POD 10-002, ER 10-00-002;
Zoning Ordinance Update No. 28 and County Code Amendment

Project Summary

Proposed amendments and additions to the Zoning Ordinance consist of the following:

- Update Table of Contents

- Section 1006: would add that that the provisions of Sections 7050, 7150 and 7350 (Administrative Permit, Site Plan and Use Permit provisions) of the Zoning Ordinance would not apply to the development of certain uses on County-owned solid waste sites and associated buffer properties which would otherwise require a discretionary permit. Other ZO provisions would apply.

- Section 1110: would add definitions for "Crawl Space", "Trade School", "Vocational School" and "Storage of Inoperative or Wrecked Motor Vehicles"; amend the definitions of "School", "Storage of Nonoperative Vehicles" and "Story" and repeal the definition of "Drug Paraphernalia".

- Section 1205: would repeal "Drug Paraphernalia Establishments" from the Commercial Use Types.

- Section1350: would amend the "Major Impact Service and Utilities" Civic Use Type to include public and private services and utilities, and to include additional uses in the description for clarification.

- Section 1375: would amend the "Small Schools" Civic Use Type to include schools for adults other than handicapped adults or the elderly.

- Section 1430.i: would amend the "Automotive and Equipment: Storage, Nonoperating Vehicles" Commercial Use Type to clarify that the use does not include a junkyard or motor vehicle wrecking yard.

- Section 1464: would repeal "Drug Paraphernalia Establishments" from the Commercial Use Types.

- Section 1505: would amend the "Participant Sports and Recreation: Outdoor" Commercial Use Type to list additional uses, such as athletic facilities, carnival facilities and outdoor wedding facilities in the description for clarification.

- Section 1510: would amend the "Personal Services, General" Commercial Use Type to list additional uses, such as art studios, barber shops, vocational schools and dance studios in the description for clarification.

- Section 1513.c: would amend the Recycling Processing Facility, Wood and Green Materials Use Type to include "splitting and chopping" of wood.

- Section 1530: would amend the "Scrap Operations" Commercial Use Type to revise the existing reference to County Code section 21.601 et seq. regarding junkyards.

- Section 2363: would amend the C36 "Permitted Uses Subject to Limitations" to repeal Drug Paraphernalia Establishments.

- Section 2373: would amend the C37 "Permitted Uses Subject to Limitations" to repeal Drug Paraphernalia Establishments.

- Section 2403: would amend the C40 "Permitted Uses Subject to Limitations" to repeal Drug Paraphernalia Establishments.

- Section 2980: would amend the Limitations on Permitted Uses to repeal "21" Drug Paraphernalia Establishments.

- Section 2990: would amend page 3 of the Use Matrix to delete Drug Paraphernalia Establishments.

- Section 3100: would amend the footnote of the Animal Schedule to clarify that the animal enclosure setback requirements do not apply to the keeping of cats and dogs not constituting a kennel and that the limitation on the number of animals is not applicable to the keeping of earthworms.

- Section 4315: would amend the title of the section from "Exceptions" to "Exemptions" to conform to the first sentence of the section.

- Section 4620: would amend the title of the section from "Permitted Exceptions to the Height Limit" to "Permitted Exemptions from the Height Limit" and to amend subsection e. to clarify that grain elevators, silos and water tanks used for "commercial" agriculture, boarding an breeding stables and public stables are permitted up to 50 feet high and to remove barns and other structures from the height exemption.

- Section 4622: would amend the Exceptions to Height Limits with a Minor Use Permit subsection e. to add that the height exemption applies to properties where the principal use is commercial agriculture, a boarding and breeding stable or a public stable and to clarify that barns and other structures greater than the height limit of the zone, rather than greater than 50 feet in height, may be permitted with a Minor Use Permit.

- Section 4815: would amend this section to repeal outdated Centerline Ordinance references and to add current County Code references.

- Section 4841: would amend subsection 1 to correct the reference to the Animal Regulations section 3112.

- Section 5200: would amend the Scenic Area Regulations as follows:

  5205: would amend Site Plan Requirement provisions of the Scenic Area Regulations to add a reference to a waiver provision and would change the word "buildings" to "structures" in subsections b and c.

  5214: would add Waiver of Site Plan provisions to the Scenic Area Regulations to allow the Director to waive the requirement for a Site Plan under certain

circumstances, with recommendation of the applicable Community Planning or Sponsor Group.

- Section 5303: would amend the title of "Exceptions" to "Exemptions" of the Sensitive Resource Area Regulations to conform to the first sentence.

- Section 5953: would amend the title of "Exceptions" to "Exemptions" of the Coastal Resource Protection Regulations to conform to the first sentence.

- Section 6102: would amend the Identification of Permitted Temporary Uses to include Commercial Filming.

- Section 6106: would amend the Temporary Circus, Carnival or Outdoor Entertainment Event regulations to allow this temporary use in certain residential zones provided the property is subject to a valid Major Use Permit, to specify that events shall not exceed 5 consecutive days and no more than four events per year on the same property are permitted.

- Section 6107: would amend the temporary Antique or Art Show on Public Property regulations to clarify that events shall not exceed 3 consecutive days and no more than four events per year are permitted.

- Section 6125: would add regulations to allow for temporary Commercial Filming activities within the County which are not currently addressed in the Zoning Ordinance.

- Section 6156: would amend the Accessory Residential and Agricultural Use Regulations as follows:

  h. Barns: would amend the permitted height limit for barns to 24 feet rather than the exemption to the height limits in Section 4620(e) [up to 50 feet] for the RR, A70, A72, S87 and S92 zones.

  m. Home Occupations: would amend the home occupation regulations to add allowance for tutoring of up to six non-residential students in music, academics, dance, sports (including swimming or tennis) or other subjects with limitations.

- Section 6252.u: would amend "Exempt On-Premise Sign" regulations to allow one sign, up to 12 square feet in area, for a permitted wholesale nursery.

Section 6550: would amend Extractive Use Regulations as follows:

6552: would delete a sentence stating that recycling of used concrete, asphalt or rock is not permitted where sand processing is the only processing use occurring on a site.

6554: would clarify that all uses listed in section 6552, either separately or in combination, require a Major Use Permit or a modification to an existing Major Use Permit.

6557: repeal subsection (f) which conflicts with state law, amend subsection (g) to bring quantity of grading into consistency with Section 87.601 et seq. of the County Code, change the "watercourse permit" to "watercourse grading permit" to comply with DPW requirements and renumber subsections accordingly.

- Section 6708: would amend Permitted Fences, Walls, Gates and Entry Structures regulations as follows:

  d. would clarify that gates and gate entry structures on individual lots are subject to local fire district restrictions in addition to Zoning Ordinance requirements.

  e. would require that written consent be obtained from all property owners with access rights across a private road easement prior to issuance of a building permit for a gate across said easement.

  h. would amend the administrative permit findings for fences, walls and gate entry structures in subsection (1.i.) to state that the proposed fence or wall "will not be detrimental to the health, safety or general welfare of the surrounding properties or the neighborhood" rather than "will not have a harmful effect upon the neighborhood" and subsection (2.ii.) to add that a gate entry structure and gate house on a private easement will not be detrimental to "the health, safety or general welfare" of the surrounding properties or improvements.

- Section 6714: would amend the Required Landscaping language to clarify that all zones are subject to the provisions of County Code sections 86.701 et seq. (Water Conservation in Landscaping).

- Section 6793: would amend the provisions for Design Standards for Off-Street Parking to correct the reference the provisions of County Code sections 86.701 et seq. (Water Conservation in Landscaping).

- Section 6850: would amend the Nonconformity Regulations as follows:

  6850: would clarify that all nonconformity regulations shall apply to nonconforming structures, in addition to nonconforming uses.

  6852: would clarify that the "Right to Continue a Nonconformity" regulations apply to nonconforming structures, in addition to nonconforming uses.

- Section 6932: would repeal "Drug Paraphernalia Establishments" provisions.

- Section 6975.c.1: would amend the Recycling Processing Facility, Wood and Green Materials provisions to clarify that the Minor Use Permit can make an exception to the requirement that the operations be conducted entirely within an enclosed building.

- Section 7019: would add requirement that the approval of Reclamation Plans be recorded when it has become final and effective and would delete the requirement that minor deviations from Administrative Permits, Variances, Site Plans or Use Permits be recorded.

- Section 7100: would amend the Variance regulations as follows:
  b. would remove provisions that allow Variances from conformity to Density Regulations and Lot Area Regulations.
  d. would amend the title of "Fencing and Landscaping Regulations" to "Fencing and Screening Regulations" to correct the title pursuant to section 6700.

- Section 7104.b1: would correct a minor typographical error.

- Section 7106.a: would remove the allowance for minimum lot size variance from the administrative variance provisions.

- Section 7156.b: would add criteria to the Waiver of Site Plan provisions to clarify the types of developments or improvements that would be considered minor in nature.

- Section 7166: would amend the Appeal provisions as follows:
  a.3: would revise the Persons Eligible (to appeal a decision of the Director) to add that a written petition to the Planning Commission to request permission to file an appeal must be made within 10 days of the date on which the decision being appealed was rendered.
  b.: would revise the Timeliness provisions for clarity.

- Section 7201: would amend the Application for an Administrative Appeal provisions as follows:
  a.3: would revise the Persons Eligible (to appeal a decision of the Director) to add that a written petition to the Planning Commission to request permission to file an appeal must be made within 10 days of the date on which the decision being appealed was rendered.
  b.: would revise the Timeliness provisions for clarity.

- Section 7352.c: would amend the Concurrent Use Permit provisions of the Classification of Use Permits and Original Jurisdiction section to remove the statement that applications for granting or modifying the conditions a use permit filed concurrently with an application for an amendment to the Zoning Ordinance shall be under the jurisdiction of the Planning Commission. Instead, these permits would be under the jurisdiction of the Board of Supervisors with recommendation from the Planning Commission.

- Section 7357: would amend the Effect of Use Permit on Other Use of the Property provisions to allow the holder of a Use Permit to terminate the Use Permit if they no longer desire to continue the use allowed by the permit.

- Section 7374: would amend the Major Use Permit Expiration provisions to clarify that a use permit issued in conjunction with the approval of a subdivision map shall remain in full force and effect for the duration of the tentative approval for that subdivision map, including all extensions of that tentative map.

- Section 7506.d: would amend the Planning Commission Action section of the Zoning Ordinance Amendment provisions to repeal subsection d, which would result in the requirement that all rezones that are recommended for denial by the Planning Commission would automatically be heard by the Board of Supervisors, rather than requiring the applicant to file an appeal.

- Section 7600: would amend the Supplemental Administrative Procedures as follows:

  7600: would add that the Supplemental Administrative Procedures apply to Site Plans in addition to the other permit types listed.

  7603.b: would amend the Public Hearings-Scheduling provisions to require hearings before the Board to be scheduled not more than 120 days, rather than 90 days, from the dates specified and would add that a hearing may be delayed when a developer deposit account for a project is in deficit.

Proposed amendments and additions to the County Code consist of the following:

Title 8, Division 7, Chapter 7 of the County Code relating to Surface Mining:

- 87.505 Add subsection f. to state that at the time of the approval of any Reclamation Plan and Agreement has become final and effective, the Director shall cause a copy to be filed with the San Diego County Recorder.

- 87.709.a Amend to add a requirement that a modification to an approved Reclamation plan must be filed with the San Diego County Recorder pursuant to subsection 87.505.f.

Title 9, Division 1, Chapter 1 of the County Code relating to adoption of Appendix Chapter 1, California Building Code:

- 91.1.105.2(a)(2) Amend to clarify the work exempt from a building permit, remove reference to "Non-habitable recreation and athletic structures and equipment, excluding swimming pools..." and add "Recreation and athletic equipment, excluding buildings and swimming pools...".

- 91.1.105.2(a)(9) Amend to clarify the work exempt from a building permit, add clarification for the measurement platforms, walks and driveways not more than 30 inches above grade to include, "as measured from grade to the highest point of the platform, walk or driveway directly above,...".

Proposed amendments to the Administrative Code consist of the following:

Article XXIa of the Administrative Code relating to Rules of Conduct and Procedure for Planning and Zoning Process:

- 375.3 Staff Reports: Add subsection (c) to state that the recommendations and findings contained within a Planning Commission and/or a planning staff written report shall be advisory only and are not binding on the decision-making body.