



# County of San Diego

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## PLANNING & DEVELOPMENT SERVICES

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November 26, 2012

Update No. 90  
11-12

**TO:** Persons Holding Copies of the San Diego County Zoning Ordinance  
**FROM:** Department of Planning and Development Services  
**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. 10220 (N.S.), effective 9-7-12 and Ordinance No. 10222 (N.S.), operative 11-26-2012. The first ordinance amends provisions related to Wind Turbine System, Large, adopted by the Board of Supervisors on August 8, 2012. The second ordinance amends numerous sections of the Zoning Ordinance to change the name of the Department of Planning and Land Use to the Department of Planning and Development Services, adopted by the Board of Supervisors on September 25, 2012.

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

<b>REMOVE</b>	<b>ADD</b>	<b>SECTION CHANGES/DESCRIPTION</b>
1110 (1 page)	1110 (1 page)	Department of Planning and Land Use changed to Department of Planning and Development Services
2574 (1 page)	2574 (1 page)	Department of Planning and Land Use changed to Department of Planning and Development Services
3115 (1 page)	3115 (1 page)	Director of Planning and Land Use changed to Director of Planning and Development Services
5254-5303 (3 pages)	5254-5303 (3 pages)	5254 Department of Planning and Land Use changed to Department of Planning and Development Services 5260 Department of Planning and Land Use changed to Department of Planning and Development Services 5303 Director of Planning and Land Use changed to Director

<b>REMOVE</b>	<b>ADD</b>	<b>SECTION CHANGES/DESCRIPTION</b>
5307 (2 pages)	5307 (2 pages)	Director of Planning and Land Use changed to Director of Planning and Development Services
5718 (1 page)	5718 (1 page)	Department of Planning and Land Use changed to Department of Planning and Development Services
6156.u (1 page)	6156.u (1 page)	Department of Planning and Land Use changed to Department of Planning and Development Services
6156.hh (1 page)	6156.hh (1 page)	Department of Planning and Land Use changed to Department of Planning and Development Services
6156 (1 page)	6156 (1 page)	Ordinance reference added
6158 (2 pages)	6158 (2 pages)	Director of Planning and Land Use changed to Director Ordinance reference added
6212 (1 page)	6212 (1 page)	Director of Planning changed to Director
6279 (1 page)	6279 (1 page)	Director of Planning changed to Director
6506-6514 (1 page)	6506-6514 (1 page)	Department of Planning and Land Use changed to Department of Planning and Development Services
6534 (2 pages)	6534 (2 pages)	Department of Planning and Land Use changed to Department of Planning and Development Services Ordinance reference added Director of Planning and Land Use changed to Director of Planning and Development Services
6549 (1 page)	6549 (1 page)	Director of Planning and Land Use changed to Director of Planning and Development Services
6904-6906 (2 pages)	6904-6906 (2 pages)	Director of Planning and Land Use changed to Director
6950-6951 (3 pages)	6950-6951 (3 pages)	Pagination changes Section 6951.a.6 added Section 6951.e amended Director of Planning and Land Use changed to Director
6983-6984 (1 page)	6983-6984 (1 page)	Director of Planning and Land Use changed to Director
6985-6986 (2 pages)	6985-6986 (2 pages)	Director of Planning and Land Use changed to Director
7168 (1 page)	7168 (1 page)	Department of Planning and Land Use changed to Department
7366 (2 pages)	7366 (2 pages)	Department of Planning and Land Use changed to Department of Planning and Development Services Department address amended Ordinance reference added

<b>REMOVE</b>	<b>ADD</b>	<b>SECTION CHANGES/DESCRIPTION</b>
7405-7505 (5 pages)	7405-7505 (5 pages)	7405 Director of Planning and Land Use changed to Director 7410 Director of Planning and Land Use changed to Director 7430 Department of Planning and Land Use changed to Department of Planning and Development Services 7435 Director of Planning and Land Use changed to Director 7440 Department of Planning and Land Use changed to Department 7503 Department of Planning and Land Use changed to Department of Planning and Development Services 7505 Director of Planning and Land Use changed to Director
7615-7703 (3 pages)	7615-7703 (3 pages)	7615 Department of Planning and Land Use changed to Department 7703 Department of Planning and Land Use changed to Department of Planning and Development Services Ordinance reference added
8130 (2 pages)	8130 (2 pages)	8130 Director of Planning and Land Use changed to Director Ordinance reference added
8230 (2 pages)	8230 (2 pages)	8230 Director of Planning and Land Use changed to Director Ordinance reference added
8330 (2 pages)	8330 (2 pages)	8330 Director of Planning and Land Use changed to Director Ordinance reference added
8430 (1 page)	8430 (1 page)	8430 Director of Planning and Land Use changed to Director Ordinance reference added
8530 (1 page)	8530 (1 page)	8530 Director of Planning and Land Use changed to Director Ordinance reference added

Upon insertion of these pages, we suggest you fill in the space provided for Update No. 90 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 Lingelser at (858) 495-5802.



JEFF MURPHY, Chief  
Advance Planning Division  
Department of Planning and Development Services



DEFINITIONS

## 1100 TITLE, PURPOSE AND APPLICABILITY.

The provisions of Section 1100 through Section 1199, inclusive, shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of The Zoning Ordinance. The meaning and construction of words and phrases as set forth shall apply throughout The Zoning Ordinance, except where the context of such words or phrases clearly indicates a different meaning or construction. Definitions contained in the Uniform Building Code shall be applicable except when in conflict with definitions contained in The Zoning Ordinance, in which case The Zoning Ordinance definition shall prevail.

## 1105 GENERAL RULES FOR CONSTRUCTION OF LANGUAGE.

The following general rules of construction shall apply to the textual provisions of The Zoning Ordinance.

- a. Headings. Section and subsection headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of The Zoning Ordinance.
- b. Illustration. In case of any difference of meaning or implication between the text of any provision and any illustration, the text shall control.
- c. Shall and May. "Shall" is always mandatory and not discretionary. "May" is discretionary.
- d. Tenses and Numbers. Words used in the present tense include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- e. Conjunctions. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
  1. "And" indicates that all connected items or provisions apply.
  2. "Or" indicates that the connected items or provisions may apply single or in any combination.
  3. "Either...or" indicates that the connected items or provisions shall apply single but not in combination.
- f. All public officials, bodies, and agencies to which reference is made are those of the County of San Diego unless otherwise indicated.

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

1110

1110 GENERAL TERMS.

- a. "Permitted" means permitted without the requirement for a use permit but subject to all other applicable regulations.
- b. "Department" means the Department of Planning and Development Services.
- c. "Board" or "Board of Supervisors" shall have the same meaning.
- d. "Commission" or "Planning Commission" shall have the same meaning.
- e. "City" means any city in the County of San Diego.
- f. "County" shall mean the County of San Diego.
- g. "Federal" shall mean the Government of the United States of America.
- h. "State" shall mean the State of California.
- i. "Used" includes "arranged for," "designed for," "occupied," or "intended to be occupied for."
- j. "General Plan" means the San Diego County General Plan.
- k. "Director" means the Director of Planning and Development Services.
- l. "Section" means a section of the Zoning Ordinance unless otherwise indicated. Sections of this Ordinance are identified by a four digit number (excluding any suffix or decimals) except that each term defined in the Definitions constitutes a separate section.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
(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. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

DEFINITIONS (A)

Abutting: Having a common boundary except that parcels having no common boundary other than a common corner shall not be considered abutting.

Accessory Apartment (Elderly/Handicapped/Family Member): A dwelling unit no greater than 640 square feet in floor area, located within or attached to a single detached dwelling, for occupancy by a maximum of two persons, one of whom shall be either 1) 60 years of age or older, 2) handicapped (as defined in the State Health and Safety Code) or 3) a member of the immediate family of the owner (related by blood, marriage or adoption) of the principal dwelling on the site. (Accessory Apartment provisions were repealed by Ord. No. 9982 (N.S.) adopted 04-22-09).

(Added by Ord. No. 6586 (N.S.) adopted 5-18-83)  
(Amended by Ord. No. 9982 (N.S.) adopted 4-22-09)

Participant Sports and Recreation  
 b) Outdoor  
 Scrap Operations  
 Spectator Sports and Entertainment  
 a) Limited  
 b) General  
 Swap Meets  
 Transient Habitation  
 b) Lodging

c. Extractive Use Types.

Site Preparation

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

**2569 SPECIFIC PLAN REQUIRED.**

The M56 Use Regulations may be made applicable to any property for which a Specific Plan has been adopted. Alternatively, the provisions of the M56 Use Regulations may be adopted as a part of any Specific Plan. The Specific Plan required by these regulations shall address the availability of public facilities, including but not limited to sewer, water, fire protection and roads.

Performance standards shall be included within the Specific Plan to assure that there are adequate public facilities to serve the proposed development. If the necessary facilities are not available, or are fully utilized according to the adopted performance standards, no further building permits shall be issued for any new or expanded commercial or industrial uses. In addition, the Specific Plan shall establish a maximum limit to the total area to be devoted to the support commercial uses. Said commercial uses shall not exceed, and may be less than the five percent that is otherwise allowed by the zone.

**2570 ADMINISTRATIVE DESIGN REVIEW REQUIRED.**

No permit of any type shall be issued for the construction or alteration of any building or structure, nor shall any person construct or alter a building or structure, nor shall any new use be established in areas subject to the M56 Use Regulations until an Administrative Design Review has been approved as conforming to the criteria of a Design Manual which has been adopted by the Board of Supervisors. Alterations to the interior of a structure which are not visible from the exterior of the structure are exempt from the requirement for review. An applicant may chose to submit a site plan rather than an administrative design review application if the project does not comply with the specific requirements of the Design Manual, but the applicant is of the opinion that the project does comply with the intent of the Design Manual. A separate manual shall be adopted for each separate area when the M56 Use Regulations are applied and shall

2570

reflect the concerns of that area. An existing Community Design Manual may be adopted to serve as the Design Manual. The Design Manual shall require the preservation of environmental resources that are identified as being significant, including wildlife habitat and open space.

**2571 WAIVER OF ADMINISTRATIVE DESIGN REVIEW.**

The administrative design review required by Section 2570 may be waived by the Director if it is determined that the nature of the proposed project is such that subjecting it to the review process would not materially contribute to the attainment of the objectives and guidelines set forth in the applicable Design Manual.

- a. In making a decision on waiver of an administrative design review due consideration shall be given to the recommendation of the Community Planning/Subregional Planning Group, Community Design Review Board or Property Owners Review Committee, whichever has been designated as the review body as required by Section 2572.
- b. The Director, upon receipt of a request for waiver of the administrative design review requirement, shall provide a copy of said request to the review body for their recommendation.

**2572 DESIGNATION BY BOARD OF SUPERVISORS OF REVIEW BODY.**

The Board of Supervisors shall designate a review body to review all applications for administrative design review. Such designation shall take place at such time as the M56 Use Regulations are applied to any specific properties. Where there is a Community Planning Group, Subregional Planning Group or Community Design Review Board, such group shall be designated as the review body unless that body agrees to the appointment of a Property Owners Review Committee and the Board of Supervisors so designates. Where there is no planning group or design review board, a Property Owners Review Committee shall be appointed. The number of members of such Property Owners Review Committee, their length of service and identities shall be at the discretion of the Board of Supervisors. The members shall be owners of property wholly or partly within the area affected by the M56 Use Regulations or shall be designated representatives of a property owner.

**2574 REVIEW OF APPLICATION BY THE DESIGNATED REVIEW BODY.**

The Department of Planning and Development Services, upon receipt of an application for administrative design review, shall provide a copy of said application to the designated review body for their comments. The review body shall have 30 days to review the application and respond with their recommendations.

(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

**3114 KENNELS.**

In addition to the regulations contained in the Animal Enclosure Setback Table, Section 3112, all kennels shall be subject to the following regulations:

**1. Restrictions On Use:**

- a. The premises shall be kept in a clean and sanitary manner by the daily removal of waste and by the use of spray and disinfectants to prevent the accumulation of flies, the spread of disease or offensive odor.
- b. Kennels shall conform to all the regulations contained in the County Code related to kennels, including but not limited to Noise Abatement and Control, Animal Control and Permit Fees and Procedures.
- c. Animal odors shall not be detectable beyond the lot lines of the property wherein the kennel is located.
- d. Dust and drainage from the kennel enclosure shall not create a nuisance or a hazard to adjoining property or uses.
- e. The kennel enclosure shall be screened by a nontransparent fence of a minimum six feet in height.
- f. Grooming services for the animals being boarded may be allowed as an incidental use provided the grooming services are conducted indoors and the grooming area is limited to 500 square feet in area.

**2. Additional Setback Requirements:**

- a. Notwithstanding the provisions of Section 3112 of this Ordinance, no kennel located on property with Animal Schedule Designators (see Section 3100) "L", "M", "N", "V", "W" shall be erected and maintained:
  1. Within 50 feet of any interior side lot line.
  2. Within 25 feet of any rear lot line; provided, however, where the rear lot line is parallel with and contiguous to an alley, such structures may be erected, placed or maintained up to such rear lot line.
- b. A kennel located on property with the Animal Schedule Designators (see Section 3100) "O", "R", and "T" shall comply with the provisions of Section 3112; provided, however, that where a kennel in said designator abuts a residential use regulation, setbacks shall be maintained in accordance with subsection 2a.1 and 2a.2 above.

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

(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

3115

3115 ANIMAL RAISING PROJECTS.

In addition to the regulations imposed by Section 3112, animal raising projects shall be subject to the following regulations:

- a. Limits. Such project is limited to the keeping, raising and breeding of domesticated animals for 4-H, FFA or other similar youth organization projects. Animal raising projects are a permitted use (by-right) provided the total number and the type(s) of animals on the premises are allowed by the applicable zone animal designator.
- b. Minor Use Permit. If the total number of animals on the premises would exceed the number allowed by the zone animal designator a Minor Use Permit shall be obtained to permit the animal raising project as provided in the Animal Schedule in Section 3100 (or a waiver may be obtained pursuant to subsection e. below). The use permit application fee is waived pursuant to Section 7602 d.2.
- c. Under Auspices of Youth Organizations. The keeping of said animals shall be in connection with animal raising projects under auspices of 4-H, FFA or other similar youth organizations.
- d. Other Conditions. A Minor Use Permit for an animal raising project may impose other conditions pertaining to the type, number, and locations of animals as are reasonable and necessary for the protection of the public health and welfare and for the protection of the health and welfare of the animals. A use permit time limit may also be imposed.
- e. Waiver of Minor Use Permit. The Director of Planning and Development Services may waive the requirement for a Minor Use Permit for animal raising projects upon submittal of written consent to the granting of the waiver. Such consent shall be signed by all owners of each developed lot or parcel that is wholly or in part within a 300 foot radius of the perimeter of the property where the animal raising project is to be conducted. Such consent and any other material required, including plot plan and the number and types of animals, shall be on the forms or in the format required by the Department of Planning and Development Services. The waiver may be granted for a period not to exceed five years and may be revoked by the Director if the animal raising project does not comply with the requirements specified in the granting of the waiver or is in violation of any applicable County ordinances. At the end of five years an additional waiver may be applied for.

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

(Amended by Ord. No. 7466 (N.S.) adopted 4-27-88)

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

(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

## AIRPORT LAND USE COMPATIBILITY PLAN AREA REGULATIONS

(Added by Ord. No. 10162 (N.S.) adopted 8-3-11)

### 5250 TITLE AND PURPOSE.

The provisions of Section 5250 through Section 5270, inclusive, shall be known as the Airport Land Use Compatibility Plan Area Regulations. The purpose of these provisions is to regulate land uses within portions of the unincorporated territory of the County of San Diego located in Airport Influence Areas (AIAs) surrounding airports for which the San Diego County Regional Airport Authority (Authority) has adopted Airport Land Use Compatibility Plans (ALUCP or ALUCPs).

(Added by Ord. No. 10162 (N.S.) adopted 8-3-11)  
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

### 5252 APPLICATION OF AIRPORT LAND USE COMPATIBILITY PLAN DESIGNATOR.

The Airport Land Use Compatibility Plan Area Regulations shall be applied to properties located in unincorporated County territory with AIAs set forth in the ALUCPs adopted for the following airports: Agua Caliente Airport, Borrego Valley Airport, Brown Field, Fallbrook Community Airpark, Gillespie Field, Jacumba Airport, Montgomery Field, Oceanside Municipal Airport, Ocotillo Airport, McClellan-Palomar Airport, MCAS-Miramar, MCAS-Pendleton, Ramona Airport and San Diego International Airport.

(Added by Ord. No. 10162 (N.S.) adopted 8-3-11)

### 5254 USE OF AIRPORT LAND USE COMPATIBILITY PLANS

ALUCPs provide compatibility policies and criteria applicable to properties located within AIAs. New development, redevelopment, expansions, conversions and other uses of land located within the AIA of an adopted ALUCP for which County approval or permit are required shall be reviewed against the established criteria and policies of the ALUCP. Unless the property is already devoted to the proposed incompatible use or the ALUCP is overridden by the County in a manner which renders the use compatible with the ALUCP, the proposal, must comply with the established policies and criteria of the applicable ALUCP. ALUCPs are available at the Department of Planning and Development Services and from the Authority.

(Added by Ord. No. 10162 (N.S.) adopted 8-3-11)  
(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

### 5256 PROJECTS SUBJECT TO AUTHORITY REVIEW

Land use actions within the scope of California Public Utilities Code (PUC) Sections 21661.5, 21664.4, 21676(c), 21675.1 and 21676.5 or any successor or supplementing statutes thereto must be submitted to the Authority. The PUC currently requires Authority review for the following actions:

- (i) adoption or amendments to general and specific plans;
- (ii) adoption or amendment of zoning, building, and other land use ordinances and regulations within the AIA;
- (iii) adoption and amendment of Airport Master Plans;
- (iv) construction plans for new airports;

5256

- (v) any airport expansion plans (including the construction of a new runway, the extension or realignment of an existing runway, and the acquisition of Runway Protection Zones);
- (vi) all actions, regulations and permits when the Authority has not adopted an ALUCP for an airport; and
- (vii) all actions, regulations and permits when a local agency has not modified a general or specific plan to bring it into conformance with an adopted ALUCP or overruled the Authority in the manner required by PUC Section 21676.5.

The County may, in its discretion, require submittal of projects to the Authority for review when review is not required by the PUC.

(Added by Ord. No. 10162 (N.S.) adopted 8-3-11)

#### 5257 AIRPORT OVERFLIGHT NOTIFICATION REQUIREMENTS

All owners of properties within an Airport Overflight Notification Area, as shown on an adopted ALUCP, shall record an Overflight Agreement prior to issuance of a building permit for any new residential development, including new single-family dwellings, duplexes, multi-family dwellings and second dwelling units. Note: not all properties within an Airport Influence Area (AIA) are within an Airport Overflight Notification Area.

(Added by Ord. No. 10204 (N.S.) adopted 3-28-12)

#### 5258 OVERRIDING AIRPORT COMPATIBILITY PLANS

The County consistent with the PUC may overrule land use policies and criteria in the adopted ALUCPs that would otherwise be applicable to unincorporated territory over which the County retains land use authority by taking the following steps:

- (i) holding a public hearing;
- (ii) making specific findings that the proposed action is consistent with the requirements of the State Aeronautics Act, PUC Section 21670, et seq; and
- (iii) approval of the proposed action by a two-thirds vote of the County Board of Supervisors. (See, for example, PCC Section 21676 and 21676.5.)

(Added by Ord. No. 10162 (N.S.) adopted 8-3-11)

#### 5260 DEVELOPMENT OF LAND DEVOTED TO INCOMPATIBLE USE

Land devoted to an incompatible use prior to approval of an ALUCP may be used in accordance with this pre-existing use even if inconsistent with the ALUCP. To ascertain whether or not an incompatible use was established prior to the adoption of an ALUCP requires a careful review of the status of development entitlements, the scope and nature of development or redevelopment, and Authority policies which may be applicable to infill, reconstruction and other activities that may be deemed an existing incompatible use. Incompatible use determinations are fact sensitive and will be made on a case by case basis by the Director, Department of Planning and Development Services, with input from the Authority when required.

(Added by Ord. No. 10162 (N.S.) adopted 8-3-11)

(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

## 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 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 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)

(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

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 as shown on both Department of Public Works 100 year Floodplain Maps and FEMA Flood Insurance Rate 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)  
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

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)

- iii. In high velocity streams where it is necessary to protect existing houses or other structures, minimize stream scour, or avoid increase in the transport of stream sediment to downstream wetlands and other environmentally sensitive habitat areas, grade control structures and other erosion control techniques, including the use of rip-rap, that are designed to be compatible with the environmental setting of the river may be permitted.
- c. Floodplain Fringe. All uses permitted by zoning and those that are allowable in the floodway are allowed in the floodplain fringe. Prior to granting a site plan required by this section for development, including permanent structures, grading, fill, deposit of soil or other material, or removal of natural vegetation within a 100-year floodplain fringe, all of the following criteria shall be met:
- 1. Fill shall be limited to that necessary to elevate the structure above the elevation of the floodway and to permit minimal functional use of the structure (e.g., fill for access ramps and drainage). If fill is placed in the floodplain fringe, the new bank of the creek shall be landscaped to blend with the natural vegetation of the stream and enhance the natural edge of the stream.
  - 2. Any development below the elevation of the 100-year flood shall be capable of withstanding periodic flooding.
  - 3. The design of the development incorporates the findings and recommendations of a site-specific hydrologic study to assure that the development (a) will not cause significant adverse water quality impacts related to quality or quantity of flow or increase in peak flow to downstream wetlands, lagoons and other sensitive habitat lands; and (b) neither significantly increases nor contributes to downstream bank erosion and sedimentation of wetlands, lagoons, or other sensitive habitat lands.
  - 4. The proposed development shall be set back from the floodway boundary a distance equal to 15 percent of the floodway width (but not to exceed 100 feet) in order to leave an appropriate buffer area adjacent to the floodway. The setback may be greater if required by Paragraph 5.

Following review of a site-specific flood analysis, the floodplain setback required by this paragraph may be reduced by the Director of Planning and Development Services or the applicable hearing body, upon making all of the following findings:

- i. Practical difficulties, unnecessary hardship, or results inconsistent with the general purposes of this Ordinance would result from application of the setback; and

- ii. The reduction in setback will not increase flood-flows, siltation and/or erosion, or reduce long term protection of the floodway, to a greater extent than if the required setback were maintained; and
  - iii. The reduction in setback will not have the effect of granting a special privilege not shared by other property in the same vicinity; and
  - iv. The reduction in setback will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvement in the vicinity in which the property is located; and
  - v. The reduction in setback will not be incompatible with the San Diego County General Plan.
5. In areas where the Director of Public Works has determined that the potential for erosion or sedimentation in the floodplain is significant, all proposed development shall be set back from the floodway so that it is outside the Erosion/Sedimentation Hazard Area shown on County Floodplain Maps. Development will be allowed in the Erosion/Sedimentation Hazard Area only when the Director of Public Works approves a special study demonstrating that adequate protection can be achieved in a manner that is compatible with the natural characteristics of the river.
6. Where appropriate, flowage and/or open space easements shall be used to ensure future development will not occur in the floodplain.
7. If the subject floodplain fringe land also constitutes wetlands, wetland buffer areas, sensitive habitat lands or significant prehistoric or historic site lands, the use restrictions herein applicable to such areas shall also apply.
- d. Steep Slope Lands. No development, grading, excavation, or deposit of soil or other material, on Steep Slope Lands shall be permitted except as follows:
- 1. Project Design and Open Space to Protect Steep Slopes. In designing lot configuration on steep slope lands in all land use designations, parcels shall be created in a manner which minimizes encroachment onto steep slopes. Where 10 percent or more of a lot contains steep slope lands, that portion of the lot containing such lands shall be placed in an open space easement, unless the lot is equal to or greater than 40 acres.
- The open space easement shall not include any area of encroachment within the limits of the encroachment table at subparagraph (i) below. The terms of the open space easement shall provide for sufficient encroachments necessary for access, clearing, and all exceptions to the encroachment limitations identified at subparagraph (ii) below. New agricultural operations with approved grading or clearing permits will also be allowed in such open space easements, provided any other type of sensitive lands present are protected as required by the applicable sections of this Ordinance.

- i. For all types of projects the maximum encroachment that may be permitted into steep slope areas shall be as set forth in the following table. This encroachment may be further reduced due to environmental concerns or other design criteria.

**Twenty-five Percent  
Slope Encroachment Allowance**

Percent of Lot in Slopes of Twenty-five Percent Grade and Greater	Maximum Encroachment Allowance As Percentage of Area in Slopes of Twenty-five Percent or Greater
75% or less	10%
80%	12%
85%	14%
90%	16%
95%	18%
100%	20%

- ii. Notwithstanding the provisions of paragraph (i) above, the following types of development shall be allowed on steep slopes and shall not be subject to the encroachment limitations set forth above:
- a) All public roads identified in the Mobility Element of the County General Plan or adopted Community or Subregional Plans, provided that findings are made by the hearing body approving the application that no less environmentally damaging alternative alignment or non-structural alternative measure exists.
  - b) Local public streets or private roads and driveways which are necessary for access to the portion of the site to be developed on slopes of less than twenty-five percent, provided no less environmentally damaging alternative exists. The determination of whether or not a proposed road or driveway qualifies for an exemption, in whole or in part, shall be made by the Director of Planning and Development Services based upon an analysis of the project site.
  - c) Public utility systems, provided that findings are made that the least environmentally damaging alignment has been selected.
  - d) Areas with native vegetation, which are cleared or trimmed to protect existing or proposed structures in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with applicable fire codes or orders of fire safety officials and that such slopes retain their native root stock or are replanted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.

- e) Trails for passive recreational use according to approved park plans.
  - f) A minimum disturbed area of (i) twenty percent of the entire lot, or (ii) sufficient area to accommodate 3,000 square feet of building footprint (whichever is greater) shall be permitted to provide for reasonable use of existing lots.
  - g) Any ongoing existing agricultural operation, such as the cultivation, growing and harvesting of crops and animals. Land left fallow for up to three years shall be considered to be existing agricultural operations.
2. Waiver of Open Space Easement. The steep slope open space easement requirement may be waived when the authority considering the site plan application makes the following findings:
- i. The slope is an insignificant visual feature and isolated from other land forms, or surrounding properties have been developed on steep slopes such that this project would be considered "infill;" and
  - ii. The property is zoned for .5 acre lots or smaller at the time the application was made, or a concurrent rezone has been filed; and
  - iii. The greater encroachment is consistent with the goals and objectives of the applicable community plan.
  - iv. Site Plan review is required, to ensure consistency of design with these regulations.
- e. Sensitive Habitat Lands. Development, grading, grubbing, clearing or any other activity or use damaging to sensitive habitat lands shall be prohibited. The Board of Supervisors may allow development when all feasible measures necessary to protect and preserve the sensitive habitat lands are required as a condition of permit approval and where mitigation provides an equal or greater benefit to the affected species.
  - f. Significant Prehistoric and Historic Sites. Development, trenching, grading, clearing and grubbing, or any other activity or use damaging to significant prehistoric or historic site lands shall be prohibited except for scientific investigations with an approved research design prepared by an archaeologist certified by the Society of Professional Archaeologists.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)  
 (Amended by Ord. No. 7967 (N.S.) adopted 9-11-91)  
 (Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)  
 (Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)  
 (Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

2. Site Plans shall require that uses allowed within any open space easement(s) or other delineated area over an archaeological landmark or district shall be consistent with terms of the open space easement and/or preservation plan approved by the Director. Uses may include, but not be limited to:
- i. Scientific investigations with a research design and monitoring program prepared by an archaeologist certified by The Society of Professional Archaeologists (SOPA) and approved by the Director of the Department of Planning and Development Services.
  - ii. Native American traditional pilgrimages or observations, traditional vegetation harvest and processing, ritual preparation, astronomical solstice observation, by native people approved by elders of the appropriate local Native American community.
  - iii. Public educational programs, docent tours and community exhibits by non-profit groups, civic organizations, or educational institutions. Exhibits of excavated features, rock-shelters or cave sites, rock art, milling features, and other elements of scientific or Native American traditional value may be developed with adequate security, conservation procedures, and an educational program.
  - iv. Capping of buried archaeological sites with six inches of gravel and twenty-four inches of sterile topsoil, or equivalent, to protect resources from landscaping associated with passive recreational uses or native habitat restoration, in accordance with a plan approved by a SOPA certified archaeologist and, if necessary, a registered geologist or soils engineer, which has been approved by the Department of Planning and Development Services.

Earth disturbance, grading, well drilling, underground utilities, or construction, shall not be allowed within the buffered archaeological open space easement area unless authorized by terms of the open space easement and/or preservation plan approved by the Director.

(Renumbered and amended by Ord. No. 5330 (N.S.) adopted 12-13-78. Formerly 5720)  
 (Amended by Ord. No. 7101 (N.S.) adopted 3-12-86)  
 (Amended by Ord. No. 7703 (N.S.) adopted 12-20-89)  
 (Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)  
 (Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

5721

5721  
DISTRICTS.

DEMOLITION OR RELOCATION OF DESIGNATED LANDMARKS OR

- a. No person or organization shall demolish, destroy, or move all or any part of a designated historic landmark or district, nor shall any person or organization demolish, destroy or remove artifacts from all or any part of an archaeological landmark or district, nor shall any permit be issued which would allow such actions unless pursuant to a Major Use Permit. In lieu of a major use permit, a Site Plan may be approved pursuant to Section 5724 for such actions where the Director finds that the building, structure or site involved was not a contributing factor in the designation of the landmark or district, as supported in the documentation submitted to the Board of Supervisors when the site was designated.
- b. A Major Use Permit for the above actions on all or any part of a designated landmark or district shall not be approved unless the Approving Authority finds that one or more of the following conditions exist:
  1. The structure or site is a hazard to public health or safety, and repairs or stabilization are not physically possible.
  2. The site is required for a public use which will be of more benefit to the public than the landmark or district and there is no alternative location for the public use.
  3. Retention of such landmark or district, or portion thereof or structure thereon, would cause undue financial hardship to the owner; which is defined as a situation in which there is no use for which the premises can reasonably be utilized which would provide an overall economic benefit or income sufficient to maintain the site or structure. The possibility that another use could bring greater financial return to the owner is not sufficient ground to make this finding. An application for demolition or moving of all or any part of a designated landmark or district on grounds of financial hardship shall include information adequate to justify such hardship.
  4. With respect to a Major Use Permit for the relocation of all or any part of a designated historic landmark or district, the relocation will not destroy the historic, cultural or architectural values of the landmark or district and the relocation is part of a definitive series of actions which will assure the preservation of the landmark or district.

9. No commodities other than those listed above may be sold from a produce stand except as allowed by Food and Agricultural Code section 47050.
  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, 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 Development Services 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 Development Services 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. Notice Required. Notice shall be provided pursuant to Section 7060 c.
  4. Findings Required. The Director may grant the Administrative Permit if the above criteria are complied with, and a finding is made that establishment of the host home will not adversely affect or be materially detrimental to existing neighborhood character, with consideration given to the generation of traffic and the suitability of the site for the type and intensity of the proposed use.
- cc. Family Day Care Home For Children, Small (8 or fewer children) is a permitted residential use when located in a single-family residence.
- dd. Poultry Manure Management. Poultry manure management practices involving drying and disposal of manure produced on site or brought to a poultry ranch from another poultry ranch owned or operated by the same person(s), provided the receiving site is zoned with an animal regulations designator which allows a unlimited number of poultry.
- ee. Water Vending By Machine. In the Agricultural and Special Purpose zones, except those areas subject to the S80 Open Space and S81 Ecological Resource Area use regulations, the sale of water from coin or otherwise automatic vending machines shall be allowed, provided the volume does not exceed 5,000 gallons per any consecutive seven day period.
- ff. Recycling Collection Facility, Drop-off: Provided the total capacity of collection receptacle(s) shall not exceed 192 cubic feet per legal parcel.
- gg. Garage Sale. The sale of household articles or personal possessions incidentally accumulated during normal or conforming residential use of the property on which the sale is held is permitted, subject to the following restrictions:
1. Such sales shall not exceed three (3) consecutive days in duration;
  2. No more than four (4) such sales shall be held during any calendar year;
  3. No sale of vehicles (other than bicycles), industrial or commercial equipment, or items purchased for resale shall be permitted;
  4. The sale of personal items belonging to persons not residing on the property where the sale takes place, e.g., neighbors, is permitted.
- hh. Agricultural Homestay. An Agricultural Homestay is a permitted accessory use upon issuance of a Minor Use Permit provided the following criteria are met:
1. Located in a zone subject to the A70, A72 or S92 Use Regulations.

2. A maximum of three bedrooms in a farmer or rancher occupied residence shall be made available for rent. If a detached cabin is used in lieu of the ranch or farmhouse, it shall not exceed 500 square feet. Mobile homes and trailers are not permitted to be used for guest bedrooms.
3. The facility shall be on a working farm or ranch. Proof of a continuous agricultural enterprise on the property shall be provided to the satisfaction of the Department of Agricultural Weights and Measures and the Department of Planning and Development Services.
4. The working farm or ranch shall be located on a parcel or adjoining parcels totaling at least 10 acres in size and under the same ownership. The Agricultural Homestay activity shall cease if a subdivision or conveyance of land results in a reduction of the site to less than 10 acres or if agricultural activity ceases.
5. No Agricultural Homestay shall be located on a site containing a Bed and Breakfast or Host Home operation.
6. The farmer or rancher shall reside on the site of the agricultural operation or on an adjoining parcel under the same ownership.
7. One off-street parking space for each room rented shall be provided in addition to adequate off-street parking for the permanent residents and full-time employees.
8. Services shall be limited to the rental of rooms, activities traditionally associated with farms and ranches and the optional provision of meals for overnight guests. No food preparation or cooking for guests shall be conducted within any bedroom or cabin made available for rent.
9. Signs shall be limited to one on-premise sign not to exceed two square feet.
10. An adequate water well and sewage disposal system shall be available, satisfactory to the County Department of Environmental Health, for use by the proposed Agricultural Homestay or letters from the appropriate water and sewer agencies indicating there is sufficient water supply and sewage treatment capacity for the proposed use shall be submitted by the applicant.
11. The owner of the facility shall keep records of the number of guests and lengths of stay and shall retain said records for five (5) years.
12. All Minor Use Permits shall be subject to review by the Department at five (5) year intervals.

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)  
 (Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)  
 (Amended by Ord. No. 6857 (N.S.) adopted 10-10-84. Opr. 1-1-85)  
 (Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
 (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. 7110 (N.S.) adopted 4-02-86)  
 (Amended by Ord. No. 7117 (N.S.) adopted 4-23-86)  
 (Amended by Ord. No. 7160 (N.S.) adopted 6-18-86)  
 (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. 7363 (N.S.) adopted 8-19-87)  
 (Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)  
 (Amended by Ord. No. 7515 (N.S.) adopted 7-13-88)  
 (Amended by Ord. No. 7576 (N.S.) adopted 1-11-89)  
 (Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)  
 (Amended by Ord. No. 7743 (N.S.) adopted 3-28-90)  
 (Amended by Ord. No. 7768 (N.S.) adopted 6-13-90)  
 (Amended by Ord. No. 7790 (N.S.) adopted 08-01-90. This ordinance will expire on August 31,  
 1993, unless extended in connection with GPA 93-02)  
 (Amended by Ord. No. 7817 (N.S.) adopted 9-26-90)  
 (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)  
 (Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)  
 (Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)  
 (Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

**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.

- (4) Parking. No onstreet parking shall be utilized, and attendance shall be limited to a number which is accommodated by offstreet parking provided by the private school.
- (5) Traffic. The meeting or event shall not increase congestion of nearby streets to the extent that normal traffic circulation is significantly impeded.
- (6) Noise. The meeting or event shall not cause noise in excess of the applicable noise standards contained in the County Code of Regulatory Ordinances.

e. Recycling of salvaged concrete, asphalt and rock.

It has been recognized by the County of San Diego and the State of California that recycling of materials such as used concrete, asphalt and rock is essential to effective solid waste management and protection of public and private open space from illegal disposal of solid waste. Because of the high priority the public assigns to recycling of these materials, the following special procedure has been created to assist in the expansion of this activity in conjunction with related mining and processing land uses.

Persons having an approved Major Use Permit for a mining and processing land use, or having an established mining and processing land use that is legally nonconforming and located in a zone where it could be permitted by Major Use Permit, as of March 26, 1992, may apply for the Administrative Permit described below, provided the application and required fees have been submitted to the Department not later than March 27, 1997.

In conjunction with mining and processing use types, where rock crushing, asphalt production and/or concrete batching are occurring, recycling and processing of salvaged concrete, asphalt and rock shall be a permitted accessory use upon issuance of an Administrative Permit, pursuant to the following:

- 1. A plot plan showing existing and proposed operations onsite shall be approved by the Director.
- 2. All proposed operations shall conform to the restrictions and conditions of the use permit regulating the project site, if one is present, except as otherwise specified herein.
- 3. No increase in the size of the mining and processing site shall be authorized by this permit.
- 4. Environmental review of the proposed accessory use shall be required, except that said review may be waived by the Director if it is determined that no additional traffic, noise, stockpiling of materials, or mechanical processing, at the site, is requested.

5. Upon determination pursuant to environmental review of no significant environmental impact, or that such impact(s) will be mitigated to below a level of significance, the following increases or changes in operational limitations may be authorized in connection with the recycling operation:
- a) Additional average daily one-way truck trips up to 10 percent of the number authorized under the Major Use Permit, or when unspecified in the use permit or when there is no use permit, up to 10 percent of the average daily one-way truck trips of the existing operation;
  - b) Additional onsite stockpiling of material of up to 25 percent of that authorized under the Major Use Permit, or when unspecified in the use permit or when there is no use permit, up to 25 percent of the amount typical to the existing operation; and
  - c) Replacement or additional equipment, only as may be necessary to adapt the existing operation to the recycling function.

Any changes or increases in the existing authorized operations beyond those specified above shall require modification of the existing Major Use Permit or approval of a new Major Use Permit.

- f. A Drop-off Recycling Facility shall be permitted as an accessory use in all zones where Civic, Commercial, Industrial or Extractive Use Types are permitted.
- g. A Small Recycling Collection Facility shall be permitted as an accessory use in all zones where Civic Use Types are permitted.
- h. Columbarium with Religious Assembly.
  - 1. A Columbarium may be a permitted accessory use to a Religious Assembly Use Type upon approval of a Major Use Permit for the Religious Assembly Use Type and the Columbarium in use regulations where a Major Use Permit is required for the Religious Assembly Use Type.
  - 2. A Columbarium may be a permitted accessory use to a Religious Assembly Use Type upon approval of a Modification of the Major Use Permit that authorized the Religious Assembly Use Type.
  - 3. A Columbarium may be a permitted accessory use to a Religious Assembly Use Type upon issuance of a Minor Use Permit in use regulations where a Religious Assembly Use Type is permitted by right, or by Site Plan approval.
- i. Storage of Emergency Supplies for Disaster Preparedness. The storage of emergency supplies for disaster preparedness shall comply with the following provisions:
  - 1. Storage shall be allowed on properties that are owned by the County of San Diego or other public agency.
  - 2. Storage area shall be secure and shall be in compliance with all applicable regulations of this Zoning Ordinance, including but not limited to Site Plan requirements (if applicable), setbacks and enclosure requirements.

3. Storage may be allowed within a cargo container which complies with the requirements of Section 6162.

(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. 6857 (N.S.) adopted 10-10-84. Opr. 1-1-85)  
 (Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
 (Amended by Ord. No. 7117 (N.S.) adopted 4-23-86)  
 (Amended by Ord. No. 7692 (N.S.) adopted 11-29-89)  
 (Amended by Ord. No. 8034 (N.S.) adopted 2-26-92)  
 (Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)  
 (Amended by Ord. No. 8185 (N.S.) adopted 12-16-92)  
 (Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)  
 (Amended by Ord. No. 9013 (N.S.) adopted 3-17-99)  
 (Amended by Ord. No. 9151 (N.S.) adopted 5-10-00)  
 (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. 10204 (N.S.) adopted 3-28-12)  
 (Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

#### 6160 MANUFACTURING AND INDUSTRIAL ZONES.

Single-family dwellings or a single mobilehome shall be permitted as follows in zones subject to the M50, M52, M54, M58, and S82 Use Regulations:

- a. Caretaker or Superintendent. On a lot or building site with a permitted industrial use, and occupied exclusively by a caretaker or superintendent of such industrial use and his family; or
- b. Farm Owner or Operator. On a lot or building site having a net area of at least 5 acres which is being farmed, and occupied exclusively by the owner or operator thereof; or
- c. Kennel Owner or Operator. On a lot or building site with a kennel, and occupied exclusively by the owner or operator thereof and his family.

#### 6162 CARGO CONTAINERS.

- a. No cargo container shall be allowed in any area designated as a Historic/Archaeological Landmark or District or an area designated as a Special Historic District, except as provided in Section d and e below.
- b. A cargo container may be allowed in areas zoned for residential and agricultural uses if it meets the following restrictions:
  1. It is located on property so as to comply with all building setbacks.
  2. It is only used for storage.
  3. There is a legal primary use on the property where it is located.
  4. There are no violations of the Zoning Ordinance or the San Diego County Code of Regulatory Ordinances on the property where it is located.

5. The exterior is painted a solid color pursuant to a list of colors approved by the Director and the color selected matches as closely as possible with the surrounding natural environment.
6. The square footage of the cargo container when added to the square footage of accessory structures on the property does not exceed the maximum allowable square footage for accessory structures under section 6156 g.
7. On sites where the primary use of the property is residential the following additional restrictions shall apply:
  - (i) A cargo container shall only be allowed if it is not visible from any roadway that runs along the parcel.
  - (ii) On sites of less than 2 acres of net lot area: (A) the footprint of a cargo container shall not exceed 320 square feet in area, (B) only one cargo container is allowed and (C) the total time the site can have a cargo container located on it during any 5 year period is 180 days.
- c. A cargo container may be allowed in areas zoned for commercial and industrial uses for storage purposes only if there is a legal primary use on the property where it is located and required parking is not impacted.
- d. Cargo containers are allowed on private property in all zones temporarily to store building materials and/or construction tools during construction pursuant to an active building permit.
- e. Notwithstanding Section 6852, a cargo container that was lawfully on private property before April 18, 2007 may be allowed to continue as a nonconforming use for two years. This section shall not be construed to authorize any cargo container that was illegally placed, maintained or used before the effective date of this paragraph.
- f. Cargo containers are allowed on County-owned property and property owned by a public agency when used exclusively for the storage of emergency supplies for disaster preparedness, pursuant to Section 6158.i. Cargo containers must conform to the requirements of paragraph b.5, above.

(Added by Ord. No. 9844 (N.S.) adopted 4-18-07)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**6211 BUILDING PERMIT REQUIRED.**

Issuance of Administrative Permits does not eliminate the need for obtaining a building permit pursuant to the Uniform Building Code.

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

(Amended by Ord. No. 9472 (N.S.) adopted 5-15-02)

**6212 ISSUANCE OR DENIAL**

The Director or whomever is charged with permitting a particular sign shall, within sixty (60) days of the filing of a complete permit application, approve and issue the permit if the standards and requirements of this part have been met, unless the time is mutually extended by the parties. No action by the Director within 60 days shall constitute a denial.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

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

(Amended by Ord. No. 7169 (N.S.) adopted 7-09-86)

(Amended by Ord. No. 9472 (N.S.) adopted 5-15-02)

(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

**6214 NONCONFORMING SIGNS - ABATEMENT SCHEDULE.**

Notwithstanding the Nonconformity Regulations commencing at Section 6850 every sign that does not conform to these regulations shall be deemed to be nonconforming and shall be removed, or altered to conform with these regulations as follows:

- a. **Illegal/Abandoned Signs.** Illegal and/or abandoned signs shall be removed or brought into conformance immediately.
- b. **Signs in residential and agricultural zones.** Nonconforming signs located on property subject to Residential Use Regulations or Agricultural Use Regulations shall be removed without compensation in accordance with Section 5412.1 and 5412.3, respectively, of the California Business and Professions Code.

(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. 6691 (N.S.) adopted 11-30-83)

(Amended by Ord. No. 7169 (N.S.) adopted 7-09-86)

(Amended by Ord. No. 9472 (N.S.) adopted 5-15-02)



6279           ISSUANCE OR DENIAL.

The Director or whomever is charged with permitting a particular sign shall, within sixty (60) days of the filing of a complete permit application, approve and issue the permit if the standards and requirements of this part have been met, unless the time is mutually extended by the parties. No action by the Director within 60 days shall constitute a denial.

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

(Amended by Ord. No. 9742 (N.S.) adopted 5-12-02)

(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

6281           NONCONFORMING SIGNS--ABATEMENT SCHEDULE.

Notwithstanding the Nonconformity Regulations commencing at Section 6850 every lawfully erected sign which no longer conforms to these regulations shall be deemed to be a nonconforming sign and shall be removed, or altered, to conform with these regulations as follows:

- a.     Illegal/Abandoned Signs. Illegal and or abandoned signs shall be removed or brought into conformance immediately.
- b.     Nonconforming Signs. Within 5 years from the date on which a sign becomes nonconforming, it shall be removed or brought into conformance with these regulations; provided, however:
  1.     If such sign has been allowed to be depreciated for tax purposes by the Internal Revenue Service and evidence is presented that the cost has not been fully recovered upon expiration of said 5 year period, such sign may remain until its cost has been recovered in accordance with the depreciation schedule on the date that the sign became nonconforming.
  2.     Documentation necessary to establish the remaining or undepreciated value shall be presented to the Director prior to expiration of the 5 year period. The Director shall determine to his/her satisfaction the validity of all documentation presented. Appeals from decisions of the Director shall be taken pursuant to the Administrative Appeal Procedure commencing at Section 7200.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

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

6283

**6283 ORDER TO ABATE SIGN VIOLATIONS.**

In the event a nonconforming sign is not voluntarily removed or brought into compliance, when required or if a sign is erected or maintained in violation of these regulations, or becomes abandoned the Director shall order such sign to be abated by the owner thereof, or by the owner of the premises upon which it is located, or by any other person responsible for the sign, by notice in the form of registered mail. However, the person notified may within 10 days request, in writing, an informal administrative hearing by the Director; the decision of said hearing to be final.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

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

(Amended by Ord. No. 8555 (N.S.) adopted 7-14-95)

(Amended by Ord. No. 8962 (N.S.) adopted 9-23-98)

**6287 METHOD OF ABATEMENT OF VIOLATIONS .**

Unless some other means of abatement is approved in writing by the Director, abatement of nonconforming illegal and abandoned signs shall be accomplished in the following manner:

- a. Signs Painted on Buildings, Walls, Fences and Other Structures or Things. By removal of the paint which constitutes the sign, or by painting over it with a color that matches or closely resembles the color of the building or structure, wall, fence, or things, so that the sign shall not thereafter be visible.
- b. Other Signs. By complete removal of the sign and supports; or, by modification, alteration, relocation or replacement.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

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

(Amended by Ord. No. 8555 (N.S.) adopted 7-14-95)

(Amended by Ord. No. 8962 (N.S.) adopted 9-23-98)

**6289 MAINTENANCE OF NONCONFORMING SIGNS.**

Nothing in these regulations shall prevent the normal maintenance or repair of any nonconforming sign or sign structure during its effective life. Illegal, abandoned or nonconforming signs which are brought into conformance and compliance with current regulations shall have the required Administrative Permit and/or building permit.

(Amended by Ord. No. 9472 (N.S.) adopted 5-15-02)

**6290 SEVERABILITY.**

If any section, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, sentence, clause of phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause of phrase be declared invalid or unconstitutional.

8. The Director may waive the roof pitch and eave requirement for attached accessory portions of the structure such as carports, porches, or similar canopy structures not enclosed by solid walls. Roof parapet walls are not required for such canopy structures.
  9. The Director may waive the roof pitch and/or the roof overhang requirement if the roof for the main structure is concealed from view by parapet walls consistent with a commonly recognized architectural style such as Santa Fe or Mission style.
- c. **Building Permit.** Prior to installation of a mobilehome on a permanent foundation system, the mobilehome owner or a licensed contractor shall obtain a building permit from the Department of Planning and Development Services. To obtain such a permit, the owner or contractor shall comply with all requirements of Section 18551(a) of the Health and Safety Code.
  - d. **Cancellation of Registration.** The owner shall comply with the regulations established pursuant to Section 18551(b) of the Health and Safety Code for cancellation of registration of a mobilehome. The owner shall also comply with the provisions of Section 18550(b) of the Health and Safety Code.
  - e. **Approval for Occupancy.** The Director shall determine that the proposed project is in compliance with all applicable requirements and conditions prior to issuing final approval for occupancy.
  - f. **Modification of Requirements.** Unless otherwise specified, no modification may be granted from these requirements or from the requirements specified in Title 25 of the California Administrative Code which are not subject to local modification.

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

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

(Amended by Ord. No. 6865 (N.S.) adopted 11-07-84)

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

(Amended by Ord. No. 8232 (N.S.) adopted 5-5-93)

(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. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

6510

Standard Mobilehome Park Regulations

6510 APPLICATION.

The provisions of Section 6510 through 6529, inclusive, shall be known as the Standard Mobilehome Park Regulations. These provisions shall apply to all uses classified in the Mobilehome Residential Use Type, except those uses permitted pursuant to the Mini-Mobilehome Park Regulations commencing at Section 6530 or the Planned Development Standards commencing at Section 6600.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)  
(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

6512 USE PERMIT REQUIRED.

A standard mobilehome park may be authorized where permitted by the use regulations upon the issuance of a major use permit as provided by the Use Permit Procedure commencing at Section 7350.

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

6514 PRE-APPLICATION CONFERENCE.

Prior to submitting an application for a use permit for a mobilehome park, a prospective applicant should consult with the Department to obtain information and to inform the Department of the applicant's intentions. If requested by the applicant, the Department will schedule a conference to be attended by the applicant and representatives of the Departments of Planning and Development Services, Public Works, Environmental Health, and other agencies as the Department considers necessary. Such a conference shall provide an opportunity to review the applicant's intended plan and to identify potential requirements or subjects requiring particular attention prior to the applicant entering into binding commitments or incurring substantial expense in preparing plans, surveys, and other data. The applicant shall provide a map showing the proposed mobilehome park site, existing topography, adjoining road rights-of-way, and public access.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)  
(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)  
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)  
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)  
(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)  
(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

- h. Homes on a Permanent Foundation. No dwelling unit shall be placed on a permanent foundation in a mobilehome park where tenants rent or lease spaces to accommodate their individually owned units. This provisions shall not apply to subdivided parks or to parks where the dwelling units are not owned by the tenants or to parks where the minimum term of lease for a space is 55 years.
- i. Number of Dwelling Units to be Specified. Each lot in a mobilehome park shall be designated on the plot plan of the related use permit and shall specify the number of dwelling units permitted.
- j. Plot Plan to Specify Typical Development. The plot plan shall indicate the development proposed for each mobilhome lot through the use of "typicals" showing the footprint, floor plan and elevations for each proposed structure. The plot plan shall also clearly designate whether homes are to be of the "manufactured" or "factory-built" construction type. In no case shall factory-built housing be permitted unless shown on an approved plot plan.

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

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

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

#### 6522 MODIFICATION OF REQUIREMENTS.

Modification of the development criteria of Sections 6518 and 6520 may be granted by the approving authority when it determines that such modification would not be detrimental to the subject development, adjacent properties and residents, the public interest, or the General Plan. No modification shall be granted from any requirements specified in Title 25 of the California Administrative Code which are not subject to local modification.

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

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

#### 6524 ACCESSORY USES AND STRUCTURES PERMITTED.

The following accessory uses and structures may be permitted in mobilehome parks provided that they conform to the requirements of Title 25 of the California Administrative Code:

- a. Convenience Structures. Awnings; portable, demountable, or permanent cabanas; storage cabinets and buildings; fences or windbreaks; carports; garages or porches; greenhouses; lathouses; and other accessory structures permitted by Title 25 of the California Administrative Code.

6524

- b. **Recreational Facilities.** Parks, playgrounds, riding and hiking trails, golf courses, lakes, stables and riding rings, recreational buildings, clubhouses, community centers, and similar uses and facilities; provided that all such uses and facilities are designed for and limited to use by residents of the mobilehome park and their guests, and that such uses and facilities are not authorized on the individual mobilehome lots.
- c. **Public Utilities.** Public utilities and public service facilities.

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

Mini-Mobilehome Park Regulations

**6530 APPLICATIONS.**

The provisions of Sections 6530 through 6549, inclusive, shall be known as the Mini-Mobilehome Park Regulations. These provisions apply to uses classified in the Mobilehome Residential Use Type as follows: An expansion of an existing mobilehome park which has been established pursuant to a major use permit by the addition of not more than 49 mobilehomes or the establishment of a new mobilehome park containing not more than 49 mobilehomes.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)  
(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)  
(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)

**6532 USE PERMIT REQUIRED.**

A mini-mobilehome park consisting of not more than 8 mobilehomes is permitted upon the issuance of a Minor Use Permit. Mini-mobilehome parks consisting of 9 or more mobilehomes are permitted upon the issuance of a Major Use Permit. An existing mobilehome park which was not established pursuant to a Major Use Permit may be expanded under these Mini-mobilehome Park Regulations only upon issuance of a Major Use Permit. Modification of development criteria for the existing mobilehome park may be granted pursuant to Section 6522.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)  
(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)

**6534 PRE-APPLICATION CONFERENCE.**

Prior to submitting an application for a use permit for a mini-mobilehome park, a prospective applicant should consult with the Department to obtain information and to inform the Department of the applicant's intentions. If requested by the applicant, the Department will schedule a conference to be attended by the applicant and representatives of the Departments of Planning and Development Services, Public Works, Environmental Health, and other agencies as the Department considers necessary. Such a conference shall provide an opportunity to review the applicant's intended plan and to identify potential requirements or subjects requiring particular attention prior to the applicant entering into binding commitments or incurring substantial expense in preparing plans, surveys, and other data. The applicant shall provide a map showing the proposed mobilehome park site, existing topography, adjoining road rights-of-way, and public access.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)  
 (Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)  
 (Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
 (Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)  
 (Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)  
 (Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)  
 (Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

6536 GENERAL STANDARDS: MINI-MOBILEHOME PARKS.

- a. Density. A mini-mobilehome park shall conform to the applicable Density Regulations commencing at Section 4100.
- b. Reclassification. Prior to occupancy of any mini-mobilehome park, the owner shall obtain a zone reclassification to a zone which includes the RMH Use Regulations and the "A" Building Designator. Such reclassification requirement may be waived by the Director when a mobilehome subdivision application is filed concurrently with the related use permit application or for a mini-mobilehome park with less than nine units.
- c. Factory-Built Housing. Factory-built housing shall be attached to a permanent foundation system and conform to all other requirements of Section 18611 of the Health and Safety Code.

(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)  
 (Amended by Ord. No. 6372 (N.S.) adopted 6-09-82)  
 (Amended by Ord. No. 6432 (N.S.) adopted 8-25-82)  
 (Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6538 GENERAL DEVELOPMENT CRITERIA: MINI-MOBILEHOME PARKS.

- a. Compatibility with Adjacent Land Uses. A mini-mobilehome park shall be designed and developed in a manner compatible with and complementary to existing and potential residential development in the immediate vicinity of the project site. To achieve this purpose, a Minor Use Permit for a mobilehome park with less than nine units, conditioned to meet the requirements for exterior siding and roofing materials and eave overhangs specified in Section 6506 b. for mobilehomes on private lots, may be approved by the Director except that no permanent foundation system shall be required. Site planning on the perimeter shall give consideration to protection of the property and its residents from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences within the development. A mobilehome park shall relate harmoniously to the topography of its site, make suitable provision 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.

- b. **Setbacks: Perimeter.** Mobilehomes and buildings within a mini- mobilehome park shall maintain the following setbacks:
  - 1. The setbacks established by the applicable Setback Regulations.
  - 2. A side yard and rear yard setback of at least 15 feet from the exterior boundary of the mobilehome park except that this requirement shall not apply to a mini-mobilehome park of less than nine units.
  - 3. A setback of 50 feet from the centerline of any street along the exterior boundary of the mobilehome park, except that when such street has a right-of-way greater than 60 feet, a setback of 20 feet shall be maintained from the nearest edge of the street right-of-way.
- c. **Fencing and Landscaping.** Mini-mobilehome parks shall conform to the Fencing and Landscaping Regulations commencing at Section 6700. The Director may specify different requirements for a mini-mobilehome park with less than nine units.
- d. **Interior Access Drive.** Interior private access drives shall be paved with at least 2 inches of asphaltic concrete to a width of not less than 25 feet. All corners shall have a minimum 25 foot radius. The Director may approve other paving material for a mini-mobilehome park with less than nine units.
- e. **Sewer and Water.** Each mobilehome lot in a mobilehome park shall be provided with water and sewer connections in accordance with Title 25 of the California Administrative Code. Water shall be provided by a water supplier having a valid permit from the California Department of Health Services. Public sewers shall be provided by a public agency which has obtained discharge requirements approved by the appropriate California Water Quality Control Board. Individual sewage disposal systems shall be approved by the Department of Environmental Health.

- c. All Existing Mobilehome Parks. All applications to subdivide an existing mobilehome park shall be accompanied by the following additional information and/or documents.
1. The number of spaces within the existing park.
  2. A list of names and addresses of all tenants within the park for use by the Department in giving notice.
  3. The date of manufacture and size of each mobilehome and the current replacement value affected by the relocation. The replacement value shall be determined in the same manner as used by standard insurance replacement criteria.
  4. The estimated cost of relocation of each mobilehome affected by the proposed change of use.
  5. The length of tenancy by each tenant.
  6. The estimated income, age and number of tenants affected by the proposed change of use.
  7. 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.
  8. A time table for vacating the existing park.
  9. A statement and concept plan indicating what use the park site is intended to accommodate.
  10. 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 upon recording of a Final Map. Such evidence may include, but is not limited to, the following:
    - i. Written agreements to relocate mobilehomes; and
    - ii. Assistance of 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.

11. If such evidence specified in "10" above is not included in the application for subdivision, then the Director of Planning and Development Services shall recommend reasonable conditions to mitigate any adverse impact on tenants of the mobilehome park to the approving authority to be included as a condition in the resolution of conditional approval for said subdivision.

d. Notwithstanding the provisions of Subsection c. above, a park owner who elects to give a 5-year notice to subdivide may file a tentative map if evidence is provided that the following provisions will be completed before approval of the Tentative Map:

1. 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
2. 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
3. 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. 6215 (N.S.) adopted 1-13-82)  
 (Amended by Ord. No. 6505 (N.S.) adopted 1-5-83)  
 (Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

## 6904 EXPLOSIVE STORAGE.

All explosive storage shall comply with the following provisions.

- a. Conformance to Federal and State Law. Explosive storage shall conform to all applicable provisions of federal and state law, including the tables of quantity and distance criteria, except where requirements of this section or conditions of the Major Use Permit are more stringent, in which case such requirements and conditions shall apply.
- b. Location. The area in which explosive storage is proposed shall be open in character and essentially free of development.
- c. Setbacks. Explosive storage shall not be located closer than 1,000 feet from any building or structure not on the same site as the explosive storage facility and which is used continuously or intermittently for human occupancy; except that storage in Class II magazines, as authorized in state law, shall not be located closer than 400 feet from any such building or structure.
- d. Buffering. Explosives storage shall be effectively screened by a natural land form or artificial barricade either surrounding the entire site or surrounding each magazine located thereon, which land form or barricade shall be of such height that:
  1. A straight line drawn from the top of any side wall of all magazines to any part of the nearest building or structure will pass through said land form or barricade; and
  2. A straight line drawn from the top of any side wall of all magazines to any point 12 feet above the centerline of a railroad or a street traversable by the public will pass through said land form or barricade.

Artificial barricades shall be a mound or revetted wall of earth with a minimum thickness of 3 feet.

- e. Compliance Review. A Major Use Permit for storage of explosives shall be conditioned to require the submittal of a compliance report to the Department once every 5 years (from the date of approval of the Use Permit) demonstrating, to the satisfaction of the Director, that the use meets the requirements of this section and all applicable conditions of the Major Use Permit. As a result of such review, the Director may determine that the use is in compliance with the Major Use Permit or may determine that the Major Use Permit shall be subject to review by the Approving Authority. As the result of such review, or at any time, if said Approving Authority finds that circumstances or conditions have changed so that the use no longer meets the requirements of this section or the conditions of the Major Use Permit, said permit may be modified, or revoked, whichever is more appropriate.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

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

(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

6905

**6905 FIRE PROTECTION AND LAW ENFORCEMENT SERVICES**

All fire protection services, and also law enforcement services in the A72 and S92 Use Regulations, shall require Site Plan review in accordance with the Site Plan Review Procedure commencing at Section 7150 and the following guidelines.

- a. **Site Plan Review Required.** Prior to the issuance of any building permit, grading plan or construction of any structure or conversion of any existing structure for use as a fire station, or in the A72 and S92 Use Regulations as a law enforcement station, a Site Plan of the proposed station shall be submitted to the Director for review and evaluation.
- b. **Content of the Site Plan.** Application for Site Plan review shall be submitted to the Director and shall be accompanied by such data and information as he may require including maps, plans, drawings, sketches and documented material as is necessary to show:
  1. Boundaries and existing topography of the property, and adjoining or nearby streets;
  2. Location and height of all existing buildings and structures, existing trees and the proposed disposition or use thereof;
  3. Location, height, building elevations, and proposed use of all proposed or existing structures, including walls, fences and freestanding signs, and location and extent of the building site;
  4. Location and dimensions of ingress and egress points, interior roads and driveways, parking areas, and pedestrian walkways;
  5. Location and treatment of important drainageways, including underground drainage systems;
  6. Proposed grading and removal of natural materials, including finished topography of the site;
  7. Proposed landscaping plan including location of exterior lighting fixtures and underground fuel storage facilities and aboveground pumps.
- c. **Site Plan Review Criteria.** The Site Plan shall be reviewed and evaluated by the Director for conformance with the following criteria.

1. All elements of the proposed fire protection or law enforcement services are consistent with the intent and purpose and meet the requirements of this section and applicable zone requirements.
2. Buildings and structures will be so located on the site as to create a generally attractive appearance and be agreeably related to surrounding development and the natural environment.
3. Insofar as is feasible, natural topography and scenic features of the site will be retained and incorporated into the proposed development.
4. Any grading or earth-moving operations in connection with the proposed station are planned and will be executed so as to blend with the existing terrain both on and adjacent to the site.

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

(Amended by Ord. No. 9101 (N.S.) adopted 12-8-99)

#### 6906 REQUIREMENTS FOR FARM LABOR CAMPS.

- a. For any application for a Minor Use Permit for a farm labor camp which is subject to the waiver of fees pursuant to Section 7602.d.5, prior to the approval of the Minor Use 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.
- b. Farm labor camp 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 labor camp housing.
- c. For any application for a Minor Use Permit for a farm labor camp which is subject to the waiver of fees pursuant to Section 7602 d.7, prior to the submittal of the Minor Use Permit application 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.
- d. Prior to submitting an application for a building permit for a farm labor camp project, the property owner shall enter into a contract with the County agreeing to specific terms and conditions. The form of the contract shall have been approved by the Board of Supervisors.

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- e. Evidence of Commercial Agriculture. Prior to approval of the Minor Use Permit for a Farm Labor Camp the property owner shall provide appropriate evidence to the satisfaction of the Director of an active Commercial Agricultural Operation.
- f. On an annual basis, the property owner shall file a certificate with the Director stating that the Commercial Agricultural operation to which the housing is related is still active and that the tenants are employed as Farm Employees. Failure to file the certificate will indicate the Commercial Agriculture has ceased.

(Added by Ord. No. 7768 (N.S.) adopted 6-13-90)

(Amended by Ord. No. 7790 (N.S.) adopted 08-01-90. This ordinance will expire on August 31, 1993, unless extended in connection with GPA 93-02)

(Amended by Ord. No. 8086 (N.S.) adopted 6-16-92)

(Amended by Ord. No. 8271 (N.S.) adopted 6-30-93)

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

(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

#### 6907 CREMATORIUMS.

Crematoriums shall comply with the following provisions:

- a. Separation Requirement. In any zone where the Funeral and Interment Services: Cremating use type is permitted, or within any cemetery, no use permit for a crematorium use shall be approved if said use is within 650 feet of:
  - 1. Any lot or parcel upon which one or more residences are the primary use at the time of initial application for the use permit for a crematorium,
  - 2. Any residential use regulations, or
  - 3. Any school or public playground, park or recreational area.

This 650 foot distance, without regard to intervening structures, shall be measured as a straight line from the closest exterior structural wall of a crematorium to the closest property line of a residence which is a primary use, area zoned with residential use regulations, or school, public playground, park or recreational area. A Variance may be granted from this separation requirement pursuant to the Variance Procedure commencing at Section 7100.

This separation requirement shall not apply to a subsequent application for modification of a previously approved and still valid crematorium use permit, unless said modification would enlarge the outside dimensions of the building(s) and/or structures housing the crematory operation.

Application of this separation requirement shall be at the discretion of the approving authority when rendering a decision on a Major Use Permit for a crematorium, the building permit application for which was on file with the County prior to the effective date of this Section.

**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.

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2. Sensitivity of adjacent uses to noise and electrical interference and visual impact.
- g. Noise. The system shall meet the sound level limits of Title 3, Division 6, Chapter 4 of the San Diego County Code (Noise Abatement and Control).
- h. Height. For the purpose of calculating height, the height of the wind turbines shall mean the distance from ground to the top of the blade in vertical position. The system shall not exceed 60 feet.
- i. It shall be a condition of the permit that non-operational wind turbines shall be removed within 12 months after becoming non-operational.

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

(Added by Ord. No. 6857 (N.S.) adopted 10-10-84. Opr. 1-1-85)  
(Amended by Ord. No. 7117 (N.S.) adopted 4-23-86)  
(Amended by Ord. No. 9596 (N.S.) adopted 9-17-03)  
(Amended by Ord. No. 10073 (N.S.) adopted 9-15-10)

6951 WIND TURBINE SYSTEM, LARGE.

Large wind turbine systems, shall be permitted on a parcel of at least five acres and considered a Major Impact Services and Utilities use type requiring a major use permit approved in accordance with the Use Permit Procedure commencing at Section 7350 and the following requirements:

- a. Setbacks. The wind turbines shall observe the following setbacks measured from the closest point on the base or support structure. For purposes of calculating setbacks, height of the wind turbines shall mean the distance from ground to the top of blade in vertical position:
  1. From property lines or public road setback 4 times the height.
  2. From all existing residences or buildings occupied by civic use types setback 8 times the height.
  3. From the furthestmost property line of adjacent parcels which are vacant setback 9 times the total height.
  4. Setbacks for experimental wind turbines (those which are not produced by an established wind turbine manufacturer on a production basis) may be greater than those specified above based on the discretion of the permit granting authority.
  5. Setbacks may be reduced up to a maximum of 50% with the written consent to the granting of a setback reduction signed by the owner or owners of each lot or parcel affected by the proposed setback reduction.

6. Notwithstanding of the setbacks listed in subsections 1, 2, 3, and 5 above, setbacks for wind turbines located on land subject to the Tule Wind Energy Project Major Use Permit (3300 09-019 (MUP)) shall comply with the following requirements:
- (a) From any existing residence or buildings occupied by civic use types, four (4) times turbine tip height, when measured from center of turbine to residence or building occupied by civic use type; and
  - (b) From any adjacent property line of a property owner that is participating in the project, 101% of the blade length when measured from center of turbine to property line: unless either (i) written consent signed by the owner(s) of each lot or parcel affected by the proposed setback reduction is obtained or (ii) the lot or parcel affected by the proposed setback is owned by the Bureau of Land Management or other state or federal agency that participated in the preparation of the EIR/EIS for the Tule Wind Energy Project; and
  - (c) From any adjacent property line of a property owner that is not participating in the project, 131% of the turbine tip height, when measured from center of turbine to property line; unless either (i) written consent signed by the owner(s) of each lot or parcel affected by the proposed setback reduction is obtained or (ii) the lot or parcel affected by the proposed setback is owned by the Bureau of Land Management or other state or federal agency that participated in the preparation of the EIR/EIS for the Tule Wind Energy Project; and
  - (d) From the edge of public road right-of-way, 131% of the turbine tip height, when measured from center of turbine; and
  - (e) From the edge of transmission line easement or right-of-way, 101% of turbine tip height, when measured from center of turbine.
- b. Fencing. Public access shall be restricted through the use of a fence with locked gates, non-climbable towers or other suitable methods.
  - c. 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.
  - d. Noise. The project shall meet the sound level limits of Title 3, Division 6, Chapter 4 of the San Diego County Code (Noise Abatement and Control).
  - e. 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 (turbine tip height). The system shall not exceed 80 feet, except for any wind turbine located on land subject to the Tule Wind Energy Project Major Use Permit (3300 09-019 (MUP)), which shall be permitted to exceed 80 feet so long as the Federal Aviation Administration has issued a Determination of No Hazard for the turbine.

- f. Visual. The following measures should be followed whenever possible in order to minimize the visual impact of the project:
1. Removal of existing vegetation should be minimized.
  2. Internal roads should be graded for minimal size and disruption.
  3. Any accessory buildings should be painted or otherwise visually treated to blend with the surroundings.
  4. The turbines and towers should be painted with non-reflective paint to blend with the surroundings.
- g. Turbine Description. The following information shall be specified as part of the permit:
1. The wind turbine manufacturer, model, power rating and blade dimensions.
  2. The tower manufacturer and model.
- h. Non-Operational Wind Turbines. It shall be a condition of the permit that non-operational wind turbines shall be removed:
1. The project owner shall insure that a copy of all prospectuses shall be placed in the County's permit file.
  2. County staff may, at any time in the future, compare the amount of power stated (in kilowatt hours) in the appropriate prospectus with the actual power sold to the utility (as reported in the California Energy Commissions' "Wind Project Performance Reporting System") and determine if any wind turbine systems meet the definition for "wind turbine non-operational."
  3. County staff may collect other data as necessary to determine if any wind turbine systems meet the definition for "wind turbine non-operational."
  4. Applicant may propose alternate methods to monitor the "non-operational" status of wind turbines.
- i. Removal Surety. The project owner shall post a bond, lien contract agreement, cash deposit, or other form of surety acceptable to the Director, sufficient to allow for the removal of non-operational wind turbines. If a bond surety is provided, such bond shall comply with Section 7612, and shall be for a minimum of 10 years (unless the permit is for a shorter period of time). Posting of bond(s) and/or other surety may be phased with the installation of wind turbines.

- j. Existing Administrative Permits for Wind Turbine Projects - Modification or Revocation. Administrative permits for wind turbine projects granted pursuant to Section 7060 prior to January 1, 1986, shall be treated for all purposes as if they are major use permits shall be subject to all the provisions of the Zoning Ordinance which apply to Major Use Permits for purpose of modification or revocation.

(Added by Ord. No. 7117 (N.S.) adopted 4-23-86)  
 (Amended by Ord. No. 9596 (N.S.) adopted 9-17-03)  
 (Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)  
 (Amended by Ord. No. 10073 (N.S.) adopted 9-15-10)  
 (Amended by Ord. No. 10220 (N.S.) adopted 8-8-12)  
 (Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

## 6952 SOLAR ENERGY SYSTEM

- a. Solar Energy System, Onsite Use shall be permitted as follows:
1. A photovoltaic solar energy system for onsite use shall be allowed as an accessory use to all Agricultural, Civic, Commercial, Industrial and Residential use types in all zones in accordance with the following requirements:
    - i. Setback. A System shall meet all of the main building setback requirements of the zone or comply with Section 4835.f.
    - ii. Height. A System shall meet the height limit of the height designator of the zone, except when allowed to extend not more than 5 feet above the highest point of the roof, in accordance with Section 4620.i.
    - iii. Solar Panel Description. The panel manufacturer and model shall be specified as part of the building permit.
    - iv. Special Area Regulations: Photovoltaic solar energy systems for onsite use subject to a Special Area Designator must comply with the applicable Special Area Regulations provisions of Sections 5000 through 5999.
- b. Solar Energy System, Offsite Use shall be permitted as follows:
1. A photovoltaic solar energy system for offsite use with a project area of less than 10 acres shall be allowed with an Administrative Permit in all zones in accordance with the Administrative Permit Procedure commencing at Section 7050. The following findings must be made prior to approval of an Administrative Permit:

- (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, 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
  - (b.) That the impacts, as described in paragraph "b.1.(a.)" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan; and
  - (c.) That the requirements of the California Environmental Quality Act have been complied with; and
  - (d.) That the applicant has provided the County with an owner consent letter demonstrating to the satisfaction of the Director that the operator of the Solar Energy System is authorized to use the property for a Solar Energy System, unless the operator owns the land upon which the Solar Energy System will be located.
2. A photovoltaic solar energy system for offsite use with a project area of 10 acres or more, or a combination of parcels with a combined area of 10 acres or more is a Major Impact Service and Utility in all zones and shall require a Major Use Permit permitted in accordance with the use permit procedure commencing at section 7350. The use permit conditions shall include the requirements in subsection a. and subsection 3. of this Section.
  3. All other types of a solar energy systems or solar power plants including concentrating solar power plants, parabolic troughs, concentrating linear fresnel reflectors, stirling solar dish, or a solar power tower are a Major Impact Service and Utility in all zones and shall require approval of a Major Use Permit in accordance with section 7350 and the following requirements on any parcel of land:
    - (a.) Setback. A system or plant shall meet all of the setback requirements of the zone.
    - (b.) Height. A system or plant of more than 200 feet in height is required to comply with Federal Aviation Administration safety height requirements.

- W. Whip Antenna – An antenna that transmits signals in 360 degrees. Whip antennas are typically cylindrical in shape and are less than 3 inches in diameter and measure up to 6 feet in length, including the mounting. Also called omni-directional, stick or pipe antennas.

Wireless Community Master Plan – a Master Plan of preferred sites and designs for wireless facilities for a defined geographic area prepared in cooperation with one or more wireless service providers; formally submitted by the community planning group or sponsor group or by a homeowners association representing at least 4,000 residents and at least 5,000 acres to the Director; reviewed by the Director for such issues as aesthetics and community compatibility; and following public review, approved by the Director. A Community Master Plan can be applicable to all providers or to selected providers as defined in the Plan.

Wireless Telecommunications Facility – Any facility that transmits and/or receives electromagnetic waves, including, but not limited to, antennas, dish antennas and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, equipment buildings, parking area and other accessory development. Also known as a wireless communications facility. This definition does not apply to Amateur Radio Stations as defined by the Federal Communications Commission, Part 97 of the Commission's Rules nor to TV and radio transmission facilities.

(Added by Ord. 9549 (N.S.) adopted 4-30-03)

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

#### 6984 APPLICATION REQUIREMENTS

In addition to meeting standard application submittal requirements for discretionary permits, all applicants for wireless telecommunications facilities shall provide 3 copies of the information listed below. One copy shall be distributed by the Department to the appropriate Planning or Sponsor Group. When a facility meets all requirements for processing under Tier 1, the requirements of Sections B and C 1 shall not be required. The Director may waive any of the submittal requirements listed below or require additional information based upon specific project factors:

- A. Geographic Service Area. Identify the geographic service area for the subject installation, including a map showing all the applicant's existing sites in the local service network associated with the gap the facility is meant to close. Describe how this service area fits into and is necessary for the company's service network.
- B. Visual Impact Analysis. A visual impact analysis shall be provided showing the maximum silhouette, viewshed analysis, color and finish palette and proposed screening. The analysis shall include photo simulations and other information as necessary to determine visual impact of the facility. A map depicting where the photos were taken shall be included.

## C. Narrative.

1. Height. Show the height of the facility. Carriers must provide evidence that establishes that the proposed facilities have been designed to the minimum height required from a technological standpoint for the proposed site. If the tower will exceed the maximum permitted height limit, as measured from grade, a discussion of the physical constraints (topographical features, etc.) making the additional height necessary shall be required.
2. Maintenance. Describe the anticipated maintenance and monitoring program for the antennas, back-up equipment and landscaping.
3. Noise/Acoustical Information. As part of the Application for Environment Initial Study, provide manufacturer's specifications for all equipment such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties.
4. If the site is not a preferred site as described in Section 6986, provide the information required in Section 6986 B.
5. Concept Landscape Plan. Provide a plan showing all proposed landscaping, screening and proposed irrigation with a discussion of how the chosen material at maturity will screen the site.
6. Fire Service. Provide evidence of compliance with Fire Policy FP-2 or a service letter from the applicable fire district.
7. Hazardous Materials. Listing of all hazardous materials to be used onsite.
8. For all applications for facilities located in the public right of way, include on the plot plan the location of parking for maintenance personnel.
9. A letter stating the applicant's willingness to allow other carriers to co-locate on their facilities wherever technically and economically feasible and aesthetically desirable.
10. The lease area of the proposed facility on the plot plan.
11. For all applications for wireless facilities operating below 1200 megahertz, submit a copy of the Federal Communications Commission Licensing Application Form 601, Main Form, Pages 1 through 4, Schedule A, Page 1, Schedule D, Page 1 and Schedule H, Pages 1 through 3. The application shall be reviewed by the Sheriff's Wireless Services Unit to determine potential interference with the Regional Communication System. Interference with that system may be grounds for denial.

(Added by Ord. No. 9549 (N.S.) adopted 4-30-03)

(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

**B. Exceptions**

1. In addition to all other requirements in Sections 6980 through 6991, any proposed facility on a structure currently subject to a Major or Minor Use Permit shall obtain approval of the facility through the modification of the permit in accordance with Section 7378 of this Ordinance for a Use Permit or by Minor Deviation in accordance with Section 7609 of this Ordinance when the facility is invisible.
2. Major Use Permits for Wireless Telecommunications Facilities shall be under the original jurisdiction of the Planning Commission.

**C. General Regulations**

1. Non-camouflaged monopoles, lattice towers and guyed towers are prohibited in Residential and Rural zones.
2. All buildings and structures built to contain equipment accessory to a facility may not exceed 10 feet in height measured from the base of the foundation unless a greater height is necessary to maximize architectural integration and shall be screened by landscaping.
3. No more than three facilities are allowed on any site or parcel in commercial, industrial, rural or special purpose zones. No more than one facility is allowed on any parcel or site in a Residential zone. This requirement may be waived by the Director if a finding is made that co-location of more facilities is consistent with community character.
4. Telecommunications towers located adjacent to a residential use shall be set back from the nearest residential lot line by a distance at least equal to its total height or 50 feet, whichever is greater. The setback shall be measured from that part of the tower that is closest to the neighboring property (i.e., the setback for a faux tree would be measured from the end of the branch closest to the neighboring property).
5. No tower or equipment shall be located in a front, rear or side yard setback in any zone and no portion of any antenna array shall extend beyond the property lines.
6. Noise from any equipment supporting the facility shall meet the requirements of the County's Noise Ordinance on an average hourly basis.

7. The Director may grant an exemption from the requirement to process a Site Plan permit pursuant to Section 7156 of this Ordinance 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 where the Director finds the proposed development or improvement is minor in nature and that the public purpose for which the Site Plan permit would normally be required will not be harmed by granting a Site Plan permit exemption. The Director's decision may be appealed pursuant to Section 7200 of this Ordinance.
8. All facilities located on a utility pole shall be promptly removed at the operator's expense at the time a utility is scheduled to be undergrounded.
9. Maintenance vehicles servicing facilities located in the public or private right of way shall not park on the traveled way or in a manner that would obstruct traffic.
10. Equipment cabinets and antenna structures shall be secured to disallow unauthorized access.
11. Use Permits for high visibility facilities shall have a maximum term of 6 years for facilities valued at less than \$10,000; 10 years for facilities valued from over \$10,000 to \$500,000; and 15 years for facilities valued at \$500,000 or more. This may be extended for an additional period of time by modifying the permit if it is found that no smaller or less visible technology is available or feasible to replace the facility.
12. As a condition of approval, prior to use of the facility, submit evidence, such as photos, to the satisfaction of the Director to show proof that the facility is in conformance with photo simulations provided pursuant to Section 6984 (B) of this Ordinance.

(Added by Ord. No. 9549 (N.S.) adopted 4-30-03)  
 (Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)  
 (Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

#### 6986            PREFERRED SITES

- A. The County has determined that certain zones and locations are preferable to others for siting wireless facilities due to aesthetics and land use compatibility.
  1. The preferred zones are as follows:

PREFERRED ZONES	NON-PREFERRED ZONES
<p>(a.) C32, C34, C35, C36, C37, C38, C40, C42, C44, M50, M52, M54, M56, M58, S82, S86, S94, and S88 when the facility would be located in a commercial or industrial component of the Specific Plan.</p> <p>(b.) Upon approval by the Director of a Wireless Community Master Plan, the Preferred Zones for that defined geographic area shall be replaced by the locations shown in that Plan for the provider or providers covered by the plan.</p>	All other zones

2. The preferred locations are as follows:

PREFERRED LOCATIONS	NON-PREFERRED LOCATIONS
<p>(a.) (1) Existing structures, including, but not limited to, water tanks, utility towers and poles, traffic lights, "cobra-style" street lights, and roadway overpasses in non-residential zones when the size and scale are compatible.</p> <p>(2) Commercial and industrial buildings.</p> <p>(3) County or other government facilities (e.g., fire district buildings, road stations, freeway park and ride lots), excluding Elementary and Middle schools and County parks.</p> <p>(4) Co-location in zones other than residential to a total of three (3) towers each.</p> <p>(b.) Upon approval by the Director of a Wireless Community Master Plan, the Preferred Locations for that defined geographic area shall be replaced by the locations shown in that plan for the provider or providers covered by the plan.</p>	All other locations.

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- B. Each application shall identify the zone and location preference that the proposed facility is meeting. If the proposed facility is not in a preferred zone identified in 6986 A (1) or if it is not in a preferred location identified in 6986 A (2), the applicant shall provide a map of the geographical area and a discussion of preferred sites that could potentially serve the same area as the proposed site and describe why each preferred site was not technologically or legally feasible. Facilities proposed to be located in County parks are excluded from this requirement when the Director of the Department of Parks and Recreation has issued a letter of concurrence.
- C. Projects in a non-preferred zone or non-preferred location shall not be approved when siting in a preferred zone or preferred location is feasible unless a finding is made that the proposed site is preferable due to aesthetic and community character compatibility.

(Added by Ord. No. 9549 (N.S.) adopted 4-30-03)  
(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

6987            DESIGN REGULATIONS

- A. All applications at sites subject to a "H", "J", "B" or "D" design review designator shall also meet all requirements pursuant to Zoning Ordinance Sections 5700 – 5747 for "H" designators, 5749 for "J" designators, 5750 – 5799 for "B" designators or 5900 – 5910 for "D" designators.
- B. All camouflaged facilities shall be designed to visually and operationally blend into the surrounding area in a manner consistent with community character and existing development. The facility shall also be appropriate for the specific site (i.e., it should not "stand out" from its surrounding environment, such as a faux tree standing alone in a field or standing at a greater height (five feet or more) than other trees on the site).
- C. No facility shall be allowed on any building or structure, or in any district, that is listed or eligible for listing on any Federal, State or local historical register unless it is determined by the Historic Site Board that the facility will have no adverse effect on the appearance of the building or structure or its eligibility for historic designation. No change in architecture nor High Visibility facility is permitted on any such building, any such site or in any such district.
- D. In cases where the facility site is visible from a Scenic Highway, as identified in the General Plan, the facility shall be designed and located in such a manner as to avoid adverse visual impacts. Such locations shall use design methods such as, but not limited to, type of facility, camouflaging, screening and landscaping. No monopoles, lattice towers or guyed towers are permitted.
- E. Façade-mounted antennas shall be architecturally integrated into the building design and otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas shall not extend more than 24 inches out from the building face.

## 7168 EXPIRATION AND EXTENSION.

- a. Any approval of a Site Plan shall expire within two years of such approval except where construction or use of the property in reliance on such Site Plan approval has commenced prior to its expiration. Any Minor Deviation pursuant to Section 7609, or any modification pursuant to Section 7169, shall not extend the expiration and extension dates otherwise specified in this section.
- b. If prior to the expiration of such Site Plan the applicant files a written application with the Department for an extension of time, the period within which construction or use of the property in reliance on the Site Plan must be commenced, may be extended by the Director at any time within 90 days of the date of expiration. The Director may grant one or more such extensions not to exceed a total of 24 months each, subject to specified conditions and upon a finding that unusual circumstances have delayed such completion, creating a substantial hardship on the applicant.
- c. Notwithstanding the above, if the Site Plan is issued to satisfy a condition of approval of a subdivision map pursuant to the County Subdivision Ordinance, the Site Plan shall remain in full force and effect for the duration of the tentative approval for that subdivision 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 Site Plan shall expire one year after recordation of the Final or Parcel Map unless construction and/or use of the property in reliance of the Site Plan 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 7168.

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

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

(Amended by Ord. No. 8236 (N.S.) adopted 5-5-93)

(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

## 7169 APPLICATION FOR MODIFICATION OF A SITE PLAN

- a. Any person holding an approved Site Plan may apply for a modification. The modification of a Site Plan may include modification of the physical improvements shown on the Site Plan itself or the waiver or alteration of conditions imposed pursuant to Section 7164. Sections 7000 through 7019 and 7157 through 7166, inclusive, shall apply to the application for the modification of a Site Plan.
- b. In the event the requested modification relates to a condition which was initially imposed by action of an appellate body, the authority having jurisdiction over such modification shall consider the following:
  1. The reason(s) why the subject condition was initially imposed.
  2. The reason(s) why the subject condition should be retained, modified or waived.
  3. The relationship of modification or waiver to the reason(s) the condition was initially imposed.

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4. Any related impact, direct or indirect, which the requested modification or waiver would have on the subject property or surrounding properties.
5. Alternative measures proposed to mitigate deleterious impacts, if any, caused by the requested modification.

(Added by Ord. No. 8236 (N.S.) adopted 5-5-93)  
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

**7170 RELATION TO USE PERMIT, VARIANCE, AND ZONING ORDINANCE AMENDMENT.** When a development proposal subject to Site Plan review is submitted concurrently with an application for a subdivision, use permit, variance, or an amendment of the Zoning Ordinance, the Site Plan review shall be under the jurisdiction of the officer or body having jurisdiction over the subdivision, Use Permit, Variance, or amendment application and shall be conducted concurrently with any review required thereby.

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

**7172 REVOCATION OR MODIFICATION OF SITE PLAN APPROVAL FOR CAUSE.** A Site Plan may be revoked or modified for cause as provided by the provisions of this section. For purposes of this section, the modification of a Site Plan may include the modification of the terms of the Site Plan itself or the waiver, alteration, or imposition of new conditions pursuant to Section 7164.

- a. **Ground for Revocation or Modification.** A Site Plan may be revoked or modified pursuant to the provisions of this section upon a finding of any one or more of the following grounds:
  1. That such Site Plan was obtained or extended by fraud.
  2. That one or more of the conditions upon which such Site Plan was granted have been violated.
  3. That the use for which the Site Plan was granted is so conducted as to be detrimental to the public health or safety, or as to be a nuisance.
  4. That construction on the subject property is not in conformance with the Site Plan or other applicable requirements.
- b. **Notification.** The Director shall notify the owner of the property of his action in the same manner as specified in the Building Code for revocation of a building permit, or by written notice to the owner of the subject property as shown on the latest assessment roll or as indicated by later information available to the Director.
- c. **Appeal.** Revocation or modification of a Site Plan may be appealed pursuant to Section 7166.

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

### 7363 DEFENSE OF LAWSUITS.

As a condition of approval of a Major Use Permit, Minor Use Permit, use permit modification, or use permit extension for which an application was filed (as defined in Zoning Ordinance Section 1019 b.) before January 3, 2003, the applicant shall: (1) defend, indemnify and hold harmless the County, its agents, officers or employees from any claim, action or proceeding against the County, its agents, officers or employees to attack, set aside, void or annul the major use permit, minor use permit, use permit modification or use permit extension or any of the proceedings, acts or determinations taken, done or made prior to such decision; and (2) reimburse the County, its agents, officers or employees for any court costs and attorney's fees which the County, its agents, officers or employees may be required by a court to pay as a result of such approval. At its sole discretion, the County may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any obligation imposed by this condition. The County shall notify the applicant promptly of any claim or action and cooperate fully in the defense. Each applicant seeking approval of any Major Use Permit, Minor Use Permit, use permit modification, or use permit extension, for which an application was filed (as defined in Zoning Ordinance Section 1019 b.) on or after January 3, 2003, shall be subject to the defense and indemnification provisions found at Chapter 2 (commencing at section 86.201) of Division 6 of Title 8 of the San Diego County Code.

(Added by Ord. No. 7782 (N.S.) adopted 07-25-90)

(Amended by Ord. No. 9517 (N.S.) adopted 12-04-02)

### 7364 EFFECTIVE DATE.

Decisions of the Planning Commission, or the Director made pursuant to Section 7360 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 7366. All decisions of the Board of Supervisors made pursuant to Section 7360 shall be final and effective immediately.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

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

(Amended by Ord. No. 9674 (N.S.) adopted 9-22-04)

### 7366 APPEAL.

Use permit decisions pursuant to Sections 7360, 7376, 7378 or 7382 may be appealed as follows:

#### a. Appeals Authorized.

1. A Major Use Permit decision of the Planning Commission may be appealed to the Board of Supervisors.
2. A Minor Use Permit decision of the Director may be appealed to the Planning Commission, except that (a) a decision concerning a Minor Use Permit application filed concurrently with a tentative subdivision map, reclassification or Major Use Permit application may be appealed to the same appeal authority and pursuant to the same procedures as apply to such concurrent application; and (b) a decision concerning a Minor Use Permit for a mini-mobilehome park may be appealed to the Planning Commission; and (c) a decision concerning a Minor Use Permit for a nonconforming use within an adopted Redevelopment Area pursuant to Section 6878 may be appealed to the Board of Supervisors.

3. A concurrent use permit decision by the Planning Commission may be appealed to the Board of Supervisors.
- b. Resubmittal of Revised Application. If upon appeal an application for a use permit is revised so as to require the submittal of a revised plot plan, all appellate proceedings shall be terminated and the application resubmitted to the authority having original jurisdiction for further consideration and decision. The decision of the revised application may thereafter be appealed as provided in this Section.
- c. Persons Authorized to Appeal. No person may appeal except the applicant for the granting or modification of a use permit; a County officer acting pursuant to paragraph "d" of this section; and those persons who protest the granting, revocation, or modification of a use permit either by written protest filed in the office of the Planning Commission or the Director, whoever has jurisdiction over the use permit, prior to the time of the hearing or consideration of the matter by said authority; or by appearing and protesting the granting, revocation or modification of the use permit at the hearing or consideration of the matter by said authority.
- d. County Officer May Appeal. Notwithstanding any other provision of this Ordinance, any County officer, Board, Commission, or other County body, other than the authority having jurisdiction over the appeal, may appeal a decision of the Planning Commission, or the Director made pursuant to Section 7360, without fee.
- e. Manner and Time of Filing. An appeal shall be in writing, shall be accompanied by the fee referenced in Section 7602 and shall be filed as follows:
  1. If filed personally, the appeal shall be filed in the Department of Planning and Development Services by the tenth day after the date of the decision and shall be addressed to the Secretary of the Planning Commission or the Director, depending on who rendered the decision.
  2. If mailed, the appeal shall be postmarked by the tenth day after the date of the decision and shall be addressed to the Secretary of the Planning Commission or the Director, depending on who rendered the decision, Department of Planning and Development Services, 5510 Overland Avenue, Suite 310, San Diego, CA 92123.
- f. Effect of Filing the Appeal. An appeal of a decision within the time specified in paragraph "e" of this Section shall stay the proceedings and effective date of the decision of the Planning Commission, or Director, as provided by Section 7366, until such time as the appeal has been acted on as hereinafter set forth in the Ordinance.
- g. Forwarding of Record. Upon the filing of an appeal, the authority having made the decision being appealed shall transmit to the appeal authority the records concerning the decision.
- h. Public Hearing. Following the filing of an appeal, the authority having appellant jurisdiction shall hold a public hearing on the matter scheduled and noticed as required by Sections 7603 and 7605, respectively. The public hearing shall be a hearing de novo and all interested persons may appear and present evidence.

- 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)  
 (Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

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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)

DENSITY BONUS PERMIT PROCEDURE

## 7400 TITLE AND PURPOSE.

The provisions of Sections 7400 through 7449, inclusive, shall be known as Density Bonus Permit Procedures. The purpose of these provisions is to provide a review procedure for a density bonus permit or any associated incentive, waiver or modification of development standards as requested by an applicant pursuant to the Density Bonus Program at Zoning Ordinance Sections 6350 through 6399, except that these procedures shall not apply to the County Affordable Senior Housing Program at Section 6360 a.2.

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

## 7402 APPLICABILITY.

The density bonus permit procedures shall be applied as required by the Zoning Ordinance, the General Plan, a Specific Plan, Tentative Subdivision Map, Tentative Parcel Map, or other discretionary development approval.

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

## 7405 JURISDICTION.

- a. Applications for granting or modifying a density bonus permit, any associated incentive, or a waiver or modification of development standards that are filed concurrently with any other discretionary project application shall be under the same original jurisdiction as the other discretionary project application.
- b. If no other discretionary project application is required, a density bonus permit application shall be under the original jurisdiction of the Director.

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

(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

## 7410 APPLICATION FOR THE GRANTING OF A DENSITY BONUS PERMIT.

- a. Persons Eligible. The following persons shall be eligible to apply:
  1. A property owner, in which case the application shall be signed by all property owners or agents, 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 owners or agents, as provided in Section 7017.

## b. Required Documents.

The applicant shall submit an application for a density bonus permit in accordance with the following requirements:

1. **Application.** A density bonus permit application shall include the following information:
  - i. A description of the requested density bonus, incentive, waiver or modification.
  - ii. Identification of the base project without the density bonus, number and location of all reserved units qualifying the project for a density bonus, level of affordability of all reserved units, and identification of the bonus units.
  - iii. In phased housing projects, for each construction phase, the density bonus application shall specify, at the same level of detail as the application for the residential development: the number, unit type, tenure, number of bedrooms and baths, approximate location, size, and design, construction and completion schedule of all reserved units, phasing of all reserved units in relation to market rate units, marketing plan, and intended rent or sale price and basis for calculation.
  - iv. If a density bonus or incentive is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the requirements for eligibility given above can be met.
  - v. If a density bonus or incentive is requested for a child care facility, the application shall show the location and square footage of the child care facility and provide evidence that the requirements for eligibility and the necessary qualifications can be met.
  - vi. If a mixed-use building or development is proposed, the application shall provide evidence that the eligibility requirements can be met.
2. **Financial Pro Forma.** If the applicant requests one or more incentives under the Density Bonus Program, a financial pro forma shall be submitted that meets the requirements of this section. It shall demonstrate that the requested incentives result in identifiable, financially sufficient, and actual cost reductions that contribute significantly to the economic feasibility of the reserved units.

The financial pro forma shall address:

  - i. The actual cost reductions achieved through each incentive.
  - ii. That the actual cost reduction achieved through each incentive is needed to achieve the economic feasibility that allows the developer to provide the reserved units.
3. An application for a density bonus permit shall be submitted prior to or concurrently with the submittal of the application, if any, for a related discretionary permit (e.g., a tentative map, parcel map, or design review). The application shall be processed concurrently with all other applications required for the development.

4. No discretionary project application that includes an application for a density bonus permit shall be deemed complete unless a density bonus application is submitted, including a financial pro forma if required, that conforms to the requirements of this section.
  5. Upon submittal, the Director shall determine if the density bonus permit application is complete and conforms to the provisions of this section.
- c. Application Form, Filing and Fee.
1. An application for the granting or modifying of a density bonus permit shall be made on the prescribed form and shall be filed with the approving authority and shall be accompanied by the fee referenced in Section 7602.
  2. The cost of reviewing any required financial pro forma data submitted in support of a request for an incentive including, but not limited to, the cost to the County of hiring a consultant to review the financial pro forma, shall be borne by the applicant.
  3. The granting of a density bonus permit shall not be interpreted, in and of itself, to require a general plan amendment, coastal plan amendment, zoning amendment, or other discretionary approval.

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

(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

7420 FINDINGS RELATED TO INCENTIVES AND DEVELOPMENT STANDARDS.

- a. Incentives. A requested incentive shall be approved unless the approval authority makes a written finding to deny the incentive, based upon substantial evidence, of at least one of the following:
1. The incentive is not required in order to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents, as defined in Health and Safety Code Section 50053, for the reserved units.
  2. The incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.
  3. The incentive requested in the application would be contrary to state or federal law.
  4. The applicant has failed to submit required information or does not qualify for the requested incentive.

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- b. **Waivers or Reductions of Development Standards.** A proposal by the permit applicant to waive or reduce development standards that have the effect of physically precluding the construction of a development at the densities or with the incentives permitted by the Density Bonus Program shall be approved unless the approval authority makes a written finding to deny the waiver or reduction, based upon substantial evidence, of one of the following:
1. The development standard does not have the effect of physically precluding construction at the densities or with the incentives permitted by the Density Bonus Program.
  2. The waiver or reduction of the development standard would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
  3. The waiver or reduction of the development standard would have a specific adverse impact on any real property that is listed in the California Register of Historical Resources.
  4. The waiver or reduction of the development standard would be contrary to state or federal law.
  5. The applicant has failed to submit required information or does not qualify for the requested waiver or reduction of development standards.

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

7430 **DENSITY BONUS HOUSING AGREEMENT.**

The provisions contained within a density bonus housing agreement shall be enforceable by the County, and a violation of the agreement shall constitute a violation of this Ordinance.

- a. **Agreement Required.** The applicant shall enter into a contract with the Department of Housing and Community Development, to the satisfaction of the Director of Planning and Development Services, agreeing to the specific terms and conditions of the Density Bonus Program and to periodic inspections of the housing by County employees. The property owner shall execute a density bonus housing agreement prior to any of the following:
1. A ministerial action by the County with regard to the project.
  2. A discretionary permit issued in conjunction with a density bonus application, including tentative maps. The permit shall contain a condition detailing the actions required for compliance with the Density Bonus Program and with the terms of the density bonus application.
  3. Each final map or parcel map shall bear a note indicating the method of compliance with the requirements of the Density Bonus Program and stating that an affordable housing agreement shall be recorded prior to issuance of a building permit with respect to each parcel created by the map.

4. No building permit shall be issued for a residential unit until the applicant has demonstrated compliance with the Density Bonus Program through recordation of an affordable housing agreement.
- b. Execution of Agreement.
1. Following Board approval of the agreement and execution of the agreement by all parties, the County shall record the completed agreement on the parcels created by the final or parcel map at the County Recorder's Office.
  2. The approval and recordation shall take place at the same time as the final or parcel map or, where a map is not being processed, before issuance of a building permit.
  3. The agreement shall be binding on all future owners, developers, and/or successors-in-interest.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)  
 (Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

7435 APPEAL.

- a. Any decision regarding a density bonus application under the original jurisdiction of the Director may be appealed to the Planning Commission. Unless any concurrent discretionary permit is appealable to the Board of Supervisors, the decision of the Planning Commission shall be final and effective immediately.
- b. Any decision regarding a density bonus application under the original jurisdiction of the Planning Commission may be appealed to the Board of Supervisors.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)  
 (Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

7440 EXPIRATION.

- a. If not issued in conjunction with the approval of a subdivision map pursuant to the County Subdivision Ordinance, a density bonus permit shall expire two years after its issuance 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 in this section.
- b. If the density bonus permit is issued in conjunction with the approval of a subdivision map pursuant to the County Subdivision Ordinance, the density bonus permit shall remain in full force and effect for the duration of the tentative approval for that subdivision 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 density bonus permit shall expire two years after recordation of the final or parcel map 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 in this section.

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- c. If prior to the expiration of a density bonus permit, the applicant files a written application with the Department for an extension of time, the period within which construction or use of the property in reliance on the density bonus permit must be commenced may be extended by the Director at any time within 90 days of the date of expiration. The Director may grant one or more such extensions not to exceed a total of two years, subject to specified conditions and upon a finding that unusual circumstances have delayed such completion, creating a substantial hardship on the applicant.

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

(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

7445            DENSITY BONUS PERMIT TO BE RECORDED AND PROVIDE  
CONSTRUCTIVE NOTICE

Upon the approval of a density bonus permit becoming final and effective, the Director shall cause a copy thereof to be filed with the San Diego County Recorder. The permit shall set forth the names of all owners of the property subject to the permit. The recording of the permit shall provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named in the permit, of the rights and obligations created by the permit.

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

ZONING ORDINANCE AMENDMENT PROCEDURE**7500 TITLE AND PURPOSE.**

The provision of Section 7500 through 7549, inclusive, shall be known as the Zoning Ordinance Amendment Procedure. The purpose of these provisions is to prescribe the procedure by which changes may be made in the text of the Zoning Ordinance and the application thereof to land within San Diego County. This procedure shall apply to all requests to change any property from one zone to another or to impose any regulation not theretofore imposed or to remove or modify any such regulation theretofore imposed.

**7501 WHEN ZONING ORDINANCE SHALL BE AMENDED.**

The Zoning Ordinance shall be amended as necessary to implement the San Diego County General Plan and to ensure consistency of The Zoning Ordinance with the General Plan, as provided by Sections 1001 and 1002, respectively.

**7502 JURISDICTION.**

The Board of Supervisors shall have jurisdiction with respect to granting, denying, or modifying requests to amend The Zoning Ordinance. The Planning Commission shall make a recommendation to the Board of Supervisors on all requests to amend The Zoning Ordinance.

**7503 REQUESTS TO AMEND THE ZONING ORDINANCE.**

Requests to amend the Zoning Ordinance may be initiated by:

- a. The application of a property owner or the agent of such owner seeking an amendment to The Zoning Ordinance as applied to his property. In such cases, the application shall be signed by the property owner(s) or their agent(s), pursuant to Section 7017.
- b. A person authorized to exercise the power of eminent domain.
- c. The order of the Board of Supervisors.
- d. The order of the Planning Commission.
- e. The Director of Planning and Development Services.

(Amended by Ord. No. 8250 (N.S.) adopted 6-2-93)

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

(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

**7505 APPLICATION OF PROPERTY OWNER.**

The application of a property owner or the agent of such owner requesting an amendment to the Zoning Ordinance as applied to his property shall be made as follows:

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- a. **Application Form, Filing, and Fee.** An application requesting an amendment of the Zoning Ordinance shall be made on the prescribed form, shall be filed with the Planning Commission, and shall be accompanied by the fee referenced in Section 7602.
- b. **Required Documents.** An application requesting an amendment to the Zoning Ordinance 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 a 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 description of the requested amendment.
  3. The appropriate environmental impact review document, as provided by Section 7610.
- c. **Additional Documents Required for Mobilehome Parks.**
  1. An application requesting an amendment to the Zoning Ordinance on property containing an existing mobilehome park and zoned for exclusive mobilehome park usage by either the RMH Use Regulation or the "A" Building Type Designator shall request provisional reclassification pursuant to Section 7509 and contain the following information and/or documents specified herein:
    - i. The number of spaces within the existing park.
    - ii. A list of names and addresses of all tenants within the park for use by the Department in giving notice.
    - iii. The date of manufacture and size of each mobilehome and the current replacement value affected by the relocation. The replacement value shall be determined in the same manner as used by standard insurance replacement criteria.
    - iv. The estimated cost of relocation of each mobilehome affected by the proposed change of use.

- 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 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)  
(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

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.

- c. **Form of Bond.** The surety bond shall be in a form approved by the County Counsel and shall provide that in the event suit is brought upon the bond by the County of San Diego and judgment is recovered, the surety shall pay all costs incurred by the County in such suit, including reasonable attorney's fees to be fixed by the court.
- d. **Action Upon Failure to Complete Improvements.** Upon failure to complete any improvements within the time specified in an agreement, the Director of Transportation may, upon 20 or more days notice served in writing upon the person, firm or corporation signing such agreement or upon 20 or more days notice sent by registered mail addressed to the last known address of the person, firm or corporation signing such agreement, determine that said improvement work or any part thereof is incomplete whereupon the County may complete such work and may deduct the cost of completion from the amount of money deposited or recover such costs from the surety. Alternatively, the County may estimate the cost of completing such work and may deduct such estimated cost from the amount of money deposited or recover such estimated cost from the surety or place a demand with the financial institution under an instrument of credit.

**7614 ADMINISTRATIVE DEVIATION FROM AN APPROVED PLANNED DEVELOPMENT PLOT PLAN FOR HOMEOWNER IMPROVEMENTS**

An administrative deviation from the approved plot plan of a planned development authorized by Section 6600 et seq. of this ordinance may be approved by the Department for minor structures accessory to an individual residence. Deviations may be granted to allow construction or alteration of minor homeowner improvements such as patio covers, pools, spas, fences, or decks (except cantilevered decks or decks overhanging a slope). Room additions and detached accessory buildings no larger than 500 square feet or higher than one story may also be authorized.

An administrative deviation may be granted by the Department if the Department finds that it meets the following requirements:

- a. A written recommendation on the proposed deviation has been obtained from the appropriate planned development homeowner's association.
- b. The deviation would not conflict with the conditions of the approved planned development use permit decision, or with proposed or existing improvements, common facilities or open space, shown on the approved planned development use permit plot plan.
- c. The deviation would not constitute a substantial change in the planned development use permit.
- d. The deviation will not adversely affect adjacent property or property owners.

7614

- e. The deviation complies with the minor deviation criteria of Section 7609(d).
- f. An application form shall be submitted and a processing/record-keeping fee shall be collected at the time an administrative deviation is requested, pursuant to the fee referenced in Section 7602.

Any decision by the Director pursuant to this section shall be final. Proposed planned development deviations for homeowner improvements deemed not to qualify under these provisions, must comply with the use permit modification provisions of Section 7378.

(Added by Ord. No. 8599 (N.S.) adopted 10-11-95)

**7615 SALE OF COPIES.**

Copies of maps, charts, plats and other descriptive matter made and provided for in this Ordinance may be sold by the Department at the cost of printing, bindings and distributing the same. All moneys received therefrom shall be paid into the County Treasury as provided by law.

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

(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

**ENFORCEMENT PROCEDURES****7700 TITLE AND PURPOSE.**

The provisions of Section 7700 through Section 7749, inclusive, shall be known as the Enforcement Procedures. The purpose of these provisions is to ensure compliance with The Zoning Ordinance. These provisions shall apply to the enforcement of The Zoning Ordinance, but shall not be deemed to exclude other measures.

**7701 AUTHORITY TO ENFORCE.**

The Director shall have the authority to enforce all of the provisions of this Ordinance. All officials, departments, and employees of San Diego County vested with the authority to issue permits, certificates, or licenses shall adhere to, and require conformance with The Zoning Ordinance.

(Amended by Ord. No. 8555 (N.S.) adopted 7-14-95)

(Amended by Ord. No. 8962 (N.S.) adopted 9-23-98)

**7702 INSPECTION TO INSURE COMPLIANCE.**

Whenever they shall have cause to suspect a violation of any provision of The Zoning Ordinance; or whenever necessary to investigate either an application for granting, extension or modification of any application described in this Ordinance or in the Subdivision Ordinance, or an action to revoke or modify a variance or a use permit, or whenever necessary to investigate a proposed amendment of The Zoning Ordinance, the officials responsible for enforcement or administration of The Zoning Ordinance or their duly authorized representatives, may enter any site for the purpose of investigation, provided they shall do so in a reasonable manner. No owner or occupant or agent thereof shall, after reasonable notice and opportunity to comply, refuse to permit such entry. In the course of such inspection, no enclosed building or structure shall be entered without the express permission of the owner or occupant.

(Amended by Ord. No. 7152 (N.S.) adopted 6-11-86)

**7703 VIOLATIONS AND PENALTIES.**

It shall be unlawful for any person to use any property or erect, construct, enlarge, alter, repair, move, remove, improve, convert or demolish, equip, use, occupy or maintain any building or structure, or cause the same to be done, contrary to or in violation of any of the provisions of this Ordinance. Any person violating any of the provisions of this Ordinance, including the violation of any condition of a use permit, site plan, administrative permit, variance, or other discretionary permit shall be deemed guilty of a misdemeanor unless, in the discretion of the prosecutor, it is charged as an infraction.

- a. Each day or portion of a day that any person violates or continues to violate this ordinance constitutes a separate offense and may be charged and punished separately without awaiting conviction on any prior offense.

- b. Any person convicted of a misdemeanor under this ordinance shall be punished by imprisonment in the County jail not exceeding six months, or by a fine not exceeding \$1,000, or by both.
- c. Any person convicted of an infraction under this ordinance shall be punished by a fine not exceeding \$100 for the first violation; by a fine not exceeding \$200 for a second violation of this ordinance within one year; and by a fine not exceeding \$500 for each additional violation of the same provision of this ordinance committed by that person on the same site within one year.
- d. Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any condition which violates any provision of this ordinance.
- e. Violation is A Public Nuisance. Any building or structure erected, constructed, altered or maintained and/or any use of property contrary to the provisions of these regulations shall be and the same is hereby declared to be unlawful and a public nuisance, and any failure, refusal or neglect to obtain a permit as required by the terms of this ordinance shall be prima facie evidence of the fact that a nuisance has been committed in connection with the erection, construction, alteration or maintenance of any building or structured erected, constructed, altered or maintained or used contrary to the provisions of this ordinance. The public nuisance may be abated in accordance with the Uniform Public Nuisance Abatement Procedures contained in Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of the San Diego County Code or County Counsel shall, upon order of the Board of Supervisors immediately commence necessary proceedings for the abatement, removal and/or enjoinder thereof in the manner provided by law.
- f. Citation Authority. Pursuant to the provisions of California Penal Code Sections 19d and 836.5, the Director of the Department of Planning and Development Services or specific individuals deputized by the Director may arrest a person without a warrant whenever the Director or the authorized deputy has a reasonable cause to believe that the person arrested has committed an infraction or misdemeanor in his presence which is a violation of The Zoning Ordinance, which he or she has the duty to enforce. An officer or employee making an arrest under the authority of this section shall follow the citation-release procedures prescribed by the California Penal Code, or such procedures hereinafter enacted by the State of California. No agent or deputy shall exercise the power to issue citations authorized above unless such agent or deputy shall first have completed a course of training that meets the minimum standards prescribed by the Commission on Peace Officers Standards and Training as established by Section 832(a) of the Penal Code.
- g. Civil Penalties For Violation of The Zoning Ordinance. As part of a civil action filed by the County to enforce provisions of this Ordinance, a court may assess a maximum civil penalty of \$2500 per violation of The Zoning Ordinance for each day during which any violation of any provision of this Ordinance is committed, continued, permitted or maintained by such person(s). As part of said civil action, a court may also assess a maximum civil penalty of \$6000 for each day any person intentionally violates an injunction prohibiting the violation of any provision of this Ordinance.

- h. **Administrative Remedies.** In addition to all other legal remedies, criminal or civil, which are available to the County to address any violation of The Zoning Ordinance, the County may use the Administrative Remedies found at Division 8 of Title 1 of the County Code.
- i. **Cease and Desist Order.** Whenever the Director finds any use regulated by this Ordinance being performed in a manner either contrary to the provisions of this Ordinance or not allowed by this Ordinance, the Director may issue a cease and desist order. The cease and desist order shall be in writing and shall be given to the owner of the property involved, the owner's agent or to the person performing the use. The cease and desist order shall state the reason for the order, the conditions under which the specified use will be allowed to resume or whether the use is not allowed at all. Upon issuance of a cease and desist order, the specified use shall immediately cease. It shall be unlawful for any person to continue a use after having been served with a cease and desist order unless the Director authorizes it in writing.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)  
 (Amended by Ord. No. 6789 (N.S.) adopted 5-30-84)  
 (Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)  
 (Amended by Ord. No. 7152 (N.S.) adopted 6-11-86)  
 (Amended by Ord. No. 7200 (N.S.) adopted 9-16-86)  
 (Amended by Ord. No. 8015 (N.S.) adopted 12-4-91)  
 (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. 9063 (N.S.) adopted 10-24-00)  
 (Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)  
 (Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)  
 (Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)  
 (Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

#### 7704 REFUSAL TO ISSUE OR SUSPENSION OF BUILDING PERMIT.

The Director may suspend or refuse to issue any building permit, including plumbing, electrical, mechanical and structural permits, if the Director determines that there is a violation of this or any other ordinance or regulation involving the property upon which the permit was applied for or was issued or involving signs advertising the subdivision or development within which the property is located.

Written notice of such suspension or refusal to issue shall be mailed to the applicant for the building permit and to the property owner, if different from the applicant. Such written notice shall include information regarding the specific violation(s) and the action(s) necessary to abate such violation(s).

The suspension or refusal to issue shall be rescinded upon submission of evidence satisfactory to the Director that such violations have been abated.

(Added by Ord. No. 7152 (N.S.) adopted 6-11-86)  
 (Amended by Ord. No. 8555 (N.S.) adopted 7-14-95)  
 (Amended by Ord. No. 8962 (N.S.) adopted 9-23-98)

#### 7705 SPECIFIC PLAN.

Violation of the requirements of a Specific Plan adopted by the Board of Supervisors constitutes a violation of The Zoning Ordinance.



h. Lot Coverage

No lot coverage requirement.

i. Main Building Setbacks

In order to complement and encourage preservation of the existing village character and encourage pedestrian activity, development in the V1 Zone should maintain a continuous building façade and buildings shall maintain a zero front yard and exterior side yard setback along Main Street and adjacent side streets.

Front:	0 feet from lot line (mandatory)
Side, Interior:	0 feet from lot line (permitted)
Side, Exterior:	0 feet from lot line (mandatory)
Rear:	0 feet from lot line (permitted)

j. Open Space

0 (no usable open space required).

k. Special Area Regulation

Property within the V1 Zone shall be subject to the Community Design Review Area Regulations in Section 5750 and the Fallbrook Design Guidelines.

l. Enclosure

All operations, including the storage of materials and equipment, shall be located entirely within an enclosed building.

Exceptions to Enclosure Regulations

1. Eating and Drinking Establishments and Food and Beverage Retail Sales. Only accessory outdoor cafés that comply with Section 6158.a.1 and pursuant to an approved Site Plan required by the Special Area Regulation. The provision to provide required parking for the outdoor seating areas required by Section 6158.a.1.iii shall not apply. The parking shall be determined pursuant to the Fallbrook V1 Zone Parking Regulations.
2. Parking Services
3. Automotive and Equipment: Parking

m. Wireless Facilities

For the purposes of Zoning Ordinance Section 6983 (Definitions), the V1 Zone shall be included in the definition of "Commercial Zones."

8120

n. On-Premise Sign Regulations

All property with the V1 Zone shall be subject to the On-Premise Sign Regulations beginning at Section 6250.

(Added by Ord. No. 9620 (N.S.) adopted 12-10-03)

8130 PARKING REGULATIONS

a. Purpose And Intent

The intent of the Fallbrook Village parking regulations is to ensure adequate off-street parking in relation to allowed uses and activities. The regulations are also intended to maintain and enhance existing zero front yard setback development patterns in the traditional downtown commercial district consistent with the Fallbrook Design Guidelines. To achieve this purpose, all of the Village 1 Zone is located in the Fallbrook Special Parking District with provision for meeting parking requirements in shared parking lots.

b. Parking Requirements

All of the V1 Zone is included in the Fallbrook Special Parking District (see Zoning Ordinance Section 5761).

In the V1 Zone, the number of spaces required by the Parking Schedules in Sections 6758 through 6780 may be reduced up to 25%.

c. Relationship of Required Parking to Building Site

Required parking and bicycle spaces may be located on the same legal parcel with the use or structure they are intended to serve. The parking requirement may and should preferably be met through participation in a shared parking lot. Parking requirements may be fulfilled on-site or on any other property within 900 feet of the site requiring the parking. Evidence must be provided to the County that parking lot ownership shares have not been previously used or counted to meet the parking requirements for any other existing business. The parking spaces shall be tied to the property receiving the permit using a method acceptable to the Director.

d. Location of Parking on a Building Site

1. Bicycle Spaces. Bicycle spaces, if provided, shall be located:

- a) At least as close and accessible to the use or building served as is the most convenient motor vehicle parking (other than handicapped parking).

- b) As close to the building entrances as is practical without interfering with pedestrian traffic.
    - c) At ground level.
  - 2. Covered Parking. Covered or enclosed parking spaces shall be outside the ultimate right-of-way of any street and shall be located in the rear half of the lot. This provision does not apply to any shared parking lot provided pursuant to Section 8130 c. that does not have a building on the same legal parcel.
  - 3. Open Parking. Open parking spaces shall be outside the ultimate right-of-way of any street and shall be located generally behind a building. This provision does not apply to any shared parking lot provided pursuant to Section 8130 c. that does not have a building on the same legal parcel.
  - 4. Exceptions. A Use Permit, Variance, or Administrative Permit may specify the location of parking areas and bicycle spaces in locations other than as required by Section 8130.d. 1 – 3 above.
- e. Parking Space Dimensions
- 1. Offstreet Parking Design Manual to Specify. The Offstreet Parking Design Manual adopted pursuant to Section 6793.c 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.
  - 2. Handicapped Parking. At least one space of the required parking, if any, in any parking area shall be designed for handicapped parking as specified in the Offstreet Parking Design Manual and the Uniform Building Code. 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 by the Offstreet Parking Design Manual and the Uniform Building Code.
- f. Design Standards for Offstreet Parking
- Parking spaces and areas shall meet the following design and improvement standards:
- 1. 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 Offstreet Parking Design Manual. The type of surfacing for proposed parking spaces and driveways shall be indicated on all plot plans that accompany Site Plan applications and building construction plans.

8130

2. Landscaping. 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 3) of this Section and Section 6712.
3. Offstreet Parking 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.

(Added by Ord. No. 9620 (N.S.) adopted 12-10-03)

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

(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

Where the ultimate right-of-way is wider than an existing or planned sidewalk location, buildings may be constructed up to the ultimate right-of-way provided landscaping is planted between the sidewalk and the building face.

Front:	0 feet from lot line (permitted)
Side, Interior:	0 feet from lot line (permitted)
Side, Exterior:	0 feet from lot line (permitted)
Rear:	0 feet from lot line (permitted)

j. Open Space

0 (no usable open space required).

k. Special Area Regulation

Property within the V2 Zone shall be subject to the Community Design Review Area Regulations in Section 5750 and the Fallbrook Design Guidelines.

l. Enclosure

All operations, including the storage of materials and equipment, shall be located entirely within an enclosed building.

Exceptions to Enclosure Regulations

1. Automotive and Equipment: Sales/Rentals, Light Equipment. Providing that the use complies with Section 8230.d. of the Fallbrook Village 2 Zone Parking Regulations.
2. Eating and Drinking Establishments and Food and Beverage Retail Sales. Only accessory outdoor cafés that comply with Section 6158.a.1 and pursuant to an approved Site Plan required by the Special Area Regulation. The provision to provide required parking for the outdoor seating areas required by Section 6158.a.1.iii shall not apply. The parking shall be determined pursuant to the Fallbrook Village Parking Regulations.
3. Parking Services
4. Automotive and Equipment: Parking

m. Wireless Facilities

For the purposes of Zoning Ordinance Section 6983 (Definitions), the V2 Zone shall be included in the definition of "Residential Zones."

n. On-Premise Sign Regulations

8220

All property with the V2 Zone shall be subject to the On-Premise Sign Regulations beginning at Section 6250.

(Added by Ord. No. 9620 (N.S.) adopted 12-10-03)

8230            **PARKING REGULATIONS**

a.        Purpose And Intent

The intent of the Fallbrook Village parking regulations is to ensure adequate off-street parking in relation to allowed uses and activities. The regulations are also intended to maintain and enhance existing zero front yard setback development patterns in the traditional downtown commercial district, consistent with the Fallbrook Design Guidelines. To achieve this purpose, all of the Village 2 Zone is located in the Fallbrook Special Parking District with provision for meeting parking requirements in shared parking lots.

b.        Parking Requirements

All of the V2 Zone is included in the Fallbrook Special Parking District (see Zoning Ordinance Section 5761).

In the V2 Zone the number of spaces required by the Parking Schedules in Section 6758 through 6780 may be reduced up to 25%.

c.        Relationship of Required Parking to Building Site

Required parking and bicycle spaces may be located on the same legal parcel with the use or structure they are intended to serve. The parking requirement may and should preferably be met through participation in a shared parking lot. Parking requirements may be fulfilled on-site or on any other property within 600 feet of the site requiring the parking. Evidence must be provided to the County that parking lot ownership shares have not been previously used or counted to meet the parking requirements for any other existing business. The parking spaces shall be tied to the property receiving the permit using a method acceptable to the Director.

d.        Location of Parking On A Building Site

1.        Bicycle Spaces. Bicycle spaces, if provided, shall be located:

- a)        At least as close and accessible to the use or building served as is the most convenient motor vehicle parking (other than handicapped parking).
- b)        As close to the building entrances as is practical without interfering with pedestrian traffic.

- c) At ground level.
2. Covered Parking. Covered or enclosed parking spaces shall be outside the ultimate right-of-way of any street and shall be located in the rear half of the lot. This provision does not apply to any shared parking lot provided pursuant to Section 8230 c. that does not have a building on the same legal parcel.
  3. Open Parking. Open parking spaces shall be outside the ultimate right-of-way of any street and shall be located generally behind a building. This provision does not apply to any shared parking lots provided pursuant to Section 8230 c. that does not have a building on the same legal parcel.
  4. Exceptions. A Use Permit, Variance Or Administrative Permit may specify the location of parking areas and bicycle spaces in locations other than as required by Section 8230.d.1 – 3 above.
- e. Parking Space Dimensions
1. Offstreet Parking Design Manual to Specify. The Offstreet Parking Design Manual adopted pursuant to Section 6793.c 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.
  2. Handicapped Parking. At least one space of the required parking, if any, in any parking area shall be designed for handicapped parking as specified in the Offstreet Parking Design Manual and the Uniform Building Code. 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 by the Offstreet Parking Design Manual and the Uniform Building Code.
- f. Design Standards for Off-Street Parking
- Parking spaces and areas shall meet the following design and improvement standards:
1. 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 Offstreet Parking Design Manual. The type of surfacing for proposed parking spaces and driveways shall be indicated on all plot plans which accompany Site Plan applications and building construction plans.
  2. Landscaping. 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 3. of this Section and Section 6712.

3. **Offstreet Parking 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.

(Added by Ord. No. 9620 (N.S.) adopted 12-10-03)

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

(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

n. On-Premise Sign Regulations

All property with the V3 Zone shall be subject to the On-Premise Sign Regulations beginning at Section 6250.

(Added by Ord. No. 9620 (N.S.) adopted 12-10-03)

8330 PARKING REGULATIONS

a. Purpose and Intent

The intent of the Fallbrook Village parking regulations is to ensure adequate off-street parking in relation to allowed uses and activities. The regulations are also intended to maintain and enhance existing zero front yard setback development patterns in the traditional commercial district consistent with the Fallbrook Design Guidelines. To achieve this purpose, a portion of the Village 3 Zone is located in the Fallbrook Special Parking District and all of the Village 3 Zone provides for reduced parking requirements with provision for meeting parking requirements in shared parking lots.

b. Parking Requirements

The portion of the V3 Zone specified in Section 5761.b.1 is included in the Fallbrook Special Parking District (see Zoning Ordinance Section 5761).

In the V3 Zone, the number of spaces required by the Parking Schedules in Sections 6758 through 6780 may be reduced up to 25%.

c. Relationship of Required Parking to Building Site

Required parking and bicycle spaces may be located on the same legal parcel with the use or structure they are intended to serve. The parking requirement may and should preferably be met through participation in a shared parking lot. Parking requirements may be fulfilled on-site or on any other property within 600 feet of the site requiring the parking. Evidence must be provided to the County that parking lot ownership shares have not been previously used or counted to meet the parking requirements for any other existing business. The parking spaces shall be tied to the property receiving the permit using a method acceptable to the Director.

d. Location of Parking On A Building Site

1. Bicycle Spaces. Bicycle spaces, if provided, shall be located:

- a) At least as close and accessible to the use or building served as is the most convenient motor vehicle parking (other than handicapped parking).

- b) As close to the building entrance as is practical without interfering with pedestrian traffic.
  - c) At ground level.
2. Covered Parking. Covered or enclosed parking spaces shall be outside the ultimate right-of-way of any street and shall be located in the rear half of the lot. This provision does not apply to any shared parking lot provided pursuant to Section 8330 c. above that does not have a building on the same legal parcel.
  3. Open Parking. Open parking spaces shall be outside the ultimate right-of-way of any street and shall be located generally behind a building. This provision does not apply to any shared parking lot provided pursuant to Section 8330 c. above that does not have a building on the same legal parcel.
  4. Exceptions. A use permit, variance or administrative permit may specify the location of parking areas and bicycle spaces in locations other than a required by Section 8330 d. 1 – 3.
- e. Parking Space Dimensions
1. Offstreet Parking Design Manual to Specify. The design manual adopted pursuant to Section 6793.c 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.
  2. Handicapped Parking. At least one space of the required parking, if any, in any parking area shall be designed for handicapped parking as specified in the Offstreet Parking Design Manual and the Uniform Building Code. 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 by the Offstreet Parking Design Manual.
- f. Design Standards for Off-Street Parking
- Parking spaces and areas shall meet the following design and improvement standards:
1. 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 site plan applications and building construction plans.

2. Landscaping. 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 3 of this Section and Section 6712.
3. Offstreet Parking 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.

(Added by Ord. No. 9620 (N.S.) adopted 12-10-03)

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

(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

8400

V4 VILLAGE 4 ZONE

8400 INTENT

The Village 4 (V4) Zone is intended to encourage the retention and attraction of businesses compatible with a predominantly retail environment fronting on a pedestrian-oriented street. Residential uses are allowed as a secondary use. The V4 Zone is similar to the V1 Zone, but allows more automobile-oriented uses and allows a flexible front yard setback. Property within the V4 Zone shall be subject to the Community Design Review Area Regulations in Section 5750 and the Fallbrook Design Guidelines.

(Added by Ord. No. 9620 (N.S.) adopted 12-10-03)  
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

8402 PERMITTED USES

The following use types are permitted by the V4 Zone:

a. Civic Use Types.

Administrative Services  
Clinic Services  
Community Recreation  
Cultural Exhibits and Library Services  
Essential Services  
Lodge, Fraternal and Civic Assembly  
Minor Impact Utilities  
Parking Services  
Small Schools

b. Commercial Use Types.

Administrative and Professional Services  
Agricultural and Horticultural Sales: Horticultural Sales  
Animal Sales and Services: Grooming  
Animal Sales and Services: Veterinary (Small Animals)  
Automotive and Equipment: Parking  
Automotive and Equipment: Repairs, Light Equipment  
Automotive and Equipment: Sales/Rentals, Farm Equipment  
Automotive and Equipment: Sales/Rentals, Light Equipment  
Business Support Services  
Communications Services  
Financial, Insurance and Real Estate Services  
Medical Services  
Personal Services, General  
Repair Services, Consumer  
Retail Sales: General  
Retail Sales: Specialty  
Spectator Sports and Entertainment: Limited

In the V4 Zone, the number of spaces required by the Parking Schedules in Sections 6758 through 6780 may be reduced up to 25%.

c. Relationship of Required Parking to Building Site

Required parking and bicycle spaces may be located on the same legal parcel with the use or structure they are intended to serve. For any property in the V4 Zone, the parking requirement may and should preferably be met through participation in a shared parking lot. Parking requirements may be fulfilled on-site or on any other property within 600 feet of the site requiring the parking. Evidence must be provided to the County that parking lot ownership shares have not been previously used or counted to meet the parking requirements for any other existing business. The parking spaces shall be tied to the property receiving the permit using a method acceptable to the Director.

d. Location of Parking On A Building Site

1. Bicycle Spaces. Bicycle spaces, if provided, shall be located:

- a) At least as close and accessible to the use or building served as is the most convenient motor vehicle parking (other than handicapped parking).
- b) As close to the building entrance as is practical without interfering with pedestrian traffic.
- c) At ground level.

2. Covered Parking. Covered or enclosed parking spaces shall be outside the ultimate right-of-way of any street and shall be located in the rear half of the lot. This provision does not apply to any shared parking lot provided pursuant to Section 8430 c. above that does not have a building on the same legal parcel.

3. Open Parking. Open parking spaces shall be outside the ultimate right-of-way of any street and shall be located generally behind a building. This provision does not apply to any shared parking lot provided pursuant to Section 8430 c. above that does not have a building on the same legal parcel.

4. Exceptions. A use permit, variance or administrative permit may specify the location of parking areas and bicycle spaces in locations other than a required by Section 8430 d. 1 – 3.

e. Parking Space Dimensions

1. OffStreet Parking Design Manual to Specify. The Offstreet Parking Design Manual adopted pursuant to Section 6793.c 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.
2. Handicapped Parking. At least one space of the required parking, if any, in any parking area shall be designed for handicapped parking as specified in the Offstreet Parking Design Manual and the Uniform Building Code. 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 by the Offstreet Parking Design Manual and the Uniform Building Code.

f. Design Standards for Offstreet Parking

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

1. 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 Offstreet Parking Design Manual. The type of surfacing for proposed parking spaces and driveways shall be indicated on all plot plans that accompany Site Plan applications and building construction plans.
2. Landscaping. 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 3) of this Section and Section 6712.
3. Offstreet Parking 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.

(Added by Ord. No. 9620 (N.S.) adopted 12-10-03)

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

(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

to the property receiving the permit using a method acceptable to the Director.

d. Location of Parking on a Building Site

1. Bicycle Spaces. Bicycle spaces, if provided, shall be located:
  - a) At least as close and accessible to the use or building served as is the most convenient motor vehicle parking (other than handicapped parking).
  - b) As close to the building entrances as is practical without interfering with pedestrian traffic.
  - c) At ground level.
2. Covered Parking. Covered or enclosed parking spaces shall be outside the ultimate right-of-way of any street and shall be located in the rear half of the lot. This provision does not apply to any shared parking lot provided pursuant to Section 8530.c above that does not have a building on the same legal parcel.
3. Open Parking. Open parking spaces shall be outside the ultimate right-of-way of any street and shall be located generally behind a building. This provision does not apply to any shared parking lot provided pursuant to Section 8530.c above that does not have a building on the same legal parcel.
4. Exceptions. A Use Permit, Variance, or Administrative Permit may specify the location of parking areas and bicycle spaces in locations other than as required by Section 8530.d. 1 – 3 above.

e. Parking Space Dimensions

1. OffStreet Parking Design Manual to Specify. The Offstreet Parking Design Manual adopted pursuant to Section 6793.c 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.
2. Handicapped Parking. At least one space of the required parking, if any, in any parking area shall be designed for handicapped parking as specified in the Offstreet Parking Design Manual and the Uniform Building Code. 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 by the Offstreet Parking Design Manual and the Uniform Building Code.

f. Design Standards for Offstreet Parking

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

1. 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 Offstreet Parking Design Manual. The type of surfacing for proposed parking spaces and driveways shall be indicated on all plot plans that accompany site plan applications and building construction plans.
2. Landscaping. 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 3) of this Section and Section 6712.
3. Offstreet Parking 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.

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