







**County of Orange – Zoning Code Update (Final Draft)**

**Proposed Revisions to Article 2, Subarticle 4 – Site Development Regulations**

<b>Comment Number [County xx]</b>	<b>Section Number</b>	<b>Neutral/Decrease/ Increase</b>	<b>Discussion</b>
27	7-9-70.3	Neutral	Clarification of existing language (Illustration)
28	7-9-70.3	Neutral	Clarification of existing language (Description of Illustration)
29	7-9-70.3	Neutral	Clarification of existing language
30	7-9-70.3(e)	Increase	<ul style="list-style-type: none"> <li>a. Revised to require single family residential units with less than an eighteen foot driveway to provide an additional parking space on-site and can no longer provide it on-street</li> <li>b. Added a requirement for units located within planned developments to provide one-half (0.5) guest parking spaces per unit, on-site</li> <li>c. Revised to increase on-site parking requirements for single family residential units with greater than four bedrooms</li> <li>d. Revised to increase additional off-street parking space within two hundred feet of unit if dwelling on streets do not allow on-street parking</li> </ul>
31	7-9-70.3(e)	Neutral	Clarification of existing language
32	7-9-70.3(e)	Neutral	Clarification of existing language
33	7-9-70.3(e)	Neutral	Clarification of existing language
34	7-9-70.3(e)	Neutral	New language to clarify the opportunity to utilize existing State law parking standards for senior housing
35	7-9-70.3(e)	Neutral	Addition of recently adopted State law language regarding parking requirements for accessory dwelling units

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36	7-9-70.3(e)	Neutral	Addition of recently adopted State law language regarding parking requirements for accessory dwelling units
37	7-9-70.3(f)(1)	Increase	Application of requirement for guest/unassigned parking spaces to be within 200 feet of dwelling they serve
38	7-9-70.3(f)(2)	Decrease	Addition of “wrap-around” parking regulations
39	7-9-70.3(f)	Neutral	Deletion of duplicative language
40	7-9-70.3(g)	Decrease	Addition of opportunity to request reduction of parking requirements
41	7-9-70.3(g)(3)	Neutral	Clarification of existing language
42	7-9-70.3(g)(5)	Neutral	Clarification of existing language
43	7-9-70.3(g)(6)	Neutral	Clarification of existing language
44	7-9-70.4(b)(5)	Neutral	Clarification of existing language
45	7-9-70.4(f)(5)	Increase	New language requiring the planting of trees inside surface parking areas
46	7-9-70.4(i)(2)	Increase	Addition of requirement for parking facilities to be on the same side of the street as the uses they serve
47	7-9-70.4(i)(2)	Decrease	Revised language to change that measurement if from property line and no longer from “entry doors”
48	7-9-70.6(a)	Decrease	Addition of language to allow “stacking” of cars in storage areas instead of



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63	7-9-70.6(a)	Decrease	Revised language to make the number of parking stalls required based upon the number of model homes instead of all being required to provide 10 stalls
64	7-9-70.7	Neutral	Clarification of existing language
65	7-9-70.8	Increase	Addition of new language regarding loading requirements
66	7-9-70.9	Decrease	Revised language to provide opportunity for any project to submit a request for a reduction in parking requirements
67	7-9-70.10	Neutral	Existing State law
68	7-9-70.11	Neutral	Addition of reference to requirements set forth in Codified Ordinances
69	7-9-72	Neutral	Existing State law











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**Sec. 7-9-61.8. - ~~7-9-127~~ Building line regulations for main buildings and structures.**

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

- (a) Within the ultimate right-of-way, as defined, shown as existing on the Master Plan of Arterial Highways or within the ultimate right-of-way, as defined, of any local or private street.
- (b) Within the setback area established by the designation of a building line on a precise plan of highway alignment or an official zoning district map.
- (c) Within the setback area specified by an applicable building line plan adopted in compliance with the provisions of section ~~7-9-128(a)~~ 61.10(a).
- (d) Within the setback area designated by the applicable district regulations, unless otherwise specified. ~~by the provisions of section 7-9-146.~~
- (e) Within the setback area designated by the Building Lines Chart, section ~~7-9-127.1 61.9~~, unless otherwise specified by the provisions of section ~~7-9-128-61.10~~. Unless otherwise specified by ordinance applicable to the property, the setback distance from any local street and existing arterial highway shall be measured from the ultimate right-of-way line, as defined, of such street or highway.

**Sec. 7-9-61.9. - ~~7-9-127.1~~ Building line designation.**

Where there is no building line or setback area designated on a precise plan of highway alignment or official zoning district map, where there is no applicable adopted building line plan and when the zoning district regulations and the zoning ordinance applicable to a building site do not specify a building line or a minimum setback distance, the building line for each building site shall be as specified by ~~the~~ Table 7-9-61.9: Building Lines Chart and setback illustrations A, B, C, and D as follows:

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<b>TABLE 7-9-61.9 - BUILDING LINES CHART</b>											
<b>SETBACK DISTANCE IN FEET</b>											
<b>(Not Applicable to Accessory Buildings and Structures)</b>											
<b>COMMERCIAL, PROFESSIONAL AND INDUSTRIAL DISTRICTS</b>											
<b>From Ultimate Street R/W Line</b>			<b>From Alley</b>				<b>From Property Line Abutting Agriculture (A), Estate (E) or Residential (R), Districts</b>		<b>From Property Line Abutting Districts Other Than A, R or E Districts</b>		
<b>District</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>	<b>Side</b>	<b>Rear</b>	<b>Side</b>	<b>Rear</b>	
<b>CC</b>	5	5	5	5	5	5	20	20	0	0	
<b>CH</b>	53	10	10	0	0	0	10	10	0	0	
<b>CN</b>	20	20	20	20	20	20	20	20	0	0	
<b>PA</b>	10	10	10	10	0	10	10	10	10*	10	
<b>RP</b>	20	5	25	20	5	25	5	25	5	25	
<b>C1</b>	0	0	0	0	0	5	0	10	0	10	
<b>C2</b>	0	0	0	0	0	5	0	10	0	10	
<b>M1</b>	20	20	20	20	10	10	30 or E	30 or E	20*	10	
<b>SG</b>	20	5	25	0	0	10	5	25	0	10	

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AGRICULTURAL, ESTATES AND RESIDENTIAL DISTRICTS						
District	From Ultimate Street R/W Line			From Property Line Not Abutting Street		On Panhandle Building Site From Any Property Line
	Front	Side	Rear	Side	Rear	Property Line
A1	20	5	25	5	25 or D	10
AR	20	5	25	5	25 or D	10
E1	45	20	50	20	50 or D	10
RHE	10	8	25	8	25 or D	10
E4	30	A	25	A	25 or D	10
R1	20	5	25	5	25 or D	10
R2D	20	5	25	5	25 or D	10
R2	20	5	25	5	25 or D	10
R3	20	B	25	B	25 or D	10
R4	20	5	25	5	25 or D	10
RE	40	A	25	A	25 or D	15
RS	10	10	10	C	0	10

\*Required for one (1) side of building site only.

- Ten percent (10%) of average ultimate net width of building site—Maximum twenty (20) feet.
- Five (5) feet; add one (1) foot for each additional story over two (2).
- Ten (10) feet one (1) side only or ten (10) feet total of two (2) sides combined.
- 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 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.
- If no openings, such as windows, doors and circulation vents, exist on the side of the building facing the property line, this setback may be reduced to fifteen (15) feet.

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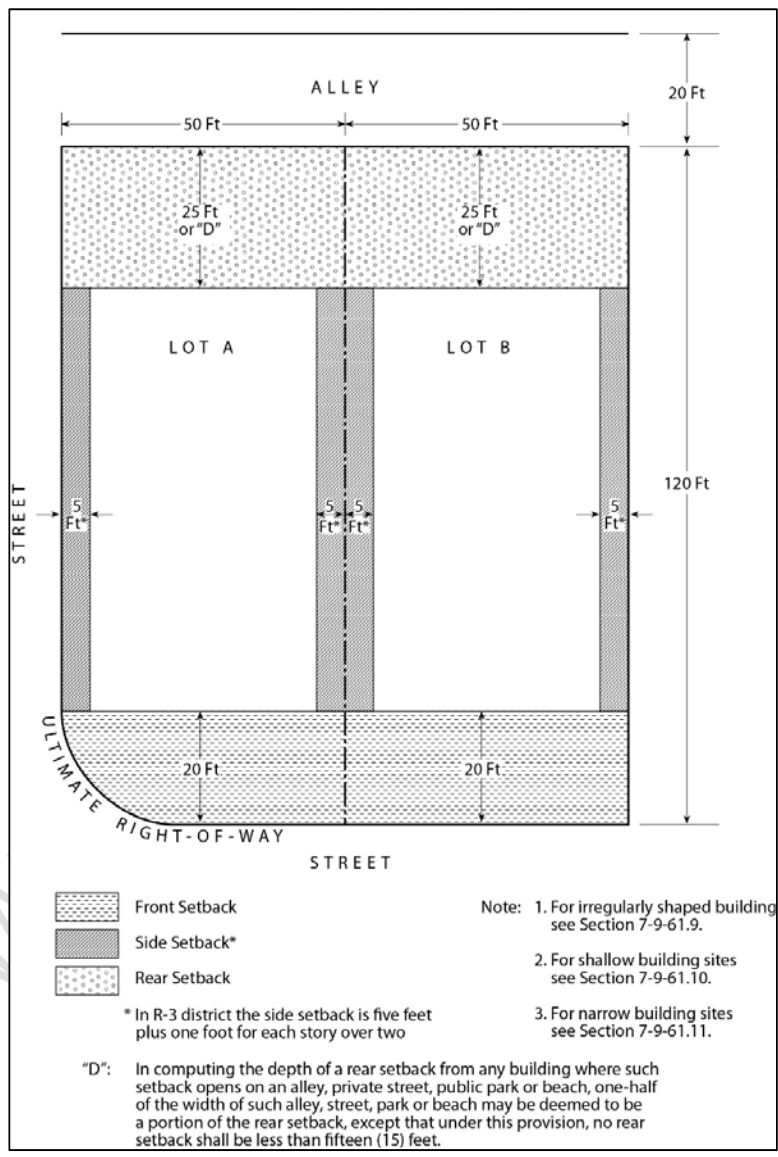
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**ILLUSTRATION A**

**Setbacks for Main Building – AR, A1, R1, R2D, R2, R3, R4**



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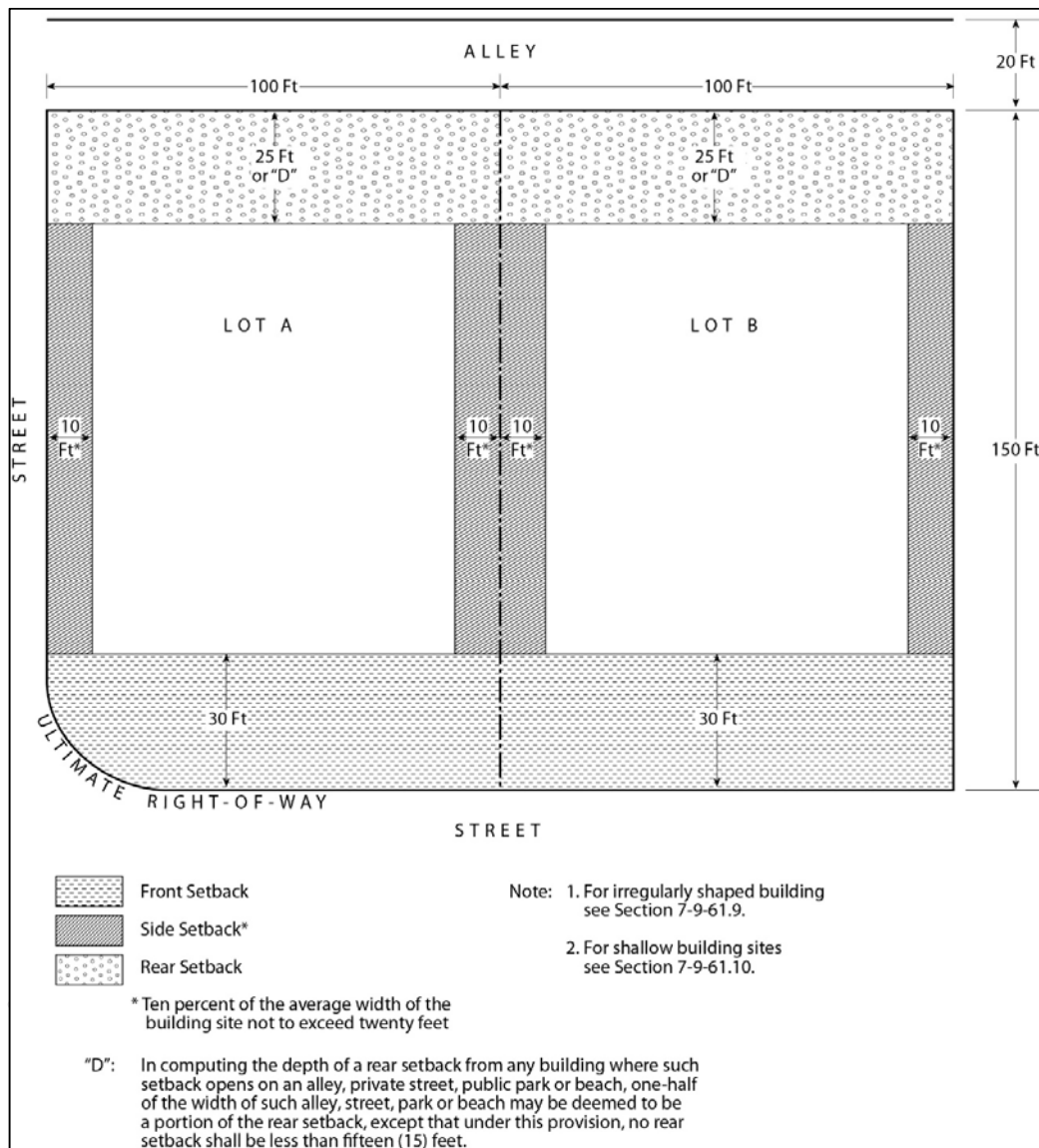
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**ILLUSTRATION B**  
**E-4 Setbacks for Main Building**



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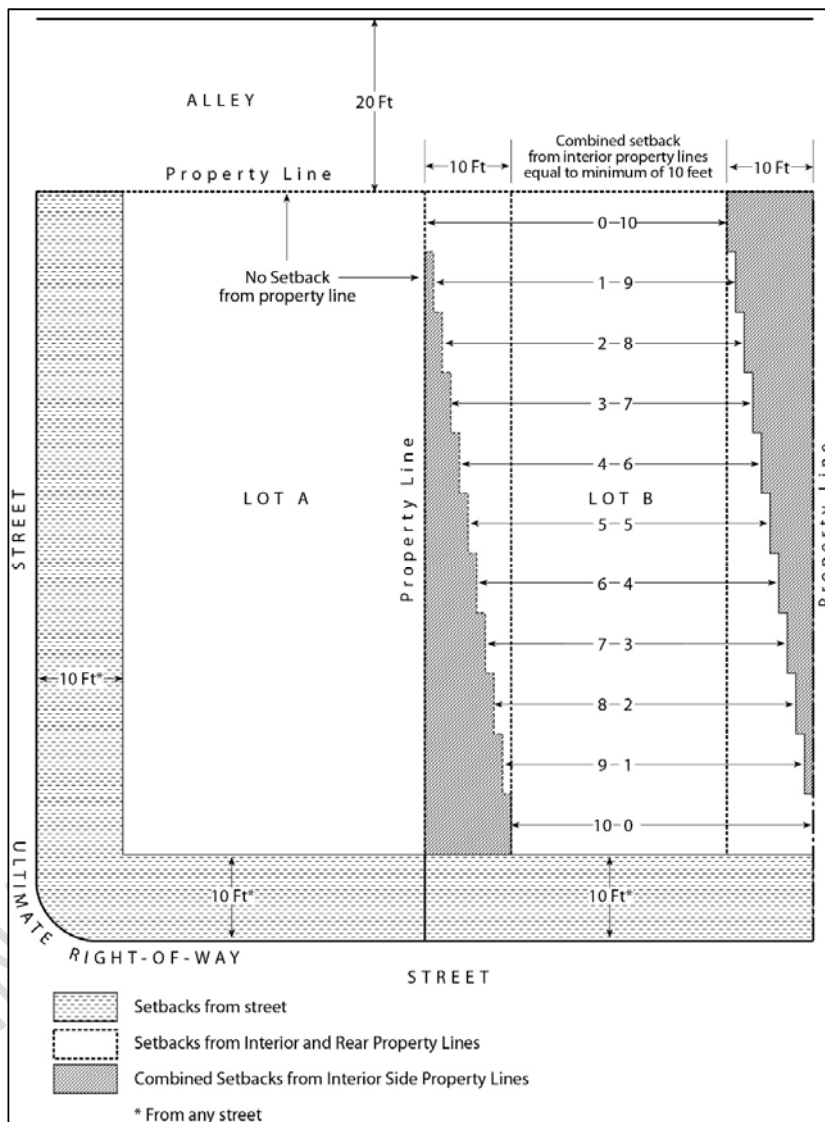
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**ILLUSTRATION C**

**RS Main Building Setbacks (35% coverage)**



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**Sec. 7-9-61.10. - ~~7-9-128~~ Exceptions to building lines chart.**

All references to this section shall include sections ~~7-9-128.1 through 7-9-128.10.~~

The building line for a main building or structure, or attached accessory building may be different than the building line specified by the Table 7-9-61.9: Building Lines Chart when otherwise permitted by the provisions of subsection (a), "Building Line Plan," or by the provisions of this section. ~~s 7-9-128.1 through 7-9-128.10.~~

- (a) Building Line Plan. A building line plan is a precise development plan designating the required setbacks for main buildings and structures, accessory buildings and structures or both, for a designated area, designated area such as that of an entire Tract Map. Unless otherwise required by the provisions of section 7-9-~~127-61.8~~ (a) or (b) a building line plan may be adopted in compliance with the following provisions:
- (1) A building line plan shall be adopted in the same manner as a Use Permit after required public hearings before the Planning Commission per section 7-9-~~150-125.~~
  - (2) A building line plan may be either graphic or descriptive. It shall include sufficient information to clearly designate the real property and the types of structures it is applicable to and how required setbacks are determined.

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

**Sec. 7-9-61.11. - ~~7-9-128.1.~~ Building line on panhandle building site.**

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

**Sec. 7-9-61.12. - ~~7-9-128.2.~~ Building line on shallow building site.**

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

**Sec. 7-9-61.13. - ~~7-9-128.3~~ Building line on narrow building site.**

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

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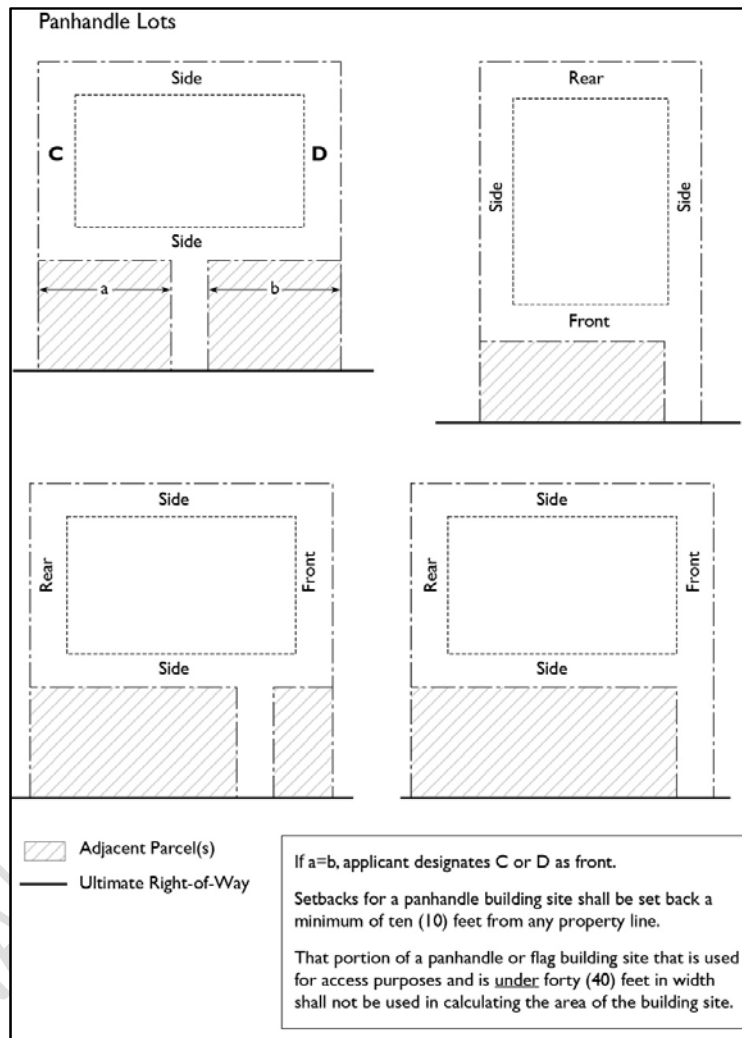
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**ILLUSTRATION D**  
**Panhandle Lot Setbacks**



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**Sec. 7-9-61.14. - ~~7-9-128.4~~ Building line based on average of adjoining sites.**

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

**Sec. 7-9-61.15. - ~~7-9-128.5~~ Building line on building site adjacent to a projecting building on one side.**

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

**Sec. 7-9-61.16. - ~~7-9-128.6~~, decks, porches, terraces, exterior steps and exterior stairways.**

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

**Sec. 7-9-61.17. - ~~7-9-128.7~~ Eaves, cornices, canopies and cantilevered roofs.**

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

**Sec. 7-9-61.18. - ~~7-9-128.8~~ Chimneys, fireplaces, wing walls and other minor architectural features.**

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

~~Sec. 7-9-128.9. — Reserved.~~

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**Sec. 7-9-61.19 - ~~7-9-128.10~~. Setbacks determined by Director.**

Where a building site is situated such that the front, side and rear property lines are not readily determinable, required setbacks shall be as determined by the Director, ~~EMA~~ in compliance with the following criterion:

Required setbacks shall not permit the placement of buildings on the site in a manner that will constitute a grant of special privileges inconsistent with the limitations placed on other properties in the vicinity and incompatible with surrounding uses.

**Sec. 7-9-62. – ~~Reserved 7-9-129 Height limit. Building and structure heights, and exceptions to height limits.~~**

All references to this section shall include sections ~~7-9-129.1 through 7-9-129.6~~. This section shall also apply to planned communities and specific plan areas unless otherwise stated.

The height of any structure shall not exceed the building height limits specified in the district regulations as measured pursuant to section 7-9-24, Rules for Measurement, except as otherwise specified ~~below~~ in this section. None of the following vertical projections shall permit habitable space above the height limit. The total aggregate coverage of projections shall not exceed thirty percent (30%) of a roof's area. This limitation shall not apply to solar energy systems (see section 7-9-72). This section shall also apply to planned communities and specific plan areas unless otherwise stated.

- (a) ~~7-9-129.2.~~ *Radio and television antennas.* Radio and television antennas, not including dish antennas, may exceed the district building height limit by ten (10) feet. However, FCC licensed amateur ham radio operators may have radio towers seventy (70) feet in height measured from ground level. A higher height limit for all radio and television antennas may be provided by a Use Permit approved by the Zoning Administrator per section ~~7-9-150~~ 125.
- (b) ~~7-9-129.3.~~ *Architectural features.*
- (1) Towers, gables, spires, flagpoles, and architectural features not for sleeping or eating quarters or for any commercial purpose may exceed the district building height limit by ten (10) feet subject to a Use Permit approved by the Zoning Administrator per section ~~7-9-150~~ 125.
  - (2) Elevators, appropriately screened mechanical units, and chimneys which do not exceed ten (~~10~~) percent (10%) of the roof area, nor exceed the district height limitation by more than eight (8) feet ~~will~~ shall be permitted.
- (c) ~~7-9-129.4.~~ *Hazards to air navigation.* No person, firm or corporation shall undertake construction or alteration which meets the notice criteria of Subpart B, Title 14, Part 77 of the Code of Federal Regulations, as may be amended, outside the exterior boundaries of any airport (including heliports) available for public use or any military airport, without first notifying the Federal Aviation Administration of the proposed construction, as required by Subpart B of Part 77, as may be amended, and receiving, and presenting to the Director, ~~EMA~~

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Increase

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a determination from the FAA that such construction does not constitute a hazard to air navigation.

- (d) ~~7-9-129.5.~~ *Oil derricks.* Permitted derricks for drilling oil may be one hundred thirty-six (136) feet in height.
- (e) ~~7-9-129.6~~ *Signs.* In no case shall the height of any sign exceed the building height limit specified in the district regulations. See section 7-9-114 of this Zoning Code for additional height requirements for signs.

**Sec. 7-9-63. – ~~Reserved 7-9-125.1 Requires Street and highway. Dedications and, improvements and fees required.~~**

All references to this section shall include sections 7-9-125.1 through 7-9-139. The purpose of these provisions is to clarify and amplify regulations applying throughout the County, and to set forth other regulations applying to certain areas. The General Regulations apply to all zones and all uses of land unless otherwise stated. When two (2) or more conflicting regulations apply to the same property, the more restrictive shall apply. Violation of the General Regulations is a violation of the Zoning Code.

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

- (a) When a building site abuts and enjoys a right of vehicular access to or from a local street or arterial highway, no building permit and no ~~certificate of use and occupancy zoning compliance determination~~ shall be issued for any use except single-family dwellings until the right-of-way for such street or highway, for the length of the frontage of the site actually to be used for such purposes, including parking, has been dedicated to or vested in the County of Orange and such right-of-way has been improved by installation of paving, curbs, gutters, drive approaches, sidewalks where required and street drainage, in compliance with the provisions and specifications of "Standard Plans, Orange County ~~Environmental Management Agency Public Works Department,~~ " as may be amended.
- (b) ~~However,~~ If at the time of development of the property, the Director, ~~EMA~~ finds that the installation of such improvement is physically inappropriate prior to commencement of development of the property, the property owner may enter into an agreement with the County of Orange guaranteeing the installation of such improvements within a specified time; and the County may require a faithful performance bond, a cash deposit, a letter of credit, or such other means that will guarantee the completion of such improvements.

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

- (a) When a building site is located within the boundaries of an adopted master plan of drainage, no building permit and no certificate of use and occupancy shall be issued for any use except single-family dwellings until drainage fees pertaining to the gross area of the site have been

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paid in the amount set forth in the drainage fee schedule adopted by the Board of Supervisors in conjunction with the adoption of such master plan of drainage.

- (b) At the discretion of the Board of Supervisors, dedication of rights-of-way, actual construction, installation or design by a registered civil engineer of improvements described in such adopted master plan of drainage, or any combination thereof, may be accepted in lieu of the payment of the aforementioned fees. The funds derived from the drainage fees imposed shall be utilized only for the construction of local drainage facilities for the disposal of surface and storm waters from the local drainage area in which such building or land is located.

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

~~For purposes of this section, "fences and walls" include~~ The regulations in this section apply to any type of fence, wall, retaining wall, sound attenuation wall, or screen, in addition to the applicable requirements of the district in which it is located except for ~~–Fences and walls shall be in compliance with the following regulations. However, walls that are located within the interior of an approved tract map and are part of the initial development of that tract map shall be exempt from these regulations. Subsections (d) and (e) only shall also apply to hedges, or thick growth of shrubs, bushes or trees. Fence/wall heights shall be measured from the base of the fence/wall to the top on interior or exterior side, whichever is greater. See fence/wall heights illustration, Figure 7-9-64.~~

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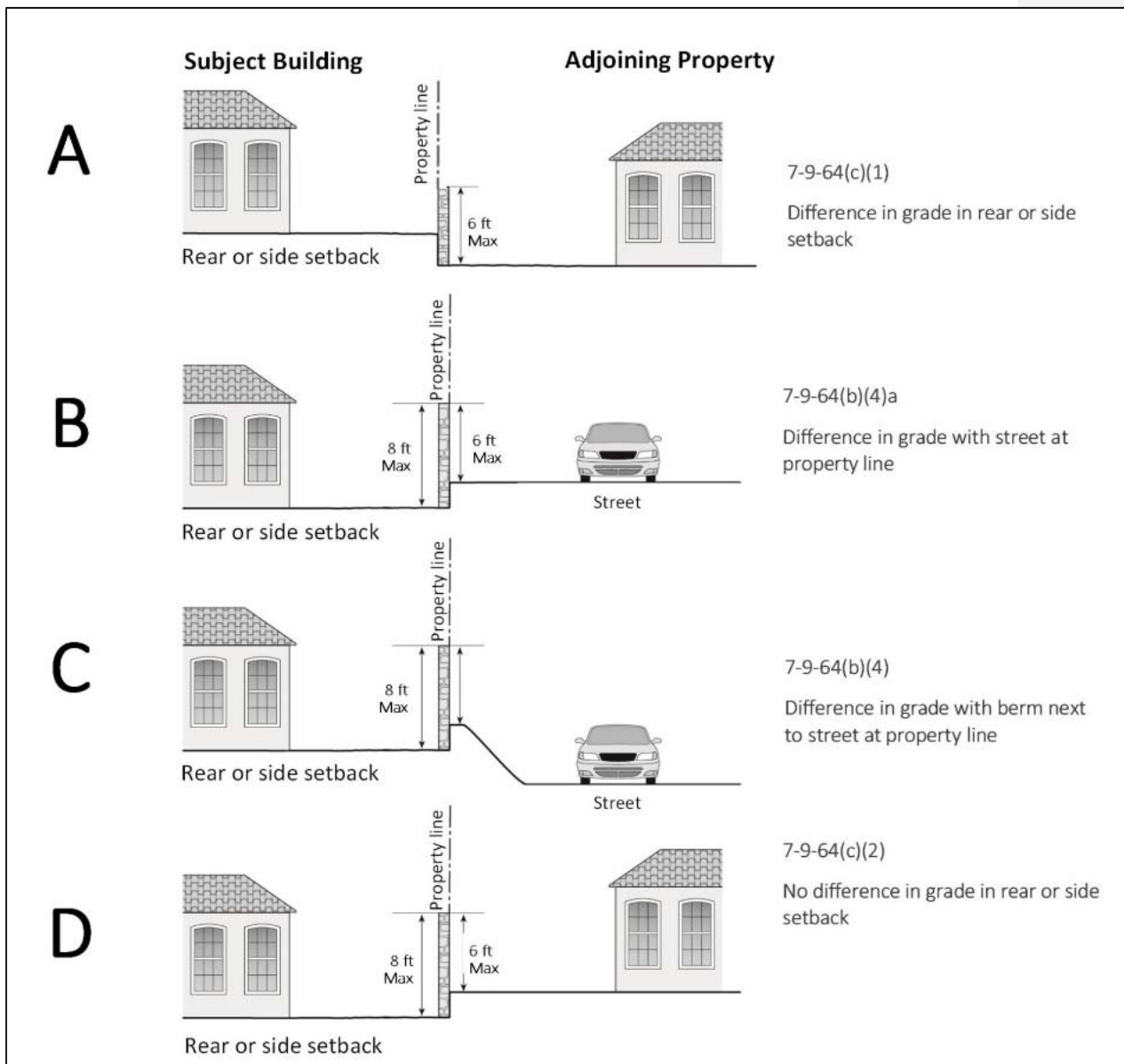
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**FIGURE 7-9-64: PERMITTED FENCE/WALL HEIGHTS**



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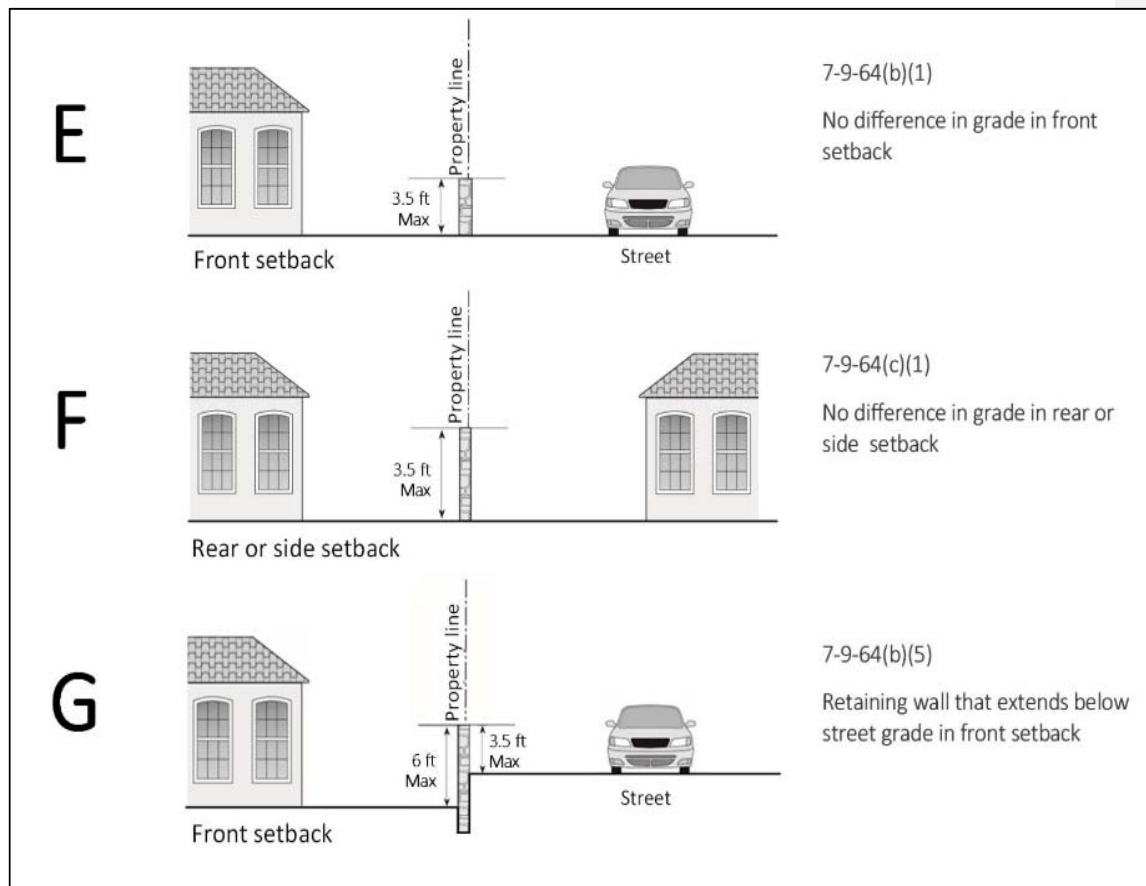
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**FIGURE 7-9-64: PERMITTED FENCE/WALL HEIGHTS**



- (a) *Main building area.* In the area where a main building may be constructed, the district building height regulations apply.
- (b) *Setback areas bordering streets.*
- (1) The maximum height of solid fencing shall be three and one-half (3½) feet within any required front setback area up to a maximum depth of twenty (20) feet. ~~and~~
  - (2) The maximum height of open fencing and pilasters shall be a maximum of five (5) feet within any required front setback area.
  - (3) Fences located within a front setback shall not use chain-link fencing.

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Decrease

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

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 Article 2. Subarticle 4 -Site Development Regulations  
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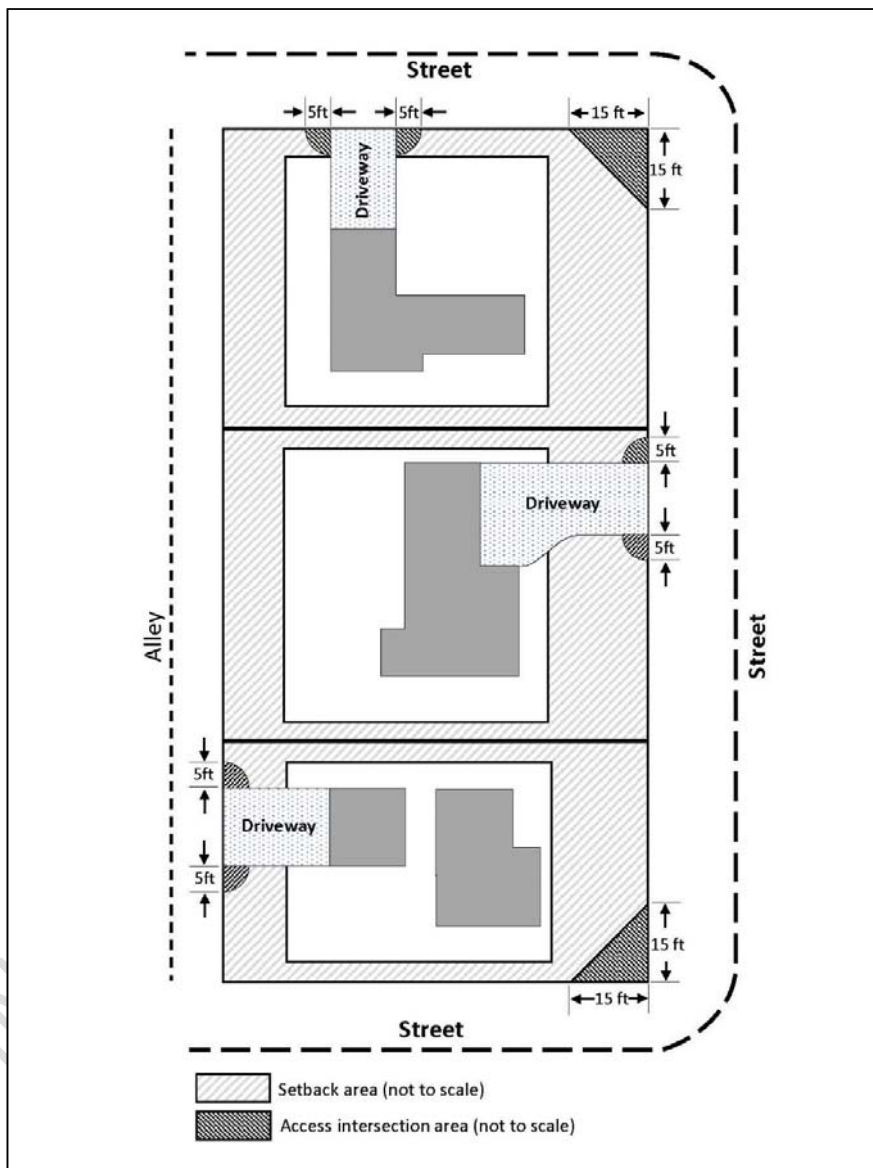
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**FIGURE 7-9-64.2 – ACCESS/STREET INTERSECTION AREAS**



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- (f) Modifications permitted: Exceptions and modifications to the fence and wall height provisions may be permitted subject to the approval of Site Development Permit by the Director for fences/walls eight (8) feet or less, or approval of a Use Permit for fences/walls greater than eight (8) feet by the Zoning Administrator per section 7-9-~~150-125~~. In addition to the findings required by section 7-9-~~150-125~~, the following findings shall also be made prior to the approval of a fence or wall height Use Permit application:

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

**Sec. 7-9-65. - ~~E1 “Estates District” 7-9-137.8~~ Elevated driveway on steep topography.**

Except as otherwise limited by the provisions of section 7-9-~~137-116~~, where the ground surface slopes down from the street providing vehicular access to a building site, an elevated driveway connecting the dwelling and garage with the street may be installed within the setback area in compliance with the following provisions:

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

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

**Sec. 7-9-66. - ~~RHE “Residential Hillside Estates” District 7-9-139.~~ Grading and excavation.**

- (a) Grading and excavation regulations adopted in a planned community text or a specific plan shall supersede this section.
- (b) A Site Development Permit issued pursuant to section 7-9-~~150-125~~ shall be required if any grading operation involves ~~the extraction or relocation of~~:
  - (1) More than five thousand (5,000) cubic yards on a building site; or
  - (2) More than five hundred (500) cubic yards on a slope greater than thirty ~~(30)~~-percent (30%).
- (c) A Site Development Permit shall not be required under the following conditions:

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- (1) Grading conducted in compliance with the following permits/approvals which authorize grading:
  - a. Sand and gravel site permit.
  - b. Tentative tract map.
  - c. Area Plan.
  - d. Use Permit.
  - e. Coastal Development Permit.
- (2) Emergency grading to correct recent acts of nature in order to comply with the requirements of the Grading Code and Fire Code for public safety purposes and not related to new development.
- (d) For purposes of this section, the total number of cubic yards shall be the larger of cut (including any export) or fill (including any import).
- (e) No zone changes or discretionary permit per Zoning Code section 7-9-~~150~~ 125 shall be approved for property on which a violation of the provisions of the Grading and Excavation Code exists, including work performed not in accordance with approved grading plans, unless conditioned to require such violation to be corrected or mitigated to the satisfaction of the Building Official prior to the issuance of any building permits.

**Sec. 7-9-67. - E4 “Small Estates” District – Lighting and illumination.**

All lighting shall be designed and located so as to confine direct rays to the premises.

**Sec. 7-9-68. -**

**esidential Estates” District 7-9-133 Landscape and irrigation code.**

This section and sections 7-9-~~133.1~~ 68.1 through 7-9-~~133.6~~ 68.6 shall apply to all planting, irrigation, and landscape-related improvements including landscape projects as defined, within the unincorporated area of the County of Orange. These sections may be referred to collectively as the "Landscape Irrigation Code."

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

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

- (a) Promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible.

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- (b) Establish a structure for planning, designing, installing, and maintaining and managing water efficient landscapes in new construction and rehabilitated projects.
- (c) Establish provisions for water management practices and water waste prevention for existing landscapes.
- (d) Use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount.

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

- (a) These provisions apply to all of the following landscape projects in all zoning districts:
  - (1) New landscape projects with an aggregate landscape area equal to or greater than five hundred (500) square feet, requiring a building or landscape permit, plan check or design review;
  - (2) Rehabilitated landscape projects with an aggregate landscaped area equal to or greater than two thousand five hundred (2,500) square feet, requiring a building or landscape permit, plan check or design review;
  - (3) New or rehabilitated landscape projects with an aggregate landscape area of two thousand five hundred (2,500) square feet or less may comply with the performance requirements of this section or conform to the prescriptive measures contained in Appendix A of the Guidelines;
  - (4) New or rehabilitated projects using treated or untreated graywater or rainwater capture on site, any lot or parcels within the project that has less than two thousand five hundred (2,500) square feet of landscape area and meets the lot or parcel's landscape water requirement (Estimated Total Water Use) entirely with the treated or untreated graywater or though stored rainwater capture on site is subject only to Appendix A of the Guidelines.
- (b) Section 7-9-~~68.5(b)~~133.5(b) shall apply to:
  - (1) All landscaped areas, whether installed prior to or after January 1, 2010.
  - (2) All landscaped areas installed after the effective date of this section to which section 7-9-~~68.5(a)~~133.5(a) is applicable.
- (c) These provisions do not apply to:
  - (1) Registered local, state, or federal historical sites;
  - (2) Ecological restoration projects that do not require a permanent irrigation system.
  - (3) Mined-land reclamation projects that do not require a permanent irrigation system.
  - (4) Plant collections, as part of botanical gardens and arboretums open to the public.

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

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

*Aggregate landscape areas* pertain to the areas undergoing development as one (1) project or for production home neighborhoods or other situations where multiple parcels are undergoing development as one (1) project, but ~~will~~ eventually be individually owned.

*Applied water* means the portion of water supplied by the irrigation system to the landscape.

*Budget-based tiered-rate structure* means tiered or block rates for irrigation accounts charged by the retail water agency in which the block definition for each customer is derived from lot size or irrigated area and the evapotranspiration requirements of landscaping.

*Community aesthetics evaluation* means while not subject to a permit, plan check or design review, the community aesthetics evaluation may be performed to ensure the aesthetic standards of the community and irrigation efficiency intent is maintained.

*Ecological restoration project* means a project where the site is intentionally altered to

*Estimated applied water use* means the average annual total amount of water estimated to be necessary to keep plants in a healthy state, calculated as provided in the Guidelines. It is based on the reference evapotranspiration rate, the size of the landscape area, plant water use factors, and the relative irrigation efficiency of the irrigation system.

*ET adjustment factor* or "ETAF" is equal to the plant factor divided by the irrigation efficiency factor for a landscape project, as described in the Guidelines. The ETAF is calculated in the context of local reference evapotranspiration, using site-specific plant factors and irrigation efficiency factors that influence the amount of water that needs to be applied to the specific landscaped area.

A combined plant mix with a site-wide average plant factor of 0.5 (indicating a moderate water need) and average irrigation efficiency of 0.71 produces an ET adjustment factor of  $(0.7) = (0.5/0.71)$ , which is the standard of water use efficiency generally required by this Landscape Irrigation Code and the Guidelines, except that the ETAF for a special landscape area shall not exceed 1.0.

*Guidelines* refers to the Guidelines for Implementation of the Landscape Irrigation Code, as adopted by the Board of Supervisors of the County of Orange, which describes procedures, calculations, and requirements for landscape projects subject to this Landscape Irrigation Code.

*Hardscapes* means any durable material or feature (pervious and non-pervious) installed in or around a landscaped area, such as pavements or walls. Pools and other water features are considered part of the landscaped area and not considered hardscapes for purposes of this Landscape Irrigation Code.

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*Irrigation efficiency* means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The irrigation efficiency for purposes of this Landscape Irrigation Code is 0.75 for overhead spray devices and 0.81 for drip systems.

*Landscaped area* means all the planting areas, turf areas, and water features in a landscape design plan subject to the maximum applied water allowance and estimated applied water use calculations. The landscaped area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

*Landscape contractor* means a person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

*Landscape documentation package* means the documents required to be provided to the County for review and approval of landscape design projects, as described in the Guidelines and section 7-9-~~68.4~~ 133.4.

*Landscape project* means total area of landscape in a project, as provided in the definition of "landscaped area," meeting the requirements of section 7-9-~~68.2~~ 132.2.

*Local agency* means a city or county, including a charter city or charter county, that is authorized to implement, administer, and/or enforce any of the provisions of the Landscape Irrigation Code on behalf of the County. The local agency may be responsible for the enforcement or delegation of enforcement of this Landscape Irrigation Code including, but not limited to, design review, plan check, issuance of permits, and inspection of a landscape project.

*Local water purveyor* means any entity, including a public agency, city, county, or private water company that provides retail water service.

*Maximum applied water allowance* or "MAWA" means the upper limit of annual applied water for the established landscaped area as specified in Section 2.2 of the Guidelines. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of the landscaped area. The Estimated Applied Water Use shall not exceed the Maximum Applied Water Allowance.  $MAWA = (ET_o) (0.62) ((ETAF \times LA) + ((1-ETAF) \times SLA))$

*Mined-land reclamation projects* means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

*New construction* means, for the purposes of this Landscape Irrigation Code, a new building with a landscape or other new landscape such as a park, playground, or greenbelt without an associated building.

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*Non-pervious* means any surface or natural material that does not allow for the passage of water through the material and into the underlying soil.

*Pervious* means any surface or material that allows the passage of water through the material and into the underlying soil.

*Permit* means an authorizing document issued by local agencies for new construction or rehabilitated landscape.

*Plant factor* or *plant water use factor* is a factor, when multiplied by ETo, that estimates the amount of water needed by plants. For purposes of this Landscape Irrigation Code, the plant factor range for very low water use plants is 0 to 0.1; the plant factor range for low water use plants is 0 to 0.3; the plant factor range for moderate water use plants is 0.4 to 0.6; and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this Landscape Irrigation Code are derived from the publication "Water Use Classification of Landscape Species." Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources (DWR).

*Recycled water* or *reclaimed water* means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

*Reference evapotranspiration* or "ETo" means a standard measurement of environmental parameters which affect the water use of plants. ETo is given expressed in inches per day, month, or year as represented in Appendix A of the Guidelines, and is an estimate of the evapotranspiration of a large field of four-to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowances.

*Rehabilitated landscape* means any re-landscaping project that meets the applicability criteria of section ~~7-9-133.2(a)~~ 68.2(a), where the modified landscape area is greater than two thousand five hundred (2,500) square feet.

*Smart irrigation controller* means an automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data with non-volatile memory shall be required for irrigation scheduling in all irrigation systems, recommending U.S. EPA WaterSense labeled devices as applicable.

*Special landscape area* means an area of the landscape dedicated solely to edible plants such as orchards and vegetable gardens, areas irrigated with recycled water, water features using recycled water, and recreational areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

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*Turf* means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

*Valve* means a device used to control the flow of water in an irrigation system.

*Water feature* means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscaped area. Constructed wetlands used for on-site wastewater treatment, habitat protection or storm water best management practices that are not irrigated and used solely for water treatment or storm water retention are not water features and, therefore, are not subject to the water budget.

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

- (a) Prior to installation, a landscape documentation package shall be submitted to the County for review and approval of all landscape projects subject to the provisions of this Landscape Irrigation Code. Any landscape documentation package submitted to the County shall comply with the provisions of the Guidelines.
- (b) The landscape documentation package shall include a certification by a professional appropriately licensed in the State of California stating that the landscape design and water use calculations have been prepared by or under the supervision of the licensed professional and are certified to be in compliance with the provisions of this Landscape Irrigation Code and the Guidelines.
- (c) As part of the landscape documentation package, landscape and irrigation system plans shall be prepared and certified by a professional appropriately licensed in the State of California prior to the issuance of building permits and the application for a landscape documentation package as defined in sections 7-9-68.3 ~~133.3~~ and this section 7-9-68.4 ~~133.4~~. Landscape and irrigation plans shall be submitted to the County for review and approval with appropriate water use calculations and include:
  - (1) *Project description*. A summary of the project, property, provisions for water conservation technologies, plant use and groupings, the use of recycled water (if any), the capture and retention of stormwater onsite, and any special issues that the plan check reviewer would need to be aware of;
  - (2) *Water efficient landscape worksheet*. A report of analysis and calculations for establishing an estimated annual water use budget that shall not exceed the maximum applied water allowance. The MAWA and EAWU shall be calculated based

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on completing the water efficient landscape worksheets (in accordance with the Guidelines, Section 2.2 Water Efficient Landscape Calculations and Alternatives).

- (3) *Erosion and sediment control plans.* To be submitted, as appropriate, as a grading permit application of soil assessment and management to prevent excessive erosion and runoff, as required under Section 7-1-805 of the County of Orange Grading and Excavation Code and Grading Manual;
  - (4) *Landscape design plans.* To be submitted per County of Orange requirements and include fire prevention (defensible space and fuel modification) requirements with approval(s) from the local fire authority;
  - (5) *Irrigation design plans.* To be submitted per County of Orange requirements and include provisions for the use of automatic irrigation systems and irrigation schedules based on climatic conditions, specific terrains, soil types, and other environmental conditions while minimizing irrigation overspray and runoff;
  - (6) *Grading plans.* To be submitted, as appropriate, as a grading permit application when required under Section 7-1-805 of the County of Orange Grading and Excavation Code and Grading Manual.
- (d) Verification of compliance of the landscape installation with the approved plans shall be obtained through a certificate of use and occupancy or permit final process, as provided below and in the Guidelines.
- (e) Prior to final inspection, closure of a building or grading permit, and issuance of a certificate of use and occupancy, the following ~~must~~ shall be submitted to demonstrate compliance with section 7-9-~~68.4~~ 133.4:
- (1) Certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved landscape documentation package.
  - (2) Documentation of the irrigation scheduling parameters used to set the controller(s).
  - (3) Documentation of the specified landscape and irrigation maintenance schedule.
  - (4) Provisions for landscape maintenance practices that foster long-term landscape water conservation.
  - (5) An irrigation system audit report.

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

- (a) For applicable landscape installation or rehabilitation projects subject to Section 7-9-~~133.2~~ 68.2 of this Landscape Irrigation Code, the estimated applied water use allowed for the landscaped area shall not exceed the MAWA calculated using an ET adjustment factor of 0.55, except for special landscaped areas where the MAWA is calculated using an ET adjustment

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factor of 1.0; or the design of the landscaped area shall otherwise be shown to be equivalently water-efficient in a manner acceptable to the County; as provided in the Guidelines.

- (b) Irrigation of all landscaped areas shall be conducted in a manner conforming to the rules and requirements, and shall be subject to penalties and incentives for water conservation and water waste prevention, as determined and implemented by the local water purveyor, or as mutually agreed by local water purveyor and the County.
- (c) These landscape water use standards shall not apply to registered local, state, or federal historical sites; ecological restoration projects that do not require a permanent irrigation system; mined-land reclamation projects that do not require a permanent irrigation system; or plant collections, as part of botanical gardens and arboretums open to the public.
- (d) Only Sections 2.8 and 2.9 of the Guidelines shall apply to new landscape installations or landscape rehabilitation projects at cemeteries.
- (e) Existing landscapes installed before January 1, 2010 that exceed one (1) acre shall comply with the requirements of their retail water purveyor to meet the landscape Maximum Applied Water Allowance.

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

- (a) Detailed guidelines for the application and implementation of this Landscape Irrigation Code, including technical compliance and calculations are set forth in appendix A to the Landscape Irrigation Code, entitled, "Guidelines for Implementation of the Orange County of Orange Landscape Irrigation Code" which is incorporated by reference and made a part of this Landscape Irrigation Code.
- (b) The authority to implement and modify these guidelines as appropriate is delegated to the Planning Commission. Any such action of the Planning Commission may be appealed to the Board of Supervisors as provided in section 7-9-150 125 of this Zoning Code.
- (c) The guidelines are complementary to the regulations of the Orange County Zoning Code. If an issue arises between the guidelines and the Zoning Code that is not sufficiently clear, the Zoning Code shall prevail.

**Sec. 7-9-69. - Tree Preservation Regulations.**

Sections 7-9-69 through 7-9-69.6 shall apply to all Protected Trees on parcels that are equal or greater than twenty thousand (20,000) square feet within the Silverado-Modjeska Specific Plan area of the County of Orange. Sections 7-9-69.1 through 7-9-69.6 shall be referred to collectively as the "Tree Preservation Regulations" or "Regulations."

**Sec. 7-9-69.1. - Purpose**

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

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

#### **Sec. 7-9-69.2. - Scope**

- (a) The Tree Preservation Regulations shall apply to the following categories of Protected Trees:
  - (1) Tree-form native oaks with a minimum diameter at breast height (DBH) of five (5) inches for single-trunk individuals and eight (8) inches total for multi-trunk individuals. Tree-form native oak species commonly found in the County of Orange include:
    - a. Coast Live Oak (*Quercus agrifolia* var. *agrifolia*).
    - b. California Black Oak (*Quercus kelloggii*).
    - c. Engelmann Oak (*Quercus engelmannii*).

Less common native oaks are also protected, including but not limited to the following tree-form species and hybrids:

    - 1. Canyon Live Oak or Golden Cup Oak (*Quercus chrysolepis*).
    - 2. Valley Oak (*Quercus lobata*).
    - 3. Oracle Oak (*Quercus Xmorehus*).
  - (2) Shrub-form native oaks having a minimum DBH of five (5) inches for single-trunk individuals and eight (8) inches for multi-trunk individuals. Shrub-form native oak species commonly found in the County of Orange include:
    - a. California Scrub Oak (*Quercus berberidifolia*).
    - b. Nuttall's Scrub Oak (*Quercus dumosa*).
    - c. Interior Live Oak (*Quercus wislizeni* var. *frutescens*).

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Additional less common native oaks are also protected including but not limited to the following shrub-form species and hybrids:

- a. Torrey’s Oak (*Quercus Xacutidens*).
  - b. Muller’s Oak (*Quercus cornelius-mulleri*).
- (3) Southern California Black Walnut (*Juglans californica*) with a minimum DBH of five (5) inches for a single-trunk individuals and twelve (12) inches total for multi-trunk individuals.
  - (4) California Sycamore, or Western Sycamore (*Platanus racemosa*) with a minimum DBH of five (5) inches for single-trunk individuals and twelve (12) inches total for multi-trunk individuals.
  - (5) Tecate Cypress (*Hesperocyparis forbesii*) is protected regardless of size.
  - (6) Black Cottonwood (*Populus trichocarpa*) with a minimum DBH of five (5) inches for single-trunk individuals and twelve (12) inches total for multi-trunk individuals.
  - (7) Fremont Cottonwood (*Populus fremontii*) with a minimum DBH of five (5) inches for single-trunk individuals and twelve (12) inches total for multi-trunk individuals.
  - (8) Willow trees having a minimum DBH of five (5) inches for single-trunk individuals and twelve (12) inches for multi-trunk individuals. Willow species found in the County of Orange include:
    - a. Black Willow (*Salix gooddingii*).
    - b. Red Willow (*Salix laevigata*).
    - c. Pacific Willow or Yellow Willow (*Salix lucida* var. *lasiandra*).
    - d. Arroyo Willow (*Salix lasiolepis*).
  - (9) White Alder (*Alnus rhombifolia*) with a minimum DBH of five (5) inches for single-trunk individuals and twelve (12) inches total for multi-trunk individuals.
- (b) In case of a conflict between the provisions of the Silverado-Modjeska Specific Plan and the Zoning Code, the most stringent provisions shall apply.
  - (c) These provisions shall apply to all existing Protected Trees and any Replacement Trees installed after the effective date of the Tree Preservation Regulations.
  - (d) These provisions do not apply to:
    - (1) Protected Trees owned, operated and/or maintained by the County of Orange and Orange County Flood Control District.

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 Article 2. Subarticle 4 -Site Development Regulations  
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- (2) Protected Trees regulated by Orange County Fire Authority’s Fuel Modification Plan and Maintenance Program and other defensible space requirements pursuant to Public Resources Code 4291 and California Code of Regulations, Title 14, Division 1.5, as may be amended.
- (3) Protected Trees grown or held for sale within a licensed nursery facility, tree farm or commercial orchard.
- (4) Cases of emergency caused by damage from flood, fire, wind, lightning, or other natural cause which would require removal of a Protected Tree, including any tree cutting to remove an immediate hazard to human life, personal property, or fire access.
- (5) Cases of non-emergency caused by a Protected Tree being in a hazardous or dangerous condition due to natural causes (as verified after visual inspection by an Arborist), which poses a threat to human life, personal property or fire access, and it is determined that there are no feasible options other than complete removal.
- (6) Protected Trees with an infestation, pathogen, or disease after inspection by an Arborist or Academic Arboricultural Expert, which poses a threat to human life, personal property or fire access or if the presence of a diseased tree is likely to cause the tree to fail and is recommended for removal to reduce the risk or spread of the pest and/or pathogen.
- (7) Protected Trees maintained by a public utility or any tree on County-owned property for installation of utilities and public facilities, and maintenance of property to allow a public utility to fulfill its obligation to provide service to the public.
- (8) Protected Trees that are within an environmentally sensitive area as defined by the California Coastal Act Section 30107.5, as may be amended, or included as part of a habitat preserve that shall be subject to a Habitat Management Plan or other management document for that area.
- (9) Native trees that were installed for landscaping purposes in which property owner can provide evidence of purchase (e.g., nursery receipt) and confirm the tree has not been planted as a Replacement Tree.

### **Sec. 7-9-69.3. – Definitions.**

The definitions listed below are to be exclusively applied to this section. In the event of a conflict between the definitions in this section, 7-9-134, and 7-9-135, the definitions of this section will prevail.

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

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 Article 2. Subarticle 4 -Site Development Regulations  
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- 
- (a) “Academic Arboricultural Expert” is defined as an academic specialist in the field of arboriculture or a pest management specialist employed by an accredited university or a plant pathologist or entomologist.
- (b) “Arborist” means a person who is currently certified by the International Society of Arboriculture as an expert on the care of trees or who is a member of the American Society of Consulting Arborists.
- (c) “Biological Effectiveness” refers to the appropriateness of the property to support a Protected Tree that includes, but is not limited to, the following: soil conditions, water availability, sun exposure, and space limitations.
- (d) “Damage” refers to any act causing damage, injury, or death to a Protected Tree, or causing a Protected Tree to be uprooted or removed from the ground by any means, including, but not limited to, cutting, grading, changing hydrology during grading, construction, and/or erosion, burning, applying toxic substances, operating equipment or machinery, or by paving, changing the natural grade, trenching, or excavating within the protected root zone of a Protected Tree. Damage or mortality by natural causes, such as infestation, as verified by an Arborist shall not be considered damage necessitating tree replacement.
- (e) “Diameter at Breast Height (DBH)” refers to the tree diameter of the perimeter tree trunk at four and one-half (4.5) feet, or fifty-four (54) inches above natural grade level of the soil. The diameter (D) may be calculated by using the following formula: circumference (C) at four and one-half (4.5) feet divided by pi, a value of 3.142, [D=C x 1/π]. To calculate the DBH of multi-trunk trees or for measuring trees on slopes, consult the Tree Manual.
- (f) “Drip Line” is defined by the outermost edge of a tree canopy where water drips from and onto the ground.
- (g) “Emergency Situation” refers to any situation caused by damage from flood, fire, wind, lightning, or other natural cause where there is an immediate hazard to human life, personal property and/or fire access.
- (h) “Encroachment” shall mean any intrusion into the Tree Protection Zone of a Protected Tree including, but not limited to, grading, excavation, trenching, parking of vehicles, storage of materials or equipment, or the construction of structures or other improvements.
- (i) “Fuel Modification Plan and Maintenance Program” is an Orange County Fire Authority guidance document that provides information on how fuel modification zones are to be designed, installed, and maintained in order to meet safety

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 Article 2. Subarticle 4 -Site Development Regulations  
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- requirements of local fire codes. The zones provide an integral level of protection for structures from wildfires by slowing the speed and reducing the intensity of fire.
- (j) “Habitat Management Plan” refers to a document or decision-making process intended to guide the management, protection, and restoration of wildlife habitat while integrating goals and objectives with other pertinent landscape scale or specific plans.
- (k) “Native Tree” shall mean a tree of native origin including any indigenous tree from California which is a member of a species present at a given site prior to European contact. Native Trees may include planted trees and naturally occurring trees of native origin.
- (l) “Protected Tree” means any individual native tree with a minimum Diameter at Breast Height (DBH) as defined in section 7-9-69.2.
- (m) “Removal” shall mean the uprooting, cutting, or severing of the main trunk, or major branches, or major tree roots of a Protected Tree or any act which causes, or may be reasonably expected to cause a tree to die.
- (n) “Replacement Tree” shall mean any tree installed either on-site or off-site as part of the required replacement for removal of a Protected Tree. Replacement Trees shall consist exclusively of Protected Trees of the same or similarly appropriate native species and shall be in the ratio ranging from 1:1 to 15:1 based on DBH of the impacted oak and sycamore trees, and 1:1 to 5:1 for other protected tree species according to the Tree Replacement Scale and shall be installed a minimum of thirty (30) feet apart on-center. Replacement Trees shall be a minimum size equal to that of a fifteen (15) gallon size specimen tree, or a smaller size if supported by the Tree Preservation Management Plan. For the purposes of the Tree Preservation Regulations, all Replacement Trees are considered Protected Trees regardless of size and shall be replaced if mortality occurs throughout the entire Replacement Tree Monitoring Period.
- (o) “Replacement Tree Monitoring Period” mean the term of protection starting with the date the Tree Replacement Installation Certification is approved and shall apply to a period of ten (10) years for protected oak species and five (5) years for all other protected species.
- (p) “Temporary Stockpiling” refers to the holding of a Protected Tree in a temporary nursery location after it has been removed from its original location, prior to the transplanting of the tree into a different location either elsewhere on the property

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- or at an off-site location. Protected Trees that are stockpiled for transplanting shall be subject to the same Replacement Tree Monitoring Period as a Replacement tree.
- (q) “Tree Manual” is a guidance document with planting and maintenance specifications aimed to keep plants in a healthy state. Copies of the Tree Manual shall be on file at OC Public Works, in the office of the County Clerk, and on the County’s website. Printed copies shall be made available to the public at a fee sufficient to recover costs. The Tree Manual may be amended by Director or designee providing such amendments are consistent with the purpose and intent of the Tree Preservation Regulations. In the event of any conflict between the Tree Manual and the Tree Preservation Regulations, the provisions of the Tree Preservation Regulations shall govern.
- (r) “Tree Preservation Permit” shall be required as part of the landscape permit or a stand-alone Tree Preservation Permit process pursuant to section 7-9-69.4.
- (s) “Tree Preservation Management Plan” is a report prepared by an Arborist or a Landscape Plan prepared by a licensed landscape architect showing the location of the Protected Tree(s) relative to the proposed project, including Global Positioning System (GPS) coordinates (i.e., latitude/longitude), or comparable location identifier (e.g., distance from a permanent structure, current aerial photograph of the tree with measurements), and a description of the tree(s) including species name, health, and DBH of tree(s) to be impacted. The plan shall include applicable recommendations for Replacement Trees to be planted on-site and/or off-site. The plan shall also include how the property owner shall ensure continued compliance with the Tree Preservation Regulations.
- (t) “Tree Replacement Scale” represents the minimum number of Replacement Trees required as based on the DBH of the original tree.

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Native Oaks (*Quercus* spp.) and California Sycamore (*Platanus racemosa*)

<u>DBH of Protected Tree</u>	<u>Minimum Number of Replacement Trees</u>
<u>5 to 11</u>	<u>5</u>
<u>12 to 17</u>	<u>8</u>
<u>18 to 23</u>	<u>10</u>
<u>24 to 35</u>	<u>12</u>
<u>Above 35</u>	<u>15</u>

Other Protected Tree Species

<u>DBH of Protected Tree</u>	<u>Minimum Number of Replacement Trees</u>
<u>5 to 35</u>	<u>1</u>
<u>Above 35</u>	<u>5</u>

“Tree Protection Zone” is defined as that area within the drip line of a Protected Tree and extending to a point five (5) feet outside the greatest extent of the drip line, or fifteen (15) feet from the trunk of a tree, whichever distance is greater.

**Sec. 7-9-69.4. - Tree Preservation Permit.**

- (a) A Tree Preservation Permit application shall be required and submitted to OC Development Services prior to removal of any Protected Tree or obtained prior to any encroachment into the Tree Protection Zone. The application, as a whole, shall be reviewed and approved by the Director or designee.
- (1) Damage or injury of Protected Trees is prohibited. Should the conditions under the Tree Protection Regulations be violated, the Protected Tree shall be declared “Damaged” and subject to replacement.
- (2) No person shall:
- a. Damage, injure, cut, carve, uproot, remove, encroach into or develop within the Tree Protection Zone of any Protected Tree or damage the roots of any Protected Tree.

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- b. Cause any gas, liquid, solid or other harmful substance to come in contact with any Protected Tree.
  - c. Set fire or cause any fire to burn when such fire or heat thereof shall injure any portion of the Protected Tree.
  - d. Park vehicles or equipment or operate machinery associated with any construction or development activity within the Tree Protection Zone of a Protected Tree.
  - e. Permanently attach any electrical installation to a Protected Tree.
  - f. Attach any wire, advertising posters, nails, or other contrivance to a Protected Tree.
- (b) The Tree Preservation Permit application shall include:
- (1) An explanation as to why the Protected Tree’s removal and/or encroachment into the Tree Protection Zone is necessary.
  - (2) An explanation as to why tree removal and/or encroachment into the Tree Protection Zone is more desirable than alternative project designs.
  - (3) Landscape plans that show Protected Trees shall be shielded from damage during construction by a protective fence a minimum of four (4) feet in height, which shall enclose the entire drip line area and associated Tree Protection Zone on the construction site, five (5) feet outside the greatest extent of the drip line, or fifteen (15) feet from the trunk of a tree, whichever distance is greater. Such barriers shall be installed prior to the commencement of any development on the site and shall remain in place throughout the construction period. Proper installation of fencing material shall be conducted in accordance with the Tree Manual. If landscape plans illustrate that encroachment occurs into the Tree Protection Zone, but does not damage the tree as verified by an Arborist and does not necessitate tree removal, or tree replacement shall not be required.
  - (4) If tree removal is necessary to complete the project, a Tree Preservation Management Plan shall be prepared by an Arborist, which recommends the type of on-site and/or off-site replacement based on existing conditions, the number of Protected Trees, the GPS location of the Protected Tree(s) or comparable location identifier and any replacement trees and the biological effectiveness of the replacement of the Protected Tree(s). Options for compliance with the Tree Preservation Regulations include on-site replacement and/or off-site replacement. The plan shall identify how the property owner shall ensure continued compliance with the Regulations throughout the Replacement Tree Monitoring Period, including

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measures for adaptive management, in the event a decline in tree health is observed and/or the proposed plan is no longer practicable or feasible.

- (c) Replacement shall be implemented through on-site replacement, and/or off-site replacement.
- (1) Replacement trees shall be installed at a minimum size equal to that of a fifteen (15) gallon specimen tree, or a smaller size if supported by the Tree Preservation Management Plan, in accordance with the Tree Manual. The Director may, in lieu of this requirement, require the substitution of larger container specimens for each Protected Tree to be replaced, where, in its opinion, substitution is supported by the Tree Preservation Management Plan.
  - (2) Advanced coordination with a nursery specializing in native-plant propagation is recommended at the start of a project to ensure sufficient quantities of the replacement species are available.
  - (3) All Replacement Trees shall be in good health and shall be visually inspected for damage, such as canker, other pests/pathogens, and girdling or circling of roots. Refer to Tree Manual for further details on how to select a healthy tree.
  - (4) The health of any tree which is identified for temporary stockpiling or to be transplanted from its location to another shall be guaranteed for the Replacement Tree Monitoring Period. Recommendations for preserving tree health and minimizing damage during construction can be found in the Tree Manual. Replacement trees and subsequent replacement trees, if applicable, shall be replaced if decline in tree health occurs to fulfill the entire Replacement Tree Monitoring Period.
  - (5) If the property owner is unable to fulfill all replacement requirements within the subject property, the balance of the number of physical trees may be installed at a mutually agreed upon off-site location in an incorporated or unincorporated area within the County of Orange. Property owner shall include provisions for off-site tree replacement within the Tree Preservation Management Plan and agreement with applicable parties to be approved by the Director.
  - (6) If the property owner fulfills all tree replacement requirements within the subject property and voluntarily installs additional Protected Trees on the subject property, the property owner may request one of two (2) incentives: (1) an increase in the maximum floor area up to one hundred fifty (150) square feet beyond the otherwise allowed maximum pursuant to State law for an accessory dwelling unit; or (2) an increase in the maximum floor area up to three hundred (300) square feet beyond the otherwise allowed maximum pursuant to 7-9-91 "Guesthouses," for a guesthouse on the subject property.

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**TABLE 7-9-69.4(c)**

<b>Minimum No. of Replacement Trees</b>	<b>No. of Additional Protected Trees</b>	<b>Incentive 1 - Additional Max Floor Area for ADU above 1,200 square feet limit</b>	<b>Incentive 2 - Additional Max Floor Area for guesthouse above 640 square feet limit</b>
5	Plus 1-5 protected trees	50 feet	100 feet
	Plus 6-10 protected trees	100 feet	200 feet
	Plus 11+ protected trees	150 feet	300 feet
8	Plus 1-5 protected trees	50 feet	100 feet
	Plus 6-10 protected trees	100 feet	200 feet
	Plus 11+ protected trees	150 feet	300 feet
10	Plus 1-5 protected trees	50 feet	100 feet
	Plus 6-10 protected trees	100 feet	200 feet
	Plus 11+ protected trees	150 feet	300 feet
12	Plus 1-5 protected trees	50 feet	100 feet
	Plus 6-10 protected trees	100 feet	200 feet
	Plus 11+ protected trees	150 feet	300 feet
15	Plus 1-5 protected trees	50 feet	100 feet
	Plus 6-10 protected trees	100 feet	200 feet
	Plus 11+ protected trees	150 feet	300 feet



































































































