

COUNTY OF ORANGE

"ORANGE IS THE NEW GREEN"

ZONING CODE UPDATE

FIRST DRAFT FOR PUBLIC REVIEW

ARTICLE 2, SUBARTICLE 4 – Site Development Regulations

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Article 2. – The Comprehensive Zoning Code

Subarticle 4. – Site Development Regulations

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Subarticle 4: Site Development Regulations

Sec. 7-9-60. Purpose.

All references to this section shall include sections 7-9-TBD through 7-9-TBD. These regulations apply to all districts, planned communities and specific plan areas, unless otherwise specified.

Sec. 7-9-61. - General site regulations.

Sec. 7-9-61.1. - ~~7-9-126~~ Building site requirements.

No building permit and no certificate of use and occupancy shall be issued for a building or use of land until the Director, ~~EMA~~ has verified by official records that the parcel of land upon which such building or use of land is to be established is a building site.

Sec. 7-9-61.2. - ~~7-9-126 (a)~~ Lawful, nonconforming building sites.

- (a) Any parcel of land that was established as a building site by the recordation of a final tract map, a final parcel map, a record of survey recorded pursuant to an approved division of land, a lot line adjustment, a certificate of compliance, or by a deed of conveyance or contract of sale or in any other legal manner recorded prior to May 24, 1962, and which complied with all of the requirements of all the County ordinances in effect at the time of recordation in the office of the County Recorder (or the Los Angeles County Recorder, if recorded prior to the formation of Orange County) ~~is considered to be~~ may be used as a building site even when the lot area, width, or depth is less than required by the regulations for the zoning district in which the site is located.
- (b) Substandard building sites that were legally established by "(1)" above pursuant to subsection (a) that and are subsequently reduced in area by rights-of-way or easements that prohibit the surface use of property may be established as legal building sites if the Director, ~~EMA~~, determines that the site ~~will~~ shall be able to provide a building envelope comparable to similar building sites in the area.

Sec. 7-9-61.3. - ~~7-9-126 (b)~~ Creation of building sites.

A building site may be created by the recordation of a final tract map or a final parcel map, ~~or a lot line adjustment~~ not including a finance and converging map. The creation of any building site shall conform to the following requirements:

- (a) Each building site shall be shown on the recorded document as a numbered lot or parcel.
- (b) Each building site shall either:
 - (1) Abut a public street, having a right of access for vehicles and pedestrians, and enjoy practical and physical access to such street, for a minimum width of twenty (20) continuous feet; or
 - (2) Have a recorded right of access for vehicles and pedestrians for a minimum continuous width of twenty (20) feet (sixteen (16) feet paved) via street or other vehicular accessway, and enjoy practical and physical access, from the building site to a public street.

Sec. 7-9-61.4. - ~~7-9-126(e)~~ Lot line adjustments.

A lot line adjustment shall be processed pursuant to ~~is a discretionary action~~ per the Subdivision Code and shall not require the approval of an area variance permit if both findings below are made:

- (a) ~~The lot line adjustment is between two (2) single-family residential properties with one (1) or both of them developed.~~
- (b) Each building site shall be of sufficient area and width to comply with the area and width requirements for the zoning district in which it is located.
- (c) ~~The lot line adjustment would serve to achieve greater consistency with the applicable setback standards.~~

Sec. 7-9-61.5. - ~~7-9-126(d)~~ Building site area.

- (a) Building site area shall be calculated by measuring the site horizontally as a level plane. Rights-of-way or easements that prohibit surface use of the site, except easements for open space purposes on single-family lots, shall be excluded from the calculation. (Examples of open space easements include, but are not limited to, resource preservation and scenic easements.) The minimum building site area required by the applicable district or planning area regulations shall be undivided and relatively compact although the entire building site may be larger with diffuse parts.
- (b) That portion of a panhandle or flag building site that is used for access purposes and is under forty (40) feet in width shall not be used in calculating the area of the building site.

Sec. 7-9-61.6. - ~~7-9-127~~ Building line regulations for main buildings and structures.

Main buildings and structures, and attached accessory buildings may be constructed or placed on any portion of a building site except within the following areas:

- (a) Within the ultimate right-of-way, as defined, shown as existing on the Master Plan of Arterial Highways or within the ultimate right-of-way, as defined, of any local or private street;
- (b) Within the setback area established by the designation of a building line on a precise plan of highway alignment or an official zoning district map;
- (c) Within the setback area specified by an applicable building line plan adopted in compliance with the provisions of section 7-9-~~128(a)~~TBD;
- (d) Within the setback area designated by the applicable district regulations, unless otherwise specified by the provisions of section 7-9-~~146~~TBD;
- (e) Within the setback area designated by the Building Lines Chart, section 7-9-~~127.1~~ TBD, unless otherwise specified by the provisions of section 7-9-~~128~~TBD. Unless otherwise specified by ordinance zoning code applicable to the property, the setback distance from any local street and existing arterial highway shall be measured from the ultimate right-of-way line, as defined, of such street or highway.

Sec. 7-9-61.7. - ~~7-9-127.1~~ Building line designation.

Where there is no building line or setback area designated on a precise plan of highway alignment or official zoning district map, where there is no applicable adopted building line plan and when the zoning district regulations and the zoning ordinance code applicable to a building site do not specify a building line or a minimum setback distance, the building line for each building site shall be as specified ~~by the Building Lines Chart, and setback illustrations A, B, and C as follows:~~ in section 7-9-TBD.

Sec. 7-9-61.8. - ~~7-9-128~~ Exceptions to building lines setback chart ~~setback requirements~~

The building line setback required setbacks for a main building or structure, or attached accessory building may be different than the building line specified by the Building Lines Chart when otherwise permitted by the provisions of subsection (a), "Building Line Plan," or by the provisions of ~~sections 7-9-128.1 through 7-9-128.10:~~ this section.

- (a) Building Line Plan. A building line plan is a precise development plan designating the required setbacks for main buildings and structures, accessory buildings and structures or both, for a designated area, designated area such as that of an entire Tract Map. Unless otherwise required by the provisions of section 7-9-~~127(a) or (b)~~ TBD a building line plan may be adopted in compliance with the following provisions:
 - (1) A building line plan shall be adopted in the same manner as a use permit after required public hearings before the Planning Commission per section 7-9-~~150~~ TBD.
 - (2) A building line plan may be either graphic or descriptive. It shall include sufficient information to clearly designate the real property and the types of structures it is applicable to and how required setbacks are determined.

Whenever a building line plan has been adopted it shall supersede the provisions of the Building Lines Chart in section 7-9-~~127.1~~ and the exceptions to the Building Lines Chart listed in section ~~7-9-128.1 TBD through 7-9-128.10.TBD.~~

Sec. 7-9-61.9. - ~~7-9-128.1~~ Building line on panhandle building site

In the case of a panhandle building site, the building lines shall be set back a minimum of ten (10) feet from any property line, except as otherwise specified in this Zoning Code.

Sec. 7-9-61.10. - ~~7-9-128.2~~ Building line on shallow building site

When a building site has an average depth of one hundred (100) feet or less but more than seventy-five (75) feet, any required front and rear building line setbacks need not be more than twenty (20) percent of such average depth; and when a building site has an average depth of seventy-five (75) feet or less, any required front and rear building line setbacks need not be more than fifteen (15) percent of such average depth, but in no event shall any required front or rear building line setback be less than five (5) feet.

Sec. 7-9-61.11. - ~~7-9-128.3~~ Building line on narrow building site

When a building site has an average width of less than fifty (50) feet, any required building line setback from the interior side property lines need not be more than ten (10) percent of such average width but in no event less than three (3) feet.

Sec. 7-9-61.12. - ~~7-9-128.4~~ Building line based on average of adjoining sites

Where a building site is situated between two (2) building sites, each of which has a main building within forty (40) feet of said building site which projects into the required front setback area, the front building line for said building site need not be set back further than the average of the setbacks of the two (2) adjoining buildings.

Sec. 7-9-61.13. - ~~7-9-128.5~~ Building line on building site adjacent to a projecting building on one side

Where a building site abuts and has a sideline common to a site which has a main building within forty (40) feet of said common sideline which projects into the required front setback area on one side and abuts a vacant building site, a street or permanent open space on the opposite side, the front building line for said building site need not be set back further than the average of the existing setback on one side and the setback required by the Building Lines Chart for said building site.

Sec. 7-9-61.14. - ~~7-9-128.6~~ Balconies, decks, porches, terraces, exterior steps and exterior stairways

Balconies, decks, porches, terraces, exterior steps in excess of thirty (30) inches in height and exterior stairways, unroofed and unenclosed, may project not more than three (3) feet into any required side setback area or the distance required between buildings on the same building site and not more than five (5) feet into any required front or rear setback area, but in no event shall such balconies, decks, porches, terraces, exterior steps or exterior stairways be closer than two (2) feet to any side property line or three (3) feet to any front or rear property line of a building site, when projecting into any required setback area.

Sec. 7-9-61.15. ~~7-9-128.7~~ Eaves, cornices, canopies and cantilevered roofs

Eaves, cornices, canopies, or cantilevered roofs as part of the main structure may project a maximum of forty (40) percent into any required side setback and twenty-five (25) percent into any required front or rear setback and forty (40) percent into the space required between buildings on the same building site, but in no event shall such eaves, cornices, canopies or cantilevered roofs be closer than two (2) feet to any front, side or rear line of the building site when projecting into a required setback area.

Sec. 7-9-61.16. ~~7-9-128.8~~ Chimneys, fireplaces, wing walls and other minor architectural features

Masonry chimneys, fireplaces, wing walls, bay windows, and other minor architectural features that do not add floor space, may project into any required front, side or rear setback area a maximum of twenty-four (24) inches, but in no event shall such chimneys, fireplaces, wing walls and other minor architectural features project into any required setback area so as to be closer than three (3) feet to any property line of the building site.

Sec. 7-9-62. ~~7-9-129~~ Height Limit. Building and Structure Heights, and Exceptions to Height Limits

The height of any structure shall not exceed the building height limits specified in the district regulations as measured pursuant to section 7-9-TBD, Rules for Measurement, except as specified in this section. None of the following projections shall permit occupiable space above the height limit. The total aggregate coverage of projections shall not exceed thirty (30) percent of a roof's area. This limitation shall not apply to solar energy systems (see section 7-9-TBD). This section shall also apply to planned communities and specific plan areas unless otherwise stated.

- (a) ~~7-9-129.2.~~ **Radio and Television Antennas.** Radio and television antennas, not including dish antennas, may exceed the district building height limit by ten (10) feet. However, FCC licensed amateur ham radio operators may have radio towers seventy (70) feet in height measured from ground level. A higher height limit for all radio and television antennas may be provided by a use permit approved by the Zoning Administrator per section 7-9-~~150~~. TBD.
- (b) ~~7-9-129.3.~~ **Architectural features.**
 - (1) Towers, gables, spires, flagpoles, and architectural features not for sleeping or eating quarters or for any commercial purpose may exceed the district building height limit by ten (10) feet subject to a use permit approved by the Zoning Administrator per section 7-9-~~150~~. TBD.
 - (2) Elevators, appropriately screened mechanical units, and chimneys which do not exceed ten (10) percent of the roof area, nor exceed the district height limitation by more than eight (8) feet ~~will~~ shall be permitted.
- (c) ~~7-9-129.4.~~ **Hazards to air navigation.** No person, firm or corporation shall undertake construction or alteration which meets the notice criteria of Subpart B, Title 14, Part 77 of the Code of Federal Regulations outside the exterior boundaries of any airport (including heliports) available for public use or any military airport, without first notifying the Federal Aviation Administration of the proposed construction, as required by Subpart B of Part 77, and receiving, and presenting to the Director, ~~EMA~~ a determination from the FAA that such construction does not constitute a hazard to air navigation.
- (d) ~~7-9-129.5.~~ **Oil derricks.** Permitted derricks for drilling oil may be one hundred thirty-six (136) feet in height.
- (e) ~~7-9-129.6~~ **Signs.** In no case shall the height of any sign exceed the building height limit specified in the district regulations. See section 7-9-TBD of this Zoning Code for additional height requirements for signs.

Sec. 7-9-63. Dedications, improvements and fees required.

Sec. 7-9-63.1 ~~7-9-125.1~~ Requires Street and highway dedications and improvements.

- (a) When a building site abuts and enjoys a right of vehicular access to or from a local street or arterial highway, no building permit and no Certificate of use and occupancy zoning compliance determination shall be issued for any use except single-family dwellings

until the right-of-way for such street or highway, for the length of the frontage of the site actually to be used for such purposes, including parking, has been dedicated to or vested in the County of Orange and such right-of-way has been improved by installation of paving, curbs, gutters, drive approaches, sidewalks where required and street drainage, in compliance with the provisions and specifications of "Standard Plans, Orange County Environmental Management Agency, " as amended.

- (b) ~~However,~~ if at the time of development of the property, the Director, ~~EMA~~ finds that the installation of such improvement is physically inappropriate prior to commencement of development of the property, the property owner may enter into an agreement with the County of Orange guaranteeing the installation of such improvements within a specified time; and the County may require a faithful performance bond, a cash deposit, a letter of credit, or such other means that ~~will~~ shall guarantee the completion of such improvements.

Sec. 7-9-63.2 7-9-125.4 Required d Drainage fees and dedications.

- (a) When a building site is located within the boundaries of an adopted master plan of drainage, no building permit and no certificate of use and occupancy shall be issued for any use except single-family dwellings until drainage fees pertaining to the gross area of the site have been paid in the amount set forth in the drainage fee schedule adopted by the Board of Supervisors in conjunction with the adoption of such master plan of drainage.
- (b) At the discretion of the Board of Supervisors, dedication of rights-of-way, actual construction, installation or design by a registered civil engineer of improvements described in such adopted master plan of drainage, or any combination thereof, may be accepted in lieu of the payment of the aforementioned fees. The funds derived from the drainage fees imposed shall be utilized only for the construction of local drainage facilities for the disposal of surface and storm waters from the local drainage area in which such building or land is located.

Sec. 7-9-64. 7-9-137.5 Fences, and walls, and hedges

~~For purposes of this section, "fences and walls" include~~ The regulations in this section apply to any type of fence, wall, retaining wall, sound attenuation wall, or screen, in addition to the applicable requirements of the district except for . ~~Fences/walls shall be in compliance with the following regulations. However, walls that are located within the interior of an approved tract map and are part of the initial development of that tract map shall be exempt from these regulations. Subsections (d) and (e) only shall also apply to hedges, or thick growth of shrubs, bushes or trees. Fence/wall heights shall be measured from the base of the fence/wall to the top on interior or exterior side, whichever is greater. See fence/wall heights illustration.~~

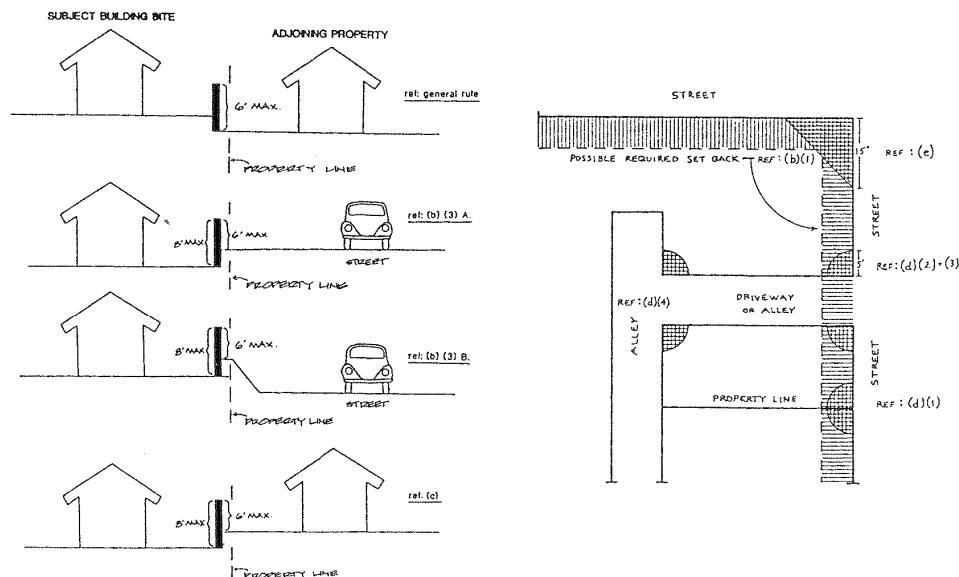
- (a) Main building area. In the area where a main building may be constructed, the district building height regulations apply.
- (b) Setback areas bordering streets.
- (1) The maximum height shall be three and one-half (3½) feet within any required front setback area and six (6) feet within any rear or side setback area (through

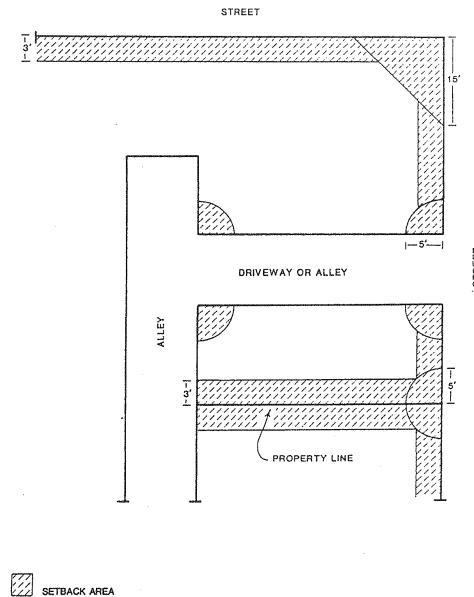
- which no vehicular access is taken) adjoining a street, up to a maximum depth of twenty (20) feet.
- (2) That portion of a building site where vehicular access rights have been dedicated to a public agency may have a six (6) feet high fence/wall.
 - (3) Fences located within a front setback shall not use chain-link fencing.
 - (4) ~~Fences/walls for that the County required~~ requires for sound attenuation ~~which~~ bordering freeways or major arterial highways may be six (6) feet high and as high as eight (8) feet if:
 - a. The freeway/major arterial is elevated two (2) feet or more above the building site elevation, or
 - b. The exterior side measurement of the wall is not more than six (6) feet in height.
- (c) Setback areas not bordering streets.
- (1) The maximum height shall be six (6) feet within any required front, rear, or side setback area not adjoining a street.
 - (2) However, where the elevation of an adjoining building site to the side or rear is higher than the base of the fence or wall in the side or rear setback area, the height of the fence or wall may be measured from the elevation of the adjoining building site to the top of the fence or wall and ~~However~~, in no case shall such a fence or wall exceed eight (8) feet from the base of the fence/wall to the top.
- (d) Height limits within Access intersection areas. Notwithstanding ~~"b"~~ the height limits in sub-sections b, c, and d above, the maximum height of fences, walls, and hedges shall ~~be not exceed~~ three and one-half (3½) feet within the triangular area visibility triangle within access and street intersection areas formed as follows:
- (1) By drawing a straight line between two (2) points located on, and five (5) feet distant from, the point of intersection of:
 - a. An ultimate street right-of-way line and an interior property line;
 - b. An ultimate street right-of-way line and the edge of a driveway or vehicular accessway;
 - c. An ultimate street right-of-way line and an alley right-of-way line; and
 - d. The edge of a driveway or vehicular accessway and an alley right-of-way line.
 - (2) ~~Street intersection areas: Notwithstanding "b" above, the maximum height shall be three and one-half (3½) feet within the triangular area formed.~~ By drawing a straight line between two (2) points located on, and fifteen (15) feet distant from, the point of intersection of two (2) ultimate street or highway right-of-way lines extended.

- (e) Modifications permitted: Exceptions and modifications to the fence and wall height provisions may be permitted subject to the approval by the Director for fences/walls eight (8) feet or less, or approval of a use permit for fences/walls greater than eight (8) feet by the Zoning Administrator per section 7-9-~~1507-9-111~~TBD. In addition to the findings required by section 7-9-~~1507-9-111~~TBD, the following findings shall also be made prior to the approval of a fence or wall height use permit application:

- (1) The height and location of the fence or wall as proposed ~~will~~ shall not result in or create a traffic hazard.
- (2) The location, size, design and other characteristics of the fence or wall ~~will~~ shall not create conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.

FIGURE 7-9-TBD PERMITTED FENCE/WALL HEIGHTS





Sec. 7-9-65. - E1 “Estates District” Elevated driveway on steep topography

Except as otherwise limited by the provisions of section 7-9-TBD, where the ground surface slopes down from the street providing vehicular access to a building site, an elevated driveway connecting the dwelling and garage with the street may be installed within the setback area in compliance with the following provisions:

- (a) The ground surface elevation of the building site along a line twenty (20) feet from and parallel to the street right-of-way line shall be a minimum of at least five (5) feet lower than the street elevation.
- (b) The maximum width of the driveway shall be twenty (20) feet.
- (c) A handrail not exceeding three and one-half (3½) feet in height may be installed along the edges of the driveway.

A stairway may be constructed from the driveway to the ground surface.

Sec. 7-9-66. – RHE “Residential Hillside Estates” District Grading and excavation

- (a) Grading and excavation regulations adopted in a planned community text or a specific plan shall supersede this section.
- (b) A site development permit issued pursuant to section 7-9-150 TBD shall be required if any grading operation involves the extraction or relocation of:
 - (1) More than five thousand (5000) cubic yards on a building site; or
 - (2) More than five hundred (500) cubic yards on a slope greater than thirty (30) percent.

- (c) A site development permit shall not be required under the following conditions:
 - (1) Grading conducted in compliance with the following permits/approvals which authorize grading:
 - a. Sand and gravel site permit.
 - b. Tentative tract map.
 - c. Area plan.
 - d. Use permit.
 - e. Coastal development permit.
 - (2) Emergency grading to correct recent acts of nature in order to comply with the requirements of the Grading Code and Fire Code for public safety purposes and not related to new development.
- (d) For purposes of this section, the total number of cubic yards shall be the larger of cut (including any export) or fill (including any import).
- (e) No zone change or discretionary permit per Zoning code section 7-9-150 TBD shall be approved for property on which a violation of the provisions of the Grading and Excavation Code exists, including work performed not in accordance with approved grading plans, unless conditioned to require such violation to be corrected or mitigated to the satisfaction of the Building Official prior to the issuance of any building permits.

Sec. 7-9-67. – ~~RE “Residential Estates” District~~ Lighting and illumination (New)

To be provided.

Sec. 7-9-68. – ~~E4 “Small Estates” District~~ 7-9-133 Landscape and irrigation Code

This section and sections 7-9-133.1 TBD through 7-9-133.6 TBD shall apply to all planting, irrigation, and landscape-related improvements including landscape projects as defined, within the unincorporated area of the County of Orange. These sections may be referred to collectively as the "Landscape Irrigation Code."

Sec. 7-9-68.1. - ~~7-9-133.1.~~ Purpose.

The purpose of the following provisions is to comply with the requirements of California Code of Regulations, Title 23, Division 2, Chapter 2.7 to enact ~~an ordinance~~ a zoning code that is at least as effective in conserving water as the State Model Water Efficient Landscape Ordinance developed pursuant to the requirements of Executive Order No. B-29-15 in the context of conditions in the County of Orange, in order to:

- (a) Promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
- (b) Establish a structure for planning, designing, installing, and maintaining and managing water efficient landscapes in new construction and rehabilitated projects;
- (c) Establish provisions for water management practices and water waste prevention for existing landscapes; and

- (d) Use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount.

Sec. 7-9-68.2. - 7-9-133.2. Applicability.

- (a) These provisions apply to all of the following landscape projects in all zoning districts:
 - (1) New landscape projects with an aggregate landscape area equal to or greater than five hundred (500) square feet, requiring a building or landscape permit, plan check or design review;
 - (2) Rehabilitated landscape projects with an aggregate landscaped area equal to or greater than two thousand five hundred (2,500) square feet, requiring a building or landscape permit, plan check or design review;
 - (3) New or rehabilitated landscape projects with an aggregate landscape area of two thousand five hundred (2,500) square feet or less may comply with the performance requirements of this section or conform to the prescriptive measures contained in Appendix A of the Guidelines;
 - (4) New or rehabilitated projects using treated or untreated graywater or rainwater capture on site, any lot or parcels within the project that has less than two thousand five hundred (2,500) square feet of landscape area and meets the lot or parcel's landscape water requirement (Estimated Total Water Use) entirely with the treated or untreated graywater or though stored rainwater capture on site is subject only to Appendix A of the Guidelines.
- (b) Section 7-9-69.5(b)~~133.5(b)~~ shall apply to:
 - (1) All landscaped areas, whether installed prior to or after January 1, 2010; and
 - (2) All landscaped areas installed after the effective date of this section to which section 7-9-69.5(a)~~133.5(a)~~ is applicable.
- (c) These provisions do not apply to:
 - (1) Registered local, state, or federal historical sites;
 - (2) Ecological restoration projects that do not require a permanent irrigation system;
 - (3) Mined-land reclamation projects that do not require a permanent irrigation system; or
 - (4) Plant collections, as part of botanical gardens and arboretums open to the public.

Sec. 7-9-68.3. - 7-9-133.3. Definitions.

The following definitions apply to the specialized items in these provisions:

- (a) *Aggregate landscape areas* pertains to the areas undergoing development as one (1) project or for production home neighborhoods or other situations

where multiple parcels are undergoing development as one (1) project, but ~~will~~ shall eventually be individually owned.

- (b) *Applied water* means the portion of water supplied by the irrigation system to the landscape.
- (c) *Budget-based tiered-rate structure* means tiered or block rates for irrigation accounts charged by the retail water agency in which the block definition for each customer is derived from lot size or irrigated area and the evapotranspiration requirements of landscaping.
- (d) *Community aesthetics evaluation* means while not subject to a permit, plan check or design review, the community aesthetics evaluation may be performed to ensure the aesthetic standards of the community and irrigation efficiency intent is maintained.
- (e) *Ecological restoration project* means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
- (f) *Estimated applied water use* means the average annual total amount of water estimated to be necessary to keep plants in a healthy state, calculated as provided in the Guidelines. It is based on the reference evapotranspiration rate, the size of the landscape area, plant water use factors, and the relative irrigation efficiency of the irrigation system.
- (g) *ET adjustment factor* or "ETAF" is equal to the plant factor divided by the irrigation efficiency factor for a landscape project, as described in the Guidelines. The ETAF is calculated in the context of local reference evapotranspiration, using site-specific plant factors and irrigation efficiency factors that influence the amount of water that needs to be applied to the specific landscaped area.

A combined plant mix with a site-wide average plant factor of 0.5 (indicating a moderate water need) and average irrigation efficiency of 0.71 produces an ET adjustment factor of $(0.7) = (0.5/0.71)$, which is the standard of water use efficiency generally required by this Landscape Irrigation Code and the Guidelines, except that the ETAF for a special landscape area shall not exceed 1.0.
- (h) *Guidelines* refers to the Guidelines for Implementation of the Landscape Irrigation Code, as adopted by the Board of Supervisors of the County of Orange, which describes procedures, calculations, and requirements for landscape projects subject to this Landscape Irrigation Code.
- (i) *Hardscapes* means any durable material or feature (pervious and non-pervious) installed in or around a landscaped area, such as pavements or walls. Pools and other water features are considered part of the landscaped area and not considered hardscapes for purposes of this Landscape Irrigation Code.
- (j) *Irrigation efficiency* means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management

practices. The irrigation efficiency for purposes of this Landscape Irrigation Code is 0.75 for overhead spray devices and 0.81 for drip systems.

- (k) *Landscaped area* means all the planting areas, turf areas, and water features in a landscape design plan subject to the maximum applied water allowance and estimated applied water use calculations. The landscaped area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).
- (l) *Landscape contractor* means a person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.
- (m) *Landscape documentation package* means the documents required to be provided to the County for review and approval of landscape design projects, as described in the Guidelines and section 7-9-69.4 ~~133.4~~.
- (n) *Landscape project* means total area of landscape in a project, as provided in the definition of "landscaped area," meeting the requirements of section 7-9-69.2 ~~132.2~~.
- (o) *Local agency* means a city or county, including a charter city or charter county, that is authorized to implement, administer, and/or enforce any of the provisions of the Landscape Irrigation Code on behalf of the County. The local agency may be responsible for the enforcement or delegation of enforcement of this Landscape Irrigation Code including, but not limited to, design review, plan check, issuance of permits, and inspection of a landscape project.
- (p) *Local water purveyor* means any entity, including a public agency, city, county, or private water company that provides retail water service.
- (q) *Maximum applied water allowance* or "MAWA" means the upper limit of annual applied water for the established landscaped area as specified in Section 2.2 of the Guidelines. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of the landscaped area. The Estimated Applied Water Use shall not exceed the Maximum Applied Water Allowance. $MAWA = (ET_o) (0.62) ((ETAF \times LA) + ((1-ETAF) \times SLA))$
- (r) *Mined-land reclamation projects* means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.
- (s) *New construction* means, for the purposes of this Landscape Irrigation Code, a new building with a landscape or other new landscape such as a park, playground, or greenbelt without an associated building.
- (t) *Non-pervious* means any surface or natural material that does not allow for the passage of water through the material and into the underlying soil.
- (u) *Pervious* means any surface or material that allows the passage of water through the material and into the underlying soil.

- (v) *Permit* means an authorizing document issued by local agencies for new construction or rehabilitated landscape.
- (w) *Plant factor* or *plant water use factor* is a factor, when multiplied by ETo, that estimates the amount of water needed by plants. For purposes of this Landscape Irrigation Code, the plant factor range for very low water use plants is 0 to 0.1; the plant factor range for low water use plants is 0 to 0.3; the plant factor range for moderate water use plants is 0.4 to 0.6; and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this Landscape Irrigation Code are derived from the publication "Water Use Classification of Landscape Species." Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources (DWR).
- (x) *Recycled water* or *reclaimed water* means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.
- (y) *Reference evapotranspiration* or "ETo" means a standard measurement of environmental parameters which affect the water use of plants. ETo is given expressed in inches per day, month, or year as represented in Appendix A of the Guidelines, and is an estimate of the evapotranspiration of a large field of four-to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowances.
- (z) *Rehabilitated landscape* means any re-landscaping project that meets the applicability criteria of section 7-9-~~133-2(a)~~ TBD, where the modified landscape area is greater than two thousand five hundred (2,500) square feet.
- (aa) *Smart irrigation controller* means an automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data with non-volatile memory shall be required for irrigation scheduling in all irrigation systems, recommending U.S. EPA WaterSense labeled devices as applicable.
- (bb) *Special landscape area* means an area of the landscape dedicated solely to edible plants such as orchards and vegetable gardens, areas irrigated with recycled water, water features using recycled water, and recreational areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.
- (cc) *Turf* means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.
- (dd) *Valve* means a device used to control the flow of water in an irrigation system.
- (ee) *Water feature* means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the

landscaped area. Constructed wetlands used for on-site wastewater treatment, habitat protection or storm water best management practices that are not irrigated and used solely for water treatment or storm water retention are not water features and, therefore, are not subject to the water budget.

Sec. 7-9-68.4. - ~~7-9-133.4~~ Implementation procedures and landscape documentation package.

- (a) Prior to installation, a landscape documentation package shall be submitted to the County for review and approval of all landscape projects subject to the provisions of this Landscape Irrigation Code. Any landscape documentation package submitted to the County shall comply with the provisions of the Guidelines.
- (b) The landscape documentation package shall include a certification by a professional appropriately licensed in the State of California stating that the landscape design and water use calculations have been prepared by or under the supervision of the licensed professional and are certified to be in compliance with the provisions of this Landscape Irrigation Code and the Guidelines.
- (c) As part of the landscape documentation package, landscape and irrigation system plans shall be prepared and certified by a professional appropriately licensed in the State of California prior to the issuance of building permits and the application for a landscape documentation package as defined in sections 7-9-69.3 ~~133.3~~ and this section 7-9-69.4 ~~133.46~~. Landscape and irrigation plans shall be submitted to the County for review and approval with appropriate water use calculations and include:
 - (1) *Project description.* A summary of the project, property, provisions for water conservation technologies, plant use and groupings, the use of recycled water (if any), the capture and retention of stormwater onsite, and any special issues that the plan check reviewer would need to be aware of;
 - (2) *Water efficient landscape worksheet.* A report of analysis and calculations for establishing an estimated annual water use budget that shall not exceed the maximum applied water allowance. The MAWA and EAWU shall be calculated based on completing the water efficient landscape worksheets (in accordance with the Guidelines, Section 2.2 Water Efficient Landscape Calculations and Alternatives).
 - (3) *Erosion and sediment control plans.* To be submitted, as appropriate, as a grading permit application of soil assessment and management to prevent excessive erosion and runoff, as required under Section 7-1-805 of the County of Orange Grading and Excavation Code and Grading Manual;
 - (4) *Landscape design plans.* To be submitted per County of Orange requirements and include fire prevention (defensible space and fuel modification) requirements with approval(s) from the local fire authority;
 - (5) *Irrigation design plans.* To be submitted per County of Orange requirements and include provisions for the use of automatic irrigation systems and irrigation schedules based on climatic conditions, specific terrains, soil types, and other environmental conditions while minimizing irrigation overspray and runoff;

- (6) *Grading plans.* To be submitted, as appropriate, as a grading permit application when required under Section 7-1-805 of the County of Orange Grading and Excavation Code and Grading Manual.
- (d) Verification of compliance of the landscape installation with the approved plans shall be obtained through a certificate of use and occupancy or permit final process, as provided below and in the Guidelines.
- (e) Prior to final inspection, closure of a building or grading permit, and issuance of a certificate of use and occupancy, the following ~~must~~ shall be submitted to demonstrate compliance with section 7-9-69.4 ~~133.4~~:
 - (1) Certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved landscape documentation package;
 - (2) Documentation of the irrigation scheduling parameters used to set the controller(s);
 - (3) Documentation of the specified landscape and irrigation maintenance schedule; and
 - (4) Provisions for landscape maintenance practices that foster long-term landscape water conservation; and
 - (5) An irrigation system audit report.

Sec. 7-9-68.5. - ~~7-9-133.5~~ Landscape water use standards.

- (a) For applicable landscape installation or rehabilitation projects subject to Section 7-9-69.2 of this Landscape Irrigation Code, the estimated applied water use allowed for the landscaped area shall not exceed the MAWA calculated using an ET adjustment factor of 0.55, except for special landscaped areas where the MAWA is calculated using an ET adjustment factor of 1.0; or the design of the landscaped area shall otherwise be shown to be equivalently water-efficient in a manner acceptable to the County; as provided in the Guidelines.
- (b) Irrigation of all landscaped areas shall be conducted in a manner conforming to the rules and requirements, and shall be subject to penalties and incentives for water conservation and water waste prevention, as determined and implemented by the local water purveyor, or as mutually agreed by local water purveyor and the County.
- (c) These landscape water use standards shall not apply to registered local, state, or federal historical sites; ecological restoration projects that do not require a permanent irrigation system; mined-land reclamation projects that do not require a permanent irrigation system; or plant collections, as part of botanical gardens and arboretums open to the public.
- (d) Only Sections 2.8 and 2.9 of the Guidelines shall apply to new landscape installations or landscape rehabilitation projects at cemeteries.

- (e) Existing landscapes installed before January 1, 2010 that exceed one (1) acre shall comply with the requirements of their retail water purveyor to meet the landscape Maximum Applied Water Allowance.

Sec. 7-9-68.6. - ~~Sec. 7-9-133.6~~ Guidelines.

- (a) Detailed guidelines for the application and implementation of this Landscape Irrigation Code, including technical compliance and calculations are set forth in appendix A to the Landscape Irrigation Code, entitled, "Guidelines for Implementation of the Orange County of Orange Landscape Irrigation Code" which is incorporated by reference and made a part of this Landscape Irrigation Code.
- (b) The authority to implement and modify these guidelines as appropriate is delegated to the Planning Commission. Any such action of the Planning Commission may be appealed to the Board of Supervisors as provided in section 7-9-150 TBD of this Zoning Code.
- (c) The guidelines are complementary to the regulations of the Orange County Zoning Code. If an issue arises between the guidelines and the Zoning Code that is not sufficiently clear, the Zoning Code shall prevail.

Section 7-9-69. - Tree Preservation Ordinance

This section shall apply to all Protected Trees within the unincorporated area of the County of Orange. These sections may be referred to collectively as the "Tree Preservation Ordinance."

Section 7-9-69.1. - Purpose

The purpose of the following provisions is to ensure Protected Trees are preserved and remain healthy, in order to:

- (a) Recognize Protected Trees as ecological resources providing habitat and food for wildlife;
- (b) Recognize Protected Trees as providing oxygen release and carbon sequestration to counteract greenhouse gas emissions and air pollution and contributing to the minimization of other environmental damage such as reducing erosion and preventing water pollution;
- (c) Recognize Protected Trees as aesthetic resources, lending beauty and charm to the manmade landscape, and enhancing the value of property and the character of the communities in which they exist;
- (d) Create favorable conditions for the preservation and propagation of the unique heritage provided by Protected Trees for the benefit of current and future residents of the County of Orange; and
- (e) Assure the continuance of quality development.

Section 7-9-69.2. - Scope

- (a) These provisions shall apply to the following categories of Protected Trees:

- (1) Native Oak Trees and Oak Tree Hybrids (Quercus spp.) with a minimum diameter at breast height (DBH) of 8 inches for single-trunk trees and 12 inches for multi-trunk trees. See the Tree Manual for a complete list of all native oak trees and hybrids known to occur in the County of Orange.
- (2) California Scrub Oak, Nuttall's Scrub Oak and Scrub Oak hybrids (examples include Quercus berberidifolia, Q. dumosa, Q. Xmorehus) with a minimum DBH of 6 inches for single-trunk individuals and 10 inches for multi-trunk individuals.
- (3) Southern California Black Walnut (Juglans californica var. californica) with a minimum DBH of 8 inches for a single-trunk tree and 12 inches for multi-trunk trees.
- (4) California Sycamore, Western Sycamore (Platanus racemosa) with a minimum DBH of 12 inches for single-trunk trees.
- (5) Tecate Cypress (Hesperocyparis forbesii) will be protected regardless of size.
- (b) These provisions shall apply to all Protected Trees in all zoning districts, excluding areas zoned Specific Plan or Planned Community effective by the date of adoption of the Ordinance. These provisions shall apply to the following:
 - (1) Parcels that are equal or greater than 20,000 square feet;
- (c) These provisions shall apply to all existing Protected Trees and any Replacement Trees after the effective date of this Ordinance.
- (d) These provisions do not apply to:
 - (1) Protected Trees owned, operated and/or maintained by the County of Orange and Orange County Flood Control District;
 - (2) Protected Trees regulated by Orange County Fire Authority's Fuel Modification Plan and Maintenance Program and other defensible space requirements in accordance with State Law (Public Resources Code 4291)/ Title 14 Natural Resources Division 1.5 Department of Forestry;
 - (3) Protected Trees grown or held for sale within a licensed nursery facility, tree farm or commercial orchard;
 - (4) Cases of emergency caused by damage from flood, fire, wind, lightning, or other natural cause which would require removal of a Protected Tree, including any tree cutting to remove an immediate hazard to human life, personal property and fire access;
 - (5) Cases of non-emergency caused by a Protected Tree being in a hazardous or dangerous condition due to natural causes (as verified after visual inspection by an Arborist);
 - (6) Protected Trees with an infestation, pathogen, or disease after inspection by an Arborist or Academic Arboricultural Expert;

- (7) Protected Trees maintained by a public utility or any tree on County-owned property for installation of utilities and public facilities and maintenance of property to allow a public utility to fulfill its obligation to provide service to the public;
- (8) Protected Trees that are within an environmentally sensitive area as defined by the California Coastal Act Section 30107.5 or included as part of a habitat preserve that will be subject to a Habitat Management Plan or other management document for that area.

Section 7-9-69.3. - Definitions

The meaning of words, phrases and terms used in this Ordinance shall be the same as those contained in the Tree Manual. The following definitions apply to the specialized items in these provisions:

- (a) “Academic Arboricultural Expert” is defined as an academic specialist in the field of arboriculture or a pest management specialist employed by an accredited university or a plant pathologist or entomologist.
- (b) “Arborist” means a person who is currently certified by the International Society of Arboriculture as an expert on the care of trees or who is a member of the American Society of Consulting Arborists.
- (c) “Biological Effectiveness” refers to the appropriateness of the property to support a Protected Tree that include, but is not limited to the following: soil conditions, water availability, sun exposure, and space limitations.
- (d) “Damage” refers to any act causing damage, injury, or death to a Protected Tree, or causing a Protected Tree to be uprooted or removed from the ground by any means, including, but not limited to, cutting, grading, changing hydrology during grading, construction, and/or erosion, burning, applying toxic substances, operating equipment or machinery, or by paving, changing the natural grade, trenching, or excavating within the protected root zone of a Protected Tree. Damage or mortality by natural causes, such as infestation, as verified by an Arborist shall not be considered damage necessitating tree replacement.
- (e) “Diameter at Breast Height (DBH)” refers to the tree diameter of the perimeter tree trunk at four and one-half feet (4.5 feet, or 54 inches) above natural grade level of the soil. The diameter (D) may be calculated by using the following formula: circumference (C) at 4.5 feet divided by pi, a value of 3.142, [D=C x 1/π]. To calculate the DBH of multi-trunk trees or for measuring trees on slopes, consult the Tree Manual.
- (f) “Drip Line” is defined by the outermost edge of a tree canopy where water drips from and onto the ground.
- (g) “Emergency Situation” refers to any situation caused by damage from flood, fire, wind, lightning, or other natural cause where there is an immediate hazard to human life, personal property and/or fire access.

- (h) “Encroachment” shall mean any intrusion into the Tree Protection Zone of a Protected Tree including, but not limited to, grading, excavation, trenching, parking of vehicles, storage of materials or equipment, or the construction of structures or other improvements.
- (i) “Fuel Modification Plan and Maintenance Program” is an Orange County Fire Authority guidance document that provides information on how fuel modification zones are to be designed, installed, and maintained in order to meet safety requirements of local fire codes. The zones provide an integral level of protection for structures from wildfires by slowing the speed and reducing the intensity of fire.
- (j) “Habitat Management Plan” refers to a document or decision-making process intended to guide the management, protection, and restoration of wildlife habitat while integrating goals and objectives with other pertinent landscape scale or specific plans.
- (k) “In-Lieu Fee” refers to an option in the Tree Preservation Management Plan that may apply to project applicants to allow an applicant to pay into a Tree Preservation Fund in lieu of on-site or off-site tree replacement. Fees will be determined based on the size of the Protected Tree impacted and are subject to annual adjustments based on the Consumer Price Index. The fee schedule is located in the Tree Preservation Permit application.
- (l) “Large Development Project” is defined as a non-residential project, multi-family residential project, or a residential project that involves the subdivision of a parcel or parcels, or any project impacting multiple parcels.
- (m) “Native Tree” shall mean any indigenous tree from California which is a member of a species which was present at a given site prior to European contact.
- (n) “Protected Tree” means any individual native tree with a minimum Diameter at Breast Height (DBH) as defined in Section 7-9-69.2.
- (o) “Removal” shall mean the uprooting, cutting, or severing of the main trunk, or major branches, of a Protected Tree or any act which causes, or may be reasonably expected to cause a tree to die.
- (p) “Replacement Tree” shall mean any tree installed either on-site or off-site as part of the required replacement for removal of a Protected Tree. Replacement Trees shall consist exclusively of Protected Trees of the same or similarly appropriate native species and shall be in the ratio ranging from 1:1 to 5:1 based on DBH of the impacted tree and will be installed a minimum of thirty (30) feet apart on-center. For the purposes of this Ordinance, all Replacement Trees are considered Protected Trees regardless of size and must be replaced if mortality occurs throughout the entire Replacement Tree Monitoring Period.
- (q) “Replacement Tree Monitoring Period” shall mean the term of protection starting with the date of the recorded Tree Preservation Covenant of the

original tree impacted during construction and shall apply to a period of ten (10) years for protected oak species and five (5) years for all other protected species.

- (r) "Small Development Project" is defined as a single-family residential project, which includes only one parcel and does not involve a subdivision of the parcel.
- (s) "Temporary Stockpiling" refers to the holding of a Protected Tree in a temporary nursery location after it has been removed from its original location, prior to the transplanting of the tree into a different location either elsewhere on the property or at an off-site location. Protected Trees that are stockpiled for transplanting shall be subject to the same Replacement Tree Monitoring Period as a Replacement tree.
- (t) "Tree Manual" is a guidance document with planting and maintenance specifications aimed to keep plants in a healthy state. Copies of the Tree Manual shall be on file at OC Public Works, in the office of the County Clerk and on the County's website. Printed copies will be made available to the public at a fee sufficient to recover costs. The Tree Manual may be amended by Deputy Director of OC Development Services, or designee providing such amendments are consistent with the purpose and intent of this division. In the event of any conflict between the Tree Manual and the Ordinance, the provisions of the Ordinance shall govern.
- (u) "Tree Preservation Covenant" is a document to be recorded on the property after a Protected Tree is installed in accordance with specifications in the Tree Manual.
- (v) "Tree Preservation Fund" refers to a fund managed by OC Public Works, which is to be pooled and utilized for installation, maintenance, and other general activities to support the preservation of native trees. See Section 7-9-69.4(c)(5).
- (w) "Tree Preservation Permit" shall be required as part of the landscape permit or a stand-alone Tree Preservation Permit process pursuant to the County Codified Ordinance. See Section 7-9-69.4.
- (x) "Tree Preservation Management Plan" is a report prepared by an Arborist or a Landscape Plan prepared by a licensed landscape architect showing the location of the Protected Tree(s) relative to the proposed project, and a description of the tree(s) including species name, health, and DBH of tree(s) to be impacted. The plan will include applicable recommendations for Replacement Trees to be planted on site, off site, and/or an in-lieu fee option. The plan will also include how the Applicant will ensure continued compliance with the Ordinance.
- (y) "Tree Protection Zone" is defined as that area within the drip line of a Protected Tree and extending to a point five (5) feet outside the greatest extent of the drip line, or fifteen (15) feet from the trunk of a tree, whichever distance is greater.

Section 7-9-69.4. – Tree Preservation Permit

- (a) A Tree Preservation Permit application shall be required and submitted to OC Development Services prior to removal of any Protected Tree or obtained prior to any encroachment into the Tree Protection Zone. The application, as a whole, will be reviewed and approved by the Deputy Director of OC Development Services or designee.
- (1) Damage or injury of Protected Trees is prohibited. Should the conditions under the Tree Protection Ordinance be violated, the Protected Tree shall be declared “Damaged” and subject to replacement or payment of In-Lieu Fees into the Tree Preservation Fund.
- (2) No person shall:
- a. damage, injure, cut, carve, uproot, remove, encroach into or develop within the Tree Protection Zone of any Protected Tree or damage the roots of any Protected Tree;
 - b. cause any gas, liquid, solid or other harmful substance to come in contact with any Protected Tree;
 - c. set fire or cause any fire to burn when such fire or heat thereof will injure any portion of the Protected Tree;
 - d. park vehicles or equipment or operate machinery associated with any construction or development activity within the Tree Protection Zone of a Protected Tree;
 - e. permanently attach any electrical installation to a Protected Tree; or
 - f. attach any wire, advertising posters, nails, or other contrivance to a Protected Tree.
- (b) The Tree Preservation Permit application shall include:
- (1) An explanation as to why the Protected Tree’s removal and/or encroachment into the Tree Protection Zone is necessary;
 - (2) An explanation as to why tree removal and/or encroachment into the Tree Protection Zone is more desirable than alternative project designs;
 - (3) Landscape plans that show Protected Trees shall be shielded from damage during construction by a protective fence a minimum of four (4) feet in height, which shall enclose the entire drip line area and associated Tree Protection Zone on the construction site, five (5) feet outside the greatest extent of the drip line, or fifteen (15) feet from the trunk of a tree, whichever distance is greater. Such barriers shall be installed prior to the commencement of any development on the site and shall remain in place throughout the construction period. Proper installation of fencing material will be conducted in accordance with the Tree Manual. If landscape plans illustrate that encroachment occurs into the Tree Protection Zone, but does not damage the tree as verified by an

Arborist and does not necessitate tree removal, tree replacement or In-Lieu Fee payment is not required.

- (4) If tree Removal is necessary to complete the project, a Tree Preservation Management Plan prepared by an Arborist, which recommends the type of on-site and off-site replacement based on existing conditions, the number of Protected Trees, and the biological effectiveness of the replacement of the Protected Tree(s). Options for compliance with the Ordinance include on-site replacement, off-site replacement or payment of an In-Lieu Fee into a Tree Preservation Fund. Plan shall first consider on-site and/or off-site replacement. If Plan demonstrates both on-site and off-site options are not feasible, then an In-Lieu Fee program may be recommended. The plan shall identify how the Applicant will ensure continued compliance with the Ordinance throughout the Replacement Tree Monitoring Period, including measures for adaptive management, in the event a decline in tree health is observed and/or the proposed plan is no longer practicable or feasible.
- (c) Replacement shall be implemented through on-site replacement, off-site replacement or through payment of an in-lieu fee into a Tree Preservation Fund.
 - (1) Replacement trees must be installed at a minimum size equal to that of a 24-inch box specimen tree in accordance with the Tree Manual. The Deputy Director of OC Development Services may, in lieu of this requirement, require the substitution of larger container specimens for each Protected Tree to be replaced, where, in its opinion, substitution is supported by the Tree Preservation Management Plan.
 - (2) All Replacement Trees shall be in good health and will be visually inspected for damage, such as canker, other pests/pathogens, and girdling or circling of roots. Refer to Tree Manual for further details on how to select a healthy tree.
 - (3) The health of any tree which is identified for temporary stockpiling or to be transplanted from one location to another shall be guaranteed for the Replacement Tree Monitoring Period. Recommendations for preserving tree health and avoiding damage during construction can be found in the Tree Manual. Replacement trees and subsequent replacement trees, if applicable, must be replaced if mortality occurs to fulfill the entire Replacement Tree Monitoring Period.
 - (4) If Applicant is unable to fulfill all replacement requirements within their own property, the balance of the number of physical trees may be installed at a mutually agreed upon off-site location in an incorporated or unincorporated area within the County of Orange. Applicant will include provisions for off-site tree replacement within the Tree Preservation Management Plan and agreement with applicable parties to be approved by the Deputy Director of OC Development Services.
 - (5) If replacement is not feasible on site or at an-off site location, In-Lieu Fees shall be deposited into a Tree Preservation Fund. See current Tree Preservation

Permit application for replacement ratios and in-lieu fees. In-Lieu Fees shall be adjusted annually based on the Consumer Price Index. Replacement Tree monitoring is not required for trees planted or maintained with In-Lieu Fees. The Tree Preservation Fund shall be utilized within the County of Orange for any or all of the following:

- a. Installation and establishment of new Protected Trees.
 - b. Maintenance of Protected Trees.
 - c. Other general activities to support the preservation of Protected Trees.
 - d. Study and identification of appropriate programs to preserve the health of Protected Trees.
- (d) In addition to the information required in the Tree Preservation Permit Application, the Applicant shall substantiate through supporting documents and studies to the satisfaction of the Deputy Director of OC Development Services the following:
- (1) Compliance with other ordinance regulations and environmental laws, if applicable, by including copies of the regulatory permits and/or supporting California Environmental Quality Act (CEQA) documentation. When mitigation is required by CEQA or any other regulation for the removal of any protected tree, such mitigation shall be consistent with the Ordinance. If a project is exempt from CEQA, the Ordinance will apply. If there is a conflict between CEQA and the Ordinance, the most stringent regulation for tree protection will apply.
 - (2) Whenever, in the judgment of any agency of the County of Orange, any person, firm, or corporation is engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of this Ordinance, OC Development Services or designee shall order the work stopped by posting notice in writing at the site and serving such notice and order on any persons engaged in doing or causing such work to be done. Any such persons, their corporation, employees, or servants, shall forthwith stop such work until such time as re-commencement is authorized by OC Development Services.
 - (3) Prior to final inspection from OC Development Services, closure of a building or grading permit, and issuance of a Certificate of Use and Occupancy, the following must be submitted to demonstrate compliance with Section 7-9-69.4:
 - a. Tree Replacement Installation Certification by either the signer of the landscape design plan, the Arborist, or the licensed landscape architect or contractor, that the project has been installed per the Tree Manual.

- b. A Tree Preservation Covenant will be recorded against the property to ensure the preservation of tree(s) for the Replacement Tree Monitoring Period. The recorded document will be submitted to OC Development Services prior to permit close-out.

Section 7-9-69.5. – Post Installation

- (a) Trees planted as Replacement Trees shall be maintained using best management practices consistent with proper maintenance of native trees as outlined in the Tree Manual.
- (b) Replacement trees must be replaced by the Owner if mortality occurs within the Replacement Tree Monitoring Period. For the purposes of this Ordinance, all Replacement Trees are considered Protected Trees regardless of size and must be replaced if mortality occurs within the Replacement Tree Monitoring Period.
- (c) Applicant shall submit a Tree Replacement Installation Certification prepared by an Arborist after the tree is planted to document that the Replacement Tree was installed properly in accordance with the Tree Manual and that the tree meets the minimum size requirements for a Replacement Tree (i.e., 24-inch box specimen).
 - (1) For Small Development Projects, Applicant shall submit a Tree Replacement Installation Certification upon completion of the project and subsequent Tree Replacement Inspection Forms will not be required. For Large Development Projects, the Tree Replacement Installation Certification and subsequent Tree Replacement Inspection Forms shall be prepared by an Arborist to document the health of the Replacement Tree(s) throughout the Replacement Tree Monitoring Period.
 - (2) The Tree Replacement Inspection Form prepared by an Arborist shall reference the original tree that was impacted during construction activities and provide the DBH of the original tree. See Tree Preservation Permit application for details.

Section 7-9-69.6. – Liability

The Ordinance shall not be construed to impose any liability upon the County, its officers or employees for the performance of any act or the failure to perform any act under this Ordinance, and shall not relieve the owner from the duty to keep any tree upon his or her property in such condition as to prevent it from causing damage or constituting a nuisance. By enactment of this Ordinance, the County is not assuming responsibility for the maintenance of Protected Trees, nor relieving the property owner of the duty to maintain such trees at the owner's expense. Furthermore, it shall be the obligation and duty of each owner to demonstrate compliance with this Ordinance.

Section 7-9-70. - ~~7-9-145~~ Off-street parking and loading regulations.

All references to this section shall include sections 7-9-TBD through 7-9-TBD. These regulations apply to all districts, planned communities and specific plan areas, unless otherwise specified.

7-9-70.1. - 7-9-145.1 Purpose and intent

The intent of the Off-Street Parking Regulations is to provide sufficient on-site parking to accommodate the majority of traffic generated by the range of uses that might locate at the site over time for the on-site, off-street parking of motor vehicles that are attracted by the use or uses on the premises and to incentivize multimodal transportation and transportation demand management (TDM) measures. Parking requirements should be balanced with measures to establish and maintain an active pedestrian network by minimizing the potential for pedestrian, bicycle, and vehicle conflicts as much as possible. The parking facilities for motor vehicles required by this section are assumed to be the minimum which will be required by the various land use categories. However, the parking and maneuvering facilities required by this section should not be used as a fixed standard to determine the amount of off-street parking which may be adequate for any-specific use. ~~If the decision-maker determines minimum parking standards are inadequate for a specific project, he may require the developer, owner or operator of any specific use to provide the adequate parking even though such addition may be in excess of the minimum requirements set forth in this section.~~ Reductions to minimum parking requirements may be permitted subject to approval of an off street parking alternative use permit to the Zoning Administrator which would allow if the developer to can demonstrate through a parking study that the requirements exceed the needed supply as provided for in Section 7-9-TBD, Alternatives to off-street parking requirements. It is intended that these regulations will result in the installation of properly designed parking facilities of sufficient capacity to minimize traffic congestion, enhance public safety, generally provide for the parking of motor vehicles at locations other than on the streets, and ~~for~~ without imposing unnecessary costs and barriers to development while ensuring safe passage of pedestrians to and from parked vehicles.

7-9-70.2. - 7-9-145.2 General requirements

- (a) Location of Off-Street Parking:
 - (1) Required parking facilities shall be located on the same building site and conveniently proximate to the use or uses they serve, except as otherwise provided in sections ~~7-9-145.3, 7-9-145.4 and 7-9-145.7~~ 7-9-TBD, 7-9-TBD and 7-9-TBD.
 - (2) Property within the ultimate right-of-way of a street (either public or private) shall not be included in provision of the minimum parking unless otherwise specified.
- (b) Accessibility: All required off-street parking spaces shall be designed, located, constructed and maintained so as to be fully and independently usable and accessible at all times.
- (c) Usability:
 - (1) The required off-street parking facilities, garages, carports, parking structures and driveways shall not be used for any ~~purposes~~ activity which that at any time would preclude the use of the area for purposes other than the temporary storage of motor vehicles except as provided for in this Code.

- (2) Unless otherwise provided by an approved discretionary permit, no owner or tenant shall lease, rent or otherwise make unavailable to intended users any off-street parking spaces required by this article.

(d) Solar Energy Collector:

- (1) Photovoltaic equipment may be installed on the roof of carports for the purpose of collecting, storing, or transferring solar energy as part of a larger solar energy system installed in structure(s) on the same building site without additional discretionary permit.
- (2) The height and size of the solar energy collector equipment on carport roofs shall be regulated by sec. 7-9-TBD Solar Energy Systems.

~~(d)~~ (e) Access to Arterial Highways:

- (1) Wherever access to a parking area is off an arterial highway designated on the Master Plan of Arterial Highways, parking spaces, driveways and maneuvering areas shall be designed so that motor vehicles may enter the arterial highway traveling in a forward direction.
- (2) Vehicular access to arterial highways designated on the Master Plan of Arterial Highways will be permitted only in accordance with specifically approved driveway locations and access design.

(e f) Maximum Grades Permitted:

- (1) Whenever access is taken from a street, alley or driveway to an off-street parking area serving four (4) or less dwelling units, the driveway or other vehicular accessway shall have a maximum grade of plus fifteen percent (+15%) or minus six percent (-6%), measured from the street, alley or driveway grade along the driveway center line, for a distance of not less than eighteen (18) feet from the street, alley or driveway right-of-way line.
- (2) Whenever access is taken from a street, alley or driveway to an off-street parking area serving industrial, commercial or professional uses, public or community facilities, or five (5) or more dwelling units, the driveway or other vehicular accessway shall have a maximum grade of plus fifteen percent (+15%) or a minus two percent (-2%), measured from the street, alley or driveway grade along the driveway center line for a distance of not more than eighteen (18) feet from the street, alley or driveway right-of-way line.
 - a. Any deviation from the above dimensions shall require approval by the Director in consultation with the County Traffic Engineer. Approval of such deviations shall not require a separate discretionary approval.
- (3) The maximum grades in (1) and (2) will generally provide adequate sight distance at street level and prevent vehicles from dragging on extreme grade breaks. Exceptions may be approved by the Director, ~~EMA~~, where physical design prevents such extreme grade breaks and provides safe sight distance.

- (4) Off-street parking spaces and the abutting parking aisles shall have a maximum grade of two (2) percent for retail commercial and five (5) percent for all other uses. Said grade shall be measured across the parking space and the abutting parking aisle in any direction. (See diagram in section 7-9-145.5 TBD.)
- (5) Ramps or driveways providing vehicular access within the interior of an off-street parking area located beyond eighteen (18) feet from the ultimate right-of-way line of a street, alley or driveway shall have a maximum slope of plus or minus twenty (20) percent. When such ramp or driveway slopes exceed plus or minus ten (10) percent, the ramp or driveway design shall include transitions not less than eight (8) feet in length, having a slope equal to one-half the ramp slope. (See diagram in section 7-9-145.5.). When parking is provided on a ramp, the maximum slope shall not exceed six (6) percent.
- (~~f~~ g) Parking Area Notices and Directional Instructions: Notwithstanding the regulations of any district or any planned community, parking area notices, each not to exceed two (2) square feet in area, and directional instructions lettered on the paved surface of driveways and parking areas are permitted for parking facilities serving industrial, commercial or professional uses; public or community facilities; and five (5) or more residential dwelling units. Such parking notices may contain the name of the owner or occupant of the property and only such words and symbols that are directly related or essential to parking, enforcement or the direction of vehicular traffic within the parking area.
- (~~g~~ h) Paving:

All ~~permanent~~ Parking spaces, driveways, and maneuvering areas shall be paved and permanently maintained with ~~asphaltic concrete, cement concrete or other all-weather, non-erodible, hard surfacing~~ permeable or impervious paving materials. Temporary parking spaces, driveways, and maneuvering areas may use decomposed granite or other stable, all-weather surfacing. Where feasible, curbing should direct drainage to landscaped areas and/or allow for percolation or runoff.
- (~~h~~ i) Lighting:

Any lights used to illuminate the parking spaces or driveways shall be designed and located so that direct rays are confined to the property on which the parking spaces and driveways are located.
- (~~i~~ j) Change or Increase in Use of Property: Whenever the occupancy or use of any premises which is not in compliance with off-street parking requirements is changed to a different use or the existing use is altered, enlarged, expanded or intensified, parking to meet the requirements of this section shall be provided for the new use or occupancy. ~~This provision shall not apply to the addition of rooms or other alterations of a single-family dwelling which do not increase the total floor area more than fifty (50) percent.~~ To support the continued occupancy and adaptive reuse of existing commercial and industrial buildings, this provision shall not apply to alterations of uses less than two-thousand (2,000) square feet or five (5) percent of the total floor area (whichever is greater), up to fifty (50) percent total.

~~(j)~~ k) Fractional Parking Spaces: Whenever the computation of the total or cumulative number of off-street parking spaces required by this section results in a fractional parking space, one (1) additional parking space shall be required for one-half or more fractional parking space and any fractional space less than one-half of a parking space shall not be counted.

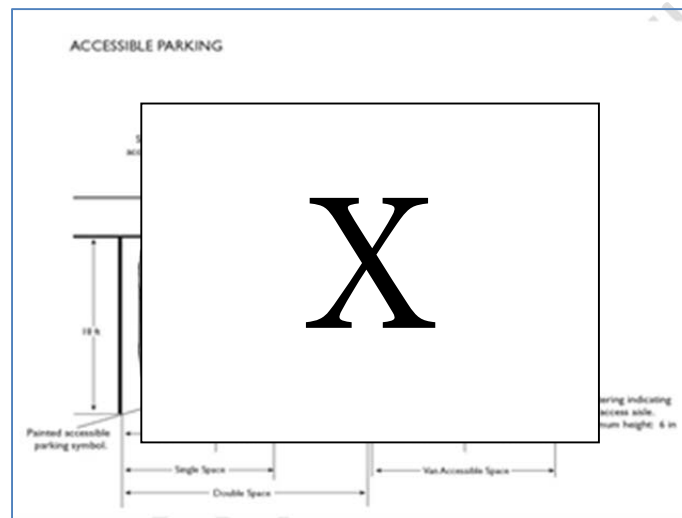
~~(k)~~ l) ~~Accessible Parking Facilities for the Physically Handicapped:~~ Public accommodations or facilities, including industrial, commercial, professional, institutional, and multifamily ~~multi-family~~ dwellings of five (5) or more units shall provide accessible parking spaces ~~for the physically handicapped~~ in compliance with the current version of the Board-adopted California State Building Code and federal "ADA Standards for Accessible Design." ~~following provisions (see also section 7-9-145.5 "Design Requirements"):~~

1. ~~Spaces required: The following table establishes the number of handicapped parking spaces required:~~

Total Number of Parking Spaces	Minimum Number of Handicapped
1-4	0
5-40	1
41-80	2
81-120	3
121-160	4
161-300	5
301-400	6
401-500	7-9
Over 500	1 for each 200 additional spaces provided

2. ~~Parking space size: Physically handicapped parking spaces shall be located as near as practical to a primary entrance. If only one (1) space is provided, it shall be fourteen (14) feet wide and outlined to provide a nine-foot parking area and a five-foot loading and unloading area. When more than one (1) space is provided in lieu of providing a fourteen-foot wide space for each parking space, two (2) spaces can be provided within a twenty-three foot wide area lined to provide a nine-foot parking area on each side of a five-foot loading and unloading area in the center. The minimum length of each parking space shall be eighteen (18) feet. (See also section 7-9-145.5, "Design Requirements.")~~

3. ~~Arrangement of parking space: In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. Also, the space shall be so located that a handicapped person with disabilities is not compelled to wheel or walk behind parked cars other than their own. pedestrian ways which are accessible to the physically handicapped shall be provided from each such parking space to related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space except where such encroachment into the length of any handicapped space does not limit the handicapped persons' capability to leave or enter their vehicle.~~



4. ~~Slope of parking space: Surface slopes of parking spaces for the physically handicapped shall be the minimum possible and shall not exceed one half percent in any direction.~~
5. ~~Identification: Each parking space reserved for the handicapped shall be identified by a permanently affixed reflectorized sign constructed of porcelain on steel, beaded text, or equal, displaying the international symbol of accessibility. The sign shall not be smaller than seventy (70) square inches in area and shall be centered at the interior end of the parking space at a minimum height of eighty (80) inches from the bottom of the sign to the parking space finished grade, or centered on the wall at the interior end of the parking space at a minimum height of thirty-six (36) inches from the parking space finished grade, ground, or sidewalk.~~
- ~~A sign shall also be posted, in a conspicuous place, at each entrance to the off-street parking facility, not less than seventeen (17) inches by twenty two (22) inches in size with lettering not less than one (1) inch in height, which clearly and conspicuously states the following:~~
- ~~"Unauthorized vehicles parked in designated accessible spaces not displaying the distinguishing placards or license plates issued for physically handicapped~~

~~may will be towed away at the owner's expense. Towed vehicles may be reclaimed at _____ or _____ by telephoning _____."~~

~~_____ In addition to the above requirements, the surface of each parking place shall have a surface identification duplicating the symbol of accessibility in blue paint, at least three (3) square feet in area.~~

~~6. _____ Parking structures: Entrances to and vertical clearances within parking structures shall have a minimum vertical clearance of eight (8) feet two (2) inches where required for accessibility to handicapped parking spaces.~~

~~8. _____ If there is any conflict between the accessible parking requirements set forth in these regulations and the requirements in State law, the State requirements shall prevail.~~

~~Note: For additional handicapped site development requirements, including curbs, ramps, and landing requirements, refer to the State of California "Regulations for the Accommodation of the Disabled." Information is available at information on accessible design contact:~~

~~Office of the State Architect~~

~~Access Compliance Unit~~

~~1500 5th Street 1102 Q Street, Suite 5100~~

~~Sacramento, CA 95814-95811~~

~~<http://www.dgs.ca.gov/dsa/Programs/progAccess.aspx>~~

7-9-70.3. - 7-9-145.3 Residential off-street parking requirements

Off-street parking facilities shall be provided for all residential uses in compliance with section 7-9-145.2 TBD and this section.

(a) Size of parking spaces:

(1) Each required covered off-street parking space ~~for single-family dwellings~~ shall be in a garage or carport a minimum of ten (10) feet in width and twenty (20) feet in length of an area unobstructed area by objects such as trash cans and the door-swing of a man-door. In garages or carports containing two (2) or more side-by-side parking spaces, the required minimum width may include the exterior walls or supports of the structure, provided minimum unobstructed dimensions of nine (9) feet in width and eighteen (18) feet in length per parking space are met.

(2) Uncovered off-street parking spaces shall be a minimum of nine (9) feet in width and eighteen (18) feet in length per parking space. In measuring the length of paving required for uncovered parking spaces, allowance may be made for up to two (2) feet of vehicular projection beyond the bumper or tire stop if such projection does not interfere with screening or pedestrian use. The projection may overhang a

sidewalk up to two (2) feet only if the remaining sidewalk has an unobstructed width of at least four (4) feet at all times, except under (g)(3) following.

- (3) When a side of any space abuts a building, fence, support column or other obstruction which interferes in any way with access to a motor vehicle, the space shall be a minimum of two (2) feet wider than otherwise required by this section.
- (4) Uncovered off-street parking spaces located parallel to and adjoining private accessways shall not be less than eight (8) feet in width and eighteen (18) feet in depth, with a minimum of eight (8) feet separating each pair of such parking spaces as shown in the diagram in section 7-9-145.5. TBD

(b) Driveways widths:

- (1) Single-family residence driveways shall be paved to a minimum of ten (10) feet in width from access street or alley to the garage maneuvering area.
- (2) Driveways providing access to garages, carports and uncovered parking areas serving two (2), three (3) or four (4) dwelling units shall be paved to a minimum of twelve (12) feet wide for one-way traffic and sixteen (16) feet wide for two-way traffic, except when a wider width is required for maneuvering area in front of the garages, carports or uncovered parking spaces.
- (3) Driveways providing access to garages, carports and uncovered parking areas serving five (5) or more dwelling units shall be paved to a minimum of twelve (12) feet wide for one-way traffic and twenty-four (24) feet wide for two-way traffic, except when a wider width is required for maneuvering area in front of the garages, carports or uncovered parking spaces. Additional width may be required as necessary to provide transition to a driveway approach.
- (4) Driveways shall only provide access to an approved garage, carport, uncovered parking space, or parking area.

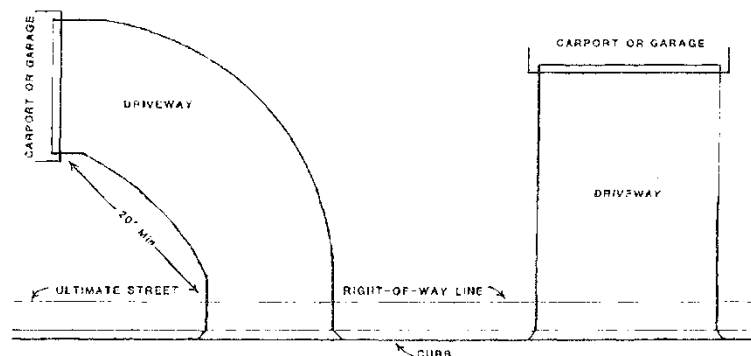
(c) Maneuvering areas: Of the following requirements, numbers one (1) through four (4) do not apply to building sites with one single-family dwelling that has an attached or detached front-entry garage and a driveway twenty (20) feet or less which is centered to the garage door opening, or to building sites with more than one single-family dwelling. Maneuvering areas for access into and out of side-entry garages carports and uncovered parking spaces shall have minimum widths as follows:

- (1) Side-entry and Detached Garages: Thirty (30) feet of unobstructed area (measured from garage door to opposite end of driveway), unless modified by (4) below.

- (2) Carports: Twenty-eight (28) feet of unobstructed area (measured from outward end of parking stall), unless modified by (4) below.
- (3) Uncovered parking: Twenty-four (24) feet of unobstructed area (measured from outward end of parking stall), except for one-way driveways per section 7-9-~~145.5~~ TBD.
- (4) Reductions: The required width may be reduced by a maximum of four (4) feet if one or more of the following applies:
 - a. Where there is no physical barrier over six (6) inches in height on the same lot opposite a side-entry garage or carport entry that would prevent a motor vehicle from projecting beyond the driveway maneuvering area, the required width may be reduced a maximum of two (2) feet.
 - b. ~~Additionally, w~~ Where a one-car garage has an interior width in excess of ten (10) feet and a door wider than eight (8) feet, the maneuvering area in front of such garage may be reduced by the same amount that the width of the garage door exceeds eight (8) feet, to a maximum reduction of two (2) feet.
 - c. ~~or if~~ If the garage is a two-car or more structure and the garage door is at least sixteen (16) feet wide, the maneuvering area may be reduced a maximum of two (2) feet.
- (5) Any requested deviation from the above dimensions requires the approval of the Director in consultation with the County Traffic Engineer. Approval of such deviations shall not require a separate discretionary approval.

Garage Entry Location

Sec 7-9-137.1 (a)



Side-entry (curved) Driveway: At least 20 feet from the nearest point of entry from the public ROW to the nearest point of the garage entrance (as shown on diagram).

Traditional Driveway:
Minimum of 20 feet from ROW or 18 feet with roll-up door

- (d) ~~Sec. 7-9-137.1.~~ Garages and carports: The placement or construction of garages and carports on any building site used for residential purpose, including residential areas within planned communities and specific plans, shall comply with the setback requirements for a main building except as otherwise specified as follows:
- (1) *Garage entry location.* When the building line is closer than twenty (20) feet from the ultimate right-of-way of a street or from a common driveway providing primary access and circulation to other dwelling units, attached and detached garages shall be located so that the garage entry is a minimum of twenty (20) feet, at the closest point from the right-of-way sidewalk (or curb line, if no sidewalk exists). However, if the garage has a roll-up door, that distance may be reduced to eighteen (18) feet. See illustration for garage entry location.
 - (2) *Garage access from alleys and driveways:* When alleys, private streets or common driveways are provided specifically as vehicular access to garages and carports and when separate access and circulation systems are provided for pedestrians, guests and emergency vehicles, attached and detached garages and carports may be placed anywhere within the rear setback area to within a minimum of five (5) feet from such alley, private street or common driveway.
 - (3) *Detached garages and carports:* Except as otherwise specified in subsections 1. and 2. preceding, detached garages and carports may be placed or constructed any place within the required rear or interior side setback area except within those areas where fences and walls are limited to a maximum height of three and one-half (3½) feet as specified in section ~~7-9-137.5~~ TBD.

- (e) The minimum number of off-street parking spaces required for each category of residential use shall be as follows:

<u>Use</u>	<u>The minimum number of off-street parking spaces required</u>
<p>Attached or detached single-family dwellings</p> <p>Note: For purposes of this section:</p> <ul style="list-style-type: none"> • <u>A room such as a den, office, study or craft sewing room shall be considered a bedroom.</u> • <u>One-half (0.5) and greater parking spaces shall be rounded up, less than one-half (0.5) shall be rounded down.</u> • <u>All parking spaces are subject to location requirements in (e) below.</u> 	<ol style="list-style-type: none"> 1. Two (2) covered parking spaces <u>required</u> for each dwelling. 2. <u>In addition to parking required in 1. above, additional parking spaces shall be provided as follows:</u> <ol style="list-style-type: none"> a. Those dwellings having less than a seventeen-an <u>eighteen (18)-foot</u> setback from the back of curb or sidewalk <u>right-of-way (driveway)</u>, whichever is closest to the garage or carport, shall provide one (1) additional off-street parking space within two hundred (200) feet of the dwelling <u>subject to location requirements in (e) "Location of residential parking spaces," below.</u> On-street parking, where permitted, may be used for the additional space. b. <u>Those dwelling units located within a planned development shall provide an additional one-half (0.5) guest parking space per unit subject to (e) "Location of residential parking spaces," below.</u> c. <u>Those dwellings with more than four (4) bedrooms shall provide an additional one-half (0.5) off-street parking space on the same parcel for each additional bedroom. In addition to the two (2) required covered spaces. If one additional space is required, it shall be covered. If more than one additional space is required, at least fifty percent (50 %) of the additional spaces shall be covered and may be tandem spaces.</u> d. <u>Those dwellings on streets that do not allow on-street parking shall provide one (1) additional off-street parking space within two hundred (200) feet of the unit subject to (e) "Location of residential parking spaces," below.</u>

<p>Two (2) or more dwelling units on one (1) building site</p> <p><u>(Excluding accessory dwelling units)</u></p> <p>Note: For purposes of this section:</p> <ul style="list-style-type: none">• A room such as a den, study or <u>craft sewing</u> room shall be considered a bedroom.• <u>One-half (0.5) and greater parking spaces shall be rounded up, less than one-half (0.5) shall be rounded down.</u>• <u>All parking spaces are subject to location requirements in (e) below.</u>	<p>a. Zero to one-bedroom dwelling units: One and one-half (1.5) off-street parking spaces for each dwelling unit. Except as otherwise provided in d. below, one (1) space shall be covered for each dwelling unit.</p> <p>b. Two-bedroom dwelling units: Two (2) off-street parking spaces for each dwelling unit. Except as otherwise provided in d. below, one (1) of the spaces shall be covered for each dwelling unit.</p> <p>c. Three or more bedroom dwelling units: Two and one-half (2.5) 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). Except as otherwise provided in d. below, two (2) spaces shall be covered for each dwelling unit.</p> <p>d. Notwithstanding the provisions of this subsection, the requirement that off-street parking spaces be covered is not applicable for <u>multifamily</u> multi-family projects of five (5) or more dwelling units or "second" units per section 7 9 146.5.</p> <p>e. Guest parking: In addition to the above, two-tenths (0.2) guest parking spaces per dwelling unit (rounded to the nearest whole number) shall be provided.</p>																																				
<p><u>Affordable housing</u></p> <p><u>100% of the units, excluding the Manager's Unit, affordable to households earning 80% or less of the Average Median Income (AMI) established by the California Department of Housing and Community Development (HCD) for the County of Orange</u></p> <p>For building sites containing five (5) or more dwelling units, the following minimum off-street parking requirements may be used in lieu of (2) above:</p>	<table><tr><th colspan="4"><u>Minimum required parking spaces</u></th></tr><tr><th><u>Unit Size (Square Feet)</u></th><th><u>Assigned</u></th><th></th><th><u>Unassigned</u></th></tr><tr><td>700 or less</td><td>1.0</td><td></td><td></td></tr><tr><td>701— 800</td><td>1.0</td><td>+</td><td>0.17</td></tr><tr><td>801— 900</td><td>1.0</td><td>+</td><td>0.34</td></tr><tr><td>901—1000</td><td>1.0</td><td>+</td><td>0.50</td></tr><tr><td>1001—1100</td><td>1.0</td><td>+</td><td>0.67</td></tr><tr><td>1101—1200</td><td>1.0</td><td>+</td><td>0.84</td></tr><tr><td>1201—1300</td><td>1.0</td><td>+</td><td>1.00</td></tr></table>	<u>Minimum required parking spaces</u>				<u>Unit Size (Square Feet)</u>	<u>Assigned</u>		<u>Unassigned</u>	700 or less	1.0			701— 800	1.0	+	0.17	801— 900	1.0	+	0.34	901—1000	1.0	+	0.50	1001—1100	1.0	+	0.67	1101—1200	1.0	+	0.84	1201—1300	1.0	+	1.00
<u>Minimum required parking spaces</u>																																					
<u>Unit Size (Square Feet)</u>	<u>Assigned</u>		<u>Unassigned</u>																																		
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801— 900	1.0	+	0.34																																		
901—1000	1.0	+	0.50																																		
1001—1100	1.0	+	0.67																																		
1101—1200	1.0	+	0.84																																		
1201—1300	1.0	+	1.00																																		

	1301—1400	1.0	+	1.18	
	1401—1500	1.0	+	1.34	
	Over 1500	1.0	+	1.50	

<p><u>Senior Housing</u> (Also known as Senior Citizen Housing Development as defined by Civil Code 51.3 and 51.12)</p>	<p>a. <u>Zero to one-bedroom dwelling units: One (1) off-street parking space</u></p> <p>b. <u>Two-bedroom to three-bedroom dwelling units: Two (2) off-street parking spaces</u></p> <p>c. <u>Four or more bedroom dwelling units: Two and one-half (2.5) off-street parking spaces for each dwelling unit</u></p> <p>d. <u>The number of required parking spaces shall be rounded up to the next whole number.</u></p> <p>e. <u>If there is any conflict between the senior housing parking requirements set forth in these zoning regulations and the senior housing parking requirements set forth in the State Density Bonus Law, the State Density Bonus Law parking requirements shall be used.</u></p>
<p><u>Accessory dwelling units</u></p>	<p>One (1) additional uncovered parking space per accessory dwelling unit per the standards set forth in section 7-9-1457TBD is provided is required, <u>except in the instances listed below. These spaces may be provided as tandem parking on an existing driveway.</u></p> <p>a. <u>No additional parking space is required for an accessory dwelling unit in any of the following instances:</u></p> <ol style="list-style-type: none"> 1. The accessory dwelling unit is located within one-half mile of public transit. 2. The accessory dwelling unit is located within an architecturally and historically significant historic district. 3. The accessory dwelling unit is contained within the existing primary residence, an addition to the existing primary residence, newly built residence, or an existing accessory structure. 4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit. 5. When there is a car share vehicle located within one block of the accessory dwelling unit.

~~b. Each dwelling unit shall be assigned at least one (1) standard size parking space.~~

(f e) Location of multifamily residential parking spaces:

- (1) Required spaces including guest or unassigned ~~Assigned~~ spaces shall be off-street and located within two hundred (200) feet walking distance along a pedestrian path (i.e., sidewalk, crosswalk, etc.) of the dwelling unit they serve.
- (2) Assigned spaces shall be designated as to the dwelling unit to which they are assigned on all plot plans ~~or site plans~~ submitted for permits.

(f) ~~Roadway widths for attached or detached single family dwellings:~~

- ~~1. Attached or detached single family dwellings shall have roadway widths in the following ratio:~~

Roadway Width for Access On	One Side	Two Sides
1—17 units	28 ft.	36 ft.
18—42 units	30 ft.	36 ft.
43—100 units	30 ft.	40 ft.

- ~~2. Roadways less than thirty six (36) feet wide shall allow on street parking on one (1) side of the roadway only. Roadways must be thirty six (36) feet wide or greater to allow on street parking on both sides of the roadway.~~

(g) Parking area design: Common off-street parking areas, including multiple garages and carports serving five (5) or more dwelling units, shall comply with the following unless a modification to requirements in sub-sections 1 and 2 below is approved pursuant to the provisions in Section 7-9-TBD, "Alternatives to Parking Regulations."

- (1) The off-street parking area shall be designed so that a vehicle within the parking area will not have to enter a street to move from one location to any other location within that parking area.
- (2) Parking and maneuvering areas, including garages and carports, shall be designed so that any vehicle can leave the parking area and enter into the nearest street traveling in a forward direction.
- (3) Bumpers, curbs, or tire stops shall be provided at the end of each uncovered parking space along any property line, abutting a public walkway, street or alley, except where screening is positioned, to ensure that the motor vehicle will not extend into the public right-of-way or public walkway. To ensure four (4) feet of

unobstructed sidewalk at all times, the public walkway may be six (6) feet wide with a curb and no tire stop, or four (4) feet wide with a tire stop at least two (2) feet away to ensure the motor vehicle will not overhang onto the walkway.

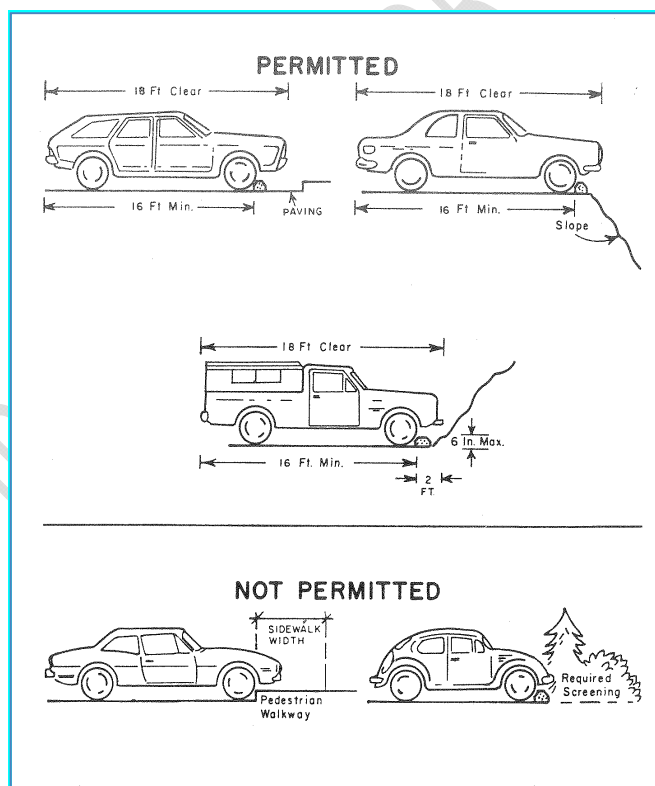
- (4) No perpendicular parking, covered or uncovered, shall be permitted on an entrance road of a ~~multifamily~~ multi-family project within a minimum of sixty (60) feet from the intersection of an arterial or collector street. The measurement shall be taken from the near curb face of the arterial or collector street.
- (5) Parking and maneuvering areas shall be arranged so that any vehicle can leave the parking area and enter into an adjoining vehicular right-of-way traveling in a forward direction.
- (6) No dead-end parking aisles serving more than five (5) consecutive stalls will be permitted unless said aisle is provided with a turnaround area constructed in a manner meeting the approval of the Director.
- (h) Location of driveway on a corner lot: When a building site abuts two (2) intersecting streets, the driveway approach shall be located within the half of either street frontage that is farthest from the intersection of the two (2) streets. If one of the intersecting streets is an arterial highway, the driveway approach shall be off the other street.
- (i) Screening and landscaping: Uncovered off-street parking spaces shall be screened whenever such parking spaces abut the boundary of the building site or are located between a building or buildings and an abutting street, with screening materials not less than three and one-half (3.5) feet in height, and in compliance with section 7-9-~~137.5~~ TBD, "Fences and Walls." Pedestrian access shall be provided wherever feasible. It may consist of one (1) or any combination of the following types:
 - (1) Walls: A wall shall consist of concrete, stone, brick, tile or similar type of solid masonry material a minimum of four (4) inches thick. Walls shall be designed and constructed to avoid interfering with drainage.
 - (2) Fences, solid: A solid fence shall be constructed of wood or other materials to form an opaque screen.
 - (3) Fences, open: An open-weave or mesh-type fence shall be combined with plant materials to form an opaque screen.
 - (4) Planting: Plant materials, when used as a screen, shall consist of compact evergreen plants. They shall be of a kind, or used in such a manner, as to provide screening having a minimum thickness of two (2) feet, within eighteen (18) months after initial planting.

7-9-70.4. - ~~7-9-145.4~~ Industrial, commercial, professional, community or recreational facility, and institutional off-street parking requirements

The following off-street parking requirements are applicable to all uses other than residential uses set forth in section 7-9-~~145.3~~ TBD, and are in addition to the general requirements set forth in section 7-9-~~145.2~~ TBD.

(a) Size of parking spaces:

- (1) All covered or uncovered off-street parking spaces, except as noted below, shall be a minimum clear unobstructed nine (9) feet in width and eighteen (18) feet in length.
- (2) Parking spaces parallel to a curb may be eight (8) feet in width and eighteen (18) feet in length, with a minimum of eight (8) feet separating each pair of such parking spaces.
- (3) When a side of any space abuts a building, fence, support column or other obstruction which interferes in any way with access to a motor vehicle, the space shall be a minimum of two (2) feet wider than the standard required width.
- (4) In measuring the length of paving required for uncovered parking spaces, allowance may be made for vehicular projection beyond a bumper or tire stop, if such projection does not interfere with screening or pedestrian use, except under (b)(4) following. See illustration under (5) for examples of permitted projection.



(b) Parking facility design:

1. Off-street parking facilities shall be designed so that a car within a facility ~~will~~ shall not have to enter a street to move from one location to any other location within that parking facility.
2. On industrial or office sites, separate noncontiguous parking facilities may be provided with independent entrances for employee and visitor parking, provided the designated use is clearly identified on all plot plans ~~or site plans~~ submitted for permits.
3. Parking and maneuvering areas shall be arranged so that any vehicle can leave the parking area and enter into an adjoining vehicular right-of-way traveling in a forward direction.
4. No dead-end parking aisles serving more than five (5) consecutive stalls ~~will~~ shall be permitted unless said aisle is provided with a turnaround area constructed in a manner meeting the approval of the Director, ~~EMA~~.
5. Bumpers or tire stops shall be provided along any abutment to a pedestrian walkway, access or driveway, street or alley, except where screening is positioned, to ensure that the motor vehicle shall ~~will~~ not extend into these areas no more than two (2) feet and only if the pedestrian sidewalk is a minimum of six (6) feet wide to ensure a minimum width of four (4) feet of unobstructed sidewalk at all times.
6. The point of exit or entry from any off-street parking space shall not be closer than twenty (20) feet from the curb face of the ultimate curblane at a street opening.
7. All paved parking stalls, except parallel spaces which may be single line, shall be clearly outlined with double or hairpin lines or special paving techniques on the surface of the parking facility. (See diagram in section ~~7-9-145.5~~ TBD.)

(c) Parking accessways: Parking accessways are those driveways that provide ingress or egress from a street to the parking aisles, and those driveways providing interior circulation between parking aisles. No parking is permitted on an accessway.

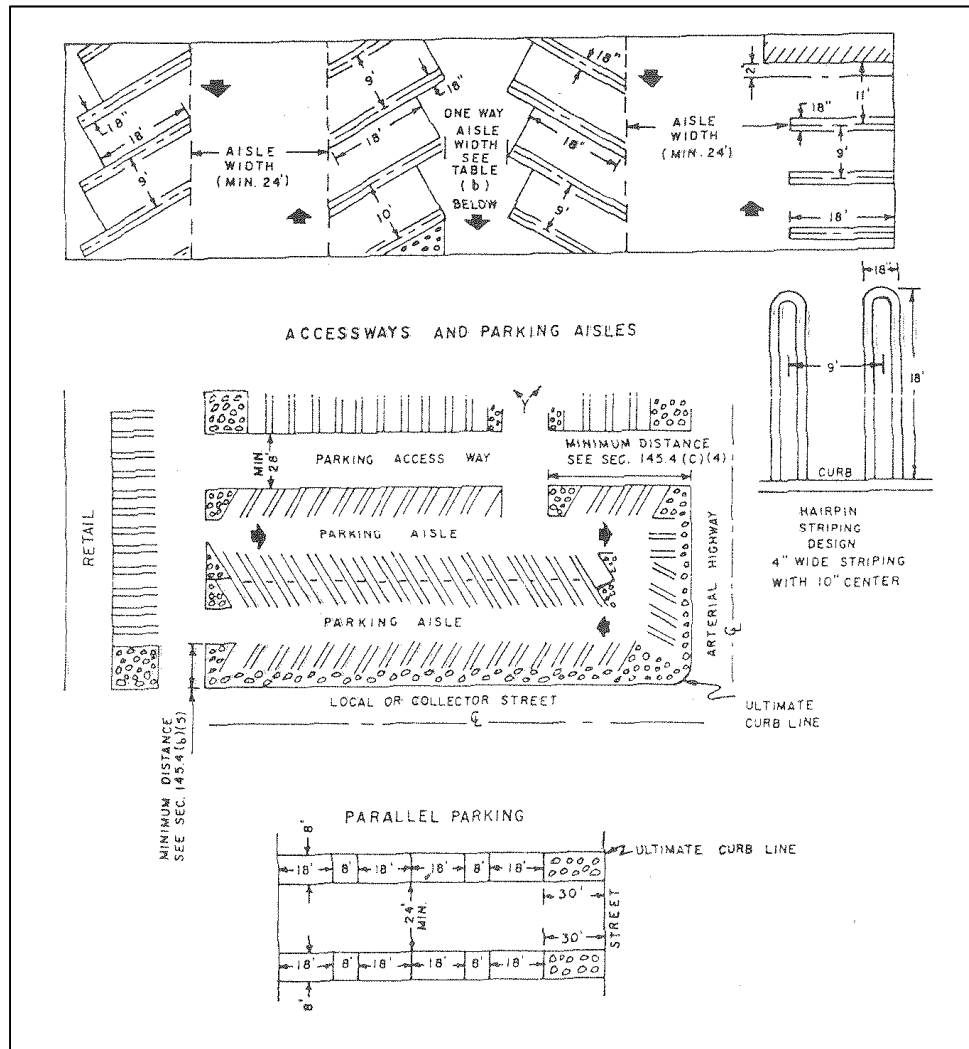
- (1) All parking facilities taking access from an arterial highway shall have a parking accessway between the highway and the parking aisles.
- (2) Parking accessways from arterial highways shall not have parking spaces taking direct access therefrom and shall not be intersected by a parking aisle or another parking accessway for a minimum distance of thirty (30) feet for projects with 0—200 parking spaces, fifty (50) feet for 201—350 spaces, seventy (70) feet for 351—450 spaces, and ninety (90) feet for 451 spaces or more. All distances shall be measured from the curb face of the ultimate curblane of the adjacent street.

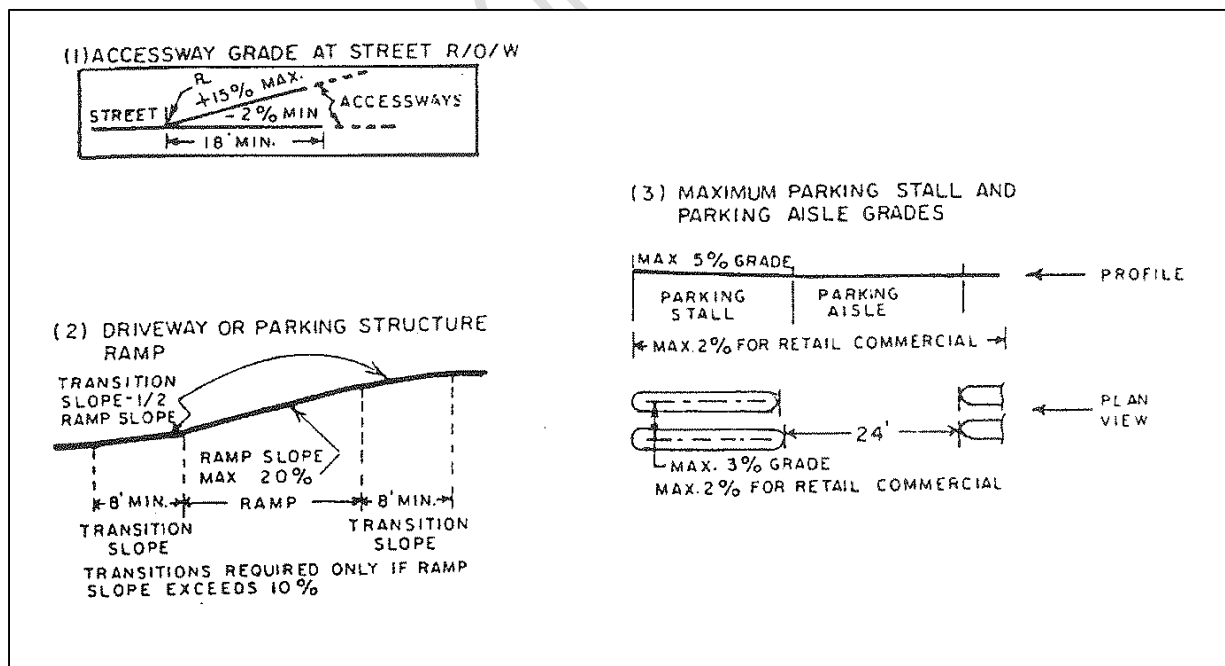
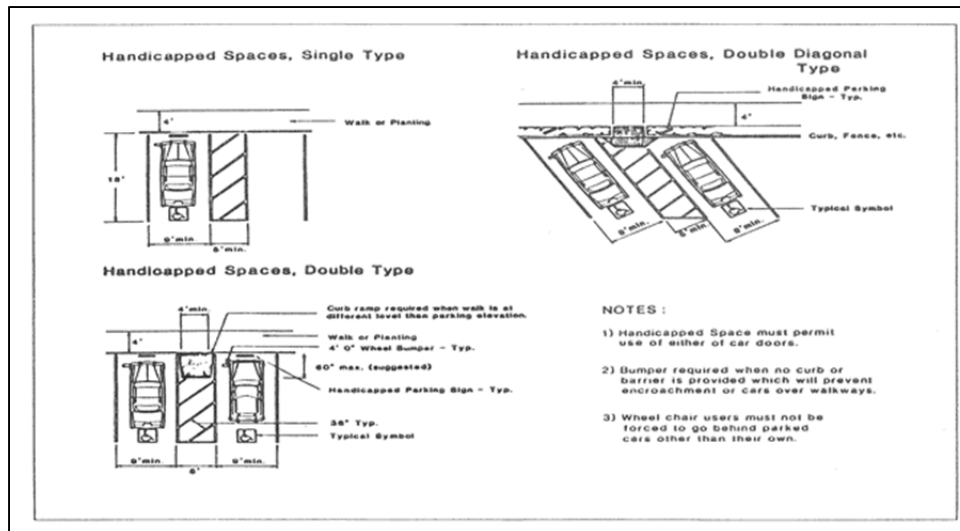
- (3) Parking accessways from nonarterial highways shall be not less than twenty (20) feet in length from the ultimate curbline of the adjacent street.
 - (4) One-way accessways shall have a minimum width of fifteen (15) feet unless it is a fire lane, which requires a minimum of twenty (20) feet.
 - (5) Two-way accessways shall have a minimum width of twenty-eight (28) feet.
- (d) Parking aisles: Parking aisles are driveways which provide direct access to parking spaces. Parking aisles shall have a minimum width of fourteen (14) feet as provided in section 7-9-~~145.5~~ TBD. In no case shall the parking aisles for two-way traffic be less than twenty-four (24) feet in width.
- (e) Number of required off-street parking spaces:
 - (1) The minimum number of off-street parking spaces required shall be in compliance with the listed requirements set forth for each general category of land use in sections 7-9-~~145.6~~ and 7-9-~~145.1~~ TBD.
 - (2) Whenever any commercial/industrial use is located on a building site that is also used for residential purposes, parking facilities shall be provided for the residential use as required, in addition to the parking required for the nonresidential use or uses.
- (f) Landscaping: Landscaping of parking areas shall be provided in accordance with the provisions of the applicable land use district regulations. In all cases, space within the off-street parking area not utilized for driveways, maneuvering areas, parking stalls or walkways shall be landscaped. Landscaped areas shall be separated from paved driveway, parking space and maneuvering areas by a minimum six-inch-high barrier.
- (g) Screening: Open parking spaces and parking structures shall be screened in accordance with section 7-9-~~145.3~~ TBD, whenever such parking is adjacent to a street right-of-way and when the street separates such parking from any district zoned for residential or agricultural uses. Screening shall be located adjacent to the inside edge of any required boundary landscaping and to the outside edge of the paved parking area when there is no landscaping.
- (h) Vehicular access standards: A site development permit, use permit or coastal development permit, for the CR, CC, CH and CN Districts shall be in substantial conformity with the following:
 - (1) The first street opening from an intersection should be a minimum of one hundred ten (110) feet from the point of intersection of the ultimate right-of-way lines of the abutting streets.

- (2) The second street opening should be a minimum of three hundred (300) feet from the point of intersection of the ultimate right-of-way lines of the abutting streets.
 - (3) Any additional street openings should be a minimum of three hundred (300) feet, from center to center from any other street opening except in the CN District, where the distance between street openings should be a minimum of one hundred fifty (150) feet from center to center.
 - (4) There should be a minimum distance of twenty-two (22) feet measured at the ultimate property line, between a street opening in this district and any existing street opening in any other district.
- (i) Joint use of parking facilities: Uses on multiple building sites may share common parking facilities within one (1) or more parking areas located within such multiple building sites, provided the following requirements are met:
- (1) A detailed parking plan, showing all common parking facilities, shall be approved by the Director, ~~EMA~~.
 - (2) Parking facilities shall be on the same side of the street as the uses they serve and the closest parking stall shall be within three hundred (300) feet of the customer's entry point of the uses they serve as measured from the property line.
 - (3) Adequate assurance is provided to guarantee that required parking shall ~~will~~ continue to be maintained in compliance with applicable provisions of section 7-9-145 ~~TBD~~.
 - (4) The assurance required by (3) and the parking plan required by (1) shall be recorded in the office of the Orange County Recorder.
 - (5) Individual uses which result in a parking demand more than is provided by the existing parking on the site shall be required to provide added parking as required by Director, ~~EMA~~. See section 7-9-145.6 TBD.

7-9-70.5. - ~~7-9-145.5~~ Design requirements

(a) Off-Street Parking Stall and Access Standards:





(b) Minimum Parking Aisle Width for One-Way Traffic:

Parking Degree	Angle	Aisle (feet)	Width
<hr/>			
0—44		14.0	
45—49		14.5	
50—54		15.0	
55—59		16.0	
60—64		17.0	
65—69		18.0	
70—74		19.5	
75—79		21.0	
80—90		24.0	

(c) Minimum Parking Aisle Width for Two-Way Traffic: For two-way traffic, aisle widths and maneuvering areas shall be a minimum of twenty-four (24) feet wide.

7-9-70.6. - 7-9-145.6 Off-street parking requirements for non-residential uses

- (a) All land uses shall provide off-street parking in compliance with the following requirements unless otherwise modified by the provisions contained in section 7-9-~~145.7~~ TBD. The off-street parking requirements listed under this section are the minimum requirements for each specific use; however, it shall be the responsibility of the developer, owner or operator of any specific use to provide adequate off-street parking, even though such parking may be in excess of the minimum requirements set forth in this section.

<u>Table 7-9-TBD: Off-Street Parking Requirements for Non-Residential Uses</u>		
<u>Use Group Categories</u>	<u>Uses Included</u>	<u>Minimum Parking Stalls Required</u>
<u>Automotive services</u>	Automobile <u>repair and service, washing and cleaning establishment, except self-service.</u>	16 minimum. <u>One parking space per service bay plus two 9 foot by 18 foot screened automobile storage spaces per service bay. Automobile storage spaces shall be separate from the parking area and shall be completely screened with a six foot high block wall and entry gate constructed with an opaque material (i.e. solid metal sheeting, etc.). Automobile storage area(s) are considered storage areas and may provide stacked parking in accordance with OCFA approval. Automobiles shall not be stored in required parking spaces and shall remain available for employee or customer parking.</u>
	Automobile <u>fuel service, washing and cleaning establishment, self-service.</u>	5 for each 2 <u>2 spaces/washing stall or pump</u>
<u>Entertainment and places of assembly</u>	Auditoriums, theaters (not including cinemas), sports arenas, stadiums, <u>churches, temples, and wedding venues.</u>	1 for each 3 <u>fixed</u> seats or 1 for each 35 square feet of gross floor area where there are no fixed seats. or one for <u>(every 18 lineal inches of bench seating shall be considered one fixed seat), plus 1 space /3 employees of largest shift.</u>

<u>Table 7-9-TBD: Off-Street Parking Requirements for Non-Residential Uses</u>		
	Cinemas.	1 for each 2 seats plus 5 spaces for employees.
	Churches, temples and other places of assembly not specified elsewhere.	1 for each 3 fixed seats within the main auditorium or for every 35 square feet of seating area within the main auditorium where there are no fixed seats; 18 lineal inches of bench shall be considered a fixed seat.
<u>Places of Assembly</u>	Clubs, lodge halls, union halls, <u>and community centers.</u>	1 for each 75 square feet of gross <u>assembly floor area plus 1/300 square feet of office area.</u>
	Mortuaries and funeral homes.	5 plus 250 square feet of usable and accessible paved parking area for every 25 square feet or fraction thereof of assembly room floor area.
<u>Commercial lodging</u>	Motels and hotels.	1 for each guest unit, plus additional parking as required for accessory uses.
	Timeshare condominiums and timeshare hotels.	1.5 for each dwelling unit.
<u>Retail sales and services</u>	<u>Shopping centers (3 or more separate tenants), general retail, department stores, banks, savings & loans, credit unions and other</u>	1 for each 200 square feet of gross floor area. <u>Shopping centers parked at 1:200 may allow up to 20% of the GFA as restaurant use, shopping centers exceeding 20% GFA as</u>

<u>Table 7-9-TBD: Off-Street Parking Requirements for Non-Residential Uses</u>		
	financial institutions.	<u>restaurant use and regional shopping centers may require additional parking and shall will be evaluated on a case-by-case basis.</u>
	Barbershops or beauty parlors.	2 for each barber chair and 3 for or each beautician.
	General, except as otherwise specified herein.	1 for each 200 square feet of gross floor area.
	Discount department stores.	1 for each 125 square feet of gross floor area.
	Furniture and appliances.	1 for each 500 square feet of gross floor area.
	Laundry or dry cleaning establishments, solely coin operated.	1 for each 3 machines
	shopping centers.	1 for each 200 square feet of gross floor area pursuant to Section 7-9-145.40 TBD. Regional shopping centers may require additional parking and will be evaluated on a case by case basis.
	Motor vehicle sales and automotive repair shops.	1 per 400 square feet of gross floor area <u>in addition to parking required for Automotive services.</u>
	Restaurants, drive-ins, cafes, nightclubs, taverns, lounges or other establishments for the sale and consumption	10 minimum or 1 for each 100 square feet of gross floor area (including outdoor serving areas) up to 4,000 square feet, plus 1 for each 80 square

<u>Table 7-9-TBD: Off-Street Parking Requirements for Non-Residential Uses</u>		
	on the premises of food and beverages.	feet of gross floor area over 4,000 square feet.
<u>Care facilities and hospitals</u>	Convalescent and nursing homes, homes for the aged, rest homes, children's homes and sanitariums for <u>elderly persons and persons with disabilities</u>	1 for every 4 beds in accordance with the resident capacity of the home as listed on required license or permit <u>and one space for each vehicle owned and operated by the facility.</u>
	<u>General and acute care hospitals.</u>	1.75 for each patient bed.
	Congregate care facility serving more than 12 persons.	<u>1 for each unit per section 7-9-141.1.</u>
<u>Recreation and sports</u>	<u>Amusement Center (Indoor/Outdoor).</u>	<u>Total or cumulative number of the spaces required by the uses included on the site.</u>
	Bowling lanes and billiard halls.	5 for each hall, alley, 2 for each billiard table contained therein.
	Dance halls.	1 for each 7 square feet of dance floor area, plus 1 for each 35 square feet of additional gross floor area.
	Golf driving ranges <u>(Indoor/Outdoor).</u>	1 per tee, plus the spaces required for additional uses on the site.
	Handball/racquetball facility <u>(Indoor/Outdoor).</u>	1.5 for each court plus the spaces required for additional uses on the site.
	Health studios and spas.	1 for each 150 square feet of gross floor area. (For the purposes of this subsection, swimming pool area shall be counted as floor area.)

<u>Table 7-9-TBD: Off-Street Parking Requirements for Non-Residential Uses</u>		
	Pitch and putt and miniature golf courses.	3 per hole, plus requirements for accessory uses.
	Recreation centers <u>(Indoor/Outdoor)</u> .	<u>1 for each 75 square feet of gross floor area plus 1/300 square feet of office area. (For the purposes of this subsection, swimming pool area shall be counted as floor area.)</u>
	Regulation <u>golf</u> course.	8 per hole, plus the space required for additional uses on the site.
	Skating rinks, ice or roller <u>(Indoor/Outdoor)</u> .	1 for each 100 square feet of gross floor area, plus the spaces required for additional uses on site.
	Stables, commercial <u>and Equestrian Centers</u> .	Sufficient area, treated to prevent dust, to provide for the needs of customers and employees, but not less than 1 accessible space for each 5 horses kept on the premises.
	Swimming pools, commercial <u>(Indoor/Outdoor)</u> .	1 for each 500 square feet of gross enclosed area, plus the spaces required for additional uses on the site.
	Tennis clubs, commercial <u>(Indoor/Outdoor)</u> .	3 for each court, plus the spaces required for additional uses on the site.
<u>Cultural institutions</u>	Libraries, <u>museums, and similar cultural uses</u> .	1 for each 300 square feet of gross floor area.

<u>Table 7-9-TBD: Off-Street Parking Requirements for Non-Residential Uses</u>		
<u>Offices</u>	General and , administrative and <u>professional, other than medical or dental offices.</u>	1 for each 250 square feet of gross floor area.
	Medical clinics or offices; dental clinics or offices; <u>veterinary hospitals and clinics.</u>	1 for each 150 square feet of gross floor area.
	Professional, other than medical or dental.	1 for each 250 square feet of gross floor area.
	—d. Veterinary hospitals and clinics.	1 for each 150 square feet of gross floor area.
<u>Privately-Owned Parks</u>		<u>1 space for each half acre of developed park area up to 15 acres plus 1 space for each additional acre of developed park area in excess of 15 acres for passive parks. See other categories for parking requirements of recreational uses located within a park.</u>
<u>Public facilities and services</u>	Public utility facilities, including but not limited to electric, gas, water,	1 for each 2 employees in the largest shift, plus 1 for each vehicle used in connection with the use. A minimum

<u>Table 7-9-TBD: Off-Street Parking Requirements for Non-Residential Uses</u>		
	telephone and telegraph facilities not having business offices on the premises.	of spaces shall be provided for each such use regardless of building space or number of employees.
<u>Private Schools and Colleges</u>	Elementary and junior high.	2 for each classroom <u>plus loading and unloading space for student drop-off and school buses</u>
	Senior high schools.	1 for each member of the <u>full-time equivalent</u> faculty and each employee staff , plus 1 for each 6 <u>8</u> full-time equivalent students regularly enrolled.
	Colleges, universities and institutions of higher learning.	1 for each 3 <u>full-time equivalent</u> students, plus 1 for each 2 <u>full-time equivalent</u> faculty and employee members.
	Trade schools, business colleges and commercial schools.	1 for each 3 student capacity of each classroom plus 1 for each <u>full-time equivalent</u> faculty and employee member.
<u>Nurseries and childcare</u>	Day nurseries, including pre-schools and nursery schools <u>and child daycare but not Family day care</u> .	2 for each 3 employees and teachers plus 1 loading space for every 8 children.
	Industrial uses of all types except a building used exclusively for warehouse purposes.	1 for each 500 square feet of gross floor area.
<u>Wholesale commercial, warehouse, industrial</u>	<u>Industrial uses, lumberyards, wholesale establishments, and warehouses not used exclusively for storage.</u>	1 for each 500 square feet of gross floor area for retail sales, plus 1 for each 1,000 square feet of open area devoted to display or sales, plus 1 for each 2 employees.

<u>Table 7-9-TBD: Off-Street Parking Requirements for Non-Residential Uses</u>		
	Warehouses, storage building or structures used exclusively for storage, storage yards used in connection with contractor's business; salvage yard; junkyard; automobile wrecking yard.	1 for each 1,000 square feet of gross floor area for storage purposes.
	Storage yards in connection with contractor's business; salvage yard; junkyard; automobile wrecking yard.	6, which shall be separated from the enclosed storage area.
	Wholesale establishments and warehouses not used exclusively for storage.	1 for each 500 square feet of gross floor area, excluding that area devoted to offices or sales, plus 1 for each 250 square feet of office or sales area.
	Model home sales complex.	<u>10- 3 spaces/model plus 1 per salesperson with a maximum of 10. or 4 spaces for sales office with no models, or reduction of minimum with a use permit to the Zoning Administrator.</u>

- (b) Requirements Not Specified: If no provisions for the required number of off-street parking spaces are set forth in these regulations, or the provisions are not clear for any specific use or uses, the Director, ~~EMA~~, shall determine the number of off-street parking spaces required.

7-9-70.7. Parking Calculations

The following rules shall apply when calculating the number of required parking spaces.

- (a) Multiple Uses. Unless otherwise expressly stated, when two (2) or more uses are located on the same parcel of land or within the same building, the number of off-street parking spaces required shall be the sum total of the requirements of the various individual uses computed separately in accordance with this section.

(b) Area-based standards

- (1) Unless otherwise expressly stated, all area-based (square footage) parking standards must shall be computed on the basis of gross floor area, determined by the outside dimensions of the building or tenant space, less any area within the building devoted to parking.
- (2) The Director is authorized to determine the area measurement for uses or portions of uses not located within buildings.

7-9-70.8. - Loading Requirements (New)

Non-residential uses that involve the receipt of distribution of materials or merchandise shall provide vehicle loading spaces in compliance with the following requirements:

<u>Gross Floor Area (Square feet)</u>	<u>Number of Loading Spaces</u>
<u>7,499 or less</u>	<u>0</u>
<u>7,500 to 14,999</u>	<u>1</u>
<u>15,000 to 24,999</u>	<u>2</u>
<u>25,000 to 39,999</u>	<u>3</u>
<u>40,000 to 59,999</u>	<u>4</u>
<u>60,000 to 79,999</u>	<u>5</u>
<u>80,000 to 100,000</u>	<u>6</u>
<u>For each additional 100,000</u>	<u>6 plus 1</u>

- (a) Location. Loading spaces shall be provided on the same lot on which the use for which they are required is located except that the Director may approve a plan to allow loading spaces in a common loading area that serves multiple adjacent uses and located on an adjacent lot within three hundred (300) feet of the lot on which the use requiring the loading spaces is located.
- (b) Maintenance. Loading areas shall be paved to support anticipated traffic volumes and weights; properly graded for drainage; and maintained in good condition free of weeds, dust, trash, and debris.
- (c) Maneuvering Areas. All off-street loading spaces and stacking areas shall be designed and located so that there is sufficient off-street maneuvering area to accommodate vehicles using the loading spaces. Maneuvering areas shall be designed to accommodate the largest vehicle intended to use the loading spaces and shall not be encumbered by parking stalls or physical obstructions.

- (d) *Landscaping and Screening.* All loading spaces and maneuvering areas and the driveways serving them shall be landscaped or screened in compliance with the requirements of Section 7-9-TBD, Landscape and Irrigation Code.

7-9-70.9. - ~~7-9-145.7~~ Alternatives to off-street parking regulations

- (a) ~~Alternative provisions to any of the off-street parking regulations may be permitted subject to the approval of a use permit application approved in compliance with the provisions of section 7-9-150. Any such application may be approved provided the approving authority finds:~~
1. ~~Applicable off-street parking requirements are excessive or inappropriate due to the nature of the specific use involved or because of special circumstances applicable to the property; and~~
 2. ~~The proposed off-street parking facilities comply with the intent of these regulations as specified by section 7-9-145.1.~~
- (a) *Purpose.* The purpose of this section is to establish procedures and criteria for allowing reductions to the number of required off-street parking spaces for projects that are anticipated to generate lower-than-usual parking demand due to factors such as proximity to transit stops and stations, the characteristics of the use, or implementation of transportation demand management measures, as well as for shared parking facilities serving uses with different peak demand times. These provisions are also intended to allow modifications to parking standards when necessary to preserve the architectural or historical character of a structure or property.
- (b) *Procedure. Qualifying projects.* A request for a reduction to the number of parking spaces consistent with the requirements of this section shall be ~~reduced parking requirements~~ considered for the following types of projects.
- (1) Requests for reduced parking requirements for the following projects shall be subject to a site development permit pursuant to section 7-9-TBD:
 - a. Housing for Seniors and Persons with Disabilities. Reduced parking requirements may be approved for housing developments that include a required minimum number of residents who are seniors or persons with disabilities if such projects are anticipated to generate lower parking demand due to vehicle ownership patterns of the residents and/or characteristics of the project (e.g., proximity to commercial services, proximity to public transportation systems).
 - b. Shared (Joint) Parking Facilities. Parking facilities that are cooperatively established and operated to serve multiple uses and these uses generate parking demands primarily during hours when the remaining uses are not in operation.
 - c. Transit-Supportive Development. Residential or mixed-use projects that contain no more than fifty (50) dwelling units and are located within one-half mile of a rail transit station or a bus route operated by a public

transit agency with a frequency of service interval of fifteen (15) minutes or less during morning and afternoon peak commute periods.

d. Uses Near Public Parking Facilities. Non-residential uses located within one-quarter mile of a publicly accessible parking facility, the use of which is not limited to a specific business or activity during the use's peak parking demand. Such parking facilities shall meet the requirements of Section 7-9-TBD, Parking Location/Off-Site Parking Facilities and shall be made available to occupants of the related use at no cost or a reduced rate comparable to that paid by occupants of comparable on-site facilities.

e. Historic Structures. Projects for which allowing a reduction in the number of required spaces (and/or modifications to dimensional requirements for parking areas) will facilitate the re-use of an existing building that is an historic resource as defined by the State Public Resources Code or is a designated historic building.

(2) Requests for reduced parking requirements for the following projects shall be subject to a use permit to the Zoning Administrator pursuant to section 7-9-TBD:

a. Infill Sites. Residential or mixed-use projects that contain no more than thirty (30) dwelling units and are located on infill sites.

b. Projects Incorporating Transportation Demand Management (TDM) Measures. Projects for which the developer proposes a set of TDM measures—such as rideshare programs, shuttle services, bicycle trip-end facilities, staggered work shifts, and telecommuting programs—projected to reduce parking demand generated by the use. Such projects shall be required to document the implementation and impacts of such programs, as described in subsection (e), "Monitoring of TDM Programs," below.

(3) Requests for reduced parking requirements for all other projects shall be subject to a use permit to the Zoning Administrator pursuant to section 7-9-TBD.

(c) Application Materials. In addition to other application materials required for the consideration of the required discretionary permit, the Director may require submission of a parking demand study prepared by an independent traffic engineering professional approved by the County that substantiates the basis for granting a reduction in required parking spaces.

(1) Parking Study. In order to evaluate a proposed project's compliance with the required findings for approval, the Director may require submittal of a parking demand study that substantiates the basis for granting a reduced number of spaces and includes any of the following information:

a. Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use.

- b. A survey of existing ~~on-street and on-site~~ off-street parking within three hundred fifty (350) feet of the project site.
 - c. Parking requirements for the net change in square footage and/or change in use, based on the requirements of this Section TBD, Off-Street Parking Requirements by Use.
 - d. Estimated net change in parking demand between existing and proposed development, using any available existing parking generation studies from the Institute for Transportation Engineers (ITE) or other sources. If appropriate parking demand studies are not available, the Director may require the applicant to conduct a parking demand survey of a development similar to the proposed project.
 - e. Comparison of proposed parking supply with parking requirements and net change in parking demand.
 - f. A shared parking analysis, as appropriate.
 - g. A description of proposed Transportation Demand Management measures, such as preferential carpool spaces, telecommuting or staggered work shifts, provision of transit passes or other transit incentives for residents or employees, incorporation of spaces for car share vehicles, bicycles, or other measures that will result in reduced parking demand.
 - h. Other information as required by the County.
- (d) Required Findings for Approval. In addition to the required findings for approval of any use permit in Section TBD Required Findings, an application for a use permit for a parking reduction shall only be approved if the decision-making body makes all of the findings of this section that are applicable to the particular project, as stated.
- (1) All Projects. For any project for which a parking reduction is requested, the decision-making body make all of the following findings based on information in the record:
- a. The use will adequately be served by the proposed parking demand requirement as determined in the parking study.;
 - b. If required, a parking study prepared by an independent traffic engineering professional approved by the County supports the proposed reduction.
- (2) Shared (Joint) Parking. Where a shared parking facility serving more than one use is proposed, a parking study shall be required and the decision-making body shall only approve a parking reduction if it finds that:
- a. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;

- b. The proposed shared parking to be provided will be adequate to serve each use;
- c. A written agreement between landowner(s) and the County, in a form satisfactory to County Counsel, has been submitted to and approved by the Director. This agreement shall be in a form capable of and subject to being recorded to constitute a covenant running with the land and shall include:
 - 1. A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking;
 - 2. A guarantee among the landowner(s) for access to and use of the shared parking facilities;
 - 3. A provision that the County may require parking facilities in addition to those originally approved upon a finding that adequate parking to serve the use(s) has not been provided; and
 - 4. A provision stating that the agreement shall not be modified or terminated without the approval of the Director.
- (3) Other Parking Reductions. Use permits to the Zoning Administrator for a parking reduction that do not involve a shared parking facility shall be approved by the decision-making body only if a finding can be made that special conditions—including, but not limited to, the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a transportation demand management program—will reduce parking demand at the site below the level of the normal requirement.
- (e) Monitoring of TDM Programs. Any project that is granted a parking reduction based on measures that intended to reduce parking demand shall submit an Annual Status Report to the County. The report shall be in a manner prescribed by the Director, and shall describe the implementation and maintenance of trip reduction measures and the parking demand generated by the project. Annual Status Reports will be reviewed to determine if property owners have implemented and/or maintained the trip reduction program. The Director may request auditable documentation to determine compliance.

7-9-70.10. Bicycle Parking

Bicycle parking is required for multi-unit residential buildings and nonresidential development in compliance with the requirements of the California Green Building Standards Code, Section 5.106.4, which may be changed from time to time.

7-9-70.11. Recreational Vehicle Parking

Parking of recreational vehicles in residential and non-residential zones shall meet the requirements of County of Orange Codified Ordinance Sec. 3-13-6 .

Sec. 7-9-71. ~~**7-9-132**~~ **Screening and landscaping**

All references to this section shall include sections 7-9-~~132.1~~ TBD through 7-9-~~132.2~~ TBD. Where required by the District regulations, the following minimum requirements shall apply.

Sec. 7-9-71.1. ~~**7-9-132.1**~~ **Screening**

- (a) An opaque screen shall be installed and maintained along all district boundaries where the premises abut areas zoned for residential or agricultural uses. A screen shall consist of one (1) or any combination of the following types:
- (1) *Walls:* A wall shall consist of concrete, stone, brick, tile or similar type of solid masonry material a minimum of four (4) inches thick.
 - (2) *Berms:* A berm shall be not more than twenty (20) feet in width at the base. It shall be constructed of earthen materials and it shall be landscaped.
 - (3) *Fences, solid:* A solid fence shall be constructed of wood or other materials and shall form an opaque screen.
 - (1) *Fences, open:* An open weave or mesh type fence shall be combined with plant materials to form an opaque screen.
 - (2) *Planting:* Plant materials, when used as a screen, shall consist of compact evergreen plants. They shall be of a kind, or used in such a manner, so as to provide screening, having a minimum width of two (2) feet within eighteen (18) months after initial installation. Permanent watering facilities shall be provided. If, eighteen (18) months after installation, plant materials have not formed an opaque screen, or if an opaque screen is not maintained, the Director, ~~EMA~~ shall require that either walls, berms, or a solid fence be installed.
- (b) Screen heights shall not be less than (6) feet in height except where a shorter height is required by section 7-9-TBD, "Fences and walls."
- (b) No signs or sign supports except those specified in the off-street parking regulations shall be permitted on any required screening.

Sec. 7-9-71.2 ~~**7-9-132.2**~~ **Landscaping**

Landscaping, consisting of trees, shrubs, vines, ground cover, turf, or any combination thereof, shall be installed and maintained subject to the following standards:

- (a) Boundary landscaping is required for a minimum depth equal to the required setback distance or ten (10) feet (whichever is less) along all property lines abutting streets except for the required street openings.
- (b) Landscaping along all streets and boundaries shall be in compliance with section 7-9-TBD, "Fences and walls."
- (c) Any landscaped area shall be separated from an adjacent parking or vehicular area by a wall or curb at least six (6) inches higher than the adjacent parking or vehicular area.

- (d) Permanent watering facilities shall be provided for all landscaped areas and be operated and maintained in an efficient manner.
- (e) Required landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing and watering as needed, and replacement of plants when necessary.
- (f) For landscape projects subject to section 7-9-~~133.2~~ TBD of this Zoning Code, a Landscape Documentation Package as defined in section 7-9-~~133.3~~ TBD shall be submitted and approved pursuant to the requirements set forth in section 7-9-~~133.3~~ and 7-9-~~133.4~~ TBD and the Guidelines applicable thereto prior to the issuance of building permits. A Certificate of Completion shall be submitted and approved prior to the closure of the permit.

Sec. 7-9-72. Solar Energy Systems (NEW)

This section establishes regulations for the construction and installation of energy collectors of small to medium solar energy systems.

Sec. 7-9-72.1 Purpose

This section is intended to allow for timely and cost-effective installations that shall:

- (a) Provide for the placement of small to medium solar energy systems to enable generation of electricity from the sun, for on- and/or off-site uses, thereby reducing the consumption of electricity supplied by utility companies.
- (b) To minimize potential adverse impacts associated with solar energy systems.

Sec. 7-9-72.2. - Definitions

- (a) Solar Energy Collector. Equipment constructed or installed on, or located near the exterior of, any structure for the purpose of collecting, storing, or transferring solar energy.
- (b) Solar Energy System. Any of the following:
 - (1) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
 - (2) Any structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating.

Sec. 7-9-72.3. - Standards.

- (a) Ground-mounted solar energy collectors. Ground-mounted solar energy collectors shall be installed and maintained in accordance with the following requirements:
 - (1) Location. Ground-mounted solar energy collectors are permitted in all zoning districts provided the solar energy collectors and their mounting framework are located, installed, and maintained so as not to be visible from the public right-

of-way adjacent to the front property line, except in nonresidential districts, where solar collectors may be visible from the public right-of-way with approval of a Site Development Permit

- (2) Height. The maximum height of a ground-mounted solar energy collector system is twenty-five (25) feet when located on a property not abutting a residential zone. The maximum height of a ground-mounted solar energy collector system in fifteen (15) feet when located on a property abutting a residential zone.
 - (3) Setbacks. Installations less than six (6) feet in height may project up to two (2) feet into a required setback. Installations six (6) feet or more in height shall be setback a minimum of eight (8) feet from all property lines.
- (b) Roof-mounted solar energy collectors. In addition to the other requirements set forth in this section, roof-mount solar energy collectors shall be installed and maintained in accordance with the following requirements:
- (1) Height. Photovoltaic solar energy systems may extend up to five (5) feet above the height limit in the district in which it is located or the roof surface on which they are installed.
 - (2) Solar water or swimming pool heating systems may extend up to seven (7) feet above the height limit in the district in which it is located or the roof surface on which they are installed.

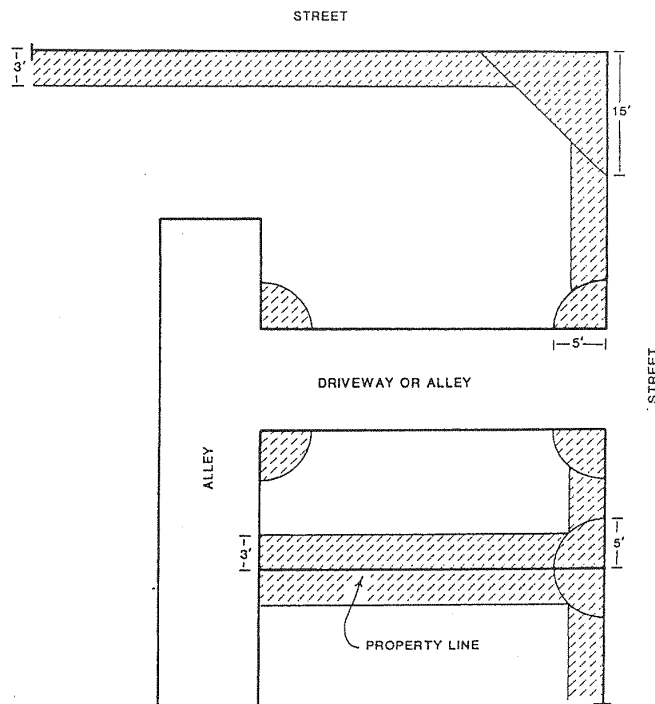
Sec. 7-9-73. ~~**7-9-137.4**~~ **Swimming Pools and Spas**

Swimming pools shall not be constructed within three (3) feet of an ultimate vehicular right-of-way or property line or within those areas described by section 7-9-~~137.5 (d) and (e)~~. TBD. See illustration for swimming pool setbacks.

FIGURE 7-8-TBD SWIMMING POOL SETBACKS

Swimming Pool Setbacks

Sec. 7-9-137.4



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| Sec. 7-9-74. | R1 "Residential, Single-Family" District. Reserved |
| Sec. 7-9-75. | RS "Residential, Single-Family" District. Reserved |
| Sec. 7-9-76. | R2D "Two-Family Residence" District. Reserved |
| Sec. 7-9-77. | R2 "Multifamily Dwelling" District. Reserved |
| Sec. 7-9-78. | R3 "Apartment" District. Reserved |
| Sec. 7-9-79. | R4 "Suburban Multifamily Residential" District. Reserved |