

ORDINANCE NO. 2814

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-160-11 AND AMENDMENT NO. A-161-11, TO IMPLEMENT THE GARDEN GROVE GENERAL PLAN BY AMENDING TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE TO ESTABLISH NEW MIXED USE ZONES AND CORRESPONDING NEW MIXED USE REGULATIONS AND DEVELOPMENT STANDARDS AND TO MAKE CORRESPONDING CHANGES TO THE ZONING MAP AND EXISTING DEFINITIONS AND SIGN STANDARDS

**City Attorney Summary**

***This Ordinance amends Title 9 of the Garden Grove Municipal Code to implement the General Plan by establishing new mixed use zones, corresponding regulations and development standards applicable to specified properties in the city. This Ordinance also makes necessary corresponding amendments the Zoning Map, the existing definitions, and sign standards in Title 9.***

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, the case, initiated by City of Garden Grove, proposes amending Title 9 (Land Use Code) of the Municipal Code to implement the 2008 comprehensive updates to the Land Use Element of the General Plan; to include Mixed-Use Regulations and Development Standards (new Chapter 9.18 of the Land Use Code); to include corresponding revised and new definitions (Section 9.040.060); to eliminate the Main Street Overlay Zone (HR) and related regulations (existing Section 9.16.030.040); to amend Sections 9.20.020, Definitions, and 9.20.060, Permitted Signs, of Chapter 9.20, Sign Standards, to add a new definition for a tall monument sign, to modify the definitions of standard monument sign and projecting or blade sign, and to add the new zoning designations to the Permitted Sign Table; and to amend the Zoning Map to achieve consistency with the City of Garden Grove's General Plan;

WHEREAS, pursuant to Resolution No. 5744-11, the Planning Commission, following a Public Hearing held on August 4, 2011, recommended adoption of a Negative Declaration pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for this project and recommended approval of Amendment No. A-160-11 and Amendment No. A-161-11;

WHEREAS, pursuant to a legal notice, Public Hearings were held by the City Council on September 13, 2011 and March 13, 2012, and all interested persons were given an opportunity to be heard;

WHEREAS, the City Council gave due and careful consideration to the matter during its meeting of September 13, 2011 and March 13, 2012; and

WHEREAS, the City Council approved Resolution No. 9080-11 during its meeting on September 13, 2011, adopting a Negative Declaration for the project.

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

Section 1. Resolution No. 9080-11 adopting a Negative Declaration for the project is incorporated by reference as if set forth fully herein.

Section 2. Amendment No. A-160-11 and Amendment No. A-161-11 are hereby approved, pursuant to the facts and reasons stated in Planning Commission Resolution No. 5744-11, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference with the same force and effect as if set forth in full.

Section 3. Title 9 of the Garden Grove Municipal Code is hereby amended to add Chapter 9.18 to read as shown in Exhibit "A".

Section 4. Subsection C of Section 9.04.060 (Definitions) of Chapter 9.04 of Title 9 of the Garden Grove Municipal Code is hereby amended to include new and modified definitions and to re-letter the list of definitions as shown in Exhibit "A".

Section 5. Subsection 9.16.030.040 (Main Street Retail Overlay Zone (HR)) of Section 9.16.030 of Chapter 9.16 of Title 9 of the Garden Grove Municipal Code is hereby deleted in its entirety.

Section 6. Subsection C.1 of Section 9.20.020 (Definitions) of Chapter 9.20 of Title 9 of the Garden Grove Municipal Code is hereby amended to include new and modified definitions to read as shown in Exhibit "A".

Section 7. Subsection A of Section 9.20.060 (Permitted Signs) of Chapter 9.20 of Title 9 of the Garden Grove Municipal Code is hereby amended as shown in Exhibit "A".

Section 8. The Zoning Map is hereby amended to read as shown in Exhibit "B".

Section 9. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

Section 10. The Presiding Officer shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the \_\_\_\_ day of \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) SS:  
CITY OF GARDEN GROVE )

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced for first reading and passed to second reading on March 13, 2012, with a vote as follows:

AYES: COUNCIL MEMBERS: (3) BEARD, BROADWATER, JONES  
NOES: COUNCIL MEMBERS: (0) NONE  
ABSENT: COUNCIL MEMBERS: (2) NGUYEN, DALTON

## EXHIBIT "A"

Proposed revisions to Chapter 9.04, Section 9.04.060: Definitions:

Modify the following existing definitions (new text underlined):

**"Administration/Business (Office)"** means a facility for the use of professional persons such as lawyers, accountants, etc., or general business offices such as insurance companies, trade associations, investment concerns, banks and trust companies, real estate companies, etc., but not including any kind of retail or wholesale store or warehouse. Administration/Business (Office) also includes establishments with a primary use of providing tutoring services to 15 or fewer students at any one time.

**"Duplex or Triplex"** means residential dwelling units, designed to be attached or detached, that are developed on multi-family or mixed-use zoned properties, and where each unit is occupied by one single household. The number of units allowed on the property is regulated by the zone and by the lot size.

**"Educational Institution"** means a public, private, parochial or other non-profit institution conducting regular academic instruction at the elementary, secondary, collegiate, university or graduate level qualified by the State Department of Education. Educational Institution does not include commercial, trade or vocational schools. Educational Institution includes establishments with a primary use of providing tutoring services to more than 15 students at any one time.

**"Residential, Multiple Family" "Multiple Family Residential Use"** means a residential use in which there is more than one dwelling unit on a lot, attached or detached, where the building is designed and used as a residence for three or more households living independently of each other.

**"Small Lot Subdivisions"** means single-family residential developments in the R-2 and R-3 zones associated with a subdivision of land into smaller single-family residential lots that are reduced in size, and are concentrated within the original lot, tract, or parcel.

Add the following new definitions:

**"Bed and Breakfast"** means a residential structure that has been reconfigured to create multiple bedrooms and bathrooms, which can be rented for overnight lodging, and where meals may be provided to those persons using the overnight lodging.

**"Brew Pub"** means an establishment that brews and sells beer on the premises. Food may also be prepared and served on the premises.

Exhibit "A"

**Proposed revisions to Chapter 9.04, Section 9.04.060: Definitions:**

**Modify the following existing definitions (new text underlined):**

**"Administration/Business (Office)"** means a facility for the use of professional persons such as lawyers, accountants, etc., or general business offices such as insurance companies, trade associations, investment concerns, banks and trust companies, real estate companies, etc., but not including any kind of retail or wholesale store or warehouse. Administration/Business (Office) also includes establishments with a primary use of providing tutoring services to 15 or fewer students at any one time.

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**"Educational Institution"** means a public, private, parochial or other non-profit institution conducting regular academic instruction at the elementary, secondary, collegiate, university or graduate level qualified by the State Department of Education. Educational Institution does not include schools or institutions that operate for profit nor does it include commercial, trade or vocational schools. Educational Institution includes establishments with a primary use of providing tutoring services to more than 15 students at any one time.

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**Add the following new definitions:**

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**"Brew Pub"** means an establishment that brews and sells beer on the premises. Food may also be prepared and served on the premises.

**"Drive-Through Facility"** means a structure or business designed to enable persons to purchase goods or services while remaining within a motor vehicle. Businesses that typically may provide a drive-through facility include banks, eating establishments, and pharmacies.

## Exhibit "A"

**"Dry Cleaning Facility"** means an establishment that specializes in the process of cleaning clothes and other fabrics without using water, instead using solvents and specialized equipment, on-site, and provides services exclusively to consumers. This definition does not include large-scale bulk cleaning plants that provide business-to-business dry cleaning services and does not include Dry Cleaning – Retail Only establishments.

**"Eating Establishment/Restaurant with Limited Entertainment"** means a restaurant that contains a customer dining area as well as sufficient space and equipment for a full restaurant kitchen and that provides entertainment in the form of no more than two performers as an incidental activity to the primary activity of food service. Take-out establishments or establishments that only serve items such as sandwiches, salads, snacks or microwave items are not included in this definition.

**"Equipment Rental, Large"** means the rental of automobiles, construction equipment, motorcycles, recreational vehicles, trucks, and similar vehicles and equipment, including the on-site storage and incidental maintenance. This definition does not include any equipment a pneumatic lift.

**"Equipment Rental, Small"** means rental of landscape maintenance equipment, carpet cleaning equipment, small appliances, and similar tools and appliances generally used for the ordinary maintenance and cleaning of a residence or small commercial business.

**"Food, Carry-out"** means an establishment that offers a limited variety of food or beverages. Transactions are sales for off-site consumption. Customers are served either at a counter or service window. Incidental seating (less than 250 square feet of seating area) may be provided for limited on-site consumption of food or beverages. Typical uses include bakeries, ice cream and frozen dessert stores, delivery-only pizza establishments, small delicatessens, and similar establishments. Does not include coffeehouses.

**"Handicraft/Industrial Art"** means establishments engaged in on-site production of goods such as crafts, art, sculpture, stained glass, jewelry, apparel, and similar items using only hand tools and small-scale equipment (i.e., drills and saws, hammers and chisels; paint brushes and sprayers; pottery wheels and kilns; sewing machines; spinning wheels, etc.) and the incidental direct sale to consumers of only those goods produced on-site.

**"Incidental"** means accessory and subordinate to the primary use of the site, located on the same site as the primary use, and occupying not more than 30 percent of the gross floor area of all buildings on the site.

**"Industry, Restricted"** means the manufacturing of finished parts or products primarily from previously prepared materials and/or provision of industrial services within an enclosed building. These uses include

## Exhibit "A"

processing, fabrication, assembly and treatment, but exclude basic industrial processing from raw materials, food processing, and vehicle/equipment services.

**"Industry, Restricted, Small-Scale"** means Industry, Restricted occurs in a building which has a maximum gross floor area of no more than 5,000 square feet.

**"Industry, Standard"** means the manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of the products and materials. Uses in this classification involve a moderate level of truck or rail traffic and/or limited outdoor storage of products, materials, equipment, or bulk fuel. These uses include food processing and packaging, laundry and dry-cleaning plants greater than 5,000 square feet in size, and stonework and concrete products manufacture (excluding concrete ready-mix plants).

**"Laboratory"** means an establishment providing dental or medical laboratory services, or an establishment providing analytical, photographic, or testing services.

**"Mixed Use Development, Residential/Commercial"** means the combination of nonresidential and residential uses located on the same property as part of a unified development. Mixed Use Development may consist of commercial and residential uses integrated either vertically (vertical mixed use) in the same structure or group of structures, or horizontally on the same development site (horizontal mixed use) where parking, open spaces, and other development features are shared. In a residential/commercial mixed-use development, both uses are considered primary uses of the land.

**"Food Truck"** (see Vehicular Vending.)

**"Nonvehicular Vending Kiosk"** means a cart or similar contrivance, generally with dimensions measuring no greater than six feet long, six feet wide, and seven feet tall, used for the display of merchandise or services for sale, and typically located outdoors as a use incidental to a permitted primary use. Nonvehicular Vending Kiosks are staffed by at least one person during all hours of operation. Nonvehicular Vending Kiosk does not include any vending machine or collection box.

**"Parcel Deliver Service, small scale"** means a facility that conducts courier services, mail delivery, packaging for delivery and having a maximum gross floor area of 5,000 square feet and using a maximum of two commercial vehicles. Does not include fleet maintenance and storage.

**"Pedestrian-Oriented Plaza"** means a boulevard garden plaza or pedestrian plaza as follows:

## Exhibit "A"

**Boulevard garden plaza** – An open space area required by this Title which is enhanced with landscaping, hardscape materials, fountains, pedestrian amenities, and public art, and which is located immediately adjacent to a public right-of-way in a manner that allows for easy pedestrian access from the public sidewalk onto the adjacent private property.

**Pedestrian plaza** – An open space area on private property that is on a portion of the site not immediately abutting the public right-of-way. The plaza is most typically designed as a public joint-use area at the front of a building or within the parking lot, and is improved with hardscape materials, landscaping, fountains, art, benches and tables, and similar amenities for pedestrian use. The pedestrian plaza provides a location for passive recreation and leisure activities, and is part of the overall system for on-site pedestrian circulation linking the public sidewalk to the buildings and other amenities.

**"Pedestrian Pathway"** means a walkway, paseo, or similar pedestrian trail established for the purpose of providing access on private property either along a public right-of-way or entirely on a private property for the purpose of linking one public right-of-way to another.

**"Storefront"** means the front side of a store, commercial space, or room that faces a street, sidewalk, or pathway. Storefront may also refer to the window and door system that separates the exterior from the interior of a building.

**"Stepback"** means an architectural design approach whereby an upper floor or floors of a building are designed and constructed to be offset from the facades of the floor or floors below and away from the setback line, typically to reduce the bulk of a building or to provide outdoor floor space on the upper floors.

**"Theater, Live Entertainment"** means an entertainment facility within which performance by a living person or persons is provided, consistent with the definition of "Entertainment" set forth in this section. "Live Entertainment Theater" shall not mean "Adult Entertainment Businesses" as defined in this section.

**"Vehicular Vending"** means the preparation, display, and/or sale of food and/or beverages from a vehicle that is self-propelled and operated in compliance with any applicable public health laws. Also known as "Food Truck."

**"Vertical Parking Lift"** means an automated parking lift device and supporting structure for the stacking of vehicles in a vertical position.



## Exhibit "A"

**"Wine Tasting Establishment"** means an establishment that offers the on-site consumption of wine, beer, or specialty liquors in connection with the marketing of wines, beers, or specialty liquors offered for sale on the premises. With the exception of wine, beer, and specialty liquors, no beverages or items containing alcohol shall be offered for sale or consumed on the premises. Non-alcoholic retail items associated with wine drinking such as wine glasses, decanters, ice buckets, toppers, serving implements, snack foods and non alcoholic beverages may also be offered for sale.

**"Work-live"** means a structure that combines work space and incidental residential occupancy, and in which individual work-live units are occupied and used by a single household. Work-live can either consist of structures specifically designed and built to function in this manner, or existing commercial or industrial structures which have been structurally modified to accommodate work activity and residential occupancy in compliance with the California Building Code. The working space is reserved for and regularly used by one or more occupants of the unit. Work/live units can include renter-occupant and/or owner-occupant.

### **Proposed revisions to Chapter 9.16 Commercial, Office Professional, Industrial, and Open Space Development Standards:**

#### **Modify Section 9.16.030 Special Uses as follows:**

Remove Section 9.16.030.040 Main Street Overlay Zone (HR) in its entirety and renumber remainder of the Section accordingly.

**Proposed revisions to Chapter 9.20, Sections 9.20.020 Definitions and Section 9.20.060 Permitted Signs.**

**Section 9.20.020 Definitions:**

**Modify the following partial list of definitions (new text is underlined and definitions starting with Monument Sign are re-lettered):**

- j. "Monument Sign - Standard" means a free-standing sign permanently attached directly to a planter or pedestal base and which does not exceed a height of four feet.
- k. "Monument Sign - Tall" means a free-standing sign permanently attached directly to a planter or pedestal base and which does not exceed a height of 12 feet.
- l. "Marquee and Canopy Sign" means any sign attached to, placed in, on or around, or constructed on a marquee or canopy.
- m. "Painted Wall Signs, Commercial/Industrial" means any sign or representation painted directly on the exterior surface of any commercial and/or building or structure, except on the vertical face or valance of an awning or canopy.
- n. "Pole Sign" means any sign completely supported by a single sign structure located on the ground.
- o. "Political Sign" means any temporary sign advertising candidates for public office, bond issues or other political matters.
- p. "Portable Sign" means a sign placed upon the ground or other surface, unattached by permanent means to the ground or structure.
- q. "Projecting or Blade Sign" means any sign other than a wall sign that extends out from a building face or wall so that the sign face is perpendicular or at an angle to the building face or wall.
- r. "Public Service Sign" means any sign used to direct the general public to facilities or sites of interest to the general public.
- s. "Pylon Sign" means any sign supported by two or more sign structures located on the ground.
- t. "Roof Sign" means a sign erected upon a roof or above a roof or parapet of a building or structure.

- u. "Temporary Advertising Devices" means signs or other display devices not intended or designed for permanent use. Such devices include, but shall not be limited to, banners, flags, pennants, valances, balloons, searchlights or advertising displays constructed of cloth, canvas, light fabric, cardboard, wallboard or other light material, as well as any statutory device.
- v. "Under Canopy/Walkway Sign" means a permanent sign installed suspended below the canopy of a building or below a covered walkway and shall be perpendicular to store front.
- w. "Vehicle Sign" means any size sign attached or applied to a vehicle that advertises a business, activity, use, service or product unrelated to said vehicle, or any vehicle the primary use of which at any given time is for the display of advertising matter.
- x. "Wall Sign" means any sign attached to, painted on, erected against, or displayed in, on, or around a wall or part of a wall of a building or structure with the sign face parallel to the plane of the building.
- y. "Window Display" means a sign, printed matter or device that is used for advertising purposes and is attached to or placed within two feet of any window in any manner and that can be viewed through any window or glass area.

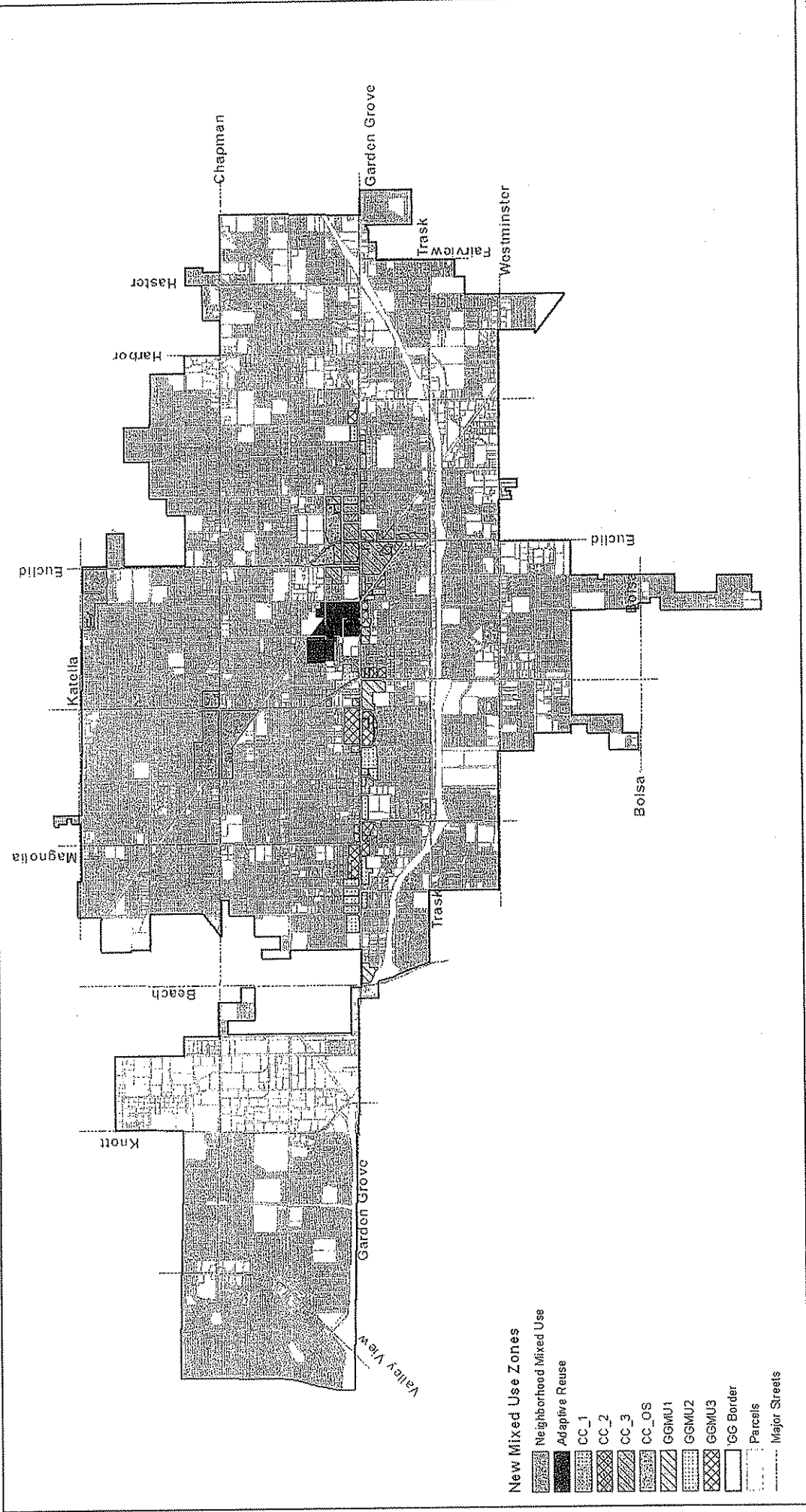
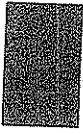
**Section 9.20.060 Permitted Signs:**

**Modify the following table (new text is underlined>):**

- A. The following table lists those sign types permitted in the respective zoning classifications and subject to the regulations of the division.

SIGN TYPES	R-1	R-2	R-3	O-P	C-1	C-2	C-3	<u>CC</u>	<u>GGMU- 1, 2, 3</u>	<u>AR</u>	<u>NMU</u>	M-1	M-P	H-R	O-S
Directional	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	P	P
Marquee/Canopy	--	--	--	--	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	--	--	--	--
Nameplate	P	P	P	P	--	--	--	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	--	--	--	--
Pole	--	--	--	P	P	P	P	--	--	--	--	--	--	--	--
Pylon	--	--	--	P	P	P	P	--	<u>P</u>	<u>P</u>	<u>P</u>	--	--	--	--
Political	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	P	--
Wall	--	--	--	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	P	--
Monument -Standard	--	--	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	--	--
<u>Monument - Tall</u>	--	--	--	--	--	--	--	<u>P*</u>	<u>P</u>	--	<u>P</u>	--	--	--	--
Temporary	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	P	--
Community Message Center	--	--	--	P	P	P	P	<u>P</u>	--	--	<u>P</u>	P	P	P	P
Window	--	--	--	--	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	--	--	P	--
Sales/Lease/Rental	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	P	--
Temporary Real Estate	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	P	--
Temporary Construction	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	P	--
<u>Projecting/Blade</u>	--	--	--	--	--	--	--	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	--	--	P	--
Corporate Flag	--	--	--	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	--	--
Under Canopy/Walkway	--	--	--	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	P	--
Directory	--	P	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	P	P

\*Only permitted in the CC-3 zone.



**EXHIBIT "B"**

CITY OF GARDEN GROVE  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 GIS SYSTEM  
 JANUARY 2012

PROJECT: SHED 12 E

# PROPOSED MIXED USE ZONES

## AMENDMENT NO. A-161-11



**GARDEN GROVE**