

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

FIRST DRAFT FOR PUBLIC REVIEW

ARTICLE 2, SUBARTICLE 3 – Overlay, Combining, and
Other Districts

http://www.ocpublicworks.com/ds/planning/projects/all_districts_projects/orange_is_the_new_green



Article 2. – The Comprehensive Zoning Code

Subarticle 3. – Overlay, Combining, and Other Districts

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Subarticle 3: Overlay, Combining and Other Districts (NEW)

Sec. 7-9-40. ~~7-9-118~~ CD Coastal Development District Regulations

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

Sec. 7-9-40.1. ~~7-9-118.1~~ Purpose and Intent

The purpose of ~~this district~~ the CD Coastal Development District is to implement the California Coastal Act (Division 20 of the Public Resources Code) and the certified Local Coastal Programs of the County of Orange. It is intended that ~~the~~ these procedures and regulations ~~herein~~ constitute the minimum standards for all development projects within the Coastal Zone.

Sec. 7-9-40.2. ~~7-9-118.2~~ Application; Interpretation of Boundaries

- (a) This district may be combined with any other district. In any district where the district symbol is followed by parenthetically enclosed "(CD)," the additional requirements, limitations, and standards of this district shall apply. The district symbol shall constitute the base district, and the CD suffix shall constitute the combining district. In the event of conflicting provisions between the base district and the combining district, the requirements of the CD District shall take precedence.
- (b) ~~The provisions of this section are in addition to the provisions of sections 7-9-20 and 7-9-49.~~ Where uncertainty exists as to the exact location of the CD District boundary, the following rules shall apply:
 - (1) When a portion of a building site lies, or appears to lie, partially within the CD District and any existing or proposed development of such building site is within the CD District, the building site shall be considered to be within the CD District.
 - (2) When a portion of a building site lies, or appears to lie, partially within the CD District and no development of such building site is within the CD District, the building site shall be considered to be not within the CD District.
 - (3) When a public or private street or a highway lies partially within the CD District, the entire width of that portion of such street or highway lying partially within the CD District shall be considered to be within the CD District.

Sec. 7-9-40.3. ~~7-9-118.3~~ Definitions

~~The following definitions shall apply to all areas within the CD District. In case of a conflict between the definitions contained in this section and those contained in sections 7-9-21 through 7-9-47, the definitions contained in this section shall prevail within the CD District.~~

Definitions of terms used countywide are in Subarticle 7, General Terms, of the Zoning Code. In this section, terms that have specific application to the CD district are listed.

~~Aggrieved person: Any person who, in person or through a representative, appeared at a public hearing regarding a coastal development permit; or who, prior to action on a coastal development permit, informed the County in writing of his concerns about an application for such permit; or who for good cause was unable to do either and objects to the action taken on such permit and wishes to appeal such action to a higher authority.~~

Appealable development: Any coastal development permit application that may be appealed to the California Coastal Commission pursuant to the Coastal Act of 1976, as amended.

~~**Approving authority:** Any person, committee, commission or board authorized by the applicable zoning or specific plan regulations, or by the provisions of this district to approve, conditionally approve or disapprove a coastal development permit or discretionary permit application or project.~~

Certified Local Coastal Program: (LCP): A plan for the use of property within the Coastal Zone, together with the Zoning ordinance Code, zoning district maps and other necessary implementing actions, which has been adopted by the County of Orange and certified by the California Coastal Commission pursuant to the Public Resources Code. A certified LCP may include individual geographic segments.

Coastal bluff:

- (a) Any bluff where the toe of the slope is now, or within the past two hundred (200) years has been, subject to marine erosion;
- (b) Any bluff where the toe of the slope is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in the Public Resources Code Section 30603(a)(1) or (a)(2).

Coastal Commission: The California Coastal Commission established pursuant to the California Coastal Act (Division 20 of the Public Resources Code).

Coastal Development Permit: A permit issued by the County of Orange or the Coastal Commission which is an approval of a use subject to the provisions of ~~section~~ Section 7-9-118TBD and the California Coastal Act.

Coastal Zone: That area of land and water extending seaward to the State's outer limit of jurisdiction and the unincorporated portion of the County of Orange specified on a Coastal Zone map adopted by the State Legislature as adjusted by the Coastal Commission pursuant to the requirements of the California Coastal Act.

~~**Development:** Means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act, and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, and kelp harvesting.~~

~~**Development project:** Any of the uses, activities or structures listed under the definition of "development" when carried out, undertaken or established individually or independently of any other such use, activity or structure; or any group or combination of the listed uses, activities or structures which combine to form, or are a component part of an integrated project.~~

~~**Energy facility:** Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal or other source of energy.~~

Estuary: All areas within the mean high tide line of any coastal water body subject to tidal action, usually semi-enclosed by land, having open, partially obstructed or intermittent exchange with the open sea and in which ocean water is at least occasionally diluted by fresh water runoff from the land.

First public road paralleling the sea: The inland right-of-way line of that street or highway nearest to the sea which is generally parallel to the sea and which:

- (a) Is lawfully open and suitable for uninterrupted use by the public;
- (b) Is maintained by a public agency;
- (c) Is an improved all-weather road open to motor vehicle traffic in at least one direction;
- (d) Is not subject to any restrictions on use by the public except during an emergency or for military purposes; and which
- (e) Connects with other public roads providing a continuous access system and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries and wetlands cause the waters of the sea to extend landward of the generally continuous coastline.
- (f) Whenever no public road can be designated which conforms to all provisions of (a) through (e) above, and a public road does exist which conforms to all provisions of (a)

through (d) above, the effect of designating the first public road paralleling the sea shall be limited to the following:

- (1) All parcels between the Pacific Ocean and such other public road; and
- (2) Those parcels immediately adjacent to the sea and inland of such other public road.

Inland extent of the beach: The rocky shoreline to the toe of the bluff, all wet and dry sand area to the seaward vegetation line, toe of the bluff, or to a linear feature such as a sea wall, a road, or other permanent structures.

Local Coastal Program: See "Certified Local Coastal Program."

Major energy facility: Any energy facility exceeding fifty thousand dollars (\$50,000), or such minimum as may be adopted by the State of California, in actual or estimated cost of construction.

Major public works project: Any public works project exceeding fifty thousand dollars (\$50,000), or such other minimum as may be adopted by the State of California, in actual or estimated cost of construction.

~~**Person:** Any individual, organization, partnership, or other business association or corporation, including any utility and any federal, state, local government, or special district or an agency thereof.~~

~~**Principal permitted use:** The permitted main use that is designated specifically in the zoning district or specific plan regulation district of each specific certified LCP segment.~~

Public trust lands: All lands subject to the Common Law Public Trust for commerce, navigation, fisheries, recreation and other public purposes, including tidelands, submerged lands, beds of navigable lakes and rivers, and historic tidelands and submerged lands that are presently filled or reclaimed and which were subject to the public trust at any time.

Public works:

- (a) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the California Public Utilities Commission, except for energy facilities.
- (b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.

- (c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.
- (d) All community college facilities.

Sea: The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

Stream: A natural watercourse identified as a stream on a map adopted pursuant to a certified Local Coastal Program, or as designated by a solid line or a _____ ... symbol on the USGS 7.5 minute quadrangle series map. The bank of the stream shall be defined as the watershed and relatively permanent elevation or acclivity at the outer line of the stream channel ~~which~~ that separates the bed from the adjacent upland, whether valley or hill, and serves to confine the water within the bed and to preserve the course of the stream. In areas where the stream has no discernible bank, the boundary shall be measured from the line closest to the stream where riparian vegetation is permanently established. Channelized streams not having significant habitat value ~~should~~ shall not be considered streams for the purposes of this district.

~~**Structure:** Includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.~~

Submerged lands: Lands ~~which~~ that lie below the line of mean low tide.

Tidelands: Lands ~~which~~ that are located between the line of mean high tide and mean low tide.

Wetland: Lands within the Coastal Zone ~~which~~ that may be covered periodically or permanently with shallow water, and including salt water marshes, freshwater marshes, open or closed brackish water marshes, swamps, mud flats, and fens.

Sec. 7-9-40.4. 7-9-118.4. Coastal Development Permit Required

Except as otherwise provided by section 7-9-118 TBD, any person, partnership, corporation or state or local government agency proposing to undertake any development project within the CD District shall obtain approval of a coastal development permit in compliance with the provisions of this District. A tentative tract map shall not be approved and a building permit, grading permit, or encroachment permit shall not be issued prior to the issuance of a coastal development permit unless the project is categorically exempted per section 7-9-118 TBD.

It is the intent of these regulations to minimize the number of times a development project ~~will~~ shall be required to secure a coastal development permit. Whenever a proposed development project includes more than one "development," ~~as defined in section 7-9-118.3,~~ it is intended that, where feasible, the "developments" be integrated into one development project and that the coastal development permit application be processed at the most appropriate stage of the

project. Any such coastal development permit application shall include such information and details as necessary to permit an appropriate decision to be made for all stages or phases of the development project.

Sec. 7-9-40.5. 7-9-118.5. Exemptions

Development projects listed ~~in this section below~~ are exempt from the requirement for having an approved coastal development permit from the County of Orange. A current record of all categorically exempted developments shall be available for public and Coastal Commission review and shall include the following information for each: name of applicant, location of the project, and brief description of the project. Exempt projects are as follows:

- (a) Development projects, included in any categorical exclusion list adopted pursuant to the certified Local Coastal Program and to Section 30610(e) the Public Resources Code.
- (b) Improvements to an existing structure, ~~except that for the following, which are not exempt:~~
 - (1) Improvements to any structure located on a beach, a wetland, or seaward of the mean high tide line, or where the dwelling or proposed improvement would encroach within fifty (50) feet of the edge of a coastal bluff.
 - (2) Improvements onto any structure located between the sea and the first public road paralleling the sea or within three hundred (300) feet of the inland extent of a beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, or;
 - (3) Improvements to any structure located within significant scenic resources areas as designated by the certified Local Coastal Program or the Coastal Commission when such improvements would constitute or result in any of the following:
 - a. An increase of ten (10) percent or more of the internal floor area of the existing structures on the building site;
 - b. An increase in the floor area in any amount when the structure has previously been improved in compliance with these exemptions as described in this section;
 - c. The construction of an additional story or a loft; or
 - d. The construction, placement or establishment of any detached structure.
 - (4) Any significant alteration of land form, or removal or placement of vegetation, on a beach, wetland, sand dune, within one hundred (100) feet (fifty (50) feet

for a single-family dwelling) of the edge of a coastal bluff, or in an area of natural vegetation designated by the Coastal Commission as significant natural habitat;

- (5) Expansion or construction of a water well or septic system;
 - (6) Improvements in ~~an~~ any area ~~which~~where the Coastal Commission has determined to have a critically short water supply that shall be maintained for the protection of coastal resources or public recreational use, ~~when such~~. Such improvement would be a major water user not essential to residential use, including, but not limited to, swimming pools and landscape irrigation systems;
 - (7) ~~Any improvement~~ improvements when the coastal development permit issued for the original structure indicated that future additions would require a subsequent coastal development permit.
 - (8) Improvements to any structure or change in occupancy ~~which~~ that would result in an increase in the intensity of the uses on the building site.
 - (9) Improvements pursuant to a conversion ~~of~~ that convert any existing structures from a multiple unit rental use or visitor serving commercial use to a condominium, stock cooperative, or time share project.
 - (10) Public works facility.
- (c) Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the Coastal Zone, pursuant to a permit from the United States Army Corps of Engineers.
- (d) Repair or maintenance activities that do not result in ~~an~~ any addition to, ~~or~~ enlargement, or expansion of, the object of such repair or maintenance activities; except, with the exception of the following, ~~which are not exempt~~:
- (1) Repair or maintenance of a sea wall revetment, bluff retaining wall, breakwater, groin, culvert, outfall or similar shoreline work which involves substantial alteration of the foundation, including pilings and other surface and subsurface structures.
 - (2) The placement, whether temporary or permanent, of riprap, or artificial berms of sand, or any other form of solid material, on a beach or in coastal waters, streams, wetlands, estuaries, or on shoreline protective works.
 - (3) The replacement of twenty (20) percent or more of the materials of an existing structure with materials of a different kind.

- (4) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or coastal bluff or within twenty (20) feet of coastal waters or streams.
- (5) Any method of routine maintenance dredging that involves the:
 - a. The dredging of one hundred thousand (100,000) cubic yards or more within a twelve (12) month period; ~~or the~~
 - b. The placement of dredged spoils of any quantity on any sand area, within fifty (50) feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within twenty (20) feet, of coastal waters or streams; ~~or the~~
 - c. The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the Coastal Commission has declared by resolution to have a critically short sand supply that shall be maintained for protection of structures, coastal access or public recreational use.
- (6) Any repair or maintenance to facilities or structures or work located in any sand area, within fifty (50) feet of the edge of a coastal bluff or environmentally sensitive habitat area; ~~or~~ within twenty (20) feet of any coastal waters or streams that ~~include~~ includes:
 - a. The placement or removal, whether temporary or permanent, of riprap, rocks, sand or other beach materials or any other forms of solid materials; or
 - b. The presence, whether temporary or permanent, of mechanized equipment or construction materials.
- (7) The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this district section.
- (8) The replacement of any structure, other than a public works facility, destroyed by natural disaster, provided any such replacement structure conforms to applicable current ~~zoning regulations~~ Zoning Code, is designed and intended for the same use as the destroyed structure, does not exceed the floor area, height, or bulk of the destroyed structure by more than ten (10) percent, and is sited in the same location on the same building site as the destroyed structure.

- (9) Development projects on tidelands, submerged lands, or on public trust lands, whether filled or unfilled, when such projects are permitted pursuant to a coastal development permit issued by the Coastal Commission.
- (10) Projects normally requiring a coastal development permit but which are undertaken by a public agency, public utility or person performing a public service as emergency measures to protect life and property from imminent danger or to restore, repair or maintain public works, utilities and services during and immediately following a natural disaster or serious accident, provided the Director, ~~EMA~~, and the Executive Director of the Coastal Commission are notified within three (3) days after the disaster or discovery of the danger regarding the type and location of the emergency measures to be performed. This exemption does not apply to the erection, construction, or placement of any structure with an estimated cost or market value in excess of twenty-five thousand dollars (\$25,000.00) in a permanent location.
- (11) Ongoing routine repair and maintenance activities of local governments, state agencies, and public utilities (such as railroads) involving shoreline works protecting transportation roadways, as specified in Board of Supervisors' Resolution No. 82-1917, adopted on December 22, 1982.

Sec. 7-9-40.6. ~~7-9-118.6~~ Coastal Development Permit Procedures

See Subarticle 6: Section 7-9-TBD, Coastal Development Permit Procedures.

- (a) ~~Approving authority and appellate body. Each coastal development permit application shall be processed in compliance with the requirements for use permits per section 7-9-150 unless otherwise stated herein. Normally, the approving authority for coastal development permits shall be the Zoning Administrator and the Planning Commission the appellate body. However, as provided for by section 7-9-150, when the director, EMA, determines that the public interest would be better served, the Director may forward the application the Planning Commission for action. In such cases, the Board of Supervisions shall serve as the appellate body.~~
- (b) ~~Requirements. Each application for a coastal development permit shall be filed in the form and number prescribed by the Director, EMA and shall be accompanied by:~~
 - (1) ~~Payment of fee set by resolution of the Board of Supervisors.~~
 - (2) ~~A location map showing the area to be developed in relation to nearby lots, streets, highways and major natural features such as the ocean, beaches, wetlands and other major landforms.~~
 - (3) ~~A plan, drawn to scale, in sufficient detail to indicate compliance with the certified Local Coastal Program.~~

- (4) ~~Any additional information determined by the Director, EMA to be necessary for evaluation of the proposed development.~~
- (c) ~~Referral of Application: It shall be the duty of the Director, EMA to:~~
 - (1) ~~Forward applications for comment to other reviewing officials and/or agencies as may be required by Local Coastal Program policies; and~~
 - (2) ~~Forward each application for requires dedication of a coastal development permit, together with his recommendation thereon, to the approving authority for action.~~

~~Any person may submit written comments on an application for a coastal development permit, at any time prior to the close of the applicable public hearing. Written comments shall be submitted to the Director, EMA who shall forward them to the approving authority.~~

- (d) ~~Public Notice:~~
 - (1) ~~A notice shall be mailed or delivered by the Director, EMA at least ten (10) calendar days before the public hearing on coastal development permit applications to the following people and agencies:~~
 - a. ~~Applicant.~~
 - b. ~~All persons owning property within three hundred (300) feet from the exterior boundaries of the premises to which the application pertains.~~
 - c. ~~All persons residing on a building site within one hundred (100) feet from the exterior boundaries of the premises to which the application pertains.~~
 - d. ~~The Coastal Commission.~~
 - e. ~~Any board or committee as provided in the certified LCP.~~
 - f. ~~Public agencies which, in the judgment of the director, EMA may have an interest in the project.~~
 - g. ~~All persons who have submitted a written request for public notice of all coastal development permit applications or who have submitted a written request for public notice for any development of the subject property, and who have submitted self-addressed, stamped envelopes.~~
 - (2) ~~Contents of notice.~~

- a. ~~_____ A statement that the development is within the Coastal Zone.~~
 - b. ~~_____ The date of filing of the application and the name of the applicant.~~
 - c. ~~_____ The number assigned to the application.~~
 - d. ~~_____ A brief description of the development and its proposed location.~~
 - e. ~~_____ The date, time and place at which the application will be heard by the local approving authority.~~
 - f. ~~_____ A brief description of the general procedure for the conduct of the hearing and possible actions.~~
 - g. ~~_____ The system for County and Coastal Commission appeals.~~
 - h. ~~_____ The fee for filing appeals.~~
- (3) ~~Notice of continued public hearing. If a hearing on a coastal development permit is continued to a time which has not been stated in the initial notice or stated at the public hearing, notice of the continued hearing shall be provided in the same manner and within the same time limits as required in subsections (1) and (2) above.~~
- (e) ~~Findings. A coastal development permit application may be approved only after the approving authority has made the findings required in section 7-9-150 and below:~~
- (1) ~~Specific factual findings that the proposed development project conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.~~
 - (2) ~~In addition to the findings required for a variance by section 7-9-150, the following finding shall also be made: "Approval of the application will result in a project which is in full compliance with the requirements of the certified land use plan."~~
- (f) ~~Appeals to the appellate body. The approving authority's decision regarding any coastal development permit application may be appealed in compliance with the provisions of section 7-9-150. Any person may submit written comments on a coastal development permit at any time, open space, or a conservation easement prior to recordation of a final tract or parcel map or prior to the closeissuance of the applicable public hearing. Written commentscoastal development permit, the legal dedication document shall be submitted toapproved by the Director, EMA, who shall forward them to the appellate body.~~

(g) ~~Notice of final county decision. Within seven (7) calendar days of (A) the appellate body decision or (B) the expiration of the fifteen calendar day appeal period to the appellate body, a notice of it shall be sent by first class mail to the following:~~

- ~~(1) The applicant.~~
- ~~(2) All persons who have submitted a written request for notification of action on this specific permit and who have submitted self-addressed, stamped envelopes.~~
- ~~(3) The Coastal Commission district office.~~
- ~~(4) Any board or committee as provided by the certified LCP.~~

~~The notice shall include conditions of approval and written findings. For decisions on developments which are appealable to the Coastal Commission, the notice shall include procedures for appeal of the County decision on the coastal development permit to the Coastal Commission. (Coastal Act/30333, 30620; 14. Cal Code of Regulations/13571(a)).~~

(h) ~~Final County decision. The County's decision on the coastal development permit application shall be considered final when both the following occur:~~

- ~~(1) All findings required by section 7 9 118.6(e) have been adopted.~~
- ~~(2) All rights to appeals before the appellate body have been exhausted.~~

~~However, the County's final decision shall not become effective if either of the following occur:~~

- ~~a. The notice of final County action does not meet the requirements of subsection (g) above.~~
- ~~b. An appeal is filed with the Coastal Commission prior to expiration of the Coastal Commission appeal period.~~

~~When either of the circumstances above occur, the Executive Director of the Coastal Commission shall, within five (5) calendar days of receiving the notice of final local government action, notify the County that the effective date of the County action has been suspended.~~

(i) ~~Appeals to the Coastal Commission.~~

- ~~(1) Appealable developments. A decision regarding a coastal development permit application for any of the following projects may be appealed to the Coastal Commission. Any such development may be appealed directly to the Coastal Commission without exhausting the appeal procedures to the appellate body~~

~~provided such appeal complies with the adopted regulations of the Coastal Commission.~~

a. ~~Development projects approved by the county located within any appealable area, as follows:~~

1. ~~All area between the sea and the first public road paralleling the sea, or within three hundred (300) feet of the inland extent of any beach or the mean high tide line of the sea where there is no beach, whichever is the greater distance;~~

2. ~~All areas not included in paragraph 1, above that are located on tidelands, submerged lands, public trust lands, within one hundred (100) feet of any wetland, estuary, or stream and all areas within three hundred (300) feet, both seaward and landward, of the top of the seaward face of any coastal bluff;~~

3. ~~All areas not included within paragraph 1, or 2, above that are located in a sensitive coastal resource area.~~

b. ~~Any development project approved by the County that is not designated as the "principal permitted use" as defined in section 7-9-118.3;~~

c. ~~Any development project which constitutes a major public works projects or a major energy facility.~~

(2) ~~Appeal procedures.~~

a. ~~An appeal of a decision may be filed by the applicant, by an aggrieved person, or by any two (2) member of the Coastal Commission.~~

b. ~~An appeal of a decision shall be filed before the expiration of the ten-working-day appeal period. The ten-working-day appeal period begins the day following receipt by the Coastal Commission of the county's notice of Final Action which meets the requirements of section (g) above.~~

(j) ~~Failure to act notice.~~

(1) ~~Notification by applicant. If the County has failed to act on an application within the time limit set forth in Government Code Sections 65950—69957.1, thereby approving the development by operation of law, the person, claiming a right to proceed pursuant to Government Code Sections 65950—65957.1 shall notify, in writing, the County and the Coastal Commission of his or her claim that the~~

~~development has been approved by operation of law. Such notice shall specify the application which is claimed to be deemed approved.~~

- (2) ~~Notification by County. If it is determined by the Director, EMA, that the time limits established pursuant to Government Code Sections 65950 through 65957.1 have expired, and the notice required by law has occurred, the Director shall, within seven (7) calendar days of such determination, notify the Coastal Commission and any persons or group entitled to receive notice pursuant to section 7-9-118.6(d) above that the application has been approved by operation of law pursuant to Government Code Sections 65950–65957.1 and, if applicable, that the application may be appealed to the Coastal Commission pursuant to section 7-9-118.6(i) above. This section shall apply equally to a determination by the County that the development has been approved by operation of law and to a judicial determination that the development has been approved by operation of law.~~

Sec. 7-9-40.7. 7-9-118.8 Open Space Easements and Public Access Documents

When a coastal development permit requires dedication of a public access, open space, or a conservation easement prior to recordation of a final tract or parcel map or prior to issuance of the coastal development permit, the legal dedication document shall be approved by the Director and the Executive Director of the Coastal Commission prior to such recordation or permit issuance. The offer of dedication shall be processed in the following manner:

- (a) After the Director has approved the offer of dedication, the offer of dedication, together with a copy of the coastal development permit conditions and findings, shall be forwarded to the Executive Director for review and approval. The Executive Director shall, within fifteen (15) working days after receipt of the documents, notify the Director and the applicant of any recommended changes to the dedication offer.
- (b) If the Director has not received a notice of recommended changes from the Executive Director at the end of the fifteen (15) working day period, the map may be recorded or the permit may thereafter be issued in compliance with applicable County procedures and regulations.
- (c) If the Executive Director has recommended changes in the offer of dedication, the subject map shall not be recorded, nor shall the permit be issued, until the offer of dedication has been revised in a manner satisfactory to, and as approved by, the Director and the Executive Director.

Sec. 7-9-40.8. 7-9-118.7 Enforcement Provisions

The purpose of this section is to provide regulations and procedures ~~which that will~~ shall ensure compliance with the California Coastal Act and with the requirements of all certified Local Coastal Programs and the provisions of this District.

- (a) **Violations.** ~~Notwithstanding the provisions of section 7-9-154.3, the~~ The following provisions are applicable within the CD District. A violation of a certified Local Coastal Program (LCP) may be prosecuted by the County of Orange in the name of the people of the State of California, or may be redressed by civil action.

Any person who violates any provision of the LCP shall be subject to a civil fine of not to exceed ten thousand dollars (\$10,000.00). In addition to any other penalties, any person who intentionally and knowingly performs any development in violation of the LCP shall be subject to a civil fine of not less than fifty dollars (\$50.00) nor more than five thousand dollars (\$5,000.00) per day for each day in which such violation occurs.

- (b) **Revocations.** Failure of any person to abide by and faithfully comply with any and all conditions that may be attached to the approval of a permit issued pursuant to the provisions of this District shall constitute grounds for the revocation of said permit.

The failure of any coastal development permit application to be processed in compliance with the requirements and procedures of this District shall constitute grounds for revocation for ~~any permit approved resultant to such noncompliance~~ such permit.

- (c) **Judicial ~~review~~ Review.** Any violation of the Zoning Code within the ~~"Coastal Development"~~ CD District shall also constitute a violation of Division 20 Section 30000 et seq. of the Public Resources Code ~~of the State of California~~ and shall be subject to the remedies, fines and penalties provided in Division 20, Chapter 9, Section 30800 et seq. of the Public Resources Code.

Sec. 7-9-41. ~~7-9-120-E~~ **Equine Combining District regulations**

All references to this ~~district~~ section shall include sections 7-9-120 ~~TBD~~ to through 7-9-120.8 ~~TBD~~.

Sec. 7-9-41.1. ~~7-9-120.1.~~ **Purpose and Intent**

The E Equine ~~(E)~~ District is established to allow the keeping of equine horses and ponies in certain developed residential areas up to specified numbers, so that residents may retain and preserve a semi-rural environment, including the retention of equestrian uses.

- (a) ~~The purpose of this district is to specify the number of equine which are allowed on residential properties.~~
- (b) ~~The intent is to maintain the rural, open space character of the County's traditional equestrian communities.~~

Sec. 7-9-41.2. ~~7-9-120.2.~~ Application

This district may be combined with any other district. In any district where the district symbol is followed by, as a part of such symbol, the parenthetically enclosed letter "E", (E), the additional requirements and procedures contained in this section shall apply. The district symbol shall constitute the "base district" and the (E) suffix indicates that the "combining district" also applies. Any ambiguity or conflict shall be resolved by the Director pursuant to section 7-9- TBD.

Sec. 7-9-41.3. ~~7-9-120.3.~~ General regulations

The following regulations shall be applicable to all properties located in any {E} District:

- (a) The regulations applicable to principal uses and structures in the underlying ~~zone~~ base district shall apply.
- (b) The total number of ~~equine horses and ponies~~ on a property shall not exceed one per five thousand (5,000) square feet unless a greater number is approved through a Recreational Equine Use Permit, per section 7-9-120.4.
- (c) For purposes of these regulations, the breeding of ~~equine horses and ponies~~ owned or leased by the property owner, resident, lessee, members of his/her immediate family, and/or mares present on the property temporarily for breeding purposes shall not be considered a commercial use.
- (d) ~~Enforcement of the provisions of this section shall be as set forth in section 7-9-154.~~

Sec. 7-9-41.4. ~~7-9-120.4.~~ Recreational Equine Use Permit.

- (a) A Recreational Equine Use Permit approved by the Zoning Administrator ~~pursuant to section 7-9-150~~ shall be obtained for the keeping of more than one (1) ~~equine horse or pony~~ for every five thousand (5,000) square feet on properties with an {E} designation: No more than one (1) ~~equine horse or pony~~ per three thousand five hundred (3,500) square feet shall be permitted under this section.
 - (1) No Recreational Equine Use Permit shall be granted unless all subject ~~equine horses and ponies~~ are owned or leased by the property owner, resident, lessee, members of his/her immediate family, ~~or~~ and any mares present on the property temporarily are for breeding purposes.
 - (2) The property owner, resident or lessee shall at any time after the filing of the permit application, and at all times after such permit is issued, make available proof of ownership of each ~~equine horse or pony~~ on the property to any County representative.

- (3) The Zoning Administrator shall provide forty-five (45) days for review and comment from citizen body(ies) designated by the Board of Supervisors regarding the application for a Recreational Equine Use Permit prior to the issuance of such permit. If no response is received from such designated citizens' body(ies) within the forty-five-day comment period, the citizens' body(ies) shall be deemed to have no objection to the issuance of the permit.
- (4) In addition to the foregoing, notice of the consideration of the permit shall be given as specified in section ~~7-9-150.3(c)(2)~~. 104.5 TBD
- (b) ~~Recreational Equine Use Permit Application submittal requirements.~~ Submittal Requirements. In addition to the information required by section ~~7-9-150~~TBD, each Recreational Equine Use Permit application shall include a signed declaration from the applicant attesting to the fact that the ownership of all of the ~~equine horses and ponies~~ on the property conforms with ~~7-9-120~~ TBD above.
- (c) An applicant for the Recreational Equine Use Permit may keep ~~equine horses and ponies~~ subject to the application on the property during the application process until notice has been received of the final disposition of the application.

Sec. 7-9-41.5. ~~7-9-120.5.~~ Revocation of Recreational Equine Use Permit

The Zoning Administrator shall conduct proceedings to revoke a Recreational Equine Use Permit pursuant to section ~~7-9-150.7~~TBD if a violation of any of its provision occurs. Wherever the term "Planning Commission" is used in that section, it shall mean "Zoning Administrator" for the purposes of revocation pursuant to this section only. An appeal of a decision of the Zoning Administrator upon a revocation proceeding to the Planning Commission shall be conducted pursuant to section ~~7-9-150.41~~ TBD and the Commission's decision shall be final, with no further appeals allowed.

Sec. 7-9-41.6. ~~7-9-120.6.~~ Nonconforming uses

- (a) For the purpose of determining whether or not an equine use was lawfully established pursuant to section ~~7-9-151(a)~~ of the Zoning Code, any property having a total area of more than five thousand (5,000) and less than ten thousand (10,000) square feet on the effective date of this ~~ordinance~~ Zoning Code shall be permitted to maintain no more than two (2) ~~equine horses or ponies~~ as a legal, nonconforming use recognized under this ~~ordinance~~ Zoning Code, without obtaining a Recreational Equine Use Permit pursuant to section ~~7-9-120.41.4~~ TBD and ~~7-9-150~~ TBD.
- (b) Consistent with Zoning Code section 7-9-151(c), a Recreational Equine Use Permit approved by the Zoning Administrator pursuant to section ~~7-9-120~~ TBD and ~~7-9-150~~ TBD shall be obtained for the keeping of more than two (2) ~~equine horses or ponies~~ on any property having a total area of more than five thousand (5,000) square feet and less

than ten thousand (10,000) square feet. ~~The~~In this instance, the density provision of section 7-9-120.4 TBD shall not apply to a property of this size.

Sec. 7-9-41.7. 7-9-120.7. Corral setbacks

~~Notwithstanding Zoning Code Section 7-9-137.5, the~~The following corral setbacks shall be allowed:

- (a) ~~Except for those regulations regarding the proximity of neighboring residential windows with equine specified in the Health Code, open~~Open rail corral fences up to five (5) feet in height with visual through-line-of-sight ~~may be~~are allowed up to a street right-of-way line through which no vehicular access is taken.
- (b) Those areas with vehicular intersection access shall have such fences angle back from the access points by following the angle line between two (2) points located on, and fifteen (15) feet distant from, the point of intersection of the access way and the street right-of-way line.

7-9-120.8. Severability

~~If any provision of this section 7-9-120, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this section to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this section are severable.~~

Sec. 7-9-42. 7-9-113. FP Floodplain Overlay District

~~All references to this section shall include sections 7-9-113TBD through 7-9-113TBD inclusive. The California Legislature has in Government Code sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the County of Orange does hereby adopt the following floodplain management regulations.~~

Sec. 7-9-42.1. 7-9-113.1 Purpose and Intent

The purposes of the FP Floodplain District include:

- (a) Prevention of loss of life and property and to minimize economic loss caused by flood flows;
- (b) Establishment of criteria for land management and land use in flood-prone areas that are consistent with the criteria promulgated by the Federal Emergency Management

Agency (FEMA) for the purpose of providing flood insurance eligibility for property owners;

- (c) Regulation and control of use of land below the elevation of the base flood flow within the floodplain; and
- (d) Compliance with the Cobey-Alquist Floodplain Management Act requirements for floodplain management regulations.

Sec. 7-9-42.2. 7-9-113.2-Definitions

~~The following definitions apply for floodplain management purposes in addition to any applicable definitions found in section 7-9-21, and those definitions incorporated from the County's adoption of the California Building Code and International Building Code.~~ Definitions of terms used countywide are in Part Subarticle 7, General Terms, of the Zoning Code. In this, section terms that has specific application to the FP Floodplain District are listed.

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year, i.e. "100-year flood."

Basement: Any area of the building having its floor subgrade—~~i.e.,~~ meaning below ground level ~~on~~ on all sides.

Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Coastal floodplain development study: A County of Orange report ~~which~~ that contains technical criteria and standards necessary to provide protection of property from the ocean along the unincorporated coastal plain.

Coastal high hazard area: The area subject to ocean related hazards, including but not limited to storms, hurricane wave wash, and tsunamis.

Development: ~~Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.~~ dddddddddd

Existing manufactured home park or subdivision: ~~A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before October 29, 1980.~~

~~**Expansion to an existing manufactured home park or subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

Flood: A general and temporary condition of partial or complete inundation of land areas from the overflow of inland and tidal waters, and the rapid accumulation of run-off of surface waters from any source and mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.

FHBM: Flood Hazard Boundary Map.

FIRM: Flood Insurance Rate Map

FIS: Flood Insurance study.

Flood insurance rate map ~~(FIRM)~~ and flood boundary and floodway map: The official maps on which the Federal Insurance Administration has delineated the areas of special flood hazard, the risk premium zones, and the floodways applicable to the community.

Flood insurance study: The official report provided by the Federal Insurance Administration that includes flood profiles, the flood insurance rate map, the flood boundary and floodway map, and the water surface elevation of the base flood.

Floodplain: The land area adjacent to a watercourse and other land areas susceptible to being inundated by water.

Floodplain administrator: The Director of ~~OC~~Orange County Public Works (OCPW), or his or her designee, who has the authority to administer, implement, and enforce Floodplain District regulations and grant or deny applicable development permits.

Floodproofing: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and that part of the floodplain reasonably required to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

~~**Highest adjacent grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.~~

~~**Historic structure:** Any structure that is:~~

- ~~1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;~~
- ~~2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;~~
- ~~3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or~~
- ~~4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.~~

Lowest floor: The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of sections 7-9-113—7-9-113.12.

Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

~~**Manufactured home park or subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.~~

New construction: For floodplain management purposes, means structures for which the "start of construction" commenced on or after October 29, 1980, and includes any subsequent improvements to such structures.

New manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after October 29, 1980.

Reference vertical datum: The National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, as applicable, to which base flood elevations shown

on a community's flood insurance rate map are referenced by the Federal Emergency Management Agency.

SFHA: ~~Special flood hazard area (SFHA):~~

Special flood hazard area: An area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

~~Start of construction: Includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.~~

~~Structure: A walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.~~

~~Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.~~

~~Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:~~

- ~~1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or~~
- ~~2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."~~

Violation: The failure of a structure or other development to be fully compliant with sections 7-9-113—7-9-113.12. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in sections 7-9-113—7-9-113.12 is presumed to be in violation until such time as that documentation is provided.

Sec. 7-9-42.3. 7-9-113.3. Application

- (a) **Floodplain Districts:** ~~These The FP Floodplain District ("FP District") regulations apply per section 7-9-48, special flood hazards, to those areas of the County which, under present conditions, that~~ are subject to periodic flooding and accompanying hazards.
- (1) The FP-1 ~~is intended to be applied~~ applies to areas shown as "floodway" on the December 3, 2009 or most current federal FIRMs and ~~FBFMs~~ FHBMs and to areas in which the County has determined that a floodway exists.
 - (2) The FP-2 ~~is intended to be applied~~ applies to areas shown as "A," "A1" through "A30," "AO," "AE," "AH," "A99" and "M" on the December 3, 2009 or most current federal FIRMs and FHBMs and to areas in which the County has determined to be a special flood hazard area.
 - (3) The FP-3 ~~is intended to be applied~~ applies to areas shown as "V" and "V1" through "V30", and "VE" on the December 3, 2009 or most current federal FIRMs or FHBMs and to areas in which the County has determined to be a coastal high hazard area.
 - (4) ~~This district may be combined with any other district.~~ In any district where the district symbol is followed by parenthetically enclosed "(FP-1)," "(FP-2)," or "(FP-3)," the additional requirements, limitations, and standards of this district shall apply. The district symbol shall constitute the base district, and the FP suffix shall constitute the combining district. In the event of less restrictive conflicting provisions between the base district and the combining district, the requirements of the FP-1, FP-2 or FP-3 shall take precedence.
 - (5) The areas of special flood hazard identified by FEMA in the Flood Insurance Study (FIS) for Orange County, California and incorporated areas dated December 3, 2009, with accompanying FIRMs and ~~FBFMs~~ FHBMs, dated December 3, 2009, and all subsequent amendments and/or revisions, are hereby adopted and incorporated by reference and declared to be a part of ~~sections 7-9-113—7-9-113.12. This FIS and attendant mapping is the minimum area of applicability of sections 7-9-113—7-9-113.12 and which is recommended to the Board of Supervisors by the Floodplain Administrator. The FIS, FIRMs and ~~FBFMs~~~~ this section. ~~for~~ The FIS, FIRMs, and FHBMs are on file at the Orange County Flood Control District, at its current address.

- (b) No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of sections ~~7-9-113—7-9-113.12~~ and ~~other applicable regulations~~. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor as governed by section ~~7-9-154~~. Nothing herein shall prevent the County of Orange from taking such lawful action as is necessary to prevent or remedy any violation 42.1 through 7-9-42.12 and other applicable regulations.
- (c) The degree of flood protection required by ~~sections~~section ~~7-9-113—7-9-113.12~~ 42 TBD is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and ~~will~~ shall occur on rare occasions. Flood heights may be increased by man-made or natural causes. ~~Sections~~Section ~~7-9-113—7-9-113.12~~ do ~~42~~ TBD does not imply that land outside the areas of special flood hazards or uses permitted within such areas ~~will~~ shall be free from flooding or flood damages. ~~Sections~~Section ~~7-9-113—7-9-113.12~~ 42 TBD shall not create liability on the part of the County of Orange or the Orange County Flood Control District, or its officers or employees thereof, for any flood damages that result from reliance on ~~sections 7-9-113—7-9-113.12~~ section 7-4-42 TBD or any administrative decision lawfully made hereunder.
- (d) These Floodplain District regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations and another ~~ordinance~~ Zoning Code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (e) In the interpretation and application of ~~sections~~section ~~7-9-113—7-9-113.12~~ 42 TBD, all provisions shall be considered as minimum requirements, liberally construed in favor of the County of Orange, and deemed neither to limit nor repeal any other powers granted under state statutes.
- (f) Until a regulatory floodway is adopted, no new construction, substantial improvement, or other development (including fill) shall be permitted within FIRM Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, ~~will~~ shall not increase the water surface elevation of the base flood more than one (1) foot.

Sec. 7-9-42.4. 7-9-113.4-Responsibilities of Floodplain Administrator

The Director of OC Public Works (OCPW), or his or her designee, is hereby appointed as Floodplain Administrator and has the authority to administer, implement, and enforce Floodplain District regulations, and grant or deny development permits. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (a) **Permit review.** Review all applications to determine that:

- (1) Permit requirements of sections ~~7-9-113—7-9-113.1242~~TBD have been satisfied.;
 - (2) All other required state and federal permits have been obtained;
 - (3) The site is reasonably safe from flooding; and
 - (4) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined, but a floodway has not been designated. This means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, ~~will~~ shall not increase the water surface elevation of the base flood more than one (1) foot.
- (b) **Review and use of any other base flood data.** When base flood elevation data ~~has~~ had not been provided in an application for a site development permit, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency or other source.
- (c) **Notification of other agencies.** Prior to the alteration or relocation of a watercourse, the Floodplain Administrator shall notify adjacent communities and the California Department of Water Resources, and submit evidence of such to FEMA. Assurance shall be given that the flood-carrying capacity within the altered or relocated portion of said watercourse is maintained.
- (d) **Documentation of Floodplain Development.** Documentation and records regarding floodplain development shall be maintained and made available to the public in accordance with federal and state law.

Sec. 7-9-42.5. ~~7-9-113.5.~~ Uses permitted

The following uses and specifically identified structures complying with section ~~7-9-146.1042~~TBD are permitted in the FP-1, FP-2, and FP-3 except as prohibited by section ~~7-9-11342.8~~TBD.

- (a) Agriculture.
- (b) Public flood control facilities and devices.
- (c) Public utility facilities.
- (d) Public parks and recreation areas.
- (e) Accessory uses and structures entirely of a storage nature ~~which~~ that are less than 120 square feet in floor area or 500 square feet for a wood frame garage; ~~and wood fences.~~

- (f) Walls, wood fences, and chain link fences and ~~other accessory uses and structures which~~ that satisfy the applicable development standards of ~~sections~~ section 7-9-113—7-9-113.12.68 TBD.
- (g) All recreational vehicles placed in Zones A1-30, AH, AE, V1-30 and VE on the community's FIRM ~~will either must~~ shall:
 - (1) Be on the site for fewer than 180 consecutive days, or
 - (2) Be fully licensed and ready for highway use. A For purposes of this section, a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - (3) Meet the ~~permit requirements of sections for coastal development permits in~~ Section 7-9-113—7-9-113.12.107 TBD and the elevation and anchoring requirements for manufactured homes.

Sec. 7-9-42.6. ~~Sec 7-9-113.6~~ Uses permitted subject to a site development permit

The following uses are permitted, subject to the approval of a site development permit per section 7-9-150TBD except as prohibited by section ~~7-9-113.42.8~~ 7-9-113.42.8 TBD.

- (a) **FP-2.** Other structures and uses, including manufactured homes, permitted by the base district ~~which meet the following additional standards must~~ shall:
 - 1. ~~Designed~~ Be designed and adequately anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic levels, including the effects of buoyancy.;
 - (2) ~~Constructed~~ Be constructed with materials resistant to flood damage.;
 - (3) ~~Constructed~~ Be constructed by methods and practices that minimize flood damage.;
 - (4) ~~For buildings including manufactured homes, Have~~ the elevation of the lowest floor, including the basement or cellar, ~~must~~ shall be at least one (1) foot above the base flood elevation. ~~(Informational Note: Flood insurance may still be required of the property owner by the lender if the building pad or foundation is at or below the base flood elevation.); and~~
 - (5) ~~Designed~~ Be designed so as not to significantly redirect flood flows against other unprotected structures and properties.

- (6) For manufactured homes that are placed or substantially improved, on sites located: (1) outside of a pre-existing manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to ~~an~~ a pre-existing manufactured home park or subdivision; or (4) in ~~an~~ a pre-existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:
- a. Within Zones A1-30, AH, and AE on the County's FIRM, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least one (1) foot above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - b. Within Zones V1-30, V, and VE on the County's FIRM, meet the requirements for coastal high hazard areas.
- (7) For manufactured homes that are placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE, V1-30, V, and VE on the County's FIRM that are not subject to the provisions of "(6)" above, ~~will~~ shall be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
- a. Lowest floor of the manufactured home is at or above the base flood elevation; or
 - b. ~~Manufactured~~ The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade.
- (8) For manufactured homes, upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a California-registered civil engineer or California-licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.
- (b) **FP-3.** All structures and uses permitted under subsection (a) above which meet the following additional standards:
- (1) Satisfy the design criteria of the Coastal Flood Plain Development Study.
 - (2) All new residential and non-residential construction and substantial improvements to existing structures and buildings ~~that are~~ shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings

or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached thereto ~~is must~~ shall be anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards. ~~(Informational Note: Flood insurance may still be required of the property owner by the lender if the building pad or foundation is at or below the base flood elevation.)~~

- (3) Located landward of the reach of the mean high tide.
- (4) All new construction and substantial improvements ~~having must~~ shall have the space below the lowest floor free of obstructions or constructed with breakaway walls. Such enclosed space shall not be used for human habitation and ~~will~~ shall be usable solely for the parking of vehicles, building access, or storage.
- (5) Fill shall not be used for the structural support of buildings.
- (6) Man-made alteration of sand dunes ~~which that~~ that would increase potential flood damage is prohibited.

Sec. 7-9-42.7. 7-9-113.7. Uses permitted subject to a use permit

The following uses are Commercial extraction related to flood control purposes is permitted in the FP-1, FP-2, and FP-3 subject to a use permit approved by the Zoning Administrator.

- (a) ~~Commercial extraction related to flood control purposes.~~

Sec. 7-9-42.8. 7-9-113.8. Prohibited uses

~~Notwithstanding sections 7-9-113.5 through 7-9-113.7, the~~ The following structures and uses are specifically prohibited in the FP-1, FP-2, and FP-3:

- (a) Structures and uses ~~which that~~ that would increase flood elevations during the occurrence of a base flood discharge.
- (b) Landfills, excavations, and grading or the storage of materials and equipment that would result in any diversion or increase in erosion, flood elevations, or related hazards to people or property.
- (c) Storage or disposal of floatable substances and materials or of chemicals, explosives, and toxic materials.

(d) **FP-3 only.**

- (1) The use of fill for structural support of buildings.
 - (2) The placement of manufactured homes except in manufactured home parks and subdivisions.
- (e) Specifically prohibited in any area under the control of the Orange County Flood Control District are structures, other than public flood control facilities and devices and public utility facilities, ~~which that~~ have not been reviewed and approved by the Floodplain Administrator for compliance with ~~7-9-113.6(a)(1)–(5) and 7-9-113.6(b)(2)–(6) above and 7-9-113.9(a)(3)–(10) below this section.~~
- (f) Encroachments within an adopted regulatory floodway are prohibited, including but not limited to fill, new construction, substantial improvements, and other development, unless certification by a California-registered civil engineer is provided, demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

Sec. 7-9-42.9. ~~7-9-113.9.~~ Site development permit procedures

In addition to the requirements of section ~~7-9-150~~105.1 ~~TBD~~, site development permits shall be in compliance with the following procedures:

- (a) A California-registered civil engineer shall certify in the application the following:
- (1) Any available base flood data ~~has~~have been reasonably utilized, including data from Federal, State, and County sources.
 - (2) The standards in section ~~7-9-113.42-6~~ TBD have been satisfied.
 - (3) Any floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.
 - (4) The flood carrying capacity within any altered or relocated portion of a watercourse is maintained.
 - (5) Electrical, heating, and plumbing equipment is designed and located to prevent water from entering or accumulating within the components during conditions of flooding.
 - (6) Water supply systems are designated to minimize or eliminate infiltration of floodwaters into the systems.

- (7) Sanitary sewerage systems are designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters.
 - (8) On-site waste disposal systems are located to avoid impairment or contamination during flooding.
 - (9) Fully enclosed areas below the lowest floor are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters or, within the FP-3, are enclosed within breakaway walls.
 - (10) On slopes, adequate drainage paths are provided to guide floodwaters around and away from proposed structures.
- (b) Applications shall include submittal of detailed drainage studies and plans indicating how site grading, in conjunction with any necessary drainage conveyance systems, ~~will~~ shall provide structures that are safe from flood flows ~~which~~that may be expected from floods up to and including the base flood. The grading plan shall include on-site finished grade elevations and the base flood elevations, both related to the applicable reference vertical datum. Building plans shall show the elevation of the bottom of the lowest floor, including basements and cellars.
- (c) The applications shall include a County of Orange "Elevation Certificate" identifying the base flood elevation and certifying that the planned elevation of the lowest floor, including basements, is at least one (1) foot above the base flood elevation.
- (d) The application shall include evidence that all necessary permits as required by ~~Federal~~federal and ~~State~~state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, have been received.
- (e) All site development permits shall be conditioned as follows:
- (1) Prior to issuance of final certificates of use and occupancy for any building, the applicant shall submit to the Manager, Building Inspection the County of Orange "Elevation Certificate" identifying the base flood elevation and certifying that the constructed elevation of the lowest floor, including basements, is at least one foot above the base flood elevation.
 - (2) When base flood elevation changes occur due to physical alterations, the applicant shall submit technical or scientific data as part of their application to FEMA for a letter of map revision (LOMR). This data ~~must~~ shall be submitted to FEMA within six months of information becoming available, or issuance of final certificate of use and occupancy for any building, whichever comes first.
 - (3) Prior to issuance of any building permit for flood control projects, all LOMRs, if required for the project, ~~must~~ shall be submitted to the satisfaction of the

Floodplain Administrator. ~~Building permits will not~~ No building permit shall be issued based on conditional letters of map revision (CLOMR's) from FEMA, they shall only be issued upon a final LOMR.

- (4) Prior to issuance of any grading or building permit, the applicant ~~must~~ shall demonstrate to the satisfaction of the Floodplain Administrator that the proposed development would not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development ~~will~~ shall not increase the water surface elevation of the base flood more than one (1) foot.

Sec. 7-9-42.10. ~~**7-9-113.10. 1Nonconforming uses**~~ **Nonconforming Uses and structures** ~~**Structures in FP Districts**~~

Any use or structure lawfully existing on any property that is made nonconforming by the application of the FP District regulations, or by any amendment of the FP District regulations, shall be subject to the provisions of section 7-9-151, ~~TBD~~ except as follows:

~~Repairs~~ 110 (Nonconforming Uses and Structures), except that repairs or improvements done in any period of twelve (12) months not exceeding fifty (50) percent of the ~~value~~ replacement cost of the building, as determined by the Floodplain Administrator, shall be exempt from the FP District regulations, provided that the square footage of the building, as it existed at the time this article or amendments thereto take effect, are is not increased.

Sec. 7-9-42.11. ~~**7-9-113.11. Exceptions**~~ **Exceptions** to FP District ~~**regulations**~~ **Regulations**

The Floodplain Administrator may determine that certain properties within an FP District are not required to comply with the provisions of the FP District regulations when ~~any of the following circumstances or conditions are present:~~ the zoning map includes property within an FP District that does not meet the purpose and intent for that district.

- (a) ~~The zoning map includes property within an FP District that does not meet the purpose and intent for that district.~~ The Floodplain Administrator's determination shall be based upon a study of topographic and base flood elevation contours on the subject property and on such additional information as he/she finds necessary or appropriate. Additional information ~~could~~ may include evidence of flood protection or floodproofing, if applicable, to protect against the base flood and improvements in compliance with the County's flood control and flood protection standards and policies for streams, channels, storm drains or landfills fully offsetting flood surface elevations established by appropriate maps and/or computations.

- (b) If the property is also included within a floodplain on a FIRM or a FBFM, the appropriate approvals from FEMA have been obtained.

Sec. 7-9-42.12. ~~7-9-113.12.~~ Variances from FP District site development standards

- (a) A variance from FP District site development standards may be requested and is processed pursuant to section 7-9-150.1(e). ~~105.4 TBD.~~ No such variance ~~may~~shall be approved without the following findings in addition to those specified in ~~Section~~section 7-9-150.3(e)(2). ~~105.4 TBD:~~
- (1) That granting of this variance will shall not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance, or cause fraud on or victimization of the public. In examining this requirement, the approving authority decision-making body has considered that every reconstructed or newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates;
- (2) That hardship circumstances (identified in the approval action) are exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional (~~here,~~ (Eligibility of a structure to be placed in the National Register of Historic Structures may be found to be such a circumstance); and
- (3) That the variance is the minimum necessary, considering the flood hazard, to afford relief. Minimum necessary means to afford relief with a minimum of deviation from the requirements of sections 7-9-113-~~42.1~~ TBD through 7-9-113-42.12 TBD.
- (b) The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined ~~by statute~~ according to actuarial risk and ~~will~~are not ~~be~~ modified by the granting of a variance.

Sec. 7-9-43. ~~7-9-116.~~ GPI General Plan Implementation Combining District regulations

All references to this section shall include sections 7-9-43.1 through 7-9-116.1. ~~43.5.~~

Sec. 7-9-43.1. ~~7-9-116.1~~ Purpose, intent and authority

- (a) **Purpose and Intent.** The purpose of ~~this district~~ the GPI General Plan Implementation Combining District is to provide a method which ~~will~~ shall permit the development of land in a manner ~~which that~~ is consistent with the General Plan within zoning districts ~~which that~~ are not or may not be entirely consistent with the ~~objectives, policies, general land uses, and programs specified by the General Plan, and to serve.~~ The GPI designation serves as a temporary control to provide assurance that property ~~will~~ shall not be developed in a manner ~~which that~~ is inconsistent with the General Plan, until applicable ~~zoning regulations~~ Zoning Codes are consistent. When it is found that a proposed land development is consistent with the ~~objectives, policies, general land uses, and programs specified by the General Plan,~~ and is in accordance with the regulations of this district, such development may proceed, in compliance with the regulations of the base district.
- (b) **Authority, and Policy Direction.** The application of this district to parcels ~~which that~~ have been found to be zoned in a manner ~~which that~~ is inconsistent with the ~~objectives, policies, general land uses and programs specified by the General Plan~~ is intended to be one of the preliminary steps in the County's program to bring zoning into consistency with the General Plan as required by Section 65860 of the Government Code ~~of the State of California.~~ Application of the GPI District to any real property constitutes the authority and directive to the Director, ~~EMA~~ to prepare revisions and amendments, either by zone change or ~~general plan~~ General Plan amendment or both, as necessary to make applicable ~~zoning regulations~~ Zoning Codes consistent with the General Plan.

Sec. 7-9-43.2. ~~7-9-116.2.~~ Application

~~This district~~ The GPI District may be combined with any other district. In any district where the symbol is followed by, as part of such symbol, parenthetically enclosed letters "GPI," thus (GPI), the additional requirements and standards contained within this district shall apply. The district symbol shall constitute the "base district" and the (GPI) suffix shall constitute the "combining district."

Each ~~Zoning ordinance~~ Code applying the GPI District to specific property shall specify the length of time during which such ~~ordinance~~ Zoning Code is to be effective. However, if a ~~ordinance~~ Zoning Code is adopted ~~which that~~ does not specify an effective period, the ~~ordinance~~ Zoning Code shall expire thirty-six (36) months after the date of adoption. At the end of such time limitation, if appropriate revisions are necessary to make the ~~zoning regulations~~ Zoning Codes consistent with the General Plan or if another ~~ordinance~~ Zoning Code applying the GPI District to the property has not been adopted, application of the GPI regulations to the property shall expire, and the ordinance applying the GPI District shall thereafter be null and void.

The time limitation provisions specified above are not applicable to any interim ~~ordinance~~ Zoning Code adopted as an urgency measure in compliance with the provisions of Section 65858 of the Government Code.

Sec. 7-9-43.3. ~~7-9-116.3.~~ Uses ~~permitted~~ Permitted and Prohibited Uses

Any use permitted by the base district regulations, when such use is found to be consistent with the General Plan, ~~[is permitted in the GPI District]~~. All other uses are prohibited.

~~7-9-116.4.~~ Prohibited uses

~~Uses not permitted by section 7-9-116.3 are specifically prohibited.~~

Sec. 7-9-43.4. ~~7-9-116.5.~~ Site ~~development standards~~ Development Standards

The establishment, operation, maintenance or expansion of the uses permitted by section 7-9-~~116.43.3~~ TBD shall ~~be in compliance~~ comply with the standards of the base district.

Sec. 7-9-43.5. ~~7-9-116.6.~~ Finding of consistency with the General Plan

Prior to the establishment, operation, maintenance or expansion of the uses permitted by section 7-9-~~116.43.3~~ TBD, the ~~approving authority~~ decision-making body, or the Director, ~~EMA~~ if no discretionary permit is required, shall find that the proposed use is consistent with the General Plan. Consistency findings shall be made in compliance with the following procedures.

(a) Determination by Director, ~~EMA~~.

- (1) For all projects where no discretionary permit requiring a consistency finding is required, the consistency finding shall be made by the Director, ~~EMA~~ except as otherwise provided in (2).
- (2) In any instance where the Director, ~~EMA~~ finds that the proposed use is, or may be controversial, or of community interest, he shall forward the proposal to the Planning Commission.

(b) Determination by ~~approving authority~~ decision-making body.

- (1) For all proposed uses not included in (a), the consistency finding shall be made by the ~~approving authority~~ decision-making body at a regularly scheduled, duly-noticed meeting.
- (2) When the Director finds that the proposed use is of a nature that may impact or cause concern to nearby property owners, the consistency finding shall be processed as a public hearing item in compliance with the procedures of section 7-9-~~150.3(c)-104~~ TBD.

(c) Request for Finding. Each request for a finding as to consistency with the General Plan shall ~~be in compliance with~~ include the following ~~procedure~~ information:

- (1) Requests for single-family residential uses shall include ~~plans containing the following information: Plot~~plot plans, drawn to scale, fully dimensioned and easily readable, containing the following:
 - a. Title block (applicant's name and date drawn).
 - b. Scale and north arrow.
 - c. Property lines of building sites (dimensioned).
 - d. Buildings; existing and proposed, location, size (number of units).
 - e. Uses; existing₂ and proposed.
 - f. Streets; location, name₂ and width.
 - g. Easements; location, purpose₂ and width.
 - h. Access (driveways, etc.); existing and proposed.
 - i. Topography and grading plans₂ where applicable.
 - j. Existing structures on abutting properties; location, height, uses.
- (2) Requests for all uses other than single-family residential uses shall include plot plans containing all the above information plus the following:
 - a. Parking areas, designed to County standards.
 - b. Proposed signs; location, height, and dimensions ~~and copy~~.
 - c. Fencing or walls; type, location and height.
 - d. Landscape areas proposed; (dimensioned and totaled).
 - e. Outdoor uses (where permitted); location and type.
- (3) Each request for a consistency opinion shall be submitted in the form and manner required by the Director, ~~EMA~~. When the base district regulations require or permit the proposed use subject to approval of a discretionary permit, the discretionary permit may be used to make the consistency determination, provided such procedure is in compliance with the provisions of this district.

- (d) If the Planning Commission or Director, ~~EMA~~ determines that additional data, plans or reports are necessary to assist ~~the approving authority~~ decision-making body or Director in making the finding required by this district, such additional information may be requested and shall be provided.
- (e) When a consistency request is not processed concurrently with a discretionary permit or proposal, the Planning Commission or Director, ~~EMA~~ shall review the plans and supporting data within forty (40) days after their submittal to and acceptance by the Director, ~~EMA~~ as complete.
- (f) Any determination by ~~the approving authority~~ decision-making body or Director, ~~EMA~~, regarding a consistency request shall be based on a finding by ~~the approving authority~~ decision-making body or Director that a proposed use is consistent, or ~~will~~ shall be consistent when made subject to certain conditions.
- (g) A consistency determination shall not constitute approval of a project, but shall be limited to a finding that a proposed project is consistent or inconsistent with the General Plan. However, a project may be found to be inconsistent, but with a condition stating that it ~~will~~ shall be consistent if certain specified changes are made or conditions ~~are complied with~~ met.
- (h) The Director, ~~EMA~~ shall enforce any condition of approval and insure that development is in compliance with the determination.
- (i) No use shall be established or expanded within the GPI District unless and until a determination has been made, in compliance with the provisions of this District, ~~that~~ such use is consistent with the General Plan.

Sec. 7-9-44. ~~7-9-148-H~~ Housing Opportunities Overlay District ~~regulations~~

All references to this section shall include sections ~~7-9-148.1 through 7-9-148.7~~ 7-9-44.1 to 7-9-44.8.

Sec. 7-9-44.1. ~~7-9-148.1.~~ Purpose and ~~intent~~Intent

The purpose of ~~this section~~ the H Housing Opportunities overlay regulations is to provide for the development of affordable rental housing within commercial and/or industrial districts, and on building sites zoned for high density residential uses adjacent to specified arterial highways, in which all of the housing units are reserved for households which earn eighty (80) percent or less of the County median income as verified by the County of Orange, and seventy (70) percent of the units are reserved for low income households and thirty (30) percent of the units are reserved for very low income households. This section also provides regulations intended to facilitate the establishment of emergency shelters and multi-service centers for the homeless pursuant to applicable state law. The intent is to facilitate the realization of affordable housing objectives presented in the Orange County Housing Element of the General Plan.

Sec. 7-9-44.2. ~~7-9-148.2.~~ Application

- (a) ~~This section~~ These H overlay regulations apply ~~ies~~ to residential rental projects that are one hundred (100) percent affordable, to emergency shelters, ~~as defined in Section 7-9-26,~~ and to multi-service centers for the homeless, ~~as defined in Section 7-9-34,~~ which ~~satisfy the purpose and intent stated above and which~~ that are located in the following base zoning districts:

C1 “Local Business” District.

C2 “General Business” District.

CC “Commercial Community” District.

CH “Commercial Highway” District.

CN “Commercial Neighborhood” District.

PA “Professional and Administrative Office” District.

M1 “Light Industrial” District.

This section also applies to residential rental projects that are one hundred (100) percent affordable ~~which satisfy the purpose and intent stated above and which~~ that are located on building sites adjacent to specified arterial highways in the following zoning districts:

R2 “Multifamily Dwellings” District.

R3 “Apartment” District.

R4 “Suburban Multifamily Residential” District.

RP “Residential-Professional” District.

- (b) ~~For this section~~ For purposes of subsection (a) above, the specified arterial highways are those defined on the Master Plan of Arterial Highways (MPAH) as follows:

Principal (8 lane divided).

Major (6 lane divided).

Primary (4 lane divided).

Secondary (4 lane undivided).

- (c) Residential rental projects and emergency shelters to which this section applies include ~~the following:~~
- (1) Projects located on building sites and/or within structures without existing residential, commercial and/or industrial uses.;
 - (2) Projects located on building sites and/or within structures that include residential, commercial and/or industrial uses. ; and
 - (3) Projects wherein residential uses replace residential, commercial and/or industrial uses in a pre-existing structure.
- (d) In all cases, the residential projects and emergency shelter uses ~~must shall satisfy these~~ conform to all of the regulations in this section, including the site development standards ~~in sections 7-9-148.7 and 7-9-148.8.~~
- (e) Any commercial, and/or industrial uses ~~must shall~~ satisfy the base district regulations.

Sec. 7-9-44.3. 7-7-148.3 Site development permit

The residential projects, emergency shelters, and multi-service centers for the homeless allowed herein shall be subject to the approval of an administrative site development permit ~~per section 7-9-150~~ unless otherwise stated.

Sec. 7-9-44.4. 7-9-148.4. Temporary uses permitted

Certain temporary uses, permitted per section 7-9-136 TBD, are allowed.

Sec. 7-9-44.5. 7-9-148.5. Accessory uses permitted

The following accessory uses and structures are permitted when customarily associated with, and subordinate to, a permitted residential use on the same building site and when consistent with the approved site development permit for the project and any other regulations in this Zoning Code that apply.

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

- (a) ~~(1)~~ Garages and carports;
- (b) ~~(2)~~ Fences and walls;
- (c) ~~(3)~~ Patio covers;

- (d) ~~(4)~~ Swimming pools.
- (e) ~~(b)~~ Signs ~~per section 7-9-144~~ except no roof signs or projecting signs.
- (f) ~~(c)~~ Noncommercial keeping of pets and animals ~~per section 7-9-146.3.~~
- (g) ~~(d)~~ Home occupations ~~per section 7-9-146.6.~~
- (h) ~~(e)~~ Manager's unit, which is exempt from affordability requirements.
- (i) ~~(f)~~ Child day care facility, per the Housing Opportunities Manual.
- (j) ~~(g)~~ Accessory uses and structures ~~which that~~ the Director finds are consistent with the design of the ~~development project and consistent with~~ the purpose and intent of these overlay regulations.

Sec. 7-9-44.6. 7-9-148.6. Housing Opportunities Manual

The Planning Commission shall adopt such guidelines, design criteria, and procedures as may be necessary or convenient to administer this section in compliance with the Housing Element. Such guidelines, design criteria, and procedures shall be referred to as the "Orange County Housing Opportunities Manual."

Sec. 7-9-44.7. 7-9-148.7. Residential site development standards

- (a) The site development standards for residential uses shall be as follows:
 - (1) Base district site development standards.
 - (2) Maximum density of twenty-five (25) dwelling units per gross acre for sites located in commercial or industrial zoning districts.
 - (3) Off-street parking per the residential requirements of section 7-9-145 ~~74.3~~ TBD.
 - (4) Other standards as may be provided in the Orange County Housing Opportunities Manual.
- (b) Density bonuses, development incentives, and/or waivers of development standards may be granted pursuant to ~~section 7-9-140~~ TBD of the Zoning Code.
- (c) A graduated density incentive shall be granted when parcels smaller than one-half (0.50) acre are consolidated as part of a project. The increased density shall be in addition to any other density bonus ~~pursuant to section 7-9-140~~ available under this Zoning Code and shall be calculated as follows:

Project Size (after lot consolidation)	Base Density
Less than 0.50 acre	25 units/acre
0.50 to 0.99 acre	27.5 units/acre (10% increase)
1.00 acre or more	30 units/acre (20% increase)

Sec. 7-9-44.8. ~~7-9-148.8.~~ Emergency shelter and multi-service center for the homeless site development standards and operational requirements

- (a) One (1) County-sponsored multi-service center may be permitted in the unincorporated area with a maximum of two hundred (200) beds. The County-sponsored multi-service center may be granted a waiver from the standards and requirements of this section by the Director.
- (b) An emergency shelter or multi-service center shall not be allowed on parcels or building sites which share a side parcel line with a residential use.
- (c) An emergency shelter or multi-service center shall comply with the site development standards of the base district.
- (d) In addition to the base district site development standards, an emergency shelter or multi-service center shall comply with the following standards and requirements:
 - (1) A management and operations plan shall be submitted for review and approval prior to operation of the emergency shelter or multi-service center. The management and operations plan shall be in compliance ~~comply with the provisions of~~ the Orange County Housing Opportunities Manual.
 - (2) No facility shall be permitted less than three hundred (300) feet from another emergency shelter or multi-service center, measured from the nearest property lines.
 - (3) Emergency shelters may have ~~a maximum of up to~~ fifty (50) beds. ~~Larger emergency shelters, by right or up to a maximum of one hundred fifty (150) beds, may be permitted subject to approval of~~ with a use permit per section 7-9-150 ~~TBD~~.

- (4) Multi-service centers ~~shall be associated with an emergency shelter and have~~ are subject to the same limitations as section 7-9-148 TBD (d)(3) above unless co-sponsored by the County as set forth in section 7-9-148.8(a).
 - (5) Off-street parking shall be provided at a rate of one (1) space per four (4) beds, plus one (1) space for each staff person (paid or volunteer) on duty.
 - (6) An intake and waiting area shall be provided ~~at~~with a minimum floor area of ten (10) square feet per bed. Exterior waiting area shall be physically separated and visually screened from the public right-of-way and be of sufficient size to prevent queuing in public right-of-way.
 - (7) One (1) toilet and shower shall be provided for each ten (10) beds. Separate facilities shall be provided for men and women.
 - (8) Bike racks shall be provided on site for use by staff and clients.
 - (9) The following may be provided ~~but shall be located inside the facility:~~ kitchen, dining hall, laundry facilities and storage lockers.
 - (10) On-site management shall be required at all times that the shelter is in operation and the number of staff on duty shall be addressed in the approved management plan.
 - (11) An on-site covered trash enclosure shall be provided.
 - (12) An emergency shelter or multi-service center shall be open twenty-four (24) hours a day, unless an exemption is granted.
 - (13) Maximum consecutive length of stay shall be one hundred eighty (180) days.
 - (14) Facility operator shall remove any trash from the premises daily and ensure there is no loitering.
- (e) In the event of a conflict between the base district regulations and these standards, the provisions of this section shall control.

Sec. 7-9-45. MX Mixed-Use Overlay (NEW)

All references to this section shall include sections 7-9-45.1 through 7-9-45.7.

Sec. 7-9-45.1. Purpose and Intent

The purpose of the Mixed-Use Overlay regulations is to facilitate the vertical and horizontal mixing of retail, office, and residential uses and the development of mixed use buildings

accommodating both residential and employment activities. In both infill contexts and in larger projects, these regulations shall facilitate the inclusion of cultural, civic, educational, and urban recreational uses and support transit-oriented development and alternative modes of transportation. These regulations also provide the regulatory framework for qualifying projects seeking a mixed use development project bonus under section 7-9-TBD, which is provided in return for including affordable housing in a mixed use development project.

Sec. 7-9-45.2. 7-9-40.14. — Application

- (a) These Mixed-Use overlay regulations may be combined with any of the following base zoning districts:

C1 “Local Business” District.

C2 “General Business” District

CC “Commercial Community” District.

CH “Commercial Highway” District

CN “Commercial Neighborhood” District.

- (b) These regulations also may be used, by reference, in a Planned Community or Specific Plan area.

Sec. 7-9-45.3. 7-9-40.15 Use Permit

All projects utilizing these overlay regulations shall be subject to a use permit to the Planning Commission.

Sec. 7-9-45.4. 7-9-40.16. Additional Land Use Regulations

Within the Mixed-Use Overlay, in order to avoid land use conflicts and implement General Plan concepts for mixed use, the following additional land use regulations apply and supersede base district regulations.

- (a) Multi-unit dwellings are allowed above the ground level in any mixed-use building.
- (c) No automobile/vehicle sales and services are allowed, including automobile/vehicle service and repair (major and minor), service and gas stations, and automobile/vehicle washing and services.
- (d) No wholesale trade, warehouse, storage, and distributions are allowed.

Sec. 7-9-45.5. 7-9-40.17. Development Standards

Within the Mixed-Use Overlay, the following modifications to base district development standards and to the parking regulations may be allowed with approval of a use permit by the Planning Commission for a mixed use project.

- (a) Maximum building height: maximum height of the base district. Increased height may be granted through the provision of affordable units in the project.
- (b) Minimum front and street side building setbacks: setbacks established for the base district. Reduced to ten (10) feet in the CN district.
- (c) Maximum building site coverage: 60% of the lot.
- (d) Maximum allowable residential density: 33 units per net development acre with a minimum site area per unit of 1,000. Increased density may be granted through the provision of affordable units in the project.
- (e) Minimum usable open space (residential uses): 150 sq. ft. per unit of which 100 sq. ft. shall be private and accessible from the unit. The balance may be provided by rooftop or common area open space.
- (f) Off-street parking for residential units in mixed use buildings:
 - (1) Zero to one-bedroom dwelling units: One off-street parking spaces for each dwelling unit.
 - (2) Two-bedroom dwelling units: One and a half (1.5) off-street parking spaces for each dwelling unit.
 - (3) Three or more bedroom dwelling units: Two (2) off-street parking spaces for each dwelling unit, plus one-half (0.5) off-street parking space for each bedroom in excess of three (3).
 - (4) Guest parking: In addition to the above, two-tenths (0.2) guest parking spaces per dwelling unit for projects with 10 or more units in a mixed-use building:
 - (5) Off-site parking spaces, including guest spaces, may be located up to four hundred (400) feet walking distance along an accessible path to the entry to the building where the dwelling units they serve are located.
- (g) Off-street parking for non-residential uses in mixed use buildings:

- (1) Ground level retail and restaurants: none for tenant spaces occupying 2,000 square feet or less, and 1 for each 300 square feet of gross floor area exceeding 2,000 square feet
- (2) Health studios/gyms and spas: 1 for each 200 square feet of gross floor area
- (3) Commercial lodging (motels and hotels): 0.85 for each guest unit, plus additional parking for accessory uses individually occupying more than 2,000 square feet
- (4) Offices: 1 for each 300 square feet of gross floor area

Sec. 7-9-45.6. 7-9-40.18. Supplemental Regulations

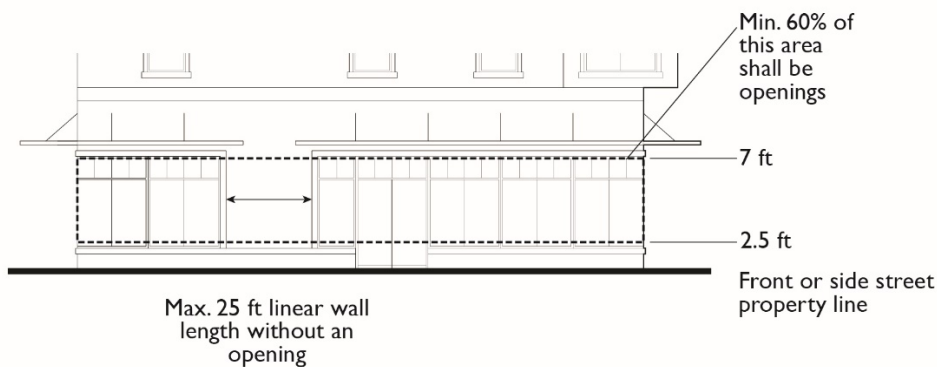
- (a) Residential Density. Additional residential density may be approved when density bonuses are granted for affordable housing under section 7-9-90 TBD.
- (b) Street Frontage Improvements. New mixed-use development shall provide street frontage improvements in accordance with the following:
 - (1) *Between the Property Line and Curb.*
 - a. *Sidewalks.* Sidewalks shall be provided if none exist or if the existing sidewalks are in poor condition.
 - b. *Street Furniture.* Trash receptacles, benches, bike racks, and other street furniture shall be provided.
 - c. *Street Lights.* Pedestrian-scaled street lights, including attachments from which banners may be hung, may be required or requested.
 - d. *Street Trees.* Shade trees shall be planted no more than thirty (30) feet on center. Tree guards shall be provided. Trees shall be a minimum of fifteen (15) gallons in size, and at least ten (10) percent of the required trees shall be 24-inch box size or larger subject to traffic safety review.
 - (2) *Interior from Property Line.* Except where occupied by a building or necessary for parking access, the street frontage, for a depth of ten (10) feet from the property line, shall be utilized for pedestrian circulation or active outdoor uses, including, but not limited to outdoor dining; paved for public uses so that it functions as part of a wider public sidewalk; or improved with landscaping, public art, and/or pedestrian amenities, such as outdoor seating.

(c) Building Orientation and Entrances.

- (1) Buildings shall be oriented to face public streets.
- (2) At least one entrance shall be provided per one-hundred (100) linear feet of building frontage unless the building has unique security needs.
- (3) Entrances located at corners shall generally be located at a 45-degree angle to the corner and shall have a distinct architectural treatment to animate the intersection and facilitate pedestrian flow around the corner.
- (4) Entrances to residential units shall be physically separated from the entrance to the permitted commercial uses and clearly marked with a physical feature incorporated into the building or an appropriately scaled element applied to the facade.

(d) Building Transparency; Required Ground Level Openings for Non-Residential Uses. Exterior walls facing and within twenty (20) feet of a front or street side building line shall include windows, glass doors, or other openings for at least sixty (60) percent of the building wall area located between 2.5 and seven feet above the level of the sidewalk. No wall facing a street and within 20 feet of a front or street side building line may run in a continuous plane for more than 25 feet without a window or other opening.

FIGURE 7-9-TBD: REQUIRED OPENINGS FOR NON-RESIDENTIAL USES



- (1) **Design of Required Openings.** Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
- (2) **Exceptions for Parking Garages.** Multi-level garages are not required to meet the building transparency requirement of this subsection.

(e) **Pedestrian Access.**

- (1) **Internal Connections.** On sites greater than 2.5 acres in size, a system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
- (2) **To Circulation Network.** Regular connections between on-site walkways and the public sidewalk and other planned or existing pedestrian routes and trails shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.
- (3) **To Neighbors.** Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible, while still providing for safety and security.
- (4) **Interior Pedestrian Walkway Design.**
 - a. Walkways shall have a minimum clear, unobstructed width of six feet, where feasible, and shall be hard-surfaced with concrete, stone, tile, brick, or comparable material.
 - b. Where a required walkway crosses driveways, parking areas, or loading areas, it ~~must~~ shall be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method. Shall meet ADA requirements.
 - c. Where a required walkway is parallel and adjacent to an auto travel lane, it ~~must~~ shall be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

Sec. 7-9-46. 7-9-117 O Oil Production (~~O~~)Combining District

~~Permitted.~~ In any district where the district symbol is followed by, as a part of such symbol, parenthetically enclosed letter "O," thus (O), oil drilling and production of oil, gas and other hydrocarbon substances is permitted.

All drilling and production of oil, gas and other hydrocarbon substances, permitted pursuant to this section are subject to the regulations of the Orange County Oil Code (Sec. 7-8-1 through 7-8-53).

Sec. 7-9-47. Zoning District Maps. 7-9-103 PC Planned Community Combining District regulations

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

Sec. 7-9-47.1. Purpose and Intent

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

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

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

- (a) A PC text, per section 7-9-~~10348.5~~ TBD, specifying regulations such as uses permitted and site development standards applicable to all areas of the planned community.
- (b) A statistical summary, per section 7-9-~~10348.6~~ TBD, regulating the maximum/minimum of certain aspects of development for the PC as a whole.
- (c) A PC zoning map, per section 7-9-~~10348.7~~ TBD, showing the exterior boundaries of the planned community and any applicable overlay or combining districts.
- (d) A PC development map per section 7-9-~~10348.8~~ TBD, showing certain general and certain detailed information such as the general location of infrastructure facilities and a detailed statistical table regulating land uses in each PC planning area.

Sec. 7-9-47.2. ~~7-9-103.2~~ General provisions and regulations

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

- (a) **Standard Provisions:** Each planned community is subject to the following standard general provisions in addition to other provisions of the Zoning Code. For convenient

reference they may be included verbatim in any PC Program at the option of the preparer of the plan, but shall not be changed.

- (1) All construction and development within the Planned Community shall comply with applicable provisions of the Uniform Building Code and the various related mechanical, electrical, plumbing codes, the Grading and Excavation Code and the Subdivision Code and Sign Code, as currently adopted by the Board of Supervisors. In case of a conflict between the specific provisions of any such code and these regulations, the provisions of those codes shall prevail.
- (2) The setback and building height requirements shall be as specified by each land use district of the PC Program. The methods used for determining building setbacks and building heights shall be the same as those used in the Zoning Code.
- (3) ~~All building sites shall comply with the provisions of section 7-9-126, "Building site requirements."~~
- (4) If an issue, condition or situation arises or occurs that is not sufficiently covered or provided for in the PC Program so as to be clearly understandable, the Director, ~~EMA~~, shall determine which regulations are applicable, ~~as authorized by section 7-9-20(c).~~ Those regulations of the Zoning Code that are applicable for the most similar use, issue, condition or situation shall be used by the Director, ~~EMA~~, as guidelines to resolve the unclear issue, condition, or situation.
- (5) All conditions, requirements and standards, indicated graphically or in writing as part of any approved discretionary permit or detail plan granted by authority of these regulations shall have the same force and effect as these regulations. Any use or development established as a result of such approved permit or plan but not in compliance with all such conditions, requirements, or standards shall be in violation of this PC Program. The provisions of section 7-9-~~154109~~ TBD, "Enforcement ~~provisions~~ Procedures," are applicable to this PC Program.
- (6) If any portion of these regulations is, for any reason, declared by a court of competent jurisdiction to be invalid or ineffective, in whole or in part, such decision shall not affect the validity of the remaining portions thereof. The Board of Supervisors hereby declares that it would have enacted these regulations and each portion thereof irrespective of the fact that any one (1) or more portions be declared invalid or ineffective.
- (7) The meaning and construction of words, phrases, titles and terms used in this PC Program shall be the same as provided in ~~section 9-21 Part~~ Subarticle 7, General Terms, of the Zoning Code except as otherwise provided herein.
- (8) When any section of the Zoning Code states that the regulations of that section, or that the uses permitted by that section, are applicable to all districts or all

building sites, or language to that effect, those regulations are also applicable to each planned community. If any of the provisions in this planned community are in conflict with the provisions of any such Zoning Code section, the provisions of the Zoning Code section shall prevail.

- (9) The provisions of section 7-9-145, "~~Off~~⁷⁴ TBD, "off-street parking," are applicable to this planned community except where otherwise expressly listed as exceptions in the PC text.
 - (10) All discretionary actions permitted or required in this planned community shall be consistent with the types of permits listed in section 7-9-150~~105~~ TBD and 7-9-106 TBD, and all such actions shall be processed in compliance with the procedures set forth in section 7-9-150-104 TBD. Waivers may be granted under section 7-9-107 TBD.
 - (11) An Annual Monitoring Report (AMR) shall be prepared and submitted in the fall of each year to the County Administrative ~~Office~~^{office} and the Environmental Management Agency. The submittal of an AMR is required for conformance with the Growth Management Program of the Land Use Element of the Orange County General Plan and the County's Annual Development Monitoring Program. The Board of Supervisors, in the annual adoption of the Development Monitoring Program may identify a significant imbalance between development projections and planned infrastructure or in the proportionate development of residential, commercial and employment land uses. The Board of Supervisors may then defer subdivision approval within the Planned Community until approaches capable of resolving imbalances are proposed to and approved by the Board of Supervisors. The AMR ~~will~~ shall be the project proponent's opportunity to demonstrate mitigation measures and implementation strategies which ~~will~~ shall ensure adequate infrastructure for the community.
- (b) **Non-standard Provisions:** Additional provisions, designed and applied generally to an individual planned community may also be included.
- (c) **General Regulations:** The following uses and activities are permitted in all planned communities in compliance with the specified regulations.
- (1) Mobile and manufactured homes: In any district or area where single-family homes are a permitted use, the permitted use shall be deemed to be as follows:
 - a. Single-family dwelling (one (1) per building site) or single-family mobile home (one (1) per building site) in compliance with the provisions of section 7-9-149~~78.5.(e)~~ TBD.
 - (2) Mobilehome parks and mobilehome subdivisions. In any district or area planned and zoned to permit residential uses, mobilehome parks and

mobilehome subdivisions are permitted subject to the regulations of section 7-9-~~14948.5~~ TBD.

- (3) The conversion of existing duplex and multifamily rental developments to residential condominiums, stock cooperatives, and community apartments shall be subject to section 7-9-~~14797~~ TBD and subject to the issuance of a use permit per section 7-9-~~150105~~ TBD.
- (4) Community care facilities in compliance with section 7-9-~~14195~~ TBD.
- (5) Automobile service stations in compliance with section 7-9-~~11451~~ TBD and only on those sites designated in the PC Program.
- (6) Any other use in compliance with the PC Program and the Zoning Code, including any applicable overlay/combining district regulations.

Sec. 7-9-47.3. 7-9-103.3 Planned Community Program required

Any application for a change of zone to place property in the PC "Planned Community" District shall be accompanied by a PC Program for the entire property. Said PC Program shall be subject to approval by the Orange County Planning Commission and adoption by the Orange County Board of Supervisors in accordance with the provisions of section 7-9-~~10348.9~~ TBD of this Code.

Sec. 7-9-47.4. 7-9-103.4 Applicability

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

Sec. 7-9-47.5. 7-9-103.5 PC Program text

A text shall be adopted by ~~ordinance~~ Zoning Code which specifies the land use regulations and procedures applicable to all areas within the boundaries of the planned community. Each land use category shall correspond to one (1) or more identified planning areas on the PC development map.

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

- (a) **Purpose and Intent Statement.** Each land use category shall have a general description and a brief summary explaining the purpose and intent of that land use category.

- (b) **Principal Permitted Uses Section:** Each such section shall include a list of uses per the following categories if applicable:
- (7) Principal permitted uses not subject to discretionary land use permits, plans or approvals.
 - (8) Principal permitted uses subject to a coastal development permit per section 7-9-~~118~~106 TBD.
 - (9) Principal use(s) per the Coastal Act.
 - (10) Appealable uses per the Coastal Act.
 - (11) Principal permitted uses subject to a site development permit per section 7-9-~~150~~105 TBD.
 - (12) Principal permitted uses subject to a use permit per section 7-9-~~150~~105 TBD.
- (c) **Accessory Permitted Uses Section:** This section shall be included in any land use category where uses, structures and activities other than main or principal uses are permitted. When a main or principal use is permitted subject to approval of a discretionary permit, ancillary and accessory uses, structures and activities are also permitted subject to approval of the same discretionary permit.
- (d) **Prohibited Uses Section:** Each land use category shall include a prohibited uses section for the purpose of clarifying which land uses and groups of uses, if any, are specifically not permitted.
- (e) **Site Development Standards Section:** All of the standards listed in the following items (1) and (2) shall be included in each such section even if the standards are not applicable to a certain land use category. In any land use category where a standard ~~will~~ shall not be applied, the section shall list the standard and state, as appropriate, "none," "no minimum," "no maximum" or "not applicable."
- (1) Each land use category shall include standards for the following:
 - a. Minimum building site area.
 - b. Maximum building height.
 - c. Minimum building setback requirements.
 - d. Signs (refer to section 7-9-~~111~~ TBD ~~or 7-9-144~~114 TBD).

- e. Minimum net development area per unit (multifamily areas).
 - f. Trash and refuse disposal (all areas except single-family).
 - g. Off-street parking (refer to section 7-9-~~14574~~ TBD).
- (2) Standards for the following are also required for commercial, professional, industrial and mixed use land use categories.
- a. Loading.
 - b. Screening.
 - c. Landscaping.
 - d. Lighting.
 - e. Floor area ratio.
- (3) Additional standards that may be necessary or appropriate may be included in any land use category.
- (f) **Boundary Description:** A precise description, either by record of survey or metes and bounds, of the external boundaries of all land located within the planned community shall also be included within the text. Such description shall be consistent with the PC zoning map.

Sec. 7-9-47.6. ~~7-9-103.6~~ Statistical summary

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

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

All such information shown in the statistical summary shall be consistent with the information shown on the PC Development map and with the regulations in the PC text. The statistical

summary shall be separately labeled but bound/located with the PC text. Any proposed change in the planned community ~~which~~that would result in a change to the statistical summary ~~will~~ shall require an amendment to the PC Program.

Sec. 7-9-47.7. ~~7-9-103.7~~ PC zoning map

The PC zoning map shall be adopted by ~~ordinance~~ Zoning Code. It shall be drawn in sufficient detail to enable a reader to determine approximately where proposed uses and projects ~~will~~ shall be located in relation to overlay districts and arterial highways. All existing and proposed arterial highways within the planned community ~~will~~ shall be shown consistent with the Master Plan of Arterial Highways in effect at the time of adoption of the map. The exterior boundaries of the map shall be precise and consistent with the boundary description included in the PC text.

Additionally, the boundaries of applicable overlay/combining districts that have been adopted by separate ~~ordinance~~ Zoning Code shall be shown on the map. Such overlay/combining districts may include the following:

- (a) Section 7-9-TBD-CD Coastal Development-District
- (b) Section 7-9-TBD-FP Floodplain District.
- (c) Section 7-9-TBD-O "Oil Production" District.
- (d) Section 7-9-TBD-SH Scenic Highway-District.
- (e) Section 7-9-TBD-SS Service Station-District.
- (f) Section 7-9-TBD-SR Sign Restrictions District.

Sec. 7-9-47.8. ~~7-9-103.8~~ PC development map

A PC development map shall initially be adopted by resolution by the Board of Supervisors. Thereafter, it may be amended by the Planning Commission per section 7-9-~~103.8~~48.9 TBD.

- (a) **Planning Areas:** The PC development map shall cover all the territory included within the boundaries of the PC zoning map. When a PC development map shows a planned community divided into two (2) or more planning areas, those planning areas shall be accurately depicted so that the boundary lines can be easily determined. Each planning area shall be identified by letter, number or symbol. Each planning area ~~will~~ shall correspond to one (1) and only one (1) land use category with the possible exception of Zoning Code overlay districts and PC overlay land use categories.

The depiction of each planning area may be by dimensions, by topographical points or lines, by physical features or by other identifiable objects or points either on the ground

or shown on the map. When a boundary is an arterial highway and the arterial highway is realigned, the boundary ~~will~~ shall automatically move to coincide with the realigned highway and an amendment to the PC development map ~~will~~ shall not be required. Modifications to the boundaries not to exceed ten (10) percent of the acreage of any planning area may occur with an approved subdivision map, site development permit, use permit, or area plan. Modification of ten (10) percent or more shall require an amendment to the development map by the planning commission.

(b) **Contents:** The PC development map shall be drawn to scale and include the following information (the Director, ~~EMA~~ may require other information):

- (1) Title block (planned community name and date drawn); graphic scale and north arrow, and vicinity drawings.
- (2) Detailed statistical table regarding proposed land use categories, densities or intensities, and gross acreage for each planning area. Terminology shall be consistent with the PC text and statistics shall be consistent with the statistical summary.
- (3) Proposed topography, indicating in a general manner areas to be graded and areas to remain in a natural state.
- (4) Existing and proposed freeways, arterial highways, and commuter collector streets as shown on the MPAH.
- (5) Adopted regional riding, hiking and bicycle trails, regional parks, and other regional open space areas and uses consistent with the General Plan.
- (6) Areas of development subject to exterior noise levels in excess of 65 CNEL resulting from aircraft.
- (7) Earthquake faults and geologically unstable areas which preclude any development.
- (8) Existing major flood control, sewerage, water, and other utility facilities and easements which restrict surface uses/development.
- (9) Existing physical or cultural features and resources which are intended to be preserved or salvaged, including archeological, paleontological, and historical sites and structures, and vegetative communities, including rare or endangered species which preclude development.
- (10) General location of proposed local parks and community facilities such as schools, libraries, fire stations, and sheriff stations.

Sec. 7-9-47.9. ~~Sec. 7-9-103.9~~ Adoption and amendment procedures

A PC Program is initially processed and adopted per section 7-9-155~~104~~ TBD except that the PC development map is adopted by resolution, while the PC text, zoning map, and statistical summary are adopted by ordinance Zoning Code.

After the PC development map has been adopted by the Board of Supervisors, it may be amended by the Planning Commission ~~per section 7-9-150.3(c), Public hearings after a duly noticed public hearing.~~ However, if an amendment would change a policy approved by the Board of Supervisors, the Planning Commission shall make a recommendation and forward the proposed amendment to the Board for final action. Amendments to the PC development map shall be recorded with the County Recorder by the Director.

Sec. 7-9-47.10. ~~Sec 7-9-103.10~~ Planned community manual

The Director, ~~EMA~~, shall prepare a working manual, including a standard format, examples, guidelines and applicable laws explaining in detail how to prepare and process planned community programs.

The ~~planned community manual~~ "Planned Community Manual" shall be made available at cost to any interested person.

Each new PC Program shall be consistent with the format and content described in the ~~planned community manual~~ "Planned Community Manual".

Sec. 7-9-47.11. ~~Sec 7-9-103.11~~ Previously adopted development plan and supplementary text

Any "development plan and supplementary text" that was adopted and effective prior to the effective date of ~~this~~ the ordinance Zoning Code codified in this Code may remain in effect. Any such "development plan and supplementary text" may be amended in a manner consistent with the format of the previously adopted "development plan and supplementary text" or may be amended so as to be consistent with the regulations of section 7-9-103~~48~~ TBD, as amended.

If a "development plan and supplementary text" makes reference to site development standards in the Zoning Code that no longer exist, the site development standards for new development shall be determined via an approved use permit per section 7-9-150~~105~~ TBD.

Sec. 7-9-48. ~~District Boundaries. Sec. 7-9-110 PD~~ Planned Development Combining District regulations

All references to this section shall include sections 7-9-49.1 through 7-9-110-49.6.

Sec. 7-9-48.1. ~~7-9-44.1.~~ Purpose and Intent

The purpose of ~~this district~~ the PD Planned Development Combining District is to provide a method whereby land may be developed utilizing design features ~~which that~~ take advantage of modern site planning techniques to produce an integrated development project providing an environment of stable, desirable character, ~~which will~~ shall be in harmony with existing and potential development of the surrounding neighborhood.

The regulations of this district are intended to produce planned development projects ~~which that~~ meet standards of open space, light and air, and density of land uses, ~~which~~ provide for better use of common areas, open space and off-street parking facilities and provide for safe and efficient vehicular and pedestrian circulation. These regulations are intended to be utilized only for integrated planned development projects and ~~should~~ shall not be utilized for the establishment of individual land uses or structures unless they would become an integral part of an existing planned development.

Sec. 7-9-48.2. ~~7-9-110.2~~ Application

In any district where the district symbol is followed by, as a part of such symbol, the letters "PD," planned development projects shall be permitted subject to the regulations of this section. The district symbol shall constitute the "base district", and the PD suffix shall constitute the "combining district" indicating the additional permitted uses subject to the development standards as provided in this section and the provisions of the use permit required for all planned development projects. Projects ~~which that~~ are not planned developments and uses or structures ~~which that~~ are not part of planned developments shall not be subject to these regulations.

Sec. 7-9-48.3. ~~7-9-110.3~~ Principal uses permitted subject to a use permit

~~The~~ In the PD District the following principal uses are permitted, subject to the approval of a use permit by the Planning Commission per section 7-9-150~~105~~ TBD.

- (a) Uses permitted by the base district regulations.
- (b) Planned (unit) developments not otherwise permitted through base district regulations.
- (c) Any other use which the Planning Commission finds consistent with the purpose and intent of this district.

Sec. 7-9-48.4. ~~7-9-110.4~~ Accessory uses permitted

~~Accessory~~ In the PD District accessory uses and structures ~~which that~~ are customarily associated with and subordinate to a permitted principal use within the same project net development area, ~~which that~~ are consistent with the design of the planned development project, and

~~which~~that are consistent with the purpose and intent of this district are permitted subject to a use permit, or a changed plan per section 7-9-~~150104.12~~ TBD, or as stated below.

For residential planned developments, the following accessory structures and uses are permitted subject to an approved site development permit or changed plan per section 7-9-~~150104.12~~ TBD.

- (a) Patio covers.
- (b) Sunscreens.
- (c) Spas, ~~jacuzzis~~jacuzzies and swimming pools.
- (d) Accessory uses and structures ~~which~~that the Director, ~~EMA~~ finds to be consistent with the design of the planned development project and consistent with the purpose and intent of this district.

Sec. 7-9-48.5. 7-9-110.5 Prohibited uses

Uses not permitted by section 7-9-~~11049.3~~ TBD or 7-9-~~11049.4~~ TBD are specifically prohibited.

Sec. 7-9-48.6. 7-9-110.6 Site development standards

The following site development standards are in addition to the site development standards of the base district, unless otherwise stated below.

- (a) **Building site area:Site Area.** For planned developments, the ~~project~~project's net development area shall be used. The size, location, and configuration of individual lots shall be determined by the required use permit and the tract map for the project.
- (b) **Building site coverage:Site Coverage.** For planned developments, there shall be no maximum building coverage for any individual site. However, the ~~project~~project's net development area shall not exceed the following building coverage:
 - (1) Forty (40) percent for residential projects.
 - (2) Twenty-five (25) percent for office and commercial projects.
 - (3) Thirty-five (35) percent for industrial projects.
- (c) **Area per unit:Unit.** For residential planned developments, there shall be no minimum land area per unit for any individual site. However, the ~~project~~project's net development area shall have an average land area per unit no less than the minimum area per unit required by the base district or ~~per section 7-9-126.1~~ as modified by 7-9-90

TBD for affordable housing and mixed use development with affordable housing (Note: This is normally designated by a number following the district symbol "PD" and enclosed in parenthesis on the zoning district map.)

- (d) **~~Number of dwelling units~~Dwelling Units.** The project net development area divided by the minimum land area per dwelling unit ~~will~~ shall determine the maximum number of permitted dwelling units for the project.
- (e) **~~Building setbacks~~Setbacks.** For planned developments, building locations need not satisfy the base district setback regulations but shall be determined by the approved use permit. Building locations shall be dimensioned on the use permit plans including distances between buildings and distances from streets and common driveways.

Sec. 7-9-49. ~~Section 7-9-119~~ SH Scenic Highway Combining District regulations

All references to this section shall include sections 7-9-~~119~~50.1 through 7-9-~~119~~50.5.

Sec. 7-9-49.1. ~~7-9-119.1.~~ Purpose and Intent

The purpose of ~~this district~~the SH Scenic Highway Combining District is to preserve and enhance the natural or man-made scenic beauty and resources along a highway designated as a "scenic corridor" in the Master Plan of Scenic Highways of the Orange County General Plan.

Sec. 7-9-49.2. ~~7-9-119.2.~~ Application

This district may be combined with any other district. In any district where the district symbol is followed by, as a part of such symbol, parenthetically enclosed letters "SH, " thus (SH), the additional requirements and procedures contained in this section shall apply. The district symbol shall constitute the "base district" and the (SH) suffix shall constitute the "combining district."

Sec. 7-9-49.3. ~~7-9-119.3.~~ Uses permitted subject to a site development permit

All principal and accessory uses that are permitted by the base district regulations and that are visible from a point five (5) feet high at the center line of the scenic highway are permitted subject to the approval of a site development permit per section 7-9-~~119~~50.5 TBD and 7-9-~~150~~105 TBD. The applicant shall be responsible for providing the necessary information to determine that a project is not visible as described above and thus not subject to these district regulations.

Sec. 7-9-49.4. ~~7-9-119.4.~~ Uses prohibited

~~Notwithstanding section 7-9-119.3, the~~The following uses are specifically prohibited:

- (a) Uses ~~which~~that cannot meet the aesthetic purpose and intent of the district; and

- (b) Uses not permitted by the base district regulations.

Sec. 7-9-49.5. 7-9-119.5. — Site development standards

- (a) **Signs:** All signs shall conform to the regulations of the SR "Sign Restrictions" District, section 7-9-~~111~~ TBD.
- (b) **Utilities:** Where practical all utilities, including the linkage between main line and structures, shall be underground.

Sec. 7-9-50. Section 7-9-114-SS Service Station (SS) Combining District

All references to this section shall include sections 7-9-51.1 through 7-9-~~114~~ 510.6.

Sec. 7-9-50.1. Purpose and ~~intent~~ Intent

The purpose of ~~this district~~ the SS Service Station Combining District is to establish uniform standards in order to control the location, design and maintenance of automobile service stations. This district is intended to be applied to limited locations in order to minimize an excess of service station sites and only to permit such sites upon presentation of sufficient evidence that the need for such a facility is convincingly demonstrated.

Sec. 7-9-50.2. 7-9-114. Application

This district may be combined with any commercial or industrial district and with any commercial or industrial area designated within any PC "Planned Community" District for the optional establishment of an automobile service station use. In any district where this symbol is followed by, as part of such symbol, parenthetically enclosed letters "SS", thus (SS), the additional requirements and standards contained within this district shall apply for establishment, maintenance and operation of a service station use. The district symbol shall constitute the "base district", and the (SS) suffix shall constitute the "combining district." Uses not part of or related to a service station are not subject to these regulations.

Sec. 7-9-50.3. 7-9-114. Principal uses permitted subject to a use permit

- (a) ~~The~~ In the SS district, the following principal uses are permitted, subject to the approval of a use permit by the Zoning Administrator per section 7-9-~~150~~ 105 TBD:
- (1) Uses permitted by the base district regulations.; and
 - (2) Automobile service stations not otherwise permitted through base district regulations.

- (b) Any other use is permitted ~~which with approval of a use permit per section 7-9-105 TBD~~ that the Planning Commission finds consistent with the purpose and intent of this district per section 7-9-150.

Sec. 7-9-50.4. 7-9-114. Accessory uses permitted

~~The~~In the SS district, the following accessory uses and structures are permitted when customarily associated and subordinate to a permitted principal use on the same building site:

- (a) Sale of petroleum products, tires, batteries and related automotive accessories.
- (b) Minor automobile maintenance repair, washing and lubricating services.
- (c) Utility trailer rentals ~~per section 7-9-114.6(b)-1~~.
- (d) ~~Signs per section 7-9-144.~~ Signs are permitted in conformance with the regulations of the Orange County Sign Code subject to the following limitations:
- (1) The total area for all signs on the premises shall not exceed three hundred (300) square feet:
 - a. One (1) monument/ground identification sign not exceeding a total area of one hundred (100) square feet or four (4) feet in height may be located anywhere on the premises.
 - b. For each service station site, one (1) monument/ground gasoline price sign not exceeding thirty (30) square feet is required, and shall indicate:
 1. The actual price per gallon or liter, including taxes, of each grade of gasoline being sold from the premises; and
 2. Whether any grade of gasoline normally offered for sale from the premises is currently not being offered for sale.
 - (2) The maximum height of any sign or sign structure shall not exceed twenty-four (24) feet unless said sign is located within five hundred (500) feet from a freeway in which case the maximum height shall not exceed thirty (30) feet.
 - (3) The maximum sign area of any sign shall not exceed one hundred (100) square feet in area.
 - (4) Banner signs and advertising devices/advertising displays are prohibited on any service station building site.

- (e) Accessory uses and structures ~~which that~~ the Director, ~~EMA~~, finds to be consistent with the purpose and intent of this district.

Sec. 7-9-50.5. ~~7-9-114.~~Prohibited uses

Uses not permitted by section 7-9-~~114~~51.3 TBD or 7-9-~~114~~51.4 TBD are specifically prohibited.

Sec. 7-9-50.6. ~~7-9-114.~~Site development standards

The following site development standards are in addition to the site development standards of the base district unless otherwise stated below:

- (a) **Building setbacks:** Seventeen (17) feet from the ultimate street right-of-way line, or as otherwise provided in subsection (b) of this section, except canopy roofs over pump islands may be cantilevered to within five (5) feet of the ultimate right-of-way line. Setbacks from other than right-of-way lines shall be as required by the applicable base district or building line designations established in sections 7-9-127, ~~61.7~~ TBD 9-128, and through 7-9-~~137~~61.13 TBD.
- (b) **~~Utility~~ Rental trailers:**
- (1) A maximum of ten (10) rental trailers shall be permitted on any service station site except where such site is contiguous to land zoned for residential or agricultural uses, where the maximum shall be five (5) trailers.
- (2) Such trailers shall be screened or stored in an enclosure.

Sec. 7-9-51. ~~7-9-111~~ SR Sign Restrictions (~~SR~~) Combining District

All references to this section shall include sections 7-9-52.1 through 7-9-~~111~~52.8.

Sec. 7-9-51.1. ~~7-9-111.1~~ Purpose and intent

The purpose of ~~this district~~ the SR Sign Restriction Combining District is to establish standards for the control of signs in areas of the County ~~which that~~ require protection of vistas of the natural landscape, scenic corridors and highways, recreational facilities and routes used for access to recreational areas and facilities. The intent of these regulations is to minimize the number of signs and to encourage the use of sound planning and design principles in the use of signs to complement the main use of the property and not disrupt nearby visual amenities and vistas within the scenic corridors.

Sec. 7-9-51.2. ~~7-9-111.2~~ Application

This district may be combined with any other district. In any district where the district symbol is followed by, as a part of such symbol, parenthetically enclosed letters, "SR," thus (SR), the

additional limitations on signs, specified by this section shall apply. The district symbol shall constitute the "base district", and the (SR) suffix shall constitute the "combining district." The restrictions herein are in addition to the provisions of section 7-9-144, "Signs." 114 TBD.

Sec. 7-9-51.3. ~~7-9-111.3~~ Wall signs

Business or identification wall signs shall not exceed one (1) square foot of sign area for each linear foot of frontage of the building, or portion thereof, involved. The total aggregate sign area for such signs shall not exceed one hundred fifty (150) square feet for each business. If the building frontage of any business is less than twenty-five (25) feet, only one (1) sign, having a maximum area of twenty-five (25) square feet, shall be permitted for each such business.

Sec. 7-9-51.4. ~~7-9-111.4~~ Monument/ground signs

- (a) One (1) business or identification sign, including the foundation, not exceeding fifty (50) square feet in area or four (4) feet in height is permitted. One (1) additional business or identification sign is permitted on each additional street frontage that is in excess of ninety-nine (99) feet in length.
- (b) A business or identification sign, including the foundation, measuring more than fifty (50) square feet in area and/or exceeding four (4) feet in height may be permitted subject to a site development permit per section 7-9-150105 TBD. In addition to the requirements of section 7-9-150105 TBD, applications for signs shall be accompanied by drawings, drawn to scale, indicating the size, ~~sign copy~~, color, method and intensity of illumination, height, sign area, and general location of all signs on the building site.

~~7-9-111.5~~ ——— Pole signs

~~**Temporary Signs:** Temporary construction signs, real estate signs and travel direction signs are permitted in compliance with the requirements of this Section and Part 5: Countywide Standards for Specific Uses and Activities, Section 7-9-111.8. However, no such sign shall be more than sixteen (16) feet in height or the following square feet in area:~~

~~(1) ——— **Construction signs:** Thirty-two (32) square feet.~~

~~(2) ——— **Real estate signs:**~~

~~a. ——— **Residential:**~~

~~1. ——— Four (4) or less units per building site: Six (6) square feet.~~

~~2. ——— Five (5) or more units per building site: Thirty-two (32) square feet.~~

b. ~~Nonresidential: Thirty two (32) square feet.~~

~~(3) **Travel direction signs:** Per section 7-9-144 TBD.~~

~~(4) **Residential tract signs:** Per section 7-9-136.1(f) TBD.~~

- (c) ~~**Permanent signs:** Business and identification pole signs may be permitted subject to a use permit approved by the Zoning Administrator per section 7-9-150105. In addition to the requirements of section 7-9-150105, applications for signs shall be accompanied by drawings, drawn to scale, indicating the size, sign copy, color, method and intensity of illumination, height, sign area, and general location of all signs on the building site.~~

Sec. 7-9-51.5. 7-9-111.6 Sign programs

- (a) A sign program is intended to provide incentive and latitude in order to achieve variety and appealing design for shopping/office centers, and industrial parks. With a site development permit approved per section 7-9-150105 TBD, the requirements of sections 7-9-11152.3 TBD and 7-9-11152.4 TBD may be modified for such centers and parks. Multiple building sites that share a common access may develop a sign program provided that, shopping/office centers, and industrial parks shall contain the following minimum net acreage:
- (1) **Shopping/office centers:** Three (3) acres.
 - (2) **Industrial parks:** Twenty (20) acres.
- (b) In addition to the requirements of section 7-9-150105 TBD, the application for a sign program shall be accompanied by the following documents:
- (1) **Coverage area:** A map, drawn to scale, delineating the site proposed to be included with the sign program.
 - (2) **Building elevations:** Drawings and/or sketches indicating the exterior surface details of all structures on the site.
 - (3) **Signing:** Drawings, drawn to scale, indicating the sign copy size, method and intensity of illumination, height, sign area and general location of all signs.

Sec. 7-9-51.6. 7-9-111.7 Signs permitted subject to Zoning Administrator approval

Except for signs specifically prohibited in section 7-9-11152.8 TBD, any sign may be permitted subject to a use permit approved by the Zoning Administrator per section 7-9-150105 TBD.

Sec. 7-9-51.7. ~~7-9-111.8~~ Signs prohibited

{The following signs are prohibited:};

- (a) ~~Outdoor advertising~~ Off-premise signs.
- (b) Roof and projecting signs.
- (c) Banner signs.
- (d) Electronic message ~~board~~ center signs.
- (e) Portable signs.
- (f) Signs specifically prohibited by the base district.
- (g) Pole and pylon signs.

Sec. 7-9-52. S Specific Plan Combining District (NEW)

Specific plans are regulatory documents established by the County to carry out specific purposes, as authorized by the Government Code, for specific geographic areas shown on the Zoning Map. They are governed by a set of policies, diagrams, maps, and development standards that address specific subjects, such as land use, physical development, community design, transportation and public improvements, or impose requirements for detailed master plans that may be applicable in sub-areas within the specific plan area. The provisions of a specific plan may be combined with provisions of base or overlay zoning districts for the area to which the specific plan applies.

Administrative provisions for the preparation, review, adoption and amendment of specific plans are in Part Subarticle 6: Administration and Permits, Sections 7-9-TBD~~112.1~~

Section 7-9-53 Reserved

Section 7-9-54 ~~A1 “General Agricultural” District.~~ Reserved

Section 7-9-55 Reserved

Section 7-9-56 ~~B1 “Buffer” District.~~ Reserved

Section 7-9-57 ~~OS “Open Space” District.~~ Reserved

Section 7-9-58 ~~AR “Agricultural Residential” District.~~ Reserved