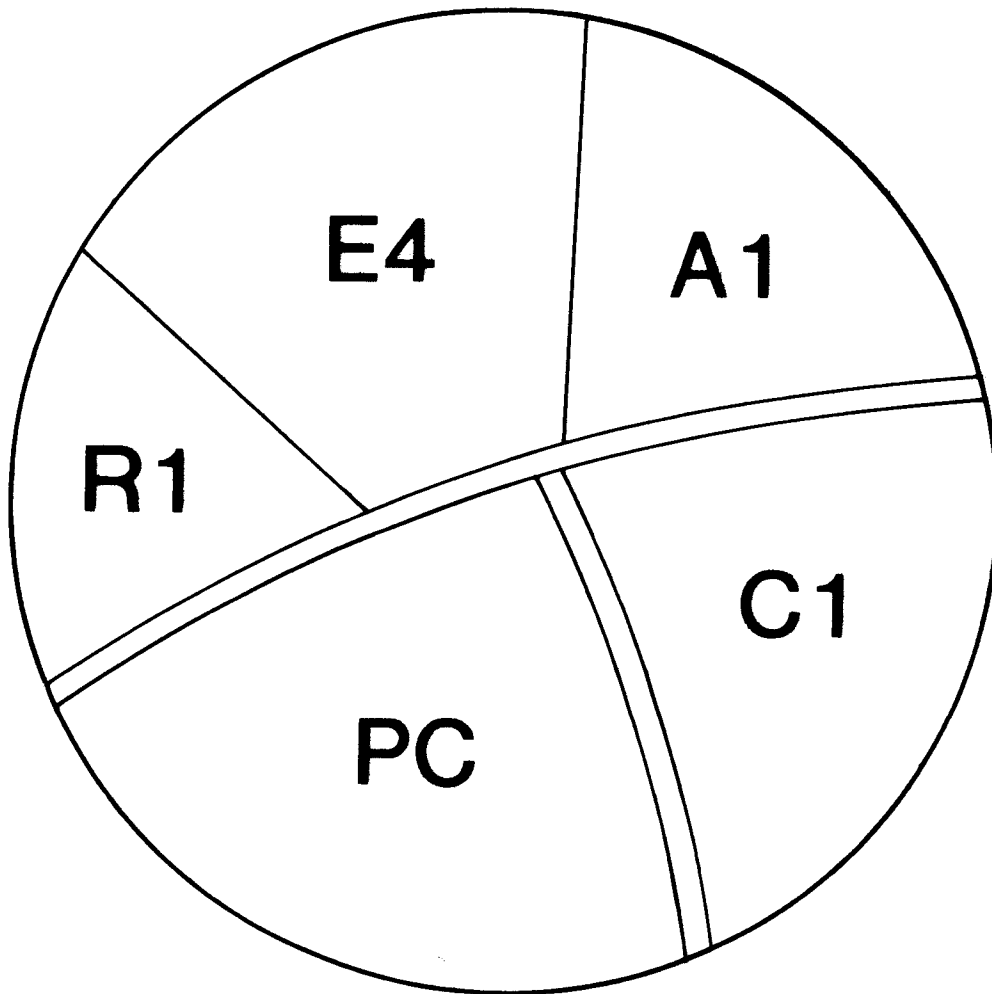




**COUNTY OF ORANGE**  
**ZONING CODE**



**Resources and Development Management Department**  
**Planning and Development Services**  
June, 2005 Edition

**ORANGE COUNTY ZONING CODE  
(Revised June 7, 2005\*)**

**TABLE OF CONTENTS**

<u>Section No.</u>	<u>Title</u>	<u>Page</u>
<b>Article 1. County Planning Commission</b>		
7-9-1.	Members of County Planning Commission.	1
7-9-6.	Office of Zoning Administrator.	2
<b>Article 2. The Comprehensive Zoning Code</b>		
7-9-19.	Authority, General Purpose and Objectives.	3
7-9-20.	Applicability of the Zoning Code.	4
7-9-21.	Definitions.	6
7-9-48.	Zoning District Maps.	21
7-9-49.	District Boundaries.	21
7-9-55.	A1 "General Agricultural" District.	23
7-9-57.	B1 "Buffer" District.	27
7-9-58.	OS "Open Space" District.	29
7-9-59.	AR "Agricultural Residential" District.	32
7-9-65.	E1 "Estates" District.	35
7-9-66.	RHE "Residential Hillside Estates" District.	38
7-9-67.	E4 "Small Estates" District.	41
7-9-68.	RE "Residential Estates" District.	44
7-9-74.	R1 "Single-Family Residence" District.	47
7-9-75.	RS "Residential, Single-Family" District.	50
7-9-76.	R2D "Two-Family Residence" District.	53
7-9-77.	R2 "Multifamily Dwelling" District.	56
7-9-78.	R3 "Apartment" District.	59
7-9-79.	R4 "Suburban Multifamily Residential" District.	62
7-9-80.	RP "Residential-Professional" District.	65

**\*Note: This edition of the Zoning Code includes all amendments through Ordinance No. 05-013, adopted June 7, 2005. The latest amendments are summarized on page iv.**

<u>Section No.</u>	<u>Title</u>	<u>Page</u>
7-9-84.	C1 “Local Business” District.	68
7-9-85.	C2 “General Business” District.	71
7-9-87.	CC “Commercial Community” District.	74
7-9-88.	CH “Commercial Highway” District.	77
7-9-89.	CN “Commercial Neighborhood” District.	80
7-9-90.	PA “Professional and Administrative Office” District.	83
7-9-95.	M1 “Light Industrial” District.	86
7-9-98.	R/OSP “Research/Open Space Park” District.	91
7-9-103.	PC “Planned Community” District.	95
7-9-104.	SG “Sand and Gravel Extraction” District.	104
7-9-110.	PD “Planned Development” District.	111
7-9-111.	SR “Sign Restrictions” District.	113
7-9-113.	FP “Floodplain” District.	116
7-9-114.	SS “Service Station” District.	122
7-9-116.	GPI “General Plan Implementation” District.	124
7-9-117.	(O) “Oil Production” District.	128
7-9-118.	CD “Coastal Development” District.	129
7-9-119.	SH “Scenic Highway” District.	142
7-9-120.	E “Equine” District	143
7-9-125.	General Regulations.	146
7-9-126.	Building Site Requirements.	147
7-9-127.	Setbacks.	152
7-9-128.	Exceptions.	156
7-9-129.	Height Limit.	159
7-9-132.	Screening and Landscaping.	161
7-9-136.	Temporary Uses and Structures.	163
7-9-136.1.	Residential tract sales and rentals.	163
7-9-136.2.	Construction office.	161
7-9-136.3.	Use of an existing building during construction.	164
7-9-136.5.	Commercial coaches.	165
7-9-136.7.	Mobilehome residence.	165
7-9-136.8.	Christmas tree sales facility.	166
7-9-136.9.	Public display of fireworks.	167
7-9-136.10.	Halloween pumpkin sales facility.	167
7-9-136.11.	Special outdoor gatherings.	168
7-9-136.12.	Sale of agricultural products.	169
7-9-137.	Accessory Uses and Structures.	170
7-9-137.1.	Garages and carports.	171
7-9-137.3.	Satellite dish antennas	172
7-9-137.4.	Swimming pools.	172
7-9-137.5.	Fences and walls.	173
7-9-137.8.	Elevated driveway on steep topography.	175

<u>Section No.</u>	<u>Title</u>	<u>Page</u>
7-9-138.	Single Room Occupancy.	176
7-9-139.	Grading and Excavation.	177
7-9-140.	Affordable Housing.	178
7-9-141.	Community Care Facilities.	180
7-9-142.	Congregate Care Facilities.	181
7-9-143.	Facility Design Regulations.	182
7-9-144.	Signs.	186
7-9-145.	Off-street Parking Regulations.	192
7-9-146.	Special Regulations.	213
7-9-146.1.	Animal hospitals and clinics.	213
7-9-146.2.	Adult entertainment businesses.	213
7-9-146.3.	Pets and animals.	216
7-9-146.4.	Waste management and hazardous material.	216
7-9-146.5.	Guesthouse or second residential unit.	218
7-9-146.6.	Home occupations.	219
7-9-146.7.	Residential multiple-family standards.	220
7-9-146.9.	Bus stop benches and shelters.	221
7-9-146.10.	Specified resource protection.	221
7-9-146.11.	Heliports/helistops.	221
7-9-146.12.	Transfer/materials recovery facilities.	221
7-9-147.	Condominium Conversions.	222
7-9-149.	Mobilehome Regulations.	224
7-9-150.	Discretionary Permits and Procedures.	227
7-9-151.	Nonconforming Uses and Structures.	241
7-9-152.	Certificates of Use and Occupancy.	242
7-9-154.	Enforcement Provisions.	243
7-9-155.	Zoning Code Amendments and Zone Changes.	246
7-9-156.	Specific Plans.	250
7-9-157.	Tie Votes.	252

## Amendments to the Orange County Zoning Code

This edition of the Orange County Zoning Code incorporates Zoning Code Amendments CA04-01 (adopted April 26, 2005) and CA05-01 (adopted June 7, 2005).

CA04-01 amended the following sections:

- Section 7-9-137.5(b) and (c) regarding fences
- Section 7-9-139(e) regarding illegal grading
- Section 7-9-150.3 regarding the Zoning Administrator
- Section 7-9-150.4 regarding appeals
- Section 7-9-150.6(a) regarding the period of validity for permits.

CA05-01 added sections 7-9-120 through 7-9-120.8 regarding an equine overlay district.

For additional information, contact Frank McGill at (714) 834-2099.

## **ARTICLE 1. COUNTY PLANNING COMMISSION**

### **Sec. 7-9-1. Members of County Planning Commission.**

There is hereby created a County Planning Commission consisting of five (5) members, not officers of the County. Proposed members shall be nominated by the Supervisor from the district in which the proposed member resides and appointed by a majority vote of the Board of Supervisors. There shall be one member from each district.

### **Sec. 7-9-2. Terms of Office.**

The term of each member generally coincides with the term of office of the Supervisor from the district in which the member resides. The term of office of any member whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he or she was appointed. All members shall serve at the discretion of the Board of Supervisors; and any member of the Commission may have his or her membership terminated by a majority vote of the Board of Supervisors. A vacancy thereby created shall be filled in the same manner as the original appointment.

### **Sec. 7-9-3. Meetings.**

The Commission shall meet regularly at least once each month, at a time and place to be fixed by resolution and shall hold such other meetings as from time to time shall be called in the manner and form required by law.

### **Sec. 7-9-4. Compensation and Expenses.**

Each member of the Commission shall receive compensation as established by resolution of the Board of Supervisors for up to ninety-six (96) meetings per fiscal year and be paid actual and necessary traveling expenses while conducting business for the Commission.

### **Sec. 7-9-5. Powers of Commission.**

In addition to those powers otherwise provided by law, the County Planning Commission shall have the following powers:

- (a) To recommend to the officers of the County adoption of plans and regulations for the future growth, development and beautification of the County in respect to public and private development.
- (b) To recommend to the officers of the County plans consistent with the future growth and development of the County in order to secure to the County and its inhabitants sanitation, proper service of all public utilities, harbor, shipping and transportation facilities.
- (c) To make recommendations to any public authorities or any corporation or individuals of the County with reference to the location of any proposed buildings, structures or works.
- (d) To hear appeals from actions of the Subdivision Committee with respect to tentative tract and parcel maps and lot line adjustments.

- (e) To hear appeals from actions by the Director, EMA regarding negative declarations and the requirement to prepare environmental impact reports. The Planning Commission decision on such appeals shall be final.
- (f) To hear appeals from actions by the Director, EMA or Zoning Administrator regarding discretionary permits. The Planning Commission decision on such appeals shall be final.
- (g) Review and make recommendations regarding all General Plan amendments and zone changes.
- (h) Review and make recommendations regarding countywide planning issues including but not limited to habitat conservation, growth management, and regional coordination.

**Sec. 7-9-6. Office of Zoning Administrator And Associate Zoning Administrator.**

The Office of Zoning Administrator and Associate Zoning Administrator are hereby created. The Director, EMA, shall appoint persons to fill these offices. The Associate Zoning Administrator shall serve as Zoning Administrator during any absence of that officer. The Zoning Administrator shall have those powers provided by ordinance.

## ARTICLE 2. THE COMPREHENSIVE ZONING CODE

### Sec. 7-9-19. Authority, General Purpose and Objectives.

This article shall be known as "The Comprehensive Zoning Code." The Comprehensive Zoning Code is adopted pursuant to Section 11 of Article XI of the Constitution of the State of California, in compliance with Title 7 of the Planning and Zoning Law of the Government Code, for the purpose of promoting the health, safety and general welfare, and is also adopted in compliance with Division 20 of the Public Resources Code, for the purpose of implementing the Local Coastal Program. The Comprehensive Zoning Code is adopted in order to achieve the following objectives:

- (a) To enhance and implement the General Plan and Local Coastal Program;
- (b) To provide a guide for the growth and development of the County in accordance with the Government Code;
- (c) To secure for the citizens of Orange County the social and economic advantages resulting from an orderly planned use of its land resources;
- (d) To encourage, classify, designate, regulate and segregate the uses of land, buildings and structures to serve the needs of agriculture, commerce, industry, residences and other purposes in appropriate places;
- (e) To establish conditions which will allow all of these land uses to exist in harmony within the community;
- (f) To prevent the overcrowding of land, to avoid undue concentration of population and to maintain a suitable balance between structures and open spaces;
- (g) To lessen congestion on streets and to promote a safe, efficient traffic circulation system;
- (h) To ensure that adequate off-street parking and loading facilities will be installed and maintained;
- (i) To facilitate adequate provisions for community utilities, such as transportation, water, sewage, schools, parks and other public requirements;
- (j) To protect and enhance real property values;
- (k) To promote the stability of existing land uses and to protect them from incompatible and harmful intrusions.



## **Sec. 7-9-20. Applicability of the Zoning Code.**

(a) Property to which applicable.

The Zoning Code shall apply to all unincorporated land within the County of Orange, except as otherwise provided by this section.

(b) Duplicated regulation.

Whenever any provision of the Zoning Code and any other provision of law, whether set forth in this code or in any other law of ordinance, impose overlapping or contradictory requirements, or certain restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards shall control, except as otherwise expressly provided in the Zoning Code. In no case shall a resolution supersede or overrule an ordinance. However, a discretionary permit approved per section 7-9-150 may have more restrictive site development standards than specified in an enabling ordinance. Where specifically allowed by the enabling ordinance, a discretionary permit may have less restrictive site development standards.

(c) Indeterminate applicability.

When the provisions of this Zoning Code, or a planned community or specific plan text do not clearly define or designate a use within a specific category, when the nature or characteristics of a use are such that the use could be included within more than one definition, and when there is some uncertainty as to which regulations are applicable in a specific instance, the Director shall determine which regulations are applicable. Whenever reference is made to any regulations of this Zoning Code, the reference applies to all amendments and additions now or hereafter made. Uses, structures, conditions, and situations that are not addressed in a planned community or specific plan text, but are addressed in the Zoning Code, shall be governed by the Zoning Code.

(d) Private agreements.

The Zoning Code is not intended to abrogate, annul, or impair any easement, covenant, or other agreement between parties, except that where the Zoning Code imposes a greater restriction or higher standard than that required by such agreement, the Zoning Code shall control.

(e) Separability.

If any portion of the Zoning Code is, for any reason, declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, such decision shall not affect the validity of the remaining portions thereof. The Board of Supervisors hereby declares that it would have enacted the Zoning Code and each portion thereof irrespective of the fact that any one or more portions be declared invalid or ineffective.

(f) Conformity with the Comprehensive Zoning Code required.

Except as otherwise allowed by section 7-9-151, Nonconforming Uses, or as authorized by variance, no uses or structures shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed, and no lot lines shall be created or changed, except

in conformity with the Zoning Code.

(g) Validity.

The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any provisions of this code. The issuance of a permit shall not prevent the Director from thereafter requiring the correction of violations of this code or of any other ordinance of the County.

(h) Road right-of-way.

Dedicated public street right-of-way areas shall not be subject to the land use regulations of the Zoning Code, specific plans and planned communities. However, all uses and structures within the coastal zone may be subject to a coastal development permit. Within private street areas and streets offered for dedication to the public but not accepted, the Zoning Code applies in its entirety.

(i) Land owned by or leased to the County.

Land owned in fee by the County or land leased to the County shall not be subject to the land use regulations of the County, including but not limited to the Zoning Code, specific plans and planned communities. However, all uses and structures within the coastal zone may be subject to a coastal development permit.

## **Sec. 7-9-21. Definitions.**

All references to this section shall include sections 7-9-21 through 7-9-47 and also to section 7-9-118.3, CD District and 7-9-113.3, FP District.

### **Sec. 7-9-21.1. Title, purpose and applicability.**

Sections 7-9-21 through 7-9-47, inclusive, shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Comprehensive Zoning Code. The meaning and construction of words and phrases as set forth shall apply throughout this Code, except where the context of such words or phrases clearly indicates a different meaning or construction.

### **Sec. 7-9-21.2. General rules for construction of language.**

The following general rules of construction shall apply to the textual provisions of the Comprehensive Zoning Code:

- (a) The specific shall supersede the general.
- (b) In the case of any difference of meaning or implication between the text of the provision and any caption or illustration, the text shall control.
- (c) "Shall" is mandatory. "May" is discretionary.
- (d) Words used in the present tense include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (e) Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
  - (1) "And" indicates that all connected items or provisions shall apply.
  - (2) "Or" indicates that the connected items or provisions may apply singly or in any combination.
  - (3) "Either ... or" indicates that the connected items or provisions shall apply but not in combination.
- (f) All public officials, bodies, and agencies to which reference is made are those of the County of Orange unless otherwise indicated.

### **Sec. 7-9-21.3. General terms.**

- (a) "County" means the County of Orange including any special district governed by the Board of Supervisors.
- (b) "Days" included within a specific time period do not include the day action was taken but include all subsequent days unless the last day falls upon a Saturday, Sunday, or upon a legal County

holiday, in which case the next business day shall be the last day of the time period.

- (c) "Director" or "Director, EMA" means the Director of the Planning and Development Services Department, County of Orange, or his authorized agent or representative.
- (d) "General Plan" means the Orange County General Plan.
- (e) "Government Code" means the California Government Code.
- (f) "State" means the State of California.
- (g) "Zoning Code" means the Comprehensive Zoning Code of the County of Orange, including zoning district maps and planned community or specific plan development maps and texts adopted pursuant to or as an amendment to sections 7-9-48, 7-9-103, 7-9-155, and 7-9-156.

### **Sec. 7-9-22. Definitions. (A)**

Abutting: Having a common boundary except that parcels having no common boundary other than a common corner shall not be considered abutting.

Accessory building: A subordinate building located on a building site, the use of which is customarily ancillary to that of a main building or to the use of the land.

Accessory use: A use ancillary to the principal use of the land or building site, or to a building or other structure located on the same building site as the accessory use. An accessory use includes outside storage and structures which do not require a building permit.

Administrative office: A place of business for the rendering of service or general administration, but excluding retail sales.

Adult entertainment business: See section 7-9-146.2.

Advertising device/display: See section 7-9-144.1.

Agricultural mineral: Any mineral substance, mixture of mineral substances or mixtures of mineral and organic substances produced, labeled and sold as a soil additive which does not require licensing by the State of California as a fertilizer pursuant to the California Agricultural Code, Title 3, Agriculture.

Alley: A public or private way not more than twenty (20) feet wide permanently reserved as a secondary means of access to abutting property.

Animal Clinic: A place where animals no larger than the largest breed of dogs are given medical and surgical treatment. A facility primarily for treatment of outpatients and where only critical patients are kept longer than twenty-four (24) hours. No boarding of animals shall be permitted.

Animal hospital, livestock: A place where livestock (horses, cows, etc.) and small animals are given medical or surgical treatment. Boarding of animals shall be incidental to such hospital use.

Apartment: See "dwelling, multifamily."

Area per unit: The area of a building site, in square feet, divided by the number of dwelling units on the building site.

Area plan: See section 7-9-150.1.

Area, project net: See "project net area."

Attached buildings and structures: Two (2) or more buildings or structures which are physically connected with a wall, roof, deck, floor, bearing or support structures, trellises, architectural features, or any other structure, fixture or device that exceeds thirty (30) inches in height above the finished grade.

Automobile repair specialty shops: A retail and service place of business engaged primarily in light repair, and sale of goods and services for automotive vehicles including brake, muffler and tire shops and their accessory uses. Heavier automobile repair such as major body and paint work, transmission and engine rebuilding are not included herein.

Automobile service station: A retail place of business engaged primarily in the sale of motor fuels and supplying those incidental goods and services which are required in the day-to-day operation of automotive vehicles and the fulfilling of motorists' needs.

### **Sec. 7-9-23. Definitions. (B)**

Basement: A story partly underground and having more than one-half of its height above the ground level grade.

Bed and breakfast (B and B): Any building or portion thereof with access provided through a common entrance to less than six (6) guest rooms having no cooking facilities and which are rented on a weekly basis or less. Meals may or may not be provided.

Bedroom: Any habitable room other than a kitchen, a dining room or a living room.

Billboard sign: See "outdoor advertising sign" in section 7-9-144.1.

Boarding house: Any building or portion thereof with access provided through a common entrance to guest rooms having no cooking facilities and which are rented on a monthly basis or longer. Meals may or may not be provided.

Building: A structure having a roof supported by columns or walls.

Building height: The height of a building relative to the surrounding ground area. See section 7-9-129.

Building line: An imaginary line on a building site specifying the closest point from an ultimate right-of-way line or a property line where a main building may be located. It may be a line shown as such on a map entitled "Precise Plan of Highway Alignment" or any other officially adopted precise plan, and any amendments thereto. If no such precise plan has been adopted, the building line shall be a line as specified on the chart entitled "Building Lines" in section 7-9-127.1. When computed

from the Building Lines Chart, the building line shall be at the required distance from, and measured at right angles to, the ultimate right-of-way line or property line.

Building, main: See "main building."

Building site: A parcel or contiguous parcels of land which was established in compliance with the building site requirements of this code.

Building site area, minimum: The net development area calculated by measuring the building site horizontally as a level plane and excluding rights-of-way or easements that prohibit the surface use of the site, except easements for open space purposes on single-family lots. (Examples of open space easements include, but are not limited to, resource preservation and scenic easements.) The minimum building site area shall be undivided and relatively compact although the entire building site may be larger with diffuse parts.

Building site coverage, maximum: The relationship between the ground floor area of the building or buildings and the net area of the site. Said net area shall be computed by deducting from the gross site area any ultimate street rights-of-way together with all rights-of-way and all easements that prohibit the surface use of the site, except easements for open space purposes on single-family lots. (Examples of open space easements include, but are not limited to, resource preservation and scenic easements.) Unenclosed post-supported roofs over patios and walkways, unenclosed post-supported eave overhangs and swimming pools shall not constitute buildings for the purpose of this definition.

Building site, panhandle or flag: A building site wherein the only vehicular access to the site is by way of a corridor or vehicular accessway which serves no other property, is less than forty (40) feet wide and is more than forty (40) feet long.

Building site, shoreline: A parcel of land abutting both a public or private beach or public or private harbor and a public or private street or highway.

Building site, through: A building site having frontage on two (2) parallel or approximately parallel streets.

Business sign: See section 7-9-144.1.

### **Sec. 7-9-24. Definitions. (C)**

Caretaker: A person who lives on the premises for the necessary purposes of managing, operating, maintaining, or guarding the primary use or uses permitted on the premises.

Carport: A roofed structure, or a portion of a building which is open on two (2) or more sides, for the parking of automobiles belonging to occupants of the property.

Cellar: A portion of a building partly or wholly underground and having more than one-half of its height below the ground level grade. A cellar shall not be considered a building story.

Centerline: A line described by the first situation that applies in the following instances:

- (1) A section line, half section line or quarter section line whenever a mapped highway is plotted on the "Master Plan of Arterial Highways" along a section, half section or quarter section line. (In the Irvine Subdivision, any original subdivision lot line shall be deemed a "section line" for the purposes of this paragraph.)
- (2) A line shown as a centerline on a map entitled "Precise Plan of Highway Alignment," and any amendments thereto.
- (3) A line shown as a centerline on a recorded tract map, an approved record of survey map or a parcel map.
- (4) A line in the center of the ultimate street right-of-way.

Child day care facilities: See "day (care) nursery."

Clinic, medical: An organization of doctors providing physical or mental health service and medical or surgical care of the sick or injured but not including inpatient or overnight accommodations.

Club: An association of persons for some common purpose but not including groups organized primarily to render service which is customarily carried on as a business.

Commercial: Operated or conducted on a frequent basis for the purpose of financial gain.

Commercial coach: A vehicle, with or without motive power, designed and equipped for human occupancy for industrial, professional or commercial purposes.

Commercial extraction: The removal or displacement of sand, gravel, rock, aggregate, earth, clay or similar materials conducted for financial gain. The exporting of more than five thousand (5,000) cubic yards of these materials from any property during each of two (2) consecutive years shall be prima facie evidence of a commercial extraction operation. An extraction carried out as a necessary but supplemental part of a project leading to impending development of the site is not a commercial extraction.

Commercial recreation: Any use or activity where the primary intent is to provide amusement, pleasure or sport but which is operated for financial gain. It includes establishments where food and beverages are sold as a secondary or ancillary use, but does not include restaurants, night clubs and cocktail lounges.

Community apartment project: A project in which an undivided interest in the land is coupled with the right of exclusive occupancy of an apartment located thereon.

Community care facility: Any facility which may or may not require a State license to provide nonmedical residential care or day care for children, adults, or both, including physically handicapped and mentally incompetent persons. This includes child day care facilities/day care nurseries and family day care homes.

Community facility: A noncommercial use established primarily for the benefit or enjoyment of the population of the community in which it is located.

Condominium: An estate consisting of an undivided interest in common in a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an office or store or multifamily dwelling. A condominium may include, in addition, a separate interest in other portions of such real property.

Congregate care facility: A facility, including a Congregate Living Health Facility as defined in State law, providing care on a monthly basis or longer and which is the primary residence of the people it serves. It provides services to the residents such as the following: dining, housekeeping, security, medical, transportation and recreation. Any commercial services provided are for the exclusive use of the occupants of the facility.

Such a facility may be located in more than one building and on contiguous parcels within the building site. It includes facilities offering occupancy on a monthly basis and longer such as hotels, resorts, etc. which have characteristics similar to the above.

Convalescent home: A facility licensed by the State Department of Health Services which provides bed and ambulatory care for more than six (6) patients with postoperative convalescent, chronically ill or dietary problems and persons unable to care for themselves; including persons undergoing psychiatric care and treatment both as inpatients and outpatients but not including persons with contagious diseases or afflictions. Also known as nursing home, convalescent hospital, rest home, or home for the aged.

Conversion project: An apartment house, multiple or group dwelling existing, under construction or for which building permits have been issued, which is proposed for conversion to a residential condominium, community apartment, residential stock cooperative or planned development; or an existing mobilehome park which is proposed to be converted to a mobilehome condominium project, a mobilehome stock cooperative project, a mobilehome planned development or a conventional mobilehome subdivision.

#### **Sec. 7-9-25. Definitions. (D)**

Day (care) nursery: A.k.a. child day care facility and day care center. Any facility operated by a person, corporation or association used primarily for the provision of nonmedical daytime care, training, or education of more than six (6) children under eighteen (18) years of age at any location other than their normal place of residence, excluding any children normally residing on the premises.

Detached buildings and structures: Two (2) or more buildings or structures that are each structurally independent and freestanding and not connected by walls, roofs, floors, decks, supports, trellises, architectural features or any other structure, fixture or device that exceeds thirty (30) inches in height above the finished grade.

Drive-in: Designed or operated so as to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle.



Driveway: A vehicular passageway within a building site for the exclusive use of the occupants of that building site and their guests. A driveway shall not be considered as a street or alley.

Driveway approach: A designated area between the curb or traveled way of a street and the street right-of-way line that provides vehicular access to abutting properties. When vehicular access to a building site is provided by way of a common driveway, the driveway approach is the line of intersection where the individual driveway abuts the common driveway.

Driveway, multi-family: See "street, multi-family."

Dry cleaning and laundry plant: A central processing facility for cleaning of clothing and fabrics collected from and returned to patrons and to dry cleaning and laundry agencies.

Duplex: A permanent building containing two (2) dwelling units.

Dwelling, multifamily: Two (2) or more dwelling units on the same building site.

Dwelling, single-family: One (1) dwelling unit per building site.

Dwelling unit: One or more rooms in a structure including a kitchen of any size, designed for occupancy by one family for living and sleeping purposes, and including a mobilehome when such mobilehome bears an insignia of approval issued by the California Department of Housing and Community Development or a housing seal number from the Federal Department of Housing and Urban Development (HUD).

#### **Sec. 7-9-26. Definitions. (E)**

Easement: A recorded right or interest in the land of another, which entitles the holder thereof to some use, privilege or benefit in, on, over or under said land.

Easement, multi-family vehicular: See "street, multi-family."

Educational institution: Private or public elementary or secondary schools, colleges or universities qualified to give general academic instruction.

Employee's quarters: Quarters for the housing of agricultural or domestic employees when such quarters are located upon the same land occupied by their employer.

Enclosed: Contained on all sides by walls which are pierced only by windows, vents, or customary entrances and exits.

Equus: Any adult horse, or animal of the family *Equidae*, which also includes asses and zebras. The offspring of such animals shall be considered an adult when twenty-four (24) months of age. Two (2) juvenile *equi* shall be considered equivalent to one adult.

**Sec. 7-9-27. Definitions. (F)**

Family: One or more persons occupying one dwelling unit. "Family" includes the occupants of community care facilities serving six (6) or fewer persons which are permitted or licensed by the State. "Family" does not include occupants of a fraternity, sorority, boarding house, lodging house, club, or motel.

Family day care home: A home at which the resident of the home provides regular nonmedical care, protection, and supervision of one to fourteen children for periods of less than 24 hours per day. The provider shall be licensed per the State Health & Safety Code unless specifically exempted therein.

Family day care home, large: A family day care home which provides family day care to 7 to 14 children, including children who reside at the home.

Feature plan: See section 7-9-150.1.

Flag: See section 7-9-144.1.

Flood, floodplain, floodway, etc.: See section 7-9-113.3.

Floor area, gross: The total horizontal floor area of all floors of a building, including the exterior walls thereof, measured in square feet; excepting that for commercial, professional and administrative office or industrial buildings or building complexes, areas used in common such as covered malls, walkways, patio areas and entries open to and directly connecting with outside areas, shall not be included when calculating off-street parking requirements.

Floor area ratio: Numerical value obtained by dividing the gross floor area of all buildings located on a building site by the building site area.

Fraternity house or sorority house: A building, or portion of a building, occupied by a chapter of a regularly organized college fraternity or sorority officially recognized by an educational institution.

Freestanding sign: See section 7-9-144.1.

**Sec. 7-9-28. Definitions. (G)**

Garage: A building, or a portion of a building, used primarily for the parking of four-wheeled motor vehicles.

Grade, ground level: The average elevation, determined by averaging the elevations of four (4) or more points as necessary, at the building site boundary line where it is less than five (5) feet from the building or at five (5) feet outside the perimeter of the bearing or foundation line of building.

Grazing: The act of pasturing livestock on growing grass or other growing herbage, or on dead grass or other dead herbage existing in the place where grown, as the principal sustenance of the livestock so grazed.

Ground sign: See section 7-9-144.1.

Guesthouse: A detached building having no kitchen facilities, which is used primarily for sleeping purposes for members of the family occupying the main dwelling and their nonpaying guests.

**Sec. 7-9-29. Definitions. (H)**

Habitable room: Any room usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A room designed and used only for storage purposes is not a "habitable room."

Home for the aged: See "convalescent home."

Home occupation: An occupation conducted as an accessory use within a dwelling unit. See section 7-9-146.6.

Hospital: A facility licensed by the State Department of Health Services providing clinical, temporary or emergency service of a medical, obstetrical, surgical, or mental health nature to human patients.

Hotel: Any building or portion thereof with access provided through a common entrance, lobby or hallway to six (6) or more guest rooms which are rented on a weekly basis or less and which have cooking facilities in less than 25 percent of the guest rooms.

**Sec. 7-9-30. Definitions. (I)**

Identification sign: See section 7-9-144.1.

Industrial park: An industrially zoned area wherein the permitted uses are planned, developed, managed, and maintained as a unit, with common off-street parking provided to serve all uses on the property.

**Sec. 7-9-31. Definitions. (J) Reserved.**

**Sec. 7-9-31. Definitions. (K)**

Kenel: Any property where four (4) or more dogs, or four (4) or more cats, over the age of four (4) months, are kept or maintained for any purpose, except veterinary clinics and hospitals, and except property for which an animal permit has been issued pursuant to section 4-1-76.

**Sec. 7-9-33. Definitions. (L)**

Large family day care home: See "family day care home, large."

Laundry plant: See "dry cleaning and laundry plant."

Lodging house: See "boarding house."

Lot: Any area identified as a lot or parcel on a recorded final map, parcel map, record of survey recorded pursuant to an approved division of land, certificate of compliance or lot line adjustment. A lot is not necessarily a building site.

Lot, mobilehome: See "mobilehome lot."

**Sec. 7-9-34. Definitions. (M)**

Main building(s): The building(s) containing the main or principal use(s) of the premises, or occupied for the purpose of operating or administering the main or principal use(s).

Master Plan of Arterial Highways: Aka Circulation Plan. A component of the Transportation Element of the Orange County General Plan designating adopted and proposed routes for all commuter, secondary, primary and major highways within the County of Orange.

Master Plan of Drainage: Refers to an official engineering report outlining the drainage facilities needed for the proper development of a specific increment of the unincorporated area.

Medical clinic: See "clinic, medical."

Mining: See "quarrying."

Mini-storage facility: Aka self-storage facility. A building or buildings containing various size storage compartments not exceeding five hundred (500) square feet each, and wherein each compartment is offered for rent or lease to the general public for the private storage of materials excluding materials sold at the facility or delivered directly to customers.

Mobilehome:

- (1) A structure transportable in one or more sections, designed to be used with or without a permanent foundation system. Mobilehome does not include recreational vehicle, commercial coach, noncommercial coach or factory-built housing.
- (2) A trailer coach designed to be used without a permanent foundation and which is in excess of eight (8) feet in width and in excess of forty (40) feet in length.

Mobilehome development: Any area or tract of land used to accommodate mobilehomes for human habitation, and includes mobilehome accommodation structures. Includes mobile home parks and mobile home subdivisions. See section 7-9-149.

Monument sign: See section 7-9-144.1.

Motel: A building or group of buildings containing six (6) or more guest rooms rented on a weekly basis or less and which have cooking facilities in less than twenty-five (25) percent of the guest rooms.

Multifamily dwelling/residence: See "dwelling, multifamily."

### **Sec. 7-9-35. Definitions. (N)**

Noncommercial coach: A vehicle, with or without motive power, designed and equipped for human occupancy for classrooms and other nonresidential and noncommercial uses.

Nonconforming use/structure/site, legal: A use/structure/site that was lawfully established in compliance with the zoning regulations that were applicable to the property at the time the use/structure/site was established, but which does not presently comply with the existing regulations of the zoning district within which it is located. See section 7-9-151.

Nursery: See "day (care) nursery."

Nursing home: See "convalescent home."

### **Sec. 7-9-36. Definitions. (O)**

Open space: Any parcel or area of land or water, public or private, which is reserved for the purpose of preserving natural resources, for the protection of valuable environmental features, or for providing outdoor recreation or education. For purposes of measuring the amount of open space, it does not include public/private road right-of-way areas, driveway and parking areas not related to recreational uses, any buildings, building setback areas, or the required space between buildings, and surface utility facilities. Open space may include structures and impervious surfaces as identified in "open space, usable."

Open space, usable: Open space without any slopes in excess of twenty (20) percent. Such open space may include structures and impervious surfaces such as tot lots, swimming pools, basketball courts, tennis courts, picnic facilities, and greenbelts with walkways or bicycle trails.

Outdoor advertising structure and sign: See section 7-9-144.1.

### **Sec. 7-9-37. Definitions. (P)**

Parking accessway: A vehicular passageway that provides access and circulation from a street access point into and through a parking lot to parking aisles and between parking areas.

Parking structure: An area or structure which is open or closed and is used for the hourly or day-to-day parking of motor vehicles.

Planned (unit) development: A subdivision of separately owned lots, parcels or areas, other than a community apartment, a condominium, or a stock cooperative project, having either or both of the following features:

- (1) Lots, parcels or areas owned in common by the owners of the separately owned lots, parcels or areas.
- (2) Power to enforce any obligation in connection with membership in the owners association or any obligation pertaining to the beneficial use and enjoyment of any portion of, or any interest in, either the separately or commonly owned lots, parcels or areas.

Pole sign: See section 7-9-144.1.

Portable sign: See section 7-9-144.1.

Precise Plan of Highway Alignment: A plan, supplementary to the Master Plan of Arterial Highways, (aka Circulation Plan), which establishes the highway centerline, the ultimate right-of-way lines and may establish building setback lines.

Project net area: All of the land area included within a plan for a development project excepting those areas designated for public and private road rights-of-way, schools, parks, and other uses or easements which preclude the use of the land therein as part of the development project.

Projecting sign: See section 7-9-144.1.

Public agency: The United States, the State of California, the County of Orange, any city within said County, or any political subdivision or agency thereof.

Public safety area: A strip of land twenty (20) feet in width adjacent to and parallel with a street right-of-way.

### **Sec. 7-9-38. Definitions. (Q)**

Quarrying: The process of removing or extracting stone, rock, aggregate, sand, gravel, earth, clay or similar materials from an open excavation but not including extraction by underground methods. A.k.a. surface mining.

### **Sec. 7-9-39. Definitions. (R)**

Recreational vehicles: A motor home, travel trailer, truck or van camper, tent trailer, camping trailer or trailer-borne recreation equipment with or without motive power, for recreational, travel or emergency purposes.

Recycling center: A facility that accepts delivery or transfer of ownership of source separated materials for the purpose of recycling or diversion from disposal. Included are "drop-off" recycling centers, where no fee is paid, such as churches or other charitable groups, or "buy-back" centers, like those at supermarkets, where a fee is usually paid to the generator for the materials. These facilities do not require a State permit. (See also "transfer/materials recovery facility").

Residential, multifamily: See "dwelling, multifamily."

Residential, single-family: See "dwelling, single-family."

Rest home: See "convalescent home."

Retail: The selling of goods, wares or merchandise directly to the ultimate consumer.

Riding and hiking trails: A trail or way designed for and used by equestrians, pedestrians and cyclists using nonmotorized bicycles.

Right-of-way: An area or strip of land, either public or private, on which an irrevocable right of passage has been recorded for the use of vehicles or pedestrians or both.

Roadway: See "street."

Roof sign: See section 7-9-144.1.

Rooming house: See "boarding house."

### **Sec. 7-9-40. Definitions. (S)**

Scenic highway: Any highway designated a scenic highway by an agency of the county, state or federal government.

Self-storage facility: See mini-storage facility.

Senior citizen: A person fifty-five (55) years of age or older. (Note: For the purposes of an Affordable/Senior Citizen Housing Incentive Use Permit, the definition of senior citizen is located in the Orange County Density Bonus Implementation Manual.)

Senior citizen housing: A residential development consisting of at least thirty-five (35) dwelling units which is developed for, or substantially rehabilitated or renovated for, senior citizens. (Note: For the purposes of an Affordable/Senior Citizen Housing Incentive Use Permit, the definition of senior citizen housing is located in the Orange County Density Bonus Implementation Manual.)

Service: An act, or any result of useful labor, which does not, in itself, produce a tangible commodity.

Service station: See "automobile service station."

Setback area/distance: The area/distance between the building line and the property line or, when abutting a street, the ultimate right-of-way line.

Shopping/office center: A commercial area, or group of commercial establishments planned, developed, managed and maintained as a unit, with common off-street parking provided to serve all uses on the property.

Sign: Any visual communication used to advertise, promote, command, or inform, including but not limited to words, symbols, and illustrations, together with all parts, materials, frame and background. See section 7-9-144.

Sign, outdoor advertising: See section 7-9-144.1.

Single-family dwelling/residence: See "dwelling, single-family."

Single room occupancy (SRO): A building with a common entrance containing a cluster of at least five (5) rental units which provide sleeping and living facilities for one or two persons where kitchen and/or bathroom facilities may be shared.

The units shall have a minimum of 100 net square feet of space for a single occupancy and 120 square feet for two person occupancy. The calculation for net floor space in the sleeping area includes built-in cabinets, sinks, and closets, but excludes toilet compartments. A unit larger than 225 sq. ft. shall be deemed an efficiency dwelling unit and not a Single Room Occupancy (SRO).

Site: See "building site."

Site coverage: See "building site coverage."

Site development permit: Also known as site plan. See section 7-9-150.1.

Stock cooperative: A corporation which is formed primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the

transfer of the share or shares of stock or membership certificate in the corporation held by the person having such right of occupancy.

Street: A public or private vehicular right-of-way, other than an alley or driveway, including both local streets and arterial highways.

Street, multi-family: A driveway, easement, accessway or other private vehicular right-of-way to serve a unified multi-lot/multi-family project for which a discretionary permit per Section 7-9-150 has been approved and where residential setbacks, other than provided for in Sec. 7-9-145.3(c), are not required.

Structure: That which is erected or constructed having a fixed location and is more than thirty (30) inches above the finished grade. An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. A mobilehome, except when used as a temporary use with its weight resting at least partially upon its tires, is a structure for the purposes of this definition. (Note: For the coastal zone only, section 7-9-118 defines structure differently.)

Surface mining: See "quarrying."

Swimming pool: An artificial body of water having a depth in excess of eighteen (18) inches, designed, constructed and used for swimming, dipping or immersion purposes by men, women, or children.

#### **Sec. 7-9-41. Definitions. (T)**

Transfer/materials recovery facility: A permitted non-disposal solid waste facility that accepts solid wastes, temporarily stores, separates, converts, or otherwise processes more than 5% of the solid wastes received, and transfers the residual materials to a solid waste disposal, or transformation facility.

Transfer station: A permitted non-disposal solid waste facility that transfers solid waste directly from smaller to larger vehicles for transport to materials recovery facilities, landfills, or transformation facilities.

Transformation facility: A permitted facility that performs incineration, pyrolysis, distillation, gasification or biological conversion, other than composting, for recovery of energy from solid waste.

Travel direction sign: See section 7-9-144.1.



**Sec. 7-9-42. Definitions. (U)**

Ultimate right-of-way: The right-of-way shown as ultimate on an adopted precise plan of highway alignment, or the street rights-of-way shown within the boundary of a recorded tract map, a recorded parcel map or a recorded PC development plan. The latest adopted or recorded document in the above cases shall take precedence. If none of these exist, the ultimate right-of-way shall be considered the right-of-way required by the highway classification as shown on the Master Plan of Arterial Highways. In all other instances, the ultimate right-of-way shall be considered to be the existing right-of-way, in the case of a private street, and the existing right-of-way, but not less than sixty (60) feet, in the case of a public street.

Use: The purpose for which land or building is occupied, arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

Use permit: Also known as conditional use permit. See section 7-9-150.1.

**Sec. 7-9-43. Definitions. (V)**

Vehicular accessway: A private, nonexclusive vehicular easement affording access to abutting properties.

**Sec. 7-9-44. Definitions. (W)**

Wall sign: See section 7-9-144.1.

Wing wall: An architectural feature in excess of six (6) feet in height which is a continuation of a building wall projecting beyond the exterior walls of a building.

**Sec. 7-9-45. -- 7-9-47. Reserved.**

**Sec. 7-9-48. Scope of the Comprehensive Zoning Code and Adoption of Zoning District Maps.**

This article includes zoning maps, general provisions, special regulations and a set of general district regulations limiting and controlling the uses of land, the density of population, the uses and locations of structures, the height and bulk of structures, the areas and dimensions of sites; the size, height and location of signs; the installation and maintenance of screening and landscaping; the control of vehicular access and the requirement of off-street parking and loading facilities. In addition, this article includes planned community and specific plan maps and texts adopted by ordinance. Sectional district maps, precise plan and specific plan maps, oil field maps, district-C maps, flood insurance rate maps, flood boundary and floodway maps, and all other maps that were officially adopted pursuant to or as an amendment to section 7-9-48 prior to the effective date of Ordinance No. 2142 are included within the term "zoning district map," and all such maps and all subsequently adopted zoning district maps are and shall be a part of this section.

**Sec. 7-9-49. Establishment of Districts and Interpretation of District Boundaries.**

The unincorporated territory of the County of Orange is hereby divided into zones or districts, as set forth in Title 7, Division 8, Article 2 of the Codified Ordinances of the County of Orange, as determined and defined by officially adopted zoning maps. Each zoning district map showing the classifications and boundaries of districts shall, upon adoption in the manner required by the Planning and Zoning Law, be a part of this article.

Where uncertainty exists as to the boundaries of districts shown on an official zoning district map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines;
- (b) Boundaries indicated as approximately following the right-of-way lines of streets, highways, or alleys, shall be construed to follow such right-of-way lines, and in event of change in the right-of-way line shall be construed as moving with the right-of-way line;
- (c) Boundaries indicated as approximately following shorelines shall be construed to follow such shorelines, and in the event of change of the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water, of flood control channels shall be construed to follow such centerlines;
- (d) Boundaries indicated as approximately following plotted lot lines shall be construed to follow such lot lines;
- (e) Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (d) above shall be so construed. Distances not specifically indicated on the official zoning district map shall be determined by the scale of the map;

- (f) Where a street or alley is vacated or abandoned the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned street or alley;
- (g) In case any further uncertainty exists, the Planning Commission shall determine the location of boundaries.

**Sec. 7-9-50. -- 7-9-54. Reserved.**

**Sec. 7-9-55. A1 "General Agricultural" District Regulations.**

All references to this section shall include sections 7-9-55.1 through 7-9-55.8.

**Sec. 7-9-55.1. Purpose and intent.**

The A1 District is established to provide for agriculture, outdoor recreational uses, and those low intensity uses which have a predominately open space character. It is also intended that this district may be used as an interim zone in those areas which the General Plan may designate for more intensive urban uses in the future.

**Sec. 7-9-55.2. Principal uses permitted.**

The following principal uses complying with section 7-9-146.10 are permitted.

- (a) Agriculture.
- (b) Community care facilities serving six (6) or fewer persons and large family day care homes.
- (c) Parks, playgrounds, and athletic fields, (noncommercial).
- (d) Single-family dwelling or mobile home per section 7-9-149.5 (one per building site).

**Sec. 7-9-55.3. Principal uses permitted subject to a site development permit.**

The following principal uses are permitted subject to the approval of a site development permit per section 7-9-150.

- (a) Animal hospitals and clinics per section 7-9-146.1.
- (b) Apiaries.
- (c) Communication transmitting, reception or relay facilities.
- (d) Employee quarters related to agricultural uses.
- (e) Grading and excavation over 5,000 cubic yards per section 7-9-139.
- (f) Landfill gas recovery operations.
- (g) Libraries and museums.
- (h) Public/private utility buildings and structures.
- (i) Wholesale nurseries.

**Sec. 7-9-55.4. Principal uses permitted subject to a use permit.**

- (a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150.
- (1) Airports and heliports.
  - (2) Cemeteries, mortuaries, mausoleums and crematories.
  - (3) Churches, temples and other places of worship.
  - (4) Commercial dairies.
  - (5) Commercial outdoor recreation.
  - (6) Commercial processing of agricultural minerals.
  - (7) Commercial stables.
  - (8) Country clubs, golf courses, riding clubs, swimming clubs, tennis clubs and yacht clubs.
  - (9) Educational institutions.
  - (10) Kennels.
  - (11) Livestock feeding ranches in compliance with applicable health and safety regulations.
  - (12) Mini-storage facilities.
  - (13) Packing plants for agricultural products.
  - (14) Permanent facilities for sale of agricultural products grown on the site.
  - (15) Research and development testing facilities and activities.
  - (16) Sanitary landfills.
  - (17) Storage of recreation vehicles, campers, trailers and boats.
  - (18) Recycling and transfer/materials recovery facilities per section 7-9-146.12.
- (b) Any other use is permitted which the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

**Sec. 7-9-55.5. Temporary uses permitted.**

Certain temporary uses, permitted per section 7-9-136, include the following:

- (a) Noncommercial coaches.
- (b) Mobilehome residence during construction of a dwelling.
- (c) Continued use of an existing building during construction of a new building.
- (d) Christmas tree sales.
- (e) Halloween pumpkin sales.

**Sec. 7-9-55.6. Accessory uses permitted.**

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

- (a) Uses per section 7-9-137 which include:
  - (1) Accessory building(s) not usable as a guesthouse or second residential unit.
  - (2) Garages and carports.
  - (3) Fences and walls.
  - (4) Patio covers.
  - (5) Swimming pools.
- (b) Signs per section 7-9-144, except that, unless provided for by a site development permit, only one business sign per business is allowed for each frontage, unlighted or unilluminated, and not exceeding thirty-two (32) square feet in area.
- (c) Guesthouse or second residential unit (one per building site) permitted per section 7-9-146.5.
- (d) Pets and animals per section 7-9-146.3.
- (e) Home occupations per section 7-9-146.6.
- (f) Riding and hiking trails.
- (g) Stands for the sale of agricultural products per sections 7-9-136.8, 7-9-136.10, and 7-9-136.12.
- (h) Accessory uses and structures which the Director, EMA, finds consistent with the purpose and intent of this district.

**Sec. 7-9-55.7. Prohibited uses.**

Notwithstanding sections 7-9-55.2 through 7-9-55.6, the following uses are specifically prohibited.

- (a) Commercial stockpiling or processing of manure.

(b) Uses not permitted by sections 7-9-55.2 through 7-9-55.6.

**Sec. 7-9-55.8. Site development standards.**

(a) Building site area. Four (4) acres minimum except per section 7-9-126.1.

(b) Building site width. Seventy (70) feet minimum except per section 7-9-126.1.

(c) Building height. Thirty-five (35) feet maximum except per section 7-9-126.1.

(d) Building setbacks. Per sections 7-9-127, 7-9-128 and 7-9-137.

(e) Off-street parking. Per section 7-9-145.

(f) Lights. All lights shall be designed and located so that direct light rays shall be confined to the premises.

(g) Compliance with section 7-9-146.4, Waste Management and Hazardous Materials.

**Sec. 7-9-56. Reserved.**

**Sec. 7-9-57. B1 "Buffer" District Regulations.**

All references to this section shall include sections 7-9-57.1 through 7-9-57.7.

**Sec. 7-9-57.1. Purpose and intent.**

The B1 District is established to provide open space areas for the purpose of (1) buffering two areas of use that are incompatible, or (2) preserving an area with unique or sensitive environmental features, or (3) linking other open space areas, or (4) shaping urban form. Normally, such areas would be narrow strips or small plots of land.

**Sec. 7-9-57.2. Principal uses permitted.**

The following principal uses complying with section 7-9-146.10 are permitted.

- (a) Archaeological, paleontological, and historical sites.
- (b) Beach access.
- (c) Marine preserves.
- (d) Passive parks and greenbelts.
- (e) Riding and hiking trails.
- (f) Viewpoints.
- (g) Wildlife corridors.

**Sec. 7-9-57.3. Principal uses permitted subject to a site development permit.**

The following principal uses are permitted subject to the approval of a site development permit per section 7-9-150.

- (a) Active parks, playgrounds, athletic fields, and golf courses.
- (b) Agriculture.
- (c) Commercial parking lots per section 7-9-145.
- (d) Overhead or underground utility facilities.
- (e) Walls or opaque fences over 3-1/2 feet in height.
- (f) Any use or structure per section 7-9-57.2 which requires a grading permit or building permit.

**Sec. 7-9-57.4. Principal uses permitted subject to a use permit.**

Any other use which the Planning Commission finds consistent with the purpose and intent of this district.



**Sec. 7-9-57.5. Accessory uses permitted.**

Accessory uses and structures which are customarily associated with and subordinate to a permitted principal use on the same building site and which are consistent with the purpose and intent of this district are permitted.

**Sec. 7-9-57.6. Prohibited uses.**

Notwithstanding sections 7-9-57.2 through 7-9-57.5, the following uses are specifically prohibited.

- (a) Retail sales.
- (b) Business signs.
- (c) Uses not permitted by sections 7-9-57.2 through 7-9-57.5.

**Sec. 7-9-57.7. Site development standards.**

- (a) Building site area. No minimum except per section 7-9-126.1.
- (b) Building height. Eighteen (18) feet maximum unless otherwise provided for by an approved use permit.
- (c) Building setbacks. Twenty (20) feet minimum from all property lines.
- (d) Off-street parking. Per section 7-9-145.

## **Sec. 7-9-58. OS "Open Space" District Regulations.**

All references to this section shall include sections 7-9-58.1 through 7-9-58.7.

### **Sec. 7-9-58.1. Purpose and intent.**

The OS District is established to provide relatively large open space areas for the preservation of natural resources, for the protection of valuable environmental features, for outdoor recreation and education, and for the public health and welfare.

### **Sec. 7-9-58.2. Principal uses permitted.**

The following principal uses complying with section 7-9-146.10 are permitted.

- (a) Archaeological, paleontological and historical sites or districts.
- (b) Beach access.
- (c) Grazing.
- (d) Greenbelts.
- (e) Marine preserves.
- (f) National forests.
- (g) Parks, playgrounds, and outdoor recreation facilities (noncommercial).
- (h) Water recharge, percolation, and watershed areas.
- (i) Wildlife preserves and sanctuaries.

### **Sec. 7-9-58.3. Principal uses permitted subject to a site development permit.**

The following principal uses are permitted subject to the approval of a site development permit per section 7-9-150.

- (a) Agriculture.
- (b) Apiaries.
- (c) Communication transmitting, reception or relay facilities.
- (d) Grading and excavation over 5,000 cubic yards per section 7-9-139.
- (e) Landfill gas recovery operations.
- (f) Public/private utility buildings and structures.

**Sec. 7-9-58.4. Principal uses permitted subject to a use permit.**

- (a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150.
  - (1) Cemeteries.
  - (2) Commercial parking lots per section 7-9-145.
  - (3) Commercial stables.
  - (4) Country clubs, golf courses, riding clubs, swimming clubs, tennis clubs and yacht clubs.
  - (5) Helistops.
  - (6) Libraries and museums.
  - (7) Restaurants serving daytime visitors/tourists only.
  - (8) Retail sales serving daytime visitors/tourists only.
  - (9) Sanitary landfills.
  - (10) Recycling and transfer/materials recovery facilities per section 7-9-146.12.
- (b) Any other use is permitted which the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

**Sec. 7-9-58.5. Accessory uses permitted.**

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

- (a) Uses per section 7-9-137 which include:
  - (1) Detached buildings.
  - (2) Garages and carports.
  - (3) Fences and walls.
- (b) Signs per section 7-9-144 except no business signs.
- (c) Pets and animals per section 7-9-146.3.
- (d) Rest rooms.
- (e) Information centers.
- (f) Maintenance buildings.
- (g) Ranger stations.

- (h) Riding and hiking trails.
- (i) Accessory uses and structures which the Director, EMA, finds to be consistent with the purpose and intent of this district.

**Sec. 7-9-58.6. Prohibited uses.**

Notwithstanding sections 7-9-58.2 through 7-9-58.5, the following uses are specifically prohibited.

- (a) Commercial stockpiling or processing of manure.
- (b) Livestock feeding ranches.
- (c) Retail sales not directly related to visitor/tourist serving needs.
- (d) Uses not permitted by sections 7-9-58.2 through 7-9-58.5.

**Sec. 7-9-58.7. Site development standards.**

- (a) Building site area. One (1) acre minimum except per section 7-9-126.1.
- (b) Building height. Eighteen (18) feet maximum except as otherwise provided for by an approved use permit.
- (c) Building site coverage. Ten (10) percent maximum.
- (d) Setbacks. All buildings, structures, and off-street parking facilities shall be set back a minimum of fifty (50) feet from any public or private street.
- (e) Off-street parking. Per section 7-9-145.
- (f) Screening. Walls and fences over 3-1/2 feet in height shall be installed in accordance with the following limitations unless otherwise provided for by an approved site development permit or use permit.
  - (1) Non-opaque fences shall be a minimum of twenty (20) feet from the ultimate right-of-way line of any street or highway.
  - (2) Masonry or solid wood fences shall be shielded from view from any street or highway by landscaping, berm, or other topographic feature, and they shall be set back a minimum distance of fifty (50) feet from the ultimate right-of-way line of any street or highway.
- (g) Lights. All lights shall be designed and located so that direct light rays shall be confined to the premises.
- (h) Compliance with section 7-9-146.4, Waste Management and Hazardous Materials.

**Sec. 7-9-59. AR "Agricultural Residential" District Regulations.**

All references to this section shall include sections 7-9-59.1 through 7-9-59.8.

**Sec. 7-9-59.1. Purpose and intent.**

The AR District is established to provide for the development and maintenance of medium density single-family residential neighborhoods in conjunction with agricultural and outdoor recreational uses.

**Sec. 7-9-59.2. Principal uses permitted.**

The following principal uses complying with section 7-9-146.10 are permitted.

- (a) Agriculture.
- (b) Community care facilities serving six (6) or fewer persons and large family day care homes.
- (c) Parks, playgrounds, and athletic fields (noncommercial).
- (d) Single-family detached dwelling or mobilehome per section 7-9-149.5 (one per building site).

**Sec. 7-9-59.3. Principal uses permitted subject to a site development permit.**

The following principal uses are permitted subject to the approval of a site development permit per section 7-9-150.

- (a) Animal hospitals and clinics per section 7-9-146.1.
- (b) Communication transmitting, reception or relay facilities.
- (c) Grading and excavation over 5,000 cubic yards per section 7-9-139.
- (d) Landfill gas recovery operations.
- (e) Public libraries and museums.
- (f) Public/private utility buildings and structures.
- (g) Wholesale nurseries.

**Sec. 7-9-59.4. Principal uses permitted subject to a use permit.**

- (a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150.
  - (1) Apiaries.
  - (2) Cemeteries and mausoleums.
  - (3) Churches, temples, and other places of worship.
  - (4) Commercial raising of farm or ranch type animals except for livestock feeding ranches.

- (5) Commercial stables.
  - (6) Country clubs, golf courses, riding clubs, swimming clubs, tennis clubs and yacht clubs.
  - (7) Educational institutions.
  - (8) Kennels.
  - (9) Permanent facilities for sale of agricultural products grown on the site.
  - (10) Storage of recreational vehicles, campers, trailers, and boats.
- (b) Any other use is permitted which the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

**Sec. 7-9-59.5. Temporary uses permitted.**

Certain temporary uses, permitted per section 7-9-136, include the following:

- (a) Noncommercial coaches.
- (b) Mobilehome residence during construction of a dwelling.
- (c) Christmas tree sales.
- (d) Halloween pumpkin sales.
- (e) Model homes and real estate offices.
- (f) Continued use of an existing building during construction of a new building.

**Sec. 7-9-59.6. Accessory uses permitted.**

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

- (a) Uses per section 7-9-137 which include:
  - (1) Accessory building(s) not usable as a guesthouse or second residential unit.
  - (2) Fences and walls.
  - (3) Garages and carports.
  - (4) Patio covers.
  - (5) Swimming pools.
- (b) Signs per section 7-9-144 except no business signs.
- (c) Pets and animals per section 7-9-146.3.
- (d) Home occupations per section 7-9-146.6.

- (e) Riding and hiking trails.
- (f) Sale of agricultural products per sections 7-9-136.8, 7-9-136.10, and 7-9-136.12.
- (g) Accessory uses and structures which the Director, EMA, finds consistent with the purpose and intent of this district.

**Sec. 7-9-59.7. Prohibited uses.**

Notwithstanding sections 7-9-59.2 through 7-9-59.6, the following uses are specifically prohibited.

- (a) Commercial stockpiling or processing of manure.
- (b) Livestock feeding ranches.
- (c) Uses not permitted by sections 7-9-59.2 through 7-9-59.6.

**Sec. 7-9-59.8. Site development standards.**

- (a) Building site area. Seven thousand two hundred (7,200) square feet minimum except per section 7-9-126.1.
- (b) Building height. Thirty-five (35) feet maximum except per section 7-9-126.1.
- (c) Building setbacks. Per sections 7-9-127, 7-9-128, and 7-9-137.
- (d) Building site coverage. Thirty-five (35) percent maximum.
- (e) Off-street parking. Per section 7-9-145.
- (f) Lights. All lights shall be designed and located so that direct light rays shall be confined to the premises.
- (g) Compliance with section 7-9-146.4, Waste Management and Hazardous Materials.

**Sec. 7-9-60. -- 7-9-64. Reserved.**

## **Sec. 7-9-65. E1 "Estates" District Regulations.**

All references to this section shall include sections 7-9-65.1 through 7-9-65.8.

### **Sec. 7-9-65.1. Purpose and intent.**

The E1 District is established to provide for the development and maintenance of very low density single-family residential neighborhoods in conjunction with limited agricultural uses. A rural or estate type character with open space and deep setbacks shall predominate. Only those uses are permitted that are complementary to, and can exist in harmony with, this character.

### **Sec. 7-9-65.2. Principal uses permitted.**

The following principal uses complying with section 7-9-146.10 are permitted.

- (a) Agriculture.
- (b) Community care facilities serving six (6) or fewer persons and large family day care homes.
- (c) Parks, playgrounds, and athletic fields (noncommercial).
- (d) Single-family dwelling or mobilehome per section 7-9-149.5 (one per building site).

### **Sec. 7-9-65.3. Principal uses permitted subject to a site development permit.**

The following principal uses are permitted subject to the approval of a site development permit per section 7-9-150.

- (a) Communication transmitting, reception or relay facilities.
- (b) Grading and excavation over 5,000 cubic yards per section 7-9-139.
- (c) Libraries and museums.
- (d) Public/private utility buildings and structures.
- (e) Wholesale nurseries.

### **Sec. 7-9-65.4. Principal uses permitted subject to a use permit.**

- (a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150.
  - (1) Apiaries.
  - (2) Churches, temples, and other places of worship.
  - (3) Country clubs, golf courses, riding clubs, swimming clubs, tennis clubs and yacht clubs.
  - (4) Educational institutions.



- (b) Any other use is permitted which the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

**Sec. 7-9-65.5. Temporary uses permitted.**

Certain temporary uses, permitted per section 7-9-136, include the following:

- (a) Noncommercial coaches.
- (b) Mobilehome residence during construction of a dwelling.
- (c) Christmas tree sales.
- (d) Halloween pumpkin sales.
- (e) Continued use of an existing building during construction of a new building.

**Sec. 7-9-65.6. Accessory uses permitted.**

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

- (a) Uses per section 7-9-137 which include:
  - (1) Accessory building(s) not usable as a guesthouse or second residential unit.
  - (2) Fences and walls.
  - (3) Garages and carports.
  - (4) Patio covers.
  - (5) Swimming pools.
- (b) Signs per section 7-9-144 except no business signs.
- (c) Guesthouse or second residential unit (one per building site) permitted per section 7-9-146.5.
- (d) Pets and animals per section 7-9-146.3.
- (e) Home occupations per section 7-9-146.6.
- (f) Riding and hiking trails.
- (g) Sale of agricultural products per sections 7-9-136.8, 7-9-136.10, and 7-9-136.12.
- (h) Accessory uses and structures which the Director, EMA, finds consistent with the purpose and intent of this district.

**Sec. 7-9-65.7. Prohibited uses.**

Notwithstanding sections 7-9-65.2 through 7-9-65.6, the following uses are specifically prohibited.

- (a) Retail nurseries.
- (b) The storage of vehicles, equipment, or products related to a commercial activity not permitted in this district.
- (c) Uses not permitted by sections 7-9-65.2 through 7-9-65.6.

**Sec. 7-9-65.8. Site development standards.**

- (a) Building site area. One (1) acre minimum except per section 7-9-126.1.
- (b) Building height. Thirty-five (35) feet maximum except per section 7-9-126.1.
- (c) Building site coverage. Thirty-five (35) percent maximum.
- (d) Building setbacks. Per sections 7-9-127, 7-9-128 and 7-9-137.
- (e) Off-street parking. Per section 7-9-145.
- (f) Lights. All lights shall be designed and located so that direct light rays shall be confined to the premises.

## **Sec. 7-9-66. RHE "Residential Hillside Estates" District Regulations.**

All references to this section shall include sections 7-9-66.1 through 7-9-66.8.

### **Sec. 7-9-66.1. Purpose and intent.**

The RHE District is established to provide for the development and maintenance of low-medium density single-family residential neighborhoods in hillside areas in such a manner that they may be compatible with areas of steep irregular terrain. Only those uses are permitted which are complementary to and can exist in harmony with such a hillside residential neighborhood.

### **Sec. 7-9-66.2. Principal uses permitted.**

The following principal uses complying with section 7-9-146.10 are permitted.

- (a) Community care facilities serving six (6) or fewer persons and large family day care homes.
- (b) Parks, playgrounds, and athletic fields (noncommercial).
- (c) Single-family dwelling or mobilehome per section 7-9-149.5 (one per building site).

### **Sec. 7-9-66.3. Principal uses permitted subject to a site development permit.**

The following principal uses are permitted subject to the approval of a site development permit per section 7-9-150.

- (a) Communication transmitting, reception or relay facilities.
- (b) Grading and excavation over 5,000 cubic yards per section 7-9-139.
- (c) Public libraries and museums.
- (d) Public/private utility buildings and structures.

### **Sec. 7-9-66.4. Principal uses permitted subject to a use permit.**

- (a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150.
  - (1) Apiaries.
  - (2) Churches, temples, and other places of worship.
  - (3) Country clubs, golf courses, riding clubs, swimming clubs, and tennis clubs.
  - (4) Educational institutions.
- (b) Any other use is permitted which the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

### **Sec. 7-9-66.5. Temporary uses permitted.**

Certain temporary uses, permitted per section 7-9-136, include the following:

- (a) Model homes and real estate offices.
- (b) Mobilehome residence during construction of a dwelling.
- (c) Continued use of an existing building during construction of a new building.
- (d) Christmas tree sales.
- (e) Halloween pumpkin sales.

**Sec. 7-9-66.6. Accessory uses permitted.**

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

- (a) Uses per section 7-9-137 which include:
  - (1) Accessory building(s) not usable as a guesthouse or second residential unit.
  - (2) Fences and walls.
  - (3) Garages and carports.
  - (4) Patio covers.
  - (5) Swimming pools.
- (b) Signs per section 7-9-144 except no business signs.
- (c) Guesthouse or second residential unit (one per building site) permitted per section 7-9-146.5.
- (d) Noncommercial keeping of pets and animals per section 7-9-146.3.
- (e) Home occupations per section 7-9-146.6.
- (f) Riding and hiking trails.
- (g) Accessory uses and structures which the Director, EMA, finds consistent with the purpose and intent of this district.

**Sec. 7-9-66.7. Prohibited uses.**

Notwithstanding sections 7-9-66.2 through 7-9-66.6, the following uses are specifically

prohibited.

- (a) Keeping pets or animals for any commercial purpose unless otherwise provided for by an approved use permit.
- (b) The storage of vehicles, equipment, or products related to a commercial activity not permitted in this district.
- (c) Uses not permitted by sections 7-9-66.2 through 7-9-66.6.

**Sec. 7-9-66.8. Site development standards.**

- (a) Building site area. Ten thousand (10,000) square feet minimum except per section 7-9-126.1.
- (b) Building height. Thirty-five (35) feet maximum except per section 7-9-126.1.
- (c) Building setbacks. Per sections 7-9-127, 7-9-128, and 7-9-137.
- (d) Off-street parking. Per section 7-9-145.
- (e) Building site coverage. Thirty-five (35) percent maximum.
- (f) Lights. All lights shall be designed and located so that direct light rays shall be confined to the premises.

## **Sec. 7-9-67. E4 "Small Estates" District Regulations.**

All references to this section shall include sections 7-9-67.1 through 7-9-67.8.

### **Sec. 7-9-67.1. Purpose and intent.**

The E4 District is established to provide for the development and maintenance of low-medium density single-family residential neighborhoods in which open spaces and deep setbacks predominate. Only those uses are permitted that are complementary to, and can exist in harmony with, such a residential neighborhood.

### **Sec. 7-9-67.2. Principal uses permitted.**

The following principal uses complying with section 7-9-146.10 are permitted.

- (a) Community care facilities serving six (6) or fewer persons and large family day care homes.
- (b) Parks, playgrounds, and athletic fields (noncommercial).
- (c) Single-family dwelling or mobilehome per section 7-9-149.5 (one per building site).

### **Sec. 7-9-67.3. Principal uses permitted subject to a site development permit.**

The following principal uses are permitted subject to the approval of a site development permit per section 7-9-150.

- (a) Communication transmitting, reception, or relay facilities.
- (b) Grading and excavation over 5,000 cubic yards per section 7-9-139.
- (c) Public libraries and museums.
- (d) Public/private utility buildings and structures.

### **Sec. 7-9-67.4. Principal uses permitted subject to a use permit.**

- (a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150.
  - (1) Apiaries.
  - (2) Churches, temples and other places of worship.
  - (3) Country clubs, golf courses, riding clubs, swimming clubs, and tennis clubs.
  - (4) Educational institutions.
- (b) Any other use is permitted which the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

### **Sec. 7-9-67.5. Temporary uses permitted.**

Certain temporary uses, permitted per section 7-9-136, include the following:

- (a) Model homes and real estate offices.
- (b) Mobilehome residence during construction of a dwelling.
- (c) Continued use of an existing building during construction of a new building.
- (d) Christmas tree sales.
- (e) Halloween pumpkin sales.

**Sec. 7-9-67.6. Accessory uses permitted.**

The following accessory uses and structures are permitted when customarily associated, with and subordinate, to a permitted principal use on the same building site.

- (a) Uses per section 7-9-137 which include:
  - (1) Accessory building(s) not usable as a guesthouse or second residential unit.
  - (2) Fences and walls.
  - (3) Garages and carports.
  - (4) Patio covers.
  - (5) Swimming pools.
- (b) Signs per section 7-9-144 except no business signs.
- (c) Guesthouse or second residential unit (one per building site) permitted per section 7-9-146.5.
- (d) Noncommercial keeping of pets and animals per section 7-9-146.3.
- (e) Home occupations per section 7-9-146.6.
- (f) Riding and hiking trails.
- (g) Accessory uses and structures which the Director, EMA, finds consistent with the purpose and intent of this district.

**Sec. 7-9-67.7. Prohibited uses.**

Notwithstanding sections 7-9-67.2 through 7-9-67.6, the following uses are specifically

prohibited.

- (a) Keeping pets or animals for any commercial purpose unless otherwise provided for by an approved use permit.
- (b) The storage of vehicles, equipment, or products related to a commercial activity not permitted in this district.
- (c) Uses not permitted by sections 7-9-67.2 through 7-9-67.6.

**Sec. 7-9-67.8. Site development standards.**

- (a) Building site area. Ten thousand (10,000) square feet minimum except per section 7-9-126.1.
- (b) Building height. Thirty-five (35) feet maximum except per section 7-9-126.1
- (c) Building site coverage. Thirty-five (35) percent maximum.
- (d) Building setbacks. Per sections 7-9-127, 7-9-128, and 7-9-137.
- (e) Off-street parking. Per section 7-9-145.
- (f) Lights. All lights shall be designed and located so that direct light rays shall be confined to the premises.



## **Sec. 7-9-68. RE "Residential Estates" District Regulations**

All references to this section shall include sections 7-9-68.1 through 7-9-68.8.

### **Sec. 7-9-68.1. Purpose and intent.**

The RE District is established to provide for the development and maintenance of low density single-family residential neighborhoods in which large building sites and generous open spaces are featured. Only those uses are permitted that are complementary to, and can exist in harmony with, such a residential neighborhood.

### **Sec. 7-9-68.2. Principal uses permitted.**

The following principal uses complying with section 7-9-146.10 are permitted.

- (a) Community care facilities serving six (6) or fewer persons and large family day care homes.
- (b) Parks, playgrounds and athletic fields (noncommercial).
- (c) Single-family dwelling or mobilehome per section 7-9-149.5 (one per building site).

### **Sec. 7-9-68.3. Principal uses permitted subject to a site development permit**

The following uses are permitted subject to the approval of a site development permit per section 7-9-150.

- (a) Communication transmitting, reception, or relay facilities.
- (b) Grading and excavation over 5,000 cubic yards per section 7-9-139.
- (c) Libraries and museums.
- (d) Public/private utility buildings and structures.

### **Sec. 7-9-68.4. Principal uses permitted subject to a use permit.**

- (a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150.
  - (1) Apiaries.
  - (2) Churches, temples and other places of worship.
  - (3) Country clubs, golf courses, riding clubs, swimming clubs, tennis clubs and yacht clubs.
  - (4) Educational institutions.
- (b) Any other use is permitted which the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

### **Sec. 7-9-68.5. Temporary uses permitted.**

Certain temporary uses, permitted per section 7-9-136, include the following:

- (a) Model homes and real estate offices.
- (b) Mobilehome residence during construction of a dwelling.
- (c) Continued use of an existing building during construction of a new building.
- (d) Christmas tree sales.
- (e) Halloween pumpkin sales.

**Sec. 7-9-68.6. Accessory uses permitted.**

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

- (a) Uses per section 7-9-137 which include:
  - (1) Accessory building(s) not usable as a guesthouse or second residential unit.
  - (2) Fences and walls.
  - (3) Garages and carports.
  - (4) Patio covers.
  - (5) Swimming pools.
- (b) Signs per section 7-9-144 except no business signs.
- (c) Guesthouse or second residential unit (one per building site) permitted per section 7-9-146.5.
- (d) Noncommercial keeping of pets and animals per section 7-9-146.3.
- (e) Home occupations per section 7-9-146.6.
- (f) Riding and hiking trails.
- (g) Accessory uses and structures which the Director, EMA, finds consistent with the purpose and intent of this district.

**Sec. 7-9-68.7. Prohibited uses.**

Notwithstanding sections 7-9-68.2 through 7-9-68.6, the following uses are specifically

prohibited.

- (a) Keeping pets or animals for any commercial purpose unless otherwise provided for by an approved use permit.
- (b) The storage of vehicles, equipment, or products related to a commercial activity not permitted in this district.
- (c) Uses not permitted by sections 7-9-68.2 through 7-9-68.6.

**Sec. 7-9-68.8. Site development standards.**

- (a) Building site area. Twenty thousand (20,000) square feet minimum except per section 7-9-126.1.
- (b) Building height. Thirty-five (35) feet maximum except per section 7-9-126.1.
- (c) Building site coverage. Thirty-five (35) percent maximum.
- (d) Building setbacks. Per sections 7-9-127, 7-9-128, and 7-9-137.
- (e) Off-street parking. Per section 7-9-145.
- (f) Lights. All lights shall be designed and located so that direct light rays shall be confined to the premises.

**Sec. 7-9-69. -- 7-9-73. Reserved.**

## **Sec. 7-9-74. R1 "Single-Family Residence" District Regulations.**

All references to this section shall include sections 7-9-74.1 through 7-9-74.8.

### **Sec. 7-9-74.1. Purpose and intent.**

The R1 District is established to provide for the development and maintenance of medium density single-family detached residential neighborhoods. Only those uses are permitted that are complementary to, and can exist in harmony with, such a residential neighborhood.

### **Sec. 7-9-74.2. Principal uses permitted.**

The following principal uses are permitted.

- (a) Community care facilities serving six (6) or fewer persons and large family day care homes.
- (b) Parks, playgrounds, and athletic fields (noncommercial).
- (c) Single-family detached dwelling or mobilehome per section 7-9-149.5 (one per building site).

### **Sec. 7-9-74.3. Principal uses permitted subject to a site development permit.**

The following principal uses are permitted subject to the approval of a site development permit per section 7-9-150.

- (a) Communication transmitting, reception, or relay facilities.
- (b) Public libraries and museums.
- (c) Public/private utility buildings and structures.

### **Sec. 7-9-74.4. Principal uses permitted subject to a use permit.**

- (a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150.
  - (1) Churches, temples, and other places of worship.
  - (2) Educational institutions.
- (b) Any other use is permitted which the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

**Sec. 7-9-74.5. Temporary uses permitted.**

Certain temporary uses, permitted per section 7-9-136, include the following:

- (a) Christmas tree sales.
- (b) Continued use of an existing building during construction of a new building.
- (c) Halloween pumpkin sales.
- (d) Mobilehome residence during construction of a dwelling.
- (e) Model homes and real estate offices.

**Sec. 7-9-74.6. Accessory uses permitted.**

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

- (a) Uses per section 7-9-137 which include:
  - (1) Garages and carports.
  - (2) Fences and walls.
  - (3) Patio covers.
  - (4) Swimming pools.
- (b) Signs per section 7-9-144 except no business signs.
- (c) Noncommercial keeping of pets and animals per section 7-9-146.3.
- (d) Home occupations per section 7-9-146.6.
- (e) Riding and hiking trails.
- (f) Accessory uses and structures which the Director, EMA, finds consistent with the purpose and intent of this district.

**Sec. 7-9-74.7. Prohibited uses.**

Notwithstanding sections 7-9-74.2 through 7-9-74.6, the following uses are specifically prohibited.

- (a) Apiaries.
- (b) Keeping pets or animals for any commercial purpose unless otherwise provided for by an approved use permit.
- (c) The storage of vehicles, equipment, or products related to a commercial activity not permitted in this district.
- (d) Uses not permitted by sections 7-9-74.2 through 7-9-74.6.

**Sec. 7-9-74.8. Site development standards.**

- (a) Building site area. Seven thousand two hundred (7,200) square feet minimum except per section 7-9-126.1.
- (b) Building height. Thirty-five (35) feet maximum except per section 7-9-126.1.
- (c) Building setbacks. Per sections 7-9-127, 7-9-128, and 7-9-137.
- (d) Off-street parking. Per section 7-9-145.
- (e) Lights. All lights shall be designed and located so that direct light rays shall be confined to the premises.

**Sec. 7-9-75. RS "Residential, Single-Family" District Regulations.**

All references to this section shall include sections 7-9-75.1 through 7-9-75.8.

**Sec. 7-9-75.1 Purpose and intent.**

The RS District is established to provide for the development and maintenance of medium density single-family attached or detached residential neighborhoods in which flexibility of development and optimum utilization of each building site are featured. Only those uses are permitted that are complementary to and can exist in harmony with such a residential neighborhood.

**Sec. 7-9-75.2. Principal uses permitted.**

The following principal uses are permitted.

- (a) Community care facilities serving six (6) or fewer persons and large family day care homes.
- (b) Parks, playgrounds, and athletic fields (noncommercial).
- (c) Single-family dwelling or mobile home per section 7-9-149.5 (one per building site).

**Sec. 7-9-75.3. Principal uses permitted subject to a site development permit.**

The following principal uses are permitted subject to the approval of a site development permit per section 7-9-150.

- (a) Communication transmitting, reception, or relay facilities.
- (b) Public libraries and museums.
- (c) Public/private utility buildings and structures.

**Sec. 7-9-75.4. Principal uses permitted subject to a use permit.**

- (a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150.
  - (1) Churches, temples, and other places of worship.
  - (2) Educational institutions.
- (b) Any other use is permitted which the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

**Sec. 7-9-75.5. Temporary uses permitted.**

Certain temporary uses, permitted per section 7-9-136, include the following:

- (a) Model homes and real estate offices.
- (b) Mobilehome residence during construction of a dwelling.
- (c) Continued use of an existing building during construction of a new building.
- (d) Christmas tree sales.
- (e) Halloween pumpkin sales.

**Sec. 7-9-75.6. Accessory uses permitted.**

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

- (a) Uses per section 7-9-137 which include:
  - (1) Fences and walls.
  - (2) Garages and carports.
  - (3) Patio covers.
  - (4) Swimming pools.
- (b) Signs per section 7-9-144 except no business signs.
- (c) Noncommercial keeping of pets and animals per section 7-9-146.3.
- (d) Home occupations per section 7-9-146.6.
- (e) Riding and hiking trails.
- (f) Accessory uses and structures which the Director, EMA, finds consistent with the purpose and intent of this district.

**Sec. 7-9-75.7. Prohibited uses.**

Notwithstanding sections 7-9-75.2 through 7-9-75.6, the following uses are specifically



prohibited.

- (a) Apiaries.
- (b) Keeping pets or animals for any commercial purpose unless otherwise provided for by an approved use permit.
- (c) The storage of vehicles, equipment, or products related to a commercial activity not permitted in this district.
- (d) Uses not permitted by sections 7-9-75.2 through 7-9-75.6.

**Sec. 7-9-75.8. Site development standards.**

- (a) Building site area. Seven thousand (7,000) square feet minimum except per section 7-9-126.1.
- (b) Building height. Thirty-five (35) feet maximum except per section 7-9-126.1.
- (c) Building site coverage. Thirty-five (35) percent maximum.
- (d) Building setbacks. Per sections 7-9-127, 7-9-128, and 7-9-137.
- (e) Off-street parking. Per section 7-9-145.
- (f) Lights. All lights shall be designed and located so that direct light rays shall be confined to the premises.

**Sec. 7-9-76. R2D "Two-Family Residence" District Regulations.**

All reference to this section shall include sections 7-9-76.1 through 7-9-76.8.

**Sec. 7-9-76.1. Purpose and intent.**

The R2D District is established to provide for the development and maintenance of medium-high density single-family and duplex residential neighborhoods. Only those uses are permitted that are complementary to and can exist in harmony with such a residential neighborhood.

**Sec. 7-9-76.2. Principal uses permitted.**

Any of the following principal uses are permitted.

- (a) Community care facilities serving six (6) or fewer persons and large family day care homes.
- (b) Duplexes (one per building site).
- (c) Parks, playgrounds and athletic fields (noncommercial).
- (d) Single-family dwellings or mobilehomes per section 7-9-149.5.

**Sec. 7-9-76.3. Principal uses permitted subject to a site development permit.**

The following principal uses are permitted subject to the approval of a site development permit per section 7-9-150.

- (a) Communication transmitting, reception, or relay facilities.
- (b) Public libraries and museums.
- (c) Public/private utility buildings and structures.

**Sec. 7-9-76.4. Principal uses permitted subject to a use permit.**

- (a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150.
  - (1) Churches, temples, and other places of worship.
  - (2) Educational institutions.
  - (3) Residential condominium, stock cooperative, and community apartment projects per section 7-9-147 (two units maximum).
- (b) Any other use is permitted which the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

**Sec. 7-9-76.5. Temporary uses permitted.**

Certain temporary uses, permitted per section 7-9-136, include the following:

- (a) Model homes and real estate offices.
- (b) Mobilehome residence during construction of a dwelling.
- (c) Christmas tree sales.
- (d) Halloween pumpkin sales.
- (e) Continued use of an existing building during construction of a new building.

**Sec. 7-9-76.6. Accessory uses permitted.**

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

- (a) Uses per section 7-9-137 which include:
  - (1) Fences and walls.
  - (2) Garages and carports.
  - (3) Patio covers.
  - (4) Swimming pools.
- (b) Signs per section 7-9-144 except no business signs.
- (c) Noncommercial keeping of pets and animals per section 7-9-146.3.
- (d) Home occupations per section 7-9-146.6.
- (e) Accessory uses and structures which the Director, EMA, finds consistent with the purpose and intent of this district.

**Sec. 7-9-76.7. Prohibited uses.**

Notwithstanding sections 7-9-76.2 through 7-9-76.6, the following uses are specifically prohibited.

- (a) Apiaries.
- (b) Keeping pets or animals for any commercial purpose unless otherwise provided for by an approved use permit.
- (c) The storage of vehicles, equipment, or products related to a commercial activity not permitted in this district.
- (d) Uses not permitted by sections 7-9-76.2 through 7-9-76.6.

**Sec. 7-9-76.8. Site development standards.**

- (a) Building site area. Seven thousand two hundred (7,200) square feet minimum except per section 7-9-126.1.
- (b) Building height. Thirty-five (35) feet maximum except per section 7-9-126.1.
- (c) Building site coverage. Sixty (60) percent maximum.
- (d) Building setbacks. Per sections 7-9-127, 7-9-128, and 7-9-137.
- (e) Off-street parking. Per section 7-9-145.
- (f) Lights. All lights shall be designed and located so that direct light rays shall be confined to the premises.

## **Sec. 7-9-77. R2 "Multifamily Dwellings" District Regulations.**

All references to this section shall include sections 7-9-77.1 through 7-9-77.8.

### **Sec. 7-9-77.1. Purpose and intent.**

The R2 District is established to provide for the development and maintenance of very high density multifamily residential neighborhoods with a low building height and a minimum amount of open space. Those uses are permitted that are complementary to and compatible with such a residential neighborhood.

### **Sec. 7-9-77.2. Principal uses permitted.**

The following principal uses are permitted.

- (a) Community care facilities serving six (6) or fewer persons and large family day care homes.
- (b) Multifamily projects of four (4) or less dwelling units.
- (c) Parks, playgrounds, and athletic fields (noncommercial).
- (d) Single-family dwellings and mobilehomes per section 7-9-149.

### **Sec. 7-9-77.3. Principal uses subject to a site development permit.**

The following principal uses are permitted subject to the approval of a site development permit per section 7-9-150.

- (a) Communication transmitting, reception, or relay facilities.
- (b) Fire and police stations.
- (c) Libraries and museums.
- (d) Multifamily projects of five (5) or more dwelling units (except condominium, stock cooperative, and community apartment projects) per section 7-9-146.7.
- (e) Public/private utility buildings and structures.

### **Sec. 7-9-77.4. Principal uses permitted subject to a use permit.**

- (a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150.
  - (1) Churches, temples, and other places of worship.
  - (2) Congregate care facilities.
  - (3) Educational institutions.
  - (4) Mobilehome developments per section 7-9-149.

- (5) Residential condominium, stock cooperative, and community apartment projects per section 7-9-146.7.
- (b) The following principal uses are permitted subject to the approval of a use permit by the Planning Commission per section 7-9-150.
  - (1) Residential planned (unit) developments per site development standards of section 7-9-110.
  - (2) Any other use which the Planning Commission finds consistent with the purpose and intent of this district.

**Sec. 7-9-77.5. Temporary uses permitted.**

Certain temporary uses, permitted per section 7-9-136, include the following:

- (a) Christmas trees sales.
- (b) Halloween pumpkin sales.

**Sec. 7-9-77.6. Accessory uses permitted.**

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

- (a) Uses per section 7-9-137 which include:
  - (1) Detached buildings.
  - (2) Fences and walls.
  - (3) Garages and carports.
  - (4) Patio covers.
  - (5) Swimming pools.
- (b) Signs per section 7-9-144 except no business signs.
- (c) Noncommercial keeping of pets and animals per section 7-9-146.3.
- (d) Home occupations per section 7-9-146.6.
- (e) Accessory uses and structures which the Director, EMA, finds consistent with the purpose and intent of this district.

**Sec. 7-9-77.7. Prohibited uses.**

Notwithstanding sections 7-9-77.2 through 7-9-77.6, the following uses are specifically prohibited.

- (a) Keeping pets or animals for any commercial purpose.
- (b) The storage of vehicles, equipment, or products related to a commercial activity not permitted in this district.
- (c) Uses not permitted by sections 7-9-77.2 through 7-9-77.6.

**Sec. 7-9-77.8. Site development standards.**

- (a) Building site area. Seven thousand two hundred (7,200) square feet minimum except per section 7-9-126.1.
- (b) Building height. Thirty-five (35) feet maximum except per section 7-9-126.1.
- (c) Area per unit. One thousand (1,000) square feet minimum net land area per dwelling unit except per section 7-9-126.1.
- (d) Distance between principal structures. Ten (10) feet minimum.
- (e) Building setbacks. Per sections 7-9-127, 7-9-128 and 7-9-137.
- (f) Off-street parking. Per section 7-9-145.
- (g) Lights. All lights shall be designed and located so that direct light rays shall be confined to the premises.
- (h) Landscaping. For multifamily projects of five or more units and common areas of planned developments. Per section 7-9-132.2.

### **Sec. 7-9-78. R3 "Apartment" District Regulations.**

All references to this section shall include sections 7-9-78.1 through 7-9-78.8.

#### **Sec. 7-9-78.1. Purpose and intent.**

The R3 District is established to provide for the development and maintenance of very high density multifamily residential neighborhoods with taller buildings and a minimum amount of open space. Only those uses which are compatible with very high density residential uses are permitted.

#### **Sec. 7-9-78.2. Principal uses permitted.**

The following principal uses are permitted.

- (a) Boarding houses serving six (6) or fewer persons.
- (b) Community care facilities serving six (6) or fewer persons and large family day care homes.
- (c) Multifamily projects of four (4) or less dwelling units.
- (d) Parks, playgrounds, and athletic fields (noncommercial).
- (e) Single-family dwellings and mobilehomes per section 7-9-149.

#### **Sec. 7-9-78.3. Principal uses permitted subject to a site development permit.**

The following principal uses are permitted subject to the approval of a site development permit per section 7-9-150.

- (a) Boarding houses serving more than six (6) persons.
- (b) Communication transmitting, reception, or relay facilities.
- (c) Fire and police stations.
- (d) Fraternity or sorority houses.
- (e) Libraries and museums.
- (f) Multifamily projects of five (5) or more dwelling units (except condominium, stock cooperative, and community apartment projects) per section 7-9-146.7.
- (g) Public/private utility buildings and structures.

#### **Sec. 7-9-78.4. Principal uses permitted subject to a use permit.**



- (a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150.
  - (1) Churches, temples, and other places of worship.
  - (2) Congregate care facilities.
  - (3) Educational institutions.
  - (4) Hotels.
  - (5) Mobilehome developments per section 7-9-149.
  - (6) Residential condominium, stock cooperative and community apartment projects per section 7-9-146.7.
- (b) The following principal uses are permitted subject to the approval of a use permit by the Planning Commission per section 7-9-150.
  - (1) Residential planned (unit) developments per site development standards of section 7-9-110.
  - (2) Any other use which the Planning Commission finds consistent with the purpose and intent of this district.

**Sec. 7-9-78.5. Temporary uses permitted.**

Certain temporary uses, permitted per section 7-9-136, include the following:

- (a) Christmas tree sales.
- (b) Halloween pumpkin sales.

**Sec. 7-9-78.6. Accessory uses permitted.**

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

- (a) Uses per section 7-9-137 which include:
  - (1) Detached buildings.
  - (2) Fences and walls.
  - (3) Garages and carports.
  - (4) Patio covers.
  - (5) Swimming pools.
- (b) Signs per section 7-9-144 except no business signs.
- (c) Noncommercial keeping of pets and animals per section 7-9-146.3.

- (d) Home occupations per section 7-9-146.6.
- (e) Accessory uses and structures which the Director, EMA, finds consistent with the purpose and intent of this district.

**Sec. 7-9-78.7. Prohibited uses.**

Notwithstanding sections 7-9-78.2 through 7-9-78.6, the following uses are specifically prohibited.

- (a) Keeping pets or animals for any commercial purpose.
- (b) The storage of vehicles, equipment, or products related to a commercial activity not permitted in this district.
- (c) Uses not permitted by sections 7-9-78.2 through 7-9-78.6.

**Sec. 7-9-78.8. Site development standards.**

- (a) Building site area. Seven thousand two hundred (7,200) square feet minimum except per section 7-9-126.1.
- (b) Building height. Sixty-five (65) feet maximum except per section 7-9-126.1.
- (c) Area per unit. One thousand (1,000) square feet minimum net land area per dwelling unit unless otherwise provided for by an approved use permit.
- (d) Distance between principal structures. Fifteen (15) feet minimum.
- (e) Building setbacks. Per sections 7-9-127, 7-9-128 and 7-9-137.
- (f) Off-street parking. Per section 7-9-145.
- (g) Lights. All lights shall be designed and located so that direct light rays shall be confined to the premises.
- (h) Landscaping. For multifamily projects of five or more units and common areas of planned developments. Per section 7-9-132.2.

## **Sec. 7-9-79. R4 "Suburban Multifamily Residential" District Regulations.**

All references to this section shall include sections 7-9-79.1 through 7-9-79.8.

### **Sec. 7-9-79.1. Purpose and intent.**

The R4 District is established to provide for the development and maintenance of high density multifamily residential neighborhoods with a moderate amount of open spaces. Only those uses are permitted that are complementary to and are compatible with such a residential neighborhood.

### **Sec. 7-9-79.2. Principal uses permitted.**

The following principal uses are permitted:

- (a) Community care facilities serving six (6) or fewer persons and large family day care homes.
- (b) Multifamily projects of four (4) or less dwelling units.
- (c) Parks, playgrounds, and athletic fields (noncommercial).
- (d) Single-family dwellings or mobilehomes per section 7-9-149.

### **Sec. 7-9-79.3. Principal uses permitted subject to a site development permit.**

The following principal uses are permitted subject to the approval of a site development permit per section 7-9-150.

- (a) Communication transmitting, reception, or relay facilities.
- (b) Fire and police stations.
- (c) Libraries and museums.
- (d) Multifamily projects of five (5) or more dwelling units (except condominium, stock cooperative, and community apartments projects) per section 7-9-146.7.
- (e) Public/private utility buildings and structures.

### **Sec. 7-9-79.4. Principal uses permitted subject to a use permit.**

- (a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150.
  - (1) Churches, temples, and other places of worship.
  - (2) Congregate care facilities.
  - (3) Educational institutions.
  - (4) Mobilehome developments per section 7-9-149.

- (5) Residential condominium, stock cooperative, and community apartment projects per section 7-9-146.7.
- (b) The following principal uses are permitted subject to the approval of a use permit by the Planning Commission per section 7-9-150.
  - (1) Residential planned (unit) development per site development standards of section 7-9-110.
  - (2) Any other use which the Planning Commission finds consistent with the purpose and intent of this district.

**Sec. 7-9-79.5. Temporary uses permitted.**

Certain temporary uses, permitted per section 7-9-136, include the following:

- a) Christmas tree sales.
- (b) Halloween pumpkin sales.

**Sec. 7-9-79.6. Accessory uses permitted.**

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

- (a) Uses per section 7-9-137 which include:
  - (1) Detached buildings.
  - (2) Fences and walls.
  - (3) Garages and carports.
  - (4) Patio covers.
  - (5) Swimming pools.
- (b) Signs per section 7-9-144 except no business signs.
- (c) Noncommercial keeping of pets and animals per section 7-9-146.3.
- (d) Home occupations per section 7-9-146.6.
- (e) Accessory uses and structures which the Director, EMA, finds consistent with the purpose and intent of this district.

**Sec. 7-9-79.7. Prohibited uses.**

Notwithstanding sections 7-9-79.2 through 7-9-79.6, the following uses are specifically prohibited.

- (a) Keeping pets or animals for any commercial purpose.
- (b) The storage of vehicles, equipment, or products related to a commercial activity not permitted in this district.
- (c) Uses not permitted by sections 7-9-79.2 through 7-9-79.6.

**Sec. 7-9-79.8. Site development standards.**

- (a) Building site area. Seven thousand two hundred (7,200) square feet minimum except per section 7-9-126.1.
- (b) Building height. Thirty-five (35) feet maximum except per section 7-9-126.1.
- (c) Area per unit. Three thousand (3,000) square feet minimum net land area per dwelling unit except per section 7-9-126.1.
- (d) Distance between principal structures. Fifteen (15) feet minimum.
- (e) Building setbacks. Per sections 7-9-127, 7-9-128, and 7-9-137.
- (f) Off-street parking. Per section 7-9-145.
- (g) Lights. All lights shall be designed and located so that direct light rays shall be confined to the premises.
- (h) Landscaping. For multifamily projects of five or more units and common areas of planned developments. Per section 7-9-132.2.

## **Sec. 7-9-80. RP "Residential-Professional" District Regulations.**

All references to this section shall include sections 7-9-80.1 through 7-9-80.8.

### **Sec. 7-9-80.1. Purpose and intent.**

The RP District is established to provide for the development and maintenance of moderate density/intensity residential and office uses to produce an integrated mixed use neighborhood of superior quality.

### **Sec. 7-9-80.2. Principal uses permitted.**

The following principal uses are permitted:

- (a) Community care facilities serving six (6) or fewer persons and large family day care homes.
- (b) Parks, playgrounds, and athletic fields, (noncommercial).
- (c) Single-family dwelling or mobilehome per section 7-9-149.5 (one per building site).

### **Sec. 7-9-80.3. Principal uses permitted subject to a site development permit.**

The following principal uses are permitted subject to the approval of a site development permit per section 7-9-150.

- (a) Churches, temples, and other places of worship.
- (b) Civic and government uses.
- (c) Communication transmitting, reception, or relay facilities.
- (d) Libraries and museums.
- (e) Professional and administrative offices.
- (f) Public/private utility buildings and structures.

### **Sec. 7-9-80.4. Principal uses permitted subject to a use permit.**

- (a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150.
  - (1) Educational institutions.
  - (2) Multifamily projects of four (4) or less dwelling units.
- (b) Any other use is permitted that the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

**Sec. 7-9-80.5. Temporary uses permitted.**

Certain temporary uses, permitted per section 7-9-136, include the following:

- (a) Christmas tree sales.
- (b) Halloween pumpkin sales.
- (c) Commercial coaches.

**Sec. 7-9-80.6. Accessory uses permitted.**

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

- (a) Uses per section 7-9-137 which include:
  - (1) Garages and carports.
  - (2) Fences and walls.
  - (3) Patio covers.
  - (4) Swimming pools.
- (b) Signs per section 7-9-144 except no business signs, roof signs, or projecting signs.
- (c) Noncommercial keeping of pets and animals per section 7-9-146.3.
- (d) Home occupations per section 7-9-146.6.
- (e) Accessory uses and structures which the Director, EMA, finds consistent with the purpose and intent of this district.

**Sec. 7-9-80.7. Prohibited uses.**

Notwithstanding sections 7-9-80.2 through 7-9-80.6, the following uses are specifically prohibited.

- (a) Keeping pets or animals for any commercial purpose.
- (b) Uses not permitted by sections 7-9-80.2 through 7-9-80.6.

**Sec. 7-9-80.8. Site development standards.**

- (a) Building site area. Seven thousand two hundred (7,200) square feet minimum except per section 7-9-126.1.
- (b) Building height. Thirty-five (35) feet maximum except per section 7-9-126.1.
- (c) Building setbacks. Per sections 7-9-127, 7-9-128, and 7-9-137.
- (d) Area per unit. Three thousand (3,000) square feet minimum net land area per dwelling unit.
- (e) Enclosed uses. All commercial uses and their related products shall be contained entirely within a completely enclosed structure, except for parking and screened loading areas and except for outdoor uses expressly permitted by an approved site development permit or use permit.
- (f) Off-street parking. Per section 7-9-145. Said parking shall be located and arranged so that vehicles can enter the street traveling in a forward direction.
- (g) Landscaping. Per section 7-9-132.2.
- (h) Lights. All lights shall be designed and located so that direct light rays shall be confined to the premises.

**Sec. 7-9-81. -- 7-9-83. Reserved.**



**Sec. 7-9-84. C1 "Local Business" District Regulations.**

All references to this section shall include sections 7-9-84.1 through 7-9-84.7.

**Sec. 7-9-84.1. Purpose and intent.**

The C1 District is established to provide for the development and maintenance of medium intensity commercial uses serving the needs of both the surrounding neighborhood and the local community.

**Sec. 7-9-84.2. Principal uses permitted subject to a site development permit.**

The following principal uses shall be permitted subject to the approval of a site development permit per section 7-9-150.

- (a) Administrative/professional offices (except as exempted per sec. 7-9-150.10).
- (b) Animal clinics per section 7-9-146.1.
- (c) Automobile parking lots and structures per section 7-9-145.
- (d) Automobile repair specialty shops.
- (e) Churches, temples, and other places of worship.
- (f) Civic and government uses.
- (g) Commercial recreation.
- (h) Communication transmitting, reception or relay facilities.
- (i) Day (care) nurseries.
- (j) Financial institutions.
- (k) Hotels and motels.
- (l) Libraries and museums.
- (m) Public/private utility buildings and structures.
- (n) Restaurants.
- (o) Retail/service businesses (except as exempted per section 7-9-150.10).
- (p) Wholesale business offices with samples on the premises but not to include warehousing.

**Sec. 7-9-84.3. Principal uses permitted subject to a use permit.**

(a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150.

- (1) Automobile service stations per the standards in section 7-9-114.

- (2) Congregate care facilities.
  - (3) Convalescent homes.
  - (4) Helistops.
  - (5) Hospitals.
  - (6) Mini-storage facilities.
  - (7) Mortuaries and crematories.
  - (8) Outdoor advertising signs per section 7-9-144.
  - (9) Vehicle washing facilities.
  - (10) Warehouses.
- (b) Any other use is permitted which the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

**Sec. 7-9-84.4. Temporary uses permitted.**

Certain temporary uses, permitted per section 7-9-136, include the following:

- (a) Commercial coaches.
- (b) Christmas tree sales.
- (c) Halloween pumpkin sales.

**Sec. 7-9-84.5. Accessory uses permitted.**

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

- (a) Uses per section 7-9-137 which include:
  - (1) Detached buildings.
  - (2) Fences and walls.
- (b) Signs per section 7-9-144.
- (c) Accessory uses and structures which the Director, EMA, finds consistent with the purpose and intent of this district.

**Sec. 7-9-84.6. Prohibited uses.**

Notwithstanding sections 7-9-84.2 through 7-9-84.5, the following uses are specifically prohibited.

- (a) Automobile wrecking, junk and salvage yards.
- (b) Bottling plants.
- (c) Contractors' storage and equipment yards, work and fabricating areas.
- (d) Rental and sales agencies for agricultural, industrial and construction equipment.
- (e) Vehicle engine/transmission rebuilding, tire retreading, body repair and paint shops.
- (f) Welding shops and metal-plating.
- (g) Uses not permitted by sections 7-9-84.2 through 7-9-84.5.

**Sec. 7-9-84.7. Site development standards.**

- (a) Building site area. No minimum except per section 7-9-126.1.
- (b) Building height. Thirty-five (35) feet maximum except per section 7-9-126.1.
- (c) Building setbacks. Per sections 7-9-127, 7-9-128 and 7-9-137.
- (d) Vehicular access regulations. Street openings shall be a minimum of twenty-two (22) feet apart and twenty-two (22) feet from any existing street openings, measured at the ultimate street right-of-way line; however, every building site shall be permitted to have at least one (1) street opening.
- (e) Off-street parking. Per section 7-9-145.
- (f) Lighting. All lighting, exterior and interior, shall be designed and located so as to confine direct rays to the premises.
- (g) Loading. All loading operations shall be performed on the site, and loading areas shall be screened by a landscape or architectural feature.
- (h) Trash and storage area. All storage of cartons, containers and trash shall be enclosed by a building or by a wall not less than six (6) feet in height. If unroofed, no such area shall be located within forty (40) feet of any district zoned for residential or agricultural uses.
- (i) Enclosed uses. All commercial uses and their related products shall be contained entirely within a completely enclosed structure, except for parking and loading areas, and except for outdoor uses expressly permitted by an approved site development permit or use permit.
- (j) Screening. Per section 7-9-132.1.
- (k) Compliance with section 7-9-146.4, Waste management and hazardous materials.

**Sec. 7-9-85. C2 "General Business" District Regulations.**

All references to this section shall include sections 7-9-85.1 through 7-9-85.7.

**Sec. 7-9-85.1. Purpose and intent.**

The C2 District is established to provide for the development and maintenance of high intensity commercial uses which serve the local community but which may not be compatible with surrounding residential uses or certain commercial uses.

**Sec. 7-9-85.2. Principal uses permitted subject to a site development permit.**

The following principal uses shall be permitted subject to the approval of a site development permit per section 7-9-150.

- (a) Administrative/professional offices (except as exempted per sec. 7-9-150.10).
- (b) Animal clinics and hospitals per section 7-9-146.1.
- (c) Automobile parking lots and structures per section 7-9-145.
- (d) Automobile repair specialty shops.
- (e) Civic and government uses.
- (f) Commercial recreation.
- (g) Communication transmitting, reception, or relay facilities.
- (h) Financial institutions.
- (i) Hotels and motels.
- (j) Libraries and museums.
- (k) Public/private utility buildings and structures.
- (l) Restaurants.
- (m) Retail/service businesses (except as exempted per section 7-9-150.10).
- (n) Vehicle washing facilities.
- (o) Wholesale businesses.

**Sec. 7-9-85.3. Principal uses permitted subject to a use permit.**

- (a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150.
  - (1) Automobile and truck maintenance and repair.
  - (2) Automobile and truck paint shops.

- (3) Automobile service stations per the standards in section 7-9-114.
  - (4) Automobile wrecking and salvage yards.
  - (2) Bottling plants.
  - (3) Cleaning, dyeing and laundry plants.
  - (7) Congregate care facilities.
  - (8) Contractors' storage yards, work and fabricating areas.
  - (9) Helistops.
  - (10) Metal plating.
  - (11) Mini-storage facilities.
  - (12) Mortuaries and crematories.
  - (13) Outdoor advertising signs per section 7-9-144.
  - (14) Storage of automobiles, trucks, trailers, boats, motorcycles and other types of vehicles and equipment.
  - (15) Tire retreading.
  - (16) Warehouses.
  - (17) Welding shops.
  - (18) Recycling and transfer/materials recovery facilities per section 7-9-146.12.
- (b) Any other use is permitted which the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

**Sec. 7-9-85.4. Temporary uses permitted.**

Certain temporary uses, permitted per section 7-9-136, include the following:

- (a) Commercial coaches.
- (b) Christmas tree sales.
- (c) Halloween pumpkin sales.

**Sec. 7-9-85.5. Accessory uses permitted.**

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

- (a) Uses per section 7-9-137 which include:
  - (1) Detached buildings.
  - (2) Fences and walls.
- (b) Signs per section 7-9-144.
- (c) Accessory uses and structures which the Director, EMA, finds consistent with the purpose and intent of this district.

**Sec. 7-9-85.6. Prohibited uses.**

Uses not permitted by sections 7-9-85.2 through 7-9-85.5 are specifically prohibited.

**Sec. 7-9-85.7. Site development standards.**

- (a) Building site area. No minimum except per section 7-9-126.1.
- (b) Building height. Thirty-five (35) feet maximum except per section 7-9-126.1.
- (c) Building setbacks. Per sections 7-9-127, 7-9-128 and 7-9-137.
- (d) Vehicular access regulations. Street openings shall be a minimum of twenty-two (22) feet apart and twenty-two (22) feet from any existing street openings, measured at the ultimate street right-of-way line; however, every building site shall be permitted to have at least one (1) street opening.
- (e) Off-street parking. Per section 7-9-145.
- (f) Lighting. All lighting, exterior and interior, shall be designed and located so as to confine direct rays to the premises.
- (g) Loading. All loading and unloading operations shall be performed on the site.
- (h) Trash and storage area. All storage of cartons, containers and trash shall be enclosed by a building or by a wall not less than six (6) feet in height. If unroofed, no such area shall be located within forty (40) feet of any district zoned for residential or agricultural uses.
- (i) Screening. Per section 7-9-132.1.
- (j) Compliance with section 7-9-146.4, Waste management and hazardous materials.

**Sec. 7-9-86. Reserved.**

**Sec. 7-9-87. CC "Commercial Community" District Regulations.**

All references to this section shall include sections 7-9-87.1 through 7-9-87.7.

**Sec. 7-9-87.1. Purpose and intent.**

The CC District is established to provide for the development and maintenance of high intensity commercial uses which serve the local community and regional area and are compatible with surrounding residential uses.

**Sec. 7-9-87.2. Principal uses permitted subject to a site development permit.**

The following principal uses shall be permitted subject to the approval of a site development permit per section 7-9-150.

- (a) Administrative/professional offices (except as exempted per sec. 7-9-150.10).
- (b) Animal clinics per section 7-9-146.1.
- (c) Automobile parking lots and structures per section 7-9-145.
- (d) Automobile repair specialty shops.
- (e) Churches, temples, and other places of worship.
- (f) Civic and government uses.
- (g) Commercial recreation.
- (h) Communication transmitting, reception, or relay facilities.
- (i) Day (care) nurseries.
- (j) Financial institutions.
- (k) Libraries and museums.
- (l) Public/private utility buildings and structures.
- (m) Restaurants.
- (n) Retail/service businesses (except as exempted per section 7-9-150.10).
- (o) Wholesale businesses without warehousing.

**Sec. 7-9-87.3. Principal uses permitted subject to a use permit.**

- (a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150.
  - (1) Automobile service stations per the standards in section 7-9-114.
  - (2) Congregate care facilities.
  - (3) Helistops.
  - (4) Hospitals.
  - (5) Hotels and motels.
  - (6) Mini-storage facilities.
  - (7) Mortuaries and crematories.
  - (8) Outdoor advertising signs per section 7-9-144.
  - (9) Vehicle washing facilities.
- (b) Any other use is permitted which the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

**Sec. 7-9-87.4. Temporary uses permitted.**

Certain temporary uses, permitted per section 7-9-136, include the following:

- (a) Commercial coaches.
- (b) Christmas tree sales facility.
- (c) Halloween pumpkin sales.

**Sec. 7-9-87.5. Accessory uses permitted.**

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

- (a) Uses per section 7-9-137 which include:
  - (1) Detached buildings.
  - (2) Fences and walls.
- (b) Signs per section 7-9-144.
- (c) Accessory uses and structures which the Director, EMA, finds consistent with the purpose and intent of this district.

**Sec. 7-9-87.6. Prohibited uses.**



Notwithstanding sections 7-9-87.2 through 7-9-87.5, the following uses are specifically prohibited.

- (a) Automobile wrecking, junk and salvage yards.
- (b) Bottling plants.
- (c) Cleaning, dyeing and laundry plants.
- (d) Contractors' storage and equipment yards, work and fabricating areas.
- (e) Rental and sales agencies for agricultural, industrial and construction equipment.
- (f) Vehicle engine/transmission rebuilding, tire retreading, body repair and paint shops.
- (g) Welding shops and metal plating.
- (h) Uses not permitted by sections 7-9-87.2 through 7-9-87.5.

**Sec. 7-9-87.7. Site development standards.**

- (a) Building site area. No minimum except per section 7-9-126.1.
- (b) Building height. Sixty-five (65) feet maximum except per section 7-9-126.1.
- (c) Building setbacks. Per sections 7-9-127, 7-9-128 and 7-9-137.
- (d) Off-street parking. Per section 7-9-145.
- (e) Lighting. All lighting, exterior and interior, shall be designed and located so as to confine direct rays to the premises.
- (f) Loading. All loading operations shall be performed on the site, and loading areas shall be screened by a landscape or architectural feature.
- (g) Trash and storage area. All storage of cartons, containers and trash shall be enclosed by a building or by a wall not less than six (6) feet in height. If unroofed, no such area shall be located within forty (40) feet of any district zoned for residential or agricultural uses.
- (h) Enclosed uses. All commercial uses and their related products shall be contained entirely within a completely enclosed structure, except for parking and loading areas, and except for outdoor uses expressly permitted by an approved site development plan or use permit.
- (i) Screening. Per section 7-9-132.1.
- (j) Landscaping. Per section 7-9-132.2.
- (k) Compliance with section 7-9-146.4, Waste management and hazardous materials.

**Sec. 7-9-88. CH "Commercial Highway" District Regulations.**

All references to this section shall include sections 7-9-88.1 through 7-9-88.7.

**Sec. 7-9-88.1. Purpose and intent.**

The CH District is established to provide for the development and maintenance of medium intensity commercial uses which serve the needs of the motoring public in the local community and the regional area. It is intended to provide an environment which will take advantage of the superior access afforded by freeways and highways without undue detrimental effects on traffic flow or safety.

**Sec. 7-9-88.2. Principal uses permitted subject to a site development permit.**

The following principal uses shall be permitted subject to the approval of a site development permit per section 7-9-150.

- (a) Animal clinics per section 7-9-146.1.
- (b) Automobile parking lots and structures per section 7-9-145.
- (c) Automobile repair specialty shops.
- (d) Bus, railroad and taxi stations.
- (e) Commercial recreation.
- (f) Communication transmitting, reception, or relay facilities.
- (g) Financial institutions.
- (h) Hotels and motels.
- (i) Police and fire stations.
- (j) Public/private utility buildings and structures.
- (k) Restaurants.
- (l) Retail/service businesses (except as exempted per section 7-9-150.10).

**Sec. 7-9-88.3. Principal uses permitted subject to a use permit.**

- (a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150.
  - (1) Automobile and truck maintenance and repair.
  - (2) Automobile service stations per the Standards in section 7-9-114.
  - (3) Congregate care facilities.
  - (4) Impound and auto storage yards.

- (5) Mini-storage facilities.
  - (6) Outdoor advertising signs per section 7-9-144.
  - (7) Rental and sales agencies for agricultural, industrial and construction equipment.
  - (8) Vehicle washing facilities.
  - (9) Recycling and transfer/materials recovery facilities per section 7-9-146.12.
- (b) Any other use is permitted which the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

**Sec. 7-9-88.4. Temporary uses permitted.**

Certain temporary uses, permitted per section 7-9-136, include the following:

- (a) Commercial coaches.
- (b) Christmas trees sales.
- (c) Halloween pumpkin sales.

**Sec. 7-9-88.5. Accessory uses permitted.**

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

- (a) Uses per section 7-9-137 which include:
  - (1) Detached buildings.
  - (2) Fences and walls.
- (b) Signs per section 7-9-144.
- (c) Accessory uses and structures which the Director, EMA, finds consistent with the purpose and intent of this district.

**Sec. 7-9-88.6. Prohibited uses.**

Uses not permitted by sections 7-9-88.2 through 7-9-88.5 are specifically prohibited.

**Sec. 7-9-88.7. Site development standards.**

- (a) Building site area. No minimum except per section 7-9-126.1.
- (b) Building height. Thirty-five (35) feet maximum except per section 7-9-126.
- (c) Building setbacks. Per sections 7-9-127, 7-9-128, and 7-9-137.
- (d) Off-street parking. Per section 7-9-145.
- (e) Lighting. All lighting, exterior and interior, shall be designed and located so as to confine direct rays to the premises.
- (f) Loading. All loading operations shall be performed on the site, and loading areas shall be screened by a landscape or architectural feature.
- (g) Trash and storage area. All storage of cartons, containers and trash shall be enclosed by a building or by a wall not less than six (6) feet in height. If unroofed, no such area shall be located within forty (40) feet of any district zoned for residential or agricultural uses.
- (h) Screening. Per section 7-9-132.1.
- (i) Landscaping. Per section 7-9-132.2.
- (j) Compliance with section 7-9-146.4, Waste management and hazardous materials.

## **Sec. 7-9-89. CN "Commercial Neighborhood" District Regulations.**

All references to this section shall include sections 7-9-89.1 through 7-9-89.7.

### **Sec. 7-9-89.1. Purpose and intent.**

The CN District is established to provide for the development and maintenance of low intensity commercial uses which serve the immediate needs of the surrounding neighborhood. Such uses are to be grouped in small areas of 3 to 8 acres and designed so that adverse impacts on residential properties are minimized.

### **Sec. 7-9-89.2. Principal uses permitted subject to a site development permit.**

The following principal uses shall be permitted subject to the approval of a site development permit per section 7-9-150.

- (a) Administrative/professional offices (except as exempted per sec. 7-9-150.10).
- (b) Animal clinics per section 7-9-146.1.
- (c) Civic and government uses.
- (d) Churches, temples, and other places of worship.
- (e) Communication transmitting, reception or relay facilities.
- (f) Day (care) nurseries.
- (g) Financial institutions.
- (h) Libraries and museums.
- (i) Public/private utility buildings and structures.
- (j) Restaurants.
- (k) Retail/service businesses (except as exempted per section 7-9-150.10).

### **Sec. 7-9-89.3. Principal uses permitted subject to a use permit.**

- (a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150.
  - (1) Automobile service stations per the standards in section 7-9-114.
  - (2) Mini-storage facilities.
- (b) Any other use is permitted which the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

### **Sec. 7-9-89.4. Temporary uses permitted.**

Certain temporary uses, permitted per section 7-9-136, include the following:

- (a) Commercial coaches.
- (b) Christmas tree sales.
- (c) Halloween pumpkin sales.

**Sec. 7-9-89.5. Accessory uses permitted.**

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

- (a) Uses per section 7-9-137 which include:
  - (1) Detached buildings.
  - (2) Fences and walls.
- (b) Signs per section 7-9-144 except no business signs, roof signs, or projecting signs.
  - (1) Wall signs: There shall be no more than one (1) such sign per public entrance for each use.
  - (2) Freestanding signs: Not more than one (1) freestanding sign shall be permitted on each site.
- (c) Accessory uses and structures which the Director, EMA, finds consistent with the purpose and intent of this district.

**Sec. 7-9-89.6. Prohibited uses.**

Notwithstanding sections 7-9-89.2 through 7-9-89.5, the following uses are specifically prohibited.

- (a) Automobile wrecking, junk and salvage yards.
- (b) Bottling plants.
- (c) Cleaning, dyeing and laundry plants.
- (d) Commercial recreation.
- (e) Contractors' storage and equipment yards, work and fabricating areas.
- (f) Hotels and motels.
- (g) Rental and sales agencies for agricultural, industrial, and construction equipment.
- (h) Rental and sales agencies for automobiles, trailers, boats, and trucks.
- (i) Residential uses.

- (j) Vehicle engine/transmission rebuilding, tire retreading, body repair and paint shops.
- (k) Vehicle washing facilities.
- (l) Welding shops and metal plating.
- (m) Wholesale businesses.
- (n) Uses not permitted by sections 7-9-89.2 through 7-9-89.5.

**Sec. 7-9-89.7. Site development standards.**

- (a) Building site area. No minimum except per section 7-9-126.1.
- (b) Building site coverage. Thirty-five (35) percent maximum.
- (c) Building height. Thirty-five (35) feet maximum except per section 7-9-126.1.
- (d) Building setbacks. Per sections 7-9-127, 7-9-128, and 7-9-137.
- (e) Off-street parking. Per section 7-9-145.
- (f) Lighting. All lighting shall be designed and located so as to confine direct rays to the premises.
- (g) Loading. All loading operations shall be performed on the site, and loading areas shall be screened by a landscape or architectural feature.
- (h) Trash and storage area. All storage of cartons, containers and trash shall be enclosed by a wall not less than six (6) feet in height. If unroofed, no such area shall be located within forty (40) feet of any district zoned for residential or agricultural uses.
- (i) Enclosed uses. All commercial uses and their related products shall be contained entirely within a completely enclosed structure, except for parking and loading areas and except for outdoor uses expressly permitted by an approved site development permit or use permit.
- (j) Business hours. Business hours shall be limited to the hours between 6:00 a.m. and 10:30 p.m. unless otherwise provided for by a use permit approved by the Zoning Administrator.
- (k) Screening. Per section 7-9-132.1.
- (l) Landscaping. Per section 7-9-132.2.
- (m) Compliance with section 7-9-146.4, Waste management and hazardous materials.

## **Sec. 7-9-90. PA "Professional and Administrative Office" District Regulations.**

All references to this section shall include sections 7-9-90.1 through 7-9-90.7.

### **Sec. 7-9-90.1. Purpose and intent.**

The PA District is established to provide for the development and maintenance of an optimal environment for moderate intensity professional and administrative office uses and related uses on sites with large landscaped open spaces and off-street parking facilities. This district is intended to be located on heavily traveled streets or adjacent to commercial or industrial districts, and may be used to buffer residential areas.

### **Sec. 7-9-90.2. Principal uses permitted subject to a site development permit.**

The following principal uses are permitted subject to the approval of a site development permit per section 7-9-150.

- (a) Automobile parking lots per section 7-9-145.
- (b) Churches, temples, and other places of worship.
- (c) Civic and government uses.
- (d) Communication transmitting, reception, or relay facilities.
- (e) Day (care) nurseries.
- (f) Educational institutions serving adults.
- (g) Financial institutions.
- (h) Libraries and museums.
- (i) Professional/administrative offices (except as exempted per sec. 7-9-150.10)
- (j) Public/private utility buildings and structures.

### **Sec. 7-9-90.3. Principal uses permitted subject to a use permit.**

The following principal uses are permitted subject to the approval of a use permit by the Planning Commission per section 7-9-150.

- (a) Any use which the Planning Commission finds consistent with the purpose and intent of this district.



**Sec. 7-9-90.4. Temporary uses permitted.**

Certain temporary uses, permitted per section 7-9-136, include the following:

- (a) Commercial coaches.
- (b) Christmas tree sales.
- (c) Halloween pumpkin sales.

**Sec. 7-9-90.5. Accessory uses permitted.**

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

- (a) Uses per section 7-9-137 which include:
  - (1) Detached buildings.
  - (2) Fences and walls.
- (b) Signs per section 7-9-144 except no business signs, roof signs, or projecting signs.
- (c) Accessory uses and structures which the Director, EMA, finds consistent with the purpose and intent of this district.

**Sec. 7-9-90.6. Prohibited uses.**

Notwithstanding sections 7-9-90.2 through 7-9-90.5, the following uses are specifically prohibited:

- (a) Uses not permitted by sections 7-9-90.2 through 7-9-90.5.

**Sec. 7-9-90.7. Site development standards.**

- (a) Building site area. Ten thousand (10,000) square feet minimum except per section 7-9-126.1.
- (b) Building site width. Seventy-five (75) feet minimum except per section 7-9-126.1.
- (c) Building height. Thirty-five (35) feet maximum unless otherwise provided for by an approved use permit.
- (d) Building site coverage. Thirty-five (35) percent maximum.
- (e) Building setbacks. Per sections 7-9-127, 7-9-128, and 7-9-137.

- (f) Off-street parking.

- (1) Parking shall be provided as required by section 7-9-145.
- (2) Parking on the front half of the lot shall have no direct access to the street and shall be roofed unless adequate screening of open parking can be provided by berming, fencing, or landscaping as shown on an approved site plan or use permit.
- (g) Lighting. All lighting shall be designed and located so as to confine direct rays to the premises.
- (h) Trash and storage area. All storage of cartons, containers and trash shall be enclosed by a building or by a wall not less than six (6) feet in height. If unroofed, no such area shall be located within forty (40) feet of any district zoned for residential or agricultural use.
- (i) Enclosed uses. All commercial and office uses and their related products shall be contained entirely within a completely enclosed structure except for parking and loading areas and except for outdoor uses expressly permitted by an approved site development permit or use permit.
- (j) Screening. Per section 7-9-132.1.
- (k) Landscaping. Per section 7-9-132.2.

**Sec. 7-9-91. -- 7-9-94. Reserved.**

## **Sec. 7-9-95. M1 "Light Industrial" District Regulations.**

All references to this section shall include sections 7-9-95.1 through 7-9-95.7.

### **Sec. 7-9-95.1. Purpose and intent.**

The M1 District is established to provide for the development and maintenance of light industrial uses and industry-supporting activities.

Industry-supporting activities are those activities which tend to promote the vitality of light industrial areas by providing a convenient location for services incidental to the conduct of business of the permitted uses, thus internalizing vehicle trips for such services. Industry-supporting activities are typically those which naturally locate in an industrial area because the principal part of their business activity is derived from such areas.

It is intended that these regulations promote the effective operation of light industrial uses by site design and by excluding incompatible uses. It is also intended that potentially significant adverse environmental impacts on the surrounding community be prevented.

In those areas of the District where a wide mix of older general retail commercial uses have been established, a secondary intent shall be to support appropriate new uses of high quality over simple consistency with these older, established uses.

### **Sec. 7-9-95.2. Principal uses permitted subject to a site development permit.**

The following principal uses are permitted, subject to the approval of a site development permit per section 7-9-150.

- (a) Assembly of component or finished products.
- (b) Automobile parking lots and structures per section 7-9-145.
- (c) Communication transmitting, reception or relay facilities.
- (d) Mail-order businesses.
- (e) Manufacturing of component or finished products.
- (f) Mini-storage facilities or warehouses.
- (g) Motion picture and recording studios; radio or television stations.
- (h) Police and fire stations.
- (i) Recycling businesses for beverage and food containers and paper products.
- (j) Utility facilities.
- (k) Wholesale businesses.
  
- (l) Industry-supporting commercial activities.

- (1) Administrative, professional and business offices (defined as labor/business associations, commercial insurance, loan brokerage, commodity brokers and dealers, security services, accountants, planning, engineering and design firms, attorneys, and related uses).
- (2) Advertising and publishing businesses.
- (3) Answering (and communication) services.
- (4) Automobile and truck rental agencies.
- (5) Barber and beauty shops.
- (6) Blueprinting, reproduction and copying services, and photo supplies.
- (7) Cocktail lounges and bars.
- (8) Credit unions (and commercial credit institutions).
- (9) Delicatessen (specialty food product) sales and catering.
- (10) Dispensing pharmacy.
- (11) Emergency health service facilities.
- (12) Employment search, placement, and temporary help agencies.
- (13) Engineering and stationery supplies.
- (14) Florists without arrangement displays.
- (15) Health and athletic clubs.
- (16) Janitorial businesses.
- (17) Landscaping businesses.
- (18) Messenger, mail and delivery service.
- (19) Office furniture, equipment, and supplies (including computer equipment, office furnishing, installation, and interior decoration).
- (20) Photoengraving, printing and bookbinding.
- (21) Restaurants.
- (22) Travel agencies.
- (23) Vocational schools.

**Sec. 7-9-95.3. Principal uses permitted subject to a use permit.**

- (a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150.
  - (1) Automobile service stations per the standards in section 7-9-114.
  - (2) Automobile wrecking and salvage yards.
  - (3) Building and industrial materials storage.
  - (4) Freight terminals and transfer stations.
  - (5) Heliports.
  - (6) Hotels and motels.
  - (7) Metal plating businesses.
  - (8) Other industry-supporting commercial activities not described in section 7-9-95.2.
  - (9) Other types of professional and administrative offices not described in section 7-9-95.2.
  - (10) Outdoor advertising signs per section 7-9-144.
  - (11) Rental, repair, and storage yards for construction, farming, and industrial vehicles/equipment.
  - (12) Research, testing and development laboratories.
  - (13) Quarters for employee temporary use.
  - (14) Tire retreading.
  - (15) Vehicle engine/transmission rebuilding, fender and body repair, and paint shops.
  - (16) Recycling and transfer/materials recovery facilities per section 7-9-146.12.
- (b) Any other use is permitted which the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

**Sec. 7-9-95.4. Temporary uses permitted.**

Certain temporary uses, permitted per section 7-9-136, include but are not limited to the following:

- (a) Construction offices.
- (b) Mobile coaches.

**Sec. 7-9-95.5. Accessory uses permitted.**

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

- (a) Uses per section 7-9-137.
  - (1) Detached buildings.
  - (2) Fences and walls.
- (b) Signs per section 7-9-144.
- (c) On-site caretakers quarters.
- (d) Accessory uses and structures which the Director, EMA, finds consistent with the purpose and intent of this district.

**Sec. 7-9-95.6. Prohibited uses.**

Notwithstanding sections 7-9-95.2 through 7-9-95.5, the following uses are specifically prohibited.

- (a) Mining or processing of cement, sand, gravel, clays and other minerals or earth products.
- (b) Uses not permitted by sections 7-9-95.2 through 7-9-95.5.

**Sec. 7-9-95.7. Site development standards.**

- (a) Building site area. Ten thousand (10,000) square feet minimum except per section 7-9-126.1.
- (b) Building height. Thirty-five (35) feet maximum except per section 7-9-126.1
- (c) Building setbacks. Per sections 7-9-127, 7-9-128 and 7-9-137.
- (d) Off-street parking. Per section 7-9-145.
- (e) Loading. All loading operations shall be performed on the building site and shall be screened by a landscape or architectural feature in such a manner as not to be visible from a public street or from adjacent residential or agricultural districts.
- (f) Trash and storage areas. All storage of cartons, containers and trash shall be enclosed by a building or by a wall not less than six (6) feet in height. If unroofed, no such area shall be located within forty (40) feet of any district zoned for residential or agricultural use.
- (g) Roof appurtenances. All roof structures, such as air conditioning units, or ventilation devices, shall be screened from view.
- (h) Screening. Per section 7-9-132.1.
- (i) Landscaping. Per section 7-9-132.2.

- (j) Vibration. No machine, process or operation shall produce a vibration discernible without instruments at or beyond a property line of the building site upon which the source is located.
- (k) Lights. All lights shall be designed and located so that direct light rays shall be confined to the premises.
- (l) Waste management and hazardous materials. Compliance with section 7-9-146.4 required.

**Sec. 7-9-96 -- 7-9-97. Reserved.**

## **Sec. 7-9-98. R/OSP "Research/Open Space Park" District Regulations.**

Any references to this section shall include sections 7-9-98.1 through 7-9-98.8.

### **Sec. 7-9-98.1 Purpose and intent.**

The R/OSP District is established to provide for the creation and maintenance of research and development facilities and related uses where the intent of the design, location and arrangement of uses and structures is to maintain an open space character and prevent potentially significant adverse environmental impacts.

### **Sec. 7-9-98.2. Principal uses permitted.**

The following principal uses complying with section 7-9-146.10 are permitted.

- (a) Agriculture.
- (b) Parks, playgrounds, and athletic fields (noncommercial).
- (c) Riding and hiking trails.

### **Sec. 7-9-98.3. Principal uses permitted subject to a site development permit.**

The following principal uses are permitted subject to the approval of a site development permit per section 7-9-150.

- (a) Communication transmitting, reception or relay facilities.
- (b) Grading and excavation over 5,000 cubic yards per section 7-9-139.
- (c) Landfill gas recovery operations per section 7-9-146.8.
- (d) Public/private utility structures and uses.

### **Sec. 7-9-98.4. Principal uses permitted subject to a use permit.**

- (a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150.
  - (1) Churches, temples, and other places of worship.
  - (2) Educational institutions.
  - (3) Heliports.
  - (4) Research, development, and testing laboratories and facilities.
- (b) Any other use is permitted which the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

### **Sec. 7-9-98.5. Temporary uses permitted.**



Certain temporary uses, permitted per section 7-9-136, include the following:

- (a) Construction offices.
- (b) Mobile coaches.

**Sec. 7-9-98.6. Accessory uses permitted.**

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

- (a) Uses per section 7-9-137 which include:

- (1) Detached buildings.
- (2) Fences and walls.

- (b) Signs per section 7-9-144 except no business signs. Additionally, the following signs are permitted in conformance with an approved site development permit:

One (1) monument/ground sign for each street frontage. The maximum height of the sign shall not exceed four (4) feet above finished grade. The maximum area of the sign shall not exceed one hundred (100) square feet.

- (c) Manufacturing, assembly, compounding and storage of items studied or developed as part of the research and testing activities on the premises, including the keeping of animals for those activities.
- (d) Administrative offices and corporate headquarters.
- (e) Cafeterias and food services.
- (f) Automobile parking lots and parking structures per section 7-9-145.
- (g) Conference centers and training centers.
- (h) Dormitories solely for the housing of visitors.
- (i) Caretaker housing.
- (j) Health care facilities.
- (k) Accessory uses and structures which the director, EMA, finds consistent with the purpose and intent of this district.

**Sec. 7-9-98.7. Prohibited uses.**

Uses not permitted by sections 7-9-98.2 through 7-9-98.6 are specifically prohibited.

**Sec. 7-9-98.8. Site development standards.**

- (a) Building site area. Fifty (50) acres minimum except per section 7-9-126.1.
- (b) Building site coverage. Twenty (20) percent maximum.
- (c) Building setbacks.
  - (1) Front: 150 feet minimum (accessory building: 25 feet minimum).
  - (2) Side and rear: 150 feet minimum when abutting a public right-of-way; otherwise, 50 feet minimum.
- (d) Building height: Thirty-five (35) feet maximum except per section 7-9-126.1.
- (e) Open space requirement: A minimum of fifty (50) percent of each site shall consist of indigenous vegetation except for fuel modification areas which may include non-indigenous vegetation.
- (f) Off-street parking: Off-street parking shall be provided as required by section 7-9-145 of the Zoning Code except that medical research uses shall provide one stall per four hundred (400) square feet of gross floor area.
- (g) Open space: Whenever this district is established, eighty (80) percent of the area so zoned shall be retained as open space without buildings or structures. The majority of this open space area shall be included in an open space, scenic or other easement, agreement or device to maintain the open space character of the site.
- (h) Architecture: Whenever this district is established, an architectural theme including a list of exterior building materials and colors shall be established by the site development permit. All structures including accessory structures and signs shall adhere to the established theme and utilize the approved exterior building materials. In cases where contiguous land subject to this district is divided among more than one landowner, then the theme and materials established by the first approved site development permit shall be used in subsequent permits.
- (i) Landscaping: Per section 7-9-132.2.
- (j) Outdoor uses: Except for agricultural grazing and outdoor recreation, all uses permitted in this district shall be conducted inside an enclosed building except as otherwise specified in the approved permit.
- (k) Loading areas: All loading operations shall be performed on-site and loading areas shall be screened by landscaping or architectural features in such a manner as to screen such areas from view from public street rights-of-way and property boundaries.
- (l) Roof equipment screening: Roof equipment (air conditioner, heating, etc.) shall be screened from view from adjacent public street rights-of-way and property boundaries. Solar collector panels shall be excepted from this requirement.
- (m) Trash and storage areas: All storage of cartons, refuse and other trash shall be stored within a building or within an area enclosed by a masonry wall not less than six (6) feet in height. If

unroofed, no such area shall be within fifty (50) feet of any residential or agricultural zoning district boundary.

- (n) Utility placement: On-site utility lines shall be placed underground, unless alternative locations are approved by a use permit.
- (o) Environmental control: All uses shall be conducted in such a manner as to preclude the occurrence of any nuisance, hazard, or recognized offensive conditions including the creation or emission of dust, smoke, noise, fumes, odors, vibration, particulate matter, electrical disturbance, humidity, heat, cold or glare.
- (p) Fencing within setback areas: Fencing shall be of a rustic or rural character and per section 7-9-137.5.
- (q) Screening: Per section 7-9-132.1.
- (r) Lights: All lights shall be designed and located so that direct light rays shall be confined to the premises.
- (s) Compliance with section 7-9-146.4: Waste management and hazardous materials.

**Sec. 7-9-99 -- 7-9-102. Reserved.**

### **Sec. 7-9-103. PC "Planned Community" District Regulations.**

All references to this section shall include sections 7-9-103.1 through 7-9-103.11.

#### **Sec. 7-9-103.1. Purpose and intent.**

The purpose of this district is to provide the authority, regulations and procedures whereby large land areas can be planned, zoned, developed and administered as individual integrated communities. It is intended that each planned community will be planned so as to take maximum advantage of its location, environment, and physical features. Each individual planned community is expected to establish its own character in conformance with its own unique set of land use regulations, consistent with the enabling regulations and procedures set forth in this district.

The enabling regulations of this district are intended to provide the minimum regulations necessary to allow each planned community to be developed as an individual community and to provide for convenient administration of land use regulations after original development has taken place. These regulations are also intended to provide such directions and requirements as are necessary to provide assurance that planned community programs will be arranged, and language will be used, in such a manner that regulations and other information may be easily located and clearly understood, and will require a minimum amount of time to administer.

The land use regulations of each planned community shall be known as the Planned Community (PC) Program and shall consist of the following:

- (a) A PC text, per section 7-9-103.5, specifying regulations such as uses permitted and site development standards applicable to all areas of the planned community.
- (b) A statistical summary, per section 7-9-103.6, regulating the maximum/minimum of certain aspects of development for the PC as a whole.
- (c) A PC zoning map, per section 7-9-103.7, showing the exterior boundaries of the planned community and any applicable overlay or combining districts.
- (d) A PC development map per section 7-9-103.8, showing certain general and certain detailed information such as the general location of infrastructure facilities and a detailed statistical table regulating land uses in each PC planning area.

## **Sec. 7-9-103.2. General provisions and regulations.**

This section includes those general provisions and regulations that are specifically applicable to all planned communities.

### **(a) Standard provisions.**

Each planned community is subject to the following standard general provisions in addition to other provisions of the Zoning Code. For convenient reference they may be included verbatim in any PC Program at the option of the preparer of the plan, but shall not be changed.

- (1) "All construction and development within the Planned Community shall comply with applicable provisions of the Uniform Building Code and the various related mechanical, electrical, plumbing codes, the Grading and Excavation Code and the Subdivision Code and Sign Code, as currently adopted by the Board of Supervisors. In case of a conflict between the specific provisions of any such code and these regulations the provisions of those codes shall prevail."
- (2) "The setback and building height requirements shall be as specified by each land use district of the PC Program. The methods used for determining building setbacks and building heights shall be the same as those used in the Zoning Code."
- (3) "All building sites shall comply with the provisions of section 7-9-126, 'Building site requirements'."
- (4) "If an issue, condition or situation arises or occurs that is not sufficiently covered or provided for in the PC Program so as to be clearly understandable, the Director, EMA, shall determine which regulations are applicable, as authorized by section 7-9-20(c). Those regulations of the Zoning Code that are applicable for the most similar use, issue, condition or situation shall be used by the Director, EMA, as guidelines to resolve the unclear issue, condition, or situation."
- (5) "All conditions, requirements and standards, indicated graphically or in writing as part of any approved discretionary permit or detail plan granted by authority of these regulations shall have the same force and effect as these regulations. Any use or development established as a result of such approved permit or plan but not in compliance with all such conditions, requirements, or standards shall be in violation of this PC Program. The provisions of section 7-9-154, "Enforcement provisions," are applicable to this PC Program."
- (6) "If any portion of these regulations is, for any reason, declared by a court of competent jurisdiction to be invalid or ineffective, in whole or in part, such decision shall not affect the validity of the remaining portions thereof. The Board of Supervisors hereby declares that it would have enacted these regulations and each portion thereof irrespective of the fact that any one or more portions be declared invalid or ineffective."
- (7) "The meaning and construction of words, phrases, titles and terms used in this PC Program shall be the same as provided in section 7-9-21 of the Zoning Code except as otherwise provided herein."

- (8) "When any section of the Zoning Code states that the regulations of that section, or that the uses permitted by that section, are applicable to all districts or all building sites, or language to that effect, those regulations are also applicable to each planned community. If any of the provisions in this planned community are in conflict with the provisions of any such Zoning Code section, the provisions of the Zoning Code section shall prevail."
- (9) "The provisions of section 7-9-145, "Off-street parking," are applicable to this planned community except where otherwise expressly listed as exceptions in the PC text."
- (10) "All discretionary actions permitted or required in this planned community shall be consistent with the types of permits listed in section 7-9-150, and all such actions shall be processed in compliance with the procedures set forth in section 7-9-150."
- (11) "An Annual Monitoring Report (AMR) shall be prepared and submitted in the fall of each year to the County Administrative Office and the Environmental Management Agency. The submittal of an AMR is required for conformance with the Growth Management Program of the Land Use Element of the Orange County General Plan and the County's Annual Development Monitoring Program. The Board of Supervisors, in the annual adoption of the Development Monitoring Program, may identify a significant imbalance between development projections and planned infrastructure or in the proportionate development of residential, commercial and employment land uses. The Board of Supervisors may then defer subdivision approval within the Planned Community until approaches capable of resolving imbalances are proposed to and approved by the Board of Supervisors. The AMR will be the project proponent's opportunity to demonstrate mitigation measures and implementation strategies which will ensure adequate infrastructure for the community."

(b) Non-standard provisions.

Additional provisions, designed and applied generally to an individual planned community may also be included.

(c) General regulations.

The following uses and activities are permitted in all planned communities in compliance with the specified regulations.

- (1) Mobilehomes - In any district or area where single-family homes are a permitted use, the permitted use shall be deemed to be as follows:  
  
Single-family dwelling (one per building site) or single-family mobilehome (one per building site) in compliance with the provisions of section 7-9-149.5.
- (2) Mobilehome parks and mobilehome subdivisions - In any district or area planned and zoned to permit residential uses, mobile home parks and mobile home subdivisions are permitted subject to the regulations of section 7-9-149.
- (3) The conversion of existing duplex and multiple-family rental developments to residential condominiums, stock cooperatives, and community apartments shall be subject to section 7-9-147 and subject to the issuance of a use permit per section 7-9-150.

- (4) Community care facilities in compliance with section 7-9-141.
- (5) Automobile service stations in compliance with section 7-9-114 and only on those sites designated in the PC Program.
- (6) Any other use in compliance with the PC Program and the Zoning Code, including any applicable overlay/combining district regulations.

**Sec. 7-9-103.3. Planned Community Program required.**

Any application for a change of zone to place property in the PC "Planned Community" District shall be accompanied by a PC Program for the entire property. Said PC Program shall be subject to approval by the Orange County Planning Commission and adoption by the Orange County Board of Supervisors in accordance with the provisions of section 7-9-103.9 of this code.

**Sec. 7-9-103.4. Applicability.**

After a PC Program has been adopted or amended by the Board of Supervisors, it shall become effective thirty (30) days later. Then all development, redevelopment and uses within the boundaries of the planned community shall thereafter be in compliance with the regulations of this district, the adopted or amended PC Program and all other applicable zoning regulations. Upon adoption, each PC Program becomes a part of the Zoning Code and the PC zoning map is thereafter a zoning district map, as provided in section 7-9-48

**Sec. 7-9-103.5. PC Program Text.**

A text shall be adopted by ordinance which specifies the land use regulations and procedures applicable to all areas within the boundaries of the planned community. Each land use category shall correspond to one or more identified planning areas on the PC development map.

When the text refers to any portion of the Zoning Code and provides for exceptions to the referenced portion, all such exceptions shall be clearly and specifically identified. Regulations for each land use category within the planned community shall include at least the following:

- (a) Purpose and intent statement.

Each land use category shall have a general description and a brief summary explaining the purpose and intent of that land use category.

- (b) Principal permitted uses section.

Each such section shall include a list of uses per the following categories if applicable:

- (1) Principal permitted uses not subject to discretionary land use permits, plans or approvals.
- (2) Principal permitted uses subject to a coastal development permit per section 7-9-118.
  - a. Principal use(s) per the Coastal Act.

b. Appealable uses per the Coastal Act.

(3) Principal permitted uses subject to a site development permit per section 7-9-150.

(4) Principal permitted uses subject to a use permit per section 7-9-150.

(c) Accessory permitted uses section.

This section shall be included in any land use category where uses, structures, and activities other than main or principal uses are permitted.

When a main or principal use is permitted subject to approval of a discretionary permit, ancillary and accessory uses, structures and activities are also permitted subject to approval of the same discretionary permit.

(d) Prohibited uses section.

Each land use category shall include a prohibited uses section for the purpose of clarifying which land uses and groups of uses, if any, are specifically not permitted.

(e) Site development standards section.

All of the standards listed in the following items (1) and (2) shall be included in each such section even if the standards are not applicable to a certain land use category. In any land use category where a standard will not be applied, the section shall list the standard and state, as appropriate, "none," "no minimum," "no maximum," or "not applicable."

(1) Each land use category shall include standards for the following:

a. Minimum building site area.

b. Maximum building height.

c. Minimum building setback requirements.

d. Signs (refer to section 7-9-111 or -144).

e. Minimum net area per unit (multi-family areas).

f. Trash and refuse disposal (all areas except single-family).

g. Off-street parking (refer to section 7-9-145).

(2) Standards for the following are also required for commercial, professional, industrial, and mixed use land use categories.

a. Loading.

b. Screening.



- c. Landscaping.
  - d. Lighting.
  - e. Floor area ratio.
- (3) Additional standards that may be necessary or appropriate may be included in any land use category.
- (f) Boundary description.

A precise description, either by record of survey or metes and bounds, of the external boundaries of all land located within the planned community shall also be included within the text. Such description shall be consistent with the PC zoning map.

**Sec. 7-9-103.6. Statistical summary.**

A statistical summary shall be adopted by ordinance and shall include the following information:

- (a) The types of uses proposed, consistent with the land use categories included in the text.
- (b) The maximum number of dwelling units proposed.
- (c) The minimum number of acres of open space.
- (d) The maximum number of acres of each non-residential land use category.
- (e) Any additional statistical information that may be appropriate.

All such information shown in the statistical summary shall be consistent with the information shown on the PC development map and with the regulations in the PC text. The statistical summary shall be separately labeled but bound/located with the PC text. Any proposed change in the planned community which would result in a change to the statistical summary will require an amendment to the PC Program.

### **Sec. 7-9-103.7. PC zoning map.**

The PC zoning map shall be adopted by ordinance. It shall be drawn in sufficient detail to enable a reader to determine approximately where proposed uses and projects will be located in relation to overlay districts and arterial highways. All existing and proposed arterial highways within the planned community will be shown consistent with the Master Plan of Arterial Highways in effect at the time of adoption of the map. The exterior boundaries of the map shall be precise and consistent with the boundary description included in the PC text.

Additionally, the boundaries of applicable overlay/combining districts that have been adopted by separate ordinance shall be shown on the map. Such overlay/combining districts may include the following:

- (a) Sec. 7-9-111 SR "Sign Restrictions" District.
- (b) Sec. 7-9-113 FP "Floodplain" District.
- (c) Sec. 7-9-117 O "Oil Production" District.
- (d) Sec. 7-9-118 CD "Coastal Development" District.
- (e) Sec. 7-9-119 SH "Scenic Highway" District.
- (f) Sec. 7-9-114 SS "Service Station."

### **Sec. 7-9-103.8. PC development map.**

A PC development map shall initially be adopted by resolution by the Board of Supervisors. Thereafter, it may be amended by the Planning Commission per section 7-9-103.9.

- (a) Planning areas.

The PC development map shall cover all the territory included within the boundaries of the PC zoning map. When a PC development map shows a planned community divided into two or more planning areas, those planning areas shall be accurately depicted so that the boundary lines can be easily determined. Each planning area shall be identified by letter, number or symbol. Each planning area will correspond to one and only one land use category with the possible exception of Zoning Code overlay districts and PC overlay land use categories.

The depiction of each planning area may be by dimensions, by topographical points or lines, by physical features or by other identifiable objects or points either on the ground or shown on the map. When a boundary is an arterial highway and the arterial highway is realigned, the boundary will automatically move to coincide with the realigned highway and an amendment to the PC development map will not be required. Modifications to the boundaries not to exceed ten (10) percent of the acreage of any planning area may occur with an approved subdivision map, site development permit, use permit, or area plan. Modification of ten (10) percent or more shall require an amendment to the development map by the Planning Commission.

- (b) Contents.

The PC development map shall be drawn to scale and include the following information (the Director, EMA, may require other information):

- (1) Title block (planned community name and date drawn); graphic scale and north arrow, and vicinity drawings.
- (2) Detailed statistical table regarding proposed land use categories, densities or intensities, and gross acreage for each planning area. Terminology shall be consistent with the PC text and statistics shall be consistent with the statistical summary.
- (3) Proposed topography, indicating in general manner areas to be graded and areas to remain in a natural state.
- (4) Existing and proposed freeways, arterial highways, and commuter collector streets as shown on the MPAH.
- (5) Adopted regional riding, hiking and bicycle trails, regional parks, and other regional open space areas and uses consistent with the General Plan.
- (6) Areas of development subject to exterior noise levels in excess of 65 CNEL resulting from aircraft.
- (7) Earthquake faults and geologically unstable areas which preclude any development.
- (8) Existing major flood control, sewerage, water, and other utility facilities and easements which restrict surface uses/development.
- (9) Existing physical or cultural features and resources which are intended to be preserved or salvaged, including archaeological, paleontological, and historical sites and structures, and vegetative communities including rare or endangered species which preclude development.
- (10) General location of proposed local parks and community facilities such as schools, libraries, fire stations, and sheriff stations.

**Sec. 7-9-103.9. Adoption and amendment procedures.**

A P.C. Program is initially processed and adopted per section 7-9-155 except that the P.C. development map is adopted by resolution while the P.C. text, zoning map, and statistical summary are adopted by ordinance.

After the P.C. development map has been adopted by the Board of Supervisors, it may be amended by the Planning Commission per section 7-9-150.3(c), Public Hearings. However, if an amendment would change a policy approved by the Board of Supervisors, the Planning Commission shall make a recommendation and forward the proposed amendment to the Board for final action. Amendments to the P.C. development map shall be recorded with the County Recorder by the Director.

**Sec. 7-9-103.10. Planned community manual.**

The Director, EMA, shall prepare a working manual, including a standard format, examples, guidelines and applicable laws explaining in detail how to prepare and process planned community programs.

The planned community manual shall be made available at cost to any interested person.

Each new PC Program shall be consistent with the format and content described in the planned community manual.

**Sec. 7-9-103.11. Previously Adopted "Development Plan and Supplementary Text."**

Any "development plan and supplementary text" that was adopted and effective prior to the effective date of this ordinance may remain in effect. Any such "development plan and supplementary text" may be amended in a manner consistent with the format of the previously adopted "development plan and supplementary text" or may be amended so as to be consistent with the regulations of section 7-9-103, as amended.

If a "development plan and supplementary text" makes reference to site development standards in the Zoning Code that no longer exist, the site development standards for new development shall be determined via an approved use permit per section 7-9-150.

## **Sec. 7-9-104. SG "Sand and Gravel Extraction" District Regulations.**

All references to this section shall include sections 7-9-104.1 through 7-9-104.8.

### **Sec. 7-9-104.1. Purpose and intent.**

Rock, sand, aggregate, gravel, earth, clay and similar materials are valuable natural resources whose recovery in a responsible manner is encouraged. These regulations are intended to provide for surface mining, and quarrying, and processing of these materials in a manner which is both environmentally sensitive and compatible with existing and future land uses. These regulations are also intended to implement the Surface Mining and Reclamation Act (SMARA) and the regulations of the State Mining and Geology Board (California Code of Regulations, Chapter 8, Title 14, Section 3500 et seq.).

These regulations, together with the "Sand, Gravel and Mineral Extraction Code of the County of Orange" (Division 10) are intended to insure that sites are excavated in a safe and reasonable manner with progressive reclamation to a natural appearing or otherwise usable condition compatible with adjacent areas.

Except as provided in section 7-9-104.7, every site zoned SG "Sand and Gravel Extraction" shall have a single comprehensive SG site permit which shall delineate all of the uses permitted on that particular site. An SG site permit shall consist of the plan of operations, the drainage and erosion control plan, the vehicular access plan, and the reclamation plan. Except as provided in section 7-9-151, "Nonconforming Uses," no uses shall be permitted in the SG District unless authorized by an SG site permit. Any request for a zone change to the SG District shall be accompanied by an application for SG site permit and neither shall be approved or become effective separately.

### **Sec. 7-9-104.2. Definitions.**

In addition to section 7-9-21, the following definitions shall apply to the SG District.

Extraction Plan: See "Operation Plan".

Operation Plan: A map or set of maps supported by text and map notes which fully illustrate and set forth the mining limits of operation for each extraction area within the project. The plan also depicts all additional permitted uses, the horizontal and vertical limits of grading, cross sections of slopes to be formed or modified, existing vegetation, stockpile areas for storage of overburden, office, weigh station, roads, driveways and parking areas internal to the site.

Reclamation: The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

Reclamation Plan: A map or set of maps supported by text and map notes which fully illustrate and set forth the logistics (means and project phasing) to restore to a natural appearing or otherwise usable condition the project site in conformance with Sections 2772 and 2773 of SMARA and

Section 3500 of the State Mining and Geology Board regulations. In addition, when appropriate the plan shall include a landscaping plan for the re-vegetation of the site prepared by a licensed landscape architect.

Sand and Gravel Site Permit: A discretionary permit which sets forth the means an order which an area zoned SG "Sand and Gravel Extraction" will be surface mined or quarried and restored to a natural or otherwise usable condition following such activities. The permit is supported by a comprehensive set of maps and text delineating all uses permitted on the particular site. The permit also consists of an operation plan, a drainage and erosion control plan, a vehicular access plan and the reclamation plan.

**Sec. 7-9-104.3. Uses permitted subject to an SG site permit.**

The following uses may be permitted with an SG site permit:

- (a) Surface mining and quarrying of rock, sand, gravel, aggregate, earth, clay and similar materials.
- (b) Storage, stockpiling, distribution and sale of rock, sand, gravel, aggregate, earth, clay and similar materials.
- (c) The installation and operation of plants or apparatus for rock, aggregate, and other salvaged construction materials such as salvaged asphalt, rubber tires (rubberized asphalt), glass (road base) or concrete crushing or cement treatment of base materials, and appurtenant screening, blending, washing, loading, and conveyor facilities.
- (d) Concrete batching plants and mixing plants for either portland cement or asphaltic concrete, and other related products.
- (e) The manufacture of concrete and clay products and prestressed structural units in conjunction and concurrent with excavation on the site.
- (f) Sanitary landfilling, including inert materials disposal sites.
- (g) Shops, garages and warehouses for the repair, maintenance and storage of equipment and supplies necessary for the conduct of the uses permitted.
- (h) Offices for the conduct of the uses permitted.
- (i) No more than two (2) single-family dwelling units for employees engaged in guarding or carrying on the uses permitted.
- (j) Public and private parks and recreation areas and appurtenant buildings and improvements when they are compatible with all other authorized uses on the site and the reclamation of the site.
- (k) Agricultural and other types of open space uses.
- (l) Other uses necessary or incidental to surface mining and quarrying operations on the site including, but not limited to the storage and servicing of mining and constructive equipment used on-site.

**Sec. 7-9-104.4. Contents of SG site permit applications.**

Applications for SG site permits shall include all the information required by Section 2772 of the California Public Resources Code (SMARA) including the following:

(a) Plan of operations.

- (1) Recent aerial photograph of the site.
- (2) Property lines and lease lines, including a legal description of the site.
- (3) The existing topography of the site and land within five hundred (500) feet of the site and any existing structures, watercourses, levees, drainage facilities, utility easements and facilities, roads and driveways existing within said areas.
- (4) The location and condition of any abandoned pits and previously mined areas on the site.
- (5) The area or areas to be excavated and typical cross sections of slopes to be formed or modified.
- (6) The depth of all proposed excavations.
- (7) The sequence and approximate time frames within which the areas shown are proposed to be excavated and otherwise used including days and hours of operation.
- (8) The location of all proposed structures, including processing plants and appurtenant equipment and fences. Where such facilities are proposed to be relocated over the course of the life of the SG permit, their various proposed locations shall be shown.
- (9) Existing vegetation.
- (10) A report of a comprehensive soils engineering and engineering geologic investigation prepared by a registered civil engineer and a certified engineering geologist, relative to the setbacks, slopes and excavations proposed.
- (11) Landscaping, if any, proposed to be planted in addition to that indicated on the reclamation plan.
- (12) Details of areas for the storage of overburden and waste material and any proposed berms.
- (13) Roads, driveways and parking areas on the site for all equipment and employees' cars.

(b) Drainage and erosion control plan.

- (1) The location and approximate depth of proposed settling basins, desilting ponds, recycling ponds and other bodies of water. Where such facilities are proposed to be relocated over the course of the life of the SG permit, their various proposed locations shall be shown.
- (2) The existing groundwater level and annual fluctuation of all areas to be excavated where appropriate.

- (3) Methods to be taken for the disposition of drainage and for the control of erosion, erosion cutback and sedimentation.
- (4) If applicable, provisions to be taken for the conservation and protection of groundwater. Approvals obtained or required from the appropriate Regional Water Quality Control Board shall be indicated.

(c) Vehicular access plan.

A vehicular access plan describing, in addition to the points of ingress and egress to the site, the streets and highways to be used by vehicles going to and coming from the site, and the type and size and quantity of vehicles anticipated. This plan shall be designed in a manner so as to minimize additional vehicular traffic over local residential streets.

(d) Reclamation plan.

A reclamation plan consisting of a map or maps and appurtenant notes which fully illustrate and set forth how and when each portion of the site will be restored to a natural appearing or otherwise usable condition which is readily adaptable for alternative land uses and creates no danger to public health or safety. In addition, the plan shall include revegetation or landscaping plan. The revegetation or landscaping plan shall take into account the nature of the soil on the site and appropriate plant materials. The reclamation plan must conform to SMARA, the Orange County Sand, Gravel, and Mineral Extraction Code and the regulations of the State Mining and Geology Board (California Code of Regulations, Chapter 8, Title 14, Section 3500 et seq.).

(e) Other exhibits and plans as may be required in compliance with current provisions of SMARA.



#### **Sec. 7-9-104.5. Site development standards.**

The establishment, operation, and maintenance of the uses permitted by section 7-9-104.3 shall be in compliance with the following standards unless otherwise provided for by an SG site permit approved by the Planning Commission.

- (a) Dust control: Roads, driveways and parking areas on the site shall be maintained so as to control dust.
- (b) Setbacks: Per sections 7-9-127, 7-9-128, and 7-9-137.
- (c) Screening: Extracting and processing operations shall be screened in such a manner that they are not readily visible from any public street. Screening shall be set back at least twenty (20) feet from any intersection of driveways, streets or sidewalks.
- (d) Depth: In no event shall excavation in any pit-type of mining operation be permitted in excess of one hundred fifty (150) feet in depth as measured from existing grade.
- (e) Drainage and erosion control: Surface drainage shall be controlled to prevent the addition of silt or loose material above that naturally occurring in any existing drainage course or encroaching upon adjoining property and improvements. All provisions to control watercourses shall be designed to prevent overflow or diversion of water away from the natural point of discharge.
- (f) Signs: Per section 7-9-144.
- (g) Reclamation schedule: Reclamation of each area shall commence as soon as excavation operations or other SG related operations have been completed within an area, and continue in a diligent manner prior to or concurrently with the extension of excavation operations to a new area.
- (h) Removal of buildings and equipment: Buildings and equipment used in surface mining and quarrying operations shall be removed within six (6) months of the termination of surface mining and quarrying operations on the site.

#### **Sec. 7-9-104.6. Approval of SG site permit applications.**

- (a) SG site permits shall be processed for approval in the same manner as area plans per section 7-9-150.
- (b) Reclamation plans and any amendments thereto shall be transmitted to the State Department of Conservation for review and comment 45 days prior to any approval action by the County.
- (c) The Director may approve operations which deviate from an SG site permit for a period of up to one hundred twenty (120) days, provided that changed circumstances necessitate such a deviation and that the public health, safety, or welfare are not endangered by such a deviation. If the Director approves the temporary deviation, he shall notify the Planning Commission who may then revoke or modify the approval. There may not be an extension beyond the initial one hundred twenty (120) day period of the deviation.

#### **Sec. 7-9-104.7. Miscellaneous provisions.**

As to any site placed in the SG "Sand and Gravel Extraction" District between March 30, 1973,

and January 1, 1976, the legal description of the property, the general plan of operation, the ultimate use proposal, and the Rehabilitation Plan and any amendments thereto in effect on January 1, 1976, and the standards formerly set forth in section 7-9-351.8 of the Codified Ordinances of the County of Orange shall constitute an SG site permit for purposes of these regulations. Such permits may be acted upon pursuant to sections 7-9-150.7 and 7-9-150.8 without effect to the underlying property SG zoning.

**Sec. 7-9-104.8. Reclamation of mined areas required.**

- (a) Where an SG site permit has been issued or a reclamation plan has been approved, persons owning the land which is the subject of the SG site permit or reclamation plan shall undertake or cause to be undertaken, in a timely manner, the reclamation of any area used for surface mining and quarrying operations in accordance with said SG site permit or reclamation plan.
- (b) The failure to undertake or cause to be undertaken reclamation work required by subsection (a) in a timely manner shall be, and the same is hereby declared to be, unlawful and a public nuisance endangering the health, safety, and general welfare of the public and a detriment to the surrounding community. There shall be a hearing held by the Board of Supervisors on due notice to the owner and operator to determine the fact of noncompliance with subsection (a) and the extent of the public nuisance.
- (c) In addition to any other remedy provided by law for the abatement, removal and enjoinder of such public nuisance, the Board of Supervisors, after notice and hearing as per subsection (b), may cause the necessary remedial and reclamation work to be done, and the cost thereof shall be assessed against the owners of the property. The notice shall be in writing and mailed to all persons whose names appear on the latest equalized assessment roll as owners of the real property at the addresses shown on said assessment roll, or as otherwise known by the Board of Supervisors to be the owners or operators of the property involved. The Director shall also cause at least one (1) copy of such notice to be posted in a conspicuous place on the premises. No assessment shall be held invalid for failure to post or to mail or correctly address any notice if this section has been substantially complied with.
- (d) The Board of Supervisors shall at the hearing make findings which specify the unlawful condition and the corrective work required to be done, and if said corrective work is not commenced thirty (30) days after receipt of such order and diligently prosecuted to completion, the County of Orange may cause such work to be done; in which case, the cost and expense of such work, including the incidental expenses incurred by the County, will be assessed against the owners of the property and become a lien upon such property.
- (e) If upon the expiration of the thirty-day period provided for in this section the work has not been done or commenced, and is not being prosecuted with diligence, the County shall proceed to do such work or cause such work to be done. Upon completion of such work, the Director shall file a written report with the Board of Supervisors setting forth the fact that the work has been

completed and the cost to be assessed. The Board of Supervisors shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work. The Clerk of the Board of Supervisors, directed by the Board, shall thereafter give notice in writing to the owners and operators of the property of the hour and place that the Board will pass upon said report and will hear protests against said assessments. Such notice shall also set forth the amount of the proposed assessment. Upon the date and hour set for the hearing of protests, the Board shall hear and consider the report from the Director and all protests, if there be any, and then proceed to confirm, modify or reject the assessments.

- (f) A list of assessments as finally confirmed by the Board shall be sent to the Tax Collector for collection. If any assessment is not paid within ten (10) days after its confirmation by the Board, the Clerk of the Board of Supervisors shall cause to be filed in the office of the County Recorder of the County of Orange a notice of lien.
- (g) From and after the date of the recordation of such notice of lien, the amount of the unpaid assessment shall be a lien on the property against which the assessment is made, and such assessment shall bear interest at the rate of six (6) percent per annum until paid in full. Such lien shall continue until the amount of the assessment and all interest thereon shall have been paid. The lien shall be subordinate to tax liens and all fixed special assessment liens previously imposed upon the same property, but shall have priority over all contractual liens which may thereafter be created against the property. From and after the date of recordation of such notice of lien, all persons shall be deemed to have notice of the content thereof.

**Sec. 7-9-105. -- Sec. 7-9-109. Reserved.**

## **Sec. 7-9-110. PD “Planned Development” District Regulations.**

All references to this section shall include sections 7-9-110.1 through 7-9-110.6.

### **Sec. 7-9-110.1. Purpose and intent.**

The purpose of this district is to provide a method whereby land may be developed utilizing design features which take advantage of modern site planning techniques to produce an integrated development project providing an environment of stable, desirable character which will be in harmony with existing and potential development of the surrounding neighborhood.

The regulations of this district are intended to produce planned development projects which meet standards of open space, light and air, and density of land uses which provide for better use of common areas, open space and off-street parking facilities and provide for safe and efficient vehicular and pedestrian circulation. These regulations are intended to be utilized only for integrated planned development projects and should not be utilized for the establishment of individual land uses or structures unless they would become an integral part of an existing planned development.

### **Sec. 7-9-110.2. Application.**

In any district where the district symbol is followed by, as a part of such symbol, the letters “PD,” planned development projects shall be permitted subject to the regulations of this section. The district symbol shall constitute the “base district” and the PD suffix shall constitute the “combining district” indicating the additional permitted uses subject to the development standards as provided in this section and the provisions of the use permit required for all planned development projects. Projects which are not planned developments and uses or structures which are not part of planned developments shall not be subject to these regulations.

### **Sec. 7-9-110.3. Principal uses permitted subject to a use permit.**

The following principal uses are permitted subject to the approval of a use permit by the Planning Commission per section 7-9-150.

- (a) Uses permitted by the base district regulations.
- (b) Planned (unit) developments not otherwise permitted through base district regulations.
- (c) Any other use which the Planning Commission finds consistent with the purpose and intent of this district.

### **Sec. 7-9-110.4. Accessory uses permitted.**

Accessory uses and structures which are customarily associated with and subordinate to a permitted principal use within the same project net area, which are consistent with the design of the planned development project, and which are consistent with the purpose and intent of this district are permitted subject to a use permit, or a changed plan per section 7-9-150, or as stated below.

For residential planned developments, the following accessory structures and uses are permitted subject to an approved site development permit or changed plan per section 7-9-150.

- (a) Patio covers.
- (b) Sunscreens.
- (c) Spas, jacuzzis and swimming pools.
- (d) Accessory uses and structures which the Director, EMA, finds consistent with the design of the planned development project and consistent with the purpose and intent of this district.

**Sec. 7-9-110.5. Prohibited uses.**

Uses not permitted by sections 7-9-110.3 or 7-9-110.4 are specifically prohibited.

**Sec. 7-9-110.6. Site development standards.**

The following site development standards are in addition to the site development standards of the base district unless otherwise stated below.

- (a) Building site area. For planned developments, the project net area shall be used. The size, location, and configuration of individual lots shall be determined by the required use permit and the tract map for the project.
- (b) Building site coverage. For planned developments, there shall be no maximum building coverage for any individual site. However, the project net area shall not exceed the following building coverage:
  - (1) Forty (40) percent for residential projects.
  - (2) Twenty-five (25) percent for office and commercial projects.
  - (3) Thirty-five (35) percent for industrial projects.
- (c) Area per unit. For residential planned developments, there shall be no minimum land area per unit for any individual site. However, the project net area shall have an average land area per unit no less than the minimum area per unit required by the base district or per section 7-9-126.1. (Note: This is normally designated by a number following the district symbol "PD" and enclosed in parenthesis on the zoning district map.)
- (c) Number of dwelling units. The project net area divided by the minimum land area per dwelling unit will determine the maximum number of permitted dwelling units for the project.
- (d) Building setbacks. For planned developments, building locations need not satisfy the base district setback regulations but shall be determined by the approved use permit. Building locations shall be dimensioned on the use permit plans including distances between buildings and distances from streets and common driveways.

## **Sec. 7-9-111. SR “Sign Restrictions” District Regulations.**

All references to this section shall include sections 7-9-111.1 through 7-9-111.8.

### **Sec. 7-9-111.1. Purpose and intent.**

The purpose of this district is to establish standards for the control of signs in areas of the County which require protection of vistas of the natural landscape, scenic corridors and highways, recreational facilities and routes used for access to recreational areas and facilities. The intent of these regulations is to minimize the number of signs and to encourage the use of sound planning and design principles in the use of signs to complement the main use of the property and not disrupt nearby visual amenities and vistas within the scenic corridors.

### **Sec. 7-9-111.2. Application.**

This district may be combined with any other district. In any district where the district symbol is followed by, as a part of such symbol, parenthetically enclosed letters “SR,” thus (SR), the additional limitations on signs specified by this section shall apply. The district symbol shall constitute the “base district” and the (SR) suffix shall constitute the “combining district”. The restrictions herein are in addition to the provisions of section 7-9-144, Signs.

### **Sec. 7-9-111.3. Wall signs.**

- (a) Business or identification wall signs shall not exceed one (1) square foot of sign area for each linear foot of frontage of the building, or portion thereof, involved. The total aggregate sign area for such signs shall not exceed one hundred fifty (150) square feet for each business. If the building frontage of any business is less than twenty-five (25) feet, only one sign, having a maximum area of twenty-five (25) square feet, shall be permitted for each such business.

### **Sec. 7-9-111.4. Monument/ground signs.**

- (a) One (1) business or identification sign, including the foundation, not exceeding fifty (50) square feet in area or four (4) feet in height is permitted. One (1) additional business or identification sign is permitted on each additional street frontage that is in excess of ninety-nine (99) feet in length.
- (b) A business or identification sign, including the foundation, measuring more than fifty (50) square feet in area and/or exceeding four (4) feet in height may be permitted subject to a site development permit per section 7-9-150. In addition to the requirements of section 7-9-150, applications for signs shall be accompanied by drawings, drawn to scale, indicating the size, sign copy, color, method and intensity of illumination, height, sign area, and general location of all signs on the building site.

**Sec. 7-9-111.5. Pole signs.**

(a) Temporary signs:

Temporary construction signs, real estate signs, and travel direction signs are permitted. However, no such sign shall be more than sixteen (16) feet in height or the following square feet in area:

(1) Construction signs: Thirty-two (32) square feet.

(2) Real estate signs:

a. Residential:

1. Four (4) or less units per building site: Six (6) square feet.

2. Five (5) or more units per building site: Thirty-two (32) square feet.

b. Non-residential: Thirty-two (32) square feet.

(3) Travel direction signs: Per section 7-9-144.

(4) Residential tract signs: Per section 7-9-136.1(f).

(b) Permanent signs:

Business and identification pole signs may be permitted subject to a use permit approved by the Zoning Administrator per section 7-9-150. In addition to the requirements of section 7-9-150, applications for signs shall be accompanied by drawings, drawn to scale, indicating the size, sign copy, color, method and intensity of illumination, height, sign area, and general location of all signs on the building site.

**Sec. 7-9-111.6. Sign programs.**

(a) A sign program is intended to provide incentive and latitude in order to achieve variety and appealing design for shopping/office centers and industrial parks. With a site development permit approved per section 7-9-150, the requirements of sections 7-9-111.3 and 7-9-111.4 may be modified for such centers and parks. Multiple building sites that share a common access may develop a sign program provided that, shopping/office centers and industrial parks shall contain the following minimum net acreage:

(1) Shopping/office centers – Three (3) acres.

(2) Industrial parks – Twenty (20) acres.

- (b) In addition to the requirements of section 7-9-150, the application for a sign program shall be accompanied by the following documents:
- (1) Coverage area: A map, drawn to scale, delineating the site proposed to be included with the sign program.
  - (2) Building elevations: Drawings and/or sketches indicating the exterior surface details of all structures on the site.
  - (3) Signing: Drawings, drawn to scale, indicating the sign copy size, method and intensity of illumination, height, sign area and general location of all signs.

**Sec. 7-9-111.7. Signs permitted subject to Zoning Administrator approval.**

Except for signs specifically prohibited in section 7-9-111.8, any sign may be permitted subject to a use permit approved by the Zoning Administrator per section 7-9-150.

**Sec. 7-9-111.8. Signs prohibited.**

- (a) Outdoor advertising signs.
- (b) Roof and projecting signs.
- (c) Banner signs.
- (d) Electronic message board signs.
- (e) Portable signs.
- (f) Signs specifically prohibited by the base district.

**Sec. 7-9-112. Reserved.**



### **Sec. 7-9-113. FP “Floodplain” District Regulations.**

All references to this section shall include sections 7-9-113.1 through 7-9-113.10 inclusive.

#### **Sec. 7-9-113.1. Purpose and intent.**

The Floodplain District regulations are intended to be applied per section 7-9-48 to those areas of the County which, under present conditions, are subject to periodic flooding and accompanying hazards.

The FP-1 is intended to be applied to areas shown as “floodway” on the September 15, 1989 or most current federal Flood Insurance Rate Maps and Flood Boundary and Floodway Maps and areas in which the County has determined that a floodway exists.

The FP-2 is intended to be applied to areas shown as “A,” “A1” through “A30,” “AO,” “AE,” “AH,” “A99” and “M” on the September 15, 1989 or most current federal Flood Insurance Rate Maps and areas in which the County has determined to be a special flood hazard area.

The FP-3 is intended to be applied to areas shown as “V” and “V1” through “V30”, and “VE” on the September 15, 1989 or most current federal Flood Insurance Rate Maps and areas in which the County has determined to be a coastal high hazard area.

The purposes of the Floodplain District include:

- (a) Prevention of loss of life and property and to minimize economic loss caused by flood flows.
- (b) Establishment of criteria for land management and land use in flood-prone areas that are consistent with the criteria promulgated by the Federal Insurance Administration for the purpose of providing flood insurance eligibility for property owners.
- (c) Regulation and control of use of land below the elevation of the base flood flow within the floodplain.
- (d) Compliance with the Cobey-Alquist Floodplain Management Act requirements for floodplain management regulations.

#### **Sec. 7-9-113.2. Application.**

This district may be combined with any other district. In any district where the district symbol is followed by parenthetically enclosed “(FP-1),” “(FP-2),” or “(FP-3),” the additional requirements, limitations, and standards of this district shall apply. The district symbol shall constitute the base district and the FP suffix shall constitute the combining district. In the event of conflicting provisions between the base district and the combining district, the requirements of the FP-1, FP-2 or FP-3 shall take precedence.

### **Sec. 7-9-113.3. Definitions.**

In addition to section 7-9-21, the following definitions shall apply to the FP District.

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year, a.k.a. 100-year flood.

Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Coastal Floodplain Development Study: An EMA report which contains technical criteria and standards necessary to provide protection of property from the ocean along the unincorporated coastal plain.

Coastal high hazard area: The area subject to ocean related hazards, including but not limited to storms, hurricane wave wash, and tsunamis.

Director, EMA: The county official responsible for floodplain management in Orange County and administering these regulations.

Flood: A general and temporary condition of partial or complete inundation of land areas from the overflow of inland and tidal waters, and the rapid accumulation of run-off of surface waters from any source and mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.

Flood Insurance Rate Map (F.I.R.M.) and Flood Boundary and Floodway Map: The official maps on which the Federal Insurance Administration has delineated the areas of special flood hazard, the risk premium zones and the floodways applicable to the community.

Floodplain: The land area adjacent to a watercourse and other land areas susceptible to being inundated by water.

Floodproofing: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and that part of the floodplain reasonably required to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Lowest floor: The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured home: A structure, transportable in one or more sections, which is built on a

permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

Reference vertical datum: The National Geodetic Vertical Datum (NGVD) or 1929 or the North American Vertical Datum (NAVD) of 1988, as applicable, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced by the Federal Emergency Management Agency.

**Sec. 7-9-113.4. Uses permitted.**

The following uses complying with section 7-9-146.10 are permitted in the FP-1, FP-2, and FP-3 except as prohibited by section 7-9-113.7.

- (a) Agriculture.
- (b) Public flood control facilities and devices.
- (c) Public utility facilities.
- (d) Public parks and recreation areas.
- (e) Accessory uses and structures which satisfy the applicable development standards in section 7-9-113.5.

**Sec. 7-9-113.5. Uses permitted subject to a site development permit.**

The following uses are permitted subject to the approval of a site development permit per section 7-9-150 except as prohibited by section 7-9-113.7.

- (a) FP-2.

Structures and uses, including manufactured homes, permitted by the base district which meet the following additional standards:

- (1) Designed and adequately anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic levels, including the effects of buoyancy.
- (2) Constructed with materials resistant to flood damage.
- (3) Constructed by methods and practices that minimize flood damage.
- (4) For buildings including manufactured homes, the elevation of the lowest floor, including the basement or cellar, must be at least one (1) foot above the base flood elevation.  
(Informational Note: Flood insurance may still be required of the property owner by the lender if the building pad or foundation is at or below the base flood elevation.)

- (b) FP-3.

All structures and uses permitted per “(a)” above which meet the following additional standards:

- (1) Satisfy the design criteria of the Coastal Flood Plain Development Study.
- (2) Securely anchored on pilings or columns so that the elevation of the bottom of the lowest horizontal structural member is at or above the base flood elevation and the pile or column foundation can resist the base flood. (Informational Note: Flood insurance may still be required of the property owner by the lender if the building pad or foundation is at or below the base flood elevation.)
- (3) Located landward of the reach of the mean high tide.

**Sec. 7-9-113.6. Uses permitted subject to a use permit.**

The following uses are permitted in the FP-1, FP-2, and FP-3 subject to a use permit approved by the Zoning Administrator.

- (a) Commercial extraction related to flood control purposes.

**Sec. 7-9-113.7. Prohibited uses.**

Notwithstanding sections 7-9-113.4 through 7-9-113.6, the following structures and uses are specifically prohibited in the FP-1, FP-2, and FP-3.

- (a) Structures and uses which would increase flood elevations during the occurrence of a base flood discharge.
- (b) Landfills, excavations, and grading or the storage of materials and equipment that would result in any diversion or increase in erosion, flood elevations, or related hazards to people or property.
- (c) Storage or disposal of floatable substances and materials or of chemicals, explosives, and toxic materials.
- (d) FP-3 only.
  - (1) The use of fill for structural support of buildings.
  - (2) The placement of mobilehomes except in mobilehome parks and subdivisions.

**Sec. 7-9-113.8. Site development permit procedures.**

In addition to the requirements of section 7-9-150, site development permits shall be in compliance with the following procedures:

- (a) A registered civil engineer shall certify in the application the following:
  - (1) Any available base flood data has been reasonably utilized, including data from Federal, State, and County sources.

- (2) The standards in section 7-9-113.5 have been satisfied.
  - (3) Any floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.
  - (4) The flood carrying capacity within any altered or relocated portion of a watercourse is maintained.
  - (5) Electrical, heating, and plumbing equipment is designed and located to prevent water from entering or accumulating within the components during conditions of flooding.
  - (6) Water supply systems are designed to minimize infiltration of floodwaters into the systems.
  - (7) Sanitary sewerage systems are designed to minimize infiltration of floodwaters into the system and discharges from the systems into floodwaters.
  - (8) On-site waste disposal systems are located to avoid impairment to them or contamination from them during flooding.
  - (9) Fully enclosed areas below the lowest floor are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters or, within the FP-3, are enclosed with breakaway walls.
  - (10) On slopes, adequate drainage paths are provided to guide floodwaters around and away from proposed structures.
- (b) Applications shall include submittal of detailed drainage studies and plans indicating how site grading, in conjunction with any necessary drainage conveyance systems, will provide structures that are safe from flood flows which may be expected from floods up to and including the base flood. The grading plan shall include on-site finished grade elevations and the base flood elevations, both related to the applicable reference vertical datum. Building plans shall show the elevation of the bottom of the lowest floor, including basements and cellars.
  - (c) The applications shall include EMA "Elevation Certificate" identifying the base flood elevation and certifying that the planned elevation of the lowest floor, including basements, is at least one foot above the base flood elevation.
  - (d) The application shall include evidence that all necessary permits as required by Federal and State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, have been received.

- (e) The Director, EMA, shall notify or cause to be notified adjacent communities prior to approval of any project which would alter or relocate a watercourse having an effect on the flood hazard areas shown on the Flood

Insurance Rate Maps and submit copies of such notification to the Federal Insurance Administration and State Department of Water Resources. Any approval action for such project shall require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity of the watercourse is not diminished.

- (f) If approved per section 7-9-150, records documenting “(a),” “(b),” “(c),” and “(d)” above shall be maintained by EMA for flood insurance reference purposes.
- (g) All site development permits shall be conditioned as follows:

Prior to issuance of final certificates of use and occupancy for any building, the applicant shall submit to the Manager, Building Inspection the EMA “Elevation Certificate” identifying the base flood elevation and certifying that the constructed elevation of the lowest floor, including basements, is at least one foot above the base flood elevation.

#### **Sec. 7-9-113.9. Nonconforming uses and structures in FP Districts.**

Any use or structure lawfully existing on any property that is made nonconforming by the application of the FP District regulations, or by any amendment of the FP District regulations, shall be subject to the provisions of section 7-9-151, Nonconforming Uses, except as follows:

Repairs or improvements done in any period of twelve (12) months not exceeding fifty (50) percent of the value of the building, as determined by the Director, EMA, shall be exempt from the FP District regulations provided that the square footage of the building, as it existed at the time this article or amendments thereto take effect, are not increased.

#### **Sec. 7-9-113.10. Exceptions to FP District regulations.**

The Director, EMA, may determine that certain properties within an FP District are not required to comply with the provisions of the FP District regulations when he finds that any of the following circumstances or conditions are present:

- (a) The zoning map includes property within an FP District that does not meet the purpose and intent for that district. The Director’s determination shall be based on a study of topographic and base flood elevation contours on the subject property and on such additional information as he finds necessary or appropriate. Additional information could include evidence of flood protection or floodproofing, if applicable, to protect against the base flood and improvements in compliance with the County’s flood control and flood protection standards and policies for streams, channels, storm drains or landfills fully offsetting flood surface elevations established by appropriate maps and/or computations.
- (b) If the property is also included within a floodplain on a Flood Insurance Rate Map or a Flood Boundary and Floodway Map, the appropriate approvals from the Federal Emergency Management Agency have been obtained.

## **Sec. 7-9-114. SS “Service Station” District Regulations.**

All references to this section shall include sections 7-9-114.1 through 7-9-114.6.

### **Sec. 7-9-114.1. Purpose and intent.**

The purpose of this district is to establish uniform standards in order to control the location, design and maintenance of automobile service stations. This district is intended to be applied to limited locations in order to minimize an excess of service station sites and only to permit such sites upon presentation of sufficient evidence that the need for such a facility is convincingly demonstrated.

### **Sec. 7-9-114.2. Application.**

This district may be combined with any commercial or industrial district and with any commercial or industrial area designated within any PC “Planned Community” District for the optional establishment of an automobile service station use. In any district where this symbol is followed by, as part of such symbol, parenthetically enclosed letters “SS,” thus (SS), the additional requirements and standards contained within this district shall apply for establishment, maintenance and operation of a service station use. The district symbol shall constitute the “base district” and the (SS) suffix shall constitute the “combining district”. Uses not part of or related to a service station are not subject to these regulations.

### **Sec. 7-9-114.3. Principal uses permitted subject to a use permit.**

- (a) The following principal uses are permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150.
  - (1) Uses permitted by the base district regulations.
  - (2) Automobile service stations not otherwise permitted through base district regulations.
- (b) Any other use is permitted which the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

### **Sec. 7-9-114.4. Accessory uses permitted.**

The following accessory uses and structures are permitted when customarily associated and subordinate to a permitted principal use on the same building site.

- (a) Sale of petroleum products, tires, batteries and related automotive accessories.
- (b) Minor automobile maintenance repair, washing and lubricating services.
- (c) Utility trailer rentals per section 7-9-114.6(b).
- (d) Signs per section 7-9-144. Signs are permitted in conformance with the regulations of the Orange County Sign Code subject to the following limitations:
  - (1) The total area for all signs on the premises shall not exceed three hundred (300) square feet.
    - a. One (1) monument/ground identification sign not exceeding a total area of one hundred (100) square feet or four (4) feet in height may be located anywhere on the premises.

- b. For each service station site, one (1) monument/ground gasoline price sign not exceeding thirty (30) square feet is required, and shall indicate:
  - 1. The actual price per gallon or liter, including taxes, of each grade of gasoline being sold from the premises.
  - 2. Whether any grade of gasoline normally offered for sale from the premises is currently not being offered for sale.
- (2) The maximum height of any sign or sign structure shall not exceed twenty-four (24) feet unless said sign is located within five hundred (500) feet from a freeway in which case the maximum height shall not exceed thirty (30) feet.
- (3) The maximum sign area of any sign shall not exceed one hundred (100) square feet in area.
- (4) Banner signs and advertising devices/advertising displays are prohibited on any service station building site.
- (e) Accessory uses and structures which the Director, EMA, finds consistent with the purpose and intent of this district.

**Sec. 7-9-114.5. Prohibited uses.**

Uses not permitted by sections 7-9-114.3 or 7-9-114.4 are specifically prohibited.

**Sec. 7-9-114.6. Site development standards.**

The following site development standards are in addition to the site development standards of the base district unless otherwise stated below.

- (a) Building setbacks. Seventeen (17) feet from the ultimate street right-of-way line, or as otherwise provided in subsection (b) of this section, except canopy roofs over pump islands may be cantilevered to within five (5) feet of the ultimate right-of-way line. Setbacks from other than right-of-way lines shall be as required by sections 7-9-127, 7-9-128, and 7-9-137.
- (b) Utility rental trailers.
  - (1) A maximum of ten (10) rental trailers shall be permitted on any service station site except where such site is contiguous to land zoned for residential or agricultural uses, where the maximum shall be five (5) trailers.
  - (2) Such trailers shall be screened or stored in an enclosure.

**Sec. 7-9-115. Reserved.**



## **Sec. 7-9-116. GPI “General Plan Implementation” District Regulations.**

All references to this section shall include sections 7-9-116.1 through 7-9-116.6.

### **Sec. 7-9-116.1. Purpose, intent and authority.**

Purpose and intent: The purpose of this district is to provide a method which will permit the development of land in a manner which is consistent with the General Plan within zoning districts which are not or may not be entirely consistent with the objectives, policies, general land uses, and programs specified by the General Plan, and to serve as a temporary control to provide assurance that property will not be developed in a manner which is inconsistent with the General Plan, until applicable zoning regulations are consistent. When it is found that a proposed land development is consistent with the objectives, policies, general land uses, and programs specified by the General Plan, and is in accordance with the regulations of this district, such development may proceed, in compliance with the regulations of the base district.

Authority: The application of this district to parcels which have been found to be zoned in a manner which is inconsistent with the objectives, policies, general land uses and programs specified by the General Plan is intended to be one of the preliminary steps in the County’s program to bring zoning into consistency with the General Plan as required by section 65860 of the Government Code of the State of California. Application of the GPI District to any real property constitutes the authority and directive to the Director, EMA, to prepare revisions and amendments, either by zone change or general plan amendment or both, as necessary to make applicable zoning regulations consistent with the General Plan.

### **Sec. 7-9-116.2. Application.**

This district may be combined with any other district. In any district where the symbol is followed by, as part of such symbol, parenthetically enclosed letters “GPI”, thus (GPI), the additional requirements and standards contained within this district shall apply. The district symbol shall constitute the “base district” and the (GPI) suffix shall constitute the “combining district.”

Each zoning ordinance applying the GPI District to specific property shall specify the length of time during which such ordinance is to be effective. However, if an ordinance is adopted which does not specify an effective period, the ordinance shall expire thirty-six (36) months after the date of adoption. At the end of such time limitation, if appropriate revisions are necessary to make the zoning regulations consistent with the General Plan or if another ordinance applying the GPI District to the property has not been adopted, application of the GPI regulations to the property shall expire and the ordinance applying the GPI District shall thereafter be null and void.

The time limitation provisions specified above are not applicable to any interim ordinance adopted as an urgency measure in compliance with the provisions of section 65858 of the Government Code.

**Sec. 7-9-116.3. Uses permitted.**

Any use permitted by the base district regulations, when such use is found to be consistent with the General Plan.

**Sec. 7-9-116.4. Prohibited uses.**

Uses not permitted by section 7-9-116.3 are specifically prohibited.

**Sec. 7-9-116.5. Site development standards.**

The establishment, operation, maintenance or expansion of the uses permitted by section 7-9-116.3 shall be in compliance with the standards of the base district.

**Sec. 7-9-116.6. Finding of consistency with the General Plan.**

Prior to the establishment, operation, maintenance or expansion of the uses permitted by section 7-9-116.3, the approving authority or the Director, EMA, shall find that the proposed use is consistent with the General Plan. Consistency findings shall be made in compliance with the following procedures.

(a) Determination by Director, EMA.

- (1) For all projects where no discretionary permit requiring a consistency finding is required, the consistency finding shall be made by the Director, EMA, except as otherwise provided in (2).
- (2) In any instance where the Director, EMA, finds that the proposed use is, or may be controversial, or of community interest, he shall forward the proposal to the Planning Commission.

(b) Determination by approving authority.

- (1) For all proposed uses not included in (a), the consistency finding shall be made by the Approving Authority at a regularly scheduled meeting.
- (2) When the Director finds that the proposed use is of a nature that may impact or cause concern to nearby property owners, the consistency finding shall be processed as a public hearing item in compliance with the procedures of section 7-9-150.3(c).

(c) Request for finding.

Each request for a finding as to consistency with the General Plan shall be in compliance with the following procedure:

- (1) Requests for single-family residential uses shall include plans containing the following information: Plot plans, drawn to scale, fully dimensioned and easily readable, containing the following:
  - a. Title block (applicant's name and date drawn).

- b. Scale and north arrow.
  - c. Property lines of building sites (dimensioned).
  - d. Buildings; existing and proposed, location, size (number of units).
  - e. Uses; existing and proposed.
  - f. Streets; location, name and width.
  - g. Easements; location, purpose and width.
  - h. Access (driveways, etc.); existing and proposed.
  - i. Topography and grading plans where applicable.
  - j. Existing structures on abutting properties; location, height, and uses.
- (2) Requests for all uses other than single-family residential uses shall include plans containing all the above information plus the following:
- a. Parking areas, designed to County standards.
  - b. Proposed signs; location, height, dimensions and copy.
  - c. Fencing or walls; type, location and height.
  - d. Landscape areas proposed.
  - e. Outdoor uses (where permitted); location and type.
- (3) Each request for a consistency opinion shall be submitted in the form and manner required by the Director, EMA. When the base district regulations require or permit the proposed use subject to approval of a discretionary permit, the discretionary permit may be used to make the consistency determination, provided such procedure is in compliance with the provisions of this district.
- (d) If the Planning Commission or Director, EMA, determines that additional data, plans or reports are necessary to assist the approving authority or Director in making the finding required by this district, such additional information may be requested and shall be provided.
  - (e) When a consistency request is not processed concurrently with a discretionary permit or proposal, the Planning Commission or Director, EMA, shall review the plans and supporting data within forty (40) days after their submittal to and acceptance by the Director, EMA.

- (f) Any determination by the approving authority or Director, EMA, regarding a consistency request shall be based on a finding by the approving authority or Director that a proposed use is consistent, or will be consistent when made subject to certain conditions.
- (g) A consistency determination shall not constitute approval of a project, but shall be limited to a finding that a proposed project is consistent or inconsistent with the General Plan. However, a project may be found to be inconsistent, but with a condition stating that it will be consistent if certain specified changes or conditions are complied with.
- (h) The Director, EMA, shall enforce any condition and insure that development is in compliance with the determination.
- (i) No use shall be established or expanded within the GPI District unless and until a determination has been made, in compliance with the provisions of this District that such use is consistent with the General Plan.

**Sec. 7-9-117. Oil Production.**

(a) Permitted.

In any district where the district symbol is followed by, as a part of such symbol, parenthetically enclosed letter "O," thus (O), oil drilling and production of oil, gas and other hydrocarbon substances is permitted.

All drilling and production of oil, gas and other hydrocarbon substances, permitted pursuant to this section are subject to the regulations of the Orange County Oil Code (Sec. 7-8-1 through 7-8-53).

## **Sec. 7-9-118. CD “Coastal Development” District Regulations.**

All references to this district shall include sections 7-9-118.1 through 7-9-118.8.

### **Sec. 7-9-118.1. Purpose and intent.**

The purpose of this district is to implement the California Coastal Act (Division 20 of the Public Resources Code) and the certified Local Coastal Programs of the County of Orange. It is intended that the procedures and regulations herein constitute the minimum standards for all development projects within the Coastal Zone.

### **Sec. 7-9-118.2. Application.**

This district may be combined with any other district. In any district where the district symbol is followed by parenthetically enclosed “(CD)”, the additional requirements, limitations, and standards of this district shall apply. The district symbol shall constitute the base district and the CD suffix shall constitute the combining district. In the event of conflicting provisions between the base district and the combining district, the requirements of the CD shall take precedence.

The provisions of this section are in addition to the provisions of sections 7-9-20 and 7-9-49. Where uncertainty exists as to the exact location of the CD District boundary, the following rules shall apply:

- (a) When a portion of a building site lies, or appears to lie partially within the CD District and any existing or proposed development of such building site is within the CD District, the building site shall be considered to be within the CD District.
- (b) When a portion of a building site lies, or appears to lie partially within the CD District and no development of such building site is within the CD District, the building site shall be considered to be not within the CD District.
- (c) When a public or private street or a highway lies partially within the CD District, the entire width of that portion of such street or highway lying partially within the CD District shall be considered to be within the CD District.

### **Sec. 7-9-118.3. Definitions.**

The following definitions shall apply to all areas within the CD District. In case of a conflict between the definitions contained in this district and those contained in sections 7-9-21 through 7-9-47, the definitions contained in this district shall prevail within the CD District.

Aggrieved person: Any person who, in person or through a representative, appeared at a public hearing regarding a coastal development permit; or who, prior to action on a coastal development permit, informed the County in writing of his concerns about an application for such permit; or who for good cause was unable to do either and objects to the action taken on such permit and wishes to appeal such action to a higher authority.

Appealable development: Any coastal development permit application that may be appealed to the California Coastal Commission pursuant to the Coastal Act of 1976, as amended.

Approving authority: Any person, committee, commission or board authorized by the applicable zoning or specific plan regulations, or by the provisions of this district to approve, conditionally approve or disapprove a coastal development permit or discretionary permit application or project.

Certified Local Coastal Program: A plan for the use of property within the Coastal Zone, together with the zoning ordinance, zoning district maps and other necessary implementing actions, which has been adopted by the County of Orange and certified by the California Coastal Commission pursuant to the Public Resources Code.

Coastal bluff:

- (a) Any bluff where the toe of the slope is now, or within the past 200 years has been, subject to marine erosion;
- (b) Any bluff where the toe of the slope is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in the Public Resources Code section 30603(a)(1) or (a)(2).

Coastal Commission: The California Coastal Commission established pursuant to the California Coastal Act (Division 20 of the Public Resources Code).

Coastal Development Permit: A permit issued by the County of Orange or the Coastal Commission which is an approval of a use subject to the provisions of section 7-9-118 and the Coastal Act.

Coastal Zone: That area of land and water extending seaward to the State's outer limit of jurisdiction and the unincorporated portion of the County of Orange specified on a Coastal Zone map adopted by the State Legislature as adjusted by the Coastal Commission pursuant to the requirements of the California Coastal Act.

Development: Means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act, and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, and kelp harvesting.

Development project: Any of the uses, activities or structures listed under the definition of "development" when carried out, undertaken or established individually or independently of any other such use, activity or structure; or any group or combination of the listed uses, activities or structures which combine to form, or are a component part of an integrated project.

Energy facility: Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal or other source of energy.

Estuary: All areas within the mean high tide line of any coastal water body subject to tidal action, usually semi-enclosed by land, having open, partially obstructed or intermittent exchange with the open sea and in which ocean water is at least occasionally diluted by fresh water runoff from the land.

First public road paralleling the sea: The inland right-of-way line of that street or highway nearest to the sea which is generally parallel to the sea and which:

- (a) Is lawfully open and suitable for uninterrupted use by the public;
- (b) Is maintained by a public agency;
- (c) Is an improved all-weather road open to motor vehicle traffic in at least one direction;
- (d) Is not subject to any restrictions on use by the public except during an emergency or for military purposes; and which
- (e) Connects with other public roads providing a continuous access system and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries and wetlands cause the waters of the sea to extend landward of the generally continuous coastline.

Whenever no public road can be designated which conforms to all provisions of (a) through (e) above, and a public road does exist which conforms to all provisions of (a) through (d) above, the effect of designating the first public road paralleling the sea shall be limited to the following:

- (f) All parcels between the Pacific Ocean and such other public road; and
- (g) Those parcels immediately adjacent to the sea and inland of such other public road.

Inland extent of the beach: The rocky shoreline to the toe of the bluff, all wet and dry sand area to the seaward vegetation line, toe of the bluff, or to a linear feature such as a sea wall, a road, or other permanent structures.

Local Coastal Program: See "Certified Local Coastal Program."

Major energy facility: Any energy facility exceeding \$50,000, or such minimum as may be adopted by the State of California, in actual or estimated cost of construction.

Major public works project: Any public works project exceeding \$50,000, or such other minimum as may be adopted by the State of California, in actual or estimated cost of construction.

Person: Any individual, organization, partnership, or other business association or corporation, including any utility and any federal, state, local government, or special district or an agency thereof.

Principal permitted use: The permitted main use that is designated specifically in the zoning district or specific plan regulation district of each specific certified LCP segment.

Public trust lands: All lands subject to the Common Law Public Trust for commerce, navigation, fisheries, recreation and other public purposes, including tidelands, submerged lands, beds of navigable lakes and rivers, and historic tidelands and submerged lands that are presently filled or reclaimed and which were subject to the public trust at any time.

Public works:



- (a) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.
- (b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.
- (c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.
- (d) All community college facilities.

Sea: The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

Stream: A natural watercourse identified as a stream on a map adopted pursuant to a certified Local Coastal Program, or as designated by a solid line or a \_\_\_\_\_ . . . symbol on the USGS 7.5 minute quadrangle series map. The bank of the stream shall be defined as the watershed and relatively permanent elevation or acclivity at the outer line of the stream channel which separates the bed from the adjacent upland, whether valley or hill, and serves to confine the water within the bed and to preserve the course of the stream. In areas where the stream has no discernible bank, the boundary shall be measured from the line closest to the stream where riparian vegetation is permanently established. Channelized streams not having significant habitat value should not be considered.

Structure: Includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power and transmission distribution line.

Submerged lands: Lands which lie below the line of mean low tide.

Tidelands: Lands which are located between the line of mean high tide and mean low tide.

Wetland: Lands within the Coastal Zone which may be covered periodically or permanently with shallow water, and including salt water marshes, freshwater marshes, open or closed brackish water marshes, swamps, mud flats, and fens.

#### **Sec. 7-9-118.4. Coastal development permit required.**

Except as otherwise provided by section 7-9-118.5, any person, partnership, corporation or state or local government agency proposing to undertake any development project within the CD District shall obtain approval of a coastal development permit in compliance with the provisions of this District. A tentative tract map shall not be approved and a building permit, grading permit, or encroachment permit shall not be issued prior to the issuance of a coastal development permit unless the project is categorically exempted per section 7-9-118.5.

It is the intent of these regulations to minimize the number of times a development project will be required to secure a coastal development permit. Whenever a proposed development project includes more than one "development," as defined in section 7-9-118.3, it is intended that, where feasible, the "developments" be integrated into one development project and that the coastal development permit application be processed at the most appropriate stage of the project. Any such coastal development permit application shall include such information and details as necessary to permit an appropriate decision to be made for all stages or phases of the development project.

#### **Sec. 7-9-118.5. Exemptions.**

Development projects listed in this section are exempt from the requirement for having an approved coastal development permit from the County of Orange. A current record of all categorically exempted developments shall be available for public and Coastal Commission review and shall include the following information for each: name of applicant, location of the project, and brief description of the project.

- (a) Development projects included in any categorical exclusion list adopted pursuant to the certified Local Coastal Program, and to section 30610(e) of the Public Resources Code.
- (b) Improvements to an existing structure except the following, which are not exempt.
  - (1) Improvements to any structure located on a beach, wetland, or seaward of the mean high tide line or where the dwelling or proposed improvement would encroach within 50 feet of the edge of a coastal bluff.
  - (2) Improvements on any structure located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of a beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, or within significant scenic resources areas as designated by the certified Local Coastal Program or the Coastal Commission when such improvements would constitute or result in any of the following:
    - a. An increase of ten percent or more of the internal floor area of the existing structures on the building site;
    - b. An increase in the floor area in any amount when the structure has previously been improved in compliance with these exemptions;
    - c. The construction of an additional story or a loft;
    - d. The construction, placement or establishment of any detached structure.
  - (3) Any significant alteration of land form, or removal or placement of vegetation, on a beach, wetland, sand dune, within 100 feet (50 feet for single-family dwelling) of the edge of a

coastal bluff, or in an area of natural vegetation designated by the Coastal Commission as significant natural habitat;

- (4) Expansion or construction of a water well or septic system;
  - (5) Improvements in an area which the Coastal Commission has determined to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, when such improvement would be a major water user not essential to residential use, including but not limited to, swimming pools and landscape irrigation systems;
  - (6) Any improvement when the coastal development permit issued for the original structure indicated that future additions would require a coastal development permit.
  - (7) Improvements to any structure or change in occupancy which would result in an increase in the intensity of the uses on the building site.
  - (8) Improvements pursuant to a conversion of existing structures from a multiple unit rental use or visitor serving commercial use to a condominium, stock cooperative, or time share project.
  - (9) Public works facility.
- (c) Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the Coastal Zone, pursuant to a permit from the United States Army Corps of Engineers.
- (d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of such repair or maintenance activities; except the following, which are not exempt:
- (1) Repair or maintenance of a sea wall revetment, bluff retaining wall, breakwater, groin, culvert, outfall or similar shoreline work which involves substantial alteration of the foundation, including pilings and other surface and subsurface structures.
  - (2) The placement, whether temporary or permanent, of riprap, or artificial berms of sand, or any other form of solid material, on a beach or in coastal waters, streams, wetlands, estuaries, or on shoreline protective works.
  - (3) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind.
  - (4) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or within 20 feet of coastal waters or streams.

- (5) Any method of routine maintenance dredging that involves the dredging of 100,000 cubic yards or more within a twelve (12) month period; or the placement of dredged spoils of any quantity on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or the removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.
- (6) Any repair or maintenance to facilities or structures or work located in any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area; or within 20 feet of any coastal waters or streams that include:
  - a. The placement or removal, whether temporary or permanent, of riprap, rocks, sand or other beach materials or any other forms of solid materials;
  - b. The presence, whether temporary or permanent, of mechanized equipment or construction materials.
- (e) The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this district.
- (f) The replacement of any structure, other than a public works facility, destroyed by natural disaster, provided such replacement structure conforms to applicable current zoning regulations, is designed and intended for the same use as the destroyed structure, does not exceed the floor area, height or bulk of the destroyed structure by more than 10 percent, and is sited in the same location on the same building site as the destroyed structure.
- (g) Development projects on tidelands, submerged lands or on public trustlands, whether filled or unfilled, when such projects are permitted pursuant to a coastal development permit issued by the Coastal Commission.
- (h) Projects normally requiring a coastal development permit but which are undertaken by a public agency, public utility or person performing a public service as emergency measures to protect life and property from imminent danger or to restore, repair or maintain public works, utilities and services during and immediately following a natural disaster or serious accident; provided the Director, EMA, and the Executive Director of the Coastal Commission are notified within three days after the disaster or discovery of the danger regarding the type and location of the emergency measures to be performed. This exemption does not apply to the erection, construction or placement of any structure with an estimated cost or market value in excess of \$25,000 in a permanent location.
- (i) Ongoing routine repair and maintenance activities of local governments, state agencies and public utilities (such as railroads) involving shoreline works protecting transportation roadways, as specified in Board of Supervisors; Resolution No. 82-1917, adopted on December 22, 1982.

**Sec. 7-9-118.6. Coastal development permit procedures.**

(a) Approving authority and appellate body.

Each coastal development permit application shall be processed in compliance with the requirements for use permits per section 7-9-150 unless otherwise stated herein. Normally, the approving authority for coastal development permits shall be the Zoning Administrator and the Planning Commission the appellate body. However, as provided for by section 7-9-150, when the Director, EMA, determines that the public interest would be better served, the Director may forward the application to the Planning Commission for action. In such cases, the Board of Supervisors shall serve as the appellate body.

(b) Application requirements.

Each application for a coastal development permit shall be filed in the form and number prescribed by the Director, EMA, and shall be accompanied by:

- (1) Payment of fee set by resolution of the Board of Supervisors.
- (2) A location map showing the area to be developed in relation to nearby lots, streets, highways and major natural features such as the ocean, beaches, wetlands and other major landforms.
- (3) A plan, drawn to scale, in sufficient detail to indicate compliance with the certified Local Coastal Program.
- (4) Any additional information determined by the Director, EMA, to be necessary for evaluation of the proposed development.

(c) Referral of application.

It shall be the duty of the Director, EMA, to: 1) forward applications for comment to other reviewing officials and/or agencies as may be required by Local Coastal Program policies, and 2) forward each application for a coastal development permit, together with his recommendation thereon, to the approving authority for action.

Any person may submit written comments on an application for a coastal development permit at any time prior to the close of the applicable public hearing. Written comments shall be submitted to the Director, EMA, who shall forward them to the approving authority.

(d) Public notice.

- (1) A notice shall be mailed or delivered by the Director, EMA, at least ten calendar days before the public hearing on coastal development permit applications to the following people and agencies:
  - a. Applicant.
  - b. All persons owning property within 300 feet from the exterior boundaries of the premises to which the application pertains.
  - c. All persons residing on a building site within 100 feet from the exterior boundaries of the

premises to which the application pertains.

- d. The Coastal Commission.
- e. Any board or committee as provided in the certified LCP.
- f. Public agencies which, in the judgment of the Director, EMA, may have an interest in the project.
- g. All persons who have submitted a written request for public notice of all coastal development permit applications or who have submitted a written request for public notice for any development of the subject property, and who have submitted self-addressed, stamped envelopes.

(2) Contents of notice.

- a. A statement that the development is within the Coastal Zone.
- b. The date of filing of the application and the name of the applicant.
- c. The number assigned to the application.
- d. A brief description of the development and its proposed location.
- e. The date, time and place at which the application will be heard by the local approving authority.
- f. A brief description of the general procedure for the conduct of the hearing and possible actions.
- g. The system for County and Coastal Commission appeals.
- h. The fee for filing appeals.

- (3) If a hearing on a coastal development permit is continued to a time which has not been stated in the initial notice or stated at the public hearing, notice of the continued hearing shall be provided in the same manner and within the same time limits as required in subsections "(1)" and "(2)" above.

(e) Findings.

A coastal development permit application may be approved only after the approving authority has made the findings required in section 7-9-150 and below:

- (1) Specific factual findings that the proposed development project conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.

(2) In addition to the findings required for a variance by section 7-9-150, the following finding shall also be made: "Approval of the application will result in a project which is in full compliance with the requirements of the certified land use plan."

(f) Appeals to the appellate body.

The approving authority's decision regarding any coastal development permit application may be appealed in compliance with the provisions of section 7-9-150. Any person may submit written comments on a coastal development permit at any time prior to the close of the applicable public hearing. Written comments shall be submitted to the Director, EMA, who shall forward them to the appellate body.

(g) Notice of final County decision.

Within seven calendar days of (A) the appellate body decision or (B) the expiration of the 15 calendar day appeal period to the appellate body, a notice of it shall be sent by first class mail to the following:

- (1) The applicant.
- (2) All persons who have submitted a written request for notification of action on this specific permit and who have submitted self-addressed, stamped envelopes.
- (3) The Coastal Commission district office.
- (4) Any board or committee as provided by the certified LCP.

The notice shall include conditions of approval and written findings. For decisions on developments which are appealable to the Coastal Commission, the notice shall include procedures for appeal of the County decision on the coastal development permit to the Coastal Commission. (Coastal Act/30333, 30620; 14. Cal Code of Regulations/13571(a)).

(h) Final County decision.

The County's decision on the coastal development permit application shall be considered final when both the following occur:

- (1) All findings required by section 7-9-118.6(e) have been adopted.
- (2) All rights to appeals before the appellate body have been exhausted.

However, the County's final decision shall not become effective if either of the following occur:

- a. The notice of final County action does not meet the requirements of section "(g)" above.
- b. An appeal is filed with the Coastal Commission prior to expiration of the Coastal Commission appeal period.

When either of the circumstances above occur, the Executive Director of the Coastal Commission shall, within five (5) calendar days of receiving the notice of final local government action, notify the County that the effective date of the County action has been suspended.

(i) Appeals to the Coastal Commission.

(1) Appealable developments.

A decision regarding a coastal development permit application for any of the following projects may be appealed to the Coastal Commission. Any such development may be appealed directly to the Coastal Commission without exhausting the appeal procedures to the appellate body provided such appeal complies with the adopted regulations of the Coastal Commission.

- a. Development projects approved by the County located within any appealable area, as follows:
  1. All area between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach or the mean high tide line of the sea where there is no beach, whichever is the greater distance;
  2. All areas not included in paragraph "1" above that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream and all areas within 300 feet, both seaward and landward, of the top of the seaward face of any coastal bluff;
  3. All areas not included within paragraphs "1" or "2" above that are located in a sensitive coastal resource area.
- b. Any development project approved by the County that is not designated as the "principal permitted use" as defined in section 7-9-118.3;
- c. Any development project which constitutes a major public works project or a major energy facility.

(2) Appeal procedures.

- a. An appeal of a decision may be filed by the applicant, by an aggrieved person, or by any two members of the Coastal Commission.
- b. An appeal of a decision shall be filed before the expiration of the ten working day appeal period. The ten working day appeal period begins the day following receipt by the Coastal Commission of the County's Notice of Final Action which meets the requirements of section "(g)" above.



(j) Failure to act-notice.

(1) Notification by applicant.

If the County has failed to act on an application within the time limit set forth in Government Code Sections 65950-65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950-65957.1 shall notify, in writing, the County and the Coastal Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be deemed approved.

(2) Notification by County.

If it is determined by the Director, EMA, that the time limits established pursuant to Government Code Sections 65950 through 65957.1 have expired, and the notice required by law has occurred, the Director shall, within seven (7) calendar days of such determination, notify the Coastal Commission and any persons or group entitled to receive notice pursuant to section 7-9-118.6 (d) above that the application has been approved by operation of law pursuant to Government Code Sections 65950-65957.1 and, if applicable, that the application may be appealed to the Coastal Commission pursuant to section 7-9-118.6 (i) above. This section shall apply equally to a determination by the County that the development has been approved by operation of law and to a judicial determination that the development has been approved by operation of law.

**Sec. 7-9-118.7. Enforcement provisions.**

The purpose of this section is to provide regulations and procedures which will ensure compliance with the California Coastal Act and with the requirements of all certified Local Coastal Programs and the provisions of this District.

(a) Violations.

Notwithstanding the provisions of section 7-9-154.3, the following provisions are applicable within the CD District.

A violation of a certified Local Coastal Program may be prosecuted by the County of Orange in the name of the people of the State of California, or may be redressed by civil action. Any person who violates any provision of the LCP shall be subject to a civil fine of not to exceed ten thousand dollars (\$10,000). In addition to any other penalties, any person who intentionally and knowingly performs any development in violation of the LCP shall be subject to a civil fine of not less than fifty dollars (\$50) nor more than five thousand dollars (\$5,000) per day for each day in which such violation occurs.

(b) Revocations.

Failure of any person to abide by and faithfully comply with any and all conditions that may be attached to the approval of a permit issued pursuant to the provisions of this District shall constitute grounds for the revocation of said permit.

The failure of any coastal development permit application to be processed in compliance with the requirements and procedures of this District shall constitute grounds for revocation for any permit approved resultant to such noncompliance.

(c) Judicial Review.

Any violation of the Zoning Code within the "Coastal Development" District shall also constitute a violation of division 20 section 30000 et seq. of the Public Resources Code of the State of California and shall be subject to the remedies, fines and penalties provided in Division 20, Chapter 9, Section 30800 et seq. of the Public Resources Code.

**Sec. 7-9-118.8. Open space easements and public access documents.**

When a coastal development permit requires dedication of a public access, open space or conservation easement, prior to recordation of a final tract or parcel map or prior to issuance of the coastal development permit, the legal dedication document shall be approved by the Director, EMA, and the Executive Director of the Coastal Commission prior to such recordation or permit issuance. The offer of dedication shall be processed in the following manner:

After the Director, EMA, has approved the offer of dedication, the offer of dedication, together with a copy of the coastal development permit conditions and findings, shall be forwarded to the Executive Director for review and approval. The Executive Director shall, within 15 working days after receipt of the documents, notify the Director, EMA, and the applicant of any recommended changes to the dedication offer.

If the Director, EMA, has not received a notice of recommended changes from the Executive Director at the end of the 15 working day period, the map may be recorded or the permit may thereafter be issued in compliance with applicable County procedures and regulations.

If the Executive Director has recommended changes in the offer of dedication, the subject map shall not be recorded, nor shall the permit be issued, until the offer of dedication has been revised in a manner satisfactory to, and as approved by, the Director, EMA, and the Executive Director.

## **Sec. 7-9-119. SH “Scenic Highway” District Regulations.**

All references to this section shall include sections 7-9-119.1 through 7-9-119.5.

### **Sec. 7-9-119.1. Purpose and intent.**

The purpose of this district is to preserve and enhance the natural or man-made scenic beauty and resources along a highway designated as a “scenic corridor” in the Master Plan of Scenic Highways of the Orange County General Plan.

### **Sec. 7-9-119.2. Application.**

This district may be combined with any other district. In any district where the district symbol is followed by, as a part of such symbol, parenthetically enclosed letters “SH”, thus (SH), the additional requirements and procedures contained in this section shall apply. The district symbol shall constitute the “base district” and the (SH) suffix shall constitute the “combining district.”

### **Sec. 7-9-119.3. Uses permitted subject to a site development permit.**

All principal and accessory uses that are permitted by the base district regulations and that are visible from a point five (5) feet high at the centerline of the scenic highway are permitted subject to the approval of a site development permit per section 7-9-119.5 and 7-9-150. The applicant shall be responsible for providing the necessary information to determine that a project is not visible as described above and thus not subject to these district regulations.

### **Sec. 7-9-119.4. Uses Prohibited.**

Notwithstanding section 7-9-119.3, the following uses are specifically prohibited:

- (a) Uses which cannot meet the aesthetic purpose and intent of the district.
- (b) Uses not permitted by the base district regulations.

### **Sec. 7-9-119.5. Site development standards.**

- (a) Signs. All signs shall conform to the regulations of the SR “Sign Restrictions” District, section 7-9-111.
- (b) Utilities. Where practical all utilities, including the linkage between main line and structures, shall be underground.

## **Sec. 7-9-120. E “Equine” District Regulations.**

All references to this district shall include sections 7-9-120.1 to 7-9-120.8.

### **Sec. 7-9-120.1. Purpose and Intent.**

- (a) The Equine (E) District is established to allow the keeping of *equi* in certain developed residential areas so that residents may retain and preserve a semi-rural environment, including the retention of equestrian uses.
- (b) The purpose of this district is to specify the number of *equi* which are allowed on residential properties.
- (c) The intent is to maintain the rural, open space character of the County’s traditional equestrian communities.

### **Sec. 7-9-120.2. Application.**

This district may be combined with any other district. In any district where the district symbol is followed by, as a part of such symbol, the parenthetically enclosed letter “E”, (E), the additional requirements and procedures contained in this section shall apply. The district symbol shall constitute the “base district” and the (E) suffix indicates that the “combining district” also applies. Any ambiguity or conflict shall be resolved by the Director pursuant to section 7-9-20.

### **Sec. 7-9-120.3. General regulations.**

The following regulations shall be applicable to all properties located in any (E) District.

- (a) The regulations applicable to principal uses and structures in the underlying zone district shall apply.
- (b) The total number of *equi* on a property shall not exceed one per 5,000 square feet unless approved through a Recreational Equine Use Permit, per section 7-9-120.4.
- (c) For purposes of these regulations the breeding of *equi* owned or leased by the property owner, resident, lessee, members of his/her immediate family, and/or mares present on the property temporarily for breeding purposes shall not be considered a commercial use.
- (d) Enforcement of the provisions of this section shall be as set forth in section 7-9-154.

### **Sec. 7-9-120.4. Recreational Equine Use Permits.**

- (a) (1) A Recreational Equine Use Permit approved by the Zoning Administrator pursuant to section 7-9-150 shall be obtained for the keeping of more than one (1) *equus* for every 5,000 square feet on properties with an (E) designation. No more than one *equus* per 3,500 square feet shall be permitted under this section.

- (2) No Recreational Equine Use Permit shall be granted unless all subject *equi* are owned or

leased by the property owner, resident, lessee, members of his/her immediate family, or mares present on the property temporarily for breeding purposes.

- (3) The property owner, resident or lessee shall at any time after the filing of the permit application, and at all times after such permit is issued, make available proof of ownership of each equus on the property to any County representative.
- (4) The Zoning Administrator shall provide 45 days for review and comment from citizen body(ies) designated by the Board of Supervisors regarding the application for a Recreational Equine Use Permit prior to the issuance of such permit. If no response is received from such designated citizens' body(ies) within the 45 day comment period, the citizens' body(ies) shall be deemed to have no objection to the issuance of the permit.
- (5) In addition to the foregoing, notice of the consideration of the permit shall be given as specified in section 7-9-150.3(c)(2).

(b) Recreational Equine Use Permit Application submittal requirements.

In addition to the information required by section 7-9-150, each Recreational Equine Use Permit application shall include a signed declaration from the applicant attesting to the fact that the ownership of all of the equi on the property conforms with 7-9-120.4(a)(2) above.

- (c) An applicant for the Recreational Equine Use Permit may keep equi subject to the application on the property during the application process until notice has been received of the final disposition of the application.

**Sec. 7-9-120.5. Revocation of the Recreational Equine Use Permit.**

The Zoning Administrator shall conduct proceedings to revoke a Recreational Equine Use Permit pursuant to section 7-9-150.7. Wherever the term "Planning Commission" is used in that section, it shall mean "Zoning Administrator" for the purposes of revocation pursuant to this section only. An appeal of a decision of the Zoning Administrator upon a revocation proceeding to the Planning Commission shall be conducted pursuant to section 7-9-150.4.

**Sec. 7-9-120.6. Nonconforming uses.**

- (a) For the purpose of determining whether or not equine use was lawfully established pursuant to section 7-9-150(a) of the Zoning Code, any property having a total area of more than 5,000 and less than 10,000 square feet on the effective date of this ordinance shall be permitted to maintain no more than two (2) equi as a legal nonconforming use recognized under this ordinance, without obtaining a Recreational Equine Use Permit pursuant to sections 7-9-120.4 and 7-9-150.
- (b) Consistent with Zoning Code section 7-9-151(c), a Recreational Equine Use Permit approved by the Zoning Administrator pursuant to sections 7-9-120.4 and 7-9-150 shall be obtained for the keeping of more than 2 equi on any property having a total area of more than 5,000 square feet and less than 10,000 square feet. The density provision of section 7-9-120.4(a)(1) shall not apply to a property of this size.

**Sec, 7-9-120.7. Corral setbacks.**

Notwithstanding Zoning Code Section 7-9-137.5, the following corral setbacks shall be allowed:

- (a) Except for those regulations regarding the proximity of neighboring residential windows with equi specified in the Health Code, open rail corral fences up to five feet in height with visual through-line-of-sight may be allowed up to a street right-of-way line through which no vehicular access is taken;
- (b) those areas with vehicular intersection access shall have such fences angle back from the access points by following the angle line between two points located on, and fifteen (15) feet distant from, the point of intersection of the access way and the street right-of-way line.

**Sec. 7-9-120.8. Severability.**

If any provision of this section 7-9-120, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this section to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this section are severable.

**Sec. 7-9-121. – 7-9-124. Reserved.**

## **Sec. 7-9-125. General Regulations.**

All references to this section shall include 7-9-125.1 through 7-9-139.

The purpose of these provisions is to clarify and amplify regulations applying throughout the County, and to set forth other regulations applying to certain areas. The General Regulations apply to all zones and all uses of land unless otherwise stated. When two or more conflicting regulations apply to the same property, the more restrictive shall apply. Violation of the General Regulations is a violation of the Zoning Code.

### **Sec. 7-9-125.1. Required street and highway dedication and improvements.**

When a building site abuts and enjoys a right of vehicular access to or from a local street or arterial highway, no building permit and no certificate of use and occupancy shall be issued for any use except single-family dwellings until the right-of-way for such street or highway, for the length of the frontage of the site actually to be used for such purposes including parking, has been dedicated to or vested in the County of Orange and such right-of-way has been improved by installation of paving, curbs, gutters, drive approaches, sidewalks where required and street drainage, in compliance with the provisions and specifications of "Standard Plans, Orange County Environmental Management Agency," as amended. However, if at the time of development of the property, the Director, EMA, finds that the installation of such improvements is physically inappropriate prior to commencement of development of the property, the property owner may enter into an agreement with the County of Orange guaranteeing the installation of such improvements within a specified time; and the County may require a faithful performance bond, a cash deposit, a letter of credit, or such other means that will guarantee the completion of such improvements.

### **Sec. 7-9-125.4. Required drainage fees.**

When a building site is located within the boundaries of an adopted master plan of drainage, no building permit and no certificate of use and occupancy shall be issued for any use except single-family dwellings until drainage fees pertaining to the gross area of the site have been paid in the amount set forth in the drainage fee schedule adopted by the Board of Supervisors in conjunction with the adoption of such master plan of drainage.

At the discretion of the Board of Supervisors, dedication of rights-of-way, actual construction, installation or design by a registered civil engineer of improvements described in such adopted master plan of drainage, or any combination thereof, may be accepted in lieu of the payment of the aforementioned fees. The funds derived from the drainage fees imposed hereby shall be utilized only for the construction of local drainage facilities for the disposal of surface and storm waters from the local drainage area in which such building or land is located.

## **Sec. 7-9-126. Building Site Requirements.**

No building permit and no certificate of use and occupancy shall be issued for a building or use of land until the Director, EMA, has verified by official records that the parcel of land upon which such building or use of land is to be established is a building site.

### (a) Lawful, nonconforming building sites.

- (1) Any parcel of land that was established as a building site by the recordation of a final tract map, a final parcel map, a record of survey recorded pursuant to an approved division of land, a lot line adjustment, a certificate of compliance; or by a deed of conveyance or contract of sale or in any other legal manner recorded prior to May 24, 1962, and which complied with all of the requirements of all the County ordinances in effect at the time of recordation in the office of the County Recorder (or the Los Angeles County Recorder, if recorded prior to the formation of Orange County) is considered to be a building site.
- (2) Building sites established by "(1)" above that are subsequently reduced in area by rights of way or easements that prohibit the surface use of property may be established as legal building sites if the Director, EMA, determines that the site will be able to provide a building envelope comparable to similar building sites in the area.

### (b) Creation of building sites.

A building site may be created by the recordation of a final tract map, a final parcel map, or a lot line adjustment. The creation of any building site shall conform to the following requirements:

- (1) Each building site shall be shown on the recorded document as a numbered lot or parcel.
- (2) Each building site shall be of sufficient area and width to comply with the area and width requirements for the zoning district in which it is located.
- (3) Each building site shall either:
  - a. Abut a public street, having a right of access for vehicles and pedestrians, and enjoy practical and physical access to such street, for a minimum width of twenty (20) continuous feet; or
  - b. Have a recorded right of access for vehicles and pedestrians for a minimum continuous width of twenty (20) feet (sixteen feet paved) via street or other vehicular accessway, and enjoy practical and physical access, from the building site to a public street.



(c) Lot line adjustments.

A lot line adjustment is a discretionary action per the Subdivision Code and shall not require the approval of an area variance permit if both findings below are made:

- 1) The lot line adjustment is between two single-family residential properties with one or both of them developed.
- 2) The lot line adjustment would serve to achieve greater consistency with the applicable setback standards.

(d) Building site area.

- (1) Building site area shall be calculated by measuring the site horizontally as a level plane. Rights-of-way or easements that prohibit surface use of the site, except easements for open space purposes on single-family lots, shall be excluded from the calculation. (Examples of open space easements include, but are not limited to, resource preservation and scenic easements.) The minimum building site area required by the applicable district or planning area regulations shall be undivided and relatively compact although the entire building site may be larger with diffuse parts.
- (2) That portion of a panhandle or flag building site that is used for access purposes and is under forty (40) feet in width shall not be used in calculating the area of the building site.

**Sec. 7-9-126.1. Establishing district symbols for building site requirements.**

In any district the minimum required building site area or width or the maximum permitted building height may be different from that set forth in the regulations of the district if so specified on the zoning district map. Such specifications shall be shown in the following manner:

- (a) A number preceding and connected by a hyphen with the district symbol shall designate the minimum required building site width in feet.

Example: 150-CH

- (b) A number following and connected by a hyphen with the district symbol shall designate the minimum required building site area. Where the number is greater than one hundred (100), it shall indicate the area in square feet; where the number is less than one hundred (100), it shall indicate the area in net acres.

Example: CC-10,000 or CN-4

- (c) A number following the district symbol and enclosed by parentheses shall designate the minimum number of square feet of land area required for each dwelling unit.

Example: R4(4,000) or  
R4-(4,000)PD(3,000)

- (d) In any district the maximum building height may be different from that set forth in the regulations of the district by designation of such different height limit upon an official zoning district map as follows: Where a number is shown below and separated by a line from the district from the district symbol or symbols, said number shall designate the maximum height of any building or structure in feet.

Example:  $\frac{CC}{65}$

**Sec. 7-9-126.2. Building site reduced by acquisition for public use.**

- (a) Unimproved building site.

If a portion of a building site containing no structures is acquired for public use by condemnation, dedication, purchase or any other means, the status of the remainder of the building site shall be determined as follows:

- (1) If such remainder has eighty (80) percent or more of the area and width required by the district regulations at the time of acquisition, such remainder shall constitute a building site.
- (2) If such remainder has less than eighty (80) percent but not less than fifty (50) percent of the required area or width, or both, but otherwise meets all of the requirements for a building site, the public agency concerned may file an application for a use permit, whether or not the acquisition has been completed, to establish if such remainder shall constitute a building site.
- (3) A property owner may apply for a use permit at any time to establish the status of such remainder.

- (b) Improved building site.

If a portion of a building site improved with structures is acquired for public use by condemnation, dedication, purchase or any other means, the status of the remainder of the building site shall be determined as follows:

- (1) If such remainder has eighty (80) percent or more of the area and width required by the district regulations at the time of acquisition, such remainder shall constitute a building site.
- (2) If such remainder has less than eighty (80) percent but not less than fifty (50) percent of the required area or width, or both, but otherwise meets all of the requirements for a building site, the public agency concerned may file an application for a use permit, whether or not the acquisition has been completed, to establish if such remainder shall constitute a building site.
- (3) If such remainder has setbacks or distances between buildings which have eighty (80) percent or more of the depth or width, or both, required for each of such spaces, they shall constitute the required spaces.
- (4) If such remainder has setbacks or distances between buildings which have less than eighty (80) percent but not less than sixty (60) percent of the depth or width, or both, required for each of such spaces, the public agency concerned may file an application for a use permit, whether or not the acquisition has been completed, to establish if such spaces shall

constitute the required spaces. Furthermore, the public agency concerned may file an application for a use permit, whether or not the acquisition has been completed, to establish yards or distances, between buildings associated with structures to be relocated, consisting of less than eighty (80) percent of the depth or width, or both, required for such space.

- (5) A property owner may apply for a use permit at any time to establish the status of such remainders.

(c) Conflicts with other requirements.

Any conflict with the requirements of the Zoning Code other than those inherent in preceding paragraphs (a) and (b), caused by acquisition for public use by condemnation, dedication, purchase or any other means, shall be subject to approval by the approving authority as provided for in section 7-9-150.

Any use permit application filed pursuant to the provisions of this section shall not be approved unless the approving authority finds:

- (1) The remainder of the building site is appropriate for the uses permitted by the applicable zoning regulations and will not result in the creation of any hazardous or nuisance activities or conditions; and
- (2) Any permitted use existing or to be established on the remainder portion will not create any conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses on surrounding properties.

**Sec. 7-9-126.3. Determination of building site width.**

In any district zoned for residential uses when a minimum building site width is required, such required width shall be determined by measuring the distance between the sidelines of the building site along a line parallel to a straight line joining the foremost points of the side property lines, and twenty (20) feet, at the closest point, from the ultimate street right-of-way line. However, in the case of a panhandle building site or a building site not abutting a street or alley and gaining access by an easement, the width of the building site shall be determined by measuring the distance across the building site along a straight line in any direction.

In any district other than a residential district, when a minimum building site width is required such required width shall be determined by measuring the distance between the points of intersection of the side property lines with the ultimate front street right-of-way line.

**Sec. 7-9-127. Building Line Regulations for Main Buildings and Structures.**

Main buildings and structures, and attached accessory buildings may be constructed or placed on any portion of a building site except within the following areas:

- (a) Within the ultimate right-of-way, as defined, shown as existing on the Master Plan of Arterial Highways or within the ultimate right-of-way, as defined, of any local or private street;
- (b) Within the setback area established by the designation of a building line on a precise plan of highway alignment or an official zoning district map;
- (c) Within the setback area specified by an applicable building line plan adopted in compliance with the provisions of section 7-9-128(a);
- (d) Within the setback area designated by the applicable district regulations, unless otherwise specified by the provisions of section 7-9-146;
- (e) Within the setback area designated by the Building Lines Chart, section 7-9-127.1, unless otherwise specified by the provisions of section 7-9-128. Unless otherwise specified by ordinance applicable to the property, the setback distance from any local street and existing arterial highway shall be measured from the ultimate right-of-way line, as defined, of such street or highway.

**Sec. 7-9-127.1. Building line designation.**

Where there is no building line or setback area designated on a precise plan of highway alignment or official zoning district map, where there is no applicable adopted building line plan and when the zoning district regulations and the zoning ordinance applicable to a building site do not specify a building line or a minimum setback distance, the building line for each building site shall be as specified by the Building Lines Chart and setback illustrations A, B, and C as follows:

## BUILDING LINES CHART

(Not applicable to accessory buildings and structures)

<b>SETBACK DISTANCE IN FEET</b>											
<b>COMMERCIAL, PROFESSIONAL AND INDUSTRIAL DISTRICTS</b>											
District	From Ultimate Street R/W Line			From Alley			From Property Line Abutting A, R or E Districts		From Property Line Abutting Districts Other Than A, R or E Districts		
	Front	Side	Rear	Front	Side	Rear	Side	Rear	Side	Rear	
CC	5	5	5	5	5	5	20	20	0	0	
CH	53	10	10	0	0	0	10	10	0	0	
CN	20	20	20	20	20	20	20	20	0	0	
PA	10	10	10	10	0	10	10	10	10*	10	
RP	20	5	25	20	5	25	5	25	5	25	
C1	0	0	0	0	0	5	0	10	0	10	
C2	0	0	0	0	0	5	0	10	0	10	
M1	20	20	20	20	10	10	30 or E	30 or E	20*	10	
SG	20	5	25	0	0	10	5	25	0	10	
<b>AGRICULTURAL, ESTATE AND RESIDENTIAL DISTRICTS</b>											
District	From Ultimate Street R/W Line			From Property Line Not Abutting Street		On Panhandle Building Site from Any Property Line					
	Front	Side	Rear	Side	Rear						
A1	20	5	25	5	25 or D	10					
AR	20	5	25	5	25 or D	10					
E1	45	20	50	20	50 or D	10					
RHE	10	8	25	8	25 or D	10					
E4	30	A	25	A	25 or D	10					
R1	20	5	25	5	25 or D	10					
R2D	20	5	25	5	25 or D	10					
R2	20	5	25	5	25 or D	10					
R3	20	B	25	B	25 or D	10					
R4	20	5	25	5	25 or D	10					
RE	40	A	25	A	25 or D	15					
RS	10	10	10	C	0	10					

\*Required for one side of building site only.

A. Ten (10) percent of average ultimate net width of building site-Maximum twenty (20) feet.

B. Five (5) feet; add one (1) foot for each additional story over two (2).

C. Ten (10) feet on one (1) side only or ten (10) feet total of two (2) sides combined.

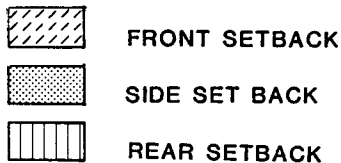
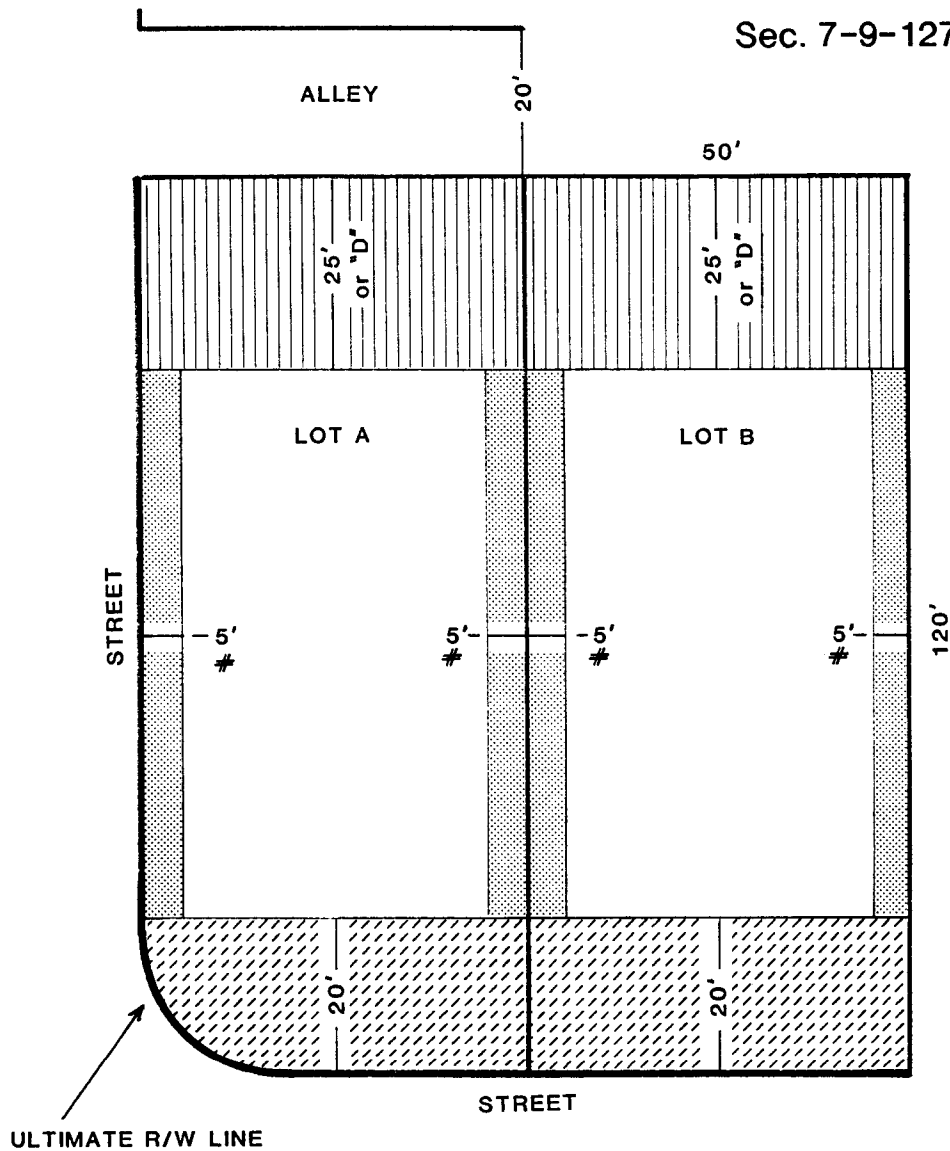
D. In computing the depth of a rear setback from any building where such setback opens on an alley, private street, public park or public beach, one-half of the width of such alley, street, park or beach may be deemed to be a portion of the rear setback, except that under this provision, no rear setback shall be less than fifteen (15) feet.

E. If no openings, such as windows, doors and circulation vents, exist on the side of the building facing the property line, this setback may be reduced to fifteen (15) feet.

# ILLUSTRATION A

## Setbacks for Main Building AR, A1, R1, R2D, R2, R3, R4

Sec. 7-9-127.1



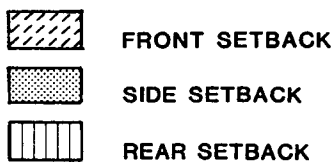
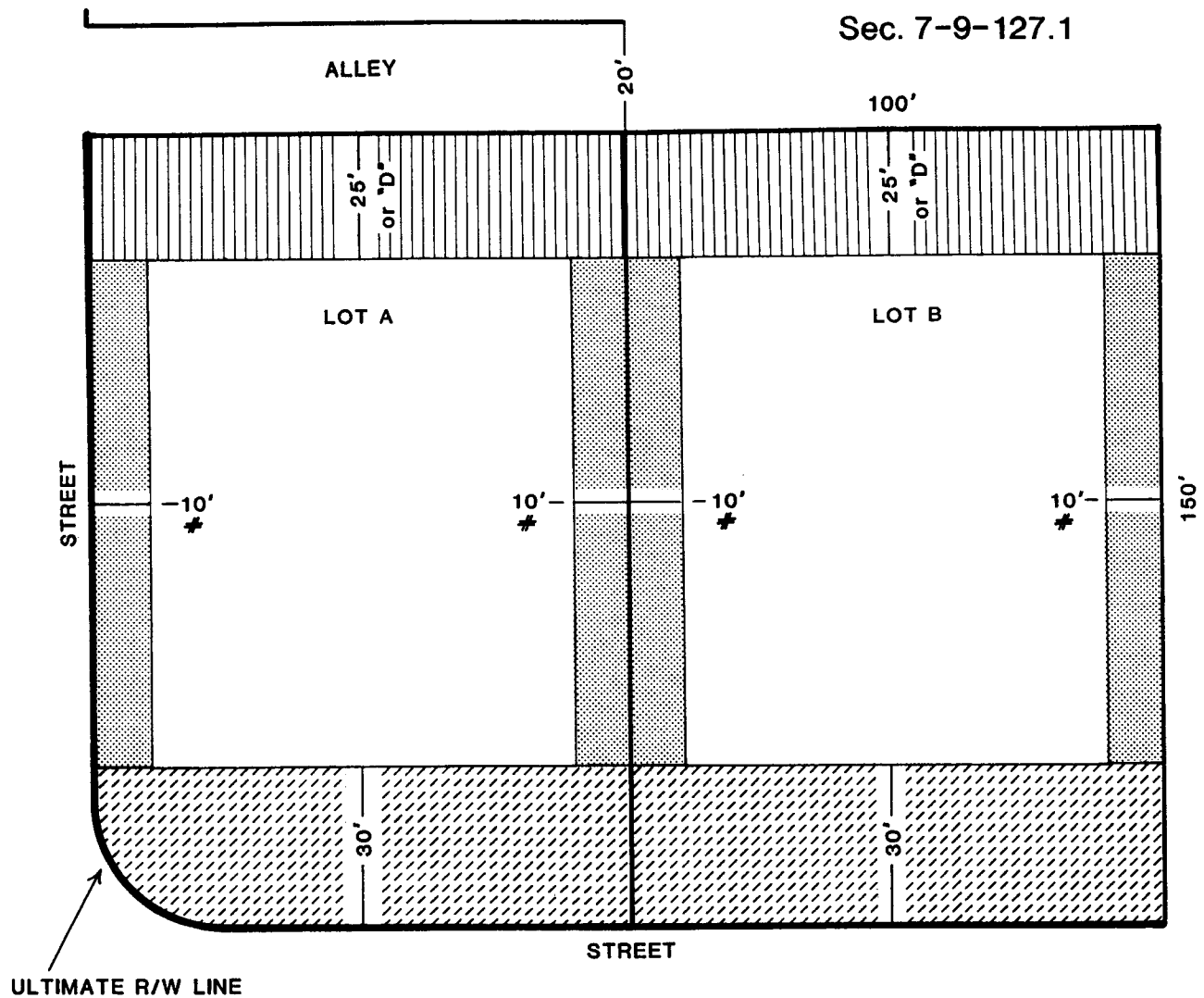
# In R-3 district the side setback is 5' + 1' for each story over 2.

- NOTE:**
1. For irregularly shaped building site see section 7-9-128.10.
  2. For shallow building site see section 7-9-128.2
  3. For narrow building site see section 7-9-128.3

**'D':** In computing the depth of a rear setback from any building where such setback opens on an alley, private street, public park or beach, one-half of the width of such alley, street, park or beach may be deemed to be a portion of the rear setback, except that under this provision, no rear setback shall be less than fifteen (15) feet.

# ILLUSTRATION B

## E-4 Setbacks For Main Building



# 10% of the average width of the building site not to exceed 20'.

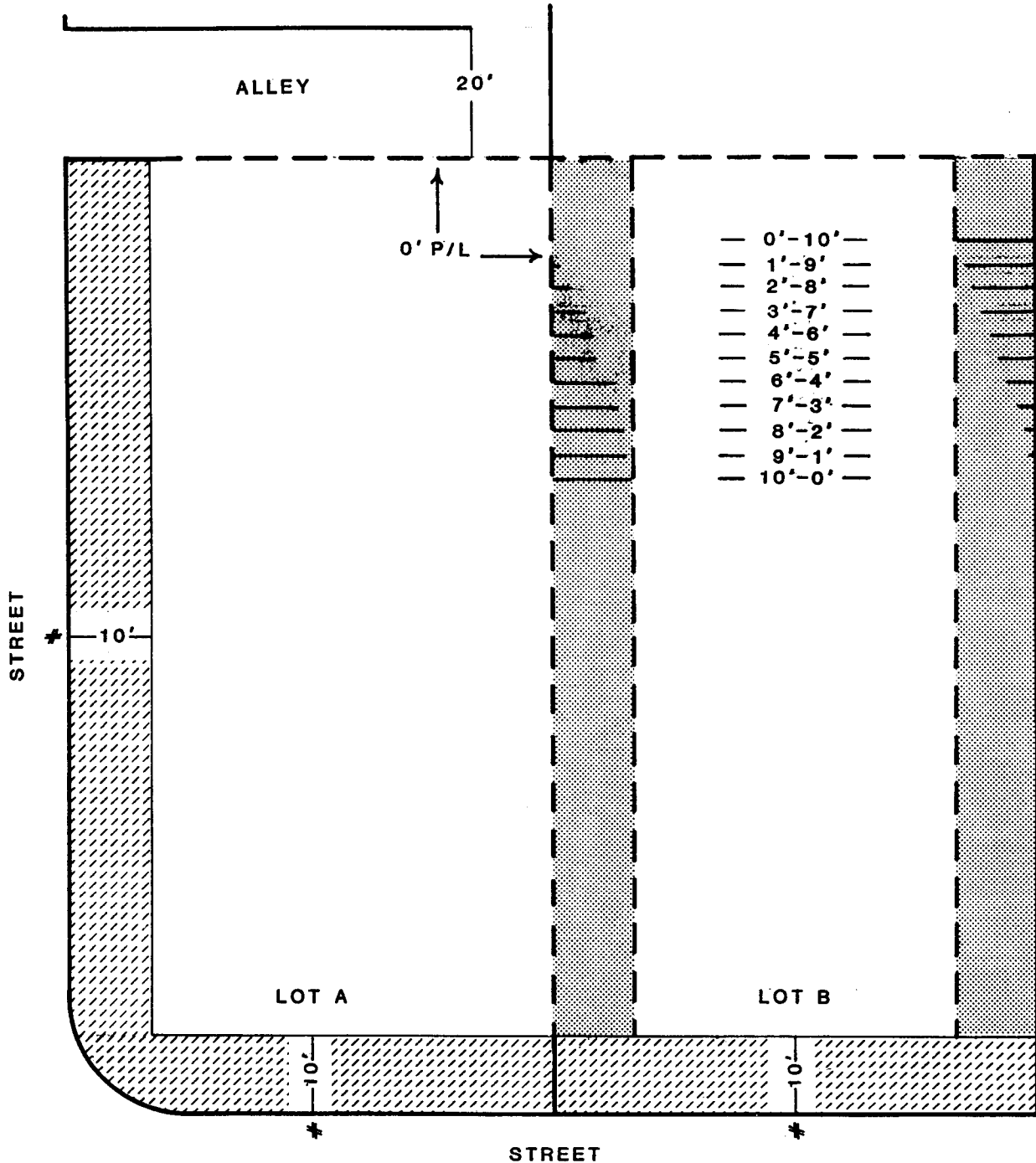
- NOTE:**
1. For irregularly shaped building site see section 7-9-128.10.
  2. For shallow building site see section 7-9-128.2.




**"D":** In computing the depth of a rear setback from any building where such setback opens on an alley, private street, public park or beach, one-half of the width of such alley, street, park or beach may be deemed to be a portion of the rear setback, except that under this provision, no rear setback shall be less than fifteen (15) feet.

# ILLUSTRATION C

## RS Main Building Setbacks (35% coverage)

Sec. 7-9-127.1



- # FROM ANY STREET
-  SETBACKS FROM STREET
-  SETBACKS FROM INTERIOR & REAR P/L
-  COMBINED SET BACKS FROM INTERIOR SIDE P/L



### **Sec. 7-9-128. Exceptions to Building Lines Chart.**

All references to this section shall include sections 7-9-128.1 through 7-9-128.10.

The building line for a main building or structure, or attached accessory building may be different than the building line specified by the Building Lines Chart when otherwise permitted by the provisions of subsection (a), "Building Line Plan," or by the provisions of sections 7-9-128.1 through 7-9-128.10.

(a) Building line plan.

A building line plan is a precise plan designating the required setbacks for main buildings and structures, accessory buildings and structures or both, for a designated area such as that of an entire Tract Map. Unless otherwise required by the provisions of sections 7-9-127(a) or (b), a building line plan may be adopted in compliance with the following provisions:

- (1) A building line plan shall be adopted in the same manner as a use permit after required public hearings before the Planning Commission per section 7-9-150.
- (2) A building line plan may be either graphic or descriptive. It shall include sufficient information to clearly designate the real property and the types of structures it is applicable to and how required setbacks are determined.

Whenever a building line plan has been adopted it shall supersede the provisions of the Building Lines Chart in section 7-9-127.1 and the exceptions to the Building Lines Chart in sections 7-9-128.1 through 7-9-128.10.

#### **Sec. 7-9-128.1. Building line on panhandle building site.**

In the case of a panhandle building site, the building lines shall be set back a minimum of ten (10) feet from any property line, except as otherwise specified in this article.

#### **Sec. 7-9-128.2. Building line on shallow building site.**

When a building site has an average depth of one hundred (100) feet or less but more than seventy-five (75) feet, any required front and rear building line setbacks need not be more than twenty (20) percent of such average depth; and when a building site has an average depth of seventy-five (75) or less, any required front and rear building line setbacks need not be more than fifteen (15) percent of such average depth, but in no event shall any required front or rear building line setback be less than five (5) feet.

**Sec. 7-9-128.3. Building line on narrow building site.**

When a building site has an average width of less than fifty (50) feet, any required building line setback from the interior side property lines need not be more than ten (10) percent of such average width but in no event less than three (3) feet.

**Sec. 7-9-128.4. Building line based on average of adjoining sites.**

Where a building site is situated between two (2) building sites, each of which has a main building within forty (40) feet of said building site which projects into the required front setback area, the front building line for said building site need not be set back further than the average of the setbacks of the two (2) adjoining buildings.

**Sec. 7-9-128.5. Building line on building site adjacent to a projecting building on one side.**

Where a building site abuts and has a sideline common to a site which has a main building within forty (40) feet of said common sideline which projects into the required front setback area on one side and abuts a vacant building site, a street or permanent open space on the opposite side, the front building line for said building site need not be set back further than the average of the existing setback on one side and the setback required by the Building Lines Chart for said building site.

**Sec. 7-9-128.6. Balconies, decks, porches, terraces, exterior steps and exterior stairways.**

Balconies, decks, porches, terraces, exterior steps in excess of thirty (30) inches in height and exterior stairways, unroofed and unenclosed, may project not more than three (3) feet into any required side setback area or the distance required between buildings on the same building site and not more than five (5) feet into any required front or rear setback area, but in no event shall such balconies, decks, porches, terraces, exterior steps or exterior stairways be closer than two (2) feet to any side property line or three (3) feet to any front or rear property line of a building site, when projecting into any required setback area.

**Sec. 7-9-128.7. Eaves, cornices, canopies and cantilevered roofs.**

Eaves, cornices, canopies, or cantilevered roofs may project a maximum of forty (40) percent into any required side setback and twenty-five (25) percent into any required front or rear setback and forty (40) percent into the space required between buildings on the same building site, but in no event shall such eaves, cornices, canopies or cantilevered roofs be closer than two (2) feet to any front, side or rear line of the building site when projecting into a required setback area.

**Sec. 7-9-128.8. Chimneys, fireplaces, wing walls and other minor architectural features.**

Masonry chimneys, fireplaces, wing walls and other minor architectural features may project into any required front, side or rear setback area a maximum of twenty-four (24) inches, but in no event shall such chimneys, fireplaces, wing walls and other minor architectural features project into any required setback area so as to be closer than three (3) feet to any property line of the building site.

**Sec. 7-9-128.9. Reserved.**

**Sec. 7-9-128.10. Setbacks determined by Director.**

Where a building site is situated such that the front, side and rear property lines are not readily determinable, required setbacks shall be as determined by the Director, EMA, in compliance with the following criterion:

Required setbacks shall not permit the placement of buildings on the site in a manner that will constitute a grant of special privileges inconsistent with the limitations placed on other properties in the vicinity and incompatible with surrounding uses.

**Sec. 7-9-129. Height Limit.**

All references to this section shall include sections 7-9-129.1 through 7-9-129.6. This section shall also apply to planned communities and specific plan areas unless otherwise stated.

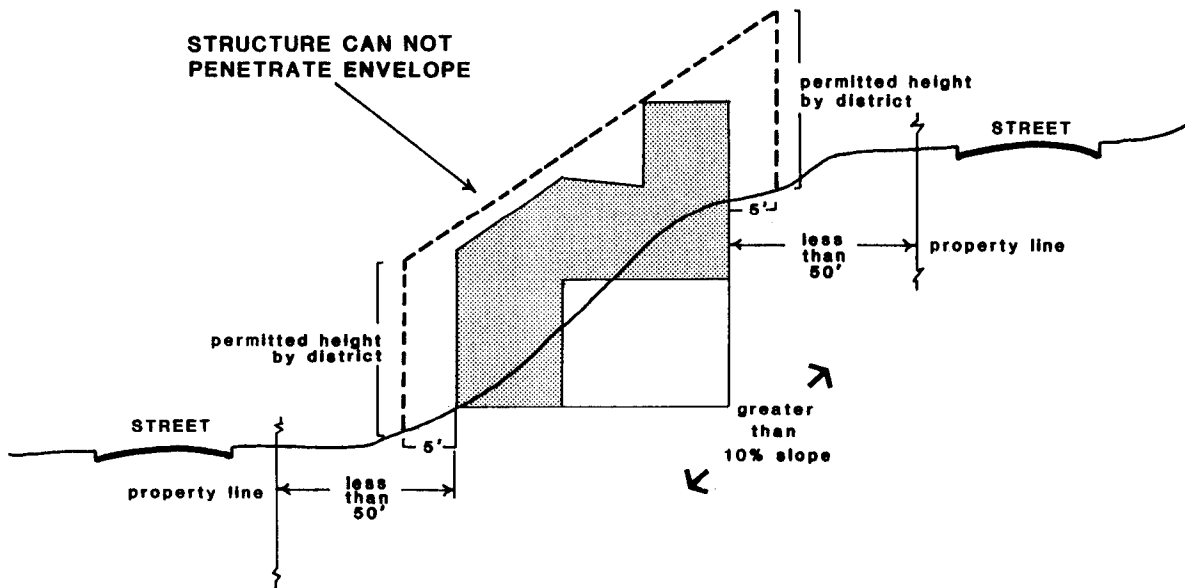
The height of any structure shall not exceed the building height limits specified in the district regulations, except as otherwise specified below.

**Sec. 7-9-129.1. Measurement.**

- (a) When a building site slopes in any direction at an average grade of more than ten (10) percent within the front fifty (50) feet of the building site, building height is the vertical distance above an inclined slope to the top of the structure, including screened mechanical and electrical fixtures. The inclined slope is established by enclosing the structure with an imaginary line five (5) feet outside of the perimeter of the structure, or at the property line if it is less than five (5) feet from the structure, and by assuming that all ground area closer is flat. See diagram for building height.

**Diagram For Building Height**

Sec. 7-9-129.1(a)



ALL MEASUREMENTS FROM FINISH GRADE ELEVATION

- (b) In all situations not included within (a) above, the height is the vertical distance above the ground level of finished grade to the top of the structure. This is established by enclosing the structure with an imaginary line five (5) feet outside of the perimeter of the structure, or at the property line if it is less than five (5) feet from the structure, and determining the average elevation from the imaginary line.

**Sec. 7-9-129.2. Antennas.**

Radio and television antennas, not including dish antennas, may exceed the district building height limit by ten (10) feet. However, FCC licensed amateur ham radio operators may have radio towers seventy (70) feet in height measured from ground level. A higher height limit for all antennas may be provided by a use permit approved by the Zoning Administrator per section 7-9-150.

**Sec. 7-9-129.3. Architectural features.**

- (a) Towers, gables, spires, flag poles, and architectural features not for sleeping or eating quarters or for any commercial purpose may exceed the district building height limit by ten (10) feet subject to a use permit approved by the Zoning Administrator per section 7-9-150.
- (b) Elevators, appropriately screened mechanical units, and chimneys which do not exceed 10% of the roof area, nor exceed the district height limitation by more than 8 feet will be permitted.

**Sec. 7-9-129.4. Hazards to air navigation.**

No person, firm or corporation shall undertake construction or alteration which meets the notice criteria of Subpart B, Title 14, Part 77 of the Code of Federal Regulations outside the exterior boundaries of any airport (including heliports) available for public use or any military airport, without first notifying the Federal Aviation Administration of the proposed construction, as required by Subpart B of Part 77, and receiving, and presenting to the Director, EMA, a determination from the FAA that such construction does not constitute a hazard to air navigation.

**Sec. 7-9-129.5. Oil derricks.**

Permitted derricks for drilling oil may be one hundred thirty-six (136) feet in height.

**Sec. 7-9-129.6. Signs.**

In no case shall the height of any sign exceed the building height limit specified in the district regulations.

**Sec. 7-9-130 -- 7-9-131. Reserved.**

### **Sec. 7-9-132. Screening and Landscaping.**

All references to this section shall include sections 7-9-132.1 through 7-9-132.2. Where required by the district regulations, the following minimum requirements shall apply.

#### **Sec. 7-9-132.1. Screening.**

- (a) An opaque screen shall be installed and maintained along all district boundaries where the premises abut areas zoned for residential or agricultural uses. A screen shall consist of one or any combination of the following types:
  - (1) Walls: A wall shall consist of concrete, stone, brick, tile or similar type of solid masonry material a minimum of four (4) inches thick.
  - (2) Berms: A berm shall be not more than twenty (20) feet in width at the base. It shall be constructed of earthen materials and it shall be landscaped.
  - (3) Fences, solid: A solid fence shall be constructed of wood or other materials and shall form an opaque screen.
  - (4) Fences, open: An open weave or mesh type fence shall be combined with plant materials to form an opaque screen.
  - (5) Planting: Plant materials, when used as a screen, shall consist of compact evergreen plants. They shall be of a kind, or used in such a manner, so as to provide screening, having a minimum width of two (2) feet within eighteen (18) months after initial installation. Permanent watering facilities shall be provided. If, eighteen (18) months after installation, plant materials have not formed an opaque screen or if an opaque screen is not maintained, the Director, EMA, shall require that either walls, berms, or a solid fence be installed.
- (b) Screen heights shall not be less than six (6) feet in height except where a shorter height is required by section 7-9-137.5, "Fences and walls."
- (c) No signs or sign supports except those specified in the off-street parking regulations shall be permitted on any required screening.

#### **Sec. 7-9-132.2. Landscaping.**

Landscaping, consisting of trees, shrubs, vines, ground cover, turf or any combination thereof, shall be installed and maintained subject to the following standards:

- (a) Boundary landscaping is required for a minimum depth equal to the required setback distance or ten (10) feet (whichever is less) along all property lines abutting streets except for the required street openings.
- (b) Landscaping along all streets and boundaries shall be in compliance with section 7-9-137.5, "Fences and walls."
- (c) Any landscaped area shall be separated from an adjacent parking or vehicular area by a wall or curb at least six (6) inches higher than the adjacent parking or vehicular area.

- (d) Permanent watering facilities shall be provided for all landscaped areas.
- (e) Required landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing and watering as needed, and replacement of plants when necessary.
- (f) For projects with landscaping of more than one cumulative acre, a landscape and irrigation system plan shall be submitted and approved prior to the issuance of building permits (with implementation reports submitted and approved prior to the issuance of use and occupancy permits) to comply with criteria approved by Board of Supervisors' Water Conservation Resolution.
- (g) In addition to other projects that may be subject to section 7-9-132.2, the following projects shall be subject to these regulations regardless of the district, planned community or specific plan in which they are located: 1) Multifamily projects of five or more units; 2) Residential planned developments (common areas only); and 3) Commercial/Office/Industrial projects involving landscaping/irrigation of more than one cumulative acre.

**Sec. 7-9-133. -- 7-9-135. Reserved.**

**Sec. 7-9-136. Temporary Uses and Structures.**

All references to this section shall include sections 7-9-136.1 through 7-9-136.12.

The temporary uses listed in sections 7-9-136.1 through 7.9.136.12 shall be permitted in any district, planned community, or specific plan area, unless otherwise specifically prohibited.

**Sec. 7-9-136.1. Residential tract sales and rentals.**

Temporary real estate offices and related signs may be established within the area of an approved tentative tract to be used solely for the first sale of homes or the first rental of apartments in projects of twenty (20) or more units within the same tract, subject to the provisions of this section.

(a) Building site not required.

Notwithstanding the provisions of section 7-9-126, the parcel of land on which a temporary real estate office is established is not required to be a building site provided the parcel is precisely described.

(b) Type of permit required.

The proposed real estate office may be permitted subject to the approval of a site development permit per section 7-9-150.

(c) Permitted structures and facilities.

The following structures and facilities are permitted in conjunction with the establishment of a temporary real estate office in conformance with an approved site development permit or use permit:

- (1) Model homes in compliance with the zoning regulations applicable to the properties that are being sold.
- (2) Garages, attached and detached, in compliance with the zoning regulations applicable to the properties that are being sold.
- (3) Temporary sales office buildings, or commercial coach.
- (4) Accessory buildings and structures in compliance with the zoning regulations applicable to the properties that are being sold.
- (5) Recreational facilities that will be a permanent portion of the subdivision in compliance with the zoning regulations applicable to the properties that are being sold.
- (6) Permanent streets and driveways that will be part of the subdivision after the abandonment of the real estate office use.
- (7) Temporary children's playgrounds.



- (8) Temporary and permanent fencing, walks and structural amenities.
- (9) Temporary vehicle parking and maneuvering areas to provide off-street parking as necessary for employees and guests.
- (10) Temporary vehicular accessways.

(d) Requirements for approval.

Any approving action shall include those conditions and requirements deemed to be necessary or advisable to protect the public safety and the general welfare and adequate guarantees that the structures and facilities will be removed or made consistent with applicable zoning regulations within ninety (90) days after the expiration of the permit. In addition to those findings required for the approval of an application, any approving action for a temporary real estate office shall also include the following findings:

- (1) The access, parking and circulation facilities will not result in excess traffic congestion or traffic safety hazards.
- (2) The operation of the real estate office and associated activities will not conflict with adjacent and nearby residential uses.

(e) Time limitation.

A site development permit application for a temporary real estate office may be approved for a maximum time period of two (2) years from the date of approval. At the end of the period, the permit may be extended one additional year if it complies with the requirements of section 7-9-150.6.

(f) Signs.

Signs in connection with the uses permitted above shall be permitted within a tract on the following conditions:

- (1) The sign copy shall be limited to matters relating to the tract within which the signs are located.
- (2) Such signs shall have a time limit of existence concurrent with the use of the permitted temporary offices.
- (3) Signs up to sixty-four (64) square feet maximum in area are permitted at each street entrance.
- (4) Additional signage, exclusive of "(3)" above is allowed but shall not exceed a total of one hundred (100) square feet in area.

**Sec. 7-9-136.2. Construction office.**

The temporary use of a construction office during the construction of a main building on the same site shall be permitted upon the following conditions.

A temporary construction office shall be removed or shall be converted to a permitted use prior

to the issuance of a certificate of use and occupancy for the main building or buildings. If construction is phased over a length of time, the permit may provide that certificates of use and occupancy may be issued for completed buildings, except the last buildings to be completed, prior to removal or conversion of the temporary use.

**Sec. 7-9-136.3. Continued use of an existing building during construction.**

The use of an existing, lawfully established building may continue during construction or relocation of another building on the same building site, in compliance with the following provisions:

(a) Conformity with regulations.

Prior to occupancy of a new building, the existing building will be brought into conformity with any additional regulation rendered applicable by the placement of any new building on the site. Conformity will be accomplished by removal, reconstruction, relocation, conversion, change of use or any combination thereof.

(b) Guarantee of completion.

The Director shall require the landowner to provide a guarantee, which may include a bond, to ensure full compliance with the zoning regulations upon completion of the new building or sooner if, in the Director's opinion, work pertaining to the completion of all facilities required by law is not being diligently pursued.

**Sec. 7-9-136.4. Reserved**

**Sec. 7-9-136.5. Commercial coaches.**

In all commercial districts and similar areas of planned communities and specific plans, unless otherwise specifically prohibited, a temporary commercial coach may be permitted subject to approval of a site development permit per section 7-9-150 in compliance with the following provisions:

- (a) Time limitation. A site development permit application for a temporary commercial coach may be approved for a maximum of two (2) years from the date of approval.
- (b) Cash bond. A cash bond in the amount of five hundred dollars (\$500.00) for each commercial coach unit shall be posted with the Director, EMA, to guarantee the removal of each commercial coach unit upon the expiration of the site development permit.

**Sec. 7-9-136.6. Reserved.**

**Sec. 7-9-136.7. Mobilehome residence.**

(a) Temporary mobilehome during construction of dwelling.

In all residential districts and similar areas of planned communities and specific plans, a temporary mobilehome is permitted during the construction of a permanent dwelling subject

to the approval of a site development permit application per section 7-9-150 and the following additional requirements:

- (1) Such temporary mobilehome shall be located on the same building site and concurrent with the construction of a permanent dwelling.
- (2) Such temporary mobilehome shall be permitted for a period of time not to exceed one year, or until the issuance of a Certificate of Use and Occupancy for the main building, whichever occurs first. Extensions of time may be granted per section 7-9-150.

(b) Temporary mobilehome as additional dwelling.

In all residential districts and similar areas of planned communities and specific plans, a temporary mobilehome, ancillary to an existing dwelling on the same building site, is permitted subject to the approval of a site development permit application per section 7-9-150 and the following additional requirements:

- (1) The application shall include evidence as necessary to explain the need and the temporary nature of the proposed use.
- (2) The application shall be approved only when there are adequate guarantees that the mobilehome will be removed and the property will be restored to its original state or to a permitted use within sixty (60) days after the expiration date of the use permit.
- (3) Any permit approved by the provisions of this section shall be for a maximum time of two (2) years after the issuance of a certificate of use and occupancy for such use unless a shorter period of time is specified by the permit.

**Sec. 7-9-136.8. Christmas tree sales facility.**

A temporary Christmas tree sales facility shall be permitted in any agricultural, commercial, or industrial district or in similar areas of planned communities and specific plans, unless otherwise prohibited, and on all church sites and school sites and on vacant residential property abutting arterial highways subject to the following requirements:

(a) Date of opening.

A Christmas tree sales facility shall not be open for business during any calendar year prior to the day after Thanksgiving. However, ministerial permits necessary to establish the business may be issued by November 15.

(b) Merchandise to be sold.

A permitted Christmas tree sales facility shall not engage in the sale of any merchandise not directly associated with Christmas trees and Christmas decorations.

(c) Electrical permit.

The applicant shall secure an electrical permit from the Director, EMA, if the facility is to be energized.

(d) Removal of facility.

The facility shall be removed and the premises shall be cleared of all debris and restored to the condition prior to the establishment of the facility within fourteen (14) days after Christmas.

(e) Fire prevention standards.

Each Christmas tree sales facility shall comply with fire prevention standards as approved and enforced by the County Fire Chief.

(f) Site development permit.

In addition to the above requirements, an approved site development permit per section 7-9-150 shall be required when the sales facility is located in a residential district or area.

**Sec. 7-9-136.9. Public display of fireworks.**

A one-day public display of fireworks between June 30 and July 7, including the accessory sales by nonprofit organizations of food, beverages, and merchandise (other than fireworks), shall be permitted in any district, planned community, or specific plan area subject to a permit issued by the Fire Chief. Notwithstanding any other land use regulations, a discretionary zoning permit shall not be required.

**Sec. 7-9-136.10. Halloween pumpkin sales facility.**

A temporary Halloween pumpkin sales facility shall be permitted in any agricultural, commercial, or industrial district or in similar areas of planned communities and specific plans, unless otherwise prohibited, and on all church sites and school sites and on vacant residential property abutting arterial highways subject to the following requirements:

(a) Date of opening.

A Halloween pumpkin sales facility shall not be open for business during any calendar year prior to October 4.

(b) Merchandise to be sold.

A permitted Halloween pumpkin sales facility may not sell items not directly associated with pumpkins and Halloween decorations.

(c) Electrical permit.

The applicant shall secure an electrical permit from the Director, EMA, if the facility is to be energized.

(d) Removal of facility.

The facility shall be removed and the premises cleared of all debris and restored to the condition prior to the establishment of the facility by November 14.

(e) Fire prevention standards.

The facility shall comply with fire prevention standards as approved and enforced by the County Fire Chief.

- (f) Site development permit.

In addition to the above requirements, an approved site development permit per section 7-9-150 shall be required when the sales facility is located in a residential district or area.

**Sec. 7-9-136.11. Special outdoor gatherings.**

The regulations of this section pertain to the temporary use of property for special outdoor gatherings including but not limited to pageants, fairs, carnivals, and large athletic, religious, or entertainment events, except as covered by section 7-9-136.9. Such activities are permitted, without regard for other land use regulations to the contrary, in any zoning district, planned community, or specific plan area in compliance with the following provisions:

- (a) A discretionary zoning permit shall not be required for gatherings of less than five hundred (500) people, including spectators and participants. Gatherings of 500 or more people shall require approval of a site development permit per section 7-9-150.
- (b) Activities conducted on property owned by or leased to the County and public road rights-of-way may require an encroachment permit issued by the Director, EMA.
- (c) Activities which do not require a site development permit or an encroachment permit shall require a certificate of use and occupancy per section 7-9-152.
- (d) The temporary use may be permitted for a period not to exceed ten (10) consecutive days. Events recurring more than four (4) times in a calendar year are not considered temporary.
- (e) The Director, EMA, may require a cash bond or other guarantee for removal of the temporary use, cleanup and restoration of the activity site within seven (7) days of the activity conclusion.
- (f) Applications for permits/certificates required by "(a)", "(b)", and "(c)" above shall be referred by the Director, EMA, to other affected County agencies as may be appropriate for review and comment.
- (g) Related issues, including but not limited to police/security, food and water supply, use of tents and canopies, sanitation facilities, medical services, noise, signage, fire protection, and traffic control shall be satisfactorily addressed as may be required by the Director, EMA, Sheriff, Fire Chief, or Health Officer in their administration of other County codes. Such other codes may require the applicant to obtain permits such as building, electrical, health and tent permits.

## **Sec. 7-9-136.12. Sale of agricultural products.**

A temporary stand for the sale of agricultural products, other than Christmas trees and pumpkins, shall be permitted in any agricultural, commercial or industrial district or in similar areas of planned communities and specific plans, unless otherwise prohibited, and on all church and school sites and on vacant residential property abutting arterial highways subject to the following requirements:

(a) Establishment of use/time limit.

Prior to beginning sale of any product, the applicant shall obtain a building permit and temporary certificate of use and occupancy for land from the County of Orange. The certificate shall be issued for a period of time not to exceed 180 days in any calendar year from date of issue.

(b) Produce stand.

- (1) The floor area of the stand shall not exceed four hundred (400) square feet.
- (2) The stand shall not have a permanent foundation.
- (3) No stand shall be less than twenty (20) feet from the right-of-way line of any street or highway.

(c) Produce to be sold.

The produce to be sold will be stored and displayed at all times entirely within the produce stand. Selling shall only occur during daylight hours.

(d) Removal of facility.

The facility shall be removed and the premises cleared of all debris and restored to the condition prior to the establishment of the facility within fourteen (14) days of the expiration of the time limit.

(e) Signs.

Total signage shall not exceed eighty (80) square feet in area. Only one ground sign limited to eight (8) feet in height and one pole sign limited to sixteen (16) feet in height shall be permitted. Roof signs and wall signs shall also be permitted. No flags, banners, or pennants shall be allowed. The sign copy may be changed at will to reflect new produce being sold.

(f) Site development permit.

In addition to the above requirements, an approved site development permit per section 7-9-150 shall be required when the sales facility is located in a residential district or area.

### **Sec. 7-9-137. Accessory Uses and Structures.**

All references to this section shall include sections 7-9-137.1 through 7-9-137.8. These regulations apply to all districts, planned communities, and specific plan areas, unless otherwise specified.

(a) Permitted accessory uses and structures.

- (1) In addition to the principal uses and structures expressly included in a zoning district, planned community, or specific plan, accessory uses and structures which are customarily associated with and subordinate to a permitted principal use on the same building site and which are consistent with the purpose and intent of the applicable zoning district, planned community, or specific plan are permitted. Whenever there is a question as to whether a specific use or structure is permitted as an accessory use, the Director, EMA, shall make the determination.

(b) Discretionary action required.

Accessory uses and structures shall be subject to a discretionary action per section 7-9-150 (i.e., approved permit, amended permit, or changed plan) when one or more of the following apply:

- (1) Required by other zoning regulations, or
- (2) The principal use is subject to a discretionary permit and the accessory structure is over six (6) feet in height, not including travel direction signs.

(c) Location of certain attached accessory structures.

Accessory structures that are attached to a main building, are enclosed, and are over eight (8) feet in height shall comply with the setback requirements for a main building, except as provided in sections 7-9-137.1 through 7-9-137.8.

(d) Location of other accessory structures.

Accessory structures other than in "(c)" above shall be permitted anywhere on the building site except within the following areas, unless otherwise permitted by sections 7-9-137.1 through 7-9-137.8:

- (1) Within the ultimate right-of-way.
- (2) Within the area designated on an approved building line plan as a setback area applicable to accessory buildings.
- (3) Within those areas where fences and walls are limited to a maximum height of three and one-half (3½) feet, as specified in section 7-9-137.5.
- (4) Within the required front setback area unless provided for by a use permit approved by the Zoning Administrator.
- (5) Within the panhandle portion of a panhandle building site.

(e) Height limit.

(e) Height limit.

Accessory structures which are within the required setback areas shall be limited to twelve (12) feet in height, unless it is within three (3) feet of a property line, in which case it shall be limited to eight (8) feet in height. However, the height limit may be increased to the maximum allowed in section 7-9-129 with a use permit approved by the Zoning Administrator.

(f) Building site coverage within setback areas.

Accessory structures shall be limited to the following site coverage within the required setback area:

Required Setback Area	Enclosed Structure	Unenclosed Structure
Front	0%	0%*
Rear	25%	50%
Side	25%	50%

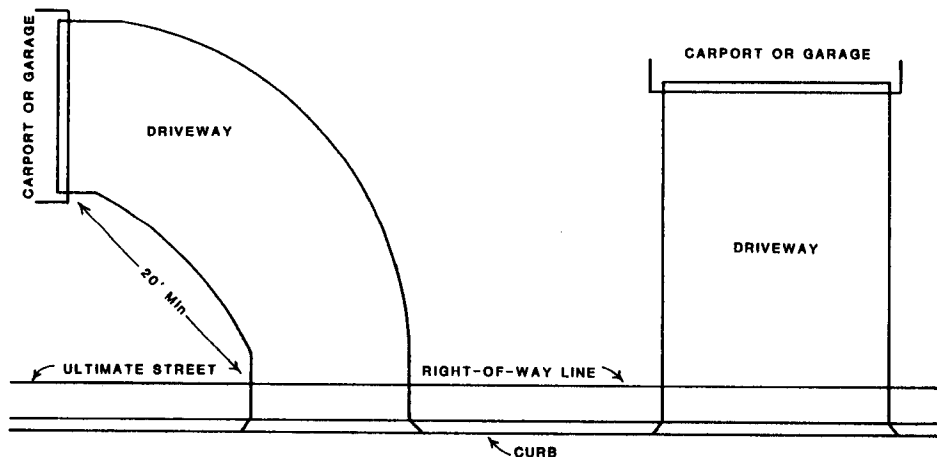
\*Note: Up to 25 percent building site coverage of the required front setback area shall be allowed for unenclosed structures if provided for by a use permit approved by the Zoning Administrator.

**Sec. 7-9-137.1. Garages and carports.**

The placement or construction of garages and carports on any building site used for residential purposes, including residential areas within planned communities and specific plans, shall comply with the setback requirements for a main building except as otherwise specified as follows:

(a) Garage entry location.

When the building line is closer than twenty (20) feet from the ultimate right-of-way of a street or from a common driveway providing primary access and circulation to other dwelling units, attached and detached garages shall be located so that the garage entry is a minimum of twenty (20) feet, at the closest point from the sidewalk (or curb line, if no sidewalk exists). However, if the garage has a roll-up door, that distance may be reduced to eighteen (18) feet. See illustration for garage entry location.





(b) Garage access from alleys and driveways.

When alleys, private streets or common driveways are provided specifically as vehicular access to garages and carports and when separate access and circulation systems are provided for pedestrians, guests and emergency vehicles, attached and detached garages and carports may be placed anywhere within the rear setback area to within a minimum of five (5) feet from such alley, private street or common driveway.

(c) Detached garages and carports.

Except as otherwise specified in subsections (a) and (b) preceding, detached garages and carports may be placed or constructed any place within the required rear or interior side setback area except within those areas where fences and walls are limited to a maximum height of three and one-half (3½) feet as specified in section 7-9-137.5.

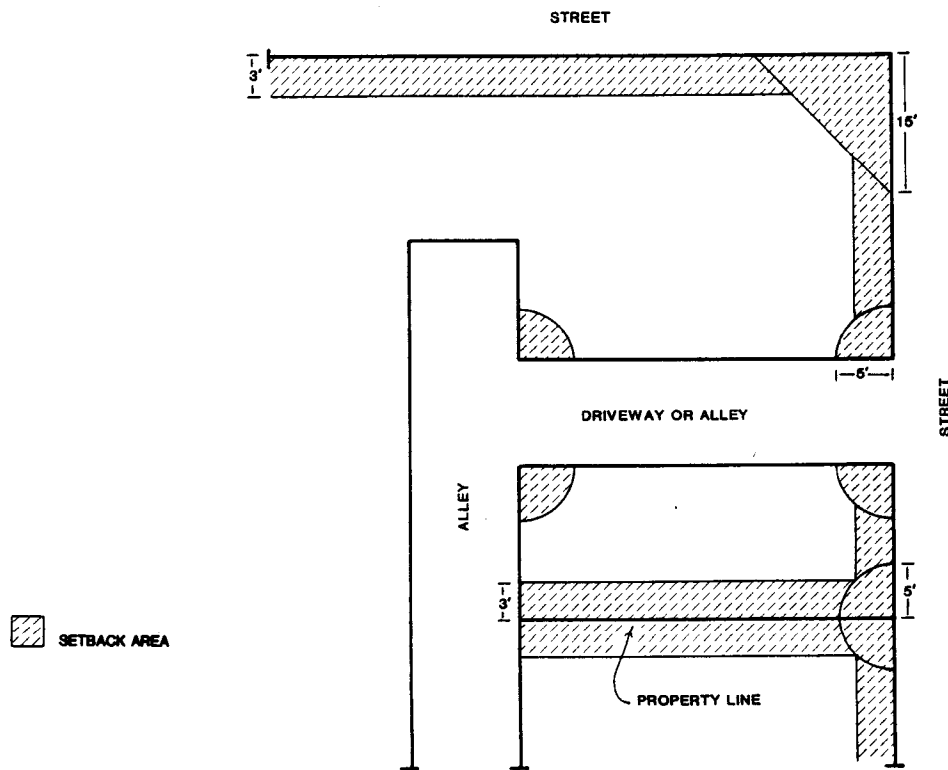
**Sec. 7-9-137.2. Reserved.**

**Sec. 7-9-137.3. Satellite dish antennas.**

Satellite dish antennas shall be permitted in any residential district if one meter or less in diameter and permitted in any commercial or industrial district if two meters or less in diameter. Exceptions may be permitted subject to the approval of a site development permit per section 7-9-150.

**Sec. 7-9-137.4. Swimming pools.**

Swimming pools shall not be constructed within three (3) feet of an ultimate vehicular right-of-way or property line or within those areas described by sections 7-9-137.5(d) and (e). See illustration for swimming pool setbacks.

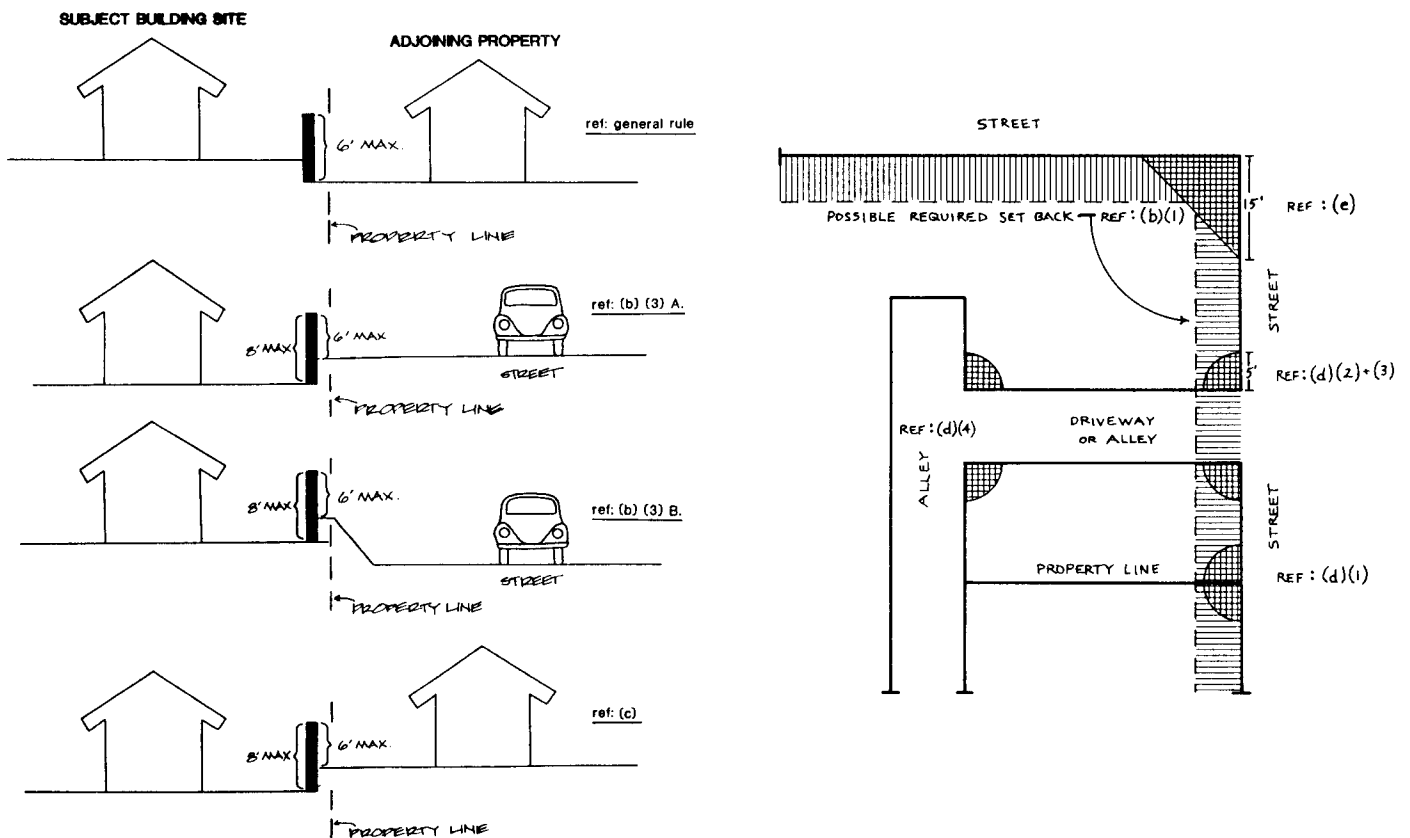


**Sec. 7-9-137.5. Fences and walls.**

For purposes of this section, "fences and walls" include any type of fence, wall, retaining wall, sound attenuation wall, or screen. Fences/walls shall be in compliance with the following regulations. However, walls that are located within the interior of an approved tract map and are part of the initial development of that tract map shall be exempt from these regulations. Subsections "(d)" and "(e)" only shall also apply to hedges, or thick growth of shrubs, bushes or trees. Fence/wall heights shall be measured from the base of the fence/wall to the top on interior or exterior side, whichever is greater. See fence/wall heights illustration.

## Permitted Fence/Wall Heights

### Sec. 7-9-137.5



(a) Main building area.

In the area where a main building may be constructed, the district building height regulations apply.

(b) Setback areas bordering streets.

- (1) The maximum height shall be three and one-half (3½) feet within any required front setback area and six (6) feet within any rear or side setback area (through which no vehicular access is taken) adjoining a street, up to a maximum depth of twenty (20) feet.
- (2) That portion of a building site where vehicular access rights have been dedicated to a public agency may have a six (6) feet high fence/wall.
- (3) Fences/walls for County required sound attenuation which border freeways or major arterial highways may be six (6) feet high and as high as eight (8) feet if:
  - a. The freeway/major arterial is elevated two (2) feet or more above the building site elevation, or
  - b. The exterior side measurement of the wall is not more than six (6) feet in height.

(c) Setback areas not bordering streets.

The maximum height shall be six (6) feet within any required front, rear, or side setback area not adjoining a street. However, where the elevation of an adjoining building site to the side or rear is higher than the base of the fence or wall in the side or rear setback area, the height of the fence or wall may be measured from the elevation of the adjoining building site to the top of the fence or wall. However, in no case shall such a fence or wall exceed eight (8) feet from the base of the fence/wall to the top.

(d) Access intersection areas.

Notwithstanding "b" above, the maximum height shall be three and one-half (3½) feet within five (5) feet of the point of intersection of:

- (1) An ultimate street right-of-way line and an interior property line;
- (2) An ultimate street right-of-way line and the edge of a driveway or vehicular accessway;
- (3) An ultimate street right-of-way line and an alley right-of-way line; and
- (4) The edge of a driveway or vehicular accessway and an alley right-of-way line.

(e) Street intersection areas.

Notwithstanding "b" above, the maximum height shall be three and one-half (3½) feet within the triangular area formed by drawing a straight line between two (2) points located on, and fifteen (15) feet distant from, the point of intersection of two (2) ultimate street or highway right-of-way lines extended.

(f) Modifications permitted.

Exceptions and modifications to the fence and wall height provisions may be permitted subject to the approval of a use permit by the Zoning Administrator per section 7-9-150. In addition to the findings required by section 7-9-150, the following findings shall also be made prior to the approval of a fence or wall height use permit application:

- (1) The height and location of the fence or wall as proposed will not result in or create a traffic hazard.
- (2) The location, size, design and other characteristics of the fence or wall will not create conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.

**Sec. 7-9-137.6. Reserved.**

**Sec. 7-9-137.7. Reserved.**

**Sec. 7-9-137.8. Elevated driveway on steep topography.**

Except as otherwise limited by the provisions of section 7-9-137, where the ground surface slopes down from the street providing vehicular access to a building site, an elevated driveway connecting the dwelling and garage with the street may be installed within the setback area in compliance with the following provisions:

- (a) The ground surface elevation of the building site along a line twenty (20) feet from and parallel to the street right-of-way line shall be a minimum of at least five (5) feet lower than the street elevation.
- (b) The maximum width of the driveway shall be twenty (20) feet.
- (c) A handrail not exceeding three and one-half (3 1/2) feet in height may be installed along the edges of the driveway.
- (d) A stairway may be constructed from the driveway to the ground surface.

**Sec. 7-9-138. Single Room Occupancy.**

- (a) Single room occupancy (SRO) facilities shall be permitted in any district, planned community, or specific plan area zoned for hotels subject to the approval of a use permit by the Planning Commission per section 7-9-150.
- (b) SRO facilities shall be treated as non-residential uses. As such, section 7-9-140 does not apply and residential dwelling unit limitations (e.g., statistical summary) are not applicable.
- (c) In the absence of findings as set forth in section 7-9-145.7, SRO parking standard shall be 0.5 for each guest unit, plus 1 for each employee.
- (d) A management plan shall be submitted as part of the use permit application for review and approval by the Planning Commission. The Management Plan shall contain management policies, operations, emergency procedures, security program, rental procedures, maintenance plans, and staffing needs.
- (e) An on-site, 24-hour manager is required in every SRO project. In addition, a single manager's unit shall be provided which shall be designed as a complete residential unit, and be a minimum of 225 square feet in size.

**Sec. 7-9-139. Grading and Excavation.**

- (a) Grading and excavation regulations adopted in a planned community text or a specific plan shall supercede this section.
- (b) A site development permit issued pursuant to section 7-9-150 shall be required if any grading operation involves the extraction or relocation of:
  - (1) More than 5000 cubic yards on a building site; or
  - (2) More than 500 cubic yards on a slope greater than 30%.
- (c) A site development permit shall not be required under the following conditions:
  - (1) Grading conducted in compliance with the following permits/approvals which authorize grading:
    - a. Sand and gravel site permit.
    - b. Tentative tract map.
    - c. Area plan.
    - d. Use permit.
    - e. Coastal development permit.
  - (2) Emergency grading to correct recent acts of nature in order to comply with the requirements of the Grading Code and Fire Code for public safety purposes and not related to new development.
- (d) For purposes of this section, the total number of cubic yards shall be the larger of cut (including any export) or fill (including any import).
- (e) No zone change or discretionary permit per Zoning Code section 7-9-150 shall be approved for property on which a violation of the provisions of the Grading and Excavation Code exists, including work performed not in accordance with approved grading plans, unless conditioned to require such violation to be corrected or mitigated to the satisfaction of the Building Official prior to the issuance of any building permits.

**Sec. 7-9-140. Affordable Housing or Senior Citizen Housing Incentive Use Permit.**

In any district which permits residential uses, a housing incentive use permit application to permit more dwelling units than allowed by zoning, and/or establish special site development standards, may be approved subject to the provisions of this section for the purposes of facilitating affordable and/or senior citizen housing developments.

(a) Purpose and intent.

The purpose of these regulations is: (1) to establish a procedure to grant certain incentives for developers of affordable and/or senior citizen housing projects; and (2) to enumerate any exclusions and required findings.

(b) Procedure.

A housing incentive use permit application shall be processed in compliance with and subject to the provisions and requirements of section 7-9-150 and the "Orange County Density Bonus Implementation Manual." Approval of any housing incentive use permit application shall be by the Planning Commission.

The approval of any housing incentive use permit application shall result in the granting of either: 1) a density bonus above existing zoning and one additional incentive, if necessary, or 2) a financial equivalent. When a housing incentive use permit application has been approved, the density bonus, or other incentives specified by the use permit shall be in addition to the applicable zoning district regulations during the period of validity of the use permit. Planning and development of the subject property may proceed in compliance with applicable standards with, or without, a density bonus.

A "Density Bonus Compliance Plan" shall be approved concurrently with the housing incentive use permit by the Planning Commission. This Compliance Plan must stipulate the terms of the affordability or occupancy requirements for the duration of the restrictions upon the housing development. Compliance with the terms of this Compliance Plan will be monitored on a regular basis by the County of Orange.

Approval action does not constitute a guarantee or commitment on the part of the County of Orange that other required approval actions for the project will be granted.

(c) Exclusions.

A housing incentive use permit shall not be approved when it would result in the following:

- (1) Multiple-family uses on a site zoned only for single-family uses.
- (2) An increase in dwelling units above the maximum permitted by a zoning condition of approval or a General Plan Amendment condition of approval when such condition states that the maximum number of units includes all density bonuses.

(d) Required findings.

A housing incentive use permit application may be approved only after the Planning Commission has made the following findings:

- (1) All of the findings required for approval of a use permit by section 7-9-150.
- (2) The use permit does not constitute an additional density bonus where increased density has been approved to facilitate affordable and/or senior citizen housing as part of a previous land use element amendment, zone change or use permit.
- (3) The number of dwelling units permitted by the use permit is compatible with existing and planned infrastructure facilities.
- (4) Adequate evidence exists to indicate the development of the property in compliance with this use permit will result in the provision of onsite affordable housing or senior citizen housing in the manner consistent with the purpose and intent of this section and the "Orange County Density Bonus Implementation Manual."
- (5) The granting of the incentive(s) will not impose an undue financial hardship on the County.

If it is determined that an additional incentive is unnecessary, the Planning Commission shall make the following written finding:

- (1) The granting of an additional incentive is not necessary to make the project economically feasible to provide affordable or senior citizen housing.



**Sec. 7-9-141. Community Care Facilities.**

Community care facilities serving six (6) or less persons and large family day care homes shall be permitted in any district, planned community, or specific plan area zoned for residential or agricultural uses and shall be regarded as a single family dwelling for purposes of zoning and land use regulations.

Community care facilities serving seven (7) to twelve (12) persons, except for large family day care homes, shall be permitted in any district, planned community, or specific plan area zoned for residential or agricultural uses subject to the issuance of a use permit by the Planning Commission per section 7-9-150.

**Sec. 7-9-141.1. Reserved.**

**Sec. 7-9-141.2. Child care facilities/day care nurseries.**

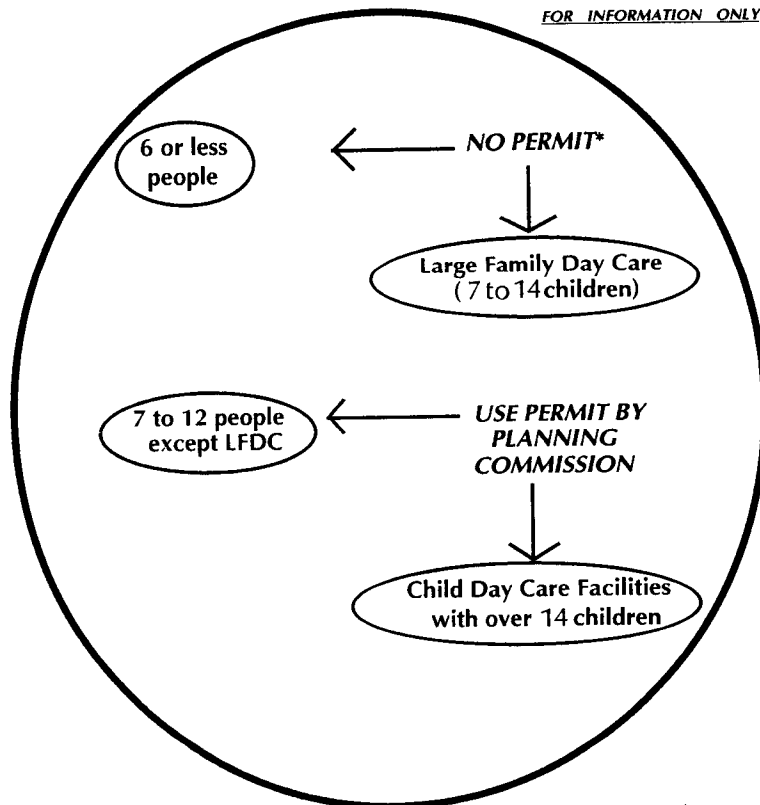
Child day care facilities/day care nurseries serving more than fourteen (14) persons may be permitted in any district, planned community or specific plan area (except in designated airport accident potential zones) where this use is not otherwise identified as a permitted use, subject to the approval of a use permit by the Planning Commission per section 7-9-150.

**Sec. 7-9-141.3. Reserved.**

**COMMUNITY CARE FACILITIES**

Sec. 7 - 9 - 141 - 141.2

*FOR INFORMATION ONLY*



*\*NOTE: No permit beyond that required for a single-family dwelling.*

**Sec. 7-9-142. Congregate Care Facilities.**

- (a) A congregate care facility serving six (6) or fewer persons shall be permitted in any district, planned community, or specific plan area zoned for residential or agricultural uses and shall be regarded as a single-family dwelling for purposes of zoning and land use regulations.
- (b) A congregate care facility serving seven (7) to twelve (12) persons shall be permitted in any district, planned community, or specific plan area zoned for residential or agricultural uses subject to the issuance of a use permit by the Planning Commission pursuant to section 7-9-150. A congregate care facility shall;
  - (1) Demonstrate compatibility with adjacent development;
  - (2) Provide adequate on site parking for residents and staff;
  - (3) Provide adequate screening of the facility by landscaping and/or fencing; and,
  - (4) Limit signage and lighting.
- (c) A congregate care facility serving more than twelve (12) persons shall be permitted in any district, planned community, or specific plan area zoned for either multifamily residential or hotels subject to the approval of a use permit by the Planning Commission pursuant to section 7-9-150.
- (d) Equivalent dwelling unit counts for congregate care facilities shall be determined by the following table. The consequent unit counts are to be subtracted from the total number of allowed dwelling units for a planned community or specific plan area, and will also determine consistency with area per dwelling unit zoning limitations.

Configuration	Dwelling Unit Counts
2 or more bedrooms in the unit	1 dwelling
1 bedroom in the unit	.5 dwelling
0 bedroom in the unit	.25 dwelling
Medical care rooms	0 dwelling

Density bonuses may be granted to congregate care facilities in residentially-zoned areas in the same manner that they may be granted to standard residential projects per the Housing Element.

### **Sec. 7-9-143. Facility Design Regulations.**

All references to this section shall include sections 7-9-143.1 through 7-9-143.4.

#### **Sec. 7-9-143.1. Purpose and intent.**

It is the purpose and intent to meet the requirements of Government Code Section 65089.3(a)(2), to mitigate the impacts that development projects (as specified in section 7-9-143.3) may have on transportation mobility, congestion and air quality, and to promote transportation demand management strategies.

#### **Sec. 7-9-143.2. Definitions.**

For purposes of this section, the definitions for the following terms shall apply:

Alternative Transportation Mode: Any mode of travel that serves as an alternative to the single occupant vehicle. This can include all forms of ridesharing, public transit, bicycling or walking.

Carpool: Two to six persons traveling together in a single vehicle.

Employee: Any person employed by a firm, person(s), business, educational institution, non-profit agency or corporation, government agency, or other entity. "Employee" shall include persons employed on a full-time, part-time, or temporary basis.

Building Size: The total gross floor area as defined in Section 7-9-27 measured in square feet of a building or group of buildings at a worksite. Includes the total floor area of new development and total expanded floor area of existing facilities.

Mixed-Use Development: Appropriate land uses include, but are not limited to, residential, commercial, office, industrial park, civic, cultural, educational facilities, and child care facilities.

Vanpool: Seven or more persons traveling together in a single vehicle.

Worksite: A building or group of buildings which are developed as a single project, and which serve(s) as the place of employment, base of operation, or predominate location of an employee or group of employees.

#### **Sec. 7-9-143.3. Applicability.**

- (a) These regulations apply to any discretionary permit per section 7-9-150 for commercial, industrial, institutional, office/professional or other uses which are estimated to employ 100 or more persons, as determined by the employee generation factors specified under subsection (d). This also includes any discretionary permit for an existing facility which is expanding its use to add 100 or more employees. In the case of an expanded use, these regulations shall apply only to the newly expanded portion. These regulations do not apply to a facility expanding its use by less than 100 employees.
- (b) These regulations apply to all districts, planned communities and specific plan areas including those covered by development agreements. These regulations shall supersede other ordinances adopted previously in which there is a conflict.
- (c) Notwithstanding subsection (a) above, the following uses and activities shall be specifically

exempt from the provisions of this section:

- (1) Temporary construction activities on any affected project, including activities performed by engineers, architects, subcontractors and construction workers.
  - (2) Other temporary activities per section 7-9-136 or as authorized by the Director, EMA when such temporary activities are for a period not to exceed 30 days and occur no more than once a year.
- (d) Employee generation factors shall be based on one of the following:
- (1) Employment projections developed by the property owner, subject to approval by the Director, EMA.
  - (2) Building sizes considered equivalent to the 100 employee threshold as follows:

<u>Type of Use</u>	<u>Building Size (in square feet) Equivalent to 100 employees</u>
Office/Professional	35,000
Hospital and Medical/Dental	40,000
Industrial (excluding Warehouse)	50,000
Warehouse	100,000
Commercial/Retail	50,000

<u>Type of Use</u>	<u>Employee Equivalence</u>
Hotel	
Motel	0.5 employees/room
Hotel	1.0         "
Resort Hotel	1.2         "
Mixed Use	**

\*\* The employment projection for a mixed use development shall be calculated on a case-by-case basis based upon the proportion of development devoted to each type of use.

**Sec. 7-9-143.4. Site development standards.**

Development projects subject to this section shall comply with the following site development standards through the discretionary approval of precise plans of development:

- (a) Parking for carpool vehicles.
  - (1) The following minimum percentages of the total required parking spaces for the worksite per section 7-9-145 shall be reserved and designated for employee carpool vehicles by marking such spaces "Carpool Only":

<u>Type of Use</u>	<u>Percent of Total Parking Devoted to Employee Carpool Parking</u>
Office/Professional	11%

Hospital and Medical/Dental Office	8%
Industrial/Warehouse	11%
Commercial/Retail	5%
Hotel	5%

- (2) Carpool spaces shall be located near the building's employee entrance(s) or at other preferential locations within the employee parking areas as approved by the Director, EMA.

(b) Parking for vanpool vehicles.

Parking for vanpool vehicles shall be provided as follows unless determined otherwise by the approving authority, per section 7-9-150.

- (1) The number of vanpool parking spaces shall be at least 5% of the employee carpool parking spaces and reserved for such by marking the spaces "Vanpool Only." (NOTE: These spaces will replace 5% of the carpool spaces.)
- (2) For parking structures, vanpool vehicle accessibility shall include a minimum 7'2" vertical clearance.
- (3) Vanpool parking spaces shall be located near employee entrance(s) or other preferential locations within the employee parking areas as approved by the Director, EMA.

(c) Bicycle parking.

- (1) Bicycle parking facilities shall be provided within the worksite at the minimum rate of 1 bicycle parking space for every 25 employees, in a secure location, and near employee entrances for use by employees or tenants who commute to the worksite by bicycle. Maximum number of bicycle parking spaces required is 50 spaces.
- (2) A bicycle parking facility shall be a stationary object to which the user can lock the bicycle frame and both wheels with a user-provided six foot cable and lock.

(d) Shower facilities.

Shower facilities shall be provided for use by employees who commute to the worksite by means other than a motorized vehicle, unless determined otherwise by the approving authority, at the time of approving the discretionary permit under section 7-9-150. The use of such facilities shall be provided at no fee or charge to the employee user. The design of such facilities shall be shown on the plot plans in the permit application and conform to the following:

Shower facilities shall be provided at a minimum rate as follows:

<u>Number of Employees</u>	<u>Number of Showers</u>
100-399	2
400-599	4
600-999	6
≥1000	8

(e) Locker facilities.

Locker facilities shall be provided for use by employees who commute to the site by means other than a motorized vehicle. The use of such facilities shall be provided at no fee or charge to the employee user. The design of such facilities shall be shown on the plot plans in the permit application. Lockers shall be provided at a minimum ratio of 1 for every 25 employees. Maximum number of lockers required is 50 lockers.

(f) Commuter information area.

A commuter information area shall be provided within the worksite to offer employees appropriate information or alternative transportation modes. This area shall be centrally located and accessible to all employees, and shall be of sufficient size to accommodate such information on alternative transportation modes.

(g) Passenger loading areas.

Passenger loading areas to embark and disembark passengers from rideshare vehicles within the worksite shall be provided as follows unless determined otherwise by the approving authority at the time of approving the discretionary permit under section 7-9-150.

- (1) Passenger loading area shall be large enough to accommodate the number of waiting vehicles equivalent to 1% of the total required parking for the project. Maximum loading area size required for less than 1000 employees shall be large enough to accommodate 4 waiting vehicles. Maximum loading area size for 1000 or more employees shall be large enough to accommodate 6 waiting vehicles.
- (2) The passenger loading areas shall be located as close as possible to the identified employee entrance(s), and shall be designed in a manner that does not impede vehicular circulation in the parking area or in adjoining streets.

(h) Transit/bus stops.

Bus shelters, pullouts, and pads shall be provided as necessary in consultation with, and approved by affected transit service providers unless determined otherwise by the approving authority at the time of approving the discretionary permit under section 7-9-150.

## **Sec. 7-9-144. Signs.**

All references to this section shall include sections 7-9-144.1 through 7-9-144.9 In addition to the requirements for each district and the regulations of the Sign Code, the following sign regulations shall apply.

### **Sec. 7-9-144.1. Sign definitions.**

Sign definitions are grouped according to sign type, i.e., how the sign is constructed and how the sign is used, as follows:

(a) Construction:

- (1) Banner signs: Any sign hung either with or without frames, possessing written communication applied to non-rigid paper, plastic or fabric of any kind.
- (2) Electronic message board sign: A sign with a fixed or changing display composed of a series of lights. (Does not include time and temperature displays.)
- (3) Freestanding sign: An independent sign permanently affixed in or upon the ground, and which is neither attached to nor a part of a building, e.g., monument/ground and pole signs.
- (4) Monument/ground sign: A freestanding sign mounted on a low profile solid base or a fence, or a freestanding wall, as distinguished from support by a pole or poles.
- (5) Pole sign: A freestanding sign directly supported by a pole or poles with air space between the grade level and the sign face.
- (6) Portable sign:
  - a. A sign not securely attached or fixed to the ground or to a permanent structure; or
  - b. A sign upon a vehicle or trailer used as a stationary advertising display, the primary purpose of which is to serve as a base or platform for the sign.
- (7) Projecting sign: A sign, other than a wall sign, perpendicular to the wall upon which it is mounted and suspended from or supported by a building or structure and projecting outward therefrom.
- (8) Roof sign: A sign erected wholly upon or above the roof of a building or above canopies, marquees and similar overhangs. Signs on mansards shall be considered wall signs.
- (9) Wall sign: A sign attached to, erected on, painted on or otherwise affixed to the exterior wall of a building or structure in such a manner that the face of the sign is approximately parallel to the exterior wall of the building and exposed to the exterior side of the building. Signs and/or advertising displays in or on windows are not considered wall signs.

(b) Use:

- (1) Advertising device/display: Any contrivance, statue, or structure, other than a sign, used to attract attention or make anything known for the purpose of promoting (either directly or indirectly) the use of products or services of any person or business, including but not limited to a balloon, flag, pennant, propeller, or an oscillating, rotating, or pulsating light.
- (2) Business sign: A sign displaying information pertaining to goods or services offered or produced by the business located on the property but not including advertising devices/displays. Business signs may include the identifying name of a business.
- (3) Civic activity sign: A bulletin board customarily incident to places of worship, libraries, museums, and other public institutions.
- (4) Construction sign: A sign stating the names of those individuals or firms directly connected with the construction or development project, their addresses and their telephone numbers.
- (5) Flag: An advertising device, not including national flags or flags of political subdivisions.
- (6) Identification sign: A sign located on the property, limited to the identifying name and symbol/insignia of an existing or future community, building, business, facility, organization, person, etc.
- (7) Outdoor advertising sign: A sign, or the sign structure on which it is to be placed, the purpose of which is to advertise products or services that are not produced, stored, or sold on the property upon which the sign or structure is located. Does not include travel direction or bus bench/shelter signs.
- (8) Real estate sign: A sign advertising the sale, lease or rent of the property upon which it is located, and the identification of the person or firm handling the sale, lease, or rent.
- (9) Travel direction sign: A sign to inform the motorist as to the route or direction of travel in order to arrive at the residential subdivision development project for sale or rent to which it pertains (original sales/rentals only). Does not include bus bench/shelter signs per section 7-9-146.9 or residential tract signs per section 7-9-136.1.

**Sec. 7-9-144.2. Permitted signs.**

(a) Permanent signs.

- (1) Business sign: Business signs are permitted in all agricultural, commercial and industrial districts except where expressly prohibited. Business signs shall not exceed one (1) square foot of sign area for each linear foot of building frontage, up to a maximum of one hundred fifty (150) square feet for each sign and three hundred (300) square feet for all signs for each business. If the building frontage of any business is less than fifty (50) feet, only one sign having a maximum area of fifty (50) square feet shall be permitted.
- (2) Identification sign: Identification signs are permitted in all districts except where expressly



prohibited. Identification signs shall not exceed one (1) square foot of sign area for each linear foot of building frontage, up to a maximum of one hundred fifty (150) square feet for each sign and three hundred (300) square feet for all signs for each entity. If the building frontage of any entity is less than fifty (50) feet, only one sign having a maximum area of fifty (50) square feet shall be permitted.

(3) Outdoor advertising sign: Outdoor advertising signs are only permitted in certain commercial and industrial areas where specifically allowed.

(4) Civic activity sign: Civic activity signs are permitted in all areas except where specifically prohibited.

(b) Temporary signs.

(1) Construction signs: One (1) construction sign shall be permitted on any building site, in any area, except where specifically prohibited, unlighted and unilluminated and not to exceed a total area of thirty-two (32) square feet.

(2) Real estate signs: In any area one real estate sign shall be permitted on any building site, unlighted and unilluminated, and not to exceed the following square feet in area:

a. Residential:

1. Four (4) or less units per building site: Six (6) square feet.

2. Five (5) or more units per building site: Thirty-two (32) square feet.

b. Non-residential: Thirty-two (32) square feet.

(3) Travel direction signs: Travel direction signs shall be permitted subject to the following regulations (these paragraphs supersede any earlier adopted regulations in planned community or specific plan texts and apply to areas covered by development agreements).

a. Such sign structures shall not exceed a total area of eighty (80) square feet or a maximum height of sixteen (16) feet.

b. Such signs shall not be illuminated.

c. The content of such signs shall be limited to directions, mileage information, and the name and type of the development.

d. Directions to more than one development project may be included on a single sign structure.

e. Sign structures shall not be within two hundred (200) feet of any other travel direction sign structure.

- f. Sign structures need not conform to setback lines or building lines. However, all sign structures shall be designed and located so as not to create a sight distance safety problem for vehicle or pedestrian traffic.
- g. All travel direction signs shall be subject to one, but only one, of the following: (1) a use permit, (2) an encroachment permit, or (3) a site development permit in conformance with the following:

- 1. Encroachment permit.

Signs in public right-of-way areas may only be allowed subject to an encroachment permit per Codified Ordinance sections 6-1-1 et. seq.

- 2. Use permit.

A planned community may have a master travel direction sign program approved for the entire planned community subject to a use permit approved by the Zoning Administrator per section 7-9-150, subsections "a" through "f" above, and the following additional regulations:

- A. No travel direction signs shall be permitted in the public road right-of-way by the use permit (see subsection "1." above).
- B. The use permit shall identify all specific sign locations, dimensions, and designs. Sign copy need not be specified.
- C. The use permit shall have a time limit of four (4) years unless otherwise provided for by the use permit.
- D. Each sign structure shall require a separate sign permit per the Sign Code. The application for the sign permit shall be accompanied by financial security meeting the approval of the Director, EMA, for the purpose of covering the cost of removing the sign structure. If the sign structure is not removed before the use permit expires, the County shall have the right to remove the sign structure.

- 3. Site development permit.

Signs in other than public road right-of-way areas and not part of a master sign program may be allowed subject to a site development permit approved per section 7-9-150, subsections "a" through "f" above, and the following additional regulations:

- A. Each sign structure shall require a separate site development permit and sign permit per the Sign Code.
- B. The site development permit shall have a time limit of two (2) years maximum.
- C. The sign copy may be changed only via a changed plan per section 7-9-150.3(h).
- D. The application for the sign permit shall be accompanied by financial security meeting the approval of the Director, EMA, for the purpose of covering the cost of removing the sign structure. If the sign structure is not removed when the permit expires, the County shall have the right to remove the sign structure.

(c) Signs in enclosed areas

Signs, located within malls, courts, arcades or other enclosed areas where such signs are not visible from any point on the boundary of the premises, are permitted without limitation.

**Sec. 7-9-144.3. Signs permitted subject to a site development permit.**

Except for signs specifically prohibited, any sign may be permitted subject to an approved site development permit per section 7-9-150 if it is consistent with the purpose and intent of the applicable district.

**Sec. 7-9-144.4. Prohibited signs/advertising device.**

- (a) Advertising device/display: Unless allowed by the applicable district regulations or site development permit, advertising devices/displays such as balloons, flags and pennants are prohibited.
- (b) Banner signs.
- (c) Flashing/blinking signs: Unless expressly allowed by the applicable district regulations, flashing or blinking signs of any type, excluding time and temperature signs, are prohibited.
- (d) Portable signs.
- (e) Signs which simulate or imitate in size, color, lettering or design any traffic sign or signal, or which makes use of the words "STOP," "LOOK," "DANGER" or any other words, phrases, symbols or characters in a manner to interfere with, mislead or confuse traffic.
- (f) Electronic message board signs.

**Sec. 7-9-144.5. Sign measurements.**

(a) Sign area:

The entire area within which a single continuous perimeter of not more than eight (8) straight lines enclose the extreme limits of writing, representation, emblem or any figure of similar character, together with any material or color forming any integral part of the display or used to differentiate such sign from the background against which it is placed, provided that in the case of a sign design with more than one (1) exterior surface, e.g., double face sign, the area shall be computed as including only the maximum single display surface which is visible from any ground position at one (1) time. The supports, uprights or structures on which any such sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are or is designed in such a manner as to form an integral background of the display.

(b) Sign height:

The greatest vertical distance measured from the ground level directly beneath the sign to the top of the sign. Signs shall not exceed the building height limit of the district in which they are located. When signs are constructed on hillsides or embankments where the sign supports are at varying lengths, height shall be measured from the horizontal mid point of the sign.

**Sec. 7-9-144.6. Signs in public safety areas.**

All signs and sign structures shall be designed and located so as not to create a sight distance safety problem for vehicle or pedestrian traffic.

**Sec. 7-9-144.7. Signs abutting residential areas.**

Except for signs provided for by an approved site development permit, when any district boundary abuts an area zoned for residential uses and the distance from said boundary is:

- (a) Within fifty (50) feet: Freestanding and roof signs are not permitted and wall signs facing said boundary shall not be lighted or illuminated.
- (b) From fifty (50) to one hundred (100) feet: Signs shall not be lighted or illuminated on any side facing said boundary, and freestanding and roof signs shall not exceed a maximum height of twenty-five (25) feet.
- (c) One hundred (100) feet or more: Freestanding and roof signs shall not exceed a maximum height of twenty-five (25) feet plus one (1) foot of height for each ten (10) feet of horizontal distance over one hundred (100) feet.

**Sec. 7-9-144.8. Lighted/illuminated signs.**

Lighted and illuminated signs shall be designed and installed so that direct light rays shall be confined to the premises.

**Sec. 7-9-144.9. Sign permit.**

Any sign over six (6) square feet in area shall require a sign permit per the Sign Code in addition to any other discretionary permit as may be required by the Zoning Code

## **Sec. 7-9-145. Off-street Parking Regulations.**

All references to this section shall include sections 7-9-145.1 through 7-9-145.7. These regulations apply to all districts, planned communities and specific plan areas, unless otherwise specified.

### **Sec. 7-9-145.1. Purpose and intent.**

The intent of the Off-street Parking Regulations is to provide for the on-site, off-street parking of motor vehicles that are attracted by the use or uses on the premises. The parking facilities for motor vehicles required by this section are assumed to be the minimum which will be required by the various land use categories. However, the parking and maneuvering facilities required by this section should not be used as a fixed standard to determine the amount of off-street parking which may be adequate for any specific use. If the decision maker determines minimum parking standards are inadequate for a specific project, he may require the developer, owner or operator of any specific use to provide the adequate parking even though such addition may be in excess of the minimum requirements set forth in this section. It is intended that these regulations will result in the installation of properly designed parking facilities of sufficient capacity to minimize traffic congestion, enhance public safety, generally provide for the parking of motor vehicles at locations other than on the streets, and for safe passage of pedestrians to and from parked vehicles.

### **Sec. 7-9-145.2 General requirements.**

#### (a) Location of off-street parking.

- (1) Required parking facilities shall be located on the same building site and conveniently proximate to the use or uses they serve, except as otherwise provided in sections 7-9-145.4 and 7-9-145.7.
- (2) Property within the ultimate right-of-way of a street (either public or private), shall not be included in provision of the minimum parking.

#### (b) Accessibility.

All required off-street parking spaces shall be designed, located, constructed and maintained so as to be fully and independently usable and accessible at all times.

#### (c) Usability.

- (1) The required off-street parking facilities and driveways shall not be used for any purpose which at any time would preclude the use of the area for the temporary storage of motor vehicles.
- (2) Unless otherwise provided by an approved discretionary permit, no owner or tenant shall lease, rent or otherwise make unavailable to intended users any off-street parking spaces required by this article.

(d) Access to arterial highways.

- (1) Wherever access to a parking area is off an arterial highway designated on the Master Plan of Arterial Highways, parking spaces, driveways, and maneuvering areas shall be designed so that motor vehicles may enter the arterial highway traveling in a forward direction.
- (2) Vehicular access to arterial highways designated on the Master Plan of Arterial Highways will be permitted only in accordance with specifically approved driveway locations and access design.

(e) Maximum grades permitted.

- (1) Whenever access is taken from a street, alley or driveway to an off-street parking area serving four (4) or less dwelling units, the driveway or other vehicular accessway shall have a maximum grade of plus fifteen percent (+15%) or minus six percent (-6%), measured from the street, alley or driveway grade along the driveway centerline, for a distance of not less than eighteen (18) feet from the street, alley or driveway right-of-way line.
- (2) Whenever access is taken from a street, alley or driveway to an off-street parking area serving industrial, commercial or professional uses, public or community facilities, or five (5) or more dwelling units, the driveway or other vehicular accessway shall have a maximum grade of plus fifteen percent (+15%) or a minus two percent (-2%), measured from the street, alley or driveway grade along the driveway centerline for a distance of not more than eighteen (18) feet from the street, alley or driveway right-of-way line.
- (3) The maximum grades in (1) and (2) will generally provide adequate sight distance at street level and prevent vehicles from dragging on extreme grade breaks. Exceptions may be approved by the Director, EMA, where physical design prevents such extreme grade breaks and provides safe sight distance.
- (4) Off-street parking spaces and the abutting parking aisles shall have a maximum grade of two (2) percent for retail commercial and five (5) percent for all other uses. Said grade shall be measured across the parking space and the abutting parking aisle in any direction. (See diagram in section 7-9-145.5.)
- (5) Ramps or driveways providing vehicular access within the interior of an off-street parking area located beyond eighteen (18) feet from the ultimate right-of-way line of a street, alley or driveway shall have a maximum slope of plus or minus twenty percent (20%). When such ramp or driveway slopes exceed plus or minus ten percent (10%), the ramp or driveway design shall include transitions not less than eight (8) feet in length, having a slope equal to one-half the ramp slope. (See diagram in section 7-9-145.5.) When parking is provided on a ramp, the maximum slope shall not exceed six percent (6%).

(f) Parking area notices and directional instructions.

Notwithstanding the regulations of any district or any planned community, parking area notices, each not to exceed two (2) square feet in area, and directional instructions lettered on the paved surface of driveways and parking areas are permitted for parking facilities serving industrial, commercial, or professional uses; public or community facilities; and five (5) or more residential dwelling units. Such parking notices may contain the name of the owner or occupant of the property and only such words and symbols that are directly related or essential to parking, enforcement, or the direction of vehicular traffic within the parking area.

(g) Paving.

All permanent parking spaces, driveways and maneuvering areas shall be paved and permanently maintained with asphaltic concrete, cement concrete or other all-weather, non-erodible, hard surfacing. Temporary parking spaces, driveways and maneuvering areas may use decomposed granite or other stable, all-weather surfacing.

(h) Lighting.

Any lights used to illuminate the parking spaces or driveways shall be designed and located so that direct rays are confined to the property.

(i) Change or increase in use of property.

Whenever the occupancy or use of any premises which is not in compliance with off-street parking requirements is changed to a different use or the existing use is altered, enlarged, expanded or intensified, parking to meet the requirements of this section shall be provided for the new use or occupancy. This provision shall not apply to the addition of rooms or other alterations of a single-family dwelling which do not increase the total floor area more than fifty (50) percent.

(j) Fractional parking spaces.

Whenever the computation of the number of off-street parking spaces required by this section results in a fractional parking space, one (1) additional parking space shall be required for one-half ( $\frac{1}{2}$ ) or more fractional parking space, and any fractional space less than one-half ( $\frac{1}{2}$ ) of a parking space shall not be counted.

(k) Parking facilities for the physically handicapped.

Public accommodations or facilities, including industrial, commercial, professional, institutional, and multifamily dwellings of five or more units shall provide parking spaces for the physically handicapped in compliance with the following provisions (see also section 7-9-145.5, Design requirements):

- (1) Spaces Required. The following table establishes the number of handicapped parking spaces required:

<u>Total Number of Parking Spaces</u>	<u>Number of Handicapped Parking Spaces Required</u>
1-4	0
5-40	1
41-80	2
81-120	3
121-160	4
161-300	5
301-400	6
401-500	7
Over 500	1 for each 200 additional spaces provided.

- (2) Parking space size. Physically handicapped parking spaces shall be located as near as practical to a primary entrance. If only one space is provided, it shall be 14 ft. wide and outlined to provide a 9 ft. parking area and a 5 ft. loading and unloading area. When more than one space is provided in lieu of providing a 14 ft. wide space for each parking space, two spaces can be provided within a 23 ft. wide area lined to provide a 9 ft. parking area on each side of a 5 ft. loading and unloading area in the center. The minimum length of each parking space shall be 18 ft. (See also section 7-9-145.5, Design requirements.)
- (3) Arrangement of parking space. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. Also, the space shall be so located that a handicapped person is not compelled to wheel or walk behind parked cars other than their own. Pedestrian ways which are accessible to the physically handicapped shall be provided from each such parking space to related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space except where such encroachment into the length of any handicapped space does not limit the handicapped person's capability to leave or enter their vehicle.
- (4) Slope of parking space. Surface slopes of parking spaces for the physically handicapped shall be the minimum possible and shall not exceed one-half (.5) percent in any direction.
- (5) Identification. Each parking space reserved for the handicapped shall be identified by a permanently affixed reflectorized sign constructed of porcelain on steel, beaded text, or equal, displaying the International Symbol of Accessibility. This sign shall not be smaller than 70 square inches in area and shall be centered at the interior end of the parking space at a minimum height of 80 in. from the bottom of the sign to the parking space finished grade, or centered on the wall at the interior end of the parking space at a minimum height of 36 in. from the parking space finished grade, ground, or sidewalk. A sign shall also be posted, in a conspicuous place, at each entrance to the off-street parking facility, not less than 17 in. x 22 in. in size with lettering not less than 1 in. in height, which clearly and conspicuously states the following:

"Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons may be towed away at owner's expense. Towed vehicles may be reclaimed at \_\_\_\_\_ or \_\_\_\_\_ by telephoning



\_\_\_\_\_."

In addition to the above requirements, the surface of each parking place shall have a surface identification duplicating the symbol of accessibility in blue paint, at least 3 square feet in area.

- (6) Parking structures. Entrances to and vertical clearances within parking structures shall have a minimum vertical clearance of 8 ft. 2 in. where required for accessibility to handicapped parking spaces.

Note: For additional handicapped site development requirements, including curbs, ramps, and landing requirements, refer to the State of California "Regulations for the Accommodation of the Disabled." Information is available at:

Office of the State Architect  
Access Compliance Unit  
1500 5th Street  
Sacramento, CA 95814

### **Sec. 7-9-145.3. Residential off-street parking requirements.**

Off-street parking facilities shall be provided for all residential uses in compliance with section 7-9-145.2 and this section.

(a) Size of parking spaces.

- (1) Each required covered off-street parking space for single family dwellings shall be in a garage or carport a minimum of ten (10) feet in width and twenty (20) feet in length of unobstructed area. In garages or carports containing two (2) or more side-by-side parking spaces, the required minimum width may include the exterior walls or supports of the structure, provided minimum unobstructed dimensions of nine (9) feet in width and eighteen (18) feet in length are met.
- (2) Uncovered off-street parking spaces shall be a minimum of nine (9) feet in width and eighteen (18) feet in length. In measuring the length of paving required for uncovered parking spaces, allowance may be made for vehicular projection beyond the bumper or tire stop if such projection does not interfere with screening or pedestrian use, except under (g)(3) following.
- (3) When a side of any space abuts a building, fence, support column or other obstruction which interferes in any way with access to a motor vehicle, the space shall be a minimum of two (2) feet wider than otherwise required by this section.

- (4) Uncovered off-street parking spaces located parallel to and adjoining private accessways shall not be less than eight (8) feet in width and eighteen (18) feet in depth, with a minimum of eight (8) feet separating each pair of such parking spaces as shown in the diagram in section 7-9-145.5

(b) Driveway widths

- (1) Single family residence driveways shall be paved to a minimum of ten (10) feet in width from access street or alley to the garage maneuvering area.
- (2) Driveways providing access to garages, carports and uncovered parking areas serving two, three or four dwelling units shall be paved to a minimum of twelve (12) feet wide for one-way traffic and sixteen (16) feet wide for two-way traffic, except when a wider width is required for maneuvering area in front of the garages, carports or uncovered parking spaces.
- (3) Driveways providing access to garages, carports and uncovered parking areas serving five (5) or more dwelling units shall be paved to a minimum of twelve (12) feet wide for one-way traffic and twenty-four (24) feet wide for two-way traffic, except when a wider width is required for maneuvering area in front of the garages, carports or uncovered parking spaces. Additional width may be required as necessary to provide transition to a driveway approach.

(c) Maneuvering areas.

Maneuvering areas for access into and out of garages, carports and uncovered parking spaces shall have minimum widths as follows:

- (1) Garages - thirty (30) feet of unobstructed area (measured from garage door), unless modified by (4) below.
- (2) Carports - twenty-eight (28) feet of unobstructed area (measured from outward end of parking stall), unless modified by (4) below.
- (3) Uncovered parking - twenty-four (24) feet of unobstructed area (measured from outward end of parking stall), except for one-way driveways per section 7-9-145.5.
- (4) Where there is no physical barrier over six (6) inches in height opposite a garage or carport entry that would prevent a motor vehicle from projecting beyond the driveway maneuvering area, the required width may be reduced a maximum of two (2) feet. Additionally, where a one-car garage has an interior width in excess of ten (10) feet and a door wider than eight (8) feet, the maneuvering area in front of such garage may be reduced by the same amount that the width of the garage door exceeds eight (8) feet, to a maximum reduction of two (2) feet; or if the garage is a two car or more structure and the garage door is at least sixteen (16) feet wide, the maneuvering area may be reduced a maximum of two (2) feet.

(d) Number of required off-street parking spaces.

The minimum number of off-street parking spaces required for each category of residential use

shall be as follows:

- (1) Attached or detached single-family dwellings.

Two (2) covered parking spaces for each dwelling. Those dwellings having less than 17-foot setback from the back of curb or sidewalk, whichever is closest to the garage or carport, shall provide one additional parking space within 200 feet of the dwelling. On-street parking, where permitted, may be used for the additional space.

- (2) Two (2) or more dwelling units on one (1) building site.

(Note: For purposes of this section, a room such as a den, study or sewing room shall be considered a bedroom.)

- a. Zero to one-bedroom dwelling units:

One and one-half (1.5) off-street parking spaces for each dwelling unit. Except as otherwise provided in d. below, one (1) space shall be covered for each dwelling unit.

- b. Two-bedroom dwelling units:

Two (2) off-street parking spaces for each dwelling unit. Except as otherwise provided in d. below, one (1) of the spaces shall be covered for each dwelling unit.

- c. Three or more bedroom dwelling units:

Two and one-half (2.5) off-street parking spaces for each dwelling unit, plus one-half (.5) off-street parking space for each bedroom in excess of three (3). Except as otherwise provided in d. below, two (2) spaces shall be covered for each dwelling unit.

- d. Notwithstanding the provisions of this subsection, the requirement that off-street parking spaces be covered is not applicable for multifamily projects of five (5) or more dwelling units or "second" units per section 7-9-146.5.

- (3) For building sites containing five (5) or more dwelling units, the following off-street parking requirements may be used in lieu of (2) above.

a. Minimum Required Parking Spaces:

<u>Unit Size (Square Feet)</u>	<u>Assigned</u>		<u>Unassigned</u>
700 or less	1.0		
701-800	1.0	+	.17
801-900	1.0	+	.34
901-1000	1.0	+	.50
1001-1100	1.0	+	.67
1101-1200	1.0	+	.84
1201-1300	1.0	+	1.00
1301-1400	1.0	+	1.18
1401-1500	1.0	+	1.34
Over 1500	1.0	+	1.50

b. Each dwelling unit shall be assigned at least one (1) standard size parking space.

(4) Guest Parking.

In addition to the above, two-tenths (0.2) guest parking spaces per dwelling unit (rounded to the nearest whole number) shall be provided.

(e) Location of residential parking spaces.

- (1) Assigned spaces shall be located within two hundred (200) feet of the dwelling unit they serve.
- (2) Assigned spaces shall be designated as to the dwelling unit to which they are assigned on all plot plans or site plans submitted for permits.

(f) Roadway widths for attached or detached single-family dwellings.

(1) Attached or detached single-family dwellings shall have roadway widths in the following ratio:

<u>Roadway width for access on:</u>	<u>One Side</u>	<u>Two Sides</u>
1-17 units	28'	36'
18-42 units	30'	36'
43-100 units	30'	40'

(11) Roadways less than 36 feet wide shall allow on-street parking on one side of the roadway only. Roadways must be 36 feet wide or greater to allow on-street parking on both sides of the roadway.

(g) Parking area design.

Common off-street parking areas, including multiple garages and carports serving five (5) or more dwelling units shall comply with the following:

- (1) The off-street parking area shall be designed so that a vehicle within the parking area will not have to enter a street to move from one location to any other location within that parking area.
- (2) Parking and maneuvering areas, including garages and carports, shall be designed so that any vehicle can leave the parking area and enter into the nearest street traveling in a forward direction.
- (3) Bumpers or tire stops shall be provided at the end of each uncovered parking space along any property line, abutting a public walkway, street or alley, except where screening is positioned, to ensure that the motor vehicle will not extend into the public right-of-way.
- (4) No perpendicular parking, covered or uncovered, shall be permitted on an entrance road of a multi-family project within a minimum of 60 feet from the intersection of arterial or collector street. The measurement shall be taken from the near curb face of the arterial or collector street.

(h) Location of driveway on a corner lot.

When a building site abuts two (2) intersecting streets, the driveway approach shall be located within the half of either street frontage that is farthest from the intersection of the two (2) streets. If one of the intersecting streets is an arterial highway, the driveway approach shall be off the other street.

(i) Screening.

Uncovered off-street parking spaces shall be screened whenever such parking spaces abut the boundary of the building site or are located between a building or buildings and an abutting street, with screening materials not less than three and one-half (3 1/2) feet in height, and in compliance with section 7-9-137.5 "Fences and Walls." It may consist of one, or any combination of the following types:

- (1) Walls: A wall shall consist of concrete, stone, brick, tile or similar type of solid masonry material a minimum of four (4) inches thick.
- (2) Fences, solid: A solid fence shall be constructed of wood or other materials to form an opaque screen.
- (3) Fences, open: An open-weave or mesh type fence shall be combined with plant materials to form an opaque screen.

- (4) Planting: Plant materials, when used as a screen, shall consist of compact evergreen plants. They shall be of a kind, or used in such a manner, as to provide screening, having a minimum thickness of two (2) feet, within eighteen (18) months after initial planting.

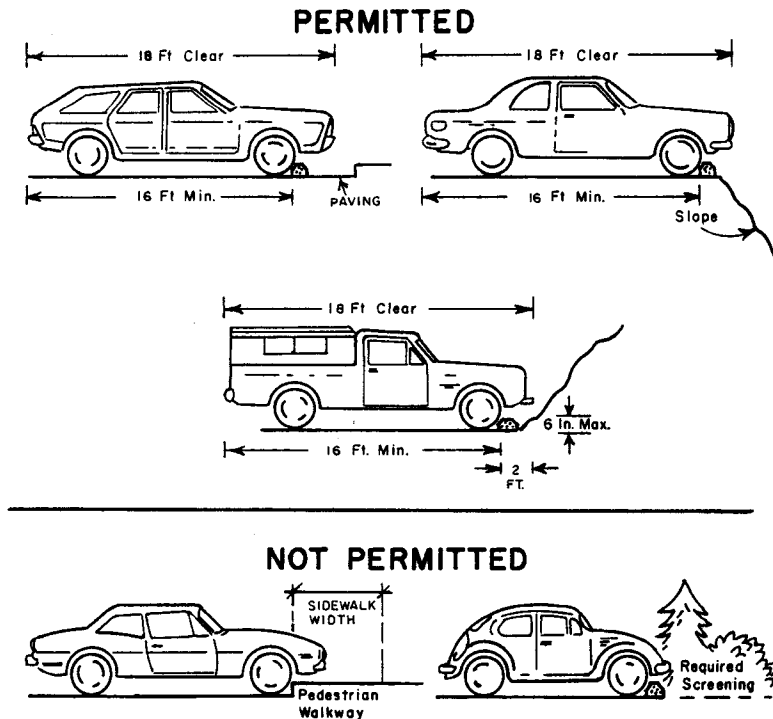
**Sec. 7-9-145.4. Industrial, commercial, professional and institutional off-street parking requirements.**

The following off-street parking requirements are applicable to all uses other than residential uses set forth in section 7-9-145.3, and are in addition to the general requirements set forth in section 7-9-145.2.

(a) Size of parking spaces.

- (1) All covered or uncovered off-street parking spaces, except as noted below, shall be a minimum clear unobstructed nine (9) feet in width and eighteen (18) feet in length.
- (2) Parking spaces parallel to a curb may be eight (8) feet in width and eighteen (18) feet in length, with a minimum of eight (8) feet separating each pair of such parking spaces.
- (3) When a side of any space abuts a building, fence, support column or other obstruction which interferes in any way with access to a motor vehicle, the space shall be a minimum of two (2) feet wider than the standard required width.
- (4) In measuring the length of paving required for uncovered parking spaces, allowance may be made for vehicular projection beyond a bumper or tire stop, if such projection does not interfere with screening or pedestrian use, except under (b)(4) following. See illustration under (5) for examples of permitted projection.

**SEC. 7-9-145.4. (a)(5) ILLUSTRATIONS**



(b) Parking facility design.

- (1) Off-street parking facilities shall be designed so that a car within a facility shall not have to enter a street to move from one location to any other location within that parking facility.

On industrial or office sites, separate noncontiguous parking facilities may be provided with independent entrances for employee and visitor parking, provided the designated use is clearly identified on all plot plans or site plans submitted for permits.

- (2) Parking and maneuvering areas shall be arranged so that any vehicle can leave the parking area and enter into an adjoining vehicular right-of-way traveling in a forward direction.
- (3) No dead end parking aisles serving more than five (5) consecutive stalls will be permitted unless said aisle is provided with a turnaround area constructed in a manner meeting the approval of the Director, EMA.
- (4) Bumpers or tire stops shall be provided along any abutment to a pedestrian walkway, access or driveway, street or alley, except where screening is positioned, to ensure that the motor vehicle will not extend into these areas.
- (5) The point of exit or entry from any off-street parking space shall not be closer than twenty (20) feet from the curb face or the ultimate curb line at a street opening.
- (6) All paved parking stalls, except parallel spaces which may be single line, shall be clearly outlined with double or hairpin lines or special paving techniques on the surface of the parking facility. (See diagram in section 7-9-145.5.)

(c) Parking accessways.

Parking accessways are those driveways that provide ingress or egress from a street to the parking aisles, and those driveways providing interior circulation between parking aisles. No parking is permitted on an accessway.

- (1) All parking facilities taking access from an arterial highway shall have a parking accessway between the highway and the parking aisles.
- (2) Parking accessways from arterial highways shall not have parking spaces taking direct access therefrom and shall not be intersected by a parking aisle or another parking accessway for a minimum distance of thirty (30) feet for projects with 0-200 parking spaces, fifty (50) feet for 201-350 spaces, seventy (70) feet for 351-450 spaces and ninety (90) feet for 451 spaces or more. All distances shall be measured from the curb face of the ultimate curb line of the adjacent street.
- (3) Parking accessways from non-arterial highways shall be not less than twenty (20) feet in length from the ultimate curb line of the adjacent street.

(4) One-way accessways shall have a minimum width of fifteen (15) feet unless it is a fire lane which requires a minimum of twenty (20) feet.

(5) Two-way accessways shall have a minimum width of twenty-eight (28) feet.

(d) Parking aisles.

Parking aisles are driveways which provide direct access to parking spaces. Parking aisles shall have a minimum width of fourteen (14) feet as provided in section 7-9-145.5. In no case shall the parking aisles for two-way traffic be less than twenty-four (24) feet in width.

(e) Number of required off-street parking spaces.

(1) The minimum number of off-street parking spaces required shall be in compliance with the listed requirements set forth for each general category of land use in sections 7-9-145.1 and 7-9-145.6.

(2) Whenever any commercial/industrial use is located on a building site that is also used for residential purposes, parking facilities shall be provided for the residential use as required, in addition to the parking required for the nonresidential use or uses.

(f) Landscaping.

Landscaping of parking areas shall be provided in accordance with the provisions of the applicable land use district regulations. In all cases, space within the off-street parking area not utilized for driveways, maneuvering areas, parking stalls or walkways shall be landscaped. Landscaped areas shall be separated from paved driveway, parking space and maneuvering areas by a minimum six-inch-high barrier.

(g) Screening.

Open parking spaces and parking structures shall be screened in accordance with section 7-9-145.3, whenever such parking is adjacent to a street right-of-way and when the street separates such parking from any district zoned for residential or agricultural uses. Screening shall be located adjacent to the inside edge of any required boundary landscaping and to the outside edge of the paved parking area when there is no landscaping.



(h) Vehicular access standards.

A site development permit, use permit or coastal development permit for the CR, CC, CH and CN Districts shall be in substantial conformity with the following:

- (1) The first street opening from an intersection should be a minimum of one hundred ten (110) feet from the point of intersection of the ultimate right-of-way lines of the abutting streets.
- (2) The second street opening should be a minimum of three hundred (300) feet from the point of intersection of the ultimate right-of-way lines of the abutting streets.
- (3) Any additional street openings should be a minimum of three hundred (300) feet, from center to center from any other street opening except in the CN District, where the distance between street openings should be a minimum of one hundred fifty (150) feet from center to center.
- (4) There should be a minimum distance of twenty-two (22) feet measured at the ultimate property line between a street opening in these districts and any existing street opening in any other district.

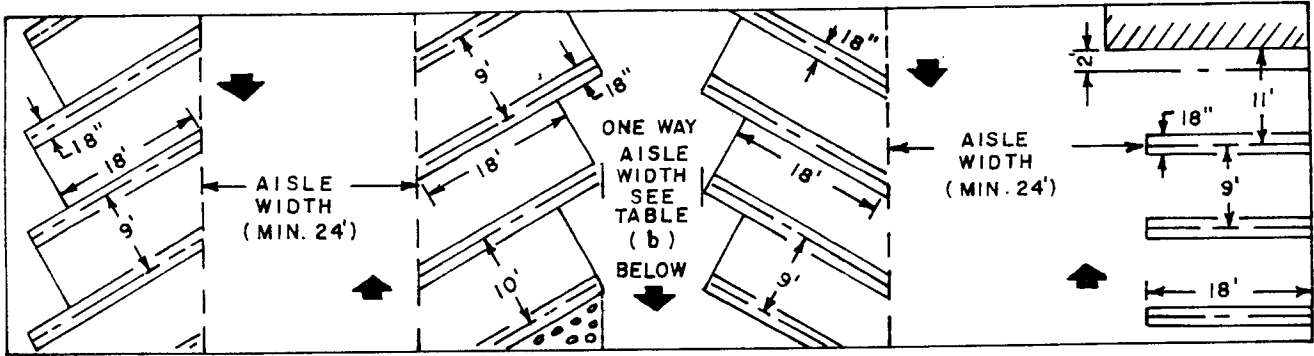
(i) Joint use of parking facilities.

Uses on multiple building sites may share common parking facilities within one or more parking areas located within such multiple building sites, provided the following requirements are met:

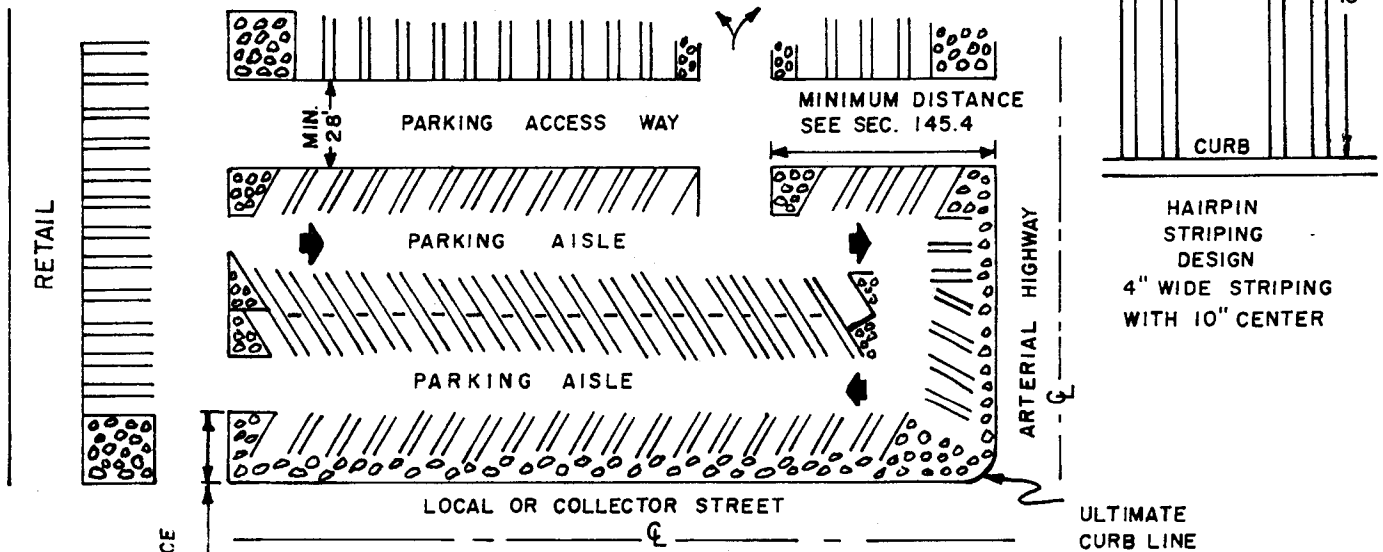
- (1) A detailed parking plan, showing all common parking facilities, shall be approved by the Director, EMA.
- (2) Parking facilities shall be within 300 feet of the entry point of the uses they serve.
- (3) Adequate assurance is provided to guarantee that required parking will continue to be maintained in compliance with applicable provisions of section 7-9-145.
- (4) The assurance required by (3) and the parking plan required by (1) shall be recorded in the office of the Orange County Recorder.
- (5) Individual uses which result in a parking demand more than is provided by existing parking on the site shall be required to provide added parking as required by Director, EMA. See section 7-9-145.6.

# Sec. 7-9-145.5 DESIGN REQUIREMENTS

## (a) Off-street parking stall and access standards

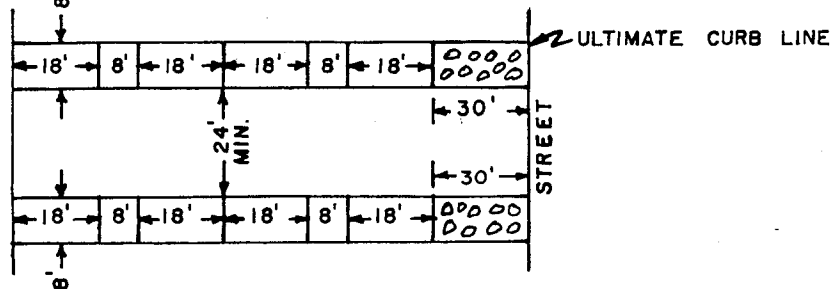


### ACCESSWAYS AND PARKING AISLES

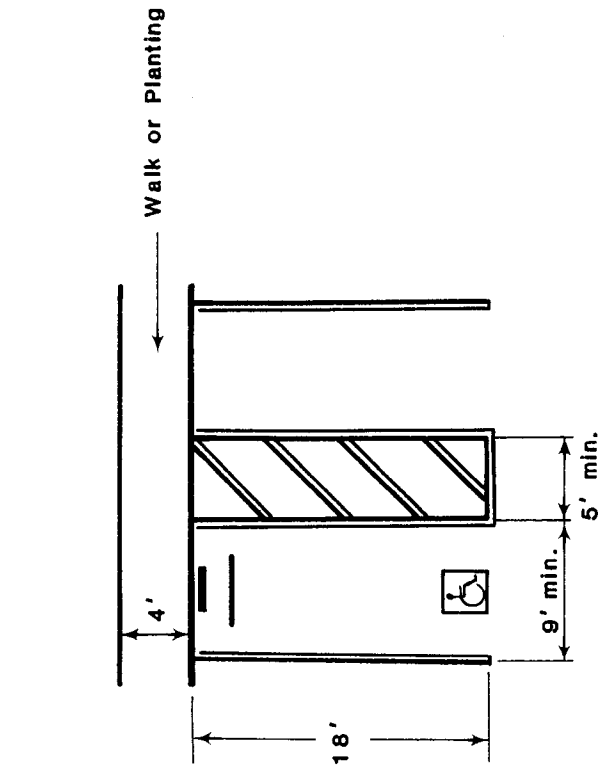


MINIMUM DISTANCE SEE SEC. 145.4

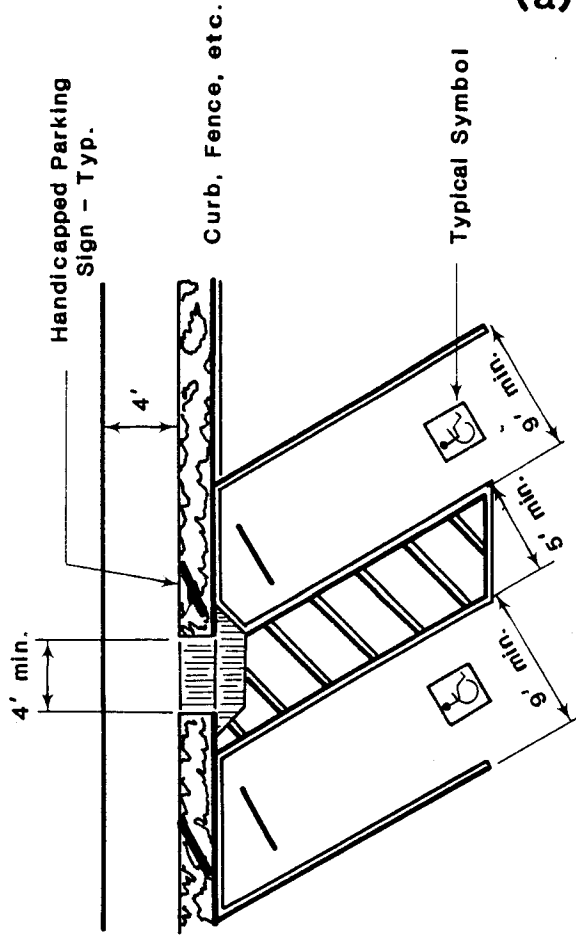
### PARALLEL PARKING



### Handicapped Spaces, Single Type

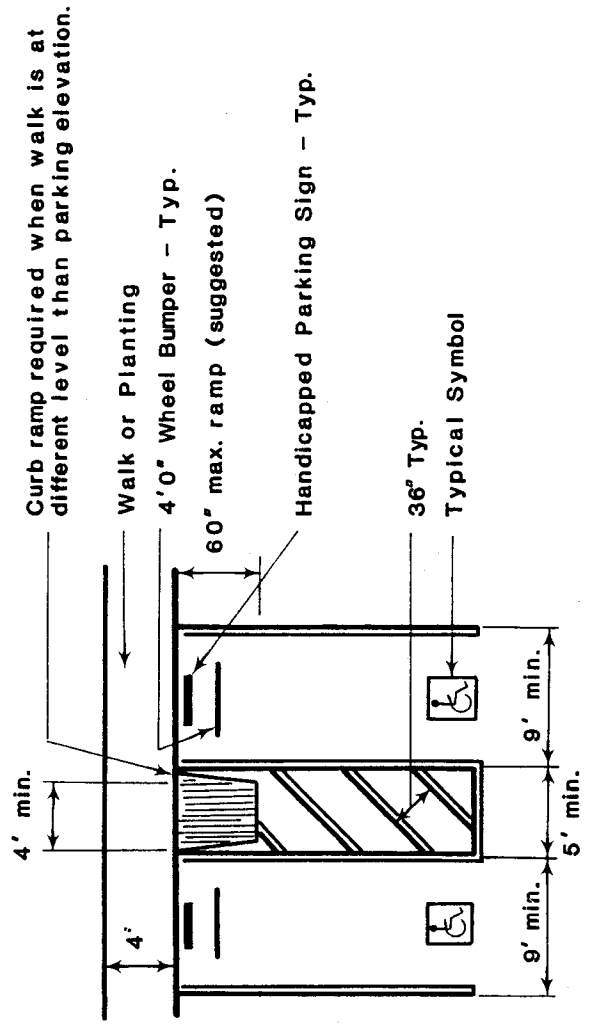


### Handicapped Spaces, Double Diagonal Type



(a) Con't)

### Handicapped Spaces, Double Type

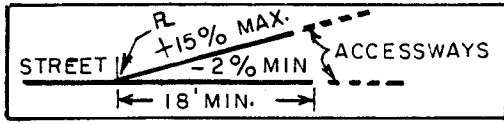


#### NOTES:

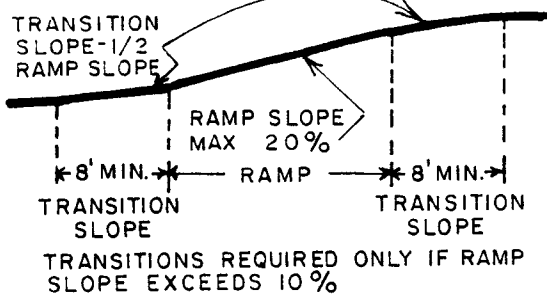
- 1) Handicapped Space must permit use of either of car doors.
- 2) Bumper required when no curb or barrier is provided which will prevent encroachment of cars over walkways.
- 3) Wheel chair users shall not be forced to go behind parked cars other than their own.

(a) Con't

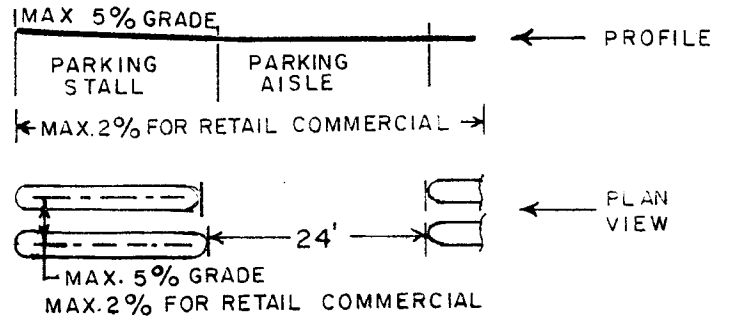
(1) ACCESSWAY GRADE AT STREET R/O/W



(2) DRIVEWAY OR PARKING STRUCTURE RAMP



(3) MAXIMUM PARKING STALL AND PARKING AISLE GRADES



(b) Minimum parking aisle width for one-way traffic.

Parking Angle Degree	Aisle Width (feet)	Parking Angle Degree	Aisle Width (feet)
0-44	14.0	65-69	18.0
45-49	14.5	70-74	19.5
50-54	15.0	75-79	21.0
55-59	16.0	80-90	24.0
60-64	17.0		

(c) Minimum parking aisle width for two-way traffic.

For two-way traffic, aisle widths and maneuvering areas shall be a minimum of twenty-four (24) feet wide.

**Sec. 7-9-145.6. Off-street parking requirements.**

- (a) All land uses shall provide off-street parking in compliance with the following requirements unless otherwise modified by the provisions contained in section 7-9-145.7.

The off-street parking requirements listed under this section are the minimum requirements for each specific use; however, it shall be the responsibility of the developer, owner or operator of any specific use to provide adequate off-street parking, even though such parking may be in excess of the minimum requirements set forth in this section.

<u>Use</u>	<u>Minimum Parking Stalls Required</u>
(1) Auditoriums, theaters, (not including cinemas), sports arenas, stadiums.	1 for each 3 seats or 1 for each 35 square feet of gross floor area where there are no fixed seats.
(2) Cinemas	1 space for every 2 seats, plus 5 spaces for employees.
(3) Automobile washing and cleaning establishment except self-service.	16 minimum.
(4) Automobile washing and cleaning establishments, self-service.	5 spaces for each 2 washing stalls.
(5) Banks, savings and loans, credit unions and other financial institutions.	1 for each 200 square feet of gross floor area.
(6) Barbershops or beauty parlors.	2 for each barber chair and 3 for each beautician station.
(7) Bowling lanes and billiard halls.	5 for each hall, alley, 2 for each billiard table contained herein.
(8) Churches, temples and other places of assembly not specified elsewhere.	1 for each 3 fixed seats within the main auditorium or for every 35 square feet of seating area within the main auditorium where there are no fixed seats; 18 lineal inches of bench shall be considered a fixed seat.
(9) Clubs, lodge halls, union halls.	1 for each 75 square feet of gross floor area.
(10) Congregate care facility serving more than twelve persons.	1 for each unit per section 7-9-141.1.

- |  |   |
|--|---|
| (11) Convalescent and nursing homes, homes for the aged, rest homes, children's homes and sanitariums. | 1 for every 4 beds in accordance with the resident capacity of the home as listed on required license or permit.  |
| (12) Dance halls.  | 1 for each 7 square feet of dance floor area, plus 1 for each 35 square feet of additional gross floor area.  |
| (13) Day nurseries, including pre-schools and nursery schools.   | 2 for each 3 employees and teachers plus 1 loading space for every 8 children.  |
| (14) Golf courses.   |   |
| a. Driving ranges.   | 1 per tee, plus the spaces required for additional uses on the site.  |
| b. Pitch and putt and miniature golf courses.  | 3 per hole, plus requirements for accessory uses.   |
| c. Regulation course.  | 8 per hole, plus the space required for additional uses on the site.  |
| (15) Handball/racquetball facility.  | 1.5 for each court plus the spaces required for additional uses on the site.  |
| (16) Health studios and spas.  | 1 for each 150 square feet of gross floor area (for the purposes of this subsection, swimming pool area shall be counted as floor area).                                  |
| (17) Hospitals.  | 1.75 for each patient bed.  |
| (18) Industrial uses of all types except a building used exclusively for warehouse purposes.           | 1 for each 500 square feet of gross floor area.   |
| (19) Laundry or dry cleaning establishments, solely coin operated.                                     | 1 for each 3 machines.  |
| (20) Libraries.  | 1 for each 300 square feet of gross floor area.   |
| (21) Lumberyards.  | 1 for each 500 square feet of gross floor area for retail sales, plus 1 for each 1,000 square feet of open area devoted to display or sales, plus 1 for each 2 employees. |
| (22) Model home sales complex.   | 10 spaces.  |

- (23) Mortuaries and funeral homes. 5 plus 250 square feet of usable and accessible paved parking area for every 25 square feet or fraction thereof of assembly room floor area.
- (24) Motels and hotels. 1 for each guest unit, plus additional parking as required for accessory uses.
- (25) Motor vehicle sales and automotive repair shops. 1 per 400 square feet of gross floor area.
- (26) Offices.
- a. General and administrative. 1 for each 250 square feet of gross floor area.
  - b. Medical clinics or offices; dental clinics or offices. 1 for each 150 square feet of gross floor area.
  - c. Professional, other than medical or dental. 1 for each 250 square feet of gross floor area.
  - d. Veterinary hospitals and clinics. 1 for each 150 square feet of gross floor area.
- (27) Public utility facilities including, but not limited to, electric, gas, water, telephone and telegraph facilities not having business offices on the premises. 1 for each 2 employees in the largest shift, plus 1 for each vehicle used in connection with the use. A minimum of spaces shall be provided for each such use regardless of building space or number of employees.
- (28) Restaurants, drive-ins, cafes, nightclubs, taverns, lounges or other establishments for the sale and consumption on the premises of food and beverage. 10 minimum or 1 for each 100 square feet of gross floor area (including outdoor serving areas) up to 4,000 square feet, plus 1 for each 80 square feet of gross floor area over 4,000 square feet.
- (29) Retail stores.
- a. General, except as otherwise specified herein. 1 for each 200 square feet of gross floor area.
  - b. Discount department stores. 1 for each 125 square feet of gross floor area.
  - c. Furniture and appliances. 1 for each 500 square feet of gross floor area.
- (30) Schools.
- a. Elementary and junior high. 2 for each classroom.
  - b. College, universities and institutions of higher learning. 1 for each 3 full-time equivalent students, plus 1 for each 2 faculty and employee members.
  - c. Senior high schools. 1 for each member of the faculty and each employee,

	plus 1 for each 6 full-time equivalent students regularly enrolled.
d. Trade schools, business colleges and commercial schools.	1 for each 3 student capacity of each classroom plus 1 for each faculty and employee member.
(31) Shopping centers.	1 for each 200 square feet of gross floor area pursuant to section 7-9-145.4(i)(5). Regional shopping centers may require additional parking and will be evaluated on a case-by-case basis.
(32) Skating rinks, ice or roller.	1 for each 100 square feet of gross floor area, plus the spaces required for additional uses on the site.
(33) Stables, commercial.	Sufficient area, treated to prevent dust, to provide for the needs of customers and employees, but not less than 1 accessible space for each 5 horses kept on the premises.
(34) Storage yards in connection with contractor's business; salvage yard; junk yard; automobile wrecking yard.	6 which shall be separated from the enclosed storage area.
(35) Swimming pools, commercial.	1 for each 500 square feet of gross enclosed area, plus the spaces required for additional uses on the site.
(36) Tennis clubs, commercial.	3 for each court, plus the spaces required for additional uses on the site.
(37) Timeshare condominiums and timeshare hotels.	1.5 for each dwelling unit.
(38) Warehouses, storage building or structures used exclusively for storage.	1 for each 1,000 square feet of gross floor area for storage purposes.
(39) Wholesale establishments and warehouses not used exclusively for storage.	1 for each 500 square feet of gross floor area excluding that area devoted to office or sales, plus 1 for each 250 square feet of office or sales area.



- (b) Requirements not specified.

If no provisions for the required number of off-street parking spaces are set forth in these regulations, or the provisions are not clear for any specific use or uses, the Director, EMA, shall determine the number of off-street parking spaces required.

**Sec. 7-9-145.7. Alternatives to off-street parking regulations.**

- (a) Alternative provisions to any of the off-street parking regulations may be permitted subject to the approval of a use permit application approved in compliance with the provisions of section 7-9-150. Any such application may be approved provided the approving authority finds:
  - (1) Applicable off-street parking requirements are excessive or inappropriate due to the nature of the specific use involved or because of special circumstances applicable to the property; and
  - (2) The proposed off-street parking facilities comply with the intent of these regulations as specified by section 7-9-145.1.

## **Sec. 7-9-146. Special Regulations.**

All references to this section shall include sections 7-9-146.1 through 7-9-146.12.

In order to permit certain uses in some districts or areas where they may be appropriate but may not otherwise be compatible with other permitted uses in the district or where additional development or performance standards are needed, the special regulations are established to ensure the adequacy of development and performance standards and the compatibility of these uses so they may be established and maintained in harmony with surrounding uses.

The special regulations contained in this section shall govern the land, uses, buildings, structures and improvements specified below or where so designated in the district regulations. Except as otherwise provided in this section, no use, building or structure shall be established, enlarged, operated or maintained unless such use, building or structure conforms with applicable standards within this section and in the district regulations.

### **Sec. 7-9-146.1. Animal hospitals and clinics - performance and development standards.**

In addition to the requirements of each district, the following performance and development standards shall apply to the establishment, maintenance and operation of animal hospitals and clinics in any district in which they are permitted:

- (a) All animal service and confinement areas shall be in an air conditioned and sound attenuated building.
- (b) Air conditioning shall be sound attenuated so as to minimize noise from within the building.
- (c) Facilities for housing of not less than five (5) animals shall be maintained on the premises.
- (d) Runs shall be in an air conditioned and sound attenuated building.
- (e) All facilities for treatment and confinement of animals shall be designed, installed or constructed and maintained in a manner meeting the approval of the Director, Animal Control, Health Care Agency.

### **Sec. 7-9-146.2. Adult entertainment businesses.**

- (a) Purpose and intent.

Special locational regulation of adult entertainment businesses is necessary to ensure that adverse effects caused by operational characteristics will not contribute to the blighting or downgrading of the surrounding neighborhoods. The primary purpose of the regulation is to prevent the concentration or clustering of these businesses in any area.

(b) Definitions.

For the purposes of this section, the term "adult entertainment business" is defined to include each and every one of the following described uses:

Adult book store: An establishment having as a substantial or significant portion of its stock in trade books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" or an establishment with a segment or section devoted to the sale or display of such material.

Adult business: Either: (1) any business which is conducted exclusively for the patronage of adults, and as to which minors are specifically excluded from patronage thereat, by law except any business licensed by the State Department of Alcoholic Beverage Control; or (2) any business, other than those expressly specified in this section, where employees or patrons expose "specified anatomical areas" or engage in "specified sexual activities"; or (3) any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, or discussing or relating to "specified sexual activities" or "specified anatomical areas." Adult business shall not be deemed to include the practice of any of the healing arts by any person licensed therefor under the California Business and Professions Code.

Adult hotel or motel: A hotel or motel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Adult mini-motion picture theater: An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

Adult motion picture arcade: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

Adult motion picture theater: An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

Cabaret: A nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

Encounter center or rap studio: Any business agency, or person who, for any form of consideration or gratuity, provides a place where two or more persons may congregate, assemble or associate for the primary purpose of engaging in, describing or discussing "specified sexual activities" or exposing "specified anatomical areas."

Figure model studio: Any premises or mobile facility where there is conducted the business or transaction of furnishing, providing or procuring figure models who pose for the purpose of being observed or viewed by any person, or being sketched, painted, drawn, sculptured, photographed, filmed, videotaped, or otherwise similarly depicted in the nude before persons who pay a fee, or any other thing of value, as consideration, compensation or gratuity, for the right or opportunity to so observe a figure model, or for admission to, permission to or as condition of remaining on the premises. "Figure model studio" does not include any studio or classroom which is operated by any public agency, or any public or private educational institution authorized under California Education Code Section 94300 et seq., to issue and confer a diploma or degree.

Specified sexual activity: Includes the following:

- (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts of conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
- (2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
- (3) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
- (4) Fondling or touching of nude human genitals, pubic region, buttocks or female breasts; or
- (5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
- (6) Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation, vaginal or anal irrigation.

Specified anatomical areas: Includes any of the following:

- (1) Less than completely and opaquely covered: (a) human genitals or pubic region; (b) buttock and (c) female breast below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

- (c) The establishment, operation and maintenance of any adult entertainment business is subject to the following regulations:
- (1) Location. In any zoning district where the adult entertainment business would otherwise be permitted, it is unlawful to establish an adult entertainment business if the location of the business is:
    - a. Within five hundred (500) feet of any area zoned for residential use;
    - b. Within one thousand (1,000) feet of any other adult entertainment business; or
    - c. Within one thousand (1,000) feet of any existing church, park or educational institution utilized by minors.
  - (2) Adult entertainment businesses shall be subject to the regulations applicable to the most similar non-adult entertainment use allowed in the subject district.
  - (3) Establishment. The establishment of any adult entertainment business includes the opening of such a business as a new business, the relocation of such business, or the conversion of an existing use or premises to any adult entertainment business use.

#### **Sec. 7-9-146.3. Pets and animals.**

In addition to the required setbacks in sections 7-9-127, 7-9-128, and 7-9-137, pens, cages, and other structures specifically for keeping animals, other than in the residence, shall be located at least twenty-five (25) feet from any residential window located on an adjoining building site. Exceptions to the above may be provided for by a use permit approved by the Zoning Administrator. (Informational note: The types, number and manner in which pets and animals are kept is to be regulated, if at all, via the Health, Sanitation, and Animal Code by the County Health Officer.)

#### **Sec. 7-9-146.4. Waste management and hazardous materials.**

In addition to the requirements for each district, the following procedures are applicable to the principal uses and activities listed below.

- (a) Hazardous materials disclosure. Prior to issuance of certificates of use and occupancy for commercial uses listed in (c), the applicant shall comply with Title IV, Division 3, Article 4 of the County's Codified Ordinances, in a manner approved by the Fire Department.
- (b) Waste management. Prior to issuance of certificates of use and occupancy for commercial uses listed in (c), the applicant shall provide plans or identify measures to comply with Chapter 6.5 of the State Health and Safety Code and Title 22 of the State Administrative Code, in a manner approved by the Health Care Agency and sewerage agency.
- (c) List of activities to which this section is applicable.
  - (1) Automotive and vehicle maintenance, repair, or painting.
  - (2) Chemical and commercial cleaning product distribution/sales.
  - (3) Cleaners, self-service laundries, and vehicle washes.

- (4) Home improvement product, lumber, and hardware sales.
  - (5) Manufacturing.
  - (6) Medical facilities.
  - (7) Metal plating.
  - (8) Mining and extraction.
  - (9) Nurseries.
  - (10) Oil and gas exploration and extraction.
  - (11) Paint and finishing product sales.
  - (12) Photoprocessing.
  - (13) Recreation facilities such as golf courses, yacht clubs, and amusement parks.
  - (14) Recycling or resource recovery with potential for contact with hazardous materials.
  - (15) Research, laboratory, and testing facilities.
  - (16) Service stations.
  - (17) Transportation service facilities.
  - (18) Utilities.
  - (19) Waste disposal and treatment operations.
  - (20) Wrecking and salvage facilities.
  - (21) Other generation of hazardous waste, including material(s) to be disposed of by sanitary sewer.
- (d) Underground storage tanks. Prior to issuance of certificates of use and occupancy for underground tanks to store any hazardous materials, the applicant shall provide plans or identify measures to comply with Chapter 6.7 of the State Health and Safety Code and Title 23 of the State Administrative Code, in a manner approved by the Health Care Agency.
- (e) Approval of any hazardous waste treatment, storage, disposal, or transfer facility as a use consistent with the purpose and intent of any zoning district shall be subject to the requirement that continuing authority be vested in the County Fire Department or Health Care Agency to suspend operations for public safety reasons.

**Sec. 7-9-146.5. Guesthouse or second residential unit.**

In any district, including planned community and specific plan areas, where a single-family unit exists on a parcel zoned for such purposes, the property owner may establish a guesthouse or second residential unit (one per building site), subject to the following:

(a) Guesthouse.

The guesthouse shall be located so as not to encroach into any setback area required of the main residence. Guesthouses 640 sq. ft. or less in floor area shall not require a discretionary permit unless it is required for the main residence. Guesthouses over 640 sq. ft. in floor area on building sites of one acre or larger shall require a site development permit. Guesthouses over 640 sq. ft. in floor area on building sites less than one acre shall require a use permit approved by the Zoning Administrator.

(b) Second residential units.

The second residential unit shall not exceed 1,200 sq. ft. in floor area and shall not encroach into any setback area required of the main residence. One additional uncovered parking space per the standards set forth in section 7-9-145 is required. Second residential units 640 sq. ft. or less in floor area on building sites of one acre or larger shall not require a discretionary permit unless it is required for the main residence. Second residential units over 640 sq. ft. in floor area on building sites of one acre or larger shall require a site development permit. Second residential units of any size on building sites less than one acre shall require a use permit approved by the Zoning Administrator.

*FOR INFORMATION ONLY*

**PERMIT**

None

SDP

UP

**GUESTHOUSES**

640 sq. ft or less on any size lot	X		
More than 640 sq. ft. on 1 acre or more		X	
More than 640 sq. ft. on less than 1 acre			X

**SECOND RESIDENTIAL UNITS**

640 sq. ft. or less on 1 acre or more	X		
More than 640 sq. ft. on 1 acre or more		X	
Any size unit on less than 1 acre			X

## **Sec. 7-9-146.6. Home occupation performance and development standards.**

In addition to the requirements for each district, the following performance and development standards shall apply to the establishment and operation of home occupations in any district in which they are permitted:

(a) Purpose and intent.

These regulations are provided so that certain incidental and accessory uses may be established in residential neighborhoods under conditions that will ensure their compatibility with the neighborhood. They are intended to protect the rights of the residents to engage in certain home occupations that are harmonious with a residential environment.

(b) Home occupations permitted.

Home occupations are permitted when conducted as an accessory use to a residential use in any district that specifies home occupations as a permitted use, subject to the requirements of subsection (c) of this section.

(c) General requirements.

The establishment and conduct of home occupations shall comply with the following requirements:

- (1) There shall be no exterior evidence of the conduct of a home occupation.
- (2) A home occupation shall be conducted only within the enclosed living area of the dwelling unit.
- (3) Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit shall be prohibited.
- (4) Only the residents of the dwelling unit may be engaged in the home occupation.
- (5) There shall be no sale of goods not produced on the premises.
- (6) The establishment and conduct of a home occupation shall not change the principal character or use of the dwelling unit involved.
- (7) There shall be no signs.
- (8) Required residential off-street parking shall be maintained.
- (9) A home occupation shall not create greater vehicular or pedestrian traffic than normal for the district in which it is located.



**Sec. 7-9-146.7. Residential multiple-family standards and requirements.**

In addition to the requirements for each district, the following procedure and standards are applicable to the construction, establishment and maintenance of any multiple-family residential project consisting of five (5) or more dwelling units in any district in which they are permitted. The procedure and standards are not applicable to single-family and to multiple-family projects of four (4) or less dwelling units.

- (a) Prior to issuance of a building permit or a grading permit, a site development permit shall be approved by the Director, EMA, or by the Planning Commission when the Director, EMA, determines that the public would be better served by a public hearing before the Planning Commission.
- (b) The Director, EMA shall approve or conditionally approve an application for a multiple-family site development permit in compliance with the procedures required by section 7-9-150 after having determined that, in accordance with any necessary conditions, the project will comply with all applicable regulations of the district in which the property is located, and with all of the following additional standards and requirements:
  - (1) All of the infrastructure facilities shall be adequate to serve the project when all conditions are complied with, without overloading such facilities to the detriment of other uses in the vicinity.
  - (2) Ingress and egress between the project and abutting streets shall be adequate to serve the project and shall be in compliance with the Standard Plans, Orange County Environmental Management Agency, as amended.
  - (3) Open space and recreation facilities shall be sufficient to serve the needs of the occupants and shall be in compliance with applicable County standards for open space and recreation.
  - (4) Parking areas shall be well lighted and shall be situated in such a manner that entrances to individual parking spaces, garages and carports will be commonly visible from dwelling units. Parking areas and facilities shall be situated in a manner that will make them more convenient for occupants to use than on-street parking.
  - (5) Solid waste disposal stations shall be provided within enclosed areas which will be conveniently accessible for all dwelling units and for trash pick-up trucks.
  - (6) Any additional features necessary to comply with County standards, such as screening, sound attenuation, architectural design, etc., shall comply with applicable County standards and regulations.
- (c) The Planning Commission may approve an application for a multiple-family site development permit in compliance with the public hearing and use permit procedures required by section 7-9-150. The standards listed in paragraph (b) may be used as criteria for making a determination.
- (d) Each multiple-family project shall be established and maintained in compliance with the approved site development permit.

**Sec. 7-9-146.8. Reserved.**

**Sec. 7-9-146.9. Bus stop benches and shelters.**

The regulations in this section pertain to bus stop benches and shelters, including their related signs, when located within a dedicated road right-of-way area only. All such benches/shelters shall be subject to an encroachment permit per sections 6-1-120 et. seq. This section supersedes earlier adopted regulations in planned community or specific plan texts which may be in conflict with this section. Bus bench/shelter signs shall not be subject to Zoning Code, planned community or specific plan regulations regarding outdoor advertising signs.

**Sec. 7-9-146.10. Specified resource protection.**

Such activities as fuel modification, agricultural use, relandscaping, removal of vegetation or grading, in areas identified by the General Plan, an implementing Specific Plan or Local Coastal Program, applicable Resource Management Plan or final CEQA document as having specified biotic resources of significance, shall comply with the resource management policies and measures contained therein.

**Sec. 7-9-146.11. Heliports/helistops.**

If compatible with the purpose and intent of the applicable zoning district, heliports/helistops are allowed subject to a use permit approved by the Zoning Administrator per section 7-9-150. All heliports/helistops are subject to review by the Airport Land Use Commission and FAA and State Division of Aeronautics regulations. Additionally, if approved, heliports/helistops located in residential areas shall not operate between the hours of 9:00 p.m. to 7:00 a.m. unless otherwise provided for by the required use permit. However, emergency medical flights are exempted from this restriction.

**Sec. 7-9-146.12. Transfer/materials recovery facilities.**

In addition to the requirements for each district, the following requirements are applicable to the construction, establishment and maintenance of transfer/materials recovery facilities. These requirements are provided in an effort to facilitate responsible development of transfer/materials recovery facilities, resulting in the reduction of solid waste entering County landfills.

If compatible with the purpose and intent of the applicable zoning district, a transfer/material recovery facility is allowable subject to a use permit approved by the Zoning Administrator per section 7-9-150. Such facilities are subject to review by the Integrated Waste Management Department (IWMD) and the Health Care Agency (Local Enforcement Agency (LEA)). Additionally, if approved, such facilities shall: incorporate fencing and/or landscaping to screen structures and operations; schedule hours of operation that minimize potential impacts, including, but not limited to, traffic and noise; design facilities so as to minimize potential impacts, including, but not limited to, noise and odor; and, provide a detailed description of all proposed operations including haul routes, types of machinery, types of structures, material processing data and site restoration (closure) plans.

## **Sec. 7-9-147. Condominium Conversions.**

All references to this section shall include sections 7-9-147.1 through 7-9-147.5.

### **Sec. 7-9-147.1. Purpose and intent.**

The purpose of this section is to provide standards and criteria for regulating the conversion of duplex or multiple-family dwelling units, including units in a rental mobilehome park, to residential condominium, stock cooperative and community apartment types of ownership; for determining when such conversions are appropriate; to provide for the public health, safety and general welfare; to provide adequate off-street parking and to mitigate any hardship caused by the displacement of tenants.

The provisions and procedures of this section shall apply to all conversions of existing duplex and multiple-family dwelling rental units to residential condominiums, stock cooperatives and community apartments notwithstanding any other provision of this code or any planned community ordinance.

### **Sec. 7-9-147.2. Standards.**

Conversion projects shall conform to the standards and requirements applicable to the district in which the proposed project is located at the time of approval.

### **Sec. 7-9-147.3. Reserved.**

### **Sec. 7-9-147.4. Application requirements.**

Each application for conversion project shall be accompanied by the following in addition to the standard filing requirements for a use permit application:

- (a) An engineering report on the general condition of all structural, electrical, plumbing, and mechanical elements of the existing development including noise insulation, and the estimated cost of repair or improvement, if any. Said report shall be verified, dated and signed by the Director and be made available to prospective buyers.
- (b) A complete mailing list of all tenants occupying the subject property and two corresponding sets of stamped addressed envelopes. Within fifteen (15) days after the filing of the application, the Director shall notify each tenant of the application, forward a copy of the above required engineering report, and list the procedures to be followed. The Director shall mail a notice of public hearing at least fifteen (15) days before the hearing to each tenant on the mailing list.
- (c) Each application for a conversion project shall be accompanied by a housing program. Said program shall include, but not be limited to the following:
  - (1) The means by which the provision of affordable housing will be achieved;
  - (2) A housing report addressing the balance of housing in the community analysis area, including vacancy rates and other available housing of similar type and rent, the current rents

and estimated monthly payments and fees of the units to be converted, and all improvements and/or renovations contemplated;

- (3) As applicable the estimated costs for movement of each mobilehome to an available reasonably comparable space;
- (4) A survey of existing tenants as to their length of occupancy, the number of those who will purchase one of the units; and
- (5) A relocation plan which identifies the steps which will be taken to ensure the successful relocation of each tenant in the event that the conversion takes place. The relocation plan shall also state what specific relocation assistance existing tenants will be given, including the cost of physical moving, first and last months' rent, security and cleaning deposits, phone connection and utility deposits. Particular consideration shall be given to the elderly, handicapped, families with children, and other tenants who may encounter difficulty in finding a new residence.

**Sec. 7-9-147.5. Tenant provisions.**

- (a) The property owner shall provide tenants a ninety (90) day preemptive right to purchase a unit or right of exclusive occupancy upon more favorable terms and conditions than those on which such unit or share will be initially offered to the general public. Such right shall be irrevocable for a period of ninety (90) days after the commencement of sales and notification of the tenant of such right.
- (b) The property owner shall provide all tenants a minimum of one hundred eighty (180) days advance notice of the termination of their tenancy, except that one (1) year notice be provided for units in a mobilehome park. Each application for conversion shall include assurance that this requirement will be satisfied.

**Sec. 7-9-148. Reserved**

**Sec. 7-9-149. Mobilehome Regulations.**

The following regulations shall apply to all mobilehomes and mobilehome developments where such uses are permitted by the provisions of the base district. All references to this section shall include sections 7-9-149.1 through 7-9-149.5.

**Sec. 7-9-149.1. Reserved.**

**Sec. 7-9-149.2. Reserved.**

**Sec. 7-9-149.3. Mobilehome development regulations.**

The regulations of this section shall apply to all new mobilehome developments and to the expansion of existing developments. These regulations are established so that mobilehome developments may be evaluated under conditions that will ensure their compatibility with other permitted uses in the district.

(a) Use permit required.

When permitted by applicable zoning district regulations, mobilehome developments are permitted subject to the approval of a use permit and in compliance with the provisions of this section.

(b) Number of mobilehomes.

The number of mobilehome dwelling units permitted is the same as the maximum number of dwelling units permitted by the applicable district regulations.

(c) Site development standards.

(1) Setbacks: Per the applicable district regulations.

(2) Off-street parking: As required by section 7-9-145, except as follows:

a. Two (2) parking spaces for each mobilehome dwelling unit.

1. Required parking spaces shall be within two hundred (200) feet of the mobilehome they serve.
2. Required spaces may be in tandem when the approving authority finds there are adequate guarantees that each of the two (2) tandem spaces will remain available and accessible for the same dwelling unit.

b. Additional guest parking, as follows:

1. One (1) parking space for each four (4) mobilehome dwelling units.
2. Mobilehomes shall not be farther than three hundred (300) feet from a guest parking space.

(3) Screening and landscaping: Opaque screening and landscaping treatment continuously along the perimeter of the development shall be provided per section 7-9-132 in a manner compatible with existing surrounding development.

(d) Design criteria.

Each development shall be designed in compliance with the following criteria:

(1) Circulation. Vehicular and pedestrian ways shall be separate, and adequate sight distance and warning information shall be maintained wherever such ways intersect.

(2) Trash and refuse storage. Where individual trash pickup is not provided, common trash storage areas shall be provided as follows:

a. Mobilehomes shall not be located further than one hundred (100) feet from a trash storage area.

b. Each trash and refuse storage area shall be within a totally enclosed structure with a minimum height of six (6) feet.

(e) Exceptions.

When the approving authority finds that any of the regulations of subsections (c) and (d) of this section are excessive when applied to a specific mobilehome development, or that there are special circumstances applicable to the subject property that cause any of these regulations to be unnecessary or inappropriate, an exception of deviation from such regulations may be approved as part of the use permit for the mobilehome development.

**Sec. 7-9-149.4. Reserved.**

**Sec. 7-9-149.5. Mobilehome installation.**

Each mobilehome installed on its own building site shall comply with the requirements of this section.

(a) Installation standards.

Each mobilehome installation shall comply with the following standards:

(1) Each mobilehome installation shall comply with the site development standards for a single-family dwelling in the applicable zoning district.

(2) Each mobilehome shall be placed on a foundation system. The foundation shall be either:

a. A solid concrete or masonry wall under the outside perimeter of the mobilehome; or

- b. Piers or other open construction meeting the requirements of the currently effective County Building Code, combined with skirting placed around the outside wall of the mobilehome in such a manner that the exterior siding appears to start at ground level.
- (b) The exterior siding of the mobilehome shall be similar in appearance to siding material customarily used in conventionally built single-family dwellings.
- (c) The roof:
  - (1) Material shall be of fire-retardant composition shingles, tile, or treated wood shingles;
  - (2) Shall have a pitch similar in appearance to roofs of the same material on single-family dwellings in the neighborhood;
  - (3) Shall be of a color that is not in conflict with existing structures in the vicinity; and
  - (4) Shall have an eave and gable overhang of not less than twelve (12) inches, measured perpendicularly from the vertical side of the mobilehome.
- (d) The exterior siding and roof materials of the garage or carport shall appear to be the same as the mobilehome siding/roof materials.
- (e) When an enclosed garage is not provided, each mobilehome installation shall have a separate, fully enclosed accessory structure with not less than one hundred sixty (160) cubic feet of storage area.

## **Sec. 7-9-150. Discretionary Permits and Procedures.**

All references to section 7-9-150 include sections 7-9-150.1 through 7-9-150.9.

### **(a) Discretionary actions.**

All permits included within section 7-9-150.1 are discretionary permits. A discretionary permit is a permit issued or approved by the County of Orange as the result of an application wherein the County retains the right to either approve or disapprove. This section provides the procedures and requirements for processing discretionary permit applications and the criteria and conditions considered to be necessary so that an appropriate decision regarding each such application may be made by the appropriate approving authority. A discretionary permit may have more restrictive site development standards than stated in a zoning ordinance in order to make the required findings per section 7-9-150.3(e). Conversely, a discretionary permit may have less restrictive site development standards if allowed by the zoning ordinance for a planned community or a specific plan and if the required findings per section 7-9-150.3(e) can be made.

### **(b) Who may file.**

A discretionary permit application may be submitted only by a property owner of the subject property, by his authorized agent, or by a public agency.

### **(c) Applicability.**

Discretionary permits are applicable to the subject property and all rights granted by the approval of a discretionary permit remain with the property and all conditions and requirements of a discretionary permit are passed on to the new property owner when there is a change of ownership.

### **(d) Enforceability.**

All conditions, requirements and standards, indicated graphically or in writing as part of any approved discretionary permit granted by authority of these regulations shall have the same force and effect as the Zoning Code. Any use or development established as a result of an approved discretionary permit but not in compliance with all such conditions, requirements, or standards shall be in violation of this Zoning Code and section 7-9-154, Enforcement provisions, shall be applicable.

## **Sec. 7-9-150.1. Types of permits.**

### **(a) Feature plans.**

A feature plan is a plan which conceptually describes, graphically and/or in writing, a proposed development for an identified and relatively large area of real property. The purpose of a feature plan is to describe how significant natural and man-made features will be preserved or developed and how large scale planning issues of special concern (e.g., traffic) will be addressed. All subsequently adopted discretionary permits (e.g., area plans) and subdivision maps shall be consistent with the feature plan.

Feature plans shall be processed initially to the Board of Supervisors per section 7-9-150.3(c), Public hearings. The Planning Commission shall be the approving authority for feature plan amendments, except when the Commission finds that an amendment application proposes a



change in policy from the originally approved feature plan, such amendment application shall be acted on by the Board.

After the date of final determination and after compliance with section 7-9-150.3(g), Revised plans, the policies and concepts of an approved feature plan shall be applicable to the property included within the boundaries of the feature plan until such time as the feature plan is amended or the applicable zoning regulations are revised so that the feature plan is no longer valid. All grading, development and improvements shall be in substantial conformance with the currently approved feature plan.

(b) Area plans.

An area plan is similar to a feature plan except that an area plan contains relatively more detailed information and addresses a relatively smaller area of real property. A feature plan may or may not be required prior to the approval of an area plan. An area plan for a planned community or specific plan may have less restrictive site development standards if allowed by the enabling ordinance.

Area plans shall be processed per section 7-9-150.3(c), Public hearings. The Planning Commission is the approving authority for all area plan applications and amendments.

After the date of final determination and after compliance with section 7-9-150.3(g), Revised plans, an approved area plan shall be applicable to the development of all real property included within the boundaries of such area plan until such time as it is amended or rendered invalid by amendment of the zoning regulations or feature plan applicable to the property. All grading, development and improvements shall be in substantial conformance with the provisions of the currently approved area plan.

(c) Use permits.

The purpose of a use permit is to provide for the public review of detailed final plans for a proposed use. Uses which require a use permit are regarded as having a relatively moderate to high potential for adverse impacts on the subject site or surrounding community due to the nature or magnitude of the use vis-a-vis the sensitivity of the subject site or surrounding community.

A use permit is a precise plan of development and shall include the following:

- (1) A description of the use(s) and operating characteristics.
- (2) A plot plan showing the location of all uses.
- (3) Supplementary exhibits, as necessary, to show other information which may be required such as building elevations, landscaping, and grading.
- (4) Conditions of approval.

Use permits shall be processed per section 7-9-150.3(c), Public hearings.

If the land use regulations of a planned community or a specific plan allow a use permit to modify the site development standards to be less restrictive than otherwise stated in the enabling ordinance, such a use permit shall always require a public hearing before the Zoning Administrator per section 7-9-150.3(c).

If the land use regulations of a planned community or specific plan allow a use permit to authorize a use not specifically identified or permitted by the enabling ordinance, such use permit shall always require a public hearing before the Planning Commission per section 7-9-150.3(c).

Establishment, maintenance and operation of the use or uses proposed by the application shall be in compliance with the information and specifications shown on the approved use permit.

(d) Site development permits.

Site plans are included within the term "site development permit." The purpose of a site development permit is to provide for administrative review of detailed development plans for a proposed use. Uses which require a site development permit are regarded as having a relatively low potential for adverse impacts on the subject site or surrounding community due to the nature or magnitude of the use vis-a-vis the sensitivity of the subject site or surrounding community.

A site development permit is a precise plan of development and shall include the same elements described in "(c)" above for use permits.

A site development permit shall be processed per section 7-9-150.3(d), Administrative action.

If the land use regulations of a planned community or a specific plan allow a site development permit or site plan to modify the site development standards to be less restrictive than otherwise stated in the enabling ordinance, such a site development permit shall always require a public hearing before the Zoning Administrator per section 7-9-150.3(c).

If the land use regulations of a planned community or specific plan allow a site development permit or site plan to authorize a use not specifically identified as permitted by the enabling ordinance, such site development permit shall always require a public hearing before the Planning Commission per section 7-9-150.3(c).

Establishment, maintenance and operation of the use or uses proposed by the application shall be in compliance with the information and specifications shown on the approved site development permit.

(e) Variance permits.

Variations from applicable site development standards may be approved for a building site.

All variance applications are processed in compliance with the provisions of section 7-9-150.3(c), Public hearings. The Zoning Administrator is the approving authority for all variance applications.

When a variance application is approved, the approved plot plan shall be a precise plan of development, and establishment, maintenance and operation of the use or uses permitted by the approval of the application shall be in compliance with the information shown on the plot plan, as approved.

(f) Special use permits.

The following discretionary permits are basically use permits with additional or modified processing requirements:

- (1) Affordable housing incentive use permit. This is processed as a use permit to the Planning Commission per section 7-9-150 and is subject to the additional findings per section 7-9-140.
- (2) Off-street parking alternative use permit. This is processed as a use permit to the Zoning Administrator per section 7-9-150 and is subject to the additional findings of section 7-9-145.
- (3) Condominium conversion use permit. This is processed as a use permit to the Planning Commission per section 7-9-150 and is subject to the special requirements of section 7-9-147.
- (4) Coastal development permit. This is processed as a use permit to the Zoning Administrator per section 7-9-150 and the special requirements of section 7-9-118.
- (5) Fence/wall height modification. This is processed as a use permit to the Zoning Administrator per section 7-9-150 and is subject to the additional findings of section 7-9-137.5.

(g) Other special permits.

- (1) Sand and gravel site permit. This is subject to the special requirements of section 7-9-104.
- (2) Reclamation plan. This is a limited version of a SG site permit. It is subject to the special requirements of section 7-9-104.
- (3) General Plan implementation consistency finding. This is subject to the special requirements of section 7-9-116 and may be subject to section 7-9-150.

### **Sec. 7-9-150.2. Applications.**

(a) Filing instructions.

Each application for a discretionary permit shall be filed with the Director on a form prescribed by, and with all documents and information required by the Director. The Director shall provide written filing instructions, specifying information and materials required, and all required forms at no charge to any person requesting such instructions.

(b) Submittal of applications.

Any property owner, his authorized agent, or a local agency may submit an application for a discretionary permit in compliance with the filing instructions. The Director shall determine whether such application is complete and shall transmit such determination to the applicant. In the event the application is determined not to be complete, the Director's determination shall specify in writing those parts of the application which are incomplete and shall indicate the manner in which they can be made complete.

(c) Acceptance of applications.

No application shall be deemed accepted until a determination has been made by the Director that the application is complete and in compliance with the filing instructions.

(d) Withdrawal.

At the request of the applicant at any time, the applicant's discretionary permit application shall be withdrawn. Thereafter, such application shall be null and void.

### **Sec. 7-9-150.3. Processing procedures.**

All discretionary permit applications shall be processed in compliance with the following procedures, and with the additional procedures of section 7-9-118 for any application within the Coastal Development District. If the Director determines, on a case-by-case basis, that the public interest would be better served, a permit application may be forwarded to the Planning Commission or Zoning Administrator for action that would otherwise be acted on administratively. Likewise, if the Director determines, on a case-by-case basis, that the public interest would be better served, a permit application may be forwarded to the Planning Commission that would otherwise be acted on by the Zoning Administrator. Any permit acted on by the Planning Commission shall not require action by the Director or Zoning Administrator and any permit acted on by the Zoning Administrator shall not require action by the Director.

(a) Combined application.

At the discretion of the Director, different types of permits may be combined in one application and processed with one application number and one fee so long as all the applicable permit processing requirements, including all required findings, are satisfied.

- (1) When a permit requiring a public hearing is combined with one not requiring a public

hearing, the combined application shall require a public hearing.

- (2) Action by the Planning Commission on a permit application shall take precedence over action by the Director and Zoning Administrator.

(b) Review by citizens' body.

If the zoning ordinance for a planned community or specific plan requires the Director to forward discretionary permit applications to a designated citizens' body for review and comment, the Director shall do so at least twenty-one (21) calendar days prior to final action by the approving authority. However, if the citizens' body responds in less than 21 days, the approving authority may take final action if all other public notification requirements have been satisfied. Failure of such citizens' body to respond shall not necessarily delay action on the permit.

(c) Public hearings.

Discretionary permits processed per this subsection shall require a public hearing with public notification. However, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action of the approving authority.

- (1) Scheduled hearings. A public hearing shall be scheduled at the earliest available appropriate date of a regularly scheduled meeting of the approving authority, in compliance with the provisions of this section. At the scheduled public hearing, the approving authority may take action on the application, may continue the application to a specified date, or may take the application under submission. When an application is taken under submission, no further testimony shall be heard and no further evidence shall be presented until the application is rescheduled for a new public hearing in compliance with these provisions. An application that has been taken under submission may later be taken out of submission for the purpose of taking action on the application, without scheduling a new public hearing, provided no additional testimony is heard and no further evidence is presented.
- (2) Public notice requirements. In addition to section 7-9-150.3(b), not less than ten (10) calendar days prior to the hearing, the Director shall:
  - a. Prepare a public notice which includes the date, time and place of the hearing, the application number, the applicant's name, the location of the property affected, and a description of the use proposed.
  - b. Mail or deliver the notice of the hearing to:
    1. The owner of the subject real property or to his authorized agent.
    2. The project applicant.
    3. Each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide these facilities and services may be significantly affected.
    4. All owners of real property as shown on the latest equalized assessment roll within 300 feet of the subject real property. (If the number of owners to whom notice would be mailed is greater than 1,000, the Director may instead place a display advertisement of at least one-eighth page in a newspaper of general circulation at

least ten (10) days prior to the hearing.)

- c. Publish a legal notice in a newspaper of general circulation or post a notice in two public places in the County and in one place at the subject site.
- d. Provide any other notice required by law.

(d) Administrative action.

Discretionary permits processed per this subsection shall be acted upon administratively. Where the approving authority is not otherwise specified, the Director shall be the approving authority. A public hearing or public notification shall not be required, except per section 7-9-150.3(b).

(e) Findings.

(1) For all discretionary permits. The following findings shall be made by the approving authority prior to the approval of any discretionary permit:

- a. General Plan. The use or project proposed is consistent with the General Plan.
- b. Zoning Code. The use, activity or improvement(s) proposed is consistent with the provisions of the Zoning Code.
- c. CEQA. The approval of the permit application is in compliance with the requirements of the California Environmental Quality Act.
- d. Compatibility. The location, size, design and operating characteristics of the proposed use will not create conditions or situations that may be incompatible with other permitted uses in the vicinity.
- e. General welfare. The approval of the permit application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
- f. Public Facilities. The approval of the permit application is in compliance with Codified Ordinances Section 7-9-711.

(2) For variance applications. In addition to the findings required by paragraph (1) of this subsection, the following findings shall be made by the approving authority prior to the approval of any variance application:

- a. Special circumstances. There are special circumstances applicable to the subject building site which, when applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed by other property in the vicinity and subject to the same zoning regulations. (The special circumstances shall be specified in the adopted finding.)
- b. No special privileges. Approval of the application will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations, when the specified conditions are complied with.

- (3) Modified development standards. If the land use regulations of a planned community or specific plan allow a discretionary permit, other than a variance permit, to modify the site development standards to be less restrictive than otherwise stated in the enabling ordinance, the following finding shall be made in addition to "(1)" above:

"The alternative development standard(s) will result in an equivalent or better project in terms of adverse impacts and public benefits to the immediate and surrounding community."

- (4) New use allowed. Where the enabling ordinance authorizes a discretionary permit to allow a principle use not specifically identified as permitted or prohibited, the following additional finding shall be made in addition to "(1)" above:

"The proposed use is consistent with the purpose and intent of the (name) district/planning area."

- (f) Action by the approving authority.

- (1) The approving authority shall take one of the following actions for each application:

- a. Approve. There are no conditions or requirements other than those specified by the application. After the date of final determination and after compliance with section 7-9-150.3(g), Revised plans, if applicable, the proposed project may be established in compliance with all applicable regulations and with the provisions of the application approved.
- b. Disapprove.
- c. Conditionally approve. Any application may be approved subject to the performance of, or compliance with, conditions. Conditions may require dedication of land, installation of improvements, the posting of financial security to guarantee performance of conditions, and other conditions necessary to achieve the objectives of the General Plan and the Zoning Code. No conditions shall be included that would require dedication or improvements or for other purposes not reasonably related to the use of the property which is the subject of the application. After the date of final determination and after compliance with section 7-9-150.3(g), the proposed project may be established in compliance with all applicable regulations, with the provisions of the application as approved, and with the provisions and requirements of the conditions of approval.

- (2) Action in writing. The determination on each application, including any required findings and any other reasons that serve to explain the determination, and all conditions of approval, shall be in writing. A copy of the written determination shall be forwarded to the applicant following the date of final determination and shall be made available, at cost, to any person desiring a copy of such determination.

(3) Final determination. The determination of the approving authority shall be effective fifteen (15) days after the date the decision is made, and after all appeals, if any, have been acted on. However, when an application accompanies or relies on the approval of a coastal development permit, the determination of such application shall not be effective until the coastal development permit is effective in compliance with the provisions of section 7-9-118.

(g) Revised plans.

When the approving authority approves an application for any discretionary permit in a manner that is different from that which was presented to them, they may require revised plans to be submitted as a condition of approval. No building or grading permits or certificates of use and occupancy authorized by a discretionary permit shall be issued until such revised plans are submitted to the Director and found by the Director or his designee to be consistent with the action of the approving authority. If such revision is not submitted within thirty (30) days, or as otherwise specified by the approving authority, after the date of final determination, the permit shall thereafter be null and void. However, prior to the expiration of this period, the Director may grant one extension of time of any additional period if it is requested and justified by the applicant.

(h) Changed plans.

Plans that are changed from that approved by the approving authority may be submitted to the Director. If the Director determines that the proposed changed plan is a minor amendment of no significant effect, and complies with the spirit and intent of the original approving action, he may approve the changed plan without further compliance with section 7-9-150.

#### **Sec. 7-9-150.4. Appeals.**

Any decision of the Director, Zoning Administrator, or the Planning Commission regarding the action taken on a discretionary permit application may be appealed to a Board of Appeals in compliance with the provisions of this section.

(a) Board of Appeals.

- (1) The Planning Commission shall constitute the Board of Appeals for decisions by the Director and Zoning Administrator. The Planning Commission's decisions on such appeals shall be final.
- (2) The Board of Supervisors shall constitute the Board of Appeals for decisions by the Planning Commission. Only matters originally heard by the Planning Commission shall be appealable to the Board of Supervisors. Matters heard by the Planning Commission on appeal are not appealable to the Board of Supervisors.

(b) Who may appeal.

Any interested person may appeal a decision of the Director, Zoning Administrator or Planning Commission regarding the action taken on a discretionary permit application, upon submittal of the required documents and information and payment of the required fee.

(c) Procedure.

- (1) Timeliness. Except as otherwise provided by section 7-9-118 for appeals to the Coastal



Commission, an appeal shall be filed within fifteen (15) calendar days of the date on which the decision being appealed was rendered. If the fifteenth day is a non-working day for the County, the appeal period shall be extended to include the next County working day. No appeal shall be accepted after the appeal period has expired.

- (2) Required documents. Each appeal shall be accompanied by such other documents and information the Director deems to be necessary to adequately explain and to provide proper notification for the appeal. Each appeal shall set forth specifically and in detail the grounds for the appeal. The Board of Appeals may refuse to consider issues not raised in the written appeal.
- (3) Time for action. Not later than sixty (60) days from the end of the appeal period, the Board of Appeals shall consider the appeal. The Board of Appeals may take action on the appeal or may continue the appeal, or may refer the application back to the approving authority with directions.
- (4) Public hearing requirements. The appeal of an approving authority's determination that required a public hearing shall also require a public hearing. Notice and schedule requirements for an appeal hearing shall be identical as those for an original hearing.
- (5) Forwarding of records. When an appeal has been accepted, the Director shall forward to the Board of Appeals all documents and information on file pertinent to the appeal, together with the minutes or official action of the approving authority, and a report on the basis of the decision and the appropriateness of the appeal.

(d) Nature of decisions.

The Board of Appeals shall consider the appeal at an appropriate public meeting or public hearing, including all information and evidence submitted with the original application, and any additional information and evidence the appellant may submit which the Board finds to be pertinent.

The action of the Board of Appeals shall be one or more of the following in compliance with the same procedures and requirements as were applicable to the approving authority:

- (1) Approve or disapprove the application;
- (2) Add, modify or delete conditions;
- (3) Approve a modified application; or
- (4) Refer the application back to the approving authority with directions for action by the approving authority or for recommendations or reports to the Board of Appeals.

### **Sec. 7-9-150.5. Fees.**

A filing fee to defray the cost of processing and notification for each discretionary permit application and appeal shall be paid by the property owner or his authorized agent or by the appellant at the time the application or appeal is accepted. Such fees shall be in accordance with the fee schedule currently in effect as adopted by resolution by the Board of Supervisors. When different types of permits are combined per section 7-9-150.3(a), the type of permit application requiring the highest fee shall be the applicable fee for the combined application.

(a) Waiver of fees.

The filing fee shall be waived for an application filed by any city, county, district, state or federal government, or agency thereof. The Board of Supervisors may establish by resolution procedures for consideration of requests by applicants for waiver of permit fees.

(b) Refund of fee.

The Director may refund a filing fee in whole upon a determination that the application was erroneously required or filed. He may refund a fee pro rata, based on the cost of processing the application, if the application is withdrawn prior to a decision thereon.

### **Sec. 7-9-150.6. Period of validity, establishment, and expiration.**

(a) Period of validity. The period of validity shall begin on the date of final determination as set forth in section 7-9-150.3(f)(3) and shall expire if not established as set forth below.

- (1) For feature plans, area plans, and reclamation plans: Indefinite unless otherwise stated in the permit or other applicable regulations.
- (2) For all other discretionary permits: Three years or as stated in the permit.
- (3) If a ministerial permit which was needed to implement the discretionary permit has been issued during the period of validity described above, then the period of validity shall be extended to coincide with the period of validity of that ministerial permit, but only to the extent necessary to implement that ministerial permit.
- (4) Notwithstanding subsections "(1)", "(2)", and "(3)", a discretionary permit for a project which was approved in conjunction with a vesting tentative map approved pursuant to Subdivision Code section 7-9-236 shall be valid for at least one year after the date such subdivision map or any increment to which the permit applies is recorded. Such discretionary permits may be identified on the application as associated with a vesting tentative map.
- (5) Notwithstanding subsections "(1)," "(2)," "(3)," and "(4)," the period of validity of a discretionary permit is extended for a period equal to the time during which a lawsuit seeking to set aside approval of the permit (or other permits, subdivision maps, and zone changes that are directly related to the same development project as the subject permit) is pending in a court of competent jurisdiction. The applicant shall provide documentation to the satisfaction of the Director of the beginning and ending of the litigation.
- (6) Prior to the expiration of the period provided by the subsections "(1)," "(2)," and "(3)" above, a single one-year extension may be granted by the Director provided that both the following conditions have been satisfied:

- a. The extension of time has been requested and adequately justified by the applicant, and
- b. There has been no applicable change in the underlying zoning regulations for the subject site and proposed use.

(b) Establishment.

A discretionary permit shall be deemed established if, during the period of validity:

- (1) In the case of a discretionary permit where ministerial permits are required, such ministerial permits are finalized, but only to the extent authorized by such ministerial permits.
- (2) In the case of a discretionary permit where no ministerial permits are required, the use authorized by the permit is actually commenced.
- (3) In circumstances where a certificate of use and occupancy is required, such certificate must be issued.

(c) Expiration.

A discretionary permit shall expire and be of no further force or effect if:

- (1) The permit is not established during the period of validity; or
- (2) After establishment, the use or activity for which the permit was approved is discontinued or abandoned for a period of one year.

**Sec. 7-9-150.7. Revocation.**

(a) Grounds for revocation.

Any discretionary permit may be revoked by the Planning Commission pursuant to the provisions of this section on any of the following grounds:

- (1) Such approval was based on inaccurate or misleading information.
- (2) The permittee has failed to abide by and faithfully comply with one or more of the conditions upon which the permit was granted or extended
- (3) A change in conditions occurring after the original grant of the approval or the continuation of the use as approved is contrary to public health, safety or general welfare, or is detrimental or incompatible with other permitted uses in the vicinity.

- (4) The findings which were the basis for the original permit approval can no longer be made.
- (5) Regulations applicable when the permit was approved have been amended.

(b) Procedure.

Prior to any revocation, the Planning Commission shall hold a public hearing. The hearing shall be preceded by notice given in the same manner as was required to be given for consideration of issuance of the permit except that the permittee shall be given not less than fifteen (15) days notice. The notice shall state the causes for which revocation is to be considered.

(c) Action of approving authority.

Following the hearing, the Planning Commission may revoke the permit, impose additional conditions on the permit, or revoke the permit subject to reinstatement upon compliance with specified conditions.

(d) Amortization.

If a revocation of any approval is ordered, the Planning Commission may at the same time provide for a reasonable period of time to amortize any lawful existing uses on the site. Extensions of this time period may be granted for good cause shown on later application to the approving authority by any affected person.

(e) Appeal.

Any action by the approving authority pursuant to this section may be appealed as set forth in section 7-9-150.4.

**Sec. 7-9-150.8. Amendments.**

Any discretionary permit may be amended any number of times by the approval of a subsequent application. Amendments may include extensions of time, revised conditions of approval, revisions and refinements of an approved permit, and new or additional uses.

All amendments shall be for the same parcel of property for which a discretionary permit was previously approved. Amendments shall be filed prior to the expiration of the previously approved permit, and they shall be filed in compliance with the filing procedures and payment of the filing fee required for an original application and shall be processed in the same manner as an original application.

**Sec. 7-9-150.9. Limitation of actions.**

Any action or proceeding to attack, review, set aside, void, or annul any decision on a discretionary permit involving matters listed in Government Code Sections 65901 or 65903, or concerning any of the proceedings, acts, or determinations taken, done, or made prior to such decision, or to determine the reasonableness, legality, or validity of any conditions attached thereto, shall not be maintained by any person unless the action or proceeding is commenced within thirty (30) days after the date of the decision. Thereafter, all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of that decision or of these proceedings, acts, or determinations.

**Sec. 7-9-150.10. Exemptions to Site Development/Use Permits.**

- (a) Administrative/professional offices and retail/service businesses that are permitted subject to a site development permit are exempt from the requirement for that permit if all of the below listed criteria are satisfied. However, permitted uses that are more specifically identified in the district regulations (e.g., automobile repair shops) are not subject to this exemption.

- Location: In the C1, C2, CC, CH, CN, or PA District and similar areas in planned community and specific plan districts.
  - Floor area: 10,000 sq. ft. maximum.
  - Employees: 10 on-site employees at any one time maximum.
  - Trip Generation: 200 average daily vehicle trips maximum, as determined by the Director.

- (b) Commercial uses which are permitted subject to a use permit approved by the Planning Commission or Zoning Administrator may be permitted subject to a site development permit approved by the Director if all the criteria listed in "(a)" above are satisfied and the commercial use will not be within 300 feet of a residential use. However, this exemption shall not apply to modifications of site development standards or uses not specifically listed as permitted.
- (c) When the Board of Supervisors has declared a natural disaster, for a period of six months thereafter, unless another period of time is designated by the Board of Supervisors, the requirement for any discretionary permit otherwise required to rebuild structures damaged by the disaster that had been lawfully established and that are proposed to be substantially the same and in compliance with all site development standards, may be waived by the Director.

**Sec. 7-9-151. Nonconforming Uses And Structures.**

(a) Uses lawfully established.

Uses that were lawfully established but are now nonconforming with existing zoning regulations may be continued. However, except per subsection "(c)" below, the use may not be increased and the structures or land area related to the nonconforming use may not be expanded in size. Repairs or improvements to structures related to nonconforming uses shall be regulated by "(b)" below. If a nonconforming use is discontinued for a period of one (1) year, future use of said land shall be in conformity with all existing zoning regulations. A nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification, "restriction" being defined as the numerical parking requirement per section 7-9-145 for the intended use.

(b) Structures lawfully established.

Structures that were lawfully established but are now nonconforming with existing site development standards may be continued.

(1) Repairs or improvements.

Repairs or improvements done in a period of twelve (12) months not exceeding fifty (50) percent of the value of the structure, as determined by the Director, shall be permitted.

(2) Destroyed structures.

If a structure is destroyed by fire, flood, explosion, act of God or public enemy to the extent of more than fifty (50) percent of the value thereof, as determined by the Director, then the said structure and use and occupancy thereof shall, be subject to all existing zoning regulations.

(3) Additions or enlargements.

A nonconforming structure which conforms to use but which does not conform to the development standards, may be added to or enlarged only to the extent that such addition or enlargement fully complies with the existing development standards.

(4) Determination of value.

In making his determination of the value of the structure as provided herein, the Director may utilize any appropriate data available including, but not limited to, recent comparable sales information and County Assessor assessments to the extent that these, in his opinion, are reflective of true market value. The determination of the Director may be appealed to the Planning Commission per section 7-9-150.4.

(c) Exceptions.

Exceptions to the regulations in "(a)" and "(b)" above may be granted with a use permit approved by the Planning Commission per section 7-9-150.

**Sec. 7-9-152. Certificates of Use and Occupancy.**

(a) Certificate required.

No vacant land in any zone established under the provisions of this code shall hereafter be occupied or used, except for agricultural uses other than livestock farming, poultry or small animal raising or dairying, and no building hereafter erected, structurally altered or moved in any such zone shall be occupied or used until a certificate of use and occupancy shall have been issued by the Director, EMA.

(b) Application for building.

Application for a certificate of use and occupancy for a new building or for an existing building which has been altered or moved shall be made in compliance with the provisions of the Uniform Building Code as adopted by the Board of Supervisors.

(c) Application for use.

Written application for a certificate of use and occupancy for the use of vacant land or for a change in the character of the use of land, as herein provided shall be made before any such land shall be so occupied or used, except for agricultural purposes other than livestock farming, poultry or small animal raising or dairying.

(d) Administration.

No certificate of use and occupancy shall be issued until a finding has been made that the building or proposed use of building or land complies with all applicable zoning regulations and with the conditions and requirements of any applicable discretionary permit. A record of all certificates of use and occupancy shall be kept on file permanently in the office of the Director, EMA, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

(e) Filing fee.

A filing fee to defray the cost of processing applications for certificate of use and occupancy shall be paid in accordance with the fee schedule currently in effect as adopted by resolution of the Board of Supervisors.

**Sec. 7-9-153. Reserved**

**Sec. 7-9-154. Enforcement Provisions.**

The provisions of sections 7-9-154 through 7-9-154.3 inclusive shall be known as the Enforcement Provisions. All references to this section also include sections 7-9-154.1 through 7-9-154.3. The purpose of these provisions is to ensure compliance with the Zoning Code. They shall apply to the enforcement of the Zoning Code, but shall not be deemed to exclude other remedial measures.

Definitions: As used in these provisions, the term "Director" shall mean the Director of the Environmental Management Agency, County of Orange, himself, or his designated agent(s).

As used in these provisions, the term "EMA" shall mean the Environmental Management Agency of the County of Orange.

As used in these provisions, the term "person" shall include a natural person, association, copartnership, corporation, or firm, and any agent, employee, officer, or principal thereof.

**Sec. 7-9-154.1. Duty to enforce.**

(a) Director.

It shall be the duty of the Director, or his designated agent(s), to enforce the provisions of the Zoning Code pertaining to the use of land, the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure.

(b) Health Officer.

It shall be the duty of the Health Officer of Orange County, or his designated agent(s), to enforce the provisions of the Zoning Code pertaining to the use and maintenance of a property, structures, and buildings so far as matters of health are concerned.

(c) Sheriff.

It shall be the duty of the Sheriff of Orange County, or his deputies, and of all officers of the County otherwise charged with the enforcement of the law, to enforce the Zoning Code.

(d) Other.

All other officials, employees, agencies, and departments of Orange County vested with the authority to issue permits, certificates, or licenses shall comply with the Zoning Code and shall issue no permits, certificates, or licenses in conflict with the Zoning Code. The issuance of a permit which is in conflict with the applicable Zoning Code shall not constitute a waiver of the provisions of that applicable Zoning Code.



### **Sec. 7-9-154.2. Inspection to ensure compliance.**

Whenever they shall have cause to suspect a violation of any provision of the Zoning Code; or whenever necessary to investigate either an application for granting, extension or modification, or an action to suspend or revoke a discretionary permit; or whenever necessary to investigate a proposed zone change, the officials responsible for enforcement or administration of the Zoning Code, or their designated agent(s), may after permission from the owner or occupant enter any building site, or building or structure thereon, for the purpose of investigation provided they shall do so in a lawful manner. If the owner and/or occupant refuses to grant the officials permission to enter the premises, the officials may obtain a search warrant for entrance onto the premises.

### **Sec. 7-9-154.3. Violations of the Zoning Code.**

#### **(a) Misdemeanor.**

- (1) All violations of the Zoning Code committed by any person, whether as agent, employee, officer, principal, or otherwise, shall be a misdemeanor.
- (2) Every person who knowingly provides false information on any type of Zoning Code-related application or map filed with the EMA shall be guilty of a misdemeanor.

Every person who fails to stop work when so ordered by the Director because of an apparent violation of the Zoning Code shall be guilty of a misdemeanor.

Every person who, having received notice to appear in court to answer a related charge, willfully fails to appear shall be guilty of a misdemeanor.

- (3) A misdemeanor may be prosecuted by the County in the name of the people of the State of California, or may be redressed by civil action. Each violation is punishable by a fine of not more than five hundred dollars (\$500.00), or by imprisonment in the County Jail for a term of not more than six (6) months, or both such fine and imprisonment.
- (4) Every person found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which the violation is committed, continued, or permitted by such person.

#### **(b) Public nuisance.**

- (1) Any building or structure erected, constructed, moved, altered or maintained and/or any use of property contrary to the provisions of the Zoning Code shall be and the same is hereby declared to be unlawful and a public nuisance, and any failure, refusal, or neglect to obtain a permit as required by the terms of the Zoning Code shall be prima facie evidence of the fact that a public nuisance has been committed.
- (2) The County may commence an appropriate civil action to abate a public nuisance and/or to collect a civil penalty. Any civil action shall be preceded by a finding by the Board of Supervisors, the Director or his designee that a violation of the Zoning Code has occurred.

- (3) The civil penalty shall not exceed two hundred fifty dollars (\$250.00) for each day on which such violation occurs. In addition, the civil penalty for violation of an abatement order shall be five hundred dollars (\$500.00).
- (4) The abatement of a public nuisance may be made at the expense of the owner of the property on which the nuisance is located. If the County abates the public nuisance, the costs of such abatement shall be charged to the owner of the premises involved. The Director may apply to the Board of Supervisors to cause costs for such work to be paid and levied as a special assessment against the property and collected in the manner provided for special assessments.

(c) Injunction.

The Zoning Code may also be enforced by injunction issued by the Superior Court upon suit by the County of Orange.

(d) Reserved.

(e) Fees to correct violation.

Failure to pay fees and obtain applicable permit(s) shall be deemed a violation of this Code. Violation shall result in the assessment of double permit fees prior to permit issuance. Payment of a double fee shall not relieve any person from fully complying with the requirements of this Code nor from any other of the penalties prescribed herein.

(f) Remedies.

All of the foregoing remedies shall be cumulative and not exclusive, except when otherwise provided.

## **Sec. 7-9-155. Zoning Code Amendments and Zone Changes.**

All references to this section shall include sections 7-9-155.1 through 7-9-155.3.

All Zoning Code amendments and zone changes shall be adopted in compliance with the provisions and procedures of this section and applicable sections of the Government Code.

A Zoning Code amendment may be initiated by the Board of Supervisors or the Planning Commission. A zone change application, including those for planned communities, may be initiated by the Board of Supervisors, the Planning Commission or the owner(s) of the subject real property.

### **Sec. 7-9-155.1. Zoning Code amendment.**

All ordinances which change any of the language or provisions of this Code are Zoning Code amendments. Whenever the Board of Supervisors or the Planning Commission initiates a Zoning Code amendment, the Director, EMA, or the County Counsel shall prepare an exhibit, including proposed language and terminology, and any additional information and documents deemed necessary for the Planning Commission and the Board of Supervisors to take action. Such exhibit shall be available for public inspection in the appropriate EMA offices and shall be supplied, at cost, to all persons desiring a copy, at least ten (10) days prior to the scheduled Planning Commission public hearing date. The exhibit shall also be available for the public inspection in the Clerk of the Board office at least five (5) days prior to the scheduled Board of Supervisors' public hearing.

### **Sec. 7-9-155.2. Zone changes.**

Any ordinance that reclassifies property from one zoning district to another zoning district (i.e., change the zoning/sectional district map), and any adoption of or revision to a PC text, zoning map, or statistical summary is a zone change.

#### **(a) Zone change applications.**

- (1) Filing instructions. Whenever the owner(s) of any real property desires a reclassification of his (their) property, he may submit an application for a change of zone to the Director, EMA. Each application shall be filed with the Director, EMA, on a form prescribed by and with all documents and information required by the Director, EMA. The Director, EMA, shall provide written filing instructions and required forms at no charge to any person requesting such instructions.

All applications shall be signed by the owner of record of the real property proposed to be rezoned, except as otherwise provided, as follows:

- a. An application may be signed by an agent for the property owner when a statement, signed by the property owner, specifically authorizing the agent to represent him, is submitted with the application.

- b. When the property proposed to be reclassified is owned by a company or organization, the application may be signed by an officer of such company or organization authorized to sign the application.
  - c. When some or all of the property proposed to be reclassified is owned in common by two or more persons, the application may be signed by a person duly authorized by the common owners to represent them in such application.
  - d. When a portion of a planned community has been developed and sold to ultimate property owners, and such property is included within the application, the owner/developer of the remaining undeveloped land may sign the application. In such instance, the applicant shall include, in addition to the required mailing list, the names, addresses and envelopes for all owners whose property would be rezoned if the application is approved.
  - e. When a zone change is initiated by the Planning Commission or the Board of Supervisors, the property owner's signature is not required.
- (2) Submittal of application. When an application for a change of zone has been submitted, the Director, EMA, shall determine whether such application is complete and shall transmit such determination to the applicant. In the event the application is determined to be incomplete, the Director, EMA, shall specify those parts of the application which are incomplete and shall inform the applicant, in writing, the manner in which they can be made complete.
- (3) Acceptance of application. No application for a change of zone shall be accepted for processing by the Director, EMA, until a determination has been made that the application and all accompanying information is complete and in compliance with the filing instructions.
- (b) Zoning conditions.

A zoning ordinance may include conditions requiring a dedication of real property, installation of facilities and improvements, special development standards, additional review requirements, and other requirements deemed necessary to protect the public health and welfare and to provide assurance that the subject property will be used in compliance with the intent of the General Plan and the Zoning Code.

Whenever a zoning ordinance includes conditions, such conditional zoning shall be designated on the official zoning district map by a parenthetically enclosed (C) and number(s) following the zoning designation, thus (C 001,002). Each number following the "C" shall represent a condition applicable to the property. A verbatim record of zoning conditions adopted by zoning ordinance shall be maintained by the Director, EMA, in a Zoning Conditions Log.

This provision does not apply to conditional zoning adopted prior to November 1, 1981.

(c) Filing fee.

The cost of processing, notification, publication and distribution for each zone change application and resultant zoning ordinance shall be paid by the property owner or his agent in accordance with policy established by resolution of the Board of Supervisors.

The Director, EMA, may establish incremental deposit requirements commencing with the application submittal. Upon termination or completion of the application, a final accounting of total costs expended by the County to process and finalize the application shall be made and forwarded to applicant(s) who shall pay any deficiency or who may request a refund in the case of a previous overpayment.

**Sec. 7-9-155.3. Zoning ordinance procedure.**

(a) Planning Commission hearing.

The Planning Commission shall hold a public hearing for all proposed zoning ordinances except those which do not affect the permitted uses of real property within the unincorporated area of Orange County. The Planning Commission may take action or may continue the public hearing to a specified date. The Planning Commission action shall be to recommend to the Board of Supervisors that the proposed zoning ordinance be approved, disapproved, or conditionally approved. The Planning Commission may also act to withdraw a proposed zoning ordinance without a public hearing with the concurrence of the applicant.

(b) Transmittal to Board of Supervisors.

The recommendations of the Planning Commission together with the findings and additional documents and information shall be transmitted to the Board of Supervisors. In the case of a recommendation by the Planning Commission for the disapproval of a change of zone, the application shall be transmitted to the Board only upon written request of the applicant. Such written request shall be submitted to the Director, EMA, within fifteen (15) calendar days after the Planning Commission action. Failure of the applicant to submit such a request within fifteen (15) calendar days shall result in termination of the case, and the action of the Planning Commission shall thereafter be final.

(c) Board of Supervisors hearing.

The Board of Supervisors shall hold at least one public hearing for each proposed zoning ordinance. The Board of Supervisors may take action, may continue the public hearing to a specified date, or may refer the proposed zoning ordinance back to the Planning Commission or Director, EMA. The action of the Board of Supervisors shall be to approve, disapprove or conditionally approve the request or proposal of the applicant or initiator and to adopt such ordinance as it finds appropriate and consistent with its findings. The Board of Supervisors may also act to withdraw a proposed zoning ordinance without a public hearing, with the concurrence of the applicant.

(d) Publication after adoption and effective date of non-urgency ordinances.

Within fifteen (15) days after adoption of a zoning ordinance by the Board of Supervisors, the ordinance shall be published in a newspaper of general circulation in the County. The ordinance will then become effective thirty (30) days after adoption by the Board.

- (1) Code amendments. When the zoning ordinance is a code amendment, the amendment, as adopted, shall be published. However, if the amendment is lengthy or complex, a summary of the amendment may be published, at the option of the County.
- (2) Zone changes. When the zoning ordinance is a zone change, the ordinance and the zoning district map shall be published. If the ordinance adopts a complex zone change, such as a planned community or amendment, or a specific plan or amendment, the publication shall include either the textual portion of the zone change or a summary of the zone change, at the option of the County.

## **Sec. 7-9-156. Specific Plans.**

The provisions of sections 7-9-156 through 7-9-156.3 shall be known as the Specific Plan Procedures. All references to this section shall include sections 7-9-156.1 through 7-9-156.3.

When deemed to be necessary for the orderly implementation of the General Plan and when deemed to be in the public interest the Board of Supervisors may adopt a specific plan by ordinance or by resolution. Preparation and processing of specific plans shall be in compliance with the provisions of the California Government Code and this section. A specific plan may be prepared with a text, statistical summary, statistical table, zoning map, and development map as described and regulated in section 7-9-103.

(a) Preparation.

The Board of Supervisors or Planning Commission shall initiate the preparation of all specific plans. Specific plans may be prepared by the Director, EMA, by contract with a private planning or engineering firm, or by arrangement with the property owner(s).

(b) Cost of preparation and processing.

When the Board of Supervisors finds that a specific plan would provide a property owner with a planning or design service, the Board may specify that an appropriate charge for preparation of the specific plan be borne by such property owner.

The method for determining costs of preparation and making payment shall be as specified in the resolution adopted at the time of initiation of the specific plan and the final amounts shall be fixed upon adoption of the specific plan.

(c) Procedure.

- (1) Planning Commission hearing. The Planning Commission shall hold a public hearing pursuant to the provisions of the California Government Code for all proposed specific plans. The Planning Commission may take action or may continue the proposed plan to a specified date. Action by the Planning Commission shall be to recommend to the Board of Supervisors that the proposed specific plan be approved, disapproved or conditionally approved.
- (2) Transmittal to Board of Supervisors. The recommendation of the Planning Commission together with additional related documents and information shall be transmitted to the Board of Supervisors. The transmittal may also include any pertinent information with regard to the reasons for the Planning Commission decision.
- (3) Board of Supervisors' hearing. The Board of Supervisors shall hold at least one public hearing for each proposed specific plan pursuant to the provisions of the California Government Code. The action of the Board of Supervisors shall be to approve, disapprove or conditionally approve the proposed specific plan and to adopt the necessary resolution or ordinance, as appropriate.

### **Sec. 7-9-156.1 Specific plan resolution.**

When a specific plan is intended to provide clarification and specific information with regard to the policies and concepts expressed within the General Plan, but not to provide the regulations necessary for implementation, such specific plan may be adopted by resolution of the Board of Supervisors.

(a) Contents of plan.

A specific plan resolution may include all of the details, concepts and programs deemed necessary to ensure common understanding and implementation of the General Plan as applicable to the area and the issues covered by the specific plan. It shall include such direction and provisions deemed necessary to provide for the implementation of the General Plan.

(b) Regulations excluded.

A specific plan resolution shall not include regulations and requirements for implementation of the General Plan, and any specific plan which contains such implementation regulations shall not be adopted by resolution.

### **Sec. 7-9-156.2. Specific plan ordinance.**

Regulations within a specific plan shall be adopted by the Board of Supervisors by ordinance. Such plan may either supplement or supersede all land use regulations applicable to the subject property, including all previously adopted ordinances, standards and guidelines deemed to be necessary for the orderly and systematic implementation of the General Plan.

(a) Scope of plan.

Each specific plan ordinance shall include such regulatory texts and maps necessary to provide the regulations for the development, maintenance and use of the subject real property in compliance with the policies and programs of the General Plan. Each plan shall specify clearly how and to what extent such plan is to supplement or supersede any adopted ordinances, regulations and standards. Where not otherwise addressed by a specific plan, all currently adopted ordinances, regulations and standards of the County of Orange are applicable.

(b) Coordination with others.

When a specific plan ordinance is intended to include items and issues that are not within the normal purview of the Planning Agency, the preparer of the plan shall consult with such persons and organizations deemed appropriate to ensure orderly implementation of the specific plan.



(c) Designation on zoning map.

Adoption of a specific plan ordinance shall also include adoption of an appropriate zoning district map. The zoning district map shall not indicate zoning for the area within the specific plan but shall show the letter S within a circle. Thereafter, all land use, development and improvements shall conform to the provisions of the adopted specific plan.

**Sec. 7-9-156.3. Amendments.**

Any specific plan may be amended by the same procedure as the plan was adopted. Any adopted specific plan may also be repealed by the same procedure as the plan was originally adopted. Prior to the adoption of a resolution or ordinance to repeal and discontinue a specific plan, the Board of Supervisors shall find that the plan is no longer necessary for the orderly and systematic implementation of the General Plan. Where a specific plan has been adopted by ordinance, the repealing ordinance shall include provisions for the application of appropriate zoning to the area covered by the repealed plan.

A specific plan amendment may be initiated by the owner(s) of subject property per the procedures for zone changes in section 7-9-155, Zoning Code Amendment and Zone Changes.

**Sec. 7-9-157. Tie Votes.**

If action on a discretionary permit per section 7-9-150 or a zone change or Zoning Code amendment per sections 7-9-103, 155, or 156 results in a tie vote by the decision-making body, that shall constitute disapproval of the (1) proposed permit, (2) permit appeal (i.e., original action stands), (3) proposed permit revocation (i.e., permit remains valid), (4) proposed zone change (including amendments to specific plans and planned communities), or (5) proposed Zoning Code amendment, as applicable.

**Sec. 7-9-158 to 7-9-199. Reserved.**