



County of San Diego

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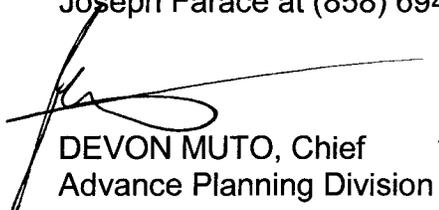
TO: Persons Holding Copies of the San Diego County Zoning Ordinance
FROM: Department of Planning and Land Use
RE: AMENDMENT PAGES FOR THE COUNTY ZONING ORDINANCE

Attached are pages containing changes to the San Diego County Zoning Ordinance amended by adoption of Ordinance No. 10061 (N.S.), effective 07-30-10 and by adoption of Ordinance No. 10062 (N.S.), effective, 07-30-10. The Ordinance amendment pursuant to Ord. No. 10061 establishes provisions for Medical Marijuana Collective Facilities. The Ordinance amendments pursuant to Ord. No. 10062 add a definition of "Marijuana Dispensaries, Non-Medical" and establish prohibition of Non-Medical Marijuana Dispensaries. These amendment pages are known as POD 09-007, adopted by the Board of Supervisors on June 30, 2010. An additional change has been added to the Solid Waste Facility section as a result of County of San Diego Proposition A, approved by the voters on June 6, 2010

Please substitute these pages in your copy of the Zoning Ordinance by removing the obsolete pages and adding the new pages as follows:

REMOVE	ADD	SECTION CHANGES/DESCRIPTION
Def. L - Def. M (2 pages)	Def. L - Def. M (2 pages)	Definition of Marijuana Dispensary – Non-Medical (Not Authorized Under State Law) added
2950 (1 page)	2950 (1 page)	Solid Waste Facility (SWF) revised
6932 - 6940 (2 pages)	6932 - 6940 (3 pages)	Medical Marijuana Collective Facilities (6935) added
6975 - 6975 (2 pages)	6975 - 6976 (2 pages)	Marijuana Dispensaries – Non-Medical (Not Authorized Under State Law) (6976) added

Upon insertion of these pages, we suggest you fill in the space provided for Update No. 82 inside the front cover of your Zoning Ordinance. This will serve as a record that your copy has been updated. If you have any questions regarding this update, please contact Joseph Farace at (858) 694-3690.


DEVON MUTO, Chief
Advance Planning Division

Lower-Income Household: A household which cannot obtain decent, safe, and sanitary housing without assistance, as determined pursuant to standards established by the Board of Supervisors.

(Added by Ord. No. 5781 (N.S.) adopted 6-4-80)

DEFINITIONS (M)

Main Building: A building or structure which is devoted primarily to a principal use or uses; or, the only building on a lot or building site.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

Major Use Permit: (See Use Permit, Major)

Manufactured Home: (See Mobilehome)

(Added by Ord. No. 6215 (N.S.) adopted 1-13-82)

Manufacturing Zone: A zone including a use regulation set forth in Sections 2500 through 2599, inclusive.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

Marijuana Dispensary - Non-Medical (Not Authorized Under State Law): Any store, office, business, building, property or other facility in or from which marijuana is sold, given, traded, supplied, bartered, consumed, raised, processed, stored, used, cultivated, possessed, or transported by any person other than a person authorized to possess or cultivate marijuana for the personal medical purposes of the qualified patient, pursuant to the provisions of the Compassionate Use Act of 1996 (Health and Safety Code Sections 11362.5 and following) and the Medical Marijuana Program Act (Health and Safety Code Sections 11362.7-11362.83). Persons authorized to possess or cultivate marijuana for the personal medical purposes of the qualified patient include persons, who under state law, are: (i) qualified patients, (ii) primary caregivers of qualified patients, or (iii) such patients and caregivers who associate to collectively or cooperatively cultivate marijuana for medical purposes.

(Added by Ord. No. 10062 (N.S.) adopted 6-30-10)

Massage Parlor: An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the State of California.

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

Def. M

Master Antenna Television (MATV) System: A facility as described in Cable Television (CATV) System, but differentiated from the definition of a (CATV) System by virtue of (a) serving fewer than 50 subscribers, or (b) serving only the residents of an apartment dwelling under common ownership and consisting of not more than two buildings, or (c) providing service without charge.

Materials Recovery Facility: A facility that accepts source-separated or commingled recyclable materials, usually in an enclosed building, from collection facilities and the public; processes the materials into resalable condition, and markets the materials to companies for reuse. The end-products are materials recovered through the process. A materials recovery facility is considered to be a General Industrial use type and as such is permitted in the same locations and under the same conditions as other general industrial uses.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

Meteorological Testing (MET) Facility: A tower with or without guy wires and any other equipment with a component, such as an anemometer or SODAR device, to measure meteorological phenomena, such as wind speed, wind direction, air pressure, rain, snow or sun exposure. A MET Facility shall not include a Wind Turbine.

(Added by Ord. No. 9971 (N.S.) adopted 02-25-09)

Mezzanine or Mezzanine Floor: An intermediate floor placed in any story or room. When the total area of any such Mezzanine Floor exceeds 33 1/3 percent of the total floor area in that room, it shall be considered as constituting an additional story. The clear height above or below a Mezzanine Floor construction shall be not less than 7 feet. An enclosed Mezzanine shall be counted as a story.

(Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)

Mini-Mobilehome Park: A mobilehome park subject to the regulations of Sections 6530 through 6544, inclusive.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

Minor Use Permit: (See Use Permit, Minor)

Mobilehome: A structure designed and equipped to contain not more than two dwelling units to be used with or without a permanent foundation, and which is in excess of 8 feet in width or in excess of 40 feet in length. Mobilehome, as used herein, is further defined in Section 18211 of the Health and Safety Code and includes Manufactured Home as defined in Section 18007 of the Health and Safety Code.

(Amended by Ord. No. 5717 (N.S.) adopted 3-19-80)

(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)

(Amended by Ord. No. 6372 (N.S.) adopted 6-09-82)

Mobilehome Lot: An area or tract of land or portion of a mobilehome park or mobilehome subdivision designated or used for the occupancy of one mobilehome.

(Amended by Ord. No. 5717 (N.S.) adopted 3-19-80)

(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)

Mobilehome On a Private Lot: A mobilehome which has been placed on a permanent foundation system pursuant to the Mobilehome on Private Lot Regulations.

(Amended by Ord. No. 5717 (N.S.) adopted 3-19-80)
(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)

Mobilehome Park: An area or tract of land where 2 or more mobilehome lots are rented or leased or held out for rent or lease to accommodate mobilehomes for human habitation; provided that mobilehome park does not include:

- a. premises on which any trailer coaches are parked for inspection and sale;
- b. premises on which there is one trailer coach occupied by the owner thereof pursuant to a valid temporary occupancy permit issued by the Department of Environmental Health; or
- c. premises on which all trailer coaches are used exclusively either to provide farm employee housing or as a farm labor camp.

(Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

Mobilehome Park, Standard: A mobilehome park subject to the regulations of Section 6510 through 6524, inclusive.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

Mobilehome Subdivision: Any area or tract of land where two or more lots are created in accordance with applicable provisions of Division 1, Title 8 of the County Code of Regulatory Ordinances for the exclusive use of mobilehomes and their accessory uses.

(Added by Ord. No. 6215 (N.S.) adopted 1-13-82)

Mobile Recycling Unit: A motor vehicle or trailer, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans, or trailers, used for the collection of recyclable materials.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

Model Home: A dwelling unit temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental for the first time in a particular subdivision or other residential development which may be comprised of one-family, two-family or multiple dwellings, or a combination thereof. "Model Home" shall include examples of factory-built housing which may not necessarily be available in or related to a particular development.

Def. M

Moderate-Income Family: (See Moderate-Income Household)

(Added by Ord. No. 5781 (N.S.) adopted 6-4-80)

Moderate-Income Household: A household having an annual income greater than 80 percent, but not more than 120 percent of the median household income in the County of San Diego for a given household size as determined by the U.S. Department of Housing and Urban Development.

(Added by Ord. No. 5781 (N.S.) adopted 6-4-80)

Motion Picture Theater: (See General Motion Picture Theater)

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

Multiple-Residential Zone: A residential zone in which 3 or more units are allowed on a legal parcel.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85)

a. Commercial Use Types.

Recycling Collection Facility, Small or Large "2"
 Recycling Processing Facility, Wood and Green Materials "3"

(Added by Ord. No. 6924 (N.S.) adopted 2-20-85)
 (Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

2944 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are permitted by the S94 Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Law Enforcement Services
 Minor Impact Utilities
 Parking Services

b. Commercial Use Types.

Automotive and Equipment: Parking

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
 (Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)

2945 USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the S94 Use Regulations upon issuance of a Major Use Permit.

a. Civic Use Types.

Administrative Services
 Ambulance Services
 Community Recreation
 Cultural Exhibits and Library Services
 Major Impact Services and Utilities
 Postal Services

b. Commercial Use Types.

Agricultural and Horticultural Sales (all types)
 Agricultural Services
 Participant Sports and Recreation: Outdoor
 Transient Habitation: Campground (see Section 6450)

c. Extractive Use Types.

Mining and Processing (see Section 6550)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
 (Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)
 (Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)

2948

2948 SPECIAL PROVISIONS AND LIMITATIONS: S94 USE REGULATIONS.

- a. A Major Use Permit may be granted pursuant to the S94 Use Regulations to authorize, for a specified period of time, any use not involving a significant investment in buildings, structures, or other improvements. Alternatively, a Major Use Permit may be granted for any use pursuant to a bonded agreement in an amount sufficient to ensure the removal of all buildings, structures, and other improvements within a specified time and/or under specified conditions when the decision-making body finds that such agreement will carry out the intent of this Ordinance and is enforceable by the County.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 8506 (N.S.) adopted 3-1-95)

2950 SOLID WASTE FACILITY (SWF)

On November 8, 1994, the voters adopted County of San Diego Proposition C, an initiative that created the SWF zoning classification, applied it to the Gregory Canyon site and described a new class III solid waste landfill (the Project). *

The SWF zoning classification shall allow the Project without the need for any permits from the County of San Diego except the Water Course Alteration Permit, Bridge Permit, Grading Permit and Building Permit.

* This unadopted introductory paragraph is provided for informational purposes.

On June 6, 2010, the voters adopted County of San Diego Proposition A, an initiative that applied the SWF zoning classification to the East Otay Mesa site and described a new recycling collection center and class III solid waste landfill (the Project).**

The SWF zoning classification allows the development of the Project without the need for any permits from the County of San Diego except a Grading Permit and Building Permit.

** This unadopted introductory paragraph is provided for informational purposes.

(Amended by Ord. No. 8015 (N.S.) adopted 12-04-91)

(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)

- e. Notwithstanding Section 6852, an adult entertainment establishment which was lawfully established before May 15, 2002 shall be allowed to continue as a nonconforming use for three (3) years. The Adult Entertainment Establishment shall have the right to apply for a six-month extension of this period upon a showing of financial hardship to the Director. In making a decision regarding an extension, the Director shall consider: 1) the availability of alternative locations; 2) the term of the lease; 3) the cost of any improvements that would only be of use to the Adult Business; and 4) the potential for other conforming uses to locate on the site.

Any nonconforming adult entertainment establishment shall not be expanded, enlarged, extended or altered except that the use may be changed to a conforming use.

- f. As used in this section, "Establishing an Adult Entertainment Establishment" shall mean:
1. The opening or commencement of any such establishment as a new establishment; or
 2. The conversion of an existing establishment, whether or not an adult entertainment establishment, to any of the adult entertainment establishments defined herein; or
 3. The addition of any of the adult entertainment establishments defined herein to any other existing adult entertainment establishments; or
 4. The relocation of any such establishment.
- g. As used in this section, "Transfer of Ownership or Control" shall mean:
1. The sale, lease or sublease of such establishment; or
 2. The transfer of securities which constitute a controlling interest in such establishment, whether by sale, exchange or similar means; or
 3. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of such establishment, except for transfers by bequest or other operation of law upon the death of the person possessing such ownership or control.

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

(Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)

(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)

- h. Exception to Section 1019. Notwithstanding Section 1019, no application for an Administrative Permit or a building permit for an adult entertainment establishment shall be accepted or approved where the proposed use or facility would violate Section 6930 b.

(Added by Ord. No. 8015 (N.S.) adopted 12-04-91)

(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)

6932

6932 DRUG PARAPHERNALIA ESTABLISHMENTS.

- a. Intent. It is the purpose of this Section to establish reasonable and uniform regulation to prevent the concentration of drug paraphernalia establishments as defined herein, within the unincorporated area of San Diego County. It is the intent of this Section that the regulation be utilized to prevent problems of crime, blight and deterioration which accompany and are brought about by the concentration of drug paraphernalia establishments.
- b. Permit Required; Standards for Location. No person shall cause or permit the establishment or substantial enlargement of any drug paraphernalia establishment without first obtaining an Administrative Permit therefore pursuant to the Administrative Permit Procedure from the Director, who shall be the administering agency. An application for such permit may be made where authorized by the applicable use regulations and shall be acted upon in accordance with the following standards for location: No such establishment shall be permitted within 1,000 feet of another such business or within 600 feet of any church, school, public playground, park or recreational area.
- c. Measure of Distance. Distance, without regard to intervening structures, shall be:
 - 1. A straight line measured from the closest exterior structural wall of any two drug paraphernalia establishments.
 - 2. A straight line measured from the closest exterior structural wall of the drug paraphernalia establishment to the closest property line of a church, school, public playground, park or recreational area.
- d. As used in this section, "Establishing a Drug Paraphernalia Establishment" shall mean:
 - 1. The opening or commencement of any such establishment as a new establishment; or
 - 2. The relocation of any such establishment.

(Added by Ord. No. 7649 (N.S.) adopted 07-17-89)

6935 MEDICAL MARIJUANA COLLECTIVE FACILITIES

- a. Purpose and Intent. It is the purpose of this section to implement the Compassionate Use Act of 1996 (Health & Safety Code Section 11362.5) and the Medical Marijuana Program (Health & Safety Code Sections 11362.7 et seq.) by establishing reasonable and uniform zoning regulations of medical marijuana collective facilities which, in combination with licensing requirements contained in the San Diego County Code, will allow qualified patients and primary caregivers to collectively or cooperatively cultivate marijuana for medical purposes, and at the same time protect the public health, safety and welfare of communities, within the unincorporated area of San Diego County. It is the intent of this section that the regulations be utilized to preserve the character of neighborhoods and property values and to deter the spread of crime and prevent problems of blight, deterioration, and public safety which often accompany and are brought about by the operation of medical marijuana collective facilities.

- b. **Definition.** The terms “Qualified Patient”, “Primary Care Giver”, “Medical Marijuana Collective Facility” and “Collective Facility” shall have the meanings given in San Diego County Code Section 21.2502. However, this Zoning Ordinance shall not apply to the following: (1) a Collective Facility operated by a Qualified Patient where the amount of marijuana at no time exceeds 1.5 times the quantity allowed by Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur; and, (2) a Collective Facility operated by a Primary Care Giver where the amount of marijuana at no time exceeds the amount allowed for two Qualified Patients by Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.
- c. **Use Regulations Where Collective Facilities Are Allowed.** A Collective Facility may only be located upon property to which the M50, M52, M54, M56 or M58 Use Regulations apply, and within those areas, the separation restrictions of paragraph d below shall apply.
- d. **Separation Requirements For Collective Facilities.** A Collective Facility shall not be allowed or permitted upon any parcel, any portion of which would be, at the time of establishment of the Collective Facility, within any of the following:
1. 1000 feet from a parcel to which a residential Use Regulation applies;
 2. 1000 feet from a parcel containing a school, playground, park, church, recreation center, or youth center; or
 3. 1000 feet from a parcel on which another Collective Facility has been established.
- The distance between a Collective Facility and the parcels containing the uses listed in paragraph d above shall be measured in a straight line, without regard for intervening structures, from any parcel line of the real property on which the Collective Facility is located, to the nearest point on a parcel line of the real property on which any portion of the facility, building, or structure in which the above listed use occurs or is located.
- e. **Openness of Premises.** A Collective Facility shall be designed and constructed such that no area or portion where marijuana is cultivated or stored is visible from the exterior; however, the entrance shall be fully visible from the public street or building frontage.
- f. **Operating License Required.** Pursuant to San Diego County Code Section 21.2503, a Medical Marijuana Collective Facility Operating Compliance Certificate is required for the operation of a Collective Facility.
- g. **Premises Requirements.**
1. **Signage.** Exterior signage shall conform to the requirements of Section 6250 et al.
 2. **Parking.** A Collective Facility shall conform to the requirements of Section 6762 and shall be considered an "Office" occupancy type for purposes of that Section.

6935

3. **Physical Appearance.** The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment or property values within the immediate area.

- h. **Nonconforming Uses.** Notwithstanding Section 6852, a Collective Facility which was lawfully established before August 1, 2010 shall cease operations no later than August 1, 2013. The Collective Facility may apply for one six-month extension of this period. The Director may grant that extension if upon determining that the operator would be subjected to unreasonable financial hardship if forced to cease operations, considering (1) the availability of alternative complying locations; (2) the term of any applicable lease for the premises and whether it may be modified or terminated; (3) the non-recoverable costs of any improvements that would only be of use to the Collective Facility; (4) the profits which have been received during the period from August 1, 2010 to August 1, 2013, and (5) the potential for other conforming uses to locate on the site.

Any nonconforming medical marijuana collective facility shall not be expanded, enlarged, extended or altered except that the use may be changed to a conforming use.

(Added by Ord. No. 10061 (N.S.) adopted 6-30-10)

6940 **TRAILER COACHES OUTSIDE MOBILEHOME PARKS.**

The use of a trailer coach outside a mobilehome park is permitted for the following purposes:

- a. Administrative office, business office, sales office, or living quarters for security personnel upon approval of a Site Plan or its Modification when such office or quarters is incidental to a business or civic use permitted by applicable use or special area regulations requiring a Site Plan. A use permit or its Modification shall be required for such office or quarters if no Site Plan is otherwise required for the use of the property.
- b. Classroom for public or private schools where the trailer coach and use thereof complies with subdivision (b) of Section 39248 of the Education Code.
- c. Dwelling for security personnel on a public or private school site.
- d. Dwelling on a private lot established pursuant to Section 6502.
- e. Housing established pursuant to the Accessory Use Regulations.
- f. Owner-occupied independent mobilehome, one-unit mobilehome park, or single-unit farm employee mobilehome legally established pursuant to the former provisions of Ordinance 1402.

- g. Temporary uses pursuant to Section 6118.
- h. Housing as an accessory use in a County Park or parks operated by a Community Services District or other public agency.

The above mentioned trailer coaches shall comply with the provisions of Chapter 2, of Division 6, Title 5, of the County Code of Regulatory Ordinances relating to trailer coaches.

(Added by Ord. No. 6082 (N.S.) adopted 6-10-81)
(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)
(Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)
(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)

6950

6950 WIND TURBINE SYSTEM, MEDIUM.

A medium wind turbine system, shall be permitted on a parcel of at least one acre and require an Administrative Permit approved in accordance with the Administrative Permit Procedure commencing at Section 7050 and the following requirements:

- a. Notification. Notification shall be in accordance with paragraph c of Section 7060.
- b. Setback. The wind turbines shall be set back from property lines and roads at least three times the height of the wind turbine (to the top of blade in vertical position) and shall meet the applicable setback requirements of the zone. The system must also meet fire setback requirements. See paragraph i below for the exception to this setback requirement.
- c. Fencing. Public access shall be restricted through the use of a fence with locked gates, non-climbable towers or other suitable methods.
- d. Signs. Suitable warning signs containing a telephone number and an address for emergency calls and informational inquiries shall face all approaches to the project. Individual signs shall be between 5 and 16 square feet.
- e. Review. Review shall include an assessment of the impact on adjacent property with regard to:
 1. Location of installation in its relation to topographic features which would constitute an unusual safety hazard.
 2. Sensitivity of adjacent uses to noise and electrical interference and visual impact.
- f. Noise. The system shall meet the sound level limits of Title 3, Division 6, Chapter 4 of the San Diego County Code (Noise Abatement and Control). See paragraph i below for the exception to this noise standard.
- g. Height. For the purpose of calculating height, the height of the wind turbines shall mean the distance from ground to the top of the blade in vertical position. The system shall not exceed 60 feet. See paragraph i below for the exception to this height standard.
- h. It shall be a condition of the permit that non-operational wind turbines shall be removed within 12 months after becoming non-operational.
- i. For any Wind Turbine System that meets the definition of "Small Wind Energy System" as defined by Government Code Section 65892.13(c)(1), the requirements for setbacks, noise and height are reduced as follows:
 1. The system shall be set back from property lines at least the height of the wind system. The system must also comply with any applicable fire setback requirements pursuant to Section 4290 of the Public Resources Code.

13. Containers for the 24-hour donation of materials shall be at least 30 feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;
14. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers;
15. Signs shall comply with Section 6252aa. of the On-Premise Sign Regulations.
16. The facility shall not impair the landscaping required by this ordinance for any concurrent use or any permit issued pursuant thereto;

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)
 (Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)
 (Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)

6975 RECYCLING PROCESSING FACILITY.

The Recycling Processing Facility Use Type (as defined at Section 1513) is a permitted use in the specified zones when conducted in accordance with the following:

- a. Recycling Processing Facility, Light
 1. In a Commercial or Industrial Zone upon meeting the criteria set forth in this section commencing at subsection a.2. below;
 2. All operations shall be conducted entirely within an enclosed building except as follows:
 - i. In the C37, C38 and C40 Commercial Zones and the M54 and M58 Industrial Zones, a light recycling processing facility may be conducted outside of buildings if the property on which the facility is located does not abut a property zoned or planned for residential use.
 - ii. Notwithstanding the Enclosure Regulations, in any other Commercial or Industrial Zone, a Minor Use Permit may be granted for an alternative type of enclosure such as a wall or view-obscuring fence not less than 8 feet in height and landscaped on all street frontages;
 3. Power-driven processing shall be permitted, provided all requirements of the Performance Standards commencing at Section 6300 are met;

4. A light processing facility shall be no larger than 45,000 square feet and shall have no more than an average of 2 outbound truck shipments of material per day;
5. Setbacks and landscaping requirements shall be those required by the zone in which the facility is located;
6. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or palletized. Storage containers for flammable material shall be constructed of non-flammable material. Oil storage must be in containers approved by the Local fire and/or Health Official. No storage, excluding truck trailers and overseas containers, shall be visible above the height of the fencing;
7. Site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis and shall be secured from unauthorized entry and removal of materials when attendants are not present;
8. Space shall be provided on the site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space shall be provided for a minimum of 10 customers or the peak load, whichever is higher, except where the Director determines that allowing overflow traffic is compatible with surrounding businesses and public safety;
9. One parking space shall be provided for each commercial vehicle operated by the processing center.
10. Noise levels shall not exceed 60 dBA as measured at the property line of residentially zoned or occupied property, or otherwise shall not exceed the following:
 - 70 dBA in any Commercial Zone (Except C31)
 - 55 dBA in the C31 Zone
 - 75 dBA in the M54 and M58 Zones;
11. If the facility is located within 500 feet of property zoned or planned for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The facility shall be attended by on-site personnel during the hours the facility is open;
12. Any containers provided for after-hours donation of recyclable materials shall be at least 50 feet from any property zoned or occupied for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials;
13. Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. Facility shall display a notice stating that no material shall be left outside the recycling containers;
14. Signs shall comply with the On-Premise Sign Regulations. In addition, facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation;

15. Air contaminants including but not limited to smoke, charred paper, dust, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any emissions that endanger human health, cause damage to vegetation or property or cause soiling, vibration or noise above levels allowed by the Performance Standards commencing at Section 6300, shall not be permitted.
 16. Incidental sale of products produced from recycled material is allowed on-site.
- b. Recycling Processing Facility, Heavy
1. In a C37, C38 or C40 Commercial Zone or M54 or M58 Industrial Zone upon meeting the criteria for a light recycling processing facility as set forth above in this section commencing at subsection a.2.;
 2. In any other Commercial or Industrial Zone upon the issuance of a Major Use Permit. The conditions of said Major Use Permit shall require compliance with the criteria for a light recycling processing facility as set forth above in this section commencing at subsection a.2. as well as any others necessary in order to make the findings required for the granting of a Major Use Permit.
- c. Recycling Processing Facility, Wood and Green Materials
1. A facility devoted exclusively to the processing (not including composting) of wood and green materials is considered a General Industrial Use Type, and as such, shall be conducted in accordance with the regulations applicable to said Use Type except that a Wood and Green Materials Recycling Processing Facility may be permitted in an Agricultural or Special Purpose Zone upon issuance of a Minor Use Permit. The conditions of said Minor Use Permit shall require compliance with the criteria for a light recycling processing facility as set forth above in this section commencing at subsection a.2., except for the requirements of subsection a.4 relating to size and scope of operation; subsection a.6. relating to storage within containers; and, subsection a.10. relating to noise level limits. The conditions of the Minor Use Permit shall address the above-mentioned requirements as well as any others necessary in order to make the findings required for the granting of a Minor Use Permit. Said Minor Use Permit may include composting of wood and/or green waste provided the conditions relating to composting are satisfactory to the Director of the Department of Public Works.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)
 (Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

6976 MARIJUANA DISPENSARIES – NON-MEDICAL (NOT AUTHORIZED UNDER STATE LAW)

No person shall cause or permit the establishment, operation, enlargement or transfer of ownership of a dispensary of marijuana for non-medical purposes, meeting the definition "Marijuana Dispensary - Non-Medical (Not Authorized Under State Law)" in Section 1110. This prohibition shall apply throughout all use regulations.

(Added by Ord. No. 10062 (N.S.) adopted 6-30-10)

