

CHAPTER 9.08:  
SINGLE-FAMILY RESIDENTIAL  
PERMITTED USES AND SPECIAL  
OPERATING CONDITIONS

**9.08.010 Residential—Purpose**

The general provisions and requirements set forth in this chapter are intended to provide minimum standards for the use and development of land within the R-1 (single-family residential) zone.

**Section 9.08.020**  
**Permitted Uses In The R-1 Zone\***

\* Section ordinance history: 2758 § 2, 2009; 2768 §§ 5—8, 2010; 2788 § 4, 2011.

**9.08.020.010 Purpose**

The purpose of this section is to implement the provisions of the General Plan regarding land use through the establishment of permissible uses and the designation of such uses into compatible zoning districts. Additionally, those uses that are conditionally permissible or permitted for limited time periods are defined.

**9.08.020.020 Summary of Zones**

The following zones and their general purposes are established:

- A. Residential Zones. Residential zones are designed and intended to secure for persons living there a safe, healthy, and pleasant living environment, protected from incompatible uses and activities. These residential zones are as follows:
  - 1. R-1 (Single-Family Residential). The R-1 zone is intended to provide for the establishment and promotion of single-family detached residences on individual lots and compatible associated activities.

**9.08.020.030 Uses Permitted**

Land, buildings and other facilities shall be designed, developed and used only for those activities listed for the R-1 zone on the following table entitled City of Garden Grove Land Use Matrix. 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 a 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 procedures and permitted only if the conditional use permit is approved, subject to the specific conditions of such permit.

\* = Use shall be subject to special conditions or specific restrictions as listed in this section.

— = Not a permitted use.

**Table 1**  
**CITY OF GARDEN GROVE LAND USE MATRIX**

<b>ZONES USES</b>	<b>R-1</b>
<b>Residential</b>	
Accessory Buildings and Structures	I*
Agricultural Growing and Produce Stand	P
Child Day Care Center	C
Community Care Facility, Residential—6 Persons or Less	P
Cottage Food Operation	P*
Family Day Care Home (1-14 Children)	P*
Foster Home	P*
Garage Sale	I*
Home Occupations (Disabled)	P*
Mail Address/Business Tax Certificate	P*
Racing Pigeons	C
Residential Care Facility for the Elderly (RCFE)—6 Persons or Less	P
Second Unit	P*
Single-Family Dwelling	P
Supportive Housing, Residential Group Living—6 Persons or Less	P
Transitional Housing, Residential Group Living—6 Persons or Less	P
<b>Recreation, Amusement, Entertainment</b>	
Golf Courses (Regulation)	C*
Golf Driving Ranges	C*
Tennis, Swimming Clubs	C
<b>Public and Semi-Public</b>	
Cemeteries	C
Church and Other Religious Centers	C*
Crematory, Mausoleum	CI
Educational Institutions	C*
Public Buildings (Civic Center, Library, County, State or Federal)	C
Public Recreational Facilities	P
Public Safety Facilities (Fire, Police)	C
Public Utility Stations and Equipment Buildings	C
Religious School	C*

(2836 § 5, 2014)

#### **9.08.020.040 General Limitations on Uses**

In addition to any special regulations imposed by this chapter, the following limitations on uses shall be observed:

##### **A. Residential Zoned Property.**

1. Auto repair, incidental to residential usage, shall only be conducted within an enclosed garage, and only upon vehicles owned by the property owner or resident.
2. All accessory functions and operations shall not be objectionable by reason of noise, odor, dust, mud, smoke, steam, vibration or other similar causes.
3. Occupancy of any trailer, camper, or other vehicle while stored on any property zoned (or used) for residential purposes is prohibited.
4. No commercial, industrial, public or semi-public use shall be operated or conducted, in any residential zone, except pursuant to an approved home occupation permit.

**9.08.020.050 Special Operating Conditions and Development Standards**

Because certain uses require specific conditions and development standards due to specific site and operating characteristics, special review and consideration is necessary. The conditional uses and other uses requiring special consideration are as follows:

- A. Churches, other religious centers, and other authorized assembly uses in residential zones and open space zones. Subject to a conditional use permit and the following conditions:
  1. The minimum site area shall be one acre.
  2. The depth of the required front yard for churches, sanctuaries, or main assembly buildings shall be 40 feet when entrances are located in the front of the building; however, when building entrances do not face the front yard, the main structure shall be required to provide only a front yard setback specified in the zone in which the building is located.
    - a. The depth of the required front yard for accessory buildings, e.g., Sunday schools, showers or restroom facilities, etc., shall be only the front yard required in the zone in which they are located, provided said structures have no entrance facing the front yard.
    - b. The required front yard for any off-street parking area shall be no less than that required for the zone in which the parking area is located, provided that a solid or decorative masonry wall of 42 inches in height is provided between the parking area and the front yard.
  3. Limitations on lot coverage by buildings need not apply.
  4. Main buildings and structures on the site shall not be closer than 25 feet to any property line that is a common property line with "R" zoned property, except that accessory buildings and structures shall maintain a side yard of 10 feet, with five feet added at ground level for each additional story over the first. Any detached one-family dwelling on such site shall conform to the yard requirements and required distance between buildings as described in the zone in which the dwelling is located.
  5. A solid wall not less than six feet in height shall be constructed and maintained on any property lines adjoining residential property, provided such wall shall not extend into any required front yard, and such walls may be built progressively as the site is improved.
  6. On interior lots, the required side yards may be used to provide off-street parking areas, and, on corner lots, the interior side yard may be similarly used. Under no circumstances may the required side yard on the street side be used for off-street parking. A solid or decorative masonry wall of 42 inches in height shall be provided between the parking area and the required side yard on the side street side.
  7. All lights provided to illuminate any parking area or building on such site shall be so arranged as to direct the light away from any adjoining premises.
  8. The width of the frontage of the building site shall be not less than 120 feet.
  9. Church, religious center, and other authorized assembly use sites shall abut and be accessible from at least one public street with a roadway having not less than two parking lanes and two traffic lanes, and having a combined width of not less than 36 feet. All bounding streets and/or alleys shall be improved to the dimensions indicated on any adopted specified plans therefor, and to the City's specifications pertaining to materials, design and construction. Where no specific plan for street alignment or widths have been adopted and boundary streets or alleys do not conform to prescribed minimum requirements, the plan shall be submitted to the Planning Commission to initiate proceedings and adoption of a specific plan to define boundary streets and alleys that will conform to prescribed minimums.
  10. Parcels zoned and utilized for single-family residential purposes may be improved with churches, religious centers, and other authorized assembly uses, provided the site has frontage on a secondary or primary highway, and shall be devoted exclusively to such purposes.

11. Requirement(s) of this subsection A may be waived by the Planning Commission upon a finding that the impacts of the project, as proposed, do not justify imposition of the requirement(s).
- B. Cottage Food Operations. Cottage food operations are allowed as an incidental use to a residential use, subject to a cottage food operation permit and the following conditions:
1. Deemed Incidental Use. Subject to the provisions of this subsection, a cottage food operation for which a valid cottage food operation permit has been issued shall be considered an incidental use to any legally established residential dwelling unit, notwithstanding any other provision of this title. A cottage food operation may only be conducted in a dwelling unit in which the cottage food operator resides and shall at all times be accessory and subordinate to the primary residential use of the dwelling unit.
  2. Cottage Food Operation Permit.
    - a. Permit Required. No person shall operate a cottage food operation within the City without a valid cottage food operation permit issued pursuant to this section.
    - b. Permit Application. A request for a cottage food operation permit shall be submitted in writing by the cottage food operator on an application form prescribed by the Community Development Director, and shall be accompanied by payment of an application processing fee or deposit, in the amount established by City Council resolution, and any additional information the Zoning Administrator reasonably concludes is necessary to properly evaluate the request and to render a decision.
    - c. Information Available to Applicant. Upon request by an applicant for a cottage food operation permit, the Community Development Department shall provide the applicant with the following:
      - i. A list of the permits and fees that are required by the City, including information about other permits that may be required by other departments in the City or by other public agencies.
      - ii. Information about the anticipated length of time for reviewing and processing the application.
      - iii. Information on the breakdown of any individual fees charged in connection with the issuance of the cottage food operation permit.
      - iv. If a deposit is required to cover the cost of the cottage food operation permit, information about the estimated final cost to the applicant of the cottage food operation permit; and procedures for receiving a refund from the portion of the deposit not used.
      - v. The address(es) of any cottage food operation associated with a valid cottage food operation permit(s) previously issued by the City that would cause the applicant to be ineligible for a cottage food operation permit pursuant to the spacing and concentration limits set forth in subsection 3.
    - d. Review of Application. All applications for a cottage food operation permit shall be considered by the Zoning Administrator. Upon receipt of an application for a cottage food operation, a notice shall be sent to the adjoining property owners describing the nature of the request and advising that any comments should be submitted no later than 10 days from the date the notice was sent out. A public hearing is not required in connection with the Zoning Administrator's review. The decision of the Zoning Administrator shall be final. The Zoning Administrator shall cause a cottage food operation permit to be issued to the applicant within 30 days of receipt of a complete application unless the Zoning Administrator makes one or more of the following findings:
      - i. The applicant has failed to submit a complete application and/or provide all of the information reasonably requested or necessary for the Zoning Administrator to determine whether a cottage food operation permit should be issued.

- ii. The applicant has failed to demonstrate that he or she can or will operate a cottage food operation in accordance with all applicable standards, restrictions, and requirements set forth in subsection 4.
    - iii. The cottage food operation is proposed to be located within a dwelling unit that does not satisfy the spacing and concentration limits set forth in subsection 3.
    - iv. The cottage food operation is proposed to be located within a dwelling unit owned by someone other than the cottage food operator, and the express written authorization of the owner of the dwelling unit or such owner's authorized agent has not been obtained and provided by the applicant.
  - e. Permit Non-Transferrable. A cottage food operation permit shall only be issued to a cottage food operator and shall not be transferrable to any other person or dwelling unit and shall not run with the land or constitute a transferrable property right.
  - f. Term of Permit. A cottage food operation permit issued pursuant to this chapter shall continue to be valid for so long as (i) the cottage food operation permit has not been revoked; (ii) the cottage food operator continues to reside at and operate a cottage food operation from the dwelling unit described in the application; (iii) the cottage food operator continues to maintain a valid registration or permit issued by the County of Orange Health Care Agency for the cottage food operation; (iv) the express authorization of each owner of the dwelling unit or such owner's authorized agent, if required, has not been rescinded; and (v) the cottage food operator maintains a current business operation tax certificate from the City. The failure of a cottage food operator to renew or obtain a new business operation tax certificate for the cottage food operation within 90 days of its expiration shall be deemed intent to abandon the cottage food operation permit and shall cause the cottage food operation permit to automatically expire.
  - g. Permit Limitations. Issuance by the City of a cottage food operation permit shall not be deemed to supersede, or to authorize the conduct of, a cottage food operation in violation of (i) any applicable federal, state, or local law; (ii) any registration or permit issued to the cottage food operator by the County of Orange Health Care Agency; or (iii) any lease, rental agreement, and/or recorded covenants, conditions, and/or restrictions applicable to the property on which the cottage food operation is located.
  - h. Revocation of Permit. The Zoning Administrator, after giving notice to the cottage food operator at the address of the cottage food operation identified in the application and giving a reasonable opportunity for hearing, may revoke any cottage food operation permit pursuant to the provisions of this chapter upon a determination that the provisions of this chapter are being violated or that no cottage food operation is currently being conducted within the dwelling unit. The Zoning Administrator, or his or her designee, may, at any time, request in writing a cottage food operator previously issued a cottage food operation permit to verify and/or provide documentation demonstrating that a cottage food operation continues to be conducted at the dwelling unit associated with the cottage food operation permit in compliance with the provisions of this chapter. Failure to provide such verification and/or documentation within 15 days of the date of such request shall constitute evidence of the cottage food operator's intent to discontinue the rights granted by the cottage food operation permit. The decision of the Zoning Administrator to revoke a cottage food operation permit shall be final.
3. Spacing and Concentration Limits. In order to mitigate potential adverse impacts on neighboring residences associated with noise, traffic, and parking, no cottage food operation permit shall be issued for a cottage food operation proposed to be conducted within a dwelling unit on a lot located within 500 feet of another lot on which a lawful cottage food operation is located and at which customer visitation and in-person direct sales transactions are authorized. The foregoing spacing limitation shall not apply if the applicant for a cottage food operation permit certifies and

agrees in writing, under penalty of perjury, that no customer visitation or in-person direct sales transactions shall be authorized to occur at the dwelling unit.

4. Standards, Restrictions, and Requirements Applicable to All Cottage Food Operations. All cottage food operations shall comply at all times with the standards, restrictions and requirements set forth in this section.
  - a. Property Owner Permission Required. If the dwelling unit in which the cottage food operation is conducted is owned by someone other than the cottage food operator, the express written authorization of each owner of the dwelling unit or such owner's authorized agent is required.
  - b. Business Operation Tax Certificate. The cottage food operator shall obtain and maintain a valid business operation tax certificate from the City for the cottage food operation.
  - c. Compliance with Applicable Laws. The cottage food operation shall comply with all applicable food preparation, packaging, and/or labeling, operational, and other requirements set forth in the California Health and Safety Code and/or other federal, state or local statutes, ordinances, or regulations.
  - d. Gross Annual Sales. The cottage food operation shall comply with the restrictions on gross annual sales as set forth in California Health and Safety Code Section 113758, as it may be amended from time to time.
  - e. County Registration or Permit. The cottage food operator shall not conduct the cottage food operation at the dwelling unit without a valid registration or permit issued to the cottage food operator by the County of Orange Health Care Agency in accordance with California Health and Safety Code Section 114365. A copy of such registration or permit shall be provided to the Zoning Administrator in conjunction with a request for a cottage food operation permit or within 15 days of initial issuance of such registration or permit, whichever is later. If such registration or permit is subsequently renewed or modified by the County of Orange Health Care Agency, the cottage food operator shall provide a copy of such renewed or modified registration or permit to the Community Development Department and the Business Tax Department within 15 days of such renewal or modification. The cottage food operator shall comply with all terms and conditions of such registration or permit for so long as the cottage food operation is being conducted from the dwelling unit.
  - f. Alteration of Unit Appearance Prohibited. There shall be no change or alteration of the outside appearance of the dwelling unit or premises in conjunction with the conduct of the cottage food operation. No additional exterior signage beyond that otherwise authorized pursuant to Chapter 9.20 of the Garden Grove Municipal Code is permitted.
  - g. Cottage Food Operation Activities and Storage. All activities associated with the cottage food operation shall be conducted wholly within a fully enclosed building. No garage, carport or other required parking area shall be used for the conduct of the cottage food operation. Storage of all ingredients, equipment, and cottage food products associated with the cottage food operation shall be confined to the registered or permitted area. All preparation, packaging, display, or handling of cottage food products and related ingredients and equipment shall be confined to the kitchen of the dwelling unit. All activities associated with the cottage food operation shall conform to the noise control standards for residential uses set forth in Chapter 8.47 of the Garden Grove Municipal Code, and noise, odor, smoke, vibration, and other similar intrusions from the cottage food operation shall not affect neighboring dwelling units.
  - h. On-Site Sales and Consumption of Cottage Food Products. Direct sales of cottage food products to customers from the dwelling unit shall be by prior appointment between the hours of 9:00 a.m. and 5:00 p.m. only. On-site dining or consumption of cottage food products by customers of the cottage food operation is prohibited.

- i. Deliveries. Commercial deliveries to or from the dwelling unit associated with the cottage food operation shall be limited to no more than one per day, between the hours of 9:00 a.m. and 5:00 p.m. Except for vehicles associated with mail or package delivery services, neither deliveries of materials to the cottage food operation, nor deliveries of cottage food products from the cottage food operation, shall involve the use of commercial vehicles, as defined in Section 9.04.060.
  - j. Traffic and Parking. The cottage food operation shall not attract or generate pedestrian or vehicular traffic or parking needs beyond that which is considered normal for the zoning district or neighborhood in which it is located. The cottage food operation shall be subject to all parking standards and restrictions applicable to residential uses within the zoning district in which the cottage food operation is located.
  - k. Employees. In accordance with California Health and Safety Code Section 113758, only the cottage food operator, immediate family or household members of the cottage food operator, and no more than one full-time equivalent employee other than immediate family or household member of the cottage food operator shall participate in the conduct of the cottage food operation. No more than one full or part-time employee or independent contractor other than immediate family or other household members who reside at the dwelling unit may be engaged in work at the dwelling unit related to the cottage food operation at any one time.
  - l. Solid Waste Removal. Refuse containers of sufficient number and size shall be available for the necessary storage and disposal of solid waste and/or recyclable materials generated by the cottage food operation, and all refuse containers shall be emptied and solid waste and recyclable materials removed at a frequency sufficient to satisfy public health and safety needs and avoid the creation of a public nuisance. The cottage food operator shall be responsible for arranging for more or larger refuse containers and/or more frequent removal if necessitated by the cottage food operation.
- C. Educational Institutions. To be located on a minimum site area of one acre, whether in combination with another use or as the sole use of the property.
  - D. Family Day Care Home (1-14 Children). Subject to the requirements of the State of California.
  - E. Foster Home. Subject to the following condition:  
Total number of foster children and members of the family under 18 years of age shall not exceed six.
  - F. Garage Sales. Subject to the following conditions:
    - 1. Garage sales are limited to four days in any one calendar year.
    - 2. No off-site signs permitted.
    - 3. Items for sale may only be those items used at the residence.
  - G. Golf Courses (Regulation). Subject to the following condition:  
All accessory commercial uses, except a pro shop, shall be established in a commercial zone in accordance with this code.
  - H. Golf Driving Ranges, Outdoor. Subject to the following conditions:
    - 1. Hours of operation shall be from no earlier than 7:00 a.m. to no later than 10:00 p.m.
    - 2. All lighting shall be directed away from abutting properties.
  - I. Home Occupations for the Disabled. Subject to the following conditions:
    - 1. Any person requesting a home occupation shall have his or her disability certified by one of the following agencies:
      - a. California State Department of Rehabilitation, Division of Vocational Rehabilitation;
      - b. Veterans Administration;

c. County of Orange Office of Veterans Affairs.

2. Each request to the hearing body shall be accompanied by the description of the proposed use. Such description shall be submitted to a board of review consisting of representatives from the Fire Department and planning staff. Said board of review shall evaluate each proposed use and submit their recommendations to the hearing body, whose decisions shall be final.
3. The home occupation shall not alter the appearance of the dwelling unit.
4. All operations conducted on the premises shall not be objectionable by reason of noise, odor, dust, mud, smoke, steam, vibration, or other similar causes.
5. Storage shall be limited to accessory storage of commodities manufactured, processed or sold at retail on the premises. Storage shall be permitted only in a wholly enclosed building. All home occupation activities shall be conducted wholly within a fully enclosed building. No garage, carport or other required parking area shall be used for the conduct of the home occupation or for storage of equipment, materials or merchandise of the home occupation.
6. No signs advertising the type of business or products manufactured shall be displayed on the premises.
7. No additional persons except immediate members of the disabled person's family living on the premises shall participate in the home occupation.
8. The home occupation permit is not transferable.
9. Permission to conduct a home occupation may be revoked by the hearing body if there is substantial evidence indicating that the provisions of this section are being violated.

J. Mail Address/Business Operations Tax Certificate. A property zoned residential; or used for residential purposes, may be used as the mailing address for a commercial, industrial, public, or semi-public use, provided that none of the following activities shall take place on the residential property:

1. Display of merchandise, equipment, or supplies or items manufactured, sold, or used by any commercial, industrial, public or semi-public use;
2. Storage of materials, supplies, stock, equipment, machinery, or vehicles used in the operations or conduct of the commercial, industrial, public or semi-public use. The sole exception is equipment that is customarily used for housekeeping purposes;
3. Sale of any commodities, stock, supplies, equipment, machinery, or services of the commercial, industrial, public or semi-public use;
4. Providing or rendering of any service;
5. Providing, dispatching, or delivering any business, office or professional equipment, machinery or apparatus at, or from, the residential premises;
6. Dispatching of employees or independent contractors at, or from, the residential premises.

K. Racing Pigeons.

1. A conditional use permit (including a site plan) is required if more than 10 racing pigeons are proposed to be kept on the premises.
2. The maximum number of racing pigeons permitted on any premises shall be 100. The conditional use permit shall specify the maximum number of racing pigeons allowed.
3. No such pen, coop, pigeon house, loft or other structure that housed more than 10 racing pigeons shall be kept or maintained within 15 feet of any of the subject property lines and within 30 feet of any adjoining dwelling units.
4. Racing pigeons shall be flown for exercise or training in a manner that results in their flying a substantial distance from the immediate area of the loft, rather than continuously or repeatedly flying over the properties adjacent to the loft location.



5. At no time shall racing pigeons be allowed to perch or linger on the buildings or property of others.
6. All spilled or excess feed in or around the loft shall be promptly removed and disposed of.
7. All racing pigeons shall be banded for the purpose of identification.
8. The applicant shall obtain any health permits required by the county prior to approval of the conditional use permit.
9. The owner of said racing pigeons shall be a member of the California State Racing Organization or the American Racing Pigeon Union, Inc. with annual registration by licensee of the individual birds. Written proof of such registration shall be submitted with each application, and shall be provided annually thereafter to the City.
10. All racing pigeons shall be fed and kept in an enclosed pen, coop, pigeon house, loft or other structure.
11. Said pen, coop, pigeon house, loft or other structure shall be kept or maintained at all times in a sanitary condition and in compliance with all health regulations of the Orange County Health Care Agency (HCA).
12. All feed for racing pigeons shall be stored in containers that secure protection against rodents, insects, birds and other animals.
13. All pigeon droppings and food scraps shall be removed from the premises daily and be disposed of in a sanitary manner.
14. Not more than 25 racing pigeons shall be released at any one time for liberation, exercise or training of any bird and no bird shall be released more than once in any 24-hour period.
15. A fee shall be charged annually for each pigeon loft permit. A fee schedule shall be established by the City Council under a separate resolution.
16. No racing pigeon business or breeding activities for sales shall be conducted on or from the premises.

L. Second Units. Subject to the following conditions:

1. A second dwelling unit that conforms to the requirements of this subsection shall be considered consistent with the allowable density for the lot and the single-family land use designation for such lot as provided in the applicable general plan and zone map for such lot.
2. The property shall be zoned for R-1 single-family residential uses.
3. The lot on which the second unit is proposed to be established shall contain one existing permanent single-family dwelling (the "primary unit") and no existing granny unit, guest house, servants quarters, accessory living quarters, or similar facility, unless the proposal includes the demolition or modification of such facility so as to comply with the provisions of this subsection.
4. The primary unit complies with current parking requirements or, if the primary unit does not comply with the parking requirements, the primary unit will be made to comply with the parking requirements as part of the application for a proposed second unit.
5. If the primary unit or any associated accessory structures have legally established deviations or variances from current zoning requirements, a second unit may be permitted, provided the second unit complies in all respects with the requirements of this subsection.
6. Adequate infrastructure, including, but not limited to, sewer and water services and traffic flow and circulation, shall be available within the residential neighborhood in which the second unit is proposed to be located to serve such second unit.
7. The second unit may be either attached to or detached from the existing single-family residence and shall be located on the same lot as the existing single-family residence.
8. The following development and design standards shall apply to second units:

- a. The lot is a minimum of 9,000 square feet in size.
  - b. No more than one second unit shall be allowed on a single lot.
  - c. Each second unit shall meet the following minimum sizes based on the number of sleeping rooms:
    - i. Studio units: 500 square feet.
    - ii. One sleeping room: 600 square feet.
    - iii. Two sleeping rooms: 700 square feet.
  - d. The second unit shall not contain more than two sleeping units and shall not exceed 700 square feet in area, except as expressly provided herein.
  - e. The second unit may include an attached covered patio and/or porch; which, if provided, shall be integrated into the design of the second unit and shall not exceed 80 square feet.
  - f. The second unit may include an attached one-car garage, which, if provided, shall be integrated into the design of the second unit and shall not exceed 250 square feet.
  - g. In no event shall a second unit including porch, patio, and garage, exceed 1,000 square feet.
  - h. The second unit shall have a separate entrance and shall contain kitchen and bathroom facilities separate from those of the existing single-family residence. Laundry hookups to serve the second unit are encouraged.
  - i. No separate utility meters shall be permitted for the second unit.
  - j. The second unit shall conform to all the development standards for the R-1 zone, including, but not limited to, standards for front, rear, and side yard setbacks, height and lot coverage.
  - k. The second unit shall be considered as part of the 50% lot coverage calculation that also includes all buildings and structures (primary and accessory), uncovered and covered parking areas, and driveways, but excludes uncovered swimming pools and uncovered recreational areas.
  - l. A detached second dwelling unit shall have a minimum separation of six feet between the primary unit and the detached second unit.
  - m. Second units shall be one story, constructed at ground level, and shall not be more than 17 feet in height measured from ground level to the highest point on the roof.
  - n. The design, color, material, and texture of the roof of the second unit shall be substantially the same as the primary unit.
  - o. The color, material, and texture of all building walls of the second unit shall be similar to and compatible with the primary unit.
  - p. The design of the second unit shall be architecturally compatible with the primary unit and shall maintain the scale and appearance of the existing single-family unit.
  - q. One enclosed off-street space shall be provided for a single unit with one bedroom or no bedroom. One enclosed space and one uncovered space shall be provided for a two-bedroom second unit. The one uncovered space may be designed as a tandem parking space in front of the new enclosed space for the second unit.
  - r. To the maximum extent feasible; the second unit shall utilize the same vehicular access that serves the primary dwelling unit; however, the parking area for the second unit shall have approved access to a public right-of-way.
9. The owner of the property shall occupy one of the residential units. The residential unit that is not occupied by the owner may be rented or leased. In the event the owner of the lot shall cease to

occupy a unit on the lot, the second unit shall automatically become non-habitable space, shall not be used as a dwelling unit, and shall not be rented or leased for any purpose.

10. Sale or ownership of a second unit separate from the existing single-family unit is prohibited.
11. Prior to issuance of a building permit for a second unit, the property owner shall record with the County Recorder's office an agreement with the City setting forth the property owner's acknowledgement and agreement with the requirements of this subdivision, in a form satisfactory to the City Manager or the City Manager's designee and the City Attorney or the City Attorney's designee.
12. Any owner that is unable to comply with the development standards and conditions of this subsection shall first apply for and secure the approval of a variance pursuant to the provisions of this code before a second unit may be approved. (2836 § 6, 2014)

#### 9.08.020.060 Temporary Uses

- A. Purpose. The purpose of this section is to control and regulate land use activities of a temporary nature. The intent is to ensure that temporary uses will be compatible with surrounding land uses, to protect the rights of adjacent residences, businesses and land owners and to minimize any adverse effects on surrounding properties and to the environment.
- B. Authority. The City Manager, or his or her designee, shall be the review authority for approving or denying a temporary use. The City Manager may establish conditions and limitations for temporary uses including, but not limited to, hours of operation, provision of parking areas, signing and lighting, traffic circulation and access, temporary site improvements and other measures necessary to minimize potential detrimental effects on surrounding properties. Appeals to the decision of the City Manager, or his or her designee, shall be heard by the Planning Commission.
- C. Temporary Structures. The following temporary structures shall be permitted subject to the conditions stated in this section and any other additional conditions as may be prescribed by the appropriate permit.
  1. Trailer Coaches, Mobile Homes and Modular Structures. The temporary use of trailers, mobile homes and/or modular structures may be permitted only when permanent facilities are being constructed or remodeled in accordance with applicable codes. Such structures may remain on the property only with the possession of a valid building permit for the permanent facilities. All temporary office or residential structures shall be removed prior to the occupancy of the permanent facilities or as required by the site plan.
  2. Temporary Construction Buildings. Temporary structures for the storage of tools and equipment or containing supervisory offices in connection with major construction projects may be established and maintained for the duration of construction. Such structures may remain on the property only with the possession of a valid building permit for the permanent facilities. All temporary office or construction buildings shall be removed prior to the occupancy of the permanent facilities or as required by the site plan.
  3. Temporary Real Estate Office. One temporary real estate office may be located within the boundaries of any recorded residential tract within the City, provided that the office shall be removed prior to the occupancy of the final structure or as conditioned by the site plan.
- D. Holiday Lot Sales. Christmas tree sales, fireworks sales, pumpkin sales and other similar holiday lot sales may be permitted to operate, subject to the following conditions:
  1. Holiday lot sales will be permitted only upon application at least 10 calendar days in advance of the proposed establishment or initiation date of the event under consideration. The application shall include a site plan for the entire property to be used for the sales and shall indicate the following:
    - a. Provision of adequate parking facilities, including vehicular ingress and egress;

- b. Provision of adequate pedestrian, including disabled, access;
  - c. Provision for lighting;
  - d. Provision for sanitary and medical facilities as may be necessary;
  - e. Days and hours of operation;
  - f. Location, type and size of all temporary signage for the event; and
  - g. Provision for security and safety measures.
- 2. Holiday lot sales are restricted to a duration of 30 consecutive days prior to, and including the holiday. No sales are permitted after the holiday.
- E. Neighborhood Events. Bazaars, bake sales, block parties, rummage sales and other similar temporary events held outside of a wholly enclosed building may be permitted to operate subject to the approval of a neighborhood event permit. Neighborhood event permits shall be subject to the following conditions:
  - 1. Uses will be permitted only upon application at least 10 calendar days in advance of the proposed establishment or initiation date of the use or event under consideration.
  - 2. The event shall occur on the applicant's property, with the exception of block parties that may occur in the public right-of-way adjacent to the applicant's property.
  - 3. The applicant shall be a nonprofit organization, with the exception of block parties for which a permit may be granted to an individual.
  - 4. These events shall be restricted to residential and open space zones only.
  - 5. Block parties may be permitted for a period not to exceed four days per year.
  - 6. All other neighborhood events may be permitted for a period not to exceed 10 days per year.
  - 7. Conditions may be applied to the permit, including days or hours of operation, restrictions on signage, off-street parking, lighting, fire and safety restrictions, or any other conditions that may be necessary to prevent conflict with surrounding land uses or other provisions of the Garden Grove Municipal Code.
- F. Community Events. Carnivals, rodeos, public assembly tents, street closures for parades, revivals and similar types of events may be permitted to operate, subject to the following conditions:
  - 1. Community events will be permitted only upon application at least 30 calendar days in advance of the proposed establishment or initiation date of the use or event under consideration. The application shall include a site plan for the entire property to be used for the event. The plan shall indicate the following:
    - a. Provision of adequate parking facilities, including vehicular ingress and egress;
    - b. Provision of adequate pedestrian, including disabled, access;
    - c. Provision for lighting;
    - d. Provision for sanitary and medical facilities;
    - e. Days and hours of operation;
    - f. Location, type and size of all temporary signage for the event; and
    - g. Provision for security and safety measures.
  - 2. Uses may be permitted for a period not to exceed 45 days per year.
  - 3. Conditions may be imposed regulating days or hours of operation, restrictions on signage, off-street parking, lighting, fire and safety restrictions, or any other conditions that may be necessary to prevent conflict with surrounding land uses or other provisions of the Garden Grove Municipal Code.

4. Waste Reduction and Recycling. Any event expected to attract more than 2,000 persons, on average, per day of operation, which generates solid waste, such as, but not limited to, paper, beverage containers or food, shall develop a waste reduction and recycling strategy as part of the permit application. The waste reduction and recycling strategy shall include an estimate of the amount and types of waste anticipated from the event, the proposed actions to reduce the amount of waste generation related to the event, and arrangements for separation, collection and diversion from landfills of reusable and recyclable materials.
- G. Special Events Sales Permit. Sidewalk sales, parking lot sales, and other similar temporary events held outside of a wholly enclosed building may be permitted to operate subject to the approval of a special event sales permit.
1. Special event sales will be permitted only upon application at least five calendar days in advance of the proposed establishment or initiation date of the use or event under consideration. The application shall include a site plan for the entire property to be used for the event. The site plan shall indicate the following:
    - a. Provision of adequate parking facilities, including vehicular ingress and egress;
    - b. Provision of adequate pedestrian, including disabled, access;
    - c. Provision for lighting;
    - d. Days and hours of operation;
    - e. Location, type and size of all temporary signage for the event; and
    - f. Provision for security and safety measures.
  2. The event shall take place on the applicant's business premises and shall be restricted to non-residential zones.
  3. Conditions may be imposed regulating days or hours of operation, restrictions on signage, off-street parking, lighting, fire and safety restrictions, or any other conditions that may be necessary to prevent conflict with surrounding land uses or other provisions of the Garden Grove Municipal Code.
  4. A maximum of eight days per calendar year shall be allowed per business address.  
Shopping center associations shall be allowed an additional six days per calendar year. For shopping center events, applications shall be signed by the property owner or their authorized agent.
  5. Individual businesses may display merchandise on the sidewalk directly adjacent to the business's exterior storefront. The display shall not impede pedestrian circulation on sidewalks.
  6. All merchandise, materials, signs and debris shall be removed from the outdoor areas by 10:00 a.m. of the day following the closure of the event, unless extended by the City Manager or his or her designee.

**9.08.020.070 Outdoor Sales of Goods and Merchandise**

**A. Vehicular Vending.**

1. Goods, food or merchandise may be sold or offered for sale from any vehicle that is parked, stopped or standing upon commercially or industrially zoned properties, or on any site where construction is occurring.
2. It is unlawful for any person to sell or offer for sale any goods, food or merchandise from any vehicle that is either parked, stopped or standing upon:
  - a. Any public street, alley, parkway, sidewalk or other public property; or
  - b. Any property zoned or used for residential purposes, except where construction is occurring; or

- c. Any property zoned or used for public or private schools; or
  - d. Any property zoned or used for parks.
- B. Nonvehicular Vending—Short Term. No person shall vend, or offer for sale, any food, goods, wares or merchandise outside of a building upon private property, public property, or public or private sidewalks or streets, except in conjunction with an approved community event permit, special event permit or temporary event permit.

### **Section 9.08.030 Special Uses\***

\* Section ordinance history: 2758 § 2, 2009.

#### **9.08.030.010 Purpose**

The purpose of special use districts is to secure a fuller realization of the General Plan than that which would result from the application of present zone district regulations, to establish districts used as overlay zones in conjunction with a base zone, and to establish regulations and standards for uses with special conditions and regulatory needs to ensure harmonious relationships with other land uses.

#### **9.08.030.020 Planned Unit Development**

- A. Purpose. A planned unit development (PUD) is a precise plan, adopted by ordinance, that provides the means for the regulation of buildings, structures and uses of land in order to facilitate the implementation of the General Plan. The regulations of the planned unit development are intended to provide for a diversity of uses, relationships and open spaces in an innovative land plan and design, while ensuring compliance with the provisions of the Municipal Code.
- B. Development Standards. The planned unit development is governed by zoning regulations that are contained within the ordinance that ultimately adopts the planned unit development and the base zone.
  - 1. "Base zone," as used herein, shall mean the zoning district for the land contained within the planned unit development.
  - 2. Except as otherwise provided by the ordinance approving the planned unit development, all use and development standards of the base zone shall continue to apply to the planned unit development. In the event of any conflict between the planned unit development ordinance and the base zone, the provisions of the planned unit development shall prevail.
  - 3. Standards of development applicable to the PUD shall be clearly designated on the planned unit development plan and contained in supplementary text material.
  - 4. Any increase in the number of dwelling units beyond that which would be permitted under the regulations of the base zone shall be limited. Limitation is predicated on the perceived compensation of quality and distinction of various elements of the architecture and the site plan, including:
    - a. The character and scope of the provision for both undeveloped and developed common open spaces;
    - b. The reduction through efficient design of the total acreage needed for adequate vehicular circulation;
    - c. Dedications for public use, if any, excluding public streets;
    - d. The general excellence of design as a whole, including provisions for landscaping, the treatment of pedestrian ways and areas for recreational use, optimum relation to topography and other natural features, and a variety of building forms and locations.

5. If a planned unit development is silent regarding operating conditions, maintenance or other standards regulating a particular use, then the standards of Title 9 regulating the same land use category shall prevail.
- C. Limitations on the Planned Unit Development. The planned unit development is intended to be applied only to those areas that are large enough to allow for overall planning and design in sufficient detail to achieve greater values and amenities than those achieved by less flexible provisions regulating the successive development of individual lots by numerous different owners. Limitations on use are as follows:
1. Flexibility is provided where land may be designed and developed as a unit by taking advantage of site planning techniques that produce an environment that is compatible with existing or potential development of the surrounding neighborhood.
  2. Planned unit development procedures shall apply only to those individual sites having a net area of five acres or more for commercial or industrial development and three acres for residential developments. If the project is mixed use development with residential, commercial, office or industrial, then the five acre minimum site area shall apply.
  3. The proposed development shall be in conformity with all elements of the General Plan, and any other ordinances of the City.
  4. Conformity to related ordinances of the City is required where subdivision into individual lots or the dedication of any streets is involved. Any such procedures shall be processed concurrently with PUD ordinance procedures.
  5. Any violation of any planned unit development regulation shall be a misdemeanor penalized pursuant to Section 1.04.010 and Chapter 9.32 of this code.
- D. Preliminary Application Procedures. Before filing any application for a planned unit development, the prospective applicant shall submit to the Planning staff preliminary plans and sketches and basic site information for consideration and advice regarding the relation of the proposal to general developmental objectives for the area.
- The purpose of the pre-application conference is to consider the relation of the proposed project to the applicable Planning Commission and City Council policies.
- E. Application Requirements. Every application for a planned unit development shall be accompanied by a formal development plan as required by the City Manager or designee.
- F. Findings Required for Approval. Approval of the proposal for a PUD shall not be recommended by the Planning Commission unless it finds that the PUD is in full conformance with the following conditions:
1. That the location, design and proposed uses are compatible with the character of existing development in the vicinity and will be well integrated into its setting;
  2. That the plan will produce a stable and desirable environment and will not cause undue traffic congestion on surrounding or access streets;
  3. That the provision is made for both public and private open spaces;
  4. That provision is made for the protection and maintenance of private areas reserved for common use;
  5. That the quality of the project achieved through the planned unit development zoning is greater than could be achieved through traditional zoning.
- G. Adoption of Planned Unit Development. Applications for a PUD shall be considered amendments to this code, and guarantees, in a form satisfactory to the City Attorney, shall be required from the applicants to ensure the accomplishment of any public improvements.
1. After adoption of the PUD, a final development plan shall be prepared prior to issuance of any building permit. The final development plan shall conform to the ordinance adopting the PUD and shall show conformance to the features, conditions and characteristics upon which the approval