

Zoning Ordinance Amendment and County Code Amendments (POD 13-003)

Summary by subject:

Proposed amendments and additions to the Zoning Ordinance consist of the following:

Accessory Structures

- Section 6156.a: would amend the “Accessory Use Regulations, Residential and Agricultural Use Types” regulations regarding Attached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops to revise the allowable square footage regulations into a table format for clarification.
- Section 6156.g: would amend the “Accessory Use Regulations, Residential and Agricultural Use Types” regulations regarding Detached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops as follows:
 - o Add Barns and Agricultural Buildings to this subsection;
 - o Amend the allowable square footage for these structures to include area allowed for barns and agricultural buildings under subsection 6156.h and revise to a table format for clarification;
 - o Allow a garage designed for the storage of a recreational vehicle to exceed the 12 foot height limit, up to a maximum of 16 feet, if the setbacks for the main dwelling are met.
- Section 6156.h: would amend the “Accessory Use Regulations, Residential and Agricultural Use Types” regulations regarding Barns and Agricultural Storage Buildings to remove the square footage regulations and add them to 6156.g.

Breweries/Microbreweries

- Section 1110: would add definitions of “Brewery”, “Brewpub” and “Microbrewery”.
- Section 2523: would amend the “Permitted Uses Subject to Limitations” in the M52 Limited Impact Industrial Use Regulations to add Eating and Drinking Establishments with reference to a note in Section 2980.
- Section 2524: would amend the “Uses Subject to a Minor Use Permit” in the M52 Limited Impact Industrial Use Regulations to remove “Eating and Drinking Establishments”.
- Section 2543: would amend the “Permitted Uses Subject to Limitations” in the M54 General Impact Industrial Use Regulations to add “Eating and Drinking Establishments” with reference to a note in Section 2980.
- Section 2544: would amend the “Uses Subject to a Minor Use Permit” in the M54 General Impact Industrial Use Regulations to remove “Eating and Drinking Establishments”.
- Section 2563: would amend the “Permitted Uses Within the Industrially Designated Areas That Are Subject to Limitations” in the M56 Mixed Industrial Use Regulations to amend the reference to the note in Section 2980 for “Eating and Drinking Establishments”.
- Section 2583: would amend the “Permitted Uses Subject to Limitations” in the M58 High Impact Industrial Use Regulations to add “Eating and Drinking Establishments” with reference to a note in Section 2980.

- Section 2584: would amend the “Uses Subject to a Minor Use Permit” in the M58 High Impact Industrial Use Regulations to remove “Eating and Drinking Establishments”.
- Section 2890: would amend the Limitations on Permitted Uses” to add a note “21” for Eating and Drinking Establishments to clarify that a Minor Use Permit is required except when accessory to a Brewery or Microbrewery, allowed upon issuance of an Administrative Permit subject to the provisions of Section 6158.j.
- Section 2990: would amend page 4 to amend the notes for “Eating and Drinking Establishment” Use Types in the M52, M54, M56 and M58 Use Regulations.
- Section 6158.j: would amend the “Accessory Use Regulations, Civic, Commercial, Industrial, or Extractive Use Types” to add subsection j. as follows:
 - o Add an allowance that a maximum of 25 percent of the floor area of a Brewery or Microbrewery may be used for an Eating and Drinking Establishment, subject to the approval of an Administrative Permit, in the M52, M54 and M58 Industrial Use Regulations (current regulations require a Minor Use Permit) for a brewery with a gross floor area of 12,000 s.f. or more,
 - o Add an allowance that more than 15 percent, up to a maximum of 25 percent, of the floor area of a Brewery or Microbrewery may be used for an Eating and Drinking Establishment, subject to the approval of an Administrative Permit, in the M56 Industrial Use Regulation (current regulations allow up to 15 percent of the floor area to be used by right in the M56 Use Regulations) for a brewery with a gross floor area of 12,000 s.f. or more, and
 - o Clarify that up to 50 percent of the floor area of an Eating and Drinking Establishment may be used for the brewing of beer (Brewpub) in the C32, C34, C35 and C36 Commercial Use Regulations where Eating and Drinking Establishments are allowed.

Explosives Storage

- Section 6904: would amend the “Explosive Storage” regulations regarding setbacks by removing the setback distances for different explosive types and replacing with the requirement that the explosive storage shall comply with the minimum setback distances as required by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Recreational Vehicle Parks

- Section 6450: would amend the “Recreational Vehicle Park” regulations as follows:
 - o Amend Section 6454, “Material Submitted for Use” regulations to remove the submittal requirements for a Use Permit and add references to the Use Permit and Site Plan Permit regulations for clarification and to change the section title to “Permit Required” to clarify that a Use Permit is not required for this use in all Use Regulations.
 - o Amend Section 6458, “Development Criteria” regulations to add that accessory structures may be allowed within an RV Park lot pursuant to

California Code Title 25, Division 1, Chapter 2.2, Article 9 and that a modification or minor deviation to the applicable Use Permit is not required for these accessory structures.

- o Amend Section 6462, “Accessory Uses” regulations to clarify that it also applies to accessory structures and change the title to “Accessory Uses and Structures”.

Recycling of Salvaged Asphalt, Concrete and Rock

- Section 6158.e: would amend the “Accessory Use Regulations, Civic, Commercial, Industrial, or Extractive Use Types” related to the recycling of salvaged concrete, asphalt and rock as a “by-right” accessory use without requiring an amendment to an existing use permit, subject to limitations, in conjunction with mining and processing use types, where rock crushing, asphalt production and/or concrete batching are occurring.
- Section 7357: would amend the “Effect of Use Permit on Other Use of the Property” regulations to include a reference to Section 6158.e which is an exemption to allow for recycling of salvaged concrete, asphalt and rock in conjunction with related mining and processing land uses without need to amend an existing Use Permit.

Setbacks

- Section 4818: would amend the “Through Lots to Have Two Front Yards” regulations to clarify when access rights are relinquished to one of the abutting streets, the rear yard setback requirements shall be applied.
- Section 4823: would amend the “Front Yard Requirements for Corner Lots Having Relinquished Access Rights” regulations to add clarification for setbacks on lots with streets on three sides.
- Section 4835: would amend the “Exceptions to Required Openness of Required Yards” table to amend the Detached Accessory Storage and Detached Garages and Carports and add an exception for Electric Vehicle Charging Station pedestals not more than 54 inches above grade in Commercial and Industrial use regulations.
- Section 4842: would amend the “Setbacks for Detached Accessory Buildings and Structures” regulations to clarify that a structure which is less than 120 sf in area may encroach into a required setback and to remove the requirement for a 25 foot setback from a property line for a detached structure exceeding 1,000 square feet in area and adding that the required setbacks shall be met.

Sheriff Regional Communication System

- Section 6983.P: would amend the “Wireless Telecommunications Facilities” definitions to add a definition of “Public Safety Communications Facilities”.
- Section 6983.W: would amend the “Wireless Telecommunications Facilities” definitions to amend the definition of a “Wireless Telecommunications Facility” to clarify that Public Safety Communications Facilities are exempt from the regulations of the Wireless Telecommunications Facilities Section since they are considered Essential Services pursuant to Section 1335.

Other Minor Amendments/Clarifications

- Section 1110: would add definitions of “**Boarding or Rooming House**” and “**Single Housekeeping Unit**” and would make minor amendments to the definitions of “**Boarding**”, “**Solar Energy System, Offsite Use**” and “**Solar Energy System, Onsite Use**”.
- Section 1430: would amend the “Automotive and Equipment: **Storage of Nonoperating Vehicles**” Commercial Use Type to clarify that any dismantling or wrecking of vehicles is regulated by Section 1530 Scrap Operations.
- Section 2322: would amend the “Permitted Uses” in the **C32 Convenience Commercial Use Regulations** to add “Personal Services, General”.
- Section 2990: would amend page 3 of the Use Matrix to reflect the amendment to the C32 Use Regulation.
- Section 3100: would amend the **Animal Schedule** to remove the Use Permit requirement in the K and N Designation for the keeping of large animals on 4 acres or more, would remove the requirement for a Minor Use Permit in the A, B and C Designations for the keeping of bees and would amend the footnote regarding the setback distance for the keeping of bees to remove the specified distance and replace it with a reference to the County Code Section 62.901 et seq. which regulates beekeeping.
- Section 3112: would amend the “**Animal Enclosure Setback Table**” to add a footnote referencing the County Code section which regulates enclosure setbacks for keeping of roosters.
- Section 4120: would amend the “**Exceptions to Density**” regulations to add an exemption for Employee Housing as specified in Health & Safety Code Section 17000 et seq.
- Section 6106: would amend the “Circus, Carnival, or Other Outdoor Entertainment Event” section to add that a **temporary event** or any aspect of a temporary event that is specifically prohibited by the Use Permit conditions on a property shall not be allowed by the Temporary Event regulations.
- Section 6122: would amend the “**Certified Farmers’ Market**” regulations to allow markets to operate on property owned by a school district which is developed with a school use and to operate for two days per week rather than one day per week.
- Section 6156.m: would amend the “Accessory Use Regulations, Residential and Agricultural Use Types” regulations regarding Home Occupations to reference a change in state law which allows a **Cottage Food Operation** pursuant to Health and Safety Code Sections 113758 and 114365 and to add that a valid permit is required from the Department of Environmental Health.
- Section 6156.hh: would amend the “Accessory Use Regulations, Residential and Agricultural Use Types” regulations regarding **Agricultural Homestay** to allow a homestay on a property of 4 acres in size where 10 acres is currently required.
- Section 6261: would amend the “**On Premise Signs Regulated**” regulations related to locations subject to Special Area Regulations and subject to a Use Permit to state that signs may be altered, relocated or added upon issuance of a

modification or minor deviation to the Use Permit rather than requiring a separate Minor Use Permit for the signs on the property.

- Section 6758: would amend the “**Parking Requirements: Residential**” regulations to add a footnote stating that additions, alterations or expansions to a single-family dwelling constructed prior to February 16, 1970 or that was approved and constructed with only one parking space, do not require additional parking to be provided for the single family dwelling use.
- Section 6762: would amend the “**Parking Requirements: Commercial, Animal Services**” regulations to remove a duplicative reference to “Commercial Equine Stable or Horse Stable” requirements.
- Section 6881: would amend the “**Nonconforming Structure - Damage or Destruction**” regulations to add that when a nonconforming structure is voluntarily demolished or removed the nonconformity shall not be restored.

Addition of/Correction to references

- Table of Contents: would amend the Table of Contents to revise to section numbers in Part Six, General Regulations.
- Section 1700: would amend the “General Description of Agricultural Use Types” to add a reference to applicable sections of the Grading Ordinance relating to Agricultural Grading and Agricultural Clearing.
- Section 2540: would amend the “M54 General Impact Industrial Use Regulations” to add a reference to the Zoning Ordinance section number relating to the Fencing and Screening regulations.
- Section 2818: would amend the “Special Provisions and Limitations” of the Ecological Resource Area (S81) Regulations to remove incorrect section references and add a reference to the requirements of the California Coastal Commission.
- Section 5802: would amend the “Application of Planned Development Special Area Regulations” regulations to add a reference to the Planned Development Standards in Section 6600.
- Section 5804: would amend the “Limitation on Use and Construction” regulations of the Planned Development Area regulations to add a reference to the Planned Development Standards in Section 6600.
- Section 6102: would amend the “Identification of Permitted Temporary Uses” section to delete a reference to the temporary operation of a Travel Trailer Park which was rescinded by a previous ordinance amendment.
- Section 6814.c: would amend the “Exceptions to Enclosure Matrix” regulations for Automotive and Equipment: Sales/Rentals, Light Equipment in the C36 zone to correct the reference to the Design Standards for Off-Street Parking.
- Section 6952: would amend the “Large Wind Turbine” regulations to correct the reference of the location of the Wind Resources Map approved by the Board of Supervisors on May 15, 2013.
- Section 6952: would renumber the “Solar Energy System” Section from 6952 to 6954 to eliminate duplicative numbering of Large Wind Turbine section and would make a minor clarification to a section number reference.

- Section 7352: would amend the “Classification of Use Permits and Original Jurisdiction” regulations to correct a reference to the Land Use Element of the General Plan

Proposed amendments and additions to the County Code consist of the following:

Noise Ordinance

- Section 36.404: would amend the “General Sound Level Limits” Table 36.404 “Sound Level Limits in Decibels (dBA)” to update the references to the Fallbrook Village Zones and add Ramona and Alpine Village Zones to reflect new zoning designations that have been recently created to implement the General Plan by establishing a Form-Based Code for the communities of Alpine and Ramona.
- Section 36.408: would amend the “Hours of Operation of Construction Equipment” of the Noise Abatement and Control regulations (Title 3, Division 6, Chapter 4) to amend the list of holidays that it shall be unlawful for any person to operate construction equipment to add the Thanksgiving holiday and to remove the reference to “any day appointed by the President as a special national holiday or the Governor of the State as a special State holiday” for clarification.

Reasonable Accommodation

- Add Chapter 8 to Title 8, Division 6 to add “Reasonable Accommodation” provisions under the Fair Housing Acts.