

COUNTY OF ORANGE

"ORANGE IS THE NEW GREEN"

ZONING CODE UPDATE

ARTICLE 2, SUBARTICLE 1 – Introductory Provisions

Third Draft – October 2019

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



County of Orange – Zoning Code Update (Third Draft)

Proposed Revisions to Article 2, Subarticle 1 – Introductory Provisions

| Comment Number [County xx] | Section Number | Neutral/Decrease/ Increase | Discussion |
|---------------------------------------|-----------------------|---------------------------------------|------------------------------------|
| 1 | 7-9-19.1 | Neutral | Clarification of existing language |
| 2 | 7-9-19.2 | Neutral | Clarification of existing language |
| 3 | 7-9-20(i)-(j) | Neutral | Existing process |
| 4 | 7-9-21 | Neutral | Existing process |
| 5 | 7-9-22 | Neutral | New format |
| 6 | 7-9-23.3 | Neutral | Existing process |
| 7 | 7-9-24 | Neutral | Clarification of existing language |
| 8 | 7-9-24.4 | Neutral | Clarification of existing language |
| 9 | 7-9-24.5 | Neutral | Clarification of existing language |
| 10 | 7-9-24.5(a) | Neutral | Clarification of existing practice |
| 11 | 7-9-24.6 | Neutral | Clarification of existing language |
| 12 | 7-9-24.7 | Neutral | Clarification of existing language |
| 13 | 7-9-24.8 | Neutral | Existing process |
| 14 | 7-9-24.9 | Neutral | Clarification of existing language |

County of Orange – Zoning Code Update (Third Draft)
Proposed Revisions to Article 2, Subarticle 1 – Introductory Provisions

| Comment Number [County xx] | Section Number | Neutral/Decrease/ Increase | Discussion |
|---------------------------------------|------------------------|---------------------------------------|---|
| 15 | 7-9-24.10 | Neutral | Clarification of existing language |
| 16 | Figure 7-9-24.10(a) | Neutral | Clarification of existing language |
| 17 | 7-9-24.10(b) | Decrease | Provides new option for measurement of walls/fences in front setback |
| 18 | Figure 7-9-24.10(b) | Decrease | Illustrates new option for measurement of walls/fences in front setback |
| 19 | 7-9-25.2(c) | Neutral | Existing zoning districts |
| 20 | 7-9-25.2(d) | Neutral | Existing zoning districts |

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Article 2. - The Comprehensive Zoning Code

Subarticle 1. - Introductory Provisions

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Article 2, Subarticle 1: Introductory Provisions

Sec. 7-9-19. - Authority, ~~general~~ purpose, and objectives.

Sec. 7-9-19.1. - Title and authority.

Title 7, Division 9, Article 2, of the County of Orange Codified Ordinances ~~This article shall~~ be known as "The Comprehensive Zoning Code of the County of Orange," "Zoning Code", or "this Code." Whenever reference is made to any portion of the ordinance set out in this Article or of any other law or ordinance, the reference applies to all amendments and additions hereafter made to this Article. The Comprehensive Zoning Code is adopted by the Board of Supervisors pursuant to Section 11 of Article XI of the constitution of the State of California, as may be amended, in compliance with and pursuant to the authority contained in title Title 7 of the Planning and Zoning Law of the Government Code, for the purpose of promoting the health, safety and general welfare, and is also adopted in compliance with Division 20 of the Public Resources Code, as may be amended, and the authority contained in Section 65859 et seq. of the California Coastal Act, as may be amended. ~~for the purpose of implementing the Local Coastal Program.~~

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Sec. 7-9-19.2. - Purpose and objectives.

The purpose of this Code is to implement the County's General Plan, and in the Coastal Zone, the Local Coastal Program, and to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare. More specifically, the Comprehensive Zoning Code is adopted in order to achieve the following objectives:

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- (a) To enhance and implement the General Plan and Local Coastal Program.
- (b) To provide a guide for the growth and physical development of the County ~~in accordance with the Government Code~~ in a manner that shall progressively achieve the arrangement of land uses proposed in and consistent with the goals and policies of the General Plan and Local Coastal Program.
- (c) To promote economic development and job creation and secure for the citizens of Orange County the social and economic advantages resulting from an orderly planned use of its land resources.
- (d) To encourage, classify, designate, regulate and ~~segregate~~ appropriately locate the uses of land, buildings and structures to serve the needs of agriculture, commerce, industry, residential development, and other ~~purposes in appropriate places~~ activities.
- (e) To establish conditions which shall allow all of these land uses to exist in harmony within the community.

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- (f) To prevent the overcrowding of land, to avoid undue concentration of population, and to maintain a suitable balance between structures and open spaces.
 - (g) To lessen congestion on streets and to promote a safe, efficient traffic circulation system.
 - (h) To ensure that adequate off-street parking and loading facilities shall be installed and maintained.
 - (i) To facilitate adequate provisions for community utilities, such as transportation, water, sewage, schools, parks and other public requirements.
 - (j) To protect and enhance real property values.
 - (k) To promote the stability of existing land uses and to protect them from incompatible and harmful intrusion.

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

- (a) *Property to which applicable:* The Zoning Code shall apply to all ~~property unincorporated land~~ within the unincorporated area of the County of Orange, except as otherwise provided by this section.
- (b) *Duplicated regulation.* Whenever any provision of the Zoning Code and any other provision of law, whether set forth in this Code or in any other law or ordinance, impose overlapping or contradictory requirements, or certain restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards shall control, except as otherwise expressly provided in the Zoning Code. In no case shall a resolution supersede or overrule an ordinance. However, subject to applicable State and Federal law, a discretionary permit approved per section 7-9-~~150~~ 125 may have more restrictive site development standards than specified in an enabling ordinance. Where specifically allowed by the enabling ordinance, a discretionary permit may have less restrictive site development standards.
- (c) *Indeterminate applicability.* When the provisions of this Zoning Code, or a planned community or specific plan text, do not clearly define or designate a use within a specific category, when the nature or characteristics of a use are such that the use could be included within more than one (1) definition, and when there is some uncertainty as to which regulations are applicable in a specific instance, the Director shall determine which regulations are applicable. Whenever reference is made to any regulations of this Zoning Code, the reference applies to all amendments and additions now or hereafter made. Uses, structures, conditions, and situations that are not addressed in a planned

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community or specific plan text, but are addressed in the Zoning Code, shall be governed by the Zoning Code.

- (d) ~~(e)~~ *Separability*. If any portion of the Zoning Code is, for any reason, declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, such decision shall not affect the validity of the remaining portions thereof. The Board of Supervisors hereby declares that it would have enacted the Zoning Code and each portion thereof irrespective of the fact that any one (1) or more portions be declared invalid or ineffective.
- (e) ~~(f)~~ *Conformity with the Comprehensive Zoning Code required*. Except as otherwise allowed by section 7-9-~~151~~ 115, "Nonconforming Uses," or as authorized by Variance, no uses or structures shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed, and no lot lines shall be created or changed, except in conformity with the Zoning Code.
- (f) ~~(g)~~ *Validity*. The issuance of granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any provisions of this Code. The issuance of a permit shall not prevent the Director from thereafter requiring the correction of violations of this Code or of any other ordinance of the County.
- (g) ~~(h)~~ *Road right-of-way*. Dedicated public street right-of-way areas shall not be subject to the land use regulations of the County, including but not limited to the Zoning Code, specific plans and planned communities. However, all uses and structures within the coastal zone may be subject to a Coastal Development Permit. Within private street areas and streets offered for dedication to the public but not accepted, the Zoning Code applies in its entirety.
- (h) ~~(i)~~ *Land owned by or leased to the County*. Land owned in fee by the County or land leased to the County shall not be subject to the land use regulations of the County, including but not limited to the Zoning Code, specific plans and planned communities. However, all uses and structures within the coastal zone may be subject to a Coastal Development Permit.
- (i) *General Plan consistency required*. Any permit, license or approval issued pursuant to this Code shall be consistent with the General Plan. In any case where there is a conflict between this Code and the General Plan, the General Plan shall prevail.
- (j) *Fees and/or deposits*. The Board of Supervisors shall establish by ordinance, and may amend and revise from time to time, fees and/or deposits for processing discretionary permit applications and other permits authorized or required by this Code. All fees and/or

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deposits shall be paid at the time an application is filed, and no processing shall commence until the fees and/or deposits are paid in full.

Sec. 7-9-21. – ~~Definitions~~ Relation to other regulations.

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All references to this section shall include sections 7-9-21.1 through 7-9-21.5.

- (a) ~~Title, purpose and applicability.~~ *General.* The regulations of the Zoning Code and requirements or conditions imposed pursuant to this Code shall not supersede any other regulations or requirements adopted or imposed by the Board of Supervisors of the County, the State of California, or any federal agency that has jurisdiction by law over uses and development authorized by this Code. All uses and development authorized by this Code shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of the Code and any other County Code, chapter, resolution, guideline or regulation, the more restrictive provisions shall control, unless otherwise specified.
- (b) ~~General rules for construction of language.~~ *Permit Streamlining Act.* It is the intent of this Code that all actions taken by the decision-making body pursuant to this Code that are solely adjudicatory in nature be within a time frame consistent with the provisions of Government Code Section 65920 et seq., (the Permit Streamlining Act), as may be amended. Nothing in this Code shall be interpreted as imposing time limits on actions taken by the decision-making body pursuant to this Code that are legislative in nature or that require both adjudicatory and legislative judgments.
- (c) ~~7-9-20(d)~~ *Private agreements:* The Zoning Code is not intended to abrogate, annul, or impair any easement, covenant, or other agreement between parties, except that where the Zoning Code imposes a greater restriction or higher standard than that required by such agreement, the Zoning Code shall control.
- (d) *Relation to prior Code.* The provisions of this Code supersede all prior zoning regulations codified in Article 2 of the Codified Ordinances and any amendments. No provision of this Code shall validate any land use or structure established, constructed or maintained in violation of all prior versions of Zoning Code, unless such validation is specifically authorized by this Code and is in conformance with all other regulations.
- (e) *Application during local emergency.* The Board of Supervisors may authorize a deviation from a provision of this Code during a local emergency declared and ratified under the Codified Ordinances. The Board of Supervisors may authorize a deviation by resolution without notice or public hearing.

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Sec. 7-9-22. - Definitions (A) Organization of Zoning Code.

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Sec. 7-9-22.1. This Code consists of seven Subarticles:

- (a) Subarticle 1: Introductory Provisions.
- (b) Subarticle 2: Base Districts.
- (c) Subarticle 3: Overlay, Combining, and Other Districts.
- (d) Subarticle 4: Site Development Regulations.
- (e) Subarticle 5: Standards for Specific Uses and Activities.
- (f) Subarticle 6: Administration and Permits.
- (g) Subarticle 7: General Terms.

Sec. 7-9-22.2. - Types of regulations.

Four types of zoning regulations control the use and development property to which this Code applies:

- (a) Land use regulations. These regulations specify land uses permitted, conditionally permitted or specifically prohibited in each zoning district, and include special requirements, if any, applicable to specific uses. Land use regulations for base zoning districts and for overlay and other districts are in Subarticles 2 and 3 of this Code. Certain regulations, applicable in some or all of the districts, and performance standards which govern special uses, are in Subarticles 4 and 5.
- (b) Development regulations. These regulations control the height, bulk, location and appearance of structures on development sites. Development regulations for base zoning districts and for overlay and other districts are in Subarticles 2 and 3 respectively of this Code. Development standards and site regulations that apply throughout most or all of the unincorporated area of the county are in Subarticle 4. These include regulations for parking, setbacks, landscaping, and irrigation. Development regulations and procedural requirements applicable to specific uses in some or all districts are in Subarticle 5. These include regulations for accessory uses, signs, antennas, wireless communications facilities, and nonconforming uses.
- (c) Administrative regulations. These regulations in Subarticle 6 of this Code contain detailed procedures for the administration of zoning regulations, and include procedures, processes, and standards for discretionary permit applications and other permits.

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- (d) *General Terms.* Subarticle 7 provides a list of use classifications and definitions used in the Code. However, definitions contained in specific Zoning Code sections are to be used specifically for those sections.

Sec. 7-9-23. - ~~Definitions (B)~~ General rules for construction of language and interpretation.

Sec. 7-9-23.1. - ~~Sec. 7-9-21.2.~~ - General rules for construction of language.

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

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

Sec. 7-9-23.2. - ~~7-9-21.3~~ General terms.

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

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- (c) ~~Director or Director, EMA~~ means the ~~Director of the Planning and Development Services Department, County of Orange, Deputy Director, OC Public Works/Manager, OC Development Services, Planning Division (“Director”), or his designee,~~ authorized agent, or representative.
- (d) *General Plan* means the ~~Orange County of Orange~~ General Plan.
- (e) *Government Code* means the California Government Code.
- (f) *State* means the State of California.
- (g) *Zoning Code* means the Comprehensive Zoning Code of the County of Orange, including zoning district maps and planned community or specific plan development plan maps and texts adopted pursuant to or as an amendment to sections 7-9-48 25.1, 7-9-103 47, 7-9-155-132, and 7-9-156 133.

Sec. 7-9-23.3. – Fractions.

Whenever this Code requires consideration of distances, parking spaces, dwelling units, or other aspects of development or the physical environment that are expressed in numerical quantities and the result of a calculation contains a fraction of a whole number, the results shall be rounded as follows:

- (a) *General rounding.* Fractions of one-half (0.5) or greater shall be rounded up to the nearest whole number, and fractions of less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.
- (b) *Exception for State Density Bonus Law.* The calculation of bonus density units for projects eligible for a density bonus pursuant to Government Code Section 65915, as may be amended, or any successor statute shall be done as provided by State law.

Sec. 7-9-24. - Definitions (C) – Rules for measurement.

Sec. 7-9-24.1. – Purpose.

The purpose of this section is to explain how to calculate various measurements to which these regulations refer.

Sec. 7-9-24.2. - 7-9-27 Determining floor area. ~~Gross~~

The ~~total~~ sum of the ~~gross~~ horizontal floor area of all floors of a building or other enclosed structure, ~~including measured from the exterior finished walls surface thereof,~~ measured in square feet.

- (a) *Included in floor area.* Floor area includes, but is not limited to, usable basements and cellars that are below the roof and within the outer surface of the main walls

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of principal or accessory buildings or the centerlines of party walls separating such buildings or portions thereof or within lines drawn parallel to and two (2) feet within the roof line of any building without walls. In the case of a multi-story building that has covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent.

(b) Excluded from floor area. Floor area does not include mechanical, electrical, and communication equipment rooms that are less than two percent (2%) of the building's gross floor area; areas that qualify as usable open space; and areas used for off-street parking spaces or loading spaces, driveways, ramps between floors of a multi-level parking garage, and maneuvering aisles that are located below the finish grade of the property.

(c) Non-residential structures and uses. ~~excepting that for~~ In commercial, professional and administrative office or industrial buildings, or building complexes, areas used in common such as covered malls, walkways, patio areas, and entries open to and directly connecting with outside areas shall not be included when calculating off-street parking requirements. In the case of a multi-story building that has covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent.

Sec. 7-9-24.3. - 7-9-23 Definitions (B) Determining building site area.

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

Sec. 7-9-24.4. - 7-9-23 Building site coverage, maximum.

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

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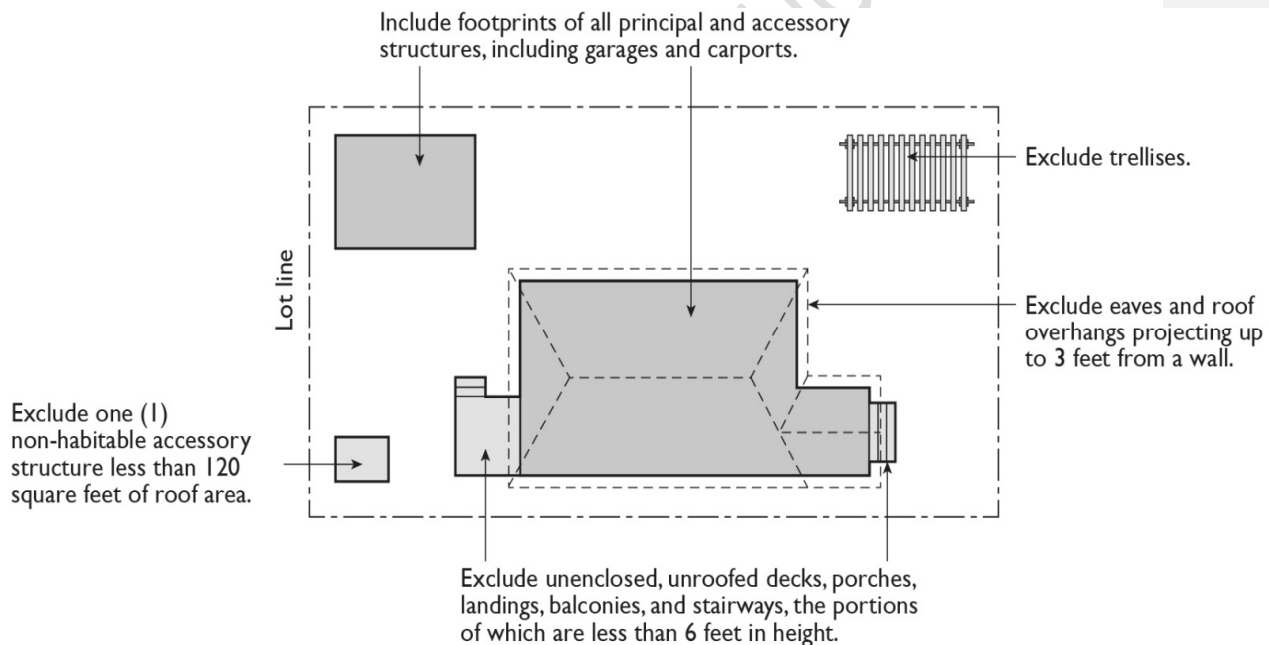
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~~constitute buildings for the purpose of this definition. The following structures shall be excluded when calculating site coverage:~~

- (a) Unenclosed decks, patio slabs, porches, landings, balconies, and stairways less than eighteen (18) inches in height at the surface of the deck and less than six (6) feet above grade for railings.
- (b) Swimming pools and hot tubs not enclosed in roofed structures or decks.
- (c) One (1) small, non-habitable accessory structure under one hundred twenty (120) square feet in area.

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FIGURE 7-9-24.4: DETERMINING LOT COVERAGE



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Sec. 7-9-24.5. - ~~7-9-126.3~~ Determination of building site width **Measuring building site width and depth.**

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In any district zoned for residential uses when a minimum building site width is required, such required width shall be determined by measuring the distance between the sidelines of the building site along a line parallel to a straight line joining the foremost points of the side property lines, and twenty (20) feet, at the closest point, from the ultimate street right of way line. However, in the case of a panhandle building site or a building site not abutting a street or alley and gaining access by an easement, the width of the building site shall be determined by measuring the distance across the building site along a straight line in any direction.

In any district other than a residential district, when a minimum building site width is required, such required width shall be determined by measuring the distance between the points of intersection of the side property lines with the ultimate front street right of way line.

(a) **Calculation of the building site width.**

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- (1) The measurement shall be taken only within the building site area.
- (2) Calculate the average of a minimum of five (5) straight lines which best represent the average width of the building site area, the five (5) lines are determined using the process below:
 - a. **Front property line.**
 1. Measure the length of the front property line.
 2. If the front property line is curved and/or composed of two (2) or more lines, use a straight line to measure the distance between the points where the front property line meets the side property line.
 - b. **Rear property line.**
 1. Measure the length of the rear property line.
 2. If the rear property line is curved and/or composed of two (2) or more lines, use a straight line to measure the distance between the points where the rear property line meets the side property line.
 3. Minimum of three (3) evenly spaced lines between the front and rear property line:
 - i. Determine the mid-point between the front and rear property line, as measured along each side property line, and connect with a straight line.

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- ii. Determine the point halfway between the mid-point and the front property line, as measured along each side property line, and connect with a straight line.
 - iii. Determine the point halfway between the mid-point and the rear property line, as measured along each side property line, and connect with a straight line.
 - (3) All determinations of the building site width of a lot are subject to confirmation by the Director.
 - (b) Calculation of the building site depth.
 - (1) The measurement shall be taken only within the building site area.
 - (2) Calculate the average of a minimum of five (5) straight lines which best represent the average depth of the building site area, the five (5) lines are determined using the process below:
 - a. Right side property line:
 - 1. Measure the length of the right-side property line.
 - 2. If the right-side property line is curved and/or composed of two (2) or more lines, use a straight line to measure the distance between the points where the right-side property line meets the front and rear property line.
 - b. Left (opposite) side property line:
 - 1. Measure the length of the left side property line.
 - 2. If the left side property line is curved and/or composed of two (2) or more lines use a straight line, measure the distance between the points where the left side property line meets the front and rear property line.
 - 3. Minimum of three (3) evenly spaced lines between the right and left side property line.
 - i. Determine the mid-point between the right and left side property line, as measured along the front and rear property line, and connect with a straight line.
 - ii. Determine the point halfway between the mid-point and the right-side property line, as measured along the

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front and rear property line, and connect with a straight line.

- iii. Determine the point halfway between the mid-point and the left side property line, as measured along the front and rear property line, and connect with a straight line.

- (3) All determinations of the building site depth of a lot are subject to confirmation by the Director.

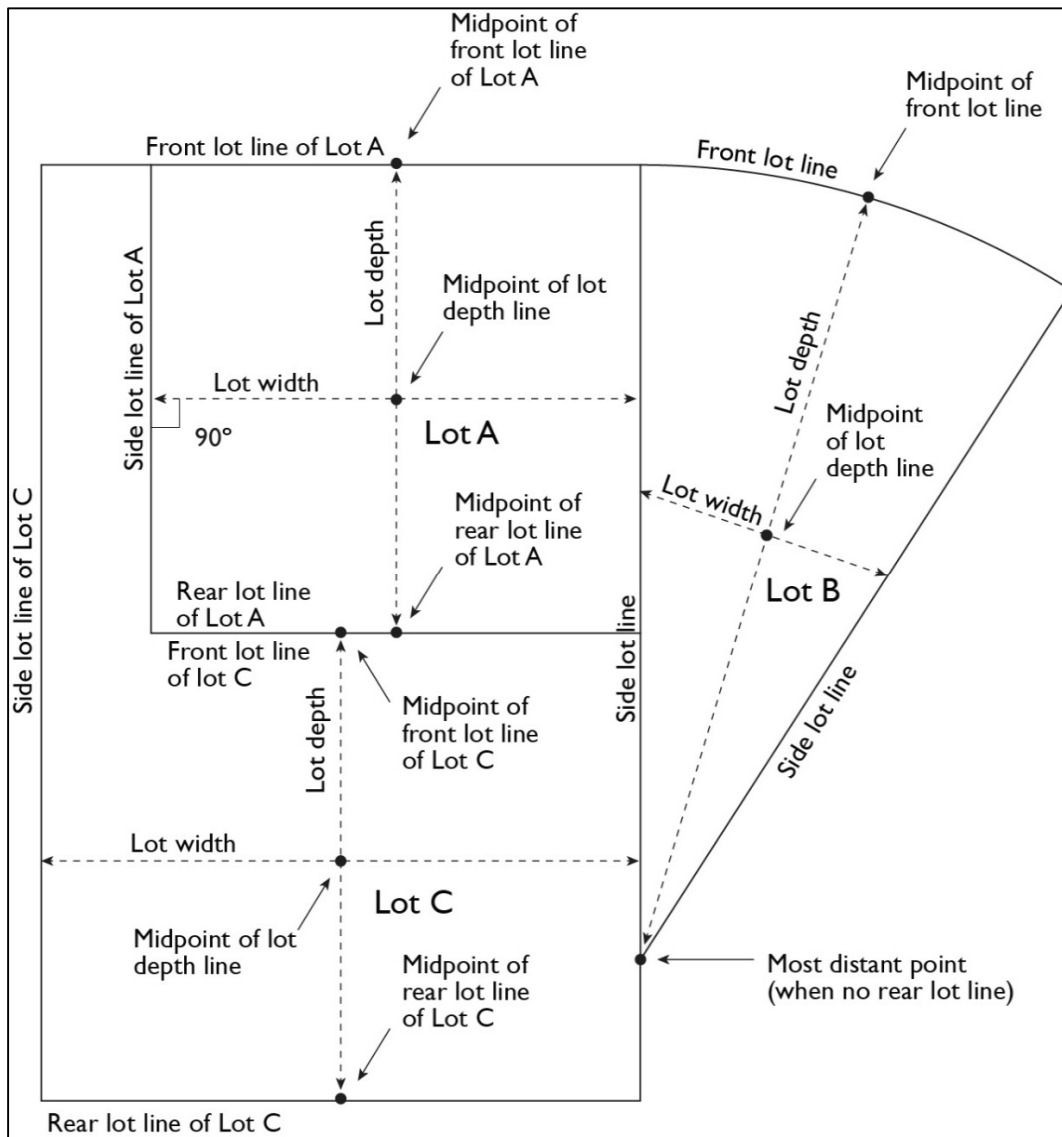
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FIGURE 7-9-24.5: DETERMINING BUILDING SITE WIDTH AND DEPTH



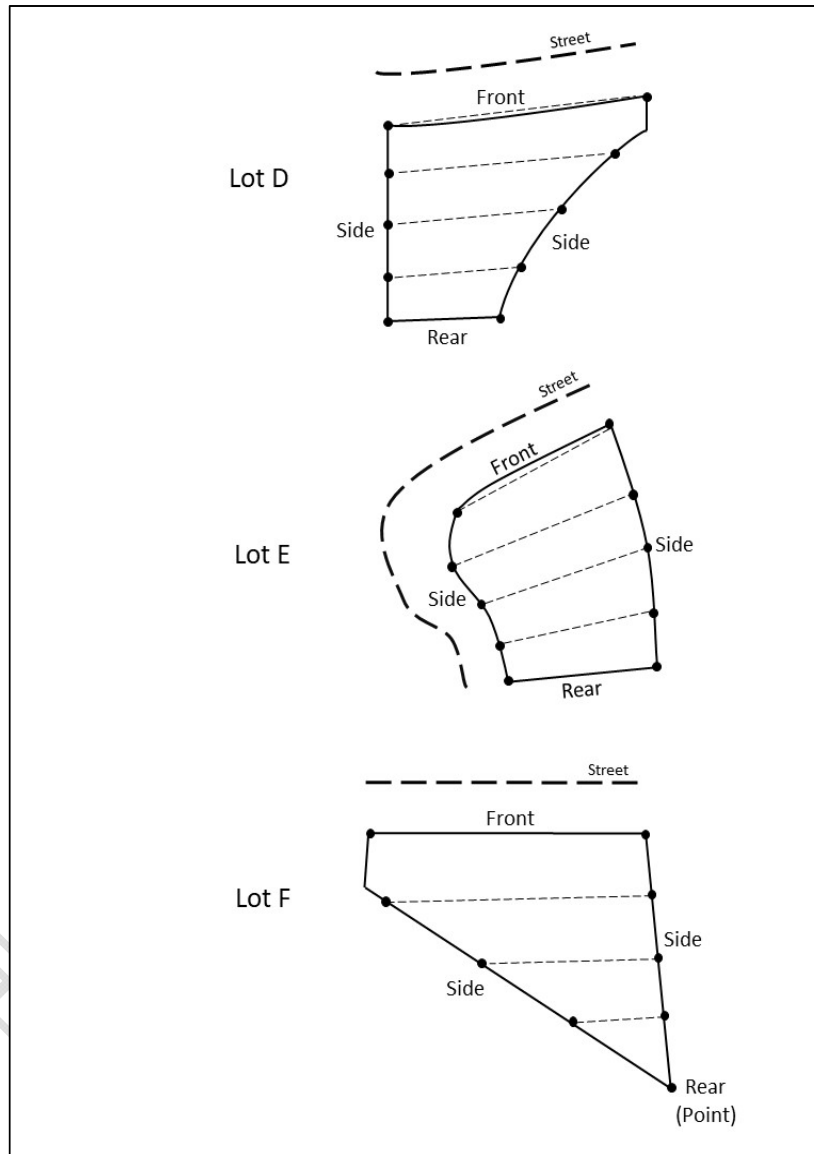
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FIGURE 7-9-24.5: DETERMINING BUILDING SITE WIDTH ON IRREGULAR LOTS



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Sec. 7-9-24.6. - Determining building site frontage.

- (a) *Corner lot:* The front of a lot is the narrowest dimension of the lot with street frontage so long as the rear setback requirements are met.
- (b) *Through lot that abuts two streets that do not intersect:* The front setback of a through lot abuts the street that neighboring lots use to provide primary access.

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Sec. 7-9-24.7. - Determining setbacks.

A setback line defining a required setback is parallel to and at the specified distance from the corresponding front, side, or rear property line. The following special regulations for determining shall apply when a lot abuts an alley or proposed street.

- (a) *Side setbacks.* If a side lot line abuts an alley, the setback shall be considered an interior side setback rather than a corner side setback. In computing the minimum setback for any lot where such setback abuts an alley, no part of the width of the lane may be considered as part of the required setback.
- (b) ~~Sec. 7-9-127.1.D.~~ *Rear setbacks.* In computing the depth or a rear setback from any building where such setback opens on alley, private street, public park or public beach, one-half (0.5) of the width of such alley, street, park or beach may be deemed to be a portion of the rear setback, except that under this provision, no rear setback shall be less than fifteen (15) feet.
- (c) *Setbacks from street.* If a property abuts an existing or ultimate right-of-way street for which the existing right-of-way is narrower than the right-of-way ultimately required for the street, the required setback shall be established from the ultimate right-of-way rather than the property line.

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Sec. 7-9-24.8. - Measuring distances.

- (a) *Measurements at shortest distance.* When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the shortest distance between the two objects.
- (b) *Distances are measured horizontally.* When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.
- (c) *Measurements involving a structure.* Measurements involving a structure are made to the closest support element of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.

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Neutral

Proposed revisions have been highlighted as follows:

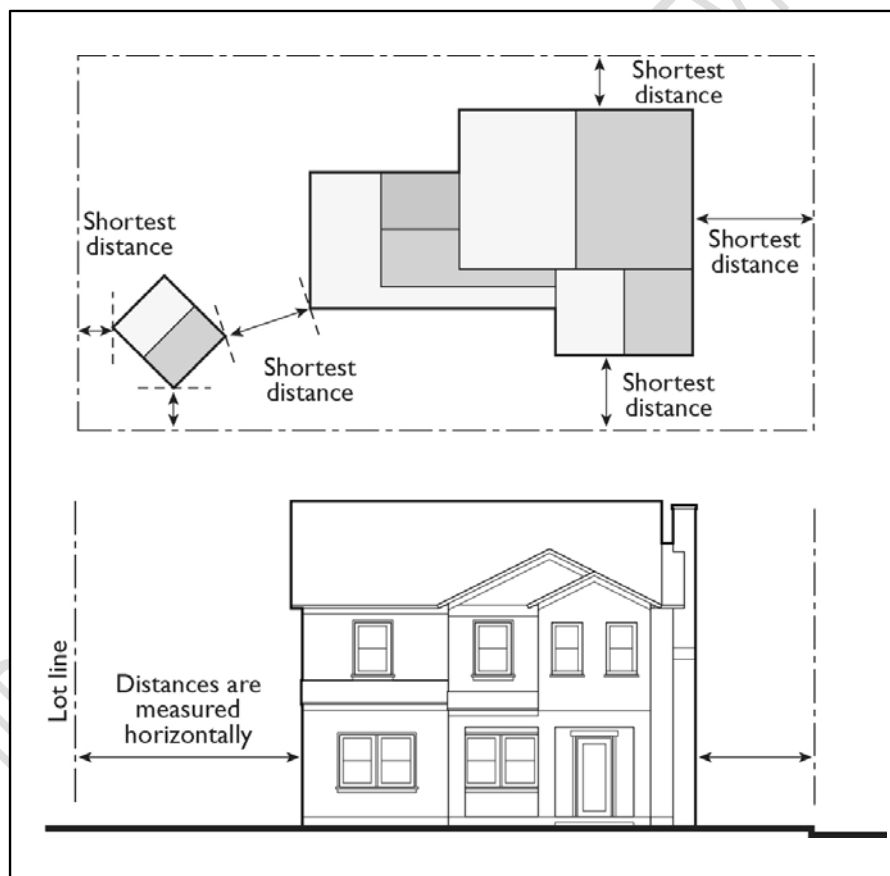
Neutral/No Change in Regulations – Highlighted in gray

Decrease in Regulations – Highlighted in yellow

Increase in Regulations – Highlighted in green

- (d) *Measurement of vehicle stacking or travel areas.* Measurement of a minimum travel distance for vehicles, such as front-entry garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area.
- (e) *Measuring a buffer or radius.* When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.

FIGURE 7-9-24.8: MEASURING DISTANCES



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Sec. 7-9-24.9. - ~~7-9-28~~ Determining grade ground level.

- (a) Grade, Ground level. The average elevation, determined by averaging the elevations of four (4) or more points as necessary, at the building site boundary line where it is less than five (5) feet from the building or at five (5) feet outside the perimeter of the bearing or foundation line of building.
- (1) Architectural projections extending less than five (5) feet from the exterior wall are excluded.
- (2) When there is more than one (1) building on a site, average grade is calculated separately for each building.
- (b) ~~Finished~~ grade. The final grade of the site is the elevation at the base of the exterior surface of the building wall, which conforms to the approved plan for the whole site.
- (c) Natural grade. The undisturbed elevation of the ground prior to human intervention.

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Neutral

Sec. 7-9-24.10. - Measuring height.

~~This~~ section shall also apply to planned communities and specific plan areas unless otherwise stated. Height is the vertical distance from finished grade to the highest point of a building or structure.

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- (a) ~~7-9-129.1 Measurement~~ Measuring building height.

When a building site slopes in any direction at an average grade of more than ten (10) percent within the front fifty (50) feet of the building site, Building height is the vertical distance above an inclined slope to the top of the structure, including screened mechanical and electrical fixtures. The inclined slope is established by enclosing the structure with an imaginary line five (5) feet outside of the perimeter of the structure, or at the property line if it is less than five (5) feet from the structure, and by assuming that all ground area closer is flat. See diagram for building height.

- (b) ~~In all situations not included within (a) above, the height is the vertical distance above the ground level of finished grade to the top of the structure. This is established by enclosing the structure with an imaginary line five (5) feet outside of the perimeter of the structure, or at the property line if it is less than five (5) feet from the structure, and determining the average elevation from the imaginary line.~~

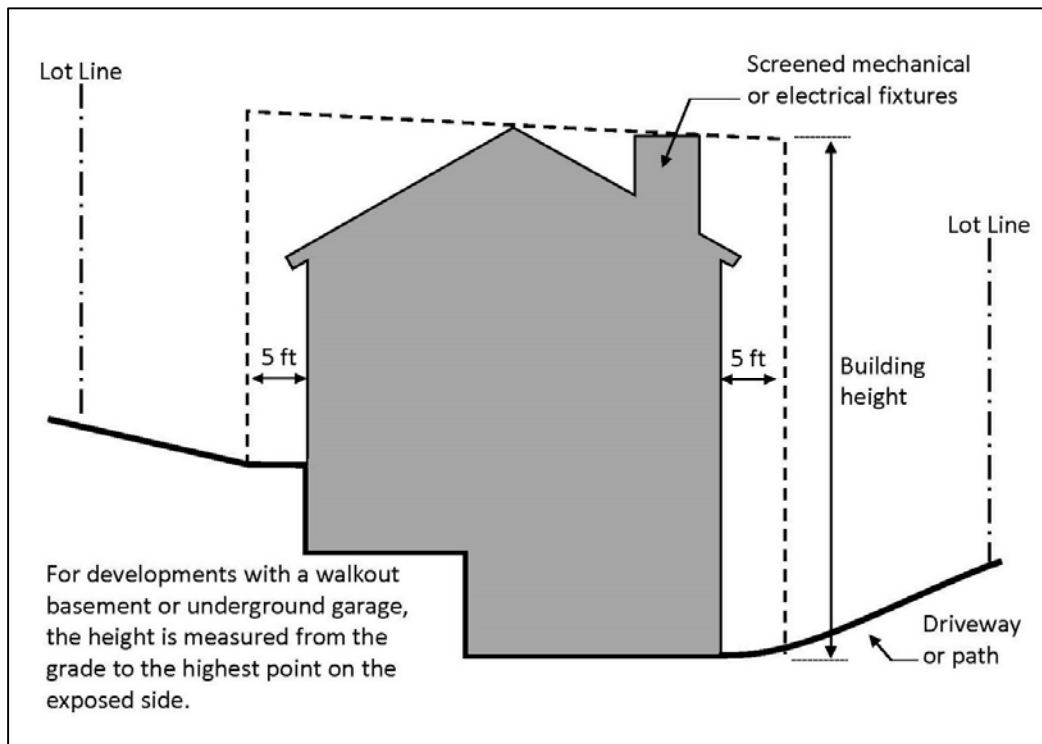
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FIGURE 7-9-24.10(a) - MEASURING BUILDING HEIGHT



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(b) 7-9-137.5 Measuring height of fences and walls. Fence/wall heights shall be measured from the base of the fence/wall to the top on interior or exterior side, whichever is greater. The height of any fence or wall shall be determined by measuring the vertical distance from the base of the fence or wall, at the lowest existing grade on such fence or structure, to the highest point of such structure on the interior or exterior of the structure, whichever is greater. In the case of walls that are parallel to and within five (5) feet of a public sidewalk or other public way, grade shall be the finished elevation of the closest point on the sidewalk or public way.

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(1) Measuring the height of fences on retaining walls. The height of a fence that is on top of a retaining wall is measured from the base of the wall, at

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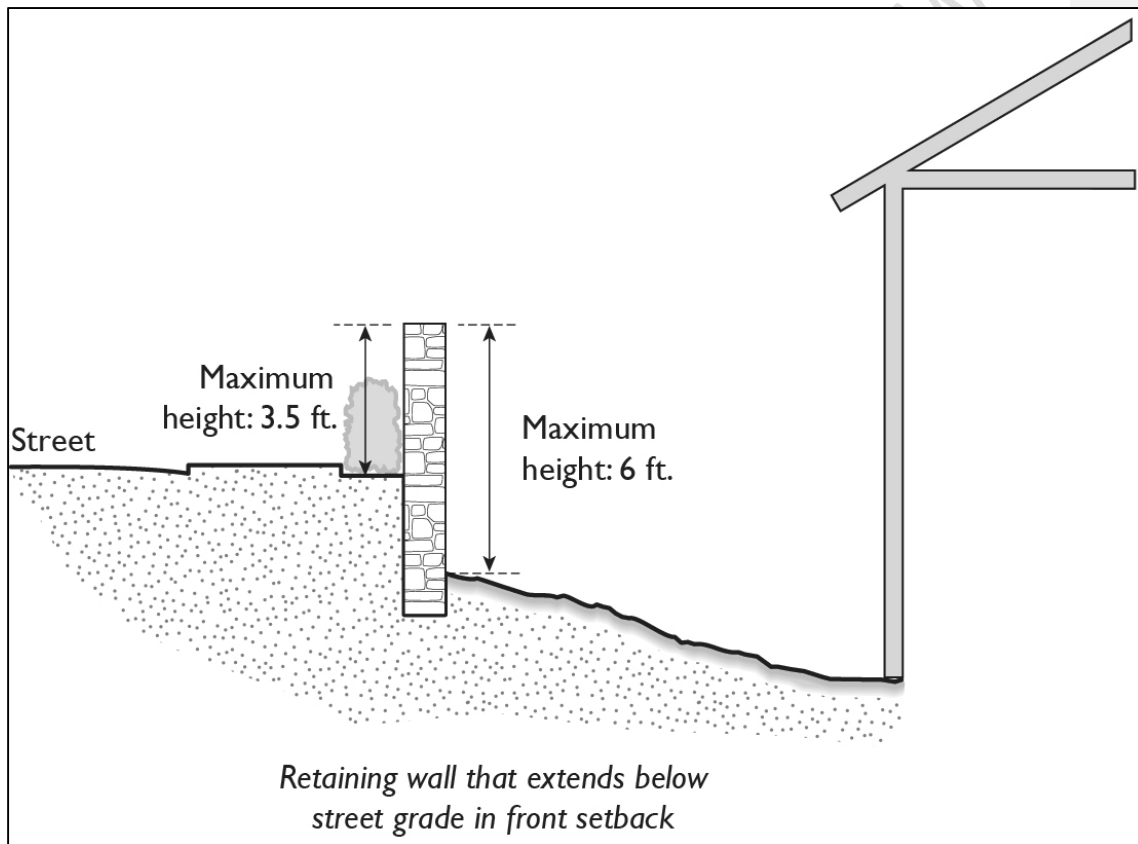
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the lowest existing grade on such wall, to the highest point of the fence
on the highest side of the wall.

**FIGURE 7-9-24.10(b) – MEASURING HEIGHT OF FENCES ON RETAINING WALLS IN FRONT
SETBACK**

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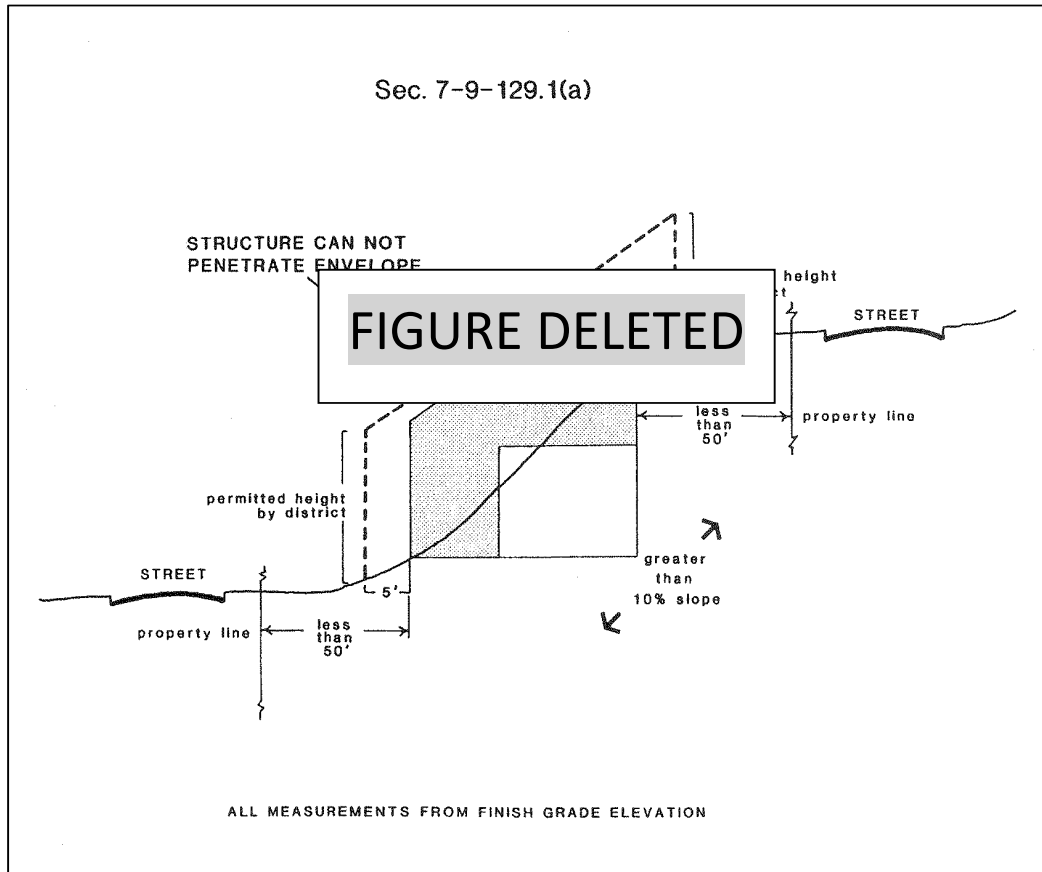


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Sec. 7-9-25. - Definitions (D) - Zones and districts.

Sec. 7-9-25.1. - ~~7-9-48.~~ Scope of the Comprehensive Zoning Code and adoption of zoning district maps.

This article includes zoning maps, general provisions, special regulations and a set of general district regulations limiting and controlling the uses of land, the density of population, the uses and locations of structures, the height and bulk of structures, the areas and dimensions of sites; the size, height and location of signs; the installation and maintenance of screening and landscaping; the control of vehicular access and the requirement of off-street parking and loading facilities. In addition, this article includes planned community and specific plan maps and texts adopted by ordinance. Sectional district maps, precise plan and specific plan maps, oil field maps, district-C maps, flood insurance rate maps, flood boundary and floodway maps, and all other maps that were officially adopted pursuant to or as an amendment to section 7-9-48 25 prior to the effective date of Ordinance No. 2142 are included within the term "zoning district map," and all such maps and all subsequently adopted zoning district maps are and shall be a part of this section.

Sec. 7-9-25.2. - ~~Section 7-9-49.~~ Establishment of districts and interpretation of district boundaries.

- (a) The unincorporated territory of the County of Orange ~~is hereby~~ has been divided into ~~zones or zoning~~ districts, as set forth in Title 7, Division 9, Article 2 of the Codified Ordinances of the County of Orange, as determined and defined by officially adopted zoning maps. Each zoning district map showing the classifications and boundaries of district shall, upon adoption in the manner required by the Planning and Zoning Law, be a part of this article.
- (b) Where uncertainty exists as to the boundaries of districts shown on an official zoning district map, the following rules shall apply:
- (1) ~~(a)~~ Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines;
 - (2) ~~(b)~~ Boundaries indicated as approximately following the right-of-way lines of streets, highways, or alleys, shall be construed to follow such the right-of-way lines, and in event of change in the right-of-way line shall be construed as moving with the right-of-way line;
 - (3) ~~(c)~~ Boundaries indicated as approximately following shorelines shall be construed to follow such shorelines, and in the event of change of the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other

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bodies of water, of flood control channels shall be construed to follow such centerlines.

- (4) ~~(d)~~ Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.
- (5) ~~(e)~~ Boundaries indicated as parallel to or extensions of features indicated in subsections (1 ~~a~~) through (4 ~~d~~) above shall be so construed; distances not specifically indicated on the official zoning district map shall be determined by the scale of the map.
- (6) ~~(f)~~ Where a street or alley is vacated or abandoned the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned street or alley.
- (7) ~~(g)~~ In case any further uncertainty exists, the Planning Commission shall determine the location of boundaries.

(c) Designation of base zoning districts.

Table 7-9-25.2(c) lists the base zoning districts into which the County is divided with their map symbols and corresponding General Plan land use designations.

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| TABLE 7-9-25.2(c) - BASE ZONING DISTRICTS | | |
|---|---------------------------------|--|
| <u>Map Symbol</u> | <u>Full Name</u> | <u>General Plan Land Use Designation</u> |
| <u>Agriculture/Open Space Districts</u> | | |
| <u>A1</u> | <u>General Agricultural</u> | <u>Rural Residential</u> |
| <u>B1</u> | <u>Buffer</u> | <u>Open Space</u> |
| <u>OS</u> | <u>Open Space</u> | <u>Open Space</u> |
| <u>Single Family Residential Districts</u> | | |
| <u>AR</u> | <u>Agricultural Residential</u> | <u>Suburban Residential</u> |
| <u>E1</u> | <u>Estates</u> | <u>Suburban Residential</u> |

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| | | |
|--|---|-----------------------------|
| <u>E4</u> | <u>Small Estates</u> | <u>Suburban Residential</u> |
| <u>RE</u> | <u>Residential Estates</u> | <u>Suburban Residential</u> |
| <u>RHE</u> | <u>Residential Hillside Estates</u> | <u>Suburban Residential</u> |
| <u>RS</u> | <u>Residential, Single-Family</u> | <u>Suburban Residential</u> |
| <u>R1</u> | <u>Single-Family Residence</u> | <u>Suburban Residential</u> |
| <u>Multifamily Residential Districts</u> | | |
| <u>R2D</u> | <u>Two-Family Residence</u> | <u>Suburban Residential</u> |
| <u>R4</u> | <u>Suburban Multifamily Residential</u> | <u>Suburban Residential</u> |
| <u>R2</u> | <u>Multifamily Dwelling</u> | <u>Urban Residential</u> |
| <u>R3</u> | <u>Apartment</u> | <u>Urban Residential</u> |
| <u>Mixed-Use and Commercial Districts</u> | | |
| <u>C1</u> | <u>Local Business</u> | <u>Community Commercial</u> |
| <u>CC</u> | <u>Commercial Community</u> | <u>Community Commercial</u> |
| <u>CN</u> | <u>Commercial Neighborhood</u> | <u>Community Commercial</u> |
| <u>C2</u> | <u>General Business</u> | <u>Regional Commercial</u> |
| <u>CH</u> | <u>Commercial Highway</u> | <u>Regional Commercial</u> |
| <u>RP</u> | <u>Residential Professional</u> | <u>Suburban Residential</u> |
| <u>Employment Districts</u> | | |
| <u>PA</u> | <u>Professional and Administrative</u> | <u>Employment</u> |
| <u>M1</u> | <u>Light Industrial</u> | <u>Employment</u> |

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| <u>Other District</u> | | |
|-----------------------|-----------------------------------|-------------------|
| <u>SG</u> | <u>Sand and Gravel Extraction</u> | <u>Open Space</u> |

(d) Designation of Overlay and Combining Districts.

Table 7-9-25.2(d) lists Overlay, Combining and Other Districts into which the County is divided with their map symbols. These districts may be combined with the base zoning districts listed in Table 7-9-24.2(c), Base Zoning Districts pursuant to Article 2, Subarticle 3 of the Zoning Code. In any district where the base zoning district symbol is followed by one of the following district symbols, the additional requirements, limitations, and standards of the overlay or combining district may apply.

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| <u>TABLE 7-9-25.2.(d) - OVERLAY, COMBINING, AND OTHER DISTRICTS</u> | |
|--|--|
| <u>CD</u> | <u>Coastal Development Combining</u> |
| <u>E</u> | <u>Equine Combining</u> |
| <u>FP</u> | <u>Floodplain Overlay</u> |
| <u>GPI</u> | <u>General Plan Implementation Combining</u> |
| <u>H</u> | <u>Housing Opportunities Overlay</u> |
| <u>MX</u> | <u>Mixed-Use Overlay</u> |
| <u>O</u> | <u>Oil Production Combining</u> |
| <u>PC</u> | <u>Planned Community Combining</u> |
| <u>PD</u> | <u>Planned Development Combining</u> |
| <u>SH</u> | <u>Scenic Highway Combining</u> |

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| | |
|-----------|-----------------------------------|
| <u>SS</u> | <u>Service Station Combining</u> |
| <u>SR</u> | <u>Sign Restriction Combining</u> |
| <u>S</u> | <u>Specific Plan Combining</u> |

~~Sec. 7-9-146. – Special regulations.~~

~~All references to this section shall include sections 7-9-146.1 through 7-9-146.12.~~

~~In order to permit certain uses in some districts or areas where they may be appropriate but may not otherwise be compatible with other permitted uses in the district or where additional development or performance standards are needed, the special regulations are established to ensure the adequacy of development and performance standards and the compatibility of these uses so they may be established and maintained in harmony with surrounding uses.~~

~~The special regulations contained in this section shall govern the land, uses, buildings, structures and improvements specified below or where so designated in the district regulations. Except as otherwise provided in this section, no use, building or structure shall be established, enlarged, operated or maintained unless such use, building or structure conforms with applicable standards within this section and in the district regulations.~~

| | | |
|------------------------|-----------------------------------|-------------------------|
| Section 7-9-26. | Definitions (E) | <u>Reserved.</u> |
| Section 7-9-27. | Definitions (F) | <u>Reserved.</u> |
| Section 7-9-28. | Definitions (G) | <u>Reserved.</u> |
| Section 7-8-29. | Definitions (H) | <u>Reserved.</u> |
| Section 7-9-30. | Definitions (I) | <u>Reserved.</u> |