

**COUNTY OF ORANGE**  
**“ORANGE IS THE NEW GREEN”**  
**ZONING CODE UPDATE**

**ARTICLE 2, SUBARTICLE 5 – Standards for Specific  
Uses and Activities**

**Final Draft – December 2019**

[http://www.ocpublicworks.com/ds/planning/projects/all\\_districts\\_projects/orange\\_is\\_the\\_new\\_green](http://www.ocpublicworks.com/ds/planning/projects/all_districts_projects/orange_is_the_new_green)



**County of Orange – Zoning Code Update (Final Draft)****Proposed Revisions to Article 2, Subarticle 5 – “Standards for Specific Uses and Activities”**

<b>Comment Number [County xx]</b>	<b>Section Number</b>	<b>Neutral/Decrease/ Increase</b>	<b>Discussion</b>
1	7-9-85	Neutral	Description of new format
2	7-9-87.2	Neutral	Existing process
3	7-9-87.3	Neutral	State law
4	Table 7-9-87.3	Neutral	State law
5	Table 7-9-87.3	Decrease	County will offer greater density bonus than required by State law
6	Table 7-9-87.3	Decrease	County will offer greater density bonus than required by State law
7	Table 7-9-87.3	Neutral	State law
8	Table 7-9-87.3	Neutral	State law
9	Table 7-9-87.3	Neutral	State law
10	Table 7-9-87.3	Neutral	State law
11	Table 7-9-87.3	Neutral	State law
12	Table 7-9-87.3	Neutral	State law
13	7-9-87.3(d)	Decrease	County will offer greater number of incentives than required by State law
14	Table 7-9-87.4	Neutral	State law

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15	Table 7-9-87.4	Decrease	County will offer greater number of incentives than required by State law
16	Table 7-9-87.4	Decrease	County will offer greater number of incentives than required by State law
17	7-9-87.4(b)	Neutral	State law
18	7-9-88	Neutral	Existing definition
19	7-9-90	Neutral	State law
20	7-9-91(b)	Neutral	Existing process
21	7-9-91(g)	Neutral	Existing process
22	7-9-93	Increase	New regulations for short-term rentals
23	7-9-93	Increase	New regulations for short-term rentals
24	7-9-93	Increase	New regulations for short-term rentals
25	7-9-93	Increase	New regulations for short-term rentals
26	7-9-93	Increase	New regulations for short-term rentals
27	7-9-94	Increase	New regulations for community assembly facilities
28	7-9-95.1	Neutral	State law

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29	7-9-95.3	Neutral	State law
30	7-9-95.4	Increase	New requirement for ministerial “group home permit”
31	7-9-95.6	Increase	State law
32	7-9-95.6	Increase	New requirement for ministerial “group home permit”
33	7-9-95.6	Increase	New requirement for ministerial “group home permit”
34	7-9-95.6	Increase	New requirement for ministerial “group home permit”
35	7-9-96	Neutral	State law
36	7-9-100	Decrease	New opportunity – community gardens
37	7-9-101	Decrease	New opportunity – farmers markets
38	7-9-102	Decrease	New opportunity – selling fruit and vegetables raised on-site in residential districts
39	7-9-104(c)(1)/(2)	Neutral	State law
40	7-9-105	Neutral	Existing County regulations
41	7-9-105(e)	Increase	New requirement for discretionary permit for exceptions
42	7-9-107	Neutral	Existing process

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43	7-9-111	Increase	New regulations
44	7-9-114.1	Neutral	Relocation of definitions
45	7-9-114.2	Neutral	Clarification of existing language
46	7-9-114.5	Neutral	Clarification of existing language
47	7-9-114.6	Increase	No longer allow these types of signs
48	7-9-114.7	Neutral	Existing County regulations
49	7-9-114.8	Neutral	Existing County regulations
50	7-9-114.8	Neutral	These types of signs addressed elsewhere
51	7-9-114.9	Neutral	Existing County regulations
52	7-9-144.2(b)	Neutral	Relocation of existing language
53	7-9-166.1(d)	Neutral	Relocation of existing language
54	7-9-137.3	Neutral	Relocation of existing language
55	7-9-117	Neutral	Clarification of existing language
56	7-9-117.7	Decrease	Will now allow a phasing plan to be submitted with original permit application

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<b>Comment Number [County xx]</b>	<b>Section Number</b>	<b>Neutral/Decrease/ Increase</b>	<b>Discussion</b>
57	7-9-136.10	Neutral	Relocation of existing language
58	7-9-117.9	Increase	Discretionary permit required for gatherings of 100 persons or less, a decrease from 500 persons or less
59	7-9-117.10	Decrease	New regulations that will allow temporary outdoor sales

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Increase in Regulations – Highlighted in green

## **Article 2. – The Comprehensive Zoning Code**

### **Subarticle 5. - Standards for Specific Uses**

### **and Activities**

### **Table of Contents**

Section 7-9-85.	<del>C2 "General Business" District.</del> Purpose and applicability .....	4
Section 7-9-86	<del>7-9-146.7 Multifamily residential, Multiple Family standards, and requirements .....</del>	4
Section 7-9-87.	<del>CH "Commercial Highway" District 7-9-140 Density bonus and other incentives .....</del>	5
Section 7-9-88.	<del>CH "Commercial Highway" District regulations 7-9-138 Single-room occupancy .....</del>	12
Section 7-9-89.	<del>CN Commercial Neighborhood District 7-9-147 Condominium conversions .....</del>	13
Section 7-9-90.	<del>PA "Professional and Administrative Office" District 7-9-146.5 (B) Second Residential Unit Accessory dwelling units .....</del>	15
Section 7-9-91.	<del>7-9-146.5 (a) Reserved. Guesthouses. Or second residential unit .....</del>	187
Section 7-9-92.	<del>7-9-149 Mobilehome regulations .....</del>	19
Section 7-9-93.	<u>Short-term rentals .....</u>	20
Section 7-9-94.	<del>Reserved. Community assembly facilities .....</del>	29
Section 7-9-95.	<del>M1 "Light Industrial District regulations 7-9-141 Community care facilities, alcoholism or drug abuse recovery/treatment facilities, congregate living health facilities, child day care facilities, and group homes .....</del>	32
Section 7-9-96.	<del>Reserved Health care facilities .....</del>	43
Section 7-9-97.	<del>Reserved .....</del>	43
Section 7-9-98.	<del>R/OSP "Research/Open Space Park" District Regulations 7-9-142 Senior living facilities .....</del>	43
Section 7-9-99.	<del>Reserved .....</del>	43
Section 7-9-100.	<del>Reserved. Community gardens .....</del>	46

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Article 2. Subarticle 5 – Standards for Specific Uses and Activities  
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Section 7-9-101.	<del>Reserved.</del> Farmers' markets .....	48
Section 7-9-102.	<del>Reserved.</del> Fruit and vegetable gardening .....	48
Section 7-9-103.	<del>PC "Planned Community" District.</del> <u>7-9-146.14 County Of Orange Commercial Cannabis Activities And Outdoor Personal Cultivation Prohibition Ordinance</u> .....	498
Section 7-9-104.	<del>SG "Sand And Gravel Extraction" District.</del> <u>7-9-146.6 Home occupations Performance And Development Standards</u> .....	51
Section 7-9-105.	<del>Reserved.</del> <u>146.3</u> Pets and animals .....	54
Section 7-9-106.	<del>Reserved.</del> <u>7-9-146.1</u> Animal hospitals and clinics <del>—Performance And Development Standards</del> .....	55
Section 7-9-107.	<del>Reserved.</del> Electric vehicle charging stations .....	55
Section 7-9-108.	<del>Reserved.</del> <u>7-9-146.8 Performance and development standards for Small wind energy systems</u> .....	55
Sec. 7-9-109.	<del>Reserved.</del> <u>CD "Coastal Development" District.</u> <u>7-9-146.13 Performance And Development Standards For</u> Wireless communications facilities .....	59
Section 7-9-110.	<del>PD "Planned Development" District</del> <u>9-146.11 Heliports/helistops</u> .....	70
Section 7-9-111.	<del>SR "Sign Restriction" District</del> <u>7-9-97. Drive-through facilities and drive-in/drive-thru restaurants</u> .....	70
Section 7-9-112.	<del>Reserved.</del> <u>7-9-146.9</u> Bus stop benches and shelters .....	71
Section 7-9-113.	<del>FP "Floodplain" District</del> <u>7-9-143. Facility Design Regulations</u> Transportation demand programs .....	72
Section 7-9-114.	<del>SS "Service Station" District</del> <u>7-9-144 Signs</u> .....	776
Section 7-9-115.	<del>Reserved.</del> <u>7-9-151</u> Nonconforming uses and structures .....	91
Section 7-9-116.	<u>GPI "General Plan Implementation" District Regulations.</u> <u>7-9-137</u> Accessory uses and structures .....	92
Section 7-9-117.	<del>(O) "Oil Production" District</del> <u>7-9-136</u> Temporary uses and structures .....	94
Section 7-9-118.	<del>CD Coastal Development District Regulations.</del> <u>7-9-146.4</u> Waste management and hazardous materials .....	102
Section 7-9-119.	<del>SH Scenic Highway District.</del> <u>7-9-146.12</u> Waste transfer/materials recovery facilities .....	104
Section 7-9-120.	<del>E "Equine" District</del> <u>7-9-146.2</u> Adult entertainment businesses .....	103



County of Orange Draft Zoning Code Update – Final Draft  
Article 2. Subarticle 5 – Standards for Specific Uses and Activities  
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Section 7-9-121.	<del>Reserved 7-9-146.10-Specified Resource Protection</del> <u>Resource modification activities</u>	106
Section 7-9-122.	Reserved	106
Section 7-9-123.	Reserved	106
Section 7-9-124.	Reserved	106

County of Orange Draft Zoning Code Update – Third Draft  
 Article 2. Subarticle 5 – Standards for Specific Uses and Activities  
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## **Article 2, Subarticle 5: Standards for Specific Uses and Activities.**

### **Sec. 7-9-85. - ~~C2 "General Business" District.~~ Purpose and applicability.**

The purpose of Subarticle 5 is to prescribe standards and requirements that apply, except as otherwise specified, to certain specific uses that are permitted or conditionally permitted in several or all zoning districts. These standards shall be used in conjunction with the standards for each zoning district to minimize the impacts of these uses and activities on surrounding properties. In any case of conflict, the standards specific to the zoning district shall override these regulations.

### **Sec. 7-9-86. - ~~7-9-146.7 Multifamily 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 multifamily ~~multiple-family~~ residential project consisting of five (5) or more dwelling units in any district in which they are permitted. The procedures 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 multifamily ~~multiple-family~~ Site Development Permit in compliance with the procedures required by section ~~7-9-150~~ 7-9-125 after having determined that, in accordance with any necessary conditions, the project ~~will~~ shall 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, OC Public Works 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~~ shall be

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Neutral

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- commonly visible from dwelling units. Parking areas and facilities shall be situated in a manner that ~~will~~ shall 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~~ shall be conveniently accessible for all dwelling units and for trash pickup 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 ~~multifamily multiple family~~ Site Development Permit in compliance with the public hearing and Use Permit procedures required by section ~~7-9-150~~ 7-9-125. The standards listed in paragraph (b) may be used as criteria for making a determination.
  - (d) Each ~~multifamily multiple family~~ project shall be established and maintained in compliance with the approved Site Development Permit.

**Sec. 7-9-87. - ~~CC "Commercial Community" District. 7-9-140~~ Density bonus and other incentives.**

**Sec. 7-9-87.1. - ~~(a)~~ Purpose and intent.**

This section is intended to comply with the requirements of California Government Code Section 65915 et seq. ("State Density Bonus Law"), ~~and Government Code Section 65915.7, et seq.~~, as it may be amended from time to time, regarding the provision of a density bonus or other incentives to facilitate the production of affordable housing, senior citizen housing, or child care facilities. The amount of density bonus and the number and type of incentives shall be determined in a manner consistent with State Density Bonus Law and Government Code Section 65915.7, as it may be amended from time to time.

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

- (a) State law governs. When a conflict occurs between the provisions of this section and State law, State law shall govern.
- (b) Compatibility. Affordable and market-rate units shall be comparable in appearance, materials, and finish quality. Affordable units shall also be dispersed throughout the entire development.
- (c) ~~(b)~~ Density compliance plan. A "Density Bonus Compliance Plan" shall be approved concurrently with approval of the project requesting a density bonus or other incentive. This Density Bonus Compliance Plan ~~must~~ shall stipulate the terms of the affordability and/or occupancy requirements on the housing development, including, but not limited

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to, the duration of the restrictions. Compliance with the terms of this Density Bonus Compliance Plan shall be monitored on a regular basis by the County of Orange. The Plan shall be recorded as a restriction on the parcel or parcels on which the affordable housing units shall be constructed.

- (d) ~~(e)~~ *Construction with other applicable zoning regulations.* Notwithstanding any permitted density bonus or incentive granted pursuant to this section, any project receiving a density bonus hereunder shall otherwise be consistent with the applicable zoning and land use regulations and requirements, including permitted uses.
- (e) *Availability.* Affordable housing units shall be constructed concurrently with and made available for qualified occupants at the same time as market-rate units within the same project, unless both the County and the developer agree in the Density Compliance Plan to an alternative schedule for development.
- (f) *Effect of granting density bonus.* The granting of a density bonus under this section shall not, in and of itself, be interpreted to require a General Plan amendment, Zoning Code or Zoning Map amendment, or other discretionary approval.

**Sec. 7-9-87.3. - ~~Principal uses permitted subject to a use permit.~~ Requirements and standards for granting a density bonus and incentives.**

- (a) *Granting a density bonus and incentives for a mixed-use development project.* The granting of a density bonus and incentives for a mixed-use development project shall comply with the provisions of Government Code Section 65915.7, et. seq., as may be amended.
- (b) *Granting a density bonus and incentives for a housing development project.* The County shall grant one (1) density bonus when an applicant seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded, that shall contain housing for any one of the following household income groups, as defined by State law.
  - (1) *Very Low Income Households.* A minimum of five percent (5%) of the total dwelling units of a housing development for very low income households Section 50105 of the Health and Safety Code, as may be amended.
  - (2) *Low Income Households.* A minimum of ten percent (10%) of the total dwelling units of a housing development for lower-income households as defined in Section 50079.5 of the Health and Safety Code, as may be amended.
  - (3) *Senior Citizen Housing Development.* A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, as may be amended, or mobile home park that limits residency based on age requirements for housing for older persons, pursuant to Section 798.76 or 799.5 of the Civil Code, as may be amended.

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Neutral

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- (4) Student Housing Developments. A minimum of twenty percent (20%) of the total dwelling units for lower income students in housing developments for students, as defined by Government Code Section 65915, as may be amended.
- (5) Transitional Foster Youth, Disabled Veterans, or Homeless Persons Housing Developments. A minimum of ten percent (10%) of the total dwelling units with rents restricted at very low income level in housing developments for: transitional foster youth as defined by the Education Code, Section 66025.9, as may be amended, disabled veterans as defined by Government Code Section 18541, as may be amended, or homeless persons as defined by the Federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq., as may be amended.
- (6) Common Interest Developments. A minimum of ten percent (10%) of the total dwelling units in a common interest development, as defined in Section 4100 of the Civil Code, as may be amended, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, as may be amended, provided that all units in the development are offered to the public for purchase.
- (7) 100% Affordable Housing Development. Pursuant to Government Code Section 65915, as may be amended, housing developments with one hundred percent (100%) of the units affordable to lower income households (excluding the manager's unit), except that up to twenty percent (20%) of the total units may be for moderate income households, are eligible for a density bonus of up to eighty percent (80%) of the number of lower income units.
- (c) Calculation of density bonus. The amount of bonus density to which a developer is entitled shall vary according to the amount by which the percentage of affordable housing units equals or exceeds the percentage established in State Density Bonus Law. The density bonus shall not be included when determining the number of housing units that are to be affordable.

<b>TABLE 7-9-87.3: POTENTIAL DENSITY BONUS – VERY LOW INCOME UNITS</b>	
<u>Percentage of Affordable Units</u>	<u>Percentage Density Bonus</u>
<u>5</u>	<u>20</u>
<u>6</u>	<u>22.5</u>

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Neutral

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<del>7</del>	<u>30</u>
<u>8</u>	<u>32.5</u>
<u>9</u>	<u>35</u>
<u>10</u>	<u>37.5</u>
<u>11</u>	<u>40</u>
<u>12</u>	<u>42.5</u>
<u>13 and above</u>	<u>45</u>

**Commented [County5]:**

Decrease

<b>TABLE 7-9-87.3 - POTENTIAL DENSITY BONUS – LOW INCOME UNITS</b>	
<b><u>Percentage of Affordable Units</u></b>	<b><u>Percentage Density Bonus</u></b>
<u>10</u>	<u>25</u>
<u>11</u>	<u>26.5</u>
<u>12</u>	<u>28</u>
<u>13</u>	<u>29.5</u>
<u>14</u>	<u>31</u>
<u>15</u>	<u>32.5</u>
<u>16</u>	<u>35.5</u>
<u>17</u>	<u>37</u>
<u>18</u>	<u>38.5</u>
<u>19</u>	<u>40</u>

**Commented [County6]:**

Decrease

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<u>20</u>	<u>41.5</u>
<u>21</u>	<u>43</u>
<u>22 and above</u>	<u>44.5</u>

**TABLE 7-9-87.3: POTENTIAL DENSITY BONUS – SENIOR  
CITIZEN HOUSING DEVELOPMENT**

<u>Percentage of Units for Seniors</u>	<u>Percentage Density Bonus</u>
<u>100</u>	<u>20</u>

**Commented [County7]:**

Neutral

**TABLE 7-9-87.3: POTENTIAL DENSITY BONUS –  
STUDENT HOUSING DEVELOPMENT**

<u>Percentage of Low Income Units</u>	<u>Percentage Density Bonus</u>
<u>20</u>	<u>35</u>

**Commented [County8]:**

Neutral

**TABLE 7-9-87.3: POTENTIAL DENSITY BONUS –  
TRANSITIONAL FOSTER YOUTH  
HOUSING DEVELOPMENT**

<u>Percentage of Units with Rents Restricted at Very Low Income Level</u>	<u>Percentage Density Bonus</u>
<u>10</u>	<u>20</u>

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Neutral

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<b>TABLE 7-9-87.3: POTENTIAL DENSITY BONUS – DISABLED VETERANS HOUSING DEVELOPMENT</b>	
<u><i>Percentage of Units with Rents Restricted at Very Low Income Level</i></u>	<u><i>Percentage Density Bonus</i></u>
<u>10</u>	<u>20</u>

**Commented [County10]:**

Neutral

<b>TABLE 7-9-87.3: POTENTIAL DENSITY BONUS – HOMELESS PERSONS HOUSING DEVELOPMENT</b>	
<u><i>Percentage of Units with Rents Restricted at Very Low Income Level</i></u>	<u><i>Percentage Density Bonus</i></u>
<u>10</u>	<u>20</u>

**Commented [County11]:**

Neutral

<b>TABLE 7-9-87.3: POTENTIAL DENSITY BONUS – COMMON INTEREST DEVELOPMENT (FOR SALE )</b>	
<u><i>Percentage of Moderate Income Units</i></u>	<u><i>Percentage Density Bonus</i></u>
<u>10</u>	<u>5</u>
<u>For each additional 1% increase above 10% in the “Percentage of Affordable Units,” the “Percentage Density Bonus” shall be increased by 1% up to a maximum of 35%</u>	
<u>40</u>	<u>35%</u>

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Neutral



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<b>TABLE 7-9-87.3: POTENTIAL DENSITY BONUS – 100% AFFORDABLE HOUSING DEVELOPMENT (UP TO 20% MODERATE INCOME)</b>		
<b><u>Percentage of Lower Income Units</u></b>	<b><u>Percentage of Moderate Income Units</u></b>	<b><u>Percentage Density Bonus</u></b>
Pursuant to California Government Code Section 65915		

**Commented [County13]:**

Neutral

(d) Incentives. In addition to a density bonus, an applicant whose project meets the requirements of this section may request up to three (3) incentives pursuant to State Density Bonus Law. For projects that are one hundred percent (100%) affordable to Low and Very-Low income households, the number of incentives available increases to five (5) as set forth in Table 7-9-87.4: Incentives.

**Commented [County14]:**

Decrease

<b>TABLE 7-9-87.4: INCENTIVES</b>		
<b><u>Unit Affordability Level</u></b>	<b><u>Percentage of Total Housing Units</u></b>	<b><u>Number of Incentives</u></b>
Very Low Income	5%	1
	10%	2
	15%	3
	100%	5
Low Income	10%	1
	20%	2
	30%	3
	100%	5

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Moderate Income	10%	1
	20%	2
	30%	3
100% Affordable Housing Development (Up to 20% Moderate Income)	Pursuant to California Government Code Section 65915	

**Sec. 7-9-87.4. - ~~Temporary uses permitted. 7-9-140(b) Procedure.~~**

A request for density bonus or other incentives pursuant to State Density Bonus Law shall be processed as part of an application in compliance with and subject to the provisions and requirements of section ~~7-9-150~~ 125. No additional discretionary approval shall be required as a result of a request for or the granting of a density bonus or other incentive that is available pursuant to current State Density Bonus Law.

- (a) Required findings. A request for density bonus or other incentives that is consistent with the provisions of State density bonus law shall be approved unless one (1) of the following findings is made based on substantial information in the record:
- (1) A density bonus has been approved as part of a previous project approval on the same site and that project is still in place.
  - (2) The requested density bonus or incentive is not required to provide affordable or senior citizen housing as defined in Civil Code Sections 51.3 and 51.12, as may be amended.
  - (3) The incentive would have a specific adverse impact, as defined in ~~paragraph (2) of subdivision (d) of~~ California Government Code Section 65589.5, as may be amended, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
  - (4) The incentive would be contrary to State or Federal law.

- (b) Parking.

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The developer may request to utilize the parking requirements set forth in State Density Bonus Law or the County's residential off-street parking requirements for affordable housing projects.

~~Sec. 7-9-87.5. – Accessory uses permitted.~~

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

~~Sec. 7-9-87.7. – Site Development Standards.~~

~~Sec. 7-9-88. - CH "Commercial Highway" District regulations. 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~~ 7-9-125.
- (b) SRO units shall have a minimum of one hundred (100) net square feet of space for a single occupancy and one hundred twenty (120) square feet for two (2) 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 two hundred twenty five (225) square feet shall be deemed an efficiency dwelling unit and not a SRO.
- (c) SRO facilities shall be treated as nonresidential uses. As such, section 7-9-~~140~~ 87 does not apply and residential dwelling unit limitations (e.g., statistical summary) are not applicable.
- (d) ~~In the absence of finds as set forth in~~ Unless modified parking requirements are approved subject to the requirements of section ~~7-9-145.7~~ 70.9, Alternatives to off-street parking regulations, the off-street SRO parking requirement standard shall be one-half (0.5) for each ~~guest~~ SRO unit, plus one (1) for each employee.
- (e) 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.
- (f) An on-site twenty-four-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 two hundred twenty-five (225) square feet in size.

~~Sec. 7-9-89. – CN "Commercial Neighborhood" District 7-9-147 Condominium conversions.~~

All references to this section shall include sections 7-9-147.1 89.1 through 7-9-147.5 7-9-89.5.

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**Sec. 7-9-89.1. - ~~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 multifamily ~~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, and 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 multifamily ~~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. 7-9-89.2. - ~~Principal uses permitted subject to a site development permit. 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. 7-9-89.3 - ~~7-9-147.3~~ Principal uses permit subject to a use permit. Reserved.**

**Sec. 7-9-89.4. - ~~Temporary use permitted 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 (2) 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~~ shall be achieved.

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- (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~~ shall purchase one of the units.
- (5) A relocation plan which identifies the steps which ~~will~~ shall 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~~ shall 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. 7-9-89.5. - ~~Accessory uses permitted~~ 7-9-147.5. Tenant provisions.**

- (a) The property owner shall provide tenants a ninety-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~~ shall 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 a one-year notice ~~{shall}~~ be provided for units in a mobilehome park. Each application for conversion shall include assurance that this requirement ~~will~~ shall be satisfied.

**Sec. 7-9-89.6. - ~~Prohibited uses.~~ 7-9-147.6-Reserved.**

**Sec. 7-9-90. - ~~PA "Professional and Administrative Office" District 7-9-146.5 (b) Second residential unit~~ Accessory dwelling units.**

In conformance with California Government Code Section 65852.2, as may be amended, in any district, including planned community and specific plan areas, where a single family dwelling unit exists or is proposed, on a building site zoned for single-family or multifamily residential purposes, the property owner may establish, through a ministerial permit process, a second residential a junior accessory dwelling unit, an accessory dwelling unit attached to or contained within a single-family dwelling unit, or a detached accessory dwelling unit ~~(dwelling unit)~~ subject to the following: criteria

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~~No second residential unit shall already exist on the building site.~~

- (a) A building site may be developed with both a single-family dwelling and accessory dwelling unit at the same time subject to the provisions of this section.
- (b) Pursuant to California Government Code Section 65852.2, as may be amended, a property owner may submit one (1) ministerial permit application to establish two (2) accessory dwelling units on the same lot as a proposed or existing single-family dwelling unit, in one (1) of the following configurations:
  - (1) One (1) detached accessory dwelling unit and one (1) junior accessory dwelling unit.
    - a. The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
    - b. The space has exterior access from the proposed or existing single-family dwelling.
    - c. The side and rear setbacks are sufficient for fire and safety.
    - d. The junior accessory dwelling unit complies with the requirements of Section 65852.22
  - (2) One (1) detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit in the same new structure.
- (c) At least one (1) accessory dwelling unit may be constructed within an existing multifamily dwelling with a maximum size of twenty-five percent (25%) of the existing multifamily dwelling units.
- (d) The accessory dwelling unit is not intended for sale separate from the primary residence but may be rented as a long-term rental (more than thirty (30) days). The accessory dwelling unit shall not be used as a short-term rental (less than thirty (30) days).

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- (e) Pursuant to Government Code Section 65852.2, as may be amended, if the accessory dwelling unit is attached to or contained within the existing single-family primary dwelling, unit the accessory dwelling unit shall not exceed thirty (30) fifty percent (50%) of the existing floor area up to a maximum of one thousand two hundred (1,200) square feet in floor area or ~~The fifty percent (50%) of the existing floor area maximum does not apply if it would prohibit at least an eight hundred (800) square foot attached accessory dwelling unit that is at least sixteen (16) feet in height with minimum four (4) foot side and rear yard setbacks to be constructed in compliance with all other local development standards.~~
  - (f) Pursuant to Government Code Section 65852.2, as may be amended, if the accessory dwelling unit is detached from the primary dwelling, the accessory dwelling unit shall not exceed a maximum of one thousand two hundred (1,200) square feet in size and sixteen (16) feet in height with minimum four (4) foot side and rear yard setbacks to be constructed in compliance with all other local development standards.
  - (g) The unit shall comply with the site development standards of the zoning district in which it is located, including, but not limited to, height, setback area, and lot coverage as well as building code requirements applicable to detached buildings as appropriate. No setback or replacement of lost parking spaces shall be required for an existing garage that is converted to an accessory dwelling unit.
  - (h) Adequate water and sewage service are available. If a private sewage system is proposed, such private sewage system shall comply with the Orange County Plumbing Code.
  - (i) A new or separate utility connection directly between the accessory dwelling unit and the utility or a related connection fee or capacity charge shall not be required if the unit is attached to or contained within the existing space of a dwelling unit or accessory structure.
  - (j) An accessory dwelling unit shall not be considered a new residential use for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.
  - (k) One (1) additional uncovered parking space per accessory dwelling unit ~~per the standards set forth in section 7-9-145 is provided~~ is required, except in the instances listed in subsection (k). Where a parking space is required, it may be provided as tandem parking in an existing parking area or on an existing driveway.
  - (l) No additional uncovered parking is required for an accessory dwelling unit in any of the following instances:

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- (1) The accessory dwelling unit is located within one-half mile of public transit.
  - (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
  - (3) The accessory dwelling unit is attached to or contained within the existing primary residence or an existing accessory structure.
  - (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
  - (5) When there is an existing car share service pick-up/drop-off location located within one block of the accessory dwelling unit.

~~Sec. 7-9-90.1 Purpose and intent.~~

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

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

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

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

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

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

~~Sec. 7-9-91.- 7-9-146.5 (a) Reserved. Guesthouses. or second residential unit.~~

In any district, including planned community and specific plan areas, where a single-family dwelling unit exists on a parcel zoned for such purposes, the property owner may establish a guesthouse as defined by this section, ~~or second residential unit (one per building site)~~ subject to the following requirements:



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- (a) ~~Only one (1) guesthouse shall be allowed per building site. The guesthouse shall be located so as not to encroach into any setback area required of the main residence.~~
- (b) ~~There shall be no kitchen or cooking facilities in any structure defined by this Zoning Code as a guesthouse.~~
- (c) ~~A guesthouse shall not be rented.~~
- (d) Guesthouses six hundred forty (640) square feet or less in floor area shall not require a discretionary permit unless it is required for the main residence.
- (e) Guesthouses over six hundred forty (640) square feet in floor area on building sites of one (1) acre or larger shall require a Site Development Permit.
- (f) Guesthouses over six hundred forty (640) square feet in floor area on building sites less than one (1) acre shall require a Use Permit approved by the Zoning Administrator.
- (g) ~~The following enclosed structures shall be defined as guesthouses:~~
  - (1) ~~An attached, habitable structure, larger than sixty-four (64) square feet, with no internal access to the existing single-family dwelling.~~
  - (2) ~~An attached, non-habitable structure containing a bathtub or shower with no internal access to the existing single-family dwelling.~~
  - (3) ~~A detached, habitable structure larger than sixty-four (64) square feet.~~
  - (4) ~~A detached, non-habitable structure with bathtub or shower, except structures used as a garage.~~

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#### **Sec. 7-9-92. - 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~~ 92.1 through 7-9-~~149.5~~ 92.2.

~~7-9-149.1. Reserved.~~

~~7-9-149.2. Reserved.~~

#### **Sec. 7-9-92.1. - 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~~ shall ensure their compatibility with other permitted uses in the district.

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- (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 units permitted.* Number of mobilehome dwelling units permitted is the same as the maximum number of dwelling units permitted by the applicable le district regulations.
  - (c) *Site development standards:*
    - (1) *Setbacks:* Per the applicable district regulations.
    - (2) *Offstreet parking:* As required by section 7-9-~~145~~ 70, 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 decision-making body ~~approving authority~~ finds there are adequate guarantees that each of the two (2) tandem spaces ~~will~~ shall 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.
  - (d) *Screening and landscaping:* Opaque screening and landscaping treatment continuously along the perimeter of the development shall be provided per section 7-9-~~132~~ 71 in a manner compatible with existing surrounding development.
  - (e) *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:

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- a. Mobilehomes shall not be located farther 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.
  - (f) *Exceptions:* When the decision-making body ~~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 a part of the Use Permit for the mobilehome development.

**Sec. 7-9-92.2. - 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) *Exterior siding.* 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.

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- (3) Shall be of a color that is not in conflict with existing structures in the vicinity.
- (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) *Siding, roof materials.* The exterior siding and roof materials of the garage or carport shall appear to be the same as the mobilehome siding/roof materials.
- (e) *Garage.* 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. 7-9-93. - Short-term rentals.**

##### **OPTION A – SITE DEVELOPMENT PERMIT**

- (a) Purpose. The purpose of this section is to regulate short-term rentals, as defined below, to avoid impacts to traffic, noise, parking and the overall nature of a neighborhood's residential character.
- (b) Applicability. This section applies to the unincorporated areas including planned community and specific plan areas.
- (c) Definition. "Short-term rental" means a rental of all or any part of a dwelling unit to a person(s) as lodging for a period of less than thirty (30) days.
- (d) Permitted.
  - (1) Short-term rentals are permitted in single-family dwelling units within single-family residential districts, or designated single-family residential areas, subject to a Site Development Permit to the Director.
  - (2) Short-term rentals are permitted in multifamily residential districts or designated multifamily residential areas subject to a Site Development Permit to the Director.
  - (3) Short-term rentals are permitted in commercial districts or designated commercial areas within a previously approved residential dwelling unit subject to a Site Development Permit to the Director.
- (e) The following findings shall be made prior to the approval of a short-term rental permit application:
  - (1) The rental property does not display any on-site exterior signs advertising the short-term rental.
  - (2) Property owner shall apply for permit renewal every two (2) years.

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- (3) Property owner shall maintain good standing by complying with all County regulations or the permit shall be revoked, and any future permit applications for the property may be negatively impacted. Three (3) violations related to the Ordinance shall discontinue short-term rental operations for up to one (1) year.
  - (4) A change in ownership shall terminate the short-term rental permit.
  - (5) Short-term rentals shall be used only for lodging accommodations and shall not be used for any other purpose.
  - (f) Short-term rentals are subject to the following performance and development standards:
    - (1) Accessory Dwelling Units shall not be used as short-term rentals.
    - (2) Prior to occupancy, the property owner shall obtain the name, address, and driver's license number or a copy of the passport of the primary adult occupant of the short-term rental. The property owner shall require that same adult to sign a formal acknowledgement that he or she is legally responsible for compliance by all occupants and guests of the County's short-term rental provisions and applicable regulations. This information shall be readily available upon request by Orange County Sheriff or OC Development Services.
    - (3) The short-term rental shall have a minimum of two (2) off-street parking spaces available at all times utilizing either the garage and/or driveway for guests.
    - (4) The maximum number of vehicles allowed at the short-term rental shall be limited to one (1) vehicle per one (1) bedroom unit or two (2) vehicles per two (2) or more bedrooms within the short-term rental. The decision-making body may increase the maximum number of vehicles allowed based on existing site conditions as part of a permit application or renewal.
    - (5) The maximum overnight occupancy of the short-term rental shall be limited to two (2) persons per bedroom plus two (2) additional persons within the short-term rental.
    - (6) Quiet Hours: Pursuant to the County of Orange Noise Control Ordinance (section 4-6-5), occupants shall comply with the exterior noise standards by prohibiting continuous noise higher than fifty-five (55) decibels from 7:00 a.m. to 10:00 p.m. and fifty (50) decibels from 10:00 p.m. to 7:00 a.m. in all residential property.
    - (7) Each lease or rental agreement for a short-term rental shall include the following terms, notifications, and disclosures, which shall also be posted in a clearly visible location inside the short-term rental:
      - a. The maximum number of occupants that are permitted and notification that failure to conform to the maximum occupancy is a violation.
      - b. The number of parking spaces provided and the location of assigned parking and maximum number of vehicles that are permitted.

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- c. Notification that the occupant may be cited or fined by the County and/or immediately evicted by the property owner for violating any applicable regulations, including quiet hours.
- d. The name of the property owner or designee, and a telephone number at which that party may be reached at all times.

#### **OPTION B – USE PERMIT OR SITE DEVELOPMENT PERMIT**

- (a) Purpose. The purpose of this section is to regulate short-term rentals, as defined below, to avoid impacts to traffic, noise, parking and the overall nature of a neighborhood's residential character.
- (b) Applicability. This section applies to the unincorporated areas including planned community and specific plan areas.
- (c) Definition. "Short-term rental" means a rental of all or any part of a dwelling unit to a person(s) as lodging for a period of less than thirty (30) days.
- (d) Permitted.
  - (1) Short-term rentals are permitted in single-family dwelling units within single-family residential districts, or designated single-family residential areas, subject to a Use Permit to the Zoning Administrator.
  - (2) Short-term rentals are permitted in multifamily residential districts or designated multifamily residential areas subject to a Site Development Permit to the Director.
  - (3) Short-term rentals are permitted in commercial districts or designated commercial areas within a previously approved residential dwelling unit subject to a Site Development Permit to the Director.
- (e) The following findings shall be made prior to the approval of a short-term rental permit application:
  - (1) The rental property does not display any on-site exterior signs advertising the short-term rental.
  - (2) Property owner shall apply for permit renewal every two (2) years.
  - (3) Property owner shall maintain good standing by complying with all County regulations or the permit shall be revoked, and any future permit applications for the property may be negatively impacted. Three (3) violations related to the Ordinance shall discontinue short-term rental operations for up to one (1) year.
  - (4) A change in ownership shall terminate the short-term rental permit.

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 New language is underlined. Deleted language is ~~struck~~.

Proposed revisions have been highlighted as follows:

Neutral/No Change in Regulations – Highlighted in gray

Decrease in Regulations – Highlighted in yellow

Increase in Regulations – Highlighted in green

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- (5) Short-term rentals shall be used only for lodging accommodations and shall not be used for any other purpose.
- (f) Short-term rentals are subject to the following performance and development standards:
- (1) Accessory Dwelling Units shall not be used as short-term rentals.
  - (2) Prior to occupancy, the property owner shall obtain the name, address, and driver's license number or a copy of the passport of the primary adult occupant of the short-term rental. The property owner shall require that same adult to sign a formal acknowledgement that he or she is legally responsible for compliance by all occupants and guests of the County's short-term rental provisions and applicable regulations. This information shall be readily available upon request by Orange County Sheriff or OC Development Services.
  - (3) The short-term rental shall have a minimum of two (2) off-street parking spaces available at all times utilizing either the garage and/or driveway for guests.
  - (4) The maximum number of vehicles allowed at the short-term rental shall be limited to one (1) vehicle per one (1) bedroom unit or two (2) vehicles per two (2) or more bedrooms within the short-term rental. The decision-making body may increase the maximum number of vehicles allowed based on existing site conditions as part of a permit application or renewal.
  - (5) The maximum overnight occupancy of the short-term rental shall be limited to two (2) persons per bedroom plus two (2) additional persons within the short-term rental. The decision-making body may approve a greater maximum number of overnight occupants on a case-by-case basis, as part of a permit application or renewal.
  - (6) Quiet Hours: Pursuant to the County of Orange Noise Control Ordinance (section 4-6-5), occupants shall comply with the exterior noise standards by prohibiting continuous noise higher than fifty-five (55) decibels from 7:00 a.m. to 10:00 p.m. and fifty (50) decibels from 10:00 p.m. to 7:00 a.m. in all residential property.
  - (7) Each lease or rental agreement for a short-term rental shall include the following terms, notifications, and disclosures, which shall also be posted in a clearly visible location inside the short-term rental:
    - a. The maximum number of occupants that are permitted and notification that failure to conform to the maximum occupancy is a violation.
    - b. The number of parking spaces provided and the location of assigned parking and maximum number of vehicles that are permitted.
    - c. Notification that the occupant may be cited or fined by the County and/or immediately evicted by the property owner for violating any applicable regulations, including quiet hours.

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- d. The name of the property owner or designee, and a telephone number at which that party may be reached at all times.

#### **OPTION C – MINISTERIAL SHORT-TERM RENTAL PERMIT**

- (a) Purpose. The purpose of this section is to regulate short-term rentals, as defined below, to avoid impacts to traffic, noise, parking and the overall nature of a neighborhood's residential character.
- (b) Applicability. This section applies to the unincorporated areas including planned community and specific plan areas.
- (c) Definition. "Short-term rental" means a rental of all or any part of a dwelling unit to a person(s) as lodging for a period of less than thirty (30) days.
- (d) Permitted.
- (1) Short-term rentals are permitted in single-family dwelling units within single-family residential districts or designated single-family residential areas subject to a Short-Term Rental Permit.
  - (2) Short-term rentals are permitted in multifamily residential districts or designated multifamily residential areas to a Short-term Rental Permit.
  - (3) Short-term rentals are permitted in commercial districts or designated commercial areas within a previously approved residential dwelling unit to a Short-term Rental Permit.
- (e) Short-term rentals are subject to the following performance and development standards:
- (1) The rental property does not display any on-site exterior signs advertising the short-term rental.
  - (2) Property owner shall apply for permit renewal every two (2) years.
  - (3) Property owner shall maintain good standing by complying with all County regulations or the permit shall be revoked, and any future permit applications for the property may be negatively impacted. Three (3) violations related to the Ordinance shall discontinue short-term rental operations for up to one (1) year.
  - (4) A change in ownership shall terminate the short-term rental permit.
  - (5) Short-term rentals shall be used only for lodging accommodations and shall not be used for any other purpose.
  - (6) Accessory Dwelling Units shall not be used as short-term rentals.
  - (7) Prior to occupancy, the property owner shall obtain the name, address, and driver's license number or a copy of the passport of the primary adult occupant

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Decrease in Regulations – Highlighted in yellow

Increase in Regulations – Highlighted in green

- of the short-term rental. The property owner shall require that same adult to sign a formal acknowledgement that he or she is legally responsible for compliance by all occupants and guests of the County's short-term rental provisions and applicable regulations. This information shall be readily available upon request by Orange County Sheriff or OC Development Services.
- (8) The short-term rental shall have a minimum of two (2) off-street parking spaces available at all times utilizing either the garage and/or driveway for guests.
- (9) The maximum number of vehicles allowed at the short-term rental shall be limited to one (1) vehicle per one (1) bedroom unit or two (2) vehicles per two (2) or more bedrooms within the short-term rental. The Director may increase the maximum number of vehicles allowed based on existing site conditions as part of a permit application or renewal.
- (10) The maximum overnight occupancy of the short-term rental shall be limited to two (2) persons per bedroom plus two (2) additional persons within the short-term rental. The Director may approve a greater maximum number of overnight occupants on a case-by-case basis, as part of a permit application or renewal.
- (11) Quiet Hours: Pursuant to the County of Orange Noise Control Ordinance (section 4-6-5), occupants shall comply with the exterior noise standards by prohibiting continuous noise higher than fifty-five (55) decibels from 7:00 a.m. to 10:00 p.m. and fifty (50) decibels from 10:00 p.m. to 7:00 a.m. in all residential property.
- (12) Each lease or rental agreement for a short-term rental shall include the following terms, notifications, and disclosures, which shall also be posted in a clearly visible location inside the short-term rental:
- The maximum number of occupants that are permitted and notification that failure to conform to the maximum occupancy is a violation.
  - The number of parking spaces provided and the location of assigned parking and maximum number of vehicles that are permitted.
  - Notification that the occupant may be cited or fined by the County and/or immediately evicted by the property owner for violating any applicable regulations, including quiet hours.
  - The name of the property owner or designee, and a telephone number at which that party may be reached at all times.

#### **OPTION D – COASTAL ZONE ONLY**

- (a) Purpose. The purpose of this section is to regulate short-term rentals, as defined below, to avoid impacts to traffic, noise, parking and the overall nature of a neighborhood's residential character.

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County of Orange Draft Zoning Code Update – Third Draft  
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- (b) Applicability. This section applies to the unincorporated areas within the Coastal Zone in the County of Orange.
- (c) Definition. "Short-term rental" means a rental of all or any part of a dwelling unit to a person(s) as lodging for a period of less than thirty (30) days.
- (d) Permitted.
- (1) Short-term rentals are permitted in single-family dwelling units within single-family residential districts or designated single-family residential areas subject to a Site Development Permit to the Director.
  - (2) Short-term rentals are permitted in multifamily residential districts or designated multifamily residential areas subject to a Site Development Permit to the Director.
  - (3) Short-term rentals are permitted in commercial districts or designated commercial areas within a previously approved residential dwelling unit subject to a Site Development Permit to the Director.
- (e) The following findings shall be made prior to the approval of a short-term rental permit application:
- (1) The rental property does not display any on-site exterior signs advertising the short-term rental.
  - (2) Property owner shall apply for permit renewal every two (2) years.
  - (3) Property owner shall maintain good standing by complying with all County regulations or the permit shall be revoked, and any future permit applications for the property may be negatively impacted. Three (3) violations related to the Ordinance shall discontinue short-term rental operations for up to one (1) year.
  - (4) A change in ownership shall terminate the short-term rental permit.
  - (5) Short-term rentals shall be used only for lodging accommodations and shall not be used for any other purpose.
- (f) Short-term rentals are subject to the following performance and development standards:
- (1) Accessory Dwelling Units shall not be used as short-term rentals.
  - (2) Prior to occupancy, the property owner shall obtain the name, address, and driver's license number or a copy of the passport of the primary adult occupant of the short-term rental. The property owner shall require that same adult to sign a formal acknowledgement that he or she is legally responsible for compliance by all occupants and guests of the County's short-term rental provisions and applicable regulations. This information shall be readily available upon request by Orange County Sheriff or OC Development Services.

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- (3) The short-term rental shall have a minimum of two (2) off-street parking spaces available at all times utilizing either the garage and/or driveway for guests.
- (4) The maximum number of vehicles allowed at the short-term rental shall be limited to one (1) vehicle per one (1) bedroom unit or two (2) vehicles per two (2) or more bedrooms within the short-term rental. The Director may increase the maximum number of vehicles allowed based on existing site conditions as part of a permit application or renewal.
- (5) The maximum overnight occupancy of the short-term rental shall be limited to two (2) persons per bedroom plus two (2) additional persons within the short-term rental. The Director may approve a greater maximum number of overnight occupants on a case-by-case basis, as part of a permit application or renewal.
- (6) Quiet Hours: Pursuant to the County of Orange Noise Control Ordinance (section 4-6-5), occupants shall comply with the exterior noise standards by prohibiting continuous noise higher than fifty-five (55) decibels from 7:00 a.m. to 10:00 p.m. and fifty (50) decibels from 10:00 p.m. to 7:00 a.m. in all residential property.
- (7) Each lease or rental agreement for a short-term rental shall include the following terms, notifications, and disclosures, which shall also be posted in a clearly visible location inside the short-term rental:
  - a. The maximum number of occupants that are permitted and notification that failure to conform to the maximum occupancy is a violation.
  - b. The number of parking spaces provided and the location of assigned parking and maximum number of vehicles that are permitted.
  - c. Notification that the occupant may be cited or fined by the County and/or immediately evicted by the property owner for violating any applicable regulations, including quiet hours.
  - d. The name of the property owner or designee, and a telephone number at which that party may be reached at all times.

#### **OPTION E - PROHIBIT IN SINGLE-FAMILY DISTRICTS**

- (a) Purpose. The purpose of this section is to regulate short-term rentals, as defined below, to avoid impacts to traffic, noise, parking and the overall nature of a neighborhood's residential character.
- (b) Applicability. This section applies to the unincorporated area including planned community and specific plan areas.
- (c) Definition. "Short-term rental" means a rental of all or any part of a dwelling unit to a person(s) as lodging for a period of less than thirty (30) days.

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(d) Permitted.

- (1) Short-term rentals are not permitted in single-family residential districts or designated single-family residential areas.
- (2) Short-term rentals are permitted in multifamily residential districts or designated multifamily residential areas subject to a Use Permit to the Zoning Administrator.
- (3) Short-term rentals are permitted in commercial districts or designated commercial areas within a previously approved residential dwelling unit subject to a Site Development Permit to the Director.

(e) The following findings shall be made prior to the approval of a short-term rental permit application.

- (1) The rental property does not display any on-site exterior signs advertising the short-term rental.
- (2) Property owner shall apply for permit renewal every two years.
- (3) Property owner shall maintain good standing by complying with all County regulations or the permit shall be revoked, and any future permit applications for the property may be negatively impacted. Three (3) violations related to the Ordinance shall discontinue short-term rental operations for up to one (1) year.
- (4) A change in ownership shall terminate the short-term rental permit.
- (5) Short-term rentals shall be used only for lodging accommodations and shall not be used for any other purpose.

(f) Short-term rentals are subject to the following performance and development standards:

- (1) Accessory Dwelling Units shall not be used as short-term rentals.
- (2) Prior to occupancy, the property owner shall obtain the name, address, and driver's license number or a copy of the passport of the primary adult occupant of the short-term rental. The property owner shall require that same adult to sign a formal acknowledgement that he or she is legally responsible for compliance by all occupants and guests of the County's short-term rental provisions and applicable regulations. This information shall be readily available upon request by Orange County Sheriff or OC Development Services.
- (3) The short-term rental shall have a minimum of two (2) off-street parking spaces available at all times utilizing either the garage and/or driveway for guests.
- (4) The maximum number of vehicles allowed at the short-term rental shall be limited to one (1) vehicle per one (1) bedroom unit or two (2) vehicles per two (2) or more bedrooms within the short-term rental. The decision-making body may increase the maximum number of vehicles allowed based on existing site conditions as part of a permit application or renewal.

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- (5) The maximum overnight occupancy of the short-term rental shall be limited to two (2) persons per bedroom plus two (2) additional persons within the short-term rental. The decision-making body may approve a greater maximum number of overnight occupants on a case-by-case basis, as part of a permit application or renewal.
- (6) Quiet Hours: Pursuant to the County of Orange Noise Control Ordinance (section 4-6-5), occupants shall comply with the exterior noise standards by prohibiting continuous noise higher than fifty-five (55) decibels from 7:00 a.m. to 10:00 p.m. and fifty (50) decibels from 10:00 p.m. to 7:00 a.m. in all residential property.
- (7) Each lease or rental agreement for a short-term rental shall include the following terms, notifications, and disclosures, which shall also be posted in a clearly visible location inside the short-term rental:
  - a. The maximum number of occupants that are permitted and notification that failure to conform to the maximum occupancy is a violation.
  - b. The number of parking spaces provided and the location of assigned parking and maximum number of vehicles that are permitted.
  - c. Notification that the occupant may be cited or fined by the County and/or immediately evicted by the property owner for violating any applicable regulations, including quiet hours.
  - d. The name of the property owner or designee, and a telephone number at which that party may be reached at all times.

**Sec. 7-9-94. - Reserved- Community assembly facilities.**

Community and religious assembly facilities shall be located, developed, and operated in compliance with the following standards.

- (a) Development Standards. Development shall comply with the Property Development Standards of the District in which the project is located.
- (b) Buffer. A minimum twenty (20)-foot perimeter buffer shall be included adjacent to any residential use or district. This buffer area may be used for parking or landscaping but shall not be used for structures or outside activities, however there shall always be a minimum ten (10) foot landscape setback when abutting a residential district.
- (c) Outdoor Recreation. Outdoor recreation areas for programmed activities, such as basketball courts, soccer fields, softball fields, etc., shall be at least twenty (20) feet from any residential use or district.

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(d) Shared Parking. Parking for a facility may be shared and the shared parking agreement shall be consistent with section 7-9-70, Off-Street Parking and Loading.

(e) Outdoor Lighting. Outdoor lighting shall not exceed an intensity of one (1) foot candle of light throughout the facility and shall be directed toward the site.

**Sec. 7-9-95. – ~~M1 “Light Industrial District regulations 7-9-141~~ Community care facilities, congregate living health facilities, alcoholism or drug abuse recovery/treatment facilities, child day care facilities, and group homes.**

- (a) *Purpose.* The purpose of this section is to regulate community care facilities, alcoholism or drug abuse recovery or treatment facilities, congregate living health facilities, child care facilities, and group homes, as defined in the following section, to avoid impacts to noise and traffic, preserve safety, provide adequate on street parking, and to preserve the overall nature of a neighborhood’s residential character.
- (b) *Applicability.* This section applies to the unincorporated area including planned community and specific plan areas.

**Sec. 7-9-95.1 – ~~Purpose and intent. 7-9-141.1~~ Definitions.**

The following definitions apply for community care facilities and group home purposes in addition to any applicable definitions found in section 7-9-~~21-134/135~~, and those definitions incorporated from the County’s adoption of the California Building Code and International Building Code.

*Alcoholism or drug abuse recovery or treatment facilities.* Pursuant to Health and Safety Code Section 11834.02, as may be amended, alcoholism or drug abuse recovery/treatment facilities shall be licensed by the State and includes any premises, place, or building that provides residential nonmedical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.

*Community care facility.* Community care facilities shall be licensed by the California Department of Social Services (CDSS). These facilities provide non-medical, residential care, and supervision to children or adults in need of a supportive living environment. The services provided may include assistance in dressing and bathing; supervision of client activities; monitoring of food intake; or oversight of the client's property. Pursuant to Health and Safety Code Section 1502, as may be amended, community care facilities include the following: residential facility providing 24-hour care; adult day program; therapeutic day services facility; foster family agency; foster family care home; small family home; social rehabilitation facility; community treatment facility; full-service adoption agency; noncustodial adoption agency. This definition does not include In-home Family Child Care or Child Care Centers/Early Education Facilities.

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*Congregate living health facility.* A facility, which is licensed by the State of California pursuant to Section 1250 of the Health and Safety Code, as may be amended, to provide inpatient care, including the following basic services: medical supervision, 24-hour skilled nursing and supportive care, pharmacy, dietary, social recreational, and other services for persons who are terminally ill, ventilator dependent, or catastrophically and severely disabled.

*Disabled.* See “handicapped.”

*Group home.* A facility that is being used as a supportive living environment for persons who are considered handicapped under State or Federal law. A group home operated by a single operator or service provider (whether licensed or unlicensed) constitutes a single facility, whether the facility occupies one (1) or more dwelling units. Group homes shall not include the following: (1) community care facilities; (2) any group home that operates as a single housekeeping unit.

*Handicapped.* As more specifically defined under the fair housing laws, a person who has a physical or mental impairment that limits one or more major life activities, a person who is regarded as having that type of impairment, or a person who has a record of that type of impairment, not including current, illegal use of a controlled substance.

*Household.* Includes all people occupying a single dwelling unit. A household shall also mean all people occupying two (2) dwelling units on the same site if both units are used as group homes owned or operated by the same operator.

*Integral facilities.* Any combination of two (2) or more group homes which may or may not be located on the same or contiguous parcels of land, that are under the control and management of the same owner, operator, management company or licensee or any affiliate of any of them, and are integrated components of one (1) operation shall be referred to as Integral Facilities and shall be considered one (1) facility for purposes of applying Federal, State and local laws to its operation. Examples of such Integral Facilities include, but are not limited to, the provision of housing in one (1) facility and recovery programming, treatment, meals, or any other service or services to program participants in another facility or facilities or by assigning staff or a consultant or consultants to provide services to the same program participants in more than one (1) licensed or unlicensed facility.

*Integral Uses.* Any two (2) or more residential care programs commonly administered by the same owner, operator, management company or licensee, or any affiliate of any of them, in a manner in which participants in two (2) or more care programs participate simultaneously in any care or recovery activity or activities so commonly administered. Any such integral use shall be considered one (1) use for purposes of applying Federal, State and local laws to its operation.

*Operator.* A company, business or individual who provides residential services, i.e., the placement of individuals in a residence, setting of house rules, and governing behavior of the residents. Operator does not include a property owner or property manager that exclusively handles real estate contracting, property management and leasing of the property, and that does not otherwise meet the definition of operator.

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*Referral facility.* A community care facility or a group home where one (1) or more person's residency in the facility is pursuant to a court order or directive from an agency in the criminal justice system.

*Single housekeeping unit.* Means that the occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, and expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, members have some control over who becomes a member of the household, and the residential activities of the household are conducted on a nonprofit basis. There is a rebuttable presumption that integral facilities do not constitute single housekeeping units. Additional indications that a household is not operating as a single housekeeping unit include but are not limited to: the occupants do not share a lease agreement or ownership of the property; members of the household have separate, private entrances from other members; members of the household have locks on their bedroom doors; members of the household have separate food storage facilities, such as separate refrigerators.

*Sober living home.* A type of group home operated as a cooperative living environment providing an alcohol and drug-free home for six (6) persons or less recovering from alcoholism and/or drug abuse, which are not required to be licensed by the State. Sober living homes for six (6) or fewer residents are allowed in residential districts, subject to a group home permit. and are not required to be licensed by the State. Sober living homes of seven (7) or more residents shall be permitted in any district, planned community, or specific plan area zoned for multifamily residential uses subject to the issuance of a Use Permit by the Planning Commission per section 7-9-125 and compliance with certain conditions. Residents may actively participate in recovery programs outside of the home such as detoxification, educational counseling, individual or group counseling sessions, or treatment/recovery planning. A sober living home may provide services to the residents such as dining, housekeeping, security, medical, transportation, and recreation, but shall not dispense medications to the residents. Sober living homes shall not include the following: (1) community care facilities; (2) any sober living home that operates as a single housekeeping unit.

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**Sec. 7-9-95.2 – Principal uses permitted subject to a site development permit. 7-9-141.2 Community care facilities.**

Pursuant to Health and Safety Code Section 1502, a community care facility means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services. This does not include In-home Family Child Care or Child Care Centers/Early Education Facilities.

- (a) Community care facilities serving six (6) or less 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.



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 Article 2, Subarticle 5 – Standards for Specific Uses and Activities  
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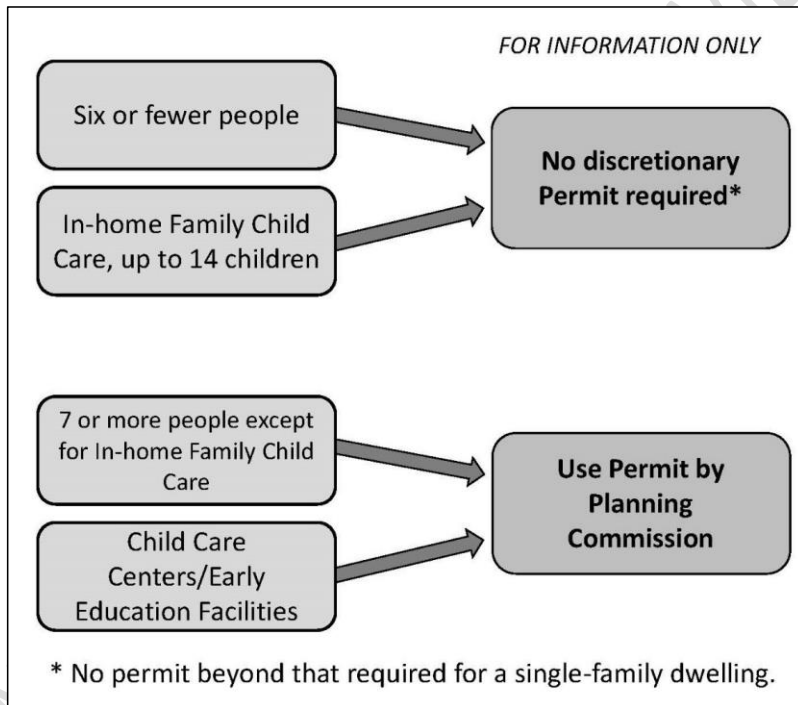
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- (b) Community care facilities serving seven (7) to twelve (12) persons, shall be permitted in any district, planned community, or specific plan area zoned for residential or agricultural uses subject to the issuance of a Use Permit by the Planning Commission per section 7-9-~~150~~ 125.



**Sec. 7-9-95.3. - ~~Principal uses permitted subject to a use permit. 7-9-141.3.~~ Congregate living health facilities.**

Congregate living health facilities licensed by the State pursuant to Section 1250 of the Health and Safety Code, as may be amended, are permitted subject to compliance with the

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applicable development standards of the district, planned community or specific plan, and the following requirements:

- (a) A congregate living health 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 living health facility serving from seven (7) to a maximum of 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 7-9-150 125. A congregate living health facility shall:
  - (1) Demonstrate compatibility with adjacent development and land uses.
  - (2) Provide adequate on site parking for the number of residents and staff.
  - (3) Provide adequate screening of the facility by landscaping and/or fencing and useable open space in compliance with the requirements of these regulations.
  - (4) Comply with signage and lighting requirements applicable to the district, planned community, or specific plan area where the facility is located.
- (c) A congregate living health facility serving more than twelve (12) persons may 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 7-9-125.
- (d) Units contained in any congregate living health living facility shall not be considered "dwelling units" and shall not be subtracted from the total number of allowed dwelling units for a planned community or specific plan area.

**Sec. 7-9-95.4. - ~~Temporary uses permitted. 7-9-141.4~~ Alcoholism or drug abuse recovery/treatment facilities.**

- (a) Alcoholism or drug abuse recovery/treatment facilities serving six (6) or less persons shall be permitted in any district, planned community, or specific plan area zoned for residential uses.
- (b) Alcoholism or drug abuse recovery/treatment facilities serving seven (7) to twelve (12) or more persons shall be permitted in any district, planned community, or specific plan area zoned for multifamily residential uses subject to the issuance of a Use Permit by the Planning Commission per section 7-9-150 125, subject to the following condition:

**OPTION A:**

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(1) The alcoholism or drug abuse recovery/treatment facility is at least six hundred fifty (650) feet, as measured from the closest property lines, from any other group home, sober living home, or state-licensed drug and alcohol treatment facility, unless the reviewing authority determines that such location will not result in an over-concentration of similar uses.

**OPTION B:**

(1) The alcoholism or drug abuse recovery/treatment facility is at least one thousand (1,000) feet, as measured from the closest property lines, from any other group home, sober living home, or state-licensed drug and alcohol treatment facility, unless the reviewing authority determines that such location will not result in an over-concentration of similar uses.

**Sec. 7-9-95.5 - ~~Accessory uses permitted. 7-9-141.5.~~ Child Day Care Facilities.**

- (a) In-home family child care, ~~home~~ small. Licensed child care provided within a dwelling unit which provides day care for up to eight (8) children, less than eighteen (18) years of age, including children who reside at the home and shall be permitted in any district, planned community, or specific plan area zoned for residential or agricultural uses.
- (b) In-home family child care, large. Licensed child care provided within a dwelling unit which provides day care for up to fourteen (14) children, less than eighteen (18) years of age, including children who reside at the home and shall be permitted in any district, planned community, or specific plan area zoned for residential or agricultural uses.
- (c) Child care centers/early education facilities. Child care centers and/or early education facilities 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- ~~150-125.~~

**Sec. 7-9-95.6 – ~~Prohibited uses. 7-9-141.6~~ - Group homes.**

Purpose. This section is intended to preserve the residential character of ~~single-family~~ residential neighborhoods and to further the purposes of the California Fair Employment and Housing Act (FEHA), the Fair Housing Act Amendments (FHAA), and the Lanterman Act by, among other things: (1) ensuring that group homes are entitled to the special accommodation and/or additional accommodation provided under the Orange County Codified Ordinances; (2) limiting the secondary impacts of group homes by reducing noise and traffic, preserving safety, and providing adequate on-street parking; (3) providing an accommodation for the handicapped that is reasonable to the opportunities afforded nonhandicapped individuals to use and enjoy a dwelling unit in a single-family neighborhood; and (4) to provide comfortable living environments that will enhance the opportunity for the handicapped and for recovering addicts to be successful in their programs.

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- (a) Group Home Permit required. A group home that may otherwise be considered an unpermitted use shall be permitted in any district, planned community, or specific plan area zoned for ~~single-family~~ residential districts with a Group Home Permit provided:
- (1) An application for a Group Home Permit is submitted to the Director by the owner/operator of the group home. The application shall provide the following: (1) the name, address, phone number and driver's license number of the owner/operator; (2) the name, address, phone number and driver's license number of the house manager; (3) a copy of the group home rules and regulations; (4) written intake procedures; (5) the relapse policy; (6) an affirmation by the owner/operator that only residents (other than the house manager) who are handicapped as defined by State and Federal law shall reside at the group home; (7) blank copies of all forms that all residents and potential residents are required to complete; (8) if the group home operator is not the property owner, written approval from the property owner to operate a group home shall be submitted with the application; and (9) any applicable fee or deposit as approved by the Orange County Board of Supervisors. No person shall open a group home prior to issuance of a Group Home Permit.
  - (2) If the group home is located in a single-family residential district, the group home shall have six (6) or fewer residents, not counting a house manager, but in no event shall have more than seven (7) residents. If the dwelling unit has an accessory dwelling unit, residents of both units shall be combined to determine whether or not the limit of six (6) residents has been exceeded.
  - (3) The group home shall not be located in an accessory dwelling unit unless the primary dwelling unit is used for the same purpose.
  - (4) The group home shall have a house manager who resides at the group home or any multiple of persons acting as a house manager who are present at the group home on a 24-hour basis and who are responsible for the day-to-day operation of the group home.
  - (5) All garage and driveway spaces associated with the dwelling unit shall, at all times, be available for the parking of vehicles. Residents and the house manager may each only store or park a single vehicle at the dwelling unit or on any street within three hundred (300) feet of the dwelling unit. The vehicle shall be operable and currently used as a primary form of transportation for a resident of the group home.

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- (6) Residents shall not require and operators shall not provide “care and supervision” as those terms are defined by Section 80001(c)(3) of title 22, California Code of Regulations, as may be amended.
- (7) Integral facilities shall not be permitted. Applicants shall declare, under penalty of perjury, that the group home does not operate as an integral facility.
- (8) The property shall be fully in compliance with all building codes, codified ordinances, and Zoning Code of the County of Orange.
- (9) At least forty-eight hours prior to a resident’s emergency eviction from or involuntary termination of residency in a group home, the operator shall:
- Notify the person designated as the resident’s emergency contact or contact of record that the resident will no longer be residing at the home.
  - Contact the Orange County Health Care Agency OC Links Referral Line and/or another entity designated by the County to determine the services available to the resident, including, but not limited to, alcohol and drug inpatient and outpatient treatment.
  - Provide the information obtained regarding services available to the resident (see paragraph (9)b. of this subsection) and any other treatment provider or service to the resident prior to his or her release on a form provided by the County and obtain the resident’s signed acknowledgement thereon.
  - Provided, however, that if the resident’s behavior results in immediate termination of residency pursuant to rules approved by the County as part of the Group Home Permit for that facility, the operator shall comply with paragraphs a. through c. of subsection (a)(9) as soon as possible.
- (10) Prior to a resident’s eviction from or involuntary termination of residency in a group home, the operator thereof shall also:
- Make available to the resident transportation to the address listed on the resident’s driver license, state-issued identification card, or the permanent address identified in the resident’s application or referral to the group home.
  - Provided, however, that should the resident decline transportation to his or her permanent address or otherwise has no permanent address, then the operator shall make available to

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the resident transportation to another group home or residential care facility that has agreed to accept the resident.

(11) The group home operator shall maintain records for a period of one (1) year following eviction from or involuntary termination of residency of an resident that documents compliance with subsections (a)(9) and (a)(10) of this section; provided, however, that nothing herein shall require an operator of a group home to violate any provision of State or Federal law regarding confidentiality of health care information. The group home operator may not satisfy the obligations set forth in subsection (a)(11) of this section by providing remuneration to the resident for the cost of transportation.

(12 9) In addition to the regulations outlined above, in subsections (a)(1) through (a)(11) of this section, the following shall also apply to sober living homes:

**OPTION A:**

- a. The sober living home is not located within six hundred fifty (650) feet, as measured from the closest property lines, of any other sober living home or a state licensed and/or certified alcoholism or drug abuse recovery/treatment facility.

**OPTION B:**

- a. The sober living home is not located within one thousand (1,000) feet, as measured from the closest property lines, of any other sober living home or a state licensed and/or certified alcoholism or drug abuse recovery/treatment facility.
- b. All residents, other than the house manager, shall be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous, and the sober living home shall maintain current records of meeting attendance. Under the sober living home's rules and regulations, refusal to actively participate in such a program shall be cause for eviction.
- c. The sober living home's rules and regulations shall prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any resident either on- or off-site. The sober living home shall also have a written policy regarding the possession, use, and storage of prescription medications. The facility cannot dispense medications but shall make them

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available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on-site in a common area inside the dwelling unit. Any violation of this rule shall be cause for eviction under the sober living home's rules for residency and the violator cannot be re-admitted for at least ninety (90) days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home shall have provisions in place to remove the violator from contact with the other residents until the violation is resolved.

- d. The number of residents subject to the sex offender registration requirements of Penal Code Section 290, as may be amended, shall not exceed the limit set forth in Penal Code Section 3003.5, as may be amended, and shall not violate the distance provisions set forth in Penal Code Section 3003, as may be amended.
- e. The sober living home shall have a written visitation policy that shall preclude any visitors who are under the influence of any drug or alcohol.
- f. The sober living home shall have a good neighbor policy provided as part of the group home application that shall direct residents to be considerate of neighbors, including refraining from engaging in excessively loud, profane, or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit. The good neighbor policy shall establish a written protocol for the house manager/operator to follow when a neighbor complaint is received.
- g. The sober living home shall not provide any of the following services as they are defined by Section 10501(a) of Title 9, California Code of Regulations, as may be amended: detoxification; educational counseling; individual or group counseling sessions; and treatment or recovery planning.

~~(13.40)~~ An applicant for a Group Home Permit may seek relief from the strict application of this section by submitting an application to the Director setting forth specific reasons as to why accommodation over and above this section is necessary under State and Federal laws, pursuant to section 7-9-~~153~~ 129.

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- (b) The Group Home Permit shall be issued by the Director as a ministerial matter if the applicant is in compliance or has agreed to comply with subsections (a)(1) through (a)(~~11~~ 8) above, and (a)(~~12~~ 9), if applicable. The Group Home Permit shall be denied or revoked, by the Director under any of the following circumstances:
- (1) Any owner/operator or staff person has provided materially false or misleading information on the application or omitted any pertinent information.
  - (2) Any owner/operator or staff person has an employment history in which he or she was terminated during the past two (2) years because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.
  - (3) Any owner/operator or staff person has been convicted of or pleaded nolo contendere, within the previous seven (7) to ten (10) years, to any of the following offenses:
    - a. Any sex offense for which the person is required to register as a sex offender under California Penal Code Section 290, as may be amended, (previous ten (10) years).
    - b. Arson offenses – violations of Penal Code Sections 451-455, as may be amended, (previous seven (7) years).
    - c. Violent felonies, as defined in Penal Code Section 667.5, as may be amended, which involve doing bodily harm to another person (previous ten (10) years).
    - d. The unlawful sale or furnishing of any controlled substances (previous seven (7) years).
  - (4) Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.
  - (5) The owner/operator accepts residents, other than a house manager, who are not handicapped as defined by the FHAA and FEHA.
  - (6) A Group Home Permit for a sober living home shall also be denied or revoked by the Director under any of the following additional circumstances:
    - a. Any owner/operator or staff person of a sober living home is a recovering drug or alcohol abuser and upon the date of application or employment has had less than one (1) full year of sobriety.



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- b. The owner/operator of a sober living home fails to immediately take measures to remove any resident who uses alcohol or illegally uses prescription or non-prescription drugs, or who is not actively participating in a legitimate recovery program from contact with all other sober residents.

**OPTION A:**

- c. The sober living home, as measured by the closest property lines, is located within six hundred fifty (650) feet of any other sober living home or state licensed and/or certified alcoholism or drug abuse recovery/treatment facility. If a state licensed and/or certified alcoholism or drug abuse recovery/treatment facility moves within six hundred fifty (650) feet of an existing sober living home this shall not cause the revocation of the sober living home's permit.

**OPTION B:**

- c. The sober living home, as measured by the closest property lines, is located within one thousand (1,000) feet of any other sober living home or state licensed and/or certified alcoholism or drug abuse recovery/treatment facility. If a state licensed and/or certified alcoholism or drug abuse recovery/treatment facility moves within one thousand (1,000) feet of an existing sober living home this shall not cause the revocation of the sober living home's permit.

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- (7) For any other significant and/or repeated violations of this section and/or any other applicable laws and/or regulations.
- (8) Revocation shall not apply to any group home, which otherwise would cause it to be in violation of this section, that has obtained a reasonable accommodation pursuant to section 7-9- ~~153~~ 129.

- (c) Use Permit Required. Group and sober living homes serving more than seven (7) persons shall be permitted in any district, planned community, or specific plan area zoned for multifamily residential uses subject to the issuance of a Use Permit by the Planning Commission per section 7-9-125, subject to the following condition:

**OPTION A:**

- (1) The group or sober living homes is at least six hundred fifty (650) feet, as measured from the closest property lines, from any other group home, sober living home, or state-licensed drug and alcohol treatment facility,

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unless the reviewing authority determines that such location will not result in an over-concentration of similar uses.

**OPTION B:**

- (1) The group or sober living homes is at least one thousand (1,000) feet, as measured from the closest property lines, from any other group home, sober living home, or state-licensed drug and alcohol treatment facility, unless the reviewing authority determines that such location will not result in an over-concentration of similar uses.

**(d e)** Compliance of existing group homes.

- (1) Existing group homes shall apply for a Group Home Permit within ninety (90) days of the effective date of the group home regulations.
- (2) Existing group homes shall have one (1) year from the effective date of the group home regulations to comply with its provisions, provided that any existing group home, which is serving more than six (6) residents, shall first comply with the six (6) resident maximum.
- (3) Existing group homes obligated by a written lease exceeding one (1) year from the effective date of the ordinance, or whose activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, are eligible for up to one (1) additional year grace period pursuant to approval of a Group Home Permit.

**(e d)** Expiration.

- (1) A Group Home Permit shall expire and be of no further force or effect if after establishment, the use or activity for which the permit was approved is discontinued or abandoned for a period of six (6) months.

**(e)** Severability.

~~If any provision of section 7-9-141, 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. 7-9-95.7 – Site development standards.~~**

**~~Sec. 7-9-95.8. – Reserved.~~**

**~~Sec. 7-9-96. - Reserved Health Care facilities.~~**

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Health care facilities are licensed by the State and include facilities that provide outpatient treatment to patients and those facilities that provide care to patients admitted for a 24-hour stay or longer.

- (a) Pursuant to Health and Safety Code Section 1200, as may be amended, a “clinic” means an organized health facility that provides direct medical, surgical, dental, optometric, or podiatric services, or treatment, to patients who remain less than 24 hours. This includes primary care clinics such as community clinics and free clinics, and specialty clinics such as surgical clinics, chronic dialysis clinics, rehabilitation clinics, and alternative birth centers.
- (b) Pursuant to Health and Safety Code Section 1250, as may be amended, a “health facility” means a facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness for one (1) or more persons, and to which persons may be admitted for a 24-hour stay or longer. This includes general acute care hospitals (“hospitals”), skilled nursing facilities, hospices, congregate living health facilities, and intermediate care facilities.

Health care facilities are licensed by the State. These facilities provide treatment on an outpatient basis, or care to patients admitted for a 24-hour stay or longer. This includes acute care hospitals, urgent care clinic, primary care clinics, other clinics, skilled nursing facilities, and hospices.

**Sec. 7-9-97. – Reserved.**

**Sec. 7-9-98. ~~R/OSP “Research/Open Space Park” District Regulations 7-9-142~~ Senior living facilities.**

A Senior living facility may be permitted in any district, planned community, or in any specific plan area zoned for multifamily residential or commercial uses subject to compliance with the applicable standards of the district and the following requirements:

A senior living facility may include one (1) or more of the following types of facilities listed as items (a) through (e) in Section 7-9-40, Definitions (S) “Senior Living Facilities.”

- (a) The approval of a Use Permit by the Planning Commission per section 7-9-~~150~~ 125, unless otherwise authorized by an administrative Site Development Permit in accordance with the base district regulations. Development standards shall be per the base district, unless the decision-making body ~~approving authority~~ makes the appropriate findings to approve a modified development standard.
- (b) Each senior living facility Use Permit or Site Development Permit application shall be reviewed on a case-by-case basis and shall:
  - (1) Demonstrate compatibility with adjacent development;

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- (2) Provide a parking study that ~~will~~ shall be used to determine if a modification to the base district parking standards ~~will~~ shall be necessary to accommodate the anticipated traffic generation and on-site parking demand of the residents, staff, employees and guests of the type and size of facility proposed.
- (3) Provide the location of all services (including the dining hall, commercial kitchen, gift shop, salon, fitness center, meeting rooms, etc.) and how they are to be accessed by residents and non-residents, including deliveries, and including universal design features in compliance with the Americans with Disabilities Act (ADA).
- (c) Units contained in any senior living facility shall not be considered "dwelling units" and shall not be subtracted from the total number of allowed dwelling units for a planned community or specific plan area.

**Sec. 7-9-99. – Reserved.**

**Sec. 7-9-100. – Reserved. Community gardens.**

In addition to the requirements for each district, the following performance and development standards shall apply to the establishment and operation of community gardens in any district in which they are permitted:

- (a) Lot. The lot shall be vacant with no minimum lot size required. The community garden shall be the primary use on the lot which it is located.
- (b) Accessory structures. Accessory structures are limited to storage sheds, plant cultivation structures (greenhouses, hoopouses, and cold frames), benches, bike racks, raised planting beds, compost or waste bins, picnic tables, fences, and rain barrel systems. Individual structures shall not exceed one hundred twenty (120) square feet in size or twelve (12) feet in height. The combined area of all structures shall not exceed fifteen percent (15%) of the garden area. All structures shall meet the setback requirements of the underlying zoning district and section 7-9-61.
- (c) Fencing. Community gardens shall be fenced in accordance with the site development standards of the underlying zoning district. Fencing in the front setback shall be transparent.
- (d) Signs. One (1) sign per street frontage is permitted. Signs shall not exceed four (4) square feet of sign face area and shall not exceed six (6) feet in height. The sign shall include a contact telephone number and/or contact e-mail address/website address for the garden coordinator. No advertising for garden sponsors, donors, supporters, suppliers, etc. is permitted on site.

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- (e) Water.
    - a. A metered water supply connection shall be provided.
    - b. Sprinkler systems are prohibited: all watering shall be by hose or watering can. Informational materials supplied by the garden coordinator to plot holders shall include advice on water conservation, mulching, effective watering techniques, etc.
  - (f) Compost. Compost materials shall be stored within an enclosed container at least three (3) feet from adjacent property in a manner that is not visible from adjacent property, controls odor, prevents infestation, and meets state water quality/runoff management requirements.
  - (g) Trash. A suitably sized trash receptacle shall be placed on-site.
  - (h) Outdoor lighting. No outdoor lighting is permitted.
  - (i) Operational standards.
    - c. Allowable uses include the cultivation of fruits, vegetables, plants, flowers, or herbs. The cultivation of cannabis and any other plant prohibited by State and/or Federal law are prohibited.
    - d. Gardening activities shall be conducted between the hours of 7:00 a.m. to dusk.
    - e. Mechanized tools (tillers, trimmers, etc.) or flame-producing tools are prohibited.
    - f. On-site sales of produce or any other items are prohibited.
    - g. The site shall be designed and maintained so that water and fertilizer shall not drain onto adjacent property or the public right-of-way.
    - h. No synthetic pesticides or herbicides shall be used.
    - i. No fresh manure shall be used.
    - j. Entrance gates (if any) shall be secured with a key or combination lock.
    - k. Rules and regulations. A bulletin board (or similar) shall be erected on the site listing the rules and regulations that apply to garden users. The bulletin board shall not be visible from the public right of way to minimize the risk of vandalism.
    - l. Maintenance. Garden areas shall be maintained in good condition to prevent overgrown plots, unmaintained common areas, accumulation of trash, blight, and other nuisances.

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**Sec. 7-9-101. – Reserved. Farmers’ markets.**

In addition to the requirements for each district, the following performance and development standards shall apply to the establishment and operation of farmers’ markets in any district in which they are permitted:

- (a) *Application requirements.* A farmer’s market shall not be subject to section 7-9-117.9, “Special Gathering.” A temporary Use Permit is required for open air markets that shall be held no more than four (4) times per year. Ongoing open air farmers’ markets are permitted subject to the approval of a Site Development Permit and compliance with all applicable requirements of this section.
- (b) *Operator.* The market operator and/or individual vendors shall secure all necessary licenses, certificates and health permits, and all agricultural products shall meet all pertaining health and safety standards.
- (c) *Management plan.* A management plan shall be submitted as part of the approval of a Site Development Permit, including the following:
  - a. Identification of (a) market manager(s), who shall be present during all hours of operation.
  - b. A set of operating rules addressing the governance structure of the market; the method of assigning booths and registering vendors; hours of operation; maintenance; security; refuse collection; and parking.
- (d) *Off-street parking.* One (1) vehicle parking space per vendor shall be provided in the parking area. Alternative parking arrangements, including shared parking, may be considered by the Director in determining whether sufficient parking is provided.
- (e) *Hours of operation.* Market activities shall be conducted between the hours of 7:00 a.m. and 8:00 p.m. Set-up and clean-up and take-down shall occur between 6:00 a.m. and 9:00 p.m.
- (f) *Waste disposal.* Adequate composting, recycling, and trash containers shall all be covered, provided during hours of operation, and shall be removed from site for appropriate disposal. The site shall be cleaned at the end of each day of operations, including the removal of all stalls and debris.
- (g) *Performances.* Live musical and other performances may be approved with appropriate permits; a temporary Use Permit for one-time events or a Site Development Permit for ongoing events.

**Sec. 7-9-102. – Reserved. Fruit and vegetable gardening**

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These regulations are provided to encourage the establishment of private gardens that are harmonious with the residential neighborhood in which they are located.

(a) Flower, fruit and vegetable gardening is allowed in all residential districts subject to the following performance and development requirements.

(1) Gardens and gardening are allowed anywhere on the subject property unless otherwise prohibited.

(2) Prepared foods produced by cottage food operations utilizing produce grown on site shall not be sold on-site.

(3) Only produce grown on-site shall be sold on-site by those who reside at the subject property.

(4) Produce shall only be sold whole and raw.

(5) All activities associated with the on-site growing, harvesting, and selling of produce shall be completely contained on the subject property. No related activities shall be located in part or whole on any public or private right-of-way area, including but not limited to sidewalks, streets, or parkways.

(6) The sale of produce shall only take place on the weekend, and federal holidays during daylight hours.

(b) On-site sales, temporary signs and displays are allowed, subject to the following rules and regulations.

(1) The sign shall only remain posted during the time the produce is for sale.

(2) Signage shall be limited to one (1) temporary sign located on-site not to exceed six (6) square feet in area.

(3) Any sign posted on a structure shall not exceed a maximum height of six (6) feet measured to the top of the sign.

(4) The sale of produce shall be conducted within a maximum area of one hundred (100) square feet.

(5) Any structures associated with sale of produce shall not exceed eight (8) feet in height.

(6) The sign and any structures associated with the sale of produce shall be visible only during the sale of produce.

(c) Compost materials shall be contained in a manner that is not visible from the adjacent property, controls odor, prevents infestation, and meets state water

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quality/runoff management requirements while ensuring proper ventilation to prevent any fire hazards.

(d) The outdoor cultivation of cannabis is prohibited pursuant to the County of Orange Commercial Cannabis Activities and Outdoor Personal Cultivation Prohibition Ordinance.

**Sec. 7-9-103. - PC "Planned Community" District. 7-9-146.14. County of Orange commercial cannabis activities and outdoor personal cultivation prohibition ordinance.**

(a) *Definitions.* For the purposes of this section, the following definitions shall apply:

- (1) *"Cannabis" or "Marijuana"* means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis Indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by Section 11018 of the Health and Safety Code, as may be amended, as enacted by Chapter 1407 of the Statutes of 1972. The term "cannabis" shall also have the same meaning as set forth in Section 19300.5(f) of the California Business and Professions Code, as may be amended from time to time. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, "cannabis" does not mean "industrial hemp" as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code, as may be amended.
- (2) *"Cannabis cultivation"* shall mean any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, and shall also include the possession, manufacturing, processing, storing, laboratory testing, transporting, distribution, delivery, or sale of cannabis, whether all or any combination of those activities, and whether for medical or non-medical purposes or sale.
- (3) *"Cannabis dispensary"* shall mean a facility or location, whether fixed or mobile, where cannabis or cannabis products are offered, made available to, or provided, either individually, or in any combination, with or without remuneration, for medical purposes or otherwise. A dispensary includes those facilities defined as "dispensary" by Business and Professions Code section 19300.5, as enacted, or as hereafter amended. Cannabis dispensary or marijuana dispensary shall also



County of Orange Draft Zoning Code Update – Third Draft  
 Article 2. Subarticle 5 – Standards for Specific Uses and Activities  
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- mean “Retailer” and “Distributor” and “Microbusiness” as defined by Business and Professions Code section 26070, as enacted, or as hereafter amended.
- (4) “*Commercial Cannabis activity*” includes the cultivation, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products whether for medical or non-medical purposes.
  - (5) “*Commercial cannabis cultivation*” or “Commercial marijuana cultivation” shall mean cannabis cultivation, as defined in this section, for commercial use or purposes, and whether for medical or non-medical purposes. For the purpose of this subsection, “processing” (as contained in the definition of cannabis cultivation) shall mean any method used to prepare cannabis or its by-products for commercial retail and/or wholesale sale, including without limitation drying, cleaning, curing, packaging, and extraction of active ingredients to create cannabis products or cannabis-related products and concentrates.
  - (6) “*Cannabis products*” shall mean cannabis that has undergone a process whereby the plant material has been transformed into concentrate, including, but not limited to, concentrated cannabis, edible or topical product containing cannabis or concentrated cannabis and other ingredients.
  - (7) “*Delivery*” shall mean the commercial transfer of cannabis or cannabis products to a customer whether for medical or non-medical purposes. “Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer.
  - (8) “*Distribution*” means the procurement, sale, and transport of cannabis and cannabis products between licensees whether for medical or non-medical purposes.
  - (9) “*License*” means a state license issued under the Medicinal and Adult-Use Cannabis Regulation and Safety Act, Business and Professions Code, section 26000, et seq, as may be amended.
  - (10) “*Manufacture*” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product whether for medical or non-medical purposes.
  - (11) “*Manufacturer*” means the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products, or labels or relabels its container.
  - (12) “*Operation*” means any act encompassing commercial cannabis activity, as

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Article 2. Subarticle 5 – Standards for Specific Uses and Activities  
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- defined herein, or any commercial transfer of cannabis or cannabis products.
- (13) *“Personal cannabis cultivation” or “Personal marijuana cultivation” shall mean cannabis cultivation for personal use, medicinal use, or purposes in accordance with all applicable State laws.*
- (14) *“Testing Laboratory” means a laboratory, facility or entity that offers or performs tests of cannabis or cannabis products.*
- (b) *Prohibited activities.*
- (1) A cannabis dispensary, as defined in this chapter, is expressly prohibited and not an allowable activity within any zoning district within unincorporated areas of Orange County.
- (2) Commercial cannabis cultivation, as defined in this chapter, is expressly prohibited and not an allowable activity within any zoning district within unincorporated areas of Orange County.
- (3) Delivery services shall not locate their distribution center within any zoning district within unincorporated areas of Orange County.
- (4) A Manufacturer, as defined in this chapter, is expressly prohibited and not an allowable activity within any zoning district within unincorporated areas of Orange County.
- (5) Testing Laboratories, as defined in this chapter, are expressly prohibited and not an allowable activity within any zoning district within unincorporated areas of Orange County.
- (6) Personal cannabis cultivation, as defined in this chapter, shall not exceed the number of living plants permitted by California Health and Safety Code Sections 11362.1 and 11362.2, as may be amended. Personal cannabis cultivation is limited solely to inside a person’s private residence, or inside an accessory structure to a private residence located on the grounds of the private residence, that is fully enclosed and secure. Personal cannabis cultivation is expressly prohibited outdoors upon the grounds of any private residence or any other outdoor location within unincorporated.
- (c) *Public Nuisance.* Any activity or condition caused, or permitted to exist, in violation of any provision of this chapter shall be, and is hereby declared to be, a public nuisance and may be summarily abated by the County pursuant to Section 731, as may be amended, of the California Code of Civil Procedure or any other remedy available at law.
- (d) *Violations.*

County of Orange Draft Zoning Code Update – Third Draft  
 Article 2. Subarticle 5 – Standards for Specific Uses and Activities  
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- (1) In addition to any other remedies permitted by this chapter or available at law, the County Counsel may bring a civil action for injunctive relief and civil penalties against any person who violates any provision of this chapter. In any civil action that is brought pursuant to this chapter, a court of competent jurisdiction may award civil penalties and costs to the prevailing party.
- (2) Any violation of this chapter shall be a misdemeanor, punishable as provided by State law.

**Sec. 7-9-104. - SG "Sand and Gravel Extraction" District. 7-9-146.6 Home occupations, 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 shall 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) A cottage food operation shall comply with all applicable State regulations and shall not sell any prepared foods on-site.
  - (2) Microenterprise home kitchen operations, if authorized by the County Board of Supervisors, shall comply with all local regulations established by the Orange County Health Care Agency pursuant to State law.
  - (3) There shall be no exterior evidence of the conduct of a home occupation.
  - (4) A home occupation shall be conducted only within the enclosed living area of the dwelling unit.
  - (5) A home occupation shall not generate any offensive or objectionable noise, dust, vibration, smell, smoke, heat, glare, or radiation. Electrical or mechanical equipment, which creates visible or audible interference in

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Article 2. Subarticle 5 – Standards for Specific Uses and Activities  
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radio or television receivers or causes fluctuations in line voltage outside the dwelling unit shall be prohibited.

- (6) No customers shall visit the site for the purposes of the home occupation.  
~~There shall be no sale of goods not produced on the premises.~~
- (7) The establishment and conduct of a home occupation shall not change the principal character or use of the dwelling unit involved.
- (8) There shall be no signs.
- (9) Required residential off-street parking shall be maintained.
- (10) A home occupation shall not create greater vehicular or pedestrian traffic than normal for the district in which it is located.
- (11) Distribution, transporting, manufacturing, cultivating or delivery of cannabis or cannabis products from the home is not permitted as a home occupation.

**Sec. 7-9-104.9. – 7-9-104.19 Reserved.**

**Sec. 7-9-105. - Reserved 7-9-146.3 Pets and animals.**

The keeping of domestic pets and animals is permitted subject to the following requirements.

- (a) Permitted in all residential and agricultural zones subject to all applicable County, State, and Federal regulations.
- (b) Pursuant to section 4-1-76, a maximum of three (3) dogs and a maximum of three (3) cats, over the age of four (4) months is permitted on each lot unless an animal permit issued by the County has been obtained.
- (c) Crowing fowl shall only be allowed on lots or parcels zoned as A1 "General Agriculture."
- (d) In addition to the required setbacks in sections ~~7-9-127, 7-9-128 60,~~ and 7-9-137 116, pens, cages, and other structures specifically for keeping birds or 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.
- (e) Exceptions to the provisions of subsections (c) and (d) above shall require a Site Development Permit.
- (f) (Informational note: The types, number and manner in which pets and animals are kept is to be regulated, if at all, via shall comply with provisions of this Zoning Code these ordinances Health, Sanitation, and Animal Code Regulations and any

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Article 2. Subarticle 5 – Standards for Specific Uses and Activities  
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other requirements imposed by the County Health Officer or the Director of OC Community Resources.

**Sec. 7-9-106. - ~~Reserved. 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.
  - 1. Facilities for housing of not less than five (5) animals shall be maintained on-site. ~~the premises.~~
  - 2. Runs shall be in an air-conditioned and sound-attenuated building.
  - 3. 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. 7-9-107. - ~~Reserved. Electric vehicle charging stations.~~**

The installation and operation of electric vehicle charging stations shall comply with the applicable California Building Code(s) and shall be approved by the Building Official.

**Sec. 7-9-107.1 - 107.7 - ~~Reserved.~~**

**Sec. 7-9-108. - ~~Reserved. 7-9-146.8 Performance and development standards for Small wind energy systems.~~**

The purpose of this section is to promote distributed generation small wind energy systems while providing for minimum site performance and development standards that safeguard the environment and adjacent properties. In addition to the requirements for each district, the following performance and development standards shall apply to the installation of small wind energy systems. The intent is to provide standards for the safe and effective construction of small wind energy systems for on-site home, commercial, and agricultural use within non-urbanized areas.

A small wind energy system may be installed only on parcels located outside "urbanized" areas, i.e., within the "non-urbanized" area. "Urbanized area" is defined in accordance with Government Code Section 65944(d)(2), as may be amended, as one (1) of the following: an urbanized area as defined in paragraph (2) of subdivision (d) of Section 65944, as may be amended; or a county as defined in Section 56023, as may be amended, and as depicted on the

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County of Orange Draft Zoning Code Update – Third Draft  
 Article 2. Subarticle 5 – Standards for Specific Uses and Activities  
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County's Map of Non-Urbanized Areas. The applicant may submit demographic information from a reputable source demonstrating that the system ~~will~~ shall be located in a non-urbanized area subject to the approval of the Director, ~~OC Planning~~. A "small wind energy system" or "system" is defined as a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a rated capacity of not more than fifty (50) kilowatts (kw) per customer site, consistent with the requirements of Public Resources Code Section 25744(b)(3), as may be amended, and that ~~will~~ shall be used primarily to reduce on-site consumption of utility power.

(a) Definitions.

- (1) Blade. The aerodynamic surface that catches the wind. ~~Most commercial turbines have three blades.~~
- (2) Guy Wire. A tensioned cable designed to add stability to tall, narrow structures; frequently used to support wind turbines.
- (3) Tower. The base structure that supports and elevates a wind turbine rotor and nacelle.

(b) Permitted use.

- (1) The installation of a small wind energy system of forty-five (45) feet or less ~~will~~ shall be permitted in the non-urbanized area in any district subject to the approval of a Use Permit approved by the Zoning Administrator unless otherwise prohibited by any of the following: General plan, specific plan, planned community text, California Coastal Commission, a local coastal program; a land use plan adopted by Airport Land Use Commission; a Alquist-Priolo Earthquake Fault Zoning Act; a scenic highway plan; a conservation or open space easement; a protected open space agreement; a listing of the site in a historic register; or a Williamson Act contract.
- (2) The installation of a small wind energy system of more than forty-five (45) feet and up to eighty (80) feet ~~will~~ shall be permitted in the non-urbanized area in any district subject to the approval of a Use Permit approved by the Planning Commission unless otherwise prohibited by any of the following: General plan, specific plan, planned community text, California Coastal Commission, a local coastal program; a land use plan adopted by Airport Land Use Commission; a Alquist-Priolo Earthquake Fault Zoning Act; a scenic highway plan; a conservation or open space easement; a protected open space agreement; a listing of the site in a historic register; or a Williamson Act contract.

(c) Building site area. Minimum lot size shall be one (1) acre.

County of Orange Draft Zoning Code Update – Third Draft  
Article 2. Subarticle 5 – Standards for Specific Uses and Activities  
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- (d) *Height.* For purposes of calculating height, the height shall mean the distance from the ground to the top of the blade in the vertical position. Maximum tower height shall be eighty (80) feet unless applicant can demonstrate to the satisfaction of the Director, ~~OC Planning~~, that special circumstances exist that require a tower to be up to, but no more than, one hundred (100) feet in height. An application for a small wind energy system shall include evidence that proposed height of the tower does not exceed the height recommended by the manufacturer or distributor of the system. In no event shall the tower height exceed the applicable limits established by the Federal Aviation Administration (FAA).

- (e) *Number of units.*

System Height	Permitted	Additional	Maximum No. of Systems
60 feet or less	Up to 2 systems for lots one to five acres in size	1 system for every additional five acres	No more than 5 systems total
Greater than 60 feet	1 system for lots one to ten acres in size	1 unit for every additional ten acres	No more than 3 systems total

- (f) *Setback.* Minimum setback for the system shall be at least two (2) times the height of the system from any property line. Minimum distance between towers shall be at least one and one-half (1 ½) times the height of the taller tower. No part of the system, including guy wire anchors, shall extend closer than thirty (30) feet from any property line. The system ~~must~~ shall also meet any fire setback requirements.
- (g) *System.* Wind turbine ~~must~~ shall meet minimum ratings from the California Energy Commission (CEC) and the system ~~must~~ shall comply with all FAA requirements. Application shall include system specifications, including electrical components, and may be required to include an acknowledgement from the electrical service provider of the proposed system.
- (h) *Noise.* The applicant ~~must~~ shall demonstrate that the system shall be operated in such a manner as to comply with the requirements set forth in Title 4, Division 6 of the Codified Ordinances of the County of Orange, entitled "Noise Control."
- (i) *Tower.* Tower structure shall not have any climbing apparatus within the first twelve (12) feet from the ground and shall be designed to prevent climbing within

County of Orange Draft Zoning Code Update – Third Draft  
 Article 2. Subarticle 5 – Standards for Specific Uses and Activities  
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- the first twelve (12) feet from the ground. Tower and all associated system structures shall be treated with non-reflective colors to provide concealment of the facilities and to minimize visual disruption. No flags, streamers or decorative items shall be attached to system tower or turbine.
- (j) *Wind turbine.* The system shall use a wind turbine approved by the California Energy Commission (CEC) as qualifying under its Emerging Renewables Program pursuant to Public Resources Code Section 25744, as may be amended, or has been certified by a national program recognized and approved by the CEC.
  - (k) The minimum distance between the ground and any part of the turbine blade shall be fifteen (15) feet.
  - (l) *Notice.* Notice of the application shall be provided to property owners within three hundred (300) feet of the property line. Applicant may also be required to publish a public notice in a newspaper of general circulation. Systems proposed in agricultural areas shall require special notice to pest control aircraft.
  - (m) If the proposed system is within one thousand (1,000) feet of a military installation, within special use airspace, or beneath a low-level flight path as defined by Public Resources Code Section 21098, the applicant shall comply with Section 65944, as may be amended.
  - (n) The applicant shall comply with all FAA notice requirements for proposed systems within an Airport Planning Area, and shall notify the County Airport Land Use Commission (ALUC) which shall also review the application.
  - (o) *Visual effects.* System shall not substantially obstruct views of adjacent property owners. No system shall be visible from a scenic highway or landscape corridor. System shall be placed or constructed so that the entire system is below any major ridgeline.
  - (p) *Signs.* No sign shall be attached to the system, except for signs that identify the manufacturer, installer, or owner of the system; or public health and safety signs applicable to the installed system. Signs shall be no larger than four (4) square feet, unless approved by the decision-making body, and shall not be located at the base of the system within ten (10) feet of the ground.
  - (q) *Lighting.* Tower structure lighting shall be prohibited unless required by the FAA, FCC or building code.
  - (r) *Landscaping.* Landscaping shall be provided to screen accessory structures from roads and adjacent residences in compliance with section 7-9-~~132~~ 71.
  - (s) *Inoperation.* System shall be removed if inoperable for more than twelve (12) consecutive months.



County of Orange Draft Zoning Code Update – Third Draft  
 Article 2. Subarticle 5 – Standards for Specific Uses and Activities  
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- (t) *Additional application requirements.* The application shall include standard drawings and an engineering analysis of the system's tower, showing compliance with the current version of the Building Code and certification by a professional mechanical, structural or civil engineer licensed in the State of California. The application ~~must~~ shall demonstrate that the system is designed to meet the most stringent wind requirements (Uniform Building Code wind exposure D), the requirements for the worst seismic class (Seismic 4), and the weakest soil class, with a soil strength of not more than one thousand (1,000) pounds per square foot. The application shall also include line drawings of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.
  - (u) *Compliance with FAA requirements.* The system shall comply with all applicable FAA requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports, and the State Aeronautics Act (Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code), as may be amended. A system that complies with this subdivision shall be deemed to meet the applicable health and safety requirements regarding civil aviation.

**Sec. 7-9-109. - ~~Reserved. 7-9-146.13 Performance and development standards for Wireless communications facilities.~~**

This section shall be referred to as the "County of Orange Wireless Communications Facilities on Private Property Ordinance."

- (a) *Purpose.*

The purpose of this section is to provide a uniform and comprehensive set of standards for the development of wireless communications facilities and the installation of wireless antennas and related equipment on private property in the unincorporated area. The regulations contained herein are designed to protect and promote public health, safety, community welfare and aesthetic qualities of the unincorporated area. These regulations encourage managed development of wireless communications infrastructure while providing a public review process to ensure a balance between the community's concerns for aesthetics and location and the interest in establishing such facilities.

The purpose in regulating the development and siting of wireless communications facilities is to encourage economic development, preserve aesthetics and other community values and discourage proliferation of above-ground equipment. These regulations encourage collocation of wireless communications facilities, and require the use of natural and architectural screening in a manner that is compatible with the existing development policies

County of Orange Draft Zoning Code Update – Third Draft  
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and constraints that have been applied uniformly and historically throughout the unincorporated area.

The County of Orange Wireless Communications Facility Ordinance is limited to the County's review of the location and aesthetic development of wireless communications facilities and establishing reasonable time, place and manner limitations. these regulations comply with the Communications Act of 1934, as amended by the Telecommunications Act of 1996, applicable regulations of the Federal Communications Commission, and State law. these regulations are not intended to unduly restrict the development of necessary wireless communications facilities or conflict with existing public utility franchises.

(b) *Definitions.*

*Alternative Structure:* Manmade trees, clock towers, utility structures and similar alternative-design mounting structures that conceal or minimize the presence of antennas, tower or support structure.

*Antenna:* One (1) or more rods, poles, panels, discs, dishes, or similar devices used to transmit, receive, or transmit and receive radio frequency signals or electromagnetic signals, including but not limited to an omni-directional antenna (whip), directional antenna (panel), and parabolic antenna (dish), but excluding any pole or antenna mount.

*Base Station:* The equipment and non-tower supporting structure at a fixed location that enable FCC-licensed or authorized wireless communications between user equipment and a communications network. A "non-tower support structure" means any structure (whether built for wireless purposes or not) that supports wireless transmission equipment.

*California Public Utilities Commission (CPUC).* An independent commission of the State of California that regulates all public utilities providing intrastate service within the State.

*Camouflage.* Incorporation of elements and/or techniques designed to mask or blend a wireless communications facility with the surrounding environment in such a manner to render it generally less noticeable to the casual observer. these types of facilities may include antennas located on ground mounted or building mounted antennas that blend with the surroundings and base station equipment screened by landscaping.

*Collocation/Collocated.* The placement or installation of wireless transmission equipment on an existing structure for the purpose of transmitting or receiving radio frequency signals for communications purposes. Collocated equipment may be separately owned and used by more than one person or entity.

County of Orange Draft Zoning Code Update – Third Draft  
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*Existing Structure.* A tower or base station, utility structure, building or other existing object is an existing structure, for purposes of this section, if it has been reviewed and approved under the applicable County regulations or under another state or local regulatory review process. An existing structure need not be an existing wireless communications facility.

*Federal Aviation Administration (FAA).* The federal agency responsible for regulating civil aviation and air traffic control to promote safety.

*Federal Communications Commission (FCC).* The independent commission of the federal government with interstate jurisdiction over all matters pertaining to communications by wire or radio in the United States.

*Height.* The distance measured from the finished grade to the highest point on the tower or antenna, including the base pad and any antenna. In the case of a building tower, the height includes the portion of the building on which it is mounted. Towers that are adjustable in height shall be measured to the maximum height which the structure is capable of reaching.

*Minor Change.* Any modification to an existing wireless communications facility or any collocation to an existing structure that does not meet the definition of substantial modification.

*Radio frequency (RF) emissions.* Electromagnetic signals transmitted and received using wireless communications antenna(s).

*Open Space District.* Zoning District, or specific plan or planned community land use designation, which is intended to preserve natural resources and/or protect valuable, unique or sensitive environmental features.

*Residential District.* Zoning District, or specific plan or planned community land use designation, which has “single-family dwelling or mobilehome” as a principal permitted use.

*Stealth.* Wireless communications facility designed with concealment elements so visibility of any antenna or other transmission equipment associated with the facility is generally unnoticeable and so that the wireless facility fits into the context of its surroundings. By way of example, and not of limitation, a faux pine tree in an area with other natural pine trees would be considered stealth.

*Substantial Change.* Any modification to a wireless communications facility or any collocation to an existing structure that substantially changes the physical dimensions of the existing facility or structure. Shall have the same meaning as the term “substantial change” or “substantially change” as defined in Title 47, Code of Federal Regulations, section 1.40001(b)(7), as may be amended, which is any of the following criteria:

County of Orange Draft Zoning Code Update – Third Draft  
 Article 2. Subarticle 5 – Standards for Specific Uses and Activities  
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- (1) It increases the height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; it protrudes from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
- (2) It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets.
- (3) It entails any excavation or deployment outside the current site of the tower or base station.
- (4) It would defeat the existing concealment elements of the tower or base station.
- (5) It does not comply with conditions associated with the prior approval of construction or modification of the tower or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding “substantial change” thresholds identified above.

*Tower.* Any structure built for the purpose of supporting any FCC-licensed or authorized antennas and their associated facilities.

*Transmission Equipment.* Any equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supply.

*Wireless Communications Facility (or Wireless Facility or Wireless Facilities).* All equipment and other improvements installed for the purpose of providing wireless transmission of voice, data, images or other information, including, but not limited to, cellular phone service, personal wireless services, and paging services, consisting of equipment and network components, such as towers, utility poles, transmitters, base stations and emergency power systems. A wireless communications facility does not include on-site radio or television broadcast facilities.

(c) *Applicability.*

- (1) This section applies to all permit applications to construct, install, collocate, or modify, and/or operate a wireless communications facility or

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transmission equipment received after the effective date of this section on private property.

(2) This section shall not apply to:

- a. Any amateur radio antennas and related facilities subject to FCC PRB1 or California Government Code section 65850.3, as may be amended.
- b. Any Over-the-Air-Receiving-Devices (“OTARDs”) as defined in 47 C.F.R. § 1.4000 et seq.
- c. Temporary Emergency Towers. Any applicant that seeks a permit to install a wireless communications facility necessary to protect public health, safety or welfare during an emergency shall submit an application for a temporary emergency-Use Permit no later than one (1) calendar day after the installation of such wireless communications facility. The Director may approve such temporary wireless facility without regard for the other provisions in this section for no more than thirty (30) days. The owner of any wireless communications facility installed pursuant to this subsection shall immediately remove such facility at the end of the thirty (30) day period or the conclusion of the emergency, whichever occurs first. The County may remove any wireless communications facility installed pursuant to this subsection at the owner’s cost immediately at the end of the thirty (30) day period or the conclusion of the emergency, whichever occurs first. No predictable or prior-scheduled event, including without limitation, any sporting event, entertainment event or civic event, constitutes an “emergency” for the purposes of this section.
- d. Wireless facilities or equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical generation, transmission and distribution facilities subject to CPUC General Order 131-D.

- (d) *Permitted Use.* Subject to the provisions of this section, the construction, installation, collocation, modification and/or operation of a wireless communications facility or transmission equipment shall be permitted in any district, including Specific Plan areas and Planned Communities. This section shall not apply to private property in those Specific Plan areas and Planned Communities in which the Board of Supervisors adopted or approved wireless communications facility standards prior to the effective date of this ordinance.

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 Article 2. Subarticle 5 – Standards for Specific Uses and Activities  
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- (e) *Approvals Required for Wireless Communications Facilities.* In a residential or open space district, or when within one hundred (100) feet of a residential or open space district as measured from the parcel line, new wireless communications facilities and substantial changes to an existing tower or existing structure shall be permitted subject to a Use Permit to the Zoning Administrator. Minor changes to an existing tower or existing structure shall be permitted and subject to a changed plan.
- In commercial/industrial districts, when more than one hundred (100) feet from a residential or open space district as measured from the parcel line, new wireless communications facilities and substantial changes to an existing tower or existing structure shall be permitted subject to a Site Development Permit. Minor changes to an existing tower or existing structure shall be permitted and subject to a changed plan.
- (f) *Permit Application Requirements.* An application for a wireless communications facility shall meet the requirements of the “County of Orange Wireless Communications Facility Manual,” as approved by the Director, including the submittal of items listed in the “County of Orange Wireless Communications Facility Submittal Checklist,” and all such other information and/or materials that the County may, from time-to-time, publish as required for a complete application.
- (g) *Master Plan.*
- (1) An applicant may elect to submit a Master Plan that contains more than one (1) wireless communications facility. The Master Plan may contain new wireless communications facilities, collocations or a combination of both. The facilities contained in the Master Plan shall meet all requirements set forth in this section. The Master Plan shall be subject to a Use Permit to the Planning Commission.
  - (2) If the Master Plan proposes a deviation from any performance or site development standard, it shall demonstrate to the satisfaction of the Planning Commission that it would be technically infeasible to meet such standard. In addition to making findings pursuant to section 7-9-150.3(e)(1) 125.6, the Planning Commission shall make the following findings prior to final action:
    - a. It has been demonstrated that adherence to applicable zoning regulations ~~will~~ shall make one (1) or more of the wireless communications facilities contained in the Master Plan technically infeasible.

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- b. The alternative development standard(s) ~~will~~ shall result in an equivalent or better project in terms of adverse impacts and public benefits to the immediate and surrounding community.
    - c. The proposed wireless communications facilities in the Master Plan are the least intrusive means by which to locate and design the facilities.
    - d. Subsequent to approval of a Master Plan, any proposed deviation to a wireless communications facility contained in that Master Plan shall make that facility subject to section 7-9-~~146-13~~ 109, unless an alternative approval process for deviations has been specified in the approved Master Plan.
  - (h) *Wireless Facility Design Standards.*
    - (1) The applicant shall demonstrate to the satisfaction of the Director that the wireless communications facility is the least intrusive means by which to locate and design the facility. “Least intrusive means” means that all new wireless communications facilities and substantial changes shall be designed to minimize aesthetic and visual impacts, and shall include appropriate stealth or camouflage techniques given the proposed location, design, visual environment and nearby uses and/or structures. Wireless facilities shall be located in areas where existing topography, vegetation, buildings or other structures naturally conceal the facility. An applicant may be required to provide an alternative site and design analysis and demonstrate why other suitable locations do not exist.
    - (2) In and within one hundred (100) feet of all residential and open space districts, new towers shall be stealth. In commercial and industrial districts, new towers shall be camouflaged.
    - (3) A new tower visible by a motorist driving on a scenic highway (including landscape corridors and viewscape corridors as defined in the Orange County General Plan) shall be stealth and placed or constructed so that the entire wireless facility is below any major ridgeline (as defined by the General Plan or Specific Plan).
    - (4) If the applicant demonstrates to the satisfaction of the decision-making body ~~approving authority~~ that stealthing the facility is infeasible, then the applicant shall be required to camouflage the facility.
    - (5) Modifications to existing wireless communications facilities shall match the level of stealth or camouflage of the facility, as applicable.

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- (6) All new wireless communications facilities shall collocate on an existing wireless communications facility or other existing structures to the maximum extent feasible.
  - (7) All transmission equipment and associated enclosures for new wireless communications facilities and substantial changes shall be designed to include appropriate stealth or camouflage techniques given the proposed location, design, visual environment and nearby uses and/or structures. In addition, it shall also be situated in a manner that utilizes existing natural or man-made features including, but not limited to, topography, vegetation, buildings or other structures to minimize visible impact from roads and residences.
  - (8) Ground-mounted transmission equipment and associated enclosures for new wireless communication facilities and substantial changes shall be located either underground or completely within a fenced area. Such fence shall not exceed a maximum height of six (6) feet unless the applicant demonstrates a valid safety consideration that justifies a taller fence. No transmission equipment or associated enclosures shall protrude above the fence. Any chain link fence shall be concealed with landscaping that extends the full length and width of the fence. If technically infeasible to locate the structures underground or within a fenced area, they shall be designed to include appropriate stealth or camouflage techniques given the proposed location, design, visual environment, and nearby uses and/or structures.
  - (9) All pole-mounted or wireless tower-mounted transmission equipment shall be mounted as close as technically feasible to the pole or tower so as to reduce the overall visual profile, and shall be camouflaged by painting with non-reflective colors and textured to match the support pole or wireless tower.
  - (10) On all new wireless communication facilities and substantial changes, all cables, jumpers, conduits and other connections between transmission equipment and/or associated structures shall be either completely enclosed or placed underground to the maximum extent feasible.
  - (11) All wireless communications towers shall be designed to prevent climbing within the first twelve (12) feet from the ground.
  - (12) All wireless communications towers shall be constructed from concrete, steel, or wood.



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- (13) All wireless communications facilities shall be painted or treated with non-reflective colors to provide concealment of the facility and to minimize visual disruption.
  - (14) No tower shall exceed the maximum permissible height for structures in the underlying zoning district.
  - (15) A tower located in or within one hundred (100) feet of residential, open space or commercial zoning districts as measured from the parcel line, shall be designed to the lowest feasible height to reasonably achieve the applicant's technical objective.
  - (16) There shall be a minimum of three hundred (300) feet between any two towers. This separation requirement does not apply to collocated equipment.
  - (17) Unless the County explicitly allows otherwise on a case-by-case basis, no sign shall be attached to the facility, except signs that identify the wireless communications facility owner and/or operator, and are required to comply with State or Federal law.
  - (18) Lighting shall be prohibited unless otherwise required under Federal Aviation Administration ("FAA") regulations. Applicants shall install only timed or motion-sensitive lights and design all lights associated with the wireless communications facility so that direct light rays shall be confined to the premises.
  - (19) The facility shall comply with all applicable FAA requirements of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports, and the State Aeronautics Act (Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code), as may be amended. If a proposed wireless communications facility is within an Airport Planning Area, the Director shall submit the application to the County Airport Land Use Commission (ALUC).
  - (20) Any permit application that includes a request for a deviation from any performance or site development standard shall demonstrate to the satisfaction of the decision-making body ~~approving authority~~ that it would be technically infeasible to meet such standard. In addition to making findings pursuant to 7-9-150.3(e)(1) 125.6, the decision-making body ~~approving authority~~ shall make the following findings prior to final action:
    - a. It has been demonstrated that adherence to applicable zoning regulations ~~will~~ shall make the project technically infeasible.

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- b. The proposed wireless communications facility is the least intrusive means by which to locate and design the facility to the extent feasible.
  - (i) *Public Notice.* If the proposed wireless communications facility is within one thousand (1,000) feet from a military installation, within special use airspace, or beneath a low-level flight path as defined by California Government Code Section 65940, as may be amended, the applicant shall be required to comply with California Government Code Section 65944, as may be amended.  
  
 For Use Permits, notice to the public shall be provided pursuant to section 7-9-~~150.3~~ 125.
  - (j) *Applicability of the Middle Class Tax Relief and Job Creation Act of 2012.* Notwithstanding section 7-9-~~150.3(h)~~ 125.3(i), if the applicant demonstrates to the satisfaction of the Director that Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, codified as Title 47, United States Code, Section 1455(a), as may be amended or interpreted by a court of competent jurisdiction, applies to the proposed minor modification, then the Director may not deny the changed plan application.
  - (k) *Appeals.* A decision or action pursuant to this section may be appealed in accordance with the provisions of section 7-9-~~150.4~~ 125.10.
  - (l) *Legal Nonconforming Use.*
    - (1) Any wireless communications facility that is lawfully constructed, erected, or approved prior to the adoption of this section, in compliance with all applicable laws, and which facility does not conform to the requirements of this section, shall be accepted and allowed as a legal nonconforming use for a ten (10) year period beginning on the effective date of this section.
    - (2) Legal nonconforming facilities shall comply at all times with the laws, ordinances and regulations in effect at the time the permit was granted, and any applicable Federal and State laws as they may be amended or enacted, and shall at all times comply with any conditions of approval.
    - (3) At the end of the ten (10) year period, or prior to improving the facility through a substantial change, if earlier, the permittee shall apply for a Use Permit to bring the facility to existing standards.
  - (m) *Maintenance Requirements.*
    - (1) At all times, a wireless communications facility shall comply with all applicable rules and regulations related to public health and safety,

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including, without limitation, all applicable rules and regulations related to human exposure to electromagnetic radio frequency emissions.

- (2) At all times, a wireless communications facility, including all transmission equipment, associated improvements and concealment elements, shall be maintained in neat, clean and safe condition. The County may take actions reasonably necessary to maintain a wireless communications facility when the owner fails to comply with this section either after ten (10) days' notice or immediately in the case of an emergency. The owner shall reimburse the County for any costs to maintain a wireless communications facility within thirty (30) days after receipt of written notice.
- (n) *Change of Ownership.* The owner or operator shall provide written notice to the Director within thirty (30) days after a transfer of ownership or authorization to operate the wireless communications facility. The written notice shall include (1) the transfer date; and (2) full contact information for the transferee, including a name, direct phone number and mailing address.
- (o) *Abandonment.* Any permittee or operator who intends to, or does abandon or discontinue use of a wireless communications facility for any reason, shall do all of the following:
  - (1) Except where discontinuance is due to the revocation of a permit, on or before the sixtieth (60th) day before the final day of use, notify the Director in writing, specifying the date of the intended abandonment or discontinuance and the applicable permit number.
  - (2) Within one hundred and eighty (180) days after the abandonment or discontinuance, at the permittee's sole expense, remove any wireless communications facility and all its associated equipment in compliance with all applicable health and safety requirements and restore the site to the condition that existed before installation of the wireless communications facility, or as otherwise required by the Director.
  - (3) At any time after one hundred and eighty (180) days following the abandonment or discontinuation, without further notice to the applicant, the Director may remove and store the wireless communications facility, repair any damage to the premises caused by such removal, and restore the premises as the Director deems appropriate. The permittee, and all prior owners and operators of the wireless communications facility, shall be jointly and severally liable for the entire cost of such removal, repair, restoration, and storage, and shall remit payment to the County promptly after demand for payment is made. The County may, instead of storing

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Article 2. Subarticle 5 – Standards for Specific Uses and Activities  
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the removed wireless communications facility equipment, convert it to the County's use, sell it, or dispose of it in any manner deemed appropriate by the County.

- (p) *Conflicting Ordinances.* In the event that any County ordinance or regulation, in whole or in part, conflicts with any provisions in this section, the provisions of this section shall control.
- (q) *Severability.* In the event that a court of competent jurisdiction holds any section, subsection, paragraph, sentence, clause or phrase in this section unconstitutional, preempted or otherwise invalid, the invalid portion shall be severed from this section and shall not affect the validity of the remaining portions of this section.

~~Sec. 7-9-109.1 – 7-9-109.6. – Reserved.~~

**Sec. 7-9-110. - PD “Planned Development” District 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 7-9-150-125. 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. and 7:00 a.m. unless otherwise provided for by the required Use Permit. However, emergency medical flights are exempted from this restriction.

**Sec. 7-9-111. - SR “Sign Restrictions” District Drive-through facilities and drive-in/drive-thru restaurants.**

Drive-through facilities and drive-in/drive-thru restaurants shall be located, developed, and operated in compliance with the following standards, in any commercial zoning district where they are permitted:

- (a) Screening and Landscaping. In addition to complying with the landscaping standards in section 7-9-71 “Screening and Landscaping,” additional screening and landscaping may be required where necessary to prevent visual impacts on adjacent residential districts.
- (b) Parking. Parking shall be provided pursuant to section 7-9-70 “Off-Street Parking and Loading Regulations.”
- (c) Circulation. Drive-through facilities and drive-in/drive-thru restaurants shall provide safe, unimpeded movement of vehicles at street access points, in travel aisles, and parking areas. A detailed plan of development depicting directional movements for interior traffic circulation shall be provided for review by the Director.

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- (d) Pedestrian Walkways. Vehicle aisles shall not intersect with interior pedestrian walkways, unless no alternative exists. In such cases, pedestrian walkways shall have clear visibility, emphasized by enhanced paving or markings.
  - (e) Stack parking. Areas for stack parking shall be provided to ensure vehicle queue shall not interfere with public rights-of-way, private streets, or with on- or off-site parking and circulation. Stacking area size requires approval by the Director.
  - (f) Screening. Each drive-through and drive-in/drive-thru restaurant aisle shall be screened with a combination of decorative walls and landscape to a height of thirty-six (36) inches to prevent headlight glare and direct visibility of vehicles from adjacent streets and parking lots.
  - (g) Trash and Waste.
    - (1) Garbage and trash containers shall be provided in locations suitably enclosed and screened so as not to be visible from a public right-of-way.
    - (2) A waste receptacle shall be placed near the entry way to the drive-through facility and drive-in/drive-thru restaurant.
    - (3) The site shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris from the site and on all abutting sidewalks within one hundred (100) feet of the site. The owner or operator shall remove graffiti within seventy two (72) hours.
    - (4) One (1) permanent, non-flammable trash receptacle shall be installed near to the entrance/exit of the building.
  - (h) Site Design.
    - (1) Drive-through and drive-in/drive-thru elements shall be placed to the side or rear of the building.
    - (2) Drive-through and drive-in/drive-thru windows shall be oriented away from the street frontage and provide adequate screening measures through landscaping and design to minimize visibility of the drive-through.
    - (3) The design of freestanding drive-through and drive-in/drive-thru facilities shall be compatible with the principal building, in terms of building color, materials, and form.

**Sec. 7-9-112. - 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

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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 off-site outdoor advertising signs.

**Sec. 7-9-113. - ~~FP “Floodplain” District~~ ~~7-9-143. Facility design regulations~~ Transportation demand programs.**

All references to this section shall include sections 7-9-~~143.1~~ 113.1 through 7-9-~~143.4~~ 113.4.

**Sec. 7-9-113.1. - ~~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), as may be amended, to mitigate the impacts that development projects (as specified in section 7-9-~~143.3~~ 113.3) may have on transportation mobility, congestion and air quality and to promote transportation demand management strategies.

**Sec. 7-9-113.2. - ~~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.

*Building Size.* The total gross floor area as defined in section 7-9-~~27-24.2~~ measured in square feet of a building or group of buildings at a worksite. Includes the total floor area of new development and total expended floor area of existing facilities.

*Carpool.* Two (2) to six (6) persons traveling together in a single vehicle.

*Employee.* Any person employed by a firm, person(s), business, educational institution, nonprofit agency or corporation, government agency, or other entity. "Employee" shall include persons employed on a full-time, part-time, or temporary basis.

*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 (7) 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 predominant location of an employee or group of employees.

**Sec. 7-9-113.3. - ~~Application~~ ~~7-9-143.3. Applicability.~~**

County of Orange Draft Zoning Code Update – Third Draft  
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- (a) These regulations apply to any discretionary permit per section 7-9-~~150~~ 125 for commercial, industrial, institutional, office/professional or other uses which are estimated to employ one hundred (100) or more persons, as determined by the employee generation factors specified under the subsection (d). This also includes any discretionary permit for an existing facility which is expanding its use to add one hundred (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 one hundred (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~~ 117 or as authorized by the Director, ~~EMA~~ when such temporary activities are for a period not to exceed thirty (30) days and occur no more than once a year.
- (d) Employee generation factors shall be based on one (1) 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 one hundred (100) employee threshold as follows:

Type of Use	Building Size (in square feet) Equivalent to 100 Employees
Office/Professional	35,000
Hospital and Medical/Dental	40,000
Industrial (excluding warehouses)	50,000

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Warehouse	100,000
Commercial/Retail	50,000

Type of Use	Employee Equivalence
Hotel	(employees/room)
Motel	0.5
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. 7-9-113.4. - Responsibilities of Floodplain Administrator. 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 7-9-145.70 shall be reserved and designated for employee carpool vehicles by marking such spaces "Carpool Only":



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Type of Use	Percent of Total Parking Devoted to Employee Carpool Parking (percent)
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 decision-making body ~~approving authority, per section 7-9-150 125.~~
- (1) The number of vanpool parking spaces shall be at least five percent (5%) of the employee carpool parking spaces and reserved for such by marking the spaces "Vanpool Only." (NOTE: These spaces shall replace five percent (5%) of the carpool spaces.)
- (2) For parking structures, vanpool vehicle accessibility shall include a minimum seven (7) foot two (2) inch 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 one bicycle parking space for every twenty-five (25) employees, in a secure location, and near employee entrances for use by

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employees or tenants who commute to the worksite by bicycle.  
Maximum number of bicycle parking spaces required is fifty (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 decision-making body ~~approving authority~~, at the time of approving the discretionary permit under section 7-9-150-125. 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:

Number of Employees	Number of Showers
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 worksite 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 one (1) for every twenty-five (25) employees. Maximum number of lockers required is fifty (50) lockers.
- (f) *Commuter Information Area.* A commuter information area shall be provided within the worksite to offer employees appropriate information on alternative transportation modes. This area shall be centrally located and accessible to all

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- 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 decision-making body ~~approving authority~~ at the time of approving the discretionary permit under section 7-9-150 ~~125~~.
- (1) Passenger loading area shall be large enough to accommodate the number of waiting vehicles equivalent to one percent (1%) of the total required parking for the project. Maximum loading area size required for less than one thousand (1,000) employees shall be large enough to accommodate four (4) waiting vehicles. Maximum loading area size for one thousand (1,000) or more employees shall be large enough to accommodate six (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 decision-making body ~~approving authority~~ at the time of approving the discretionary permit under section 7-9-150 ~~125~~.

~~Sec. 7-9-113.13. – Reserved.~~

~~Sec. 7-9-113.14. – Reserved.~~

~~Sec. 7-9-113.15. – Reserved.~~

~~Sec. 7-9-113.16. – Reserved.~~

Sec. 7-9-114. - SS “Service Station” District 7-9-144 Signs.

All references to this section shall include sections 7-9-~~144.1-114.1~~ through 7-9-~~144.9~~ 114.10. In addition to the requirements for each district and the regulations of the Sign Code, the following sign regulations shall apply.

Sec. 7-9-114.1 - Purpose and intent. 7-9-144.1 Sign definitions.

See section 7-9-135, “Definitions.”

Sign definitions are grouped according to sign type, i.e., how the sign is constructed and how the sign is used as follows:

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(a) **Construction:**

- (1) ~~Banner signs: Any sign hung either with or without frames, possessing written communication applied to nonrigid 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~~

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- ~~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 and 7-9-81 or residential tract signs per section 7-9-136.1.~~

**Sec. 7-9-114.2. - Application Purpose.**

The purpose of this section is to minimize visual clutter, enhance safety through design and placement of signs, and preserve the aesthetics and character of the community balancing the needs of residents, businesses, institutions, and visitors for adequate identification, communication, and advertising with the objectives of protecting public safety and welfare and preserving and enhancing the aesthetic character and environmental values of the community.

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**Sec. 7-9-114.3. - ~~Principal uses permitted subject to a use permit~~ Applicability.**

This section regulates signs that are located or mounted on private property. The provisions in this section apply in all Zoning Districts except where expressly stated otherwise. No sign within the regulatory scope of this section shall be erected or maintained anywhere except in conformity with this section.

**Sec. 7-9-114.4. - ~~Accessory use permitted~~ General requirements for all signs.**

- (a) Signs shall comply with this Code. In all zones, only such signs as are specifically permitted in this Code may be placed, erected, maintained, displayed or used, and the placement, erection, maintenance, display or use of signs shall be subject to all restrictions, limitations and regulations contained in this Code. The placement, erection, maintenance, display or use of all other signs is prohibited.
- (b) Severability. If any subarticle, section, subsection, paragraph, subparagraph, sentence, phrase, clause term or word in this section is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the section.
  - (1) Message Neutrality. It is the County's policy to regulate signs in a constitutional manner that is content neutral as to noncommercial messages that are within the protections of the First Amendment to the U.S. Constitution and the corollary provisions of the California Constitution.
  - (2) Message Substitution. A noncommercial message of any type may be substituted, in whole or in part, for any duly permitted commercial message, and any noncommercial message may be substituted, in whole or in part, for any other noncommercial message.
- (c) No Additional Approval. Such substitution of message may be made without any additional approvals. The purpose of this section is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message.
  - (1) Limitations. This message substitution provision does not: 1) create a right to increase the total amount of signage on a parcel, lot or land use; 2) affect the requirement that a sign structure or mounting device be properly permitted; 3) allow a change in the physical structure of a sign or its mounting device; or 4) authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a noncommercial message.
  - (2) Changes to Copy of Approved Signs. Changes to the copy of approved signs that were legally established and have not been modified so as to become illegal are exempt from permitting pursuant to this section. Changes to copy do not include changes to the type or level of illumination of an approved sign.

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- (3) Location of Non-Commercial Message Signs. The on-site/off-site distinction applies only to commercial messages on signs.
- (4) Property Owner's Consent. No sign may be displayed without the consent of the legal owner(s) of the property on which the sign is mounted or displayed.
- (5) 7-9-144.8 Lighted/illuminated signs Illumination. The illumination of signs, from either an internal or external source, shall be designed to avoid negative impacts on surrounding rights-of-way and properties. The following standards apply to all illuminated signs:
  - a. Light Intensity. ~~7-9-144.8~~ Lighted and illuminated signs shall be designed and installed so that direct light rays shall be confined to the site premises. Sign lighting shall not be of an intensity or brightness that shall create a nuisance for residential buildings in a direct line of sight to the sign.
- (6) Materials. Signs shall be made of sturdy, durable materials. Paper, cardboard, or other material subject to rapid deterioration can only be used for signs that comply with applicable requirements for temporary signs. Fabric signs are restricted to temporary signs. See also sections 7-1-137 and 7-1-138 of the Orange County Codified Ordinances.
- (7) 7-9-144.6 Signs in public safety areas. Public safety. 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.
- (8) 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. 7-9-114.5. - Prohibited uses. 7-9-144.5 Sign measurements – Rules for sign measurement.**

- (a) Calculation of Sign Area. The area of an individual sign shall be calculated according to the following provisions. Sign area does not include the supports, uprights or structures on which any such sign is supported shall not be included in determining the sign area unless

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such supports, uprights or structure are or is designed in such a manner as to form an integral background of the display.

(1) *Single-faced signs.* Where only one face of a sign includes written copy, logos, emblems, symbols, ornaments, illustrations, or other sign media, the sign area includes 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.

(2) *Multi-faced signs.* ~~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 at finished grade directly beneath the sign to the highest point at the top of the sign including any structural or architectural components 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 midpoint of the sign.

**Sec. 7-9-114.6. - Site Development Standards 7-9-144.4 Prohibited signs/advertising device.**

The following signs/advertising devices are prohibited:

- (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 make 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.



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(f) Electronic message ~~board~~ center signs.

(g) Permanent pole signs.

(h) Pylon signs.

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**Sec. 7-9-114.7. - Exempt signs.**

The following shall be permitted without permits and shall not count toward the total sign area limit for a site if they comply with the requirements of this section:

(a) Address signs that are required by and conform to the Building Code.

(b) Signs in Enclosed Areas: Signs, located within buildings, malls, courts, arcades or other enclosed areas where such signs are not visible from any point on the boundary of the site. ~~premises, are permitted without limitation.~~

(c) Signs that are less than six (6) square feet in area. ~~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.~~

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**Sec. 7-9-114.8. - Temporary signs.**

(a) Temporary signs are allowed in any district subject to the following limitations and the applicable requirements of any specific plan:

(1) Limits. The total area for all temporary signs displayed simultaneously one (1) parcel do not exceed six (6) square feet in Single-Family Residential and Open Space Districts and thirty-two (32) square feet in all other Districts. Temporary signage shall also comply with any additional limitations regarding maximum sign area, maximum number of allowed signs, and permitted types of signs that are specified in this section.

(2) Material. Temporary signs shall not be made of standard paper or other materials subject to rapid deterioration.

(3) Illumination. All temporary signs are unlighted and unilluminated.

(4) Duration. Temporary signs remain displayed for no more than ninety (90) days with the following exceptions:

a. Real estate signs. On-site signs may be displayed on property that is being actively marketed for lease or for sale in any district. Such signs shall be removed within seven (7) days following the closing of the proposed transaction or the withdrawal of the offer or solicitation.

b. Construction site signs. Freestanding or wall signs may be displayed on the lot or parcel on which the construction is occurring pursuant to a valid

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permit during the construction period. Such signs and support structures shall be removed prior to release for occupancy.

- c. ~~7-9-136.1~~ Residential tract sales and rentals. 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 subject to the following conditions:
1. Such signs shall have a time limit of existence concurrent with the use of the permitted temporary offices.
  2. Signs up to sixty-four (64) square feet maximum in area are permitted at each street entrance.
  3. Additional signage, exclusive of (3) above, is allowed subject to the approval of the Zoning Administrator but shall not exceed a total of one hundred (100) square feet in area.

~~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 (1) sign having a maximum area of fifty (50) square feet shall be permitted.~~

~~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 (1) sign having a maximum area of fifty (50) square feet shall be permitted.~~

~~Outdoor advertising sign: Outdoor advertising signs are only permitted in certain commercial and industrial areas where specifically allowed.~~

~~Civic activity sign: Civic activity signs are permitted in all areas except where specifically prohibited.~~

#### **Sec. 7-9-114.9. ~~Lighted/illuminated signs (7-9-144.2)~~ Permitted signs by zoning district.**

(a) Signs allowed in agricultural, open space, and residential districts.

- (1) Signs allowed without a permit. The following signs are permitted without a permit in Agricultural, Open Space, and Residential Districts:

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- a. On any developed lot, permanent, non-illuminated freestanding signs, provided that:
  - b. The total area of all such signs shall not exceed one and one-half square feet per lot.
  - c. No sign shall exceed six (6) feet in height.
  - d. Window signs, provided that the total area of the window signs does not exceed ten percent (10%) of the aggregate window area on a single side of a wall.
- (2) Signs allowed with a permit. The following signs may be erected, maintained, and or displayed in any Agricultural and Open Space district with a Sign Permit:
- a. Civic Activity Signs.
  - b. Freestanding Signs.
  - c. Projecting Signs.
  - d. Roof Signs.
  - e. Wall Signs.
- (3) Maximum sign area: In Agricultural, Open Space, and Residential Districts, the maximum allowable, permittable sign area on a lot for permanent signs, exclusive of the area of exempt signs, is as follows:
- a. One (1) square foot of sign area is allowed 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.
  - b. If the building frontage of any entity is less than fifty (50) feet, only one (1) sign having a maximum area of fifty (50) square feet shall be permitted.
- (b) Signs allowed in Mixed-Use and Commercial Districts, except CN and RP.
- (1) Signs allowed without a permit. The following signs are permitted without a permit on any developed lot in Mixed-Use and Commercial Districts, except CN and RP:
- a. Non-illuminated freestanding signs if:
    - 1. The total area of all such signs shall not exceed six (6) square feet per lot.
    - 2. No sign exceeds (six) 6 feet in height.

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- (2) Signs allowed with a permit. The following signs may be erected, maintained, and/or displayed in Mixed-Use and Commercial Districts except CN and RP, with a sign permit:
- Billboards subject to approval of a Use Permit.
  - Civic activity signs.
  - Freestanding signs.
  - Projecting signs.
  - Roof signs.
  - Wall signs.
- (3) Maximum sign area: In Mixed-Use and Commercial Districts, except CN and RP, the maximum allowable, permittable sign area on a lot for permanent signs, exclusive of the area of exempt signs, is as follows:
- Two (2) square foot of sign area is allowed for each linear foot of building frontage, up to a maximum of one hundred fifty (150) square feet for each sign and six hundred (600) square feet for all signs for each entity.
  - If the building frontage of any entity is less than fifty (50) feet, only one (1) sign having a maximum area of fifty (50) square feet shall be permitted.
- (4) Signs allowed without a permit. The following signs are permitted without a permit in Mixed-Use and Commercial Districts, except CN and RP:
- On any developed lot, permanent, non-illuminated freestanding signs, provided that:
    - The total area of all such signs shall not exceed six (6) square feet per lot.
    - No sign shall exceed 6 feet in height.
    - Window signs, provided that the total area of window signs does not exceed fifteen percent (15%) of the aggregate window area on a single side of a wall.
- (5) Signs allowed with a permit. The following signs may be erected, maintained, and/or displayed in Mixed-Use and Commercial Districts except CN and RP, with a Sign Permit:
- Billboards, with a Use Permit.

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- b. Civic activity signs.
  - c. Freestanding signs.
  - d. Projecting signs.
  - e. Roof signs.
  - f. Wall signs.
  - (6) Maximum sign area: In Mixed-Use and Commercial Districts, except CN and RP, the maximum allowable, permittable sign area on a lot for permanent signs, exclusive of the area of exempt signs, is as follows:
    - a. Two (2) square foot of sign area is allowed for each linear foot of building frontage, up to a maximum of one hundred fifty (150) square feet for each sign and six hundred (600) square feet for all signs for each entity.
    - b. If the building frontage of any entity is less than fifty (50) feet, only one (1) sign having a maximum area of fifty (50) square feet shall be permitted.
  - (c) Signs allowed in Employment, Industrial, CN, and RP Districts.
    - (1) Signs allowed without a permit. The following signs are permitted without a permit in Mixed-Use, Commercial, Employment and Industrial districts:
      - a. On any developed lot, permanent, non-illuminated freestanding signs, provided that:
        - 1. The total area of all such signs shall not exceed six (6) square feet per lot.
        - 2. No sign shall exceed six (6) feet in height.
      - b. Window signs, provided that the total area of the window signs does not exceed fifteen percent (15%) of the aggregate window area on a single side of a wall.
    - (2) Signs allowed with a permit. In the Employment, Industrial, CN, and RP Districts, the following signs may be erected, maintained, and/or displayed with a sign permit:
      - a. Billboards, only in the C1, C2, CC, and CH Districts, subject to a Use Permit to the Zoning Administrator.
      - b. Civic activity signs.

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- c. Freestanding signs. In the CN District, no more than one freestanding sign is permitted on each lot.
  - d. Projecting signs, except in the RP and CN districts, where they are prohibited.
  - e. Roof signs, except in the RP and CN districts, where they are prohibited.
  - f. Wall signs. In the CN district, there shall be no more than one (1) wall sign per public entrance per each use.
- (d) Signs allowed in other districts. As provided in the Zoning Code.
- (e) Signs for specific uses. The following standards apply to specific uses. Signs shall also comply with the standards applicable to the district in which the use is located.
- (1) Wind Energy Systems. Signs located on wind energy systems shall be no larger than four (4) square feet, unless approved by the decision-making body, and shall not be located at the base of the system within ten (10) feet of the ground.
  - (2) 7-9-136.1 Residential Tract Sales and Rentals: Within an 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, or, in larger developments with an approved specific plan or approved planned community plan, for the first sale of homes or the first rental of apartments within a planning area when a planning area has been defined within the approved specific plan or approved planned community plan, signs are permitted subject to the following conditions:  
  
The sign copy shall be limited to matters relating to the tract within which the signs are located.
    - a. Such Signs shall have a time limit of existence concurrent with the use of the permitted temporary offices.
    - b. Signs up to 64 sixty-four (64) square feet maximum in area are permitted at each street entrance.
    - c. Additional signage, exclusive of (3) above, is allowed but shall not exceed a total of one hundred (100) square feet in area.
- ~~7-9-144.2 (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 (1) real estate sign shall be permitted on any building site, unlighted and unilluminated, and not to exceed the following square feet in area:~~

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- 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. ~~Nonresidential: 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 (1) 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 (1), but only one (1), 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.~~

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 Article 2. Subarticle 5 – Standards for Specific Uses and Activities  
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~~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.~~

**Sec. 7-9-114.10. - 7-9-144.2 Permitted signs Permits required.**

- (a) *Sign Permit per the Sign Code Required.* A Sign Permit, per the Sign Code, is required to erect, install, structurally alter, or relocate any non-exempt sign. ~~Each sign structure requires a separate sign permit per the Sign Code.~~
- (b) ~~7-9-144.9.~~ *Sign Permit required.* Any sign over six (6) square feet in area shall require a Sign Permit ~~per the Sign Code pursuant to this section~~ in addition to any other discretionary permit as may be required by the Zoning Code.
- (c) *Encroachment Permit.* Signs that project or extend into the public right-of-way require an encroachment permit issued by the County per Codified Ordinance section 6-1-1. et seq. ~~Signs in public right-of-way areas may only be allowed subject to an encroachment permit.~~
- (d) *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



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Zoning Administrator per section 7-9-~~150~~ 125, subsections a. through f. above, and the following additional regulations:

- (1) No travel direction signs shall be permitted in the public road right-of-way ~~by the use permit (see subsection 1. above)~~ without approval of an encroachment permit pursuant to sub-section (c).
  - (2) The Use Permit shall identify all specific sign locations, dimensions, and designs. ~~Sign copy need not be specified.~~
  - (3) The Use Permit shall have a time limit of four (4) years unless otherwise provided for by the Use Permit.
  - (4) 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.
- (e) *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~~ 125, subsections a. through f. above, and the following additional regulations.
- (1) Each sign structure shall require a separate Site Development Permit and Sign Permit per the Sign Code.
  - (2) The Site Development Permit shall have a time limit of two (2) years maximum.
  - (3) ~~The sign copy may be changed only via a changed plan per section 7-9-150.3(h).~~
  - (4) 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.

**Sec. 7-9-114.11. - 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~~ 125 if it is consistent with the purpose and intent of the applicable district.

**Sec. 7-9-115. - ~~Reserved 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

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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~~ 70 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 percent (50%) 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 percent (50%) 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~~ 125.10.
- (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~~ 125.

**Sec. 7-9-116.- GPI "~~General Plan Implementation~~" District 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.

**Sec. 7-9-116.1. - ~~Purpose, intent and authority~~ General Standards.**

- (a) *Permitted accessory uses and structures.* Accessory uses and structures shall be located on the same building site as the associated pre-existing principal use. In addition to the principal uses and structures expressly included in a zoning district, planned community,

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or specific plan, accessory uses and structures which are customarily associated with and subordinate to a permitted and pre-existing 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~~ 125 (i.e. approved permit, amended permit, or changed plan) when one (1) or more of the following apply:

- (1) Required by other zoning regulations.
- (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 this section. ~~7-9-137.1 through 7-9-137.8~~

- (d) *Location of other accessory structures.* The building face of any detached accessory structure shall be at least three (3) feet from the building face any other structure and the eaves or projections of any structures shall not be closer than two (2) feet apart. Accessory structures other than in (c) above, shall be permitted anywhere on the same building site as the pre-existing primary use except within the following areas, unless otherwise permitted by this section. ~~s 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~~ 64.
- (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.* Accessory structures, which are within the required setback areas shall be limited to twelve (12) feet in height, unless it is sited 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~~ 24.10 with a Use Permit approved by the Zoning Administrator.

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- (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% (subject to (g) below)
Rear	25%	50%
Side	25%	50%

- (g) Up to twenty-five percent (25%) 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. 7-9-116.2. - ~~7-9-137.4~~ Swimming pools and spas.**

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 section 7-9-~~137.5-64~~ (d) and (e). See illustration for swimming pool setbacks.

**Sec. 7-9-116.4. — Prohibited uses.**

**~~7-9-137.3~~ Satellite dish antennas**

Satellite dish antennas shall be permitted in any residential district if one (1) meter or less in diameter and permitted in any commercial or industrial district if two (2) meter or less in diameter.

Exceptions may be permitted subject to the approval of a site development permit per section 7-9-150.

**Sec. 7-9-117. - ~~Oil Production~~ District 7-9-136 Temporary uses and structures.**

All references to this section shall include sections 7-9-136 through 7-9-136

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~~The temporary uses listed in sections 7-9-136.7 through 7-9-136 shall be permitted in any district, planned community, or specific plan area, unless otherwise specifically prohibited.~~

This section establishes standards and requirements for certain uses that are intended to be of limited duration and that shall not permanently alter the character or physical features of the sites where they occur.

**Sec. 7-9-117.1. - 7-9-136.12 Sale of Agricultural product sales.**

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 one hundred eighty (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~~ shall 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 site 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 (1) ground sign limited to eight (8) feet in height ~~and one (1) 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) *Sale of cannabis or edible products that contain cannabis is prohibited.*

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- (g) *Site Development Permit.* In addition to the above requirements, an approved Site Development Permit per section 7-9-~~150~~ 125 shall be required when the sales facility is located in a residential district or area.

**Sec. 7-9-117.2. - ~~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~~ 125 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. 7-9-117.3. - ~~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. 7-9-117.4. - ~~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~~ shall be brought into conformity with any additional regulation rendered applicable by the placement of any new building on the site. Conformity ~~will~~ shall 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

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opinion, work pertaining to the completion of all facilities required by law is not being diligently pursued.

**Sec. 7-9-117.5. - ~~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~~ 125 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 (1) 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~~ 125.
- (b) *Temporary mobilehome as additional dwelling.* In all residential districts and similar area 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~~ 125 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~~ shall be removed and the property ~~will~~ shall 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 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. 7-9-117.6. - ~~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.

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**Sec. 7-9-117.7. - ~~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 tentative tract, or, in larger developments with an approved specific plan or approved planned community plan, for the first sale of homes or the first rental of apartments within a planning area when a planning area has been defined within the approved specific plan or approved planned community plan, subject to the provisions of this section.

- (a) *Building site not required:* Notwithstanding the provisions of section 7-9-~~126~~ 61.1, 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~~ 125.

1. The Site Development Permit shall include a phasing plan to address parking and pedestrian access during the future build out phase of models or sales offices.

2. A Changed Plan shall be required if there are any future changes to the phasing plan that directly affect the build out of models, sales offices, accessibility or required parking lot, and/or affect safety, including but not limited to traffic and pedestrian safety.

- (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~~ shall 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~~ shall be part of the subdivision after the abandonment of the real estate office use.

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- (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~~ shall 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 shall not result in excess traffic congestion or traffic safety hazards.
    - (2) The operation of the real estate office and associated activities will shall not conflict with adjacent and nearby residential uses.
    - (3) Signs: Signs in connection with the uses permitted above shall be permitted subject to the requirements of section 7-9-114 within a tract on the following conditions:
      - a. The sign copy shall be limited to matters relating to the tract within which the signs are located.
      - b. Such signs shall have a time limit of existence concurrent with the use of the permitted temporary offices.
      - c. Signs up to sixty-four (64) square feet maximum in area are permitted at each street entrance.
      - d. Additional signage, exclusive of (3) above, is allowed but shall not exceed a total of one hundred (100) square feet in area.

**Sec. 7-9-117.8. - ~~7-9-136.8 Christmas tree sales facility~~ Seasonal product sales.**

Temporary Christmas tree, Halloween pumpkin, and similar seasonal product 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:

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- (a) *Date of Opening for Christmas tree sales.* A Christmas tree sales facility shall not be open for business during any calendar year prior to the day after Thanksgiving. However, ministerial permits needed to establish the business shall ~~may~~ be issued by November 15.
- (b) *Date of Opening for Halloween pumpkin sales.* A Halloween pumpkin sales facility shall not be open for business during any calendar year prior to October 4.
- (c) *Merchandise to be sold.* A permitted ~~Christmas tree~~ seasonal product sales facility shall not engage in the sale of any merchandise not directly associated with the subject product including, but not limited to, Christmas trees and Christmas decorations, Halloween pumpkins and decorations, etc.
- (d) *Electrical permit.* The applicant shall secure an electrical permit from the Director, ~~EMA,~~ if the facility is to be energized.
- (e) *Removal of facility.* The facility shall be removed and the site 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~~ the holiday with which the sales are associated.
- (f) *Fire prevention standards.* Each Christmas tree sales facility shall comply with fire prevention standards as approved and enforced by the County Fire Chief.
- (g) *Site Development Permit.* In addition to the above requirements, an approved Site Development Permit per section 7-9-150 125 shall be required when the sales facility is located in a residential district or area.

#### ~~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.~~

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- (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. 7-9-117.9. - ~~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, commercial filming, and large athletic, religious, or entertainment events, except as covered by section 7-9-~~136~~ 117.

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 one hundred (100) ~~five hundred (500)~~ people or less, including spectators and participants. Gatherings of greater than one hundred (100) ~~five hundred (500)~~ or more people shall require approval of a Site Development Permit per section 7-9-~~150~~ 125.
- (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 Zoning Use Certificate ~~certificate of use and occupancy~~ per section 7-9-~~152~~ 125.11(a).
- (d) The temporary use ~~shall 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

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County of Orange Draft Zoning Code Update – Third Draft  
 Article 2. Subarticle 5 – Standards for Specific Uses and Activities  
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administration of other County codes. Such other codes may require the applicant to obtain permits such as building, electrical, health and tent permits.

- (h) Farmers' Markets established and operated in compliance with County requirements are recurring outdoor gatherings that are not subject to regulation under this section.

**Sec. 7-9-117.10. - Temporary outdoor sales of merchandise.**

Temporary outdoor sales including, but not limited to swap meets, grand opening events, and other special sale events may be permitted in compliance with the following requirements:

**(a) Swap meets.**

- (1) Shall not be permitted more than four (4) times in any twelve (12) month period and shall have a duration of no more than seven (7) days during each occurrence.**

**(b) Temporary outdoor sales associated with a business located within a building.**

- (1) Shall not be permitted more than four (4) times in any twelve (12) month period and shall have a duration of no more than seven (7) days during each occurrence.**

- (2) Shall be on the same site as the business and shall be located on a paved or concrete area on the same lot as the structure(s) containing the business with which the temporary sale is associated.**

- (3) Location of the displayed merchandise shall not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.**

**7-9-136.6. — Reserved.**

**Sec. 7-9-118. – ~~CD "Coastal Development" District~~ 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

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measures to comply with chapter 6.5 State Health and Safety Code and title 22 Administrative Code, in a manner approved by the Health Care Agency and sewer 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

County of Orange Draft Zoning Code Update – Third Draft  
 Article 2. Subarticle 5 – Standards for Specific Uses and Activities  
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provide plans or identify measures to comply with chapter 6.7 State Health and Safety Code and title 23 Administrative Code, in a manner approved by the Health Care Agency.

- (e) *Approval.* 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 Orange County Fire Authority Department or Health Care Agency to suspend operations for public safety reasons.

**Sec. 7-9-119. - ~~SH “Scenic Highway” District 7-9-146.12~~ Waste 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 land-fills.

**Sec. 7-9-119.1. - ~~Purpose and intent~~ Use Permit required.**

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 7-9-150 125. Such facilities are subject to review by OC Waste and Recycling ~~the Integrated Waste Management Department (IWMD)~~ and the Health Care Agency (Local Enforcement Agency (LEA)).

Additionally, if approved, s Such facilities shall, at a minimum, meet the following requirements in addition to the applicable requirements for the district:

- (a) Incorporate fencing and/or landscaping to screen structures and operations.
- (b) Schedule hours of operation that minimize potential impacts, including, but not limited to, traffic and noise.
- (c) Design facilities so as to minimize potential impacts, including, but not limited to, noise and odor.
- (d) 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. 7-9-119.6. Reserved.~~**

**~~Sec. 7-9-119.7. Reserved.~~**

**~~Sec. 7-9-119.8. Reserved.~~**

County of Orange Draft Zoning Code Update – Third Draft  
 Article 2. Subarticle 5 – Standards for Specific Uses and Activities  
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**Sec. 7-9-120. - ~~E "Equine" District 7-9-146.2~~ Adult entertainment businesses.**

- (a) *Purpose and Intent.* Special locational regulation of adult entertainment business is necessary to ensure that adverse effects caused by operational characteristics ~~will~~ shall 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:
  - (1) *Adult bookstore.* 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.
  - (2) *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 depicted, 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.
  - (3) *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."
  - (4) *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.
  - (5) *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 (1) time, and where the images so displayed are distinguished or

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- characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."
- (6) *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.
  - (7) *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."
  - (8) *Encounter center or rap studio.* Any business agency, or person who, for any form of consideration or gratuity, provides a place where two (2) 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."
  - (9) *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 a 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., as may be amended, to issue and confer a diploma or degree.
  - (10) *Specified sexual activity.* Includes the following:
    - a. 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 or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, picquerism, sapphism, zooerasty.
    - b. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence.



County of Orange Draft Zoning Code Update – Third Draft  
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- c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation.
  - d. Fondling or touching of nude human genitals, pubic region, buttocks or female breasts.
  - e. Masochism, erotic or sexually oriented torture, beating or the infliction of pain.
  - f. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being.
  - g. Human excretion, urination, menstruation, vaginal or anal irrigation.
  - (11) *Specified anatomical areas:* Includes any of the following:
    - (a) 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.
    - (b) 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.
      - 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.

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**Sec. 7-9-121. – ~~Reserved 7-9-146.10 Specified resource protection~~ Resource modification activities.**

Such activities as fuel modification, agricultural use, landscaping, removal of vegetation or grading, in areas identified by the General Plan, and 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~~ all relevant policies and measures contained therein.

**Sec. 7-9-122. – Reserved.**

**Sec. 7-9-123. – Reserved.**

**Sec. 7-9-124. – Reserved.**