

ORDINANCE NO.10031 (N.S.)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING
ORDINANCE RELATING TO WATER EFFICIENT LANDSCAPES

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines as follows:

(a) The State of California adopted the Water Conservation in Landscaping Act, Government Code sections 65590 et seq. in 1990. The Act required the State Department of Water Resources to adopt a model efficient landscape ordinance by January 1, 1992. The Act further provided that if a local agency had not by January 1, 1993 either: (1) adopted findings based on climatic, geological or topographical conditions or water availability stating a water efficient landscape ordinance is unnecessary or (2) adopted a water efficient landscape ordinance, then the model efficient landscape ordinance adopted by the Department of Water Resources would take effect within the local jurisdiction and be enforced by the local agency. The County amended the County Zoning Ordinance adopting water efficient landscape regulations before the January 1, 1993 deadline.

(b) In 2006 the State repealed the Water Conservation in Landscaping Act and adopted a new Water Conservation in Landscaping Act, Government Code sections 65591 et seq. The new Act requires the Department of Water Resources to update the previously adopted model efficient landscape ordinance that provides for greater efforts at water conservation and more efficient use of water in landscaping.

(c) Government Code section 65595 requires that on or before January 1, 2010 a local agency shall adopt a water efficient landscape ordinance that is at least as effective in conserving water as the updated model ordinance or adopt the model ordinance. If a local agency does not adopt a water efficient landscape ordinance by the deadline, the updated model ordinance shall apply within the local agency's jurisdiction and shall be enforced by the local agency.

(d) The water efficient landscape regulations in the County Zoning Ordinance are not as effective in conserving water as the updated model ordinance and need to be replaced by more comprehensive regulations. The County is adopting a Water Conservation in Landscaping Ordinance, adding Title 8, Division 6, Chapter 7 to the San Diego County Code. That ordinance will provide comprehensive water efficient landscape regulations and be as effective in conserving water as the updated model ordinance.

(e) This ordinance will delete portions of the Zoning Ordinance that relate to water efficient landscaping that are no longer necessary. This ordinance will also amend some of the remaining provisions to clarify their meaning.

Section 2. Amend Zoning Ordinance section 1110, Definitions (D), to delete the terms, "Decorative Turf" and "Drought-resistant Plant Materials."

Section 3. Amend Zoning Ordinance section 1110, Definitions (G), to delete the terms, "Grass, Cool Season," "Grass, Warm Season" and "Groundcover."

Section 4. Amend Zoning Ordinance section 1110, Definitions (L), to delete the term, "Low-water Consuming Plant Materials."

Section 5. Amend Zoning Ordinance section 1110, Definitions (N), to delete the term, "Native or Naturalizing Plant Species."

Section 6. Amend Zoning Ordinance section 1110, Definitions (P), to delete the terms, "Plants, High Water Use" and "Plants, Low Water Use."

Section 7. Amend Zoning Ordinance section 1110, Definitions (T), to delete the terms, "Transitional Landscape," "Turf," "Turf Area, Active," "Turf Area, Large" and "Turf Area, Passive."

Section 8. Amend Zoning Ordinance section 1110, Definitions (W), to delete the terms, "Water Feature, Major" and "Water Feature, Minor."

Section 9. Amend the title in Part Six of the Zoning Ordinance, preceding sections 6700 et seq., from, FENCING AND LANDSCAPING REGULATIONS to FENCING AND SCREENING REGULATIONS.

Section 10. Amend Zoning Ordinance section 6700 to read as follows:

6700 TITLE AND PURPOSE.

The provisions of Section 6700 through 6714, inclusive, shall be known as the Fencing and Screening Regulations. The purpose of these provisions is to prescribe standards for fences, walls and screening within San Diego County for the protection of property, the assurance of safety and security, the enhancement of privacy, the control of dust, and the improvement of the visual environment including the provision of a neat appearance in keeping with neighborhood character.

Section 11. Amend Zoning Ordinance section 6702 to read as follows:

6702 MEASUREMENT OF PRESCRIBED HEIGHTS.

The prescribed heights of required fences, walls or landscaping used for screening shall be measured above the actual adjoining level of finished grade, except that where parking, loading, storage, or similar areas are located above finished grade, the height of fences, walls or landscaping required to screen such areas or space shall be measured above the level thereof. An earthen berm not higher than 3 feet may count toward the prescribed height of any fence, wall or landscaping used for screening.

Section 12. Amend Zoning Ordinance section 6704 to read as follows:

6704 STANDARDS APPLICABLE TO FENCES AND WALLS.

All fences and walls required or permitted by these regulations shall meet the following standards.

- a. Materials for Fences and Walls. Fences and walls may be of any material commonly used in the construction of fences and walls, or otherwise acceptable by the Department, except as hereinafter specified. Such fence or wall shall meet any criteria for sturdiness and construction as established in other County regulations.
- b. Opaqueness or Transparency of Fences. The degree of opaqueness or transparency of fences and walls may be determined by the property owner, in accordance with the owner's desire for visual privacy, except as hereinafter specified. Notwithstanding this provision, such fence or wall shall meet the requirements of any other County regulation concerning the opaqueness or transparency of a fence or wall.
- c. Hedges. A hedge or other dense landscaping may satisfy a requirement for a view-obscuring fence. In that case, the hedge or other landscaping shall be planted to ensure 100 percent screening within two years of installation. Such hedge or other dense landscaping shall be maintained in accordance with the provisions of San Diego County Code sections 86.701 et seq. and shall be replaced with another hedge, other dense landscaping or an appropriate fence or wall when it ceases to serve the purpose of obscuring views. However, no such hedge shall be grown or maintained at a height greater than that permitted by these regulations for a fence or wall.

Section 13. Delete Zoning Ordinance sections 6712 and 6713.

Section 14. Amend Zoning Ordinance section 6714 to read as follows:

6714 REQUIRED LANDSCAPING.

The following landscaping shall be required:

- a. M50 and M52 Use Regulations. In all zones subject to M50 and M52 Use Regulations, a landscaped strip at least 10 feet wide shall be established in every front yard; and a landscaped strip at least 5 feet wide shall be established in every exterior side yard, and in every interior side yard and rear yard adjacent to each public place, and adjacent to all abutting property in any residential zone, except for necessary ways of ingress and egress. The landscape strips shall include dense view-obscuring screening at least 6 feet in height in side or rear yard landscape strips, and 42 inches high in front yard landscape strips. The landscape strips shall be subject to the requirements of San Diego County Code sections 86.701 et seq.

- b. Mobilehomes Parks and Planned Developments With Mobilehomes. In a mobilehome park developed pursuant to the Mobilehome Park Regulations commencing at Section 6500 or a planned development contained mobilehomes developed pursuant to the Planned Development Regulations commencing at Section 6600. all areas not used for permitted main or accessory buildings, interior access drives, pedestrian circulation, and service areas shall be completely and permanently landscaped and maintained in accordance with the provisions of San Diego County Code sections 86.701 et seq. and the conditions of the applicable use permit. The mobilehome park or planned development containing mobilehomes shall relate harmoniously to the topography of the site, and where feasible make suitable provisions for preservation of water courses, wooded areas, rough terrain and similar natural features and areas, and shall otherwise be so designed as to use such natural features and amenities to best advantage.

- c. Commercial Activities in Residential Zones. In all residential zones the required front and exterior side yards of lots or parcels on which commercial use types are conducted shall be landscaped.

Section 15. Delete Zoning Ordinance sections 6715, 6717, 6719, 6721, 6723 and 6725.

Section 16. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 13th day of January, 2010.