

4. In the case of for-sale housing developments, the density bonus housing agreement shall include the following conditions governing the sale and use of target units during the applicable use restriction period:
 - a. Target units shall be owner-occupied by eligible very low, low, or moderate income households, or by qualified residents in the case of senior citizen housing developments.
 - b. The purchaser of each target unit shall execute an instrument approved by the City and to be recorded against the parcel including such provisions as the City may require to ensure continued compliance with this section.
5. In the case of rental housing developments, the density bonus housing agreement shall provide for the following:
 - a. Procedures for establishing affordable rent, filling vacancies, and maintaining target units for eligible tenants;
 - b. Provisions requiring verification of household incomes;
 - c. Provisions requiring maintenance of records to demonstrate compliance with this subsection.
6. Density bonus housing agreements for child care facilities and land dedication shall ensure continued compliance with all conditions included in subsections D.2 and 3.

9.08.030.070 Gilbert Street Overlay Zone

- A. Purpose. The Gilbert Street Overlay Zone is intended to encourage the preservation of the existing rural character of the single-family residential community along Gilbert Street, between Chapman Avenue and Garden Grove Boulevard, by limiting the permitted uses within the area to single-family residences. The Gilbert Street Overlay Zone includes all R-1 (Single-Family Residential) zoned properties that share a front or side street property line with Gilbert Street, located on the east and west sides of Gilbert Street, between Chapman Avenue and Garden Grove Boulevard.
- B. General Requirements.
 1. Development Standards. Site development standards shall be as specified elsewhere in this title for the R-1 (Single-Family Residential) zone.
 2. Permitted Uses. Permitted uses shall be as specified within this title for the R-1 zone. Only those uses expressly permitted (P or P*) as residential uses or identified as incidental (I or I*) to residential uses shall be permitted, and exclude the following uses:
 - a. All uses in the R-1 zone that require a conditional use permit (C or C*) approval; and
 - b. All public and semi-public institutional uses, as specified in Uses Permitted, Section 9.08.020, of Title 9 of the Municipal Code.

Section 9.08.040

Single-Family Residential Development Standards*

* Section ordinance history: 2769 § 1, 2010; 2758 § 2, 2009.

9.08.040.010 Single-Family Residential—General Requirements

The following general requirements pertain to all residential zoned property and shall be determined to be minimal requirements, unless stated as maximum by this code:

- A. Setbacks.
 1. Every required setback shall be open and unobstructed from the ground to the sky, aside from landscaping, or unless otherwise specified.

2. No setback or open space provided around any building for the purpose of complying with the provisions of this section shall be considered as providing a setback or open space for any other building or on which a building is to be erected.
- B. Modification of Required Front Yard Setbacks on Lots Fronting on the Curves of Cul-de-sacs or Knuckles.
1. The required front setbacks may be reduced by one-half where:
 - a. The street pattern of a subdivision includes lots fronting upon cul-de-sac turnarounds or knuckle widenings at right angles or approximate right-angle turns in a street; and
 - b. Where cul-de-sac or knuckle designs create a greater street width resulting in reduced depth of the lots fronting the cul-de-sac or knuckle widening.
 2. The required front setback may be reduced to not less than one-half of the required front setbacks for the zone in which the property is located when the lot line that represents the depth of the lot intersects any portion of the arc formed by the constant radius of a cul-de-sac or knuckle.
- C. Permitted Intrusions. The following intrusions may project into any required setback a maximum of two feet.
1. Cornices;
 2. Eaves;
 3. Belt courses;
 4. Sills;
 5. Buttresses;
 6. Planter boxes;
 7. Masonry planters;
 8. Guard railings;
 9. Chimneys.
- D. Lot Area Regulations.
1. Lot area shall not be reduced. No lot area shall be reduced or diminished so that the lot area, setbacks or other open spaces shall be less than prescribed for the zone in which it is located.
 2. Substandard Lots. When a lot has less than the minimum required area or width as set forth in the development standards of each zone, or in a site plan, and was of record on November 17, 1960, the lot shall be deemed to have complied with the minimum required lot area or width as set forth in the zone or site plan.
- E. Height Limits.
1. Residential buildings shall comply with the requirements shown in the Table of Building Requirements but in no case shall be higher than 35 feet, unless otherwise specified below.
 2. Fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, radio masts and similar structures may be erected above the height limits prescribed if done so in conjunction with a development plan or the filing of a conditional use permit.
 3. No penthouses or roof structures or any space above the height limit prescribed for the zone and area district in which the building is located shall be allowed for the purpose of providing additional habitable floor spaces, except for the following:

Usable floor space may be provided above allowable heights for religious institution and public, private or parochial schools when employed as a unique structure, tower or spire, subject to a conditional use permit.
- F. Placement of Buildings. Placement of buildings on any lot shall conform to the following:

1. No habitable portion of a building shall occupy any portion of any required setback, except as provided for in the development standards addressing permitted intrusions.
2. Any garage or carport that opens directly to any street or alley shall observe a setback of not less than 20 feet unless otherwise permitted by this title.
3. When a garage or carport abuts an alley and the access to the garage or carport is perpendicular to the alley, the building shall not be constructed closer than 20 feet to the centerline of the alley and shall maintain a minimum setback of five feet from the property line.

- G. Mechanical Equipment, Metering Devices. All roof and ground mounted mechanical equipment and metering devices shall be screened from view from either on or off the property.

Ground-mounted mechanical equipment including, but not limited to, water heaters, heating, cooling or ventilating equipment, swimming pool or spa heaters, pumps or filters, may be permitted to be located in a side yard setback on any property improved with a single-family residence, provided that the equipment is screened from view from all public rights-of-way. If the equipment is to be located between a structure and the property line, an unobstructed path at least three feet wide shall be provided between the equipment and the property line.

9.08.040.020 Residential—General Development Standards

- A. Specific development standards for R-1 (Single-Family Residential) zone are in the following table:

R-1 Development Standards Table

Placement	R-1
Setbacks	
Front (1, 2)	20 ft.
Side setback (interior)	5 ft.
Street side	10 ft.
Rear setback (6)	20% of lot depth not to exceed 25 ft. (Main structures—See diagrams for R-1 required rear yards) 5 ft. (detached accessory structures)
Building height	Not to exceed
Main structure	35 ft.
Accessory structure	17 ft.
Lot coverage (3)	50%
Maximum front setback coverage (4)	50%
Lot area per dwelling (minimum)	15,000 sq. ft. 11,000 sq. ft. 9,000 sq. ft. 7,200 sq. ft. 6,000 sq. ft. 5,000 sq. ft.
Minimum lot area per lot per zone	
R-1 (15,000 sq. ft.)	15,000 sq. ft.
R-1 (11,000 sq. ft.)	11,000 sq. ft.
R-1 (9,000 sq. ft.)	9,000 sq. ft.
R-1 (7,200 sq. ft.)	7,200 sq. ft.
R-1 (6,000 sq. ft.)	6,000 sq. ft.
R-1 (5,000 sq. ft.)	5,000 sq. ft.
Lot width interior lots	
R-1 (15,000 sq. ft.)	100 ft.
R-1 (11,000 sq. ft.)	90 ft.
R-1 (9,000 sq. ft.)	75 ft.
R-1 (7,200 sq. ft.)	60 ft.

Placement	R-1
R-1 (6,000 sq. ft.)	60 ft.
R-1 (5,000 sq. ft.)	55 ft.
Corner lots	
R-1 (15,000 sq. ft.)	100 ft.
R-1 (11,000 sq. ft.)	90 ft.
R-1 (9,000 sq. ft.)	75 ft.
R-1 (7,200 sq. ft.)	65 ft.
R-1 (6,000 sq. ft.)	65 ft.
R-1 (5,000 sq. ft.)	55 ft.

- (1) In no case shall the setback be less than 10 feet.
- (2) Garages opening directly to the street may be permitted to have an 18-foot setback, but only for properties zoned for 5,000 and 6,000 square foot lots, and provided that the garage is equipped with a roll-up garage door. Garages may be permitted with 15-foot setbacks on properties zoned for 5,000 and 6,000 square foot lots if the garage door is perpendicular to the front property line.
- (3) Lot coverage includes all building and structures (primary and accessory) and required uncovered parking areas, and excludes uncovered swimming pools and permeable or semi-permeable recreational surface areas.
- (4) Hardscape percentage includes driveways (except allowed standard driveway in the front yard).
- (5) Applications for density bonuses may be made as provided for by state law.
- (6) Also see Section 9.08.040.030.A.1 and 2.a.1.

- B. When two or more buildings are, by definition, considered main buildings, then the front setback requirements shall apply only to the buildings closest to the front lot line.
- C. Any construction occurring on a lot, where said lot abuts a street that has not been fully improved, shall observe all building setbacks from the ultimate right-of-way of the street.
- D. Patios, balconies, landings, porches, stairwells, bay windows and chimneys may not encroach into front or side street setbacks.
- E. Minimum Dwelling Unit Area. Every dwelling unit hereafter constructed shall have a minimum floor area, excluding garages, as specified below:

Number of bedrooms	0	1	2	3 or more
Single-family dwellings	—	750 sq. ft.	900 sq. ft.	1,050 sq. ft.

Exceptions: No efficiency units shall be provided without processing of a planned unit development.

- F. For the purposes of open space provisions, swimming pools, spas, patios, and decks shall be counted as open space, as well as playing courts provided with clear, permanent barriers that preclude their use as parking areas, excluding above grade decking greater than 30 inches above grade or that could be used as both a patio cover and attached deck.
- G. On corner lots, no attached garage shall be located less than 20 feet from the rear property line and shall be provided with a driveway apron that has a depth a minimum of 20 feet from any adjacent property line.
- H. Maximum Number of Bathrooms Per Number of Bedrooms.
 1. Every dwelling unit hereafter constructed shall provide no more bathrooms than as specified below:

Number of sleeping rooms	1	2	3	4	5 or more
Number of bathrooms	1	2	3	4	4

2. At least 50% of the bathrooms provided within a residential unit shall be accessed solely from a public area such as a hallway, living room, family room, or a laundry room, and not directly from a sleeping room.

9.08.040.030 Special Requirements—R-1 Zone

- A. All plans for new construction and/or attached or detached additions to properties zoned for, or improved with, single-family residences shall be reviewed for approval by the City Manager or designee. Approval by the City shall be based on the following criteria. Wherein any of these criteria have not been met, the addition shall be denied.
 1. All zoning requirements of the R-1 zone are complied with and no variances or waivers are requested.
 2. The architectural style and building materials are compatible with the existing dwelling unit. The roofing shall be the same style, material and design as the main structure.
 3. The total footprint coverage of the main structure, any accessory structure(s), driveways and uncovered parking does not exceed 50% of the total lot area.
 4. All areas designed and/or intended to be used as living or habitable area are integrated into a single, cohesive dwelling unit.
 5. The nature and character of the new construction or addition are consistent with the nature and character of the neighborhood.
- B. Single Story Attached Additions. In addition to the requirements of Section 9.08.040.030.A, single story additions, including covered and/or enclosed patio structures, may be permitted on the lot in accordance with all development standards, except that structures are permitted in the otherwise required rear yard setback area, provided the following conditions are met:
 1. Required rear yards shall be a minimum of 20% of the depth of the lot, to a depth not to exceed 25 feet;
 2. Single story attached additions may encroach into the required rear yards to a depth not to exceed 10 feet from the rear property line, provided that:
 - a. Only a single story is added at this depth,
 - b. One thousand square feet of usable open space is maintained in the required rear yard.

Exemptions: Manufactured aluminum and metal patio covers and non-habitable enclosures, including sunrooms, shall be exempt from the architectural requirements of Section 9.08.040.030.A, provided they are located to the rear or interior side of the main building.
- C. New Two-Story Structures and Two-Story Additions to Single-Family Residences. In addition to the requirements of Section 9.08.040.030.A the following development standards shall apply to all new two-story structures and two-story additions in the R-1 zone.
 1. All of the following privacy provisions shall be complied with:
 - a. All new two-story windows shall be situated so that they are not directly opposite those windows of adjacent residential dwelling units;
 - b. Window locations shall take into account adjacent property's recreation areas and amenities such as pools, spas, etc.;
 - c. Where conflicts between proposed window locations occur, visual intrusion mitigation measures shall be provided, such as, the use of high windows, wing walls, view obscuring window treatments, window alignments, etc.
- D. Detached Accessory Structures. In addition to the requirements of Section 9.08.040.030.A, all detached accessory structures, constructed on a property used for single-family residential purposes shall comply with all of the following provisions, unless otherwise required by this title:

1. Maximum floor area for any detached accessory structure shall not exceed 800 square feet inside dimension;
2. No more than three detached accessory structure may be permitted on a lot;
3. Maximum height of a detached accessory structure shall not exceed one story and 17 feet;
4. The combined floor area of all detached accessory structures on a lot shall not exceed 1,000 square feet;
5. One thousand square feet of usable open space shall be maintained in the required rear yard as defined in Section 9.08.040.030.B.1;
6. The width of any single accessory structure shall not exceed one-half of the width of the lot;
7. No kitchens or other food preparation appliances or fixtures shall be provided;
8. Plumbing may be permitted, but in no case shall more than a one-half bathroom (one water closet and one lavatory) be permitted.

Exemptions:

- a. One-story detached accessory structures used as tool sheds, playhouses and similar uses shall be exempt from the architectural requirements contained in Section 9.08.040.030.A, provided any such structure does not exceed 120 square feet of projected roof area and is located to the rear and interior side of the main building.
 - b. Second units, including porch and/or patio areas and enclosed parking areas dedicated to the second unit that are within the maximum area for a second unit, shall be exempt from the provisions of this subsection.
- E. Placement of Buildings. Placement of buildings on any lot in the R-1 (Single-Family Residential) zone shall conform to the following:
1. For any lot abutting an alley, no building shall be constructed closer than 15 feet to the centerline of the alley, but in no case closer than 10 feet from the property line.
 2. All new single-family residential units developed in the multiple-family residential (R-2 and R-3) zones or additions to existing single-family residential units in any zone shall conform to the residential standards as prescribed in the single-family development districts.
 3. Single-family residential properties, that do not have an existing two-car garage, may build a new two-car garage that encroaches no more than two feet into the required front yard setback and that meets the following criteria:
 - a. The new garage shall meet all zoning and building codes relative to size and configuration;
 - b. The garage shall be equipped with a roll-up type door.
- F. Height of Towers, Spires and Unique Structures in the R-1 (Single-Family Residential) Zone.
1. Usable floor space may be provided above allowable height for religious institutions, and public, private or parochial schools when employed as a unique structure, tower or spire, subject to a conditional use permit.
 2. Fire or parapet walls, skylights, flagpoles, chimneys, wireless masts and similar structures may be erected above the height limits prescribed if done so in conjunction with the filing of a conditional use permit.
- G. Landscaping in the R-1 (Single-Family Residential) Zone. Landscaping in the required front yard shall cover no less than 50% of that yard.
- H. Driveway Width. Minimum paved access-way width of 16 feet is required when off-street parking for open or garage spaces is located at the rear of a unit. When a new, conforming, garage is proposed to be constructed to the rear of an existing residence, and when the location of that residence interferes

with providing the required 16-foot driveway width, the minimum accessway may be reduced to 12 feet with the approval of the City Manager or designee.

9.08.040.040 Landscaping—Purpose

To establish landscape standards and water waste prevention in order to mitigate the effects of urbanization and excessive water use on the environment and to provide an aesthetically pleasing urban setting, this title establishes water-efficient landscape design standards consisting of maximum applied water allowance, plant material percentages, and standards for design, quantities, location, species types, combinations of plant types (i.e., shrubs and groundcover) and size and shape of materials. The City recognizes the importance of landscaping and water efficiency to the health and well-being of the community, and desires to enhance the overall appearance of development projects in the City. It is the intent of this section to establish a measure of uniformity in landscaping that will provide a structure for designing, installing and maintaining water-efficient landscapes for new projects as well as providing a mechanism to require updating and upgrading of existing landscaping in existing developments when improvements are intended.

9.08.040.045 Definitions

The following definitions are applicable to this title.

- “Applied water” means the portion of water supplied by the irrigation system to the landscape.
- “Backflow prevention device” means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from an irrigation system.
- “Budget-based tiered-rate structure” means tiered or block rates for irrigation accounts charged by the retail water agency in which the block definition for each customer is derived from lot size or irrigated area and the evapotranspiration requirements of landscaping.
- “Ecological restoration project” means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
- “Effective precipitation” means the portion of total precipitation that is used by plants. Precipitation is not a reliable source of water, but can contribute to some degree toward the water needs of the landscape.
- “Estimated applied water use” or “EAWU” means the average annual total amount of water estimated to be necessary to keep plants in a healthy state, calculated as provided in the *Guidelines*. The amount is based on the reference evapotranspiration rate, the size of the landscape area, plant water use factors, and the relative irrigation efficiency of the irrigation system.
- “ET adjustment factor” or “ETAF” (evapotranspiration adjustment factor) is equal to the plant factor divided by the irrigation efficiency factor for a landscape project, as described in the *Guidelines*. The ETAF is calculated in the context of local reference evapotranspiration, using site-specific plant factors and irrigation efficiency factors that influence the amount of water that needs to be applied to the specific landscaped area. A combined plant mix with a site-wide average plant factor of 0.5 (indicating a moderate water need) and average irrigation efficiency of 0.71 produces an ET adjustment factor of $(0.7) = (0.5/0.71)$, which is the standard of water use efficiency generally required by this section, and the *Guidelines*, except that the ETAF for a special landscape area shall not exceed 1.0.
- “Evapotranspiration” means the quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time.
- “*Guidelines*” refers to the *Guidelines for Implementation of the Landscape Water Efficiency Provisions*, as adopted by the City Council, and as subsequently amended by resolution of the City Council, which describes procedures, calculations, and requirements for landscape projects subject to this section. The *Guidelines* are attached to Title 9 as Appendix 1 and may be amended from time to time by resolution of the City Council.