

ORDINANCE NO. 10035 (NEW SERIES)

AN ORDINANCE AMENDING THE ZONING ORDINANCE TO AMEND APPLICABILITY PROVISIONS, ADD EMERGENCY SHELTERS AS AN ALLOWED USE, MAKE MINOR ADDITIONS TO DEFINITIONS, EXCEPTIONS TO HEIGHT LIMITATIONS, TEMPORARY USE REGULATIONS AND OTHER REGULATIONS AND MAKE OTHER MINOR MODIFICATIONS AND CLARIFICATIONS

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

Section 1. The Board of Supervisors finds and determines that the Zoning Ordinance should be updated by amending or adding various sections regarding applicability of the ordinance, emergency shelters, exceptions to height limitations, temporary uses and exceptions to the enclosure regulations. In addition, the Board finds that miscellaneous sections should be amended to clarify or correct language in the sections. The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. Section 1006 of the Zoning Ordinance is hereby amended to read as follows:

1006 APPLICABILITY OF THE ZONING ORDINANCE.

- a. The Zoning Ordinance shall be applicable to all of the unincorporated areas of San Diego County. The use and employment of all land and any buildings or structures located upon the land and the construction, reconstruction, alteration, expansion, or relocation of any building or structure upon the land shall conform to all regulations applicable to the zone in which the land is located. No land, building, structure or premises shall be used for any purpose or in any manner other than is permitted in the zone in which such land, building, structure or premise is located.
- b. The Zoning Ordinance shall not apply to the development, use, or improvement of new or existing County Parks.
- c. The Zoning Ordinance shall not apply to Indian Reservation lands within the County of San Diego. Such lands are defined as those parcels which are identified as Indian Reservation lands by an Act of the United States Congress.
- d. The Zoning Ordinance shall not apply to federally-owned public lands within the County of San Diego. Such lands are defined as those parcels which are identified as federally-owned public lands by the San Diego County Assessor.
- e. The Zoning Ordinance shall not apply to solid waste management projects undertaken by the County on County-owned land.

- f. The Zoning Ordinance shall not apply to the County of San Diego during, immediately following or throughout the recovery efforts authorized by the County, related to an emergency declared by the Governor of the State of California or the Board of Supervisors of the County of San Diego.

Section 3. Section 1110 DEFINITIONS (C) of the Zoning Ordinance is hereby amended to add the term “Carnival”, inserted into the appropriate alphabetical location to read as follows:

Carnival or circus: A use meeting the definition of these terms as set forth in Section 21.2401(a) of the San Diego County Code.

Section 4. Section 1110 DEFINITIONS (S) of the Zoning Ordinance is hereby amended to add the term “Supportive Housing”, inserted into the appropriate alphabetical location to read as follows:

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

Section 5. Section 1110 DEFINITIONS (T) of the Zoning Ordinance is hereby amended to add the term “Transitional Housing”, inserted into the appropriate alphabetical location to read as follows:

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

Section 6. Section 1205 of the Zoning Ordinance is hereby amended to read as follows:

1205 LISTING OF USE CLASSIFICATIONS.

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

- a. Residential Use Types.

Family Residential
Group Residential
Mobilehome Residential

- b. Civic Use Types.

Administrative Services
Ambulance Services

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

[c. through f. no changes]

Section 7. Section 1334 is hereby added to the Zoning Ordinance, to read as follows:

1334 EMERGENCY SHELTERS.

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

Section 8. Section 1513 of the Zoning Ordinance is hereby amended to read as follows:

1513 RECYCLING PROCESSING FACILITY

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

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

Section 9. Section 2502 of the Zoning Ordinance is hereby amended to read as follows:

2502 PERMITTED USES.

The following use types are permitted by the M50 Use Regulations:

a. Civic Use Types.

Ambulance Services
Community Recreation
Emergency Shelters (see Section 6911)
Essential Services
Fire Protection Services (see Section 6905)
Law Enforcement Services
Parking Services
Postal Services

b. Commercial Use Types.

Automotive and Equipment: Parking
Recycling Processing Facility, Wood and Green Materials
Research Services

c. Industrial Use Types.

Custom Manufacturing (see Section 6300)

d. Agricultural Use Types.

Horticulture (all types)
Tree Crops
Row and Field Crops
Packing and Processing: Limited
Packing and Processing: Winery
Packing and Processing: General

Section 10. Section 2522 of the Zoning Ordinance is hereby amended to read as follows:

2522 PERMITTED USES.

The following use types are permitted by the M52 Use Regulations:

a. Civic Use Types.

Ambulance Services
Community Recreation
Emergency Shelters (see Section 6911)
Essential Services

Fire Protection Services (see Section 6905)
Law Enforcement Services
Parking Services
Postal Services

b. Commercial Use Types.

Administrative and Professional Services
Automotive and Equipment: Parking
Business Equipment Sales and Services
Business Support Services
Communications Services
Laundry Services
Participant Sports and Recreation: Indoor
Recycling Processing Facility, Wood and Green Materials
Research Services
Wholesaling, Storage and Distribution: Mini-Warehouses (see Section 6300 and Section 6909)

c. Industrial Use Types.

Custom Manufacturing (see Section 6300)

d. Agricultural Use Types.

Horticulture (all types)
Tree Crops
Row and Field Crops
Packing and Processing "Limited"
Packing and Processing "Winery"
Packing and Processing "General"

Section 11. Section 2523 of the Zoning Ordinance is hereby amended to read as follows:

2523 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the M52 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Adult Entertainment Establishments "19"
Agricultural and Horticultural Sales "8" (all types)
Automotive and Equipment: Cleaning "8"
Automotive and Equipment: Repairs, Heavy Equipment "8"
Automotive and Equipment: Repairs, Light Equipment "8"
Automotive and Equipment: Sales/Rentals, Farm Equipment "9"
Automotive and Equipment: Sales/Rentals, Heavy Equipment "9"

Automotive and Equipment: Sales/Rentals, Light Equipment "9" (see Section 6800)
Building Maintenance Services "8"
Construction Sales and Services "8" (see Section 6300)
Food and Beverage Retail Sales "10"
Gasoline Sales "12"
Recycling Collection Facility, Small or Large "2"
Recycling Processing Facility, Light or Heavy "3"
Wholesaling, Storage and Distribution: Light "8" (see Section 6300)

b. Industrial Use Types.

General Industrial "14"

Section 12. Section 2542 of the Zoning Ordinance is hereby amended to read as follows:

2542 PERMITTED USES.

The following use types are permitted by the M54 Use Regulations:

a. Civic Use Types.

Ambulance Services
Community Recreation
Emergency Shelters (see Section 6911)
Essential Services
Fire Protection Services (see Section 6905)
Law Enforcement Services
Minor Impact Utilities
Parking Services
Postal Services

b. Commercial Use Types.

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

Construction Sales and Services (See Section 6300)
Gasoline Sales
Laundry Services
Participant Sports and Recreation: Indoor
Recycling Processing Facility, Wood and Green Materials
Research Services
Wholesaling, Storage and Distribution: Mini-Warehouses (see Section 6300 and Section 6909)

c. Industrial Use Types.

Custom Manufacturing

d. Agricultural Use Types.

Horticulture (all types)
Tree Crops
Row and Field Crops
Packing and Processing "Limited"
Packing and Processing "Winery"
Packing and Processing "General"

Section 13. Section 2545 of the Zoning Ordinance is hereby amended to read as follows:

2545 USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the M54 Use Regulations upon issuance of a Major Use Permit.

a. Civic Use Types.

Administrative Services
Child Care Center
Civic, Fraternal or Religious Assembly
Clinic Services
Cultural Exhibits and Library Services
Major Impact Services and Utilities

b. Commercial Use Types.

Automotive and Equipment: Storage, Nonoperating Vehicles
Explosive Storage (see Section 6904)
Funeral and Interment Services: Cremating
Participant Sports and Recreation: Outdoor
Scrap Operations (see Section 6300)
Swap Meets
Transient Habitation: Campground (see Section 6450)

c. Extractive Use Types.

Site Preparation

Section 14. Section 2582 of the Zoning Ordinance is hereby amended to read as follows:

2582 PERMITTED USES.

The following use types are permitted by the M58 Use Regulations:

a. Civic Use Types.

- Ambulance Services
- Community Recreation
- Emergency Shelters (see Section 6911)
- Essential Services
- Fire Protection Services (see Section 6905)
- Law Enforcement Services
- Minor Impact Utilities
- Parking Services
- Postal Services

b. Commercial Use Types.

- Administrative and Professional Services
- Agricultural and Horticultural Sales (all types)
- Animal Sales and Services: Veterinary, Large Animals
- Automotive and Equipment: Cleaning
- Automotive and Equipment: Fleet Storage
- Automotive and Equipment: Parking
- Automotive and Equipment: Repairs, Heavy Equipment
- Automotive and Equipment: Light Equipment
- Automotive and Equipment: Sales/Rentals, Farm Equipment
- Automotive and Equipment: Sales/Rentals, Heavy Equipment
- Automotive and Equipment: Sales/Rentals, Light Equipment
- Automotive and Equipment: Storage, Recreational Vehicles and Boats
- Building Maintenance Services
- Business Equipment Sales and Services
- Business Support Services
- Communications Services
- Construction Sales and Services (See Section 6300)
- Gasoline Sales
- Laundry Services
- Participant Sports and Recreation: Indoor
- Recycling Processing Facilities, Wood and Green Materials
- Research Services
- Wholesaling, Storage and Distribution: Mini-Warehouses (see Section 6300 and Section 6909)

c. Industrial Use Types.

- Custom Manufacturing (see Section 6300)

d. Agricultural Use Types.

Horticulture (all types)
Tree Crops
Row and Field Crops
Packing and Processing (all types)

Section 15. Section 2703 of the Zoning Ordinance is hereby amended to read as follows:

2703 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the A70 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types

Mobilehome Residential "18"

b. Commercial Use Types

Animal Sales and Services: Veterinary (Large Animals) "6"
Animal Sales and Services: Veterinary (Small Animals) "6"
Recycling Collection Facility, Small "2"
Recycling Processing Facility, Wood and Green Materials "3"

c. Agricultural Use Types

Packing and Processing: Boutique Winery "22" (see Section 6910)

Section 16. Section 2704 of the Zoning Ordinance is hereby amended to read as follows:

2704 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are allowed by the A70 Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Law Enforcement Services
Minor Impact Utilities
Small Schools

b. Agricultural Use Types.

Farm Labor Camps

c. Commercial Use Types

Cottage Industries "17" (see Section 6920)

Section 17. Section 2875 of the Zoning Ordinance is hereby amended to read as follows:

2875 USES SUBJECT TO A MAJOR USE PERMIT.

In addition to the Use Types permitted by Section 2872 through 2874, above, all other Use Types, with the exception of Adult Entertainment Establishments and Emergency Shelters, are permitted by the S87 Use Regulations upon issuance of a Major Use Permit.

Section 18. Section 2990, USE MATRIX page 1 and page 2 of the Zoning Ordinance are hereby amended to read as follows:

(changes only to page 1 [adding 1334: Emergency Shelters to use matrix] and 2 [changing notation of Automotive and Equipment: Sales/Rentals, Light Equipment in the M52 from "Permitted" to Note "9"]).

Section 19. Section 4620 of the Zoning Ordinance is hereby amended to read as follows:

4620 PERMITTED EXCEPTIONS TO HEIGHT LIMITS.

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

- a. Radio and television receiving antennas no more than 200 feet in height of the type customarily used for home radio and television receivers.
- b. Transmitting antennas no more than 200 feet in height used by licensed amateur (ham) or citizens band radio operators.
- c. Flagpoles no more than 50 feet in height; provided, however, that flagpoles used as signs or attention-attracting devices shall be subject to the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.
- d. Signs no more than 50 feet in height except as otherwise limited by the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.
- e. Grain elevators, silos, water tanks, barns, and all other structures functionally used for agriculture which are located in agricultural zones or S92 Use Regulations; provided that no such structure shall be more than 50 feet in height.
- f. Chimneys no more than 100 feet in height located in industrial zones; and all other chimneys extending no more than 3 feet above the highest point on the roof of the building to which they are attached.
- g. Any structure for which a Major Use Permit is granted pursuant to other provisions of this ordinance, when the Major Use Permit authorizes an exemption to the height regulations.
- h. Any structure used primarily to contain or support an Essential Services or Fire Protection Services use.
- i. Solar energy collection equipment extending not more than 5 feet above the highest point of the roof.
- j. Wind turbines, windmills, wind-driven water pumps and appurtenant structures required for the function thereof.
- k. Meteorological Testing (MET) Facility of less than 200 feet in height permitted in accordance with Section 6123.

Section 20. Section 4622 of the Zoning Ordinance is hereby amended to read as follows:

4622 EXCEPTIONS TO HEIGHT LIMITS WITH MINOR USE PERMIT.

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

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

Section 21. Section 5462 of the Zoning Ordinance is hereby amended to read as follows:

5462 FLOOD CONTROL FACILITIES.

All flood control structures and facilities are subject to the following conditions:

- a. Adopted Plan. Concrete flood control channels shall be constructed only in accordance with a plan adopted by the Board of Supervisors.
- b. Construction Without Adopted Plan. If a plan for channelizing a watercourse has not been adopted, earth, sack cement, rip rap or similar flood control structures or facilities shall include plans satisfactory to the Director of the Department of Public Works, to connect to future compatible flood control structures or facilities upstream and downstream.

Section 22. Section 5804 of the Zoning Ordinance is hereby amended to read as follows:

5804 LIMITATION ON USE AND CONSTRUCTION.

No use or construction otherwise permitted is allowed on land subject to the Planned Development Area Regulations except as follows:

- a. Development of a planned development in accordance with the Planned Development Standards is allowed pursuant to a Major Use Permit.
- b. Civic Use Types are permitted provided that a Major Use Permit is granted for any Civic Use Type (other than Essential Services) for which a use permit is not otherwise required.
- c. The Director may waive the application of this Section to a parcel of not more than 5 acres in area upon a finding that such waiver is consistent with the General Plan and the purposes of these regulations.
- d. The Director may waive the application of this section for a parcel of 5 acres or more for the development of one single-family dwelling upon a finding that such waiver is consistent with the General Plan and the purposes of these regulations.
- e. The decision of the Director pursuant to subsections c and d above may be appealed pursuant to Section 7200 et seq.

For purposes of applying this section, the term "use" shall not include divisions of land into parcels each of which has a gross area of 40 acres or larger.

Section 23. Section 6102 of the Zoning Ordinance is hereby amended to read as follows:

6102 IDENTIFICATION OF PERMITTED TEMPORARY USES.

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

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

Section 24. Section 6124 is hereby added to the Zoning Ordinance, to read as follows:

6124 TEMPORARY OUTDOOR SALES.

Temporary outdoor sales, incidental to the existing commercial uses on the site, may be allowed in compliance with all of the following provisions:

- a. Seasonal sales of pumpkins or Christmas trees. The establishment of a temporary sales lot for the seasonal sale of pumpkins or Christmas trees associated with a recognized holiday is allowed subject to all of the following:
 - 1. Location. The sales lot area shall be located on a paved site with an existing commercial or industrial development within the C34, C35, C36, C37, C40, C42, M52, M54, M58 Use Regulations, on developed

commercial sites in the S87 Use Regulations or in designated commercial developments in planned developments or specific plans, unless otherwise prohibited. Sales lots are not allowed on vacant properties.

2. Duration. The period of operation shall be between October 1 and October 31 for the sale of pumpkins and between Thanksgiving and December 26 for Christmas trees. The facility shall be removed and the premises cleared of all debris and restored to the condition prior to the establishment of the sales event within 10 days after the required end of the sale.
3. Size. The sales lot area shall not exceed 10 percent of the parking area or 10,000 square feet, whichever is less and shall be located most distant from the existing commercial buildings on the property when feasible, to maintain customer parking closest to the buildings. No handicap accessible parking spaces shall be obstructed.
4. Fencing. Temporary fencing up to six feet in height around the sales lot area is allowed, providing the fencing location complies with the Section 6708.
5. Temporary Power. A permit for temporary power shall be obtained, as required by the Building Division, for sales lots requiring electrical service.
6. Lighting. All outdoor lighting, including temporary lighting, shall be in compliance with Section 6300 and with the Outdoor Lighting Regulations of the County Code.
7. Site Plan Modification, Minor Deviation or Waiver Not Required. For properties that are subject to Sections 5200, 5750, 5800 or 5900, a Site Plan Modification, Minor Deviation or a Site Plan Waiver will not be required for temporary outdoor sales that comply with all provisions of this subsection.
8. Additional Limitations.
 - a) The seller shall obtain any required licenses or permits from the Sheriff pursuant to the Uniform Licensing Procedure of the County Code.
 - b) The sales lot area shall comply with the fire prevention standards as approved and enforced by the local Fire Protection District.
 - c) Temporary sanitation facilities shall be provided.
 - d) The temporary sales lot area shall not be used for the sale of any merchandise not directly associated with pumpkins or with Christmas trees and holiday decorations.
 - e) The sale of food and beverages is prohibited.

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

- b. Vehicles, Trailers or Boats. The establishment of a temporary sales lot for the sale of motorized vehicles (including new or used automobiles and recreational vehicles), trailers or boats is allowed, subject to all of the following:
1. Location. The sales lot may be located on any paved site with an existing commercial or industrial development within the C34, C35, C36, C37, C40, M54, M56 and M58 Use Regulations, on developed commercial sites in the S87 Use Regulations or in designated commercial developments in planned developments or specific plans where Automotive and Equipment: Sales and Rentals, Light Equipment are a permitted use. Sales lots are not allowed on vacant properties.
 2. Duration. The period of operation of the temporary outdoor sales shall not exceed three consecutive days every 3 months, not to exceed 12 days in a calendar year. Facilities for the temporary sale may be set up one day prior to, and taken down one day following, the three day sales period.
 3. Size. The sales lot area shall occupy only the parking spaces that are in excess of the minimum number required for the existing uses on the property and shall be located most distant from the existing commercial buildings on the property, when feasible. No handicap accessible parking spaces shall be obstructed.
 4. Temporary Power. A permit for temporary power shall be obtained, as required by the Building Division, for sales lots requiring electrical service.
 5. Temporary Lighting. All outdoor lighting, including temporary lighting, shall be in compliance with Section 6300 and with the Outdoor Lighting Regulations of the County Code.
 6. Site Plan Modification or Minor Deviation Required. For properties that are subject to the provisions of Section 7150, a Modification or Minor Deviation to an existing Site Plan will be required for temporary outdoor sales pursuant to this subsection, unless a waiver is granted pursuant to Section 7156.
 7. Additional Limitations.
 - a) The temporary outdoor sales event shall conform to all applicable provisions of state law, including all requirements of the Department of Motor Vehicles.
 - b) The sales lot area shall comply with the fire prevention standards as approved and enforced by the local Fire Protection District.
 - c) Temporary sanitation facilities shall be provided.

- d) Sales of vehicle parts or accessories, food and beverages, or any other items are prohibited.

Section 25. Section 6814 of the Zoning Ordinance is hereby amended to read as follows:

6814 EXCEPTIONS TO ENCLOSURE MATRIX.

- a. Exception for Barns and Greenhouses. Whenever the open enclosure is permitted by right for agricultural use types, enclosed and semi- enclosed barns and greenhouses necessary to carry on, and accessory to, the use in the open enclosure also are permitted.
- b. Exception for Parking. The Automotive and Equipment: Parking use type is exempt from the enclosure regulations.
- c. Other Exceptions. Notwithstanding the provisions of the Enclosure Matrix (Section 6816), semi-enclosed and open enclosures are permitted for the following uses in the zones including the following Use or Special Area Regulations.

C32: Eating and Drinking Establishments and Food and Beverage Retail Sales (only accessory outdoor cafés that comply with Section 6158 a.1.)

C34: Agricultural and Horticultural Sales (Plant Nursery Only)
Eating and Drinking Establishments and Food and Beverage Retail Sales (only accessory outdoor cafés that comply with Section 6158 a.1.)
Gasoline Sales (providing that the use complies with Section 2980 - Limitation 12)
Retail Sales: Specialty (flower kiosks only)

C35: Agricultural and Horticultural Sales (Plant Nursery Only)
Eating and Drinking Establishments and Food and Beverage Retail Sales (only accessory outdoor cafés that comply with Section 6158.a.1)
Gasoline Sales (providing that the use complies with Section 2980 – Limitation 12)
Retail Sales: Specialty (flower kiosks only)

C36: Agricultural and Horticultural Sales (Plant Nursery Only)
Automotive and Equipment: Sales/Rentals, Light Equipment (providing that the use complies with Sections 6787.c and 6793.a and c.)
Eating and Drinking Establishments and Food and Beverage Retail Sales (only accessory outdoor cafés that comply with Section 6158 a.1.)
Food and Beverage Retail Sales (when conducted from a food sales push cart)

Gasoline Sales (providing that the use complies with Section 2980 - Limitation 12)

Retail Sales: Specialty (flower kiosks only and all other uses when conducted in a civic plaza)

C37: Retail Sales: Specialty (flower kiosks only)

C40: Retail Sales: Specialty (flower kiosks only)

C42: Retail Sales: Specialty (flower kiosks only)

C44: Gasoline Sales (providing that the use complies with Section 2980 - Limitation 12)

M50: Eating and Drinking Establishments and Food and Beverage Retail Sales (only accessory outdoor cafés that comply with Section 6158 a.1., provided that the Minor Use Permit required by Section 2504 b. is obtained or amended.)

M52: Eating and Drinking Establishments (only accessory outdoor cafés that comply with Section 6158 a.1., provided that the Minor Use Permit required by Section 2524 b. is obtained or amended.)
Gasoline Sales (providing that the use complies with Section 2980 - Limitation 12)

Scenic Areas: Agricultural and Horticultural Sales (Plant Nursery Only)
Automotive and Equipment: Sales/Rentals, Light Equipment (providing that the use complies with Section 6787.c)
Food and Beverage Retail Sales (when conducted from a food sales push cart)
Gasoline Sales (providing that the use complies with Section 2980 - Limitation 12)
Retail Sales: Specialty (flower kiosks only)

- d. Exception for Recycling Collection Facility. The Recycling Collection Facility, Small and Large use types are exempt from the enclosure regulations.
- e. Exception for the Fallbrook Village Zones. The enclosure regulations and the exceptions to the enclosure regulations are specified in the Site Development Regulations for each Fallbrook Village Zone.
- f. Open storage of boats and / or recreational vehicles may be permitted as an accessory use in connection with issuance of a major use permit for a Mini-warehouse.
- g. Exception for Certified Farmers' Market. The Certified Farmers' Market Temporary Use type is exempt from the enclosure regulations.
- h. Exception for Temporary Outdoor Sales. Temporary Outdoor Sales which are in compliance with Section 6124 are exempt from the enclosure regulations.

- i. Exception for Recycling Processing Facility, Wood and Green Materials. The Recycling Processing Facility, Wood and Green Materials Use type is exempt from the enclosure regulations (providing the use complies with Section 6706) except in the M50, M52 and C40 Use Regulations.

Section 26. Section 6911 is hereby added to the Zoning Ordinance, to read as follows:

6911 EMERGENCY SHELTERS.

Emergency Shelters (See Section 1334) shall comply with the following provisions, in addition to all other applicable County codes and any requirements imposed by the State Department of Housing and Community Development:

- a. The maximum number of clients permitted to be served (eating, showering or sleeping) nightly shall not exceed 1 per 125 sq. ft. of floor area. There shall be one bed provided for each client.
- b. Off street parking shall be provided as follows: one parking space per employee on site at the same time and one additional space for every 6 client beds or portion thereof.
- c. The client waiting and/or intake areas shall be as follows:
 - 1. The interior waiting/intake area for a facility with 14 or fewer beds shall be no less than 125 sq. ft. and for a facility with 15 or more beds shall be no less than 200 sq. ft. in area.
 - 2. The exterior waiting/intake area shall be no less than 450 sq. ft. for facilities with 14 beds or fewer. The exterior waiting/intake area shall be no less than 900 sq. ft. for facilities with 15 beds or more. Exterior waiting/intake areas shall be screened from view from surrounding properties by solid fencing of not less than 6 feet in height. Fencing shall conform to the requirements of Section 6700 et. seq.
- d. An individual or individuals who do not utilize the homeless beds and/or services and who maintain their own residence off site may be eligible as on site manager(s). Each facility shall have manager(s) present onsite 24 hours per day, 7 days per week. At a minimum, one on site manager and one supporting staff member of the same sex shall be provided in each segregated sleeping area being used.
- e. Segregated sleeping, lavatory and bathing areas shall be provided if the Emergency Shelter accommodates both men and women in the same building. Reasonable accommodation shall be made to provide segregated sleeping, lavatory and bathing areas for families.
- f. No Emergency Shelter shall be located within 300 feet of another Emergency Shelter.

- g. No client shall be allowed to stay more than 180 consecutive days or 300 overall days within any 12 month period of time.
- h. Lighting shall be provided in all parking areas, exterior intake and/or waiting areas and outside common areas. Outdoor lighting shall conform to all provisions of Section 6324 of this Zoning Ordinance and Section 59.101 and following of the San Diego County Code.
- i. Adequate security shall be provided on site during all hours of operation.
- j. For purposes of this section, "client" is defined as a person who utilizes the Emergency Shelter facilities to eat, shower or sleep but is not a staff member.

Section 27. Section 6970 of the Zoning Ordinance is hereby amended to read as follows:

6970 RECYCLING COLLECTION FACILITY.

The Recycling Collection Facility Use Type (as defined at Section 1512) is a permitted use in the specified Use Regulations when conducted in accordance with the following:

- a. Recycling Collection Facility, Small
 - 1. In Residential Use Regulations, shall be established in accordance with Section 6158 as an accessory use in conjunction with an existing Civic Use which is in compliance with all zoning, building and fire codes and upon meeting the criteria set forth in this section commencing at subsection a.4. below;
 - 2. In a Commercial or Industrial Use Regulations upon meeting the criteria set forth in this section commencing at subsection a.4. below;
 - 3. In Agricultural and Special Purpose Use Regulations, upon issuance of an Administrative Permit. Said Administrative Permit shall be granted provided the criteria set forth in this section commencing at subsection a.4. below are complied with and upon a finding that there would be no adverse impact on surrounding properties;
 - 4. Shall be set back at least 10 feet from any street line and shall not obstruct pedestrian or vehicular circulation;
 - 5. Shall accept only glass, metals, plastic containers, papers and other recyclable materials. Clean (uncontaminated) used motor oil and oil filters may be accepted upon approval from the Department of Environmental Health;
 - 6. In Residential Use Regulations, shall use no power-driven processing equipment except for reverse vending machines;
 - 7. Shall use containers that are constructed of durable waterproof and rustproof material, shall be well maintained, covered when site is not

attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;

8. Shall store all recyclable material in containers or in a mobile recycling unit vehicle, and shall not leave materials outside of containers when attendant is not present;
9. Shall be maintained free of litter and any other undesirable materials; mobile facilities, where trucks or containers are removed at the end of each collection day, shall be swept at the end of each collection day;
10. Shall not exceed noise levels of 60 dBA as measured at the property line of residentially zoned or occupied property, otherwise shall not exceed 70 dBA;
11. Attended facilities located within 50 feet of property zoned or occupied for residential use shall operate only during the hours between 7:00 a.m. and 7:00 p.m., power driven equipment shall not commence operation prior to 9:00 a.m.; facilities located within 50 feet of property zoned or occupied for residential use shall be conducted within a building or screened from view by a 6 foot wall or view-obscuring fence;
12. Containers for the 24-hour donation of materials shall be at least 30 feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;
13. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers;
14. Signs shall comply with Section 6252 aa. of the On-Premise Sign Regulations.
15. The facility shall not impair the landscaping required by this ordinance for any concurrent use or any permit issued pursuant thereto;
16. No additional parking spaces shall be required for customers of a small recycling collection facility located at the established parking lot of a primary use. One space shall be designated for the attendant, if needed;
17. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;
18. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary use unless one of the following conditions exist:

- i. The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation;
- ii. A parking study, requested and approved by the Director, shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site;
- iii. A reduction in available parking spaces in an established parking area may then be allowed as follows:

For a commercial primary use, 10% of the number of required parking spaces to a maximum reduction of 5 spaces.

For a community facility primary use, e.g., church or recreation center, a maximum reduction of 5 spaces may be allowed when not in conflict with parking needs of the primary use.

19. Reverse vending machines:

- i. Shall be located within 30 feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation;
- ii. Shall occupy no more than 50 square feet of floor space per each installed machine, including any protective enclosure;
- iii. Shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative;
- iv. Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.

b. Recycling Collection Facility, Large

1. In a Commercial or Industrial Use Regulations upon meeting the criteria set forth in this section commencing at subsection b.4. below.
2. In a Special Purpose Use Regulation upon the issuance of a Minor Use Permit and meeting the criteria set forth in this section commencing at subsection b.4. below.
3. If located within a C36 Use Regulation, a large recycling collection facility may not exceed 10,000 square feet unless a Minor Use Permit is granted authorizing a larger area. The conditions of said Minor Use Permit shall require compliance with the criteria set forth in this section commencing at subsection b.4. below;

4. May be larger than 500 square feet;
5. May accept glass, aluminum, and metal cans, plastic containers, and paper products including newspaper, cardboard, ledger and mixed grade. Other items such as metal scrap, tires, appliances and reusable items may be accepted if stored within a completely enclosed building. In the C36 Use Regulation, such a storage building shall not exceed 10,000 square feet. Clean (uncontaminated) used motor oil and oil filters may also be accepted upon approval from the Department of Environmental Health;
6. May use power-driven processing equipment in accordance with the Performance Standards commencing at Section 6300;
7. Shall be set back at least 10 feet from any street line and shall not obstruct pedestrian or vehicular circulation;
8. Shall use containers that are constructed of durable waterproof and rustproof material, shall be well maintained, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;
9. Shall store all recyclable material in containers or in a mobile recycling unit vehicle, and shall not leave materials outside of containers when attendant is not present;
10. Shall be maintained free of litter and any other undesirable materials; mobile facilities, where trucks or containers are removed at the end of each collection day, shall be swept at the end of each collection day;
11. Shall not exceed noise levels of 60 dBA as measured at the property line of residentially zoned or occupied property, otherwise shall not exceed the following:
 - 70 dBA in any Commercial Use Regulation (Except C31)
 - 55 dBA in the C31 Use Regulation
 - 75 dBA in the M54 and M58 Use Regulations;
12. Attended facilities located within 50 feet of a property zoned or occupied for residential use shall operate only during the hours between 7:00 a.m. and 7:00 p.m. power driven equipment shall not commence operation prior to 9:00 a.m.; facilities located within 50 feet of property zoned or occupied for residential use shall be conducted within a building or screened from view by a 6 foot wall or view-obscuring fence;
13. Containers for the 24-hour donation of materials shall be at least 30 feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;

14. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers;
15. Signs shall comply with Section 6252aa. of the On-Premise Sign Regulations.
16. The facility shall not impair the landscaping required by this ordinance for any concurrent use or any permit issued pursuant thereto;

Section 28. Section 7355 of the Zoning Ordinance is hereby amended to read as follows:

7355 MAJOR USE PERMIT REVIEW IN COMMUNITY OR SUBREGIONAL PLAN AREAS WITH COMMUNITY DESIGN REVIEW PROGRAMS.

In community or subregional plan areas with community design review programs, applications for major use permits or major use permit modifications, for the following uses, shall be referred to the appropriate Community Design Review Board for advisory design review recommendation:

Planned developments; standard mobilehome parks; mini-mobilehome parks; civic, fraternal or religious assembly; administrative services; clinic services; community recreation facilities; cultural exhibits and library services; group care; child care centers; and major impact services and utilities.

Section 29. Section 7386 of the Zoning Ordinance is hereby amended to read as follows:

7386 REAPPLICATION.

No application for the granting or modifying of a use permit which has been denied shall be filed earlier than one year after the date such denial becomes effective, unless specific permission to do so has been granted as follows:

- a. Denial by Director. If the Director has denied the use permit, permission to reapply may be granted by the Director, Planning Commission or the Board of Supervisors.
- b. Denial by the Planning Commission. If the Planning Commission has denied the use permit, permission to reapply may be granted by the Planning Commission or the Board of Supervisors.
- c. Denial by the Board. If the Board of Supervisors has denied the use permit, permission to reapply may be granted by the Board of Supervisors.

Section 30. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily 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 27th day of January, 2010.