



County of San Diego

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Update No. 85

1-11

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. 10095 (N.S.), effective 01-07-11. These Ordinance amendments amend the applicability provisions; make additions, deletions and amendments to definitions; amendments to exceptions to height limitations, special area regulations, temporary use regulations and procedures; and other minor modifications and clarifications to various sections. These amendment pages are known as POD 10-002, adopted by the Board of Supervisors on December 8, 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 |
|---|---|---|
| Table of Contents, 1006 -1019 (4 pages) | Table of Contents, 1006 -1019 (5 pages) | TOC amended Section 1006.e. & f. amended Pagination changes |
| Def. C - Def. D (2 pages) | Def. C - Def. D (2 pages) | Definition of "Crawl Space" added Definition of "Drug Paraphernalia" repealed Pagination changes |
| Def. I (2 pages) | Def. I (2 pages) | Reference to "Inoperative or Wrecked Motor Vehicles, Storage of" added |
| Def. P (1 page) | Def. P (1 page) | Definition of "Premises" amended |
| Def. S - Def. S (2 pages) | Def. S - Def. S (2 pages) | Definition of "School" amended Reference to "School, Trade" added Reference to "School, Vocational" added |

| REMOVE | ADD | SECTION CHANGES/DESCRIPTION |
|-------------------------------|-------------------------------|---|
| Def. S - 1205. e (6 pages) | Def. S - 1205. e (6 pages) | Definition of "Storage of Inoperative or Wrecked Motor Vehicles" added Definition of "Storage of Nonoperating Vehicles" amended Definition of "Story" amended Reference to "Story, Attic" added Definition of "Trade School" added Definition of "Vocational School" added Listing of Use Classifications (Commercial and Agricultural Use Types) amended Pagination changes |
| 1350 - 1375 (1 page) | 1350 - 1375 (1 page) | Major Impact Services and Utilities amended Small Schools amended |
| 1430.i - 1530 (4 pages) | 1430.i - 1530 (4 pages) | Automotive and Equipment: Storage, Nonoperating Vehicles amended Drug Paraphernalia Establishment repealed Participant Sports and Recreation: Outdoor amended Personal Services, General amended Recycling Processing Facility, Wood and Green Materials amended Scrap Operations amended |
| 1810 (1 page) | 1810 (1 page) | Mining and Processing amended |
| 2363 (1 page) | 2363 (1 page) | C36 Permitted Uses Subject to Limitations amended |
| 2373 (1 page) | 2373 (1 page) | C37 Permitted Uses Subject to Limitations amended |
| 2403 (1 page) | 2403 (1 page) | C40 Permitted Uses Subject to Limitations amended |
| 2980 (1 page) | 2980 (1 page) | Supplemental Limitations on Uses amended to repeal "21" "Drug Paraphernalia Establishments" |
| 2990 (2 pages) | 2990 (2 pages) | Use Matrix: <u>Page 3</u> : Section 1464 Drug Paraphernalia Establishments deleted <u>Page 6</u> : Section 1735(e) Small Winery added, (f) and (g) notation amended |
| 3100 (2 pages) | 3100 (2 pages) | Animal Schedule and Notes amended |
| 4315 (1 page) | 4315 (1 page) | Exceptions to Building Type- title of section amended |
| 4620 - 4622 (2 pages) | 4620 - 4622 (2 pages) | Permitted Exceptions to Height Limits- title of section amended, subsection e. amended Exceptions to Height Limit with Minor Use Permit subsection e. amended |

| REMOVE | ADD | SECTION CHANGES/DESCRIPTION |
|------------------------------|------------------------------|---|
| 4815 (1 page) | 4815 (1 page) | Centerline Ordinance Setbacks - title of section amended, section amended |
| 4841 (1 page) | 4841 (1 page) | Required Distance Between Detached Accessory Buildings and Main Buildings amended |
| 5205 - 5303 (5 pages) | 5205 - 5303 (5 pages) | Scenic Area Regulations- Site Plan Required amended Waiver of a Site Plan added Sensitive Resource Area Regulations- Exceptions title amended |
| 5953 (1 page) | 5953 (1 page) | Exceptions- title amended |
| 6102 – 6118 (4 pages) | 6102 – 6118 (5 pages) | Identification of Permitted Temporary Uses amended Circus, Carnival or Other Outdoor Entertainment Event amended Antique Show or Art Show on Public Property amended Pagination changes |
| 6124 (1 page) | 6124 - 6125 (2 pages) | Commercial Filming Temporary Use added |
| 6156.h - 6156.m (6 pages) | 6156.h - 6156.m (6 pages) | h. Barns and Agricultural Storage Buildings amended m. Home Occupations amended Pagination changes |
| 6156 (1page) | 6156 (1page) | Ordinance notation added |
| 6252.u | 6252.u | Exempt On-Premise Signs amended |
| 6552 - 6557 (1 page) | 6552 - 6557 (1 page) | Application amended Exceptions to Use Regulations subsection f. deleted, subsection g. amended , subsection numbering revised |
| 6708 - 6714 (2 pages) | 6708 - 6714 (2 pages) | Gates and Gate Entry Structures on Individual Lots or Building Sites amended Gates and Gate Entry Structures Across Private Road Easements amended Exceptions amended Required Landscaping amended |
| 6793 (1 page) | 6793 (1 page) | Design Standards for Off-Street Parking amended |
| 6850 - 6852 (1 page) | 6850 - 6852 (1 page) | Title and Purpose amended Right to Continue a Nonconformity amended |
| 6932 - 6940 (3 pages) | 6935 - 6940 (3 pages) | Drug Paraphernalia Establishments repealed Pagination changes |
| 6975 (2 pages) | 6975 (2 pages) | Recycling Processing Facility amended |
| 7019 (1 page) | 7019 (1 page) | Permits and Approvals to be Recorded and Provide Constructive Notice amended |

| REMOVE | ADD | SECTION CHANGES/DESCRIPTION |
|--------------------------|--------------------------|--|
| 7100 - 7106 (2 pages) | 7100 - 7106 (2 pages) | Variance Procedure amended Application for Granting a Variance amended Hearing and Notice Not Required amended |
| 7156 - 7166 (3 pages) | 7156 - 7166 (3 pages) | Waiver of Site Plan amended Appeal amended |
| 7201 - 7357 (3 pages) | 7201 - 7357 (3 pages) | Administrative Appeal Procedure- Application amended Use Permit Procedure- Classification of Use Permits and Original Jurisdiction amended Effect of Use Permit on Other Use of the Property amended |
| 7374 (1 page) | 7374 (1 page) | Expiration amended |
| 7506 - 7507 (3 pages) | 7506 - 7507 (2 pages) | Planning Commission Action amended Board of Supervisors Action amended Pagination changes |
| 7600 (1 page) | 7600 (1 page) | Supplementary Administrative Procedures- Title and Purpose amended |
| 7603 (1 page) | 7603 (1 page) | Public Hearings – Scheduling amended |

Upon insertion of these pages, we suggest you fill in the space provided for Update No. 85 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 Heather (Steven) Lingelser at (858) 495-5802.



DEVON MUTO, Chief
Advance Planning Division
Department of Planning and Land Use

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(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

PART ONE: BASIC PROVISIONS

GENERAL PROVISIONS

1000 TITLE AND PURPOSE OF PART ONE.

The provisions of Section 1000 through Section 1999, inclusive, shall be known as the Basic Provisions of the Zoning Ordinance. The purpose of these provisions is to specify the title, purpose, basic structure and applicability of the Zoning Ordinance and to require conformity to this Ordinance. These provisions shall apply to the entirety of the Zoning Ordinance.

1001 TITLE OF THE ZONING ORDINANCE.

This Ordinance shall be known and cited as The Zoning Ordinance.

1002 PURPOSE OF THE ZONING ORDINANCE.

The purpose of the Zoning Ordinance shall be to serve the public health, safety and general welfare and to provide the advantages resulting from the implementation of the San Diego County General Plan.

1003 CONSISTENCY OF ZONING ORDINANCE WITH THE SAN DIEGO COUNTY GENERAL PLAN.

In the event that the Zoning Ordinance becomes inconsistent with the San Diego County General Plan by reason of the adoption of a new Plan, or by amendment of the existing Plan or any of its elements, the Zoning Ordinance shall be amended within a reasonable time so that it is consistent with the newly adopted Plan or remain consistent with the existing Plan as amended. Additionally, all Zoning Ordinance amendments other than those previously described shall be consistent with the San Diego County General Plan. The procedure for the amendment of the Zoning Ordinance is contained in Sections 7500 through 7549, inclusive.

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

1004 OPEN SPACE ZONING ORDINANCE.

The Board of Supervisors hereby finds and declares that the zones containing the following Use Regulations and Special Area Regulations contained in this Zoning Ordinance constitute the Open Space Zoning Ordinance pursuant to the California Government Code: the A70 Limited Agriculture, A72 General Agriculture, S80 Open Space, S90 Holding Area, S92 General Rural, and S94 Transportation and Utility Corridor Use Regulations, and the Flood Plain, Historic/Archaeological Landmark and District, Scenic Area, Sensitive Resource Area, and Agricultural Preserve Special Area Regulations.

(Amended by Ord. No. 5330 (N.S.) adopted 12-13-78)

(Amended 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. 8114 (N.S.) adopted 7-29-92)

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

1006

1006 APPLICABILITY OF THE ZONING ORDINANCE.

- a. The Zoning Ordinance shall be applicable to all of the unincorporated areas of San Diego County. The use and employment of all land and any buildings or structures located upon the land and the construction, reconstruction, alteration, expansion, or relocation of any building or structure upon the land shall conform to all regulations applicable to the zone in which the land is located. No land, building, structure or premises shall be used for any purpose or in any manner other than is permitted in the zone in which such land, building, structure or premise is located.
- b. The Zoning Ordinance shall not apply to the development, use, or improvement of new or existing County Parks.
- c. The Zoning Ordinance shall not apply to Indian Reservation lands within the County of San Diego. Such lands are defined as those parcels which are identified as Indian Reservation lands by an Act of the United States Congress.
- d. The Zoning Ordinance shall not apply to federally-owned public lands within the County of San Diego. Such lands are defined as those parcels which are identified as federally-owned public lands by the San Diego County Assessor.
- e. The Zoning Ordinance shall not apply to solid waste management projects undertaken by the County on County-owned land and the Administrative Permit Procedure at Section 7050 and following, the Site Plan Review Procedure at Section 7150 and following, and the Use Permit Procedure at Section 7350 and following, shall not apply to the development of the following uses on County-owned solid waste sites and associated buffer properties which would otherwise require a discretionary permit; photovoltaic solar energy systems; resource conversion projects using landfill gases to produce energy or other products; above ground wireless telecommunication facilities; or storage of operable vehicles and equipment; provided:
 1. Any proposed lease (and associated environmental documents) for the use of any County-owned solid waste sites and associated buffer properties to a non-County entity for a use specified in this subsection shall be reviewed by the Director prior to final lease approval by the Department of General Services. All proposed uses (including potential future uses) of the leased property shall be specifically listed in the lease. Any uses that are not specifically listed in the lease shall be subject to the Administrative Permit Procedure at Section 7050 and following, the Site Plan Review Procedure at Section 7150 and following, and the Use Permit Procedure at Section 7350 and following, unless a new or revised lease is reviewed by the Director and approved by the Department of General Services.
 2. All proposed uses shall conform to all other applicable regulations, performance standards and design standards of the Zoning Ordinance.
- f. The Zoning Ordinance shall not apply to the Departments of the County of San Diego during, immediately following or throughout the recovery efforts authorized by the County, related to an emergency declared by the Governor of the State of California or the Board of Supervisors of the County of San Diego.

(Amended by Ord. No. 6615 (N.S.) adopted 6-22-83)
 (Amended by Ord. No. 7036 (N.S.) adopted 9-18-85)
 (Amended by Ord. No. 8340 (N.S.) adopted 12-15-93)
 (Amended by Ord. No. 9553 (N.S.) adopted 5-21-03)
 (Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)
 (Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)
 (Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)
 (Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

1007 RESPONSIBILITY FOR COMPLIANCE WITH THE ZONING ORDINANCE.

In addition to the provisions of Section 7703 VIOLATIONS AND PENALTIES, a property owner shall be considered to have allowed any use of property occupied by, or under the dominion and control of, the owner, and shall be responsible for the discontinuance and removal of any violation of The Zoning Ordinance. Said responsibility shall include property leased to other parties. A property owner shall also be responsible for the discontinuance and removal of any violation of The Zoning Ordinance that existed on the property prior to the current owners purchase of the property.

(Added by Ord. No. 8166 (N.S.) adopted 10-21-92)

1008 INTERPRETATION AND APPLICATION OF THE ORDINANCE.

If ambiguity arises concerning the content or application of The Zoning Ordinance, it shall be the duty of the Director to ascertain all pertinent facts, render a decision on the interpretation, set forth findings and notify concerned persons. This decision may be appealed pursuant to the Administrative Appeal Procedure commencing at Section 7200.

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

1010 INTERPRETATION OF CONFLICTING PROVISIONS.

In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirement for the promotion of the public health, safety, comfort, convenience and general welfare. It is not the intent of these regulations to interfere with or abrogate or annul any easement, covenant or other agreement between parties. When these regulations impose a greater restriction upon the use of buildings or land, or upon the height of buildings, or require larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of these regulations shall control.

1012 NO RELIEF FROM OTHER PROVISIONS.

Except as otherwise specifically provided, no provision of this Zoning Ordinance shall be construed as relieving any party to whom a site plan, permit or variance is issued from any other provision of state or federal law or from any provision, ordinance, rule, or regulation of the County of San Diego requiring a license, franchise, or permit to accomplish, engage in, carry on or maintain a particular business, enterprise, occupation, transaction or use.

1014

1014 SEVERABILITY OF PROVISIONS.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of these regulations, it being hereby expressly declared that this ordinance and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

1016 ORDINANCE SUPERSEDES EXISTING ZONING ORDINANCE.

This Zoning Ordinance supersedes Ordinance 1402, as amended, of the County of San Diego, including those provisions of Ordinance 1402 that apply specifically to the 37 zoning districts number 1, 4, 7, 8, 9, 12, 13, 15, 16, 19, 20, 23, 24, 26, 35, 37, 40, 41, 43, 44, 46, 48, 50, 51, 52, 53, 54, 56, 57, 58, 59, 60, 61, 62, 63, 64, and 65, referred to in Articles XXXVI to XCIX of said Ordinance, and to the extent that Ordinance 1402 is inconsistent with this Zoning Ordinance, it is hereby repealed. If any provisions of this Zoning Ordinance should be determined to be not applicable to land regulated by said Ordinance 1402, the provisions of Ordinance 1402 shall continue to apply. Nothing in this Ordinance shall be construed as validating or legalizing any land use or building or structure, conducted, constructed, erected, or maintained in violation of any County ordinance, and nothing in this ordinance shall prevent or bar the filing of a complaint or punishment of any in violation of said Ordinance 1402 or bar the bringing of any action or compel the discontinuance of any use or the removal of any building or structure conducted, constructed, erected, or maintained in violation of said Ordinance 1402. Insofar as the provisions of this ordinance impose the same regulations as imposed by said Ordinance 1402, this ordinance shall be construed as a continuation of said Ordinance 1402 and not as a new enactment.

(Amended by Ord. No. 7576 (N.S.) adopted 1-11-89)

1017

Notwithstanding any provision of Section 1016 to the contrary, any zone reclassification adopted pursuant to Ordinance No. 1402 (New Series) and prior to the operative date of this Zoning Ordinance shall on the effective date of said reclassifications be deemed automatically converted to the comparable zones under this ordinance, as said comparable zones are specified in Ordinance No. 5312 (New Series).

(Added by Ord. 5328 (N.S.) adopted 12-13-78)

1018 COMPLETION OF EXISTING BUILDINGS.

Nothing herein contained shall require any change in the plans, construction or designated use of a building or structure for which a building permit has been issued prior to the effective date of any amendment of these regulations provided that actual construction of such building or structure is commenced within one calendar year after the date of issuance of the building permit and is completed within three calendar years from issuance of said building permit and provided further that such construction and proposed use of such building or structure is not on said effective date in violation of any other ordinance or law. Actual construction is hereby defined for purposes of this section, to be the actual placing of construction materials in their permanent position, fastened in a permanent manner, except that where a basement is being excavated such excavating shall be deemed to be actual construction, or where demolition or removal of an existing structure has commenced preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction.

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

(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)

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

1019 EFFECT OF AMENDMENTS UPON PENDING APPLICATIONS.

- a. Any application for a permit or other approval regulated in any manner by the provisions of this Zoning Ordinance shall only be required to meet the provisions of this Ordinance that were in effect on the date that application was deemed complete. The foregoing provision relates only to individual application(s) regulated by the Zoning Ordinance, not to the overall project (for which several applications may be required).

- b. For purposes of this section, an application is "deemed complete" 30 days following the date it was submitted, unless the applicant has been informed that the application is not complete, or at such earlier date that the County informed the applicant that the application was complete.

(Added by Ord. No. 6134 (N.S.) adopted 7-22-81)

(Amended by Ord. No. 7322 (N.S.) adopted 6-10-87)

(Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)

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

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

Closet: Small room or recess primarily designed to store wearing apparel.

(Added by Ord. No. 6134 (N.S.) adopted 7-22-81)

College: A college, junior college or university supported by public funds, or a private college, junior college or university which gives comparable general academic instruction and degrees.

Columbarium: A structure, room, or other space in a building or a sepulchral vault containing niches or recesses in the walls for the inurnment of cremated human remains.

(Added by Ord. No. 9151 (N.S.) adopted 5-10-00)

Commercial Agriculture: Shall mean a routine and ongoing enterprise associated with a farm, grove, dairy, or other agricultural business, and shall include:

1. The cultivation and tillage of soil; crop rotation; fallowing for agricultural purposes; the production, cultivation, growing, replanting and harvesting of any agricultural commodity including viticulture, vermiculture, apiculture, or horticulture;
2. The raising of livestock, bees, fur bearing animals, fish or poultry, and dairying for sale;
3. Any practices performed by a farmer on a farm as incident to or in conjunction with those farming or grove operations, including the preparation for market, delivery to storage or to market, or delivery to carriers for transportation to market; and
4. Ordinary pasture maintenance and renovation and dry land farming operations consistent with rangeland management and soil disturbance activities.

All such activities must be consistent with the economics of commercial agricultural operations and other similar agricultural activities. Commercial Agriculture does not include crops or agriculture for personal consumption.

(Added by Ord. No. 10003 (N.S.) adopted 8-5-09)

Commercial Vehicle: A vehicle primarily designed, maintained or used to transport, for compensation, one or more persons or property of any kind. A vehicle primarily designed to transport one or more persons or property for compensation, whether or not it is being used or has been used for that purpose, is a commercial vehicle. A commercial vehicle includes, but is not limited to, a truck, truck tractor, trailer, semi-trailer and bus.

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

Commercial Zone: A zone including a use regulation set forth in Sections 2300 through 2499, inclusive.

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

Common Area: That area which will be maintained by a homeowners association, County service area, or other form of cooperative organization. For purposes of these regulations, "common area" does not include open space which cannot legally be disturbed.

Def. C

(Added by Ord. No. 7735 (N.S.) adopted 3-13-90; operative 10-01-90)

Concrete Batch Plant: Mixing plants for Portland cement concrete, transit concrete mixing plants, sand, gravel and cement mixing plants and soil cement mixing plants.

Concurrent Use Permit: (See Use Permit, Concurrent)

Construction: The placement of construction materials in their permanent position fastened in a permanent manner.

Convenience Zone: An area within a one-half mile radius of a supermarket. A "supermarket" for purposes of this ordinance is defined as a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000) or more, and which sells a line of dry grocery, canned goods, or non-food items and some perishable items.

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

Corner Cut-Off Area: An area provided and maintained for adequate and safe visibility for vehicular and pedestrian traffic at intersections of streets, alleys, or private driveways.

County Affordable Senior Housing Program: The County's program to encourage the provision of senior rental housing that is affordable. See Section 6360 a.2.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

County Park: Any park, community center, museum, beach park, or recreation facility, owned by, leased by, or under the control of the County.

(Added by Ord. No. 6615 (N.S.) adopted 6-22-83)

Crawl Space: Any unfinished accessible space, located below the first floor of a structure, which has non-excavated, natural grade with no slab; normally enclosed by a foundation wall which is intended to provide sufficient access to otherwise concealed ductwork, piping or wiring. Any such area that is designated, arranged or built as to be used for business, storage, or habitation shall not be considered crawl space and shall be counted as storage area and/or habitable space and shall be designed to meet all requirements of storage areas or habitable space.

(Added by Ord. No. 10095 (N.S.) adopted 12-8-10)

DEFINITIONS (D)

Density: The number of dwelling units per acre.

Density Bonus: A density increase over the otherwise maximum allowable residential density under the Zoning Ordinance and land use element of the general plan as of the date of a complete application to the County.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Density Bonus Housing Agreement: A legally binding agreement between a developer and the County to ensure that the requirements of the density bonus application and the Zoning Ordinance are satisfied.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Density Bonus Permit: A permit issued by the County based upon an applicant's compliance with the requirements of the Density Bonus Program at Sections 6350 through 6399 and the Density Bonus Permit Procedures at Sections 7400 through 7449.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Density Bonus Unit: As applied in the Density Bonus Program at Sections 6350 through 6399 and the Density Bonus Permit Procedures at Sections 7400 through 7449, density bonus unit is a residential unit that exceeds the number of units allowed under the otherwise maximum allowable residential density for the development site.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Density, Maximum Allowable Residential: (See Maximum Allowable Residential Density)

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Development Standard: As applied to the Density Bonus Program at Sections 6350 through 6399 and the Density Bonus Permit Procedures at Sections 7400 through 7449, development standard includes a site or construction condition including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Designated Historic Landmark: (See Historic Landmark)

(Added by Ord. No. 5330 (N.S.) adopted 12-13-78)

(Deleted by Ord. No. 7101 (N.S.) adopted 3-12-86)

Designator: The numbers or letters or combination of both which prescribe the regulations for the Use Regulations, Animal Regulations, Development Regulations, and Special Area Regulations. It appears on the zoning map and refers to names of Use Regulations, types of Animal Regulations, types of Development Regulations, or names of Special Area Regulations.

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

Detached: (See Building Type, Nonresidential)

Def. D

Development Regulations: That element of the zone which is represented by 9 designators corresponding to 9 aspects of physical development. These 9 aspects are: density, lot size, building type, maximum floor area, floor area ratio, height, coverage, setback, and useable open space. The Development Regulations regulate these subjects, by using the designators, in terms of certain minimum or maximum standards or of permitted buildings types.

Dog: A canine that has reached the age of 4 months.

Double Detached: (See Building Types, Residential)

Drive-In: (See Enclosure)

Drive-In Theater: (See Adult Drive-In Theater)

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

Duplex: (See Building Type Residential)

Dwelling: A building or portion thereof used exclusively for residential purposes, including one-family, two-family and multiple dwellings, but not including hotels, boarding and lodging houses.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, and having only one kitchen.

Dwelling, Multi: (See Building Type, Residential)

Historic/Archaeological Landmark: For the purpose of this ordinance the term "Historic/Archaeological Landmark" shall mean a single site, including the associated buildings, structures and plant life, which is considered to have historic and/or prehistoric significance due to its association with past events of historical, cultural, architectural and/or archaeological value and which has been recognized by the Board of Supervisors by the application of a special area designator pursuant to Section 5703 of this ordinance.

(Added by Ord. No. 5330 (N.S.) adopted 12-13-78)
(Amended by Ord. No. 7101 (N.S.) adopted 3-12-86)
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)

Home Occupation: An occupation customarily conducted as an accessory use to a residential use entirely within a building containing a residential use or an attached garage.

(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)

Horse: A horse is an equine that has reached the age of 8 months.

Horsekeeping: The keeping of horses in an accessory building or on premises where the horses are owned by the occupants of the premises, and where no horses are kept for hire. In residential use regulations only incidental sale of personal horses is permitted; no sale of horses as a business is allowed.

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

Hospital: An institution which specializes in giving clinical, temporary and emergency services of a medical or surgical nature to injured persons and which maintains and operates 24-hour inpatient services for the diagnosis and treatment of patients. Any hospital shall be so licensed by the State Department of Health.

(Amended by Ord. No. 5330 (N.S.) adopted 12-13-78)

Host Home: A single-family dwelling in which no more than two bedrooms are made available for rent on a less than weekly basis to provide lodging, including overnight sleeping accommodations and breakfast.

(Added by Ord. No. 7160 (N.S.) adopted 6-18-86)
(Deleted by Ord. No. 7363 (N.S.) adopted 8-19-87) (See Bed and Breakfast Home)
(Added by Ord. No. 7515 (N.S.) adopted 7-13-88)

Household, Low or Lower Income: A household whose income does not exceed the lower income limits applicable to San Diego County as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Def. H

Household, Moderate Income: A household whose income does not exceed the moderate income limits applicable to the San Diego County as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50093 of the California Health and Safety Code.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Household, Very Low Income: A household whose income does not exceed the very low income limits applicable to San Diego County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Housing Assistance Plan: The Housing Assistance Plan adopted by the Board of Supervisors as part of the application for community development block grants from the federal government.

Housing Development: As applied in the Density Bonus Program at Sections 6350 through 6399 and the Density Bonus Permit Procedures at Sections 7400 through 7449, housing development shall mean a development project for five or more residential units and be as further defined in Section 65915(i) of the California Government Code.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

DEFINITIONS (I)

Incentive: As applied in the Density Bonus Program at Sections 6350 through 6399 and the Density Bonus Permit Procedures at Sections 7400 through 7449, incentive shall mean such regulatory incentive or concession as defined in California Government Code Subsection 65915(k).

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Incidental Landing Area: An area of land, water or structure which is not designated as a heliport, helipad or helistop and is required for the landing of helicopters for emergencies, public service or maintenance activities and is not a permanent landing or storage area for a helicopter.

(Added by Ord. No. 7058 (N.S.) adopted 10-30-85)

Industrial 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)

Inoperative or Wrecked Motor Vehicles, Storage of: (See Storage of Inoperative or Wrecked Motor Vehicles)

(Added by Ord. No. 10095 (N.S.) adopted 12-8-10)

DEFINITIONS (J)

Junk: Means secondhand or used machinery, equipment, appliances, furniture, motor vehicle parts, tires, lumber, rope, bottles, pipe, wire, drums, scrap metal, construction material, packaging material, including items made of or containing wood, metal, paper, plastic, clay, brick, glass, porcelain, rubber, concrete, or other personal property.

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

Junkyard: Any parcel, lot, contiguous lots or portions thereof used for dismantling, salvage, outside storage, purchase, sale, or exchange of junk, or containing any activity in the Scrap Operations use type. It is not an exception to this definition that a person intends or proposes to use the junk for some purpose.

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

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

DEFINITIONS (K)

Kennel: Any lot, building, structure, enclosure or premises whereupon or wherein are kept seven or more dogs, cats or similar small animals in any combination, whether such keeping is for pleasure, profit, breeding, or exhibiting, and including places where dogs or cats or similar small animals in any combination are boarded, kept for sale, or kept for hire.

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

Kitchen: Any room used or intended or designed to be used for cooking or the preparation of food, including any room having a sink and either a 3/4 inch gas opening or provision for an electric stove.

Def. L

DEFINITIONS (L)

Legitimate or Live Theater: A theater, concert hall, auditorium or similar establishment which, for any fee or consideration, regularly features live performances which are not distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas in that any such depiction or description is only incidental to the primary purpose of the performance.

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

Limited: (See Building Type, Mixed Residential-Nonresidential)

Livestock: An animal raised for food or other products. Typical examples include cattle, poultry and pigs. Animals raised for pleasure, exhibition or racing shall not be considered livestock.

(Added by Ord. No. 10003 (N.S.) adopted 8-5-09)

Living Area: The floor area under the roof of a dwelling unit that is contained within the interior surface of its perimeter walls, except as follows: Living area does not include garages; appurtenant structures accessible only from the outside; attics, basements, and enclosed patios not designed, intended, and constructed for human habitation; and any room or area primarily devoted to any accessory or secondary use.

(Added by Ord. No. 8409 (N.S.) adopted 6-1-94)

Living Unit: Any building or vehicle designed or used for human habitation, including, but not limited to a dwelling, guest house, accessory living quarters, farm employee housing, farm labor camp, transient habitation unit, or mobilehome.

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

Loading Space: An area, other than a street or alley, on the same lot with a building or a group of buildings which is permanently reserved and maintained for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

Lot: Any of the following:

1. A parcel of real property shown as a delineated parcel of land with a number or other designation on a final map of subdivision recorded in the office of the County Recorder of San Diego County; or
2. A parcel of land, the dimensions or boundaries of which are defined by a Record of Survey Map recorded in the office of the County Recorder of San Diego County in accordance with the law regulating the subdivision of land; or
3. A parcel of real property not delineated in (1) or (2) above, and containing not less than the prescribed minimum area required in the zone in which it is located and which abuts at least one street and is held under one ownership.

DEFINITIONS (P)

Parcel: A contiguous quantity of land in the possession of, or owned by, or recorded as the property of, the same person.

Parking Area: An open area, other than a street or alley, which contains motor vehicle parking spaces.

(Amended by Ord. No. 5976 (N.S.) adopted 1-28-81)
(Amended by Ord. No. 7432 (N.S.) adopted 01-06-88)

Parking Garage: A building other than a private or public garage used for the shelter or storage of operating motor vehicles and may, incidental thereto be used for the care, repair or equipping of such vehicles.

Parking Space: An unobstructed space or area other than a street or alley which is permanently reserved and maintained for the parking of one motor vehicle.

Parlor: (See Massage Parlor)

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

Patio Cover: A one-story, open-sided shade structure consisting of a roof and structural supports, attached to or detached from the primary dwelling which is used only for recreational, outdoor living purposes and not as a carport, garage, storage room or habitable room. A patio cover may have enclosing walls in any configuration, provided the open area of the longer wall and one additional wall is equal to at least 65% of the area below a minimum of 6'-8" of each wall, measured from the floor. For the purposes of this definition, the term "open" includes the use of insect screen material.

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

Peep Show Device: Any device which displays still or moving images in a peep show booth which depict specified anatomical areas or specified sexual activities upon payment of a fee or other consideration.

(Added by Ord. 8015 (N.S.) adopted 12-4-91)
(Amended by Ord. 9469 (N.S.) adopted 6-12-02)

Peep Show Booth: Any room, booth, partial enclosure or partitioned area of any room in which a peep show device is located, with a seating capacity of five or fewer persons. It does not include an Adult Mini-Motion Picture Theater which has a seating capacity of more than five but less than fifty persons where still or motion images are regularly shown to an audience of more than five but less than fifty persons at any one time.

(Added by Ord. No. 8015 (N.S.) adopted 12-4-91)

Penthouse: A projection above the roof which when used only for the shelter of mechanical equipment or shelter of vertical shaft openings in the roof is not regarded as a story.

Person: Any individual, firm, copartnership, joint venture, association, syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit.

Def. P

Photovoltaic Solar Energy System: A type of solar energy system that converts solar energy into a usable form of electricity using Photovoltaic Solar Cells.

(Added by Ord. No. 10072 (N.S.) adopted 9-15-10)

Planned Development: A large, integrated development located on a single building site, or on 2 or more building sites which may be separated only by a street or other right-of-way. In such development, the land and structures shall be planned and developed as a whole in a single development operation or a series of operations in accordance with a detailed, comprehensive plan encompassing such elements as the location of structures, the circulation pattern, parking facility, open space, and utilities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided for the common use of the persons occupying or utilizing the property.

Ponds: (See Aquaculture)

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

Porte Cochere: A covering over a driveway, (usually circular) or drive that allows a vehicle to continue onto another portion of the site, that provides temporary shelter to persons exiting a vehicle, but not serving as the only covered or enclosed vehicle shelter on-site.

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

Pot-Belly Pig: A domesticated miniature Vietnamese, Chinese or Asian pot-bellied or pot-belly pig not exceeding one hundred twenty-five pounds in weight and not exceeding eighteen inches in height measured at the shoulder.

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

Poultry: Chickens, turkeys, ducks and geese.

(Added by Ord. No. 6268 (N.S.) adopted 4-14-82)

Premises: Any building, structure, place, lot or parcel of land or any number of contiguous lots or parcels of land, in the possession or control of any person or in the joint or common possession or control of more than one person.

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

Principal Use(s): The primary use(s) for which land or a building is or may be intended, occupied, maintained, arranged or designed.

Private Garage: An accessory building or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building.

Reserved Unit: A dwelling unit that will be reserved for sale or rent to, and affordable to, very low, low, or moderate income households or reserved for sale or rent to qualifying senior citizen residents.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Residential Zone: A zone including a use regulation set forth in Sections 2100 through 2299, inclusive.

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

Rest Home: Any place or institution which makes provision for bed care or for chronic or convalescent care for one or more persons exclusive of relatives, who by reason of illness or physical infirmity are unable to care for themselves; but in which no persons suffering from contagious or communicable disease are kept and in which no surgical or other primary treatments such as are customarily provided in sanitariums or hospitals are performed. Rest homes shall include all places defined in Title 17 of the California Administrative Code and licensed as nursing or convalescent homes.

Reverse Vending Machine: An automated mechanical device which occupies less than 50 square feet; accepts at least one or more types of empty beverage containers, including but not limited to aluminum cans, glass and plastic bottles; and issues a cash refund or redeemable credit slip with a value not less than the container's redemption value, as determined by the State. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine.

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

Right-of-Way: An area or strip of land, either public or private, on which an irrevocable right of passage has been recorded for the use of vehicles or pedestrians or both.

Riparian Habitat: An environment associated with the banks and other land adjacent to freshwater bodies, rivers, streams, creeks, estuaries, and surface-emergent aquifers (such as springs, seeps, and oases). Riparian habitat is characterized by plant and animal communities which require high soil moisture conditions maintained by transported freshwater in excess of that otherwise available through local precipitation.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

Def. S

DEFINITIONS (S)

Schedule: A list or table of standards pertinent to certain aspects regulated by the Animal Regulations or the Development Regulations. A particular standard or combination of standards prescribed by a schedule is referenced by a designator in the Animal Regulations or the Development Regulations.

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

School: An institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a kindergarten, elementary school, junior high school, senior high school, or any special institution of learning under the jurisdiction of the State Department of Education, but does not include a trade, vocational or professional institution or an institution of higher education, including a community or junior college, college or university.

(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. 10095 (N.S.) adopted 12-8-10)

School, Trade: A facility that provides instruction and practical training in skilled trades or labor on a post-secondary level, including but not limited to construction; truck driving; mechanics; heavy equipment operation; and similar technical schools that are not subject to the standards set by the State Board of Education and not otherwise defined as a college. This use shall be considered Major Impact Service and Utilities use type when any instruction or training is conducted outside of an enclosed building, regardless of the number of students.

(Added by Ord. No. 10095 (N.S.) adopted 12-8-10)

School, Vocational: An institution of learning, other than a college, which provides specific job or vocation related training to be pursued as a career, including art, barber/beauty, business, fashion design, language, nursing, or other certification or degree programs, which are conducted entirely within an enclosed building.

(Added by Ord. No. 10095 (N.S.) adopted 12-8-10)

Secondhand Merchandise/Goods: Used common household items including clothing, personal effects, households furnishings, appliances, and office equipment and furnishings.

Secondary Use: A purpose for which land or a building is or may be intended, occupied, maintained, arranged, or designed, which is less visible, prominent, or important than the principal use(s) on the same lot or parcel. A secondary use may, but need not be an accessory use to the principal use(s).

Semi-Detached: (See Building Type, Residential)

Semi-Open: (See Enclosure)

Senior Citizen: A person 62 years of age or older or 55 years of age or older in a senior citizen housing development as defined in California Civil Code Section 51.3.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Senior Citizen Housing Development: A residential development that is reserved for senior citizens and consists of at least 35 dwelling units as defined in California Civil Code Section 51.3.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Sensitive Habitat Lands: Land which supports unique vegetation communities, or the habitats of rare or endangered species or subspecies of animals or plants as defined by Section 15380 of the State California Environmental Quality Act (CEQA) Guidelines (14 Cal. Admin. Code Section 15000 et seq.) (Unique Vegetation Community refers to associations of plant species which are rare or substantially depleted due to development. These may contain rare or endangered species, but other species may be included because they are unusual or limited due to a number of factors, for example: (a) they are only found in the San Diego region; (b) they are a local representative of a species or association of species not generally found in San Diego County; (c) they are outstanding examples of the community type as identified by the California Department of Fish and Game listing of community associations.) Sensitive Habitat Lands includes the area which is necessary to support a viable population of any of the above species in perpetuity, of which is critical to the proper functioning of a balanced natural ecosystem or which serves as a functioning wildlife corridor.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

Setback: A required, specified distance between a building or structure and a lot line or lines, measured perpendicularly in a horizontal plane extending across the complete length of said lot line or lines.

Setback, Front Yard: The setback applicable in the front yard of a building or structure. When a parcel or lot abuts a public road, the front setback shall be measured from the centerline of the public road.

(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

Setback, Rear Yard: The setback applicable in the rear yard of a building or structure.

Setback, Side Yard: The setback applicable in the side yard of a building or structure.

Sexual Encounter Establishment: An establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State of California engages in sexual therapy. For the purposes of these regulations, sexual encounter establishment shall include massage or rap parlor and other similar establishments.

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

Def. S

Sexual Activities: (See Specified Sexual Activities)

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

Shaft: A vertical opening through a building for elevators, dumbwaiters, mechanical equipment or similar purposes.

Shrub: A woody perennial plant generally with multiple basal stems.

(Added by Ord. No. 7735 (N.S.) adopted 3-13-90; operative 10-01-90)

Sidewalk Cafe: An area adjacent to and directly in front of a street level eating or drinking establishment located within the sidewalk area of the public right-of-way used exclusively for dining, drinking and pedestrian circulation. The encroachment area of a sidewalk cafe may be separated from the remainder of the sidewalk by railings, fencing or landscaping planter boxes or a combination thereof.

(Added by Ord. No. 6924 (N.S.) adopted 2-20-85)

Sign: Any structure, device, material or substance placed, attached or applied in any manner on or above a building, structure or site so as to be visible at or beyond the property boundaries and which displays by shape, color, light or symbol any attention arrestor device, model, banner, numeral, letter, word, trademark, logo, emblem or other representation used as or in the nature of an advertisement or solicitation of a business, profession, service, person, group, organization, firm, enterprise, industry, product, commodity, merchandise place or event.

(Added by Ord. No. 6691 (N.S.) adopted 11-30-83)

Sign, Abandoned: A sign which remains in place after expiration of the permit authorizing it or after the date, event or purpose for which it was installed has passed or terminated.

(Added by Ord. No. 6691 (N.S.) adopted 11-30-83)

Stacked: (See Building Type, Residential)

Stand: A structure for the display and sale of farm products with no space for customers within the structure itself.

Standard Mobilehome Park: (See Mobilehome Park, Standard)

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

Steep Slope Lands: All lands having a slope with natural gradient of 25 percent or greater and a minimum rise of 50 feet, unless said lands have been substantially disturbed by previous legal grading.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

Storage of Inoperative or Wrecked Motor Vehicles: Storage of inoperative or wrecked motor vehicles shall only be allowed as long as there are no more than two inoperative or wrecked motor vehicles (as those terms are defined in section 21.602 of the County Code) on a parcel or property made up of one or more contiguous parcels, the vehicles are not being stored contrary to section 78.104 of the County Code and no owner or occupant of the property is operating a motor vehicle wrecking yard, as that term is defined in section 21.602(f) of the County Code. This limitation of the number of vehicles shall not apply to the storage of vehicles pursuant to Section 1430(i).

(Added by Ord. No. 10095 (N.S.) adopted 12-8-10)

Storage of Nonoperating Vehicles: A nonoperating vehicle means a vehicle that may be capable of operating under its own power but is being stored at a licensed storage yard and is not in the possession of the registered owner. Storage of nonoperating motor vehicles shall not include automobile wrecking.

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

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above (see "Attic Story" and "Crawl Space"). The maximum height of a story between floors shall be 14 feet. If the finished floor level directly above a basement, cellar, or unused under-floor space is more than 6 feet above the adjacent elevation for more than 50 percent of the total perimeter or is more than 12 feet above the adjacent elevation at any point, such basement, cellar or unused under-floor space shall be considered as a story. The total perimeter shall be measured along the outer limits of the area of the floor level in question. The adjacent elevation shall be grade as defined herein but shall not include fill material that has been mounded or placed for landscaping, thermal insulation, sound attenuation or for any other purpose if such mounding or placement would allow additional floor levels or building heights greater than otherwise permitted.

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

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

(Amended by Ord. No. 7306 (N.S.) adopted 5-20-87)

(Amended by Ord. No. 7935 (N.S.) adopted 6-19-91)

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

Def. S

Story, Attic: (See Attic Story)

(Added by Ord. No. 10095 (N.S.) adopted 12-8-10)

Story, First: The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than 4 feet below grade, as defined herein, for more than 50 percent of the total perimeter, or more than 8 feet below grade, as defined herein, at any point.

(Added by Ord. No. 6134 (N.S.) adopted 7-22-81)

Street: A County road, State highway, public road, street or alley, or private thoroughfare or easement (or proposed private thoroughfare or easement shown on a recorded parcel map) not less than 10 feet in width connecting with a County road, State highway, public road, street or alley which affords primary access to an abutting lot.

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

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

Street, Centerline of: The centerline of a street as established in accordance with the provisions of Chapter 5 of Division 1 of Title 5 of the San Diego County Code.

Street Line: The boundary line between a street and the abutting property.

Street, Side: A street which is adjacent to a corner lot and which extends in the general direction of the line determining the depth of the lot.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Structural Alterations: Any change in the supporting members of a building such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or changes in roof or exterior lines.

Substantial Improvement: Any repair, reconstruction, or improvement of structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or (2) any alteration of a structure listed on the National Register or Historic Places or a State inventory of Historic Places.

Supportive Housing: Shall have the meaning prescribed in Health and Safety Code 50675.14(b). The design of the structures determines Family Residential or Group Residential Use Type.

(Added by Ord.No. 10035 (N.S.) adopted 1-27-10)

Swap Lot: A building, structure, enclosure lot or other area into which persons are admitted to display, exchange, barter, sell or bargain for new or used merchandise. carried on in a swap lot.

Swimming Pool: Any confined body of water exceeding 2 feet in depth and located either above or below the existing finished grade of the site, designed, used or intended to be used for swimming, bathing or therapeutic purposes.

DEFINITIONS (T)

Take-off and Landing Area: That area of any helicopter facility where the helicopter actually lands and takes off, and includes the touch down area.

(Added by Ord. No. 7058 (N.S.) adopted 10-30-85)

Trade School: (See School, Trade)

(Added by Ord. No. 10095 (N.S.) adopted 12-8-10)

Trailer Coach: Any vehicle, with or without motive power, designed or used for human occupancy for residential, recreational, industrial, professional, or commercial purposes and shall include camp car, mobilehome and travel trailer.

(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

Transient Habitation Unit: Living quarters intended exclusively for occupation by transient persons. A transient habitation unit may include a hotel or motel room or suite of rooms, a cabin or a campground space.

Transitional Housing: Shall have the meaning prescribed in Health and Safety Code 50675.2(h). The design of the structures determines Family Residential or Group Residential Use Type.

(Added by Ord. No. 10035 (N.S.) adopted 1-27-10)

Tree: A perennial woody plant with one or more well defined stems or trunks which, at maturity, is largely kept clear of leaves and branches at least 5 feet above grade.

(Added by Ord. No. 7735 (N.S.) adopted 3-13-90; operative 10-01-90)

Triplex: (See Building Type; Residential Triplex)

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

Def. U

DEFINITIONS (U)

Ultralight Vehicle: A powered or unpowered vehicle that is defined and described in Federal Aviation Regulations (FAR), Part 103, promulgated by the United States Government, Department of Transportation (DOT), Federal Aviation Administration (FAA), as that regulation is presently written or as it may be amended.

(Added per Ord. No. 7197 (N.S.) adopted 9-10-86)

Unit, Base: (See Base Units)

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Unit, Density Bonus: (See Density Bonus Unit)

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Unit, Market Rate: (See Market Rate Unit)

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Unit, Reserved: (See Reserved Unit)

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Unlimited: (See Building Type, Mixed Residential-Nonresidential)

Usable Open Space: One or more open areas adjacent to residential uses, the purpose of which is to provide an outdoor area designed for outdoor living and recreation, and which is located at, below, or above grade.

Usable Open Space, Group: Usable open space intended for common use by occupants of a development, either privately owned and maintained or dedicated to a public agency, normally including swimming pools, recreation courts, patios, open landscaped areas, and greenbelts with pedestrian walkways and equestrian and bicycle trails. Group usable open space does not include off-street parking and loading areas or driveways.

Usable Open Space, Private: Usable open space intended for use of occupants of one dwelling unit, normally including yards, decks, and balconies.

Use: The purpose for which land or a building is occupied, arranged, designed or intended, or for which land or a building is or may be occupied or maintained.

Use, Accessory: (See Accessory Use)

Use Classification: A system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics. All use types are grouped into the following categories: Residential, Civic, Commercial, Industrial, Agricultural, and Extractive.

Use Permit: A permit which may be granted by the appropriate San Diego County authority to provide for the accommodation of land uses with special site or design requirements, operation characteristics, or potential adverse effects on surroundings, which are not permitted as of right but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority.

Use Permit, Concurrent: Use permits filed concurrently with an application requesting amendment of the Zoning Ordinance applicable to the land under the original jurisdiction of the Planning Commission.

Use Permit, Major: Use permit under the original jurisdiction of the Planning Commission.

(Amended by Ord. No. 6505 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)
(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

Use Permit, Minor: Use permit normally under the original jurisdiction of the Director.

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

Use, Principal: (See Principal Use)

Use Type: (See Use Classification)

Use Regulations: That element of the zone which indicates, by means of a designator combining a letter and a number, the use types which are permitted in that zone.

DEFINITIONS (V)

Variance: A departure from the specific requirements of the Zoning Ordinance which may be granted by the appropriate San Diego County authority when the literal enforcement of these requirements would result in practical difficulties, unnecessary hardship, or results inconsistent with the general purposes of this ordinance.

Vermiculture or vermicomposting: A form of animal husbandry involving the raising of worms of the taxonomic phylum Annelida (segmented worms) and/or the use of said worms to convert organic matter into compost.

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

Very Low-Income Family: (See Household, Very Low Income)

(Added by Ord. No. 5781 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

Very Low-Income Household: (See Household, Very Low Income)

(Added by Ord. No. 5781 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

Def. V

Vocational School: (See School, Vocational)

(Added by Ord. No. 10095 (N.S.) adopted 12-8-10)

DEFINITIONS (W)

Wall, Exterior: Any wall or element of a wall or any member or group of members, which defines the exterior boundaries or courts of a building and which has a slope of 60 degrees or greater with the horizontal plane.

Wall, Solid: (See Fence, Solid)

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

Wall, View-Obscuring: (See Fence, View-Obscuring)

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

Wetland: All lands which are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or where the land is covered by water. All lands having one or more of the following attributes are "wetlands":

- a. At least periodically, the land supports predominantly hydrophytes;
- b. The substrate is predominantly undrained hydric soil; or
- c. The substrate is nonsoil and is saturated with water or covered by water at some time during the growing season of each year.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

Wetland Buffer: Lands which provide a buffer area of an appropriate size to protect the environmental and functional habitat values of the wetland, or which are integrally important in supporting the full range of the wetland and adjacent upland biological community.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

Windmill: A device which converts the kinetic energy of the wind into a useable form of mechanical energy.

(Added by Ord. No. 6857 (N.S.) adopted 10-10-84. Opr. 1-1-85)

Wind Turbine: A device which converts the kinetic energy of the wind into a useable form of electrical energy. A Wind Turbine is not a Meteorological Testing (MET) Facility.

(Added by Ord. No. 6857 (N.S.) adopted 10-10-84. Opr. 1-1-85)
(Amended by Ord. No. 9971 (N.S.) adopted 02-25-09)

Wind Turbine System, Small: An installation consisting of no more than one wind turbine with a maximum blade swept area of 220 square feet. This area shall be measured in the vertical plane perpendicular to the wind direction. (A 220 square foot blade swept area corresponds approximately with a blade diameter of 16.5 feet for a conventional horizontal axis wind turbine.)

(Added by Ord. No. 7117 (N.S.) adopted 4-23-86)

Wind Turbine System, Medium: An installation consisting of one to five wind turbines in which the sum of the blade swept area of the turbines is no more than 850 square feet. This area shall be measured in the vertical plane perpendicular to the wind direction. (A 850 square foot blade swept area corresponds approximately with a blade diameter of 33 feet for one conventional horizontal axis wind turbine).

(Added by Ord. No. 7117 (N.S.) adopted 4-23-86)
(Amended by Ord. No. 10073 (N.S.), adopted 9-15-10)

Wind Turbine System, Large: An installation consisting of one or more wind turbines in which the sum of the blade swept area of all turbines is greater than 850 square feet. This area shall be measured in the vertical plane perpendicular to wind direction. No individual wind turbine shall have a blade swept area greater than 6400 square feet. The "Wind Turbine System, Large" shall be classified as a Major Impact Services and Utilities use type.

(Added by Ord. No. 7117 (N.S.) adopted 4-23-86)
(Amended by Ord. No. 10073 (N.S.), adopted 9-15-10)

Wind Turbine, Non-operational: Any wind turbine(s) whose power output (in kilowatt hours) for any consecutive 12 months is less than 10% of the expected power output. The expected power output for commercial wind turbines shall be the amount claimed in the company's prospectus.

(Added by Ord. No. 7117 (N.S.) adopted 4-23-86)

Wood Waste: Lumber and wood products but excluding painted wood, wood treated with chemicals, and pressure treated wood.

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

Wood and Green Waste Composting Facility: A facility where wood and/or green waste decompose in a controlled environment into compost, soil amendment or other products. A composting facility may employ mechanical equipment to turn the piles and provide aeration. Composting may be conducted within an enclosed building or in the open such as in windrow composting. Backyard composting by homeowners and composting of material generated by an agricultural operation for the purpose of mulching or soil amendment on property in the same ownership as that where composting takes place shall not be considered a Wood and Green Waste Composting Facility. The composting of municipal sewage sludge shall also not be considered a Wood and Green Waste Composting Facility even if such composting operation utilizes wood or green waste.

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

Def. Y

DEFINITIONS (Y)

Yard: An open, unoccupied space, other than a court, unobstructed from the ground to the sky, except as otherwise provided by this ordinance, on the lot on which a building is situated.

Yard, Front: The yard between a front lot line or lines and the line defined by the required front yard setback.

Yard, Rear: The yard between a rear lot line or lines and the line defined by a required rear yard setback.

Yard, Side: The yard between a side lot line or lines and the line defined by a required side yard setback, extending from the front to the rear yard.

Yard, Side, Exterior: A side yard abutting a street.

Yard, Side, Interior: A side yard other than an exterior side yard.

DEFINITIONS (Z)

Zone: A mapped area to which a uniform set of regulations applies, or a uniform set of regulations described by a use designator, an animal designator, a development designator, and an optional special area designator.

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

USE CLASSIFICATIONS

GENERAL CLASSIFICATION RULES

1200 GENERAL INTENT OF THE USE CLASSIFICATIONS.

The provisions of Section 1200 through Section 1899, inclusive, shall be known as the Use Classifications. The purpose of these provisions is to classify uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics, thereby providing a basis for regulation of uses in accordance with criteria which are directly relevant to the public interest. These provisions shall apply throughout the Zoning Ordinance.

1205 LISTING OF USE CLASSIFICATIONS.

All uses are hereby classified into the following use types, which are described in Section 1250 through Section 1899, inclusive. See Section 1215 for classification of combinations of uses resembling different types. The names of these use types start with capital letters throughout the Zoning Ordinance.

a. Residential Use Types.

Family Residential
Group Residential
Mobilehome Residential

b. Civic Use Types.

Administrative Services
Ambulance Services
Child Care Center
Civic, Fraternal or Religious Assembly
Clinic Services
Community Recreation
Cultural Exhibits and Library Services
Emergency Shelters
Essential Services
Fire Protection Services
Group Care
Law Enforcement Services
Major Impact Services and Utilities
Minor Impact Utilities
Parking Services
Postal Services
Small Schools
Wind Turbine System, Medium

c. Commercial Use Types.

Administrative and Professional Services
Adult Entertainment Establishments
Agricultural and Horticultural Sales: Agricultural
Agricultural and Horticultural Sales: Horticultural

Agricultural Services
Animal Sales and Services: Auctioning
Animal Sales and Services: Grooming
Animal Sales and Services: Horse Stables
Animal Sales and Services: Kennels
Animal Sales and Services: Stockyards
Animal Sales and Services: Veterinary (Large Animals)
Animal Sales and Services: Veterinary (Small Animals)
Automotive and Equipment: Cleaning
Automotive and Equipment: Fleet Storage
Automotive and Equipment: Parking
Automotive and Equipment: Repairs, Heavy Equipment
Automotive and Equipment: Repairs, Light Equipment
Automotive and Equipment: Sales/Rentals, Farm Equipment
Automotive and Equipment: Sales/Rentals, Heavy Equipment
Automotive and Equipment: Sales/Rentals, Light Equipment
Automotive and Equipment: Storage, Nonoperating Vehicles
Automotive and Equipment: Storage, Recreational Vehicles and Boats
Building Maintenance Services
Business Equipment Sales and Services
Business Support Services
Communications Services
Construction Sales and Services
Convenience Sales and Personal Services
Cottage Industries
Eating and Drinking Establishments
Explosive Storage
Financial, Insurance and Real Estate Services
Food and Beverage Retail Sales
Funeral and Interment Services: Cremating
Funeral and Interment Services: Interring
Funeral and Interment Services: Undertaking
Gasoline Sales
Laundry Services
Medical Services
Participant Sports and Recreation: Indoor
Participant Sports and Recreation: Outdoor
Personal Services, General
Recycling Collection Facility: Small
Recycling Collection Facility: Large
Recycling Processing Facility: Light
Recycling Processing Facility: Heavy
Recycling Processing Facility: Wood and Green Materials
Repair Services, Consumer
Research Services
Retail Sales: General
Retail Sales: Specialty
Scrap Operations

Spectator Sports and Entertainment: Limited
 Spectator Sports and Entertainment: General
 Swap Meets
 Transient Habitation: Campground
 Transient Habitation: Lodging
 Transient Habitation: Resort
 Transient Habitation: Rental Units
 Wholesaling, Storage and Distribution: Mini-Warehouses
 Wholesaling, Storage and Distribution: Light
 Wholesaling, Storage and Distribution: Heavy

d. Industrial Use Types.

Custom Manufacturing
 General Industrial
 Heavy Industrial

e. Agricultural Use Types.

Horticulture: Cultivation
 Horticulture: Storage
 Tree Crops
 Row and Field Crops
 Animal Raising
 Animal Waste Processing
 Packing and Processing: Limited
 Packing and Processing: General
 Packing and Processing: Support
 Packing and Processing: Winery
 Packing and Processing: Small Winery
 Packing and Processing: Boutique Winery
 Packing and Processing: Wholesale Limited Winery
 Agricultural Equipment Storage
 Farm Labor Camp

f. Extractive Use Types.

Mining and Processing
 Site Preparation

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
 (Amended by Ord. No. 5652 (N.S.) adopted 11-21-79)
 (Amended by Ord. No. 5840 (N.S.) adopted 7-30-80)
 (Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)
 (Amended by Ord. No. 6187 (N.S.) adopted 11-18-81)
 (Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)
 (Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)
 (Amended by Ord. No. 7306 (N.S.) adopted 5-20-87)
 (Amended by Ord. No. 7649 (N.S.) adopted 7-17-89)
 (Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

1205

(Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)
(Amended by Ord. No. 9940 (N.S.) adopted 6-18-08)
(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)
(Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)
(Amended by Ord. No. 10067 (N.S.) adopted 8-4-10)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

1215 CLASSIFICATION OF COMBINATIONS OF PRINCIPAL USES.

The following rules shall apply where a lot contains uses which resemble two or more different use types and which are not classified either as accessory uses (Section 6150) or as permitted secondary uses.

- a. Separate Classification of Several Establishments. The principal uses conducted on a lot by two or more individual establishments, managements, or institutions shall be classified separately into use types.
- b. Classification of Different Uses Conducted by Individual Establishment. If principal uses conducted on a lot by an individual establishment, management, or institution resemble two or more different use types, all such principal uses shall be classified in the use types whose description most closely portrays the nature of such uses. However, when the principal uses have any of the characteristics of the following list of use types, all such principal uses shall be classified in one or more of the use types on the list:

Animal Sales and Services: Auctioning
Animal Sales and Services: Stockyards
Animal Waste Processing
Explosive Storage
General Industrial
Heavy Industrial
Major Impact Services and Utilities
Mining and Processing
Scrap Operations
Wholesaling, Storage and Distribution: Heavy

This provision for classifying uses on the above list shall not apply to areas subject to the Fallbrook Village Regulations.

(Amended by Ord. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. 5786 (N.S.) adopted 6-4-80)
(Amended by Ord. 9620 (N.S.) adopted 12-10-03)

1220 CLASSIFYING USES.

Uses will be classified into use types based upon the description of the use types as contained in Section 1250 through Section 1899, inclusive, and upon common functional, product, or compatibility characteristics with other uses already classified within the use type, subject to the applicable provisions of Section 1215 with respect to combinations of uses. A list of common uses and the use types into which they are classified shall be maintained by the Director. The Director shall have the authority to classify common uses according to use types. The classification of a use is subject to the right of appeal pursuant to the Administrative Appeal Procedure commencing at Section 7200.

1334 EMERGENCY SHELTERS.

The Emergency Shelters use type refers to housing as defined by subdivision (e) of Section 50801 of the Health and Safety Code.

(Added by Ord. No. 10035 (N.S.) adopted 1-27-10)

1335 ESSENTIAL SERVICES.

The Essential Services use type refers to services which are necessary to support principal development and involve only minor structures, such as utility lines and/or poles, which are necessary to support principal development. Essential Services also includes a public passive park/recreational area.

(Amended by Ord. No. 8340 (N.S.) adopted 12-15-93)

1340 FIRE PROTECTION SERVICES.

The Fire Protection Services use type refers to the providing of fire protection by a district or an entity organized pursuant to Health and Safety Code Sections 14825 et seq. and the housing of fire trucks, fire fighting personnel and related equipment.

1345 GROUP CARE.

The Group Care use type refers to services provided in facilities and authorized, certified or licensed by the State to provide board, room and personal care to 7 or more persons or dependent and neglected children or in facilities authorized to provide day care services but excluding those uses classified under Child Care Center or Major Impact Services and Utilities. Typical uses include halfway houses, intermediate care facilities, and, day care facilities serving more than 50 persons.

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

(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)

1346 LAW ENFORCEMENT SERVICES.

The Law Enforcement Services use type refers to the provision of police protection by a governmental agency, including administrative offices, storage of equipment and the open or enclosed parking of patrol vehicles.

(Added by Ord. No. 8175 (N.S.) adopted 11-18-92)

1348 CIVIC, FRATERNAL OR RELIGIOUS ASSEMBLY.

The Civic, Fraternal or Religious Assembly use type refers to meetings and activities attended regularly by and conducted primarily for their members, by nonprofit organizations which are tax-exempt pursuant to Section 501 (c) of the Internal Revenue Code and which may meet during or after regular business hours. Typical uses include meeting places for civic clubs, ethnic associations, social clubs, scouting organizations (other than 1505, Participant Sports and Recreation), churches, mosques, synagogues, temples, or fraternal or veterans organizations. Excluded from this use type are uses classified as Group Residential, Group Care, or Transient Habitation (all types).

1348

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

1350 MAJOR IMPACT SERVICES AND UTILITIES.

The Major Impact Services and Utilities use type refers to public or private services and utilities which have substantial impact. Such uses may be conditionally permitted in any zone when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community wide interest. Typical places or uses are schools, sanitary landfills, public and private airports, public park/playground/recreational areas (other than public passive park/recreational areas), hospitals, psychiatric facilities, cemeteries, nursing homes, detention and correction institutions, trade schools (with outdoor training facilities), security or paramilitary type training facilities, or field medical training uses.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)
(Amended by Ord. No. 7850 (N.S.) adopted 1-16-91)
(Amended by Ord. No. 8340 (N.S.) adopted 12-15-93)
(Amended by Ord. No. 10095 (N.S.) adopted 12-3-10)

1355 MINOR IMPACT UTILITIES.

The Minor Impact Utilities use type refers to public utilities which have a local impact on surrounding properties and are necessary to provide essential services. Typical uses are electrical and gas distribution substations.

1360 PARKING SERVICES.

The Parking Services use type refers to parking services involving garages and lots which are publicly operated.

1365 POSTAL SERVICES.

The Postal Service use type refers to mailing services excluding major processing, owned or operated by governmental agencies as traditionally provided by the United States Postal Service.

1375 SMALL SCHOOLS.

The Small Schools use type refers to the education of 7 or more children, adults, elderly persons, or handicapped persons at one time (but not more than 50), but excluding overnight care or uses classified as Group Care or Major Impact Services and Utilities. Typical uses include day care facilities for the elderly and schools for not more than 50 children or adults.

(Added by Ord. No. 6654 (N.S.) adopted 9-21-83)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

- b. Automotive and Equipment: Fleet Storage. Storage or parking of one or more vehicles used regularly in business operations. Excluded from this use type are Automotive and Equipment: Sales/Rentals, (all types); and the incidental parking of vehicles as an accessory use to a permitted use on the same premises. Typical uses include taxi fleets, mobile catering truck storage or delivery truck fleets.
- c. Automotive and Equipment: Parking. Parking of motor vehicles on a temporary basis within a privately owned off-street parking area with or without a fee. Typical uses include commercial parking lots or garages.
- d. Automotive and Equipment: Repairs, Heavy Equipment. Repair of motor vehicles such as aircraft, boats, recreational vehicles, trucks, etc., as well as the sale, installation and servicing of automotive equipment and parts together with body repairs, painting and steam cleaning. Typical uses include truck transmission shops, body shops or motor freight maintenance groups.
- e. Automotive and Equipment: Repairs, Light Equipment. Repair of automobiles and the sale, installation and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include muffler shops, auto repair garages or auto glass shops.
- f. Automotive and Equipment: Sales/Rentals, Heavy Equipment. Sale, retail or wholesale and/or rental from the premises of heavy construction equipment, trucks and aircraft together with incidental maintenance. Typical uses include aircraft dealers, boat dealers, or heavy construction equipment dealers.
- g. Automotive and Equipment: Sales/Rentals, Farm Equipment. Sale, retail or wholesale and/or rental from the premises of farm equipment together with incidental maintenance. Typical uses include farm equipment dealers.
- h. Automotive and Equipment: Sales/Rentals, Light Equipment. Sales, retail or wholesale and/or rental from the premises of autos, noncommercial trucks, motorcycles, motorhomes and trailers together with incidental maintenance. When used in this section noncommercial trucks shall mean vehicles that are not used for business purposes, e.g., trucks rented for moving household furnishings and driven by the owner of the items being moved. Typical uses include automobile dealers, car rental agencies or recreational vehicles sales and rental agencies.
- i. Automotive and Equipment: Storage, Nonoperating Vehicles. Storage of nonoperating or impounded motor vehicles, but not a junkyard or motor vehicle wrecking yard (as defined by Section 21.602 of the County Code). Typical uses include storage of private parking towaways or impound yards. (Also see Section 21.607 of the County Code for regulations).

1430

- j. **Automotive and Equipment: Storage, Recreational Vehicles and Boats. Storage of Recreational Vehicles and Boats.** Typical uses include the collective storage of personal recreational vehicles or boats.

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

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

(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

1435 BUILDING MAINTENANCE SERVICES.

The Building Maintenance Services use type refers to establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.

1440 BUSINESS EQUIPMENT SALES AND SERVICES.

The Business Equipment Sales and Services use type refers to establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but excludes automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.

1445 BUSINESS SUPPORT SERVICES.

The Business Support Services use type refers to establishments primarily engaged in the provision of services of a clerical, employment, protective, or minor processing nature to firms rather than individuals and where the storage of goods other than samples is prohibited. Typical uses include secretarial services, telephone answering services, or blueprint services.

1450 COMMUNICATIONS SERVICES.

The Communication Services use type refers to establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephone mechanisms but excludes those classified as Major Impact Services and Utilities. Typical uses include television studios, telecommunication service centers or telegraph service offices.

1455 CONSTRUCTION SALES AND SERVICES.

The Construction Sales and Services use type refers to establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Heavy Equipment use types. Typical uses include building materials stores, tool and equipment rental or sales, or building contractors.

1460 CONVENIENCE SALES AND PERSONAL SERVICES.

The Convenience Sales and Personal Services use type refers to establishments or places of business primarily engaged in the provision of frequently or recurrently needed small personal items or services for residents within reasonable walking distance. These include various general retail sales and personal services of an appropriate size and scale. Typical uses include neighborhood grocery or drug stores. The Convenience Sales and Personal Services use type can include uses permitted by Section 1465 (Eating and Drinking Establishments), 1480 (Food and Beverage Sales), 1510 (Personal Services, General) and 1525 (Retail Sales, General) provided it is administratively determined that they meet the convenience description set forth above, except that the following uses are not allowed:

- a. Any use which includes the serving of alcoholic beverages, except beer and wine, for consumption on the premises;
- b. Any use which includes the provision of live entertainment;
- c. Any use which includes selling goods by auction; or
- d. Any use which includes selling equipment or parts for automobiles, marine craft, aircraft, motorcycles, camper or trailer purposes.

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

1463 COTTAGE INDUSTRIES.

A Cottage Industry is the production of goods or the provision of services in conjunction with a single detached dwelling conducted in compliance with the requirements of Section 6920.

(Added by Ord. No. 5652 (N.S.) adopted 11-21-79)

(Amended by Ord. No. 7964 (N.S.) adopted 8-14-91)

1465

1465 EATING AND DRINKING ESTABLISHMENTS.

The Eating and Drinking Establishments use type refers to establishments or places of business primarily engaged in the sale of prepared food and beverages for on-premise consumption. Typical uses include restaurants, short order eating places or bars.

1470 EXPLOSIVE STORAGE.

The Explosive Storage Use Type refers to the storage of any quantity of explosives as defined by Section 12000 of the California Health and Safety Code. Excluded from the Explosive Storage Use Type is the storage of up to 200 pounds of smokeless powder and/or up to 25 pounds of black sporting powder provided such storage is for commercial retail sale. Typical uses include storage in the course of manufacturing, selling, or transporting explosives or in the course of blasting operations.

1475 FINANCIAL, INSURANCE AND REAL ESTATE SERVICES.

The Financial, Insurance and Real Estate Services use type refers to establishments primarily engaged in the provision of financial, insurance, real estate or securities brokerage services. Typical uses include banks, insurance agencies or real estate firms.

1480 FOOD AND BEVERAGE RETAIL SALES.

The Food and Beverage Retail Sales use type refers to establishments or places of business primarily engaged in the retail sale of food and beverages for home consumption. Typical uses include groceries, liquor stores or delicatessens.

1485 FUNERAL AND INTERMENT SERVICES.

Funeral and Interment Services refers to establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries. The following are Funeral and Interment Services use types.

- a. Funeral and Interment Services: Cremating. Crematory services involving the purification and reduction of the human body by fire. Typical uses include crematories or crematoriums.
- b. Funeral and Interment Services: Interring. Interring services involving the keeping of human bodies other than in cemeteries. Typical uses include columbaria, mausoleums or cineraria.
- c. Funeral and Interment Services: Undertaking. Undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

1490 GASOLINE SALES.

The Gasoline Sales use type refers to establishments or places of business primarily engaged in the retail sales, from the premises, of petroleum products, and includes the sale of tires, batteries, and replacement items, lubricating services and minor repair services. Typical uses include automobile service stations, filling stations or truck stops.

(Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)

1495 LAUNDRY SERVICES.

The Laundry Services use type refers to establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as Personal Services, General. Typical uses include laundry agencies, diaper services or linen supply services.

1500 MEDICAL SERVICES.

The Medical Services use type refers to establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis and treatment or rehabilitation services provided by physicians, dentists, nurses and other health personnel as well as the provision of medical testing and analysis services, but excludes those classified as any civic use type. Typical uses include medical offices, dental laboratories or health maintenance organizations.

1505 PARTICIPANT SPORTS AND RECREATION.

Participant Sports and Recreation refers to establishments or places primarily engaged in the provision of sports or recreation by and for participants. Any spectators would be incidental and on a nonrecurring basis. The following are participant sports and recreation use types:

- a. Participant Sports and Recreation: Indoor. Those uses conducted within an enclosed building. Typical uses include bowling alleys or billiard parlors
- b. Participant Sports and Recreation: Outdoor. Those uses conducted in open facilities. Typical uses include driving ranges or miniature golf courses, athletic facilities, carnival facilities, sports fields, health clubs and spas, swimming beaches, swimming pools and nudist facilities.

(Amended by Ord. No. 7106 (N.S.) adopted 3-19-86)

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

1510

1510 PERSONAL SERVICES, GENERAL.

The Personal Services, General use type refers to establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature but excludes services classified a Spectator Sports and Entertainment, Participant Sports and Recreation, or Transient Habitation. Typical uses include art studios, barber shops, beauty salons, photography studios, massage parlors, vocational schools, trade schools, dance studios or reducing salons.

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

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

1512 RECYCLING COLLECTION FACILITY.

The Recycling Collection Facility use type refers to establishments or places primarily engaged in collecting recyclable materials for the purpose of resource recovery. Typical uses include collection centers that use portable receptacles for collecting containers made from metal, glass, paper or plastic. The following are Recycling Collection Facility use types:

- a. Recycling Collection Facility, Small: A facility for the acceptance (donation, redemption, or sale) of recyclable materials from the public which occupies an area of not more than 500 square feet. Except for reverse vending machines, such a facility does not utilize power-driven equipment. Small collection facilities may consist of the following:
 1. Reverse vending machines.
 2. Mobile recycling units.
 3. Bulk reverse vending machines.
 4. Kiosk type units.
 5. Free-standing containers.
- b. Recycling Collection Facility, Large: A facility for the acceptance (donation, redemption, or sale) of recyclable materials from the public which occupies an area of more than 500 square feet. Such a facility may employ the same collection methods of a small recycling facility but in addition, may aggregate and/or sort recyclable materials on site in preparation for shipment to a processing facility. A large collection facility may also utilize power-driven equipment.

(Added by Ord. No. 6134 (N.S.) adopted 7-22-81)

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

1513 RECYCLING PROCESSING FACILITY

The Recycling Processing Facility use type refers to establishments or places primarily engaged in processing recyclable materials for the purpose of resource recovery. Processing means the preparation of materials by one or more of the following means: baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding and cleaning. Recycling processing facilities include the following:

- a. **Recycling Processing Facility, Light:** A light processing facility is limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source separated recyclable materials and repairing of reusable products sufficient to qualify as a certified recycling facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.
- b. **Recycling Processing Facility, Heavy:** Any facility, other than a light recycling processing facility or scrap operation for processing of recyclable materials.
- c. **Recycling Processing Facility, Wood and Green Materials:** A facility devoted exclusively to grinding, shredding, splitting or chopping, (including sawing) of wood and/or green waste.

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

(Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

1515 REPAIR SERVICES, CONSUMER.

The Repair Services, Consumer use type refers to establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding Automotive and Equipment use types. Typical uses include appliance repair shops, apparel repair firms or musical instrument repair firms.

1520 RESEARCH SERVICES.

The Research Services use type refers to establishments primarily engaged in research of an industrial or scientific nature which is provided as a service or which is conducted by and for a private firm, but excludes medical testing and analysis and product testing. Typical uses include electronics research laboratories, space research and development firms or pharmaceutical research labs.

1525 RETAIL SALES.

Retail Sales refers to establishments or places primarily engaged in the sale or rental of goods or merchandise for personal or household use, but excludes those classified as Agricultural Sales, Animal Sales and Services, Automotive and Equipment, Business Equipment Sales and Services, Construction Sales and Services, Food and Beverage Retail Sales, Gasoline Sales, and Swap Meets. The following are Retail Sales use types:

- a. **Retail Sales: General.** Goods offered are generally those meeting regular or recurring personal or household needs. Establishment may have a relatively large floor area and offer a wide variety of merchandise types. Typical uses would include department stores, variety stores, super drug stores, apparel stores, and furniture stores.

1525

- b. **Retail Sales: Specialty.** Establishments offering a single type, or closely related types, of merchandise oriented toward impulse or discretionary purchase rather than satisfaction of regular or recurring needs. Included in this use type is accessory custom manufacturing which involves the production for on-site sale only of crafts, jewelry or related specialty items. Individual establishments will have relatively small floor areas (generally not more than 2,000 square feet). Typical uses would include sale of art or craft objects; sales conducted in civic plazas; flower or plant shops; shops offering gifts, novelties, or souvenirs; beachwear stores; and antique shops.

(Amended by Ord. No. 6187 (N.S.) adopted 11-18-81)

(Amended by Ord. No. 6743 (N.S.) effective 1-11-85)

(Amended by Ord. No. 8581 (N.S.) adopted 9-2-95)

1530 SCRAP OPERATIONS.

The Scrap Operations use type refers to places of business primarily engaged in the storage, dismantling, sorting, baling and crushing for sale of used and discarded products. The Scrap Operations use type does not include a Recycling Processing Facility. Typical Scrap Operations uses include automotive wrecking yards, junk yards or salvage yards. (Also see Section 21.601 et seq. of the County Code for regulations.)

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

(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

1535 SPECTATOR SPORTS AND ENTERTAINMENT.

Spectator Sports and Entertainment refers to establishments or places primarily engaged in the provision of cultural, entertainment, athletic and other events to spectators as well as those involving social or fraternal gatherings. The following are Spectator Sports and Entertainment use types:

- a. **Spectator Sports and Entertainment: Limited.** Those uses conducted within an enclosed building with a capacity of 500 or less people. Typical uses include small theaters or meeting halls.
- b. **Spectator Sports and Entertainment: General.** Those uses conducted in open facilities or those uses conducted within an enclosed building with a capacity of more than 500 people. Typical uses include large exhibition halls or sports stadiums.

1540 SWAP MEETS.

The Swap Meet use type refers to the display, exchange, barter or sale of new or used common household items or office equipment and furnishings, provided that such activity is carried on in a swap lot. Typical uses include flea markets where clothing, personal effects, household furnishings and household appliances are sold or otherwise exchanged.

EXTRACTIVE USE TYPES

1800 GENERAL DESCRIPTION OF EXTRACTIVE USE TYPES.

Extractive use types include the on-site production of mineral products by extractive methods. They also include certain uses accessory to the above, as specified in Section 6150, Accessory Use Regulations.

1810 MINING AND PROCESSING.

- a. The Mining and Processing use type refers to places or plants primarily devoted to surface or subsurface mining of metallic and non-metallic minerals, water, oil or gas together with essential on-site processing and production of only non-metallic mineral products. Typical operations include, but are not limited to, mines, borrow pits, sand and gravel plants, oil and gas drilling rigs, groundwater extraction operations which may be a primary or secondary use, and associated on-site processing operations such as concrete batch plants. This use type includes recycling of salvaged concrete, asphalt and rock previously used in construction when sited in conjunction with the following non-metallic mineral processing operations: rock crushing, asphalt pavement production, and concrete batching.
- b. Rock, sand, gravel and soils including products of these materials to be recycled together with organic matter, excluding unprocessed animal waste, may be imported into a mining site for processing when so specified by the use permit conditions. Processing includes crushing, screening, mixing, blending and amending, as well as storage and sale of the final products for use off-site. The soil amendment operation, as defined in this section, shall comply with Section 6318.

(Amended by Ord. No. 6268 (N.S.) adopted 5-5-82)

(Amended by Ord. No. 8034 (N.S.) adopted 2-26-92)

(Amended by Ord. No. 8050 (N.S.) adopted 4-8-92)

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

1820 SITE PREPARATION.

The Site Preparation use type refers to places where the off-site removal of materials is secondary to the future use of the site and where the removal of materials is not completed within one year but otherwise is exempt from the definition of a "Borrow Pit".

Automotive and Equipment: Sales/Rentals, Farm Equipment
 Automotive and Equipment: Sales/Rentals, Light Equipment
 Business Support Services
 Communications Services
 Convenience Sales and Personal Services
 Eating and Drinking Establishments
 Financial, Insurance and Real Estate Services
 Food and Beverage Retail Sales
 Funeral and Interment Services: Undertaking
 Medical Services
 Participant Sports and Recreation: Indoor
 Personal Services, General
 Repair Services: Consumer
 Retail Sales: General
 Retail Sales: Specialty
 Spectator Sports and Entertainment: Limited
 Transient Habitation: Lodging

c. Industrial Use Types.

Custom Manufacturing (see Section 6300)

d. Agricultural Use Types.

Horticulture (all types)
 Tree Crops
 Row and Field Crops

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
 (Amended by Ord. No. 6187 (N.S.) adopted 11-18-81)
 (Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)
 (Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)
 (Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)
 (Amended by Ord. No. 8175 (N.S.) adopted 11-18-92)
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

2363 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C36 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Family Residential "1"

b. Commercial Use Types.

Agricultural Services "9"

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Automotive and Equipment: Repairs, Heavy Equipment "8"
Business Equipment Sales and Services "7"
Construction Sales and Services "8" (see Section 6300)
Gasoline Sales "12"
Laundry Services "13"
Recycling Collection Facility, Small or Large "2"
Recycling Processing Facility, Light or Heavy "3"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 5840 (N.S.) adopted 7-30-80)
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)
(Amended by Ord. No. 7649 (N.S.) adopted 7-17-89)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

2365 USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the C36 Use Regulations upon issuance of a Major Use Permit.

a. Residential Use Types.

Group Residential

b. Civic Use Types.

Major Impact Services and Utilities

c. Commercial Use Types.

Automotive and Equipment: Cleaning
Automotive and Equipment: Storage, Recreational Vehicles and Boats
Funeral and Interment Services: Cremating
Funeral and Interment Services: Interring
Research Services
Spectator Sports and Entertainment: General
Transient Habitation: Campground (see Section 6450)
Wholesaling, Storage and Distribution: Mini-Warehouses (see Section 6300 and Section 6909)

Wholesaling, Storage and Distribution: Light (see Section 6300)

d. Extractive Use Types.

Site Preparation

(Amended 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. 9935 (N.S.) adopted 4-23-08)

2373 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C37 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Family Residential "1"

b. Commercial Use Types.

Recycling Collection Facility, Small or Large "2"

Recycling Processing Facility, Light or Heavy "3"

Recycling Processing Facility, Wood and Green Materials "15"

Wholesaling, Storage and Distribution: Light "8"

c. Industrial Use Types.

General Industrial "15"

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

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

(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)

(Amended by Ord. No. 7649 (N.S.) adopted 7-17-89)

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

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

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

2375 USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the C37 Use Regulations upon issuance of a Major Use Permit.

a. Residential Use Types.

Group Residential

b. Civic Use Types.

Major Impact Services and Utilities

c. Commercial Use Types.

Automotive and Equipment: Storage, Non-operating Vehicles

Funeral and Interment Services: Cremating

Funeral and Interment Services: Interring

Swap Meets

Transient Habitation: Campground (see Section 6450)

Wholesaling, Storage and Distribution: Heavy (see Section 6300)

d. Extractive Use Types.

Mining and Processing (see Section 6550)

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

(Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)

C38 SERVICE COMMERCIAL USE REGULATIONS**2380 INTENT.**

The provisions of Section 2380 through Section 2389, inclusive, shall be known as the C38 Service Commercial Use Regulations. The C38 Use Regulations are intended to create and enhance areas where certain heavier commercial or light industrial uses with large acreage requirements, may locate. Typically, the C38 Use Regulations would be applied to the periphery of retail commercial areas from which such uses could supply goods and services to the retail commercial zones. Various applications of the C38 Use Regulations with appropriate development designators can create wholesaling or warehousing areas.

2382 PERMITTED USES.

The following use types are permitted by the C38 Use Regulations:

a. Civic Use Types.

- Administrative Services
- Ambulance Services
- Child Care Center
- Community Recreation
- Cultural Exhibits and Library Services
- Essential Services
- Fire Protection Services (see Section 6905)
- Law Enforcement Services
- Minor Impact Utilities
- Parking Services
- Postal Services
- Small Schools

b. Commercial Use Types.

- Administrative and Professional Services
- Agricultural and Horticultural Sales (all types)
- Agricultural Services
- Animal Sales and Services: Veterinary (Large Animals)
- Animal Sales and Services: Veterinary (Small Animals)
- Automotive and Equipment: Cleaning
- Automotive and Equipment: Fleet Storage
- Automotive and Equipment: Parking
- Automotive and Equipment: Repairs, Light Equipment
- Automotive and Equipment: Sales/Rentals, Light Equipment
- Automotive and Equipment: Sales/Rentals, Farm Equipment
- Automotive and Equipment: Sales/Rentals, Heavy Equipment
- Automotive and Equipment: Storage, Recreational Vehicles and Boats
- Building Maintenance Services
- Business Equipment Sales and Services

following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Family Residential "1"

b. Commercial Use Types.

Construction Sales and Services "9"

Recycling Collection Facility, Small or Large "2"

Recycling Processing Facility, Light or Heavy "3"

Recycling Processing Facility, Wood and Green Materials "15"

Wholesaling, Storage and Distribution: Light "8" (see Section 6300)

c. Industrial Use Types.

General Industrial "15"

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

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

(Amended by Ord. No. 7649 (N.S.) adopted 7-17-89)

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

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

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

2404 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are permitted by the C40 Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Minor Impact Utilities

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

2405 USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the C40 Use Regulations upon issuance of a Major Use Permit.

a. Civic Use Types.

Major Impact Services and Utilities

b. Commercial Use Types.

Animal Sales and Services: Auctioning

Animal Sales and Services: Stockyards

2405

Automotive and Equipment: Storage, Non-operating Vehicles
Funeral and Interment Services: Cremating
Funeral and Interment Services: Interring
Scrap Operation (see Section 6300)
Spectator Sports and Entertainment: General
Swap Meets
Transient Habitation: Campground (see Section 6450)
Wholesaling, Storage and Distribution: Heavy (see Section 6300)

c. Extractive Use Types.

Site Preparation

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

"20" Secondary Use: On building sites 5 acres or less in size, the use shall be restricted to locations above the first story of a building or buildings the first story of which is reserved for permitted principal uses. On building sites larger than 5 acres, the use may, as an alternate to the foregoing, be located in a building or buildings intended and located solely for secondary uses provided that not less than 50 percent of the site area is devoted exclusively to permitted principal uses.

"21" Repealed.

"22" Small, Boutique and Wholesale Limited Wineries. Allowed subject to the provisions of Section 6910.

(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. 5652 (N.S.) adopted 11-21-79)
(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 5840 (N.S.) adopted 7-30-80)
(Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)
(Amended by Ord. No. 6743 (N.S.) effective 1-11-85)
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)
(Amended by Ord. No. 6983 (N.S.) adopted 07-03-85)
(Amended by Ord. No. 7649 (N.S.) adopted 07-17-89)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)
(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)
(Amended by Ord. No. 9940 (N.S.) adopted 6-18-08)
(Amended by Ord. No. 10067 (N.S.) adopted 8-4-10)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

USE & ENCLOSURE MATRIX

SUMMARY PREPARED PURSUANT TO SECTIONS 2990 AND 6816

NOTE: This matrix is a summary only. For complete regulations see appropriate sections of The Zoning Ordinance. In case of conflict between the provisions graphically represented in this matrix and the provisions set forth in the text of The Zoning Ordinance, the provisions of The Zoning Ordinance shall apply.

| USE TYPES COMMERCIAL (cont.) | Use Regulations | | | | | | | | | | | | | | | |
|--|-----------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | 1400 | 1435 | 1440 | 1445 | 1450 | 1455 | 1460 | 1463 | 1465 | 1470 | 1475 | 1480 | 1485 | 1490 | 1495 | 1500 |
| Enclosed | | | | | | | | | | | | | | | | |
| Semi-Enclosed | | | | | | | | | | | | | | | | |
| Open | | | | | | | | | | | | | | | | |
| Drive-in | | | | | | | | | | | | | | | | |
| Building Maintenance Services | | | | | | | | | | | | | | | | |
| Business Equipment Services | | | | | | | | | | | | | | | | |
| Business Support Services | | | | | | | | | | | | | | | | |
| Communications Services | | | | | | | | | | | | | | | | |
| Construction Sales and Services | | | | | | | | | | | | | | | | |
| Convenience Sales and Services (See Sec. 6900) | | | | | | | | | | | | | | | | |
| Cottage Industries (See Sec. 6920) | | | | | | | | | | | | | | | | |
| Eating and Drinking Establishments | | | | | | | | | | | | | | | | |
| Explosive Storage (See Sec. 6904) | | | | | | | | | | | | | | | | |
| Financial, Insurance and Real Estate | | | | | | | | | | | | | | | | |
| Food and Beverage Retail Sales | | | | | | | | | | | | | | | | |
| Funeral and Internment Services | | | | | | | | | | | | | | | | |
| a) Cremating | | | | | | | | | | | | | | | | |
| b) Interning | | | | | | | | | | | | | | | | |
| c) Undertaking | | | | | | | | | | | | | | | | |
| Gasoline Sales | | | | | | | | | | | | | | | | |
| Laundry Services | | | | | | | | | | | | | | | | |
| Medical Services | | | | | | | | | | | | | | | | |
| See Section 6816 | | | | | | | | | | | | | | | | |
| 1435 | | | | | | | | | | | | | | | | |
| 1440 | | | | | | | | | | | | | | | | |
| 1445 | | | | | | | | | | | | | | | | |
| 1450 | | | | | | | | | | | | | | | | |
| 1455 | | | | | | | | | | | | | | | | |
| 1460 | | | | | | | | | | | | | | | | |
| 1463 | | | | | | | | | | | | | | | | |
| 1465 | | | | | | | | | | | | | | | | |
| 1470 | | | | | | | | | | | | | | | | |
| 1475 | | | | | | | | | | | | | | | | |
| 1480 | | | | | | | | | | | | | | | | |
| 1485 | | | | | | | | | | | | | | | | |
| 1490 | | | | | | | | | | | | | | | | |
| 1495 | | | | | | | | | | | | | | | | |
| 1500 | | | | | | | | | | | | | | | | |
| RS | | | | | | | | | | | | | | | | |
| RD | | | | | | | | | | | | | | | | |
| RM | | | | | | | | | | | | | | | | |
| RV | | | | | | | | | | | | | | | | |
| RU | | | | | | | | | | | | | | | | |
| RMH | | | | | | | | | | | | | | | | |
| RR | ● | ● | ● | | | | | | | | | | | | | |
| RRO* | ● | ● | ● | | | | | | | | | | | | | |
| RC | ● | m | m | | | | | | | | | | | | | |
| C30 | ● | | | m | | ● | m | 10 | 10 | ● | 10 | | | | M | ● |
| C31 | ● | | | m | | ● | m | 10 | 10 | ● | 10 | | | | M | ● |
| C32 | ● | | | m | | | | | | ● | | | | | M | |
| C34* | ● | m | M | m | 7 | ● | ● | 8 | ● | ● | ● | | | M | M | M |
| C35 | ● | m | M | m | 7 | ● | ● | 8 | ● | ● | ● | | | M | M | M |
| C36 | ● | m | M | ● | 7 | ● | ● | 8 | ● | ● | ● | | | M | M | ● |
| C37 | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | | | M | M | ● |
| C38 | ● | ● | ● | ● | ● | ● | ● | m | m | | 10 | | | M | | ● |
| C40 | ● | ● | ● | ● | ● | ● | ● | 9 | ● | ● | ● | | | M | M | ● |
| C42* | ● | ● | ● | ● | | 20 | | | ● | ● | 20 | | | | M | |
| C44 | ● | ● | ● | ● | | | | | | ● | | | | | 12 | |
| C46* | ● | | | | | | | 10 | 10 | | 10 | | | | | ● |
| M50 | ● | m | M | m | | | | m | m | | m | | | | | |
| M52 | ● | m | M | m | 8 | ● | ● | 8 | m | m | 10 | | | M | | 12 |
| M54 | ● | ● | ● | ● | ● | ● | ● | ● | m | M | 10 | | | M | | ● |
| M56+ | ● | ● | ● | ● | ● | ● | ● | ● | m | | 10 | | | | | 10 |
| M58 | ● | ● | ● | ● | ● | ● | ● | ● | m | m | M | 10 | | M | | ● |
| A70 | ● | ● | ● | | | | | 17 | | M | | | | | | |
| A72 | ● | ● | ● | | | | | 17 | | M | | | | | M | |
| S80* | ● | S | M | | | | | | | | M | | | | | |
| S81 | | | | | | | | | | | | | | | | |
| S82 | ● | ● | ● | | | | | | | | M | | | | | |
| S86 | ● | ● | ● | ● | | | | | | | | | | | | |
| S87+ | ● | ● | ● | ● | M | M | M | M | M | M | 17 | M | M | M | M | M |
| S88+ | ● | ● | ● | ● | | | | | | | | | | | | |
| S90+ | ● | ● | ● | ● | | | | | | | 17 | M | | | | |
| S92 | ● | ● | ● | ● | | | | | | | 17 | M | | | | |
| S94+ | ● | ● | ● | ● | | | | | | | | | | | | |
| SWF | | | | | | | | | | | | | | | | |

Commercial continued on next page

Use Regulations

RESIDENTIAL

| | |
|------|---------------------------------|
| RS | Single-Family Residential |
| RD | Duplex/Two-Family Residential |
| RM | Multi-Family Residential |
| RV | Variable Family Residential |
| RU | Urban Residential |
| RMH | Mobilehome Residential |
| RR | Rural Residential |
| RRO* | Recreation-Oriented Residential |
| RC | Residential-Commercial |

COMMERCIAL

| | |
|------|---------------------------------|
| C30 | Office-Professional |
| C31 | Residential/Office Professional |
| C32 | Convenience Commercial |
| C34* | Gen. Commercial/Residential |
| C35 | Gen. Comm./Ltd. Residential |
| C36 | General Commercial |
| C37 | Heavy Commercial |
| C38 | Service Commercial |
| C40 | Rural Commercial |
| C42* | Visitor Serving Commercial |
| C44 | Freeway Commercial |
| C46* | Medical Center |

INDUSTRIAL

| | |
|------|---------------------------|
| M50 | Basic Industrial |
| M52 | Limited Impact Industrial |
| M54 | General Impact Industrial |
| M56+ | Mixed Industrial |
| M58 | High Impact Industrial |

AGRICULTURAL

| | |
|-----|---------------------|
| A70 | Limited Agriculture |
| A72 | General Agriculture |

SPECIAL PURPOSE

| | |
|------|-----------------------------------|
| S80* | Open Space |
| S81 | Ecological Resource Area |
| S82 | Extractive |
| S86 | Parking |
| S87+ | Limited Control |
| S88+ | Specific Plan Area |
| S90+ | Holding Area |
| S92 | General Rural |
| S94+ | Transportation & Utility Corridor |
| SWF | Solid Waste Facility |

MATRIX LEGEND

- Permitted
- A Permitted by Administrative Permit
- S Permitted by Site Plan
- m Permitted by Minor Use Permit
- M Permitted by Major Use Permit
- P Permitted Only Within Planned Developments of 20 Acres or Larger

- 1-22 Subject to Limitations (See Section 2980)
- * May Be Subject to Site Plan Approval
- + Other Uses Not Shown on Matrix May be Permitted (See Text of Use Regulations)
- O Subject to Limitations (See Sections 2812 and 2818)
- E Exceptions to Enclosure Matrix (See Section 6814)

USE & ENCLOSURE MATRIX

SUMMARY PREPARED PURSUANT TO SECTIONS 2990 AND 6816

NOTE: This matrix is a summary only. For complete regulations see appropriate sections of The Zoning Ordinance. In case of conflict between the provisions graphically represented in this matrix and the provisions set forth in the text of The Zoning Ordinance, the provisions of The Zoning Ordinance shall apply.

| USE TYPES | AGRICULTURAL | | | | | | | | | | EXTRACTIVE | | | | | | | | | | Use Regulations | | | |
|------------------------|------------------|---------------|------|--------------|-----------------|-------------|------------|-------------------|----------------|--|------------|------------|------------|-----------|------------------------------------|---------------------------------------|--|--------------------------------|-----------------|--|-----------------|------------------|---|--|
| | Enclosed | Semi-Enclosed | Open | Horticulture | (a) Cultivation | (b) Storage | Tree Crops | Row & Field Crops | Animal Raising | Animal Waste Processing (see Section 6802) | a) Limited | b) General | c) Support | d) Winery | e) Small Winery (see Section 6910) | f) Boutique Winery (see Section 6910) | g) Wholesale Limited Winery (see 6910) | Agricultural Equipment Storage | Farm Labor Camp | Mining and Processing (see Section 6550) | | Site Preparation | | |
| 1700 | See Section 6816 | | | 1710 | | | 1715 | 1720 | 1725 | 1730 | 1735 | | | | | | | 1740 | 1750 | 1800 | 1810 | 1820 | | |
| RESIDENTIAL | | | | | | | | | | | | | | | | | | | | | | | | |
| RS | m | m | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | RS Single-Family Residential |
| RD | m | m | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | RD Duplex/Two-Family Residential |
| RM | m | m | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | RM Multi-Family Residential |
| RV | m | m | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | RV Variable Family Residential |
| RU | m | m | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | RU Urban Residential |
| RMH | m | m | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | RMH Mobilehome Residential |
| RR | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | RR Rural Residential |
| RRO* | m | m | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | RRO* Recreation-Oriented Residential |
| RC | m | m | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | RC Residential-Commercial |
| COMMERCIAL | | | | | | | | | | | | | | | | | | | | | | | | |
| C30 | | | | | | | | | | | | | | | | | | | | | | | M | C30 Office-Professional |
| C31 | | | | | | | | | | | | | | | | | | | | | | | M | C31 Residential/Office Professional |
| C32 | A | A | ● | ● | m | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | C32 Convenience Commercial |
| C34* | A | A | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | C34* Gen. Commercial/Residential |
| C35 | A | A | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | C35 Gen. Comm./Ltd. Residential |
| C36 | A | A | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | C36 General Commercial |
| C37 | A | A | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | C37 Heavy Commercial |
| C38 | A | A | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | C38 Service Commercial |
| C40 | A | A | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | C40 Rural Commercial |
| C42* | A | A | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | C42* Visitor Serving Commercial |
| C44 | A | A | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | C44 Freeway Commercial |
| C46* | A | A | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | C46* Medical Center |
| INDUSTRIAL | | | | | | | | | | | | | | | | | | | | | | | | |
| M50 | A | A | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | M50 Basic Industrial |
| M52 | A | A | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | M52 Limited Impact Industrial |
| M54 | A | A | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | M54 General Impact Industrial |
| M56+ | | | | | | | | | | | | | | | | | | | | | | | M | M56+ Mixed Industrial |
| M58 | A | A | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | M58 High Impact Industrial |
| AGRICULTURAL | | | | | | | | | | | | | | | | | | | | | | | | |
| A70 | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | A70 Limited Agriculture |
| A72 | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | A72 General Agriculture |
| SPECIAL PURPOSE | | | | | | | | | | | | | | | | | | | | | | | | |
| S80* | A | A | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | S80* Open Space |
| S81 | | | | | | | | | | | | | | | | | | | | | | | M | S81 Ecological Resource Area |
| S82 | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | S82 Extractive |
| S86 | | | | | | | | | | | | | | | | | | | | | | | M | S86 Parking |
| S87+ | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | S87+ Limited Control |
| S88+ | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | S88+ Specific Plan Area |
| S90+ | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | S90+ Holding Area |
| S92 | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | S92 General Rural |
| S94+ | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | M | S94+ Transportation & Utility Corridor |
| SWF | | | | | | | | | | | | | | | | | | | | | | | M | SWF Solid Waste Facility |

MATRIX LEGEND

- Permitted
- A Permitted by Administrative Permit
- S Permitted by Site Plan
- m Permitted by Minor Use Permit
- M Permitted by Major Use Permit
- P Permitted Only Within Planned Developments of 20 Acres or Larger

- 1-22
- *
- +
- O
- E

- Subject to Limitations (See Section 2980)
- May Be Subject to Site Plan Approval
- Other Uses Not Shown on Matrix May be Permitted (See Text of Use Regulations)
- Subject to Limitations (See Sections 2812 and 2818)
- Exceptions to Enclosure Matrix (See Section 6814)

3100 ANIMAL SCHEDULE.

Animal designators used within the Animal Regulations shall be limited to those in the following Animal Schedule. The Animal Schedule is incorporated into this section, and all references to this section shall include references to it.

- (Amended 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. 6268 (N.S.) adopted 4-14-82)
- (Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)
- (Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)
- (Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)
- (Repealed and Reenacted by Ord. No. 8166 (N.S.) adopted 10-21-92)
- (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)
- (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)
- (Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

Animal Schedule

(Part of Section 3100)

| ANIMAL USE TYPE (See Note 4) | Restrictions and Density Range | DESIGNATOR | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|------------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W | X | | |
| ANIMAL SALES AND SERVICES: HORSE STABLES | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (a) Boarding or Breeding | Permitted | | | | | | | X | X | X | | | | | | X | | | | | | | | | | X | X |
| | MUP required | | | | | | | | | | X | | X | X | X | | | | | | | | X | X | | | |
| | ZAP required | | | | X | X | X | | | | | | | | | | | | | | | | | | | | |
| (b) Public Stable | Permitted | | | | | | | | | | | | | | | X | | | | | | | | | | X | |
| | MUP required | | | | X | X | X | | | | X | | X | X | X | | | | | | | | X | X | | | X |
| | ZAP required | | | | | | | X | X | X | | | | | | | | | | | | | | | | | |
| ANIMAL SALES AND SERVICES: KENNELS (see Note 1) | Permitted | | | | | | | | | | | | | | | X | | | X | | X | | | | | | |
| | Permitted provided fully enclosed | | | | | | | X | X | X | | | | | | | | | | | | | | | | | |
| | MUP required | | | | | | | | | | | | X | X | X | | | | | | | | | X | X | | |
| | ZAP required | | | | X | X | X | X | X | X | | | | | | | | | | | | | | | | | |
| | One acre + by MUP | X | X | X | | | | | | | | | | | | | | | | | | | | | | | |
| ANIMAL RAISING (see Note 6) | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (a) Animal Raising Projects (see Section 3115) | Permitted | | | | | | | X | X | X | | | | | | | | | | | | | | | | | X |
| | ½ acre+ by ZAP | | | | X | X | X | | | | X | | X | X | X | X | X | | | | | | | X | X | | |
| | 1 acre+ by MUP | X | X | X | | | | | | | | | | | | | | | | | | | | | | | |
| (b) Small Animal Raising (includes Poultry) | Permitted | | | | | | | | | | | | | X | X | X | X | | | | | | | | | X | |
| | ½ acre+ permitted | | | | | | | X | X | X | | | | | | | | | | | | | | | | | |
| | 100 maximum | | | | | | | | | | | | X | | | | | | | | | | | | | | |
| | 25 maximum | | | | X | X | X | | | | X | | X | | | | | | X | X | | | | | X | | X |
| | ½ acre+: 10 max | X | X | X | | | | | | | | | | | | | | | | | | | | | | | |
| | Less than ½ acre: 100 Maximum | | | | | | | X | X | X | | | | | | | | | | | | | | | | | |
| | ½ acre+ 25 max by ZAP | X | X | X | | | | | | | | | | | | | | | | | | | | | | | |
| | 100 max by ZAP | | | | X | X | X | | | | | | | | | | | | | | | | | | | | X |
| Chinchillas (See Note 5) | MUP required | | | | | | | | | | | | X | | | | | | | | | | | | | | |
| (c) Large Animal Raising (Other than horsekeeping) | 4 acres + permitted | | | | | | | | | | | | | | | X | | | | | | | | | | X | |
| | 8 acres + permitted | | | | | | | X | X | X | | | | | | | | | | | | | | | | | |
| | 2 animals plus 1 per ½ acre over 1 acre | | | | X | X | X | | | | | | | | | | | | | | | | | | | | X |
| | 4 animals plus 4 for each ½ acre over ½ acre | | | | | | | X | X | X | | | | | | | | | | | | | | | | | |
| | 1 ½ acres or less: 2 animals | | | | | | | | | | | | X | X | X | X | X | | | | | | | | | | X |
| | 1 ½ to 4 acres: 1 per ½ acre | | | | | | | | | | | | X | X | X | X | X | | | | | | | | | | X |
| | 4 acres+, 8 animals + 1 animal per 1 acre over 4 acres | | | | | | | | | | | | X | X | X | X | | | | | | | | | | | |

| ANIMAL USE TYPE (See Note 4) | Restrictions and Density Range | DESIGNATOR | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|------------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|--|
| | | A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W | X | | |
| (See Note 2) | 2 animals | | | | | | | | | | X | | | | | | X | X | X | | | | | | X | X | |
| | 4 acres plus by MUP | | | | | | | | | | X | | | | X | | | | | | | | | | | | |
| | ½ acre plus 2 animals per ½ acre by ZAP | X | X | X | | | | | | | | | | | | | | | | | | | | | | X | |
| | Grazing Only | | | | | | | | | | | | | | | | | | | | X | X | | | | | |
| (d) Horse keeping (other than Animal Sales and Services: Horse Stables) | Permitted | | | | | | X | X | X | X | X | X | X | X | X | X | X | X | X | | | X | X | X | X | | |
| | 2 horses + 1 per ½ acre over 1 acre | | | | X | X | X | | | | | | | | | | | | | | | | | | | | |
| | ZAP required | | | | X | X | X | | | | | | | | | | | | | | | | | | | | |
| | ½ acre plus by ZAP | X | X | X | | | | | | | | | | | | | | | | | | | | | | | |
| (e) Specialty Animal Raising: Bees (See Title 6, Division 2, Chapter 9, County Code) (See Note 7) | Permitted | | | | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | | |
| | ZAP Required | X | X | X | | | | | | | | | | | | | | | | | | | | | | | |
| (f) Specialty Animal Raising: Wild or Undomesticated (See Note 3) | ZAP Required | | | | X | X | X | X | X | | | X | X | X | X | X | | | | X | X | X | | X | | | |
| (g) Specialty Animal Raising: Other (Excluding Birds) | 25 maximum | | | | X | X | X | | | X | X | X | | | | X | X | X | X | X | X | X | X | X | | | |
| | 25 maximum by ZAP | X | X | X | | | | | | | | | | | | | | | | | | | | | | | |
| | 25 plus by ZAP | | | | X | X | X | | | X | X | X | X | | | X | | | | X | X | X | X | X | | | |
| | Permitted | | | | | | | X | X | X | | | | | X | X | | | | | | | | X | | | |
| (h) Specialty Animal Raising: Birds | 25 maximum | | | | X | X | X | | | | X | | | | | X | X | X | X | X | | | | | | | |
| | 100 maximum | | | | | | X | X | X | X | X | | | | X | | | | | | | | X | | | | |
| | Additional by ZAP | X | X | X | | | X | X | X | X | X | X | | | X | | | | | | | X | X | | | | |
| | Permitted | | | | | | | | | | | | X | X | X | | | | | | | | | X | | | |
| (i) Racing Pigeons | 100 Maximum | | | | | | | | | X | X | | | | | | | | | | | | X | | | | |
| | 100 Max 1/acre plus | | | | | | | | | | | | | | | | | X | | | | | | | | | |
| | Permitted | | | | | | | | | | | X | X | X | X | X | | | | | | | | X | | | |
| ANIMAL ENCLOSURE SETBACKS (See Section 3112) | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Most Restrictive | | X | | X | | X | | | | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | | | |
| Moderate | | | X | | X | | | X | | | | | | | | | | | | | | | | | | | |
| Least Restrictive | | | | X | | X | | | X | | | | | | | | | | | | | | | X | | | |

MUP = Major Use Permit

+ = plus

ZAP = Minor Use Permit

Notes:

1. Dogs and cats not constituting a kennel and up to two pot-belly pigs are accessory uses subject to the Accessory Use Regulations commencing at Section 6150 and are not subject to the animal enclosure setbacks.
2. On land subject to the "S" and "T" Animal Designators, grazing of horses, bovine animals and sheep permitted provided no buildings, structure, pen or corral shall be designated or used for housing or concentrated feeding of animals, and the number of such animals shall not exceed 1 animal per ½ acre of land.
3. One wild or undomesticated animal, kept or maintained in conformance with State and local requirements, is an accessory use subject to the Accessory Use Regulations commencing at Section 6150, and is not subject to the Animal Schedule. (Amended by Ordinance Number 7432 (N.S.) adopted January 6, 1988.)
4. The Animal Schedule does not apply to small animals, specialty animals, dogs or cats which are kept for sale in zones where the Retail Sales, General Use type is permitted provided that all activities are conducted entirely within an enclosed building, the building is completely soundproof, there are no outside runs or cages, no boarding of animals, no outside trash containers and no offensive odors.
5. Chinchillas are considered small animals except that a MUP may be approved for more than 25 chinchillas on property with the "L" Designator.
6. The number of animals allowed is per legal lot. This number shall not apply to the keeping of earthworms.
7. Beekeeping must be located at least 600 feet from any habitable dwelling unit, other than such dwelling unit owned by the person owning the apiary.

3112 ANIMAL ENCLOSURE SETBACK TABLE.

Notwithstanding the provisions of an applicable setback designator, enclosures containing the animal-related use types listed in Section 3110 shall have the minimum setbacks specified in the Animal Enclosure Setback Table. The Animal Enclosure Setback Table is incorporated into this section, and all references to this section shall include references to it. Animals subject to the Animal Setback Table must be confined within the appropriate enclosure.

| ANIMAL ENCLOSURE LOCATION | ANIMAL ENCLOSURE SETBACKS (a) | | |
|--------------------------------------|-------------------------------|--|--|
| | MOST RESTRICTIVE (b) | MODERATE (b) | LEAST RESTRICTIVE (b) |
| Distance from Street Center Line | Same as for main building(c) | Same as for main building | Zero (0) feet (from street line) |
| Distance from Interior Side Lot Line | 15 feet | Five (5) feet | Zero (0) feet for open enclosure. Five (5) feet for roofed enclosure. |
| Distance from Rear Lot Line | 10 feet | Zero (0) feet for open enclosure. Five (5) feet for roofed enclosure. | Zero (0) feet |

NOTES:

- a. Animal enclosure includes pens, coops, aviaries, hutches, stables, barns, corrals, and similar structures used for the keeping of poultry or animals.
- b. A fenced pasture containing a minimum of 2 acres, with no building used for human habitation and having no interior cross-fencing, is exempt from the animal enclosure setback requirements.
- c. Refer to applicable setback designator and setback schedule at Section 4810.

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

(Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)

(Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

4315 EXEMPTIONS FROM BUILDING TYPE SCHEDULE.

The following are exempt from provisions of Sections 4310; Building Type Schedule:

- a. Civic Use Types.
- b. Any use or structure for which a use permit is granted.
- c. Accessory Structures.
- d. Temporary structures erected pursuant to the Temporary Use Regulations.
- e. Secondary Uses.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

4615 ADDITIONAL STORY PERMITTED.

- a. Where the average slope of a lot is greater than one foot rise or fall in 7 feet in the area of the lot bounded by a line drawn 5 feet outside the building perimeter or, where closer, along property lines, an additional story may be permitted in a residential building which is located on the downhill side of a street, provided that in no case shall such a building have a height measured in feet greater than that permitted by the applicable height designator. Basements or cellars within such buildings will only be permitted if the grade elevation at all points adjacent to the basement perimeter is not more than 2 feet below the finished floor elevation directly above. This subsection (a) shall not apply to through lots or corner lots.
- b. An additional story may be permitted in a main dwelling with a primary residential use upon issuance of an Administrative Permit, provided that in no case shall the main dwelling have a height measured in feet greater than that permitted by the applicable height designator. The Administrative Permit Procedure at Section 7050 through Section 7099 shall apply. Notice of the administrative permit application shall be given to all property owners within a distance of 300 feet from the applicant's property. The Director may approve said administrative permit provided the following findings are made:
1. The additional story will be in harmony with scale and bulk of dwellings on adjacent properties in the same zone, and will be compatible with the existing neighborhood character in the vicinity of the property; and
 2. The additional story will not create a safety hazard, obstruct, interrupt or detract from existing views or be detrimental to surrounding properties in the same zone.

This subsection (b) shall not apply to basements proposed or existing within the main dwelling as basements are not considered a story.

(Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)
 (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. 7220 (N.S.) adopted 10-22-86)
 (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

4620 PERMITTED EXEMPTIONS FROM HEIGHT LIMITS.

The following structures shall be exempt from the maximum height provisions of an applicable height designator:

- a. Radio and television receiving antennas no more than 200 feet in height of the type customarily used for home radio and television receivers.
- b. Transmitting antennas no more than 200 feet in height used by licensed amateur (ham) or citizens band radio operators.
- c. Flagpoles no more than 50 feet in height; provided, however, that flagpoles used as signs or attention-attracting devices shall be subject to the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.

4620

- d. Signs no more than 50 feet in height except as otherwise limited by the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.
- e. Grain elevators, silos and water tanks functionally used for commercial agriculture, boarding and breeding stables or public stables which are located in agricultural zones or S92 Use Regulations; provided that no such structure shall be more than 50 feet in height.
- f. Chimneys no more than 100 feet in height located in industrial zones; and all other chimneys extending no more than 3 feet above the highest point on the roof of the building to which they are attached.
- g. Any structure for which a Major Use Permit is granted pursuant to other provisions of this ordinance, when the Major Use Permit authorizes an exemption to the height regulations.
- h. Any structure used primarily to contain or support an Essential Services or Fire Protection Services use.
- i. A Photovoltaic Solar Energy System extending not more than 5 feet above the highest point of the roof.
- j. Wind turbines, windmills, wind-driven water pumps and appurtenant structures required for the function thereof.
- k. Meteorological Testing (MET) Facility of less than 200 feet in height permitted in accordance with Section 6123.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 5574 (N.S.) adopted 8-1-79)
(Amended by Ord. No. 6091 (N.S.) adopted 7-1-81)
(Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)
(Amended by Ord. No. 6857 (N.S.) adopted 10-10-84. Opr. 1-1-85)
(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)
(Amended by Ord. No. 9971 (N.S.) adopted 02-25-09)
(Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)
(Amended by Ord. No. 10072 (N.S.) adopted 9-15-10)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

4622 EXCEPTIONS TO HEIGHT LIMITS WITH MINOR USE PERMIT.

Except as otherwise provided by Section 4620, the following structures may be erected and maintained above the maximum height permitted by an applicable height designator upon the issuance of a minor use permit therefore; provided, however, no such structure above such height limit shall be used for sleeping or eating quarters or for any commercial purpose other than such as may be incidental to the permitted uses of the main building:

- a. Radio and television receiving antennas greater than 200 feet in height of the type customarily used for home radio and television receivers.

- b. Transmitting antennas greater than 200 feet in height used by licensed amateur (ham) radio operators; and all transmitting antennas used by other than licensed amateur (ham) or citizens band radio operators
- c. Flagpoles greater than 50 feet in height; provided, however, that flagpoles used as signs or attention-attracting devices shall be subject to the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.
- d. Signs greater than 50 feet in height except as otherwise limited by the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.
- e. Provided the principle use of the property is commercial agriculture, a boarding and breeding stable or a public stable, grain elevators, silos and water tanks greater than 50 feet in height, and barns and all other structures greater than the permitted height limit of the zone, functionally used for commercial agriculture, a boarding and breeding stable or a public stable, which are located in agricultural zones or S92 Use Regulations; grain elevators, silos, and water tanks not located in agricultural zones or S92 Use Regulations, functionally used for commercial agriculture, boarding and breeding stables or public stables.
- f. Chimneys greater than 100 feet in height located in industrial zones; and all other chimneys extending more than 3 feet above the highest point on the roof of the building to which they are attached.
- g. Towers, gables, spires, steeples, sundecks, scenery lofts, cupolas, and similar structures and necessary mechanical appurtenances; provided, however, that no such structure may extend more than 20 feet above the maximum height specified by the applicable height designator if of combustible materials.
- h. Penthouse; provided, however, that no penthouse shall exceed 28 feet in height above the roof when used as an enclosure for tanks or for elevators which run to the roof and in all other cases shall not extend more than 12 feet in height above the roof; and further provided, however, that the aggregate area of all penthouses and other roof structures shall not exceed 33-1/3 percent of the area of the supporting roof.
- i. A Photovoltaic Solar Energy System.
- j. Wireless Telecommunications Facilities.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
 (Amended by Ord. No. 5574 (N.S.) adopted 8-1-79)
 (Amended by Ord. No. 6091 (N.S.) adopted 7-1-81)
 (Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)
 (Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)
 (Amended by Ord. No. 10072 (N.S.) adopted 9-15-10)
 (Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

4630

4630 HEIGHT OF FENCES.

The height of fences shall be regulated by the Fencing and Landscaping Regulations commencing at Section 6700.

4631 HEIGHT OF GUARD RAILINGS.

The height of guard railings for safety protection around depressed ramps, openwork fences, hedges or landscape architectural features shall be regulated by the Setback Regulations at Section 4835.

- r. Yards abutting property in another zone shall have setbacks equal to those required by that zone.
- s. The exterior side yard setback as measured from the nearest edge of the right-of-way shall not be less than that required for the interior side yard.
- t. Twenty feet in front yard abutting a street 30 feet or less in width.
- u. Windmills, wind-driven water pumps and appurtenant structures required for the function thereof, shall be exempted from the provisions of an applicable setback designator.
- v. The "W" setback designator may be applied only to property having use regulations requiring a minimum lot size of 2 acres or greater. Where applied, the interior side yard setback shall be 15 feet for:
 - 1) any legal lot less than 2 acres in area;
 - 2) any legal lot developed with a structure used or intended for use as a dwelling prior to the effective date of the ordinance applying the "W" designator to the property in question; or
 - 3) any legal lot less than 3 acres in area, created prior to August 10, 1988, the original date of adoption of the San Diego County Interim Sensitive Lands Ordinance.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
 (Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)
 (Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)
 (Amended by Ord. No. 7110 (N.S.) adopted 4-2-86)
 (Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)
 (Amended by Ord. No. 8185 (N.S.) adopted 12-16-92)
 (Amended by Ord. No. 8482 (N.S.) adopted 11-30-94)

4813 SETBACKS ESTABLISHED BY MAJOR USE PERMIT.

When a major use permit for a use or structure is granted, the use permit may authorize an exception to the Setback Regulations and establish other setback and spacing requirements as a condition thereof.

(Amended by Ord. 5508 (N.S.) adopted 5-16-79)

4815

SUPPLEMENTARY SETBACK REGULATIONS

4815 ADDITIONAL ROAD SETBACKS.

In addition to the setback regulations established by the Zoning Ordinance, all buildings or other structures shall comply with the setbacks as established by Chapter 3 (commencing at Section 51.301) of Division 1 of Title 5 of the County Code.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79. Effective 6-15-79)

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80. Effective 7-4-80)

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

4837 PRIVATE GARAGE PERMITTED IN REQUIRED FRONT YARD SUBJECT TO REGULATIONS.

Notwithstanding the requirements of Section 4835 referring to the permitted intrusion of private garages into required front yards, because of slope, a private garage accessory to a dwelling, may intrude into the front yard if it meets the following conditions, is not built closer than ten feet from any rear or side lot line; and the proposed garage location is the only practical one for the garage:

If the half of a lot that abuts a street from which garage access is taken has a slope of greater than one foot rise or fall over a seven foot distance or the slope is such that this half of the lot is more than four feet above or below the established street elevation, the garage may be built to within ten feet of the front lot line.

The garage may be built to the front lot line if the slope of the lot meets the same requirements mentioned above and the Director finds that it would not be a hazard to pedestrian or vehicular traffic.

This Section 4837 is not intended to allow a garage to be located within the front yard setback if it replaces a pre-existing garage that has been converted, or is proposed to be converted, to another use nor to allow a second garage on property where there is an existing garage.

(Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

(Amended by Ord. No. 7576 (N.S.) adopted 1-11-89)

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

4838 WATER TANK FOR FIRE PROTECTION PERMITTED IN REQUIRED YARDS SUBJECT TO REGULATIONS.

Notwithstanding the requirements of Section 4835 referring to permitted location of accessory structures within required yards, a water storage tank for fire protection may encroach into required yards if it meets all the following criteria:

1. Is required by the County Fire Marshal or Fire District serving the property;
2. Is not built closer than 10 feet from any street line and 3 feet from any other property line;
3. Does not exceed 15 feet in height and 12 feet in diameter; and
4. Is the only practical location which would assure gravity flow to the serving fire hydrant(s) or standpipe(s).

These water tanks may encroach closer to street lines and/or property lines than specified above, provided the Director finds that the encroachment would not be detrimental to adjacent properties and/or vehicular or pedestrian traffic.

(Added by Ord. No. 8166 (N.S.) adopted 10-21-92)

(Amended by Ord No. 9690 (N.S.) adopted 12-15-04)

4840

4840 REQUIRED DISTANCE BETWEEN DETACHED MAIN BUILDINGS.

No main building 2 stories or less in height shall be closer than 10 feet to any other main building to which it is not attached on the same lot or building site, and no main building exceeding 2 stories in height shall be closer than 15 feet to any other main building to which it is not attached on the same lot or building site.

4841 REQUIRED DISTANCE BETWEEN DETACHED ACCESSORY BUILDINGS AND MAIN BUILDINGS.

No detached accessory building walls shall be closer than 6 feet to any main building walls or other accessory building walls on the same lot or building site and no detached accessory building eaves shall be closer than 4 feet to any main building eaves or other accessory building eaves on the same lot or building site. When the distance between either the walls or the eaves of a detached accessory building and a main building or living unit are less than specified in this section, the buildings are deemed attached for the purpose of determining setbacks and both must meet the setbacks prescribed for a main building.

Exceptions to this section are:

1. More restrictive separation may be required by the Animal Enclosure Setbacks in Section 3112.
2. There is no prescribed separation between chicken coops.
3. Swimming pools which do not extend more than 3 feet above the ground adjacent thereto.

(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)

(Amended by Ord. No. 7306 (N.S.) adopted 5-20-87)

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

4842 SETBACKS FOR DETACHED ACCESSORY BUILDINGS AND STRUCTURES.

- a. No detached accessory building exceeding 120 square feet shall be located with walls closer than 3 feet or eaves closer than 2 feet from interior side or rear property lines except where abutting a thoroughfare or open space easement in which case they may extend to the property line.
- b. No detached accessory building authorized by Section 6156.g exceeding 1,000 square feet in area shall be located within 25 feet of any property line.
- c. The combined area of all detached accessory buildings authorized by Section 6156.g, having any portion closer than 25 feet from any property line, shall not exceed 1,000 square feet.

(Added by Ord. No. 6761 (N.S.) adopted 4-25-84)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

SCENIC AREA REGULATIONS**5200 TITLE AND PURPOSE.**

The provisions of Section 5200 through 5299, inclusive be known as the Scenic Area Regulations. The purpose of these provisions is to regulate development in areas of high scenic value both to assure exclusion of incompatible uses and structures and to preserve and enhance the scenic resources present in adjacent areas. These regulations constitute recognition of important social, recreational, and economic values obtained from preservation and enhancement of the scenic qualities of County areas for the benefit of residents and visitors.

5202 APPLICATION OF THE SCENIC AREA REGULATIONS.

The Scenic Area Regulations shall be applied to areas of unique scenic value including but not limited to scenic highway corridors designated by the San Diego County General Plan, critical viewshed and prime viewshed areas as designated on the Local Coastal Program Land Use Plan, and to areas adjacent to significant recreational, historic or scenic resources, including but not limited to Federal and State parks.

(Amended by Ord. No. 6743 (N.S.) effective 1-11-85)

5203 DESIGNATED AREA.

The area having unique scenic value and any adjacent areas having significant recreational, historic or scenic resources shall be known as the designated area for purposes of these regulations.

5204 LIMITATION ON USES.

Notwithstanding the provisions of the applicable use regulations and Enclosure Matrix (Section 6816), all Use Regulations shall comply with the enclosure provisions of the Scenic Area Regulations.

5205 SITE PLAN REQUIRED.

No permit of any type shall be issued for any development, nor shall any outdoor commercial or industrial use be established, in areas subject to the Scenic Area Regulations until a Site Plan has been submitted and approved in accordance with the Site Plan Review Procedure commencing at Section 7150 unless a waiver is granted pursuant to section 5214. The following projects are exempt from the Site Plan requirements of the Scenic Area Regulations:

- a. A one or two family dwelling on a single lot.
- b. Attached accessory structures associated with a. above.
- c. Detached accessory structures associated with a. above which are both 1,000 square feet or less in area and 12 feet or less in height.
- d. Alterations to the interior of a structure which are not visible from the outside provided that there is no change in use.

5205

- e. Electrical, gas or other utility improvements where no associated discretionary permits are required, provided that any visible portion of such improvement does not exceed 24 inches in any dimension. The Director may require the applicant to submit an affidavit stating that the proposed utility improvement will not serve a use other than those uses presently occurring legally on the site.
- f. Temporary improvements associated with construction activities authorized by building permit. Said improvements shall include, but not be limited to, trailers, fences, and signs which do not require discretionary approval by other applicable sections of The Zoning Ordinance.
- g. Temporary special purpose off-premise signs pursuant to Section 6207.
- h. Exterior alteration or new construction not otherwise exempt under this section, which is not visible from any street, excluding alleys, within the designated scenic area. Eliminating said visibility through screening techniques such as landscape, walls, fences or grading shall not qualify such exterior alterations or new construction for this exemption. The Director shall determine if a project meets this exemption standard and may require any necessary information including drawings, photographs and/or other graphic exhibits.
- i. Small antennas (i.e., satellite earth station receiving antennas or similar antennas for video programming and television signals) exempted by Federal Communications Commission rules from local design review regulations. This exemption applies to antennas that are one meter (39 inches) or less in diameter or diagonal measurement. Such antennas mounted on masts exceeding 12 feet in height are not included in this exemption.

Any decision by the Director to exempt a project pursuant to this section shall be final.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)
(Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)
(Amended by Ord. No. 8236 (N.S.) adopted 5-5-93)
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

5206 CONTENT OF SITE PLAN.

The required Site Plan shall include such maps, plans, drawings, and sketches as are necessary to show:

- a. **View Points.** An accurate representation of the development as viewed from at least 3 separated and critical points exterior to the development site and which show the treatment of the scenic resources present on the site as related to those resources which are adjacent to the site. The 3 exterior view points shall be proposed by the developer and approved by the Director prior to the preparation and submission of the Site Plan; however, in the area covered by the California Coastal Zone view points shall include

any and all pertinent vista points shown on the Local Coastal Program Land Use Plan. This proposal shall include photographs of the development site taken from each of the proposed view points and a map showing the location of these view points with respect to the development site. At his discretion, the Director may require additional view points to be included in the Site Plan;

- b. The placement, height and physical characteristics of all existing and proposed buildings and structures located on the development site;
- c. The existing vegetation and all proposed landscaping with heights at maturity indicated.
- d. The location and dimensions of existing and proposed ingress and egress points, interior road and pedestrian walkways, parking and storage area;
- e. The size and location of existing and proposed utilities;
- f. The existing and finished topography of the development site, including the existing natural drainage system and its proposed treatment;
- g. The number, size, location and design of existing and proposed signs; and
- h. The exterior lighting plan, the interior lighting of buildings and structures which will have a visual impact on the exterior appearance of the development.

(Amended by Ord. No. 6743 (N.S.) effective 1-11-85)

5210 SITE PLAN REVIEW CRITERIA.

The general criterion of site plan review is that the proposed development shall not, to the maximum extent feasible, interfere with or degrade those visual features, natural or man-made, of the site or adjacent sites which contribute to its scenic attractiveness, as viewed from either the scenic highway or the adjacent scenic, historic, or recreational resource. In addition, consideration shall be given to any scenic preservation goals, policies or recommendations set forth in the applicable Community or Subregional Plan. In applying this general criterion, the following specific criteria shall be evaluated when they are applicable.

- a. **Building Characteristics.** All development shall be compatible with the topography, vegetation and colors of the natural environment and with the scenic, historic and recreational resources of the designated areas.
- b. **Building and Structure Placement.**
 - 1. The placement of buildings and structures shall not detract from the visual setting or obstruct significant views, and shall be compatible with the topography of the site and adjacent areas.

2. In prime viewshed areas designated on the Local Coastal Program Land Use Plan in the California Coastal Zone, building and structures should not be placed along bluff-top silhouette lines or on the adjacent slopes within view from a lagoon area, but should be clustered along the bases of the bluffs and on the mesa tops set back from the bluff-top silhouette lines. Buildings and structures should be sited to provide unobstructed view corridors from the nearest scenic highway, or view corridor road. These criteria may be modified when necessary to mitigate other overriding environmental considerations such as protection of habitat or wildlife corridors.
- c. Landscaping. The removal of native vegetation, especially timber, shall be minimized and the replacement vegetation and landscaping shall be compatible with the vegetation of the designated area. Landscaping and plantings shall be used to the maximum extent practicable to screen those features listed in subsections "d", "e", and "f" of this section. Landscaping and plantings shall not obstruct significant views, either when installed or when they reach mature growth.
- d. Roads, Pedestrian Walkways, Parking and Storage Areas. Any development involving more than one building or structure shall provide common access roads and pedestrian walkways. Parking and outside storage areas shall be screened from view, to the maximum extent feasible, from either the scenic highway or the adjacent scenic, historic, or recreational resource by existing topography, by the placement of buildings and structures, or by landscaping and plantings which harmonize with the natural landscape of the designated area.
- e. Above Ground Utilities. Utilities shall be constructed and routed underground except in those situations where natural features prevent undergrounding or where safety considerations necessitate above ground construction and routing. Above ground utilities shall be constructed and routed to minimize detrimental effects on the visual setting of the designated area. Where it is practical, above ground utilities shall be screened from view from either the scenic highway or the adjacent scenic, historic, or recreational resource by existing topography, by the placement of buildings and structures, or by landscaping and plantings which harmonize with the natural landscape of the designated area.
- f. Grading. The alteration of the natural topography of the site shall be minimized and shall avoid detrimental effects to the visual setting of the designated area and the existing natural drainage system. Alterations of the natural topography shall be screened from view from either the scenic highway or the adjacent scenic, historic, or recreational resource by landscaping and plantings which harmonize with the natural landscape of the designated area, except when such alterations add variety to or otherwise enhance the visual setting of the designated area.
- g. Signs. Off-site signs shall be prohibited in areas subject to the Scenic Area Regulations. The number, size, location, and design of all other signs shall not detract from the visual setting of the designated area or obstruct significant views. Subsequent to the Site Plan review and approval, any alteration to signs other than general maintenance shall be subject to an Administrative Permit.

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

- h. Lighting. The interior and exterior lighting of the buildings and structures and the lighting of signs, roads and parking areas shall be compatible with the lighting employed in the designated area.

(Amended by Ord. No. 6743 (N.S.) effective 1-11-85)
(Amended by Ord. No. 7935 (N.S.) adopted 6-19-91)

5212 NONCONFORMING USE.

Any development which was permitted by or conformed to the requirements of the Zoning Ordinance in effect prior to the effective date of this section and which has not been subject to a Site Plan review as provided by the Scenic Area Regulations, shall be considered to be a nonconforming use subject to the provisions of the Nonconforming Use Regulations commencing at Section 6850, until such plan review has been secured and an approval given.

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

5214 WAIVER OF A SITE PLAN

The Site Plan requirement of this section may be waived by the Director under either of the following circumstances:

- a. If it is determined, based upon substantial evidence, that the proposed project is not visible from any scenic highway corridors designated by the San Diego County General Plan, critical viewshed and prime viewshed areas as designated on the Local Coastal Program Land Use Plan, and from any areas adjacent to significant recreational, historic or scenic resources, including but not limited to Federal and State parks and if it is determined that the Site Plan review process would not materially contribute to the attainment of the stated purpose or objectives of the Scenic Area Regulations to the subject property, or that all of the purposes and requirements of the Site Plan have been fulfilled by an existing approved discretionary permit. In making a decision on such a waiver of a Site Plan, the Director shall consider the recommendation of the applicable Community Planning Group or Sponsor Group. Waiver requests shall be transmitted by the Director to the Group using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Group within 45 days following the Group's receipt of the request, the Director may make a decision without the Group's recommendation.
- b. If all of the purposes and requirements of the Site Plan will be fulfilled by a concurrent discretionary permit which will be reviewed by the applicable Community Planning Group or Sponsor Group.

No building permit or grading permit shall be issued for a project for which the Site Plan requirement has been waived except pursuant to plans bearing the Director's stamp granting such waiver. No deviation from aspects of such plans pertinent to the stated purpose or objectives of the Scenic Area Regulations to the subject property shall be permitted without prior recommendation of the appropriate Community Planning or Sponsor Group.

(Added by Ord. No. 10095 (N.S.) adopted 12-8-10)

SENSITIVE RESOURCE AREA REGULATIONS**5300 TITLE AND PURPOSE**

The provisions of Sections 5300 through 5349, inclusive, shall be known as the Sensitive Resource Area Regulations. The purpose of these provisions is to increase the protection and preservation of the County's unique topography, ecosystems, and natural beauty, diversity, and environmentally sensitive lands and natural resources, including wetlands, floodplains, prehistoric and historic sites and sensitive habitat lands.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

5301 APPLICATION OF THE SENSITIVE RESOURCE AREA DESIGNATOR

The Sensitive Resource Area designator shall be applied based upon the presence of one or more of the following resources on the property: wetlands, wetland buffers, floodplains, significant habitat lands, and prehistoric and historic sites. The Sensitive Resource Area Designator shall also be applied to steep slope areas when at least one of the following criteria are met: 1) at least one of the resources in the preceding paragraph is also present on the site; or 2) it is required as a condition of a discretionary permit approval.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

5302 SITE PLAN REQUIRED

On property subject to the Sensitive Resource Area Regulations, a site plan shall be required for the following activities, unless expressly exempted by Section 5303:

- a. The erection, construction, conversion, establishment, alteration, enlargement, or demolition of any building, improvement or portion thereof;
- b. Excavation or grading of, or deposit of soil or other material upon, any lot or premises; or
- c. Clearing and grubbing of any natural vegetation.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

5303

5303 EXEMPTIONS

The following uses and activities are exempt from the Sensitive Resource Area Regulations:

- a. Minor building permits, such as any of the following:
 1. Demolition (except for a significant prehistoric or historic site);
 2. Reinspection;
 3. Plan changes, provided no increase in parking or floor area is involved;
 4. Additions or alterations of not more than 1,000 square feet;
 5. Accessory buildings of not more than 1,000 square feet;
 6. Replacement of existing structures, provided no increase in parking is involved and no more than a 1,000 square foot increase in floor area is involved;
 7. Interior remodels;
 8. Residential garage conversions;
 9. Fences and free standing walls;
 10. Patios, patio covers, decks, balconies and stairs;
 11. Electrical, plumbing, gas and mechanical permits;
 12. Other minor permits as authorized by the Planning Director.
- b. Clearing for fire protection purposes within 100 feet of a dwelling unit and other permitted structures. Any additional clearing for fire prevention, control or suppression purposes is exempt when required in writing by a fire prevention or suppression agency. This exception does not apply in riparian habitats.
- c. Limited clearing as necessary for the purpose of surveying, geotechnical exploration and access of percolation tests and wells.
- d. Clearing and minor grading which does not require a grading permit, either or which conforms to the location, extent and purpose expressly authorized by an approved plan accompanying a discretionary development permit.

- e. Limited clearing to provide access to property to perform activities that are listed in b through d above.
- f. Any essential public facility or project, or community recreational facility, which includes public use, when the authority considering an application listed at Article III, Section 1 above makes the following findings:
 - 1. The facility or project is consistent with adopted community or subregional plans;
 - 2. All possible mitigation measures have been incorporated into the facility or project, and there are no feasible, less environmentally damaging, location, alignment or non-structural alternatives that would meet project objectives;
 - 3. Where the facility or project encroaches into a wetland or floodplain, mitigation measures are required that result in any net gain in wetland and/or riparian habitat;
 - 4. Where the facility or project encroaches into steep slopes, native vegetation will be used to revegetate and landscape cut and fill areas; and
 - 5. No mature riparian woodland is destroyed or reduced in size.
- g. Any project for which a final subdivision map has been recorded or a major use permit has been approved where such map or permit bears the certification that all requirements of the Resource Protection Ordinance have been met.
- h. Any project for which the Director of Planning and Land Use has determined in writing that it can be seen with certainty that no environmentally sensitive lands exist on the property.
- i. Any ongoing, existing agricultural operations, such as cultivation, growing and harvesting of crops and animals performed on the site. Land left fallow for up to three years shall be considered to be existing agricultural operations.
- j. Any project for which the Board of Supervisors has determined that application of these special area regulations would result in the applicant being deprived of all reasonable economic use of property in violation of federal or state constitutional prohibitions against the taking of property without just compensation.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

5304

5304 CONTENT OF SITE PLAN

The Site Plan shall include such maps, plans, drawings and sketches as are necessary to show:

- a. The placement and size of all existing and proposed buildings and structures located on the development site;
- b. The dimensions of the following: exterior boundary, structures, setbacks of structures to property lines and between structures, parking areas and driveways;
- c. The existing vegetation to be removed or retained and all proposed landscaping. Any existing non-agricultural trees with trunk dimensions of six inches (6") or greater shall be shown, and those that are proposed to be removed shall be labeled;
- d. The location and dimensions of existing and proposed ingress and egress points, interior road and pedestrian walkways, parking and storage areas, contiguous streets and all easements;
- e. The location of the 100 year floodplain using the Department of Public Works 100 year Floodplain Maps;
- f. The location of any natural drainage (including intermittent streams) and any proposed drainage systems;
- g. All preliminary grading, including incidental grading related to site preparation; and
- h. The slope categories for the entire property in acres, based on a slope analysis prepared pursuant to Section 5305.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

5305 SLOPE ANALYSIS REQUIRED

A slope analysis shall be required for each application for a Site Plan. This analysis shall be completed by a qualified person such as a registered or licensed architect, landscape architect, engineering geologist, land surveyor, or civil engineer based upon a topographic map using ten foot contour intervals or less. The slope analysis shall show the slope categories for the entire property in acres, using the following categories:

- (a) less than 15% slope
- (b) 15% and greater up to 25% slope
- (c) 25% and greater up to 50% slope
- (d) 50% and greater slope

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

COASTAL RESOURCE PROTECTION REGULATIONS

5950 TITLE AND PURPOSE.

The provisions of Section 5950 through 5959, inclusive, shall be known as the Coastal Resource Protection Regulations. The purpose of these provisions is to protect and preserve sensitive resources within the California Coastal Zone and to assure that development, use, or alteration of land within major areas of environmental sensitivity, steep slopes, major drainage ways, and outstanding scenic quality is reviewed and approved in accordance with criteria, standards and limitations that will protect coastal resources.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)

5952 APPLICATION OF THE COASTAL RESOURCE PROTECTION REGULATIONS.

The Coastal Resource Protection Regulations shall be applied to the areas identified in the Local Coastal Program Land Use Plan as Coastal Resource Protection Areas.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)
(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

5953 EXEMPTIONS.

The following uses and activities are exempt, except as otherwise specified, from the provisions of the Coastal Resource Protection Regulations.

- a. Cultivation of land for agricultural purposes that is currently under cultivation, or that is of less than 10% slope and has been impacted by cultivation within the past five years, provided that no such activity shall take place closer than 10 feet from the top or bottom edge of any slope of 25% grade or greater.
- b. Minor excavation or placement of soil materials, not otherwise requiring a grading permit, incidental to the planting of trees and shrubs or the construction of other landscape features, provided that such excavations or placement of soil materials does not in itself alter the general overall topographical configuration of the land and does not take place on slopes of 25% grade or greater.
- c. Minor excavations or placement of soil materials incidental to installation of minor structural features, and the installation of such features, which are customarily accessory to a permitted use and do not otherwise require a grading permit or building permit, provided such excavation, placement of soil materials, or construction does not in itself alter the general topographical configuration of the land and does not take place on slopes of 25% grade or greater.

5953

- d. Except for provisions of Section 5955, the construction of an individual single-family residence on an existing lot which contains no slope or portion of a slope that is more than 10 feet in height and has a grade of 25% or greater.
- e. Except for provisions of Section 5955, the construction of structures and establishment of uses customarily accessory to a legally existing principal use.
- f. Except for provisions of Section 5955, the construction of roads shown on the Circulation Element of the San Diego County General Plan.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

5955 COASTAL ACT PERMIT REQUIRED.

Except as otherwise specified in Section 5953, all uses and development activities are subject to the issuance of a Coastal Act Permit pursuant to the California Coastal Act of 1976.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

5956 PLANNED DEVELOPMENT REQUIRED.

Except as otherwise specified in Section 5953, development of property 10 acres or greater in size is subject to the approval of a major use permit for planned development pursuant to Sections 5800-5849 of this Zoning Ordinance.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)

5957 DEVELOPMENT STANDARDS AND REVIEW CRITERIA.

In addition to applicable development standards and review criteria related to approval of a major use permit for planned development or the issuance of a Coastal Act Permit, the following standards and criteria shall apply to development subject to these regulations.

- a. **Steep Slopes.** No development, grading, planting, excavation, deposit of soil or other material, or removal of natural vegetation, except as may be necessary for fire safety or installation of utility lines, shall be permitted on steep natural slopes of 25% grade or greater. This standard may be modified only to the extent that its strict application would preclude the minimum reasonable use of a property, as defined herein; provided that such a modification is consistent with the other provisions of this section and that clustering, setback variances, and other appropriate techniques have been utilized to the maximum extent feasible in order to avoid or minimize alteration of such natural

TEMPORARY USE REGULATIONS

6100 TITLE AND PURPOSE.

The provisions of Section 6100 through 6149, inclusive, shall be known as the Temporary Use Regulations. The purpose of these regulations is to establish permitted temporary uses and standards and conditions for regulating same.

6102 IDENTIFICATION OF PERMITTED TEMPORARY USES.

The following temporary uses shall be permitted as specified by these regulations:

- a. Circus, Carnival, or Other Outdoor Entertainment Event. The temporary gathering of people for a circus, carnival, or other outdoor entertainment event.
- b. Antique or Art Show on Public Property. The temporary use of public property for antique or art shows.
- c. Civic, Fraternal or Religious Assembly. The temporary gathering by an organization listed in Section 1348 on public or private property that is not the regular gathering place for that organization.
- d. Construction Support. Temporary building and structures supporting residential development and major construction.
- e. Reversible Uses of Future Highway Rights-of-Way. Temporary uses on land required for a future County or State Highway.
- f. Travel Trailer Park. The temporary operation of a travel trailer park.
- g. Uses in New Subdivisions. Temporary uses in new subdivisions and other residential developments which support the sale of dwellings and lots within the same subdivision or residential development.
- h. Use of Trailer Coach. Temporary use of a trailer coach for certain purposes.
- i. Use of Public School Sites. Temporary use of a public school site for certain specified purposes.
- j. Certified Farmers' Market. Temporary use of certain public or commercial property for a Certified Farmers' Market.
- k. Meteorological Testing (MET) Facility. Temporary use of a Meteorological Testing (MET) Facility permitted in accordance with Section 6123.
- l. Temporary Outdoor Sales. Temporary outdoor sales, incidental to the existing commercial uses on a site, in certain commercial or industrial zones.
- m. Commercial Filming. Temporary use of public or private property (not including public road rights-of-way) for commercial motion picture production, television production, still photography and related activities.

6102

(Amended by Ord. No. 7693 (N.S.) adopted 11-29-89)
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)
(Amended by Ord. No. 9971 (N.S.) adopted 02-25-09)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)
(Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6104 TEMPORARY USES SUBJECT TO CONTROLS.

Temporary uses shall be subject to all regulations as would be applied to a permanent principal or accessory use located in the same zone, except as otherwise provided by these regulations.

6106 CIRCUS, CARNIVAL, OR OTHER OUTDOOR ENTERTAINMENT EVENT.

The temporary gathering of people for a circus, carnival, or other outdoor entertainment event may be permitted by the Sheriff pursuant to Title 2, Division 1, Chapter 8 and Chapter 24 of the County Code through the issuance of a license pursuant to the Uniform Licensing Procedure of the County Code and in compliance with the following provisions:

- a. Location. A circus, carnival or other outdoor entertainment event may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations. Notwithstanding this subsection, a circus, carnival or other public outdoor assembly event may be permitted in any zone, including the RS, RD, RM and RV Use Regulations on properties with a valid Major Use Permit subject to the requirements of this section.
- b. Duration. The period of operation of the circus, carnival or other outdoor entertainment event shall not exceed five consecutive days, no more than six events per year on the same property. Events exceeding these limitations shall be considered Participant Sport and Recreation Use type.
- c. Noticed Hearing Not Required. The Sheriff may issue a license pursuant to this section without notice or public hearing.
- d. Community Events pursuant to Title 2, Division 1, Chapter 2 of the County Code shall be under the authority of the Department of Environmental Health. Community Events may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations and are permitted on properties with a valid Major Use Permit subject to the Department of Environmental Health requirements.

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6107 ANTIQUE OR ART SHOW ON PUBLIC PROPERTY.

The temporary gathering of people for an antique or art show and sales event may be permitted in compliance with the following provisions:

- a. Location. An antique or art show and sales event may be permitted in any zone provided such event is held on property owned by or under the control of a public agency and which is held pursuant to a permit, license, or leave approved by the governing board of said public agency, which permit, license or leave contains specific authorization for said event. As used in this section, "public agency" includes counties, cities, municipal corporations, political subdivisions, public districts and other public agencies of the State of California.
- b. Duration. The period of operation of the antique or art show and sales event shall not exceed 3 consecutive days, and there shall be no more than six events per year.

(Amended by Ord. No. 6937 (N.S.) adopted 4-10-85)

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6108 CIVIC, FRATERNAL OR RELIGIOUS ASSEMBLY.

The temporary gathering by an organization listed in Section 1348 on public or private property that is not the regular gathering place for that organization may be permitted in compliance with the following provisions:

- a. Location. An assembly may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations.
- b. Duration. The period of operation of the assembly shall not exceed 8 consecutive days.
- c. Recurrence. Events recurring more than four times in a calendar year are not considered temporary.

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

6110 CONSTRUCTION SUPPORT.

Temporary buildings for commerce or industry incidental to residential development, and temporary structures for the housing of tools, equipment, building assembly operations and supervisory offices in connection with major construction projects shall be permitted in any zone; provided such temporary buildings or structures are located within or adjacent to the development or construction site to which they are incidental.

6112 REVERSIBLE USES ON FUTURE HIGHWAY RIGHTS-OF-WAY.

Any temporary use, not involving any significant investment in buildings, structures, or other improvements may be permitted through the issuance of a Major Use Permit on a lot or parcel of land provided the Director, Department of Public Works or the District Director of the California Department of Transportation has determined that said lot or parcel will be required in its entirety at some future date for a County Highway or a State Highway. 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.

6116

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

6116 USES IN NEW SUBDIVISIONS.

Certain temporary uses as specified herein may be established within a subdivision for which a final map has been recorded, or in a proposed subdivision for which a tentative map has been approved and a final map thereof filed for approval by the Director of Public Works; or in conjunction with an individual multiple dwelling or multiple dwelling complex; solely for the marketing of dwellings, and/or lots, in the same residential development.

- a. Permitted Uses. The following temporary uses may be permitted in conformance with the following standards:
 - 1. Model homes in a number not to exceed that necessary to provide one example of each dwelling type being offered in the residential development. Reversed floor plans and exterior facade variations will not be considered as separate dwelling types. Each model home shall be erected on an individual site which conforms to a lot shown on the recorded final map or on the final map filed for approval with the Director of Public Works; meet all setback requirements of the applicable zone or, in the case of provisional reclassification, of the zone to which the property has been provisionally reclassified; and qualify in all respects for sale and residential occupancy upon termination of its use as a model home.
 - 2. Real estate sales office facilities for the purpose of promoting the sale or rental of dwellings and/or lots, which are located only within the same residential development or proposed subdivision. The foregoing provisions of this section notwithstanding, a temporary real estate sales office facility may be located adjacent to the residential development to which it is incidental in compliance with all other provisions of this section.
 - 3. Off-street parking facilities.
 - 4. Children's play areas, landscaping and landscape features such as walkways, pools, benches, walls, fencing, and similar appurtenant features of a noncommercial nature.

NOTE: See Section 6268 (c.2. & e.) for related temporary on-site signage allowances and requirements, and Section 6717 (c.) for water management plan requirements.

- b. No use authorized by this section will be located, installed or operated in a manner that will have an unnecessarily adverse effect on the use and enjoyment of any property on which an occupied dwelling is located, or may be located during the duration of such authorized use.
- c. Building Permits. Prior to the issuance of building permits for the temporary uses in "a" above, the following conditions shall be met:
 - 1. When the residential development for which such temporary uses are to be constructed would constitute a subdivision, a tentative subdivision map must be approved and the final map thereof recorded; or if a final map has not been recorded, a final map must be filed with the Director of Public Works for approval and approved by said Director as to conformance to the tentative subdivision map and mathematical accuracy.

2. Appropriate zoning must be in effect for the property encompassed by the subdivision or proposed subdivision or other residential development, to accommodate the lot sizes shown on the final map and the proposed uses thereof; provided, however, that where subject property has been provisionally reclassified, lot sizes and proposed uses may conform to the zone to which such property has been provisionally reclassified.
3. Necessary sanitary facilities must be provided as required by the Director of Environmental Health.
4. The property owners shall execute and file with the County and acknowledged agreement (notarized) assuming all risks inherent in construction prior to recordation of a final map and agreeing to abide by all conditions set forth in this Section prior to the sale of any model home; further agreeing that all temporary uses permitted by this section shall be terminated not later than 30 months after issuance of building permits therefore, unless a written request for extension of time has been submitted to and approved by the Director prior to the expiration of said 30 months, and within 30 days of the expiration of said 30 months or extension thereof, all temporary uses and related improvements other than model homes, shall be completely removed from the premises and all model homes shall be restored to a condition suitable for sale for residential occupancy, including reconversion of any garage to a condition suitable for the storage of private vehicles or the provision by other means of required off-street parking spaces. In the case where the final subdivision map has not been recorded, the property owner shall further agree that in the event of a final map which includes the property whereon uses authorized by this section are located is not recorded prior to expiration of the Tentative Map, all uses and related improvements, including model homes, shall be completely removed from the premises and the site restored to a clean and safe condition within 90 days from the date of expiration of the Tentative Map. Each agreement shall also contain a statement signed by the property owner agreeing that if all uses and related improvements are not removed as herein required, they may be removed or demolished, and the site restored by the County without further notice. Prior to the erection of any model home, the property owner shall post with the Director a bond in an amount satisfactory to the Director sufficient to defray any expense incurred by the County in either the restoration or conversion of the model homes to a condition suitable for sale for residential occupancy, or in the complete removal or demolition of said uses and improvements and site restoration. The bond shall be released to the property owner or person legally entitled thereto upon satisfactory removal or conversion of the concerned facilities.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)
 (Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
 (Amended by Ord. No. 7110 (N.S.) adopted 4-2-86)
 (Amended by Ord. No. 8157 (N.S.) adopted 10-14-92)
 (Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)
 (Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)
 (Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)

6118

6118 USE OF A TRAILER COACH.

The temporary use of a trailer coach for the following purposes may be permitted in compliance with the following conditions:

a. Business Uses.

1. Business office for a financial institution or public utility which is required, as a condition of a franchise granted by the United States, the State or a public agency, to maintain a place of business at a location at which no permanent structure suitable for the purpose is available.
2. Business office incidental to and located on a site on which a temporary carnival, circus, amusement center, Christmas tree sales or similar temporary or seasonal business is being lawfully conducted.
3. Business office or sales facility on or adjacent to a site on which construction of a permanent business office or sales facility for use of the permittee is being diligently prosecuted.
4. Construction office on or adjacent to any site on which a building or construction project is being diligently prosecuted; or for temporary offices on a site used for a borrow pit, quarry, asphalt paving plant, concrete batch plant, or mining operation for which a major use permit has been granted.
5. Political campaign office located on private property for a period not to exceed one year provided, however, such trailer shall be removed within 15 days following the next general election held after such trailer is sited.
6. Real estate sales office when the trailer coach is located on a lot or parcel of land adjacent to or within a proposed subdivision for which a Tentative Map has been approved and a final map thereof submitted to the Department of Public Works for checking to which such real estate office is incidental. Such permit may be issued to expire six months after completion of all sales but not exceed a period of three years.
7. Business office associated with the production and distribution of agricultural or horticultural products grown on the premises in zones subject to the A70, A72, S87, S90, and S92 Use Regulations upon issuance of an Administrative Permit for a period of not to exceed five years.
8. Government service uses in accordance with the provisions of Section 6120.

b. Residential Uses.

1. Dwelling to accommodate visiting relatives for a period not to exceed thirty (30) calendar days in any calendar year on land owned or leased by the host and on which there is located a permanent dwelling occupied by the host.

2. Dwelling on land owned by the applicant on which the applicant is diligently pursuing construction under a valid building permit for the first permanent dwelling provided that the trailer coach shall maintain all setbacks required for the main building except that the Director may waive meeting the rear yard setback otherwise required by this ordinance provided such waiver is necessary to prevent interference with construction activities and the trailer will be located no closer to the rear lot line than the required interior side yard setback. However, the Director may allow an ETOP (pursuant to subsection 7) converting to a temporary occupancy permit (TOP) to remain in its previously permitted location.
3. A dwelling for temporary health care on a lot where there is a permanent single family dwelling is permitted subject to the requirements set forth below. This trailer is exclusively for temporary occupancy by either: (a) providers of health services which are required by an occupant of the main dwelling, or (b) relatives of an occupant of the main dwelling who require physical care.

The following are requirements for health care trailer approval:

- a) The health care unit shall be a trailer or mobilehome not exceeding 800 square feet measured from the interior surface of the exterior walls
 - b) The trailer shall meet main building setbacks.
 - c) The trailer shall be connected to existing utility systems or required expansion of said systems on site whenever possible.
 - d) Prior to issuance of a building permit for a health care trailer a Certificate of Need signed by a physician licensed to practice medicine in the State of California shall be submitted to and approved by the Director. The Certificate shall be renewed annually.
 - e) When the health care need no longer exists, the unit shall be removed. Failure to comply is a violation of The Zoning Ordinance and may result in any or all remedies or penalties specified in the Enforcement Procedures commencing with Section 7700, including a \$1,000 fine per day or six months jail sentence or both.
 - f) The applicant shall furnish security in the amount of \$1,000 in a form satisfactory to the Director for health care trailers exceeding 320 square feet.
 - g) If the applicant complies with the terms of the temporary occupancy permit, then, upon removal of the trailer coach by the applicant, the full amount of deposit shall be refunded or security released.
4. Dwelling for security personnel on or adjacent to any site on which construction of a major residential, commercial, industrial or public works project is being diligently prosecuted and for which security personnel are employed.

5. Dwelling for security personnel on any site on which construction of a residential, commercial, industrial or public works project has been completed and for which security personnel are employed pending construction of permanent dwelling facilities for such security personnel.
6. Dwelling for security personnel on a site used for a borrow pit, quarry, asphalt paving plant, rock rushing plant, concrete batch plant, or mining operation for which a Major Use Permit has been granted.
7. Dwelling for displaced residents or security personnel on a site where the principal dwelling has been rendered unoccupiable by reason of an officially declared disaster or emergency relating to fire, wind, flood, earthquake or other similar circumstance. An emergency temporary occupancy permit (ETOP) for such a temporary dwelling shall expire at such time as a building permit for the repair or replacement of the principal dwelling has been issued (at which time the ETOP shall be converted to a temporary occupancy permit (TOP) pursuant to subsection b.2), or one year after the declaration date of the event causing the damage or destruction of the principal dwelling, whichever is earlier.

Prior to the expiration of the ETOP, the Director may grant one or more extensions of up to one year each upon making all of the following findings:

- a) That the granting of the extension will not be detrimental to the public health, safety and welfare;
- b) That there is a special circumstance or a hardship to the displaced residents;
- c) That the special circumstance or hardship is not the result of the residents own actions.

c. Termination of Use.

1. When use of a trailer coach is related to a use authorized by a use permit or Administrative Permit, occupancy or use of the trailer coach shall terminate with the expiration, abandonment or revocation of the related use permit and thereafter said trailer coach shall be removed from subject property.
2. When use of a trailer coach is related to the construction of a related permanent facility, occupancy or use of the trailer coach shall terminate upon completion of construction of the permanent facility and thereafter said trailer coach shall be removed from subject property.

d. Compliance with County Code. The use and occupancy of any trailer coach shall comply with the provisions of Chapter 2, of Division 5, Title 5, of the County Code or Regulatory Ordinances relating to trailer coaches.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 5684 (N.S.) adopted 1-16-80)
(Amended by Ord. No. 6082 (N.S.) adopted 6-10-81)
(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)
(Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)
(Amended by Ord. No. 7109 (N.S.) adopted 4-02-86)
(Amended by Ord. No. 7110 (N.S.) adopted 4-02-86)
(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)
(Amended by Ord. No. 7306 (N.S.) adopted 5-20-87)
(Amended by Ord. No. 7468 (N.S.) adopted 5-04-88)
(Amended by Ord. No. 7482 (N.S.) adopted 5-18-88)
(Amended by Ord. No. 7640 (N.S.) adopted 7-03-89)
(Amended by Ord. No. 8205 (N.S.) adopted 2-03-93)
(Amended by Ord. No. 8555 (N.S.) adopted 7-14-95)
(Amended by Ord. No. 8962 (N.S.) adopted 9-23-98)
(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

5. **Temporary Power.** A permit for temporary power shall be obtained, as required by the Building Division, for sales lots requiring electrical service.
6. **Lighting.** All outdoor lighting, including temporary lighting, shall be in compliance with Section 6300 and with the Outdoor Lighting Regulations of the County Code.
7. **Site Plan Modification, Minor Deviation or Waiver Not Required.** For properties that are subject to Sections 5200, 5750, 5800 or 5900, a Site Plan Modification, Minor Deviation or a Site Plan Waiver will not be required for temporary outdoor sales that comply with all provisions of this subsection.
8. **Additional Limitations.**
 - a) The seller shall obtain any required licenses or permits from the Sheriff pursuant to the Uniform Licensing Procedure of the County Code.
 - b) The sales lot area shall comply with the fire prevention standards as approved and enforced by the local Fire Protection District.
 - c) Temporary sanitation facilities shall be provided.
 - d) The temporary sales lot area shall not be used for the sale of any merchandise not directly associated with pumpkins or with Christmas trees and holiday decorations.
 - e) The sale of food and beverages is prohibited.

This subsection shall not authorize activities otherwise regulated pursuant to Section 6106.

- b. **Vehicles, Trailers or Boats.** The establishment of a temporary sales lot for the sale of motorized vehicles (including new or used automobiles and recreational vehicles), trailers or boats is allowed, subject to all of the following:
 1. **Location.** The sales lot may be located on any paved site with an existing commercial or industrial development within the C34, C35, C36, C37, C40, M54, M56 and M58 Use Regulations, on developed commercial sites in the S87 Use Regulations or in designated commercial developments in planned developments or specific plans where Automotive and Equipment: Sales and Rentals, Light Equipment are a permitted use. Sales lots are not allowed on vacant properties.
 2. **Duration.** The period of operation of the temporary outdoor sales shall not exceed three consecutive days every 3 months, not to exceed 12 days in a calendar year. Facilities for the temporary sale may be set up one day prior to, and taken down one day following, the three day sales period.

3. **Size.** The sales lot area shall occupy only the parking spaces that are in excess of the minimum number required for the existing uses on the property and shall be located most distant from the existing commercial buildings on the property, when feasible. No handicap accessible parking spaces shall be obstructed.
4. **Temporary Power.** A permit for temporary power shall be obtained, as required by the Building Division, for sales lots requiring electrical service.
5. **Temporary Lighting.** All outdoor lighting, including temporary lighting, shall be in compliance with Section 6300 and with the Outdoor Lighting Regulations of the County Code.
6. **Site Plan Modification or Minor Deviation Required.** For properties that are subject to the provisions of Section 7150, a Modification or Minor Deviation to an existing Site Plan will be required for temporary outdoor sales pursuant to this subsection, unless a waiver is granted pursuant to Section 7156.
7. **Additional Limitations.**
 - a) The temporary outdoor sales event shall conform to all applicable provisions of state law, including all requirements of the Department of Motor Vehicles.
 - b) The sales lot area shall comply with the fire prevention standards as approved and enforced by the local Fire Protection District.
 - c) Temporary sanitation facilities shall be provided.
 - d) Sales of vehicle parts or accessories, food and beverages, or any other items are prohibited.

(Added by Ord. No. 10035 (N.S.) adopted 1-27-10)

6125 COMMERCIAL FILMING

Temporary commercial motion picture production, television production (including commercials), still photography and related activities on public or private property (excluding public road rights-of-way), for occasional commercial filming on location, subject to the following:

- a. All commercial filming activities shall be conducted under the auspices of the San Diego Film Commission or successor agency. A Certificate of Insurance indemnifying the County of San Diego as an additional insured, shall be provided to the San Diego Film Commission.

- b. Prohibited activities:
- i. Any filming activity that creates a substantial risk of injury to persons, damage to property or a significant degradation of the environment or that is contrary to the public health, safety or welfare, including but not limited to, disruption of emergency access to surrounding properties.
 - ii. Any filming activities that violate any applicable County codes including, but not limited to, the Grading Ordinance, Noise Ordinance or Resource Protection Ordinance.
- c. Limitations. On properties where commercial filming activities are the principal use of the property or structures, the use shall not be considered temporary and shall be subject to all applicable provisions of the Zoning Code.
- d. Exempted activities. The filming, videotaping or production of current news which includes reporters, photographers or cameramen employed by a newspaper, news service, broadcasting station or similar entity engaged in on-the-spot broadcasting of news events, or the filming or videotaping of motion pictures solely for private family use, shall be exempt from these provisions.

(Added by Ord. No. 10095 (N.S.) adopted 12-8-10)

- ii. On lots of 2 acres or larger but less than 4 acres, the combined area shall not exceed 2000 square feet or 25% of the living area of the principal residence, whichever is greater.
- iii. On lots of 4 acres or larger, the combined area shall not exceed 3000 square feet or 25% of the living area of the principal residence, whichever is greater.

Buildings not meeting the setback requirement of Section 4842 are limited to a combined area of 1000 square feet.

- 3. Limited to one story not to exceed 12 feet maximum height. May have 2 stories and a height not exceeding 24 feet if the accessory structure meets the main building setbacks. If the structure is more than one story in height, that portion not used for the shelter or storage of vehicles shall be designed and used as habitable space defined by Section 6156.b or other approved use such as a guest living quarters.
- 4. Additional area, height and story may be permitted by issuance of an Administrative Permit with notice to contiguous property owners pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6. The Administrative Permit shall not authorize height/stories exceeding the height/story limit specified by the applicable height/story designator. The Administrative Permit shall not authorize reductions to required setbacks. Reductions to setbacks shall be subject to Section 7100, Variances.

h. Barns and Agricultural Storage Buildings shall be limited as follows:

- 1. In zones subject to a Residential Use Regulation (except RR Use Regulations requiring a 1 acre or larger lot area), and in the S88 Use Regulations where residential uses occur, a maximum floor area of 450 square feet and one story not to exceed 12 feet in height. Such buildings proposed in the S88 Use Regulations shall conform to the requirements of any applicable Specific Plan.

Buildings exceeding 12 feet in height are permitted if the structure meets the main building setbacks, provided the height does not exceed 24 feet. When on same lot as a detached private garage, workshop and/or storage building, the combined area of all such structures shall not exceed 1,000 square feet or 25% of the living area of the principal residence, whichever is greater.

- 2. In zones subject to the RR Use Regulations (requiring a one acre or larger lot area), A70, A72, S87 and S92 Use Regulations, barns and agricultural storage buildings shall be limited in height to one story not to exceed 12 feet. Buildings exceeding 12 feet in height are permitted if the structure meets the main building setbacks, provided the height does not exceed 24 feet. A maximum floor area of 1000 square feet is permitted where the lot is less than one acre gross. A maximum floor area of 1500 square feet is permitted where the lot is one acre but less than 2 acres gross, and 2000 square feet is permitted where the lot is 2 to 4 acres gross. An additional 200 square feet of floor area is permitted for each acre over 4 acres up to a maximum of 5000 square feet.

3. Additional area, height and story may be permitted by issuance of an Administrative Permit, with notice to contiguous property owners pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6. The Administrative Permit shall not authorize height/stories exceeding the height/story limit specified by the applicable height/story designator.
- i. Offices. Offices are permitted only in zones subject to the A70, A72, S87, S90, and S92 Use Regulations.
- j. Coops and Aviaries. Any enclosure or structure where poultry or birds are kept outside a dwelling, subject to the limitations of Section 3100. Coops and aviaries shall meet the setbacks for Animal Enclosures pursuant to Section 3112 and shall be included in the total square footage allowed pursuant to subsection h.
- k. Guest Living Quarters. In the A70, A72, RR, S87, S90 and S92 Use Regulations, one guest living quarters is allowed on a legal lot. In the RS, RV, RU, RRO and S88 Use Regulations, one guest living quarters is allowed on a legal lot not less than 20,000 square feet in net area. One guest living quarters may be permitted in the RS, RV, RU, RRO and S88 Use Regulations upon issuance of an Administrative Permit on a legal lot which has a net area of less than 20,000 square feet. Guest living quarters are not permitted in other zones. Guest living quarters shall comply with all of the following requirements:
 1. The total floor area of a guest living quarters shall not exceed thirty percent (30%) of the square footage of the primary dwelling up to a maximum of 600 square feet. Additional area, up to 50% of the square footage of the primary dwelling, may be permitted with the approval of an Administrative Permit.
 2. Only one electric meter to serve both the main dwelling and guest living quarters will be allowed.
 3. Guest living quarters shall not be allowed on a lot or parcel having a second dwelling unit, accessory apartment or accessory living quarters. Conversion of such a unit into guest living quarters is allowed provided all zoning and structural requirements are met. If said accessory unit was permitted by a discretionary permit, said permit shall be modified as required by the appropriate section of the Zoning Ordinance.
 4. Notice of guest living quarters Administrative Permit applications shall be given as provided in Section 7060(c).
 5. Before any Administrative Permit may be granted or modified, it shall be found:
 - (a). That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
 - (i). Harmony in scale, bulk, and coverage;
 - (ii). The harmful effect, if any, upon desirable neighborhood character;

- (iii). The suitability of the site for the type and intensity of use or development which is proposed; and to
- (iv). Any other relevant impact of the proposed use; and
- (b). That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
- (c). That the requirements of the California Environmental Quality Act have been complied with.

See subsection ii. for an illustrative matrix comparing Second Dwelling Units and Guest Living Quarters.

- I. Accessory Living Quarters. Repealed.
- m. Home Occupations. Home occupations, including in-home offices, shall be permitted in compliance with the following conditions:
 1. There shall be no exterior evidence of the conduct of a home occupation.
 2. A home occupation shall be conducted entirely within a dwelling, or an attached garage.
 3. Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit shall be prohibited.
 4. The residents of the dwelling unit, and no more than one non-resident employee, may be engaged in the home occupation.
 5. Limited indoor storage of goods or supplies (125 cubic feet maximum) may take place within no more than one room of the dwelling and/or in the attached garage (provided required parking on-site is maintained and properly located).
 6. There shall be no on-premise sale of goods. Occasional transport of goods from the premises for off-site sale may occur. Internet sales are not considered on-premise sale of goods.
 7. The establishment and conduct of a home occupation shall not change the principal character or use of the dwelling unit or property involved.
 8. There shall be no signs identifying or advertising the home occupation other than those permitted by Section 6252(d) of this ordinance.
 9. The required residential off-street parking shall be maintained.
 10. A home occupation shall not create vehicular or pedestrian traffic in excess of that which is normal for the zone in which it is located.

11. No more than six non-resident students at one time, and no more than 18 students during any one (1) day may be given tutoring in music, academics, dance, sports (such as swimming or tennis, notwithstanding subsection 1 and 2 above), or other subjects at a residence. No students may be given instruction between the hours of 9:00 p.m. and 8:00 a.m. All provisions of Noise Abatement and Control, Section 36.401 et seq. of the County Code, shall apply.
- n. Dog, Cat and Pot-Belly Pig Keeping. The keeping of dogs and cats (but not including kennels) and the keeping of up to two pot-belly pigs, provided that the keeping of more than two pot-belly pigs shall be subject to Section 3100, Large Animal regulations.
- o. Day Care/Boarding. Day care, or boarding for 6 or fewer individuals, provided that no such day care or boarding facility may be owned, operated, managed, or leased by any person, as defined by these regulations, within one mile of any other such facility owned, operated, managed, or leased by the same person.
- p. Family Care Homes. A family care home, provided that no family care home (other than a foster family home or a residential care facility for the elderly as referenced in Section 1520.5(f) of the California Health and Safety Code) may be operated within 300 feet of any other such home, family care institution or group care facility.
- q. Roadside Sales of Agricultural Products. Operation of an agricultural stand for the display and sale of agricultural products produced on the premises shall be permitted only as follows:
 1. Agricultural stands are permitted only in the RR Use Regulations on lots one acre or larger, and in the A70, A72, S87, S90 and S92 Use Regulations.
 2. Said stand shall be located no nearer than 15 feet from the edge of any street or highway right-of-way.
 3. Said stand shall be operated by the owner or tenant of the property upon which the stand is located,
 4. Agricultural products produced on other premises owned or leased by the same property owner or tenant may be displayed and sold from said stand.
 5. The total roofed area of said stand, including all areas used for display or storage for all products, shall not exceed 300 square feet.
 6. No agricultural produce shall be sold from a motorized vehicle.
 7. Cold storage shall be allowed only when accessory to the on-site farming operation and used only for storage of crops grown by the person(s) farming the parcel.
 8. Incidental sale of items related to the sale or use of agricultural products (not to exceed 10% of the stand area), including horticultural products, may also take place provided any applicable health regulations are complied with.

9. No commodities other than those listed above may be sold from a produce stand.
 10. A produce stand may sell only those ornamental plants that are grown on the same lot as such stand is located.
- r. **Wild Animal Keeping.** The keeping of not more than one wild animal kept and maintained in conformance with State and local requirements.
- s. **Earthworms or Vermiculture.** The raising of earthworms or the practice of vermiculture provided that:
1. No sales are advertised or made on the premises unless permitted by the use regulations.
 2. Odors and/or fly-breeding are not greater than customarily found at a well-maintained residence.
 3. The vermiculture area shall utilize household or garden waste or materials that are produced on the site. Importing of waste or other materials from another property shall be prohibited.
 4. The volume of raw or composted decomposable organic and bedding materials shall not exceed that which is reasonably necessary to the production of the worms raised on the site.
- t. **Retail Sales of Stable Gear.** The retail sale of stable gear, provided that such sales are incidental and subordinate to the use of conforming public stables or equestrian facilities on the premises, and there is no exterior advertising of the accessory use. No such accessory use shall occupy more than 10 percent (10%) or not to exceed 1,000 square feet, whichever is less, of the total floor area of enclosed buildings permitted by right and devoted to such public stable or equestrian facility. Where such public stables or equestrian facilities are permitted by use permit, the total floor area of the accessory use shall be regulated by such permit.
- u. **Farm Employee Housing.** In the RR, A70, A72, S80, S87, S88, S90, and S92 Use Regulations, farm employee housing is an allowed accessory use to Commercial Agriculture on the same parcel on which the housing is located or on another parcel under the same ownership, provided that:
1. The number of living units is reasonably related to the number of farm employees required for commercial agriculture on the parcel on which the farm employee housing is located and, where applicable, on other land owned or leased and farmed by the applicant.
 2. Consideration shall be given to surrounding land uses when determining the location, size and design of Farm Employee Housing.
 3. Farm employee housing shall be occupied only by farm employees (and their families) engaged in Commercial Agricultural labor and shall not be otherwise occupied or rented.

4. If Commercial Agriculture is not in progress at the time of application for an Administrative Permit, the Permit shall be conditioned to require review to ensure that bona-fide commercial agriculture commences within a reasonable time.
5. Farm employee housing shall be removed or converted to another allowed use at such time as the commercial agriculture to which it relates ceases operation for more than twelve consecutive months-following the date of occupancy on the building permit issued for the farm employee housing.
6. Contract. For any application for farm employee housing which is subject to the waiver of fees pursuant to Section 7602.d.5, prior to the approval issuance of the Administrative Permit, the property owner shall enter into a contract with the County agreeing to specific rental terms and conditions which make low cost housing available to farm employees and will allow for periodic inspections of the housing by County employees. The form of the contract shall have been approved by the Board of Supervisors.
7. On an annual basis, the property owner must file a certificate with the Director of the Department of Planning and Land Use stating that the commercial agricultural operation is still taking place on the property and that the tenants are employed as farm employees and thereby renew the agricultural certificate for the farm employee housing. Failure to file the certificate will be interpreted as indicating the commercial agriculture has ceased operation and may be the basis for building permit revocation.
8. Contract. Prior to the issuance of a Building Permit, the property owner shall enter into a contract with the County agreeing to specific terms and conditions limiting farm employee housing to bona-fide farm employees and their families in conjunction with on-going agricultural operations. The form of the contract shall have been approved by the Board of Supervisors.
9. Evidence of Commercial Agriculture. Prior to submittal of the Building Permit application for Farm Employee Housing the property owner shall provide appropriate evidence to the satisfaction of the Director of Planning and Land Use of an active Commercial Agricultural Operation.
10. In the RS, RD, RM, RV, RU, RMH, RRO, RC, C32, C34, C35, C36, C37, C38, C40, C42, C44, C46, M50, M52, M54, M58, S82, S86, and S94 Use Regulations, farm employee housing is allowed upon issuance of an Administrative Permit, provided that it complies with the provisions of 6156 u. 1 through 8, and before an Administrative Permit may be granted or modified, it shall be found:
 - a. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
 - 1) Harmony in scale, bulk and coverage;
 - 2) The availability of public facilities, services and utilities;

- 3) The harmful effect, if any, upon desirable neighborhood character;
 - 4) The generation of traffic and the capacity and physical character of surrounding streets;
 - 5) The suitability of the site for the type and intensity of use or development which is proposed; and to
 - 6) Any other relevant impact of the proposed use.
- b. That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
 - c. That the requirements of the California Environmental Quality Act have been complied with.
 - d. That notice shall be given to owners of property within 300 feet of the exterior boundaries of the legal lot with the proposed farm employee housing and a minimum of 20 different owners pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.
- v. Horticultural Sales. In all residential, agricultural, and S87, S88, and S92 Use Regulations, the retail sale of horticultural and floricultural products and their related gardening items in conjunction with and upon the premises of a growing nursery is permitted upon issuance of a Minor Use Permit.
- w. Accessory Apartments (Elderly/Handicapped/Family Member). Repealed.
- x. Second Dwelling Units. In zones where the Family Residential use type is allowed by right, a second dwelling unit is allowed on a legal lot containing an existing single family detached residence, or to be constructed concurrently with a primary single family detached residence, provided the following requirements are complied with:
1. The second dwelling unit shall either be attached to the primary unit, wholly or partially integrated into the primary unit, or detached from the primary unit. The second unit may be attached to another permitted accessory building, except for those accessory units or other accessory buildings specified in paragraph 4, 5 or 6 below.
 2. Applicable requirements of the building and other codes and of The Zoning Ordinance shall apply to second dwelling units. No Variances shall be granted in order to provide for the second unit.
 3. A lot shall contain at least the minimum net area as required by the applicable zoning to qualify for a second dwelling; however, no second dwelling unit shall be permitted on a lot with a net area of less than 20,000 square feet, except pursuant to paragraph 12 below. If a legal lot is at least 1 net acre in size and does not contain at least the minimum net area as required by the applicable zoning, a second dwelling unit may be permitted pursuant to paragraph 12 below.

However, if the lot proposed for a second dwelling is groundwater dependent the minimum size must be twice that required by the residential density controls of Section 67.722 A.1. of the County Groundwater Ordinance (Ord. 7994 N.S.) unless an exception is granted pursuant to Section 67.750 (c) of that Ordinance.

4. Second dwelling units shall not be allowed on a lot or parcel with a guest living quarter, accessory living quarter, or accessory apartment. Conversion of such quarters into a second dwelling unit is allowed provided all applicable zoning and other code requirements are met, and subject to the following procedures:
 - i. Application for modification of the Administrative Permit or Minor Use Permit that authorized the accessory unit proposed for conversion to a second dwelling unit and application for any other applicable permits; or
 - ii. If no Administrative or Minor Use Permit was required to authorize the accessory unit proposed for conversion (Guest Living Quarters in certain use regulations), by application for a building permit and any other applicable permits; or
 - iii. If the accessory unit proposed for conversion was established illegally, by application pursuant to this subsection "4" as if a new second dwelling unit was being proposed.
5. Second dwelling units with a living area exceeding 640 square feet shall comply with the parking requirements for Family Residential under Section 6758. Second dwelling units with a living area not exceeding 640 square feet shall provide one additional off-street parking space. Said additional parking spaces shall not be in tandem with existing spaces. If establishment of the second dwelling unit involves a garage conversion, replacement covered off-street parking shall be provided concurrently. A garage or carport attached to the second dwelling unit shall not exceed 480 square feet of gross floor area. Additional garage area attached to the second dwelling unit may be permitted pursuant to paragraph 12 below. No other structures defined by Section 6156.b shall be attached to a second dwelling unit. No other structures defined by Section 6156.h shall be attached to a second dwelling unit unless approved pursuant to paragraph 12 below.
6. The living area of a second dwelling unit shall not exceed 30 percent of the living area of the existing unit, up to a maximum floor area of 1,200 square feet, except pursuant to paragraph 12 below. However, a second dwelling unit of up to 400 square feet is permitted (even if that figure exceeds 30 percent of the size of the primary dwelling). No other habitable space shall be attached to a detached second dwelling unit.
7. Applicants are required to provide evidence satisfactory to the Director of the following:
 - i. Adequate sewer service or approval by the Department of Environmental Health for use of a septic system;
 - ii. Adequate potable water supply; and

- iii. That applicable school district fees have been paid.
8. The architectural design, building materials, colors and, if provided, covered parking shall be substantially the same as those of the primary dwelling. Color photographs of the street-facing sides of the existing primary dwelling shall be submitted with the second unit application.
9. No entrance to the second dwelling unit shall face an abutting street unless the entrance is shielded so as not to be apparent when viewed from the abutting street. Plant materials shall not qualify for shielding purposes.
10. Separate sale or ownership of a second dwelling unit from the primary dwelling located on a single lot is prohibited, unless a subdivision is created pursuant to the County Subdivision Ordinance.
11. Application for and issuance of a discretionary permit for a second dwelling shall be limited to the owner-occupant of the primary dwelling or his/her authorized agent. Owner-occupancy of either the primary dwelling or the second dwelling is required for the duration of the use of the second unit for residential purposes, except both units may be rented or leased for a period of up to one year upon written request to, and approval of, the Director. Said request shall state the change in life circumstances of the owner which necessitates interruption of continuous owner occupancy. Rental or leasing of both units may be extended by the Director for one additional period not exceeding six months upon further request of the owner.
12. a. A second dwelling unit may be authorized upon the issuance of an Administrative Permit with all findings per 12.b. and with notice to property owners per 12.c, below, to allow the following:
 - i. Location on a legal lot of less than 20,000 square feet in net area, but not less than the minimum net area required by the applicable zoning; or on a legal lot that is at least one net acre in size and does not meet the minimum net area required by the applicable zoning.
 - ii. A living area greater than 30 percent of the living area of the primary dwelling, not to exceed 50 percent thereof or 1,200 square feet, whichever is less.
 - iii. Conversion to a second dwelling unit of an existing legal accessory living unit, or legalization as a second dwelling unit of an illegal accessory living unit which existed on July 1, 1994, when such existing living unit does not conform to one or more of the following requirements of this subsection x:
 - minimum lot size: however, no conversion shall be permitted on a lot of less than the minimum net lot area required by the applicable zoning; except on a legal lot that is at least one net acre in size and does not meet the minimum net area required by the applicable zoning.

- maximum living area: however, a maximum living area of greater than 1200 square feet shall not be authorized;
- off-street parking;
- architectural design;
- location of entrance;
- height and/or setback: to the extent that a variance for height or setback was granted in connection with the establishment of a legal accessory living unit that existed on July 1, 1994, said variance shall be valid and applicable to the conversion of such accessory living unit to a second dwelling unit.

No other exceptions to this subsection or other provisions of this Ordinance shall be authorized by the Administrative Permit.

- b. Before any Administrative Permit may be granted or modified, it shall be found:
- i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
 - (a). Harmony in scale, bulk, and coverage;
 - (b). The availability of public facilities, services and utilities;
 - (c). The harmful effect, if any, upon desirable neighborhood character;
 - (d). The generation of traffic and the capacity and physical character of surrounding streets;
 - (e). The suitability of the site for the type and intensity of use or development which is proposed; and to
 - (f). Any other relevant impact of the proposed use; and
 - ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
 - iii. That the requirements of the California Environmental Quality Act have been complied with.
- c. Notice shall be given to owners of property within 300 feet of the exterior boundaries of the property proposing the second dwelling unit and a minimum of 20 different owners pursuant to Section 7060 c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060 d.

13. Prior to issuance of a building permit for a second dwelling unit, the owner of the property upon which the second dwelling unit is to be located shall submit a notarized and recorded copy of an agreement between the owner and the County of San Diego on a form supplied by the Department. Said agreement shall state that the owner understands and will abide by the requirements of this subsection, other applicable provisions of this Ordinance, and that said agreement is binding on all successors in interest to the subject property as long as the second dwelling unit is used or maintained for use as a separate dwelling unit.

See subsection ii. for an illustrative matrix comparing Second Dwelling Units and Guest Living Quarters.

- y. Family Day Care Home For Children, Large (9 to 14 children). A large family day care home for children is a permitted accessory use upon issuance of an Administrative Permit provided the following conditions are complied with:
 1. No such large family day care home for children may be located closer than 500 feet from any other lot containing a large family day care home for children with an Administrative Permit approved by the County of San Diego. The 500-foot distance shall be measured in a straight line connecting the closest points on the lot lines and without regard for intervening structures.
 2. The plot plan for a family day care home for children shall show sufficient information to determine the following:
 - i. At least one on-site parking space will be available for any assistant provider or caregiver not a resident of the subject family day care home.
 - ii. Adequate provision will be made to reduce noise impacts on surrounding properties through measures or a combination of measures such as solid fencing six feet in height with or without landscaping around outside activity areas or location of an adequately sized outside activity area a suitable distance away from adjacent dwellings. Adequacy of outside activity areas shall be determined by considering the size of the area provided outside of the required sideyard setbacks and by considering the distance to noise sensitive receptors.
 - iii. There exists an adequate area on-site for temporary parking of a least two automobiles where children may be safely loaded and unloaded, or such area will be provided. This designated loading and unloading area shall remain free and clear of parked cars during hours of operation of the large family day care home.
 - iv. The large family day care home meets the standards and requirements established by the State Fire Marshall as enforced by the local fire authority having jurisdiction over the home.

3. Owners of property within 300 feet of the exterior boundaries of the proposed large family day care home shall be notified by mail or delivery of the receipt of the application not less than 10 days prior to the date on which the decision will be made. Notwithstanding the Administrative Permit Procedures at Section 7060.d, no hearing is required unless requested by the applicant or other affected person.

The applicant or other affected person may appeal the decision as provided by the Administrative Appeal Procedure commencing at Section 7200. The appellant shall pay the cost, if any, of the appeal.

4. Every Administrative Permit approved pursuant to this section shall contain a condition that no sound amplification device be permitted in outdoor activity areas.
5. For large family day care homes served by on-site wastewater systems the Director of Environmental Health shall certify the adequacy of the on-site wastewater system for the proposed use.
6. No Administrative Permit shall be required for a large family day care home which qualifies for exemption under Section 1596.792 of the State Health and Safety Code.

- z. Wind Turbine Systems, Small. A small wind turbine system, shall be permitted on a parcel of at least one acre and in compliance with the following conditions:

1. **Setback.** The system shall be set back from property lines and roads at least two times the height of the wind system (to the top of the blade in vertical position) and shall meet the applicable setback requirements of the zone. No part of the system, including guy wire anchors, shall extend closer than 30 feet to the property boundary. The system must also meet fire setback requirements.
2. **Fencing.** Public access to the wind turbines shall be restricted through the use of a fence with locked gates, non-climbable towers or other suitable methods.
3. **Signs.** Suitable warning signs containing a telephone number for emergency calls shall face all approaches to the system. Individual signs shall be between 5 and 16 square feet.
4. **Noise.** The wind turbine shall be operated in such manner that it does not exceed the sound level limits of Title 3, Division 6, Chapter 4 of the San Diego County Code (Noise Abatement and Control).
5. **Height.** For the purposes of calculating height, the height of the wind turbines shall mean the distance from ground to the top of the blade in vertical position. Height of a small wind turbine system shall not exceed 60 feet.
6. Any non-operational wind turbines shall be removed within 12 months after becoming non-operational.

Any waiver or modification of the above requirements shall be allowed only in accordance with the Variance Procedure commencing at Section 7100.

(Amended by Ord. No. 8050 (N.S.) adopted 4-8-92)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 8086 (N.S.) adopted 6-16-92)
(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)
(Amended by Ord. No. 8271 (N.S.) adopted 6-30-93)
(Amended by Ord. No. 8409 (N.S.) adopted 6-1-94)
(Amended by Ord. No. 8502 (N.S.) adopted 3-1-95)
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)
(Amended by Ord. No. 8599 (N.S.) adopted 10-11-95)
(Amended by Ord. No. 8698 (N.S.) adopted 7-17-96)
(Amended by Ord. No. 8805 (N.S.) adopted 6-4-97)
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)
(Amended by Ord. No. 9156 (N.S.) adopted 6-14-00)
(Amended by Ord. No. 9377 (N.S.) adopted 8-8-01)
(Amended by Ord. No. 9470 (N.S.) adopted 6-12-02)
(Amended by Ord. No. 9569 (N.S.) adopted 7-9-03)
(Amended by Ord. No. 9596 (N.S.) adopted 9-17-03)
(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)
(Amended by Ord. No. 9982 (N.S.) adopted 4-22-09)
(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)
(Amended by Ord. No. 10073 (N.S.) adopted 9-15-10)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6158 CIVIC, COMMERCIAL, INDUSTRIAL, OR EXTRACTIVE USE TYPES.

Accessory structures and uses necessarily and customarily associated with, and appropriate, incidental and subordinate to the principal civic, commercial, industrial or extractive uses shall be permitted where the principal civic, commercial, industrial or extractive uses are permitted. As provided for in Section 6152, the Director shall determine whether proposed accessory uses and structures conform to the Accessory Use Regulations, and said determinations are subject to appeal pursuant to the Administrative Appeal Procedure commencing at Section 7200.

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Civic, Commercial, Industrial, or Extractive Use Types are permitted:

- a. Outdoor Café Seating and Sidewalk Cafés.
 1. Outdoor Café Seating. Outdoor café seating accessory to the Eating and Drinking Establishments use type is permitted in the Fallbrook Village Regulations, C32, C34, C35, C36, M50 and M52 use regulations, and outdoor café seating accessory to the Food and Beverage Retail Sales use type is permitted in the Fallbrook Village Regulations, C32, C34, C35, C36 and M50 use regulations, subject to the following conditions:
 - i. The outdoor seating area shall be limited in size as follows:
 - (a) In Eating and Drinking Establishments to no more than 200 square feet or 25 percent of the establishment's indoor floor area, whichever is greater.
 - (b) In Food and Beverage Retail Sales uses (e.g., bakeries, markets, etc.) to no more than 25 percent of the establishment's indoor floor area or 1000 square feet, whichever is less. However, any such Food and Beverage Retail Sales use that otherwise qualifies under Section 6158 a.1. may have an outdoor seating area of 200 square feet.

- s. One sign not exceeding 32 square feet offering premises for sale or lease, shall be permitted along each frontage, except that for any frontage in excess of 500 feet, a sign not exceeding 64 square feet shall be permitted. No sign shall exceed a height of 12 feet. In residential zones, such signs are limited to 4 square feet in area and a maximum height of 6 feet.
- t. Temporary construction site signs, provided that all of the following conditions hold:
 - 1. One nonilluminated sign having a total area of not more than 160 square feet shall be permitted along each frontage; except that 2 such signs may be placed along a frontage having a length in excess of 500 feet.
 - 2. Such signs may be either freestanding or wall signs or may be mounted on a temporary construction fence, and shall be permitted only for the duration of the construction with which associated. Such signs will not be subject to the regulations applicable to freestanding signs or wall signs.
 - 3. Such signs may not exceed a height of 20 feet.
- u. One sign less than or equal to 12 square feet in area for an allowed roadside sales stand, wholesale nursery, Small Winery or Boutique Winery identifying and advertising agricultural products produced on the premises.
- v. One identification sign up to 20 square feet identifying a residential development, multiple dwellings, clubs and similar uses on each street frontage affording primary access to the site.
- w. Identification signs up to a total of 40 square feet identifying hotels, motels, hospitals, parking garages, institutions of religious, educational, philanthropic or charitable nature, and resort service uses subject to the Resort Services Regulations at Section 6400.
- x. For any use type allowed by the granting of a major use permit, placement, number, and size of on-premise signs shall be determined by the conditions of approval of the major use permit.
- y. Signs for recycling facilities provided that all of the following conditions hold:
 - 1. Recycling facilities may have identification signs with a maximum area of 20 percent of each receptacle side or 16 square feet, whichever is smaller. In the case of a wheeled receptacle, the side shall be measured from the pavement to the top of the receptacle;
 - 2. Directional signs, bearing no advertising message, may be installed with the approval of the Director if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of way;

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3. The Director may authorize increases in the number and size of signs upon finding that such increases are compatible with adjacent businesses.
- z. In each instance and under the same conditions as this chapter permits any sign, a sign containing an ideological, political or other non-commercial message and constructed to the same physical dimensions and characteristic shall be permitted.

(Amended by Ord. No. 6389 (N.S.) adopted 7-7-82)
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)
(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)
(Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)
(Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 9472 (N.S.) adopted 5-12-02)
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)
(Amended by Ord. No. 10067 (N.S.) adopted 8-4-10)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6259 PORTABLE ON-PREMISE SIGNS PROHIBITED.
Portable on-premise signs shall be prohibited.

6261 ON-PREMISE SIGNS REGULATED.
Except for the signs specified in Sections 6252, 6259, 6268 and 6269, on- premise signs may be erected, constructed, placed, created by painting, structurally altered, relocated or maintained provided that a building permit has been issued subject to the following provisions:

- a. Permitted Locations. On-premise signs may be placed in the following locations, unless prohibited:
 1. On premises subject to the C34, C35, C36, C37, C38, C40, C42, C44, M50, M52, M54, and M58 Use Regulations.
 2. On premises upon which a commercial or industrial use type legally exists subject to the S87 Use Regulations.
 3. On premises in any zone where a nonconforming commercial or industrial use type exists.
 4. Fallbrook Village Zones.
- b. Restricted Locations. Locations subject to Special Area Regulations and to use permits shall be additionally subject to the following limitations:
 1. On-premise signs are permitted in zones subject to the Scenic Area Regulations or Historic/Archaeological Landmark and District Area Regulations in accordance with an approved Site Plan. The aggregate area of all signs for any premises shall not exceed one square foot for each linear foot of street frontage. The aggregate sign area for each establishment shall not exceed one square foot for each linear foot of building. No establishment shall have an aggregate sign area greater than 100 square feet.

EXTRACTIVE USE REGULATIONS**6550 TITLE AND PURPOSE.**

The provisions of Section 6550 through Section 6559, inclusive, shall be known as the Extractive Use Regulations. The purpose of these regulations is to provide the means for public review and regulation of mineral extraction and associated on-site processing operations.

(Amended by Ord. No. 5781 (N.S.) adopted 6-4-80)
 (Amended by Ord. No. 8034 (N.S.) adopted 2-26-92)

6552 APPLICATION.

The Extractive Use Regulations shall apply in all zones permitting activities for the extraction of any naturally occurring chemical element or compound, or groups of elements and compounds, including but not limited to coal, peat, sand, and gravel but excluding geothermal resources, natural gas, and petroleum. Such zones also permit on-site processing and production of non-metallic mineral products, and recycling of used concrete, asphalt or rock, where sited with the following non-metallic mineral processing operations: rock crushing, asphalt pavement production, and concrete batching.

(Amended by Ord. No. 8034 (N.S.) adopted 2-26-92)
 (Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6554 REQUIRED PERMIT.

No person shall conduct the activities described in Section 6552 without first obtaining a Major Use Permit as provided by the Use Permit Procedure commencing at Section 7350.

(Amended by Ord. No. 8034 (N.S.) adopted 2-26-92)

6556 REQUIRED RECLAMATION PLAN.

No application for a Major Use Permit for mineral extraction shall be accepted for filing unless accompanied by an "Application for Reclamation Plan" as provided and described in the County Grading Ordinance. The decision to grant or deny the proposed Reclamation Plan shall be made at the same time as the decision to grant or deny the proposed Major Use Permit for the same project. Pursuant to the granting of the Major Use Permit, the permittee shall comply with all provisions and requirements of the Reclamation Plan in the conduct of mineral extraction activities and in the rehabilitation of the mining site.

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

6557 EXCEPTIONS TO USE REGULATIONS

The Extractive Use Regulations shall not apply to the removal of soil, sand, gravel, decomposed granite or rock under any of the following circumstances:

- a. The removal is part of the grading of land done in accordance with a grading plan for a subdivision map or a division of such land created pursuant to a parcel map filed in accordance with Division 2 of Title 8 of the San Diego County Code, and the grading plan has been approved by the Director of Public Works as being reasonably necessary and incidental to the development and improvement of the premises in accordance with the final map or parcel map and the grading will be completed within one year of commencement of the grading.

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- b. The removal is part of the grading of land in accordance with a grading plan to prepare a site for a building or structure for which plans have been checked and approved by the Director pursuant to Division 1 of Title 5 of the San Diego County Code, and the grading plan has been approved by the Director of Public Works or Director as being reasonably necessary and incidental to the construction of such building or structure, and the grading will be completed within one year of commencement of the grading.
- c. The removal is part of the grading of land in accordance with a grading plan to prepare a site for vehicle parking areas or similar areas, and the grading plan has been approved by the Director of Public Works or Director as being reasonably necessary and incidental to the development of the area.
- d. The removal is part of the grading of land in accordance with a grading plan approved by the Director as being reasonably necessary and incidental to the use of the premises in accordance with a use permit issued pursuant to the Zoning Ordinance.
- e. Less than 200 cubic yards will be removed.
- f. To extract and export from a watercourse 200 or more cubic yards to repair flood damage to the watercourse in accordance with San Diego County Code, section 87.601 et seq. for which an emergency watercourse grading permit is issued by the Director of Public Works or the Board of Supervisors.
- g. During the grading of land to prepare a site for development pursuant to an Administrative Permit approved by the Director, provided:
 - 1. The legal lot from which the material is removed is in a commercial or industrial zone;
 - 2. The sale of any material removed is secondary to the preparation of the site;
 - 3. The on-site processing of any material to be removed is prohibited;
 - 4. The removal and grading is done in accordance with an approved grading plan; and
 - 5. The removal and grading will not have a significant detrimental effect on the site or surrounding area.

(Added by Ord. No. 9958 (N.S.) adopted 12-10-08)

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

3. Rear or Interior Side Yards. Permitted up to a maximum height of 72 inches.
- c. Tennis Court Fencing and Lighting. Tennis court fencing and lighting standards exceeding the height otherwise allowed by this Section, but not greater than twenty (20) feet in height, may be permitted on lots of one (1) gross acre or larger in size upon granting an exception in accordance with Section 6708h.
 - d. Gates and Gate Entry Structures on Individual Lots or Building Sites. Gates, not exceeding 12 feet in height, and gate entry structures on individual lots or building sites are permitted. Gate entry structures on individual lots or building sites shall meet the criteria shown below. An exception to these criteria may be granted in accordance with Section 6708h. Where the County Fire Code and Local Fire District Ordinances require additional restrictions; the most restrictive requirements shall apply.
 1. Main Building Area. Permitted up to the maximum height applicable to the main building.
 2. Front, Rear, Interior or Exterior Side Yard. Permitted, provided no higher than 12 feet and located a minimum of 10 feet from the nearest edge of any public road right-of-way or private road easement which intersects the access to the gate entry structure. Support elements designed as entry structures on either side of a fence opening that provides vehicular access may extend a horizontal distance of not more than 15 feet on both sides of the opening and may not exceed 12 feet in height for more than a distance of 6 feet on either side of the opening. Such entry structures may incorporate a gate house not exceeding 12 feet in height, but may not bridge the entryway unless an exception is granted in accordance with Section 6708h.
 3. For Fire Protection Access, gate entry structures shall provide a minimum vertical clearance of 13 feet, 6 inches for vehicles. (Note: The County Fire Code and Local Fire District Ordinances regulate entry gates or other obstructions across fire access roadways and driveways. Gate entry structures fall under the County Fire Code and must be reviewed by the appropriate Fire Agency.)
 - e. Gates and Gate Entry Structures Across Private Road Easements. Gates not exceeding 12 feet in height, and gate entry structures across private road easements are permitted. Gate entry structures on private road easements shall meet the criteria shown below. An exception to these criteria may be granted in accordance with Section 6708h.
 1. Gate entry structures shall not exceed a height of 12 feet; and
 2. Gate entry structures shall be located at least 50 feet from any road right-of-way or road easement which intersects the gated access; and
 3. Gate entry structures shall not extend a horizontal distance of more than 15 feet on either side of the gate opening and may not exceed 12 feet in height for more than a distance of 6 feet on either side of the opening.

4. For Fire Protection Access, gate entry structures shall provide a minimum vertical clearance of 13 feet, 6 inches for vehicles. (Note: The County Fire Code and Local Fire District Ordinances regulate entry gates or other obstructions across fire access roadways and driveways. Gate entry structures fall under the County Fire Code and must be reviewed by the appropriate Fire Agency.)
 5. Prior to issuance of a building permit, written consent shall be obtained for the gate or gate entry structure, and submitted to the Department (on a form satisfactory to the Department), from all owners of property with access rights across the private road easement upon which the gate is to be installed.
- f. Lighting. Lights and/or decorative fixtures may be placed on the top of pilasters or fence posts on both sides of each entry, at property corners, and elsewhere along a fence or wall spaced a minimum of 40 feet apart. Such fixtures may extend 12 inches above the top of the supporting post or they may extend up to a height equal to the width of a supporting pilaster (or post), to a maximum of 24 inches, whichever is greater. Such lighting shall conform to the provisions of subsections a., b. and c. of Section 6324 (LIGHTING PERMITTED IN REQUIRED YARDS). Exceptions to these criteria may be granted in accordance with Section 6708h.
- g. Fences and Walls Which Confine Animals. The location of fences and walls which confine animals shall conform to the Animal Regulations commencing at Section 3000.
- h. Exceptions.
1. Fences, Walls and Gate Entry Structures on Individual Lots. The Director may approve an administrative permit granting an exception to the applicable criteria otherwise specified in this Section for fences (including tennis court fences and light standards), walls and gate entry structures on individual lots. The Administrative Permit Procedure at Section 7050 through Section 7099 shall apply. Notice of the administrative permit application shall be given to all property owners within a distance of 300 feet from the applicant's property. The Director may approve said administrative permit provided the following findings are made:
 - i. The structure will be compatible with the community character and will not be detrimental to the health, safety or general welfare of the surrounding properties or the neighborhood; and
 - ii. The structure will not interfere with traffic circulation, create a safety hazard or obstruct future road widening.
 2. Gate Entry Structures and Gate Houses on Private Easements. The Director may approve an administrative permit granting an exception to the applicable criteria otherwise specified in this Section for gate entry structures and gate houses on a private easement. The applicant shall provide notice materials in accordance with Section 7060c. in order to notify all property owners having legal access to the easement upon which the gate entry structure or gate house will be located. The Director may approve said administrative permit provided the following findings are made:
 - i. The structure will be compatible with the community character and will not have a harmful effect upon the neighborhood; and

- ii. The structure will not be detrimental to the health, safety or general welfare of the surrounding properties or improvements.
 - 3. Lighting. The Director may approve an administrative permit granting an exception to the applicable criteria otherwise specified in this Section for lighting provided a finding is made that said lighting will be compatible with the community character and will not have a harmful effect upon the neighborhood.
 - i. Administrative Exceptions for Additional Fence or Wall Height. An administrative exception for fence heights up to 7 feet 6 inches in interior side yard setbacks or in rear yard setbacks not abutting a street, private thoroughfare, or alley, may be granted provided the following requirements are met:
 - 1. Written consent is obtained for the proposed additional fence height, and submitted to the Department (on a form satisfactory to the Department), from all owners of contiguous property (including owners of parcels or lots across any street or alley from the site proposed for fencing).
 - 2. An application form shall be submitted and a processing/record-keeping fee shall be collected at the time an administrative exception for additional fence height is requested, pursuant to the fee referenced in Section 7602.
- Any decision by the Director pursuant to this section shall be final.
- j. Open Fences With Razor Wire or Barbed Wire at Top - Calculation of Fence Height. Where open fences 72 inches in height or greater are permitted, razor wire and barbed wire attached to support elements extending from the top of an open fence at an angle from the vertical are permitted except where said razor wire and barbed wire are not permitted in Subsection b.2. of this Section. The portion of the fence consisting of razor wire or barbed wire attached to support elements extending from the top of an open fence at an angle from the vertical, shall not be used in calculating the height of such a fence provided the vertical height of said razor wire and/or barbed wire shall not exceed 2 feet.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
 (Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)
 (Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
 (Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)
 (Amended by Ord. No. 7576 (N.S.) adopted 1-11-89)
 (Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)
 (Amended by Ord. No. 8246 (N.S.) adopted 5-19-93)
 (Amended by Ord. No. 8425 (N.S.) adopted 7-13-94)
 (Amended by Ord. No. 8599 (N.S.) adopted 10-11-95)
 (Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)
 (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)
 (Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6714

6714 REQUIRED LANDSCAPING.

In all zones, properties shall be landscaped and maintained in accordance with the provisions of the County Code sections 86.701 et seq. and the conditions of any applicable discretionary permit. The following landscaping shall also be required:

- a. **M50 and M52 Use Regulations.** In all zones subject to M50 and M52 Use Regulations, a landscaped strip at least 10 feet wide shall be established in every front yard; and a landscaped strip at least 5 feet wide shall be established in every exterior side yard, and in every interior side yard and rear yard adjacent to each public place, and adjacent to all abutting property in any residential zone, except for necessary ways of ingress and egress. The landscape strips shall include dense view-obscuring screening at least 6 feet in height in side or rear yard landscape strips, and 42 inches high in front yard landscape strips. The landscape strips shall be subject to the requirements of San Diego County Code sections 86.701 et seq.
- b. **Mobilehomes Parks and Planned Developments With Mobilehomes.** In a mobilehome park developed pursuant to the Mobilehome Park Regulations commencing at Section 6500 or a planned development contained mobilehomes developed pursuant to the Planned Development Regulations commencing at Section 6600, all areas not used for permitted main or accessory buildings, interior access drives, pedestrian circulation, and service areas shall be completely and permanently landscaped and maintained in accordance with the provisions of San Diego County Code sections 86.701 et seq. and the conditions of the applicable use permit. The mobilehome park or planned development containing mobilehomes shall relate harmoniously to the topography of the site, and where feasible make suitable provisions for preservation of water courses, wooded areas, rough terrain and similar natural features and areas, and shall otherwise be so designed as to use such natural features and amenities to best advantage.
- c. **Commercial Activities in Residential Zones.** In all residential zones the required front and exterior side yards of lots or parcels on which commercial use types are conducted shall be landscaped in accordance with the provisions of sections 86.701 et seq. of the County Code.

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

(Amended by Ord. No. 10031 (N.S.) adopted 1-13-10)

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6790 PARKING SPACE DIMENSIONS.

- a. Design Manual to Specify. The design manual adopted pursuant to Section 6793C shall establish the minimum dimensions for parking spaces. The Director may require larger dimensions if he determines that larger dimensions are needed to provide safe and adequate parking in specific situations.
- b. Handicapped Parking. At least one space of the required parking spaces in any parking area shall be designed for handicapped parking as specified in the design manual. Such spaces shall be located as close as possible to the entrance of the use or structure, and shall be reserved and designated for handicapped persons. The total number of required handicapped spaces shall be that specified in the design manual.

(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3281.)

6792 DESIGN OF BICYCLE STORAGE SPACE FACILITIES.

- a. Enclosed Bicycle Spaces. Structures or lockers containing enclosed bicycle spaces shall be designed and constructed so that such structures or bicycles within them cannot be easily removed. In enclosed bicycle spaces which are not divided into individual lockers or racks, one space shall consist of a floor area at least 2 feet wide and 6 feet long, served by an aisle at least 5 feet wide. Enclosed bicycle spaces may be used in lieu of open bicycle spaces.
- b. Bicycle Spaces. Bicycle racks shall be so designed and constructed that a bicycle can be securely locked with a user-supplied padlock. Racks shall provide a space at least 2 feet in width for each bicycle.
- c. General Criteria. Bicycle spaces shall be:
 1. Clearly designated as being for bicycle parking.
 2. Separated from motor vehicle parking areas and driveways by a barrier, or shall be located in a manner which will minimize the possibility of vehicles striking parked bicycles.

(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3284.)

6793

6793 DESIGN STANDARDS FOR OFF-STREET PARKING.

Parking spaces and areas shall meet the following design and improvement standards:

- a. **Surfacing.** All parking spaces or areas, loading spaces and driveways serving them shall be hard surfaced in accordance with the specifications set forth in the design manual. The type of surfacing for proposed parking spaces and driveways shall be indicated on all plot plans which accompany building construction plans.
- b. **Landscaping.** Except in zones subject to the C37, C38, C40, M54, M58, S80, S82, S87, S88, S90, S92, and S94 Use Regulations, an area at least equal to 5 percent of the area of any parking area shall be landscaped in conformance to the requirements of Paragraph "c" of this Section and in accordance with the provisions of sections 86.701 et seq. of the County Code.
- c. **Design Manual.** The design, dimensions, construction, landscaping, and surfacing of parking and bicycle spaces, driveways and other areas shall conform to the requirements of the Offstreet Parking Design Manual. The Director may administratively waive or modify one or more such requirements when practical difficulties make their strict application infeasible, and upon a finding that the waiver or modification is consistent with the purpose and intent of the Offstreet Parking Design Manual and this section. The Director shall submit any amendments to the design manual to the Planning Commission for its review and comment prior to transmitting them to the Board of Supervisors.

(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3287.)

(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6794 LOADING SPACES.

All buildings containing commercial or industrial use types, hospitals, or institutions hereafter constructed, converted, established, or enlarged to increase their floor area shall be provided with loading spaces as follows and as specified in the design manual:

- a. **Number of Loading Spaces.**

| Total Floor Area on Parcel (Other than floor area devoted to office uses.) | Number of Loading Spaces |
|--|--------------------------|
| Less than 5,000 square feet | 0 |
| 5,000 to 19,999 " " | 1 |
| 20,000 to 39,999 " " | 2 |

NONCONFORMITY REGULATIONS**6850 TITLE AND PURPOSE.**

The provisions of Section 6850 through Section 6899, inclusive, shall be known as the Nonconformity Regulations. The purpose of these regulations is to control, ameliorate, or terminate uses which do not conform to the Zoning Ordinance. These regulations shall apply to all nonconforming uses and structures, except that nonconforming off-premise signs shall be subject to the Off-Premise Sign Regulations commencing at Section 6200; nonconforming on-premise signs shall be subject to the On-Premise Sign Regulations commencing at Section 6250, and substandard lots shall be subject to the Lot Size Regulations commencing at Section 4200.

(Renumbered and amended by Ord. No. 5508 (N.S) adopted 5-16-79. Formerly 6950)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6851 NONCONFORMITY ATTRIBUTABLE TO LACK OF USE PERMIT.

Any nonconformity attributable only to the absence of a major or minor use permit may be removed by the securing of such permit, the application for which is allowed.

(Renumbered by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6951)

6852 RIGHT TO CONTINUE A NONCONFORMITY.

A nonconformity which is in existence prior to the effective date of the Zoning Ordinance or of any subsequent rezoning or other amendment thereto which creates such use or structure nonconformity, may be continued and maintained, except as otherwise specified in these Nonconformity Regulations. No expansion, extension, substitution or other change in activities and no alteration or other change in facilities is permitted except as expressly required by law or as expressly provided herein.

(Renumbered and amended by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6952)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6854 NUISANCES.

None of the provisions of the Nonconformity Regulations restrict any authority to require modification or termination of any nonconformity which has been declared to be a nuisance by the Board of Supervisors.

(Renumbered by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6953)

6856 REMOVAL OF OWNER-OCCUPIED INDEPENDENT MOBILEHOMES.

Notwithstanding other provisions of the Nonconformity Regulations, or the provisions of a use permit authorizing the establishment of an owner-occupied independent mobilehome to the contrary, any owner-occupied independent mobilehome legally established pursuant to the former provisions of Ordinance 1402 may continue for an indefinite period from the date of original granting of a use permit therefore and may be altered or enlarged, or replaced with another mobilehome. Any mobilehome that replaces any such existing, legal nonconforming mobilehome shall bear insignia of approval issued by the appropriate state or federal agencies indicating compliance with applicable regulations. Any discontinuance of the use of a mobilehome subject to this section for a continuous period of 12 months shall be deemed to constitute an abandonment of any right to continue or maintain the use and any future use shall conform to the provisions of this ordinance.

6856

(Renumbered and amended by Ord. No. 5508 (N.S) adopted 5-16-79. Formerly 6954.

6857 OUTDOOR CAFÉ SEATING.

Notwithstanding other provisions of the Nonconformity Regulations, existing non-conforming Eating and Drinking Establishments and Food and Beverage Retail Sales Uses which are not permitted uses in the zones in which they are located shall be permitted to expand to have accessory outdoor café seating subject to the requirements of Section 6158(a).

(Added by Ord. No. 9013 (N.S.) adopted 3-17-99)

6858 EXPANSION OF OWNER-OCCUPIED INDEPENDENT MOBILEHOMES.

Notwithstanding other provisions of the Nonconformity Regulations, or the provisions of a use permit authorizing the establishment of an owner-occupied independent mobilehome pursuant to the former provisions of Ordinance 1402, owner-occupied independent mobilehomes shall be permitted to establish the accessory uses, buildings and structures permitted in the underlying zone.

(Renumbered by Ord. No 5508 (N.S) adopted 5-16-79. Formerly 6955)

6859 NONCONFORMITY DUE TO LACK OF BICYCLE PARKING FACILITIES.

No use or structure lawfully established or erected prior to February 27, 1981 shall be deemed to be nonconforming due to lack of the required bicycle parking facilities.

(Added by Ord. No. 5976 (N.S.) adopted 1-28-81)

6860 EXISTING BED AND BREAKFAST HOMES OR HOST HOMES. Any existing single-family dwelling meeting the definition of "Bed and Breakfast Home" as defined in this ordinance and as determined by the Director may continue operation after the effective date of this ordinance (July 18, 1986). Expansion, alterations, repairs or other change in facilities shall be allowed in accordance with Section 6869a. However, expansion of the nonconforming non-residential use shall not result in an increase in the number of bedrooms available for rent unless a Minor Use Permit is obtained as provided in Section 6156aa. Any existing single-family dwelling meeting the definition of "Host Home" as defined in this ordinance and as determined by the Director may continue operation after September 18, 1987. Expansion, alterations, repairs or other change in facilities shall be allowed in accordance with Section 6869a. However, expansion of the nonconforming non-residential use shall not result in an increase in the number of bedrooms available for rent unless a Minor Use Permit is obtained as provided in Section 6156bb.

(Added by Ord. No. 7160 (N.S.) adopted 6-18-86. Effective 7-18-86)

(Amended by Ord. No. 7363 (N.S.) adopted 8-19-87)

(Amended by Ord. No. 7515 (N.S.) adopted 7-13-88)

(Amended by Ord. No. 9156 (N.S.) adopted 6-14-00)

(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)

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.
 - 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

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. The following findings must be made prior to approval of an Administrative Permit:
 1. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
 - i. Harmony in scale, bulk, coverage and density;
 - ii. The availability of public facilities, services and utilities;
 - iii. The harmful effect, if any, upon desirable neighborhood character;
 - iv. The generation of traffic and the capacity and physical character of surrounding streets;
 - v. The suitability of the site for the type and intensity of use or development which is proposed; and to
 - vi. Any other relevant impact of the proposed use; and
 2. That the impacts, as described in paragraph "a.1" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan; and
 3. That the requirements of the California Environmental Quality Act have been complied with.
- b. Notification. Notification shall be in accordance with paragraph c of Section 7060.
- c. 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.
- d. Fencing. Public access shall be restricted through the use of a fence with locked gates, non-climbable towers or other suitable methods.
- e. 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.
- f. 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.

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 Use Regulations when conducted in accordance with the following:

- a. Recycling Processing Facility, Light
 1. In a Commercial or Industrial Use Regulation 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 Use Regulations and the M54 and M58 Industrial Use Regulations, 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 Use Regulation, 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 Use Regulation (Except C31)
 - 55 dBA in the C31 Use Regulation
 - 75 dBA in the M54 and M58 Use Regulations;
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 Use Regulation or M54 or M58 Industrial Use Regulation 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 Use Regulation 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 Use Regulation 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 requirement that the operations be conducted entirely within an enclosed building; 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)
 (Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6976

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)

PART SEVEN: PROCEDURES

GENERAL PROVISIONS:

7000 TITLE.

The provisions of Section 7000 through Section 7999, inclusive, shall be known as the Procedures.

7005 PURPOSE AND INTENT.

The purpose of these provisions is to provide procedures for processing applications and administering the requirements of the Zoning Ordinance. The intent is to provide flexibility to achieve good and appropriate development while providing certainty to landowners and other members of the public that the public health, safety and welfare will be protected.

(Amended by Ord. No. 7576 (N.S.) adopted 1-11-89)

7007 DECISION OF DENIAL FOR VIOLATION CASES.

The decision-making authority as defined by the respective permit type procedures herein shall have the discretion to deny a Use Permit, Administrative Permit, Site Plan, or Variance when there is an existing violation of any County Ordinance which the decision-making authority determines is related to the Use Permit, Administrative Permit, Site Plan, or Variance that is being sought.

(Added by Ord. No. 9690 (N.S.) adopted 12-15-04)

7010 APPLICABILITY.

The Procedures shall apply in all zones unless otherwise provided.

7015 CITIZEN ADVISORY BOARD REVIEW.

Notwithstanding any other provision of The Zoning Ordinance, where a decision-making authority is required to consider the action or recommendation of any citizen advisory board prior to making any decision as required by The Zoning Ordinance, the decision-making authority may act without such action or recommendation under any of the following circumstances:

1. Where an advisory board which has not conducted an initial meeting has not provided a recommendation within the time limitations of applicable sections of this Ordinance, or within 60 days, whichever is less, commencing from the date the Director transmits the application to a duly appointed advisory board member;
2. Where an advisory board previously established by the Board of Supervisors has subsequently been disestablished by the Board of Supervisors; or
3. Where an advisory board which has conducted an initial meeting has not provided a recommendation within the time limitation of applicable sections of The Zoning Ordinance.

7015

When circumstances under 1. or 2. above involve a citizen advisory board other than a community planning or sponsor group, the Director shall distribute the application to the appropriate community planning or sponsor group. The decision-making body shall consider the recommendation, if any, of said planning or sponsor group which is received within the time limitations of applicable sections of The Zoning Ordinance, or within 60 days, whichever is less.

(Added by Ord. No. 8451 (N.S.) adopted 9-21-94)

7017 APPLICATIONS TO BE SIGNED BY PROPERTY OWNERS

Any application which is authorized to be filed by the property owner pursuant to these procedures shall be signed by all owner(s) of the property subject to the application, or the authorized agent(s) of the owner(s). The applicant shall provide proof satisfactory to the Director, of the ownership of the property and the authority of the agent(s) to sign on behalf of the owner(s).

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

7019 PERMITS AND APPROVALS TO BE RECORDED AND PROVIDE CONSTRUCTIVE NOTICE

When the approval of any Administrative Permit, Density Bonus Permit, Variance, Site Plan, Use Permit or Reclamation Plan, or a modification to any of the foregoing, has become final and effective, the Director shall cause a copy thereof to be filed with the San Diego County Recorder. The document to be recorded shall set forth the names of all owners of the property subject to the Administrative Permit, Density Bonus Permit, Variance, Site Plan, Use Permit, or Reclamation Plan. The recorded document shall provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by the Administrative Permit, Density Bonus Permit, Variance, Site Plan, Use Permit or Reclamation Plan.

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

VARIANCE PROCEDURE**7100 INTENT AND PURPOSE.**

The provisions of Section 7100 through Section 7149, inclusive, shall be known as the Variance Procedure. A Variance may be granted when practical difficulties, unnecessary hardship or results inconsistent with the general purposes of the Zoning Ordinance would result from the literal enforcement of its requirements. A Variance may be granted to allow the following:

- a. **Animal Enclosure Setbacks.** A modification of animal enclosure setbacks as set forth in Section 3112;
- b. **Development Regulations.** A modification of the Development Regulations commencing with Section 4000 except for the Density Regulations commencing with Section 4100, except the Lot Area Regulations commencing with Section 4200, except for the Building Type Regulations commencing with Section 4300, and except for the Height Regulations commencing with Section 4600 on properties subject to the R and S Special Area Regulations in the Coastal Zone;
- c. **Coastal Development Area Regulations.** Repealed.
- d. **Selected General Regulations.** A modification of the Fencing and Screening Regulations, the Off-Street Parking and Loading Regulations and the provisions of the Nonconforming Use Regulations dealing with the expansion, extension, alteration, or relocation of nonconforming buildings; and,
- e. **Other Regulations.** A modification of other regulations in the Zoning Ordinance provided that such regulations expressly provide for the granting of a Variance.

A Variance shall not be granted which would have the effect of granting a special privilege not shared by other property in the same vicinity and subject to the same regulations; nor shall a Variance be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the regulations governing the property.

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

(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)

(Amended by Ord. No. 7008 (N.S.) adopted 8-7-85)

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

7102 CLASSIFICATION OF VARIANCES AND ORIGINAL JURISDICTION.

Variations shall be classified according to the circumstances of their submission and original jurisdiction shall be exercised over them as follows:

7102

- a. **Concurrent Variance.** When an application for granting or modifying a Variance is submitted concurrently with an application for granting or modifying a use permit or subdivision map, said Variance would be incidental and necessary to said use permit or subdivision map, the Variance shall be designated as a concurrent Variance and the application shall be under the original jurisdiction of the body having authority over the use permit or subdivision map and subject to the same procedures.
- b. **Coastal Variance.** Repealed.
- c. **Regular Variance.** All other Variances shall be designated as regular Variances and applications for their granting or modification shall be under the jurisdiction of the Director.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)
(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

7104 APPLICATION FOR THE GRANTING OF A VARIANCE.

An application for the granting of a Variance shall be made as follows:

- a. **Persons Eligible.** The following persons shall be eligible to apply for the granting of a Variance:
 - 1. A property owner, in which case the application shall be signed by all property owner(s) or agent(s), as provided in Section 7017.
 - 2. A lessee, in which case the application shall be signed by all property owner(s) or agent(s), as provided in Section 7017.
 - 3. A person authorized to exercise the power of eminent domain.
- b. **Required Documents.** The application shall be accompanied by the following documents:
 - 1. A list of names of all persons having an interest in the application as well as the names of all persons having any ownership interest in the property involved. If any person identified pursuant to this provisions is a corporation or partnership, the names of all persons owning more than 10 percent of the shares in the corporation or owning any partnership interest in the partnership shall be listed. If any person identified pursuant to these provisions is a non-profit organization or trust, the names of all persons serving as directors of the non-profit organization or as beneficiaries, trustees and trustors of the trust shall be listed.
 - 2. Complete plans and description of the property involved and the proposed Variance.

3. Satisfactory evidence of the ability and intention of the applicant to proceed with actual construction work in accordance with requested variance within 6 months after it is granted.
 4. The appropriate Environmental Impact Review document, as provided by Section 7610.
- c. Application Form, Filing and Fee. The application shall be made on the prescribed form and shall be filed with whomever has jurisdiction as provided by Section 7102, and shall be accompanied by the fee referenced in Section 7602.

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

7105 HEARING AND NOTICE.

- a. All actions for the revocation or modification of a Variance for cause shall be heard at a public hearing scheduled and noticed as required by Section 7603 and 7605, respectively.
- b. All applications for the granting or modification of a regular Variance, other than those subject to Section 7106, shall be acted upon as follows: Immediately upon determining that the application is complete, the Director shall provide notice of receipt of the application in the manner required by Section 7605.b; said notice shall indicate that the Director will make a decision on the application without holding a public hearing unless one is requested, and will consider any written comments interested persons desire to submit. The notice shall state that a request for hearing or written comments must be received by the Director no later than 10 days after the date the notice was given. In the event a request for public hearing is received, a public hearing shall be scheduled, conducted and noticed as required by Sections 7603 through 7607. If no request for hearing is received, the Director shall consider the application together with any written comments received and take action pursuant to Section 7108.

(Amended by Ord. No. 7935 (N.S.) adopted 6-19-91)

(Amended by Ord. No. 8157 (N.S.) adopted 10-14-92)

(Amended by Ord. No. 8185 (N.S.) adopted 12-16-92)

7106 HEARING AND NOTICE NOT REQUIRED.

The Director may, without hearing or notice, grant a regular Variance meeting all other requirements of The Zoning Ordinance and the following additional requirements:

7106

- a. **Maximum Reduction.** The requested Variance shall not exceed a 50 percent reduction in the applicable setback regulations, as measured from property line, or street line, and a 75 percent increase in the applicable fence height requirements.
- b. **Consent of Adjacent Property Owners.** The application for the requested Variance shall include written consent to the granting of the requested Variance signed by the owner or owners of each lot or parcel adjoining the site of the proposed building or structure and the owner or owners of land across any street or alley from such site.
- c. **Reapplication.** In the event the Director declines to grant a regular Variance requested pursuant to this Section, the applicant may, within 60 days after applying for such Variance, request that the Variance be scheduled for public hearing in accordance with Sections 7104 and 7105. The applicant shall pay an additional fee in an amount consisting of the difference between the fee specified in Section 7104 and that already paid.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)
(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)
(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)
(Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

7107 **FINDINGS REQUIRED.**

Before any variance may be granted or modified, all of the following shall be found:

- a. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, that do not apply generally to property in the same vicinity and under identical zoning classification;
- b. That, because of those special circumstances, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification;
- c. That granting the variance or its modification is subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated;
- d. That the variance will not authorize a use or activity which is not otherwise expressly authorized by the applicable use classification;
- e. That granting the variance or its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and zone in which the property is located; and
- f. That granting the variance or its modification will not be incompatible with the San Diego County General Plan.

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

SITE PLAN REVIEW PROCEDURE**7150 TITLE AND PURPOSE.**

The provisions of Section 7150 through Section 7199 shall be known as the Site Plan Review Procedure. The purpose of these provisions is to provide a review procedure for development proposals which is concerned with physical design, siting, interior vehicular and pedestrian access, and the interrelationship of these elements. Approval of a Site Plan does not authorize any use not otherwise permitted by this Ordinance.

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

7152 APPLICABILITY.

The Site Plan Review Procedure shall be followed when an application for a Site Plan has been filed as required by The Zoning Ordinance.

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

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

7154 JURISDICTION.

The Director shall be responsible for administering the Site Plan Review Procedure and for reviewing and evaluating of all Site Plans submitted pursuant to this procedure.

7155 APPLICATION

An application for a Site Plan or modification thereof shall be signed by all property owner(s) or agent(s) as provided in Section 7017, and shall be made to the administering agency on such forms and containing such information as is prescribed by him or her, and shall be accompanied by the fee, if any, fixed pursuant to Section 7602.

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

7156 WAIVER OF SITE PLAN.

- a. The Director may waive the requirement for a Site Plan if he or she finds that all of the purposes and requirements of the Site Plan have been or will be fulfilled by another discretionary permit; or
- b. Where the Director finds the proposed development or improvement is minor in nature and the public purpose for which the Site Plan would normally be required will not be harmed by waiver of said requirement. For purposes of this subsection, "minor in nature" may mean the proposed improvement is not visible from any street; there is no active code enforcement action on the property; no additional parking spaces will be required by the proposed improvements; an addition not exceeding 500 square feet in area; the replacement of an existing permitted sign(s) (like for like, and no increase in sign area); replacement of windows/doors; re-stucco, re-roof or minor improvements to the façade of an existing permitted building(s); or other similar improvements. This shall be determined on a case-by-case basis.

The Director may forward a waiver request to the applicable Community Planning or Sponsor Group for a recommendation prior to granting a waiver request.

7156

This subsection "b" shall not apply to land falling within the coastal zone, as defined by the California Coastal Act of 1976.

- c. Waiver of a Site Plan does not constitute a waiver of any other requirement of this Zoning Ordinance or any other law, ordinance or other regulation applicable to the project.

No building permit shall be issued for a project for which the Site Plan requirement has been waived except pursuant to plans bearing the Director's stamp granting such waiver. No deviation from aspects of such plans pertinent to the purposes for which a Site Plan review would otherwise have been required shall be permitted without prior approval of the Director.

This Section shall not apply to those Site Plans required by a special area regulations designator where there are specific waiver criteria established under the special area regulations designator sections.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 6655 (N.S.) adopted 9-28-83)
(Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)
(Amended by Ord. No. 8105 (N.S.) adopted 7-15-92)
(Amended by Ord. No. 8236 (N.S.) adopted 5-5-93)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

7157 TRANSMITTAL TO OTHER AGENCIES.

Whenever an agency or board is required by this Ordinance to review a Site Plan submitted to the Director, the Director shall forward a copy of the application and accompanying plans, maps and diagrams to the appropriate agency or board within five working days after receiving a complete Site Plan application. In the case of Site Plans pursuant to the Community Design Review Area Regulations, each member of the applicable Community Design Review Board shall receive a copy of the project plans. The agency or board shall review the application and make its recommendations thereon to the Director. The Director shall not make a decision with respect to the Site Plan until he has considered the report and recommendation of the agency or board. Citizen Advisory Boards shall review and make recommendations within 21 days of receipt of said application unless no meeting is held within that time frame. If no recommendation is received within 45 days after transmitting the application to the agency or board, the Director may make a decision without the agency or board's recommendation. The Director may make a decision after 35 days, if the Director has either received recommendations from all agencies, boards and planning or sponsor groups to whom notice has been sent, or has been informed by said agencies, boards and/or planning or sponsor groups, that they will not be making recommendations. The Director shall transmit a copy of his decision to the agency or board at the time the decision is made.

(Added by Ord. No. 5330 (N.S.) adopted 12-13-78)
(Amended by Ord. No. 8236 (N.S.) adopted 5-5-93)
(Amended by Ord. No. 9101 (N.S.) adopted 12-8-99)

7158 REVIEW AND EVALUATION.

The Director shall review and evaluate Site Plans submitted to him in accordance with the following guidelines:

- a. **Scope.** The Director shall review and evaluate Site Plans for conformance with the Site Plan review standards and criteria set forth in the pertinent sections of The Zoning Ordinance, and his review and evaluation of the Site Plan shall not exceed the scope of said standards and criteria.
- b. **Modifications Required For Approval of the Site Plan.** The Director may specify modifications, changes, and additions to the Site Plan which are required for its approval. The modifications, changes, and additions shall not exceed the scope of the Site Plan review standards and criteria set forth in the pertinent sections of The Zoning Ordinance, nor shall they alter or vary the requirements of those pertinent sections of The Zoning Ordinance otherwise applicable to the development proposal. However, such standards and criteria and requirements may be modified or changed as specified by the Director to eliminate or mitigate significant adverse environmental effects disclosed by an environmental impact report.
- c. **Improvements Required for Approval of the Site Plan.** The Director shall ensure that all Site Plans provide for on- and off-site improvements which may be required by the Site Plan review standards and criteria set forth in pertinent sections of The Zoning Ordinance. Such requirements for improvements may be modified as provided by subsection "b" of this section. The Director may require the applicant to enter into an agreement to provide such improvements and this agreement shall be accompanied by a completion bond as provided by Section 7613.
- d. **Waiver of Standards and Criteria.** The Director may waive those standards and criteria prescribed for the review and evaluation of a site plan which he finds have been or will be fulfilled by condition or conditions of a Use Permit or Variance.

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

7160 FINDINGS REQUIRED.

Prior to approving a site plan the Director shall find:

- a. **Standards and Criteria.** That the proposed development meets the intent and specific standards and criteria prescribed in pertinent sections of the Zoning Ordinance.
- b. **General Plan.** That the proposed development is compatible with the San Diego County General Plan; and
- c. **Waiver of Standards or Criteria.** That any applicable standards or criteria waived by the Director pursuant to Section 7158.d have been or will be fulfilled by the condition or conditions of a Use Permit or Variance.

7162 DECISION AND NOTICE.

- a. **Action.** Upon completion of review and evaluation of a site plan, the Director shall either:
 - 1. Make such findings as are required by Section 7160 and approve the Site Plan, or
 - 2. Notify the applicant of those changes and modifications required for approval of the Site Plan, or

3. Deny the Site Plan if the Director finds that:
 - i. The Site Plan cannot be conditioned by adequate requirements to insure compliance with applicable regulations, or
 - ii. The Site Plan cannot reasonably be modified to conform to the applicable requirements.
- b. Time Period. Within 60 days of receipt of a complete application for Site Plan review, the Director shall act as provided in subsection "a". The 60 day period may be extended with the written consent of the applicant. Failure of the Director to act within the specified time period or extension thereof, shall not affect the validity of the Director's decision.
- c. Effective Date. All decisions of the Director made pursuant to this Section 7162 shall become final and effective on the eleventh day following the date of decision unless an appeal of the decision is filed as provided by Section 7166.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)
(Amended by Ord. No. 7935 (N.S.) adopted 6-19-91)

7164 CONDITIONS.

Site Plans may be approved or modified subject to the performance of such conditions, including the provision of required improvements as the Director shall deem to be reasonable and necessary or advisable under the circumstances so that the objectives of The Zoning Ordinance shall be achieved. Such conditions shall be imposed and enforced as follows:

- a. Security May Be Required to Insure Performance. In order to insure the performance of conditions imposed concurrent with the granting or modification of a Site Plan, the applicant may be required to furnish security in the form of money or surety bond in the amount fixed by the authority granting or modifying the Site Plan. Such security shall be furnished as required by Section 7612.
- b. Provision of Required Improvements. Whenever a Site Plan is granted or modified subject to the condition that specified improvements be provided by the applicant, such improvements shall be installed by the applicant and approved and accepted by the cognizant county authority, the applicant shall execute an agreement with the cognizant county authority pursuant to Section 7613 to make such improvements prior to the time or events specified in the Site Plan.
- c. Condition Declared Void. Whenever there becomes final any judgement of a court of competent jurisdiction declaring one or more of the conditions of a Site Plan approval to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation or one or more of such conditions, said Site Plan approval shall cease to be valid and all rights or privileges granted thereby shall lapse, as provided by Section 7174.

- d. **Violation of Condition.** Whenever a Site Plan, is approved or modified subject to a condition or conditions, use or enjoyment of the Site Plan in violation of or without observance of any such condition shall constitute a violation of the Zoning Ordinance and said Site Plan may be revoked or modified as provided in Section 7172.

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

7166 APPEAL.

A decision of the Director pursuant to Section 7162, 7169 or 7172 may be appealed as follows:

- a. **Persons Eligible.** The following persons shall be eligible to file an appeal:
1. A person having an interest in the property that is the subject of the decision being appealed (hereinafter subject property).
 2. A person having an interest in property located within 300 feet of the exterior boundaries of the subject property.
 3. A person not having an interest in property located within 300 feet from exterior boundaries of the subject property, who after written petition to the Planning Commission, filed within 10 days of the date on which the decision being appealed was rendered, receives permission to file an appeal. The decision of the Planning Commission on a petition requesting permission to appeal shall be made without hearing and shall be final.
 4. A County Officer, Board, Commission, or other County body other than the authority having jurisdiction over the appeal. County citizen advisory groups authorized to review Site Plans for the Community Design Review ("B" Designator), the Design Review Area ("D" Designator), the Historic/Archaeological Landmark or District ("H" Designator), and the Specific Historic District ("J" Designator), Special Area Regulations shall only be eligible to file appeals involving those Site Plan applications over which they have review jurisdiction.
- b. **Timeliness.** An appeal shall be filed within 10 days of the date on which the decision being appealed was rendered, or within 10 days of the date of Planning Commission permission to file an appeal under Section 7166 a.3.
- c. **Form, Filing and Fee.** An appeal shall be in writing accompanied by the fee prescribed pursuant to Section 7602, and shall be filed in the office of the Director.
- d. **Effect of Filing an Appeal.** An appeal of a decision, within the time specified in paragraph "b" of this Section shall stay the proceedings in furtherance of the decision appealed and no building permit, or other permit shall be issued until such time as the appeal has been acted on as set forth in this Section.
- e. **Forwarding of Record.** On the filing of an appeal, the Director shall transfer to the Secretary of the Planning Commission the subject documents and papers on file pertinent to the decision, together with a report of the decision.

- f. **Public Hearing.** The Planning Commission shall hold a public hearing on the appeal, scheduled and noticed as required by Section 7603 and 7605, respectively.
- g. **Decision and Notice.** Following the hearing on an appeal, the Planning Commission may sustain the decision of the Director; or may approve or modify the site plan subject to specified conditions it imposes pursuant to Section 7164; or may revoke or deny the Site Plan, as is appropriate. The Planning Commission shall adopt findings which specify all facts relied upon it in reaching its decision and their relation to the requirements of Section 7160, and which state the reasons for any conditions imposed by it; provided, however, findings shall be deemed waived unless expressly requested in writing by the applicant or appellant at the time of the hearing on the appeal and prior to decision by the authority. Notice of the decision of the authority together with a copy of any findings adopted by said authority shall be mailed to the appellant and applicant, or to both if they are different parties, and a copy thereof shall be attached to the file in the manner and said file returned to the Director.
- h. **Effective Date.** The decision of the Planning Commission shall be final and effective immediately except as follows:
 - 1. The decision on a Site Plan filed as a requirement of a Specific Plan may be appealed to the Board of Supervisors in the same manner as a decision of the Planning Commission on a Major Use Permit is appealed.
 - 2. When the Director's decision and the decision of the Planning Commission are not the same, a Site Plan filed as a requirement of a Specific Plan shall be forwarded to the Board of Supervisors for final action.
 - 3. Where an appeal of an environmental determination is filed, the procedures specified in Chapter 4 (commencing with Section 86.401 of Division 6 of Title 8 of the San Diego County Code shall be followed.

(Amended by Ord. No. 5329 (N.S.) adopted 12-13-79)
(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)
(Amended by Ord. No. 6781 (N.S.) adopted 5-16-84)
(Amended by Ord. No. 7979 (N.S.) adopted 10-02-91)
(Amended by Ord. No. 8199 (N.S.) adopted 1-13-93)
(Amended by Ord. No. 8236 (N.S.) adopted 5-5-93)
(Amended by Ord. No. 9548 (N.S.) adopted 4-9-03)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

ADMINISTRATIVE APPEAL PROCEDURE.**7200 TITLE AND PURPOSE.**

The provisions of Sections 7200 through 7249 shall be known as the Administrative Appeal Procedure. The purpose of these provisions is to prescribe the procedure by which an appeal may be taken from a written decision of the Director made pursuant to the administration of the Zoning Ordinance. An appeal is not authorized by this section where a decision of the Director is otherwise specified as a final decision.

(Amended by Ord. No. 8236 (N.S.) adopted 5-5-93)

(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

7201 APPLICATION.

An application for an Administrative Appeal shall be made as follows:

- a. **Persons Eligible.** The following persons shall be eligible to file an administrative appeal:
 1. A person having an interest in the property that is the subject of the decision being appealed (hereinafter subject property).
 2. A person having an interest in property located within 300 feet of the exterior boundaries of the subject property.
 3. A person not having an interest in property located within 300 feet from the exterior boundaries of the subject property, who after written petition request to the Planning Commission, filed within 10 days of the date on which the decision being appealed was rendered, receives permission to file an appeal. The decision of the Planning Commission on a petition requesting for permission to appeal shall be made without hearing and shall be final.
 4. A County Officer, Board, Commission, or other County body other than the authority having jurisdiction over the appeal.
- b. **Timeliness.** An Administrative Appeal shall be filed within 10 days of the date on which the decision being appealed was rendered or within 10 days of the date of Planning Commission permission to file an appeal under Section 7201.a.3.
- c. **Required Documents.** An appeal shall be accompanied by a document setting forth the grounds upon which the appellant asserts there was an error or abuse of discretion.
- d. **Form, Filing, and Fee.** An appeal of an administrative decision shall be made on the prescribed form and shall be filed with the Planning Commission, accompanied by the fee referenced in Section 7602.

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

(Amended by Ord. No. 7979 (N.S.) adopted 10-02-91)

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

7202

7202 EFFECT OF FILING THE APPEAL.

An appeal of an administrative decision or written request for permission to appeal pursuant to Section 7201.a.3, if made within the time specified in Section 7201 shall stay all proceedings in furtherance of the decision appealed and no building permit, license, or other permit that is the subject of the appeal, shall be issued until such time as the appeal has been acted on as set forth in Section 7205, or until permission to appeal has been denied. However, if the Director certifies to the Planning Commission that by reason of facts which the Director shall provide, a stay would cause imminent peril to life or property, the Planning Commission may determine that said proceedings shall not be stayed.

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

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

7203 FORWARDING OF RECORD.

On the filing of an administrative appeal, the officer or official whose decision is being appealed shall transfer to the Secretary of the Planning Commission the subject documents and papers on file pertinent to his decision, together with his report on the decision.

7204 PUBLIC HEARING.

The Planning Commission shall hold a public hearing on all administrative appeals, scheduled and noticed as required by Sections 7603 and 7605, respectively.

7205 DECISION AND NOTICE.

Following the hearing on an appeal, the Planning Commission may either sustain the decision being appealed or render such new decision as it considers appropriate. Notice of the decision of the Planning Commission shall be mailed to the appellant and a copy thereof shall be attached to the record forwarded under Section 7203 and this record shall be returned to the forwarding party.

7206 EFFECTIVE DATE.

Subject to provisions of Chapter 4 (commencing with Section 86.401) of Division 6 of Title 8 of the San Diego County Code, relating to appeals of environmental determinations, the decision of the Planning Commission on an Administrative Appeal shall be final and effective immediately.

(Amended by Ord. No. 9548 (N.S.) adopted 4-9-03)

USE PERMIT PROCEDURE**7350 INTENT AND PURPOSE.**

The provisions of Section 7350 through Section 7399 shall be known as the Use Permit Procedure. A use permit may be granted to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, through review and, where necessary, the imposition of special conditions of approval.

7351 APPLICABILITY.

The use permit procedure shall be followed when an application for a Use Permit has been filed as required by The Zoning Ordinance.

(Added by Ord. No. 6924 (N.S.) adopted 2-20-85)
(Amended by Ord No. 10006 (N.S.) adopted 9-16-09)

7352 CLASSIFICATION OF USE PERMITS AND ORIGINAL JURISDICTION.

Use Permits shall be classified and original jurisdiction exercised over them as follows, except as otherwise provided in Sections 7376 and 7378:

- a. Major Use Permit. Applications for granting or modifying the conditions of a permit for one or more uses, structures or actions, any one of which requires a Major Use Permit, shall require Major Use Permits and shall be under the original jurisdiction of the Planning Commission, except that Major Use Permits which are not within the Current Urban Development Area as shown by the Regional Land Use Element and propose connection to the Rancho San Diego Interceptor sewer line shall be under the original jurisdiction of the Board of Supervisors with the Planning Commission making a report to the Board of Supervisors.
- b. Minor Use Permit. Application for granting or modifying the conditions of a permit for any use, structure, or action requiring a Minor Use Permit shall be under the original jurisdiction of the Director, except that applications for Minor Use Permits filed concurrently with tentative subdivision maps, reclassifications or Major Use Permits shall be under the jurisdiction of the body having jurisdiction over the tentative subdivision maps, reclassifications and Major Use Permits. Any use allowed by a Minor Use Permit may be allowed by a Major Use Permit.
- c. Concurrent Use Permit. Applications for granting or modifying the conditions of a use permit filed concurrently with any other application under the original jurisdiction of the Board of Supervisors shall be under the original jurisdiction of the Board of Supervisors, and shall receive a recommendation from the Planning Commission prior to action by the Board of Supervisors.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 6031 (N.S.) adopted 4-22-81)
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)

7352

(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)
(Amended by Ord. No. 6783 (N.S.) adopted 5-16-84)
(Amended by Ord. No. 7313 (N.S.) adopted 6-2-87)
(Amended by Ord. No. 8157 (N.S.) adopted 10-14-92)
(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)
(Amended by Ord. No. 8200 (N.S.) adopted 1-13-93)
(Amended by Ord. No. 9549 (N.S.) adopted 4-30-03)
(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

7354 APPLICATION FOR THE GRANTING OF A USE PERMIT.

An application for the granting of a use permit shall be made as follows:

- a. **Persons Eligible.** The following persons shall be eligible to apply for the granting of a use permit.
 1. A property owner, in which case the application shall be signed by all property owner(s) or agent(s), as provided in Section 7017.
 2. A lessee upon written approval of the property owner, in which case the application shall be signed by all property owner(s) or agent(s), as provided in Section 7017.
 3. A person authorized to exercise the power of eminent domain.
- b. **Required Documents.** The application shall be accompanied by the following documents:
 1. A list of the names of all persons having an interest in the application as well as the names of all persons having any ownership interest in the property involved. If any person identified pursuant to this provision is a corporation or partnership, the names of all persons owning more than 10 percent of the shares in the corporation or owning any partnership interest in the partnership shall be listed. If any person identified pursuant to this provision is a non-profit organization or trust, the names of all persons serving as directors of the non-profit organization or as beneficiaries, trustees and trustors of the trust shall be listed.
 2. Complete plans, a description of the property involved and a complete description of the proposed use. The complete plans shall include a plot plan drawn to scale showing all structures (existing and proposed). If the use permit will cover only a portion or portions of a lot or parcel, the plot plan shall include a measurable delineation of the area to which the use permit shall apply. That area shall include all land necessary for the proposed use, together with any open space, non-development areas, or other buffer areas which are necessary to enable making the required findings for use permit approval.
 3. Satisfactory evidence of the ability and intention of the applicant to proceed with actual construction work in accordance with the requested use permit within 6 months after it is granted.

4. The appropriate environmental impact review document, as provided by Section 7610.
- c. Application Form, Filing and Fee. The application shall be made on the prescribed form and shall be filed with whomever has jurisdiction as provided by Section 7352, and shall be accompanied by the fee referenced in Section 7602.

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)
 (Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)
 (Amended by Ord. No. 9569 (N.S.) adopted 7-09-03)
 (Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)
 (Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

7355 MAJOR USE PERMIT REVIEW IN COMMUNITY OR SUBREGIONAL PLAN AREAS WITH COMMUNITY DESIGN REVIEW PROGRAMS.

In community or subregional plan areas with community design review programs, applications for major use permits or major use permit modifications, for the following uses, shall be referred to the appropriate Community Design Review Board for advisory design review recommendation:

Planned developments; standard mobilehome parks; mini-mobilehome parks; civic, fraternal or religious assembly; administrative services; clinic services; community recreation facilities; cultural exhibits and library services; group care; child care centers; and major impact services and utilities.

(Added by Ord. No. 7935 (N.S.) adopted 6-19-91)
 (Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)

7356 HEARING AND NOTICE.

All applications for granting or modifying a use permit and all actions to revoke or modify a use permit shall be heard at a public hearing scheduled and noticed as required by Section 7603, and 7605, respectively.

7357 EFFECT OF USE PERMIT ON OTHER USE OF THE PROPERTY

The granting of a use permit does not limit or preclude the establishment or operation of any uses on the remainder of the lot(s) or parcel(s) outside the boundaries of the use permit as delineated pursuant to Section 7354.b.2. For the portion of the parcel covered by the use permit, no use shall be allowed within the use permit boundary other than those specified in the use permit except as specified in Section 6106 of the Zoning Ordinance. No additional uses, by right or conditionally permitted, shall be allowed within the use permit area without modification of the permit. If, subsequent to the granting of a use permit, the use(s) authorized thereby become permitted uses through a zoning amendment, or the holder of the use permit desires to terminate the use permit, the holder of the use permit may request, and the Director may approve, termination of the use permit. Upon such termination, the terms and conditions of the use permit shall no longer be applicable to that property or to the use thereof.

(Added by Ord. No. 9569 (N.S.) adopted 7-09-03)
 (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)
 (Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

7358

7358 FINDINGS REQUIRED.

Before any use permit may be granted or modified, it shall be found:

- a. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
 - 1. Harmony in scale, bulk, coverage and density;
 - 2. The availability of public facilities, services and utilities;
 - 3. The harmful effect, if any, upon desirable neighborhood character;
 - 4. The generation of traffic and the capacity and physical character of surrounding streets;
 - 5. The suitability of the site for the type and intensity of use or development which is proposed; and to
 - 6. Any other relevant impact of the proposed use; and
- b. That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
- c. That the requirements of the California Environmental Quality Act have been complied with.

(Amended 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. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8457 (N.S.) adopted 10-5-94)

(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

7359 FINDINGS REQUIRED FOR PARTICULAR USE PERMITS.

Before any use permit for a "Specific Hazardous Waste Facility Project", as defined in Health and Safety Code Section 25199.1, may be granted or an existing facility modified, in addition to the findings required by Section 7358, it shall be found that the proposed facility is in compliance with the following siting criteria documents of the County of San Diego Hazardous Waste Management Plan 1989-2000, all of which documents are on file with the Clerk of the Board of Supervisors as Exhibit A to Ordinance No. 8093 (N.S.):

- a. Section E, entitled "Local and Regional Facility Needs", of Chapter IX, entitled "Siting and Permitting of Hazardous Waste Facilities" (Pages IX-35 through IX-37);

- i. **Decision and Notice.** Following the hearing on an appeal, the authority having appellate jurisdiction may sustain the decision which is being appealed; or may grant or modify the use permit subject to specified conditions it imposes pursuant to Section 7362; or may revoke or deny the use permit, as is appropriate. The authority shall adopt findings, which specify all facts relied upon by it in reaching its decision and their relation to the requirements of Section 7358, and which state the reasons for any conditions imposed by it; provided, however, findings shall be deemed waived unless expressly requested in writing by the applicant or appellant at the time of the hearing on the appeal and prior to decision by the authority. Notice of the decision of the authority together with a copy of any findings adopted by said authority shall be mailed to the appellant and applicant, or to both if they are different parties, and a copy thereof shall be attached to the Planning Commission's, or the Director's file in the matter and said file returned to the Planning Commission, or Director, whoever rendered the decision which was appealed.
- j. **Finality and Effective Date.** Subject to the provisions of Chapter 4 (commencing with Section 86.401) of Division 6 of Title 8 of the San Diego County Code, relating to appeals of environmental determinations, the decision of the authority having jurisdiction over an appeal shall be final, conclusive, and effective immediately.
- k. **No Decision Reached.** Whenever the Board of Supervisors holds a hearing on an appeal from a decision on an application for a use permit, the proceedings shall be governed by the Board of Supervisors' Rules of Procedure and Section 375.13 of the San Diego Administrative Code. Whenever the Planning Commission holds a hearing on an appeal from a decision on an application for a use permit and thereafter fails to reach a decision because a motion on the item failed to carry by the required vote, the secretary of the Commission shall set the matter for a noticed public hearing de novo if such hearing is requested by the Commission. Such request must be made within 30 days of the date when the motion on the item failed to carry. If no such request is made within such period, the decision from which the appeal has been taken shall be deemed sustained.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
 (Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)
 (Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
 (Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)
 (Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)
 (Amended by Ord. No. 7878 (N.S.) adopted 3-6-91)
 (Amended by Ord. No. 7979 (N.S.) adopted 10-02-91)
 (Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)
 (Amended by Ord. No. 8409 (N.S.) adopted 6-01-94)
 (Amended by Ord. No. 8425 (N.S.) adopted 7-13-94)
 (Amended by Ord. No. 9548 (N.S.) adopted 4-9-03)
 (Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)
 (Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

7368

7368 USE PERMITS TO BE RECORDED AND PROVIDE CONSTRUCTIVE NOTICE

Upon the approval of a use permit becoming final and effective, the Director shall cause a copy thereof to be filed with the San Diego County Recorder. The use permit to be recorded shall set forth the names of all owners of the property subject to the use permit. The recording of a use permit shall provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named in the use permit, of the rights and obligations created by the use permit.

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

7370 NUISANCE.

The granting or modification of a use permit shall not authorize or legalize the maintenance of any private or public nuisance.

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

7372 DISCONTINUANCE.

Each use permit granted pursuant to these provisions shall expire and become null and void at the expiration of one year after the purpose for which it was granted shall have been discontinued or abandoned.

(Amended by Ord. No. 6467 (N.S.) adopted 11-10-82)

(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)

7374 EXPIRATION.

Each valid unrevoked and unexpired use permit shall expire and become null and void at the time specified in the permit. If no time is specified, then the use permit shall expire two years after granting unless construction and/or use of the property in reliance on the permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided by Section 7376.

Notwithstanding the above, if the use permit is issued in conjunction with the approval of a subdivision map pursuant to the County Subdivision Ordinance, the use permit shall remain in full force and effect for the duration of the tentative approval for that subdivision map (including all extensions of that tentative map) and, if the subdivision map does not receive final approval, expire upon expiration of the tentative approval. If the subdivision map receives final approval, the use permit shall expire three years after recordation of the final or parcel map unless construction and/or use of the property in reliance of the permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided by Section 7376 and provided further, that construction complies with zoning regulations in effect at the time of construction.

(Amended by Ord. No. 6155 (N.S.) adopted 9-15-81)

(Amended by Ord. No. 6164 (N.S.) adopted 9-22-81)(Supersedes Ord. No. 6155 (N.S.))

(Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)

(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

- v. The length of tenancy by each tenant.
 - vi. The estimated income, age and number of tenants affected by the proposed change of use.
 - vii. The number of alternative sites available to the tenants including written commitments from the owners of those parks to accept the relocated units and tenants.
 - viii. A time table for vacating the existing park.
 - ix. A statement and concept plan indicating what use the park site is intended to accommodate.
 - x. Evidence satisfactory to the Director that mutually acceptable agreements have been reached on the part of the park owner and all tenants to vacate the park commencing upon provisional reclassification. Such evidence may include, but, is not limited to the following:
 - (1) Written agreements to relocate mobilehomes; and
 - (2) Assistance for low and moderate income tenants in the form of payment by the park owner of 80%, up to a maximum of \$2,000, of the cost of relocating the mobilehome to another mobilehome park within 100 miles.
 - xi. If such evidence specified in "x" above is not included in the application, then the Director of Planning and Land Use shall recommend reasonable conditions to mitigate any adverse impacts on tenants of the mobilehome park to the Planning Commission and Board of Supervisors to be included as a condition of the provisional reclassification of the property.
2. Notwithstanding the provisions of Section 7505(c)(1), a park owner who elected to give a 5-year notice to vacate may file an application for reclassification or provisional reclassification if evidence is provided that the following provisions were met or the following provisions must be completed before the provisional reclassification is removed:
- i. The mobilehome park owner shall provide evidence that a notice to vacate pursuant to Section 798.56(f) of the Civil Code has been issued and

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- ii. Informed each tenant of the rent and location of a number of available spaces equal to the number of occupied units to be displaced, and
- iii. Assisted each tenant in relocating the tenant's mobilehome to any new space within 100 miles in accordance with the following schedule:

| <u>IF TENANT VACATES BEFORE END OF</u> | <u>PORTION OF EXPENSES PAID BY OWNER</u> | <u>UP TO A MAXIMUM OF</u> |
|--|--|-------------------------------|
| 1st year | 80% | \$2,000 |
| 2nd year | 60% | 1,500 |
| 3rd year | 40% | 1,000 |
| 4th year | 20% | 500 |
| 5th year | -0- | -0- |

(Added by Ord. No. 5905 (N.S.) adopted 10-8-80)

7506 PLANNING COMMISSION ACTION.

- a. Public Hearing. Upon the initiation of a request to amend The Zoning Ordinance pursuant to Section 7503, the Planning Commission shall hold a public hearing in all cases where they are required to do so by the California Government Code. In other cases, the Planning Commission may hold such public hearings as it deems appropriate. Public hearing shall be scheduled and noticed as required by Sections 7603 and 7605, respectively.
- b. Commission Recommendation. Following the public hearings on a requested amendment, or if no hearing is held, within 40 days from the date of the request, the Planning Commission shall render its decision in the form of a written recommendation to the Board of Supervisors. This recommendation shall include the reasons for the recommendation and the relationship of the requested amendment to the San Diego County General Plan.
- c. Notice of Recommendation. The recommendation of the Planning Commission shall be transmitted to the party requesting the amendment of the Zoning Ordinance.

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

7507 BOARD OF SUPERVISORS ACTION.

- a. Public Hearing. Upon receipt of the recommendation of the Planning Commission, the Board of Supervisors shall hold a public hearing on the requested amendment. Public hearings held pursuant to this section shall be scheduled and noticed as required by Sections 7603 and 7605, respectively.

- b. **Decision.** Following the public hearing on an amendment request, the Board of Supervisors may order the adoption of the requested amendment, deny the requested amendment, or order the adoption of the requested amendment with modifications; provided that any modification of the requested amendment not previously considered by the Planning Commission shall be first referred to the Planning Commission for report and recommendation, but the Commission shall not be required to hold a public hearing thereon. The decision of the Board of Supervisors on a request to amend the Zoning Ordinance shall be final and conclusive.
- c. **Notice of Decision of Board of Supervisors.** Within 10 days following a decision by the Board of Supervisor ordering the adoption of the requested amendment, denying the requested amendment, or ordering the adoption of the requested amendment with modifications, the Clerk of the Board shall give notice of the decision to the party requesting amendment of the Zoning Ordinance.
- d. **No Decision by Board of Supervisors.** Whenever the Board of Supervisors takes no action on a request to amend the Zoning Ordinance because a motion on the item failed to carry by the required affirmative vote, the Clerk of the Board of Supervisors shall set the matter for a noticed public hearing de novo if such hearing is requested by the Board of Supervisors. Such a request must be made within 30 days of the date on which the motion failed to carry. If no request is made within this period, the request for amendment of the Zoning Ordinance shall be deemed denied.

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

7509 PROVISIONAL RECLASSIFICATION.

In the consideration of a proposed amendment to the Zoning Ordinance which requests changing the zone classification applicable to any property, it may be determined that the public health, safety and welfare or the timely implementation of the San Diego County General Plan, require that provision be made for relocation of any occupants and the orderly subdivision of the subject property and/or that provision be made for adequate streets, drainage facilities, grading, sewers, utilities and other improvements, in order that the subject property and the area within which it is located may be properly developed in accordance with the different or additional uses to be permitted by the requested change of the zone classification. In such cases, the subject property may be provisionally reclassified as requested by the proposed amendment and the following procedures shall then apply.

- a. **Application of the Provisional Reclassification Designator.** When property is provisionally reclassified, the ordinance changing the zone reclassification of the subject property shall reflect this fact and shall direct that the provisional reclassification designator "(P)" be placed on the official zone map immediately preceding the use regulation of the zone classification to which the subject property has been changed; for example: (P)RU10.
- b. **Restrictions of Property While Under Provisional Reclassification.** While property is provisionally reclassified, it shall be used only as permitted by the zone classification applicable to the property prior to its provisional reclassification. No permits shall be issued, no buildings or structures shall be constructed thereon, and no use of the property shall be made in reliance on the provisional classification of the property until such time as this status is removed as provided by paragraph "c" of this section.

- c. **Removal of Provisional Reclassification.** Provisional reclassification shall be removed when the following has occurred:
1. Recordation of a Final Map of the property or portion thereof in accordance with the provisions of the Subdivision Map Act of the California Government Code and the Subdivision Ordinance of the San Diego County Code; or
 2. Determination by the Director upon written request of the applicant that because subject property was an existing mobilehome park at the time the reclassification was filed and the applicant submitted certain information and/or documents pursuant to Section 7505, that said information and/or documents have been executed to the satisfaction of the Director and that field inspection of subject property has verified that no mobilehomes are sited thereon.

Thereafter, the property or portion thereof included in the Final Map or mobilehome park shall no longer be under provisional reclassification and the restrictions set forth in paragraph "b" of this section shall be disregarded as to such property.

- d. **Similarity Between Boundary of the Area Provisionally Reclassified and the Area Included in the Final Map.** The Final Map shall include all the property subject to provisional reclassification, unless the Board of Supervisors, after report and recommendation from the Planning Commission, by resolution authorizes the recording of two or more Final Maps, each covering a portion of the property, in which case the Board may prescribe the portion of the property to be included in each Final Map and the sequence of their recordation. The boundary of the Final Map, or the composite boundary of the Final Maps when more than one Final Map is filed, shall be inspected to determine if it is identical with the boundary of the Final Map, or the last Final Map. When discrepancies exist between the boundaries, other than those which are adjusted pursuant to Section 6015.d, the person submitting the Final Map shall request an amendment to the Zoning Ordinance correcting any discrepancies before the Final Map may be approved by the Board of Supervisors. This requested amendment shall be initiated as provided by the Zoning Ordinance Amendment Procedure, except that the required filing fee shall be one-half the fee required by Section 7505.a.
- e. **Revocation of Provisional Reclassification.** Whenever property remains under provisional reclassification for more than two years, the Planning Commission shall investigate the circumstances therefor, and when deemed appropriate, initiate an amendment to the Zoning Ordinance to change the zone reclassification of the property to its former classification or to some other appropriate classification. Nothing herein shall be construed to prevent the Commission or Board of Supervisors from initiating at any time an amendment to the Zoning Ordinance to change the zone reclassification of provisionally reclassified property to its former classification or to some other appropriate classification; provided, however, that provisionally rezoned property for which a Tentative Map has been filed may be restored to its former classification or to any other classification only after the expiration of said Tentative Map.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
 (Amended by Ord. No. 5905 (N.S.) adopted 10-8-80)

SUPPLEMENTARY ADMINISTRATIVE PROCEDURES

7600 TITLE AND PURPOSE.

The provisions of Section 7600 through 7649, inclusive, shall be known as the Supplementary Administrative Procedures. The purpose of these provisions is to provide additional procedures for the administration of amendments of the Zoning Ordinance, Variances, Use Permits, Site Plans, Planned Development Permits, and Administrative Appeals.

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

7601 APPLICATION FORMS AND REQUIRED INFORMATION.

The Director shall prescribe the forms on which all applications shall be made pursuant to The Zoning Ordinance. The Director may prepare and provide blanks for such purpose and may prescribe the type of information to be submitted in the application by the applicant. No application shall be accepted unless it complies with such requirements.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

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

7602 FEES.

Fees shall be paid to the County of San Diego as provided by the Zoning Ordinance for the purpose of defraying the expense of postage, investigation, posting, advertising and other costs incidental to the proceedings prescribed herein. The following provisions shall apply to the establishment, waiver and refund of fees.

- a. Establishment. Fees for consideration of material submitted pursuant to the requirements of the Zoning Ordinance shall be recommended by the Director and approved by the Board of Supervisors.
- b. Fee Schedule. The fees established pursuant to paragraph "a" of this section shall be contained in a Fee Schedule.
- c. Waiver. The application fee for the granting of a Variance, Zone Reclassification, Administrative Permit, Site Plan, or a Use Permit may be waived in any of the following circumstances:
 1. Upon written request of an applicant, when the Director, Planning Commission, or the Board of Supervisors finds the necessity for a Variance is the result of the dedication or granting (without receipt of substantial monetary consideration) of a portion of the property for a public purpose, said Director, Commission, or Board may waive the fee for filing the application for Variance, or
 2. If, after considering a statement supplied by the applicant, it is the opinion of the Board of Supervisors that the request is due to a hardship resulting from some error or negligence on the part of the County or its employees.

3. If the requested waiver of fee is found to conform to the Board of Supervisors Policy regarding refunds and relief from fees when permits are issued in error. The following criteria shall apply:
 - a. An applicant is owed a refund (or a credit) for any fees or deposits paid, fee waiver or other relief when the applicant can demonstrate that:
 - i. The permit issued or approval granted was rescinded due to staff error: or,
 - ii. An additional County permit or approval is required for the project due to staff oversight; and
 - iii. No misinformation was supplied nor information withheld by the applicant that resulted in the permit rescission or initial oversight.
 - b. Any approval or permit issuance done in error shall not create a liability for the County to pay for or to grant other approvals.
- d. Waived. The application fee is waived for:
 1. Group Care uses with an occupancy of not more than 14 persons and Family Day Care Homes for Children.
 2. Animal Raising Projects pursuant to Section 3115.
 3. Modification of a Major Use Permit for an existing mobilehome park pursuant to Section 6549 a. provided the Director determines that the necessary discretionary action for said modification can occur concurrently with the related tentative subdivision map.
 4. Major Use Permit for an existing mobilehome park not established pursuant to the Mobilehome Park Regulations pursuant to Section 6549 b. provided the Director determines that the necessary discretionary action for said Major Use Permit can occur concurrently with the related tentative subdivision map.
 5. As funding is available, a Minor Use Permit for a farm labor camp, or Administrative Permit for farm employee housing, for which a complete application was filed between July 13, 1990, and January 13, 1991 pursuant to Ordinance No. 7768 (N.S.) or was filed between April 5, 1991 and October 5, 1991, pursuant to Ordinance No. 7875 (N.S.) or was filed between October 31, 1991 and July 15, 1992, pursuant to Ordinance No. 8086 (N.S.), or was filed between July 1, 2004 and June 30, 2009 pursuant to Ordinance No. 9643 (N.S), or was filed between July 1, 2009 and June 30, 2014 pursuant to Ordinance Number 10003 (N.S.).

7603 PUBLIC HEARINGS - SCHEDULING.

Public hearings required by The Zoning Ordinance shall be scheduled as follows:

- a. Hearings before the Zoning Administrator, or Planning Commission shall be scheduled by the Director for a date not less than 10 days but not more than 90 days from the date that an application is determined to be complete. However, if an Environmental Impact Report is required, such hearings shall be scheduled for a date not more than one year from the date that an application is determined to be complete. The Director may, with the consent of the applicant, extend this one year or 90 day period one time for a period of time not to exceed 90 additional days.
- b. Hearings before the Board of Supervisors shall be scheduled by the Clerk of the Board of Supervisors for a date not less than 10 days but not more than 120 days from the date specified below:
 1. Appeals. Where an application is brought before the Board on appeal, the above time period shall commence upon the filing of the appeal.
 2. Other Cases. Where the Board has sole jurisdiction to approve an application, the above time period shall commence upon the latter of either the date the application was determined to be complete, or the date a recommendation is made on the application by any San Diego County authority whose recommendation is required by law.

In the event that a required hearing cannot be held within said 120 days, the Director shall inform the Board as to the reasons for such delay.

A hearing may be delayed when the deposit account for a project is in deficit. The hearing will be scheduled once adequate funds are deposited by the applicant.

Any failure to hold a hearing within the time specified shall not affect the validity of any decision reached as the result of such hearing.

(Repealed and replaced by Ord. No. 8425 (N.S.) adopted 7-13-94)

(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

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7604 PUBLIC HEARINGS - CONDUCT.

Public hearings required by The Zoning Ordinance shall be conducted in accordance with the following provisions.

- a. Establishment of Rules. The Planning Commission, or Director respectively may establish rules for the conduct of public hearings. The person acting as chairperson of the Planning Commission is hereby empowered to administer oaths to any person testifying at a hearing before the Planning Commission and the Director is hereby empowered to administer oaths to any person testifying at a hearing before the Director.
- b. Designated Commissioner May Conduct Hearings. Public hearings before the Planning Commission shall be conducted before the Planning Commission or before any number of members thereof designated by the Commission so to serve. The member of the Commission presiding at a hearing is hereby empowered to administer oaths to any person testifying at such hearing.
- c. Commissioner Conducting Hearing Shall File Recommendations. The member of the Commission presiding at a public hearing held pursuant to paragraph "b" of this section shall, within 10 days after such hearing file a recommendation with the Commission and such recommendation shall be approved, modified or disapproved in which case the action of the Planning Commission shall be final as to action of the Commission.
- d. Hearings May Be Continued Without Public Notice. If for any reason, testimony on any matter set for public hearing cannot be completed on the day set for such hearing, the Planning Commissioner Hearing Officer, or Director may, before the adjournment or recess thereof, publicly announce the time to which and the place at which said hearing will be continued and no further notice shall be required.

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

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)