A. *Intent.* This category allows development at zero to 50.0 dwelling units per net acre. This corresponds to the General Plan High Density category of zero to 40 units per gross acre. Attached, detached residential and compatible uses are allowed.

(2.5A) Oak Tree (Planning Area 12).

- B. *Intensity standard.*

0—50.0 dwelling units per net acre.

- C. *Permitted uses.*¹

1. Accessory use.
2. Agriculture (interim use).
3. Cottage food operations.
4. Home care.
5. Home occupation permit.
6. Information center.
7. Manufactured structure permit (up to two years).
8. Model home sales complex.
9. Park.
10. Public park facility (only in public parks).
11. Residential, accessory dwelling unit.
12. Residential, attached.
13. Residential, shelter.

14. Residential, single-family detached.
15. School, public.
16. Supportive housing — Small.
17. Transitional housing — Small.
18. Wireless communication facility (may require a wireless communication facility permit, a minor conditional use permit, a major conditional use permit or may be prohibited, depending on the type of installation and the location of the installation site, pursuant to the review procedures matrix in Section 2-37.5-3).

(Remaining Code Section excluded- no changes proposed to remainder of Code section)

Sec. 3-37-17. 3.1 Multi-Use.

- A. *Intent.* This category corresponds to the Multi-Use land use category as defined in the General Plan. This category allows for a combination of commercial, office, residential, and institutional uses within the same project site. Information on minimum requirements for commercial floor area, office floor area, and residential dwelling units shall be provided with the concept plan, zone change, or Master Plan to ensure a mix of uses is provided.

(3.1)	Woodbridge (Planning Area 15)
(3.1A)	University Town Center (Planning Area 24)
(3.1B)	Westpark (Planning Area 14)
(3.1C)	Lower Peters Canyon ¹ (Planning Area 4)
(3.1D)	Oak Creek (Planning Area 12)
(3.1E)	Woodbury, Stonegate, Woodbury East (Planning Area 9A, 9B and C2, 9C1)
(3.1F)	El Camino Real (Planning Area 11)
(3.1H)	Planning Area 40

- B. *Intensity standard.*

0—50.0 dwelling units per net acre.

3.1B: 0—50.0 dwelling units per net acre (Westpark).

3.1C: 12,250 ADT and 6.5-12.5 dwelling units per net acre (Lower Peters Canyon).²

3.1H: 0—50.0 dwelling units per net acre (Planning Area 40).¹²

- C. *Permitted uses.*³

1. Accessory use.
2. Agriculture (interim use).
3. Alternative health care provider.
4. Commercial recreation (under 1,500 square feet) (3.1F: prohibited).

5. Cottage food operations.
6. Department store (3.1F: prohibited).
7. Financial institution (except drive-thru) (3.1F: prohibited).
8. Home care.
9. Home occupation permit.
10. Industry, service (3.1E only).
11. Information center (3.1F: prohibited).
12. Manufactured structure permit (up to two years).
13. Model home sales complex (3.1F: prohibited).
14. Office, administrative, business professional.
15. Office, design professional (3.1E only).
16. Office, headquarters (3.1E only).
17. Office, medical.
18. Outdoor vendor.
19. Park.
20. Public park facility (only in public parks).
21. Pushcart.
22. Residential, accessory dwelling unit.
23. Residential shelter.
24. Restaurant (3.1F: prohibited).
25. Restaurant, fast food (except drive-thru) (3.1F: prohibited).
26. Retail and/or service business, general (except drive-thru) (3.1F: prohibited).
27. Retail business, home improvement related (3.1F: prohibited).
28. Reverse vending machine.
29. School, commercial.
30. School, public.
31. Supermarket (3.1F: prohibited).
32. Supportive housing — Small.¹⁴
33. Transitional housing — Small.¹⁵
34. Veterinary service domestic (3.1F: prohibited).
35. Warehouse and sales outlet (3.1E only).

36. Wireless communication facility (may require a wireless communication facility permit, a minor conditional use permit, a major conditional use permit or may be prohibited, depending on the type of installation and the location of the installation site, pursuant to the review procedures matrix in Section 2-37.5-3).

(Remaining Code Section excluded- no changes proposed to remainder of Code section)

Sec. 3-37-39. 8.1 Trails and Transit Oriented Development.

- A. *Intent.* The Trails and Transit Oriented Development zoning district allows a variety of uses on the same site consistent with the Great Park land use category as defined in the General Plan. The Trails and Transit Oriented Development zoning district allows for a mix of residential, commercial, recreational and education uses that support a multi-use environment, and which are complementary to the Irvine Station and to the Orange County Great Park. Pedestrian paths and trails, including, but not limited to, bike paths, sidewalks, and recreational trails, shall be encouraged in the Trails and Transit Oriented Development zoning district. The variety of trail types and transit choices are intended to provide connectivity to the Orange County Great Park, to the Irvine Station, to public open space outside the Orange County Great Park, and to other nearby areas.

8.1 TTOD Great Park Neighborhoods Development (Planning Area 51).

8.1A TTOD Portola Springs (Planning Area 6).

8.1B TTOD Great Park Neighborhoods Development (Planning Area 51).

- B. *Intensity standard.*

1. 5.0 to 50.0 dwelling units per net acre.
2. Total maximum development intensity shall not exceed the building intensities described in Section 9-51-6.C and shall not cause the total maximum average daily trips (ADT) in PA 51 to exceed 148,910 ADT, based on the socio-economic-based trip generation (ADT) rates used to analyze the Orange County Great Park traffic impacts, not including the ADT associated with the 1,269 density bonus units granted pursuant to State law, Section 2-3, and Planning Commission Resolution No. 08-2926, and 1,194 density bonus units subsequently granted pursuant to State law.
3. Total maximum development intensity for 8.1A shall not exceed the building intensities described in Section 9-6-9. The development intensity allocated to 8.1A equates to 175,000 square feet of office use and 325,000 square feet of research and development use with a post-2030 trip limit of 5,115 average daily trips, 506 am peak hour trips and 509 pm peak hour trips based on NITM land use rates. Up to 790 dwelling units (in excess of 4,670 maximum number of dwelling units for PA 6) may be substituted for nonresidential square footage in terms of equivalent traffic generation as set forth in Section 9-6-9.B.

C. *Permitted uses.*

1. Accessory use (Including clubhouses and recreational amenities for the residential community - Prohibited in the Amended and Restated Development Agreement (ARDA) Transfer Site).
2. Agriculture (interim use).
3. Alternative health care provider.
4. Caretaker's quarters - (Prohibited in the ARDA Transfer Site).
5. Commercial recreation (under 1,500 square feet).
6. Department store.
7. Domestic animal care facility.¹
8. Financial institution (except drive-thru).
9. Home care - (Prohibited in the ARDA Transfer Site).
10. Home occupation permit - (Prohibited in the ARDA Transfer Site).
11. Information center.
12. Manufactured structure permit (up to two years).
13. Model home sales complex - (Prohibited in the ARDA transfer site).
14. Office, administrative, business professional.
15. Office, design professional.
16. Office, headquarters.
17. Office, medical.
18. Outdoor vendor.
19. Park.
20. Public park facility (only in public parks).
21. Pushcart.
22. Residential, accessory dwelling unit - (Prohibited in the ARDA Transfer Site).
23. Residential, attached - (Prohibited in the ARDA Transfer Site).
24. Residential, single-family detached - (Prohibited in the ARDA Transfer Site).
25. Residential shelter - (Prohibited in the ARDA Transfer Site).
26. Research and development.
27. Restaurant.
28. Restaurant, fast food (except drive-thru).
29. Retail business, accessory (subject to requirements in Chapter 3-5-2).
30. Retail and/or service business, general (except drive-thru).

31. Reverse vending machine.
32. School, public.
33. Stable, private (only within agriculture area).
34. Supermarket.
35. Vehicle repair and detailing, mobile.
36. Warehousing, storage and distribution.²
37. Wireless communication facility (May require a wireless communication facility permit, a minor conditional use, a major conditional use, or may be prohibited, depending on the type of installation and the location of the installation site, pursuant to the review procedures matrix in Section 2-37.5-3).

See Section 9-51-6(U) for special development requirements.

D. *Conditional uses.*

1. Ambulance service.
2. Arcade, game.
3. Bar, tavern, cocktail lounge.
4. Boarding house - (Prohibited in the ARDA Transfer Site).
5. Car wash.
6. Reserved.
7. Child care center.
8. Church.
9. Commercial recreation (over 1,500 square feet).
10. Community facility.
11. Composting facility. (In conjunction with demolition, removal and recovery of existing buildings, structures and landscaping associated with the former military use of the property.)
12. Concrete recycling facility. (In conjunction with demolition, removal and recovery of existing buildings, structures and landscaping associated with the former military use of the property.)
13. Conference/convention facility.
14. Congregate care facility - (Prohibited in the ARDA Transfer Site).
15. Convalescent home - (Prohibited in the ARDA Transfer Site).
16. Convenience or liquor store.
17. Drive-thru.
18. Financial institutions (drive-thru).
19. Equipment rental.

20. Fraternal and service club.
21. Reserved.
22. Gas station/fuel dispenser.
23. Golf course/driving range.
24. Government facility.
25. Health club.
26. Heliport.
27. Hospital.
28. Hotel, extended stay - (Prohibited in the ARDA Transfer Site).
29. Hotel/motel - (Prohibited in the ARDA Transfer Site).
30. Industry, service.
31. Manufacturing, light.
32. Manufactured structure (over two years).
33. Massage establishment and related business.
34. Materials recovery facility. (In conjunction with demolition, removal and recovery of existing buildings, structures and landscaping associated with the former military use of the property.)
35. Miniwarehouse (8.1A only).
36. Outdoor sales.
37. Outdoor storage.
38. Recreational vehicle storage, private.
39. Recreational vehicle storage, public.
40. Residential care facility - (Prohibited in the ARDA Transfer Site).
41. Residential shelter - (Prohibited in the ARDA Transfer Site).
42. Restaurant, "Type 47" ABC License operating after 12:00 a.m.
43. Restaurant, fast food (drive-thru).
44. Retail business, home improvement related.
45. School, commercial.
46. School, private.
47. Senior housing - (Prohibited in the ARDA Transfer Site).
48. Small collection facility.
49. Sober living facilities - (Prohibited in the ARDA Transfer Site).
50. Stable, public (only within agriculture area).

- 51. Utility building and facility.
- 52. Vehicle assembly.³
- 53. Vehicle body repair, paint or restoration.³
- 54. Vehicle leasing and rental.
- 55. Vehicle repair.
- 56. Vehicle sales.
- 57. Veterinary service, domestic.
- 58. Warehouse and sales outlet.

See Section 9-51-6(U) for special development requirements.

(Remaining Code Section excluded- no changes proposed to remainder of Code section)

7. Zoning Ordinance Division 1- General Provisions and Definitions, Chapter 1-2.- Definitions

Sec. 1-2-1. General definitions.

Day care, large family: A facility licensed by the State of California that provides care, protection, and supervision for 7-14 children, inclusive, including children under 10 years of age who reside at the home, as set forth in Section 1597.465 of the Health and Safety Code. The number of children shall be in accordance with current Health and Safety Code requirements. Licensed child care homes are allowed in any zoning district that allows for residential development. See also "Day care, small family."

Day care, small family: A facility licensed by the State of California that provides care, protection, and supervision for eight or fewer children, including children under 10 years of age who reside at the home, as set forth in Section 1597.44 of the Health and Safety Code. The number of children shall be in accordance with current Health and Safety Code requirements. Licensed child care homes are allowed in any zoning district that allows for residential development. See also "Day care, large family."

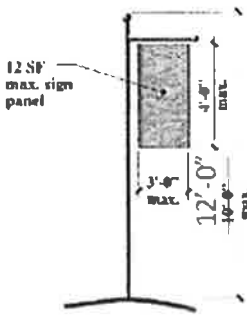
Lot, corner: A lot bounded by two or more intersecting streets that has an angle of intersection of not more than 135 degrees. The intersecting streets shall not be the same street. In determining the angle of intersection for a rounded corner, straight lines shall be drawn as extensions of both street lot lines. The calculation of the angle of intersection shall be made from the side facing toward the lot at the point where these two intersections meet

Lot, flag: A lot which utilizes a narrow strip as its means of providing vehicular access to the lot.

8. Zoning Ordinance Division 7- Signs, Chapter 7-3.- Sign Regulations

SIGN TYPE #30 APARTMENT LEASING GROUND SIGNS

Sign purpose:	Permanent ground sign which provides apartment leasing information.
Sign use:	Only allowed for apartment leasing information.
Sign location:	On private property. Outside of sight distance triangle. Minimum 100 feet from another ground sign, unless sign is separated by roadway or project entry.
Maximum number:	One sign, consisting of one post with one double-sided sign panel, per street frontage; maximum 2 signs per site. In PA 4, two signs, each consisting of one post with up to four double-sided sign panels, per street frontage; maximum 4 signs per site.
Maximum sign size:	12 feet high; 3 feet wide; up to 12 square feet per sign panel.
Sign copy:	Only leasing information, including arrows, is permitted. Brand names and information which makes the sign appear to be advertisement, such as ® and ™, are prohibited.
Maximum character size:	Up to 8 inches high for letters, numbers, and letterforms; with a 2-inch margin of blank space between sign copy and edge of sign panel.

Sign material:	Smooth, durable, non-weathering sign panel with silk screen or die cut lettering and graphics on an aluminum tube post. Posts must be painted tubular aluminum. Wood, steel and prepunched galvanized U-posts are not acceptable. No balloons, streamers, or other temporary attachments are permitted.
Sign illumination:	None.
Permit required?	<div style="text-align: center;">  <p>12 SF max. sign panel</p> <p>4'-0" max.</p> <p>12'-0" max.</p> <p>10'-0" max.</p> <p>3'-0" max.</p> </div> <p>Yes</p>

9. Zoning Ordinance Division 3- General Development Standards and Land Use Regulations, Chapter 3-35- Wall and Fence Standards

Sec. 3-35-2. Wall and fence requirements.

A. *Wall and fence heights.* The maximum heights for fences or walls are listed below. No wall or fence shall obstruct visibility for access, as determined by Standard Plan 403.

1. Residential and institutional uses.

- a. *Front.* Fences and walls in the front setback area shall be no higher than 2½ feet above grade at the property line. The fence or wall may be one foot higher for every three feet the fence or wall is set back from the property line, up to a maximum of seven feet above grade.
- b. *Streetside.* Fences and walls in the streetside setback area shall meet the requirements in Section 3-35-2.A.1.a above unless there is no vehicular access (driveway) from the street side. In this case, the height of the fence or wall may be seven feet above grade.

2. Industrial uses.

- a. *Front and streetside.* Fences and walls in the front setback and streetside setback areas shall be no higher than 3½ feet above grade. However, security fencing may be approved by the Director of Community Development if there is a demonstrated need for security purposes. The maximum height of this fencing shall be seven feet above grade. The fence shall be constructed of wrought iron or similar materials and shall transmit a minimum of 90 percent light. The fence shall not obstruct views of landscaping nor create a visibility problem for motorists.

- b. *Other.* Fences and walls in rear or side setback areas shall be no higher than 12 feet above grade.
- 3. *All other uses.*
 - a. *Front.* Fences and walls shall be no higher than 3½ feet above grade in the front setback area.
 - b. *Streetside.* Fences and walls shall be no higher than 3½ feet above grade in the streetside setback area. If there is no vehicular access from the streetside setback area, the fence or wall may be seven feet above grade at the property line.
 - c. *Other.* Fences and walls in rear or side setback areas shall be no higher than seven feet above grade.
- B. *Exceptions to wall and fence heights.*
 - 1. If a retaining wall is combined with a fence or wall, the total combined height may reach a maximum of 10 feet above grade along the streetside and 12 feet along the rear property lines.
 - 2. The maximum height of a fence or wall shall be 2½ feet above grade within the sight triangle of any street intersection.
 - 3. All walls and fences greater than seven feet in height shall require a building permit.
 - 4. Fences and walls intended to restrict unauthorized entry into private community association pools, spas, equipment lease areas for wireless facilities, and recreational facilities may reach a maximum height of eight feet.
- C. *Wall and fence design.*
 - 1. Materials, colors, texture and alignment of walls shall be varied to relieve visual monotony.
 - 2. *Prohibited materials.* Barbed wire, wire, electronically charged fences, plain exposed concrete block, plastic materials, chain link and grape stakes are prohibited.
 - 3. *Permitted materials.* Vinyl-coated chain link and plain wire fences with posts may only be used in agricultural uses. In industrial and institutional zones, chain link fences with battens made of metal, redwood, plastic or equivalent material, electro-galvanized steel mesh fence coated in polyester plastic, and plain exposed concrete block may be used if the fence or wall will not be visible from any street.
 - 4. Chain link may be used on a temporary basis at construction sites and agricultural sales uses. The location of the chain link fence shall be subject to approval of the Director of Community Development as a part of the agricultural sales permit. The fencing surrounding the crops/fields for annual agricultural sales uses shall be consistent with Section 3-35-2.C.3 above. Fencing shall be removed upon completion of construction for construction sites and upon expiration of an agricultural sales permit.

5. Agricultural uses may have fencing up to seven feet in height.
6. Chain link with battens may be used as a fencing material for industrial uses located in the IBC Industrial zoning district.
7. Chain link may be used as a fencing material for outdoor private park facilities such as, but not limited to, perimeter fencing, baseball backstops, or tennis courts.

(Code 1976, § V.E-324.2; Ord. No. 92-3, 4-14-92; Ord. No. 92-21, 11-24-92; Ord. No. 94-7, § 3, 6-14-94; Ord. No. 97-05, 5-13-97; Ord. No. 97-19, § 3, 11-11-97; Ord. No. 03-02, § 4, 1-14-03; Ord. No. 10-04, § 3, 4-13-10; Ord. No. 21-06, Exh. A, 6-8-21)

10. Zoning Ordinance Division 2- Administration, Chapter 2-22- Park Procedures

Sec. 2-22-9. Effective date, time limits and extension.

- A. Director of Community Development, Director of Community Services, Community Services Commission, or Planning Commission action on a Park Plan or Park Design shall become effective 15 calendar days after the date of the decision unless appealed to the City Council. See Chapter 2-5 for further information. An action by the City Council approving a Park Design within the Orange County Great Park shall become effective immediately.
- B. A park plan and a park design shall expire and become void three years following the date on which it becomes effective unless:
 1. A building permit consistent with the park plan and/or park design is issued and construction is commenced and diligently pursued toward completion; or
 2. A permit is issued authorizing occupancy of the site or structure; or
 3. The site is occupied if no building permit or certificate of occupancy is required.
- C. When a park plan or park design is due to expire, the Director of Community Development shall have the authority to extend the park plan or park design for one additional three-year period. The landowner must request an extension in writing at least 30 days prior to the expiration date, must provide a deposit or fee as set forth by ordinance or resolution of the City Council, and must provide a letter of justification explaining how the following findings can be made:
 1. All elements of the park plan or park design are consistent with the City's original findings.
 2. All significant environmental effects of the project were analyzed at the time of the subdivision map or conditional use permit approval associated with the park plan or park design. There are no new and previously unknown or undisclosed negative environmental impacts.

The Director of Community Development shall approve or deny the extension based upon their concurrence with and verification of the above findings. Subsequent extensions shall require the filing of a new park plan or park design application. A decision by the Director of Community Development may be

appealed to the Community Services Commission using the same procedure as that specified in Section 2-22-8.

(Ord. No. 98-11, § 3, 10-13-98; Ord. No. 10-03, § 3, 4-13-10; Ord. No. 15-86 , § 3(Exh. A), 8-11-15; Ord. No. 19-11 , Exh. A, 8-13-19)

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF IRVINE)

I, CARL PETERSEN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that on the 9th day of August, 2022, I caused to have published and posted a foregoing true and correct copy of Ordinance No. 22-12 of the City of Irvine in the following public places in the City:

- 1) Bulletin Board in Walnut Village Shopping Center, Culver and Walnut, Irvine.
- 2) Bulletin Board in University Park Shopping Center, Culver at Michelson, Irvine.
- 3) Bulletin Board in Northwood Shopping Center, Irvine Boulevard at Yale, Irvine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City Council of the City of Irvine, California, the 9th day of August, 2022.



CITY CLERK OF THE CITY OF IRVINE