

Meeting date: 3/28/12 (6)

**ORDINANCE NO. 10204 (NEW SERIES)**

**AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO DEFINITIONS, USE REGULATIONS, PROCEDURES AND OTHER MISCELLANEOUS TOPICS**

**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 Definitions, Use Classifications, Animal Regulations, Development Regulations, Special Area Regulations, Temporary Use Regulations, Accessory Use Regulations, Sign Regulations, Performance Standards, Fencing and Screening Regulations, Parking Regulations, Enclosure Regulations, Miscellaneous General Regulations, Procedures and Fallbrook Village Zones. In addition, the Board finds that miscellaneous sections should be amended to clarify or correct language. The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

**Section 2.** The TABLE OF CONTENTS in the Zoning Ordinance is amended to read as follows:

PART ONE - PART FOUR [no changes]

PART FIVE: SPECIAL AREA REGULATIONS

5000	General Provisions
5100	Agricultural Preserve Area Regulations
5200	Scenic Area Regulations
5250	Airport Land Use Compatibility Plan Area Regulations
5300	Sensitive Resource Area Regulations
5400	Fault Displacement Area Regulations
5450	Flood Channel Area Regulations
5500	Flood Plain Area Regulations
5700	Historic/Archaeological Landmark & District Area Regulations
5750	Community Design Review Area Regulations
5800	Planned Development Area Regulations
5850	Vernal Pool Area Regulations
5900	Design Review Area Regulations
5950	Coastal Resource Protection Regulations
5960	Unsewered Area Regulations

PART SIX: GENERAL REGULATIONS

6000	General Provisions
6100	Temporary Use Regulations
6150	Accessory Use Regulations
6200	Off-Premise Sign Regulations

6250	On-Premise Sign Regulations
6300	Performance Standards
6350	Density Bonus Program
6400	Resort Services Regulations
6450	Recreational Vehicle Park Regulations
6500	Mobilehome (Manufactured Home) Regulations
6550	Extractive Use Regulations
6600	Planned Development Standards
6700	Fencing & Screening Regulations
6750	Parking Regulations
6800	Enclosure Regulations
6850	Nonconformity Regulations
6900	Miscellaneous General Regulations
6900	Ambulance Service
6901	Cemeteries
6902	Animal Waste Processing
6903	Lot Line Locations
6904	Explosive Storage
6905	Fire Protection and Law Enforcement Services
6906	Requirements for Farm Labor Camps
6907	Crematoriums
6908	Columbaria
6909	Mini-Warehouses
6910	Wholesale Limited, Boutique and Small Wineries
6911	Emergency Shelters
6912	Community Gardens
6920	Cottage Industries
6930	Adult Entertainment Establishments
6935	Medical Marijuana Collective Facilities
6940	Trailer Coaches Outside Mobilehome Parks
6950	Wind Turbine System
6952	Solar Energy System
6960	Nudist Facilities
6970	Recycling Collection Facility
6976	Marijuana Dispensaries -Non-Medical (Not Authorized Under State Law)
6975	Recycling Processing Facility
6980	Wireless Facilities

PART SEVEN - PART EIGHT            [no changes]

**Section 3.** Section 1110 DEFINITIONS (A) of the Zoning Ordinance is amended to amend the term “Accessory Use” and to add the term “Agricultural Tourism” in its appropriate alphabetical location to read as follows:

Accessory Use: A use customarily incidental and accessory to the principal use of the land or lot, or to a building or other structure located on the same lot as the accessory use.

Agricultural Tourism (also Agri-tourism or Ag-tourism): The act of visiting a commercial agricultural enterprise for the purpose of enjoyment, education or active involvement in the activities of the farm, ranch or agricultural operation.

**Section 4.** Section 1110 DEFINITIONS (C) of the Zoning Ordinance is amended to add the terms “Community Garden” and “Construction and/or Use of the Property In Reliance on a Permit” in the appropriate alphabetical locations to read as follows:

Community Garden: An area of land used to grow and harvest food crops by individuals or collectively by members of a group, and may be arranged into multiple plots.

Construction and/or Use of the Property In Reliance on a Permit: The establishment of a use or structure pursuant to an approved discretionary permit as used in Section 7000, et seq. A use or structure shall be considered established when any of the following apply:

- a. All required construction permits have been obtained, grading work and structural foundations are completed and substantial progress has been made on the above-grade construction without ceasing for a period greater than 12 months;
- b. Partially Completed Projects. When an approved multiple building project has been partially completed, its discretionary permit shall remain valid unless work ceases for a period greater than twelve months, and no schedule for phased construction was authorized by the discretionary permit;
- c. Significant investment has been made toward off-site improvements, infrastructure or on-site improvements in preparation for project construction;
- d. A certificate of occupancy has been issued and bonds guaranteeing site improvements have been released; or
- e. A use not requiring any building permits is operating in compliance with all conditions of approval.

**Section 5.** Section 1110 DEFINITIONS (F) of the Zoning Ordinance is amended to amend the terms “Flood, 10-Year” and “Flood, 100-year” to read as follows:

Flood, 10-Year: A flood estimated to occur at an average of once in 10 years (the flood having a 10 percent chance of being equaled or exceeded in any given year).

Flood, 100-year: A flood estimated to occur at an average of once in 100 years (the flood having a one percent chance of being equaled or exceeded in any given year).

**Section 6.** Section 1110 DEFINITIONS (G) of the Zoning Ordinance is amended to amend the term “Groundwater Extraction Operation” to read as follows:

Groundwater Extraction Operation: Any property containing a well, spring box or other device through which groundwater is collected or extracted for sale. Groundwater Extraction Operations includes all appurtenant structures and facilities associated with the collection, extraction, storage, transfer and transportation of the groundwater, whether or not such appurtenant structures and facilities are located on the same legal lot as that from which the groundwater is collected or extracted. Groundwater Extraction Operation does not include the following:

1. Incidental and occasional sale or transport of water in amounts up to 5,000 gallons per any consecutive seven day period, except when in the residential zones and the S80 Open Space and S81 Ecological Resource Area zones.
2. Water vending by machine, as allowed by Section 6156 ee.
3. Wells serving public water supply systems, as permitted by the County Department of Environmental Health or the State Department of Health Services, which distribute water through pipelines for domestic purposes.
4. Wells providing water only to public agencies to protect the public welfare for emergency uses such as for fire suppression and during temporary drought conditions, and/or for otherwise exempt uses.
5. Wells and springs providing water only to irrigate any agricultural use that would not require transport on any public street or highway, and/or for otherwise exempt purposes.
6. Wells providing water exclusively to four or fewer contiguous residential parcels.

**Section 7.** Section 1110 DEFINITIONS (L) of the Zoning Ordinance is amended to amend the term "Living Area" to read as follows:

Living Area: The floor area under the roof of a dwelling unit that is contained within the interior surface of its perimeter walls, except as follows: Living area does not include garages or attics and basements not designed, intended, and constructed for human habitation.

**Section 8.** Section 1110 DEFINITIONS (M) of the Zoning Ordinance is amended to add the term "Minor Deviation" in its appropriate alphabetical location to read as follows:

Minor Deviation. A slight increase or decrease in size, height or scope of a proposed project from the original approved permit decision and associated plans of an Administrative Permit, Variance, Site Plan or Use Permit which is considered in substantial conformance with the original approved project or latest approved modification.

**Section 9.** Section 1110 DEFINITIONS (P) of the Zoning Ordinance is amended to add the term "Plot Plan" in its appropriate alphabetical locations to read as follows:

Plot Plan: A document or group of documents containing sketches, text, drawings, maps, photographs, and other material intended to present and explain certain elements of a proposed development, including physical design, siting and use of buildings and structures, interior

vehicular and pedestrian access, the provision of improvements, and the interrelationship of these elements. The purpose of a plot plan is to establish a clear record of the development and use of the property.

**Section 10.** Section 1110 DEFINITIONS (S) of the Zoning Ordinance is amended to amend the terms “Site Plan” and “Street, Centerline of” to read as follows:

**Site Plan Permit:** A permit which may be granted by the appropriate County officer or body to provide a review procedure for development proposals which is concerned with physical design, siting, interior vehicular and pedestrian access, and the interrelationship of these elements.

**Street, Centerline of:** The centerline of a street as established in accordance with the provisions of Chapter 3 of Division 1 of Title 5 of the San Diego County Code.

**Section 11.** Section 1110 DEFINITIONS (U) of the Zoning Ordinance is amended to add the terms “U-Pick or Pick-Your-Own Operations” and “Use of the Property In Reliance on a Permit” in their appropriate alphabetical locations to read as follows:

**U-Pick or Pick-Your-Own Operations:** A Commercial Agriculture operation such as a farm, orchard or grove where the customers themselves harvest the products grown on-site.

**Use of the Property In Reliance on a Permit:** (See “Construction and/or Use of the Property In Reliance on a Permit)

**Section 12.** Section 1350 of the Zoning Ordinance is amended to read as follows:

**1350 MAJOR IMPACT SERVICES AND UTILITIES.**

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

**Section 13.** Section 1425 of the Zoning Ordinance is amended to read as follows:

**1425 ANIMAL SALES AND SERVICES.**

Animal Sales and Services refers to establishments or places of business primarily engaged in animal related sales and services. The following are animals sales and services use types:

- a. **Animal Sales and Services: Auctioning.** Auctioning of livestock on a wholesale or retail basis with incidental storage of animals produced off property not exceeding 48-hour periods. The auctioning of miscellaneous related items may be conducted in conjunction

with animal auctioning, if the auctioning of miscellaneous related items is conducted by the same operator as the animal auction, the number of days and hours of operation do not exceed those in which animal auctions are held, and the impacts resulting from the miscellaneous items auction activity do not exceed those of the animal auction. Typical uses include animal auctions or livestock auction yards.

- b. Animal Sales and Services: Grooming. Grooming of dogs, cats and similar small animals. Typical uses include dog bathing and clipping salons or pet grooming shops.
- c. Animal Sales and Services: Horse Stables. Boarding, breeding or raising of horses for commercial purposes. This does not include the non-commercial use of horses owned by the occupants of the premises. Typical uses include boarding stables or public stables.
- d. Animal Sales and Services: Kennels. Kennel services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels, dog daycare or dog training centers.
- e. Animal Sales and Services: Stockyards. Stockyard services involving the temporary keeping of transient livestock for slaughter, market or shipping. Typical uses include stockyards or animal sales yards.
- f. Animal Sales and Services: Veterinary (Large Animals). Veterinary services for large animals. Typical uses include animal hospitals (large animals) or veterinary hospitals (large animals). Boarding of animals or grooming of animals may be allowed as accessory to the veterinary use.
- g. Animal Sales and Services: Veterinary (Small Animals). Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals or animal hospitals (small animals). Boarding of animals or grooming of animals may be allowed as accessory to the veterinary use.

**Section 14.** Section 1490 of the Zoning Ordinance is amended to read as follows:

1490           **GASOLINE SALES.**

The Gasoline Sales use type refers to establishments or places of business primarily engaged in the retail sales, from the premises, of petroleum products, alternative vehicle fuels (including but not limited to natural gas (CNG) or biodiesel) and includes the sale of tires, batteries, and replacement items, lubricating services and minor repair services. Typical uses include automobile service stations, filling stations or truck stops.

**Section 15.** Section 2990 (pages 1 through 6) of the Zoning Ordinance is amended to read as follows:

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ANIMAL USE TYPE <i>(See Note 4)</i>	Restrictions and Density Range	DESIGNATOR																							
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
<i>(See Note 2)</i>	4 animals plus 4 for each 1/2 acre over 1/2 acre							X	X	X															
	1 1/2 acres or less: 2 animals										X	X	X	X	X										X
	1 1/2 to 4 acres: 1 per 1/2 acre										X	X	X	X	X										X
	4 acres+, 8 animals + 1 animal per 1 acre over 4 acres										X	X	X	X											
	2 animals										X						X	X	X					X	X
	4 acres plus by MUP										X				X										
	1/2 acre plus 2 animals per 1/2 acre by ZAP	X	X	X																					X
	Grazing Only																				X	X			
(d) Horse keeping (other than Animal Sales and Services: Horse Stables)	Permitted							X	X	X	X	X	X	X	X	X	X	X	X			X	X	X	X
	2 horses + 1 per 1/2 acre over 1 acre				X	X	X																		
	ZAP required				X	X	X																		
	1/2 acre plus by ZAP	X	X	X																					
(e) Specialty Animal Raising: Bees ( <i>See Title 6, Division 2, Chapter 9, County Code</i> ) <i>(See Note 7)</i>	Permitted				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	ZAP Required	X	X	X																					
(f) Specialty Animal Raising: Wild or Undomesticated <i>(See Note 3)</i>	ZAP Required				X	X	X	X	X	X		X	X	X	X	X			X	X	X			X	
(g) Specialty Animal Raising: Other (Excluding Birds)	25 maximum				X	X	X			X	X	X				X	X	X	X	X		X		X	
	25 maximum by ZAP	X	X	X																					
	25 plus by ZAP				X	X	X			X	X	X	X			X			X	X	X	X		X	
	Permitted							X	X	X					X	X								X	
(h) Specialty Animal Raising: Birds	25 maximum				X	X	X					X				X	X	X	X	X					
	100 maximum						X	X	X	X	X				X								X		
	Additional by ZAP	X	X	X			X	X	X	X	X	X			X							X	X		
	Permitted												X	X	X									X	
(i) Racing Pigeons	100 Maximum									X	X												X		
	100 Max 1/acre plus																X								
	Permitted											X	X	X	X	X							X	X	
ANIMAL ENCLOSURE SETBACKS <i>(See Section 3112)</i>																									
Most Restrictive		X		X			X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Moderate			X		X			X																	
Least Restrictive				X		X			X															X	

MUP = Major Use Permit      + = plus      ZAP = Minor Use Permit

Notes:

1. Dogs and cats not constituting a kennel and up to two pot-belly pigs are accessory uses subject to the Accessory Use Regulations commencing at Section 6150 and are not subject to the animal enclosure setbacks.
2. On land subject to the "S" and "T" Animal Designators, grazing of horses, bovine animals and sheep permitted provided no buildings, structure, pen or corral shall be designated or used for housing or concentrated feeding of animals, and the number of such animals shall not exceed 1 animal per ½ acre of land.
3. One wild or undomesticated animal, kept or maintained in conformance with State and local requirements, is an accessory use subject to the Accessory Use Regulations commencing at Section 6150, and is not subject to the Animal Schedule. (Amended by Ordinance Number 7432 (N.S.) adopted January 6, 1988.)
4. The Animal Schedule does not apply to small animals, specialty animals, dogs or cats which are kept for sale in zones where the Retail Sales, General Use type is permitted provided that all activities are conducted entirely within an enclosed building, the building is completely soundproof, there are no outside runs or cages, no boarding of animals, no outside trash containers and no offensive odors.
5. Chinchillas are considered small animals except that a MUP may be approved for more than 25 chinchillas on property with the "L" Designator.
6. The number of animals allowed is per legal lot. This number shall not apply to the keeping of earthworms.
7. Beekeeping must be located at least 600 feet from any habitable dwelling unit, other than such dwelling unit owned by the person owning the apiary.
8. Additional regulations are applicable to the keeping of roosters, see County Code Section 62.690 et seq.

**Section 17.** Section 3112 of the Zoning Ordinance is amended to read as follows:

**3112 ANIMAL ENCLOSURE SETBACK TABLE.**

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

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

**NOTES:**

- a. Animal enclosure includes pens, coops, aviaries, hutches, stables, barns, corrals, and similar structures used for the keeping of poultry or animals. See County Code Section 62.692 (b) for additional enclosure setback requirements for the keeping of roosters.

- b. A fenced pasture containing a minimum of 2 acres, with no building used for human habitation and having no interior cross-fencing, is exempt from the animal enclosure setback requirements.
- c. Refer to applicable setback designator and setback schedule at Section 4810.

**Section 18.** Section 3114 of the Zoning Ordinance is amended to read as follows:

**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.

**Section 19.** Section 4505 of the Zoning Ordinance is amended to read as follows:

4505 FLOOR-AREA RATIO DESIGNATOR NOTATION.

Floor-area ratio shall be indicated by an Arabic numeral indicating the actual maximum permitted floor-area ratio. A dash ("-") shall indicate that floor-area ratio is not regulated by this ordinance except as may otherwise be limited by required setbacks and height restrictions. However, a floor-area ratio pursuant to the Land Use Element of the General Plan may be applicable to a property.

**Section 20.** Section 4615 of the Zoning Ordinance is amended to read as follows:

4615 ADDITIONAL STORY PERMITTED.

- a. Where the average slope of a lot is greater than one foot rise or fall in 7 feet in the area of the lot bounded by a line drawn 5 feet outside the building perimeter or, where closer, along property lines, an additional story may be permitted in a residential building which is located on the downhill side of a street, provided that in no case shall such a building have a height measured in feet greater than that permitted by the applicable height designator. Basements or cellars within such buildings will only be permitted if the grade elevation at all points adjacent to the basement perimeter is not more than 2 feet below the finished floor elevation directly above. This subsection (a) shall not apply to through lots or corner lots.
- b. An additional story may be permitted in a main dwelling with a primary residential use upon issuance of an Administrative Permit, provided that in no case shall the main dwelling have a height measured in feet greater than that permitted by the applicable height designator. The Administrative Permit Procedure at Section 7050 through Section 7099 shall apply. Notice of the administrative permit application shall be provided pursuant to Section 7060.c. The Director may approve said administrative permit provided the following findings are made:
  - 1. The additional story will be in harmony with scale and bulk of dwellings on adjacent properties in the same zone, and will be compatible with the existing neighborhood character in the vicinity of the property; and
  - 2. The additional story will not create a safety hazard, obstruct, interrupt or detract from existing views or be detrimental to surrounding properties in the same zone.

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

**Section 21.** Section 4630 of the Zoning Ordinance is amended to read as follows:

4630 HEIGHT OF FENCES.

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

**Section 22.** Section 5205 of the Zoning Ordinance is amended to read as follows:

**5205 SITE PLAN REQUIRED.**

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

- a. A one or two family dwelling on a single lot.
- b. Attached accessory structures associated with a. above.
- c. Detached accessory structures associated with a. above which are both 1,000 square feet or less in area and 12 feet or less in height.
- d. Alterations to the interior of a structure which are not visible from the outside provided that there is no change in use.
- e. Electrical, gas or other utility improvements where no associated discretionary permits are required, provided that any visible portion of such improvement does not exceed 24 inches in any dimension. The Director may require the applicant to submit an affidavit stating that the proposed utility improvement will not serve a use other than those uses presently occurring legally on the site.
- f. Temporary improvements associated with construction activities authorized by building permit. Said improvements shall include, but not be limited to, trailers, fences, and signs which do not require discretionary approval by other applicable sections of The Zoning Ordinance.
- g. Temporary special purpose off-premise signs pursuant to Section 6207.
- h. Exterior alteration or new construction not otherwise exempt under this section, which is not visible from any street, excluding alleys, within the designated scenic area. Eliminating said visibility through screening techniques such as landscape, walls, fences or grading shall not qualify such exterior alterations or new construction for this exemption. The Director shall determine if a project meets this exemption standard and may require any necessary information including drawings, photographs and/or other graphic exhibits.
- i. Small antennas (i.e., satellite earth station receiving antennas or similar antennas for video programming and television signals) exempted by Federal Communications Commission rules from local design review regulations. This exemption applies to antennas that are one meter (39 inches) or less in diameter or diagonal measurement. Such antennas mounted on masts exceeding 12 feet in height are not included in this exemption.

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

**Section 23.** Section 5214 of the Zoning Ordinance is amended to read as follows:

**5214 SITE PLAN PERMIT EXEMPTION**

An exemption from the requirement to process a Site Plan permit pursuant to this section may be granted by the Director under either of the following circumstances:

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

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

**Section 24.** Section 5250 of the Zoning Ordinance is amended to read as follows:

**AIRPORT LAND USE COMPATIBILITY PLAN AREA REGULATIONS**

**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).

**Section 25.** Section 5257 is added to the Zoning Ordinance to read as follows:

**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.

**Section 26.** Section 5304 of the Zoning Ordinance is amended to read as follows:

**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.

**Section 27.** Section 5307 of the Zoning Ordinance is amended to read as follows:

**5307 USE REGULATIONS AND DEVELOPMENT STANDARDS**

In addition to any applicable use regulations, development standards and review criteria contained in The Zoning Ordinance or other County ordinances, the following regulations shall apply to development subject to the Sensitive Resource Area Regulations:

- [a. no changes]

- b. Floodway. The development of permanent structures for human habitation or as a place of work shall not be permitted in a floodway.
1. In the floodway, permitted uses shall be limited to:
    - i. Agricultural, recreational, and other such low intensity uses provided, however, that no use shall be permitted which will substantially harm the environmental values of a particular floodway area; and
    - ii. Mineral extraction subject to an approved major use permit and reclamation plan, provided that mitigation measures were required which produce any net gain in functional wetlands and riparian habitat, and that the reclamation plan restores the site to its natural state, which would not create any increase in flood depths or velocities or changes in the boundary from those of the floodway prior to the mineral extraction.
  2. Modifications to the floodway must meet all of the following criteria:
    - i. Concrete or rip-rap flood control channels are allowed only where findings are made that completion of the channel is necessary to protect existing buildings from a current flooding problem. Buildings constructed after enactment of this ordinance shall not be the basis for permitting such channels.
    - ii. Modification will not unduly accelerate the velocity of water so as to create a condition which would increase erosion (and related downstream sedimentation) or would be detrimental to the health and safety of persons or property or adversely affect wetlands or riparian habitat.
    - 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 Land Use 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. through f. no changes]

**Section 28.** Section 5710 of the Zoning Ordinance is amended to read as follows:

5710 SITE PLAN PERMIT EXEMPTION- HISTORIC/ARCHAEOLOGICAL  
LANDMARKS AND DISTRICTS.

An exemption from the requirement to process a Site Plan permit pursuant to Sections 5709, 5721 or 5724 may be granted by the Director under either of the following circumstances:

- a. If it is determined that the nature of the proposed project is such that subjecting it to the Site Plan review process would not materially contribute to district or landmark preservation objectives. In making a decision on such a Site Plan permit exemption due consideration shall be given to the recommendation of the applicable Historic District Review Board or the San Diego County Historic Site Board or both, as is specified in Section 5745. Such recommendation shall be in writing, signed by the Chairperson of said Advisory Board, and shall be accompanied by a copy of the project plans upon which the recommendation was based. Site Plan permit exemption requests shall be transmitted by the applicant to the Advisory Board using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Advisory Board within 45 days following the Advisory Board's receipt of the request, the Director may make a decision without the Advisory Board's recommendation.
- b. If all of the purposes and requirements of the Site Plan have been or will be fulfilled by another required discretionary permit which has been or will be reviewed by the Historic Site Board or other applicable Historic District Board.

No building, grading or clearing permit shall be issued for a project for which the Site Plan permit exemption has been granted except pursuant to plans bearing the Director's stamp granting such exemption. No deviation from aspects of such plans pertinent to historic and/or archaeological preservation, such as materials, colors, architectural details, grading, excavation, paving, landscaping, and site design, shall be permitted without prior recommendation of the appropriate Board and approval of the Director.

**Section 29.** Section 5757 of the Zoning Ordinance is amended to read as follows:

5757 SITE PLAN PERMIT EXEMPTION - COMMUNITY DESIGN REVIEW.

An exemption from the Site Plan Permit requirement of Section 5756 may be granted by the Director under either of the following circumstances:

- a. If it is determined that the nature of a proposed project is such that subjecting it to the Site Plan review process would not materially contribute to the attainment of the community design objectives and guidelines as set forth in the applicable Design Guidelines Manual or that all of the purposes and requirements of the Site Plan have been fulfilled by an existing approved discretionary permit. In making a decision on such a Site Plan permit exemption due consideration shall be given to the recommendation of the applicable Community Design Review Board. Such recommendation shall be in writing, signed by the Chairperson or other member of the Review Board who has been

authorized by the Review Board to sign Site Plan permit exemption requests, and shall be accompanied by a copy of the project plans upon which the recommendation was based. Site Plan permit exemption requests shall be transmitted by the Director to the Review Board using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Review Board within 45 days following the Review Board's receipt of the request, the Director may make a decision without the Review Board's recommendation. Notwithstanding the above, the Review Board may recommend a Site Plan permit exemption of entire classes of projects, in which case the Director may exempt projects within these classes without obtaining recommendations from the Review Board on each individual case.

- b. If all of the purposes and requirements of the Site Plan will be fulfilled by a concurrent discretionary permit which will be reviewed by the applicable Community Design Review Board.

No building permit shall be issued for a project for which the Site Plan permit exemption has been granted except pursuant to plans bearing the Director's stamp granting such exemption. No deviation from aspects of such plans pertinent to the Design Guidelines, such as materials, colors, architectural details, landscaping, and site design, shall be permitted without prior recommendation of the appropriate Design Review Board and approval of the Director.

**Section 30.** Section 5799 of the Zoning Ordinance is amended to read as follows:

5799           COMMUNITY DESIGN REVIEW AREAS.

- a. **Applicability.** The requirements of Section 5750 through 5799, inclusive, apply to the areas that are designated Design Review Areas (Special Area Designator "B"), and to that property within the community of Fallbrook to which the Village 1 (V1), Village 2 (V2), Village 3 (V3), Village 4 (V4), or Village 5 (V5) Zone has been applied. (see Section 8000)
- b. **Design Criteria.** Site Plan permits and concurrent applications shall conform to criteria set forth in the applicable Design Guidelines Manual approved by the Board of Supervisors.
- c. **Design Review Boards.** Site Plan permits concerning property within designated Design Review Areas shall be referred to the Community's Design Review Board for recommendation, if such a board exists for the area. The Design Review Board shall advise the Director as to the Site Plan permit's conformance with the Community's Design Guidelines Manual. The Review Board's evaluation shall be limited to the design guidelines set forth in the manual, and the Review Board shall cite the specific guideline(s) in instances where a project may be inconsistent with the adopted design manual. The Director may consider the input of the applicable planning or sponsor group in areas where no design review board exists.

**Section 31.** Section 5905 of the Zoning Ordinance is amended to read as follows:

5905           SITE PLAN PERMIT REQUIRED.



- a. No permit of any type shall be issued for any development in areas subject to the Design Review Area Regulations until a Site Plan permit has been submitted and approved in accordance with the Site Plan Review Procedure commencing at Section 7150. A Site Plan permit is not required if the Director determines that the proposed project is of such type or character that the stated objectives or review criteria contained in the ordinance applying the design review designator would not be applicable to the proposed project. A Site Plan permit is also not required if said ordinance applying the design review designator specifically exempts the Site Plan permit requirement for the proposed project, and such an ordinance exemption shall be final.
- b. The Site Plan permit shall not be required to contain more information than required to satisfy the stated concerns of the Board of Supervisors at the time the design review area designator was applied.
- c. An exemption from the requirement to process a Site Plan permit pursuant to this section may be granted by the Director under either of the following circumstances:
  1. If it is determined that the nature of the proposed project is such that subjecting it to the Site Plan permit review process would not materially contribute to the attainment of the stated purpose or objectives of the ordinance which applied the Design Review Area Regulations to the subject property, or that all of the purposes and requirements of the Site Plan permit have been fulfilled by an existing approved discretionary permit. In making a decision on such a Site Plan permit exemption, the Director shall consider the recommendation of the applicable Community Planning Group or Sponsor Group. Site Plan permit exemption requests shall be transmitted by the Director to the Group using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Group within 45 days following the Group's receipt of the request, the Director may make a decision without the Group's recommendation. Notwithstanding the above, the Community Planning or Sponsor Group may recommend a Site Plan permit exemption of entire classes of projects, in which case the Director may grant an exemption for projects within these classes without obtaining recommendations from the Planning or Sponsor Group on each individual case.
  2. If all of the purposes and requirements of the Site Plan permit will be fulfilled by a concurrent discretionary permit which will be reviewed by the applicable Community Planning Group or Sponsor Group.

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

**Section 32.** Section 6106 of the Zoning Ordinance is amended to read as follows:

6106 CIRCUS, CARNIVAL, OR OTHER OUTDOOR ENTERTAINMENT EVENT.

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

- a. Location. A circus, carnival or other outdoor entertainment event may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations. Notwithstanding this subsection, a circus, carnival or other public outdoor assembly event may be permitted in any zone, including the RS, RD, RM and RV Use Regulations on properties with a valid Major Use Permit subject to the requirements of this section.
- b. Duration. The period of operation of the circus, carnival or other outdoor entertainment event shall not exceed five consecutive days, no more than six events per year on the same property. There shall be a minimum of 14 consecutive days between events. Events exceeding these limitations shall be considered Participant Sport and Recreation Use type.
- c. Noticed Hearing Not Required. The Sheriff may issue a license pursuant to this section without notice or public hearing.
- d. Community Events pursuant to Title 2, Division 1, Chapter 2 of the County Code shall be under the authority of the Department of Environmental Health. Community Events may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations and are permitted on properties with a valid Major Use Permit subject to the Department of Environmental Health requirements.

**Section 33.** Section 6108 of the Zoning Ordinance is amended to read as follows:

6108 CIVIC, FRATERNAL OR RELIGIOUS ASSEMBLY.

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

- a. Location. An assembly may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations.
- b. Duration. The period of operation of the assembly shall not exceed 8 consecutive days. There shall be a minimum of 14 consecutive days between events.
- c. Recurrence. Events recurring more than four times in a calendar year are not considered temporary.

**Section 34.** Section 6116 of the Zoning Ordinance is amended to read as follows:

6116 USES IN NEW SUBDIVISIONS.

Certain temporary uses as specified herein may be established within a subdivision for which a final map has been recorded, or in a proposed subdivision for which a tentative map has been approved and a final map thereof filed for approval by the Director of Public Works; or in

conjunction with an individual multiple dwelling or multiple dwelling complex; solely for the marketing of dwellings, and/or lots, in the same residential development.

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

NOTE: See Section 6268 (c.2. & e.) for related temporary on-site signage allowances and requirements, and County Code Section 86.701 et seq. for Water Conservation in Landscaping.

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

thereof; provided, however, that where subject property has been provisionally reclassified, lot sizes and proposed uses may conform to the zone to which such property has been provisionally reclassified.

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

**Section 35.** Section 6118 of the Zoning Ordinance is amended to read as follows:

6118 USE OF A TRAILER COACH.

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

- a. Business Uses.
  1. Business office for a financial institution or public utility which is required, as a condition of a franchise granted by the United States, the State or a public agency, to maintain a place of business at a location at which no permanent structure suitable for the purpose is available.

2. Business office incidental to and located on a site on which a temporary carnival, circus, amusement center, Christmas tree sales or similar temporary or seasonal business is being lawfully conducted.
  3. Business office or sales facility on or adjacent to a site on which construction of a permanent business office or sales facility for use of the permittee is being diligently pursued.
  4. Construction office on or adjacent to any site on which a building or construction project is being diligently pursued; or for temporary offices on a site used for a borrow pit, quarry, asphalt paving plant, concrete batch plant, or mining operation for which a major use permit has been granted.
  5. Political campaign office located on private property for a period not to exceed one year provided, however, such trailer shall be removed within 15 days following the next general election held after such trailer is sited.
  6. Real estate sales office when the trailer coach is located on a lot or parcel of land adjacent to or within a proposed subdivision for which a Tentative Map has been approved and a final map thereof submitted to the Department of Public Works for checking to which such real estate office is incidental. Such permit may be issued to expire six months after completion of all sales but not exceed a period of three years.
  7. Business office associated with the production and distribution of agricultural or horticultural products grown on the premises in zones subject to the A70, A72, S90, and S92 Use Regulations upon issuance of an Administrative Permit for a period of not to exceed five years.
  8. Government service uses in accordance with the provisions of Section 6120.
- b. Residential Uses.
1. Dwelling to accommodate visiting relatives for a period not to exceed thirty (30) calendar days in any calendar year on land owned or leased by the host and on which there is located a permanent dwelling occupied by the host.
  2. Dwelling on land owned by the applicant on which the applicant is diligently pursuing construction under a valid building permit for the first permanent dwelling-provided that the trailer coach shall maintain all setbacks required for the main building except that the Director may waive meeting the rear yard setback otherwise required by this ordinance provided such waiver is necessary to prevent interference with construction activities and the trailer will be located no closer to the rear lot line than the required interior side yard setback. However, the Director may allow an ETOP (pursuant to subsection 7) converting to a temporary occupancy permit (TOP) to remain in its previously permitted location.
  3. A dwelling for temporary health care on a lot where there is a permanent single family dwelling is permitted subject to the requirements set forth below. This

trailer is exclusively for temporary occupancy by either: (a) providers of health services which are required by an occupant of the main dwelling, or (b) relatives of an occupant of the main dwelling who require physical care.

The following are requirements for health care trailer approval:

- a) The health care unit shall be a trailer or mobilehome not exceeding 800 square feet measured from the interior surface of the exterior walls
  - b) The trailer shall meet main building setbacks.
  - c) The trailer shall be connected to existing utility systems or required expansion of said systems on site whenever possible.
  - d) Prior to issuance of a building permit for a health care trailer a Certificate of Need signed by a physician licensed to practice medicine in the State of California shall be submitted to and approved by the Director. The Certificate shall be renewed annually.
  - e) When the health care need no longer exists, the unit shall be removed. Failure to comply is a violation of The Zoning Ordinance and may result in any or all remedies or penalties specified in the Enforcement Procedures commencing with Section 7700, including a \$1,000 fine per day or six months jail sentence or both.
  - f) If the applicant complies with the terms of the temporary occupancy permit, then, upon removal of the trailer coach by the applicant, the full amount of any previously furnished deposit shall be refunded or security released.
4. Dwelling for security personnel on or adjacent to any site on which construction of a major residential, commercial, industrial or public works project is being diligently pursued and for which security personnel are employed.
  5. Dwelling for security personnel on any site on which construction of a residential, commercial, industrial or public works project has been completed and for which security personnel are employed pending construction of permanent dwelling facilities for such security personnel.
  6. Dwelling for security personnel on a site used for a borrow pit, quarry, asphalt paving plant, rock rushing plant, concrete batch plant, or mining operation for which a Major Use Permit has been granted.
  7. Dwelling for displaced residents or security personnel on a site where the principal dwelling has been rendered unoccupiable by reason of an officially declared disaster or emergency relating to fire, wind, flood, earthquake or other similar circumstance. An emergency temporary occupancy permit (ETOP) for such a temporary dwelling shall expire at such time as a building permit for the repair or replacement of the principal dwelling has been issued (at which time the ETOP shall be converted to a temporary occupancy permit (TOP) pursuant to

subsection b.2), or one year after the declaration date of the event causing the damage or destruction of the principal dwelling, whichever is earlier.

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

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

c. Termination of Use.

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

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

**Section 36.** Section 6123 of the Zoning Ordinance is amended to read as follows:

6123 METEOROLOGICAL TESTING FACILITY

The temporary use of a Meteorological Testing (MET) Facility is permitted if the following requirements are met:

- a. An Administrative Permit must be obtained in accordance with the Administrative Permit Procedure commencing at Section 7050. 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; and
  4. That the applicant has provided the County with an owner consent letter demonstrating to the satisfaction of the Director that the operator of the MET Facility is authorized to use the property for a MET Facility, unless the operator owns the land upon which the MET Facility will be located.
- b. Location. A MET Facility is prohibited on property subject to the S81 Use Regulations.
  - c. Notification. Notice shall be provided pursuant to Section 7060c.
  - d. Setback. The MET Facility shall be set back from property lines and roads the height of the tower or other tallest piece of equipment extended above the ground. The MET Facility shall meet the applicable setback requirements of the zone. The setback requirements of the zone shall apply to all components of the MET Facility including, but not limited to, a tower, guy wires, guy wire anchors and any other necessary equipment.
  - e. Minimum Spacing. The MET Facility shall be spaced at least 500 feet apart from any other MET Facility.
  - f. Area of Disturbance. The MET Facility shall not disturb an area more than is necessary for the base of a tower, the guy wire anchors, other authorized equipment for the Facility and/or an access road. The equipment may include sonar equipment. It is preferred that the Facility be located as close as possible to an existing access road. The area of disturbance shall be clearly shown on the plans.
  - g. Size. The MET Facility is allowed one temporary structure other than a tower or a sonar equipment trailer. The temporary structure is limited to a size of 120 square feet and may be used for storage of equipment for the MET Facility.
  - h. Illumination. There shall be no outdoor light emissions associated with a MET Facility except as required by the Director, the Federal Aviation Administration or other government agency.



- i. Height. The MET Facility shall be less than 200 feet in height.
- j. Duration. The period of operation of the MET Facility shall not exceed three years from the date of approval of the Administrative Permit unless the Director grants an extension. The MET Facility shall be removed within 30 days of the expiration date of the permit. The Director may grant an extension of time upon the applicant submitting written justification for the continued use of the facility and filing for a modification pursuant to Section 7072. A time extension is no longer needed if the MET Facility is approved by a Use Permit. Once the MET Facility is a part of an approved Use Permit it is no longer considered a Temporary Use.
- k. Security. The operator shall provide a security in the form and amount determined by the Director to ensure removal of the MET Facility. The security shall be provided to DPLU prior to building permit issuance. Once the MET Facility has been removed from the property pursuant to a demolition permit to the satisfaction of the Director, the security may be released to the operator of the MET Facility.

**Section 37.** Section 6124 of the Zoning Ordinance is amended 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, 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 Site Plan Permit Exemption Not Required. For properties that are subject to Sections 5200, 5750, 5800 or 5900, a Site Plan Modification, Minor Deviation or a Site Plan permit exemption 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, 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 Site Plan permit exemption 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 38.** Section 6152 of the Zoning Ordinance is amended to read as follows:

**6152 ACCESSORY USES ENCOMPASSED BY PRINCIPAL USE.**

In addition to the principal uses expressly included in the Use Regulations, each zone subject to such Use Regulations shall be deemed to include such accessory uses which are specifically identified by these Accessory Use Regulations; and such other accessory uses which are necessarily and customarily associated with, and are appropriate, incidental and subordinate to, such principal uses. When provided by these regulations, it shall be the responsibility of the Director to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use, based on the Director's evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the principal uses and the relationship between the proposed accessory use and the principal use. Such determinations which are made by the Director shall be subject to the Administrative Appeal Procedure commencing at Section 7200. It shall be unlawful to establish or maintain any accessory use and/or accessory structure on any lot where there is no lawfully established principal use on the same lot.

**Section 39.** Section 6156 of the Zoning Ordinance is amended to read as follows:

6156 RESIDENTIAL AND AGRICULTURAL USE TYPES.

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Residential and Agricultural Use Types are permitted:

- a. Attached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, and other similar non-habitable uses.
  1. On lots of less than one acre gross, the total area shall not exceed 1,000 square feet or 25% of the living area of the principal residence, whichever is greater. On lots of one acre gross or larger but less than 2 acres, the area shall not exceed 1500 square feet or 25% of the living area of the principal residence, whichever is greater. On lots of 2 acres or larger but less than 4 acres, the area shall not exceed 2000 square feet or 25% of the living area of the principal residence, whichever is greater. On lots of 4 acres or larger, the area shall not exceed 3000 square feet or 25% of the living area of the principal residence, whichever is greater.
  2. If the portion of the structure in which the attached garage or carport is located is more than one story in height, that portion not used for the shelter or storage of vehicles shall be designed and used as an integral part of the principal residence or approved habitable use such as guest living quarters.
  3. Additional area may be permitted by issuance of an Administrative Permit with notice provided pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6.
  4. For properties on which more than one detached residence is allowed per legal lot pursuant to Section 4310 (not including a Second Dwelling Unit pursuant to subsection x.), the total attached garage area, based upon lot size, per a.1 above, shall be allowed for each residence.

[b. through f. no changes]

- g. Detached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, and other similar non-habitable uses (non business or non agricultural purposes). Only one electric service drop and one electric meter to serve both the main dwelling and structure allowed by this subsection will be permitted. The combined area of all such structures, together with the structures authorized by paragraph b above, shall be limited as follows:
  1. On lots of less than one acre gross, the combined area of all such structures shall not exceed 1,000 sq. ft. or 25% of the living area of the principal residence, whichever is greater. (Note that detached accessory structures which exceed 120 sq. ft. are subject to setbacks specified in Section 4842.)
  2. Provided a setback pursuant to Section 4842 is maintained:

- i. On lots of one acre gross or larger but less than 2 acres, the combined area shall not exceed 1500 square feet or 25% of the living area of the principal residence, whichever is greater.
- ii. On lots of 2 acres or larger but less than 4 acres, the combined area shall not exceed 2000 square feet or 25% of the living area of the principal residence, whichever is greater.
- iii. On lots of 4 acres or larger, the combined area shall not exceed 3000 square feet or 25% of the living area of the principal residence, whichever is greater.

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

- 3. Limited to one story not to exceed 12 feet maximum height. May have 2 stories and a height not exceeding 24 feet if the accessory structure meets the main building setbacks. If the structure is more than one story in height, that portion not used for the shelter or storage of vehicles shall be designed and used as habitable space defined by Section 6156.b or other approved use such as a guest living quarters.
  - 4. Additional area, height and story may be permitted by issuance of an Administrative Permit with notice provided pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6. The Administrative Permit shall not authorize height/stories exceeding the height/story limit specified by the applicable height/story designator. The Administrative Permit shall not authorize reductions to required setbacks. Reductions to setbacks shall be subject to Section 7100, Variances.
- h. Barns and Agricultural Storage Buildings shall be limited as follows:
- 1. In zones subject to a Residential Use Regulation (except RR Use Regulations requiring a 1 acre or larger lot area), and in the S88 Use Regulations where residential uses occur, a maximum floor area of 450 square feet and one story not to exceed 12 feet in height. Such buildings proposed in the S88 Use Regulations shall conform to the requirements of any applicable Specific Plan.
- Buildings exceeding 12 feet in height are permitted if the structure meets the main building setbacks, provided the height does not exceed 24 feet. When on same lot as a detached private garage, workshop and/or storage building, the combined area of all such structures shall not exceed 1,000 square feet or 25% of the living area of the principal residence, whichever is greater.
- 2. In zones subject to the RR Use Regulations (requiring a one acre or larger lot area), A70, A72, and S92 Use Regulations, barns and agricultural storage buildings shall be limited in height to one story not to exceed 12 feet. Buildings exceeding 12 feet in height are permitted if the structure meets the main building setbacks, provided the height does not exceed 24 feet. A maximum floor area of 1000 square feet is permitted where the lot is less than one acre gross. A maximum floor area of 1500 square feet is permitted where the lot is one acre

but less than 2 acres gross, and 2000 square feet is permitted where the lot is 2 to 4 acres gross. An additional 200 square feet of floor area is permitted for each acre over 4 acres up to a maximum of 5000 square feet.

3. Additional area, height and story may be permitted by issuance of an Administrative Permit, with notice provided pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6. The Administrative Permit shall not authorize height/stories exceeding the height/story limit specified by the applicable height/story designator.

[i. through p. no changes]

- q. Roadside Sales of Agricultural Products. Operation of an agricultural stand for the display and sale of agricultural products produced on the premises shall be permitted only as follows:
  1. Agricultural stands are permitted only in the RR Use Regulations on lots one acre or larger, and in the A70, A72, S90 and S92 Use Regulations.
  2. Said stand shall be located no nearer than 15 feet from the edge of any street or highway right-of-way.
  3. Said stand shall be operated by the owner or tenant of the property upon which the stand is located,
  4. Agricultural products produced on other premises owned or leased by the same property owner or tenant may be displayed and sold from said stand.
  5. The total roofed area of said stand, including all areas used for display or storage for all products, shall not exceed 300 square feet.
  6. No agricultural produce shall be sold from a motorized vehicle.
  7. Cold storage shall be allowed only when accessory to the on-site farming operation and used only for storage of crops grown by the person(s) farming the parcel.
  8. Incidental sale of items related to the sale or use of agricultural products (not to exceed 10% of the stand area), including horticultural products, may also take place provided any applicable health regulations are complied with.
  9. No commodities other than those listed above may be sold from a produce stand 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. through t. no changes]

- 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 Land Use stating that the commercial agricultural operation is still taking place on the property and that the tenants are employed as farm employees and thereby renew the agricultural certificate for the farm employee housing. Failure to file the certificate will be interpreted as indicating the commercial agriculture has ceased operation and may be the basis for building permit revocation.
  8. Contract. Prior to the issuance of a Building Permit, the property owner shall enter into a contract with the County agreeing to specific terms and conditions limiting farm employee housing to bona-fide farm employees and their families in conjunction with on-going agricultural operations. The form of the contract shall have been approved by the Board of Supervisors.
  9. Evidence of Commercial Agriculture. Prior to submittal of the Building Permit application for Farm Employee Housing the property owner shall provide

appropriate evidence to the satisfaction of the Director of Planning and Land Use of an active Commercial Agricultural Operation.

10. In the RS, RD, RM, RV, RU, RMH, RRO, RC, C32, C34, C35, C36, C37, C38, C40, C42, C44, C46, M50, M52, M54, M58, S82, S86, and S94 Use Regulations, farm employee housing is allowed upon issuance of an Administrative Permit, provided that it complies with the provisions of 6156 u. 1 through 8, and before an Administrative Permit may be granted or modified, it shall be found:
  - a. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
    - 1) Harmony in scale, bulk and coverage;
    - 2) The availability of public facilities, services and utilities;
    - 3) The harmful effect, if any, upon desirable neighborhood character;
    - 4) The generation of traffic and the capacity and physical character of surrounding streets;
    - 5) The suitability of the site for the type and intensity of use or development which is proposed; and to
    - 6) Any other relevant impact of the proposed use.
  - b. That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
  - c. That the requirements of the California Environmental Quality Act have been complied with.
  - d. That notice shall be provided pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.

[v. through w. no changes]

- x. Second Dwelling Units. In zones where the Family Residential use type is allowed by right, a second dwelling unit is allowed on a legal lot containing an existing single family detached residence, or to be constructed concurrently with a primary single family detached residence, provided the following requirements are complied with:
  1. The second dwelling unit shall be either attached to the primary unit, wholly or partially integrated into the primary unit, or detached from the primary unit. The second unit may be attached to another permitted accessory building, except for those accessory units or other accessory buildings specified in paragraph 4, 5 or 6 below.



2. Applicable requirements of the building and other codes and of The Zoning Ordinance shall apply to second dwelling units. No Variances shall be granted in order to provide for the second unit.
3. A lot shall contain at least the minimum net area as required by the applicable zoning to qualify for a second dwelling; however, no second dwelling unit shall be permitted on a lot with a net area of less than 20,000 square feet, except pursuant to paragraph 12 below. If a legal lot is at least 1 net acre in size and does not contain at least the minimum net area as required by the applicable zoning, a second dwelling unit may be permitted pursuant to paragraph 12 below.

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

4. Second dwelling units shall not be allowed on a lot or parcel with a guest living quarter, accessory living quarter, or accessory apartment. Conversion of such quarters into a second dwelling unit is allowed provided all applicable zoning and other code requirements are met, and subject to the following procedures:
  - i. Application for modification of the Administrative Permit or Minor Use Permit that authorized the accessory unit proposed for conversion to a second dwelling unit (if an Administrative Permit is required to establish the Second Dwelling Unit pursuant to paragraph 12 below) and application for any other applicable permits; or
  - ii. If no Administrative Permit is required to establish a second dwelling unit, and an Administrative or Minor Use Permit was approved to authorize the accessory unit proposed for conversion to a second dwelling unit, a request to rescind the existing Administrative or Minor Use Permit may be submitted in addition to an application for building permit and any other applicable permits; or
  - iii. If no Administrative or Minor Use Permit was required to authorize the accessory unit proposed for conversion (Guest Living Quarters in certain use regulations), by application for a building permit and any other applicable permits; or
  - iv. If the accessory unit proposed for conversion was established illegally, by application pursuant to this subsection "4" as if a new second dwelling unit was being proposed.
5. Second dwelling units with a living area exceeding 640 square feet shall comply with the parking requirements for Family Residential under Section 6758. Second dwelling units with a living area not exceeding 640 square feet shall provide one additional off-street parking space. Said additional parking spaces shall not be in tandem with existing spaces. If establishment of the second dwelling unit involves a garage conversion, replacement covered off-street parking shall be provided concurrently. A garage or carport attached to the

second dwelling unit shall not exceed 480 square feet of gross floor area. Additional garage area attached to the second dwelling unit may be permitted pursuant to paragraph 12 below. No other structures defined by Section 6156.b shall be attached to a second dwelling unit. No other structures defined by Section 6156.h shall be attached to a second dwelling unit unless approved pursuant to paragraph 12 below.

6. The living area of a second dwelling unit shall not exceed 30 percent of the living area of the existing unit, up to a maximum floor area of 1,200 square feet, except pursuant to paragraph 12 below. However, a second dwelling unit of up to 400 square feet is permitted (even if that figure exceeds 30 percent of the size of the primary dwelling). No other habitable space shall be attached to a detached second dwelling unit.
7. Applicants are required to provide evidence satisfactory to the Director of the following:
  - i. Adequate sewer service or approval by the Department of Environmental Health for use of a septic system;
  - ii. Adequate potable water supply; and
  - iii. That applicable school district fees have been paid.
8. The architectural design, building materials, colors and, if provided, covered parking shall be substantially the same as those of the primary dwelling. Color photographs of the street-facing sides of the existing primary dwelling shall be submitted with the second unit application.
9. No entrance to the second dwelling unit shall face an abutting street unless the entrance is shielded so as not to be apparent when viewed from the abutting street. Plant materials shall not qualify for shielding purposes.
10. Separate sale or ownership of a second dwelling unit from the primary dwelling located on a single lot is prohibited, unless a subdivision is created pursuant to the County Subdivision Ordinance.
11. Application for and issuance of a discretionary permit for a second dwelling shall be limited to the owner-occupant of the primary dwelling or his/her authorized agent. Owner-occupancy of either the primary dwelling or the second dwelling is required for the duration of the use of the second unit for residential purposes, except both units may be rented or leased for a period of up to one year upon written request to, and approval of, the Director. Said request shall state the change in life circumstances of the owner which necessitates interruption of continuous owner occupancy. Rental or leasing of both units may be extended by the Director for one additional period not exceeding six months upon further request of the owner.
12. a. A second dwelling unit may be authorized upon the issuance of an Administrative Permit with all findings per 12.b. and with notice to property owners per 12.c, below, to allow the following:

- i. Location on a legal lot of less than 20,000 square feet in net area, but not less than the minimum net area required by the applicable zoning; or on a legal lot that is at least one net acre in size and does not meet the minimum net area required by the applicable zoning.
- ii. A living area greater than 30 percent of the living area of the primary dwelling, not to exceed 50 percent thereof or 1,200 square feet, whichever is less.
- iii. Conversion to a second dwelling unit of an existing legal accessory living unit, or legalization as a second dwelling unit of an illegal accessory living unit which existed on July 1, 1994, when such existing living unit does not conform to one or more of the following requirements of this subsection x:
  - minimum lot size: however, no conversion shall be permitted on a lot of less than the minimum net lot area required by the applicable zoning; except on a legal lot that is at least one net acre in size and does not meet the minimum net area required by the applicable zoning.
  - maximum living area: however, a maximum living area of greater than 1200 square feet shall not be authorized;
  - off-street parking;
  - architectural design;
  - location of entrance;
  - height and/or setback: to the extent that a variance for height or setback was granted in connection with the establishment of a legal accessory living unit that existed on July 1, 1994, said variance shall be valid and applicable to the conversion of such accessory living unit to a second dwelling unit.

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

- b. Before any Administrative Permit may be granted or modified, it shall be found:
  - i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
    - (a). Harmony in scale, bulk, and coverage;
    - (b). The availability of public facilities, services and utilities;
    - (c). The harmful effect, if any, upon desirable neighborhood character;

- (d). The generation of traffic and the capacity and physical character of surrounding streets;
  - (e). The suitability of the site for the type and intensity of use or development which is proposed; and to
  - (f). Any other relevant impact of the proposed use; and
- ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
  - iii. That the requirements of the California Environmental Quality Act have been complied with.
- c. Notice shall be provided pursuant to Section 7060 c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060 d.
13. Prior to issuance of a building permit for a second dwelling unit, the owner of the property upon which the second dwelling unit is to be located shall submit a notarized and recorded copy of an agreement between the owner and the County of San Diego on a form supplied by the Department. Said agreement shall state that the owner understands and will abide by the requirements of this subsection, other applicable provisions of this Ordinance, and that said agreement is binding on all successors in interest to the subject property as long as the second dwelling unit is used or maintained for use as a separate dwelling unit.

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

- y. Family Day Care Home For Children, Large (9 to 14 children). A large family day care home for children is a permitted accessory use upon issuance of an Administrative Permit provided the following conditions are complied with:
  - 1. No such large family day care home for children may be located closer than 500 feet from any other lot containing a large family day care home for children with an Administrative Permit approved by the County of San Diego. The 500-foot distance shall be measured in a straight line connecting the closest points on the lot lines and without regard for intervening structures.
  - 2. The plot plan for a family day care home for children shall show sufficient information to determine the following:
    - i. At least one on-site parking space will be available for any assistant provider or caregiver not a resident of the subject family day care home.
    - ii. Adequate provision will be made to reduce noise impacts on surrounding properties through measures or a combination of measures such as solid

fencing six feet in height with or without landscaping around outside activity areas or location of an adequately sized outside activity area a suitable distance away from adjacent dwellings. Adequacy of outside activity areas shall be determined by considering the size of the area provided outside of the required sideyard setbacks and by considering the distance to noise sensitive receptors.

- iii. There exists an adequate area on-site for temporary parking of a least two automobiles where children may be safely loaded and unloaded, or such area will be provided. This designated loading and unloading area shall remain free and clear of parked cars during hours of operation of the large family day care home.
  - iv. The large family day care home meets the standards and requirements established by the State Fire Marshall as enforced by the local fire authority having jurisdiction over the home.
3. Notice shall be provided pursuant to Section 7060 c. Notwithstanding the Administrative Permit Procedures at Section 7060.d, no hearing is required unless requested by the applicant or other affected person.

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

4. Every Administrative Permit approved pursuant to this section shall contain a condition that no sound amplification device be permitted in outdoor activity areas.
  5. For large family day care homes served by on-site wastewater systems the Director of Environmental Health shall certify the adequacy of the on-site wastewater system for the proposed use.
  6. No Administrative Permit shall be required for a large family day care home which qualifies for exemption under Section 1596.792 of the State Health and Safety Code.
- z. Wind Turbine Systems, Small. A small wind turbine system, shall be permitted on a parcel of at least one acre and in compliance with the following conditions:
1. Setback. The system shall be set back from property lines and roads at least two times the height of the wind system (to the top of the blade in vertical position) and shall meet the applicable setback requirements of the zone. No part of the system, including guy wire anchors, shall extend closer than 30 feet to the property boundary. The system must also meet fire setback requirements.
  2. Fencing. Public access to the wind turbines shall be restricted through the use of a fence with locked gates, non-climbable towers or other suitable methods.

3. Signs. Suitable warning signs containing a telephone number for emergency calls shall face all approaches to the system. Individual signs shall be between 5 and 16 square feet.
4. Noise. The wind turbine shall be operated in such manner that it does not exceed the sound level limits of Title 3, Division 6, Chapter 4 of the San Diego County Code (Noise Abatement and Control).
5. Height. For the purposes of calculating height, the height of the wind turbines shall mean the distance from ground to the top of the blade in vertical position. Height of a small wind turbine system shall not exceed 60 feet. For a wind turbine mounted on the roof of a structure, the height calculation shall be the sum of the height of the structure (at the location of the mounting of the turbine) plus the distance from the roof surface where the turbine is mounted to the top of the blade in vertical position.
6. Any non-operational wind turbines shall be removed within 12 months after becoming non-operational.

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

[aa. no changes]

bb. Host Home. A host home is a permitted accessory use upon issuance of an Administrative Permit.

1. Criteria. An application for a host home permit shall meet all of the following criteria:
  - a) A maximum of two bedrooms may be made available for rent.
  - b) The owner or lessee of the property shall operate the facility and reside in the home or other legal residence on the property. If the owner or lessee resides in a residence separate from the facility, instructions on how to contact the owner/lessee after hours for emergencies shall be posted in each room.
  - c) One off-street parking space for each room rented shall be provided in addition to the parking required for single-family occupancy.
  - d) Service shall be limited to the rental of rooms and the provision of breakfast for overnight guests. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
  - e) Signs shall be limited to one on-premise sign not to exceed two square feet.

- f) An adequate water well and sewage disposal system satisfactory to the County Department of Environmental Health shall be available, 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.
  - g) The primary access to the host home shall be via a publicly maintained road.
- 2. Affidavit Required. On a form provided by the Director, the owner shall file an affidavit agreeing to the conditions a. through g. above. The affidavit shall include provisions stating that 1) the owner consents to inspection of the premises by the Code Enforcement Officer in order to verify compliance with said conditions, and 2) that the owner shall furnish a new affidavit to said Enforcement Officer upon request.
  - 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 through jj no changes]

- kk. Agricultural Tourism. Agricultural Tourism may be allowed as an accessory use to a Commercial Agriculture operation in the RR, A70, A72, S90 and S92 Use Regulations provided the following criteria are met:
  - 1. Allowed activities. U-Pick operations, on-site tours, on-site agricultural instruction or demonstrations, lectures or classes about agriculture related topics and participation in agricultural operations on the premises.
  - 2. Parking. Adequate off street parking shall be provided to accommodate all employee and customer parking needs on the premises, entirely outside of public rights-of-way other than designated parking spaces. No parking on private roads is allowed.
  - 3. No amplified sound is permitted.
  - 4. Agricultural tourism does not include uses that are otherwise regulated by this Ordinance or for which a temporary special event permit is required by the Department of Environmental Health or Sheriff Department.

[zz. no changes]

**Section 40.** Section 6158 of the Zoning Ordinance is amended to read as follows:

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.
    - ii. The outdoor seating area shall be located at least 50 feet from areas zoned with the RS, RR, RMH, or A70 use regulations.
    - iii. Required zone setbacks shall be observed. Required parking and parking lot landscaping shall be provided for the outdoor seating area.
    - iv. The outdoor seating area shall not be used as an entertainment area. Sound amplification devices shall be limited to devices that are necessary to provide low-level background music. Noise levels shall comply with the County Noise Ordinance. Any outdoor lighting shall comply with Section 6324 of The Zoning Ordinance.
    - v. If the seating area is proposed within the public right-of-way, then the requirements of Section 6158a.2. below shall also be met.



- vi. When located in an area subject to the Community Design Review Area Regulations, or other applicable special area regulations, the Site Plan review and all other requirements of those regulations shall apply to outdoor café seating.
- vii. Required Minor Use Permits, where applicable, shall be obtained and shall provide for accessory outdoor seating.
- viii. Outdoor café seating areas located adjacent to pedestrian thoroughfares shall leave a minimum width of eight feet completely open at all times between the outdoor seating area and the edge of the pedestrian thoroughfare to accommodate pedestrian traffic.

Proposed outdoor seating for an Eating and Drinking Establishment or Food and Beverage Retail Sales use type in the Fallbrook Village Regulations, C32, C34, C35, C36 or M50 use regulations or an Eating and Drinking Establishment use type in the M52 use regulations not qualifying under these provisions may apply for a Major Use Permit for an open enclosure pursuant to the Enclosure Regulations found in Section 6816.

- 2. Sidewalk Cafés Within the Public Right-of-Way. Sidewalk cafés within public right-of-way shall be a permitted accessory use upon issuance of an Administrative Permit provided the conditions listed below in this subsection are complied with. If the sidewalk café is proposed within the commercial and industrial zones listed in Section 6158a.1. above, then the conditions of that section shall also apply.
  - i. The sidewalk café shall be conducted accessory to a legally established Food and Beverage Retail Sales or Eating and Drinking Establishment use type.
  - ii. An encroachment permit for a sidewalk café shall be obtained from the Department of Public Works.
  - iii. The operation of a sidewalk café shall meet applicable requirements of the Department of Environmental Health.
  - iv. Notice shall be provided pursuant to Section 7060 c.
  - v. The hours of operation shall be limited to the hours of operation of the associated Eating or Drinking Establishment or Food and Beverage Retail Sales use.
  - vi. Notwithstanding Section 6158 a.1., no sound amplification device, musical instrument or sound reproduction device shall be operated or used with a sidewalk cafe within the public right-of-way and any outdoor lighting shall comply with Section 6324.

- vii. A finding shall be made that the sidewalk cafe will not adversely affect the neighborhood nor be detrimental to persons residing, visiting or working in the area.

[b. through e. no changes]

**Section 41.** Section 6207 of the Zoning Ordinance is amended to read as follows:

**6207 SPECIAL PURPOSE OFF-PREMISE SIGNS.**

Special purpose off-premise signs may be constructed, placed and maintained in any location in accordance with the following regulations:

- a. General Standards Applicable to Special Purpose Off-Premise Signs.
  - 1. Spacing. Signs shall be located no closer than 300 feet from any other off-premise sign; said distance to be measured on a direct line between signs on the same street and measured along right-of-way lines for signs on intersecting streets.
  - 2. Setbacks. No portion of any sign shall extend beyond private property lines into the street right-of-way, except as permitted pursuant to subsection b.2.
  - 3. Prohibitions. Signs are prohibited in any zone subject to Scenic Area Regulations or Historic/Archaeological Landmark and District Area Regulations, except scenic or historic site directional signs or community identification signs subject to Site Plan review.
  - 4. Building Permits. Building permits shall be obtained for sign construction pursuant to the County Building Code.
- b. Special Purpose Off-Premise Sign Types.
  - 1. Temporary Real Estate Directional Signs.
 

Off-premise signs providing direction to new residential, commercial or industrial development are allowed if the following requirements are met:

    - i. Size. Signs located within the California Coastal Zone and all Residential Zones shall be limited to 16 square feet. The maximum size in all other areas/zones shall be 32 square feet.
    - ii. Height. Signs shall not exceed the following heights:
      - 0 to 16 square feet = 8 feet
      - 17 to 32 square feet = 12 feet
    - iii. Location. Signs shall not be permitted upon, projected over, or supported in whole or in part, by or painted onto, any portion of a building; or situated on or attached in any manner to a wall or fence.

- iv. **Grouping.** Not more than two temporary real estate directional signs may be permitted on a lot or parcel, each relating to a different development. Each sign shall have an area of 32 square feet or less, and shall be grouped so as to present a unified appearance (i.e., uniform height and configuration). No signs shall be less than five feet apart. No sign in such group shall be located within 300 feet of any other off-premise sign that is not part of the group, said distance to be measured in the manner specified in Section 6207(b)5.
  - v. **Number of Signs.** The maximum number of signs shall be limited to 4 for each development.
  - vi. **Distance from Development.** Signs shall not be located more than three air miles from the advertised development within the Coastal Zone and 5 miles in all other unincorporated areas. Signs located within the Coastal Zone may only advertise developments within the Coastal Zone.
  - vii. **Construction.** Double-faced signs shall be so constructed that the area and perimeter of both faces coincide and are back to back in parallel planes at a distance not to exceed 24 inches apart.
  - viii. **Sign Copy.** Copy shall be limited to name of the development and the developer; size, type, address, telephone number and price range of properties being offered and directional information.
  - ix. **Lighting.** Signs shall not be illuminated.
  - x. **Appearance and Maintenance.** Signs shall be maintained as required to assure a well-kept appearance free from graffiti and cracking or peeling paint. The back of single faced signs visible from adjacent property or a public road shall be solid painted or stained in subdued colors or shall be screened from view.
  - xi. **Movement.** No sign shall move or rotate, nor display any moving and/or rotating parts. Wind propellers and other noise creating devices shall not be permitted.
  - xii. **Time Limit.** Temporary Real Estate Directional Signs are allowed for a period not to exceed 2 years.
2. **Community Identification Signs.** Community Identification Signs are permitted to identify a community, its civic, fraternal, and religious organizations, and its community slogan or motto, if the following requirements are met:
- i. **Number and Location.** Not more than one sign may be located along any principal approach route to a community. A sign may be allowed within a County road right-of-way subject to all required permits and approvals by the Department of Public Works.
  - ii. **Area and Height.** Each sign may be single-faced or double-faced with no face to exceed an area of 100 square feet except as allowed pursuant to

subsection (a) below. No sign shall exceed a height of 20 feet except as allowed pursuant to subsection (b) below.

- (a) A sign located over a public road may be single-faced or double-faced with no face to exceed an area of 225 square feet.
- (b) A sign located over a public road may be allowed up to a height of 25 feet in order to provide a 16 foot minimum clearance between the lowest extremity of the sign and the highest ground elevation directly below, as required by the Department of Public Works.
- iii. Movement. With the sole exception of a clock, no part of any sign shall move or rotate, nor display any moving and/or rotating parts. The sign shall not include changeable copy or lights used to convey any messages or convey the effect of movement, or flashing, intermittent or variable intensity lighting.
- iv. The applicable community or sponsor group shall review the location to ensure that it is placed at the entrance of the community.
- v. Site Plan. Obtain any required Site Plan permit or Site Plan permit exemption.

No advertising messages, including business or corporate names, shall be allowed on Community Identification Signs.

- 3. Directional Signs. Upon issuance of an Encroachment Permit, signs may be authorized in public rights of way for traffic safety purposes to identify and provide directional information to facilities generating large numbers of vehicles or destinations for emergency vehicles in accordance with Board of Supervisors Policy J-5 and Section 4-04.13 of the CalTrans Traffic Manual.
- 4. Temporary Open House Directional Signs. Temporary Open House Directional Signs are off-premise signs providing directions to an existing individual dwelling that is offered for resale. Such signs are permitted if the following conditions are met:
  - i. Display shall be limited to daylight hours, after which time the signs shall be removed.
  - ii. Placement shall be only on private property, not in public road rights-of-way, and shall be subject to the property owner's permission.
  - iii. Signs shall be limited to no larger than four square feet in area.
  - iv. No more than one such sign shall be placed on any parcel, except for corner lots which may have one such sign on each street frontage.
  - v. Sign copy shall state "Open House" and, in addition shall be limited to the name and phone number of the person and/or agency offering the

property for sale, the address of or direction to the property, and a directional arrow.

- vi. Signs must be related to an individual dwelling that is offered for resale only.
5. Commercial or Industrial Center Identification Signs. Upon issuance of an Administrative Permit, freestanding or monument signs may be authorized to identify a multi-tenant commercial or industrial center, and/or its tenants which are on more than one contiguous lot or parcel. If the sign is proposed in an area having zoning that requires Site Plan review of such signs, then no Administrative Permit is required. The following requirements shall be met:
- i. Location. Commercial or Industrial Center Identification Signs may be located within the boundaries of a commercial or industrial center that can visually and functionally be identified as a unified development.
  - ii. Number, Area, Height and other standards. Commercial or Industrial Center Identification Signs may be substituted for on-premise signs normally permitted by Section 6263, provided they comply with the sign standards that would apply to such on-premise signs.
  - iii. Site Plan. Obtain any required Site Plan permit, or Site Plan permit exemption.

**Section 42.** Section 6261 of the Zoning Ordinance is amended to read as follows:

**6261 ON-PREMISE SIGNS REGULATED.**

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

- a. Permitted Locations. On-premise signs may be placed in the following locations, unless prohibited:
  - 1. On premises subject to the C34, C35, C36, C37, C38, C40, C42, C44, M50, M52, M54, and M58 Use Regulations.
  - 2. On premises in any zone where a nonconforming commercial or industrial use type exists.
  - 3. Fallbrook Village Zones.
- b. Restricted Locations. Locations subject to Special Area Regulations and to use permits shall be additionally subject to the following limitations:
  - 1. On-premise signs are permitted in zones subject to the Scenic Area Regulations or Historic/Archaeological Landmark and District Area Regulations in accordance with an approved Site Plan. The aggregate area of all signs for any premises shall not exceed one square foot for each linear foot of street frontage. The

aggregate sign area for each establishment shall not exceed one square foot for each linear foot of building. No establishment shall have an aggregate sign area greater than 100 square feet.

2. On premise signs are permitted on sites subject to use permits in accordance with the terms and conditions of the use permit or modification. Signs may be altered, relocated or added upon the issuance of a minor use permit provided that such change is not specifically prohibited by the use permit condition.
- c. Setbacks. Freestanding and projecting signs may be located in or project into any portion of the premises in a commercial or industrial zone.
- d. Permitted Combinations of Sign Types.
1. Roof signs shall be permitted in combination only with wall signs, except no roof signs shall be permitted within the California Coastal Zone or in conjunction with an adult entertainment establishment.
  2. Projecting signs are permitted in combination only with wall signs and one freestanding sign, except no projecting signs shall be permitted in conjunction with an adult entertainment establishment.
  3. Two freestanding signs, where permitted, shall be permitted in combination with wall signs. A projecting sign may be substituted for one freestanding sign, except no projecting sign shall be permitted in conjunction with an adult entertainment establishment.
- e. Lighting. Signs may be illuminated unless otherwise specified, provided such signs are so constructed that no light bulb, tube, filament or similar source of illumination is visible beyond the property lines. Neon signs are permitted provided they do not flash. Signs making use of lights to convey the effect of movement, or flashing, intermittent or variable intensity lighting shall not be permitted, except as allowed herein. Electronic or electrically controlled signs that contain a moving message, or a message that appears to move, shall be allowed only upon issuance of an Administrative Permit, and shall be additionally subject to the following limitations:
1. The characters incorporated into the message shall not change in intensity, hue or size as they move across the sign.
  2. Such signs shall be limited to the C36, C37, M52, M54, and M58 zones within the Village Regional Category of the Land Use Element of the General Plan, and to properties abutting streets that are categorized in the Mobility Element of the General Plan as Community, Light or Minor Collector Roads, Boulevard, Major Roads, Prime Arterial or Expressway.
  3. Such signs shall not be allowed in areas subject to the S Scenic Special Area Regulations Designator.
  4. The Site Plan permit exemption provisions of Section 7156(b). shall not be applied to any Site Plan proposing such signs.

5. The Administrative Permit application shall be provided to the Director of Public Works for review and recommendation, including appropriate limits on the intensity of lights allowed and that the location and design of the sign shall not create a traffic hazard, prior to final action.
- f. Movement. No signs shall move or rotate, nor display any moving and/or rotating parts. Wind propellers and other noise creating devices shall not be permitted.

**Section 43.** Section 6268 of the Zoning Ordinance is amended to read as follows:

**6268 OTHER SIGN TYPES.**

In addition to the foregoing types of signs, the following signs shall be permitted in any location. The area of these signs shall be in addition to the aforesaid maximum sign areas.

- a. Directional Signs. Signs to direct or control on-premise traffic or parking provided such signs do not exceed an area per face of 8 square feet nor a height of 8 feet.
- b. Accessory Signs-Drive-In and Drive-Through Businesses. Such signs shall not be designed to be viewed from beyond the premises and each shall not exceed 25 square feet per frontage.
- c. Banners, Pennants and Similar Devices. Strings or individual banners, streamers, inflatables, pennants and similar devices; provided that one of the following holds:
  1. Such signs are for the purpose of calling attention to a grand opening of a new business. Any required Site Plan permit, or Site Plan permit exemption, shall be obtained from the Department. Such temporary signs may be displayed for a maximum of 60 days and then must be removed from display.
  2. Such signs are for the purpose of calling attention to a temporary use accessory to residential construction pursuant to the Temporary Use Regulations at Section 6116. Such signs are permitted along both sides of the interior street affording principal access to the model homes and within that portion of the subdivision or other residential development devoted to display of model homes, provided:
    - i. Except as hereinafter specified, each flag, banner, or pennant must be affixed to a separate standard implanted in the ground.
    - ii. Said standards are to be spaced at least 10 feet apart and, except as hereinafter specified, are not to exceed 12 feet in height.
    - iii. One flagpole not exceeding the height limit of the applicable zone may be provided within the area devoted to display of model homes and may be used only to display flags.
- d. Service Station Signs. One sign relating to grades and prices of gasoline and diesel fuel shall be permitted per station frontage.
- e. Temporary Real Estate Signs. The following temporary signs for the purpose of promoting initial residential sales are permitted pursuant to the Temporary Use

Regulations at Section 6116 and 7156 and are in addition to the banners, pennants and similar devices permitted at Section 6268 (c):

1. Unlighted freestanding signs identifying the residential development provided that the aggregate area of all signs shall not exceed 800 square feet. One such sign may have a maximum area of 200 square feet provided no other sign exceeds an area of 100 square feet. One sign may be adjacent to each street which provides access to the residential development.
  2. One unlighted sign not exceeding 16 square feet in area for each model home and sales office.
- f. Mobilehome and Recreation Vehicle Park Signs. Signs located within mobilehome or recreational vehicle parks may be permitted subject to the following
1. One wall sign or freestanding sign identifying the mobilehome or recreational vehicle park is permitted adjacent to each street which provides primary access to the park. No freestanding sign shall exceed a height of 8 feet. No sign shall exceed 32 square feet in area.
  2. One directional sign without any advertising at each driveway. Each sign shall not exceed 8 square feet or 8 feet in height. Directional signs may be lighted.

**Section 44.** Section 6324 of the Zoning Ordinance is amended to read as follows:

**6324 LIGHTING PERMITTED IN REQUIRED YARDS.**

Lighting permitted in required yards by the provisions of Section 4835, shall be subject to the following regulations:

- a. Illumination Only. Lights shall be used for the purpose of illumination only, and not designed for or used as an advertising display.
- b. Horizontal Cutoff. Luminaires shall be so designed and shielded by horizontal cutoff to eliminate all light directed above the horizontal. The lower edge of the luminaire's housing shall extend below the entire light source and all glassware so that any light emitted above the horizontal is eliminated. Light-directing refractors shall be considered to be light sources.
- c. Light Trespass. The illumination of adjacent premises by spill light shall not exceed a value of 0.2 foot candles measured in the horizontal or vertical plane at a point three feet above grade level and five feet inside the adjacent property. This measurement shall be taken 15 minutes after the initial start up of the fixture.
- d. Minimum Height. Lights illuminating vehicular areas shall be mounted at least 12 feet above the ground.
- e. Minimum Spacing. Lighting poles shall be spaced at least 50 feet apart; provided, however, that at least 2 poles may be located on each building site.



- f. Removal. Poles and lights shall be removed at the owner's expense when property on which they are located is taken for street widening.
- g. Dark Skies Ordinance. All outdoor lighting shall comply with the requirements specified in the County Light Pollution Code, which commences at Section 51.201 of the County Code of Regulatory Ordinances.

**Section 45.** Section 6708 of the Zoning Ordinance is amended to read as follows:

**6708 PERMITTED FENCES, WALLS, GATES AND ENTRY STRUCTURES.**

No fence, wall, gate or entry structure shall be permitted unless it conforms to the criteria set forth below, except that the Board of Supervisors, the Planning Commission, or the Director, as a condition of approval of a matter under their jurisdiction, may require that a fence, wall or entry structure be constructed to a height greater than otherwise permitted by this section in order to mitigate against potential adverse effects.

[a. through b. no changes]

- c. Tennis Court Fencing and Lighting. Tennis court fencing exceeding the height otherwise allowed by this Section, but not greater than twenty (20) feet in height, and lighting standards not greater than twenty (20) feet in height may be permitted on lots of one (1) gross acre or larger in size upon granting an exception in accordance with Section 6708h.

[d. through g. no changes]

h. Exceptions.

1. Fences, Walls and Gate Entry Structures on Individual Lots. The Director may approve an administrative permit granting an exception to the applicable criteria otherwise specified in this Section for fences (including tennis court fences and light standards), walls and gate entry structures on individual lots. The Administrative Permit Procedure at Section 7050 through Section 7099 shall apply. Notice shall be provided pursuant to Section 7060 c. The Director may approve said administrative permit provided the following findings are made:
  - i. The structure will be compatible with the community character and will not be detrimental to the health, safety or general welfare of the surrounding properties or the neighborhood; and
  - ii. The structure will not interfere with traffic circulation, create a safety hazard or obstruct future road widening.
2. Gate Entry Structures and Gate Houses on Private Easements. The Director may approve an administrative permit granting an exception to the applicable criteria otherwise specified in this Section for gate entry structures and gate houses on a private easement. The applicant shall provide notice materials in accordance with Section 7060c. and shall provide a list of all property owners having legal access to the easement upon which the gate entry structure or gate house will be located. The Director shall notify all property owners in accordance with Section 7060c. and



Use or Special Area Regulations	TYPE OF ENCLOSURE												
	Civic Use Types			Commercial Use Types				Industrial Use Types			Agricultural Use Types		
	Enclosed	Open	Drive-in	Enclosed	Semi-Enclosed	Open	Drive-in	Enclosed	Semi-Enclosed	Open	Enclosed	Semi-Enclosed	Open
R-S	•	•									<u>m</u>	<u>m</u>	•
R-D	•	•									<u>m</u>	<u>m</u>	•
R-M	•	•									<u>m</u>	<u>m</u>	•
R-V	•	•									<u>m</u>	<u>m</u>	•
R-U	•	•									<u>m</u>	<u>m</u>	•
RMH	•	•									<u>m</u>	<u>m</u>	•
R-R	•	•	<u>m</u>	•	•	•					•	•	•
R-RO	•	•	<u>m</u>	•	•	•					<u>m</u>	<u>m</u>	•
R-C	•	•		•	<u>m</u>	<u>m</u>		•			<u>m</u>	<u>m</u>	•
C-30	•	•		•			<u>m</u>						
C-31	•	•		•			<u>m</u>						
C-32	•	•		•			<u>m</u>	•			A	A	•
C-34	•	•		•	<u>m</u>	M	<u>m</u>	•			A	A	•
C-35	•	•		•	<u>m</u>	M	<u>m</u>	•			A	A	•
C-36	•	•		•	<u>m</u>	M	•	•			A	A	•
C-37	•	•	•	•	•	•	•	•	•	•	A	A	•
C-38	•	•	•	•	•	•	•	•	•	•	A	A	•
C-40	•	•	•	•	•	•	•	•	•	•	A	A	•
C-42	•	•		•	•	•	•				A	A	•
C-44	•	•	•	•	•	•	•				A	A	•
C-46	•	•		•							A	A	•
M-50	•	•		•	<u>m</u>	M	<u>m</u>	•	<u>m</u>	M	A	A	•
M-52	•	•		•	<u>m</u>	M	<u>m</u>	•	<u>m</u>	M	A	A	•
M-54	•	•		•	•	•	•	•	•	•	A	A	•
M-58	•	•		•	•	•	•	•	•	•	A	A	•
A-70	•	•	<u>m</u>	•	•	•		•	•	<u>m</u>	•	•	•
A-72	•	•	<u>m</u>	•	•	•		•	•	<u>m</u>	•	•	•
S-80	•	•		•	S	M					A	A	•
S-82	•	•		•	•	•					•	•	•
S-86	•	•		•	•	•	•						
S-88	•	•	•	•	•	•	•	•	•	•	•	•	•
S-90	•	•	<u>m</u>	•	•	•	•	•	•	•	•	•	•
S-92	•	•	<u>m</u>	•	•	•		•	•	<u>m</u>	•	•	•
S-94	•	•	<u>m</u>	•	•	•	•	•	•	•	•	•	•
Scenic Area	•	<u>m</u>	<u>m</u>	•	S	<u>m</u>	<u>m</u>	•	S	M	S	S	•

LEGEND: • Permitted

m Permitted by Minor Use Permit

**A Permitted by Administrative Permit**  
**S Permitted by Site Plan**

**M Permitted by Major Use Permit**

**Section 48.** Section 6904 of the Zoning Ordinance is amended to read as follows:

**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 of Planning and Land Use once every 5 years (from the date of approval of the Use Permit) demonstrating, to the satisfaction on 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.

**Section 49.** Section 6910 of the Zoning Ordinance is amended to read as follows:

6910        WHOLESALE LIMITED, BOUTIQUE AND SMALL WINERIES

[a. through b. no changes]

- c.        Small Winery. A Small Winery shall comply with the following provisions:
1.        A Small Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. The applicant shall disclose if any other licenses issued by the California Department of Alcoholic Beverage Control will be relied upon for operations at the Small Winery.
  2.        Wine production shall be less than 120,000 gallons annually.
  3.        Of the total fruit used in winemaking a minimum of 50% shall be grown within San Diego County, a minimum of 25% shall be grown on the premises and a maximum of 50% may be grown outside of San Diego County.
  4.        The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be approved by the County of San Diego Department of Environmental Health. Catered food service is allowed, but no food preparation is allowed at a Small Winery. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Small Winery premises.
  5.        Events, including but not limited to weddings and parties, may be allowed upon the making of the findings in Section 6910.c.6.
  6.        An Administrative Permit is required and may be approved in accordance with the Administrative Permit Procedure commencing at Section 7050 if it is found:
    - i.        That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
      - a)        Harmony in scale, bulk, coverage and density.
      - b)        The availability of public facilities, services and utilities.
      - c)        The harmful effect, if any, upon desirable neighborhood character.
      - d)        The generation of traffic and the capacity and physical character of surrounding streets.
      - e)        The suitability of the site for the type and intensity of use or development which is proposed.

- f) Any other relevant impact of the proposed use.
  - ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
  - iii. That the requirements of the California Environmental Quality Act have been complied with.
7. A Small Winery shall demonstrate compliance with the emergency travel times specified in Safety Element, Table S-1.
  8. Notice shall be provided pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.

**Section 50.** Section 6911 of the Zoning Ordinance is amended 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. through g. no changes]

- 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 51.201 and following of the San Diego County Code.

[i. through j. no changes].

**Section 51.** Section 6912 of the Zoning Ordinance is added to read as follows:

6912 COMMUNITY GARDENS

Community Gardens are allowed in all zones where Row and Field Crops are permitted, subject to the following regulations:

- a. Hours of Operation. Hours of operation shall be limited to the hours between sunrise and sunset.
- b. Permitted structures. Accessory structures, such as storage sheds for tools and other supplies, greenhouses and/or an Agricultural Stand, may be allowed in a community garden pursuant to Section 6156.
- c. Parking. A minimum of 2 parking spaces shall be provided on the lot when there is no on-street parking allowed adjacent to the community garden property.

- d. Water Use. Wasting water is prohibited pursuant to County Code Section 86.725. Water efficient irrigation techniques such as drip irrigation and timers to control watering times are encouraged. All hoses shall be equipped with a trigger nozzle. Mulching of planted areas is encouraged to retain plant moisture.
- e. Composting. Composting may be performed onsite within a composting container subject to all of the following:
  - 1. Composted materials shall be only those materials generated onsite or contributed by active members of the community garden.
  - 2. Composting containers shall be located a minimum of three feet from property lines.
  - 3. Odors and/or fly-breeding shall not be greater than customarily found at a well-maintained residence.
- f. Organic Gardening. Organic gardening is strongly encouraged.
- g. Trash/Recycling Receptacles. Trash and recycling receptacles shall be provided onsite for the proper disposal of refuse. The receptacles shall be screened from adjacent properties by six-foot high solid fencing. Refuse shall be removed from the site regularly so that the receptacle area and the lot are kept free from litter.
- h. Sale of Produce and Plants. Sale of produce or plants raised on the site is allowed only from a permitted Agricultural Stand, subject to all provisions of 6156.q. Otherwise, on-site sales of produce, plants or any other items are prohibited.
- i. Prohibited plants. Planting illegal or invasive plants, as defined in County Code Section 86.701 et seq., shall be prohibited.

All other applicable codes and ordinances shall apply to Community Gardens, including but not limited to Groundwater Ordinance, Grading Ordinance and Noise Ordinance. Applicable permits from other departments or agencies may be required.

**Section 52.** Section 6985 of the Zoning Ordinance is amended to read as follows:

6985 APPLICATION PROCESSING

Although a tier may be assigned at project intake, a re-evaluation of the project tier may occur at any point in the process, including, but not limited to, review by the Planner, Environmental Analyst or Hearing Officer.

[A. - B. no changes]

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 of Planning and Land Use to show proof that the facility is in conformance with photo simulations provided pursuant to Section 6984 (B) of this Ordinance.

**Section 53.** Section 7060 of the Zoning Ordinance is amended to read as follows:

7060 DECISION AND NOTICE.

- a. Action. Upon completion of his review and evaluation of an application for an Administrative Permit, the administering agency shall either:
  1. Make such findings or other determination as is required by the pertinent sections of The Zoning Ordinance and approve the application, or
  2. Notify the applicant of the changes and modifications required for approval of the application, or
  3. Deny the Administrative Permit. The administrative agency shall deny the permit if:
    - i. The permit cannot be conditioned by adequate requirements to insure compliance with applicable regulations, or
    - ii. The application for the permit cannot reasonably be modified to conform to the applicable requirements.
  
- b. Time Period. Within 60 days of receipt of a complete application for an administrative permit, the administering agency shall take such action as is specified in subsection a. of this section. The 60 day time period may be extended with the written consent of the applicant. Such application shall be deemed complete pursuant to Section 65943 of the Government Code, 30 days after submittal to the Department unless, prior to that date, either:
  1. The applicant is notified in writing that the application is complete, in which case the 60 day processing period specified in this subsection shall begin to run from the date of such written notice, or
  2. The applicant is notified in writing that the application is incomplete, which notice shall state with particularity the defects or omissions in the application, in which case the 60 day processing period specified in this subsection shall not begin to run until the date all requested information has been submitted to the Department.

- c. Notice to Property Owners. The applicant shall provide notice materials (as specified by the Director) with the permit application which shall be used by the Department to notify property owners within 300 feet of the exterior boundaries of the subject lot, with a minimum of 20 different owners, of the receipt of said application. Additional notification is required by subsections e., g. and h. below.
- d. Public Hearing. A public hearing shall not be held unless the administering agency determines that such hearing would be in the best interest of the County, or, if required by applicable sections of the Zoning Ordinance, where a hearing is requested by the applicant or other affected person.
- e. Referral to Immigration and Naturalization Service. Applications filed pursuant to Section 4830 requesting to reduce the 150 foot setback along the International Border shall be referred to the local office of the Immigration and Naturalization Service. In the event the INS expresses an intent to acquire all or part of the subject property the administering agency shall defer final action on the application for six months or until such time as the INS completes acquisition or abandons acquisition proceedings, whichever time period is less.
- f. Defense of Lawsuits. As a condition of approval of an Administrative Permit, for which an application was filed (as defined in Zoning Ordinance Section 1019b. before January 3, 2003), the applicant shall: (1) defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action or proceeding against the County, its agents, officers or employees to attack, set aside, void or annul the Administrative Permit or any of the proceedings, acts or determinations taken, done or made prior to such decision granting such permit; 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. Each applicant seeking approval of any Administrative Permit, for which an application was filed (as defined in Zoning Ordinance Section 1019 b.) on or after January 4, 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.
- g. Notwithstanding the above, Administrative Permits for Adult Entertainment Establishments shall be governed by the requirements specified in Section 6930.
- h.. Notwithstanding the above, Administrative Permits for Gate Entry Structures and Gate Houses on Private Easements shall be governed by the requirements specified in Section 6708.h.2.

**Section 54.** Section 7156 of the Zoning Ordinance is amended to read as follows:

7156           SITE PLAN PERMIT EXEMPTION.

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

The Director may forward a request for a Site Plan permit exemption to the applicable Community Planning or Sponsor Group for a recommendation prior to granting a Site Plan permit exemption request.

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

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

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

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

**Section 55.** Section 7168 of the Zoning Ordinance is amended to read as follows:

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 of Planning and Land Use 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.

**Section 56.** Section 7600 of the Zoning Ordinance is amended to read as follows:

SUPPLEMENTARY ADMINISTRATIVE PROCEDURES

7600 TITLE AND PURPOSE.

The provisions of Section 7600 through 7649, inclusive, shall be known as the Supplementary Administrative Procedures. The purpose of these provisions is to provide additional procedures for the administration of amendments of the Zoning Ordinance, Variances, Use Permits, Site Plans Permits, Planned Development Permits, Administrative Permits and Administrative Appeals.

**Section 57.** Section 7609 of the Zoning Ordinance is amended to read as follows:

7609 MINOR DEVIATION FROM PLAN.

A Minor Deviation to an Administrative Permit, Variance, Site Plan Permit or Use Permit may be authorized in accordance with the following provisions:

- a. Intent. This section provides for situations where it is necessary to deviate from an approved permit decision and associated approved plans in a minor way which is in substantial conformance with the purpose and intent of the related Administrative Permit, Variance, Site Plan Permit or Use Permit and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. This section provides for flexibility in the implementation of an Administrative Permit, Variance, Site Plan Permit or Use Permit by permitting a Minor Deviation to be administratively granted by the Director. It is not the intent of this section to allow a deviation from the plan which would violate the intent and purpose of the related Administrative Permit, Variance, Site Plan Permit or Use Permit or any of its conditions, or to allow any action or use for which an Administrative Permit, Variance, Site Plan Permit or Use Permit would otherwise be required by The Zoning Ordinance and which is not specifically allowed by the approved decision.
- b. Jurisdiction. The Director may authorize a Minor Deviation from a plan referred to in an Administrative Permit, Variance, Site Plan Permit or Use Permit granted by the Board of Supervisors, the Planning Commission, or the Director.

- c. Required Findings. A Minor Deviation from an approved permit shall be authorized only after findings that:
1. The requested deviation does not constitute a substantial change in the Administrative Permit, Variance, Site Plan Permit, or Use Permit, as allowed pursuant to the permit decision;
  2. The requested deviation will not adversely affect adjacent property or property owners; and
  3. A summary table and complete description of all proposed changes has been added to the project file, prepared and signed by the property owner(s), indicating the total cumulative percent change of area, size, height or other deviation from the original permit approval. Any subsequent deviation shall include a revised summary and calculation pursuant to this subsection.
- d. Limitations. A deviation from an approved permit, or deviations having a cumulative effect, may be allowed in accordance with the following limitations:
1. A cumulative increase or decrease from the original approved plan of up to 10 percent of the following:
    - i. the gross area of any yard, open space, working area, parking area or other area regulated by the permit, provided that no decrease may be permitted in any required yard for which an exception pursuant to Section 4813 or a Variance is required;
    - ii. the size of any building or structure or of the total land area covered by any building or structure;
    - iii. the height of any building or structure or of any part thereof, or of the depth or area of an excavation, slope or working area;
    - iv. In the cases of Use Permits and Site Plan permits, the number of buildings or structures shown on the original approved plan provided the total land area covered by all buildings and structures does not increase or decrease more than 10 percent; or
    - v. A sign or sign program subject to a Community Design Review, Historic Landmark, Historic District or Design Review special area regulations designator may be approved upon due consideration of the recommendation of the applicable Design Review Board, Historic Site Board, Historic District Review Board, or Community or Subregional Planning Group. However, a change of copy, colors or print type, without a change to the overall size of the sign is not subject Design Review Board or Community or Subregional Planning Group review.
  2. A change to the size and the type of windows, openings or doors, the colors or materials on the elevations or roof of a structure, or other similar changes may be allowed provided the approved architectural style is maintained. However, architectural or design elements specified in the permit conditions of approval will

require a modification of the permit to authorize a change, pursuant to Section 7072, 7126, 7169 or 7378, as applicable.

- e. Application Form, Filing and Fee. An application requesting a minor deviation from a plan shall be made on the form prescribed by the Director, shall be signed by the property owner(s) or their agent(s) as required by Section 7017, shall be filed with the authority having jurisdiction as provided by paragraph "b" of this section, and shall be accompanied by the fee referenced in Section 7602.
- f. Hearing Not Required. Any action of the Director pursuant to this section may be taken without notice or public hearing.
- g. Decision is Final. Any decision by the Director pursuant to this section shall be final; provided, however, that the denial by the Director of a request for a minor deviation from a plan shall not prevent the applicant from applying for a new Administrative Permit, Variance, Site Plan Permit, or Use Permit or modification thereof pursuant to the Zoning Ordinance.

**Section 58.** Section 7703 of the Zoning Ordinance is amended to read as follows:

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. through h. no changes]

- 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.

**Section 59.** Section 8203 of the Zoning Ordinance is amended to read as follows:

8203 PERMITTED USES SUBJECT TO LIMITATIONS

The following use types are permitted by the V2 Zone subject to the limitation stated after the use type.

a. Residential Use Types.

Family Residential

Limited to dwellings that are located in conjunction with a second principal use that is primarily used for business purposes within or on the same structure, lot or parcel. All residential uses in the V2 Zone shall require Site Plan review in accordance with the Site Plan Review Procedure commencing at Section 7150 and the following guidelines.

1. Site Plan Review Required. Prior to the issuance of any building permit, grading permit or construction of any structure or conversion of any existing structure for use as a Family Residential Use Type in the V2 Zone, a Site Plan of the proposed structure shall be submitted to the Director for review, evaluation and approval.
2. 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:
  - a) Boundaries and existing topography of the property, and adjoining or nearby streets;
  - b) Location and height of all existing buildings and structures, existing trees and the proposed disposition or use thereof;
  - c) Location, height, building elevations, and proposed use of all proposed or existing structures, including lighting, walls, fences and freestanding signs, and location and extent of the building site;
  - d) Location and dimensions of ingress and egress points, interior roads and driveways, parking areas, and pedestrian walkways;
  - e) Location and treatment of important drainage ways, including underground drainage systems;
  - f) Proposed grading and removal of natural materials, including finished topography of the site;
  - g) Proposed landscaping plan including the location of exterior lighting fixtures and underground fuel storage facilities and aboveground pumps, if proposed.
3. Site Plan Review Criteria. The Site Plan shall be reviewed and evaluated by the Director for conformance with the following criteria.

- a) Residential uses shall be located and designed so they are buffered from potentially adverse impacts created by adjacent, commercial and industrial uses.
  - b) Impacts to be addressed shall include noise, odors, lighting, air quality, visual quality and vibration.
  - c) Building and structures shall use construction methods such as windows and building materials that will reduce noise generated by the business and will reduce noise that may impact the residential use.
  - d) Landscape buffers shall be utilized where appropriate to screen views from the residential use to visually undesirable portions of adjacent businesses. Landscaping shall be capable of reaching a height that will provide screening of views within one year of installation. To reduce fire hazards, plant material used shall not be on the North County Fire Protection District's Undesirable Plant List.
  - e) Lighting of the business use shall not excessively spill over into the residential use.
4. Site Plan Permit Exemption. An exemption from the Site Plan permit requirement of Section 8203.a.1 may be granted by the Director under either of the following circumstances:
- a) If it is determined that the nature of a proposed project is such that subjecting it to the Site Plan review process would not materially contribute to the attainment of the intent of the criteria listed in Section 8203.a.3 or that all of the purposes and requirements of the Site Plan have been fulfilled by an existing approved discretionary permit. In making a decision on such a Site Plan permit exemption due consideration shall be given to the recommendation of the appropriate Design Review Board. Such recommendation shall be in writing, signed by the Chairperson or other member of the Review Board who has been authorized by the Review Board to sign Site Plan permit exemption recommendations, and shall be accompanied by a copy of the project plans upon which the recommendation was based. Site Plan permit exemption requests shall be transmitted by the applicant to the Review Board using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Review Board within 45 days following the Review Board's receipt of the request, the Director may make a decision without the Review Board's recommendation.
  - b) If all of the purposes and requirements of the Site Plan will be fulfilled by a concurrent discretionary permit which will be reviewed by the appropriate Design Review Board.

No building permit shall be issued for a project for which the Site Plan permit exemption has been granted except pursuant to plans bearing the Director's



stamp granting such exemption. No deviation from aspects of such plans pertinent to the criteria listed in Section 8203.a.3, such as materials, landscaping, site design and lighting, shall be permitted without prior recommendation of the appropriate Design Review Board and approval of the Director.

Group Residential – Allowed in conjunction with a school where housing facilities are used by registered students of the school. The associated school facility does not have to be located on the same lot.

b. Civic Use Types.

Child Care Center – 24 children or less

c. Commercial Use Types.

Business Equipment Sales and Services – The area devoted to storage shall not be greater than the area devoted to sales and administrative offices

Convenience Sales and Personal Services – Not to exceed 1,500 square feet

Eating and Drinking Establishments – No drive-through

Food and Beverage Retail Sales – Not to exceed 2,000 square feet

Laundry Services – Limited to drycleaning plants and laundries that provide retail services only, use only non-flammable solvents and employ not more than 10 people.

Participant Sports and Recreation: Indoor – Not to exceed 2,000 square feet

Transient Habitation: Lodging – Not to exceed 20 bedrooms. Uses exceeding 20 bedrooms allowed pursuant to Section 8204.

d. Industrial Use Types.

Custom Manufacturing – The square footage, horsepower and kiln size restrictions imposed by Section 1610 do not apply. Kiln sizes shall be limited to 20 cubic feet and equipment to 25 horsepower at any one time.

**Section 60.** Section 8303 of the Zoning Ordinance is amended to read as follows:

8303 PERMITTED USES SUBJECT TO LIMITATIONS

The following use types are permitted by the V3 Zone subject to the limitation stated after the use type.

a. Residential Use Types

Family Residential

All residential uses in the V3 Zone shall require Site Plan review in accordance with the Site Plan Review Procedure commencing at Section 7150 and the following guidelines.

1. Site Plan Review Required. Prior to the issuance of any building permit, grading permit or construction of any structure or conversion of any existing structure for use as a Family Residential Use Type in the V3 Zone, a Site Plan of the proposed structure shall be submitted to the Director for review, evaluation and approval.
2. 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:
  - a) Boundaries and existing topography of the property, and adjoining or nearby streets;
  - b) Location and height of all existing buildings and structures, existing trees and the proposed disposition or use thereof;
  - c) Location, height, building elevations, and proposed use of all proposed or existing structures, including lighting, walls, fences and freestanding signs, and location and extent of the building site;
  - d) Location and dimensions of ingress and egress points, interior roads and driveways, parking areas, and pedestrian walkways;
  - e) Location and treatment of important drainage ways, including underground drainage systems;
  - f) Proposed grading and removal of natural materials, including finished topography of the site;
  - g) Proposed landscaping plan including the location of exterior lighting fixtures and underground fuel storage facilities and aboveground pumps, if proposed.
3. Site Plan Review Criteria. The Site Plan shall be reviewed and evaluated by the Director for conformance with the following criteria.
  - a) Residential uses shall be located and designed so they are buffered from potentially adverse impacts created by adjacent, commercial and industrial uses.
  - b) Impacts to be addressed shall include noise, odors, air quality, lighting, visual quality and vibration.

- c) Building and structures shall use construction methods such as windows and building materials that will reduce noise generated by the business and will reduce noise that may impact the residential use.
  - d) Landscape buffers shall be utilized where appropriate to screen views from the residential use to visually undesirable portions of adjacent businesses. Landscaping shall be capable of reaching a height that will provide screening of views within one year of installation. To reduce fire hazards, plant material used shall not be on the North County Fire Protection District's Undesirable Plant List.
  - e) Lighting of the business use shall not excessively spill over into the residential use.
4. Site Plan Permit Exemption. An exemption from the Site Plan permit process requirement of Section 8303.a.1 may be granted by the Director under either of the following circumstances:
- a) If it is determined that the nature of a proposed project is such that subjecting it to the Site Plan review process would not materially contribute to the attainment of the intent of the criteria listed in Section 8303.a.3 or that all of the purposes and requirements of the Site Plan have been fulfilled by an existing approved discretionary permit. In making a decision on such a Site Plan permit exemption due consideration shall be given to the recommendation of the appropriate Design Review Board. Such recommendation shall be in writing, signed by the Chairperson or other member of the Review Board who has been authorized by the Review Board to sign Site Plan permit exemption recommendations, and shall be accompanied by a copy of the project plans upon which the recommendation was based. Site Plan permit exemption requests shall be transmitted by the applicant to the Review Board using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Review Board within 45 days following the Review Board's receipt of the request, the Director may make a decision without the Review Board's recommendation.
  - b) If all of the purposes and requirements of the Site Plan will be fulfilled by a concurrent discretionary permit which will be reviewed by the appropriate Design Review Board.

No building permit shall be issued for a project for which the Site Plan permit exemption has been granted except pursuant to plans bearing the Director's stamp granting such exemption. No deviation from aspects of such plans pertinent to the criteria listed in Section 8303.a.3, such as materials, landscaping, site design and lighting, shall be permitted without prior recommendation of the appropriate Design Review Board and approval of the Director.

Group Residential – Allowed in conjunction with a school where housing facilities are used by registered students of the school. The associated school facility does not have to be located on the same lot.

b. Civic Use Types.

Child Care Center – 24 children or less

c. Commercial Use Types.

Animal Sales and Services: Veterinary (Large Animals) – except that large animals are not allowed to be kept overnight unless required in preparation for or recovery from surgery

Automotive and Equipment: Cleaning – Not to exceed 4 self-serve stalls

Convenience Sales and Personal Services – Not to exceed 1,500 square feet

Eating and Drinking Establishments – No drive-through

Food and Beverage Retail Sales – Not to exceed 2,000 square feet

Laundry Services – Limited to drycleaning plants and laundries which provide retail services only, use only non-flammable solvents, and employ not more than 10 people.

Participant Sports and Recreation: Indoor – Not to exceed 2,000 square feet

Transient Habitation: Lodging – Not to exceed 20 bedrooms. Uses exceeding 20 bedrooms allowed pursuant to Section 8304.

Wholesaling, Storage and Distribution: Mini-Warehouses – The Mini-Warehouse Use may not occupy more than 50% of the building area. For the purposes of calculation, common areas including interior courtyards, restrooms and hallways would not be included. All storage units shall be accessed by an interior corridor and shall not be accessed externally. The Mini-Warehouse Use shall be located within a single building on the parcel.

d. Industrial Use Types.

Custom Manufacturing – The square footage, horsepower and kiln size restrictions imposed by Section 1610 do not apply. Kiln sizes shall be limited to 60 cubic feet and equipment to 40 horsepower at any one time.

**Section 61. 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 San Diego Commerce a newspaper of general circulation published in the County of San Diego.

POD 11-004

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PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 28<sup>th</sup> day of March, 2012.