

Article 2. – The Comprehensive Zoning Code

Subarticle 5. - Standards for Specific Uses

and Activities

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Article 2, Subarticle 5: Countywide Standards for Specific Uses and Activities (NEW)

Sec. 7-9-85. - ~~C2 "General Business" District.~~ Purpose and Applicability (NEW)

The purpose of Subarticle 5 is to prescribe standards and requirements that apply, except where specifically stated, to certain specific uses that are permitted or conditionally permitted in several or all zoning districts. These standards shall be used in conjunction with the standards for each zoning district located in Subarticles 2 and 3, Base Districts and Overlay, Combining and Other Districts to minimize the impacts of these uses and activities on surrounding properties. In any case of conflict, the standards specific to the zoning district shall override these regulations.

Sec. 7-9-86 ~~7-9-146.7 Multifamily residential, multiple-family standards and requirements~~

In addition to the requirements for each district, the following procedure and standards are applicable to the construction, establishment and maintenance of any multiple-family residential project consisting of five (5) or more dwelling units in any district in which they are permitted. The procedures and standards are not applicable to single-family and to multiple-family projects of four (4) or less dwelling units.

- (a) Prior to issuance of a building permit or a grading permit a site development permit shall be approved by the Director, ~~EMA~~, or by the Planning Commission when the Director, ~~EMA~~, determines that the public would be better served by a public hearing before the Planning Commission.
- (b) The Director, ~~EMA~~, shall approve or conditionally approve an application for a multiple-family site development permit in compliance with the procedures required by section ~~7-9-150~~ 7-9-TBD after having determined that, in accordance with any necessary conditions, the project ~~will~~ shall comply with all applicable regulations of the district in which the property is located, and with all of the following additional standards and requirements:
 - (1) All of the infrastructure facilities shall be adequate to serve the project when all conditions are complied with, without overloading such facilities to the detriment of other uses in the vicinity.
 - (2) Ingress and egress between the project and abutting streets shall be adequate to serve the project and shall be in compliance with the Standard Plans, Orange County Environmental Management Agency, as amended.
 - (3) Open space and recreation facilities shall be sufficient to serve the needs of the occupants and shall be in compliance with applicable County standards for open space and recreation.
 - (4) Parking areas shall be well lighted and shall be situated in such a manner that entrances to individual parking spaces, garages and carport ~~will~~ shall be commonly visible from dwelling units. Parking areas and facilities shall be

situated in a manner that ~~will~~ shall make them more convenient for occupants to use than on-street parking.

- (5) Solid waste disposal stations shall be provided within enclosed areas which ~~will~~ shall be conveniently accessible for all dwelling units and for trash pickup trucks.
- (6) Any additional features necessary to comply with County standards, such as screening, sound attenuation, architectural design, etc., shall comply with applicable County standards and regulations.

The Planning Commission may approve an application for a multiple-family site development permit in compliance with the public hearing and use permit procedures required by section ~~7-9-150~~ 7-9-TBD. The standards listed in paragraph (b) may be used as criteria for making a determination.

Each multiple-family project shall be established and maintained in compliance with the approved site development permit.

Sec. 7-9-87. - CH "Commercial Highway" District. 7-9-140 Density bonus and other incentives

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

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

Sec. 7-9-87.2. - General provisions

- (a) State law governs. When a conflict occurs between the provisions of this section and State law, State law shall govern.
- (b) Compatibility. Affordable housing units within market-rate projects shall be comparable in design and appearance to market-rate units with respect to appearance, materials, and finish quality. Whenever feasible, affordable units shall be dispersed within a market-rate development.
- (c) ~~(b)~~ Density compliance plan. A "Density Bonus Compliance Plan" shall be approved concurrently with approval of the project requesting a density bonus or other incentive. This Density Bonus Compliance Plan ~~must~~ shall stipulate the terms of the affordability and/or occupancy requirements on the housing development, including, but not limited to, the duration of the restrictions. Compliance with the terms of this Density Bonus Compliance Plan shall be monitored on a regular basis by the County of Orange. The Plan shall be recorded as a restriction on the parcel or parcels on which the affordable housing units shall be constructed.

~~(c)~~ Construction with other applicable ~~zoning regulations~~ Zoning Code. Notwithstanding any permitted density bonus, incentive, or concession granted pursuant to this section, any project receiving a density bonus hereunder shall otherwise be consistent with the applicable zoning and land use regulations and requirements, including permitted uses.

Availability. Affordable housing units shall be constructed concurrently with and made available for qualified occupants at the same time as market-rate units within the same project, unless both the County and the developer agree in the Density Compliance Plan to an alternative schedule for development.

Effect of granting density bonus. The granting of a density bonus under this section shall not, in and of itself, be interpreted to require a General Plan amendment, zoning text or map amendment, or other discretionary approval.

Sec. 7-9-87.3. - Requirements and standards for granting density bonus and incentives or concessions

- (a) Minimum requirements for density bonus. The County shall grant one density bonus when a housing developer seeks and agrees to construct a housing development with five or more units, excluding any units permitted by the density bonus awarded, that shall contain housing for any one of the following household income groups, as defined by State law.
- (1) Low Income Households. Ten percent of the total dwelling units of a housing development for lower-income households as defined in Section 50079.5 of the State Health and Safety Code.
 - (2) Very Low Income Households. Five percent of the total dwelling units of a housing development for very low income households Section 50105 of the State Health and Safety Code.
 - (3) Senior Households. A senior citizen housing development or mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.
 - (4) Common Interest Developments. Ten percent of the total dwelling units in a common interest development, as defined in Section 41000 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.
- (b) Calculation of density bonus. The amount of bonus density to which a developer is entitled shall vary according to the amount by which the percentage of affordable housing units equals or exceeds the percentage established in State Density Bonus Law. In certain instances, the County may grant an additional density bonus as set forth in Table 7-9- TBD: Density Bonuses. The density bonus shall not be included when determining the number of housing units that are to be affordable.

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

TABLE 7-9-TBD: INCENTIVES AND CONCESSIONS		
<i>Unit Affordability Level</i>	<i>Percentage of Total Housing Units</i>	<i>Number of Incentives</i>
Very Low Income	5%	1
Low Income	10%	1
Moderate Income	10%	1
Very Low Income	10%	2
Low Income	20%	2
Moderate Income	20%	2
Very Low Income	15%	3
Low Income	30%	3
Moderate Income	30%	3

- (1) Incentives may include: A reduction in site development standards or a modification of Zoning Code requirements or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code, and which result in identifiable, financially sufficient, and actual cost reductions. These incentives (or concessions) are broken down into two tiers, with applicants encouraged to select incentives identified in Tier 1 before selecting concessions in Tier 2. Incentives with an anticipated greater level of impact are identified as Tier 2 and are less preferred, and thus require a higher level of review and approval by the County. The overall goal of this hierarchy is to choose concessions that reduce neighborhood impacts, further the project's consistency with the General Plan, and promote affordability.

a. Tier 1 Incentives.

1. Approval of mixed use zoning in conjunction with the residential development proposed for a commercially-zoned property if nonresidential land uses shall reduce the cost of residential development and the County finds that the proposed nonresidential uses are compatible with the residential development and with existing or planned development in the

area where the proposed residential development shall be located.

2. Reduced minimum lot setbacks;
 3. Reduced minimum lot sizes and/or dimensions;
 4. Increased maximum building coverage;
 5. Reduced common or private open space;
- b. Tier 2 Incentives.
1. Reduced parking (beyond the State alternative parking standards identified in subsection G of this section);
 2. Building heights that do not comply with SMC 10.40.060;
 3. Increased maximum floor area ratio (FAR);
 4. Other regulatory incentives or concessions proposed by the applicant or County which result in identifiable, financially sufficient, and actual cost reductions.

Sec. 7-9-87.4. - Donation of Land.

- (a) An applicant for a tentative subdivision map, parcel map, or other residential development who donates land to the County, as provided for in this section, shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable zoning district and the Land Use Element of the General Plan for the entire development. For each one percent increase above the minimum 10 percent land donation for very low income units described in subsection 7-9-TBD, the density bonus shall be increased by one percent, up to a maximum of 35 percent.
- (b) This increase shall be in addition to any increase in density allowed by subsection 7-9-TBD of this section, up to a maximum combined density bonus of 35 percent if an applicant seeks both the increase required pursuant to this subsection and subsection 7-9-TBD of this section. When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded to the next larger integer.

An applicant shall be eligible for the increased density bonus described in this subsection when all of the following requirements are met:

- (1) The applicant shall donate and transfer the land no later than the date of approval of the final tract or parcel map, or application for the construction of residential units.
- (2) The development acreage and zoning classification of the land being transferred shall be sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.
- (3) The transferred land shall be at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate General Plan

designation, is appropriately zoned for development as affordable housing, and is or shall be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible.

- (4) No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all the permits and approval, other than building permits, necessary for development of the very low income housing units on the transferred land except that the County may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Health and Safety Code Section 65583.2, as amended from time to time, if the design is not reviewed by the County prior to the time of transfer.
- (5) The land shall be transferred to the County of Orange, or to a housing developer approved by the County of Orange.
- (6) The transferred land and the very low income units constructed on the land shall be subject to a deed restriction ensuring continued affordability of the units constructed consistent with this chapter, which restriction shall be recorded on the property at the time of transfer.
- (7) The transferred land shall be within the boundary of the proposed development or, with the approval of the County, within one-quarter mile of the boundary of the proposed development.
- (8) A bonus shall not be granted unless a source of funding for the very low income units has been identified not later than the date of approval of the final parcel or tract map, or application for the construction of residential units.

Sec. 7-9-87.5. - Low-income housing development including child care facility.

When an applicant proposes to construct a housing development affordable to low-income households as defined in section 7-9-TBD and includes a child care facility that shall be located on the same premises or adjacent to the project, the County shall grant either:

- (a) An additional density bonus that is equal to or greater than the amount of square feet in the child care facility, OR
- (b) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

As a condition of approving the housing development, the County shall require that:

- (1) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable.
- (2) ~~Of the children who attend the child care facility, children from very low-, lower- and moderate income households shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required at each income level.~~

Sec. 7-9-87.6. - ~~(b)~~ Procedure.

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

(a) Required findings. A request for density bonus or other incentives that is consistent with the provisions of state density bonus law shall be approved unless one (1) of the following findings is made based on substantial information in the record:

- (1) A density bonus has been approved as part of a previous project approval on the same site and that project is still in place; or
- (2) The requested density bonus or incentive is not required to provide affordable or senior citizen housing as defined in Health and Safety Code Section 50052.5 or 50053; or
- (3) The incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households; or
- (4) The incentive would be contrary to state or federal law.

(c) Parking.

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

Sec. 7-9-87.7. - Mixed-Use Project Development Bonuses.

(a) Purpose and intent. This subsection is intended to comply with the requirements of California Government Code Section 65915.7, regarding the provision of development bonuses in mixed-use projects that provide specified amounts of affordable housing.

(b) When an applicant for approval of a commercial development has entered into an agreement for partnered housing described in subsection (i) to contribute the required amount of affordable housing through a joint project or two separate projects encompassing affordable housing, the County shall grant to the commercial developer a development bonus as prescribed in subsection (c). Housing shall be constructed on the site of the commercial development or on a site that is all of the following:

- (1) Within the unincorporated boundaries of the County.
- (2) In close proximity (no more than one-quarter mile) to public amenities including schools and employment centers.

- (3) Located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code.
- (c) The development bonus granted to the commercial developer shall mean incentives, mutually agreed upon by the developer and the County, that may include, but are not limited to, any of the following:
 - (1) Up to a 20-percent increase in maximum allowable intensity in the General Plan and the base zoning district.
 - (2) Up to a 20-percent increase in maximum allowable floor area ratio.
 - (3) Up to a 20-percent increase in maximum height requirements.
 - (4) Up to a 20-percent reduction in minimum parking requirements.
 - (5) Use of a limited-use/limited-application elevator for upper floor accessibility.
 - (6) An exception to other dimensional standards in the Zoning Code or other land use regulations, not to exceed 20 percent, that the minimum necessary to make the affordable housing component of the mixed use development economically feasible.

For the purposes of this section, the agreement for partnered housing shall be between the commercial developer and the housing developer, shall identify how the commercial developer shall contribute affordable housing, and shall be approved by County.

For the purposes of this section, affordable housing may be contributed by the commercial developer in one of the following manners:

- (7) The commercial developer may directly build the units.
- (8) The commercial developer may donate a portion of the site or property elsewhere to a qualified affordable housing developer for use as a site for affordable housing.
- (9) The commercial developer may make a cash payment to a qualified affordable housing developer that shall be used towards the costs of constructing the affordable housing project.

For the purposes of this section, subparagraph (A) of paragraph (3) of subdivision (c) of Section 65915 of the Government Code shall apply and no density bonus or other incentive shall be granted if affordable rental housing shall be affected unless any units lost are replaced.

Nothing in this section shall preclude any additional allowances or incentives offered to developers by the County pursuant to law or regulation.

If the developer of the affordable units does not commence with construction of those units in accordance with timelines ascribed by the agreement described in subdivision (d), the County may withhold certificates of occupancy for the commercial development under construction until the developer has completed construction of the affordable units.

In order to qualify for a development bonus under this section, a commercial developer shall partner with a housing developer that provides at least 30 percent of the total units for low-income households or at least 15 percent of the total units for very low-income households.

Nothing in this section shall preclude an affordable housing developer from seeking a density bonus, concessions or incentives, waivers or reductions of development standards, or parking ratios under section 7-9-TBD.

A development bonus pursuant to this section shall not include a reduction or waiver of the requirements within the Zoning Code that require the payment of a fee by a commercial developer for the promotion or provision of affordable housing.

The County shall submit to the Department of Housing and Community Development, as part of the annual report required by Government Code Section 65400, information describing a commercial development bonus approved pursuant to this section, including the terms of the agreements between the commercial developer and the affordable housing developer, and the developers and the County, and the number of affordable units constructed as part of the agreements.

For purposes of this section, “partner” shall mean formation of a partnership, limited liability company, corporation, or other entity recognized by the state in which the commercial development applicant and the affordable housing developer are each partners, members, shareholders or other participants, or a contract or agreement between a commercial development applicant and affordable housing developer for the development of both the commercial and the affordable housing properties.

Sec. 7-9-88. **~~Section 7-9-138~~ Single-room occupancy hotels**

- (a) Single room occupancy (SRO) facilities shall be permitted in any district, planned community, or specific plan area zoned for hotels subject to the approval of a use permit by the Planning Commission per section ~~7-9-150~~ 7-9-TBD.
- (b) SRO units shall have a minimum of 100 net square feet of space for a single occupancy and 120 square feet for two person occupancy. The calculation for net floor space in the sleeping area includes built-in cabinets, sinks, and closets, but excludes toilet compartments. A unit larger than 225 sq. ft. shall be deemed an efficiency dwelling unit and not a Single Room Occupancy (SRO).

SRO facilities shall be treated as nonresidential uses. As such, section ~~7-9-140~~ 7-9-TBD does not apply and residential dwelling unit limitations (e.g., statistical summary) are not applicable.

~~In the absence of finds as set forth in~~ Unless modified parking requirements are approved subject to the requirements of section ~~7-9-145.7~~ 7-9-TBD, Alternatives to off-street parking regulations, ~~SRO parking standard shall be one-half (0.5) for each guest SRO unit, plus one (1) for each employee.~~

A management plan shall be submitted as part of the use permit application for review and approval by the Planning Commission. The management plan shall contain management policies, operations, emergency procedures, security program, rental procedures, maintenance plans, and staffing needs.

An on-site twenty-four-hour manager is required in every SRO project. In addition, a single manager's unit shall be provided which shall be designed as a complete residential unit, and be a minimum of two hundred twenty-five (225) square feet in size.

Sec. 7-9-89. - ~~M1 "Light Industrial" District.~~ 7-9-147 Condominium conversions

All references to this section shall include sections ~~7-9-147~~ 7-9-TBD.1 through ~~7-9-147~~ 7-9-TBD

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

The purpose of this section is to provide standards and criteria for regulating the conversion of duplex or multiple-family dwelling units, including units in a rental mobilehome park, to residential condominium, stock cooperative and community apartment types of ownership; for determining when such conversions are appropriate; to provide for the public health, safety and general welfare; to provide adequate off-street parking and to mitigate any hardship caused by the displacement of tenants.

The provisions and procedures of this section shall apply to all conversions of existing duplex and multiple-family dwelling rental units to residential condominiums, stock cooperatives and community apartments notwithstanding any other provision of this code or any planned community ordinance Zoning Code.

Sec. 7-9-89.2. - Standards

Conversion projects shall conform to the standards and requirements applicable to the district in which the proposed project is located at the time of approval.

Sec. 7-9-89.3 - Reserved

Sec. 7-9-89.4. - Application requirements

Each application for conversion project shall be accompanied by the following in addition to the standard filing requirements for a use permit application:

- (a) An engineering report on the general condition of all structural, electrical, plumbing, and mechanical elements of the existing development including noise insulation, and the estimated cost of repair or improvement, if any. Said report shall be verified, dated and signed by the Director and be made available to prospective buyers.
- (b) A complete mailing list of all tenants occupying the subject property and two (2) corresponding sets of stamped addressed envelopes. Within fifteen (15) days after the filing of the application, the Director shall notify each tenant of the application, forward a copy of the above-required engineering report, and list the procedures to be followed. The Director shall mail a notice of public hearing at least fifteen (15) days before the hearing to each tenant on the mailing list.

Each application for a conversion project shall be accompanied by a housing program. Said program shall include, but not be limited to the following:

- (1) The means by which the provision of affordable housing ~~will~~ shall be achieved;
- (2) A housing report addressing the balance of housing in the community analysis area, including vacancy rates and other available housing of similar type and

rent, the current rents and estimated monthly payments and fees of the units to be converted and all improvements and/or renovations contemplated;

- (3) As applicable, the estimated costs for movement of each mobilehome to an available reasonably comparable space;
- (4) A survey of existing tenants as to their length of occupancy, the number of those who ~~will~~ shall purchase one of the units; and
- (5) A relocation plan which identifies the steps which ~~will~~ shall be taken to ensure the successful relocation of each tenant in the event that the conversion takes place. The relocation plan shall also state what specific relocation assistance existing tenants ~~will~~ shall be given, including the cost of physical moving, first and last months' rent, security and cleaning deposits, phone connection and utility deposits. Particular consideration shall be given to the elderly, handicapped, families with children, and other tenants who may encounter difficulty in finding a new residence.

Sec. 7-9-89.5. ~~7-9-95.5.~~ Tenant provisions

- (a) The property owner shall provide tenants a ninety-day preemptive right to purchase a unit or right of exclusive occupancy upon more favorable terms and conditions than those on which such unit or share ~~will~~ shall be initially offered to the general public. Such right shall be irrevocable for a period of ninety (90) days after the commencement of sales and notification of the tenant of such right.

The property owner shall provide all tenants a minimum of one hundred eighty (180) days' advance notice of the termination of their tenancy, except that one-year notice [shall] be provided for units in a mobilehome park. Each application for conversion shall include assurance that this requirement ~~will~~ shall be satisfied.

Sec. 7-9-90.- 7-9-146.5 (b) Second residential unit Accessory dwelling units

In conformance with California Government Code Section 65852.2, in any district, including planned community and specific plan areas, where a single-family unit exists on a building site zoned for single-family or multifamily residential purposes, the property owner may establish ~~a second residential~~ an accessory dwelling unit (~~dwelling unit~~) subject to the following ~~criteria~~ requirements:

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

The unit is not intended for sale separate from the primary residence but may be rented.

The unit shall not exceed one thousand two hundred (1,200) square feet in floor area or ~~thirty (30)~~ fifty (50) percent of the existing floor area if the unit is attached to the existing single-family unit.

The parcel contains an existing single-family dwelling or is being developed with a single-family dwelling and an accessory dwelling unit in compliance with all applicable requirements of this Zoning Code.

The unit shall comply with the site development standards of the zoning district in which it is located, including, but not limited to, density, height, setback area, and lot coverage as well as building code requirements applicable to detached buildings as appropriate. ~~No setback shall be required for an existing garage that is converted to an accessory dwelling unit and a setback of no more than five (5) feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.~~

If an existing garage is being converted to an accessory dwelling unit, the parking requirement for the primary residence shall be replaced on the site consistent with .

Adequate water and sewage service is available. If a private sewage system is proposed, such private sewage system shall comply with the Orange County Plumbing Code.

A new or separate utility connection directly between the accessory dwelling unit and the utility or a related connection fee or capacity charge shall not be required if the unit is contained within the existing space of a single-family residence or accessory structure.

An accessory dwelling unit shall not be considered a new residential use for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

One (1) additional uncovered parking space per accessory dwelling unit per the standards set forth in section ~~7-9-145~~ 7-9-TBD ~~is provided~~ is required, except in the instances listed in subsection (j). Where parking is required, the spaces may be provided as tandem parking in an existing parking area or on an existing driveway.

No parking is required for an accessory dwelling unit in any of the following instances:

- (6) The accessory dwelling unit is located within one-half mile of public transit.
- (7) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (8) The accessory dwelling unit is contained within the existing primary residence or an existing accessory structure.
- (9) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (10) When there is a car share vehicle located within one block of the accessory dwelling unit.

Sec. 7-9-91. **~~7-9-146.5 (a)~~ Guesthouses**

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

Sec. 7-9-91.1. The guesthouse shall be located so as not to encroach into any setback area required of the main residence.

Sec. 7-9-91.2. There shall be no kitchen or cooking facilities in any guesthouse.

Sec. 7-9-91.3. A guesthouse shall not be rented.

Sec. 7-9-91.4. Guesthouses six hundred forty (640) square feet or less in floor area shall not require a discretionary permit unless it is required for the main residence. Guesthouses over six hundred forty (640) square feet in floor area on building sites of one (1) acre or larger shall require a site development permit. Guesthouses over six hundred forty (640) square feet in floor area on building sites less than one acre shall require a use permit approved by the Zoning Administrator.

Sec. 7-9-92. **7-9-149 Mobilehome regulations**

The following regulations shall apply to all mobilehomes and mobilehome developments where such uses are permitted by the provisions of the base district. All references to this section shall include sections ~~7-9-149~~ 7-9-TBD through ~~7-9-149~~ 7-9-TBD

Sec. 7-9-92.1. **7-9-149.3 Mobilehome development regulations**

The regulations of this section shall apply to all new mobilehome developments and to the expansion of existing developments. These regulations are established so that mobilehome developments may be evaluated under conditions that ~~will~~ shall ensure their compatibility with other permitted uses in the district.

- (a) Use permit required: When permitted by applicable zoning district regulations, mobilehome developments are permitted subject to the approval of a use permit and in compliance with the provisions of this section.
- (b) [Number of units permitted:] Number of mobilehome dwelling units permitted is the same as the maximum number of dwelling units permitted by the applicable le district regulations.

Site development standards:

- (1) Setbacks: Per the applicable district regulations.
- (2) Offstreet parking: As required by section 7-9-TBD, except as follows:
 - a. Two (2) parking spaces for each mobilehome dwelling unit.
 - 1. Required parking spaces shall be within two hundred (200) feet of the mobilehome they serve.
 - 2. Required spaces may be in tandem when the approving authority finds there are adequate guarantees that each of the two (2) tandem spaces ~~will~~ shall remain available and accessible for the same dwelling unit.
 - b. Additional guest parking, as follows:

1. One (1) parking space for each four (4) mobilehome dwelling units.
2. Mobilehomes shall not be farther than three hundred (300) feet from a guest parking space.
- (3) Screening and landscaping: Opaque screening and landscaping treatment continuously along the perimeter of the development shall be provided per section ~~7-9-132~~ 7-9-TBD in a manner compatible with existing surrounding development.

Design criteria: Each development shall be designed in compliance with the following criteria:

- (4) Circulation: Vehicular and pedestrian ways shall be separate, and adequate sight distance and warning information shall be maintained wherever such ways intersect.
- (5) Trash and refuse storage: Where individual trash pickup is not provided, common trash storage areas shall be provided as follows:
 - a. Mobilehomes shall not be located farther than one hundred (100) feet from a trash storage area.
 - b. Each trash and refuse storage area shall be within a totally enclosed structure with a minimum height of six (6) feet.

Exceptions: When the approving authority finds that any of the regulations of subsections (c) and (d) of this section are excessive when applied to a specific mobilehome development, or that there are special circumstances applicable to the subject property that cause any of these regulations to be unnecessary or inappropriate, an exception of deviation from such regulations may be approved as a part of the use permit for the mobilehome development.

Sec. 7-9-92.2. ~~7-9-149.5~~ Mobilehome installation

Each mobilehome installed on its own building site shall comply with the requirements of this section.

- (a) Installation standards: Each mobilehome installation shall comply with the following standards:
 - (1) Each mobilehome installation shall comply with the site development standards for a single-family dwelling in the applicable zoning district.
 - (2) Each mobilehome shall be placed on a foundation system. The foundation shall be either:
 - a. A solid concrete or masonry wall under the outside perimeter of the mobilehome; or
 - b. Piers or other open construction meeting the requirements of the currently effective County Building Code, combined with skirting placed around the outside wall of the mobilehome in such a manner that the exterior siding appears to start at ground level.

- (b) Exterior siding: The exterior siding of the mobilehome shall be similar in appearance to siding material customarily used in conventionally built single-family dwellings.

The roof:

- (1) Material shall be of fire-retardant composition shingles, tile or treated wood shingles;
- (2) Shall have a pitch similar in appearance to roofs of the same material on single-family dwellings in the neighborhood;
- (3) Shall be of a color that is not in conflict with existing structures in the vicinity; and
- (4) Shall have an eave and gable overhang of not less than-twelve (12) inches, measured perpendicularly from the vertical side of the mobilehome.

Siding, roof materials: The exterior siding and roof materials of the garage or carport shall appear to be the same as the mobilehome siding/roof materials.

Garage: When an enclosed garage is not provided, each mobilehome installation shall have a separate, fully enclosed accessory structure with not less than one hundred sixty (160) cubic feet of storage area.

Sec. 7-9-93. Short-Term Rentals

- (a) *Purpose.* The purpose of this section is to regulate short-term rentals, as defined below, to avoid impacts to traffic, noise, parking and the overall nature of a neighborhood's residential character.
- (b) *Applicability.* This section applies to the unincorporated area including planned community and specific plan areas.
- (c) *Definition.* "Short-Term Rental" means a rental of all or any part of a dwelling unit to a person(s) as lodging for a period of less than thirty (30) days.
- (d) *Permitted.*
 - (1) Short-term rentals are not permitted in single-family residential districts or designated areas.
 - (2) Short-term rentals are permitted in multifamily residential districts or designated areas subject to a use permit to the Zoning Administrator.
 - (3) Short-term rentals are permitted in commercial districts or designated areas subject to a site development permit.

Sec. 7-9-94. - Community assembly facilities (NEW)

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

- (a) Property Development Standards. Development shall comply with the Property Development Standards of the District in which the project is located.

- (c) Buffer. A minimum 20-foot perimeter buffer shall be included adjacent to any residential use or district. This buffer area may be used for parking or landscaping but shall not be used for structures or outside activities, however there shall always be a minimum 10-foot landscape setback when abutting a residential district.
- (d) Outdoor Recreation. Outdoor recreation areas for programmed activities, such as basketball courts, soccer fields, softball fields, etc., shall be at least twenty (20) feet from any residential use or district.
- (e) Shared Parking. Parking for a facility may be shared and the shared parking agreement shall be consistent with Sec. 7-9-TBD, Off-Street Parking and Loading.
- (f) Outdoor Lighting. Outdoor lighting shall not exceed an intensity of one foot candle of light throughout the facility and shall be directed toward the site.

Sec. 7-9-95. - 7-9-141 Community care facilities

Community care facilities serving six (6) or less persons and large family day care homes shall be permitted in any district, planned community, or specific plan area zoned for residential or agricultural uses and shall be regarded as a single-family dwelling for purposes of zoning and land use regulations.

Community care facilities serving seven (7) to twelve (12) persons, except for large family day care homes, shall be permitted in any district, planned community, or specific plan area zoned for residential or agricultural uses subject to the issuance of a use permit by the Planning Commission per section ~~7-9-150~~ 7-9-TBD.

Sec. 7-9-96. 7-9-141.3. Congregate living health ~~care~~ facilities

Congregate living health facilities licensed by the State of California pursuant to Section 1250 (c) of the Health and Safety Code are permitted subject to compliance with the applicable development standards of the district, planned community or specific plan and the following requirements:

- (a) A congregate living health ~~care~~ facility serving six (6) or fewer persons shall be permitted in any district, planned community, or specific plan area zoned for residential or agricultural uses and shall be regarded as a single-family dwelling for purposes of zoning and land use regulations.
- (b) A congregate living health ~~care~~ facility serving seven (7) to twelve (12) persons shall be permitted in any district, planned community, or specific plan area zoned for residential or agricultural uses subject to the issuance of a use permit by the Planning Commission pursuant to section ~~7-9-150~~ 7-9-TBD based on a determination that the proposed A congregate ~~care~~ facility shall:
 - (1) Has been designed and ~~will~~ shall be operated in a manner that ~~will~~ shall be compatible Demonstrate compatibility with and not detrimental to adjacent development and land uses;

- (2) Provide adequate Sufficient parking ~~will~~ shall be provided on site parking for to meet the needs of the maximum number of residents permitted and their visitors and the maximum number of staff in any shift;
 - (3) Provide adequate screening of the facility by and landscaping and/or fencing and useable open space in compliance with the requirements of these regulations; and
 - (4) Limit Comply with signage and lighting requirements applicable to the district, planned community, or specific plan area where the facility is located.
- (c) A congregate living health care facility ~~operated by the County or a city in the county and which serves~~ serving more than twelve (12) persons but fewer than 60 beds may be permitted in any district, planned community, or specific plan area zoned for either multifamily residential or hotels subject to the approval of a use permit by the Planning Commission pursuant to section ~~7-9-150~~ 7-9-TBD and the applicable requirements of the State Health and Safety Code.

~~(d) Equivalent dwelling unit counts for congregate care facilities shall be determined by the following table. The consequent unit counts are to be subtracted from the total number of allowed dwelling units for a planned community or specific plan area, and will also determine consistency with area per dwelling unit zoning limitations.~~

Configuration	Dwelling Unit Counts
2 or more bedrooms in the unit	1 dwelling
1 bedroom in the unit	.5 dwelling
0 bedroom in the unit	.25 dwelling
Medical care rooms	0 dwelling

~~Density bonuses may be granted to congregate care facilities in residentially-zoned areas in the same manner that they may be granted to standard residential projects per the housing element.~~

- (g) Congregate living health facilities with more than six beds shall not be considered "dwelling units" and shall not be subtracted from the total number of allowed dwelling units for a planned community or specific plan area.

Sec. 7-9-97. Residential care facilities (NEW)

Licensed residential care facilities serving six or fewer residents are permitted by right in any district where residential uses are allowed. A residential care facility serving more than six residents may be permitted in any district, planned community, or in any specific plan area

zoned for multifamily residential or commercial uses subject to compliance with the applicable standards of the district and the following requirements:

- (a) Units contained in any residential care facility shall not be considered "dwelling units" and shall not be subtracted from the total number of allowed dwelling units for a planned community or specific plan area.

Sec. 7-9-97.1. ~~7-9-146.10 Specified resource protection~~ Resource modification activities

Such activities as fuel modification, agricultural use, landscaping, removal of vegetation or grading, in areas identified by the General Plan, and implementing Specific Plan or Local Coastal Program, applicable Resource Management Plan or final CEQA document as having specified biotic resources of significance, shall comply with ~~the resource management~~ all relevant policies and measures contained therein.

Sec. 7-9-98. ~~7-9-142~~ Senior living facilities

A Senior living facility as defined in Subarticle 7: General Terms, section 7-9-TBD, Definitions, of this Code, may be permitted in any district, planned community, or in any specific plan area zoned for multifamily residential or commercial uses subject to compliance with the applicable standards of the district and the following requirements:

- (a) ~~A senior living facility may include one (1) or more of the following types of facilities listed as items (a) through (e) in Section 7-9-40, Definitions (S) "Senior Living Facilities" defined in Section 7-9-TBD of these zoning regulations:~~
- (a) The approval of a use permit by the Planning Commission per section ~~7-9-150~~ 7-9-TBD, unless otherwise authorized by an administrative site development permit in accordance with the base district regulations. Development standards shall be per the base district, unless the approving authority makes the appropriate findings to approve a modified development standard.
- (b) Each senior living facility use permit or site development permit application shall be reviewed on a case-by-case basis and shall:
 - (1) Demonstrate compatibility with adjacent development;
 - (2) Provide a parking study that ~~will~~ shall be used to determine if a modification to the base district parking standards ~~will~~ shall be necessary to accommodate the anticipated traffic generation and on-site parking demand of the residents, staff, employees and guests of the type and size of facility proposed; and
 - (3) Provide the location of all services (including the dining hall, commercial kitchen, gift shop, salon, fitness center, meeting rooms, etc.) and how they are to be accessed by residents and non-residents, including deliveries, and including universal design features in compliance with the Americans with Disabilities Act (ADA).
- (c) Units contained in any senior living facility shall not be considered "dwelling units" and shall not be subtracted from the total number of allowed dwelling units for a planned community or specific plan area.

Sec. 7-9-99. - ~~7-9-141.2~~ Child day care facilities/day care nurseries

Child day care facilities/day care nurseries serving more than fourteen (14) persons may be permitted in any district, planned community or specific plan area (except in designated airport accident potential zones) where this use is not otherwise identified as a permitted use, subject to the approval of a use permit by the Planning Commission per section ~~7-9-150~~ 7-9-TBD and compliance with the following requirements.

- (a) License. The operator shall secure and maintain a license from the State of California Department of Social Services.
- (b) Outdoor Space.
 - (1) The outdoor area shall not be located in any required front or street side yard. This area shall be either owned or leased by the applicant and cannot be shared with other property owners unless written permission is granted by the other property owners.
 - (2) Outdoor play areas shall be secured and screened with a minimum six foot wall or fence, constructed of wood or masonry, and shall achieve at
 - a. Family Day Care Homes. The above requirements may be waived for Large family day care Homes if the applicant can demonstrate that there is a public park or other public open area within 500 feet of the day care, the open space is on the same side of the street or across a local street, and there is a defined pedestrian path to the open space.
 - b. Child Care Centers. Pursuant to California Code of Regulations, Title 22 (Section 101238.2) Child Day Care Centers shall provide a minimum of 75 square feet of outdoor space for each child over two years old. Swimming pools and adjacent pool decking may not count towards meeting this space.
 - c. Exceptions. School-age child care programs that are operated on the site of a functioning school ground are exempt from square-footage requirements.
- (c) Additional requirements for Large family day care homes
 - (1) Residency. The operator of a Family Child Care Home shall be a full-time resident of the dwelling unit in which the facility is located.
 - (2) Facility Separation. A proposed Family Child Care Home shall not be located closer than 300 feet from the nearest lot line of another large family day care home or adult day care facility, respectively, for which a Discretionary Permit has already been issued and is in effect. However, the Director may allow the proposed large family day care home or adult day care facility to be located closer than 300 feet if it is determined that such closer location ~~will~~ shall not have an adverse effect on surrounding properties or on vehicular or pedestrian safety in the area.

- (3) When there is an assistant provider in the home, the maximum number of children cared for in a Large Family day care home, including children under age 10 who live in the home, and the assistant provider's children under age 10, is either:
 - a. Twelve children, no more than four of whom may be infants, or
 - b. Up to 14 children when one child is at least six years of age and one child is enrolled in and attending kindergarten or elementary school, and no more than three infants are in care. Parent notification and property owner consent ~~must~~ shall be on file.
- (d) Standards for Ancillary Day Care Centers. A day care facility that is ancillary to a larger use such as a place of employment, a religious assembly facility, an health club, etc. shall be subject to compliance with the regulations found under California Health and Safety Code 1596, as may be amended.

Sec. 7-9-100. - Community Gardens. (NEW)

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

- (a) Structures. Structures are limited to storage sheds, plant cultivation structures (greenhouses, hoopouses. and cold frames), benches, bike racks, raised planting beds, compost or waste bins, picnic tables, fences, and rain barrel systems. Individual structures may not exceed 120 square feet in size or twelve (12) feet in height. The combined area of all structures shall not exceed fifteen percent 15 percent of the garden area. All structures shall meet the setback requirements of the underlying zoning district and section 7-9-TBD.
- (e) Fencing. Community gardens shall be fenced in accordance with the site development standards of the underlying zoning district Fencing in the front setback shall be transparent.
- (f) Signs. One sign per street frontage is permitted. Signs shall not exceed four (4) square feet of sign face area and shall not exceed six (6) feet in height. The sign shall include a contact telephone number and/or contact e-mail address/website address for the garden coordinator. No advertising for garden sponsors, donors, supporters, suppliers, etc. is permitted on site.
- (g) Water.
 - (1) A metered water supply connection shall be provided.
 - (2) Sprinkler systems are prohibited: all watering shall be by hose or watering can. Informational materials supplied by the garden coordinator to plot holders shall include advice on water conservation, mulching, effective watering techniques, etc.

- (h) Compost. Compost materials shall be stored at least three (3) feet from adjacent property in a manner that is not visible from adjacent property, controls odor, prevents infestation, and meets state water quality/runoff management requirements.
- (i) Trash. A suitably sized trash receptacle shall be placed on-site.
- (j) Outdoor lighting. No outdoor lighting is permitted.
- (k) Operational standards.
 - (1) Allowable uses include the cultivation of fruits, vegetables, plants, flowers, or herbs. The cultivation of cannabis and any other plant prohibited by the State of California and/or federal law are prohibited.
 - (2) Gardening activities shall be conducted between the hours of 7:00 a.m. to dusk.
 - (3) Mechanized tools (tillers, trimmers, etc.) or flame-producing tools are prohibited.
 - (4) On-site sales of produce or any other items are prohibited.
 - (5) The site shall be designed and maintained so that water and fertilizer shall not drain onto adjacent property or to the public right-of-way.
 - (6) No synthetic pesticides or herbicides may be used.
 - (7) No fresh manure may be used.
 - (8) Entrance gates (if any) shall be secured with a key or combination lock.
 - (9) Rules and regulations. A bulletin board (or similar) shall be erected on the site listing the rules and regulations that apply to garden users. The bulletin board shall not be visible from the public right of way to minimize the risk of vandalism.
 - (10) Maintenance. Garden areas shall be maintained in good condition to prevent overgrown plots, unmaintained common areas, accumulation of trash, blight, and other nuisances.

Sec. 7-9-101. Farmers' Markets (NEW)

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

- (a) Application requirements. A temporary use permit is required for open air markets that shall be held no more than four (4) time per year. Ongoing open air farmers' markets are permitted subject to the approval of a site development permit and compliance with all applicable requirements of this section.
- (b) The market operator and/or individual vendors secure all necessary licenses, certificates and health permits, and all agricultural products meet all pertaining health and safety standards.

- (c) Management plan. A management plan shall be submitted as part of the approval of a site development, including the following:
 - (1) Identification of (a) market manager(s), who shall be present during all hours of operation.
 - (2) A set of operating rules addressing the governance structure of the market; the method of assigning booths and registering vendors; hours of operation; maintenance; security; refuse collection; and parking.
- (d) Parking. One vehicle parking space for each vendor stall shall be provided. Alternative parking arrangements, including shared parking, may be considered by the Director in determining whether sufficient parking is provided.
- (e) Hours of operation. Market activities shall be conducted between the hours of 7:00 a.m. and 8:00 p.m. Set-up and clean-up and take-down may occur between 6:00 a.m. and 9:00 p.m.
- (f) Waste disposal. Adequate composting, recycling, and trash containers shall be provided during hours of operation, and shall be removed from site for appropriate disposal. The site shall be cleaned at the end of each day of operations, including the removal of all stalls and debris.
- (g) Performances. Live musical and other performances may be approved with appropriate permits; a temporary use permit for one-time events or a side development permit for ongoing events.

Sec. 7-9-102. Fruit and Vegetable Gardening (NEW)

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

- (a) Gardening for use in cottage food operations or for sale at off-site locations is allowed in any rear yard. Such gardening, when solely for the purposes of propagation and culture for household consumption and not for later sale, may be permitted in the front and side yards as well.
- (b) On-site sales, signs, displays, and stands are prohibited. Cottage food operations and the sale of produce at off-site locations such as farmers' markets are allowed, subject to applicable rules and regulations.
- (c) Compost materials shall be set back a minimum of ten (10) feet from property lines and shall be stored in a manner that is not visible from the adjacent property, controls odor, prevents infestation, and meets state water quality/runoff management requirements.
- (d) Community gardens developed and maintained in accordance with this section are allowed on any vacant residential property.
- (e) The outdoor cultivation of cannabis pursuant to the County of Orange Commercial Cannabis Activities and Outdoor Personal Cultivation Prohibition Ordinance.

Sec. 7-9-103. ~~SG "Sand and Gravel Extraction" District. Section 7-9-104 Sec. 5-3-31, 32, 33, Title 5, Division 1, Article 2 Sale or distribution of marijuana or any~~

~~other controlled substances 7-9-146.14.~~ – **County of Orange Commercial Cannabis Activities and Outdoor Personal Cultivation Prohibition Ordinance**

- (a) Definitions. For the purposes of this section, the following definitions shall apply:
- (1) “Cannabis” or “Marijuana” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. The term “cannabis” shall also have the same meaning as set forth in Section 19300.5(f) of the California Business and Professions Code, as may be amended from time to time. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, “cannabis” does not mean “industrial hemp” as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.
 - (2) “Cannabis cultivation” shall mean any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, and shall also include the possession, manufacturing, processing, storing, laboratory testing, transporting, distribution, delivery, or sale of cannabis, whether all or any combination of those activities, and whether for medical or non-medical purposes or sale.
 - (3) “Cannabis dispensary” shall mean a facility or location, whether fixed or mobile, where cannabis or cannabis products are offered, made available to, or provided, either individually, or in any combination, with or without remuneration, for medical purposes or otherwise. A dispensary includes those facilities defined as “dispensary” by Business and Professions Code section 19300.5, as enacted, or as hereafter amended. Cannabis dispensary or marijuana dispensary shall also mean “Retailer” and “Distributor” and “Microbusiness” as defined by Business and Professions Code section 26070, as enacted, or as hereafter amended.
 - (4) “Commercial Cannabis activity” includes the cultivation, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products whether for medical or non-medical purposes.
 - (5) “Commercial cannabis cultivation” or “Commercial marijuana cultivation” shall

mean cannabis cultivation, as defined in this section, for commercial use or purposes, and whether for medical or non-medical purposes. For the purpose of this subsection, “processing” (as contained in the definition of cannabis cultivation) shall mean any method used to prepare cannabis or its by-products for commercial retail and/or wholesale sale, including without limitation drying, cleaning, curing, packaging, and extraction of active ingredients to create cannabis products or cannabis-related products and concentrates.

- (6) “Cannabis products” shall mean cannabis that has undergone a process whereby the plant material has been transformed into concentrate, including, but not limited to, concentrated cannabis, edible or topical product containing cannabis or concentrated cannabis and other ingredients.
- (7) “Delivery” shall mean the commercial transfer of cannabis or cannabis products to a customer whether for medical or non-medical purposes. “Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer.
- (8) “Distribution” means the procurement, sale, and transport of cannabis and cannabis products between licensees whether for medical or non-medical purposes.
- (9) “License” means a state license issued under the Medicinal and Adult-Use Cannabis Regulation and Safety Act, Business and Professions Code, section 26000, et seq.
- (10) “Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product whether for medical or non-medical purposes.
- (11) “Manufacturer” means the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products, or labels or relabels its container.
- (12) “Operation” means any act encompassing commercial cannabis activity, as defined herein, or any commercial transfer of cannabis or cannabis products.
- (13) “Personal cannabis cultivation” or “Personal marijuana cultivation” shall mean cannabis cultivation for personal use, medicinal use, or purposes in accordance with all applicable state laws.
- (14) “Testing Laboratory” means a laboratory, facility or entity that offers or performs tests of cannabis or cannabis products.

(b) Prohibited activities.

- (1) A cannabis dispensary, as defined in this chapter, is expressly prohibited and not an allowable activity within any zoning district within unincorporated

areas of Orange County.

- (2) Commercial cannabis cultivation, as defined in this chapter, is expressly prohibited and not an allowable activity within any zoning district within unincorporated areas of Orange County.
 - (3) Delivery services may not locate their distribution center within any zoning district within unincorporated areas of Orange County.
 - (4) A Manufacturer, as defined in this chapter, is expressly prohibited and not an allowable activity within any zoning district within unincorporated areas of Orange County.
 - (5) Testing Laboratories, as defined in this chapter, are expressly prohibited and not an allowable activity within any zoning district within unincorporated areas of Orange County.
 - (6) Personal cannabis cultivation, as defined in this chapter, shall not exceed the number of living plants permitted by California Health and Safety Code Sections 11362.1 and 11362.2. Personal cannabis cultivation is limited solely to inside a person's private residence, or inside an accessory structure to a private residence located on the grounds of the private residence, that is fully enclosed and secure. Personal cannabis cultivation is expressly prohibited outdoors upon the grounds of any private residence or any other outdoor location within unincorporated.
- (c) Public Nuisance.
- Any activity or condition caused, or permitted to exist, in violation of any provision of this chapter shall be, and is hereby declared to be, a public nuisance and may be summarily abated by the County pursuant to Section 731 of the California Code of Civil Procedure or any other remedy available at law.
- (d) Violations.
- (1) In addition to any other remedies permitted by this chapter or available at law, the County Counsel may bring a civil action for injunctive relief and civil penalties against any person who violates any provision of this chapter. In any civil action that is brought pursuant to this chapter, a court of competent jurisdiction may award civil penalties and costs to the prevailing party.
 - (2) Any violation of this chapter shall be a misdemeanor, punishable as provided by state law.

Sec. 7-9-104. PC "Planned Community" District. 7-9-146.6 Home occupations performance and development standards

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

- (a) Purpose and intent: These regulations are provided so that certain incidental and accessory uses may be established in residential neighborhoods under conditions that ~~will~~ shall ensure their compatibility with the neighborhood. They are intended to protect the rights of the residents to engage in certain home occupations that are harmonious with a residential environment.
- (b) Home occupations permitted: Home occupations are permitted when conducted as an accessory use to a residential use in any district that specifies home occupations as a permitted use, subject to the requirements of subsection (c) of this section.
- (c) General requirements: The establishment and conduct of home occupations shall comply with the following requirements:
 - (1) There shall be no exterior evidence of the conduct of a home occupation.
 - (2) A home occupation shall be conducted only within the enclosed living area of the dwelling unit.
 - (3) A home occupation shall not generate any offensive or objectionable noise, dust, vibration, smell, smoke, heat, glare, or radiation. Electrical or mechanical equipment, which creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit shall be prohibited.
 - (4) There shall be no sale of goods not produced on the premises.
 - (5) The establishment and conduct of a home occupation shall not change the principal character or use of the dwelling unit involved.
 - (6) There shall be no signs.
 - (7) Required residential off-street parking shall be maintained.
 - (8) A home occupation shall not create greater vehicular or pedestrian traffic than normal for the district in which it is located.
 - (9) Distribution, transporting, manufacturing, cultivating or delivery of cannabis or cannabis products from the home is not permitted as a home occupation.

~~(Code 1961, § 78.0280.4; Ord. No. 3664, § 32, 9-29-87)~~

Sec. 7-9-105. Pets and animals

The keeping of both domestic and non-domestic animals, as defined in section 7-9-TBD (Definitions), is permitted subject to the following requirements.

- (a) Domestic and non-domestic animal keeping is permitted in all residential zones.
- (b) A maximum of three (3) dogs over the age of four (4) months is permitted on each lot.
- (c) Poultry, Rabbits, Non-Crowing Fowl, and Homing Pigeons:

- (1) A maximum of any combination of ten (10) poultry, non-crowing fowl; four (4) rabbits; and 25 homing pigeons is allowed on each lot subject to the following limitations:
 - a. A minimum lot size of 10,000 square feet of net development area is required for the noncommercial keeping of poultry or rabbits.
 - b. Non-crowing poultry, rabbits, and pigeons shall be housed, kept or penned at least fifty (50) feet from any residence on an adjoining lot or parcel.
 - c. Additional poultry, homing pigeons and/or rabbits for noncommercial purposes may be permitted subject to the approval of a site development permit.
- (d) In addition to the required setbacks in sections ~~7-9-127, 7-9-128, and 7-9-137~~ 7-9-TBD, pens, cages, and other structures specifically for keeping birds or animals, other than in the residence, shall be located at least twenty-five (25) feet from any residential window located on an adjoining building site.
- (e) Exceptions to the above may be provided for by a use permit approved by the Director.
- (f) ~~(Informational note: The types, number and manner in which pets and animals are kept is to be regulated, if at all, via~~ shall comply with the Title 4, Health, Sanitation, and Animal Code Regulations and any other requirements imposed by the County Health Officer.

Sec. 7-106. - ~~CN "Commercial Neighborhood" District. 7-9-146.1.~~ Animal hospitals and clinics—
Performance and development standards

In addition to the requirements of each district, the following performance and development standards shall apply to the establishment, maintenance and operation of animal hospitals and clinics in any district in which they are permitted:

- (a) All animal service and confinement areas shall be in an air conditioned and sound-attenuated building.
- (b) Air conditioning shall be sound attenuated so as to minimize noise from within the building.
- (c) Facilities for housing of not less than five (5) animals shall be maintained on the premises.
- (d) Runs shall be in an air-conditioned and sound-attenuated building.
- (e) All facilities for treatment and confinement of animals shall be designed, installed or constructed and maintained in a manner meeting the approval of the Director, Animal Control, Health Care Agency.

Sec. 7-9-107. **~~R/OSP "Research/Open Space Park" District.~~ Electric Vehicle Charging Stations (NEW)**

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

Sec. 7-9-108. **~~FP "Floodplain" District.~~ 7-9-146.8 Performance and development standards for Small wind energy systems**

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

A small wind energy system may be installed only on parcels located outside "urbanized" areas, i.e., within the "non-urbanized" area. "Urbanized area" is defined in accordance with Government Code Section 65944(d)(2) as one (1) of the following: an urbanized area as defined in paragraph (2) of subdivision (d) of Section 65944; or a county as defined in Section 56023, and as depicted on the County's Map of Non-Urbanized Areas. The applicant may submit demographic information from a reputable source demonstrating that the system ~~will~~ shall be located in a non-urbanized area subject to the approval of the Director, OC Planning. A "small wind energy system" or "system" is defined as a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a rated capacity of not more than fifty (50) kilowatts (kw) per customer site, consistent with the requirements of Public Resources Code Section 25744(b)(3), and that ~~will~~ shall be used primarily to reduce on-site consumption of utility power.

(a) Definitions related to wind energy systems.

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

(b) Permitted use.

- (1) The installation of a small wind energy system of forty-five (45) feet or less ~~will~~ shall be permitted in the non-urbanized area in any district subject to the approval of a use permit approved by the Zoning Administrator unless otherwise prohibited by any of the following: General plan, specific plan, planned community text, California Coastal Commission, a local coastal program; a land use plan adopted by Airport Land Use Commission; a Alquist-

Priolo Earthquake Fault Zoning Act; a scenic highway plan; a conservation or open space easement; a protected open space agreement; a listing of the site in a historic register; or a Williamson Act contract.

- (2) The installation of a small wind energy system of more than forty-five (45) feet and up to eighty (80) feet ~~will~~ shall be permitted in the non-urbanized area in any district subject to the approval of a use permit approved by the planning commission unless otherwise prohibited by any of the following: General plan, specific plan, planned community text, California Coastal Commission, a local coastal program; a land use plan adopted by Airport Land Use Commission; a Alquist-Priolo Earthquake Fault Zoning Act; a scenic highway plan; a conservation or open space easement; a protected open space agreement; a listing of the site in a historic register; or a Williamson Act contract.
- (c) Building site area. Minimum lot size shall be one (1) acre.
- (d) Height. For purposes of calculating height, the height shall mean the distance from the ground to the top of the blade in the vertical position. Maximum tower height shall be eighty (80) feet unless applicant can demonstrate to the satisfaction of the Director, OC Planning, that special circumstances exist that require a tower to be up to, but no more than, one hundred (100) feet in height. An application for a small wind energy system shall include evidence that proposed height of the tower does not exceed the height recommended by the manufacturer or distributor of the system. In no event shall the tower height exceed the applicable limits established by the Federal Aviation Administration (FAA).
- (e) Number of units.

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

- (f) Setback. Minimum setback for the system shall be at least two (2) times the height of the system from any property line. Minimum distance between towers shall be at least one and one-half (1 ½) times the height of the taller tower. No part of the system, including guy wire anchors, shall extend closer than thirty (30) feet from any property line. The system ~~must~~ shall also meet any fire setback requirements.
- (g) System. Wind turbine ~~must~~ shall meet minimum ratings from the California Energy Commission (CEC) and the system ~~must~~ shall comply with all FAA requirements. Application shall include system specifications, including electrical components, and

may be required to include an acknowledgement from the electrical service provider of the proposed system.

- (h) Noise. The applicant ~~must~~ shall demonstrate that the system shall be operated in such a manner as to comply with the requirements set forth in Title 4, Division 6 of the Codified Ordinances of the County of Orange, entitled "Noise Control."
- (i) Tower. Tower structure shall not have any climbing apparatus within the first twelve (12) feet from the ground and shall be designed to prevent climbing within the first twelve (12) feet from the ground. Tower and all associated system structures shall be treated with non-reflective colors to provide concealment of the facilities and to minimize visual disruption. No flags, streamers or decorative items shall be attached to system tower or turbine.
- (j) Wind turbine. The system shall use a wind turbine approved by the California Energy Commission (CEC) as qualifying under its Emerging Renewables Program pursuant to Public Resources Code Section 25744 or has been certified by a national program recognized and approved by the CEC.

The minimum distance between the ground and any part of the turbine blade shall be fifteen (15) feet.
- (k) Notice. Notice of the application shall be provided to property owners within three hundred (300) feet of the property line. Applicant may also be required to publish a public notice in a newspaper of general circulation. Systems proposed in agricultural areas shall require special notice to pest control aircraft.

If the proposed system is within one thousand (1,000) feet of a military installation, within special use airspace, or beneath a low-level flight path as defined by Public Resources Code Section 21098, the applicant shall comply with Section 65944.

The applicant shall comply with all FAA notice requirements for proposed systems within an Airport Planning Area, and shall notify the County Airport Land Use Commission (ALUC) which shall also review the application.
- (l) Visual effects. System shall not substantially obstruct views of adjacent property owners. No system shall be visible from a scenic highway or landscape corridor. System shall be placed or constructed so that the entire system is below any major ridgeline.
- (m) Signs. No sign shall be attached to the system, except for signs that identify the manufacturer, installer, or owner of the system; or public health and safety signs applicable to the installed system. Signs shall be no larger than four (4) square feet, unless approved by the decision-making body, and shall not be located at the base of the system within ten (10) feet of the ground.
- (n) Lighting. Tower structure lighting shall be prohibited unless required by the FAA, FCC or building code.
- (o) Landscaping. Landscaping shall be provided to screen accessory structures from roads and adjacent residences in compliance with section ~~7-9-132~~ 7-9-TBD.

- (p) Inoperation. System shall be removed if inoperable for more than twelve (12) consecutive months.
- (q) Additional application requirements. The application shall include standard drawings and an engineering analysis of the system's tower, showing compliance with the current version of the Building Code and certification by a professional mechanical, structural or civil engineer licensed in the State of California. The application ~~must~~ shall demonstrate that the system is designed to meet the most stringent wind requirements (Uniform Building Code wind exposure D), the requirements for the worst seismic class (Seismic 4), and the weakest soil class, with a soil strength of not more than one thousand (1,000) pounds per square foot. The application shall also include line drawings of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.
- (r) Compliance with FAA requirements. The system shall comply with all applicable FAA requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports, and the State Aeronautics Act (Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code). A system that complies with this subdivision shall be deemed to meet the applicable health and safety requirements regarding civil aviation.

Sec. 7-9-109. ~~**CD “Coastal Development” District. 7-9-146.13 Performance and development standards for**~~ **Wireless communications facilities**

This section shall be referred to as the “County of Orange Wireless Communications Facilities on Private Property ~~Ordinance~~ Zoning Code.”

(a) **Purpose.**

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

The purpose in regulating the development and siting of wireless communications facilities is to encourage economic development, preserve aesthetics and other community values and discourage proliferation of above-ground equipment. these regulations encourage collocation of wireless communications facilities, and require the use of natural and architectural screening in a manner that is compatible with the existing development policies and constraints that have been applied uniformly and historically throughout the unincorporated area.

The County of Orange Wireless Communications Facility ~~Ordinance~~ Zoning Code is limited to the County’s review of the location and aesthetic development of wireless communications facilities and establishing reasonable time, place and manner

limitations. these regulations comply with the Communications Act of 1934, as amended by the Telecommunications Act of 1996, applicable regulations of the Federal Communications Commission, and state law. these regulations are not intended to unduly restrict the development of necessary wireless communications facilities or conflict with existing public utility franchises.

(b) **Definitions.**

Definitions of terms used countywide are in Subarticle 7, General Terms, of this Code. This sub-section lists terms that are specific to Wireless communication facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) It increases the height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; it protrudes from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater;
- (2) It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
- (3) It entails any excavation or deployment outside the current site of the tower or base station;
- (4) It would defeat the existing concealment elements of the tower or base station;
or

- (5) It does not comply with conditions associated with the prior approval of construction or modification of the tower or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding “substantial change” thresholds identified above.

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

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

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

(c) **Applicability.**

- (1) This section applies to all permit applications to construct, install, collocate, or modify, and/or operate a wireless communications facility or transmission equipment received after the effective date of this section on private property.
- (2) This section shall not apply to:
- a. Any amateur radio antennas and related facilities subject to FCC PRB1 or California Government Code section 65850.3; or
 - b. Any Over-the-Air-Receiving-Devices (“OTARDs”) as defined in 47 C.F.R. § 1.4000 *et seq.*; or
 - c. Temporary Emergency Towers. Any applicant that seeks a permit to install a wireless communications facility necessary to protect public health, safety or welfare during an emergency shall submit an application for a temporary emergency-use permit no later than one (1) calendar day after the installation of such wireless communications facility. the Director may approve such temporary wireless facility without regard for the other provisions in this section for no more than thirty (30) days. The owner of any wireless communications facility installed pursuant to this subsection shall immediately remove such facility at the end of the thirty (30) day period or the conclusion of the emergency, whichever occurs first. the County may remove any wireless communications facility installed pursuant to this subsection at the owner’s cost immediately at the end of the thirty (30) day period or

the conclusion of the emergency, whichever occurs first. No predictable or prior-scheduled event, including without limitation, any sporting event, entertainment event or civic event, constitutes an “emergency” for the purposes of this section.

- d. Wireless facilities or equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical generation, transmission and distribution facilities subject to CPUC General Order 131-D.
- (d) **Permitted Use.** Subject to the provisions of this section, the construction, installation, collocation, modification and/or operation of a wireless communications facility or transmission equipment shall be permitted in any district, including Specific Plan areas and Planned Communities. This section shall not apply to private property in those Specific Plan areas and Planned Communities in which the Board of Supervisors adopted or approved wireless communications facility standards prior to the effective date of this ordinance Zoning Code.
- (e) **Approvals Required for Wireless Communications Facilities.** In a residential or open space district, or when within one hundred (100) feet of a residential or open space district as measured from the parcel line, new wireless communications facilities and substantial changes to an existing tower or existing structure shall be permitted subject to a use permit to the Zoning Administrator. Minor changes to an existing tower or existing structure shall be permitted and subject to a changed plan.

In commercial/industrial districts, when more than one hundred (100) feet from a residential or open space district as measured from the parcel line, new wireless communications facilities and substantial changes to an existing tower or existing structure shall be permitted subject to a site development permit. Minor changes to an existing tower or existing structure shall be permitted and subject to a changed plan.
- (f) **Permit Application Requirements.** An application for a wireless communications facility shall meet the requirements of the “County of Orange Wireless Communications Facility Manual,” as approved by the Director, including the submittal of items listed in the “County of Orange Wireless Communications Facility Submittal Checklist,” and all such other information and/or materials that the County may, from time-to-time, publish as required for a complete application.
- (g) **Master Plan.**
 - (1) An applicant may elect to submit a Master Plan that contains more than one (1) wireless communications facility. the Master Plan may contain new wireless communications facilities, collocations or a combination of both. the facilities contained in the Master Plan shall meet all requirements set forth in this section. the Master Plan shall be subject to a use permit to the Planning Commission.
 - (2) If the Master Plan proposes a deviation from any performance or site development standard, it shall demonstrate to the satisfaction of the Planning Commission that it would be technically infeasible to meet such standard. In

addition to making findings pursuant to section ~~7-9-150.3(e)(1)~~ 7-9-TBD, the Planning Commission shall make the following findings prior to final action:

- a. It has been demonstrated that adherence to applicable ~~zoning regulations~~ Zoning Code ~~will~~ shall make one (1) or more of the wireless communications facilities contained in the Master Plan technically infeasible.
- b. The alternative development standard(s) ~~will~~ shall result in an equivalent or better project in terms of adverse impacts and public benefits to the immediate and surrounding community.

- (3) The proposed wireless communications facilities in the Master Plan are the least intrusive means by which to locate and design the facilities.
- (4) Subsequent to approval of a Master Plan, any proposed deviation to a wireless communications facility contained in that Master Plan shall make that facility subject to section ~~7-9-146.13~~ 7-9-TBD, unless an alternative approval process for deviations has been specified in the approved Master Plan.

(h) **Wireless Facility Design Standards.**

- (1) The applicant shall demonstrate to the satisfaction of the Director that the wireless communications facility is the least intrusive means by which to locate and design the facility. "Least intrusive means" means that all new wireless communications facilities and substantial changes shall be designed to minimize aesthetic and visual impacts, and shall include appropriate stealth or camouflage techniques given the proposed location, design, visual environment and nearby uses and/or structures. Wireless facilities shall be located in areas where existing topography, vegetation, buildings or other structures naturally conceal the facility. An applicant may be required to provide an alternative site and design analysis and demonstrate why other suitable locations do not exist.
- (2) In and within one hundred (100) feet of all residential and open space districts, new towers shall be stealth. In commercial and industrial districts, new towers shall be camouflaged.
- (3) A new tower visible by a motorist driving on a scenic highway (including landscape corridors and viewscape corridors as defined in the Orange County General Plan) shall be stealth and placed or constructed so that the entire wireless facility is below any major ridgeline (as defined by the General Plan or Specific Plan).
- (4) If the applicant demonstrates to the satisfaction of the approving authority that stealthing the facility is infeasible, then the applicant shall be required to camouflage the facility.
- (5) Modifications to existing wireless communications facilities shall match the level of stealth or camouflage of the facility, as applicable.

- (6) All new wireless communications facilities shall collocate on an existing wireless communications facility or other existing structures to the maximum extent feasible.
- (7) All transmission equipment and associated enclosures for new wireless communications facilities and substantial changes shall be designed to include appropriate stealth or camouflage techniques given the proposed location, design, visual environment and nearby uses and/or structures. In addition, it shall also be situated in a manner that utilizes existing natural or man-made features including, but not limited to, topography, vegetation, buildings or other structures to minimize visible impact from roads and residences.
- (8) Ground-mounted transmission equipment and associated enclosures for new wireless communication facilities and substantial changes shall be located either underground or completely within a fenced area. Such fence shall not exceed a maximum height of six (6) feet unless the applicant demonstrates a valid safety consideration that justifies a taller fence. No transmission equipment or associated enclosures shall protrude above the fence. Any chain link fence shall be concealed with landscaping that extends the full length and width of the fence. If technically infeasible to locate the structures underground or within a fenced area, they shall be designed to include appropriate stealth or camouflage techniques given the proposed location, design, visual environment, and nearby uses and/or structures.
- (9) All pole-mounted or wireless tower-mounted transmission equipment shall be mounted as close as technically feasible to the pole or tower so as to reduce the overall visual profile, and shall be camouflaged by painting with non-reflective colors and textured to match the support pole or wireless tower.
- (10) On all new wireless communication facilities and substantial changes, all cables, jumpers, conduits and other connections between transmission equipment and/or associated structures shall be either completely enclosed or placed underground to the maximum extent feasible.
- (11) All wireless communications towers shall be designed to prevent climbing within the first twelve (12) feet from the ground.
- (12) All wireless communications towers shall be constructed from concrete, steel, or wood.
- (13) All wireless communications facilities shall be painted or treated with non-reflective colors to provide concealment of the facility and to minimize visual disruption.
- (14) No tower shall exceed the maximum permissible height for structures in the underlying zoning district.
- (15) A tower located in or within one hundred (100) feet of residential, open space or commercial zoning districts as measured from the parcel line, shall be

designed to the lowest feasible height to reasonably achieve the applicant's technical objective.

- (16) There shall be a minimum of three hundred (300) feet between any two towers. This separation requirement does not apply to collocated equipment.
 - (17) Unless the County explicitly allows otherwise on a case-by-case basis, no sign shall be attached to the facility, except signs that identify the wireless communications facility owner and/or operator, and are required to comply with state or federal law.
 - (18) Lighting shall be prohibited unless otherwise required under Federal Aviation Administration ("FAA") regulations. Applicants shall install only timed or motion-sensitive lights and design all lights associated with the wireless communications facility so that direct light rays shall be confined to the premises.
 - (19) The facility shall comply with all applicable FAA requirements of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports, and the State Aeronautics Act (Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code). If a proposed wireless communications facility is within an Airport Planning Area, the Director shall submit the application to the County Airport Land Use Commission (ALUC).
 - (20) Any permit application that includes a request for a deviation from any performance or site development standard shall demonstrate to the satisfaction of the approving authority that it would be technically infeasible to meet such standard. In addition to making findings pursuant to ~~7-9-150.3(e)(1)~~ 7-9-TBD, the approving authority shall make the following findings prior to final action:
 - a. It has been demonstrated that adherence to applicable ~~zoning regulations~~ Zoning Code ~~will~~ shall make the project technically infeasible.
 - b. The proposed wireless communications facility is the least intrusive means by which to locate and design the facility to the extent feasible.
- (i) **Public Notice.** If the proposed wireless communications facility is within one thousand (1,000) feet from a military installation, within special use airspace, or beneath a low-level flight path as defined by California Government Code Section 65940, the applicant shall be required to comply with California Government Code Section 65944.
- For use permits, notice to the public shall be provided pursuant to section ~~7-9-150~~ 7-9-TBD.
- (j) **Applicability of the Middle Class Tax Relief and Job Creation Act of 2012.** Notwithstanding section ~~7-9-150.3(h)~~ 7-9-TBD, if the applicant demonstrates to the satisfaction of the Director that Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, codified as Title 47, United States Code, Section 1455(a), as may be amended or interpreted by a court of competent jurisdiction, applies to the

proposed minor modification, then the Director may not deny the changed plan application.

- (k) **Appeals.** A decision or action pursuant to this section may be appealed in accordance with the provisions of section ~~7-9-150.4~~ 7-9-TBD.

(l) **Legal Nonconforming Use.**

- (1) Any wireless communications facility that is lawfully constructed, erected, or approved prior to the adoption of this section, in compliance with all applicable laws, and which facility does not conform to the requirements of this section, shall be accepted and allowed as a legal nonconforming use for a ten (10) year period beginning on the effective date of this section.
- (2) Legal nonconforming facilities shall comply at all times with the laws, ~~ordinances~~ Zoning Code, and regulations in effect at the time the permit was granted, and any applicable federal and state laws as they may be amended or enacted, and shall at all times comply with any conditions of approval.
- (3) At the end of the ten (10) year period, or prior to improving the facility through a substantial change, if earlier, the permittee shall apply for a use permit to bring the facility to existing standards.

(m) **Maintenance Requirements.**

- (1) At all times, a wireless communications facility shall comply with all applicable rules and regulations related to public health and safety, including, without limitation, all applicable rules and regulations related to human exposure to electromagnetic radio frequency emissions.
- (2) At all times, a wireless communications facility, including all transmission equipment, associated improvements and concealment elements, shall be maintained in neat, clean and safe condition. the County may take actions reasonably necessary to maintain a wireless communications facility when the owner fails to comply with this section either after ten (10) days' notice or immediately in the case of an emergency. the owner shall reimburse the County for any costs to maintain a wireless communications facility within thirty (30) days after receipt of written notice.

- (n) **Change of Ownership.** the owner or operator shall provide written notice to the Director within thirty (30) days after a transfer of ownership or authorization to operate the wireless communications facility. the written notice shall include (1) the transfer date; and (2) full contact information for the transferee, including a name, direct phone number and mailing address.

- (o) **Abandonment.** Any permittee or operator who intends to, or does abandon or discontinue use of a wireless communications facility for any reason, shall do all of the following:

- (1) Except where discontinuance is due to the revocation of a permit, on or before the sixtieth (60th) day before the final day of use, notify the Director in writing,

specifying the date of the intended abandonment or discontinuance and the applicable permit number.

- (2) Within one hundred and eighty (180) days after the abandonment or discontinuance, at the permittee's sole expense, remove any wireless communications facility and all its associated equipment in compliance with all applicable health and safety requirements and restore the site to the condition that existed before installation of the wireless communications facility, or as otherwise required by the Director.
 - (3) At any time after one hundred and eighty (180) days following the abandonment or discontinuation, without further notice to the applicant, the Director may remove and store the wireless communications facility, repair any damage to the premises caused by such removal, and restore the premises as the Director deems appropriate. The permittee, and all prior owners and operators of the wireless communications facility, shall be jointly and severally liable for the entire cost of such removal, repair, restoration, and storage, and shall remit payment to the County promptly after demand for payment is made. The County may, instead of storing the removed wireless communications facility equipment, convert it to the County's use, sell it, or dispose of it in any manner deemed appropriate by the County.
- (p) **Conflicting Ordinances.** In the event that any County ~~ordinance~~ Zoning Code or regulation, in whole or in part, conflicts with any provisions in this section, the provisions of this section shall control.
- (q) **Severability.** In the event that a court of competent jurisdiction holds any section, subsection, paragraph, sentence, clause or phrase in this section unconstitutional, preempted or otherwise invalid, the invalid portion shall be severed from this section and shall not affect the validity of the remaining portions of this section.

The Board of Supervisors hereby declares that it would have adopted each section, subsection, paragraph, sentence, clause or phrase in this section irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses or phrases in this section might be declared unconstitutional, preempted or otherwise invalid.

Sec. 7-9-110. ~~9-146.11~~ **Heliports/helistops**

If compatible with the purpose and intent of the applicable zoning district, heliports/helistops are allowed subject to a use permit approved by the Zoning Administrator per section ~~7-9-150-7-9-TBD~~. All heliports/helistops are subject to review by the Airport Land Use Commission and FAA and State Division of Aeronautics regulations. Additionally, if approved, heliports/helistops located in residential areas shall not operate between the hours of 9:00 p.m. and 7:00 a.m. unless otherwise provided for by the required use permit. However, emergency medical flights are exempted from this restriction.

Sec. 7-9-111. ~~Section 7-9-97.~~ **Drive-In and Drive-Through Facilities (NEW)**

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

- (a) Landscaping and Screening. In addition to complying with the landscaping standards in section 7-9-TBD Landscaping), additional screening and landscaping may be required where necessary to prevent visual impacts on adjacent residential districts.
- (b) Circulation. Drive-through facilities shall provide safe, unimpeded movement of vehicles at street access points, in travel aisles, and parking areas. A site plan showing directional movements for interior traffic circulation shall be provided for review by the Public Works Director.
- (c) Pedestrian Walkways. Vehicle aisles shall not intersect with interior pedestrian walkways, unless no alternative exists. In such cases, pedestrian walkways shall have clear visibility, emphasized by enhanced paving or markings.
- (d) Stacking. Vehicular stacking areas shall be provided to ensure vehicle queue shall not interfere with public rights-of-way, private streets, or with on- or off-site parking and circulation. Stacking area size requires approval by the Public Works Director.
- (e) Screening. Each drive-through aisle shall be screened with a combination of decorative walls and landscape to a height of 36 inches to prevent headlight glare and direct visibility of vehicles from adjacent streets and parking lots.
- (f) Trash and Waste.
 - (1) Garbage and trash containers shall be provided in locations suitably enclosed and screened so as not to be visible from a public right-of-way.
 - (2) A waste receptacle shall be placed near the entry way to the drive-in or drive-through facility.
 - (3) The site shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 100 feet of the premises. The owner or operator shall remove graffiti within 72 hours.
 - (4) One permanent, non-flammable trash receptacle shall be installed near to the entrance/exit of the building.
- (g) Site Design.
 - (1) Drive-through elements shall be placed to the side or rear of the building.
 - (2) Drive- through windows shall be oriented away from the street frontage and provide adequate screening measures through landscaping and design to minimize visibility of the drive-through.
 - (3) The design of freestanding drive-through facilities ~~must~~ shall be compatible with the principal building, in terms of building color, materials, and form.

Sec. 7-9-112. - ~~7-9-146.9~~ Bus stop benches and shelters

The regulations in this section pertain to bus stop benches and shelters, including their related signs, when located within a dedicated road right-of-way area only. All such benches/shelters shall be subject to an encroachment permit per sections 6-1-120 et seq. This section supersedes

earlier adopted regulations in planned community or specific plan texts which may be in conflict with this section. Bus bench/shelter signs shall not be subject to Zoning Code, planned community or specific plan regulations regarding outdoor advertising signs.

Sec. 7-9-113. ~~**7-9-143. Facility design regulations**~~ **Transportation demand programs**

All references to this section shall include sections 7-9-~~143.1~~ 7-9-TBD through 7-9-~~143.4~~ 7-9-TBD Purpose and intent.

It is the purpose and intent to meet the requirements of Government Code Section 65089.3(a)(2), to mitigate the impacts that development projects (as specified in section 7-9-~~143.3~~ 7-9-TBD) may have on transportation mobility, congestion and air quality and to promote transportation demand management strategies.

Sec. 7-9-113.1. Definitions.

For purposes of this section, the definitions for the following terms shall apply:

Alternative Transportation Mode: Any mode of travel that serves as an alternative to the single occupant vehicle. This can include all forms of ridesharing, public transit, bicycling or walking.

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

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

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

Mixed-Use Development: Appropriate land uses include, but are not limited to, residential, commercial, office, industrial park, civic, cultural, educational facilities, and child care facilities.

Vanpool: Seven (7) or more persons traveling together in a single vehicle.

Worksite: A building or group of buildings which are developed as a single project, and which serve(s) as the place of employment, base of operation, or predominant location of an employee or group of employees.

Sec. 7-9-113.2. Applicability.

- (a) Notwithstanding section 7-9-TBD below, these regulations apply to any discretionary permit per section ~~7-9-150~~ 7-9-TBD for commercial, industrial, institutional, office/professional or other uses which are estimated to employ one hundred (100) or more persons, as determined by the employee generation factors specified under the subsection (d). This also includes any discretionary permit for an existing facility which is expanding its use to add one hundred (100) or more employees. In the case of an expanded use, these regulations shall apply only to the newly expanded portion. These regulations do not apply to a facility expanding its use by less than one hundred (100) employees.

- (h) These regulations apply to all districts, planned communities and specific plan areas including those covered by development agreements. These regulations shall supersede other ~~ordinances~~ Zoning Code adopted previously in which there is a conflict.
- (i) Notwithstanding subsection (a) above, the following uses and activities shall be specifically exempt from the provisions of this section:
 - (1) Temporary construction activities on any affected project, including activities performed by engineers, architects, subcontractors and construction workers.
 - (2) Other temporary activities per section ~~7-9-136-7-9-104~~ 7-9-TBD or as authorized by the Director, ~~EMA~~ when such temporary activities are for a period not to exceed thirty (30) days and occur no more than once a year.
- (j) Employee generation factors shall be based on one (1) of the following:
 - (1) Employment projections developed by the property owner, subject to approval by the Director, ~~EMA~~.
 - (2) Building sizes considered equivalent to the one hundred (100) employee threshold as follows:

Type of Use	Building Size (in square feet) Equivalent to 100 Employees
Office/Professional	35,000
Hospital and Medical/Dental	40,000
Industrial (excluding Warehouses)	50,000
Warehouse	100,000
Commercial/Retail	50,000
Type of Use	Employee Equivalence
Hotel	(employees/room)
Motel	0.5
Hotel	1.0
Resort Hotel	1.2

Type of Use	Employee Equivalence
Mixed use	**

**The employment projection for a mixed use development shall be calculated on a case-by-case basis based upon the proportion of development devoted to each type of use.

Sec. 7-9-113.3. Site development standards.

Development projects subject to this section shall comply with the following site development standards through the discretionary approval of precise plans of development:

(a) Parking for Carpool Vehicles.

- (3) The following minimum percentages of the total required parking spaces for the worksite per section ~~7-9-145~~ 7-9-TBD, ~~7-9-145~~ 7-9-TBD shall be reserved and designated for employee carpool vehicles by marking such spaces "Carpool Only":

Type of Use	Percent of Total Parking Devoted to Employee Carpool Parking (percent)
Office/Professional	11
Hospital and Medical/Dental Office	8
Industrial/Warehouse	11
Commercial/Retail	5
Hotel	5

- (4) Carpool spaces shall be located near the building's employee entrance(s) or at other preferential locations within the employee parking areas as approved by the Director, ~~EMA~~.
- (k) Parking for Vanpool Vehicles. Parking for vanpool vehicles shall be provided as follows unless determined otherwise by the approving authority, per section ~~7-9-150~~ 7-9-TBD.
- (1) The number of vanpool parking spaces shall be at least five (5) percent of the employee carpool parking spaces and reserved for such by marking the spaces "Vanpool Only." (NOTE: These spaces ~~will~~ shall replace five (5) percent of the carpool spaces.)

- (2) For parking structures, vanpool vehicle accessibility shall include a minimum seven (7) foot two (2) inch vertical clearance.
- (3) Vanpool parking spaces shall be located near employee entrance(s) or other preferential locations within the employee parking areas as approved by the Director, ~~EMA~~.
- (l) Bicycle Parking.
 - (1) Bicycle parking facilities shall be provided within the worksite at the minimum rate of one bicycle parking space for every twenty-five (25) employees, in a secure location, and near employee entrances for use by employees or tenants who commute to the worksite by bicycle. Maximum number of bicycle parking spaces required is fifty (50) spaces.
 - (2) A bicycle parking facility shall be a stationary object to which the user can lock the bicycle frame and both wheels with a user-provided six-foot cable and lock.
- (m) Shower Facilities. Shower facilities shall be provided for use by employees who commute to the worksite by means other than a motorized vehicle, unless determined otherwise by the approving authority, at the time of approving the discretionary permit under section ~~7-9-150~~ 7-9-TBD. The use of such facilities shall be provided at no fee or charge to the employee user. The design of such facilities shall be shown on the plot plans in the permit application and conform to the following:

Shower facilities shall be provided at a minimum rate as follows:

Number of Employees	Number of Showers
100-399	2
400-599	4
600-999	6
≥1000	8

- (n) Locker Facilities. Locker facilities shall be provided for use by employees who commute to the worksite by means other than a motorized vehicle. The use of such facilities shall be provided at no fee or charge to the employee user. The design of such facilities shall be shown on the plot plans in the permit application. Lockers shall be provided at a minimum ratio of one (1) for every twenty-five (25) employees. Maximum number of lockers required is fifty (50) lockers.
- (o) Commuter Information Area. A commuter information area shall be provided within the worksite to offer employees appropriate information on alternative transportation modes. This area shall be centrally located and accessible to all employees and shall be

of sufficient size to accommodate such information on alternative transportation modes.

- (p) **Passenger Loading Areas.** Passenger loading areas to embark and disembark passengers from rideshare vehicles within the worksite shall be provided as follows unless determined otherwise by the approving authority at the time of approving the discretionary permit under section ~~7-9-150~~ 7-9-TBD.
 - (1) Passenger loading area shall be large enough to accommodate the number of waiting vehicles equivalent to one percent of the total required parking for the project. Maximum loading area size required for less than one thousand (1,000) employees shall be large enough to accommodate four (4) waiting vehicles. Maximum loading area size for one thousand (1,000) or more employees shall be large enough to accommodate six (6) waiting vehicles.
 - (2) The passenger loading areas shall be located as close as possible to the identified employee entrance(s), and shall be designed in a manner that does not impede vehicular circulation in the parking area or in adjoining streets.
- (q) **Transit/bus stops.** Bus shelters, pullouts, and pads shall be provided as necessary in consultation with, and approved by affected transit service providers unless determined otherwise by the approving authority at the time of approving the discretionary permit under section ~~7-9-150~~ 7-9-TBD.

Sec. 7-9-113.4. Parking requirement reduction for projects with voluntary transportation demand programs.

- (a) **Applicability.**
 - (1) ~~The regulations in this section apply to any discretionary permit per section 7-9-150 for commercial, industrial, institutional, office/professional or other uses, which are estimated to employ less than one hundred (100) or more persons, as determined by the employee generation factors specified under subsection 7-9-105.3 (d). These regulations apply to all districts, planned communities and specific plan areas including those covered by development agreements. These regulations shall supersede other ordinances adopted previously in which there is a conflict.~~
 - (2) ~~Notwithstanding subsection (1) above, the following uses and activities shall be specifically exempt from the provisions of this section:~~
 - a. Temporary construction activities on any affected project, including activities performed by engineers, architects, subcontractors and construction workers.
 - b. Other temporary activities per section ~~7-9-136~~ 7-9-TBD or as authorized by the Director, ~~EMA~~ when such temporary activities are for a period not to exceed thirty (30) days and occur no more than once a year.

- (r) Site development requirements. Development projects subject to this section shall meet the following site development standards through the discretionary approval of precise plans of development:

(1) Parking for carpool vehicles.

- a. The following minimum percentages of the total required parking spaces for the worksite per section ~~7-9-145~~ 7-9-TBD shall be reserved and designated for employee carpool vehicles by marking such spaces "Carpool Only":

Type of Use	Percent of Total Parking Devoted to Employee Carpool Parking (percent)
Office/Professional	10
Hospital and Medical/Dental Office	10
Industrial/Warehouse	10
Commercial/Retail	5
Hotel	5

- b. Carpool spaces shall be located near the building's employee entrance(s) or at other preferential locations within the employee parking areas as approved by the Director, ~~EMA~~.

(2) Bicycle Parking.

- a. Bicycle parking facilities shall be provided within the worksite at the minimum rate of one bicycle parking space for every twenty-five (25) employees, in a secure location, and near employee entrances for use by employees or tenants who commute to the worksite by bicycle. Maximum number of bicycle parking spaces required is fifty (50) spaces.
- b. A bicycle parking facility shall be a stationary object to which the user can lock the bicycle frame and both wheels with a user-provided six-foot cable and lock.

(3) Shower Facilities.

- a. Shower facilities shall be provided for use by employees who commute to the worksite by means other than a motorized vehicle, unless determined otherwise by the approving authority, at the time of approving the discretionary permit under section ~~7-9-150~~ 7-9-TBD. The

use of such facilities shall be provided at no fee or charge to the employee user. The design of such facilities shall be shown on the plot plans in the permit application and conform to the following:

- b. Shower facilities shall be provided at a minimum rate as follows:

Number of Employees	Number of Showers
0-100	1

(4) Locker Facilities.

- a. Locker facilities shall be provided for use by employees who commute to the worksite by means other than a motorized vehicle. The use of such facilities shall be provided at no fee or charge to the employee user. The design of such facilities shall be shown on the plot plans in the permit application. Lockers shall be provided at a minimum ratio of one (1) for every twenty-five (25) employees. Maximum number of lockers required is fifty (50) lockers.

(5) Commuter Information Area.

- a. A commuter information area shall be provided within the worksite to offer employees appropriate information on alternative transportation modes. This area shall be centrally located and accessible to all employees and shall be of sufficient size to accommodate such information on alternative transportation modes.

(6) Reduction in parking requirements. The Planning Commission or the Zoning Administrator may approve a reduction in parking requirements for projects that voluntarily incorporate trip reduction measures under this section in accordance with the procedures in section 7-9-TBD, Alternatives to off-street parking regulations.

Sec. 7-9-114. ~~SR "Sign Restrictions" Districts.~~ 7-9-144 Signs

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

~~7-9-144.1 Sign definitions.~~ (See Subarticle 7, General Terms, section 7-9-TBD, Definitions)

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

(a) ~~Construction:~~

- (7) ~~Banner signs: Any sign hung either with or without frames, possessing written communication applied to nonrigid paper, plastic or fabric of any kind.~~

- (8) ~~Electronic message board sign: A sign with a fixed or changing display composed of a series of lights. (Does not include time and temperature displays.)~~
 - (9) ~~Freestanding sign: An independent sign permanently affixed in or upon the ground, and which is neither attached to nor a part of a building, e.g., monument/ground and pole signs.~~
 - (10) ~~Monument/ground sign: A freestanding sign mounted on a low profile solid base or a fence, or a freestanding wall, as distinguished from support by a pole or poles.~~
 - (11) ~~Pole sign: A freestanding sign directly supported by a pole or poles with air space between the grade level and the sign face.~~
 - (12) ~~Portable sign:~~
 - a. ~~A sign not securely attached or fixed to the ground or to a permanent structure; or~~
 - b. ~~A sign upon a vehicle or trailer used as a stationary advertising display, the primary purpose of which is to serve as a base or platform for the sign.~~
 - (13) ~~Projecting sign: A sign, other than a wall sign, perpendicular to the wall upon which it is mounted and suspended from or supported by a building or structure and projecting outward therefrom.~~
 - (14) ~~Roof sign: A sign erected wholly upon or above the roof of a building or above canopies, marquees and similar overhangs. Signs on mansards shall be considered wall signs.~~
 - (15) ~~Wall sign: A sign attached to, erected on, painted on or otherwise affixed to the exterior wall of a building or structure in such a manner that the face of the sign is approximately parallel to the exterior wall of the building and exposed to the exterior side of the building. Signs and/or advertising displays in or on windows are not considered wall signs.~~
- (b) ~~Use:~~
- (1) ~~Advertising device/display: Any contrivance, statue, or structure, other than a sign, used to attract attention or make anything known for the purpose of promoting (either directly or indirectly) the use of products or services of any person or business, including but not limited to a balloon, flag, pennant, propeller, or an oscillating, rotating, or pulsating light.~~
 - (2) ~~Business sign: A sign displaying information pertaining to goods or services offered or produced by the business located on the property but not including advertising devices/displays. Business signs may include the identifying name of a business.~~
 - (3) ~~Civic activity sign: A bulletin board customarily incident to places of worship, libraries, museums, and other public institutions.~~

- (4) ~~Construction sign: A sign stating the names of those individuals or firms directly connected with the construction or development project, their addresses and their telephone numbers.~~
- (5) ~~Flag: An advertising device, not including national flags or flags of political subdivisions.~~
- (6) ~~Identification sign: A sign located on the property, limited to the identifying name and symbol/insignia of an existing or future community, building, business, facility, organization, person, etc.~~
- (7) ~~Outdoor advertising sign: A sign, or the sign structure on which it is to be placed, the purpose of which is to advertise products or services that are not produced, stored, or sold on the property upon which the sign or structure is located. Does not include travel direction or bus bench/shelter signs.~~
- (8) Real estate sign: A sign advertising the sale, lease or rent of the property upon which it is located, and the identification of the person or firm handling the sale, lease, or rent.
- (9) Travel direction sign: A sign to inform the motorist as to the route or direction of travel in order to arrive at the residential subdivision development project for sale or rent to which it pertains (original sales/rentals only). Does not include bus bench/shelter signs per section ~~7-9-146.9~~ and ~~7-9-81~~ 7-9-TBD or residential tract signs per section ~~7-9-136.1~~ 7-9-TBD.

Sec. 7-9-114.2. **Purpose (NEW)**

The Board of Supervisors of the County of Orange has determined that these sign regulations are necessary because unregulated and uncontrolled construction, erection, and maintenance of signage in the County shall result in excessive and inappropriate signage that has an adverse impact on the overall visual appearance of the County that residents and visitors enjoy, which shall affect economic values. Unregulated and inappropriate signage can also increase risks to traffic and pedestrians by creating hazards and unreasonable distractions. It is, therefore, necessary to enact sign regulations to safeguard and preserve the health, property and public welfare of residents of the unincorporated area of the County through control of the design, construction, location and maintenance of signs as an information system, which preserves and enhances the aesthetic character and environmental values of the County consistent with the goals, policies, and strategies of the General Plan while providing an effective means for members of the public to express themselves through the display of signs. By adopting this Zoning Code, the Board of Supervisors shall minimize visual clutter, enhance safety through design and placement of signs, and preserve the aesthetics and character of the community balancing the needs of residents, businesses, institutions, and visitors for adequate identification, communication, and advertising with the objectives of protecting public safety and welfare and preserving and enhancing the aesthetic character and environmental values of the community.

Sec. 7-9-114.3. Applicability (NEW)

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

Sec. 7-9-114.4. General Requirements for All Signs (NEW)

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

- (g) Property Owner's Consent. No sign may be displayed without the consent of the legal owner(s) of the property on which the sign is mounted or displayed.
- (h) Illumination. The illumination of signs, from either an internal or external source, shall be designed to avoid negative impacts on surrounding rights-of-way and properties. The following standards apply to all illuminated signs:
 - (1) Light Intensity. ~~7-9-144.8~~ Lighted and illuminated signs shall be designed and installed so that direct light rays shall be confined to the premises. Sign lighting shall not be of an intensity or brightness that shall create a nuisance for residential buildings in a direct line of sight to the sign.
 - (2) Energy Conservation. Light sources shall be hard-wired fluorescent or compact florescent lamps, or other lighting technology that is of equal or greater energy efficiency. Incandescent lamps are prohibited.
- (i) Materials. Signs shall be made of sturdy, durable materials. Paper, cardboard, or other material subject to rapid deterioration can only be used for signs that comply with applicable requirements for temporary signs. Fabric signs are restricted to temporary signs. See also sections 7-1-137 and 7-1-138.
- (j) ~~7-9-144.6 Signs in public safety areas.~~ Public safety. All signs and sign structures shall be designed and located so as not to create a sight distance safety problem for vehicle or pedestrian traffic.
- (k) ~~7-9-144.7~~ Signs abutting residential areas. Except for signs provided for by an approved site development permit, when any district boundary abuts an area zoned for residential uses and the distance from said boundary is:
 - (1) Within fifty (50) feet: Freestanding and roof signs are not permitted and wall signs facing said boundary shall not be lighted or illuminated.
 - (2) From fifty (50) to one hundred (100) feet: Signs shall not be lighted or illuminated on any side facing said boundary, and freestanding and roof signs shall not exceed a maximum height of twenty-five (25) feet.
 - (3) One hundred (100) feet or more: Freestanding and roof signs shall not exceed a maximum height of twenty-five (25) feet plus one (1) foot of height for each ten (10) feet of horizontal distance over one hundred (100) feet.

Sec. 7-9-114.5. ~~7-9-144.5~~ Sign measurements Rules for sign measurement

- (a) Calculation of Sign Area. The area of an individual sign shall be calculated according to the following provisions. Sign area does not include the supports, uprights or structures on which any such sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are or is designed in such a manner as to form an integral background of the display.
 - (1) Single-faced signs. Where only one face of a sign includes written copy, logos, emblems, symbols, ornaments, illustrations, or other sign media, the sign area includes the entire area within which a single continuous perimeter of not more than eight (8) straight lines enclose the extreme limits of writing,

representation, emblem or any figure of similar character, together with any material or color forming any integral part of the display or used to differentiate such sign from the background against which it is placed.

- (2) *Multi-faced signs.* ~~provided that~~ In the case of a sign design with more than one (1) exterior surface, e.g. double face sign, the area shall be computed as including only the maximum single display surface which is visible from any ground position at one (1) time. ~~The supports, uprights or structures on which any such sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are or is designed in such a manner as to form an integral background of the display.~~
- (b) Sign Height: The greatest vertical distance measured from the ground level at finished grade directly beneath the sign to the highest point at the top of the sign including any structural or architectural components of the sign. Signs shall not exceed the building height limit of the district in which they are located. When signs are constructed on hillsides or embankments where the sign supports are at varying lengths, height shall be measured from the horizontal midpoint of the sign.

Sec. 7-9-114.6. 7-9-144.4 Prohibited signs/advertising device.

The following signs/advertising devices are prohibited:

- (a) Advertising device/display. Unless allowed by the applicable district regulations or site development permit, advertising devices/displays such as balloons, flags and pennants are prohibited.
- (b) Banner signs.
- (c) Flashing/blinking signs. Unless expressly allowed by the applicable district regulations, flashing or blinking signs of any type, excluding time and temperature signs, are prohibited.
- (d) Portable signs.
- (e) Signs which simulate or imitate in size, color, lettering or design any traffic sign or signal, or ~~which make use of the words "STOP," "LOOK," "DANGER" or any other words,~~ phrases, symbols or characters in a manner to interfere with, mislead or confuse traffic.
- (f) Electronic message ~~board~~ center signs.
- (g) Pole signs.
- (h) Pylon signs.

Sec. 7-9-114.7. Exempt signs

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

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

- (b) Commercial displays on vehicles, provided that the display is not outdoor advertising (“general advertising for hire”) and no changeable copy or special illumination is employed.
- (c) Signs in Enclosed Areas: Signs, located within buildings, malls, courts, arcades or other enclosed areas where such signs are not visible from any point on the boundary of the premises, ~~are permitted without limitation.~~
- (d) Mobile vendor signs and menu display boards fixed to legally-established mobile vending carts or food trucks when the maximum sign area does not exceed eight (8) square feet of sign area, plus a menu display board.
- (e) Official notices posted by public officers in performance of their duties.
- (f) Public carrier graphics mounted on buses, taxicabs, limousines and similar vehicles for hire that legally pass through the County.
- (g) Signs that are less than six square feet in area. Any sign over six (6) square feet in area shall require a sign permit per the Sign Code in addition to any other discretionary permit as may be required by the Zoning Code.
- (h) Traffic control and danger signs erected by a governmental entity.

Sec. 7-9-114.8. 7-9-144.2 Permitted signs by zoning district

- (a) Temporary signs are allowed in any district subject to the following limitations and the applicable requirements of any specific plan:
 - (1) Limits. The total area for all temporary signs displayed simultaneously do not exceed six square feet in Single-Family Residential and Open Space Districts and 32 square feet in all other Districts. Temporary signage shall also comply with any additional limitations regarding maximum sign area, maximum number of allowed signs, and permitted types of signs that are specified in this section.
 - (2) Material. Temporary signs shall not be made of standard paper or other materials subject to rapid deterioration.
 - (3) Illumination. All temporary signs are unlighted and unilluminated.
 - (4) Duration. Temporary signs remain displayed for no more than 90 days with the following exceptions:
 - a. Real estate signs. On-premises signs may be displayed on property that is being actively marketed for lease or for sale in any district. Such signs shall be removed within seven (7) days following the closing of the proposed transaction or the withdrawal of the offer or solicitation.
 - b. Construction site signs. Freestanding or wall signs may be displayed on the lot or parcel on which the construction is occurring pursuant to a valid permit during the construction period. Such signs and support structures shall be removed prior to release for occupancy.

- c. ~~7-9-136.1~~ Residential tract sales and rentals. Signs may be established within the area of an approved tentative tract to be used solely for the first sale of homes or the first rental of apartments in projects of twenty (20) or more units within the same tract, subject to the provisions of this section subject to the following conditions: .
1. Such signs shall have a time limit of existence concurrent with the use of the permitted temporary offices.
 2. Signs up to sixty-four (64) square feet maximum in area are permitted at each street entrance.
 3. Additional signage, exclusive of (3) above, is allowed subject to the approval of the Zoning Administrator but shall not exceed a total of one hundred (100) square feet in area.

~~Business sign: Business signs are permitted in all agricultural, commercial and industrial districts except where expressly prohibited. Business signs shall not exceed one (1) square foot of sign area for each linear foot of building frontage, up to a maximum of one hundred fifty (150) square feet for each sign and three hundred (300) square feet for all signs for each business. If the building frontage of any business is less than fifty (50) feet, only one (1) sign having a maximum area of fifty (50) square feet shall be permitted.~~

~~Identification sign: Identification signs are permitted in all districts except where expressly prohibited. Identification signs shall not exceed one (1) square foot of sign area for each linear foot of building frontage, up to a maximum of one hundred fifty (150) square feet for each sign and three hundred (300) square feet for all signs for each entity. If the building frontage of any entity is less than fifty (50) feet, only one (1) sign having a maximum area of fifty (50) square feet shall be permitted.~~

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

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

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

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

- a. On any developed lot, permanent, non-illuminated freestanding signs, provided that:
 1. The total area of all such signs shall not exceed one and one-half square feet per lot; and
 2. No sign shall exceed 6 feet in height.

- b. Window signs, provided that the total area of the window signs do not exceed 10 percent of the aggregate window area on a single side of a wall.
- (2) Signs Allowed with a Permit. The following signs may be erected, maintained, and or displayed in any Agricultural and Open Space district with a sign permit:
 - a. Civic Activity Signs.
 - b. Freestanding Signs, in accordance with section 7-9-TBD.
 - c. Projecting Signs.
 - d. Roof Signs, in in accordance with section 7-9-TBD.
 - e. Wall Signs.
- (3) Maximum Sign Area: In Agricultural, Open Space, and Residential Districts, the maximum allowable, permittable sign area on a lot for permanent signs, exclusive of the area of exempt signs, is as follows:
 - a. One square foot of sign area is allowed for each linear foot of building frontage, up to a maximum of 150 square feet for each sign and 300 square feet for all signs for each entity.
 - b. If the building frontage of any entity is less than 50 feet, only one sign having a maximum area of 50 square feet shall be permitted.
 - c. Off-Premise Signs Permitted in A1 District. In the A1 district, one unlighted and unilluminated off-premise sign is permitted per each building frontage. Each off-premise sign face may not exceed 32 square feet in area.
- (c) Signs Allowed in Mixed-Use and Commercial Districts, except CN and RP.
 - (1) Signs Allowed without a Permit. The following signs are permitted without a permit on any developed lot in Mixed-Use and Commercial Districts, except CN and RP:
 - a. Non-illuminated freestanding signs if:
 - 1. The total area of all such signs shall not exceed six square feet per lot; and
 - 2. No sign exceeds 6 feet in height.
 - (2) Signs Allowed with a Permit. The following signs may be erected, maintained, and/or displayed in Mixed-Use and Commercial Districts except CN and RP, with a sign permit:
 - a. Billboards subject to approval of a Use Permit.
 - b. Civic Activity Signs.
 - c. Freestanding Signs, in accordance with section 7-9-TBD.

- d. Projecting Signs.
 - e. Roof Signs, in accordance with section 7-9-TBD.
 - f. Wall Signs.
- (3) Maximum Sign Area: In Mixed-Use and Commercial Districts, except CN and RP, the maximum allowable, permittable sign area on a lot for permanent signs, exclusive of the area of exempt signs, is as follows:
- a. Two square foot of sign area is allowed for each linear foot of building frontage, up to a maximum of 150 square feet for each sign and 600 square feet for all signs for each entity.
 - b. If the building frontage of any entity is less than 50 feet, only one sign having a maximum area of 50 square feet shall be permitted.
- (4) Signs Allowed without a Permit. The following signs are permitted without a permit in Mixed-Use and Commercial Districts, except CN and RP:
- a. On any developed lot, permanent, non-illuminated freestanding signs, provided that:
 - 1. The total area of all such signs shall not exceed six square feet per lot; and
 - 2. No sign shall exceed 6 feet in height.
 - b. Window signs, provided that the total area of window signs do not exceed 15 percent of the aggregate window area on a single side of a wall.
- (5) Signs Allowed with a Permit. The following signs may be erected, maintained, and/or displayed in Mixed-Use and Commercial Districts except CN and RP, with a sign permit:
- a. Billboards, with a Use Permit.
 - b. Civic Activity Signs.
 - c. Freestanding Signs, in accordance with section 7-9-TBD.
 - d. Projecting Signs.
 - e. Roof Signs, in accordance with section 7-9-TBD.
 - f. Wall Signs.
- (6) Maximum Sign Area: In Mixed-Use and Commercial Districts, except CN and RP, the maximum allowable, permittable sign area on a lot for permanent signs, exclusive of the area of exempt signs, is as follows:
- a. Two square foot of sign area is allowed for each linear foot of building frontage, up to a maximum of 150 square feet for each sign and 600 square feet for all signs for each entity.

- b. If the building frontage of any entity is less than 50 feet, only one sign having a maximum area of 50 square feet shall be permitted.
- (d) Signs Allowed in Employment, Industrial, CN, and RP Districts.
 - (1) Signs Allowed without a Permit. The following signs are permitted without a permit in Mixed-Use, Commercial, Employment and Industrial districts:
 - a. On any developed lot, permanent, non-illuminated freestanding signs, provided that:
 - 1. The total area of all such signs shall not exceed six square feet per lot; and
 - 2. No sign shall exceed 6 feet in height.
 - b. Window signs, provided that the total area of the window signs do not exceed 15 percent of the aggregate window area on a single side of a wall.
 - (2) Signs Allowed with a Permit. In the Employment, Industrial, CN, and RP Districts, the following signs may be erected, maintained, and/or displayed with a sign permit:
 - a. Billboards, only in the C1, C2, CC, and CH Districts, and with a Use Permit.
 - b. Civic Activity Signs.
 - c. Freestanding Signs, in accordance with section 7-9-TBD. In the CN District, no more than one freestanding sign is permitted on each lot.
 - d. Projecting Signs, except in the RP and CN districts, where they are prohibited.
 - e. Roof Signs, in accordance with section 7-9-TBD, and except in the RP and CN districts, where they are prohibited.
 - f. Wall Signs. In the CN district, there shall be no more than one wall sign per public entrance per each use.
- (e) Signs Allowed in Other Districts. As provided in the Zoning Code.
- (f) Signs for Specific Uses. The following standards apply to specific uses. Signs shall also comply with the standards applicable to the district in which the use is located.
 - a. Wind Energy Systems. Signs located on wind energy systems shall be no larger than four {4} square feet, unless approved by the decision-making body, and shall not be located at the base of the system within ~~ten (10)~~ 10 feet of the ground.
 - b. Residential Tract Sales and Rentals: Within an area of an approved tentative tract to be used solely for the first sale of homes or the first rental of apartments in projects of 20 or more units within the same

tract, or, in larger developments with an approved specific plan or approved planned community plan, for the first sale of homes or the first rental of apartments within a planning area when a planning area has been defined within the approved specific plan or approved planned community plan, signs are permitted subject to the following conditions:

a. ~~The sign copy shall be limited to matters relating to the tract within which the signs are located.~~

1. ~~Such~~ Signs shall have a time limit of existence concurrent with the use of the permitted temporary offices.
2. Signs up to 64 sixty-four (64) square feet maximum in area are permitted at each street entrance.
3. Additional signage, exclusive of (3) TBD above, is allowed but shall not exceed a total of 100 one hundred (100) square feet in area.

(g) Temporary Signs:

1. ~~Construction signs: One (1) construction sign shall be permitted on any building site, in any area, except where specifically prohibited, unlighted and unilluminated and not to exceed a total area of thirty two (32) square feet.~~

2. ~~Real estate signs: In any area one (1) real estate sign shall be permitted on any building site, unlighted and unilluminated, and not to exceed the following square feet in area:~~

a. ~~Residential:~~

1. ~~Four (4) or less units per building site: Six (6) square feet.~~
2. ~~Five (5) or more units per building site: Thirty two (32) square feet.~~
3. ~~Nonresidential: Thirty two (32) square feet.~~

3. ~~Subdivision signs:~~

4. ~~Travel direction signs: Travel direction signs shall be permitted subject to the following regulations (these paragraphs supersede any earlier adopted regulations in planned community or specific plan texts and apply to areas covered by development agreements):~~

1. ~~Such sign structures shall not exceed a total area of eighty (80) square feet or a maximum height of sixteen (16) feet.~~
2. ~~Such signs shall not be illuminated.~~

- ~~3. The content of such signs shall be limited to directions, mileage information, and the name and type of the development.~~
- ~~4. Directions to more than one (1) development project may be included on a single sign structure.~~
- ~~5. Sign structures shall not be within two hundred (200) feet of any other travel direction sign structure.~~
- ~~6. Sign structures need not conform to setback lines or building lines. However, all sign structures shall be designed and located so as not to create a sight distance safety problem for vehicle or pedestrian traffic.~~
- ~~7. All travel direction signs shall be subject to one (1), but only one (1), of the following: (1) a use permit, (2) an encroachment permit, or (3) a site development permit in conformance with the following:~~
 - ~~(1) *Use permit:* A planned community may have a master travel direction sign program approved for the entire planned community subject to a use permit approved by the Zoning Administrator per section 7-9-150, subsections a. through f. above, and the following additional regulations:~~

~~No travel direction signs shall be permitted in the public road right of way by the use permit (see subsection 1. above).~~

~~The use permit shall identify all specific sign locations, dimensions, and designs. Sign copy need not be specified.~~

~~The use permit shall have a time limit of four (4) years unless otherwise provided for by the use permit.~~

~~Each sign structure shall require a separate sign permit per the Sign Code. The application for the sign permit shall be accompanied by financial security meeting the approval of the Director, EMA for the purpose of covering the cost of removing the sign structure. If the sign structure is not removed before the use permit expires, the County shall have the right to remove the sign structure.~~

~~*Site development permit.* Signs in other than public road right-of-way areas and not part of a master sign program may be allowed subject to a site development permit approved per section 7-9-150, subsections a. through f. above, and the following additional regulations.~~

~~Each sign structure shall require a separate site development permit and sign permit per the Sign Code.~~

~~The site development permit shall have a time limit of two (2) years maximum.~~

~~The sign copy may be changed only via a changed plan per section 7-9-150TBD.3(h).~~

~~The application for the sign permit shall be accompanied by financial security meeting the approval of the Director, EMA for the purpose of covering the cost of removing the sign structure. If the sign structure is not removed when the permit expires, the County shall have the right to remove the sign structure.~~

Sec. 7-9-114.9. 7-9-144.2 Permitted signs Permits Required.

- (a) Sign Permit per the Sign Code Required. A sign permit, per the Sign Code, is required to erect, install, structurally alter, or relocate any non-exempt sign. ~~Each sign structure requires a separate sign permit per the Sign Code.~~
- (b) ~~7-9-97.9.~~ Sign permit required. Any sign over six (6) square feet in area shall require a sign permit per the Sign Code pursuant to this section in addition to any other discretionary permit as may be required by the Zoning Code.
- (c) Encroachment Permit. Signs that project or extend into the public right-of-way require an encroachment permit issued by the County. Encroachment permit per Codified Ordinance sections 6-1-1 et seq. ~~Signs in public right-of-way areas may only be allowed subject to an encroachment permit~~
 - (1) ~~Site development permit.~~
 - (2) ~~Signs in other than public road right-of-way areas and not part of a master sign program may be allowed subject to a site development permit approved per section 7-9-TBD, subsections a. through f. above, and the following additional regulations.~~
- (d) Use permit: A planned community may have a master travel direction sign program approved for the entire planned community subject to a use permit approved by the Zoning Administrator per section ~~7-9-150~~ 7-9-TBD, subsections a. through f. above, and the following additional regulations:
 - (1) No travel direction signs shall be permitted in the public road right-of-way ~~by the use permit (see subsection 1. above)~~ without approval of an encroachment permit pursuant to sub-section (c).
 - (2) The use permit shall identify all specific sign locations, dimensions, and designs. ~~Sign copy need not be specified.~~
 - (3) The use permit shall have a time limit of four (4) years unless otherwise provided for by the use permit.
 - (4) Each sign structure shall require a separate sign permit per the Sign Code. The application for the sign permit shall be accompanied by financial security meeting the approval of the Director, ~~EMA~~ for the purpose of covering the cost

of removing the sign structure. If the sign structure is not removed before the use permit expires, the County shall have the right to remove the sign structure.

- (e) Site development permit. Signs in other than public road right-of-way areas and not part of a master sign program may be allowed subject to a site development permit approved per section ~~7-9-150~~ 7-9-TBD, subsections a. through f. above, and the following additional regulations.
- (1) Each sign structure shall require a separate site development permit and sign permit per the Sign Code.
 - (2) The site development permit shall have a time limit of two (2) years maximum.
 - (3) ~~The sign copy may be changed only via a changed plan per section 7-9-150TBD.3(h).~~
 - (4) The application for the sign permit shall be accompanied by financial security meeting the approval of the Director, ~~EMA~~ for the purpose of covering the cost of removing the sign structure. If the sign structure is not removed when the permit expires, the County shall have the right to remove the sign structure.

Sec. 7-9-114.10. ~~7-9-97.3.~~ **Signs permitted subject to a site development permit**

Except for signs specifically prohibited, any sign may be permitted subject to an approved site development permit per section ~~7-9-150~~ 7-9-TBD if it is consistent with the purpose and intent of the applicable district.

Sec. 7-9-115. ~~7-9-151~~ **Nonconforming uses and structures**

- (a) Uses lawfully established. Uses that were lawfully established but are now nonconforming with existing ~~zoning regulations~~ Zoning Code may be continued. However, except per subsection (c) below, the use may not be increased and the structures or land area related to the nonconforming use may not be expanded in size. Repairs or improvements to structures related to nonconforming uses shall be regulated by (b) below. If a nonconforming use is discontinued for a period of one (1) year, future use of said land shall be in conformity with all existing ~~zoning regulations~~ Zoning Code. A nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification, "restriction" being defined as the numerical parking requirement per section ~~7-9-145~~ 7-9-TBD for the intended use.
- (b) Structures lawfully established. Structures that were lawfully established but are now nonconforming with existing site development standards may be continued.
- (1) Repairs or improvements. Repairs or improvements done in a period of twelve (12) months not exceeding fifty (50) percent of the value of the structure, as determined by the Director, shall be permitted.
 - (2) Destroyed structures. If a structure is destroyed by fire, flood, explosion, act of God or public enemy to the extent of more than fifty (50) percent of the value thereof, as determined by the Director, then the said structure and use and occupancy thereof shall be subject to all existing ~~zoning regulations~~ Zoning Code.

- (3) Additions or enlargements. A nonconforming structure which conforms to use but which does not conform to the development standards, may be added to or enlarged only to the extent that such addition or enlargement fully complies with the existing development standards.
- (4) Determination of value. In making his determination of the value of the structure as provided herein, the Director may utilize any appropriate data available including, but not limited to, recent comparable sales information and County Assessor assessments to the extent that these, in his opinion, are reflective of true market value. The determination of the Director may be appealed to the Planning Commission per section ~~7-9-150.4~~ 7-9-TBD.
- (c) Exceptions. Exceptions to the regulations in (a) and (b) above may be granted with a use permit approved by the Planning Commission per section ~~7-9-150~~ 7-9-TBD.

Sec. 7-9-116.- CC "Commercial Community" District. ~~7-9-137~~ Accessory uses and structures

All references to this section shall include sections ~~7-9-137.1~~ 7-9-TBD through ~~7-9-137.8~~ 7-9-TBD. These regulations apply to all districts, planned communities, and specific plan areas, unless otherwise specified.

Sec. 7-9-116.1.- General Standards

- (a) Permitted accessory uses and structures. In addition to the principal uses and structures expressly included in a zoning district, planned community, or specific plan, accessory uses and structures which are customarily associated with and subordinate to a permitted principal use on the same building site and which are consistent with the purpose and intent of the applicable zoning district, planned community, or specific plan are permitted. Whenever there is a question as to whether a specific use or structure is permitted as an accessory use, the Director, ~~EMA~~, shall make the determination.
- (b) Discretionary action required: Accessory uses and structures shall be subject to a discretionary action per section ~~7-9-150~~ 7-9-TBD (i.e. approved permit, amended permit, or changed plan) when one (1) or more of the following apply:
 - (1) Required by other zoning regulations; or
 - (2) The principal use is subject to a discretionary permit and the accessory structure is over six (6) feet in height, not including travel direction signs.
- (c) Location of certain attached accessory structures. Accessory structures that are attached to a main building, are enclosed, and are over eight (8) feet in height shall comply with the setback requirements for a main building, except as provided in sections ~~7-9-137.1~~ 7-9-TBD through ~~7-9-137.8~~ 7-9-TBD.
- (d) Location of other accessory structures. Accessory structures other than in (c) above, shall be permitted anywhere on the building site except within the following areas, unless otherwise permitted by sections ~~7-9-137.1~~ 7-9-TBD through ~~7-9-137.8~~ 7-9-TBD:
 - (1) Within the ultimate right-of-way.

- (2) Within the area designated on an approved building line plan as a setback area applicable to accessory buildings.
- (3) Within those areas where fences and walls are limited to a maximum height of three and one-half (3½) feet, as specified in section 7-9-TBD.
- (4) Within the required front setback area unless provided for by a use permit approved by the Zoning Administrator.
- (5) Within the panhandle portion of a panhandle building site.
- (e) Height limit. Accessory structures, which are within the required setback areas shall be limited to twelve (12) feet in height, unless ~~it is sited~~ within three (3) feet of a property line, in which case it shall be limited to eight (8) feet in height. However, the height limit may be increased to the maximum allowed in section 7-9-TBD with a use permit approved by the Zoning Administrator.
- (f) Building site coverage within setback areas. Accessory structures shall be limited to the following site coverage within the required setback area:

Required Setback Area	Enclosed Structure	Unenclosed Structure
Front	0%	0%
Rear	25%	50%
Side	25%	50%

- (g) Up to twenty-five (25) percent building site coverage of the required front setback area shall be allowed for unenclosed structures if provided for by a use permit approved by the Zoning Administrator.
- (h) An accessory building on a site occupied by a single-family detached structure may be used as a separate dwelling unit in compliance with the requirements of section 7-9-TBD, Accessory Dwelling Units.

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

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

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

Sec. 7-9-117. ~~SS "Service Station"~~ 7-9-136 Temporary uses and structures

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

~~The temporary uses listed in sections 7-9-1367 through 7-9-136 shall be permitted in any district, planned community, or specific plan area, unless otherwise specifically prohibited. This Section establishes standards and requirements for certain uses that are intended to be of limited duration and that shall not permanently alter the character or physical features of the sites where they occur.~~

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

A temporary stand for the sale of agricultural products, other than Christmas trees and pumpkins, shall be permitted in any agricultural, commercial or industrial district or in similar areas of planned communities and specific plans, unless otherwise prohibited, and on all church and school sites and on vacant residential property abutting arterial highways subject to the following requirements:

- (a) Establishment of use/time limit. Prior to beginning sale of any product, the applicant shall obtain a building permit and temporary certificate of use and occupancy for land from the County of Orange. The certificate shall be issued for a period of time not to exceed one hundred eighty (180) days in any calendar year from date of issue.
- (b) Produce stand.
 - (1) The floor area of the stand shall not exceed four hundred (400) square feet.
 - (2) The stand shall not have a permanent foundation.
 - (3) No stand shall be less than twenty (20) feet from the right-of-way line of any street or highway.
- (c) Produce to be sold. The produce to be sold ~~will~~ shall be stored and displayed at all times entirely within the produce stand. Selling shall only occur during daylight hours.
- (d) Removal of facility. The facility shall be removed and premises cleared of all debris and restored to the condition prior to the establishment of the facility within fourteen (14) days of the expiration of the time limit.
- (e) See 7.9 TBD, Temporary Signs. ~~Total signage shall not exceed eighty (80) square feet in area. Only one (1) ground sign limited to eight (8) feet in height and one (1) pole sign limited to sixteen (16) feet in height shall be permitted. Roof signs and wall signs shall also be permitted. No flags, banners, or pennants shall be allowed. The sign copy may be changed at will to reflect new produce being sold.~~
- (f) Exception. Agricultural products and other food items produced by a cottage food operation that is operating in compliance with County regulations shall not be subject to regulation under this section.
- (g) Sale of cannabis or edible products that contain cannabis is prohibited.
- (h) Site development permit. In addition to the above requirements, an approved site development permit per section ~~7-9-150~~ 7-9-TBD shall be required when the sales facility is located in a residential district or area.

Sec. 7-9-117.2. ~~7-9-136.5~~ Commercial coaches

In all commercial districts and similar areas of planned communities and specific plans, unless otherwise specifically prohibited, a temporary commercial coach may be permitted subject to approval of a site development permit per section ~~7-9-150~~ 7-9-TBD in compliance with the following provisions:

- (a) Time limitation: A site development permit application for a temporary commercial coach may be approved for a maximum of two (2) years from the date of approval.
- (b) Cash bond: A cash bond in the amount of five hundred dollars (\$500.00) for each commercial coach unit shall be posted with the Director, ~~EMA~~ to guarantee the removal of each commercial coach unit upon the expiration of the site development permit.

Sec. 7-9-117.3. ~~7-9-136.2~~ Construction office

The temporary use of a construction office during the construction of a main building on the same site shall be permitted upon the following conditions.

A temporary construction office shall be removed or shall be converted to a permitted use prior to the issuance of a certificate of use and occupancy for the main building or buildings. If construction is phased over a length of time, the permit may provide that certificates of use and occupancy may be issued for completed buildings, except the last buildings to be completed, prior to removal or conversion of the temporary use.

Sec. 7-9-117.4. ~~7-9-136.3~~ Continued use of an existing building during construction

The use of an existing, lawfully established building may continue during construction or relocation of another building on the same building site, in compliance with the following provisions:

- (a) Conformity with regulations: Prior to occupancy of a new building, the existing building ~~will~~ shall be brought into conformity with any additional regulation rendered applicable by the placement of any new building on the site. Conformity ~~will~~ shall be accomplished by removal, reconstruction, relocation, conversion, change of use or any combination thereof.
- (b) Guarantee of completion: The Director shall require the landowner to provide a guarantee, which may include a bond, to ensure full compliance with the ~~zoning regulations~~ Zoning Code upon completion of the new building or sooner if, in the Director's opinion, work pertaining to the completion of all facilities required by law is not being diligently pursued.

Sec. 7-9-117.5. ~~7-9-136.7~~ Mobilehome residence

- (a) Temporary Mobilehome During Construction of Dwelling. In all residential districts and similar areas of planned communities and specific plans, a temporary mobilehome is permitted during the construction of a permanent dwelling subject to the approval of a site development permit application per section ~~7-9-150~~ 7-9-TBD and the following additional requirements:

- (1) Such temporary mobilehome shall be located on the same building site and concurrent with the construction of a permanent dwelling.
 - (2) Such temporary mobilehome shall be permitted for a period of time not to exceed one (1) year, or until the issuance of a Certificate of Use and Occupancy for the main building, whichever occurs first. Extensions of time may be granted per section ~~7-9-150~~ 7-9-TBD.
- (b) Temporary Mobilehome as Additional Dwelling. In all residential districts and similar area of planned communities and specific plans, a temporary mobilehome, ancillary to an existing dwelling on the same building site, is permitted subject to the approval of a site development permit application per section ~~7-9-150~~ 7-9-TBD and the following additional requirements:
- (3) The application shall include evidence as necessary to explain the need and the temporary nature of the proposed use.
 - (4) The application shall be approved only when there are adequate guarantees that the mobilehome ~~will~~ shall be removed and the property ~~will~~ shall be restored to its original state or to a permitted use within sixty (60) days after the expiration date of the use permit.
 - (5) Any permit approved by the provisions of this section shall be for a maximum of two (2) years after the issuance of a Certificate of Use and Occupancy for such use unless a shorter period of time is specified by the permit.

Sec. 7-9-117.6. ~~7-9-136.9~~ Public display of fireworks

A one-day public display of fireworks between June 30 and July 7, including the accessory sales by nonprofit organizations of food, beverages, and merchandise (other than fireworks), shall be permitted in any district, planned community, or specific plan area subject to a permit issued by the Fire Chief. Notwithstanding any other land use regulations, a discretionary zoning permit shall not be required.

Sec. 7-9-117.7. ~~7-9-136.1~~ Residential tract sales and rentals

Temporary real estate offices and related signs may be established within the area of an approved tentative tract to be used solely for the first sale of homes or the first rental of apartments in projects of twenty (20) or more units within the same tentative tract, or, in larger developments with an approved specific plan or approved planned community plan, for the first sale of homes or the first rental of apartments within a planning area when a planning area has been defined within the approved specific plan or approved planned community plan, subject to the provisions of this section.

- (a) Building site not required: Notwithstanding the provisions of section ~~7-9-126~~ 7-9-TBD, the parcel of land on which a temporary real estate office is established is not required to be a building site provided the parcel is precisely described.
- (b) Type of permit required: The proposed real estate office may be permitted subject to the approval of a site development permit per section ~~7-9-150~~ 7-9-TBD.

- (c) Permitted structures and facilities: The following structures and facilities are permitted in conjunction with the establishment of a temporary real estate office in conformance with an approved site development permit or use permit:
- (1) Model homes in compliance with the ~~zoning regulations~~ Zoning Code applicable to the properties that are being sold.
 - (2) Garages, attached and detached, in compliance with the ~~zoning regulations~~ Zoning Code applicable to the properties that are being sold.
 - (3) Temporary sales office buildings, or commercial coach.
 - (4) Accessory buildings and structures in compliance with the ~~zoning regulations~~ Zoning Code applicable to the properties that are being sold.
 - (5) Recreational facilities that ~~will~~ shall be a permanent portion of the subdivision in compliance with the ~~zoning regulations~~ Zoning Code applicable to the properties that are being sold.
 - (6) Permanent streets and driveways that ~~will~~ shall be part of the subdivision after the abandonment of the real estate office use.
 - (7) Temporary children's playgrounds.
 - (8) Temporary and permanent fencing, walks and structural amenities.
 - (9) (Temporary vehicle parking and maneuvering areas to provide off-street parking as necessary for employees and guests.
 - (10) Temporary vehicular accessways.
- (d) Requirements for approval: Any approving action shall include those conditions and requirements deemed to be necessary or advisable to protect the public safety and the general welfare and adequate guarantees that the structures and facilities ~~will~~ shall be removed or made consistent with applicable ~~zoning regulations~~ Zoning Code within ninety (90) days after the expiration of the permit. In addition to those findings required for the approval of an application, any approving action for a temporary real estate office shall also include the following findings:
- (1) The access, parking and circulation facilities ~~will~~ shall not result in excess traffic congestion or traffic safety hazards.
 - (2) The operation of the real estate office and associated activities ~~will~~ shall not conflict with adjacent and nearby residential uses.
- (e) Signs: Signs in connection with the uses permitted above shall be permitted subject to the requirements of section 7-9-TBD Signs. ~~within a tract on the following conditions:~~
- (1) ~~The sign copy shall be limited to matters relating to the tract within which the signs are located.~~
 - (2) ~~Such signs shall have a time limit of existence concurrent with the use of the permitted temporary offices.~~

- (3) ~~Signs up to sixty-four (64) square feet maximum in area are permitted at each street entrance.~~
- (4) ~~Additional signage, exclusive of (3) above, is allowed but shall not exceed a total of one hundred (100) square feet in area.~~

Sec. 7-9-117.8. 7-9-136.8 Christmas tree sales facility ~~7-9-136.10 Halloween pumpkin sales facility~~ Seasonal product sales

Temporary Christmas tree, Halloween pumpkin, and similar seasonal product sales facility shall be permitted in any agricultural, commercial, or industrial district or in similar areas of planned communities and specific plans, unless otherwise prohibited, and on all church sites and school sites and on vacant residential property abutting arterial highways subject to the following requirements:

- (a) Date of Opening: A Christmas tree sales facility shall not be open for business during any calendar year prior to the day after Thanksgiving. However, ministerial permits needed to establish the business may be issued by November 15.
- (b) Merchandise to be sold: A permitted Christmas tree seasonal product sales facility shall not engage in the sale of any merchandise not directly associated with the subject product including, but not limited to, Christmas trees and Christmas decorations, Halloween pumpkins and decorations, etc.
- (c) Electrical permit: The applicant shall secure an electrical permit from the Director, ~~EMA,~~ if the facility is to be energized.
- (d) Removal of facility: The facility shall be removed and the premises shall be cleared of all debris and restored to the condition prior to the establishment of the facility, within fourteen (14) days after ~~Christmas~~ the holiday with which the sales are associated.
- (e) Fire prevention standards: Each Christmas tree sales facility shall comply with fire prevention standards as approved and enforced by the County Fire Chief.
- (f) Site development permit: In addition to the above requirements, an approved site development permit per section ~~7-9-150~~ 7-9-TBD shall be required when the sales facility is located in a residential district or area.

Sec. 7-9-117.8. 7-9-114.11. ~~7-9-136.10 Halloween pumpkin sales facility.~~

~~A temporary Halloween pumpkin sales facility shall be permitted in any agricultural, commercial, or industrial district or in similar areas of planned communities and specific plans, unless otherwise prohibited, and on all church sites and school sites and on vacant residential property abutting arterial highways subject to the following requirements:~~

- ~~(a) Date of opening: A Halloween pumpkin sales facility shall not be open for business during any calendar year prior to October 4.~~
- ~~(b) Merchandise to be sold: A permitted Halloween pumpkin sales facility may not sell items not directly associated with pumpkins and Halloween decorations.~~
- ~~(c) Electrical permit: The applicant shall secure an electrical permit from the Director, EMA if the facility is to be energized.~~

- (d) ~~Removal of facility: The facility shall be removed and the premises cleared of all debris and restored to the condition prior to the establishment of the facility by November 14.~~
- (e) ~~Fire prevention standards: The facility shall comply with fire prevention standards as approved and enforced by the County Fire Chief.~~
- (f) ~~Site development permit: In addition to the above requirements, an approved site development permit per section 7-9-150 shall be required when the sales facility is located in a residential district or area.~~

Sec. 7-9-117.10. ~~**7-9-136.11**~~ **Special outdoor gatherings**

The regulations of this section pertain to the temporary use of property for special outdoor gatherings, including but not limited to pageants, fairs, carnivals, commercial filming, and large athletic, religious, or entertainment events, except as covered by section ~~7-9-136~~ 7-9-TBD.

Such activities are permitted, without regard for other land use regulations to the contrary, in any zoning district, planned community, or specific plan area in compliance with the following provisions:

- (a) A discretionary zoning permit shall not be required for gatherings of less than five hundred (500) people, including spectators and participants. Gatherings of five hundred (500) or more people shall require approval of a site development permit per section ~~7-9-150~~ 7-9-TBD.
- (b) Activities conducted on property owned by or leased to the County and public road rights-of-way may require an encroachment permit issued by the Director, ~~EMA~~.
- (c) Activities which do not require a site development permit or an encroachment permit shall require a certificate of use and occupancy per section ~~7-9-152~~ 7-9-TBD.
- (d) The temporary use may be permitted for a period not to exceed ten (10) consecutive days. Events recurring more than four (4) times in a calendar year are not considered temporary.
- (e) The Director, ~~EMA~~ may require a cash bond or other guarantee for removal of the temporary use, cleanup and restoration of the activity site within seven (7) days of the activity conclusion.
- (f) Applications for permits/certificates required by (a), (b), and (c) above shall be referred by the Director, ~~EMA~~ to other affected County agencies as may be appropriate for review and comment.
- (g) Related issues, including but not limited to police/security, food and water supply, use of tents and canopies, sanitation facilities, medical services, noise, signage, fire protection, and traffic control, shall be satisfactorily addressed as may be required by the Director, ~~EMA~~, Sheriff, Fire Chief, or Health Officer in their administration of other County codes. Such other codes may require the applicant to obtain permits such as building, electrical, health and tent permits.
- (h) Farmers' Markets established and operated in compliance with County requirements are recurring outdoor gatherings that are not subject to regulation under this section.

Sec. 7-9-117.11. ~~**7-9-114.13.**~~ **Temporary outdoor sales.**

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

- (a) Temporary outdoor sales shall be part of an existing business on the same site and shall be located on a paved or concrete area on the same lot as the structure(s) containing the business with which the temporary sale is associated.
- (b) Location of the displayed merchandise shall not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.

Sec. 7-9-117.12. **Temporary structure.**

A temporary classroom, office, or similar portable structure, including a manufactured or mobile unit, may be approved, for a maximum time period of two years, as an accessory use or as the first phase of a development project, in a non-residential district. A one-year extension may be granted.

Sec. 7-9-118. ~~**GPI "General Plan Implementation" District. Section 7-9-146.4**~~ **Waste management and hazardous materials**

In addition to the requirements for each district, the following procedures are applicable to the principal uses and activities listed below:

- (a) Hazardous materials disclosure: Prior to issuance of certificates of use and occupancy for commercial uses listed in (c), the applicant shall comply with title IV, division 3, article 4 of the County's Codified Ordinances, in a manner approved by the Fire Department.
- (b) Waste management: Prior to issuance of certificates of use and occupancy for commercial uses listed in (c), the applicant shall provide plans or identify measures to comply with chapter 6.5 State Health and Safety Code and title 22 Administrative Code, in a manner approved by the Health Care Agency and sewerage agency.
- (c) List of activities to which this section is applicable:
 - (1) Automotive and vehicle maintenance, repair, or painting.
 - (2) Chemical and commercial cleaning product distribution/sales.
 - (3) Cleaners, self-service laundries, and vehicle washes.
 - (4) Home improvement product, lumber, and hardware sales.
 - (5) Manufacturing.
 - (6) Medical facilities.
 - (7) Metal plating.
 - (8) Mining and extraction.
 - (9) Nurseries.

- (10) Oil and gas exploration and extraction.
 - (11) Paint and finishing product sales.
 - (12) Photoprocessing.
 - (13) Recreation facilities such as golf courses, yacht clubs, and amusement parks.
 - (14) Recycling or resource recovery with potential for contact with hazardous materials.
 - (15) Research, laboratory, and testing facilities.
 - (16) Service stations.
 - (17) Transportation service facilities.
 - (18) Utilities.
 - (19) Waste disposal and treatment operations.
 - (20) Wrecking and salvage facilities.
 - (21) Other generation of hazardous waste, including material(s) to be disposed of by sanitary sewer.
- (d) Underground storage tanks: Prior to issuance of certificates of use and occupancy for underground tanks to store any hazardous materials, the applicant shall provide plans or identify measures to comply with chapter 6.7 State Health and Safety Code and title 23 Administrative Code, in a manner approved by the Health Care Agency.

[Approval:] Approval of any hazardous waste treatment, storage, disposal, or transfer facility as a use consistent with the purpose and intent of any zoning district shall be subject to the requirement that continuing authority be vested in the County Fire Department or Health Care Agency to suspend operations for public safety reasons.

Sec. 7-9-119. ~~(O) "Oil Production" District. Section 7-9-146.12~~ **Waste transfer/materials recovery facilities**

In addition to the requirements for each district, the following requirements are applicable to the construction, establishment and maintenance of transfer/materials recovery facilities. These requirements are provided in an effort to facilitate responsible development of transfer/materials recovery facilities, resulting in the reduction of solid waste entering County land-fills.

Sec. 7-9-119.1. Use permit required.

If compatible with the purpose and intent of the applicable zoning district, a transfer/material recovery facility is allowable subject to a use permit approved by the Zoning Administrator per section ~~7-9-150~~ 7-9-TBD. Such facilities are subject to review by the Integrated Waste Management Department (IWMD) and the Health Care Agency (Local Enforcement Agency (LEA)).

Sec. 7-9-119.2. Conditions of approval.

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

- (a) Incorporate fencing and/or landscaping to screen structures and operations;
- (e) Schedule hours of operation that minimize potential impacts, including, but not limited to, traffic and noise;
- (f) Design facilities so as to minimize potential impacts, including, but not limited to, noise and odor; and,
- (g) Provide a detailed description of all proposed operations including haul routes, types of machinery, types of structures, material processing data and site restoration (closure) plans.

Section 7-9-120 7-9-146.2 Adult entertainment businesses

- (a) Purpose and Intent: Special locational regulation of adult entertainment business is necessary to ensure that adverse effects caused by operational characteristics ~~will~~ shall not contribute to the blighting or downgrading of the surrounding neighborhoods. The primary purpose of the regulation is to prevent the concentration or clustering of these businesses in any area.
- (b) Definitions: For the purposes of this section, the term "adult entertainment business" is defined to include each and every one of the following described uses:
 - (1) Adult bookstore: An establishment having as a substantial or significant portion of its stock in trade books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" or an establishment with a segment or section devoted to the sale or display of such material.
 - (2) Adult business: Either: (1) any business which is conducted exclusively for the patronage of adults, and as to which minors are specifically excluded from patronage thereat, by law except any business licensed by the State Department of Alcoholic Beverage Control; or (2) any business, other than those expressly specified in this section, where employees or patrons expose "specified anatomical areas" or engage in "specified sexual activities"; or (3) any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicted, exposing, describing, or discussing or relating to "specified sexual activities" or "specified anatomical areas." Adult business shall not be deemed to include the practice of any of the healing arts by any person licensed therefor under the California Business and Professions Code.
 - (3) Adult hotel or motel: A hotel or motel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

- (4) Adult mini-motion picture theater: An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- (5) Adult motion picture arcade: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."
- (6) Adult motion picture theater: An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- (7) Cabaret: A nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- (8) Encounter center or rap studio: Any business agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons may congregate, assemble or associate for the primary purpose of engaging in, describing or discussing "specified sexual activities" or exposing "specified anatomical areas."
- (9) Figure model studio: Any premises or mobile facility where there is conducted the business or transaction of furnishing, providing or procuring figure models who pose for the purpose of being observed or viewed by any person, or being sketched, painted, drawn, sculptured, photographed, filmed, videotaped, or otherwise similarly depicted in the nude before persons who pay a fee, or any other thing of value, as consideration, compensation or gratuity, for the right or opportunity to so observe a figure model, or for admission to, permission to or as a condition of, remaining on the premises. "Figure model studio" does not include any studio or classroom which is operated by any public agency, or any public or private educational institution authorized under California Education Code Section 94300 et seq., to issue and confer a diploma or degree.
- (10) Specified sexual activity: Includes the following:
 - a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual

- relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
- b. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
 - c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
 - d. Fondling or touching of nude human genitals, pubic region, buttocks or female breasts; or
 - e. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
 - f. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or
 - g. Human excretion, urination, menstruation, vaginal or anal irrigation.
- (11) Specified anatomical areas: Includes any of the following:
- a. Less than completely and opaquely covered: (a) human genitals or pubic region; (b) buttock and (c) female breast below a point immediately above the top of the areola; or
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (c) The establishment, operation and maintenance of any adult entertainment business is subject to the following regulations:
- (1) Location: In any zoning district where the adult entertainment business would otherwise be permitted, it is unlawful to establish an adult entertainment business if the location of the business is:
 - a. Within five hundred (500) feet of any area zoned for residential use;
 - b. Within one thousand (1,000) feet of any other adult entertainment business; or
 - c. Within one thousand (1,000) feet of any existing church, park or educational institution utilized by minors.
 - (2) Adult entertainment businesses shall be subject to the regulations applicable to the most similar non-adult entertainment use allowed in the subject district.
 - (3) Establishment: The establishment of any adult entertainment business includes the opening of such a business as a new business, the relocation of such business, or the conversion of an existing use or premises to any adult entertainment business use.

Section 7-9-121	E “Equine” District. <u>Reserved</u>
Section 7-9-122	<u>Reserved</u>
Section 7-9-123	<u>Reserved</u>
Section 7-9-124	<u>Reserved</u>
Section 7-9-125	<u>Reserved</u>