

ATTACHMENT A

ORDINANCE NO. 2019-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING THE NEWPORT BEACH MUNICIPAL CODE TO RENAME THE MULTIPLE RESIDENTIAL DETACHED (RM-D) ZONING DISTRICT TO MEDIUM DENSITY RESIDENTIAL (RMD) AND INCLUDE REFERENCE TO ATTACHED DWELLING UNITS (PA2019-065)

WHEREAS, in 2008, the City of Newport Beach ("City") annexed the West Santa Ana Heights area into the City which included the Medium Density Residential (RMD) zoning designation that allowed both attached and detached dwelling units;

WHEREAS, in 2010, the City undertook a comprehensive update to Title 20 "Planning and Zoning" ("2010 Zoning Code Update") of the Newport Beach Municipal Code ("NBMC");

WHEREAS, during the 2010 Zoning Code Update, the name of the Medium Density Residential (RMD) Zoning District was inadvertently changed to Multiple Residential Detached (RM-D) and the purpose was inadvertently changed limiting multi-unit residential developments to only detached dwelling units;

WHEREAS, the Medium Density Residential (RMD) zoning designation is necessary to maintain historic property rights and the existing pattern of development of properties within that particular zoning designation. This code amendment will correct an unintended change from the 2010 Zoning Code Update by accurately identifying the original zoning designation;

WHEREAS, pursuant to NBMC Section 20.66.020, the Planning Commission initiated the code amendment on March 23, 2019, to rename the Multiple Residential Detached (RM-D) zoning district to Medium Density Residential (RMD) and include reference to attached dwelling units;

WHEREAS, on May 9, 2019, the Planning Commission conducted a public hearing in the City Hall Council Chambers located at 100 Civic Center Drive, Newport Beach, California to consider this amendment. A notice of time, place and purpose of the public hearing was given in accordance with the NBMC and Ralph M. Brown Act. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing;

WHEREAS, at the May 9, 2019, public hearing, the Planning Commission received public comments and written staff reports, and on an affirmative motion (4 ayes, 3 absent, and 0 noes), forwarded a recommendation to the City Council to approve the proposed amendment; and

WHEREAS, the City Council conducted a public hearing on June 11, 2019, in the Council Chambers located at 100 Civic Center Drive, Newport Beach to consider this amendment. A notice of time, place and purpose of the public hearing was given in accordance with the NBMC and Ralph M. Brown Act. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing.

NOW THEREFORE, the City Council of the City of Newport Beach ordains as follows:

Section 1: Section 20.18.010(F) of the NBMC is hereby amended to read as follows:

F. RMD (Medium Density Residential) Zoning District. The RMD Zoning District is intended to provide for areas appropriate for medium density residential developments containing attached or detached dwelling units.

Section 2: Section 20.14.010 (Zoning Map Adopted by Reference) of the NBMC is hereby amended to change all references of "RM-D" to "RMD."

Section 3: Table 4-1 (Animal Keeping Standards) of Section 20.48.040(A) of the NBMC is hereby amended to read as follows:

TABLE 4-1

ANIMAL-KEEPING STANDARDS

| Type of Animal | Maximum Number of Animals per Site | Minimum Parcel Size | Minimum Setback from Lot Lines | Zoning Districts Where Allowed | Required Permit (2) |
|------------------|---|---------------------------|-----------------------------------|---|---------------------------|
| Household Pets | | | | | |
| Cats and/or dogs | Total of 3 animals over 4 months old | None | None | RM RMD All MU | P |

TABLE 4-1

ANIMAL-KEEPING STANDARDS

| Type of Animal | Maximum Number of Animals per Site | Minimum Parcel Size | Minimum Setback from Lot Lines | Zoning Districts Where Allowed | Required Permit (2) |
|---|--|---------------------|---|--------------------------------|---------------------|
| | Total of 4 animals over 4 months old | None | None | R-1 R-BI R-2 | P |
| | Total of 6 animals over 4 months old | None | None | RA | P |
| Small household pets (e.g., domesticated birds; hamsters, guinea pigs, mice; nonpoisonous reptiles and snakes; rabbits, etc.) | Any combination up to 10 total | None | None | All | P |
| Pot-bellied pigs | 1 | None | None | R-1 | MUP (3) |
| Domestic Farm Animals | | | | | |
| Horses (noncommercial only) | 1 horse per each 10,000 sq. ft., up to a maximum of 3 horses (1) | 1/2 acre | See subsection (B) of this section (Required Setbacks for Domestic Farm Animals). | R-A | P |
| | 4 or more horses (1) | 1 acre | See subsection (B) of this section (Required Setbacks for Domestic Farm Animals). | R-A | MUP |
| Horses (commercial) | As determined by conditional use permit | | | R-A | CUP |

TABLE 4-1

ANIMAL-KEEPING STANDARDS

| Type of Animal | Maximum Number of Animals per Site | Minimum Parcel Size | Minimum Setback from Lot Lines | Zoning Districts Where Allowed | Required Permit (2) |
|--|--|---------------------|---|--------------------------------|---------------------|
| Goats, pigs, sheep, cows, poultry, and similar animals kept in corrals and stables, including pot-bellied pigs | Total of 2 adult animals (1) | 15,000 sq. ft. | See subsection (B) of this section (Required Setbacks for Domestic Farm Animals). | R-A (3) | P |
| Fowl (not including roosters, cockerels, or peacocks) | 10 animals per 1/2 acre | 1/2 acre | See subsection (B) of this section (Required Setbacks for Domestic Farm Animals). | R-A (4) | MUP |
| Other Animals | | | | | |
| Apiary | Prohibited—See Section 7.25.010. | | | | |
| Aviary (noncommercial only) | Allowed in compliance with Section 7.15.010 (Birds) and Chapter 7.08 (Wild Animals). | | | | |
| Wild animals | Allowed in compliance with Chapter 7.08 (Wild Animals). | | | | |

Notes:

(1) Offspring are exempt until they are weaned.

(2) P = Allowed without a development permit.

CUP = Conditional use permit required (Section 20.52.020).

MUP = Minor use permit required (Section 20.52.020).

(3) See also Section 7.12.010 (Keeping of Livestock).

(4) Allowed in compliance with Chapter 7.08 (Wild Animals).

Section 4: Table 1-1 (Zoning Districts Implementing the General Plan) of Section 20.14.020 of the NBMC is hereby amended to read as follows:

TABLE 1-1

ZONING DISTRICTS IMPLEMENTING THE GENERAL PLAN

| Zoning Map Symbol | Zoning Districts | General Plan Land Use Designations Implemented by Zoning Districts | |
|--|----------------------------------|---|--|
| Residential Zoning Districts | | | |
| R-A R-1 R-1-6,000 R-1-7,200 R-1-10,000 | Single-Unit Residential Detached | RS-D | Single-Unit Residential Detached |
| R-BI R-2 R-2-6,000 | Two-Unit Residential | RT | Two-Unit Residential |
| RM RM-6,000 RMD | Multi-Unit Residential | RM RM-D | Multiple-Unit Residential Multiple-Unit Residential Detached |
| Commercial Zoning Districts | | | |
| OA | Office—Airport | AO | Airport Office and Supporting Uses |
| OG | Office—General Commercial | CO-G | General Commercial Office |
| OM | Office—Medical Commercial | CO-M | Medical Commercial Office |
| OR | Office—Regional Commercial | CO-R | Regional Commercial Office |
| CC | Commercial Corridor | CC | Corridor Commercial |
| CG | Commercial General | CG | General Commercial |

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ZONING DISTRICTS IMPLEMENTING THE GENERAL PLAN

| Zoning Map Symbol | Zoning Districts | General Plan Land Use Designations Implemented by Zoning Districts | |
|--|---|---|---|
| CM | Commercial Recreational and Marine | CM | Recreational and Marine Commercial |
| CN | Commercial Neighborhood | CN | Neighborhood Commercial |
| CV | Commercial Visitor-Serving | CV | Visitor-Serving Commercial |
| CV-LV | Commercial Visitor-Serving, Lido Village | CV-LV | Visitor-Serving Commercial— Lido Village |
| Mixed-Use Zoning Districts | | | |
| MU-V | Mixed-Use Vertical | MU-V | Mixed-Use Vertical |
| MU-MM MU-DW MU-CV/15th Street | Mixed-Use | MU-H | Mixed-Use |
| MU-W1 MU-W2 | Mixed-Use Water | MU-W | Mixed-Use Water-Related |
| Industrial Zoning Districts | | | |
| IG | Industrial | IG | Industrial |
| Special Purpose Zoning Districts | | | |
| OS | Open Space | OS | Open Space |
| PC | Planned Community | All designations | |
| PF | Public Facilities | PF | Public Facilities |
| PI | Private Institutions | PI | Private Institutions |

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ZONING DISTRICTS IMPLEMENTING THE GENERAL PLAN

| Zoning Map Symbol | Zoning Districts | General Plan Land Use Designations Implemented by Zoning Districts | |
|---------------------------------|-------------------------|---|---------------------------|
| PR | Parks and Recreation | PR | Parks and Recreation |
| Overlay Zoning Districts | | | |
| MHP | Mobile Home Park | RM | Multiple-Unit Residential |
| PM | Parking Management | All designations | |
| B | Bluff | All designations | |

(Ord. 2015-35 § 3, 2015; Ord. 2010-21 § 1 (Exh. A)(part), 2010)

Section 5: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 6: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 7: The City Council finds the introduction and adoption of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

The City Council finds the introduction and adoption of this ordinance is exempt from environmental review under the California Environmental Quality Act ("CEQA") pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment. The Class 5 exemption allows minor alterations in land use limitations in areas with an average slope of less than twenty percent (20%), which do not result in any changes in land use or density. The proposed amendment seeks to clarify a clerical error in the NBMC. Additionally, the lots affected by this amendment have an average slope of less than twenty percent (20%), multi-unit residential use will continue to be allowed, and the maximum number of dwelling units currently identified in the general plan and zoning districts will remain the same.

Section 8: Except as expressly modified in this ordinance, all other sections, subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

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Section 9: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 11th day of June, 2019, and adopted on the 25th day of June, 2019, by the following vote, to-wit:

AYES, COUNCILMEMBERS _____

NOES, COUNCILMEMBERS _____

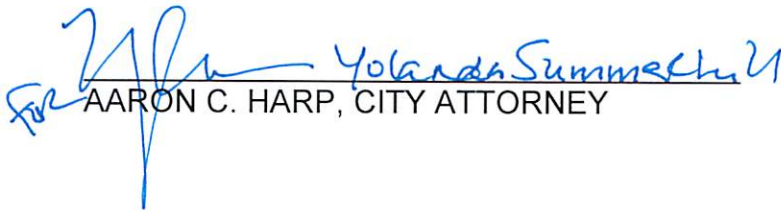
ABSENT COUNCILMEMBERS _____

DIANE B. DIXON, MAYOR

ATTEST:

LEILANI I. BROWN, CITY CLERK

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE


AARON C. HARP, CITY ATTORNEY