

ORDINANCE NO. 9690 (NEW SERIES)

AN ORDINANCE AMENDING THE ZONING ORDINANCE RELATED TO
MISCELLANEOUS CLEAN-UP REVISIONS

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

Section 1. The Board of Supervisors finds and determines that the following amendments of The Zoning Ordinance provide a necessary update to certain sections thereof. These amendments are intended to remove obsolete language, clarify vague provisions, and resolve matters not currently addressed. The amendments are found to be necessary for the public health, safety, and welfare and are consistent with the General Plan.

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

1006 APPLICABILITY OF THE ZONING ORDINANCE.

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

Section 3. The definition of Lot, Corner, in Section 1110 of The Zoning Ordinance is hereby amended to read as follows:

Lot, Corner: A lot situated at the angle point of a street or the intersection of 2 or more streets, which has an angle of intersection of not more than 135 degrees. Such a lot shall comply with the required setbacks for both front and exterior side yards.

Section 4. Section 2725 of The Zoning Ordinance is hereby amended to read as follows:

2725 USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the A72 Use Regulations upon issuance of a Major Use Permit.

a. Residential Use Types.

Group Residential

b. Civic Use types.

Administrative Services
Ambulance Services
Child Care Center
Clinic Services
Community Recreation
Cultural Exhibits and Library Services
Group Care
Lodge, Fraternal and Library Services
Major Impact Services and Utilities
Parking Services
Postal Services
Religious Assembly

c. Commercial Use Types.

Agricultural and Horticultural Sales (all types)
Animal Sales and Services: Auctioning
Explosive Storage (see Section 6904)
Gasoline Sales
Participant Sports and Recreation: Outdoor
Transient Habitation: Campground (see Section 6450)
Transient Habitation: Resort (see Section 6400)

d. Agricultural Use Types.

Agricultural Equipment Storage
Animal Waste Processing (see Section 6902)
Packing and Processing: Winery
Packing and Processing: General
Packing and Processing: Support

e. Extractive Use Types.

Mining and Processing (see Section 6550)

Section 5. Section 4620 of The Zoning Ordinance is hereby amended to read as follows:

4620 PERMITTED EXCEPTIONS TO HEIGHT LIMITS.

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

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

Section 6. Section 4622 of The Zoning Ordinance is hereby amended to read as follows:

4622 EXCEPTIONS TO HEIGHT LIMITS WITH MINOR USE PERMIT.
 Except as otherwise provided by Section 4620, the following structures may be erected and maintained above the maximum height permitted by an applicable height designator upon the issuance of a minor use permit therefore; provided, however, no such structure above such height limit shall be used for sleeping or eating quarters or for any commercial purpose other than such as may be incidental to the permitted uses of the main building:

- a. Radio and television receiving antennas greater than 200 feet in height of the type customarily used for home radio and television receivers.
- b. Transmitting antennas greater than 200 feet in height used by licensed amateur (ham) radio operators; and all transmitting antennas used by other than licensed amateur (ham) or citizens band radio operators.

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

Section 7. Section 4835 of The Zoning Ordinance is hereby amended to read as follows:

4835 EXCEPTIONS TO REQUIRED OPENNESS OF REQUIRED YARDS.

Every part of each required yard shall be open and unobstructed from finished grade to the sky except for buildings, structures and projections allowed in such yard by the following table. Any building, structure or projection not specifically allowed in a required yard by the following table is prohibited. These restrictions shall not apply to buildings, structures or projections located in yards or portions thereof which are not required by an applicable setback designator or by other provisions of these Setback Regulations. (Provisions of the Uniform Building Code may be more restrictive and detached accessory buildings shall observe setbacks prescribed by Section 4842.)

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS
(Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
a. Accessory storage buildings, work and hobby shops except: outdoor swimming pools, private garages, carports, stands, living units and other habitable space; must meet setback per Section 4842 or Section 6156.g.2 for large structures defined by that subsection.	Not permitted.	Permitted in agricultural, residential, S87 and S92 use regulations but not in front half of lot or the front 50 feet of the required yard measured along the side lot line, whichever restriction is less.	Not permitted.	Permitted in agricultural, residential S87 and S92 use regulations but may not cover more than 50 percent of the required yard.	Permitted in agricultural, residential, S87 and S92 use regulations, but may not cover more than 50 percent of required yard. Not permitted in the exterior half or exterior 75 feet of required yard, measured along the rear lot line, whichever restriction is less.
b. Outdoor swimming pools; If indoor or the only structure on a lot or building site, it must meet main building setbacks.	Not permitted.	Permitted in agricultural, residential, S87 and S92 use regulations but not in front half of lot nor the front 50 feet of the required yard measured along the side lot line, whichever restriction is less.	Not permitted.	Permitted in agricultural, residential, S87 and S92 use regulations but may not cover more than 50 percent of the required yard.	Permitted in agricultural, residential, S87 and S92 use regulations, but may not cover more than 50 percent of the required yard but not permitted in the exterior half or exterior 75 feet of required yard, measured along the rear lot line, whichever restriction is less.

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS

(Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
c. Private detached garages and carports; must meet setback per Section 4842 or Section 6156.g.2 for large structures defined by that subsection.	Permitted in agricultural and residential zones only if in conformance with regulations at Section 4837.	Permitted in agricultural, residential, S87 and S92 use regulations but not in front half of lot or the front 50 feet of the required yard measured along the side lot line, whichever restriction is less.	Not permitted.	Permitted in agricultural, residential, S87 and S92 use regulations, if detached, but may not cover more than 50 percent of the required yard.	Permitted in agricultural, residential, S87 and S92 use regulations, if detached, but may not cover more than 50 percent of the required yard. Not permitted in exterior half or exterior 75 feet of the required yard, measured along the rear lot line, whichever restriction is less.
d. Living units including guest living quarters, enclosed pool houses, art or music studios and recreation rooms.	-----Not permitted-----				
e. Stands	Permitted where stands are allowed by Section 6156.	-----Not permitted-----			
f. Solar collection devices	Permitted in all zones but not more than 30 inches above grade.	Permitted in all zones but not more than 30 inches above grade in front half of lot or the front 50 feet of the required yard measured along the side lot line; permitted 12 feet in height beyond that point.	Permitted in all zones but not more than 30 inches above grade.	Permitted in all zones but may not exceed 12 feet in height nor cover more than 50 percent of the required yard.	Permitted in all zones but not more than 30 inches above grade in exterior half or exterior 75 feet of the required yard, measured along the rear lot line, whichever restriction is less.

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS
 (Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
g. Fences.	Permitted in all zones if in conformance with Fencing and Landscaping Regulations commencing at Section 6700.				
h. Outdoor area lighting on poles.	Permitted in commercial and manufacturing/industrial zones only if in conformance with regulations at Section 6324. Tennis court lighting permitted pursuant to regulations in Sections 6324 and 6708.				
i. Roofed, open sided patios which are attached and part of main building.	-----Not permitted.-----			Permitted in all zones but may not cover more than 50 percent of the required yard in combination with all detached accessory buildings and must be set back from the rear lot line a distance equal to the required interior side yard. The sides of such patios may be enclosed with solid walls not more than 30 inches in height above the patio floor, or by insect screening.	
j. Sidewalk arcades and similar architectural features of buildings containing principal commercial use types.	Permitted by -----Not permitted.----- Minor Use Permit.				

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS
(Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
k. Uncovered, unenclosed balconies, extending above the level of first floor with exterior access of building.	-----	-----	Not permitted.	-----	-----
l. Uncovered, unenclosed porches, platforms or landing places not extending above level of first floor with exterior access of building and not more than 30 inches above grade (e).	-----	Permitted in all zones-----	-----	Permitted in all zones but may not cover more that 50 percent of the required yard in combination with all detached accessory buildings and must be set back from the rear lot line a distance equal to the required interior side yard.	-----
m. Cornices, eaves, belt courses, water tables, sills, buttresses, capital, bases, fireplaces and garden windows.	-----	-----	Permitted in all zones but may not extend more than 2 feet into yard-----	-----	-----
n. Open unenclosed stairways, and fire escapes, not covered by a roof or canopy and open beneath.	Not permitted.	-----	Permitted in all zones but may not extend or project more than 3 feet into the required yard.	-----	-----

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS
 (Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
o. Bay and architectural windows provided floor area is not increased, not exceeding 24 square feet each in wall opening area, and with a sill height not less than 18 inches above finished floor.	Permitted in all zones but may not extend more than 2 feet into required yard.	Permitted if the required side yard is not less than 10 feet and may not extend more than 2 feet into required yard.	Permitted in all zones but may not extend more than 2 feet into required yard.		
p. Uncovered, unenclosed pedestrian access deck, bridge, ramp or walkway to the level of the floor closest to the street level.	-----	Permitted on single-family lots on downhill side of street but may not project more than 3 feet into any required yard. Must be open beneath.	-----		
q. Guard railings for safety protection around depressed ramps, open-work fences, hedges, or landscape architectural features.	-----	Permitted in all zones but may not be more than 42 inches in height	-----		

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS
(Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
r. Animal containments including pens, coops, hutch, stables barns and corrals.	-----See Animal Regulations commencing at Section 3100-----				
s. Trees, shrubs, and flowers.	-----Permitted in all Zones -----				

Section 8. Section 4836 is hereby added to The Zoning Ordinance to read as follows:

4836 BUILDINGS AND STRUCTURES PERMITTED TO ENCROACH INTO REQUIRED YARDS ON THROUGH LOTS
Notwithstanding the provisions of Section 4835 which limit encroachments into the front half of a lot, where buildings and structures on through lots are permitted to encroach into specified required yards, such buildings and structures shall be permitted to encroach into the middle third of a lot or the numeric distance as specified by the applicable subsection of Section 4835, whichever restriction is less.

Section 9. Section 4838 of The Zoning Ordinance is hereby amended to read as follows:

4838 WATER TANK FOR FIRE PROTECTION PERMITTED IN REQUIRED YARDS SUBJECT TO REGULATIONS.
Notwithstanding the requirements of Section 4835 referring to permitted location of accessory structures within required yards, a water storage tank for fire protection may encroach into required yards if it meets all the following criteria:

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

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

Section 10. Section 5757 of The Zoning Ordinance is hereby amended to read as follows:

5757 WAIVER OF SITE PLAN - COMMUNITY DESIGN REVIEW.

The Site Plan requirement of Section 5756 may be waived 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 waiver of a Site Plan 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 waiver recommendations, and shall be accompanied by a copy of the project plans upon which the recommendation was based. Waiver 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

waiver of entire classes of projects, in which case the Director may waive 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 requirement has been waived except pursuant to plans bearing the Director's stamp granting such waiver. No deviation from aspects of such plans pertinent to the 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 11. Section 5905 of The Zoning Ordinance is hereby amended to read as follows:

5905 SITE PLAN 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 has been submitted and approved in accordance with the Site Plan Review Procedure commencing at Section 7150. A Site Plan 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 is also not required if said ordinance applying the design review designator specifically waives or exempts the Site Plan requirement for the proposed project, and such an ordinance waiver or exemption shall be final.
- b. The Site Plan 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. The Site Plan requirement of this section may be waived 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 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 have been fulfilled by an existing approved discretionary permit. In making a decision on such a waiver of a Site Plan, the Director shall consider the recommendation of the applicable Community Planning Group or Sponsor Group. Waiver requests shall be transmitted by the Director to the Group using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Group within 45 days following the Group's receipt of the request, the Director may make a decision without the Group's recommendation. Notwithstanding the above, the Community Planning or Sponsor Group may recommend waiver of entire classes of projects, in which case the Director may waive 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 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 requirement has been waived except pursuant to plans bearing the Director's stamp granting such waiver. No deviation from aspects of such plans pertinent to the stated purpose or objectives of the 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 12. Section 6114 of The Zoning Ordinance is hereby repealed.

Section 13. Section 6116 of The Zoning Ordinance is hereby 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 Section 6717 (c.) for water management plan requirements.

b. No use authorized by this section will be located, installed or operated in a manner that will have an unnecessarily adverse effect on the use and enjoyment of any property on which an occupied dwelling is located, or may be located during the duration of such authorized use.

- c. Building Permits. Prior to the issuance of building permits for the temporary uses in "a" above, the following conditions shall be met:
1. When the residential development for which such temporary uses are to be constructed would constitute a subdivision, a tentative subdivision map must be approved and the final map thereof recorded; or if a final map has not been recorded, a final map must be filed with the Director of Public Works for approval and approved by said Director as to conformance to the tentative subdivision map and mathematical accuracy.
 2. Appropriate zoning must be in effect for the property encompassed by the subdivision or proposed subdivision or other residential development, to accommodate the lot sizes shown on the final map and the proposed uses thereof; provided, however, that where subject property has been provisionally reclassified, lot sizes and proposed uses may conform to the zone to which such property has been provisionally reclassified.
 3. Necessary sanitary facilities must be provided as required by the Director of Environmental Health.
 4. The property owners shall execute and file with the County and acknowledged agreement (notarized) assuming all risks inherent in construction prior to recordation of a final map and agreeing to abide by all conditions set forth in this Section prior to the sale of any model home; further agreeing that all temporary uses permitted by this section shall be terminated not later than 30 months after issuance of building permits therefore, unless a written request for extension of time has been submitted to and approved by the Director prior to the expiration of said 30 months, and within 30 days of the expiration of said 30 months or extension thereof, all temporary uses and related improvements other than model homes, shall be completely removed from the premises and all model homes shall be restored to a condition suitable for sale for residential occupancy, including conversion 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 14. Section 6118 of The Zoning Ordinance is hereby 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 prosecuted.
4. Construction office on or adjacent to any site on which a building or construction project is being diligently prosecuted; or for temporary offices on a site used for a borrow pit, quarry, asphalt paving plant, concrete batch plant, or mining operation for which a major use permit has been granted.
5. Political campaign office located on private property for a period not to exceed one year provided, however, such trailer shall be removed within 15 days following the next general election held after such trailer is sited.
6. Real estate sales office when the trailer coach is located on a lot or parcel of land adjacent to or within a proposed subdivision for which a Tentative Map has been approved and a final map thereof submitted to the Department of Public Works for checking to which such real estate office is incidental. Such permit may be issued to expire six months after completion of all sales but not exceed a period of three years.
7. Business office associated with the production and distribution of agricultural or horticultural products grown on the premises in zones subject to the A70, A72, S87, S90, and S92 Use Regulations upon issuance of an Administrative Permit for a period of not to exceed five years.
8. Government service uses in accordance with the provisions of Section 6120.

Section 15. Section 6156 of The Zoning Ordinance is hereby 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 an accessory apartment, guest living quarters or accessory living quarters.
 3. Additional area may be permitted by issuance of an Administrative Permit with notice to contiguous property owners pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6.
- b. Detached Poolhouses, Art or Music Studios, and Recreation Rooms. One detached poolhouse, art or music studio, or recreation room is permitted, provided the structure meets main building setbacks and is not designed for use as a guest living quarters or commercial use, unless permitted by the applicable requirements of the Use Regulations. Only one electric service drop and one electric meter to serve both the main dwelling and structure allowed by this subsection will be permitted.
 - c. Children's Playhouses, Patios, Porches, Gazebos, etc. Structures which are permitted to encroach into required yards per Section 4835 are limited to 12 feet in height.
 - d. Radio and Television Receiving Antennas, Dish Antennas.
 - e. Greenhouses. In the RR, A70 and A72, and S92 Use Regulations greenhouses are permitted without limitations. In all other Residential Use Regulations, and the S88 Use Regulations where residential uses occur, greenhouses are limited to 450 square feet unless a Minor Use Permit is approved to increase the size. Greenhouses proposed in the S88 Use Regulations shall conform to the requirements of any applicable Specific Plan.
 - f. Silos, Windmills and Tank Houses.
 - 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.
 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.
 2. Provided a setback of least 25 feet from property lines is maintained:
 - i. On lots of one acre gross or larger but less than 2 acres, the combined area shall not exceed 1,500 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 2,000 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 3,000 square feet or 25% of the living area of the principal residence, whichever is greater.

Buildings not meeting this setback requirement are limited in size to 1000 square feet or 25 percent of the living area of the principal residence, whichever is greater, unless an Administrative Permit, pursuant to 6156g.4., is obtained.

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 6516.b or other approved use such as a guest living quarters or accessory living quarters.
4. Additional area, height and story may be permitted by issuance of an Administrative Permit with notice to contiguous property owners pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6. The Administrative Permit shall not authorize height/stories exceeding the height/story limit specified by the applicable height/story designator.

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 1 acre minimum), 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 one acre minimum), A70, A72, S87 and S92 Use Regulations, barns and agricultural storage buildings shall be limited in height to one story not to exceed 12 feet. Buildings exceeding 12 feet in height are permitted if the structure meets the main building setbacks, provided the height does not exceed that permitted by Section 4620(e). A maximum floor area of 1,000 square feet is permitted where the lot is less than one acre gross. A maximum floor area of 1500 square feet is permitted where the lot is one acre but less than 2 acres gross, and 2000 square feet is permitted where the lot is 2 to 4 acres gross. An additional 200 square feet of floor area is permitted for each acre over 4 acres up to a maximum of 5000 square feet.
3. Additional area, height and story may be permitted by issuance of an Administrative Permit, with notice to contiguous property owners pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6. The Administrative Permit shall not authorize height/stories exceeding the height/story limit specified by the applicable height/story designator or Section 4620(e).

i. Offices. Offices are permitted only in zones subject to the A70, A72, S87, S90, and S92 Use Regulations.

- j. Coops.
- k. Guest Living Quarters. In the A70, A72, RR, S87, S90 and S92 Use Regulations, one guest living quarters is permitted. Only one electric service drop and one electric meter to serve both the main dwelling and guest living quarters will be permitted. In the RS, RV, RU, and S88 zones, one guest living quarters is permitted on a lot or building site not less than one-half acre in area. One guest living quarters may be permitted in the RS, RV, RU, and S88 zones upon issuance of an Administrative Permit on a lot or building site which has an area of at least 10,000 square feet but less than one-half of an acre. Notice of guest living quarters Administrative Permit applications shall be given as provided in Section 7060(c). Guest living quarters are not permitted in other zones.
- l. Accessory Living Quarters. Accessory living quarters are permitted only as follows:
 - 1. In zones subject to the RR Use Regulations upon the approval of an Administrative Permit by the Director.
 - 2. This use type shall comply with density regulations.
 - 3. One accessory living quarters may be permitted only where a primary dwelling already exists or is authorized for construction by the same building permit.
 - 4. Accessory living quarters shall have a maximum floor area of 900 square feet or 25% of the living area of the primary dwelling, whichever is greater.
 - 5. Prior to issuance of a building permit for an accessory living quarters the owner shall submit a notarized recorded copy of an agreement between the owner and the County of San Diego on a form supplied by the Department of Planning and Land Use. Said agreement shall state that the owner understands and declares that the accessory living quarters are for the sole use of persons employed on the premises and will not be rented or otherwise used as a separate dwelling. The agreement shall also include provisions stating that the owner consents to inspection of the premises by the codes enforcement officer in order to verify the terms of the agreement.
- m. Home Occupations. Home occupations, including in-home offices, shall be permitted in compliance with the following conditions:
 - 1. There shall be no exterior evidence of the conduct of a home occupation.
 - 2. A home occupation shall be conducted entirely within a dwelling, or an attached garage.
 - 3. Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit shall be prohibited.
 - 4. The residents of the dwelling unit, and no more than one non-resident employee, may be engaged in the home occupation.

5. Limited indoor storage of goods or supplies (125 cubic feet maximum) may take place within no more than one room of the dwelling and/or in the attached garage (provided required parking on-site is maintained and properly located).
 6. There shall be no on-premise sale of goods. Occasional transport of goods from the premises for off-site sale may occur.
 7. The establishment and conduct of a home occupation shall not change the principal character or use of the dwelling unit involved.
 8. There shall be no signs identifying or advertising the home occupation other than those permitted by Section 6252(d) of this ordinance.
 9. The required residential off-street parking shall be maintained.
 10. A home occupation shall not create vehicular or pedestrian traffic in excess of that which is normal for the zone in which it is located.
- n. Dog and Cat Keeping. The keeping of dogs and cats, but not including kennels.
- o. Day Care/Boarding. Day care, or boarding for 6 or fewer individuals, provided that no such day care or boarding facility may be owned, operated, managed, or leased by any person, as defined by these regulations, within one mile of any other such facility owned, operated, managed, or leased by the same person.
- p. Family Care Homes. A family care home, provided that no family care home (other than a foster family home or a residential care facility for the elderly as referenced in Section 1520.5(f) of the California Health and Safety Code) may be operated within 300 feet of any other such home, family care institution or group care facility.
- q. Roadside Sales of Agricultural Products. Operation of a stand, not to exceed an area of 300 square feet, for the display and sale, by the property owner or tenant, of agricultural products produced on the premises. Agricultural products produced on other premises owned or leased by the same property owner or tenant may be displayed and sold from said stand. 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. Said stand shall be located not nearer than 15 feet from any street or highway, and such stands shall be permitted only in those zones governed by the A70, A72, S87, S90 and S92 Use Regulations and by the RR Use Regulations on lots one acre or larger.
- r. Wild Animal Keeping. The keeping of not more than one wild animal kept and maintained in conformance with State and local requirements.
- s. Earthworms. The raising of earthworms provided that:
1. No sales are advertised or made on the premises unless permitted by the use regulations.
 2. Odors and/or fly-breeding are not greater than customarily found at a well-maintained residence.

- t. Retail Sales of Stable Gear. The retail sale of stable gear, provided that such sales are incidental and subordinate to the use of conforming public stables or equestrian facilities on the premises, and there is no exterior advertising of the accessory use. No such accessory use shall occupy more than 10 percent (10%) or not to exceed 1,000 square feet, whichever is less, of the total floor area of enclosed buildings permitted by right and devoted to such public stable or equestrian facility. Where such public stables or equestrian facilities are permitted by use permit, the total floor area of the accessory use shall be regulated by such permit.

- u. Farm Employee Housing. In the RR, A70, A72, S87, S88, S90, and S92 Use Regulations, farm employee housing is a permitted accessory use to agricultural operations on the same parcel on which the housing is located upon issuance of an Administrative Permit by the Director, provided that:
 - 1. The number of living units is reasonably related to the number of farm employees required for agricultural operations on the parcel on which the farm employee housing is located and, where applicable, on other land owned or leased and farmed by the owner or employer.
 - 2. Farm employee housing shall conform to the Density Regulations or to Section 4120.f.
 - 3. Farm employee housing shall be occupied only by farm employees (and their families) engaged in agricultural labor on the same parcel as the farm employee housing or on other land owned or leased and farmed by the owner or employer, and shall not be otherwise occupied or rented.
 - 4. Farm employee housing shall be located within a mobilehome. The Director, upon making the findings for a use permit as set forth in Section 7358 may grant an exception or modification of this requirement. A farm employee mobilehome shall not be subject to the Mobilehome On Private Lot Regulations (Sections 6502-6506).
 - 5. If farming activity is not in progress at the time of application, the Administrative Permit shall be conditioned to require review to ensure that bona-fide farming activity commences within a reasonable time.
 - 6. Farm employee housing shall be removed or converted to another permitted use at such time as the farming activity to which it relates ceases operation for more than twelve consecutive months.
 - 7. Contract. For any application for an Administrative Permit for farm employee housing which is subject to the waiver of fees pursuant to Section 7602.d.5, prior to the approval 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.
 - 8. On an annual basis, the property owner must file a certificate stating that the agricultural operation is still taking place on the property and that the tenants are employed as farm employees. Failure to file the certificate will be interpreted as indicating the agricultural activity has ceased operation.

9. Contract. For any application for an Administrative Permit for farm employee housing which is subject to the waiver of fees pursuant to Section 7602.d.6, prior to the submittal of the Administrative Permit application, the property owner shall enter into a contract with the County agreeing to specific rental terms and conditions which make low cost housing available to farm employees and will allow for periodic inspections of the housing by County employees. The form of the contract shall have been approved by the Board of Supervisors.
 10. Exception. Notwithstanding the provisions of this Section to the contrary, an Administrative Permit shall not be required for farm employee housing for which an Administrative Permit is prohibited under Section 17021.5 or Section 17021.6 of the California Health and Safety Code.
 11. Contract. Prior to submitting an application for a building permit for a farm employee housing project for which an Administrative Permit is not required under Section 17021.5 or Section 17021.6 of the California Health and Safety Code, and for which a fee waiver is applied for under Section 51.0304(p)(2) of the San Diego County Code, 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.
- v. Horticultural Sales. In all residential, agricultural, and S87, S88, and S92 Use Regulations, the retail sale of horticultural and floricultural products and their related gardening items in conjunction with and upon the premises of a growing nursery is permitted upon issuance of a Minor Use Permit.
- w. Accessory Apartments (Elderly/Handicapped/Family Member). In order to provide additional rental housing for elderly (60 years of age or older) or handicapped persons as defined by Section 50072 of the State Health and Safety Code and family members (related by blood, marriage or adoption) while still maintaining the general character of a single family residential neighborhood, an Administrative Permit for one accessory apartment in conjunction with a single detached dwelling may be issued for properties in the RS, RV, RU, RR, A70, A72, S87, S88, S90 and S92 Use Regulations provided the following conditions are complied with:
1. Applicable building and other codes, and zoning requirements (including main building setbacks) with the exception of the density regulations of Section 4100, shall apply to accessory apartments.
 2. Off-street parking shall be provided pursuant to the parking regulations in Section 6750, except that accessory apartment parking may be permitted in the front or exterior side yard. Garage conversions are prohibited unless replacement covered off-street parking is provided concurrently.
 3. Dwellings modified in conjunction with an accessory apartment shall, on sides adjacent to streets, retain the appearance of a single detached dwelling.
 4. Accessory apartments shall not be permitted on a lot or parcel having guest living quarters or accessory living quarters. (Conversion of such quarters into an accessory apartment is permitted provided all zoning and structural requirements are met.)
 5. Notice of accessory apartment applications shall be given as provided in Section 7060(c).

6. One of the dwelling units shall to be occupied by the property owner. The dwelling unit not occupied by the owner shall only be occupied by person(s) that qualify as elderly, handicapped, or immediate family members.
 7. Separate sale or ownership of accessory apartment from the primary dwelling on a lot or parcel is prohibited.
 8. On a form provided by the Department of Planning and Land Use the owner shall file with the application a signed affidavit agreeing to accessory apartment occupancy requirements. The affidavit shall include provisions stating that 1) the owner consents to inspection of the premises by the codes enforcement officer in order to verify occupancy and 2) that the owner shall furnish a new affidavit to said officer upon request.
 9. Said agreement shall be filed with and become a permanent part of the Administrative Permit which granted the Accessory Apartment.
 10. On a form provided by the Department of Planning and Land Use, subsequent owners shall be required to file an affidavit to establish eligibility before occupying the second dwelling unit on said property.
- x. Second Dwelling Units. In zones where the Family Residential use type is allowed by right, a second dwelling unit is permitted on a lot containing an existing single family detached residence, or to be constructed concurrently with a primary single family detached residence, provided the following requirements are complied with:
1. The second dwelling unit shall either be attached to the primary unit, wholly or partially integrated into the primary unit, or detached from the primary unit. The second unit may be attached to another permitted accessory building, except for those accessory units or other accessory buildings specified in paragraph 4, 5 or 6 below.
 2. Applicable requirements of the building and other codes and of The Zoning Ordinance shall apply to second dwelling units. No Variances shall be granted in order to provide for the second unit.
 3. A lot shall contain at least the minimum net area as required by the applicable zoning to qualify for a second dwelling; however, no second dwelling unit shall be permitted on a lot with a net area of less than 20,000 square feet, except pursuant to paragraph 12 below.

However, if the lot proposed for a second dwelling is groundwater dependent the minimum size must be twice that required by the residential density controls of Section 67.722 A.1. of the County Groundwater Ordinance (Ord. 7994 N.S.) unless an exception is granted pursuant to Section 67.750 of that Ordinance.
 4. Second dwelling units shall not be permitted 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 permitted provided all applicable zoning and other code requirements are met, and subject to the following procedures:

- i. Application for modification of the Administrative Permit or Minor Use Permit that authorized the accessory unit proposed for conversion to a second dwelling unit and application for any other applicable permits; or
 - ii. If no Administrative or Minor Use Permit was required to authorize the accessory unit proposed for conversion (Guest Living Quarters in certain use regulations), by application for a building permit and any other applicable permits; or
 - iii. If the accessory unit proposed for conversion was established illegally, by application pursuant to this subsection "4" as if a new second dwelling unit was being proposed.
5. Second dwelling units with a living area exceeding 640 square feet shall provide two additional off-street parking spaces. 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. No other structures defined by Section 6156.g shall be attached to a second dwelling unit.
6. The living area of a second 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 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.
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 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 second dwelling unit may be authorized upon the issuance of a Minor Use Permit to allow the following:
- i. Location on a lot or parcel of less than 20,000 square feet in net area, but not less than 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;
 - 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 Minor Use Permit.

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.

- y. Family Day Care Home For Children, Large (9 to 14 children). A large family day care home for children is a permitted accessory use upon issuance of an Administrative Permit provided the following conditions are complied with:
1. No such large family day care home for children may be located closer than 500 feet from any other lot containing a large family day care home for children with an Administrative Permit approved by the County of San Diego. The 500-foot distance shall be measured in a straight line connecting the closest points on the lot lines and without regard for intervening structures.
 2. The plot plan for a family day care home for children shall show sufficient information to determine the following:
 - i. At least one on-site parking space will be available for any assistant provider or caregiver not a resident of the subject family day care home.
 - ii. Adequate provision will be made to reduce noise impacts on surrounding properties through measures or a combination of measures such as solid fencing six feet in height with or without landscaping around outside activity areas or location of an adequately sized outside activity area a suitable distance away from adjacent dwellings. Adequacy of outside activity areas shall be determined by considering the size of the area provided outside of the required sideyard setbacks and by considering the distance to noise sensitive receptors.
 - iii. There exists an adequate area on-site for temporary parking of a least two automobiles where children may be safely loaded and unloaded, or such area will be provided. This designated loading and unloading area shall remain free and clear of parked cars during hours of operation of the large family day care home.
 - iv. The large family day care home meets the standards and requirements established by the State Fire Marshall as enforced by the local fire authority having jurisdiction over the home.
 3. Owners of property within 300 feet of the exterior boundaries of the proposed large family day care home shall be notified by mail or delivery of the receipt of the application not less than 10 days prior to the date on which the decision will be made. Notwithstanding the Administrative Permit Procedures at Section 7060.d, no hearing is required unless requested by the applicant or other affected person.

The applicant or other affected person may appeal the decision as provided by the Administrative Appeal Procedure commencing at Section 7200. The appellant shall pay the cost, if any, of the appeal.
 4. Every Administrative Permit approved pursuant to this section shall contain a condition that no sound amplification device be permitted in outdoor activity areas.
 5. For large family day care homes served by on-site wastewater systems the Director of Environmental Health shall certify the adequacy of the on-site wastewater system for the proposed use.
 6. No Administrative Permit shall be required for a large family day care home which qualifies for exemption under Section 1596.792 of the State Health and Safety Code.

- z. Wind Turbine Systems, Small. A small wind turbine system, shall be permitted on a parcel of at least one acre and in compliance with the following conditions:
1. Setback. The system shall be set back from property lines and roads at least two times the height of the wind system (to the top of the blade in vertical position) and shall meet the applicable setback requirements of the zone. No part of the system, including guy wire anchors, shall extend closer than 30 feet to the property boundary. The system must also meet fire setback requirements. See Subsection 7 for the exception to this setback requirement.
 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). See Subsection 7 for the exception to this noise standard.
 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. See Subsection 7 for the exception to this height standard.
 6. Any non-operational wind turbines shall be removed within 12 months after becoming non-operational.
 7. For any Wind Turbine System that meets the definition of "Small Wind Energy System" as defined by Government Code Section 65892.13 (c)(1), the requirements for setbacks, noise and height are reduced as follows:
 - (a) The system shall be set back from property lines at least the height of the wind system. The system must also comply with any applicable fire setback requirements pursuant to Section 4290 of the Public Resources Code.
 - (b) Decibel levels for the system shall not exceed the lesser of 60 decibels or the sound limits of the Noise Element of the San Diego County General Plan, as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe wind storms.
 - (c) Height. Height of a small wind turbine system shall not exceed either of the following:
 - (1) Up to 65 feet on parcels less than 5 acres in size, and up to 80 feet on parcels 5 acres or more.
 - (2) Height cannot exceed manufacturer's recommendations.

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

- aa. **Bed and Breakfast Home.** A bed and breakfast home is a permitted accessory use upon issuance of a Minor Use Permit provided the following conditions are complied with:
1. Located in a zone subject to the RR, A70, A72, S90 or S92 use regulations, or in a designated Historic District, or conducted within a structure which was constructed prior to 1936.
 2. A maximum of five bedrooms shall be made available for rent. A bed and breakfast home having more than five bedrooms available for rent may be approved if the home is designated a Historic Landmark in accordance with the Historic Landmark Designation procedure commencing at Section 7550.
 3. No bed and breakfast home shall be located on a lot closer than 500 feet from any other lot containing a bed and breakfast home. 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.
 4. 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.
 5. One off-street parking space for each room rented and each employee shall be provided in addition to the parking required for single-family occupancy.
 6. 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.
 7. Signs shall be limited to one on-premise sign not to exceed two square feet.
 8. An adequate water well and sewage disposal system are available, satisfactory to the County Department of Environmental Health for use by the proposed Bed and Breakfast establishment, or letters from the appropriate water and sewer agencies indicating there is sufficient water supply and sewage treatment capacity for the proposed use are submitted by the applicant.
 9. The primary access to the Bed and Breakfast establishment shall be via a publicly maintained road.
- 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 Codes 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 of an Administrative Permit application shall be given to contiguous property owners or property owners within 300 feet, whichever provision would assure that the greatest number of property owners is noticed.
 - 4. Findings Required. The Director may grant the Administrative Permit if the above criteria are complied with, and a finding is made that establishment of the host home will not adversely affect or be materially detrimental to existing neighborhood character, with consideration given to the generation of traffic and the suitability of the site for the type and intensity of the proposed use.
- cc. Family Day Care Home For Children, Small (8 or fewer children) is a permitted residential use when located in a single-family residence.
 - dd. Poultry Manure Management. Poultry manure management practices involving drying and disposal of manure produced on site or brought to a poultry ranch from another poultry ranch owned or operated by the same person(s), provided the receiving site is zoned with an animal regulations designator which allows a unlimited number of poultry.
 - ee. Water Vending By Machine. In the Agricultural and Special Purpose zones, except those areas subject to the S80 Open Space and S81 Ecological Resource Area use regulations, the sale of water from coin or otherwise automatic vending machines shall be allowed, provided the volume does not exceed 5,000 gallons per any consecutive seven day period.
 - ff. Recycling Collection Facility, Drop-off: Provided the total capacity of collection receptacle(s) shall not exceed 192 cubic feet per legal parcel.
 - gg. Garage Sale. The sale of household articles or personal possessions incidentally accumulated during normal or conforming residential use of the property on which the sale is held is permitted, subject to the following restrictions:
 - 1. Such sales shall not exceed three (3) consecutive days in duration;

2. No more than four (4) such sales shall be held during any calendar year;
3. No sale of vehicles (other than bicycles), industrial or commercial equipment, or items purchased for resale shall be permitted;
4. The sale of personal items belonging to persons not residing on the property where the sale takes place, e.g., neighbors, is permitted.

hh. Agricultural Homestay. An Agricultural Homestay is a permitted accessory use upon issuance of a Minor Use Permit provided the following criteria are met:

1. Located in a zone subject to the A70, A72 or S92 Use Regulations.
2. A maximum of three bedrooms in a farmer or rancher occupied residence shall be made available for rent. If a detached cabin is used in lieu of the ranch or farmhouse, it shall not exceed 500 square feet. Mobile homes and trailers are not permitted to be used for guest bedrooms.
3. The facility shall be on a working farm or ranch. Proof of a continuous agricultural enterprise on the property shall be provided to the satisfaction of the Department of Agricultural Weights and Measures and the Department of Planning and Land Use.
4. The working farm or ranch shall be located on a parcel or adjoining parcels totaling at least 10 acres in size and under the same ownership. The Agricultural Homestay activity shall cease if a subdivision or conveyance of land results in a reduction of the site to less than 10 acres or if agricultural activity ceases.
5. No Agricultural Homestay shall be located on a site containing a Bed and Breakfast or Host Home operation.
6. The farmer or rancher shall reside on the site of the agricultural operation or on an adjoining parcel under the same ownership.
7. One off-street parking space for each room rented shall be provided in addition to adequate off-street parking for the permanent residents and full-time employees.
8. Services shall be limited to the rental of rooms, activities traditionally associated with farms and ranches and the optional provision of meals for overnight guests. No food preparation or cooking for guests shall be conducted within any bedroom or cabin made available for rent.
9. Signs shall be limited to one on-premise sign not to exceed two square feet.
10. An adequate water well and sewage disposal system shall be available, satisfactory to the County Department of Environmental Health, for use by the proposed Agricultural Homestay or letters from the appropriate water and sewer agencies indicating there is sufficient water supply and sewage treatment capacity for the proposed use shall be submitted by the applicant.

11. The owner of the facility shall keep records of the number of guests and lengths of stay and shall retain said records for five (5) years.
12. All Minor Use Permits shall be subject to review by the Department at five (5) year intervals.

- zz. Other Necessary and Customary Uses. Accessory uses and structures, in addition to those identified above, which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to principal use, as determined by the Director.

Section 16. Section 6324 of The Zoning Ordinance is hereby 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 five feet and 3 feet above grade level 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 59.101 of the County Code of Regulatory Ordinances.

Section 17. Section 6326 of The Zoning Ordinance is hereby amended to read as follows:

6326 LIGHTING NOT IN REQUIRED YARDS.

Outdoor area lighting not in required yards shall conform to the provisions of paragraphs a., b., c., and g. of Section 6324, except that where such lighting is authorized by a use permit, the terms and conditions of said permit with regard to such lighting shall prevail.

Section 18. Section 6456 of The Zoning Ordinance is hereby amended to read as follows:

6456 GENERAL STANDARDS.

- a. Location. Recreational vehicle parks shall be established for the convenience of the traveling public and shall be located in areas with convenient access to a County road.
- b. Minimum Site Area. Recreational vehicle parks shall be located on a parcel of land not less than 3 acres in area.
- c. Density of Occupation. Occupancy of campground spaces within recreational vehicle parks is limited to one recreational vehicle or 2 tents in each campground space.
- d. Limitations. Length of occupancy of campground spaces shall be regulated as follows:
 - 1. Persons occupying vehicles with total hook-up capacity, including sewer, water and electricity, shall not occupy any campground space in a recreational vehicle park for a period exceeding 90 days in any 12 month period, nor shall the cumulative occupancy by such persons of different campground spaces anywhere in the facility exceed a total of 90 days in any 12 month period. However, a different occupancy limitation may be specified as a condition of approval of a Use Permit. If no occupancy limitation is specified in an approved Use Permit for a recreational vehicle park that was approved prior to October 20, 1995, there shall be no occupancy limitation in such a park for persons occupying vehicles with total hook-up capacity.
 - 2. Persons occupying tents or vehicles with less than total hook- up capacity shall not occupy any campground space in a recreational vehicle park for a period exceeding 30 days in any 12 month period, nor shall the cumulative occupancy by such persons of different campground spaces anywhere in the facility exceed a total of 30 days in any 12 month period.
 - 3. The recreational vehicle park manager may reside continuously on a campground space and shall maintain a log of the names of persons and dates of occupancy of campground spaces. The log shall be made available to a codes enforcement officer if a question arises as to compliance with these occupancy limitations.

Section 19. Section 6650 is hereby added to The Zoning Ordinance to read as follows:

6650 ACCESSORY STRUCTURES.

The approved plot plan for any planned residential development shall provide standards (i.e., setbacks, sizes, coverage) for permitted accessory structures and buildings or shall specify that the standard allowances of The Zoning Ordinance shall prevail. Such buildings and structures may include but are not limited to swimming pools/spas, patio covers, guest living quarters, storage buildings, detached garages/carports, and outdoor chimneys or barbecue grills.

Section 20. Section 6814 of The Zoning Ordinance is hereby amended to read as follows:

6814 EXCEPTIONS TO ENCLOSURE MATRIX.

- a. Exception for Barns and Greenhouses. Whenever the open enclosure is permitted by right for agricultural use types, enclosed and semi- enclosed barns and greenhouses necessary to carry on, and accessory to, the use in the open enclosure also are permitted.

- b. Exception for Parking. The Automotive and Equipment: Parking use type is exempt from the enclosure regulations.
- c. Other Exceptions. Notwithstanding the provisions of the Enclosure Matrix (Section 6816), semi-enclosed and open enclosures are permitted for the following uses in the zones including the following Use or Special Area Regulations.
 - C32: Eating and Drinking Establishments and Food and Beverage Retail Sales (only accessory outdoor cafés that comply with Section 6158 a.1.)
 - C34: Agricultural and Horticultural Sales (Plant Nursery Only)
 Eating and Drinking Establishments and Food and Beverage Retail Sales (only accessory outdoor cafés that comply with Section 6158 a.1.)
 Gasoline Sales (providing that the use complies with Section 2980 - Limitation 12)
 Retail Sales: Specialty (flower kiosks only)
 - C35: Agricultural and Horticultural Sales (Plant Nursery Only)
 Eating and Drinking Establishments and Food and Beverage Retail Sales (only accessory outdoor cafés that comply with Section 6158 a.1.)
 Gasoline Sales (providing that the use complies with Section 2980 - Limitation 12)
 Retail Sales: Specialty (flower kiosks only)
 - C36: Agricultural and Horticultural Sales (Plant Nursery Only)
 Automotive and Equipment: Sales/Rentals, Light Equipment (providing that the use complies with Sections 6787.c and 6793.a and c.)
 Eating and Drinking Establishments and Food and Beverage Retail Sales (only accessory outdoor cafés that comply with Section 6158 a.1.)
 Food and Beverage Retail Sales (when conducted from a food sales push cart)
 Gasoline Sales (providing that the use complies with Section 2980 - Limitation 12)
 Retail Sales: Specialty (flower kiosks only and all other uses when conducted in a civic plaza)
 - C37: Retail Sales: Specialty (flower kiosks only)
 - C40: Retail Sales: Specialty (flower kiosks only)
 - C42: Retail Sales: Specialty (flower kiosks only)
 - C44: Gasoline Sales (providing that the use complies with Section 2980 - Limitation 12)
 - M50: Eating and Drinking Establishments and Food and Beverage Retail Sales (only accessory outdoor cafés that comply with Section 6158 a.1., provided that the Minor Use Permit required by Section 2504 b. is obtained or amended.)

M52: Eating and Drinking Establishments (only accessory outdoor cafés that comply with Section 6158 a.1., provided that the Minor Use Permit required by Section 2524 b. is obtained or amended.)
Gasoline Sales (providing that the use complies with Section 2880 - Limitation 12)

Scenic Areas:

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

- d. Exception for Recycling Collection Facility. The Recycling Collection Facility, Small and Large use types are exempt from the enclosure regulations.
- e. Exception for the Fallbrook Village Zones. The enclosure regulations and the exceptions to the enclosure regulations are specified in the Site Development Regulations for each Fallbrook Village Zone.

Section 21. Section 6940 of The Zoning Ordinance is hereby amended to read as follows:

6940 TRAILER COACHES OUTSIDE MOBILEHOME PARKS.

The use of a trailer coach outside a mobilehome park is permitted for the following purposes:

- a. Administrative office, business office, sales office, or living quarters for security personnel upon approval of a Site Plan or its Modification when such office or quarters is incidental to a business or civic use permitted by applicable use or special area regulations requiring a Site Plan. A use permit or its Modification shall be required for such office or quarters if no Site Plan is otherwise required for the use of the property.
- b. Classroom for public or private schools where the trailer coach and use thereof complies with subdivision (b) of Section 39248 of the Education Code.
- c. Dwelling for security personnel on a public or private school site.
- d. Dwelling on a private lot established pursuant to Section 6502.
- e. Housing established pursuant to the Accessory Use Regulations.
- f. Owner-occupied independent mobilehome, one-unit mobilehome park, or single-unit farm employee mobilehome legally established pursuant to the former provisions of Ordinance 1402.

- g. Temporary uses pursuant to Section 6118.
- h. Housing as an accessory use in a County Park or parks operated by a Community Services District or other public agency.

The above mentioned trailer coaches shall comply with the provisions of Chapter 2, of Division 6, Title 5, of the County Code of Regulatory Ordinances relating to trailer coaches.

Section 22. Section 7007 is hereby added to The Zoning Ordinance to read as follows:

7007 DECISION OF DENIAL FOR VIOLATION CASES.

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

Section 23. Section 7200 of The Zoning Ordinance is hereby amended to read as follows:

7200 TITLE AND PURPOSE.

The provisions of Sections 7200 through 7249 shall be known as the Administrative Appeal Procedure. The purpose of these provisions is to prescribe the procedure by which an appeal may be taken from a decision of the Director made pursuant to the administration of the Zoning Ordinance. An appeal is not authorized by this section where a decision of the Director or other administrative official is otherwise specified as a final decision.

Section 24. Section 7372 of The Zoning Ordinance is hereby amended to read as follows:

7372 DISCONTINUANCE.

Each use permit granted pursuant to these provisions shall expire and become null and void at the expiration of one year after the purpose for which it was granted shall have been discontinued or abandoned.

Section 25. Section 7703 of The Zoning Ordinance is hereby 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, shall be deemed guilty of a misdemeanor unless, in the discretion of the prosecutor, it is charged as an infraction.

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

- b. Any person convicted of a misdemeanor under this ordinance shall be punished by imprisonment in the County jail not exceeding six months, or by a fine not exceeding \$1,000, or by both.
- c. Any person convicted of an infraction under this ordinance shall be punished by a fine not exceeding \$100 for the first violation; by a fine not exceeding \$200 for a second violation of this ordinance within one year; and by a fine not exceeding \$500 for each additional violation of the same provision of this ordinance committed by that person on the same site within one year.
- d. Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any condition which violates any provision of this ordinance.
- e. Violation is A Public Nuisance. Any building or structure erected, constructed, altered or maintained and/or any use of property contrary to the provisions of these regulations shall be and the same is hereby declared to be unlawful and a public nuisance, and any failure, refusal or neglect to obtain a permit as required by the terms of this ordinance shall be prima facie evidence of the fact that a nuisance has been committed in connection with the erection, construction, alteration or maintenance of any building or structured erected, constructed, altered or maintained or used contrary to the provisions of this ordinance. The public nuisance may be abated in accordance with the Uniform Public Nuisance Abatement Procedures contained in Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of the San Diego County Code or County Counsel shall, upon order of the Board of Supervisors immediately commence necessary proceedings for the abatement, removal and/or enjoinder thereof in the manner provided by law.
- f. Citation Authority. Pursuant to the provisions of California Penal Code Sections 19d and 836.5, the Director of the Department of Planning and Land Use or specific individuals deputized by the Director may arrest a person without a warrant whenever the Director or the authorized deputy has a reasonable cause to believe that the person arrested has committed an infraction or misdemeanor in his presence which is a violation of The Zoning Ordinance, which he or she has the duty to enforce. An officer or employee making an arrest under the authority of this section shall follow the citation-release procedures prescribed by the California Penal Code, or such procedures hereinafter enacted by the State of California. No agent or deputy shall exercise the power to issue citations authorized above unless such agent or deputy shall first have completed a course of training that meets the minimum standards prescribed by the Commission on Peace Officers Standards and Training as established by Section 832(a) of the Penal Code.
- g. Civil Penalties For Violation of The Zoning Ordinance. As part of a civil action filed by the County to enforce provisions of this Ordinance, a court may assess a maximum civil penalty of \$2500 per violation of The Zoning Ordinance for each day during which any violation of any provision of this Ordinance is committed, continued, permitted or maintained by such person(s). As part of said civil action, a court may also assess a maximum civil penalty of \$6000 for each day any person intentionally violates an injunction prohibiting the violation of any provision of this Ordinance.
- h. Administrative Remedies. In addition to all other legal remedies, criminal or civil, which are available to the County to address any violation of The Zoning Ordinance, the County may use the Administrative Remedies found at Division 8 of Title 1 of the County Code.

Section 26. This Ordinance shall take effect and be in force 30 days after the date of its passage, and before the expiration of 15 days after its passage, a summary shall be published once with names of the members voting for and against the same in the *San Diego Daily Transcript*, a newspaper of general circulation published in the County of San Diego

PASSED, APPROVED AND ADOPTED this 15th day of December, 2004.