PART SIX: GENERAL REGULATIONS

GENERAL PROVISIONS

6000 TITLE AND PURPOSE.

The provisions of Section 6000 through Section 6999, inclusive, shall be known as the General Regulations. The purpose of these provisions is to set forth certain of the regulations which apply throughout the County or in several zones, and to clarify and amplify additional regulations applying within San Diego County.

6005 APPLICATION.

The General Regulations apply to all zones and all uses of land unless otherwise stated. Violation of the General Regulations is a violation of the Zoning Ordinance.

6010 OFFICIAL ZONE MAP.

The boundaries of all zones shall be shown on an Official Zone Map maintained by the Director. Whenever the boundaries of zones are changed, or property is reclassified to another zone, the Director shall alter the Official Zone Map to reflect such changes.

6015 UNCERTAINTY OF BOUNDARIES.

Where uncertainty exists as to the boundaries of any zone, the following rules of construction shall apply:

a. Along Line. Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries.

b. Unsubdivided Property. Where a zone boundary divides a lot, or parcel, the location of such boundaries, unless the same are indicated by dimension, shall be determined by the use of the scale appearing on said zoning map.

c. Vacated or Abandoned Street or Alley. Where a public street or alley is officially vacated or abandoned, the area of comprising such vacated street or alley shall acquire the classification of the property to which it reverts.

6015

d. Realigned Rights-of-Way in Certain Subdivisions. Where a proposed public street or alley shown on a tentative map forms a zone boundary, and such street or alley is realigned on the final map for the subdivision, the zone boundary shall be deemed to be the centerline of the street or alley as shown on the approved final map.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

6020 RIGHTS-OF-WAY UNCLASSIFIED.

Areas of dedicated street or alley rights-of-way other than such as are designated on the zoning map as being classified in one of the zones provided in this ordinance shall be deemed to be unclassified and such unclassified streets shall be used only for purposes lawfully allowed.

6025 SPECIFIC PLANS.

If a Specific Plan has been adopted for property which is also subject to the S88 Specific Planning Area Use Regulations, any provisions of the Specific Plan relating to subjects contained in the General Regulations in this part shall prevail over The Zoning Ordinance regulations to the extent of any conflict between them.

(Added by Ord. No. 8581 (N.S.) adopted 9-20-95)

TEMPORARY USE REGULATIONS

6100 TITLE AND PURPOSE.
The provisions of Section 6100 through 6149, inclusive, shall be known as the Temporary Use Regulations. The purpose of these regulations is to establish permitted temporary uses and standards and conditions for regulating same.

6102 IDENTIFICATION OF PERMITTED TEMPORARY USES.
The following temporary uses shall be permitted as specified by these regulations:

a. Circus, Carnival, or Other Outdoor Entertainment Event. The temporary gathering of people for a circus, carnival, or other outdoor entertainment event.

b. Antique or Art Show on Public Property. The temporary use of public property for antique or art shows.

c. Civic, Fraternal or Religious Assembly. The temporary gathering by an organization listed in Section 1348 on public or private property that is not the regular gathering place for that organization.

d. Construction Support. Temporary building and structures supporting residential development and major construction.

e. Reversible Uses of Future Highway Rights-of-Way. Temporary uses on land required for a future County or State Highway.

f. Travel Trailer Park. The temporary operation of a travel trailer park.

g. Uses in New Subdivisions. Temporary uses in new subdivisions and other residential developments which support the sale of dwellings and lots within the same subdivision or residential development.

h. Use of Trailer Coach. Temporary use of a trailer coach for certain purposes.

i. Use of Public School Sites. Temporary use of a public school site for certain specified purposes.

j. Certified Farmers' Market. Temporary use of certain public or commercial property for a Certified Farmers' Market.

k. Meteorological Testing (MET) Facility. Temporary use of a Meteorological Testing (MET) Facility permitted in accordance with Section 6123.

l. Temporary Outdoor Sales. Temporary outdoor sales, incidental to the existing commercial uses on a site, in certain commercial or industrial zones.

m. Commercial Filming. Temporary use of public or private property (not including public road rights-of-way) for commercial motion picture production, television production, still photography and related activities.

6102

(Amended by Ord. No. 7693 (N.S.) adopted 11-29-89)
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)
(Amended by Ord. No. 9971 (N.S.) adopted 02-25-09)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)
(Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6104 TEMPORARY USES SUBJECT TO CONTROLS.
Temporary uses shall be subject to all regulations as would be applied to a permanent principal or accessory use located in the same zone, except as otherwise provided by these regulations.

6106 CIRCUS, CARNIVAL, OR OTHER OUTDOOR ENTERTAINMENT EVENT.
The temporary gathering of people for a circus, carnival, or other outdoor entertainment event may be permitted by the Sheriff pursuant to Title 2, Division 1, Chapter 8 and Chapter 24 of the County Code through the issuance of a license pursuant to the Uniform Licensing Procedure of the County Code and in compliance with the following provisions:

a. Location. A circus, carnival or other outdoor entertainment event may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations. Notwithstanding this subsection, a circus, carnival or other public outdoor assembly event may be permitted in any zone, including the RS, RD, RM and RV Use Regulations on properties with a valid Major Use Permit subject to the requirements of this section.

b. Duration. The period of operation of the circus, carnival or other outdoor entertainment event shall not exceed five consecutive days, no more than six events per year on the same property. There shall be a minimum of 14 consecutive days between events. Events exceeding these limitations shall be considered Participant Sport and Recreation Use type.

c. Noticed Hearing Not Required. The Sheriff may issue a license pursuant to this section without notice or public hearing.

d. Community Events pursuant to Title 2, Division 1, Chapter 2 of the County Code shall be under the authority of the Department of Environmental Health. Community Events may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations and are permitted on properties with a valid Major Use Permit subject to the Department of Environmental Health requirements.

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

6107 ANTIQUE OR ART SHOW ON PUBLIC PROPERTY.
The temporary gathering of people for an antique or art show and sales event may be permitted in compliance with the following provisions:

a. Location. An antique or art show and sales event may be permitted in any zone provided such event is held on property owned by or under the control of a public agency and which is held pursuant to a permit, license, or leave approved by the governing board of said public agency, which permit, license or lease contains specific authorization for said event. As used in this section, "public agency" includes counties, cities, municipal corporations, political subdivisions, public districts and other public agencies of the State of California.

b. Duration. The period of operation of the antique or art show and sales event shall not exceed 3 consecutive days, and there shall be no more than six events per year.

(Amended by Ord. No. 6937 (N.S.) adopted 4-10-85)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6108 CIVIC, FRATERNAL OR RELIGIOUS ASSEMBLY.
The temporary gathering by an organization listed in Section 1348 on public or private property that is not the regular gathering place for that organization may be permitted in compliance with the following provisions:

a. Location. An assembly may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations.

b. Duration. The period of operation of the assembly shall not exceed 8 consecutive days. There shall be a minimum of 14 consecutive days between events.

c. Recurrence. Events recurring more than four times in a calendar year are not considered temporary.

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

6110 CONSTRUCTION SUPPORT.
Temporary buildings for commerce or industry incidental to residential development, and temporary structures for the housing of tools, equipment, building assembly operations and supervisory offices in connection with major construction projects shall be permitted in any zone; provided such temporary buildings or structures are located within or adjacent to the development or construction site to which they are incidental.

6112 REVERSIBLE USES ON FUTURE HIGHWAY RIGHTS-OF-WAY.
Any temporary use, not involving any significant investment in buildings, structures, or other improvements may be permitted through the issuance of a Major Use Permit on a lot or parcel of land provided the Director, Department of Public Works or the District Director of the California Department of Transportation has determined that said lot or parcel will be required in its entirety at some future date for a County Highway or a State Highway. Alternatively, a Major Use Permit may be granted for any use pursuant to a bonded agreement in an amount sufficient to ensure the removal of all buildings, structures, and other improvements within a specified time and/or under specified conditions when the decision-making body finds that such agreement will carry out the intent of this Ordinance and is enforceable by the County.

(Amended by Ord. No. 8506 (N.S.) adopted 3-1-95)

6116

6116 USES IN NEW SUBDIVISIONS.

Certain temporary uses as specified herein may be established within a subdivision for which a final map has been recorded, or in a proposed subdivision for which a tentative map has been approved and a final map thereof filed for approval by the Director of Public Works; or in conjunction with an individual multiple dwelling or multiple dwelling complex; solely for the marketing of dwellings, and/or lots, in the same residential development.

a. Permitted Uses. The following temporary uses may be permitted in conformance with the following standards:

1. Model homes in a number not to exceed that necessary to provide one example of each dwelling type being offered in the residential development. Reversed floor plans and exterior facade variations will not be considered as separate dwelling types. Each model home shall be erected on an individual site which conforms to a lot shown on the recorded final map or on the final map filed for approval with the Director of Public Works; meet all setback requirements of the applicable zone or, in the case of provisional reclassification, of the zone to which the property has been provisionally reclassified; and qualify in all respects for sale and residential occupancy upon termination of its use as a model home.

2. Real estate sales office facilities for the purpose of promoting the sale or rental of dwellings and/or lots, which are located only within the same residential development or proposed subdivision. The foregoing provisions of this section notwithstanding, a temporary real estate sales office facility may be located adjacent to the residential development to which it is incidental in compliance with all other provisions of this section.

3. Off-street parking facilities.

4. Children's play areas, landscaping and landscape features such as walkways, pools, benches, walls, fencing, and similar appurtenant features of a noncommercial nature.

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

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

c. Building Permits. Prior to the issuance of building permits for the temporary uses in "a" above, the following conditions shall be met:

1. When the residential development for which such temporary uses are to be constructed would constitute a subdivision, a tentative subdivision map must be approved and the final map thereof recorded; or if a final map has not been recorded, a final map must be filed with the Director of Public Works for approval and approved by said Director as to conformance to the tentative subdivision map and mathematical accuracy.

2. Appropriate zoning must be in effect for the property encompassed by the subdivision or proposed subdivision or other residential development, to accommodate the lot sizes shown on the final map and the proposed uses thereof; provided, however, that where subject property has been provisionally reclassified, lot sizes and proposed uses may conform to the zone to which such property has been provisionally reclassified.

3. Necessary sanitary facilities must be provided as required by the Director of Environmental Health.

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

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 7110 (N.S.) adopted 4-2-86)
(Amended by Ord. No. 8157 (N.S.) adopted 10-14-92)
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)
(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

6118

6118 USE OF A TRAILER COACH.

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

a. Business Uses.

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

2. Business office incidental to and located on a site on which a temporary carnival, circus, amusement center, Christmas tree sales or similar temporary or seasonal business is being lawfully conducted.

3. Business office or sales facility on or adjacent to a site on which construction of a permanent business office or sales facility for use of the permittee is being diligently pursued.

4. Construction office on or adjacent to any site on which a building or construction project is being diligently pursued; or for temporary offices on a site used for a borrow pit, quarry, asphalt paving plant, concrete batch plant, or mining operation for which a major use permit has been granted.

5. Political campaign office located on private property for a period not to exceed one year provided, however, such trailer shall be removed within 15 days following the next general election held after such trailer is sited.

6. Real estate sales office when the trailer coach is located on a lot or parcel of land adjacent to or within a proposed subdivision for which a Tentative Map has been approved and a final map thereof submitted to the Department of Public Works for checking to which such real estate office is incidental. Such permit may be issued to expire six months after completion of all sales but not exceed a period of three years.

7. Business office associated with the production and distribution of agricultural or horticultural products grown on the premises in zones subject to the A70, A72, S90, and S92 Use Regulations upon issuance of an Administrative Permit for a period of not to exceed five years.

8. Government service uses in accordance with the provisions of Section 6120.

b. Residential Uses.

1. Dwelling to accommodate visiting relatives for a period not to exceed thirty (30) calendar days in any calendar year on land owned or leased by the host and on which there is located a permanent dwelling occupied by the host.

2. Dwelling on land owned by the applicant on which the applicant is diligently pursuing construction under a valid building permit for the first permanent dwelling provided that the trailer coach shall maintain all setbacks required for the main building except that the Director may waive meeting the rear yard setback otherwise required by this ordinance provided such waiver is necessary to prevent interference with construction activities and the trailer will be located no closer to the rear lot line than the required interior side yard setback. However, the Director may allow an ETOP (pursuant to subsection 7) converting to a temporary occupancy permit (TOP) to remain in its previously permitted location.

3. A dwelling for temporary health care on a lot where there is a permanent single family dwelling is permitted subject to the requirements set forth below. This trailer is exclusively for temporary occupancy by either: (a) providers of health services which are required by an occupant of the main dwelling, or (b) relatives of an occupant of the main dwelling who require physical care.

   The following are requirements for health care trailer approval:

   a) The health care unit shall be a trailer or mobilehome not exceeding 800 square feet measured from the interior surface of the exterior walls

   b) The trailer shall meet main building setbacks.

   c) The trailer shall be connected to existing utility systems or required expansion of said systems on site whenever possible.

   d) Prior to issuance of a building permit for a health care trailer a Certificate of Need signed by a physician licensed to practice medicine in the State of California shall be submitted to and approved by the Director. The Certificate shall be renewed annually.

   e) When the health care need no longer exists, the unit shall be removed. Failure to comply is a violation of The Zoning Ordinance and may result in any or all remedies or penalties specified in the Enforcement Procedures commencing with Section 7700, including a $1,000 fine per day or six months jail sentence or both.

   f) If the applicant complies with the terms of the temporary occupancy permit, then, upon removal of the trailer coach by the applicant, the full amount of any previously furnished deposit shall be refunded or security released.

4. Dwelling for security personnel on or adjacent to any site on which construction of a major residential, commercial, industrial or public works project is being diligently pursued and for which security personnel are employed.

5. Dwelling for security personnel on any site on which construction of a residential, commercial, industrial or public works project has been completed and for which security personnel are employed pending construction of permanent dwelling facilities for such security personnel.

6. Dwelling for security personnel on a site used for a borrow pit, quarry, asphalt paving plant, rock rushing plant, concrete batch plant, or mining operation for which a Major Use Permit has been granted.

7. Dwelling for displaced residents or security personnel on a site where the principal dwelling has been rendered unoccupiable by reason of an officially declared disaster or emergency relating to fire, wind, flood, earthquake or other similar circumstance. An emergency temporary occupancy permit (ETOP) for such a temporary dwelling shall expire at such time as a building permit for the repair or replacement of the principal dwelling has been issued (at which time the ETOP shall be converted to a temporary occupancy permit (TOP) pursuant to subsection b.2), or one year after the declaration date of the event causing the damage or destruction of the principal dwelling, whichever is earlier.

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

   a) That the granting of the extension will not be detrimental to the public health, safety and welfare;

   b) That there is a special circumstance or a hardship to the displaced residents;

   c) That the special circumstance or hardship is not the result of the residents own actions.

c. Termination of Use.

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

   2. When use of a trailer coach is related to the construction of a related permanent facility, occupancy or use of the trailer coach shall terminate upon completion of construction of the permanent facility and thereafter said trailer coach shall be removed from subject property.

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

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 5684 (N.S.) adopted 1-16-80)
(Amended by Ord. No. 6082 (N.S.) adopted 6-10-81)
(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)
(Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)
(Amended by Ord. No. 7109 (N.S.) adopted 4-02-86)
(Amended by Ord. No. 7110 (N.S.) adopted 4-02-86)
(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)
(Amended by Ord. No. 7306 (N.S.) adopted 5-20-87)
(Amended by Ord. No. 7468 (N.S.) adopted 5-04-88)
(Amended by Ord. No. 7482 (N.S.) adopted 5-18-88)
(Amended by Ord. No. 7640 (N.S.) adopted 7-03-89)
(Amended by Ord. No. 8205 (N.S.) adopted 2-03-93)
(Amended by Ord. No. 8555 (N.S.) adopted 7-14-95)
(Amended by Ord. No. 8962 (N.S.) adopted 9-23-98)
(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

6120 GOVERNMENT SERVICE USES.

The temporary use of buildings on private land to provide government service uses classified as Major Impact Services and Utilities may be permitted through the issuance of an Administrative Permit in compliance with the following provisions:

a. Occupancy. The temporary occupancy of buildings for government service uses shall be by the United States, the State or other governmental agency which is otherwise exempt from regulation by The Zoning Ordinance when utilizing their own property.

b. Location. Government service uses may be permitted in zones subject to the C36, C37, C38 or C40 Commercial Use Regulations.

c. Duration. The period of operation of government service uses shall not exceed five years.

d. Noticed Hearing and Findings Required. No Administrative Permit for temporary government service uses may be issued unless notice has been given in accordance with the provisions of Section 7605b. and the findings made as set forth in Section 7358.

(Added by Ord. No. 7109 (N.S.) adopted 4-02-86)

6121 TEMPORARY USE OF PUBLIC SCHOOL SITES FOR COMMUNITY RECREATION, PARK AND PLAYGROUND PURPOSES.

Property owned by a public school district and designated by the district as a school site may, prior to construction of actual school facilities, be used on a temporary basis for park and playground purposes provided the following conditions are met:

a. Types of Uses. Uses shall be limited to athletic and recreational activities, particularly for children, whether or not such activities are organized.

b. Term of Allowed Temporary Use. The temporary use of a public school site shall not exceed four years unless a major use permit has been approved for such use. The four year period shall run continuously from the first commencement of use under this section.

c. Hours of Operation. Activities, including setup and preparation, shall not begin prior to 8:00 a.m. nor shall they continue later than 8:00 p.m. Monday through Saturday, and 9:00 a.m. till 6:00 p.m. on Sunday.

d. Parking. Adequate off-street parking and/or alternative means of transportation shall be provided, such that allowed activities do not result in a need for on-street parking.

e. Operation and Maintenance. The school district owning or controlling the site in question shall be responsible for operating and maintaining the site and its facilities so that there are no adverse impacts on the public health, safety or neighborhood character. The District shall keep the site clean and well maintained at all times.

f. Permanent Structures. No building permits shall be issued for permanent structures for the accommodation of any temporary uses, except for fences or restroom facilities that comply with the other requirements of this ordinance.

6121

g. All activities at the site shall comply with the County Code of Regulatory Ordinances regarding Noise Control. No amplified sound shall be allowed.

h. District Rules. The public school district shall adopt policies, rules and regulations concerning use of this section, prior to permitting any use pursuant to this section.

(Added by Ord. No. 7693 (N.S.) adopted 11-29-89)

6122 CERTIFIED FARMERS' MARKET

A Certified Farmers' Market is allowed on a legal lot provided the following conditions are met:

a. Location. A Certified Farmers' Market shall be located on public property, or within the C31, C32, C34, C35, C36, C37, C40 or C42 use regulations, or within the S88 use regulations and designated commercial in the Specific Plan. A Certified Farmers' Market shall not be located within a private road easement or on vacant or unimproved land.

b. Duration. A Certified Farmers' Market shall not operate on more than one day per week.

c. Hours of Operation. No activities, including setup, preparation, sales and close up, shall begin before 6:30 a.m. or continue after than 10:00 p.m. on Monday through Saturday. On Sunday the applicable hours shall be 7:30 a.m. and 6:00 p.m. respectively.

d. The sales area shall not disrupt the flow of traffic onto and off of the site.

e. The market shall have a current Certified Farmers' Market Certificate issued by the County Agricultural Commissioner and shall comply with all applicable laws, including the applicable provisions of the Food and Agricultural Code, the applicable regulations of the California Department of Food and Agriculture and the applicable ordinances of the County.

(Added by Ord. No. 9958 (N.S.) adopted 12-10-08)

6123 METEOROLOGICAL TESTING FACILITY

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

a. An Administrative Permit must be obtained in accordance with the Administrative Permit Procedure commencing at Section 7050. The following findings must be made prior to approval of an Administrative Permit:

1. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

i. Harmony in scale, bulk, coverage and density;

ii. The availability of public facilities, services and utilities;

iii. The harmful effect, if any, upon desirable neighborhood character;

iv. The generation of traffic and the capacity and physical character of surrounding streets;

v. The suitability of the site for the type and intensity of use or development which is proposed; and to

vi. Any other relevant impact of the proposed use; and

2. That the impacts, as described in paragraph "a.1." of this section, and the location of the proposed use will be consistent with the San Diego County General Plan; and

3. That the requirements of the California Environmental Quality Act have been complied with; and

4. That the applicant has provided the County with an owner consent letter demonstrating to the satisfaction of the Director that the operator of the MET Facility is authorized to use the property for a MET Facility, unless the operator owns the land upon which the MET Facility will be located.

b. Location. A MET Facility is prohibited on property subject to the S81 Use Regulations.

c. Notification. Notice shall be provided pursuant to Section 7060c.

d. Setback. The MET Facility shall be set back from property lines and roads the height of the tower or other tallest piece of equipment extended above the ground. The MET Facility shall meet the applicable setback requirements of the zone. The setback requirements of the zone shall apply to all components of the MET Facility including, but not limited to, a tower, guy wires, guy wire anchors and any other necessary equipment.

e. Minimum Spacing. The MET Facility shall be spaced at least 500 feet apart from any other MET Facility.

f. Area of Disturbance. The MET Facility shall not disturb an area more than is necessary for the base of a tower, the guy wire anchors, other authorized equipment for the Facility and/or an access road. The equipment may include sonar equipment. It is preferred that the Facility be located as close as possible to an existing access road. The area of disturbance shall be clearly shown on the plans.

g. Size. The MET Facility is allowed one temporary structure other than a tower or a sonar equipment trailer. The temporary structure is limited to a size of 120 square feet and may be used for storage of equipment for the MET Facility.

h. Illumination. There shall be no outdoor light emissions associated with a MET Facility except as required by the Director, the Federal Aviation Administration or other government agency.

i. Height. The MET Facility shall be less than 200 feet in height.

6123

j. Duration. The period of operation of the MET Facility shall not exceed three years from the date of approval of the Administrative Permit unless the Director grants an extension. The MET Facility shall be removed within 30 days of the expiration date of the permit. The Director may grant an extension of time upon the applicant submitting written justification for the continued use of the facility and filing for a modification pursuant to Section 7072. A time extension is no longer needed if the MET Facility is approved by a Use Permit. Once the MET Facility is a part of an approved Use Permit it is no longer considered a Temporary Use.

k. Security. The operator shall provide a security in the form and amount determined by the Director to ensure removal of the MET Facility. The security shall be provided to DPLU prior to building permit issuance. Once the MET Facility has been removed from the property pursuant to a demolition permit to the satisfaction of the Director, the security may be released to the operator of the MET Facility.

(Added by Ord. No. 9971 (N.S.) adopted 02-25-09)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

6124 TEMPORARY OUTDOOR SALES.
Temporary outdoor sales, incidental to the existing commercial uses on the site, may be allowed in compliance with all of the following provisions:

a. Seasonal sales of pumpkins or Christmas trees. The establishment of a temporary sales lot for the seasonal sale of pumpkins or Christmas trees associated with a recognized holiday is allowed subject to all of the following:

1. Location. The sales lot area shall be located on a paved site with an existing commercial or industrial development within the C34, C35, C36, C37, C40, C42, M52, M54, M58 Use Regulations, or in designated commercial developments in planned developments or specific plans, unless otherwise prohibited. Sales lots are not allowed on vacant properties.

2. Duration. The period of operation shall be between October 1 and October 31 for the sale of pumpkins and between Thanksgiving and December 26 for Christmas trees. The facility shall be removed and the premises cleared of all debris and restored to the condition prior to the establishment of the sales event within 10 days after the required end of the sale.

3. Size. The sales lot area shall not exceed 10 percent of the parking area or 10,000 square feet, whichever is less and shall be located most distant from the existing commercial buildings on the property when feasible, to maintain customer parking closest to the buildings. No handicap accessible parking spaces shall be obstructed.

4. Fencing. Temporary fencing up to six feet in height around the sales lot area is allowed, providing the fencing location complies with the Section 6708.

5. Temporary Power. A permit for temporary power shall be obtained, as required by the Building Division, for sales lots requiring electrical service.

6. Lighting. All outdoor lighting, including temporary lighting, shall be in compliance with Section 6300 and with the Outdoor Lighting Regulations of the County Code.

7. Site Plan Modification, Minor Deviation or Site Plan Permit Exemption Not Required. For properties that are subject to Sections 5200, 5750, 5800 or 5900, a Site Plan Modification, Minor Deviation or a Site Plan permit exemption will not be required for temporary outdoor sales that comply with all provisions of this subsection.

8. Additional Limitations.

   a) The seller shall obtain any required licenses or permits from the Sheriff pursuant to the Uniform Licensing Procedure of the County Code.

   b) The sales lot area shall comply with the fire prevention standards as approved and enforced by the local Fire Protection District.

   c) Temporary sanitation facilities shall be provided.

   d) The temporary sales lot area shall not be used for the sale of any merchandise not directly associated with pumpkins or with Christmas trees and holiday decorations.

   e) The sale of food and beverages is prohibited.

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

b. Vehicles, Trailers or Boats. The establishment of a temporary sales lot for the sale of motorized vehicles (including new or used automobiles and recreational vehicles), trailers or boats is allowed, subject to all of the following:

1. Location. The sales lot may be located on any paved site with an existing commercial or industrial development within the C34, C35, C36, C37, C40, M54, M56 and M58 Use Regulations, or in designated commercial developments in planned developments or specific plans where Automotive and Equipment: Sales and Rentals, Light Equipment are a permitted use. Sales lots are not allowed on vacant properties.

2. Duration. The period of operation of the temporary outdoor sales shall not exceed three consecutive days every 3 months, not to exceed 12 days in a calendar year. Facilities for the temporary sale may be set up one day prior to, and taken down one day following, the three day sales period.

3. Size. The sales lot area shall occupy only the parking spaces that are in excess of the minimum number required for the existing uses on the property and shall be located most distant from the existing commercial buildings on the property, when feasible. No handicap accessible parking spaces shall be obstructed.

4. Temporary Power. A permit for temporary power shall be obtained, as required by the Building Division, for sales lots requiring electrical service.

5. Temporary Lighting. All outdoor lighting, including temporary lighting, shall be in compliance with Section 6300 and with the Outdoor Lighting Regulations of the County Code.

6. Site Plan Modification or Minor Deviation Required. For properties that are subject to the provisions of Section 7150, a Modification or Minor Deviation to an existing Site Plan will be required for temporary outdoor sales pursuant to this subsection, unless a Site Plan permit exemption is granted pursuant to Section 7156.

7. Additional Limitations.

   a) The temporary outdoor sales event shall conform to all applicable provisions of state law, including all requirements of the Department of Motor Vehicles.

   b) The sales lot area shall comply with the fire prevention standards as approved and enforced by the local Fire Protection District.

   c) Temporary sanitation facilities shall be provided.

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

(Added by Ord. No. 10035 (N.S.) adopted 1-27-10)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

6125 COMMERCIAL FILMING

Temporary commercial motion picture production, television production (including commercials), still photography and related activities on public or private property (excluding public road rights-of-way), for occasional commercial filming on location, subject to the following:

a. All commercial filming activities shall be conducted under the auspices of the San Diego Film Commission or successor agency. A Certificate of Insurance indemnifying the County of San Diego as an additional insured, shall be provided to the San Diego Film Commission.

b. Prohibited activities:

i. Any filming activity that creates a substantial risk of injury to persons, damage to property or a significant degradation of the environment or that is contrary to the public health, safety or welfare, including but not limited to, disruption of emergency access to surrounding properties.

ii. Any filming activities that violate any applicable County codes including, but not limited to, the Grading Ordinance, Noise Ordinance or Resource Protection Ordinance.

c. Limitations. On properties where commercial filming activities are the principal use of the property or structures, the use shall not be considered temporary and shall be subject to all applicable provisions of the Zoning Code.

d. Exempted activities. The filming, videotaping or production of current news which includes reporters, photographers or cameramen employed by a newspaper, news service, broadcasting station or similar entity engaged in on-the-spot broadcasting of news events, or the filming or videotaping of motion pictures solely for private family use, shall be exempt from these provisions.

(Added by Ord. No. 10095 (N.S.) adopted 12-8-10)

ACCESSORY USE REGULATIONS

6150 TITLE AND PURPOSE.
The provisions of Section 6150 through 6199, inclusive, shall be known as the Accessory Use Regulations. The purpose of these provisions is to establish the relationship among the principal and accessory uses and the criteria for regulating accessory uses.

6152 ACCESSORY USES ENCOMPASSED BY PRINCIPAL USE.
In addition to the principal uses expressly included in the Use Regulations, each zone subject to such Use Regulations shall be deemed to include such accessory uses which are specifically identified by these Accessory Use Regulations; and such other accessory uses which are necessarily and customarily associated with, and are appropriate, incidental and subordinate to, such principal uses. When provided by these regulations, it shall be the responsibility of the Director to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use, based on the Director's evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the principal uses and the relationship between the proposed accessory use and the principal use. Such determinations which are made by the Director shall be subject to the Administrative Appeal Procedure commencing at Section 7200. It shall be unlawful to establish or maintain any accessory use and/or accessory structure on any lot where there is no lawfully established principal use on the same lot.

(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

6154 ACCESSORY USES SUBJECT TO CONTROLS.
Accessory uses shall be controlled in the same manner as the principal uses within each zone, except as otherwise provided by these regulations.

6156 RESIDENTIAL AND AGRICULTURAL USE TYPES.
Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Residential and Agricultural Use Types are permitted:

a. Attached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, and other similar non-habitable uses.

   1. On lots of less than one acre gross, the total area shall not exceed 1,000 square feet or 25% of the living area of the principal residence, whichever is greater. On lots of one acre gross or larger but less than 2 acres, the area shall not exceed 1500 square feet or 25% of the living area of the principal residence, whichever is greater. On lots of 2 acres or larger but less than 4 acres, the area shall not exceed 2000 square feet or 25% of the living area of the principal residence, whichever is greater. On lots of 4 acres or larger, the area shall not exceed 3000 square feet or 25% of the living area of the principal residence, whichever is greater.

   2. If the portion of the structure in which the attached garage or carport is located is more than one story in height, that portion not used for the shelter or storage of vehicles shall be designed and used as an integral part of the principal residence or approved habitable use such as guest living quarters.

3. Additional area may be permitted by issuance of an Administrative Permit with notice provided pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6.

4. For properties on which more than one detached residence is allowed per legal lot pursuant to Section 4310 (not including a Second Dwelling Unit pursuant to subsection x.), the total attached garage area, based upon lot size, per a.1 above, shall be allowed for each residence.

b. 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. The size of detached Poolhouses, Art or Music Studios, and Recreation Rooms shall be combined with the total allowable square footage of detached private garages and carports, storage buildings, workshops, hobby shops, and other similar non-habitable structures for purposes of size limitations specified in paragraph g below.

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. Greenhouse. In the RR, A70 and A72, and S92 Use Regulations a greenhouse is allowed. In all other Residential Use Regulations, and the S88 Use Regulations where residential uses occur, a greenhouse is limited to 500 square feet unless an Administrative Permit is approved to increase the size. A greenhouse proposed in the S88 Use Regulations shall conform to the requirements of any applicable Specific Plan. A greenhouse in any of the Use Regulations listed above shall comply with the applicable setback and Building Code requirements. The building official shall determine if a building permit is required for a greenhouse.

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. The combined area of all such structures, together with the structures authorized by paragraph b above, shall be limited as follows:

1. On lots of less than one acre gross, the combined area of all such structures shall not exceed 1,000 sq. ft. or 25% of the living area of the principal residence, whichever is greater. (Note that detached accessory structures which exceed 120 sq. ft. are subject to setbacks specified in Section 4842.)

2. Provided a setback pursuant to Section 4842 is maintained:

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

ii. On lots of 2 acres or larger but less than 4 acres, the combined area shall not exceed 2000 square feet or 25% of the living area of the principal residence, whichever is greater.

iii. On lots of 4 acres or larger, the combined area shall not exceed 3000 square feet or 25% of the living area of the principal residence, whichever is greater.

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

3. Limited to one story not to exceed 12 feet maximum height. May have 2 stories and a height not exceeding 24 feet if the accessory structure meets the main building setbacks. If the structure is more than one story in height, that portion not used for the shelter or storage of vehicles shall be designed and used as habitable space defined by Section 6156.b or other approved use such as a guest living quarters.

4. Additional area, height and story may be permitted by issuance of an Administrative Permit with notice provided pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6. The Administrative Permit shall not authorize height/stories exceeding the height/story limit specified by the applicable height/story designator. The Administrative Permit shall not authorize reductions to required setbacks. Reductions to setbacks shall be subject to Section 7100, Variances.

h. Barns and Agricultural Storage Buildings shall be limited as follows:

1. In zones subject to a Residential Use Regulation (except RR Use Regulations requiring a 1 acre or larger lot area), and in the S88 Use Regulations where residential uses occur, a maximum floor area of 450 square feet and one story not to exceed 12 feet in height. Such buildings proposed in the S88 Use Regulations shall conform to the requirements of any applicable Specific Plan.

   Buildings exceeding 12 feet in height are permitted if the structure meets the main building setbacks, provided the height does not exceed 24 feet. When on same lot as a detached private garage, workshop and/or storage building, the combined area of all such structures shall not exceed 1,000 square feet or 25% of the living area of the principal residence, whichever is greater.

2. In zones subject to the RR Use Regulations (requiring a one acre or larger lot area), A70, A72, and S92 Use Regulations, barns and agricultural storage buildings shall be limited in height to one story not to exceed 12 feet. Buildings exceeding 12 feet in height are permitted if the structure meets the main building setbacks, provided the height does not exceed 24 feet. A maximum floor area of 1000 square feet is permitted where the lot is less than one acre gross. A maximum floor area of 1500 square feet is permitted where the lot is one acre but

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

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

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

j. Coops and Aviaries. Any enclosure or structure where poultry or birds are kept outside a dwelling, subject to the limitations of Section 3100. Coops and aviaries shall meet the setbacks for Animal Enclosures pursuant to Section 3112 and shall be included in the total square footage allowed pursuant to subsection h.

k. Guest Living Quarters. In the A70, A72, RR, S90 and S92 Use Regulations, one guest living quarters is allowed on a legal lot. In the RS, RV, RU, RRO and S88 Use Regulations, one guest living quarters is allowed on a legal lot not less than 20,000 square feet in net area. One guest living quarters may be permitted in the RS, RV, RU, RRO and S88 Use Regulations upon issuance of an Administrative Permit on a legal lot which has a net area of less than 20,000 square feet. Guest living quarters are not permitted in other zones. Guest living quarters shall comply with all of the following requirements:

1. The total floor area of a guest living quarters shall not exceed thirty percent (30%) of the square footage of the primary dwelling up to a maximum of 600 square feet. Additional area, up to 50% of the square footage of the primary dwelling, may be permitted with the approval of an Administrative Permit.

2. Only one electric meter to serve both the main dwelling and guest living quarters will be allowed.

3. Guest living quarters shall not be allowed on a lot or parcel having a second dwelling unit, accessory apartment or accessory living quarters. Conversion of such a unit into guest living quarters is allowed provided all zoning and structural requirements are met. If said accessory unit was permitted by a discretionary permit, said permit shall be modified as required by the appropriate section of the Zoning Ordinance.

4. Notice of guest living quarters Administrative Permit applications shall be given as provided in Section 7060(c).

5. Before any Administrative Permit may be granted or modified, it shall be found:

(a). That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

(i). Harmony in scale, bulk, and coverage;

(ii). The harmful effect, if any, upon desirable neighborhood character;

(iii). The suitability of the site for the type and intensity of use or development which is proposed; and to

(iv). Any other relevant impact of the proposed use; and

(b). That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.

(c). That the requirements of the California Environmental Quality Act have been complied with.

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

l. Accessory Living Quarters. Repealed.

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. Internet sales are not considered on-premise sale of goods.

7. The establishment and conduct of a home occupation shall not change the principal character or use of the dwelling unit or property 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.

11. No more than six non-resident students at one time, and no more than 18 students during any one (1) day may be given tutoring in music, academics, dance, sports (such as swimming or tennis, not withstanding subsection 1 and 2 above), or other subjects at a residence. No students may be given instruction between the hours of 9:00 p.m. and 8:00 a.m. All provisions of Noise Abatement and Control, Section 36.401 et seq. of the County Code, shall apply.

n. Dog, Cat and Pot-Belly Pig Keeping. The keeping of dogs and cats (but not including kennels) and the keeping of up to two pot-belly pigs, provided that the keeping of more than two pot-belly pigs shall be subject to Section 3100, Large Animal regulations.

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 an agricultural stand for the display and sale of agricultural products produced on the premises shall be permitted only as follows:

1. Agricultural stands are permitted only in the RR Use Regulations on lots one acre or larger, and in the A70, A72, S90 and S92 Use Regulations.

2. Said stand shall be located no nearer than 15 feet from the edge of any street or highway right-of-way.

3. Said stand shall be operated by the owner or tenant of the property upon which the stand is located,

4. Agricultural products produced on other premises owned or leased by the same property owner or tenant may be displayed and sold from said stand.

5. The total roofed area of said stand, including all areas used for display or storage for all products, shall not exceed 300 square feet.

6. No agricultural produce shall be sold from a motorized vehicle.

7. Cold storage shall be allowed only when accessory to the on-site farming operation and used only for storage of crops grown by the person(s) farming the parcel.

8. Incidental sale of items related to the sale or use of agricultural products (not to exceed 10% of the stand area), including horticultural products, may also take place provided any applicable health regulations are complied with.

9. No commodities other than those listed above may be sold from a produce stand except as allowed by Food and Agricultural Code section 47050.

10. A produce stand may sell only those ornamental plants that are grown on the same lot as such stand is located.

r. Wild Animal Keeping. The keeping of not more than one wild animal kept and maintained in conformance with State and local requirements.

s. Earthworms or Vermiculture. The raising of earthworms or the practice of vermiculture 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.

3. The vermiculture area shall utilize household or garden waste or materials that are produced on the site. Importing of waste or other materials from another property shall be prohibited.

4. The volume of raw or composted decomposable organic and bedding materials shall not exceed that which is reasonably necessary to the production of the worms raised on the site.

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, S80, S88, S90, and S92 Use Regulations, farm employee housing is an allowed accessory use to Commercial Agriculture on the same parcel on which the housing is located or on another parcel under the same ownership, provided that:

1. The number of living units is reasonably related to the number of farm employees required for commercial agriculture on the parcel on which the farm employee housing is located and, where applicable, on other land owned or leased and farmed by the applicant.

2. Consideration shall be given to surrounding land uses when determining the location, size and design of Farm Employee Housing.

3. Farm employee housing shall be occupied only by farm employees (and their families) engaged in Commercial Agricultural labor and shall not be otherwise occupied or rented.

4. If Commercial Agriculture is not in progress at the time of application for an Administrative Permit, the Permit shall be conditioned to require review to ensure that bona-fide commercial agriculture commences within a reasonable time.

5. Farm employee housing shall be removed or converted to another allowed use at such time as the commercial agriculture to which it relates ceases operation for more than twelve consecutive months-following the date of occupancy on the building permit issued for the farm employee housing.

6. Contract. For any application for farm employee housing which is subject to the waiver of fees pursuant to Section 7602.d.5, prior to the approval issuance of the Administrative Permit, the property owner shall enter into a contract with the County agreeing to specific rental terms and conditions which make low cost housing available to farm employees and will allow for periodic inspections of the housing by County employees. The form of the contract shall have been approved by the Board of Supervisors.

7. On an annual basis, the property owner must file a certificate with the Director of the Department of Planning and Land Use stating that the commercial agricultural operation is still taking place on the property and that the tenants are employed as farm employees and thereby renew the agricultural certificate for the farm employee housing. Failure to file the certificate will be interpreted as indicating the commercial agriculture has ceased operation and may be the basis for building permit revocation.

8. Contract. Prior to the issuance of a Building Permit, the property owner shall enter into a contract with the County agreeing to specific terms and conditions limiting farm employee housing to bona-fide farm employees and their families in conjunction with on-going agricultural operations. The form of the contract shall have been approved by the Board of Supervisors.

9. Evidence of Commercial Agriculture. Prior to submittal of the Building Permit application for Farm Employee Housing the property owner shall provide appropriate evidence to the satisfaction of the Director of Planning and Land Use of an active Commercial Agricultural Operation.

10. In the RS, RD, RM, RV, RU, RMH, RRO, RC, C32, C34, C35, C36, C37, C38, C40, C42, C44, C46, M50, M52, M54, M58, S82, S86, and S94 Use Regulations, farm employee housing is allowed upon issuance of an Administrative Permit, provided that it complies with the provisions of 6156 u. 1 through 8, and before an Administrative Permit may be granted or modified, it shall be found:

    a. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

        1) Harmony in scale, bulk and coverage;

        2) The availability of public facilities, services and utilities;

3) The harmful effect, if any, upon desirable neighborhood character;

4) The generation of traffic and the capacity and physical character of surrounding streets;

5) The suitability of the site for the type and intensity of use or development which is proposed; and to

6) Any other relevant impact of the proposed use.

b. That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.

c. That the requirements of the California Environmental Quality Act have been complied with.

d. That notice shall be pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.

v. Horticultural Sales. In all residential, agricultural, and 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). Repealed.

x. Second Dwelling Units. In zones where the Family Residential use type is allowed by right, a second dwelling unit is allowed on a legal lot containing an existing single family detached residence, or to be constructed concurrently with a primary single family detached residence, provided the following requirements are complied with:

1. The second dwelling unit shall be either attached to the primary unit, wholly or partially integrated into the primary unit, or detached from the primary unit. The second unit may be attached to another permitted accessory building, except for those accessory units or other accessory buildings specified in paragraph 4, 5 or 6 below.

2. Applicable requirements of the building and other codes and of The Zoning Ordinance shall apply to second dwelling units. No Variances shall be granted in order to provide for the second unit.

3. A lot shall contain at least the minimum net area as required by the applicable zoning to qualify for a second dwelling; however, no second dwelling unit shall be permitted on a lot with a net area of less than 20,000 square feet, except pursuant to paragraph 12 below. If a legal lot is at least 1 net acre in size and does not contain at least the minimum net area as required by the applicable zoning, a second dwelling unit may be permitted pursuant to paragraph 12 below.

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

4. Second dwelling units shall not be allowed on a lot or parcel with a guest living quarter, accessory living quarter, or accessory apartment. Conversion of such quarters into a second dwelling unit is allowed provided all applicable zoning and other code requirements are met, and subject to the following procedures:

   i. Application for modification of the Administrative Permit or Minor Use Permit that authorized the accessory unit proposed for conversion to a second dwelling unit (if an Administrative Permit is required to establish the Second Dwelling Unit pursuant to paragraph 12 below) and application for any other applicable permits; or

   ii. If no Administrative Permit is required to establish a second dwelling unit, and an Administrative or Minor Use Permit was approved to authorize the accessory unit proposed for conversion to a second dwelling unit, a request to rescind the existing Administrative or Minor Use Permit may be submitted in addition to an application for building permit and any other applicable permits; or

   iii. If no Administrative or Minor Use Permit was required to authorize the accessory unit proposed for conversion (Guest Living Quarters in certain use regulations), by application for a building permit and any other applicable permits; or

   iv. If the accessory unit proposed for conversion was established illegally, by application pursuant to this subsection "4" as if a new second dwelling unit was being proposed.

5. Second dwelling units with a living area exceeding 640 square feet shall comply with the parking requirements for Family Residential under Section 6758. Second dwelling units with a living area not exceeding 640 square feet shall provide one additional off-street parking space. Said additional parking spaces shall not be in tandem with existing spaces. If establishment of the second dwelling unit involves a garage conversion, replacement covered off-street parking shall be provided concurrently. A garage or carport attached to the second dwelling unit shall not exceed 480 square feet of gross floor area. Additional garage area attached to the second dwelling unit may be permitted pursuant to paragraph 12 below. No other structures defined by Section 6156.b shall be attached to a second dwelling unit. No other structures defined by Section 6156.h shall be attached to a second dwelling unit unless approved pursuant to paragraph 12 below.

6. The living area of a second dwelling unit shall not exceed 30 percent of the living area of the existing unit, up to a maximum floor area of 1,200 square feet, except pursuant to paragraph 12 below. However, a second dwelling unit of up to 400 square feet is permitted (even if that figure exceeds 30 percent of the size of the primary dwelling). No other habitable space shall be attached to a detached second dwelling unit.

7. Applicants are required to provide evidence satisfactory to the Director of the following:

   i. Adequate sewer service or approval by the Department of Environmental Health for use of a septic system;

   ii. Adequate potable water supply; and

   iii. That applicable school district fees have been paid.

8. The architectural design, building materials, colors and, if provided, covered parking shall be substantially the same as those of the primary dwelling. Color photographs of the street-facing sides of the existing primary dwelling shall be submitted with the second unit application.

9. No entrance to the second dwelling unit shall face an abutting street unless the entrance is shielded so as not to be apparent when viewed from the abutting street. Plant materials shall not qualify for shielding purposes.

10. Separate sale or ownership of a second dwelling unit from the primary dwelling located on a single lot is prohibited, unless a subdivision is created pursuant to the County Subdivision Ordinance.

11. Application for and issuance of a discretionary permit for a second dwelling shall be limited to the owner-occupant of the primary dwelling or his/her authorized agent. Owner-occupancy of either the primary dwelling or the second dwelling is required for the duration of the use of the second unit for residential purposes, except both units may be rented or leased for a period of up to one year upon written request to, and approval of, the Director. Said request shall state the change in life circumstances of the owner which necessitates interruption of continuous owner occupancy. Rental or leasing of both units may be extended by the Director for one additional period not exceeding six months upon further request of the owner.

12. a. A second dwelling unit may be authorized upon the issuance of an Administrative Permit with all findings per 12.b. and with notice to property owners per 12.c, below, to allow the following:

   i. Location on a legal lot of less than 20,000 square feet in net area, but not less than the minimum net area required by the applicable zoning; or on a legal lot that is at least one net acre in size and does not meet the minimum net area required by the applicable zoning.

   ii. A living area greater than 30 percent of the living area of the primary dwelling, not to exceed 50 percent thereof or 1,200 square feet, whichever is less.

   iii. Conversion to a second dwelling unit of an existing legal accessory living unit, or legalization as a second dwelling unit of an illegal accessory living unit which existed on July 1, 1994, when such existing living unit does not conform to one or more of the following requirements of this subsection x:

- minimum lot size: however, no conversion shall be permitted on a lot of less than the minimum net lot area required by the applicable zoning; except on a legal lot that is at least one net acre in size and does not meet the minimum net area required by the applicable zoning.

- maximum living area: however, a maximum living area of greater than 1200 square feet shall not be authorized;

- off-street parking;

- architectural design;

- location of entrance;

- height and/or setback: to the extent that a variance for height or setback was granted in connection with the establishment of a legal accessory living unit that existed on July 1, 1994, said variance shall be valid and applicable to the conversion of such accessory living unit to a second dwelling unit.

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

b. Before any Administrative Permit may be granted or modified, it shall be found:

i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

(a). Harmony in scale, bulk, and coverage;

(b). The availability of public facilities, services and utilities;

(c). The harmful effect, if any, upon desirable neighborhood character;

(d). The generation of traffic and the capacity and physical character of surrounding streets;

(e). The suitability of the site for the type and intensity of use or development which is proposed; and to

(f). Any other relevant impact of the proposed use; and

ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.

iii. That the requirements of the California Environmental Quality Act have been complied with.

c. Notice shall be provided pursuant to Section 7060 c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060 d.

13. Prior to issuance of a building permit for a second dwelling unit, the owner of the property upon which the second dwelling unit is to be located shall submit a notarized and recorded copy of an agreement between the owner and the County of San Diego on a form supplied by the Department. Said agreement shall state that the owner understands and will abide by the requirements of this subsection, other applicable provisions of this Ordinance, and that said agreement is binding on all successors in interest to the subject property as long as the second dwelling unit is used or maintained for use as a separate dwelling unit.

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

y. Family Day Care Home For Children, Large (9 to 14 children). A large family day care home for children is a permitted accessory use upon issuance of an Administrative Permit provided the following conditions are complied with:

1. No such large family day care home for children may be located closer than 500 feet from any other lot containing a large family day care home for children with an Administrative Permit approved by the County of San Diego. The 500-foot distance shall be measured in a straight line connecting the closest points on the lot lines and without regard for intervening structures.

2. The plot plan for a family day care home for children shall show sufficient information to determine the following:

i. At least one on-site parking space will be available for any assistant provider or caregiver not a resident of the subject family day care home.

ii. Adequate provision will be made to reduce noise impacts on surrounding properties through measures or a combination of measures such as solid fencing six feet in height with or without landscaping around outside activity areas or location of an adequately sized outside activity area a suitable distance away from adjacent dwellings. Adequacy of outside activity areas shall be determined by considering the size of the area provided outside of the required sideyard setbacks and by considering the distance to noise sensitive receptors.

iii. There exists an adequate area on-site for temporary parking of a least two automobiles where children may be safely loaded and unloaded, or such area will be provided. This designated loading and unloading area shall remain free and clear of parked cars during hours of operation of the large family day care home.

iv. The large family day care home meets the standards and requirements established by the State Fire Marshall as enforced by the local fire authority having jurisdiction over the home.

3. Notice shall be provided pursuant to Section 7060 c. Notwithstanding the Administrative Permit Procedures at Section 7060.d, no hearing is required unless requested by the applicant or other affected person.

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

4. Every Administrative Permit approved pursuant to this section shall contain a condition that no sound amplification device be permitted in outdoor activity areas.

5. For large family day care homes served by on-site wastewater systems the Director of Environmental Health shall certify the adequacy of the on-site wastewater system for the proposed use.

6. No Administrative Permit shall be required for a large family day care home which qualifies for exemption under Section 1596.792 of the State Health and Safety Code.

z. Wind Turbine Systems, Small. A small wind turbine system, shall be permitted on a parcel of at least one acre and in compliance with the following conditions:

1. Setback. The system shall be set back from property lines and roads at least two times the height of the wind system (to the top of the blade in vertical position) and shall meet the applicable setback requirements of the zone. No part of the system, including guy wire anchors, shall extend closer than 30 feet to the property boundary. The system must also meet fire setback requirements.

2. Fencing. Public access to the wind turbines shall be restricted through the use of a fence with locked gates, non-climbable towers or other suitable methods.

3. Signs. Suitable warning signs containing a telephone number for emergency calls shall face all approaches to the system. Individual signs shall be between 5 and 16 square feet.

4. Noise. The wind turbine shall be operated in such manner that it does not exceed the sound level limits of Title 3, Division 6, Chapter 4 of the San Diego County Code (Noise Abatement and Control).

5. Height. For the purposes of calculating height, the height of the wind turbines shall mean the distance from ground to the top of the blade in vertical position. Height of a small wind turbine system shall not exceed 60 feet. For a wind turbine mounted on the roof of a structure, the height calculation shall be the sum of the height of the structure (at the location of the mounting of the turbine) plus the distance from the roof surface where the turbine is mounted to the top of the blade in vertical position.

6. Any non-operational wind turbines shall be removed within 12 months after becoming non-operational.

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

aa. 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.

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

1. Criteria. An application for a host home permit shall meet all of the following criteria:

a) A maximum of two bedrooms may be made available for rent.

b) The owner or lessee of the property shall operate the facility and reside in the home or other legal residence on the property. If the owner or lessee resides in a residence separate from the facility, instructions on how to contact the owner/lessee after hours for emergencies shall be posted in each room.

c) One off-street parking space for each room rented shall be provided in addition to the parking required for single-family occupancy.

d) Service shall be limited to the rental of rooms and the provision of breakfast for overnight guests. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.

e) Signs shall be limited to one on-premise sign not to exceed two square feet.

f) An adequate water well and sewage disposal system satisfactory to the County Department of Environmental Health shall be available, or letters from the appropriate water and sewer agencies indicating there is sufficient water supply and sewage treatment capacity for the proposed use shall be submitted by the applicant.

g) The primary access to the host home shall be via a publicly maintained road.

2. Affidavit Required. On a form provided by the Director, the owner shall file an affidavit agreeing to the conditions a. through g. above. The affidavit shall include provisions stating that 1) the owner consents to inspection of the premises by the Code Enforcement Officer in order to verify compliance with said conditions, and 2) that the owner shall furnish a new affidavit to said Enforcement Officer upon request.

3. Notice Required. Notice shall be provided pursuant to Section 7060 c.

4. Findings Required. The Director may grant the Administrative Permit if the above criteria are complied with, and a finding is made that establishment of the host home will not adversely affect or be materially detrimental to existing neighborhood character, with consideration given to the generation of traffic and the suitability of the site for the type and intensity of the proposed use.

cc. 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.

ii. The following matrix compares Guest Living Quarters and Second Dwelling Unit provisions. Complete regulations can be found in subsections k. and x.

Accessory Use Regulations

This Table is a summary only. For complete regulations see appropriate sections of the Zoning Ordinance. In case of conflict between the provisions graphically represented in this table and the provisions set forth in the text of the Zoning Ordinance, the provisions of the Zoning Ordinance text shall apply.		**Guest Living Quarters (6156.k.)**	**Second Dwelling Unit (6156.x.)**
LOCATION AND SIZE			
Applicable Use Types	Residential	■	■
	Commercial	-	-
	Industrial	-	-
	Agriculture	■	■
	Special Purpose	■	■
Net Lot Size Restrictions[1]	Must meet minimum required by zoning	-	■
	Must be 20,000 sf or larger	■	■
	Administrative Permit Exceptions		
	May be less than 20,000 sf	■	■
	Minimum zoning not met[2] but 1 acre or larger	-	■
Unit Size Restrictions	Must be equal or greater than 400 sf[3]	-	■
	May not exceed 30% of primary dwelling[3]	■	■
	May not exceed 600 sf[3]	■	-
	May not exceed 1,200 sf[3]	-	■
	Administrative Permit Exceptions		
	Up to 50% of primary dwelling allowed	■	■
	May not exceed 1,200 sf	-	■
DESIGN AND USE			
Allowed Facilities	Kitchen	-	■
	Wetbar	-	■
	Laundry	-	■
Occupancy	Employee	■	■
	Guests up to 30 days	■	■
	Guest more than 30 days	-	■
	Rental	-	■
Attachment to Other Structures	Primary Dwelling	■	■
	Detached garage/carport 480 sf or less	■	■
	Detached garage/carport greater than 480 sf	■	-
	Other habitable space	■	-
	Barn/agricultural storage building	■	-
	Administrative Permit Exceptions		
	Detached garage/carport greater than 480 sf	■	■
	Barn/agricultural storage building	-	■
Electric Metering	Separate Meter Allowed	-	■
PARKING			
Off-Street Parking Requirements[4]	1 space for units less than 640 sf	-	■
	2 spaces for units equal or greater than 640 sf	-	■

■ Applicable
- Not Applicable

Footnotes:

1. If lot is Groundwater dependent, the lot must be twice the minimum size required per Groundwater Ordinance Section 67.722 A.1.
2. Lot must have met the minimum net area required by zoning at the time the lot was legally created, pursuant to Policy G-3.
3. Ministerially approved, provided all criteria of DPLU (including Zoning/Building/Fire) and other County Departments are met.
4. Required spaces may not be in tandem with required spaces for primary dwelling. May not encroach into front or exterior side setbacks.

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jj. Meetings or Gatherings. The temporary gathering of individuals on private property for a non-commercial event which may involve eating, drinking, studying, or other similar activities, is allowed in compliance with the following provisions:

a. Use of the Property. The primary use of the property must be residential.

b. Parking. All vehicles belonging to individuals attending the meeting or gathering shall be parked in compliance with all applicable laws and shall not impede the flow of traffic to and from the subject property or any other properties in the vicinity.

c. Nuisance. The gathering shall not create a public nuisance to surrounding properties, including noise, vibration, traffic or other disturbance. This section can be enforced pursuant to Section 16.205 of County Code of Regulatory Ordinances.

kk. Agricultural Tourism. Agricultural Tourism may be allowed as an accessory use to a Commercial Agriculture operation in the RR, A70, A72, S90 and S92 Use Regulations provided the following criteria are met:

1. Allowed activities. U-Pick operations, on-site tours, on-site agricultural instruction or demonstrations, lectures or classes about agriculture related topics and participation in agricultural operations on the premises.

2. Parking. Adequate off street parking shall be provided to accommodate all employee and customer parking needs on the premises, entirely outside of public rights-of-way other than designated parking spaces. No parking on private roads is allowed.

3. No amplified sound is permitted.

4. Agricultural tourism does not include uses that are otherwise regulated by this Ordinance or for which a temporary special event permit is required by the Department of Environmental Health or Sheriff Department.

zz. 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.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 5912 (N.S.) adopted 10-22-80)
(Added by Ord. No. 5935 (N.S.) adopted 11-19-80)
(Amended by Ord. No. 5676 (N.S.) adopted 12-19-80)
(Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)
(Amended by Ord. No. 6151 (N.S.) adopted & effective 8-25-81 - Urgency Ordinance)
(Amended by Ord. No. 6188 (N.S.) adopted 11-18-81)
(Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)
(Amended by Ord. No. 6284 (N.S.) adopted 5-5-82)
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)
(Amended by Ord. No. 6586 (N.S.) adopted 5-18-83)
(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)
(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)

(Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)
(Amended by Ord. No. 6857 (N.S.) adopted 10-10-84. Opr. 1-1-85)
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)
(Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)
(Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)
(Amended by Ord. No. 7110 (N.S.) adopted 4-02-86)
(Amended by Ord. No. 7117 (N.S.) adopted 4-23-86)
(Amended by Ord. No. 7160 (N.S.) adopted 6-18-86)
(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)
(Amended by Ord. No. 7306 (N.S.) adopted 5-20-87)
(Amended by Ord. No. 7363 (N.S.) adopted 8-19-87)
(Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)
(Amended by Ord. No. 7515 (N.S.) adopted 7-13-88)
(Amended by Ord. No. 7576 (N.S.) adopted 1-11-89)
(Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)
(Amended by Ord. No. 7743 (N.S.) adopted 3-28-90)
(Amended by Ord. No. 7768 (N.S.) adopted 6-13-90)
(Amended by Ord. No. 7790 (N.S.) adopted 08-01-90. This ordinance will expire on August 31, 1993, unless extended in connection with GPA 93-02)
(Amended by Ord. No. 7817 (N.S.) adopted 9-26-90)
(Amended by Ord. No. 8050 (N.S.) adopted 4-8-92)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 8086 (N.S.) adopted 6-16-92)
(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)
(Amended by Ord. No. 8271 (N.S.) adopted 6-30-93)
(Amended by Ord. No. 8409 (N.S.) adopted 6-1-94)
(Amended by Ord. No. 8502 (N.S.) adopted 3-1-95)
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)
(Amended by Ord. No. 8599 (N.S.) adopted 10-11-95)
(Amended by Ord. No. 8698 (N.S.) adopted 7-17-96)
(Amended by Ord. No. 8805 (N.S.) adopted 6-4-97)
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)
(Amended by Ord. No. 9156 (N.S,) adopted 6-14-00)
(Amended by Ord. No. 9377 (N.S.) adopted 8-8-01)
(Amended by Ord. No. 9470 (N.S.) adopted 6-12-02)
(Amended by Ord. No. 9569 (N.S.) adopted 7-9-03)
(Amended by Ord. No. 9596 (N.S.) adopted 9-17-03)
(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)
(Amended by Ord. No. 9982 (N.S.) adopted 4-22-09)
(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)
(Amended by Ord. No. 10073 (N.S.) adopted 9-15-10)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

6158 CIVIC, COMMERCIAL, INDUSTRIAL, OR EXTRACTIVE USE TYPES. Accessory structures and uses necessarily and customarily associated with, and appropriate, incidental and subordinate to the principal civic, commercial, industrial or extractive uses shall be permitted where the principal civic, commercial, industrial or extractive uses are permitted. As provided for in Section 6152, the Director shall determine whether proposed accessory uses and structures conform to the Accessory Use Regulations, and said determinations are subject to appeal pursuant to the Administrative Appeal Procedure commencing at Section 7200.

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Civic, Commercial, Industrial, or Extractive Use Types are permitted:

a. Outdoor Café Seating and Sidewalk Cafés.

1. Outdoor Café Seating. Outdoor café seating accessory to the Eating and Drinking Establishments use type is permitted in the Fallbrook Village Regulations, C32, C34, C35, C36, M50 and M52 use regulations, and outdoor café seating accessory to the Food and Beverage Retail Sales use type is permitted in the Fallbrook Village Regulations, C32, C34, C35, C36 and M50 use regulations, subject to the following conditions:

i. The outdoor seating area shall be limited in size as follows:

(a) In Eating and Drinking Establishments to no more than 200 square feet or 25 percent of the establishment's indoor floor area, whichever is greater.

(b) In Food and Beverage Retail Sales uses (e.g., bakeries, markets, etc.) to no more than 25 percent of the establishment’s indoor floor area or 1000 square feet, whichever is less. However, any such Food and Beverage Retail Sales use that otherwise qualifies under Section 6158 a.1. may have an outdoor seating area of 200 square feet.

ii. The outdoor seating area shall be located at least 50 feet from areas zoned with the RS, RR, RMH, or A70 use regulations.

iii. Required zone setbacks shall be observed. Required parking and parking lot landscaping shall be provided for the outdoor seating area.

iv. The outdoor seating area shall not be used as an entertainment area. Sound amplification devices shall be limited to devices that are necessary to provide low-level background music. Noise levels shall comply with the County Noise Ordinance. Any outdoor lighting shall comply with Section 6324 of The Zoning Ordinance.

v. If the seating area is proposed within the public right-of-way, then the requirements of Section 6158a.2. below shall also be met.

vi. When located in an area subject to the Community Design Review Area Regulations, or other applicable special area regulations, the Site Plan review and all other requirements of those regulations shall apply to outdoor café seating.

vii Required Minor Use Permits, where applicable, shall be obtained and shall provide for accessory outdoor seating.

viii Outdoor café seating areas located adjacent to pedestrian thoroughfares shall leave a minimum width of eight feet completely open at all times between the outdoor seating area and the edge of the pedestrian thoroughfare to accommodate pedestrian traffic.

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

2. Sidewalk Cafés Within the Public Right-of-Way. Sidewalk cafés within public right-of-way shall be a permitted accessory use upon issuance of an Administrative Permit provided the conditions listed below in this subsection are complied with. If the sidewalk café is proposed within the commercial and industrial zones listed in Section 6158a.1. above, then the conditions of that section shall also apply.

i. The sidewalk café shall be conducted accessory to a legally established Food and Beverage Retail Sales or Eating and Drinking Establishment use type.

ii. An encroachment permit for a sidewalk café shall be obtained from the Department of Public Works.

iii. The operation of a sidewalk café shall meet applicable requirements of the Department of Environmental Health.

iv. Notice shall be provided pursuant to Section 7060 c.

v. The hours of operation shall be limited to the hours of operation of the associated Eating or Drinking Establishment or Food and Beverage Retail Sales use.

vi. Notwithstanding Section 6158 a.1., no sound amplification device, musical instrument or sound reproduction device shall be operated or used with a sidewalk cafe within the public right-of-way and any outdoor lighting shall comply with Section 6324.

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

b. Wind Turbine System, Small. A wind turbine system, small shall be permitted as an accessory use in all zones where the Civic, Commercial, Industrial or Extractive use types are permitted provided the system complies with the conditions specified in Section 6156z.

c. Mobilehome dwelling as a secondary use.

d. Community Use of Private Schools. Meetings or events shall be permitted as a use accessory to a private school unless otherwise expressly prohibited by a use permit authorizing the private school. Such meetings and events shall meet the following criteria:

(1) The meeting or event is conducted by a nonprofit organization from the community or neighborhood area in the vicinity of the school, and

(2) Not more than three such meetings or events shall occur within any given week.

(3) Hours of operation. No meeting or event shall begin prior to 8:00 a.m. nor continue later than 10:00 p.m. when inside a building or 8:00 p.m. when outside a building.

(4) Parking. No onstreet parking shall be utilized, and attendance shall be limited to a number which is accommodated by offstreet parking provided by the private school.

(5) Traffic. The meeting or event shall not increase congestion of nearby streets to the extent that normal traffic circulation is significantly impeded.

(6) Noise. The meeting or event shall not cause noise in excess of the applicable noise standards contained in the County Code of Regulatory Ordinances.

e. Recycling of salvaged concrete, asphalt and rock.

It has been recognized by the County of San Diego and the State of California that recycling of materials such as used concrete, asphalt and rock is essential to effective solid waste management and protection of public and private open space from illegal disposal of solid waste. Because of the high priority the public assigns to recycling of these materials, the following special procedure has been created to assist in the expansion of this activity in conjunction with related mining and processing land uses.

Persons having an approved Major Use Permit for a mining and processing land use, or having an established mining and processing land use that is legally nonconforming and located in a zone where it could be permitted by Major Use Permit, as of March 26, 1992, may apply for the Administrative Permit described below, provided the application and required fees have been submitted to the Department of Planning and Land Use not later than March 27, 1997.

In conjunction with mining and processing use types, where rock crushing, asphalt production and/or concrete batching are occurring, recycling and processing of salvaged concrete, asphalt and rock shall be a permitted accessory use upon issuance of an Administrative Permit, pursuant to the following:

1. A plot plan showing existing and proposed operations onsite shall be approved by the Director.

2. All proposed operations shall conform to the restrictions and conditions of the use permit regulating the project site, if one is present, except as otherwise specified herein.

3. No increase in the size of the mining and processing site shall be authorized by this permit.

4. Environmental review of the proposed accessory use shall be required, except that said review may be waived by the Director if it is determined that no additional traffic, noise, stockpiling of materials, or mechanical processing, at the site, is requested.

5. Upon determination pursuant to environmental review of no significant environmental impact, or that such impact(s) will be mitigated to below a level of significance, the following increases or changes in operational limitations may be authorized in connection with the recycling operation:

   a) Additional average daily one-way truck trips up to 10 percent of the number authorized under the Major Use Permit, or when unspecified in the use permit or when there is no use permit, up to 10 percent of the average daily one-way truck trips of the existing operation;

   b) Additional onsite stockpiling of material of up to 25 percent of that authorized under the Major Use Permit, or when unspecified in the use permit or when there is no use permit, up to 25 percent of the amount typical to the existing operation; and

   c) Replacement or additional equipment, only as may be necessary to adapt the existing operation to the recycling function.

   Any changes or increases in the existing authorized operations beyond those specified above shall require modification of the existing Major Use Permit or approval of a new Major Use Permit.

f. A Drop-off Recycling Facility shall be permitted as an accessory use in all zones where Civic, Commercial, Industrial or Extractive Use Types are permitted.

g. A Small Recycling Collection Facility shall be permitted as an accessory use in all zones where Civic Use Types are permitted.

h. Columbarium with Religious Assembly.

   1. A Columbarium may be a permitted accessory use to a Religious Assembly Use Type upon approval of a Major Use Permit for the Religious Assembly Use Type and the Columbarium in use regulations where a Major Use Permit is required for the Religious Assembly Use Type.

   2. A Columbarium may be a permitted accessory use to a Religious Assembly Use Type upon approval of a Modification of the Major Use Permit that authorized the Religious Assembly Use Type.

   3. A Columbarium may be a permitted accessory use to a Religious Assembly Use Type upon issuance of a Minor Use Permit in use regulations where a Religious Assembly Use Type is permitted by right, or by Site Plan approval.

i. Storage of Emergency Supplies for Disaster Preparedness. The storage of emergency supplies for disaster preparedness shall comply with the following provisions:

   1. Storage shall be allowed on properties that are owned by the County of San Diego or other public agency.

   2. Storage area shall be secure and shall be in compliance with all applicable regulations of this Zoning Ordinance, including but not limited to Site Plan requirements (if applicable), setbacks and enclosure requirements.

3. Storage may be allowed within a cargo container which complies with the requirements of Section 6162.

(Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)
(Amended by Ord. No. 6857 (N.S.) adopted 10-10-84. Opr. 1-1-85)
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)
(Amended by Ord. No. 7117 (N.S.) adopted 4-23-86)
(Amended by Ord. No. 7692 (N.S.) adopted 11-29-89)
(Amended by Ord. No. 8034 (N.S.) adopted 2-26-92)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 8185 (N.S.) adopted 12-16-92)
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)
(Amended by Ord. No. 9013 (N.S.) adopted 3-17-99)
(Amended by Ord. No. 9151 (N.S.) adopted 5-10-00)
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

6160 MANUFACTURING AND INDUSTRIAL ZONES.
Single-family dwellings or a single mobilehome shall be permitted as follows in zones subject to the M50, M52, M54, M58, and S82 Use Regulations:

a. Caretaker or Superintendent. On a lot or building site with a permitted industrial use, and occupied exclusively by a caretaker or superintendent of such industrial use and his family; or

b. Farm Owner or Operator. On a lot or building site having a net area of at least 5 acres which is being farmed, and occupied exclusively by the owner or operator thereof; or

c. Kennel Owner or Operator. On a lot or building site with a kennel, and occupied exclusively by the owner or operator thereof and his family.

6162 CARGO CONTAINERS.

a. No cargo container shall be allowed in any area designated as a Historic/Archaeological Landmark or District or an area designated as a Special Historic District, except as provided in Section d and e below.

b. A cargo container may be allowed in areas zoned for residential and agricultural uses if it meets the following restrictions:

1. It is located on property so as to comply with all building setbacks.

2. It is only used for storage.

3. There is a legal primary use on the property where it is located.

4. There are no violations of the Zoning Ordinance or the San Diego County Code of Regulatory Ordinances on the property where it is located.

5. The exterior is painted a solid color pursuant to a list of colors approved by the Director and the color selected matches as closely as possible with the surrounding natural environment.

6. The square footage of the cargo container when added to the square footage of accessory structures on the property does not exceed the maximum allowable square footage for accessory structures under section 6156 g.

7. On sites where the primary use of the property is residential the following additional restrictions shall apply:

   (i) A cargo container shall only be allowed if it is not visible from any roadway that runs along the parcel.

   (ii) On sites of less than 2 acres of net lot area: (A) the footprint of a cargo container shall not exceed 320 square feet in area, (B) only one cargo container is allowed and (C) the total time the site can have a cargo container located on it during any 5 year period is 180 days.

c. A cargo container may be allowed in areas zoned for commercial and industrial uses for storage purposes only if there is a legal primary use on the property where it is located and required parking is not impacted.

d. Cargo containers are allowed on private property in all zones temporarily to store building materials and/or construction tools during construction pursuant to an active building permit.

e. Notwithstanding Section 6852, a cargo container that was lawfully on private property before April 18, 2007 may be allowed to continue as a nonconforming use for two years. This section shall not be construed to authorize any cargo container that was illegally placed, maintained or used before the effective date of this paragraph.

f. Cargo containers are allowed on County-owned property and property owned by a public agency when used exclusively for the storage of emergency supplies for disaster preparedness, pursuant to Section 6158.i. Cargo containers must conform to the requirements of paragraph b.5, above.

(Added by Ord. No. 9844 (N.S.) adopted 4-18-07)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

OFF-PREMISE SIGN REGULATIONS

6200 TITLE AND PURPOSE.
The provisions of Section 6200 through Section 6249, inclusive, shall be known as the Off-Premise Sign Regulations. It is the purpose of these provisions to establish a comprehensive system for the regulation of off-premise signs. It is intended that these regulations impose reasonable standards on the number, size, height and location of off-premise signs, and sign structures and facilitate the removal or replacement of nonessential off-premise signing, in order to prevent and relieve needless distraction and aesthetic clutter resulting from excessive and confusing sign displays; to promote traffic safety; to safeguard and enhance property values; and to promote the public safety and general welfare. It is further intended that these regulations provide one of the tools essential to the preservation and enhancement of the environment, thereby protecting an important aspect of the economy of the County which is instrumental in attracting those who come to visit, vacation and trade. In communities subject to community design review, scenic and/or historic preservation programs, these sign regulations are intended to enhance such programs.

The provisions contained within these sections have been determined to be the least burdensome that will satisfy the intended purposes of the Off-Premise Sign Regulations.

(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)
(Amended by Ord. No. 8028 (N.S.) adopted 1-15-92)

6203 OFF-PREMISE SIGNS EXEMPT FROM THESE REGULATIONS.
The following types of off-premise signs shall be exempt from these regulations except that signs pertaining to a time, event or purpose shall be considered abandoned signs upon termination of the event or purpose for which installed and shall be abated pursuant to Section 6214:

a. Directional, warning or informational signs required or authorized by law that are erected by federal, state, county or municipal officials.

b. Official notices issued by a court or public body or office and posted in the performance of a public duty.

c. Danger signs, railroad crossing signs and signs of public utility companies indicating danger and aids to service or safety.

d. In areas where street or residential neighborhood identification or house numbering is inadequate, not more than 2 signs not over four square feet, or for a neighborhood, not over 18 square feet, providing directional and/or address information to property, residences, or neighborhoods.

e. Flags, emblems and insignia of a nation or political subdivision.

f. Commemorative signs or plaques of historical organizations.

g. Signs on public transportation vehicles regulated by a political subdivision, including but not limited to buses and taxicabs.

h. Signs on licensed commercial vehicles.

i. Signs that are not intended to be viewed from public streets and are not legible therefrom nor from adjacent properties, such as signs in interior areas of shopping centers, commercial buildings and structures, ball parks, stadiums, race tracks, and similar uses of a recreational or entertainment nature.

j. Signs on the back of benches at transit stops located in the public right-of-way, providing that:

1. The sign face is not more than 24 inches in height and 6 feet in length;

2. The sign is not located in areas subject to the Scenic Area Regulations; and

3. The placement, construction, design and materials for transit benches are in compliance with Board of Supervisors' Policy J-31. Compliance will be administered and enforced by the Department of Public Works. When applicable, an encroachment permit must be obtained from the Department of Public Works.

k. Signs on transit shelters at transit stops located in the public right-of-way, provided that:

1. The transit shelters are restricted to two advertising panels;

2. Each advertising panel does not exceed four feet in width nor six feet in height;

3. No advertising is placed on the roof of the shelter;

4. No portion of any sign extends over eight feet above the ground upon which the shelter is placed;

5. Sign lighting is limited to back lighting of translucent advertising panels;

6. The shelter is not located in an area subject to the Scenic Area Regulations; and;

7. The placement, construction, design and materials for transit shelters are in compliance with Board of Supervisors' Policy J-31. Compliance will be administered and enforced by the Department of Public Works. When applicable, an encroachment permit must be obtained from the Department of Public Works.

l. Scenic Area and Historic Preservation District Area directional and identification signs subject to Site Plan review.

m. In each instance and under the same conditions as this Chapter permits any sign, a sign containing an ideological, political or other non-commercial message and constructed to the same physical dimensions and characteristics shall be permitted.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)
(Amended by Ord. No. 7169 (N.S.) adopted 7-09-86)
(Amended by Ord. No. 8028 (N.S.) adopted 1-15-92)
(Amended by Ord. No. 8406 (N.S.) adopted 5-18-94)
(Amended by Ord. No. 9472 (N.S.) adopted 5-15-02)

6204 PORTABLE OFF-PREMISE SIGNS LIMITED.
Portable off-premise signs shall be prohibited; provided, however, that portable off-premise signs advertising temporary events may be permitted by Administrative Permit for a period not to exceed 60 days.

(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)

6205 OFF-PREMISE SIGNS.

Off-premise signs may be erected, constructed, placed or maintained only in the locations specified herein and in accordance with an Administrative Permit. No application shall be accepted which is not accompanied by evidence of current approval by the applicable section of the Outdoor Advertising Act, Division 3 of the Business and Professions Code, State of California.

a. Permitted Locations: Off-premise signs may be placed only in the following locations, unless otherwise prohibited:

   1. On a lot or parcel in zones subject to the C37, C38, M54 and M58 Use Regulations.

b. Prohibited Locations. Off-premise signs are not permitted in any of the following locations:

   1. In any zone subject to the Community Design Review Area Regulations (Section 5750 et seq.), Scenic Area Regulations (Section 5200 et seq.) or Historic/Archaeological Landmark and District Area Regulations (Section 5700 et seq.) of the Zoning Ordinance.

   2. In any area that is located within the California Coastal Zone.

   3. Within 300 feet of any residential zone having frontage on the same street.

   4. Upon, projected over, or supported in whole or in part, by or painted onto, any portion of a building; or situated on or attached in any manner to a wall or fence.

   5. Upon or over the right-of-way of any public street.

c. Setbacks. Off-premise signs with an area per face of more than 32 square feet shall conform to all street frontage setback requirements of the zone in which located. No sign shall be located within the setback for an established official centerline route per Section 4815.

d. Sign Area. Signs may be single-faced or double-faced with a maximum area per face of 300 square feet.

e. Height.

   1. No portion of any sign or sign structure shall exceed a height of 25 feet.

   2. All signs shall maintain a minimum clearance of 8 feet between the lowest extremity of the sign and the highest ground elevation directly thereunder.

f. Spacing. Signs shall be located no closer than 500 feet from any other off-premise sign; said distance to be measured on a direct line between signs on the same street and measured along right-of-way lines for signs on intersecting streets.

g. Construction. Double-faced signs, unless otherwise specified, shall be so constructed that the area and perimeter of both faces coincide and are back-to-back in parallel planes not more than 3 feet apart. Supporting members of signs with an area per face greater than 128 square feet will be constructed of noncombustible materials.

h. Appearance and Maintenance. Signs shall be maintained as required to assure a well-kept appearance free from graffiti and cracking or peeling paint. The back of single faced signs visible from adjacent property or a public road shall be solid painted or stained in subdued colors or shall be screened from view.

i. Lighting. Signs may be illuminated unless otherwise specified, provided such signs are so constructed that no light bulb, tube, filament or similar source of illumination is visible beyond the property lines. Signs making use of lights to convey the effect of movement, or flashing, intermittent or variable intensity lighting shall not be permitted. This restriction shall not apply to signs which convey information such as time, temperature, or weather.

j. Movement. No sign shall move or rotate, nor display any moving and/or rotating parts. Wind propellers and other noise creating devices shall not be permitted.

k. Attention Attracting Devices. Flags, banners, pennants, spinners, streamers and similar devices may not be attached to an off-premises sign.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)
(Amended by Ord. No. 6743 (N.S.) effective 1-11-85)
(Amended by Ord. No. 7169 (N.S.) effective 7-09-86)
(Amended by Ord. No. 8028 (N.S.) adopted 1-15-92)
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)
(Amended by Ord. No. 9472 (N.S.) adopted 5-15-02)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6207 SPECIAL PURPOSE OFF-PREMISE SIGNS.

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

a. General Standards Applicable to Special Purpose Off-Premise Signs.

1. Spacing. Signs shall be located no closer than 300 feet from any other off-premise sign; said distance to be measured on a direct line between signs on the same street and measured along right-of-way lines for signs on intersecting streets.

2. Setbacks. No portion of any sign shall extend beyond private property lines into the street right-of-way, except as permitted pursuant to subsection b.2.

3. Prohibitions. Signs are prohibited in any zone subject to Scenic Area Regulations or Historic/Archaeological Landmark and District Area Regulations, except scenic or historic site directional signs or community identification signs subject to Site Plan review.

4. Building Permits. Building permits shall be obtained for sign construction pursuant to the County Building Code.

b. Special Purpose Off-Premise Sign Types.

1. Temporary Real Estate Directional Signs.

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

i. Size. Signs located within the California Coastal Zone and all Residential Zones shall be limited to 16 square feet. The maximum size in all other areas/zones shall be 32 square feet.

ii. Height. Signs shall not exceed the following heights:

0 to 16 square feet = 8 feet
17 to 32 square feet = 12 feet

iii. Location. Signs shall not be permitted upon, projected over, or supported in whole or in part, by or painted onto, any portion of a building; or situated on or attached in any manner to a wall or fence.

iv. Grouping. Not more than two temporary real estate directional signs may be permitted on a lot or parcel, each relating to a different development. Each sign shall have an area of 32 square feet or less, and shall be grouped so as to present a unified appearance (i.e., uniform height and configuration). No signs shall be less than five feet apart. No sign in such group shall be located within 300 feet of any other off-premise sign that is not part of the group, said distance to be measured in the manner specified in Section 6207(b)5.

v. Number of Signs. The maximum number of signs shall be limited to 4 for each development.

vi. Distance from Development. Signs shall not be located more than three air miles from the advertised development within the Coastal Zone and 5 miles in all other unincorporated areas. Signs located within the Coastal Zone may only advertise developments within the Coastal Zone.

vii. Construction. Double-faced signs shall be so constructed that the area and perimeter of both faces coincide and are back to back in parallel planes at a distance not to exceed 24 inches apart.

viii. Sign Copy. Copy shall be limited to name of the development and the developer; size, type, address, telephone number and price range of properties being offered and directional information.

ix. Lighting. Signs shall not be illuminated.

x. Appearance and Maintenance. Signs shall be maintained as required to assure a well-kept appearance free from graffiti and cracking or peeling paint. The back of single faced signs visible from adjacent property or a public road shall be solid painted or stained in subdued colors or shall be screened from view.

xi. Movement. No sign shall move or rotate, nor display any moving and/or rotating parts. Wind propellers and other noise creating devices shall not be permitted.

xii. Time Limit. Temporary Real Estate Directional Signs are allowed for a period not to exceed 2 years.

2. Community Identification Signs. Community Identification Signs are permitted to identify a community, its civic, fraternal, and religious organizations, and its community slogan or motto, if the following requirements are met:

i. Number and Location. Not more than one sign may be located along any principal approach route to a community. A sign may be allowed within a County road right-of-way subject to all required permits and approvals by the Department of Public Works.

ii. Area and Height. Each sign may be single-faced or double-faced with no face to exceed an area of 100 square feet except as allowed pursuant to subsection (a) below. No sign shall exceed a height of 20 feet except as allowed pursuant to subsection (b) below.

(a) A sign located over a public road may be single-faced or double-faced with no face to exceed an area of 225 square feet.

(b) A sign located over a public road may be allowed up to a height of 25 feet in order to provide a 16 foot minimum clearance between the lowest extremity of the sign and the highest ground elevation directly below, as required by the Department of Public Works.

iii. Movement. With the sole exception of a clock, no part of any sign shall move or rotate, nor display any moving and/or rotating parts. The sign shall

not include changeable copy or lights used to convey any messages or convey the effect of movement, or flashing, intermittent or variable intensity lighting.

iv. The applicable community or sponsor group shall review the location to ensure that it is placed at the entrance of the community.

v. Site Plan. Obtain any required Site Plan permit or Site Plan permit exemption.

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

3. Directional Signs. Upon issuance of an Encroachment Permit, signs may be authorized in public rights of way for traffic safety purposes to identify and provide directional information to facilities generating large numbers of vehicles or destinations for emergency vehicles in accordance with Board of Supervisors Policy J-5 and Section 4-04.13 of the CalTrans Traffic Manual.

4. Temporary Open House Directional Signs. Temporary Open House Directional Signs are off-premise signs providing directions to an existing individual dwelling that is offered for resale. Such signs are permitted if the following conditions are met:

i. Display shall be limited to daylight hours, after which time the signs shall be removed.

ii. Placement shall be only on private property, not in public road rights-of-way, and shall be subject to the property owner's permission.

iii. Signs shall be limited to no larger than four square feet in area.

iv. No more than one such sign shall be placed on any parcel, except for corner lots which may have one such sign on each street frontage.

v. Sign copy shall state "Open House" and, in addition shall be limited to the name and phone number of the person and/or agency offering the property for sale, the address of or direction to the property, and a directional arrow.

vi. Signs must be related to an individual dwelling that is offered for resale only.

5. Commercial or Industrial Center Identification Signs. Upon issuance of an Administrative Permit, freestanding or monument signs may be authorized to identify a multi-tenant commercial or industrial center, and/or its tenants which are on more than one contiguous lot or parcel. If the sign is proposed in an area having zoning that requires Site Plan review of such signs, then no Administrative Permit is required. The following requirements shall be met:

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i. Location. Commercial or Industrial Center Identification Signs may be located within the boundaries of a commercial or industrial center that can visually and functionally be identified as a unified development.

ii. Number, Area, Height and other standards. Commercial or Industrial Center Identification Signs may be substituted for on-premise signs normally permitted by Section 6263, provided they comply with the sign standards that would apply to such on-premise signs.

iii. Site Plan. Obtain any required Site Plan permit, or Site Plan permit exemption.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 6389 (N.S.) adopted 7-7-82)
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)
(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)
(Amended by Ord. No. 6864 (N.S.) adopted 11-07-84)
(Amended by Ord. No. 7169 (N.S.) adopted 7-09-86)
(Amended by Ord. No. 7658 (N.S.) adopted 08-02-89)
(Amended by Ord. No. 8028 (N.S.) adopted 1-15-92)
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)
(Amended by Ord. No. 8555 (N.S.) adopted 7-14-95)
(Amended by Ord. No. 8962 (N.S.) adopted 9-23-98)
(Amended by Ord. No. 9101 (N.S.) adopted 12-8-99)
(Amended by Ord. No. 9472 (N.S.) adopted 5-15-02)
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

6208 ADMINISTRATIVE PERMIT APPLICATION.

An Administrative Permit may be issued as provided by the Procedure at Section 7050 and pursuant to these regulations. The application for an Administrative Permit shall include the written consent of the owner, lessee, or other person having legal possession of the property upon which a sign is to be situated and shall be accompanied by the fee fixed pursuant to Section 7602.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)
(Amended by Ord. No. 9472 (N.S.) adopted 5-15-02)

6211 BUILDING PERMIT REQUIRED.
Issuance of Administrative Permits does not eliminate the need for obtaining a building permit pursuant to the Uniform Building Code.

(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)
(Amended by Ord. No. 9472 (N.S.) adopted 5-15-02)

6212 ISSUANCE OR DENIAL
The Director of Planning or whomever is charged with permitting a particular sign shall, within sixty (60) days of the filing of a complete permit application, approve and issue the permit if the standards and requirements of this part have been met, unless the time is mutually extended by the parties. No action by the Director within 60 days shall constitute a denial.

(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 6691 (N.S.) adopted 7-09-86)
(Amended by Ord. No. 7169 (N.S.) adopted 7-09-86)
(Amended by Ord. No. 9472 (N.S.) adopted 5-15-02)

6214 NONCONFORMING SIGNS - ABATEMENT SCHEDULE.
Notwithstanding the Nonconformity Regulations commencing at Section 6850 every sign that does not conform to these regulations shall be deemed to be nonconforming and shall be removed, or altered to conform with these regulations as follows:

a. Illegal/Abandoned Signs. Illegal and/or abandoned signs shall be removed or brought into conformance immediately.

b. Signs in residential and agricultural zones. Nonconforming signs located on property subject to Residential Use Regulations or Agricultural Use Regulations shall be removed without compensation in accordance with Section 5412.1 and 5412.3, respectively, of the California Business and Professions Code.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)
(Amended by Ord. No. 7169 (N.S.) adopted 7-09-86)
(Amended by Ord. No. 9472 (N.S.) adopted 5-15-02)

6217 ABATEMENT OF SIGN VIOLATIONS.
In the event a nonconforming sign is not removed or brought into compliance, or a sign is constructed or maintained in violation of these regulations, the Director shall order such sign to be abated by the owner thereof, or by the owner of the premises upon which it is located, or by any other person responsible for the sign by notice in the form of registered mail. If the Director orders the abatement of any nonconforming, abandoned or illegal sign, such abatement shall be completed within 30 days after receipt of notice to abate by the sign owner, landowner, or any person responsible for the sign. However, the person so notified may within 10 days request, in writing, an informal administrative hearing by the Director; the decision of said hearing to be final.

If the sign is not abated at the end of the 30 day period, or if a hearing is requested, at the end of the time specified, the Director may inform the Director of Public Works who may cause County forces to enter the property forthwith to remove and impound the sign. The remedy provided in this paragraph shall not be exclusive but shall be in addition to the remedies provided in the Enforcement Procedure at Section 7700.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)
(Amended by Ord. No. 8555 (N.S.) adopted 7-14-95)
(Amended by Ord. No. 8962 (N.S.) adopted 9-23-98)

6218 MANNER OF ABATEMENT OF NONCONFORMING SIGNS.
Unless some other means of abatement is approved by the Director, abatement of nonconforming signs shall be accomplished in the following manner:

a. Signs Painted on Buildings, Walls, Fences and Other Structures or Things. By removal of the paint that constitutes the sign, or by painting over it with a color that matches or closely resembles the color of the building or structure, wall, fence, or thing, so that the sign shall not thereafter be visible.

b. Other Signs. By complete removal of the sign and all dependent structures and supports; or, after issuance of an Administrative Permit therefore, by modification, alteration, relocation or replacement thereof in conformance with these regulations.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)
(Amended by Ord. No. 8555 (N.S.) adopted 7-14-95)
(Amended by Ord. No. 8962 (N.S.) adopted 9-23-98)
(Amended by Ord. No. 9472 (N.S.) adopted 5-15-02)

6219 MAINTENANCE OF NONCONFORMING SIGNS.
Nothing in these regulations shall prevent normal maintenance or repair of any nonconforming sign or sign structure. Normal maintenance or repair shall be limited to only the following:

a. Advertising changes.

b. Routine cleaning and painting.

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c. Replacement of nuts, bolts, screws, or nails.

d. Re-leveling or plumbing the structure without the addition of guys or struts for stabilization.

Any changes such as extensions, enlargements, replacements, or the rebuilding of a non-conforming sign is prohibited.

(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)
(Amended by Ord. No. 7169 (N.S.) adopted 7-09-86)

6220 COMPENSATION FOR SIGN REMOVAL.
Compensation shall be awarded as provided by the Outdoor Advertising Act (Business and Professions Code, Section 5412 et seq.), State of California.

(Added by Ord. No. 7169 (N.S.) adopted 7-09-86)

6221 SEVERABILITY.
If any section, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid or unconstitutional.

(Added by Ord. No. 9472 (N.S.) adopted 5-15-02)

ON-PREMISE SIGN REGULATIONS

6250 TITLE AND PURPOSE.
The provisions of Section 6250 through 6299, inclusive, shall be known as the On-Premise Sign Regulations. It is the purpose of these provisions to establish a comprehensive system for the regulation of on-premise signs. It is intended that these regulations provide a reasonable level of sign standards and controls in order that the public convenience may be properly served and enhanced; and through the regulation of such elements as the number, size, height and location of signs, and the orderly upgrading of outmoded and excessive sign displays, to protect the public welfare, promote traffic safety, prevent blight, promote aesthetics and make substantial contribution toward accomplishing a more desirable Countywide environment.

(Amended by Ord No. 9472 (N.S.) adopted 5-15-02)

6252 EXEMPT ON-PREMISE SIGNS.
The following shall be exempt from these regulations and shall not require sign permits.

a. Directional, warning or informational signs required or authorized by law which are erected by federal, state, county, municipal, or hospital district officials.

b. Official notices issued by a court or public body or office and posted in the performance of a public duty.

c. Danger signs, railroad crossing signs and signs of public utility companies indicating danger and aids to service or safety.

d. House numbers and only one sign per house not exceeding 2 square feet in area displaying name and occupation of occupant.

e. "No Trespassing," and "No Parking" and similar warning signs.

f. Flags, emblems and insignia of a nation or political subdivision.

g. Commemorative signs or plaques of historical organizations.

h. Temporary displays of a civic, political, patriotic, religious or charitable nature.

i. Signs on public transportation vehicles regulated by a political subdivision, including but not limited to buses and taxicabs.

j. Signs on licensed commercial vehicles.

k. Signs that are not intended to be viewed from public streets and or beyond the premises and are not legible therefrom such as signs in interior areas of shopping centers, commercial buildings and structures, ball parks, stadiums, race tracks and similar uses of a recreational or entertainment nature.

l. Changing the copy of a sign and/or performing maintenance that does not involve structural changes.

m. On each lot or parcel, one sign not larger than 4 square feet in size specifying the zone of the property, the uses of such property authorized by this ordinance and/or the fact that a Major or Minor Use Permit has been granted for the use of the property.

n. Incidental signs showing trading stamps offered, credit cards accepted, notices of services required by law, trade affiliations, and the like, attached to a freestanding sign structure or building; provided that all of the following conditions hold:

1. The signs number no more than 4.

2. No such sign projects beyond any property line.

3. No such sign shall exceed an area per face of 5 square feet.

o. Signs on awnings or removable canopies not permanently attached to or built as part of a building, subject to the following conditions:

1. No such sign shall exceed an area of 4 square feet on any side of such awning or canopy.

2. The sign copy shall be limited to name, occupation, street address, telephone number, and/or date of establishment, which copy may relate to one or more separate establishments.

p. Tenant Identification signs, provided that all of the following conditions hold:

1. No more than 2 such signs having an area of not more than 4 square feet each may be placed on a building facing or fence.

2. The sign copy shall be limited to name, occupation, street address, telephone number, date of establishment, trade organization associations, and/or names of products produced under registered trade names, which copy may relate to one or more separate establishments.

q. Occupant directory sign of not more than 20 square feet.

r. Temporary window signs constructed of paper, cloth or similar expendable material, provided:

1. The total area of such signs shall not exceed 25 percent of the window area.

2. Such signs shall be affixed only to the interior window surface for a short period of time to promote a particular sale of produce or merchandise.

s. One sign not exceeding 32 square feet offering premises for sale or lease, shall be permitted along each frontage, except that for any frontage in excess of 500 feet, a sign not exceeding 64 square feet shall be permitted. No sign shall exceed a height of 12 feet. In residential zones, such signs are limited to 4 square feet in area and a maximum height of 6 feet.

t. Temporary construction site signs, provided that all of the following conditions hold:

1. One nonilluminated sign having a total area of not more than 160 square feet shall be permitted along each frontage; except that 2 such signs may be placed along a frontage having a length in excess of 500 feet.

2. Such signs may be either freestanding or wall signs or may be mounted on a temporary construction fence, and shall be permitted only for the duration of the construction with which associated. Such signs will not be subject to the regulations applicable to freestanding signs or wall signs.

3. Such signs may not exceed a height of 20 feet.

u. One sign less than or equal to 12 square feet in area for an allowed roadside sales stand, wholesale nursery, Small Winery or Boutique Winery identifying and advertising agricultural products produced on the premises.

v. One identification sign up to 20 square feet identifying a residential development, multiple dwellings, clubs and similar uses on each street frontage affording primary access to the site.

w. Identification signs up to a total of 40 square feet identifying hotels, motels, hospitals, parking garages, institutions of religious, educational, philanthropic or charitable nature, and resort service uses subject to the Resort Services Regulations at Section 6400.

x. For any use type allowed by the granting of a major use permit, placement, number, and size of on-premise signs shall be determined by the conditions of approval of the major use permit.

y. Signs for recycling facilities provided that all of the following conditions hold:

1. Recycling facilities may have identification signs with a maximum area of 20 percent of each receptacle side or 16 square feet, whichever is smaller. In the case of a wheeled receptacle, the side shall be measured from the pavement to the top of the receptacle;

2. Directional signs, bearing no advertising message, may be installed with the approval of the Director if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of way;

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3. The Director may authorize increases in the number and size of signs upon finding that such increases are compatible with adjacent businesses.

z. In each instance and under the same conditions as this chapter permits any sign, a sign containing an ideological, political or other non-commercial message and constructed to the same physical dimensions and characteristic shall be permitted.

(Amended by Ord. No. 6389 (N.S.) adopted 7-7-82)
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)
(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)
(Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)
(Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 9472 (N.S.) adopted 5-12-02)
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)
(Amended by Ord. No. 10067 (N.S.) adopted 8-4-10)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6259 PORTABLE ON-PREMISE SIGNS PROHIBITED.
Portable on-premise signs shall be prohibited.

6261 ON-PREMISE SIGNS REGULATED.
Except for the signs specified in Sections 6252, 6259, 6268 and 6269, on- premise signs may be erected, constructed, placed, created by painting, structurally altered, relocated or maintained provided that a building permit has been issued subject to the following provisions:

a. Permitted Locations. On-premise signs may be placed in the following locations, unless prohibited:

1. On premises subject to the C34, C35, C36, C37, C38, C40, C42, C44, M50, M52, M54, and M58 Use Regulations.

2. On premises in any zone where a nonconforming commercial or industrial use type exists.

3. Fallbrook Village Zones.

b. Restricted Locations. Locations subject to Special Area Regulations and to use permits shall be additionally subject to the following limitations:

1. On-premise signs are permitted in zones subject to the Scenic Area Regulations or Historic/Archaeological Landmark and District Area Regulations in accordance with an approved Site Plan. The aggregate area of all signs for any premises shall not exceed one square foot for each linear foot of street frontage. The aggregate sign area for each establishment shall not exceed one square foot for each linear foot of building. No establishment shall have an aggregate sign area greater than 100 square feet.

2. On premise signs are permitted on sites subject to use permits in accordance with the terms and conditions of the use permit or modification. Signs may be altered, relocated or added upon the issuance of a minor use permit provided that such change is not specifically prohibited by the use permit condition.

c. Setbacks. Freestanding and projecting signs may be located in or project into any portion of the premises in a commercial or industrial zone.

d. Permitted Combinations of Sign Types.

1. Roof signs shall be permitted in combination only with wall signs, except no roof signs shall be permitted within the California Coastal Zone or in conjunction with an adult entertainment establishment.

2. Projecting signs are permitted in combination only with wall signs and one freestanding sign, except no projecting signs shall be permitted in conjunction with an adult entertainment establishment.

3. Two freestanding signs, where permitted, shall be permitted in combination with wall signs. A projecting sign may be substituted for one freestanding sign, except no projecting sign shall be permitted in conjunction with an adult entertainment establishment.

e. Lighting. Signs may be illuminated unless otherwise specified, provided such signs are so constructed that no light bulb, tube, filament or similar source of illumination is visible beyond the property lines. Neon signs are permitted provided they do not flash. Signs making use of lights to convey the effect of movement, or flashing, intermittent or variable intensity lighting shall not be permitted, except as allowed herein. Electronic or electrically controlled signs that contain a moving message, or a message that appears to move, shall be allowed only upon issuance of an Administrative Permit, and shall be additionally subject to the following limitations:

1. The characters incorporated into the message shall not change in intensity, hue or size as they move across the sign.

2. Such signs shall be limited to the C36, C37, M52, M54, and M58 zones within the Village Regional Category of the Land Use Element of the General Plan, and to properties abutting streets that are categorized in the Mobility Element of the General Plan as Community, Light or Minor Collector Roads, Boulevard, Major Roads, Prime Arterial or Expressway.

3. Such signs shall not be allowed in areas subject to the S Scenic Special Area Regulations Designator.

4. The Site Plan permit exemption provisions of Section 7156(b). shall not be applied to any Site Plan proposing such signs.

5. The Administrative Permit application shall be provided to the Director of Public Works for review and recommendation, including appropriate limits on the intensity of lights allowed and that the location and design of the sign shall not create a traffic hazard, prior to final action.

f. Movement. No signs shall move or rotate, nor display any moving and/or rotating parts. Wind propellers and other noise creating devices shall not be permitted.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 5809 (N.S.) adopted 6-18-80, operative 9-1-80)
(Amended by Ord. No. 6187 (N.S.) adopted 11-18-81)
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)
(Amended by Ord. No. 6743 (N.S.) effective 1-11-85)
(Amended by Ord. No. 7829 (N.S.) adopted 10-24-90)
(Amended by Ord. No. 8015 (N.S.) adopted 12-04-91)
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)
(Amended by Ord. No. 9472 (N.S.) adopted 5-12-02)
(Amended by Ord. No. 9620 (N.S.) adopted 12-10-03)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

6263 FREESTANDING SIGNS.

a. Number Permitted.

1. Premises having a minimum of 50 feet of frontage may be permitted one freestanding sign for each street frontage. Premises having a frontage of 250 feet or more along the same street may have one additional freestanding sign, except that an adult entertainment establishment shall be limited to one freestanding sign for each street frontage.

2. Where two (2) freestanding signs are permitted on a frontage, the allowable area may be combined into one sign, provided the area does not exceed a maximum area of 200 square feet.

3. One freestanding freeway-oriented sign may be substituted for one permitted freestanding sign, except that an adult entertainment establishment shall not substitute a freeway-oriented sign.

4. One sign to identify freeway service facilities is permitted such an establishment as provided by the following subsection (c)(2).

b. Area.

1. The area of a freestanding sign shall not exceed 1.25 square feet for each linear foot of street frontage, provided the area does not exceed 175 square feet, except that the area of a freestanding sign in conjunction with an adult entertainment establishment shall not exceed 10 feet in height or width and a total of 100 square feet.

2. The maximum area of a freeway oriented sign shall not exceed 300 square feet.

c. Height.

1. A freestanding sign shall not exceed a height measured from the ground of:

i. Eight feet in zones within the California Coastal Zone except that freeway oriented signs shall be subject to the hereinafter specified height limits pertaining to such signs;

ii. Twenty feet in zones subject to the Scenic Area and Historic/Archaeological Landmark and District Regulations;

iii. Twenty-five feet in any zone subject to the C34, C35, C36, C40, C42, C44, M50 and M52 Use Regulations; or

iv. Thirty-five feet in any zone subject to the C37, C38, M54 and M58 Use Regulations.

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v. Six feet in Fallbrook Village Zones V1, V2, V3, V4 and V5.

2. A freeway-oriented sign may be increased 10 feet above the height specified in paragraph 1 above.

d. Clearance. A freestanding sign that projects above a driveway, parking lot aisle or parking space, shall maintain a clearance of 8 feet. A clearance less than 16 feet, shall be clearly labeled at the bottom of each sign face.

e. Projection Over Roof. Any freestanding sign that projects over the roof of a building shall be considered a roof sign for the purpose of establishing the allowable area and shall be subject to the area standards specified in Section 6266.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 5809 (N.S.) adopted 6-18-80, operative 9-1-80)
(Amended by Ord. No. 6187 (N.S.) adopted 11-18-81)
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)
(Amended by Ord. No. 6743 (N.S.) effective 1-11-85)
(Amended by Ord. No. 8015 (N.S.) adopted 12-04-91)
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)
(Amended by Ord. No. 9472 (N.S.) adopted 5-15-02)
(Amended by Ord. No. 9620 (N.S.) adopted 12-10-03)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6265 WALL SIGNS.

a. Area. The maximum area of wall signs, including permanent window signs, on a single building facing shall be calculated as follows:

1. Where wall signs are the only sign type on the premises the area shall not exceed 3.5 square feet for each linear foot of building facing, not to exceed a maximum of 350 square feet per building face, except that the area of said wall sign(s) in conjunction with an adult entertainment establishment shall not exceed 15 feet in height or width and a total of 225 square feet.

2. Where a wall sign(s) and a freestanding sign(s) are used in combination on a premise the area of the wall sign shall not exceed 1.5 square feet for each linear foot of building facing, not to exceed a maximum of 250 square feet per building face, except that the area of said wall sign(s) in conjunction with an adult entertainment establishment shall not exceed 10 feet in height or width and a total of 100 square feet.

3. Where wall signs are combined with projecting or roof signs (no freestanding signs) on the premises the area of the wall sign shall not exceed 1.0 square feet for each linear foot of building facing, not to exceed a maximum of 200 square feet per building facing.

4. The allowable area for wall signs on one frontage shall not be combined with the allowable area for wall signs on another frontage.

5. Each establishment shall be permitted a wall sign of 50 square feet provided no freestanding, roof or projecting signs are located on the same premises.

b. Location. Wall signs may not project above the top of a parapet, the roof line at the wall, or roof line. Wall signs on a sloping roof may not project above the ridge line.

(Amended by Ord. No. 8015 (N.S.) adopted 12-04-91)

6266 ROOF SIGNS.

a. Permit Required. A roof sign is permitted by issuance of an Administrative Permit upon the finding by the Director that no alternate sign location exists on the premises that would provide reasonable exposure except that no permit for roof signs shall be issued in the area covered by the California Coastal Zone or along State or County designated scenic highways or in conjunction with an adult entertainment establishment.

b. Number. Only one roof sign consisting of not more than 2 faces may be permitted for any premises.

c. Area. The permitted areas of roof signs shall be calculated in accordance with the following:

1. The area of a roof sign shall not exceed 1.0 square foot for each linear foot of street frontage not to exceed a maximum of 100 square feet.

2. The maximum area of a freeway oriented roof sign shall not exceed 200 square feet.

d. Height. Maximum height shall be 10 feet above the roof height measured at the top of the parapet or the ridge line as appropriate notwithstanding the height limit of the zone.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)
(Amended by Ord. No. 6743 (N.S.) effective 1-11-85)
(Amended by Ord. No. 8015 (N.S.) adopted 12-04-91)
(Amended by Ord. No. 9472 (N.S.) adopted 5-15-02)

6267 PROJECTING SIGNS.

Projecting signs may be erected or placed in accordance with the following provisions:

a. Number. An establishment with frontage on a street may have one projecting sign along each street instead of a freestanding sign or a roof sign, except no projecting sign shall be permitted in conjunction with an adult entertainment establishment.

b. Area. The area of a projecting sign shall not exceed 0.5 square foot for each linear foot of building facing not to exceed 100 square feet.

c. Height. Projecting signs may not extend above the roof line at the wall or above the top of a parapet wall.

d. Installation. Projecting signs shall be so installed that support is not visible.

(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)
(Amended by Ord. No. 8015 (N.S.) adopted 12-04-91)

6268 OTHER SIGN TYPES.

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

a. Directional Signs. Signs to direct or control on-premise traffic or parking provided such signs do not exceed an area per face of 8 square feet nor a height of 8 feet.

b. Accessory Signs-Drive-In and Drive-Through Businesses. Such signs shall not be designed to be viewed from beyond the premises and each shall not exceed 25 square feet per frontage.

c. Banners, Pennants and Similar Devices. Strings or individual banners, streamers, inflatables, pennants and similar devices; provided that one of the following holds:

1. Such signs are for the purpose of calling attention to a grand opening of a new business. Any required Site Plan permit, or Site Plan permit exemption, shall be obtained from the Department. Such temporary signs may be displayed for a maximum of 60 days and then must be removed from display.

2. Such signs are for the purpose of calling attention to a temporary use accessory to residential construction pursuant to the Temporary Use Regulations at Section 6116. Such signs are permitted along both sides of the interior street affording principal access to the model homes and within that portion of the subdivision or other residential development devoted to display of model homes, provided:

i. Except as hereinafter specified, each flag, banner, or pennant must be affixed to a separate standard implanted in the ground.

ii. Said standards are to be spaced at least 10 feet apart and, except as hereinafter specified, are not to exceed 12 feet in height.

iii. One flagpole not exceeding the height limit of the applicable zone may be provided within the area devoted to display of model homes and may be used only to display flags.

d. Service Station Signs. One sign relating to grades and prices of gasoline and diesel fuel shall be permitted per station frontage.

e. Temporary Real Estate Signs. The following temporary signs for the purpose of promoting initial residential sales are permitted pursuant to the Temporary Use Regulations at Section 6116 and 7156 and are in addition to the banners, pennants and similar devices permitted at Section 6268 (c):

1. Unlighted freestanding signs identifying the residential development provided that the aggregate area of all signs shall not exceed 800 square feet. One such sign may have a maximum area of 200 square feet provided no other sign exceeds an area of 100 square feet. One sign may be adjacent to each street which provides access to the residential development.

2. One unlighted sign not exceeding 16 square feet in area for each model home and sales office.

f. Mobilehome and Recreation Vehicle Park Signs. Signs located within mobilehome or recreational vehicle parks may be permitted subject to the following

1. One wall sign or freestanding sign identifying the mobilehome or recreational vehicle park is permitted adjacent to each street which provides primary access to the park. No freestanding sign shall exceed a height of 8 feet. No sign shall exceed 32 square feet in area.

2. One directional sign without any advertising at each driveway. Each sign shall not exceed 8 square feet or 8 feet in height. Directional signs may be lighted.

(Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)
(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)
(Amended by Ord. No. 9101 (N.S.) adopted 12-8-99)
(Amended by Ord. No. 9472 (N.S.) adopted 5-15-02)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

6269 SIGNS IN THE RC, C30, C31 AND C32 USE REGULATIONS.
Signs are permitted in the C30, C31 and C32 Use Regulations and for Commercial Use Types in the RC Use Regulations as follows:

a. One wall sign on each wall of a building facing a street but not more than two wall signs for each building, provided that each sign shall be limited to a maximum area of 20 square feet.

b. One monument sign on each street frontage of the premises.

c. One occupant directory sign at or near each principal entrance to a multiple occupancy building in lieu of a wall sign permitted by (a) above.

d. One sign of 12 square feet or less for each building facing/tenant occupancy in lieu of one wall sign per building frontage.

(Added by Ord. No. 6691 (N.S.) adopted 11-30-83)

6271 ON-PREMISE SIGNS -- APPLICATION AND FEES.
Applications for signs specified in Sections 6261 through 6269 shall be signed by the owner or include a statement signed by the owner, lessee or other person having legal possession of the property upon which a sign is to be situated giving his/her consent to the application for placement of such sign thereon. An application shall be accompanied by the fee prescribed in Section 7602 and shall list and describe all existing signs on the premises.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)
(Amended by Ord. No. 9472 (N.S.) adopted 5-15-02

6277 BUILDING PERMIT REQUIRED.
Issuance of Administrative Permit does not preclude the requirement for obtaining a building permit pursuant to the Uniform Building Code.

(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)

6279 ISSUANCE OR DENIAL.
The Director of Planning or whomever is charged with permitting a particular sign shall, within sixty (60) days of the filing of a complete permit application, approve and issue the permit if the standards and requirements of this part have been met, unless the time is mutually extended by the parties. No action by the Director within 60 days shall constitute a denial.

(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)
(Amended by Ord. No. 9742 (N.S.) adopted 5-12-02)

6281 NONCONFORMING SIGNS--ABATEMENT SCHEDULE.
Notwithstanding the Nonconformity Regulations commencing at Section 6850 every lawfully erected sign which no longer conforms to these regulations shall be deemed to be a nonconforming sign and shall be removed, or altered, to conform with these regulations as follows:

a. Illegal/Abandoned Signs. Illegal and or abandoned signs shall be removed or brought into conformance immediately.

b. Nonconforming Signs. Within 5 years from the date on which a sign becomes nonconforming, it shall be removed or brought into conformance with these regulations; provided, however:

   1. If such sign has been allowed to be depreciated for tax purposes by the Internal Revenue Service and evidence is presented that the cost has not been fully recovered upon expiration of said 5 year period, such sign may remain until its cost has been recovered in accordance with the depreciation schedule on the date that the sign became nonconforming.

   2. Documentation necessary to establish the remaining or undepreciated value shall be presented to the Director prior to expiration of the 5 year period. The Director shall determine to his/her satisfaction the validity of all documentation presented. Appeals from decisions of the Director shall be taken pursuant to the Administrative Appeal Procedure commencing at Section 7200.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)

6283 ORDER TO ABATE SIGN VIOLATIONS.
In the event a nonconforming sign is not voluntarily removed or brought into compliance, when required or if a sign is erected or maintained in violation of these regulations, or becomes abandoned the Director shall order such sign to be abated by the owner thereof, or by the owner of the premises upon which it is located, or by any other person responsible for the sign, by notice in the form of registered mail. However, the person notified may within 10 days request, in writing, an informal administrative hearing by the Director; the decision of said hearing to be final.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)
(Amended by Ord. No. 8555 (N.S.) adopted 7-14-95)
(Amended by Ord. No. 8962 (N.S.) adopted 9-23-98)

6287 METHOD OF ABATEMENT OF VIOLATIONS .
Unless some other means of abatement is approved in writing by the Director, abatement of nonconforming illegal and abandoned signs shall be accomplished in the following manner:

a. Signs Painted on Buildings, Walls, Fences and Other Structures or Things. By removal of the paint which constitutes the sign, or by painting over it with a color that matches or closely resembles the color of the building or structure, wall, fence, or things, so that the sign shall not thereafter be visible.

b. Other Signs. By complete removal of the sign and supports; or, by modification, alteration, relocation or replacement.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)
(Amended by Ord. No. 8555 (N.S.) adopted 7-14-95)
(Amended by Ord. No. 8962 (N.S.) adopted 9-23-98)

6289 MAINTENANCE OF NONCONFORMING SIGNS.
Nothing in these regulations shall prevent the normal maintenance or repair of any nonconforming sign or sign structure during its effective life. Illegal, abandoned or nonconforming signs which are brought into conformance and compliance with current regulations shall have the required Administrative Permit and/or building permit.

(Amended by Ord. No. 9472 (N.S.) adopted 5-15-02)

6290 SEVERABILITY.
If any section, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, sentence, clause of phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause of phrase be declared invalid or unconstitutional.

PERFORMANCE STANDARDS

6300 TITLE AND PURPOSE.
The provisions of Section 6300 through Section 6349, inclusive, shall be known as the Performance Standards. The purpose of these provisions is to control dangerous or objectionable environmental impacts of commercial and industrial uses and outdoor lighting in all use classifications. These standards shall apply pursuant to Section 6306.

(Amended by Ord. No. 5933 (N.S.) adopted 11-19-80)

6302 EXISTING USES.
Uses existing on the effective date of The Zoning Ordinance, on the date of a subsequent rezoning or other amendment thereto applying more restrictive performance standards to such uses, shall not be required to change their operations to comply with the performance standards. However, their operations shall not be so changed as to result in a greater degree of nonadherence with respect to these standards.

6304 COMPLIANCE.
The Director may require the applicant for any permit to submit such information with respect to proposed machinery, processes, products, or environmental impacts as may be necessary to demonstrate the ability of the proposed uses to comply with applicable performance standards. Such required information may include reports by expert consultants. Whenever an environmental impact report has been submitted and determined to be adequate under state and county guidelines, no further information shall be required.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

6306 NOISE STANDARD APPLICABILITY.
When located in the zones specified in Section 6310, any industrial use and Construction Sales and Services, Scrap Operations, and Wholesaling Storage and Distribution Use shall be so operated that the noise level inherently and regularly generated shall not exceed the noise limits indicated by Section 6310 after modification, where applicable, by the correction factors indicated in Section 6312. Sound from construction or demolition work and warning devices are exempted from these standards. Nothing in the Zoning Ordinance shall limit the application of provisions of the San Diego County Code pertaining to noise.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

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6308 NOISE LEVEL MEASUREMENT.

The following provisions shall determine means for measuring noise levels. Where these provisions conflict with other provisions of the San Diego County Code, the following shall remain applicable for purposes of the Zoning Ordinance.

a. Setting of Meter. Any sound or noise level measurement made pursuant to the provisions of this ordinance shall be measured with a sound level meter using the A-weighting and "slow" response pursuant to applicable manufacturer's instructions, except that for sounds of a duration of 2 seconds or less the "fast" response shall be used and the average level during the occurrence of the sound reported.

b. Calibration of Meter. The sound level meter shall be appropriately calibrated and adjusted as necessary by means of acoustical calibrator of the coupler-type to assure meter accuracy within the tolerances set forth in American National Standards ANSI-SI.4-1971.

c. Location of Microphone. All measurements shall be taken at any lot line of the lot containing the use, except as otherwise provided by this subsection. For outside measurements, the measuring microphone shall not be less than 4 feet above the ground, at least 4 feet distance from walls or other large reflecting surfaces and shall be protected from the effects of wind noises by the use of appropriate wind screens. In cases when the microphone must be located within 10 feet of walls or similar large reflecting surfaces, the actual measured distances and orientation of sources, microphone and reflecting of surfaces shall be noted and recorded. In no case shall a noise measurement be taken within 5 feet of the noise source.

d. Measured Sound Levels. The measurement of sound level limits shall be the average sound level for a period of one hour.

6310 NOISE LIMITS.

The following noise level limits shall be applicable, provided that no intermittent sound may exceed the limit by 33 percent.

a. Residential Zone. The noise level limit for industrial or commercial uses located in a residential zone shall be 40 decibels.

b. Commercial Zone. The noise level limit for uses located in a commercial zone shall be 60 decibels.

c. M50 & M52 Use Regulations. The noise level limit for uses located in a zone subject to the M50 and M52 Use Regulations shall be 70 decibels.

d. M54 and M58 Use Regulations. The noise level limit for uses located in a zone subject to the M54 Use Regulations, or in the M58 Use Regulations within 400 feet of any boundary of a residential zone, shall be 75 decibels.

e. M58 Use Regulations. The noise level limit for uses located in a zone subject to the M58 Use Regulations other than within 400 feet of any boundary of a residential zone, shall be 80 decibels.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

6312 NOISE CORRECTION FACTORS.
The following correction factors, when applicable, shall be applied to the maximum noise level limits indicated in Section 6310:

Time and Type of Noise	Correction in Maximum Permitted Decibels
For uses located in a residential zone:	
Emission only between 7 a.m. and the next ensuing 7 p.m.	Plus 10
or	
Emission only between 7 p.m. and the next ensuing 10 p.m.	Plus 5
For uses located in a commercial zone:	
Emission only between 7 p.m. and next ensuing 7 a.m.	Minus 5
Noise of unusual impulsive character, such as hammering	Minus 5
Noise rising or falling in pitch or volume, such as humming, screeching or pulsating	Minus 5
Noise of unusually high sound frequency (more than 5000 cycles per second)	Minus 25

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

6314 VIBRATION.

In zones as indicated below, no commercial or industrial use shall cause a steady state, earth-borne oscillation which is continuous and occurring more frequently than 100 times per minute, or an impact earth-borne oscillation is discrete pulses at or less than 100 per minute, with a displacement exceeding the following maximums, provided that ground vibration caused by motor vehicles, trains, aircraft or temporary construction or demolition is exempted from such limits.

Maximum Permitted Steady State Vibration Displacement
(in inches)

Frequency (cycles per second)	M50, M52 M54 and Fallbrook Village 3	M58	All Other Zones
10 and below	.0020	.0039	.0008
10-20	.0010	.0022	.0005
20-30	.0006	.0011	.0003
30-40	.0004	.0007	.0002
40-50	.0003	.0005	.0001
50-60	.0002	.0004	.0001
60 and over	.0001	.0004	.0001

Maximum Permitted Impact Vibration Displacement
(in inches)

Frequency (cycles per second)	Zone M50, M52 M54, and Fallbrook Village 3	M58	All Other Zones
10 and below	.0040	.0078	.0016
10-20	.0020	.0044	.0010
20-30	.0012	.0022	.0006
30-40	.0008	.0014	.0004
40-50	.0006	.0010	.0002
50-60	.0004	.0008	.0002
60 and over	.0002	.0008	.0002

(Amended by Ord. No. 9620 (N.S.) adopted 12-10-03)

6316 PARTICULATE MATTER AND AIR CONTAMINANTS.

All residential, commercial and industrial uses shall be so operated as not to emit particulate matter or air contaminants which are readily detectable without instruments by the average person at or beyond any lot line of the lot containing such uses. Air contaminant emissions shall not exceed any applicable rule or regulation promulgated by the Air Pollution Control District.

(Amended by Ord. No. 5786 (N.S. adopted 6-4-80)

6318 ODORS

All commercial and industrial uses shall be so operated as not to emit matter causing unpleasant odors which are perceptible by the average person at or beyond any lot line of the lot containing said uses.

Zones In Which Uses Are Located	Point of Determination	Dilution
Any residential, commercial agricultural or special purpose zone. Fallbrook Village Zones V1, V2, V4 And V5	At or beyond any lot line of the lot containing the uses.	A ratio of one volume of odorous air to eight or more volumes of clean air.
Any M50, M52, or M54 zones. Fallbrook Village Zone V3	At or beyond any lot line of the lot containing the uses.	A ratio of one volume of odorous air to eight or more volumes of clean air.
Any M58 zone.	At or beyond any boundary of a residential zone.	A ratio of one volume of odorous air to four or more volumes of clean air.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 9620 (N.S.) adopted 12-10-03)

6320 HUMIDITY, HEAT, COLD, AND GLARE.

When located in a zone subject to the Use Regulations, specified below, all commercial and industrial uses shall be so operated as not to produce humidity, heat, cold, or glare which is readily detectable without instruments by the average person at the following points of determination:

Zones In Which Uses Are Located	Point of Determination
Any residential or commercial zone or Fallbrook Village Zones V1, V2, V4 or V5.	At or beyond any lot line of the lot containing the uses.
Any M50, M52 or M54 zone Or Fallbrook Village Zone V3	At or beyond any boundary of the zone.
Any M58 zone	At or beyond any boundary of a residential zone.

(Amended by Ord. No. 9620 (N.S.) adopted 12-10-03)

6322

6322 OUTDOOR LIGHTING.

a. Intent. It is the intent of this section to control excessive or unnecessary outdoor light emissions which produce unwanted illumination of adjacent premises within the unincorporated area of the County of San Diego.

b. Nighttime Requirements. The following forms of outdoor lighting usage are prohibited between 11:00 p.m. and dawn:

1. The operation of searchlights for advertising purposes.

2. The illumination of outdoor public recreational facilities, unless a specific recreational activity requiring the lighting is already in progress. Security lights are excepted.

3. The outside illumination for aesthetic or dramatic purposes of any building and/or surrounding landscape public or private, by lighting fixtures projected above the horizontal.

4. The illumination of outdoor advertising signs projected above the horizontal, except that such signs may remain lit until midnight.

c. Temporary Exemption. Upon written request from any individual, the Director may grant a temporary exemption from the requirements of this ordinance for a period not to exceed 30 days at a time. The request for the exemption shall contain as a minimum the following information:

1. Specific exemption requested.

2. Type and use of outdoor light involved.

3. Duration of time for requested exemption.

4. Type of illumination.

5. Total wattage of lamp or lamps.

6. Proposed location of exterior light.

7. Previous temporary exemptions, if any.

8. Physical size of exterior light.

9. Any additional information the Director deems necessary to make a reasonable evaluation of a temporary exemption request.

The decision of the Director may be appealed in accordance with the Administrative Appeal Procedure commencing at Section 7200.

(Added by Ord. No. 5933 (N.S.) adopted 11-19-80)
(Amended by Ord. No. 7110 (N.S.) adopted 4-02-86)

6324 LIGHTING PERMITTED IN REQUIRED YARDS.
Lighting permitted in required yards by the provisions of Section 4835, shall be subject to the following regulations:

a. Illumination Only. Lights shall be used for the purpose of illumination only, and not designed for or used as an advertising display.

b. Horizontal Cutoff. Luminaires shall be so designed and shielded by horizontal cutoff to eliminate all light directed above the horizontal. The lower edge of the luminaire's housing shall extend below the entire light source and all glassware so that any light emitted above the horizontal is eliminated. Light-directing refractors shall be considered to be light sources.

c. Light Trespass. The illumination of adjacent premises by spill light shall not exceed a value of 0.2 foot candles measured in the horizontal or vertical plane at a point three feet above grade level and five feet inside the adjacent property. This measurement shall be taken15 minutes after the initial start up of the fixture.

d. Minimum Height. Lights illuminating vehicular areas shall be mounted at least 12 feet above the ground.

e. Minimum Spacing. Lighting poles shall be spaced at least 50 feet apart; provided, however, that at least 2 poles may be located on each building site.

f. Removal. Poles and lights shall be removed at the owner's expense when property on which they are located is taken for street widening.

g. Dark Skies Ordinance. All outdoor lighting shall comply with the requirements specified in the County Light Pollution Code, which commences at Section 51.201 of the County Code of Regulatory Ordinances.

(Added by Ord. No. 5933 (N.S.) adopted 11-19-80. Formerly Section 6906)
(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

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.

(Added by Ord. No. 5933 (N.S.) adopted 11-19-80. Formerly Section 6908)
(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)

6330 HELICOPTER TAKEOFF AND LANDING AREA REQUIREMENTS.
Upon issuance of a Major Use Permit, a heliport, a helipad or helistop may be permitted subject community plan criteria and to the following criteria for site selection, site development standards, and site operation standards:

(Added by Ord. No. 7058 (N.S.) adopted 10-30-85)
(Amended by Ord. No. 7673 (N.S.) adopted 9-27-89)

6332 SITE SELECTION CRITERIA.
A heliport, helipad or helistop shall meet the following site location criteria:

1. The proposed facilities shall be located on a site which ensures that such use will not adversely affect the adjoining land and the growth and development of the area in which it is proposed to be located.

2. The site shall be so located to ensure that as much as possible, the approach and departure paths leading to and from the facility are over terrain which affords emergency landing areas such as open parks, golf courses, industrial areas, highways, freeways and open land. Approach and departure paths over residential development, schools, playgrounds or highly populated areas shall be avoided.

3. The size and shape of a proposed site shall be adequate to allow full development of the facility in accordance with Federal Aviation Administration (FAA) standards and in a manner not detrimental to the area in which the facility is proposed in terms of peace, health, safety, and general welfare. All helicopter facilities in residential areas shall have a minimum site area of five acres (gross).

4. The site shall be served by streets and highways adequate in width and pavement type to carry the quantity and type of traffic generated by the facility.

5. The site shall be located so as to permit helicopter operations in conformance with the County Code of Regulatory Ordinances regarding Noise Control.

6. The site shall be located no closer than one-half mile, measured by air line, of the boundary of any public or private school maintaining kindergarten classes or any classes in grades 1 through 12, without approval of the California State Department of Transportation.

7. Heliports and helipads shall be located within 0.5 miles of an existing expressway, prime arterial, major road or boulevard as noted in the Mobility Element of the General Plan.

6332

8. These criteria are waived for takeoff and landing areas that meet the definition of "Incidental Landing Area" as defined in this ordinance.

(Added by Ord. No. 7058 (N.S.) adopted 10-30-85)
(Amended by Ordinance No. 7673 (N.S.) adopted 9-27-89)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6334 SITE DEVELOPMENT REQUIREMENTS.
A heliport, helipad or helistop shall meet the following site development requirements:

a. Heliports, Helipads and Helistops.

1. The length and width or diameter of the takeoff and landing area shall be at least one and one half (1.5) times the overall length of the largest helicopter expected to use the facility.

2. The peripheral area surrounding the takeoff and landing area is intended as an obstacle free safety zone and shall be at least one quarter (1/4) of the overall length of the largest helicopter expected to use the facility, but not less than ten (10) feet.

3. Approach and departure paths to the site shall be governed in accordance with Federal Aviation Regulations (FAR) Part 77 and shall be obstruction free for a minimum distance of four hundred (400) feet from the takeoff and landing area.

4. A wind indicating device shall be provided and maintained at all times in a workable condition.

5. The helicopter landing facilities shall be marked in accordance with and as prescribed by current FAA circulars.

6. Surfacing of the landing facility shall be so as to minimize the blowing of any dust, dirt or other objectionable material onto neighboring property in compliance with the San Diego County Air Pollution Control District Rules and Regulations.

7. Every heliport, helipad or helistop shall be limited in hours of operation to the periods between sunup and sundown daily, unless specifically approved for night operation. The takeoff and landing area of any heliport or helipad approved for night operation shall be provided with adequate lighting, which shall be directed away from adjacent properties or public rights-of-way.

8. Takeoff and landing areas for helicopter facilities in agricultural and residential areas shall be located no closer than 200 feet from any property line. In other areas, takeoff and landing areas shall be no closer than 50 ft. from

any property line; any administrative or operations buildings erected on a heliport site shall be located not closer than 15 feet from any property line; helicopter maintenance facilities shall be located not closer than 25 ft. from any property line; location and setbacks for buildings storing combustibles shall be approved by the Chief Fire Inspector. This requirement shall not apply to a helipad as defined by this ordinance.

9. The exterior edge of the peripheral area shall be fenced or otherwise protected to keep unauthorized persons out of areas of danger; fences shall be a minimum of three feet in height. Fencing requirements shall not apply to a helipad as defined by this ordinance.

10. Facilities located on the water shall be marked and lighted in accordance with Coast Guard Regulations.

11. Adequate fire fighting equipment shall be provided as determined by the Chief Fire Inspector.

12. Such additional conditions may be imposed as deemed desirable, to protect the public health, safety and welfare.

b. Helipads and Helistops Located on a Structure. In addition to the site development requirements set forth in a. above, helipads and helistops shall meet the following additional requirements:

1. The provisions of the Uniform Building Code shall be complied with.

2. The roof shall be provided with a 12 inch parapet and where openings pierce the roof, they shall be provided with a 6 inch high curb and fire protected as required for vertical shafts. No openings in the roof shall be permitted within 25 feet of the touch down boundaries.

3. Landing pads raised above roof level shall have no less than two (2) three foot wide stairs provided to the roof below.

4. No fueling or repairing of helicopters shall be permitted, except of an emergency nature when approved by the Chief Fire Inspector.

5. Two or more wet standpipes shall be provided to reach all parts of the roof equipped with one and one half inch rubber lined fire hose not over 100 feet in length. Hose shall be equipped with combination fog nozzles. Sufficient pressure shall be provided to afford a good fog pattern. Hose cabinets shall be located near the separate exits.

6334

6. The electrical wiring and equipment in the landing pad area shall comply with requirements of the National Electric Code for Class 1, Division 2, Hazardous Locations.

7. Mechanical, air handling and air conditioning equipment for penthouses must be 25 feet from the landing pad, outside the landing and takeoff pattern and protected by substantial incombustible barrier on the side toward the landing pad.

8. Landing areas shall be marked in accordance with FAA recommended standards and shall include a number indicating the maximum gross weight of any helicopter allowed to use the facility.

(Added by Ord. No. 7058 (N.S.) adopted 10-30-85)
(Amended by Ord. No. 7673 (N.S.) adopted 9-27-89)

6336 SITE OPERATION STANDARDS.
All new heliports, helipads and helistops shall meet the following site operation standards:

a. The hours of operation shall be limited to the periods between sunup and sundown daily, unless properly lighted and specifically approved for night operation.

b. Emergency fire fighting equipment consisting, at a minimum, of two fire extinguishers of at least 16BC rating each shall be provided as deemed necessary and adequate by the Chief Fire Inspector and the State of California. No smoking shall be permitted within 50 feet of the landing pad.

c. Emergency communications shall be available between the heliport, helipad or helistop and the fire department communications center. These facilities may consist of a standard fire alarm or convenient, on-site telephone service.

d. Where allowed, fueling and maintenance facilities including separator or clarifying tanks for collecting spilled fuel shall be installed under approval and supervision of the Chief Fire Inspector.

e. All trash receptacle areas in the vicinity of helicopter facilities shall be enclosed by masonry walls 6 feet in height and a solid wooden gate of equal height. Trash bins and receptacles shall have lids to prevent blowing of litter and debris.

f. A wind indicating device shall be provided and maintained on the site at all times in workable condition.

g. Any helicopter takeoffs or landings within 3 miles of any airport manned by an FAA control tower shall maintain two-way radio contact with the airport's traffic control tower.

h. This section shall not apply to public service helicopters taking off or landing from an "incidental landing area" as defined by this ordinance. For purposes of this section, "public service helicopters" are helicopters owned or leased to a governmental entity, or helicopters otherwise engaged in law enforcement, fire, or medical evacuation activities and/or private helicopters which are regularly engaged in a public service such as medical evacuation and news media helicopters.

(Added by Ord. No. 7058 (N.S.) adopted 10-30-85)
(Amended by Ord. No. 7673 (N.S.) adopted 9-27-89)

6337 GUIDELINES FOR REVIEWING MAJOR USE PERMITS FOR HELIPORTS, HELIPADS AND HELISTOPS.

Each Major Use Permit application for a heliport, helipad or helistop shall be reviewed in accordance with the following guidelines which are intended to assist the approving authority in determining whether such application meets the criteria for site selection, site development and site operation as set forth in Sections 6332, 6334 and 6336 and in making the findings required for granting a major use permit as set forth in Section 7358. A Major Use Permit for a helipad or a helistop shall be granted for a period of no longer than five (5) years. An application to request extending the duration of the Major Use Permit for an additional period of time may be granted through the modification procedure. An application to extend duration shall be filed with the Director no sooner than six months prior to the expiration of the Major Use Permit.

a. Site Selection Criteria.

Sites for helicopter takeoff and landing facilities shall be situated in such manner as to minimize the impacts to adjoining land uses and residents. The following specific criteria shall be considered:

1. Location of the takeoff and landing area shall provide sufficient buffer space to reduce the level of engine noise which reaches persons in the surrounding area, recognizing that the character of sound (noise) emanating from helicopter engines may be audible or annoying to persons located a great distance from the source, whether the helicopter is on the ground or airborne.

2. Approach and departure paths leading to and from the facility shall be over terrain which affords emergency landing areas such as unoccupied open land or transportation corridors.

Approach and departure paths over highly populated areas, residential development, schools, playgrounds, parks and golf courses should be avoided. Approach and departure paths within 0.5 miles of equestrian facilities, wildlife areas, open space easements, preserve areas and river valleys shall be avoided unless the altitude of the helicopter when over such areas is 1,000 feet or more or the sound emanating from the helicopter, when measured on the ground, does not exceed the one-hour sound level limits permitted by the County Code of Regulatory Ordinances regarding Noise Control.

3. Consideration shall be given to the cumulative impact of granting major use permits for a number of helicopter facilities located within one community. Helistops shall be separated by a minimum distance of 1.5 miles to prevent over-concentration unless conditions of approval of a use permit substantially mitigate or avoid the adverse impacts of over-concentration.

b. Site Development Requirements.

The minimum distance from property line that a helicopter takeoff and landing area may be permitted shall be related to adjoining land uses and parcel size. Greater setbacks from property lines shall be required for a helistop in areas where parcel sizes are large (over 5 acres) and where daytime one-hour average sound levels for residential uses are limited to 50 decibels. However, a lesser setback may be permitted in areas where parcel sizes are smaller and permitted average sound level limits are greater.

c. Site Operation Standards.

1. Nighttime operation of helicopter facilities located in residential areas is prohibited unless specifically authorized by conditions of the use permit. If permitted, nighttime operations shall be clearly stated and described in the conditions of approval of the use permit.

2. For helistops, the number of flights per day/week and the weight category of the helicopter shall be clearly stated in the use permit.

3. When considering noise levels permitted to be generated by helicopter facilities, single event noise level maximums similar to those set forth in "SOUND LEVEL LIMITS FOR HELICOPTER FACILITIES" on file with the Clerk of the Board of Supervisors as Document No. 724798(a), should be considered along with the one-hour sound level limits contained in the County Code of Regulatory Ordinances regarding Noise Control.

d. Pre-application Conference.

Prior to submitting an application for a use permit for any helicopter facility, a prospective applicant shall consult with the Department to schedule a conference to be attended by the applicant and representatives of other departments and agencies as the Department considers necessary. Such conference shall provide an opportunity to review the applicant's intended plans and identify potential requirements or subjects requiring particular attention prior to the applicant entering into binding commitments or incurring substantial expense in preparing plans, surveys and other data. The applicant shall provide a topographic map of the project location and surrounding area showing the projected flight path to and from the closest freeway, highway or major arterial. An estimate of the maximum flyover sound level should also be available if the flight pattern is to be over noise sensitive uses. Staff shall familiarize the applicant with the type of studies, reports or other data which will be required to process the application.

(Added by Ord. No. 7673 (N.S.) adopted 9-27-89)

6338 HELICOPTER TAKEOFF AND LANDING FACILITIES PERMITTED IN THE A72 USE REGULATIONS.
Upon issuance of a Minor Use Permit a helistop may be permitted in areas zoned with the A72 Use Regulations subject to the following criteria:

1. The minimum parcel size upon which the helicopter is based shall be forty (40) acres.

2. The parcel upon which the helistop is located shall be devoted to active agricultural pursuits requiring the services of a helicopter to maintain, such as crop spraying, etc.

3. Minor Use Permits issued pursuant to this Section shall conform to all other requirements of this Ordinance applying to helistops.

Any legally established helicopter takeoff and landing site in existence on and prior to October 30, 1985, and located on a parcel of at least twenty (20) acres in an agricultural preserve and in the A-72 Use Regulations is hereby determined to be an accessory use to the Agricultural Use Regulations of said parcel, and is determined not to be a private airport. The continued use and operation of such site on such parcel of at least twenty (20) acres, other than for the common carriage of passengers is exempt from, and is not subject to, regulation by the provisions of this Ordinance.

(Added by Ord. No. 7058 (N.S.) adopted 10-30-85)
(Amended by Ord. No. 7673 (N.S.) adopted 9-27-89)

6339 MODIFICATION OF REQUIREMENTS

Modification of the site selection criteria, site development requirements and site operation standards set forth in Sections 6332, 6334 and 6336 may be granted by the approving authority when it determines that such modification wound not be detrimental to adjacent properties and residents, the public interest, or the General Plan.

(Added by Ord. No. 7673 (N.S.) adopted 9-27-89)

6340 ULTRALIGHT VEHICLE TAKEOFF AND LANDING AREAS LOCATED ON PRIVATE PROPERTY.

a. Location. Takeoff and landing areas on private property for powered ultralight vehicles shall be located in accordance with the following criteria:

   1. All takeoff and landing sites for powered ultralight vehicles shall be located such that no existing dwelling is located within the rectangular area defined by lines parallel to and 500 feet from each side of any runway and lines perpendicular to such runway located 1,000 feet from each end.

   2. No powered ultralight vehicle shall take off or land closer than 1,000 feet from any public assembly area. For purposes of this Section public assembly area includes outdoor and indoor places such as campgrounds, playgrounds, churches, schools, golf courses, auditoriums, stadiums, picnic grounds and similar areas where people may gather for reasons of education, entertainment, recreation or worship.

   3. No ultralight vehicle shall take off or land within the right-of-way of a public street.

b. Operation of Takeoff and Landing Areas. Takeoff and landing areas for ultralight vehicles shall be operated in accordance with the following criteria:

   1. All operation on the ground of ultralight vehicle engines shall comply with the County Code of Regulatory Ordinances regarding Noise Control.

   2. No powered ultralight vehicle shall take off or land before 6:00 a.m. or sunrise, whichever is later, or later than sunset.

   3. Takeoff and landing sites and ultralight vehicle storage facilities shall not be operated for commercial purposes, except through the issuance of a minor use permit as provided for in subsection "d" of this Section.

c. Site Preparation and Development. Site preparation and development to facilitate the takeoff, landing and storage of ultralight vehicles on private property shall be in accordance with the following criteria:

1. All grading and clearing for runways shall comply with applicable grading and clearing regulations.

2. Surfacing of runways is not required. However, measures shall be taken to prevent the blowing of dust, dirt or other objectionable material onto neighboring property in order to comply with the San Diego County Air Pollution Control District Rules and Regulations.

3. Storage building(s), or hangar(s), shall not exceed 800 square feet for a single ultralight vehicle permanently stored at each site or 600 square feet each for multiple ultralight vehicles permanently stored at each site, in addition to those accessory buildings authorized by Section 6156. Additional square footage may be authorized by minor use permit as provided for in subsection "d" of this Section. All fuel shall be stored in compliance with the Uniform Fire Code.

4. A maximum of three ultralight vehicles may be stored (kept on the property) for more than five consecutive days at each takeoff and landing area established pursuant to this Section.

d. Minor Use Permit. A minor use permit may authorize ultralight vehicle takeoff and landing locations, operating characteristics or site preparation and development characteristics different from those stated in this Section, and may authorize takeoffs and landings closer than 1,000 feet from any dwelling and earlier or later than otherwise permitted by this Section.

(Added per Ord. No. 7197 (N.S.) adopted 9-10-86)
(Amended by Ord. No. 7594 (N.S.) adopted 02-22-89)

6350

DENSITY BONUS PROGRAM

6350 TITLE AND PURPOSE.
The provisions of Sections 6350 through 6399, inclusive, shall be known as the Density Bonus Program. The purpose of these provisions is to implement the state requirements at Government Code Section 65915 et seq. and the policies and programs in the Housing Element of the San Diego County General Plan. As required by Government Code Section 65915 et seq., these provisions offer density bonuses and incentives for the development of housing that is affordable to residents who qualify under Section 6355. The Density Bonus Permit Procedures, commencing at Zoning Ordinance Section 7400, shall apply to all density bonus projects except for housing under the County Affordable Senior Housing Program which shall comply with the procedures found at Zoning Ordinance Section 6360 a.2.

In order to be eligible for a density bonus and incentives, a proposed housing development shall comply with the following provisions of the Density Bonus Program and all other applicable local, state, and federal requirements.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

6355 ELIGIBILITY FOR DENSITY BONUS PERMIT.

a. Income and Age Requirements. A housing development proposed to qualify for a density bonus shall be designed and constructed so that it includes at least one of the following:

1. Ten percent of the total number of base units are reserved for lower income households.

2. Five percent of the total number of base units are reserved for very low income households.

3. The project is a senior citizen housing development or is a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Sections 798.76 or 799.5.

4. Ten percent of the total dwelling units in a common interest development, as defined in Civil Code Section 1351, for persons and families in a moderate income household provided that all units in the development are offered to the public for purchase.

5. Under the County Affordable Senior Housing Program, one hundred percent of the units are reserved at an affordable rent, as defined in Health and Safety Code Section 50053, to very low, low, or moderate income senior citizens.

If the development meets more than one of the qualifications listed above, the applicant shall elect only one qualifying option.

b. Land Donation. An applicant for a tentative subdivision map, parcel map, or other residential development, who donates land to the County for very low income housing and meets the requirements of Government Code Section 65915, shall be eligible for a density bonus. If the applicant also meets one of the eligibility requirements of subsections a.1. through a.4., that density bonus may be combined with the land donation bonus up to a maximum of 35 percent.

c. Condominium Conversion Projects. An applicant who proposes to convert apartments to a condominium project, provides at least 33 percent of the total base units for moderate income households or at least 15 percent for lower income households, and meets the requirements of Government Code Section 65915.5 shall be eligible for a density bonus.

d. Child Care Facilities. A housing development that meets one of the eligibility requirements of subsections a.1. through a.4. and includes a child care facility located on the site of, as part of, or adjacent to, the development shall be eligible for a density bonus as defined in Government Code Section 65915(h).

e. Minimum Project Size. The density bonus provided by this ordinance shall be available only to a housing development of five or more dwelling units, exclusive of the bonus units. To meet the eligibility requirements of subsection a.3., a Senior Citizen Housing Development must have at least 35 dwelling units, exclusive of the bonus units.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

6360 DENSITY BONUS.

a. Density Bonus Allowance. A housing development that complies with the eligibility requirements of Section 6355 shall be entitled to a density bonus permit as follows:

1. Density Bonus Table. The total number of base units, exclusive of the additional bonus units, shall be the basis for determining the percentage of reserved units. The total number of base units shall be calculated in accordance with Section 4115 and be consistent with the maximum allowable residential density under the Zoning Ordinance and the land use element of the general plan. The density bonus shall be calculated based on the Density Bonus Table.

DENSITY BONUS TABLE

Income Category	**Reserved Units**	**Bonus Units**		
Household Income Category of Reserved Units	Minimum % of Base Units that must be Reserved to qualify for Bonus	Bonus Allowed		
		Minimum Bonus (% of Base Units)	Additional bonus for each 1% increase in reserved units	Maximum Bonus (% of Base Units)
Very Low Income	5%	20%	2.5%	35%
Low Income	10%	20%	1.5%	35%
Moderate Income (Ownership Units Only)	10%	5%	1%	35%
Senior Citizen Housing Development	100%	20%	--	20%
Land Donation for Very Low Income Housing	10% of Market-Rate Units	15%	1%	35%
Condominium Conversion				
Lower Income	15%	25%	--	25%
Moderate Income	33%	25%	--	25%
Child Care Facility	Must qualify under Section 6355 a.1. – a.4.	Additional residential space equal to or greater than the square footage of the child care facility or one additional incentive		
County Affordable Senior Housing Program (Rental Units Only)				
Very Low Income	100%	50% to a maximum of 45 units/acre*		
Low Income	100%	45% to a maximum of 45 units/acre*		
Moderate Income	100%	40% to a maximum of 45 units/acre*		

* The density cap of 45 units per acre is calculated based on the net lot area per Section 4115.

2. County Affordable Senior Housing Program.

   i. An Administrative Permit authorizing a density bonus for an affordable rental senior housing project may be approved in accordance with the Administrative Permit Procedure commencing at Section 7050 if the project meets the requirements of Section 6355 a.5. and this section and if it is found that the location, size, and design of the proposed use will not adversely affect or be materially detrimental to the San Diego County General Plan, adjacent uses, residents, buildings, structures, or natural resources, with consideration given to:

a) The type and density of the housing development would not have a harmful adverse effect on surrounding neighborhood character.

b) The site is physically suitable for the density of development proposed.

c) There is demonstrated capacity and service of sewer, water, schools (as may be required), fire, police protection and utilities available to the housing development.

d) The housing development and surrounding areas have adequate access to accommodate the generation of traffic.

e) The site has reasonable proximity and access to special support services (e.g., retail and convenience uses, public transit, emergency medical facilities, etc.) as may be required by the type and density of development proposed.

ii. The County Affordable Senior Housing Program shall be available only to a housing development of five or more dwelling units, exclusive of the bonus units. The residents shall be persons 62 years of age or older or 55 years of age or older in a senior citizen housing development consisting of at least 35 dwelling units, exclusive of the bonus units.

iii. The housing development must be located in an area with a General Plan density of at least 10.9 units per acre.

iv. Density bonus calculations shall be made as specified in Section 6360 b.

v. Bonus units must be reserved and rented to senior citizens at the same level of affordability as the proposed development.

vi. The maximum density, including the bonus units, cannot exceed 45 units per acre based on the net lot area.

vii. The applicant will be required to enter into a density bonus housing agreement with the County's Department of Housing and Community Development. The agreement shall be subject to and comply with the density bonus housing agreement provisions set forth in Section 7430.

viii. A housing development located in a specific plan area shall not be allowed a density bonus which causes the overall maximum density of the specific plan to be exceeded.

ix. Parking requirements shall be met as specified in Section 6370.

x. Requested incentives are subject to the provisions of Zoning Ordinance Section 6365, except that the applicant shall not be required to submit a financial pro forma under Section 7410 b.2. An applicant for a project under the County Affordable Senior Housing Program shall receive up to three incentives, unless disapproved with written findings in accordance with Section 7420 a.

3. Land Donation For Very Low Income Units. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the County for very low income housing and meets the requirements of Government Code Section 65915(g), the applicant shall be entitled to a 15 percent minimum increase above the otherwise maximum allowable residential density.

   i. The donated land must have all permits and approvals necessary for the development of very low income housing units equal to at least 10 percent of the market rate units within the proposed development.

   ii. If the proposed development also includes units reserved for affordable housing, the density bonus from the donated land shall be in addition to the density bonus permitted for the provision of housing reserved for very low, low, moderate, or senior households up to a maximum combined density increase of 35 percent.

4. Condominium Conversion Projects. A condominium conversion project which meets the requirements of Government Code Section 65915.5 shall receive either a density bonus of 25 percent or incentives of equivalent financial value.

5. Child Care Facilities. A housing development with a child care facility that meets the eligibility requirements of Section 6355 d. shall be entitled to one of the following subject to the requirements of Government Code Section 65915(h):

   i. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility. Any additional amount of residential space that exceeds the amount of square feet in the child care facility must be approved by the approving authority. The additional square feet of residential space may be used for additional residential units that must meet the average square footage size of the other residential units in the development.

   ii. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

b. Density Bonus Calculations.

1. Base Units. The number of base units shall not exceed the maximum allowable residential density as permitted by the County's Zoning Ordinance and General Plan.

i. The net lot area of the project site shall be the basis on which the number of base units is determined.

ii. The density bonus percentage shall be calculated using the total number of base housing units and shall not include the density bonus units.

iii. When calculating the maximum number of base dwelling units permitted on a project site in accordance with Section 4115, a decimal fraction of .5 or less shall be rounded down to the nearest whole number of dwelling units. A decimal fraction of greater than .5 shall be rounded up to the nearest whole number of dwelling units.

iv. The maximum number of dwelling units permitted within the exterior boundary lines of any subdivision or a single lot, as calculated under Section 4115, shall be reduced to an achievable number of dwelling units when such reduction is needed to comply with all applicable land use requirements. The resulting density shall be the Maximum Allowable Residential Density.

2. Density Bonus Units. When calculating the number of density bonus units to be granted to an applicant under Government Code section 65915, a fraction of a density bonus unit shall be rounded up to the nearest whole number.

3. Split Zones. If the housing development site is located in two or more zones, the number of dwelling units permitted in the development is the sum of the dwelling units permitted in each of the zones. Within the development, the permitted number of dwelling units may be distributed without regard to the zone boundaries.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

6365 INCENTIVES.

a. The applicant for a density bonus permit may qualify for one or more of the following incentives:

1. A reduction in required site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq. and that results in identifiable, financially sufficient, and actual cost reductions that contribute significantly to the economic feasibility of the reserved units in the proposed housing development.

2. Approval of mixed-use land uses not otherwise allowed by the County Zoning Ordinance in conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing development, and the nonresidential land uses are compatible with the housing project and with existing or planned development in the area where the project will be located.

3. Other regulatory incentives proposed by the applicant or the County that will result in identifiable, financially sufficient, and actual cost reductions that contribute significantly to the economic feasibility of the reserved units in the proposed housing development.

b. Permitted Number. The applicant shall receive the following number of incentives, unless disapproved with written findings in accordance with Section 7420 a:

INCENTIVES SUMMARY

Income Category of Reserved Units	**% of Reserved Units**		
Very Low Income	5%	10%	15%
Low Income	10%	20%	30%
Moderate Income (Ownership Units Only)	10%	20%	30%
County Affordable Senior Housing Program (Rental Units Only)	--	--	100%
Maximum Number of Incentives	1	2	3

c. Type Of Incentive.

1. The need for incentives will vary for different housing developments. Therefore, the allocation of incentives shall be determined on a case-by-case basis. The incentive may include, but is not limited to, any of the following:

   i. Reduced minimum lot dimensions.

   ii. Reduced minimum lot setback for each side yard (each side is a separate incentive).

   iii. Reduced minimum lot setback for front yard.

   iv. Reduced minimum lot setback for rear yard.

   v. Reduced minimum group usable open space.

   vi Reduced minimum private usable open space.

   vii. Increased maximum building stories.

   viii. Increased maximum building height.

2. Other regulatory incentives proposed by the developer or the County which result in identifiable, financially sufficient, and actual cost reductions that contribute significantly to the economic feasibility of the reserved units.

3. Nothing in this section requires the County to provide direct financial incentives for the housing development, including but not limited to, the provision of publicly owned land or the waiver of fees or dedication requirements.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

6367 WAIVER OF DEVELOPMENT STANDARDS

a. An applicant may submit a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a housing development at the densities or with the incentives permitted by the Density Bonus Program.

b. Development standards that may be waived or reduced under this section include site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation, including, but not limited to the following:

i. A height limitation.

ii. A setback requirement.

iii. A floor area ratio.

iv. An onsite open-space requirement.

v. A parking ratio that applies to a residential development.

c. A proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development at the densities or with the incentives permitted by the Density Bonus Program shall be approved unless the approval authority makes a written finding to deny the proposal, based upon substantial evidence, as specified in Section 7420 b.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

6370 PARKING REQUIREMENTS.

a. Applicability. The following parking requirements apply to development that is eligible for a density bonus. Any additional modifications will be considered an incentive as explained in Section 6365.

b. Number Of Parking Spaces Required.

1. The County shall require the following vehicular parking ratios for a project that meets the eligibility requirements for a density bonus, inclusive of parking for the disabled and guest parking.

6370

PARKING REQUIREMENTS

Number of Bedrooms	Number of on-site parking spaces needed
0 – 1	1
2 – 3	2
4+	2.5

2. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

c. Location of Parking. For purposes of this density bonus program, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

6375 RESERVED UNITS.

a. Duration of Affordability. The applicant shall agree to, and the County shall ensure, the continued availability of the reserved units that qualified the housing development for a density bonus and other incentives for a period of at least 30 years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

b. Unit Affordability Requirements.

1. Rental Units. Rents for the lower income and moderate income reserved units shall be set at an affordable rent as defined in Health and Safety Code Section 50053.

2. Owner-occupied Units. Owner-occupied reserved units shall be available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.

c. Occupancy and Resale of Moderate Income Common Interest Development Units.

1. An applicant shall agree to, and the County shall ensure, that the initial occupant of moderate income units that are directly related to the receipt of the density bonus in a common interest development, as defined in Civil Code Section 1351, are persons and families of moderate income, as defined in Health and Safety Code Section 50093, and that the units are offered at an affordable housing cost, as defined in Health and Safety Code Section 50052.5.

2. The County shall enforce an equity sharing agreement as specified in California Government Code Section 65915(c)(2).

d. Location and Type of Reserved Units.

1. Location/Dispersal of Units. Reserved units shall be reasonably dispersed throughout the development where feasible and shall contain on average the same number of bedrooms as the market rate units.

2. Phasing. If a project is to be phased, the reserved units shall be phased in the same proportion as the market rate units or phased in another sequence acceptable to the County. The reserved units shall be constructed concurrently with or prior to construction of the market rate units.

3. Exterior Appearance. The exterior appearance and quality of the reserved units shall generally be similar to the market rate units, with exterior materials and improvements similar to and architecturally compatible with the market rate units in the development.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

RESORT SERVICES REGULATIONS

6400 TITLE AND PURPOSE.
The provisions of Section 6400 through 6449, inclusive, shall be known as the Resort Service Regulations. The purpose of these provisions is to ensure that transient habitation uses providing resort services meet minimum standards of habitability and do not adversely impact surrounding property.

6401 APPLICATION.
The section shall apply only to those uses classified in the Transient Habitation: Resort Use Type.

6402 GENERAL STANDARDS.

a. Minimum Site Area. Each resort services use shall occupy a site not less than 5 acres in area.

b. Density. A resort services use shall not have a density of transient habitation units greater than the higher of the following:

   1. Five transient habitation units per acre, or

   2. The number specified by the applicable Density Designator or the General Plan.

c. Setbacks from Property Lines. No building or structures, except a fence or wall, shall be located closer than 30 feet to any property line except that in the C42 Zone, setbacks shall comply with those specified by the applicable setback designator.

d. Campground Space. Each campground space which may be provided shall accommodate only one recreational vehicle or tenting party, be clearly designated, be not less than 1,500 square feet in area, and front on a roadway not less than 25 feet wide that affords access to a street.

e. Occupancy Limitations. No person or group of persons shall occupy any transient habitation unit as a permanent family residential or group residential use. No person shall occupy one or more transient habitation units anywhere within a resort services facility for more than a total of 90 days in any 12 month period, nor shall the cumulative occupancy by any person of different transient occupation units anywhere within the use exceed a total of 90 days in any 12 month period.

f. Interior Roadways. Interior roadways in a resort services use shall have a minimum width of 15 feet for one-way roads with no side parking, and a minimum width of 24 feet for two-way roads with no side parking.

g. Common Open Space. Of the total site area of any resort services use not less than 60 percent shall be developed as picnic grounds, outdoor sport or recreation facilities and/or private park.

6402

h. Completion of Improvements. None of the transient habitation units of a resort services use shall be occupied until all improvements otherwise required by this ordinance have been completed.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6403 IMPACT ON SURROUNDING PROPERTY.

a. Public Address Systems. Public address systems shall not be used by resort services at such a volume as to allow words to be understood outside the boundaries of the lot or parcel on which the activity is located.

b. Outdoor Lighting. Outdoor lighting used by resort services uses shall be adjusted to reflect light away from roads and driveways and from adjoining property, except that a bona fide system of street lights may be used if it does not cause light to be reflected on adjoining property.

6404 ACCESSORY USES.
A resort services use may include the following accessory uses.

a. Food Services. Restaurants, lunch counters, and/or snack bars.

b. Assembly. A building or buildings designed for use for indoor meetings, entertainment and/or recreation.

c. General Store. If 50 transient habitation or more units have been lawfully established in the resort services use, a general store having a total floor area of not more than 1,000 square feet.

RECREATIONAL VEHICLE PARK REGULATIONS

6450 TITLE AND PURPOSE.
The provisions of Section 6450 through 6499, inclusive, shall be known as the Recreational Vehicle Park Regulations. The purpose of these regulations is to ensure that recreational vehicle parks meet minimum standards of habitability and do not adversely impact on surrounding property.

6452 APPLICATION.
These regulations shall apply to all uses classified in the Transient Habitation: Campground Use Types. Nothing herein contained shall be deemed to relieve the owner or operator of a recreational vehicle park of the duty of complying with all applicable state laws and regulations.

6454 MATERIAL SUBMITTED FOR USE PERMIT.
In complying with Section 7354.b.2 of the Use Permit Procedure, the applicant shall submit such documents as are required by the approving authority to determine compliance with Section 6456 and Section 6458 of these regulations.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

6456 GENERAL STANDARDS.

a. Location. Recreational vehicle parks shall be established for the convenience of the travelling 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.

6456

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 shall reside continuously in the recreational vehicle park on a campground space or in a permanent dwelling unit. The park manager 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.

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)
(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

6458 DEVELOPMENT CRITERIA.

a. Perimeter. The recreational vehicle park shall be designed and developed in a manner compatible with and complimentary to existing and potential development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of the property from adverse environmental influences within the development, especially drainage problems or potential insect breeding sites. Further consideration shall be given to ensuring the protection of surrounding areas from potentially adverse effects on the development.

b. Fences and Wall. Each recreational vehicle park shall be entirely enclosed at its exterior boundaries by appropriate decorative screening or landscaping material; provided, however, that said screen when located within a front yard shall be constructed at or behind the required setback.

c. Park Setbacks. The setbacks prescribed by the applicable zone shall apply to recreational vehicle parks except where the following are more restrictive:

1. A 10-foot setback from the street right-of-way along a side street.

2. A 15-foot front yard setback from the street right-of-way.

d. Minimum Campground Space Dimensions. Each campground space within a recreational vehicle park shall be not less than 1,000 square feet in area, except that 50 percent of said spaces may be not less than 650 square feet in area for the accommodation of tents and small camping units only.

e. Individual Campground Space Setbacks.

1. Each recreation vehicle or tent occupying a campground space and all accessory buildings shall maintain a 6-foot setback from any building, or other travel trailer, recreational vehicle or tent, pursuant to regulations contained in Title 25 of the California Administrative Code.

2. No recreational vehicle or tent shall be permitted to locate less than 6 feet from any abutting property.

3. No recreational vehicle or tent shall be located less than 15 feet from any street right-of-way.

f. Landscaping. All setbacks from streets and other areas in a recreational vehicle park not used for driveways, parking, buildings and service areas shall be landscaped in accordance with the conditions of the use permit. Walls, earthen berms, and landscaped buffer strips shall be used wherever possible to minimize noise from highway sources.

g. Portable Accessory Structures. Accessory structures or fixtures shall be permitted, provided that such structures or fixtures are portable. No permanent cabana or building shall be installed or constructed in any campground space.

h. Interior Roadways. Private streets within a recreational vehicle park shall have the following minimum clearance widths:

1. One-way with no side parking . . . . . .15 feet

2. One-way with parking permitted on one side . . 22 feet

3. Two-way with no parking on either side . . . . . 20 feet

4. Two-way with parking permitted on one side . . 27 feet

5. Two-way with parking permitted on both sides . 34 feet

Adequate roadway space for turn-arounds shall be provided.

i. Off-street Parking. Parking spaces in a recreational vehicle park shall be provided as required by the Parking Regulations commencing at Section 6750.

j. Utilities. All utilities, including cable television lines, shall be placed underground.

k. Locational Map. Each campground space in a recreational vehicle park shall be clearly identified and a locational map shall be provided at the park office.

6458

l. Trash Collection. Common storage enclosures for garbage and trash shall be provided. Such enclosures shall be of sturdy construction and designed to screen trash and garbage receptacles from public view.

m. Lighting. Adequate artificial lighting shall be provided for all walkways, streets, parking areas, sanitary facilities, storage areas, and recreational facilities. No lighting shall be constructed or positioned so as to cause direct or undesirable illumination of adjacent property or campground spaces within the park.

n. Sanitary Facility. Sanitary facilities for a recreational park facility shall be in accordance with the regulations of Title 25 of the California Administrative Code and shall include:

1. The availability of a potable water supply from a public utility or a distributor holding a valid permit from the state. Water supplies from other sources shall be approved by the San Diego County Department of Environmental Health.

2. Sewer connections to recreational vehicle spaces in accordance with the requirements of Chapter 5, Title 25 of the California Administrative Code and as approved by the San Diego County Department of Environmental Health.

3. A trailer sanitation station designed and constructed in accordance with the regulations of Title 25.

4. Toilets, showers and lavation for the exclusive use of the occupants of the recreational park shall be provided as required by Title 25 of the California Administrative Code.

5. Laundry facilities in accordance with the requirements of Title 25 of the California Administrative Code.

o. Storage Facilities. Storage facilities may be provided for the storage of vehicles belonging to park occupants. Storage areas shall be paved and enclosed by a solid wall or fence not less than 6 feet in height.

(Amended by Ord. No. 5976 (N.S.) adopted 1-28-81)
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

6460 MODIFICATION OF DEVELOPMENT CRITERIA.
Modification of the development criteria of Section 6458 may be granted by the approving authority when it determines that such modification will not be detrimental to the public interest;

provided, however, no modification shall be granted from any requirements specified in Title 25 of the California Administrative Code.
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

6462 ACCESSORY USES.
A recreational vehicle park may include the following accessory uses; provided such uses are designed to be clearly accessory to the recreational vehicle park and intended for the convenience of the occupants and their guests:

a. Assembly and Recreation. A building or buildings designed for indoor assembly and/or recreation.

b. Commercial Services. Commercial structures and uses such as a general store, restaurant, lunch counter, and/or snack bar.

c. Personal Services. Service buildings and facilities incidental to and customarily accessory to permitted uses, including sauna baths and swimming pools.

MOBILEHOME (MANUFACTURED HOME) REGULATIONS

6500 TITLE AND PURPOSE.

The provisions of Section 6500 through 6549, inclusive, shall be known as the Mobilehome (Manufactured Home) Regulations. The purpose of these provisions is:

a. To supplement the zone regulations applied to mobilehomes with additional standards and procedures which will promote a satisfactory living environment for residents of mobilehomes and will permit a mix of mobilehomes and other types of housing within the county.

b. To better facilitate utilization of mobilehomes as a housing resource.

c. To permit greater diversity in the types of mobilehome parks.

(Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)
(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)

Mobilehome on Private Lot Regulations

6502 APPLICATION.

The provisions of Sections 6502 through 6506, inclusive, apply to mobilehomes located on a private lot wherever a single detached residential building is permitted.

(Added by Ord. No. 6215 (N.S.) adopted 1-13-82)
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

6504

6504 EFFECT OF LOCATING A MOBILEHOME ON A PERMANENT FOUNDATION SYSTEM. A mobilehome which has been placed on a private lot and on a permanent foundation system pursuant to these regulations shall be subject to local property taxation.

(Added by Ord. No. 6215 (N.S.) adopted 1-13-82)

6506 REQUIREMENTS FOR PLACING A CERTIFIED MOBILEHOME ON A PRIVATE LOT.

a. Eligibility. A mobilehome that was constructed after September 15, 1971, and was issued an insignia of approval by the California Department of Housing and Community Development or a mobilehome that has been certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) may be located on a private lot only upon compliance with the requirements set forth below.

b. Requirements. An eligible mobilehome shall comply with the following requirements when located on a private lot:

1. Has not been altered in violation of applicable codes.

2. Is occupied only as a residential use.

3. Is in conformance with all provisions of this Ordinance, The Subdivision ordinance and the Health and Safety Code applicable to residential structures. Subject to the foregoing regulations, mobilehomes may be located on the same lot containing conventionally constructed dwellings.

4. If attached to a permanent foundation system it shall comply with the provisions of Section 18551 of the Health and Safety Code.

5. Is covered with an exterior wall material customarily used on conventional dwellings. The exterior covering material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.

6. Roofs shall have a pitch of not less than 2 inch vertical rise for each 12 inches of horizontal run and consist of shingles or other material customarily used for conventional dwellings, unless waived by the Director under 8. or 9. below.

7. All roofs shall include roof overhangs of not less than one foot measured from the vertical side of the mobilehome, except where the location of attached structures, such as carports, garages, porches, or similar structures precludes the continuation of the overhang, or unless waived by the Director under 9. below.

8. The Director may waive the roof pitch and eave requirement for attached accessory portions of the structure such as carports, porches, or similar canopy structures not enclosed by solid walls. Roof parapet walls are not required for such canopy structures.

9. The Director may waive the roof pitch and/or the roof overhang requirement if the roof for the main structure is concealed from view by parapet walls consistent with a commonly recognized architectural style such as Santa Fe or Mission style.

c. Building Permit. Prior to installation of a mobilehome on a permanent foundation system, the mobilehome owner or a licensed contractor shall obtain a building permit from the Department of Planning and Land Use. To obtain such a permit, the owner or contractor shall comply with all requirements of Section 18551(a) of the Health and Safety Code.

d. Cancellation of Registration. The owner shall comply with the regulations established pursuant to Section 18551(b) of the Health and Safety Code for cancellation of registration of a mobilehome. The owner shall also comply with the provisions of Section 18550(b) of the Health and Safety Code.

e. Approval for Occupancy. The Director shall determine that the proposed project is in compliance with all applicable requirements and conditions prior to issuing final approval for occupancy.

f. Modification of Requirements. Unless otherwise specified, no modification may be granted from these requirements or from the requirements specified in Title 25 of the California Administrative Code which are not subject to local modification.

(Added by Ord. No. 6215 (N.S.) adopted 1-13-82)
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)
(Amended by Ord. No. 6865 (N.S.) adopted 11-07-84)
(Amended by Ord. No. 7935 (N.S.) adopted 6-19-91)
(Amended by Ord. No. 8232 (N.S.) adopted 5-5-93)
(Amended by Ord. No. 8555 (N.S.) adopted 7-14-95)
(Amended by Ord. No. 8962 (N.S.) adopted 9-23-98)

Standard Mobilehome Park Regulations

6510 APPLICATION.
The provisions of Section 6510 through 6529, inclusive, shall be known as the Standard Mobilehome Park Regulations. These provisions shall apply to all uses classified in the Mobilehome Residential Use Type, except those uses permitted pursuant to the Mini-Mobilehome Park Regulations commencing at Section 6530 or the Planned Development Standards commencing at Section 6600.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)
(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

6512 USE PERMIT REQUIRED.
A standard mobilehome park may be authorized where permitted by the use regulations upon the issuance of a major use permit as provided by the Use Permit Procedure commencing at Section 7350.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

6514 PRE-APPLICATION CONFERENCE.

Prior to submitting an application for a use permit for a mobilehome park, a prospective applicant should consult with the Department to obtain information and to inform the Department of the applicant's intentions. If requested by the applicant, the Department will schedule a conference to be attended by the applicant and representatives of the Departments of Planning, Public Works, Environmental Health, and other agencies as the Department considers necessary. Such a conference shall provide an opportunity to review the applicant's intended plan and to identify potential requirements or subjects requiring particular attention prior to the applicant entering into binding commitments or incurring substantial expense in preparing plans, surveys, and other data. The applicant shall provide a map showing the proposed mobilehome park site, existing topography, adjoining road rights-of-way, and public access.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)
(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)
(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

6516 GENERAL STANDARDS: STANDARD MOBILEHOME PARKS.

a. Minimum Area. A standard mobile home park shall be not less than five acres in area.

b. Density. A standard mobilehome park shall conform to the applicable Density Regulations commencing at Section 4100 and at Section 6350.

c. Reclassification. Prior to final construction approval for any new or expanded standard mobilehome park, the owner shall obtain a zone reclassification to a zone which includes the RMH Use Regulations and the "A" Building Designator. Such reclassification requirement may be waived by the Director when a tentative subdivision map is filed concurrently with the related use permit application or for mobilehome parks approved pursuant to the Density Bonus Program (Section 6350 et seq.).

d. Factory-Built Housing. Factory-built housing shall be attached to a permanent foundation system and conform to all other requirements of Section 18611 of the Health and Safety Code.

(Amended by Ord. No. 6045 (N.S.) adopted 4-29-81)
(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)
(Amended by Ord. No. 6372 (N.S.) adopted 6-09-82)
(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

6518 GENERAL DEVELOPMENT CRITERIA: STANDARD MOBILEHOME PARKS

a. Compatibility with Adjacent Land Uses. The standard mobilehome park shall be designed and developed in a manner compatible with and complementary to existing and potential residential development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of the property and its residents from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences within the development. A mobilehome park shall relate harmoniously to the topography of its site, make suitable provision for reservation of water courses, wooded areas, rough terrain, and similar natural features and areas, and shall otherwise be so designed as to use such natural features and amenities to best advantage.

b. Setback: Perimeter. Mobilehome and buildings within a standard mobilehome park shall maintain the following setbacks.

1. The setbacks established by the applicable Setback Regulations, commencing at Section 4800.

2. A side yard and rear yard setback of at least 15 feet from the exterior boundary of the mobilehome park.

3. A setback of 50 feet from the centerline of any street along the exterior boundary of the mobilehome park, except that when such street has a right-of-way greater than 60 feet, a setback of 20 feet shall be maintained from the nearest edge of the street right-of-way.

c. Setbacks: Recreation Use Area. No recreational area or facility specified in the major use permit as being intended for the use of more than one family shall be permitted within 100 feet of any external boundary which adjoins, or is separated only by a boundary street from land in any residential zone; provided, however, that where permanent intervening open space at least 100 feet in width exists on adjacent property, this restriction may be modified.

d. Fencing and Landscaping. Mobilehome parks shall conform to the Fencing and Landscaping Regulations commencing at Section 6700.

e. Open Space. At least one substantial area of group usable open space shall be provided. Such area shall:

1. Conform to the Group Usable Open Space Standards of the Open Space Regulations commencing at Section 4900. The Group Usable Open Space shall total at least 250 square feet per dwelling unit unless the Open Space Designator provides for another amount.

2. Be of such size and shape that each side of the rectangle inscribed within it is at least 100 feet in length.

3. Include outdoor recreational facilities for both active and passive recreation.

f. Recreational Facilities. Completely enclosed indoor recreation facilities shall be provided and shall consist of not less than 10 square feet for each dwelling unit. Outdoor recreational facilities shall provide for both active and passive recreation. This recreation area shall be landscaped, improved and maintained.

g. Interior Access Drives. Interior private access drives shall be paved with at least 2 inches of asphaltic concrete to a width of not less than 25 feet. All corners shall have a minimum 25 foot radius.

h. Storage Area. Common storage areas shall be provided with an enclosed fenced area for the residents of the mobilehome park for the storage of recreational vehicles, trailers, travel trailers, and other licensed or unlicensed vehicles. This area shall total not less than 50 square feet for each mobilehome lot. All storage on a mobilehome lot shall be in accordance with the provisions of Title 25 of the California Administrative Code.

i. Sewer and Water. Each mobilehome lot in a mobilehome park shall be provided with water and sewer connections in accordance with Title 25 of the California Administrative Code. Water shall be provided by a water supplier having a valid permit from the California Department of Health or the Department of Environmental Health. Public sewers shall be provided by a public agency which has obtained discharge requirements approved by the appropriate California Water Quality Control Board. Individual sewage disposal systems shall be approved by the Department of Health Services.

j. Undergrounding. All sewer and water facilities, electric, gas, telephone, and television signal distribution systems shall be placed underground.

k. Antennas. A master antenna television (MATV) system shall be provided with underground cable service to at least all mobilehome and other buildings containing dwelling units. This MATV system shall be provided at no charge for service. This requirement may be met by the provision of an underground cable television (CATV) system by a county-licensed CATV operator. No other television antennas shall be permitted unless authorized by the major use permit.

l. Fire Protection. On and off-site fire hydrants and other fire protection facilities shall be installed as specified in the major use permit and shall be of a type approved by the Chief of the local fire protection district, or if there is no local fire district, by the Fire Services Coordinator.

m. Night Lighting. Artificial light shall be provided and maintained for walks, driveways, parking areas, and other facilities as specified in Title 25 of the California Administrative Code, to assure safe and convenient nighttime use.

n. Signs. Signs shall conform to the On-Premise Sign Regulations commencing at Section 6250.

o. Access. Each mobilehome park shall have direct vehicular access from a publicly maintained street. This requirement does not apply to the expansion of an existing mobilehome park when adequate access is obtained through the existing portion of the mobilehome park.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

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6520 MOBILEHOME LOT DEVELOPMENT CRITERIA: STANDARD MOBILEHOME PARKS.

For purposes of Mobilehome Lot Development Criteria as used in this section, mobilehome shall also include factory-built housing as defined in Section 19971 of the Health and Safety Code.

a. Density of Occupation. Each mobilehome lot shall be designed to be occupied by one mobilehome and uses thereto.

b. Lot Size. Each mobilehome shall have the minimum size indicated below based on its occupancy.

Occupancy	Minimum Lot Size (Excluding interior access drives)
A mobilehome not more than 14 feet in width containing 1 dwelling unit	1,850 square feet
A mobilehome more than 14 feet in width containing 1 dwelling unit	3,000 square feet
A mobilehome containing more than 1 dwelling unit	1,500 square feet per dwelling unit

c. Coverage. Not more than 75 percent of the area of a mobilehome lot shall be covered by the mobilehome and its accessory structures.

d. Setback from Interior Access Drive. Each mobilehome lot shall have a front yard setback of not less than 5 feet extending the entire width of the mobilehome lot. A front yard will be measured from the nearest element of the mobilehome or any mobilehome accessory structure to the closest edge of the interior access drive.

e. Side Yard Setback. Each mobilehome lot shall have a side yard in accordance with Title 25 of the California Administrative Code of not less than 3 feet in width along the entire length of the mobilehome lot. A mobilehome lot containing a mobilehome having a height of more than one story shall have a side yard of not less than 5 feet in width along the entire length of the mobilehome lot.

f. Rear Yard Setback. Each mobilehome lot shall have a rear yard in accordance with Title 25 of the California Administrative Code of not less than 3 feet and shall extend across the entire width of the mobilehome lot. A mobilehome lot containing a mobilehome having a height of more than one story shall have a rear yard of not less than 5 feet along the entire width of the mobilehome lot.

g. Access. All mobilehome lots and recreation facilities shall have access only from an interior access drive.

h. Homes on a Permanent Foundation. No dwelling unit shall be placed on a permanent foundation in a mobilehome park where tenants rent or lease spaces to accommodate their individually owned units. This provisions shall not apply to subdivided parks or to parks where the dwelling units are not owned by the tenants or to parks where the minimum term of lease for a space is 55 years.

i. Number of Dwelling Units to be Specified. Each lot in a mobilehome park shall be designated on the plot plan of the related use permit and shall specify the number of dwelling units permitted.

j. Plot Plan to Specify Typical Development. The plot plan shall indicate the development proposed for each mobilhome lot through the use of "typicals" showing the footprint, floor plan and elevations for each proposed structure. The plot plan shall also clearly designate whether homes are to be of the "manufactured" or "factory-built" construction type. In no case shall factory-built housing be permitted unless shown on an approved plot plan.

(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)
(Amended by Ord. No. 6372 (N.S.) adopted 6-09-82)
(Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)

6522 MODIFICATION OF REQUIREMENTS.
Modification of the development criteria of Sections 6518 and 6520 may be granted by the approving authority when it determines that such modification would not be detrimental to the subject development, adjacent properties and residents, the public interest, or the General Plan. No modification shall be granted from any requirements specified in Title 25 of the California Administrative Code which are not subject to local modification.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

6524 ACCESSORY USES AND STRUCTURES PERMITTED.
The following accessory uses and structures may be permitted in mobilehome parks provided that they conform to the requirements of Title 25 of the California Administrative Code:

a. Convenience Structures. Awnings; portable, demountable, or permanent cabanas; storage cabinets and buildings; fences or windbreaks; carports; garages or porches; greenhouses; lathhouses; and other accessory structures permitted by Title 25 of the California Administrative Code.

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b. Recreational Facilities. Parks, playgrounds, riding and hiking trails, golf courses, lakes, stables and riding rings, recreational buildings, clubhouses, community centers, and similar uses and facilities; provided that all such uses and facilities are designed for and limited to use by residents of the mobilehome park and their guests, and that such uses and facilities are not authorized on the individual mobilehome lots.

c. Public Utilities. Public utilities and public service facilities.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

Mini-Mobilehome Park Regulations

6530 APPLICATIONS.
The provisions of Sections 6530 through 6549, inclusive, shall be known as the Mini-Mobilehome Park Regulations. These provisions apply to uses classified in the Mobilehome Residential Use Type as follows: An expansion of an existing mobilehome park which has been established pursuant to a major use permit by the addition of not more than 49 mobilehomes or the establishment of a new mobilehome park containing not more than 49 mobilehomes.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)
(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)

6532 USE PERMIT REQUIRED.
A mini-mobilehome park consisting of not more than 8 mobilehomes is permitted upon the issuance of a Minor Use Permit. Mini-mobilehome parks consisting of 9 or more mobilehomes are permitted upon the issuance of a Major Use Permit. An existing mobilehome park which was not established pursuant to a Major Use Permit may be expanded under these Mini-mobilehome Park Regulations only upon issuance of a Major Use Permit. Modification of development criteria for the existing mobilehome park may be granted pursuant to Section 6522.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)
(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)

6534 PRE-APPLICATION CONFERENCE.

Prior to submitting an application for a use permit for a mini-mobilehome park, a prospective applicant should consult with the Department to obtain information and to inform the Department of the applicant's intentions. If requested by the applicant, the Department will schedule a conference to be attended by the applicant and representatives of the Departments of Planning, Public Works, Environmental Health, and other agencies as the Department considers necessary. Such a conference shall provide an opportunity to review the applicant's intended plan and to identify potential requirements or subjects requiring particular attention prior to the applicant entering into binding commitments or incurring substantial expense in preparing plans, surveys, and other data. The applicant shall provide a map showing the proposed mobilehome park site, existing topography, adjoining road rights-of-way, and public access.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)
(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)
(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

6536 GENERAL STANDARDS: MINI-MOBILEHOME PARKS.

a. Density. A mini-mobilehome park shall conform to the applicable Density Regulations commencing at Section 4100.

b. Reclassification. Prior to occupancy of any mini-mobilehome park, the owner shall obtain a zone reclassification to a zone which includes the RMH Use Regulations and the "A" Building Designator. Such reclassification requirement may be waived by the Director when a mobilehome subdivision application is filed concurrently with the related use permit application or for a mini-mobilehome park with less than nine units.

c. Factory-Built Housing. Factory-built housing shall be attached to a permanent foundation system and conform to all other requirements of Section 18611 of the Health and Safety Code.

(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)
(Amended by Ord. No. 6372 (N.S.) adopted 6-09-82)
(Amended by Ord. No. 6432 (N.S.) adopted 8-25-82)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6538 GENERAL DEVELOPMENT CRITERIA: MINI-MOBILEHOME PARKS.

a. Compatibility with Adjacent Land Uses. A mini-mobilehome park shall be designed and developed in a manner compatible with and complementary to existing and potential residential development in the immediate vicinity of the project site. To achieve this purpose, a Minor Use Permit for a mobilehome park with less than nine units, conditioned to meet the requirements for exterior siding and roofing materials and eave overhangs specified in Section 6506 b. for mobilehomes on private lots, may be approved by the Director except that no permanent foundation system shall be required. Site planning on the perimeter shall give consideration to protection of the property and its residents from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences within the development. A mobilehome park shall relate harmoniously to the topography of its site, make suitable provision for preservation of water courses, wooded areas, rough terrain, and similar natural features and areas, and shall otherwise be so designed as to use such natural features and amenities to best advantage.

b. Setbacks: Perimeter. Mobilehomes and buildings within a mini- mobilehome park shall maintain the following setbacks:

1. The setbacks established by the applicable Setback Regulations.

2. A side yard and rear yard setback of at least 15 feet from the exterior boundary of the mobilehome park except that this requirement shall not apply to a mini-mobilehome park of less than nine units.

3. A setback of 50 feet from the centerline of any street along the exterior boundary of the mobilehome park, except that when such street has a right-of-way greater than 60 feet, a setback of 20 feet shall be maintained from the nearest edge of the street right-of-way.

c. Fencing and Landscaping. Mini-mobilehome parks shall conform to the Fencing and Landscaping Regulations commencing at Section 6700. The Director may specify different requirements for a mini-mobilehome park with less than nine units.

d. Interior Access Drive. Interior private access drives shall be paved with at least 2 inches of asphaltic concrete to a width of not less than 25 feet. All corners shall have a minimum 25 foot radius. The Director may approve other paving material for a mini-mobilehome park with less than nine units.

e. Sewer and Water. Each mobilehome lot in a mobilehome park shall be provided with water and sewer connections in accordance with Title 25 of the California Administrative Code. Water shall be provided by a water supplier having a valid permit from the California Department of Health Services. Public sewers shall be provided by a public agency which has obtained discharge requirements approved by the appropriate California Water Quality Control Board. Individual sewage disposal systems shall be approved by the Department of Environmental Health.

f. Undergrounding. All sewer and water facilities, electric, gas, telephone, and television signal distribution systems shall be placed underground.

g. Fire Protection. On and off-site fire hydrants and other fire protection facilities shall be installed as specified in the use permit and shall be of a type approved by the Chief of the local fire protection district, or if there is no local fire district, by the Fire Services Coordinator.

h. Night Lighting. Artificial light shall be provided and maintained for walks, driveways, parking areas, and other facilities as specified in Title 25 of the California Administrative Code, to assure safe and convenient nighttime use.

i. Signs. Signs shall conform to the On-Premise Sign Regulations commencing at Section 6250.

j. Access. Each mobilehome park shall have direct vehicular access from a publicly maintained street. This requirement does not apply to a new mini-mobilehome park with less than nine units or the expansion of an existing mobilehome park when adequate access is obtained through the existing portion of the mobilehome park being expanded.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)
(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 6865 (N.S.) adopted 11-07-84)
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

6540 MOBILEHOME LOT DEVELOPMENT CRITERIA: MINI-MOBILEHOME PARKS. For purposes of Mobilehome Lot Development Criteria as used in this section, mobilehome shall also include factory-built housing as defined in Section 19971 of the Health and Safety Code.

a. Density of Occupation. Each mobilehome lot shall be designed to be occupied by one mobilehome and uses accessory thereto.

b. Lot Size. Each mobilehome lot shall have the minimum size indicated below based on its occupancy.

6540

Occupancy	Minimum Lot Size (Excluding interior access drives)
A mobilehome not more than 14 feet in width containing 1 dwelling unit	1,850 square feet
A mobilehome more than 14 feet in width containing 1 dwelling unit	3,000 square feet
A mobilehome containing more than 1 dwelling unit	1,500 square feet per dwelling unit

c. Coverage. No more than 75 percent of the area of a mobilehome lot shall be covered by the mobilehome and its accessory structures.

d. Setback from Interior Access Drive. Each mobilehome lot shall have a front yard setback of not less than 3 feet extending the entire width of the mobilehome lot. A front yard will be measured from the nearest element of the mobilehome or any mobilehome accessory structure to the closest edge of the interior access drive.

e. Side Yard Setback. Each mobilehome lot shall have a side yard in accordance with Title 25 of the California Administrative Code of not less than 3 feet in width along the entire length of the mobilehome lot. A mobilehome lot containing a mobilehome having a height of more than one story shall have a side yard of not less than 5 feet in width along the entire length of the mobilehome lot.

f. Rear Yard Setback. Each mobilehome lot shall have a rear yard in accordance with Title 25 of the California Administrative Code of not less than 3 feet and shall extend across the entire width of the mobilehome lot. A mobilehome lot containing a mobilehome having a height of more than one story shall have a rear yard of not less than 5 feet along the entire width of the mobilehome lot.

g. Access. All mobilehome lots and recreation facilities shall have access only from an interior access drive.

h. Homes on a Permanent Foundation. No dwelling unit shall be placed on a permanent foundation in a mobilehome park where tenants rent or lease spaces to accommodate their individually owned units. The provision shall not apply to subdivided parks or to parks where the dwelling units are not owned by the tenants or to parks where the minimum term of lease for a space is 55 years.

i. Number of Dwelling Units to be Specified. Each lot in a mobilehome park shall be designated on the plot plan of the related use permit and shall specify the number of dwelling units permitted.

j. Plot Plan to Specify Typical Development. The plot plan shall indicate the development proposed for each mobilhome lot through the use of "typicals" showing the footprint, floor plan and elevations for each proposed structure. The plot plan shall also clearly designate whether homes are to be of the "manufactured" or "factory-built" construction type. In no case shall factory-built housing be permitted unless shown on an approved plot plan.

(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)
(Amended by Ord. No. 6372 (N.S.) adopted 6-09-82)
(Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)

6542 MODIFICATION OF REQUIREMENTS.
Modification of the development criteria of Sections 6538 and 6540 may be granted by the officer or body having jurisdiction when it determines that such modification would not be detrimental to the development, adjacent properties, the public interest, or the General Plan. No modification shall be granted from any requirements specified in Title 25 of the California Administrative Code which are not subject to local modification.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

6544 ACCESSORY USES AND STRUCTURES PERMITTED.
The following accessory uses and structures may be permitted in mobilehome parks provided that they conform to the requirements of Title 25 of the California Administrative Code.

a. Convenience Structures. Awnings; portable, demountable, or permanent cabanas; storage cabinets and buildings; fences or windbreaks; carports; garages; porches; greenhouses; lathhouses; and other accessory structures permitted by Title 25 of the California Administrative Code.

b. Recreation Facilities. Parks, playgrounds, riding and hiking trails, golf courses, lakes, stables and riding rings, recreational buildings, clubhouses, community centers, and similar uses and facilities; provided that all such uses and facilities are designed for and limited to use by residents of the mobilehome park and their guests, and that such uses and facilities are not authorized on individual mobilehome lots.

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c. Public Utilities. Public utility and public service facilities.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

6548 MOBILEHOME SUBDIVISIONS.
A mobilehome subdivision may be authorized where permitted by the use regulations upon issuance of the appropriate use permit as specified in Sections 6512 and 6532 and approval of a Final Map. No use permit for a mobilehome subdivision shall be approved unless it is conditioned to require reservation and maintenance of all common areas for common use and enjoyment of the residents of the mobilehome subdivision in the manner specified in Section 6549 a. below. A use permit for a mobilehome subdivision shall comply with either the Standard Mobilehome Park Regulations or the Mini-Mobilehome Park Regulations. A mobilehome subdivision wherein each mobilehome lot is serviced by a dedicated public street and wherein no areas are reserved for common use shall not require issuance of a use permit provided all mobilehome lots meet applicable lot size requirements.

(Added by Ord. No. 6215 (N.S.) adopted 1-13-82)

6549 SUBDIVISION OF EXISTING MOBILEHOME PARKS, ADDITIONAL REQUIREMENTS. A standard mobilehome park or mini-mobilehome park may be subdivided in accordance with the applicable provisions of Division 1, Title 8 of the County Code of Regulatory Ordinances relating to subdivisions and shall also comply with the following additional requirements.

a. Parks Established by Use Permit. Prior to approval of a Final Map for a standard mobilehome park or mini-mobilehome park, the owner shall apply for modification of the related use permit to add a condition to require reservation and maintenance of all common areas for common use and enjoyment of the residents in a manner which makes the County or a public district or a public agency a party to and entitled to enforce the reservation. Such reservation shall include arrangements, satisfactory to County Counsel, to assure maintenance of all buildings, structures, streets and landscaping located within said common areas.

b. Parks Established Without Use Permit. An existing mobilehome park which was not established pursuant to the Mobilehome Park Regulations may be subdivided only upon determination by the Director that such mobilehome park was legally established in accordance with the Nonconformity Regulations. In addition, prior to approval of a Final Map for such mobilehome park, the owner shall obtain a major use permit which includes a condition to require reservation and maintenance of all common areas in the manner specified in "a" above.

c. All Existing Mobilehome Parks. All applications to subdivide an existing mobilehome park shall be accompanied by the following additional information and/or documents.

1. The number of spaces within the existing park.

2. A list of names and addresses of all tenants within the park for use by the Department in giving notice.

3. The date of manufacture and size of each mobilehome and the current replacement value affected by the relocation. The replacement value shall be determined in the same manner as used by standard insurance replacement criteria.

4. The estimated cost of relocation of each mobilehome affected by the proposed change of use.

5. The length of tenancy by each tenant.

6. The estimated income, age and number of tenants affected by the proposed change of use.

7. The number of alternative sites available to the tenants including written commitments from the owners of those parks to accept the relocated units and tenants.

8. A time table for vacating the existing park.

9. A statement and concept plan indicating what use the park site is intended to accommodate.

10. Evidence satisfactory to the Director that mutually acceptable agreements have been reached on the part of the park owner and all tenants to vacate the park upon recording of a Final Map. Such evidence may include, but is not limited to, the following:

    i. Written agreements to relocate mobilehomes; and

    ii. Assistance of low- and moderate-income tenants in the form of payment by the park owner of 80%, up to a maximum of $2,000, of the cost of relocating the mobilehome to another mobilehome park within 100 miles.

11. If such evidence specified in "10" above is not included in the application for subdivision, then the Director of Planning and Land Use shall recommend reasonable conditions to mitigate any adverse impact on tenants of the mobilehome park to the approving authority to be included as a condition in the resolution of conditional approval for said subdivision.

d. Notwithstanding the provisions of Subsection c. above, a park owner who elects to give a 5-year notice to subdivide may file a tentative map if evidence is provided that the following provisions will be completed before approval of the Tentative Map:

1. The mobilehome park owner shall provide evidence that a notice to vacate pursuant to Section 798.56(f) of the Civil Code has been issued, and

2. Informed each tenant of the rent and location of a number of available spaces equal to the number of occupied units to be displaced, and

3. Assisted each tenant in relocating the tenant's mobilehome to any new space within 100 miles in accordance with the following schedule:

IF TENANT VACATES BEFORE END OF	PORTION OF EXPENSES PAID BY OWNER	UP TO A MAXIMUM OF
1st year	80%	$2,000
2nd year	60%	1,500
3rd year	40%	1,000
4th year	20%	500
5th year	-0-	-0-

(Added by Ord. No. 6215 (N.S.) adopted 1-13-82)
(Amended by Ord. No. 6505 (N.S.) adopted 1-5-83)

EXTRACTIVE USE REGULATIONS

6550 TITLE AND PURPOSE.
The provisions of Section 6550 through Section 6559, inclusive, shall be known as the Extractive Use Regulations. The purpose of these regulations is to provide the means for public review and regulation of mineral extraction and associated on-site processing operations.

(Amended by Ord. No. 5781 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 8034 (N.S.) adopted 2-26-92)

6552 APPLICATION.
The Extractive Use Regulations shall apply in all zones permitting activities for the extraction of any naturally occurring chemical element or compound, or groups of elements and compounds, including but not limited to coal, peat, sand, and gravel but excluding geothermal resources, natural gas, and petroleum. Such zones also permit on-site processing and production of non-metallic mineral products, and recycling of used concrete, asphalt or rock, where sited with the following non-metallic mineral processing operations: rock crushing, asphalt pavement production, and concrete batching.

(Amended by Ord. No. 8034 (N.S.) adopted 2-26-92)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6554 REQUIRED PERMIT.
No person shall conduct the activities described in Section 6552 without first obtaining a Major Use Permit as provided by the Use Permit Procedure commencing at Section 7350.

(Amended by Ord. No. 8034 (N.S.) adopted 2-26-92)

6556 REQUIRED RECLAMATION PLAN.
No application for a Major Use Permit for mineral extraction shall be accepted for filing unless accompanied by an "Application for Reclamation Plan" as provided and described in the County Grading Ordinance. The decision to grant or deny the proposed Reclamation Plan shall be made at the same time as the decision to grant or deny the proposed Major Use Permit for the same project. Pursuant to the granting of the Major Use Permit, the permittee shall comply with all provisions and requirements of the Reclamation Plan in the conduct of mineral extraction activities and in the rehabilitation of the mining site.

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

6557 EXCEPTIONS TO USE REGULATIONS

The Extractive Use Regulations shall not apply to the removal of soil, sand, gravel, decomposed granite or rock under any of the following circumstances:

a. The removal is part of the grading of land done in accordance with a grading plan for a subdivision map or a division of such land created pursuant to a parcel map filed in accordance with Division 2 of Title 8 of the San Diego County Code, and the grading plan has been approved by the Director of Public Works as being reasonably necessary and incidental to the development and improvement of the premises in accordance with the final map or parcel map and the grading will be completed within one year of commencement of the grading.

b. The removal is part of the grading of land in accordance with a grading plan to prepare a site for a building or structure for which plans have been checked and approved by the Director pursuant to Division 1 of Title 5 of the San Diego County Code, and the grading plan has been approved by the Director of Public Works or Director as being reasonably necessary and incidental to the construction of such building or structure, and the grading will be completed within one year of commencement of the grading.

c. The removal is part of the grading of land in accordance with a grading plan to prepare a site for vehicle parking areas or similar areas, and the grading plan has been approved by the Director of Public Works or Director as being reasonably necessary and incidental to the development of the area.

d. The removal is part of the grading of land in accordance with a grading plan approved by the Director as being reasonably necessary and incidental to the use of the premises in accordance with a use permit issued pursuant to the Zoning Ordinance.

e. Less than 200 cubic yards will be removed.

f. To extract and export from a watercourse 200 or more cubic yards to repair flood damage to the watercourse in accordance with San Diego County Code, section 87.601 et seq. for which an emergency watercourse grading permit is issued by the Director of Public Works or the Board of Supervisors.

g. During the grading of land to prepare a site for development pursuant to an Administrative Permit approved by the Director, provided:

    1. The legal lot from which the material is removed is in a commercial or industrial zone;

    2. The sale of any material removed is secondary to the preparation of the site;

    3. The on-site processing of any material to be removed is prohibited;

    4. The removal and grading is done in accordance with an approved grading plan; and

    5. The removal and grading will not have a significant detrimental effect on the site or surrounding area.

(Added by Ord. No. 9958 (N.S.) adopted 12-10-08)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

PLANNED DEVELOPMENT STANDARDS

6600 TITLE AND PURPOSE.
The provisions of Section 6600 through 6699, inclusive, shall be known as the Planned Development Standards. The purpose of these provisions is to carry out the intent of Section 5800 of the Planned Development Area Regulations and to set forth development standards that must be met by planned developments before they are granted a major use permit in accordance with the Use Permit Procedures commencing at Section 7350. The intent of Section 5800 shall be applicable to all major use permits for planned developments even where the zoning of the property does not include the "P" Planned Development Area designator. It is intended that planned developments containing mobilehomes shall not be considered mobilehome parks for purposes of the application of Title 25 of the California Administrative Code; provided, however, that those provisions of Title 25 relating to the installation, maintenance, use and occupancy of mobilehomes outside of mobilehome parks shall apply.

(Amended by Ord. No. 5787 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)

6606 CONCEPT OF A PLANNED DEVELOPMENT.
A planned development shall consist of an integrated development located on a single tract of land, or on 2 or more tracts of land which may be separated only by a street or other right-of-way. In such development, the land and structures shall be planned and developed as a whole in a single development operation or a series of operations in accordance with a detailed, comprehensive plan encompassing such elements and the location of structures, the circulation pattern, parking facilities, open space, and utilities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided for the common use of the persons occupying or utilizing the property.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6602)
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

6609 APPLICABILITY OF ANIMAL REGULATIONS.
Except as otherwise provided, a planned development shall conform to all provisions of the Animal Regulations commencing at Section 3000.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6618)
(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

6610 APPLICABILITY OF USE REGULATIONS.
Except as provided in Section 5806, only those uses which are permitted by right, or are permitted by a use permit, or an administrative permit, shall be permitted in a planned development. When the applicable use regulations allow a use type in such use regulations only if such type is within a planned development, such a use type is permitted only within a planned development or contiguous planned developments having a total gross site area of at least 20 acres.

(Renumbered and amended by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6604)

6612 APPLICABILITY OF DEVELOPMENT REGULATIONS.
Except as otherwise provided hereinafter, a planned development shall conform to all provisions of the Development Regulations commencing at Section 4000.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6606)

6615 APPLICABILITY OF SPECIAL AREA REGULATIONS.
A planned development shall conform to all provisions of any applicable special area regulations.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6608)

6618 GENERAL DEVELOPMENT CRITERIA.

a. Compatibility with Adjacent Land Uses. A planned development shall be designed and developed in a manner compatible with and complementary to existing and potential residential development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of the property from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences within the development.

b. Relation to Natural Features. A planned development shall relate harmoniously to the topography of its site, make suitable provision for preservation of water courses, wooded areas, rough terrain and similar natural features and areas, and shall otherwise be so designed as to use such natural features and amenities to best advantage.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6609)

6621 COMPUTATION OF PERMITTED NUMBER OF LOTS.
The maximum density provisions of the General Plan Land Use Element shall be used in the computation of the permitted number of dwelling units. The Director shall compute the residential acreage pursuant to the following:

a. Computation of Residential Acreage in an Exclusively Residential Planned Development. In a planned development devoted exclusively to residential use types, the residential acreage of the proposed development shall equal the total land area within the boundaries of the development. For the purpose of the application of this subsection the "total land area within the boundaries of the development" shall be defined to exclude any land within rights-of-way of public streets or highways existing or to be dedicated or offered for dedication as part of the project.

b. Computation of Residential Acreage in a Planned Development Containing Non-Residential Use Types. For the purpose of computing the maximum and minimum density permitted or required in a planned development containing non-residential use types, the residential acreage of the proposed development shall be determined as follows:

1. For those portions of the site where the residential development (and its associated open space) are separate and distinct from the non-residential development (and its associated open space), the acreage to be used for residential development (and its associated open space) shall be used as the basis for computing density.

2. For those portions of the site where the residential and non- residential development area not separate and distinct (e.g., they are in the same building or a closely associated group of buildings), the acreage shall be allocated between the residential and non-residential uses on the basis of the floor area, ground area, and other factors which indicate the relative usage of the site by residential and non-residential uses.

(Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)
(Renumbered and amended by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6610)
(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 8247 (N.S.) adopted 5-19-93)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6624 LOT SIZE.
The Lot Size Regulations commencing at Section 4200 shall not apply in a planned development; provided, however, that all required findings can be made pursuant to Section 7350.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6611)
(Amended by Ord. No. 8247 (N.S.) adopted 5-19-93)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6627 BUILDING TYPE.
The Building Type Regulations commencing at Section 4300 shall not apply in a planned development.

(Renumbered and amended by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6612)
(Amended by Ord. No. 8247 (N.S.) adopted 5-19-93)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6630

6630 MAXIMUM FLOOR AREA.
The Maximum Floor Area Regulations commencing at Section 4400 shall not apply in a planned development.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6613)

6633 FLOOR-AREA RATIO.
The Floor-Area Ratio Regulations commencing at Section 4500 shall not apply in a planned development.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6614)

6636 HEIGHT.
The Height Regulations commencing at Section 4600 shall apply in a planned development; provided, however, that the approving authority may approve buildings and structures of 15 percent greater height, if, in its opinion, such additional height would not have an adverse effect on adjacent properties or on properties or development in the vicinity and would be consistent with the General Plan and the purpose of these development standards. No additional height shall be approved within 100 feet of any external boundary of the planned development adjacent to land in any residential or agricultural zone.

(Renumbered and amended by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6615)
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

6639 COVERAGE.
The Coverage Regulations commencing at Section 4700 shall not apply to a planned development; provided, however, that no more than 75 percent of the area of a lot containing a mobilehome shall be covered.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6616)

6642 SETBACKS-PERIMETER.
The following setbacks shall be maintained on the perimeter of a planned development:

a. The Setback Regulations commencing at Section 4800 shall apply to the perimeter of a planned development.

b. A setback of at least 50 feet from centerline shall be maintained by any mobilehome or other building or structure, except a fence or wall, from any street along an exterior boundary of the development, except that when such street has a right-of-way width greater than 60 feet, a setback of 20 feet from the right-of-way of such street shall be maintained.

c. Except as provided in paragraph "b", a setback of not less than 25 feet from the exterior boundary shall be maintained.

(Renumbered and amended by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6617)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6645 SETBACK-INTERIOR.

The Setback Regulations commencing at Section 4800 shall not apply to the interior of a planned development; provided, however, that mobilehomes and other buildings shall conform to the following setback and spacing requirements:

a. Setback From Interior Way or Other Surfaced Public Area. No mobilehome or other building shall be located closer than 5 feet from any interior vehicular or pedestrian way, court, plaza, open parking lot or any other surfaced area reserved for public use or for use in common by residents of the planned development. Such setback shall generally be measured from the nearest edge of a surfaced area; provided, however, that where no sidewalk exists in conjunction with a public or private street, such setback shall be measured from the nearest edge of the street right-of-way or private road easement.

b. Garages and Carports. No garage or carport having straight-in access from a public or private circulation street shall be located closer than 20 feet from the nearest edge of the sidewalk of such street, or where no sidewalk exists from the nearest edge of the street right-of-way or road easement.

c. Mobilehome Side Yard Setback. Each lot containing a mobilehome shall have a side yard of not less than 3 feet in width along the entire length of the lot.

d. Mobilehome Rear Yard Setback. Each lot containing a mobilehome shall have a rear yard of not less than 3 feet extending the entire width of the lot.

e. Spacing Between Buildings Other Than Mobilehomes. Wall to wall spacing between buildings other than mobilehomes shall be at least 10 feet. Within the RS, RR, A70 and A72 use regulations, spacing between dwellings (including attached garages) shall be equal to at least twice the width of the interior side yard setback of the zone's setback designator.

f. Open Space Surrounding Buildings Other Than Mobilehomes. Each building other than a mobilehome shall be surrounded by relatively level open space having a slope no greater than 10 percent and extending a minimum distance of 10 feet in all directions measured from the furthest projections of the external walls of the building.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6618)
(Amended by Ord. No. 8247 (N.S.) adopted 5-19-93)

6648 OPEN SPACE.

The Usable Open Space Regulations commencing at Section 4900 shall apply to a planned development; provided, however, that the following requirements shall be met. Plot plans for planned developments shall include the dimensions of all usable open space areas to ensure compliance with the minimum size, shape and slope requirements of Sections 4915 and 4917. In the event of conflict between the Usable Open Space Regulations and the provisions of this section, the requirements yielding the most open space shall apply.

a. Minimum Open Space. The total land area in residential use types shall be computed per Section 6621.a or b for purposes of determining the open space requirements. Open Space shall be comprised of a combination of private usable open space and conservation/group open space pursuant to b. and c. below.

6648

b. Minimum Private Usable Open Space. Private Usable Open Space shall be provided on each lot within the subdivision per the table below:

GP Designation	Usable Open Space per Lot
VR-# (all)	400 sf
SR-# (all)	1000 sf
RL-# (all)	4000 sf

Substitution of group usable open space for private open space may be allowed if the lots cannot satisfy the requirements above. The total area that is not satisfied on individual lots shall be in addition to the Conservation/Group Open Space requirement.

c. Conservation/Group Open Space. The total useable and/or non-usable open space shall be provided on the project site pursuant to the table below.

i. Conservation Open Space. Non-usable conservation open space shall be left in its natural state and shall be preserved in an open space easement. No structures or development shall be permitted. Conservation open space shall be kept free of litter and shall at no time constitute a health, safety, fire or flood hazard. Areas devoted to natural or improved flood control channels and those areas encumbered by flowage, floodway or drainage easements, as well as riding and hiking trails designated on a community or subregional plan map, may be applied toward satisfying this portion of the conservation open space requirement.

ii. Group Open Space. Useable open space shall comply with the standards of Section 4917. Land occupied by buildings and structures reserved for common recreational use by the residents may be counted as group usable open space for purposes of this subsection provided it meets the requirements of Section 4917.

GP Designation	Percent Conservation/Group Open Space
VR-# (all)	25
SR-# (all)	40
RL-# (all)	80

d. Staged Development. If development is to be accomplished in stages, the development plan shall coordinate improvement of the open space, the construction of buildings, structures and improvements in such open space, and the construction of dwelling units in order that each development stage achieves a proportionate share of the total open space and environmental quality of the total planned development.

e. Reservation for Common Use. All or any part of the required open space may be reserved for use in common by the residents of the planned development except as restricted by the private usable open space requirements of the Usable Open Space Regulations. Areas permanently reserved for common open space shall be reserved for the use and enjoyment of the residents in a manner which makes the county or a public district or a public agency a party to and entitled to enforce the reservation. The approving authority may require that open space easements over the required open

space be conveyed to the county. (Riding and hiking trails designated on a community or subregional plan map shall be open to the general public.)

f. Unreserved open space. Any open space in the development not reserved for the use in common of the residents pursuant to subsection "e" hereof, and not subject to the usable open space requirements of Section 4900, may be counted toward computation of the permitted number of dwelling units pursuant to Section 6621.e. However, any project proposing such unreserved open space shall be subject to the following conditions to be contained in the major use permit for the planned development: (1) That a homeowners association be created consisting of all owners of residential property in the planned development, and (2) that the unreserved open space shall be subject to an open space easement.

g. Additional Requirements for Mobilehomes. In addition to the open space requirements of subsections "a" through "e" and the Usable Open Space Regulations, planned development containing mobilehomes shall meet the following requirements for open space and recreational facilities:

1. At least one substantial area of group usable open space shall be provided. Such area shall:

   i. Conform to the requirement for group usable open space set forth in the Usable Group Open Space Regulations.

   ii. Be of such size and shape that each side of a rectangle inscribed within it is at least 100 feet in length.

   iii. Include outdoor recreational facilities for both active and passive recreation.

   iv. Include completely enclosed recreational facilities consisting of not less than 10 square feet of floor area for each lot containing a mobilehome.

2. All or any part of the group usable open space required by the Usable Open Space Regulations may be used to satisfy the requirements of Paragraph "f.1" if such open space meets the standards for minimum dimension, maximum slope and outdoor recreational facilities set forth herein.

(Renumbered and amended by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6619)
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 7321 (N.S.) adopted 6-10-87)
(Amended by Ord. No. 8247 (N.S.) adopted 5-19-93)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

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.

(Added by Ord. 9690 (N.S.) adopted 12-15-04)

6651

6651 SIGNS.
Signs shall be permitted in a planned development in accordance with the Off-Premise Sign Regulations commencing at Section 6200 and the On- Premise Sign Regulations commencing at Section 6250. Interior street, building and other signs shall be uniform in design and reflect good taste in style and size.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6622)

6654 OFF-STREET PARKING.
Off-street parking shall be provided in accordance with the Parking Regulations commencing at Section 6750.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6624)
(Amended by Ord. No. 5976 (N.S.) adopted 1-28-81)
(Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)

6657 CIRCULATION.
All streets within the planned development that by function fall within the system of classification of streets as specified in Article III, Classification (Types) of Streets of the "San Diego County Standards", Ordinance No. 2809 (New Series), as amended, shall be improved to county road standards for the particular classification of street, and all such streets shall be offered for dedication to the public. When the developer desires to retain any such streets as private streets, the county may reject the offer of dedication. Other forms of access, such as pedestrian ways, courts, plazas, driveways or open parking lots shall not be offered for dedication. Forms of common access other than dedicated public streets shall be permanently reserved and maintained for their intended purpose by means acceptable to the approving authority and County Counsel.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6626)
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

6660 ACCESS.
Any mobilehome, other dwelling unit or other building that is located more than 100 feet from a public or private street or other vehicular way shall have pedestrian access thereto capable of accommodating emergency and service vehicles.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6628)

6663 FIRE PROTECTION.
Fire hydrants and connections shall be installed as required by the Planning Commission and shall be of a type approved by the chief of the local fire district, or, if there is no local fire district, by the County Fire Warden.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6630)

6666 NIGHT LIGHTING.
Light fixtures for walks, parking areas, driveways and other facilities shall be provided in sufficient number and at proper locations to assure safe and convenient nighttime use. For normal street lighting, applicable county standards and regulations shall apply.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6632)

6669 ANTENNAS.
A Master Antenna Television (MATV) System shall be provided with underground cable service to at least all mobilehomes and other buildings containing dwelling units. This MATV System shall be provided at no charge for service and shall be conveyed to the homeowners association at no charge. This requirement may be met by the provision of an underground Cable Television (CATV) System by a county-licensed CATV operator. No other exterior television antennas shall be permitted unless authorized by the Planned Development permit, except that individual parcels having dwellings may have dish antennas that are one meter or less in diameter or diagonal measurement.

(Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)
(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6634)
(Amended by Ord. No. 9101 (N.S.) adopted 12-8-99)

6672 UNDERGROUNDING.
All sewer and water facilities, electricity, gas, telephone, and television signal distribution systems shall be placed underground.

(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6636)

6675 SPECIAL REQUIREMENTS FOR MOBILEHOMES.
In addition to the requirements set forth hereinabove, planned developments containing mobilehomes shall conform to the following requirements:

a. Area. A planned development containing mobilehomes shall not be less than 5 acres in area.

b. Fencing and Landscaping. Planned development containing mobilehomes shall conform to the Fencing and Landscaping Regulations commencing at Section 6700.

c. Storage Areas. Common Storage areas shall be provided within an enclosed fenced area for the residents of the planned development occupying mobilehomes for the storage of recreational vehicles, trailers, travel trailers, and other licensed or unlicensed vehicles. This area shall be not less than 50 square feet for each lot containing a mobilehome.

d. Sewer and Water. Each lot containing a mobilehome in a planned development shall be provided with water and sewer connections in accordance with Chapter 5 of Title 25 of the California Administrative Code. Water shall be provided by a water supplier having a valid permit from the California Department of Health of the Department of Environmental Health. Public sewers shall be provided by a public agency which has obtained discharge requirements approved by the appropriate California Water Quality Control Board. Individual sewage disposal systems shall be approved by the Department of Environmental Health.

(Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)
(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6640)
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

6678 MODIFICATION OF REQUIREMENTS.
Modification of these Planned Development Standards may be granted by the authority granting or modifying a Major Use Permit for a planned development when it determines that such modification will not be detrimental to the subject development, adjacent properties, or residents, or the public interest; or the General Plan, provided, however, no modification shall be granted for the density provisions of Sections 6621, nor from the open space provisions of Section 6648, nor from any applicable requirements specified in Chapter 5 of Title 25 of the California Administrative Code, except those which are subject to local modification.

(Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)
(Renumbered by Ord. No. 5787 (N.S.) adopted 6-4-80. Formerly 6642)
(Amended by Ord. No. 6031 (N.S.) adopted 4-22-81)
(Amended by Ord. No. 8247 (N.S.) adopted 5-19-93)
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6679 EFFECT OF AMENDMENTS ON PENDING PLANNED DEVELOPMENTS.
The amendments to the Planned Development Area Standards found in Ordinance No. 8247 (N.S.), adopted on May 19, 1993, shall not apply to any Major Use Permit for a planned development which was approved by the County, or any application for a Major Use Permit for a planned development which was filed (pursuant to Section 1019 of the Zoning Ordinance) with the County, before June 18, 1993. Said amendments shall not apply to any subsequent Time Extension, Minor Deviation or Ministerial Permit filed pursuant to such Major Use Permits. Said amendments shall also not apply to modifications of these Major Use Permits for a planned development, unless such modifications would change the approved Major Use Permit by 1) increasing the number of dwelling units, 2) enlarging the planned development site, or 3) in the RS, RR, A70 or A72 use regulations, changing the building type of dwellings from residential single detached to any other residential building type.

(Added by Ord. No. 8247 (N.S.) adopted 5-19-93)

FENCING AND SCREENING REGULATIONS

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

(Amended by Ord. No. 7735 (N.S.) adopted 3-13-90)
(Amended by Ord. No. 10031 (N.S.) adopted 1-13-10)

6702 MEASUREMENT OF PRESCRIBED HEIGHTS.
The prescribed heights of required fences, walls or landscaping used for screening shall be measured above the actual adjoining level of finished grade, except that where parking, loading, storage, or similar areas are located above finished grade, the height of fences, walls or landscaping required to screen such areas or space shall be measured above the level thereof. An earthen berm not higher than 3 feet may count toward the prescribed height of any fence, wall or landscaping used for screening.

(Amended by Ord. No. 10031 (N.S.) adopted 1-13-10)

6704 STANDARDS APPLICABLE TO FENCES AND WALLS.
All fences and walls required or permitted by these regulations shall meet the following standards.

a. Materials for Fences and Walls. Fences and walls may be of any material commonly used in the construction of fences and walls, or otherwise acceptable by the Department, except as hereinafter specified. Such fence or wall shall meet any criteria for sturdiness and construction as established in other County regulations.

b. Opaqueness or Transparency of Fences. The degree of opaqueness or transparency of fences and walls may be determined by the property owner, in accordance with the owner's desire for visual privacy, except as hereinafter specified. Notwithstanding this provision, such fence or wall shall meet the requirements of any other County regulation concerning the opaqueness or transparency of a fence or wall.

6704

c. Hedges. A hedge or other dense landscaping may satisfy a requirement for a view-obscuring fence. In that case, the hedge or other landscaping shall be planted to ensure 100 percent screening within two years of installation. Such hedge or other dense landscaping shall be maintained in accordance with the provisions of San Diego County Code sections 86.701 et seq. and shall be replaced with another hedge, other dense landscaping or an appropriate fence or wall when it ceases to serve the purpose of obscuring views. However, no such hedge shall be grown or maintained at a height greater than that permitted by these regulations for a fence or wall.

(Amended by Ord. No. 10031 (N.S.) adopted 1-13-10)

6706 REQUIRED FENCES AND WALLS.
The following fences and walls shall be required:

a. Parking Area.

1. Fencing Requirement. All parking areas of 5 or more parking spaces, (and driveways serving such parking areas) located on parcels abutting property in any residential zone shall be separated from such abutting property by a solid fence or wall 72 inches in height.

2. Exceptions. The following are exceptions from the requirements of Paragraph "a.1":

i. The required fence or wall shall be 42 inches in height where said fence or wall abuts a front yard on adjacent property or that portion of any side or rear yard on adjacent property wherein the height of a fence or wall is limited to 42 inches.

ii. Where the finished grade of a parking area is more than 72 inches below the finished grade of adjacent property, no fence or wall is required except as necessary for the safety of persons. Where there are variations in the finished grade adjacent to the lot, these same requirements shall apply and the fence or wall shall be designed in such a way as to have a functional and aesthetic transition while protecting adjoining residential property from the lights and noise of vehicular traffic.

iii. The officer or body having jurisdiction over a Use Permit, Variance, Site Plan, Administrative Permit, or Building Permit may waive or modify the requirements of Paragraphs "a.1" and "a.2" if the officer or body finds that the placement of structures and other factors prevent the lights and noise of vehicular traffic from adversely affecting abutting residential property at least to the same degree as the required fence or wall.

b. Parking Areas in Planned Developments. In planned developments, all open off-street parking areas shall be screened from view of nearby residents by hedges or other dense landscaping.

c. Open Sales, Display and Storage Areas. All open sales, display and storage areas in the commercial zones and in zones subject to the M50, M52 and M54 Use Regulations shall be enclosed by a view-obscuring fence or wall not less than 72 inches high. This requirement shall not apply to the following commercial use types:

1. Agricultural Sales (Retail nursery only)

2. Automotive and Equipment: Cleaning

3. Automotive and Equipment: Sales/Rental, Heavy Equipment

4. Automotive and Equipment: Sales/Rental, Light Equipment

5. Eating and Drinking Establishments

6. Gasoline Sales provided that the use complies with Section 2980 - Limitation 12.

7. Commercial uses in the C34, C35 or C36 Use Regulations pursuant to Section 6816.

d. Mobilehome Parks and Planned Developments With Mobilehomes. Each mobilehome park and planned development containing mobilehomes shall be entirely enclosed at its exterior boundaries by a decorative, view-obscuring fence or wall, or by decorative screening or landscaping plants and/or materials; provided, however, that said fence, wall screening or landscaping when located within a front yard shall be constructed at or behind the required setback.

e. Scenic Areas. In zones subject to the Scenic Area Regulations commencing at Section 5200, potentially unsightly features shall be screened from view by a view-obscuring fence or wall or by decorative screening or landscaping plants and/or materials in accordance with the provisions of an approved Site Plan.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 9569 (N.S.) adopted 7-9-03)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

6708 PERMITTED FENCES, WALLS, GATES AND ENTRY STRUCTURES.
No fence, wall, gate or entry structure shall be permitted unless it conforms to the criteria set forth below, except that the Board of Supervisors, the Planning Commission, or the Director, as a condition of approval of a matter under their jurisdiction, may require that a fence, wall or entry structure be constructed to a height greater than otherwise permitted by this section in order to mitigate against potential adverse effects.

a. Solid Fences and Walls. Solid fences and walls are permitted at the following locations provided they conform to the height limitations shown below. An exception to the height limitations may be granted in accordance with Sections 6708h or 6708i.

   1. Main Building Area. Permitted up to the maximum height applicable to the main building.

   2. Front or Exterior Side Yard. Permitted up to a maximum height of 42 inches.

   3. Rear or Interior Side Yards. Permitted up to a maximum height of 72 inches.

b. Open Fences and Walls. Open fences and walls are permitted at the following locations provided they conform to the material specifications and height limitations shown below. An exception to the material specifications or the height limitations may be granted in accordance with Section 6708h. An exception to the height limitations may also be granted in accordance with Section 6708i.

   1. Main Building Area. Permitted up to the maximum height applicable to the main building.

   2. Front or Exterior Side Yard. Permitted up to a maximum height of 42 inches, except as follows:

      On lots of one (1) gross acre or larger in size in the A70, A72, RR, S82, S88, S90 and S92 Use Regulations, open fences consisting of woven or barbed wire, wrought iron, pipe corral, or rails may be 72 inches high. Posts, pilasters or other support elements for such fences or walls shall not exceed 24 inches in any horizontal measurement, shall be spaced a minimum of 8 feet apart (edge to edge), and shall not exceed a height of 72 inches. Razor wire, and barbed wire attached to supports constructed at an angle to the vertical, are permitted only as a security measure for the purpose of protecting high-value agricultural uses, or commercial or industrial uses.

3. Rear or Interior Side Yards. Permitted up to a maximum height of 72 inches.

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

d. Gates and Gate Entry Structures on Individual Lots or Building Sites. Gates, not exceeding 12 feet in height, and gate entry structures on individual lots or building sites are permitted. Gate entry structures on individual lots or building sites shall meet the criteria shown below. An exception to these criteria may be granted in accordance with Section 6708h. Where the County Fire Code and Local Fire District Ordinances require additional restrictions; the most restrictive requirements shall apply.

1. Main Building Area. Permitted up to the maximum height applicable to the main building.

2. Front, Rear, Interior or Exterior Side Yard. Permitted, provided no higher than 12 feet and located a minimum of 10 feet from the nearest edge of any public road right-of-way or private road easement which intersects the access to the gate entry structure. Support elements designed as entry structures on either side of a fence opening that provides vehicular access may extend a horizontal distance of not more than 15 feet on both sides of the opening and may not exceed 12 feet in height for more than a distance of 6 feet on either side of the opening. Such entry structures may incorporate a gate house not exceeding 12 feet in height, but may not bridge the entryway unless an exception is granted in accordance with Section 6708h.

3. For Fire Protection Access, gate entry structures shall provide a minimum vertical clearance of 13 feet, 6 inches for vehicles. (Note: The County Fire Code and Local Fire District Ordinances regulate entry gates or other obstructions across fire access roadways and driveways. Gate entry structures fall under the County Fire Code and must be reviewed by the appropriate Fire Agency.)

e. Gates and Gate Entry Structures Across Private Road Easements. Gates not exceeding 12 feet in height, and gate entry structures across private road easements are permitted. Gate entry structures on private road easements shall meet the criteria shown below. An exception to these criteria may be granted in accordance with Section 6708h.

1. Gate entry structures shall not exceed a height of 12 feet; and

2. Gate entry structures shall be located at least 50 feet from any road right-of-way or road easement which intersects the gated access; and

3. Gate entry structures shall not extend a horizontal distance of more than 15 feet on either side of the gate opening and may not exceed 12 feet in height for more than a distance of 6 feet on either side of the opening.

4. For Fire Protection Access, gate entry structures shall provide a minimum vertical clearance of 13 feet, 6 inches for vehicles. (Note: The County Fire Code and Local Fire District Ordinances regulate entry gates or other obstructions across fire access roadways and driveways. Gate entry structures fall under the County Fire Code and must be reviewed by the appropriate Fire Agency.)

5. Prior to issuance of a building permit, written consent shall be obtained for the gate or gate entry structure, and submitted to the Department (on a form satisfactory to the Department), from all owners of property with access rights across the private road easement upon which the gate is to be installed.

f. Lighting. Lights and/or decorative fixtures may be placed on the top of pilasters or fence posts on both sides of each entry, at property corners, and elsewhere along a fence or wall spaced a minimum of 40 feet apart. Such fixtures may extend 12 inches above the top of the supporting post or they may extend up to a height equal to the width of a supporting pilaster (or post), to a maximum of 24 inches, whichever is greater. Such lighting shall conform to the provisions of subsections a., b. and c. of Section 6324 (LIGHTING PERMITTED IN REQUIRED YARDS). Exceptions to these criteria may be granted in accordance with Section 6708h.

g. Fences and Walls Which Confine Animals. The location of fences and walls which confine animals shall conform to the Animal Regulations commencing at Section 3000.

h. Exceptions.

1. Fences, Walls and Gate Entry Structures on Individual Lots. The Director may approve an administrative permit granting an exception to the applicable criteria otherwise specified in this Section for fences (including tennis court fences and light standards), walls and gate entry structures on individual lots. The Administrative Permit Procedure at Section 7050 through Section 7099 shall apply. Notice shall be provided pursuant to Section 7060 c. The Director may approve said administrative permit provided the following findings are made:

   i. The structure will be compatible with the community character and will not be detrimental to the health, safety or general welfare of the surrounding properties or the neighborhood; and

   ii. The structure will not interfere with traffic circulation, create a safety hazard or obstruct future road widening.

2. Gate Entry Structures and Gate Houses on Private Easements. The Director may approve an administrative permit granting an exception to the applicable criteria otherwise specified in this Section for gate entry structures and gate houses on a private easement. The applicant shall provide notice materials in accordance with Section 7060c. and shall provide a list of all property owners having legal access to the easement upon which the gate entry structure or gate house will be located. The Director shall notify all property owners in accordance with Section 7060c. and all property owners on said legal access list. The Director may approve said administrative permit provided the following findings are made:

i. The structure will be compatible with the community character and will not have a harmful effect upon the neighborhood; and

ii. The structure will not be detrimental to the health, safety or general welfare of the surrounding properties or improvements.

3. Lighting. The Director may approve an administrative permit granting an exception to the applicable criteria otherwise specified in this Section for lighting provided a finding is made that said lighting will be compatible with the community character and will not have a harmful effect upon the neighborhood.

i. Administrative Exceptions for Additional Fence or Wall Height. An administrative exception for fence heights up to 7 feet 6 inches in interior side yard setbacks or in rear yard setbacks not abutting a street, private thoroughfare, or alley, may be granted provided the following requirements are met:

1. Written consent is obtained for the proposed additional fence height, and submitted to the Department (on a form satisfactory to the Department), from all owners of contiguous property (including owners of parcels or lots across any street or alley from the site proposed for fencing).

2. An application form shall be submitted and a processing/record-keeping fee shall be collected at the time an administrative exception for additional fence height is requested, pursuant to the fee referenced in Section 7602.

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

j. Open Fences With Razor Wire or Barbed Wire at Top - Calculation of Fence Height. Where open fences 72 inches in height or greater are permitted, razor wire and barbed wire attached to support elements extending from the top of an open fence at an angle from the vertical are permitted except where said razor wire and barbed wire are not permitted in Subsection b.2. of this Section. The portion of the fence consisting of razor wire or barbed wire attached to support elements extending from the top of an open fence at an angle from the vertical, shall not be used in calculating the height of such a fence provided the vertical height of said razor wire and/or barbed wire shall not exceed 2 feet.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)
(Amended by Ord. No. 7576 (N.S.) adopted 1-11-89)
(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)
(Amended by Ord. No. 8246 (N.S.) adopted 5-19-93)
(Amended by Ord. No. 8425 (N.S.) adopted 7-13-94)
(Amended by Ord. No. 8599 (N.S.) adopted 10-11-95)
(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

6714 REQUIRED LANDSCAPING.

In all zones, properties shall be landscaped and maintained in accordance with the provisions of the County Code sections 86.701 et seq. and the conditions of any applicable discretionary permit. The following landscaping shall also be required:

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

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

c. Commercial Activities in Residential Zones. In all residential zones the required front and exterior side yards of lots or parcels on which commercial use types are conducted shall be landscaped in accordance with the provisions of sections 86.701 et seq. of the County Code.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 10031 (N.S.) adopted 1-13-10)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

PARKING REGULATIONS

6750 TITLE AND PURPOSE.
Section 6750 through 6799, inclusive, shall be known as the Parking Regulations. The purpose of these regulations is to provide functionally adequate, safe and aesthetically pleasing off-street parking and loading facilities for motor vehicles and bicycles. The spaces provided are required for use by the employees, tenants, customers and guests of the establishment providing the parking facilities.

(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3200.)

6753 GENERAL PARKING REQUIREMENT.

a. New Uses and Structures

All uses and/or structures established or constructed after May 10, 1985, shall be provided with not less than the number of parking and bicycle spaces specified in the Parking Schedules in Sections 6758 through 6780.

b. Existing Uses and Structures

All uses and/or structures lawfully established or erected prior to May 10, 1985, shall not be altered so as to reduce the number of parking or bicycle spaces to less than that required by these Regulations.

c. Conversion, Alterations or Expansion of an Existing Use or Structure

All uses and/or structures lawfully established or erected prior to May 10, 1985, that are converted, altered or expanded shall be required to provide only additional parking to accommodate the increase in capacity and/or intensity. This additional parking shall be provided unless the existing parking is sufficient to meet the parking requirements of this ordinance for the entire use and/or structure.

d. Exceptions

Notwithstanding the general parking requirements set forth in subsections a. and c. above, parking requirements for uses conducted pursuant to a use permit, Historic District Site Plan, or community design review Site Plan in a Special Parking District, shall be determined in accordance with Sections 6782 and/or 6783. In the Fallbrook Special Parking District, parking requirements shall be determined in accordance with the Parking Regulations for each Fallbrook Village Zone.

(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3203.)
(Amended by Ord. No. 8407 (N.S.) adopted 5-18-94.)
(Amended by Ord. No. 9620 (N.S.) adopted 12-10-03)

6756 COMPUTATION OF PARKING AND BICYCLE SPACE REQUIREMENTS.

a. Separate Uses. The off-street parking requirements for 2 or more uses on the same lot or parcel shall be the sum of the requirements for each use computed separately.

b. Bedrooms. For the purpose of computing residential parking requirements, the following shall be considered as bedrooms if they contain at least 70 square feet of floor area: dens, studies, studios, libraries, recreation rooms, sewing rooms, hobby rooms, work rooms or similar rooms.

c. Rounding. In computing the required number of parking spaces or bicycle spaces, fractions of .5 or larger shall be rounded up to the next whole number. Fractions less than .5 shall be disregarded, except that when the total requirement for a use or structure is 4 or fewer spaces, any fraction shall be rounded up to the next whole number.

(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3206.)

PARKING SCHEDULES

6758 PARKING REQUIREMENTS: **RESIDENTIAL**

Type of Occupancy, Use or Structure	**Required Parking and Bicycle Spaces**
Family Residential	**The sum of the following:**
Single Detached, Semi-Detached, Duplex, and Attached Units	2 Parking spaces per dwelling unit.
Rec. Center in Planned Developments	1 Parking space for every 10 units.
Multi-dwellings (3 units or more on a single lot)	**The sum of the following:**
Dwellings with 0-2 Bedrooms	1.5 Parking spaces per dwelling unit.
Dwellings with 3 or more Bedrooms	2 Parking spaces per dwelling unit.
Guest Parking *1	1 Parking space for every 5 units.
Recreation Center Parking *2	1 Parking space for every 10 units.
Group Residential	1 Parking space for each person based on the total occupancy permitted by the Uniform Building Code.
Accessory Apartment	1 Parking space *3
Mobilehome Residential	**The sum of the following:**
Mobilehome Dwelling Unit	2 Parking spaces per dwelling unit.
Guest Parking	1 Parking space for every 5 units.
Recreation Center Parking *4	1 Parking space for every 10 units.

*1 Up to one-half of the required guest parking may be met by parking in an abutting public or private street, provided that the street is improved to County standards with provision for on-street parking.

*2 Required for developments with 4 or more units having indoor recreation facilities exceeding 1,000 square feet.

*3 Space shall not be in tandem with any other required space.

*4 Required for Mobilehome Parks having indoor recreation facilities exceeding 1,000 square feet.

(Added by Ord. No. 6940 (N.S.) adopted 4-10-85.)

PARKING SCHEDULES

6760 PARKING REQUIREMENTS: **TRANSIENT HABITATION**

Type of Occupancy, Use or Structure	**Required Parking and Bicycle Spaces**
Campground Campspace Registration Pkg at Park Office	**The sum of the following:** 1 Parking space for each camp space. 6 Parking spaces for campgrounds with 100 camping spaces or less. 8 Parking spaces for campgrounds with 101 to 300 camping spaces. 10 Parking spaces for campgrounds with 301 camping spaces or more.
Lodging	**1 Parking space for each guest room.**
Resort Habitation Unit Registration Pkg at Resort Office Recreation Center Parking *2	**The sum of the following:** 1 Parking space for each transient habitation unit. 6 Parking spaces for resorts with 100 guest units or less. 8 Parking spaces for resorts with 101 to 300 guest units. 10 Parking spaces for resorts with 301 guest units or more.

PARKING SCHEDULES

6762 PARKING REQUIREMENTS: **COMMERCIAL *1**

Type of Occupancy, Use or Structure	**Required Parking and Bicycle Spaces**
Offices*2 **Retail Sales and Services***3 **Personal Services** **Eating and Drinking Establishments***6 **Repair Services***4 **Participant Sports and Recreation***5 (a) Indoor **Spectator Sports and Entertainment***5 (b) Limited Located on one legal parcel with a gross floor area (GFA) of:	
Less than 25,000 square feet	5 Parking spaces per 1,000 sq. ft. of GFA. (200 sq. ft. of GFA per parking space.) 1.5 Bicycle spaces for every 10 parking spaces but not less than 3.
25,000 to 250,000 square feet	4.5 Parking spaces per 1,000 sq. ft. of GFA. (225 sq. ft. of GFA per parking space.) 1.5 Bicycle spaces for every 10 parking spaces but not less than 3.
Over 250,000 square feet	4 Parking spaces per 1,000 sq. ft. GFA. (250 sq. ft. of GFA per parking space). 1 Bicycle space for every 10 parking spaces but not less than 3.
Automotive and Equipment Sales, Rental and Repair (all types) **Business Equipment** Sales and Service	3.3 Parking spaces for every 1,000 sq. ft. of GFA. (300 sq. ft. of GFA per parking space.) 1.5 Bicycle spaces for every 10 parking spaces.
Swap Meet	6.5 Parking spaces for every 1,000 sq. ft. of selling area.

*1 Parking requirements are based on gross floor area (GFA) plus any open area used for display or business operations.
*2 Excludes Medical and Clinical Facilities providing overnight or in-patient care.
*3 Except Automotive and Equipment (all types)/Business Equipment (sales and service).
*4 Except Automotive and Equipment (all types).
*5 When this use occupies more than 33% of the GFA, this section does not apply (See Section 6766 Public Assembly).
*6 When more than 10% of the GFA is devoted to this use the parking requirements are as follows: More than 10% but less than 25% - 10 spaces per 1000 square feet of GFA. Over 25% - 12 spaces per 1000 square feet of GFA.

(Added by Ord. No. 6940 (N.S.) adopted 4-10-85.)
(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

PARKING SCHEDULES

6766 PARKING REQUIREMENTS: **PUBLIC ASSEMBLY**

Type of Occupancy, Use or Structure	**Required Parking and Bicycle Spaces**
Public Assembly (including, but not limited to, dance halls, mortuaries, auditoriums and such not named elsewhere)	1 Parking space for every 4 persons based on the total occupancy permitted by the Uniform Building Code. 1 Bicycle space for every 10 parking spaces.
Participant Sports and Recreation (all types), See Section 6762 **Spectator Sports and Entertainment*1** (limited use type) See Section 6762	1 Parking space for every 3 persons based on the total occupancy permitted by the Uniform Building Code.
Spectator Sports and Entertainment*1 (general use type)	1 Parking space for every 3 persons permitted to occupy the premises.
Civic, Fraternal or Religious Assembly	1 Parking space for every 4 persons based on the total occupancy of the largest assembly room permitted by the Uniform Building Code.

*1 Excluding theatres and dance halls.

(Added by Ord. No. 6940 (N.S.) adopted 4-10-85.)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

PARKING SCHEDULES

6770 PARKING REQUIREMENTS: **EDUCATIONAL INSTITUTIONS - PUBLIC AND PRIVATE**

Type of Occupancy, Use or Structure	Required Parking and Bicycle Spaces
Child Care and Small Schools	1 Parking space for every 200 sq. ft. of GFA in commercial zones; or 1 Parking space for every 300 sq.ft. of GFA in industrial zones; or 1 Parking space for each employee in all other zones
Elementary *1	**The sum of the following:** 1 Parking space for each employee. 5 Visitor parking spaces. 1 Bicycle space for every 4 students.
Junior High *1	**The sum of the following:** 1 Parking space for each employee. 10 Visitor parking spaces. 1 Bicycle space for every 6 students.
Senior High *1	**The sum of the following:** 1 Parking space for each employee. 1 Parking space for every 3 students in the 11th and 12th grades. 15 Visitor parking spaces. 1 Bicycle space for every 10 students.
Colleges and Universities *1 (education beyond the 12th grade)	**The sum of the following:** 1 Parking space for each employee. 1 Parking space for every 2 students 15 Visitor parking spaces. 1 Bicycle space for every 20 students.
Other Educational or Charitable Institutions - offering instruction, training or learning opportunities. (When located in centers with 10,000 square fee of GFA or more and this use does not comprise more that 33% of the GFA, this section does not apply.) See section 6762.	**The sum of the following:** 1 Parking space for each employee. 1 Bicycle space for every 10 pkg spaces. **Plus the greater of the following:** 1 Parking space for every 2 studentes, trainees or participants, or 1 Parking space for every 300 square feet of GFA.

*1 Auditorium parking shall be provided in accordance with Section 6766, provided that the number of spaces required for the auditorium may be reduced by the number of spaces required by this Section, and by the number of spaces available for parking in playground areas.

(Added by Ord. No. 6940 (N.S.) adopted 4-10-85.)
(Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)

PARKING SCHEDULES

6772 PARKING REQUIREMENTS: **MEDICAL CARE FACILITIES**

Type of Occupancy, Use or Structure	Required Parking and Bicycle Spaces
Hospitals (acute, general)	1.75 Parking space for each bed of authorized capacity. 1 Bicycle space for every 20 parking spaces.
Other Facilities providing overnight medical care (other than general hospitals), including, but not limited to: psychiatric hospitals, skilled nursing facilities, intermediate care homes.	1 Parking space for every 4 beds.

(Added by Ord. No. 6940 (N.S.) adopted 4-10-85.)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

PARKING SCHEDULES

6778 PARKING REQUIREMENTS: **AGRICULTURAL, INDUSTRIAL, AND STORAGE**

Type of Occupancy, Use or Structure	Required Parking and Bicycle Spaces
Agricultural, Industrial, and Wholesale Storage uses and buildings, except as specified elswhere in this section.	**The sum of the following:** 1 Parking space for every 300 square feet of GFA. 1 Bicycle space for every 300 square feet of open space used for production operations. 1 Bicycle space for every 20 parking spaces.
Barns and other Agricultural Buildings subject to the RR, A70, A72, S80, S90, S92 and 94 Use Regulations; **Horticulture (all types);** **Tree Crops, Row and Field Crops;** **Animal Raising Use Types**	None Required.
Mini-Warehouse Use Type	**The sum of the following:** 1 Paring space for every 300 square feet of area used for office or maintenance purposes. 2 Parking spaces for the caretaker's dwelling, if applicable.

(Added by Ord. No. 6940 (N.S.) adopted 4-10-85.)

PARKING SCHEDULES

6780 PARKING REQUIREMENTS: OTHER OCCUPANCIES AND USES

Type of Occupancy, Use or Structure	Required Parking and Bicycle Spaces
Other occupancies, uses and buildings not specified elsewhere in the Parking Schedules.	1 Parking space for every 300 square feet of gross floor area.

(Added by Ord. No. 6940 (N.S.) adopted 4-10-85.)

PARKING SCHEDULES

6782 PARKING REQUIREMENTS: USE PERMITS AND HISTORIC DISTRICT SITE PLANS

Type of Occupancy, Use or Structure	Required Parking and Bicycle Spaces
Uses conducted pursuant to a use permit or to an Historic District Site Plan.	The number of off-street parking and loading spaces, and bicycle spaces, shall be as required by the use permit or Historic District Site Plan. To the extent that the use permit or Historic District Site Plan does not specify the number of parking, loading, or bicycle spaces, the requirements of these Parking Regulations shall apply. Notwithstanding the parking requirements of this section, where a Historic District Site Plan pursuant to Section 5749a has been waived or exempted by the Director, existing buildings which are expanded or renovated shall be required to provide off-street parking only as determined by the Director to be feasible.

(Added by Ord. No. 6940 (N.S.) adopted 4-10-85.)
(Amended by Ord. No. 8407 (N.S.) adopted 5-18-94.)

PARKING SCHEDULES

6783 PARKING REQUIREMENTS: SPECIAL PARKING DISTRICTS

Type of Occupancy, Use or Structure	Required Parking and Bicycle Spaces
Uses conducted within a Special Parking District as designated in Section 5761.	The number of off-street parking and loading spaces, and bicycle spaces shall be determined according to the provisions of Section 5761c. Notwithstanding the parking requirements of this section, where the Site Plan required at Section 5761c. has been waived or exempted by the Director, existing buildings which are expanded or renovated shall be required to provide off-street parking only as determined by the Director to be feasible, taking access from an alley or side street. The number of spaces shall be as close as possible to the number which would be required if the Special Parking District did not exist.

(Added by Ord. 8407 (N.S.) adopted 5-18-94.)

6784 REDUCTION OF PARKING SPACES: PARKING ASSESSMENT DISTRICT.
The number of required parking spaces for uses and structures located within an assessment district formed to provide off-street parking shall be reduced by the number of parking spaces provided by the assessment district which are attributable to the subject property. For purposes of this Section, the parking spaces shall be attributed to each lot or parcel in the same ratio that the assessed value of the subject parcel bears to the total assessed value of the assessment district, unless the Board of Supervisors determines that the parking spaces should be attributed to individual parcels in another manner.

(Renumbered without substantive amendment by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3260.)

6785 RELATIONSHIP OF REQUIRED PARKING TO BUILDING SITE.
All required parking and bicycle spaces shall be located on the same legal parcel with the use or structure they are intended to serve, unless the site on which they are located is within the Fallbrook Village Zones and meets the Fallbrook Village Parking Regulations or meets all of the following conditions:

a. There is a traversable pedestrian route, not more than 600 feet in length over and along public streets or walkways or permanently established easements between the parking or bicycle spaces and the uses or structures to be served; and

b. The site is already zoned S86 Parking Use Regulations or, all persons owning an interest in the site shall execute and record an agreement not to oppose a reclassification to the S86 Parking Use Regulations and then shall make application and pay the fees for this reclassification.

(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3272.)

6787 LOCATION OF PARKING ON BUILDING SITE.

a. Bicycle Spaces. Bicycle spaces shall be located:

1. At least as close and accessible to the use or building served as is the most convenient motor vehicle parking (other than handicapped parking).

2. As close to building entrances as is practical without interfering with pedestrian traffic.

3. At ground level.

b. Covered Parking. Covered or enclosed parking spaces may be located anywhere on a building site where a structure may be located. In the Fallbrook Village Zones 1 through 4, covered or enclosed parking spaces shall be outside the ultimate right-of-way of any street and shall be located in the rear half of the lot.

c. Open Parking. Except as provided in Paragraph "d", open parking spaces shall be outside the ultimate right-of-way of any street and shall be located as follows:

6787

ZONE/USE REGULATION	PERMITTED LOCATION
Residential & Agricultural Zones S80, S88, S90, S92 Use Regulations Fallbrook Village 5 Zone	Anywhere except in a required front or exterior side yard. May be in interior side yard only when separated from abutting property by a 6-foot high solid fence or wall.
C30, C31, C46 Use Regulations	Anywhere except in a required front yard.
Other Commercial Zones, Industrial Zones, S82, S86, and S94 Use Regulations.	Anywhere except in a required landscaped area.
Fallbrook Village Zones 1 through 4	Anywhere in the rear half of the lot.

d. Exceptions. A use permit, Variance, Administrative Permit, or historic district site plan may specify the location of parking areas and bicycle spaces in locations other than as required by Paragraphs "a" and "c".

(Amended by Ord. No. 5976 (N.S.) adopted 1-28-81. Formerly Sec. 6756.)
(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3275.)
(Amended by Ord. No. 9620 (N.S.) adopted 12-10-03)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6788 COLLECTIVE PROVISION OF OFF-STREET PARKING.
A major use permit may be granted to authorize collective off-street parking facilities serving two or more uses, structures in locations subject to commercial, industrial, or S86 Use Regulations subject to the following requirements:

a. The total parking spaces in such collective off-street parking facilities shall not be less than the sum of the requirements for the individual buildings or uses computed separately in accordance with these Regulations, unless a major use permit approved pursuant to this section specifies another amount.

b. The major use permit may be conditioned upon the reclassification of the parking area to the S86 Parking Use Regulations, the provision of landscaping, and other appropriate requirements.

(Renumbered without substantive amendment by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3278.)

6790 PARKING SPACE DIMENSIONS.

a. Design Manual to Specify. The design manual adopted pursuant to Section 6793C shall establish the minimum dimensions for parking spaces. The Director may require larger dimensions if he determines that larger dimensions are needed to provide safe and adequate parking in specific situations.

b. Handicapped Parking. At least one space of the required parking spaces in any parking area shall be designed for handicapped parking as specified in the design manual. Such spaces shall be located as close as possible to the entrance of the use or structure, and shall be reserved and designated for handicapped persons. The total number of required handicapped spaces shall be that specified in the design manual.

(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3281.)

6792 DESIGN OF BICYCLE STORAGE SPACE FACILITIES.

a. Enclosed Bicycle Spaces. Structures or lockers containing enclosed bicycle spaces shall be designed and constructed so that such structures or bicycles within them cannot be easily removed. In enclosed bicycle spaces which are not divided into individual lockers or racks, one space shall consist of a floor area at least 2 feet wide and 6 feet long, served by an aisle at least 5 feet wide. Enclosed bicycle spaces may be used in lieu of open bicycle spaces.

b. Bicycle Spaces. Bicycle racks shall be so designed and constructed that a bicycle can be securely locked with a user-supplied padlock. Racks shall provide a space at least 2 feet in width for each bicycle.

c. General Criteria. Bicycle spaces shall be:

1. Clearly designated as being for bicycle parking.

2. Separated from motor vehicle parking areas and driveways by a barrier, or shall be located in a manner which will minimize the possibility of vehicles striking parked bicycles.

(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3284.)

6793 DESIGN STANDARDS FOR OFF-STREET PARKING.
Parking spaces and areas shall meet the following design and improvement standards:

a. Surfacing. All parking spaces or areas, loading spaces and driveways serving them shall be hard surfaced in accordance with the specifications set forth in the design manual. The type of surfacing for proposed parking spaces and driveways shall be indicated on all plot plans which accompany building construction plans.

b. Landscaping. Except in zones subject to the C37, C38, C40, M54, M58, S80, S82, S88, S90, S92, and S94 Use Regulations, an area at least equal to 5 percent of the area of any parking area shall be landscaped in conformance to the requirements of Paragraph "c" of this Section and in accordance with the provisions of sections 86.701 et seq. of the County Code.

c. Design Manual. The design, dimensions, construction, landscaping, and surfacing of parking and bicycle spaces, driveways and other areas shall conform to the requirements of the Offstreet Parking Design Manual. The Director may administratively waive or modify one or more such requirements when practical difficulties make their strict application infeasible, and upon a finding that the waiver or modification is consistent with the purpose and intent of the Offstreet Parking Design Manual and this section. The Director shall submit any amendments to the design manual to the Planning Commission for its review and comment prior to transmitting them to the Board of Supervisors.

6793

(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3287.)
(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6794 LOADING SPACES.
All buildings containing commercial or industrial use types, hospitals, or institutions hereafter constructed, converted, established, or enlarged to increase their floor area shall be provided with loading spaces as follows and as specified in the design manual:

a. Number of Loading Spaces.

Total Floor Area on Parcel (Other than floor area devoted to office uses.)	Number of Loading Spaces
Less than 5,000 square feet	0
5,000 to 19,999 " "	1
20,000 to 39,999 " "	2
40,000 to 79,999 " "	3
80,000 square feet and over	4 plus 1 space for each additional 50,000 square feet

b. Access. Loading spaces shall have safe and adequate means of ingress and egress for trucks to and from a public street or alley.

c. Exemptions. Notwithstanding the provisions of this section, mini- warehouses shall be exempted from the loading space requirements.

d. Exceptions. Notwithstanding the requirements set forth in subsections a. and b. above, loading spaces for uses conducted pursuant to a use permit, Historic District Site Plan, or community design review Site Plan in a Special Parking District, shall be determined in accordance with Sections 6782 and/or 6783.

(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85. Formerly Sec. 3290.)
(Amended by Ord. No. 8407 (N.S.) adopted 5-18-94.)

6795 VARIANCES FROM PARKING REGULATIONS.
Any waiver or modification of these Parking Regulations shall be allowed only in accordance with the Variance Procedure commencing at Section 7100.

(Renumbered without substantive amendment by Ord. No. 6940 adopted 4-10-85. Formerly Sec. 3292.)

6799 PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL, AGRICULTURAL AND CERTAIN SPECIAL PURPOSE ZONES.

No person shall park any commercial vehicle in excess of one ton capacity on private property in Residential, Agricultural and the S90 and S92 Special Purpose Zones except as follows:

a. When loading or unloading property, or

b. When such vehicle is parked in connection with, and in aid of, the performance of a service to or on property in the block in which such vehicle is parked.

Notwithstanding the above provisions, no vehicle shall remain parked in excess of five consecutive hours. Section 6799 does not apply to recreational vehicles or farm vehicles or equipment, including maintenance equipment, necessary for agricultural production on the property where the vehicles and equipment are parked. In Agricultural Zones and the S90 and S92 Special Purpose Zones, a maximum of two vehicles of up to two tons capacity may be parked by a person owning said vehicles and the property where they are parked and who is conducting an agriculturally-related service or activity located elsewhere.

(Renumbered without substantive amendment by Ord. No. 6940 adopted 4-10-85. Formerly Sec. 3295.)
(Amended by Ord. No. 7935 (N.S.) adopted 6-19-91)
(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

ENCLOSURE REGULATIONS

6800 TITLE AND PURPOSE.
The provisions of Section 6800 through 6849, inclusive, shall be known as the Enclosure Regulations. The purpose of these provisions is to set forth the type of enclosure, if any, of buildings, other structures or areas used for the purpose of accommodating various uses, including accessory uses. The intent is to vary the enclosure according to the use type carried on within and the use regulations where located.

6810 APPLICATION.
The provisions shall apply for all use designators and to all use types except residential and extractive and their accessory uses, except that they shall not apply to planned developments unless otherwise provided. In any case of conflict with the Supplemental Limitations on Uses at Section 2980, the provisions requiring the greater degree of enclosure shall apply.

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

6812 TERMS DEFINED.
The types of enclosures are defined in the Definitions commencing at Section ll00.

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 68l6), 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)

6814

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 l2)
Retail Sales: Specialty (flower kiosks only)

C36: Agricultural and Horticultural Sales (Plant Nursery Only)
Automotive and Equipment: Sales/Rentals, Light Equipment (providing that the use complies with Sections 6787.c and 6793.a and c.)
Eating and Drinking Establishments and Food and Beverage Retail Sales (only accessory outdoor cafés that comply with Section 6158 a.1.)
Food and Beverage Retail Sales (when conducted from a food sales push cart)
Gasoline Sales (providing that the use complies with Section 2980 - Limitation 12)
Retail Sales: Specialty (flower kiosks only and all other uses when conducted in a civic plaza)

C37: Retail Sales: Specialty (flower kiosks only)

C40: Retail Sales: Specialty (flower kiosks only)

C42: Retail Sales: Specialty (flower kiosks only)

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

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

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

Scenic Areas:
Agricultural and Horticultural Sales (Plant Nursery Only)
Automotive and Equipment: Sales/Rentals, Light Equipment (providing that the use complies with Section 6787.c)
Food and Beverage Retail Sales (when conducted from a food sales push cart)
Gasoline Sales (providing that the use complies with Section 2980 - Limitation l2)
Retail Sales: Specialty (flower kiosks only)

d. Exception for Recycling Collection Facility. The Recycling Collection Facility, Small and Large use types are exempt from the enclosure regulations.

e. Exception for the Fallbrook Village Zones. The enclosure regulations and the exceptions to the enclosure regulations are specified in the Site Development Regulations for each Fallbrook Village Zone.

f. Open storage of boats and / or recreational vehicles may be permitted as an accessory use in connection with issuance of a major use permit for a Mini-warehouse.

g. Exception for Certified Farmers' Market. The Certified Farmers' Market Temporary Use type is exempt from the enclosure regulations.

h. Exception for Temporary Outdoor Sales. Temporary Outdoor Sales which are in compliance with Section 6124 are exempt from the enclosure regulations.

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

(Amended by Ord. No. 5508 (N.S.) adopted 5-l6-79)
(Amended by Ord. No. 5549 (N.S.) adopted 6-29-79)
(Amended by Ord. No. 5809 (N.S.) adopted 6-18-80, operative 9-1-80)
(Amended by Ord. No. 6134 (N.S.) adopted 7-22-8l)
(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)
(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)
(Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)
(Amended by Ord. No. 9013 (N.S.) adopted 3-17-99)
(Amended by Ord. No. 9260 (N.S.) adopted 12-10-03)
(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)
(Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)

6816 ENCLOSURE MATRIX.

The enclosures which are permitted, permitted subject to a Minor Use Permit, permitted subject to a Major Use Permit, permitted subject to an Administrative Permit, and permitted subject to a Site Plan are set forth in the Enclosure Matrix. This matrix and Limitations 8, 9 and l2 of Section 2980 are incorporated into this Section and all references to this Section shall include references to them.

(Amended by Ord. No. 5508 (N.S.) adopted 5-l6-79)
(Amended by Ord. No. 5809 (N.S.) adopted 6-l8-80)
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)
(Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)

(ENCLOSURE MATRIX)

(Last amended by Ord. No. 7740 (N.S.) adopted 3-28-90.
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

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

LEGEND:

- ● **Permitted**
- **A Permitted by Administrative Permit**
- **S Permitted by Site Plan**
- **m Permitted by Minor Use Permit**
- **M Permitted by Major Use Permit**

NONCONFORMITY REGULATIONS

6850 TITLE AND PURPOSE.
The provisions of Section 6850 through Section 6899, inclusive, shall be known as the Nonconformity Regulations. The purpose of these regulations is to control, ameliorate, or terminate uses which do not conform to the Zoning Ordinance. These regulations shall apply to all nonconforming uses and structures, except that nonconforming off-premise signs shall be subject to the Off-Premise Sign Regulations commencing at Section 6200; nonconforming on-premise signs shall be subject to the On-Premise Sign Regulations commencing at Section 6250, and substandard lots shall be subject to the Lot Size Regulations commencing at Section 4200.

(Renumbered and amended by Ord. No. 5508 (N.S) adopted 5-l6-79. Formerly 6950)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6851 NONCONFORMITY ATTRIBUTABLE TO LACK OF USE PERMIT.
Any nonconformity attributable only to the absence of a major or minor use permit may be removed by the securing of such permit, the application for which is allowed.

(Renumbered by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6951)

6852 RIGHT TO CONTINUE A NONCONFORMITY.
A nonconformity which is in existence prior to the effective date of the Zoning Ordinance or of any subsequent rezoning or other amendment thereto which creates such use or structure nonconformity, may be continued and maintained, except as otherwise specified in these Nonconformity Regulations. No expansion, extension, substitution or other change in activities and no alteration or other change in facilities is permitted except as expressly required by law or as expressly provided herein.

(Renumbered and amended by Ord. No. 5508 (N.S.) adopted 5-l6-79. Formerly 6952)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6854 NUISANCES.
None of the provisions of the Nonconformity Regulations restrict any authority to require modification or termination of any nonconformity which has been declared to be a nuisance by the Board of Supervisors.

(Renumbered by Ord. No. 5508 (N.S.) adopted 5-l6-79. Formerly 6953)

6856 REMOVAL OF OWNER-OCCUPIED INDEPENDENT MOBILEHOMES.
Notwithstanding other provisions of the Nonconformity Regulations, or the provisions of a use permit authorizing the establishment of an owner- occupied independent mobilehome to the contrary, any owner-occupied independent mobilehome legally established pursuant to the former provisions of Ordinance 1402 may continue for an indefinite period from the date of original granting of a use permit therefore and may be altered or enlarged, or replaced with another mobilehome. Any mobilehome that replaces any such existing, legal nonconforming mobilehome shall bear insignia of approval issued by the appropriate state or federal agencies indicating compliance with applicable regulations. Any discontinuance of the use of a mobilehome subject to this section for a continuous period of l2 months shall be deemed to constitute an abandonment of any right to continue or maintain the use and any future use shall conform to the provisions of this ordinance.

6856

(Renumbered and amended by Ord. No. 5508 (N.S) adopted 5-l6-79. Formerly 6954.

6857 OUTDOOR CAFÉ SEATING.
Notwithstanding other provisions of the Nonconformity Regulations, existing non-conforming Eating and Drinking Establishments and Food and Beverage Retail Sales Uses which are not permitted uses in the zones in which they are located shall be permitted to expand to have accessory outdoor café seating subject to the requirements of Section 6158(a).

(Added by Ord. No. 9013 (N.S.) adopted 3-17-99)

6858 EXPANSION OF OWNER-OCCUPIED INDEPENDENT MOBILEHOMES.
Notwithstanding other provisions of the Nonconformity Regulations, or the provisions of a use permit authorizing the establishment of an owner- occupied independent mobilehome pursuant to the former provisions of Ordinance l402, owner-occupied independent mobilehomes shall be permitted to establish the accessory uses, buildings and structures permitted in the underlying zone.

(Renumbered by Ord. No 5508 (N.S) adopted 5-l6-79. Formerly 6955)

6859 NONCONFORMITY DUE TO LACK OF BICYCLE PARKING FACILITIES.
No use or structure lawfully established or erected prior to February 27, l98l shall be deemed to be nonconforming due to lack of the required bicycle parking facilities.

(Added by Ord. No. 5976 (N.S.) adopted l-28-8l)

6860 EXISTING BED AND BREAKFAST HOMES OR HOST HOMES. Any existing single-family dwelling meeting the definition of "Bed and Breakfast Home" as defined in this ordinance and as determined by the Director may continue operation after the effective date of this ordinance (July 18, 1986). Expansion, alterations, repairs or other change in facilities shall be allowed in accordance with Section 6869a. However, expansion of the nonconforming non-residential use shall not result in an increase in the number of bedrooms available for rent unless a Minor Use Permit is obtained as provided in Section 6156aa. Any existing single-family dwelling meeting the definition of "Host Home" as defined in this ordinance and as determined by the Director may continue operation after September 18, 1987. Expansion, alterations, repairs or other change in facilities shall be allowed in accordance with Section 6869a. However, expansion of the nonconforming non-residential use shall not result in an increase in the number of bedrooms available for rent unless a Minor Use Permit is obtained as provided in Section 6156bb.

(Added by Ord. No. 7160 (N.S.) adopted 6-18-86. Effective 7-18-86)
(Amended by Ord. No. 7363 (N.S.) adopted 8-19-87)
(Amended by Ord. No. 7515 (N.S.) adopted 7-13-88)
(Amended by Ord. No. 9156 (N.S.) adopted 6-14-00)

6861 NONCONFORMING LARGE WIND TURBINE SYSTEMS.
Notwithstanding other provisions of the nonconformity regulations, no wind turbine system-large, which is nonconforming due to the lack of permit shall be allowed to add additional wind turbine structures or increase size of existing wind turbines without obtaining a permit as specified in Section 6951.

(Added by Ord. No. 7220 (N.S.) adopted 10-22-86)

6862 ABANDONED WIND TURBINES.

a. A nonconforming wind turbine shall be considered to be abandoned if its energy output (in kilowatt-hours) for any consecutive twelve months is less than 10% of the expected energy output. (See Definitions - Wind Turbine, Non-Operational).

b. A nonconforming wind turbine, or a series of wind turbines, which has been abandoned shall be removed. The foundation for the wind turbine(s) need not be removed if it does not present a safety hazard, and the top of the foundation is no higher than six inches above ground level.

(Added by Ord. No. 7220 (N.S.) adopted 10-22-86)

6863 EXISTING CUSTOM MANUFACTURING OPERATIONS
Any existing custom manufacturing operation located in the A70, A72, S90 or S92 Zone meeting the definition of the "Custom Manufacturing Use Type" as set forth in this ordinance at Section 1610 and as determined by the Director may continue operation after September 13, 1991. However, the Nonconforming Regulations commencing at Section 6850 shall apply to such operations.

(Added by Ord. No. 7964 (N.S.) adopted 8-14-91)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6864 EXISTING GROUNDWATER EXTRACTION OPERATIONS
Any existing activity meeting the definition of a "Groundwater Extraction Operation", as determined by the Director, shall be considered a nonconforming use and may continue said operations after May 8, 1992. However, the Nonconformity Regulations commencing at Section 6850 shall apply to such operation.

(Added by Ord. No. 8050 (N.S.) adopted 4-8-92)

NONCONFORMING USES

6865 NONCONFORMING USE - DISCONTINUANCE.

a. Use Nonconforming Because it is Not a Permitted Use. Whenever a use which is nonconforming, wholly or partly because it is not itself a permitted use where it is located, discontinues active operation for a continuous period of l2 months, such nonconforming use shall not be resumed. Intent to abandon such use shall not be necessary to constitute such discontinuance. Related structures, if any are used, may be utilized thereafter only for a permitted use.

b. Use Nonconforming for Other Reasons. A nonconforming use which is itself a permitted use where it is located, and which is nonconforming only as to applicable off-street parking or loading requirements, performance standards, or other requirements applying to use and not structures, may be resumed regardless of the period during which it may have discontinued active operation.

(Renumbered and amended by Ord. No. 5508 (N.S.) adopted 5-l6-79. Formerly 6960)
(Amended by Ord. No. 6268 (N.S.) adopted 4-l4-82)
(Amended by Ord. No. 7575 (N.S.) adopted 1-11-89)

6867 NONCONFORMING USE - DAMAGE OR DESTRUCTION OF STRUCTURES.

a. If a structure containing any nonconforming use is damaged or destroyed said structure may be reconstructed, repaired or rebuilt to the predamaged size as lawfully existed prior to the damage or destruction.

b. Notwithstanding the provisions of subsection a. above, if the structure containing a nonconforming use includes two or more dwellings and is damaged or destroyed, said dwellings may be reconstructed, repaired, or rebuilt to their predamaged size and number of dwelling units (pursuant to Section 65852.25 of the Government Code).

(Renumbered and amended by Ord. No. 5508 (N.S.) adopted 5-l6-79. Formerly 696l)
(Amended by Ord. No. 7935 (N.S.) adopted 6-19-91)
(Amended by Ord. No. 8407 (N.S.) adopted 5-18-94)
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6868 NONCONFORMING USE - RETENTION OF CONDOMINIUM DENSITY.
If the structures containing a condominium or stock cooperative, as defined by Section 1351 of the California Civil Code, that are nonconforming with regard to density, are damaged or destroyed, said structures may be reconstructed, repaired or rebuilt so as to retain the same number of dwelling units as lawfully existed prior to the damage or destruction.

(Added by Ord. No. 8581 (N.S.) adopted 9-20-95)

6869 NONCONFORMING USES--REPAIRS, ALTERATIONS AND EXPANSION OF STRUCTURES CONTAINING NONCONFORMING USES.

a. Structure Containing a Nonconforming, Nonresidential Use.

1. If less than 50 percent of an individual structure is occupied by a nonresidential use which is not a permitted use where it is located, the structure may be repaired, altered, and expanded so long as the area occupied by the nonconforming use is not relocated within the structure or on the premises, and is not expanded except as permitted by Section 6871.a.

2. If 50 percent or more of an individual structure is occupied by a nonresidential use which is not a permitted use where it is located, the structure shall not be expanded. No structural alterations or repairs shall be made to such a structure except:

i. Repairs or alterations which are permitted by Sections 6867 or 6869, or required by law.

ii. Repairs or alterations, the cost of which does not exceed 20 percent of the replacement value of the structure in any one year.

b. Structure Containing a Nonconforming Residential Use.

A building containing a residential use which is not a permitted use where it is located may be repaired, altered, or enlarged, including the addition of detached accessory structures, and the area and boundaries of a parcel containing such a building may be altered, provided that:

1. Such alterations or enlargement shall conform to other applicable regulations, and

2. Such alteration or enlargement does not increase the number of dwelling units, or in the case of Group Residential Use Types, an increase in the bed capacity, which existed on the lot or parcel at the time such use became nonconforming; and

3. Such alteration or enlargement does not reduce the number of existing or required parking spaces and access thereto.

c. Use Nonconforming as to Off-Street Parking or Loading. A structure which is nonconforming only as to off-street parking or loading requirements, may be expanded only pursuant to the requirement of Section 6753(c).

d. Use Nonconforming for Other Reasons. Any structure, used for a use which is itself a permitted use where it is located and which is nonconforming only as to performance standards or other requirements applying to uses, may be expanded in any way which does not result in a greater degree of nonconformity with respect to such requirements.

e. Restrictions Additive. Any restrictions on the expansion of a structure used for a nonconforming use shall be in addition to restrictions on nonconforming structures. In case of conflict, the most restrictive provisions shall apply.

(Renumbered and amended by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6962)
(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)
(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85)

6870 MODIFICATION OF NONCONFORMING USE OR BUILDINGS WHEN NONCONFORMITY IS DUE TO LACK OF MAJOR USE PERMIT.

Nonconforming uses that are nonconforming due only to the lack of a required Major Use Permit may be modified in accordance with the following provisions:

a. INTENT. The intent of this section is to provide flexibility to modify permitted uses that were legally established prior to the requirement of a Major Use Permit. It is not the intent of this section to allow modifications for which a Variance or a use permit would otherwise be required by the Zoning Ordinance.

b. REQUIRED FINDINGS. Modifications may be authorized only after finding that:

1. The use was legally established prior to the requirement for a Major Use Permit; and

2. The requested modification does not constitute a substantial change to the use; and

3. The requested modification will not adversely affect adjacent property or property owners.

4. There is no increase in the size of the parcel.

5. The buildings are located in substantially the same location as shown on the plot plan.

c. IMPROVEMENT REQUIREMENTS. Public improvement conditions shall be based on the extent of the modification.

d. PROHIBITED MODIFICATION. No modification shall be authorized which would permit one or more of the following:

1. An increase or decrease of more than 10 percent of the gross area of any yard, open space, working area or parking area, provided that no decrease may be permitted in any required yard for which an exception pursuant to Section 4813 or a variance is required;

2. An increase or decrease of more than 10 percent of the site of any building or structure or of the total land area covered by any building or structure;

3. An increase or decrease of more than 10 percent of the height of any building or structure or of any part thereof, or of the depth or area of an excavation, slope or working area; or

4. An increase in the number of buildings or structures so as to increase by more than 10 percent the total land area covered by all buildings and structures.

e. GROUNDWATER EXTRACTION OPERATION. A nonconforming Groundwater Extraction Operation, established as nonconforming pursuant to Section 6864, may be modified, in addition to other modifications that would be allowed by this section, to allow an increase in the amount of water exported or to change the location or method of off-site distribution, provided the findings required by subparagraph b. can be made.

f. PROCEDURE. The application, fee and hearing procedure shall be as prescribed for the modification of a major use permit.

Obtaining of an administrative permit pursuant to Section 6158(e) for salvaged concrete, asphalt and rock recycling in conjunction with legally nonconforming mining and processing use types shall be exempt from these provisions.

(Added by Ord. No. 6983 (N.S.) adopted 7-03-85)
(Amended by Ord. No. 8034 (N.S.) adopted 2-26-92)
(Amended by Ord. No. 8050 (N.S.) adopted 4-8-92)

6871 NONCONFORMING USES - EXPANSION OF THE USE

a. Nonresidential Uses. A nonresidential use which is nonconforming because it is not a permitted use where it is located, may be expanded subject to the following provisions:

1. The use shall not be expanded by more than 50 percent of its original floor area, into any other portion of the structure which existed at the time the use became nonconforming.

2. The overall outside dimensions of the portion of any structure devoted to such use shall not be increased, and no outdoor or drive-in sales, display, service, production, or storage or other area accommodating or serving such use shall be established, relocated or increased in size;

3. New signs may be provided for the use, but the aggregate area of display surface of all signs serving such use shall not be increased;

4. All requirements for off-street parking and loading space shall be met for the original area as well as for the expansion.

b. Residential Uses. A nonconforming residential use may be expanded throughout the lot, parcel or building it occupies provided that the requirements of Section 6869.b are met.

(Renumbered and amended by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6964)
(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

6872 NONCONFORMING USE - PROHIBITION ON RELOCATION OR EXPANSION OF OPEN NONCONFORMING USE.
Except as otherwise provided by law, a nonconforming use not located in a structure shall not be relocated to a different site or location on the same lot nor shall it be enlarged to occupy or use more land than was occupied or used by the use when it first became nonconforming.

(Added by Ord. No. 7740 (N.S.) adopted 3-28-90)

6873 NONCONFORMING USE - ALLOWED SUBSTITUTIONS.

(Renumbered by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6965)
(Amended by Ord. No. 6654 (N.S.) adopted 9-12-83)
(Repealed by Ord. No. 7575 (N.S.) adopted 1-11-89)

6875 NONCONFORMING USE - CONVERSION TO PERMITTED USE.

a. Conversion to Use Not Requiring a Use Permit. Any nonconforming use may be converted to a use permitted in the zone.

b. Conversion to Use Requiring a Use Permit. Any nonconforming use may be converted to a use requiring a Minor Use Permit or a Major Use Permit in the zone upon the granting of the use permit.

c. Resumption of Nonconforming Use. If a nonconforming use is converted to a conforming use, the nonconforming use shall not be resumed.

(Renumbered by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6966)

6876 NONCONFORMING USE - FORMER NONCONFORMING RIGHTS RELINQUISHED WHEN CONVERTED TO PERMITTED USE.

Any nonconformity which has been removed because it was converted to a permitted use by securing a major or minor use permit relinquishes all former nonconforming rights when said permit is granted and the permittee commences operation or use thereunder. This section shall apply to all such use permits, including those granted prior to the effective date of this section.

(Added by Ord. No. 6761 (N.S.) adopted 4-25-84)
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)
(Amended by Ord. No. 7575 (N.S.) adopted 1-11-89)

6877 HERD SIZE FOR SPECIFIED DAIRIES

Dairies that were in operation and whose herd size exceeds current zoning limitations, as of December 15, 1986 shall be permitted to maintain the following numbers of bovine animals on site:

Owner Site Address	Assessor's Parcel Number	Site Acreage	Permitted Herd Size
Ed Brower 15691 Rockwood Rd. (Escondido Area)	242-010-05 241-060-09 241-090-16	119.51 acres	750 head
Arie DeRaadt Harmony Grove Rd.	235-010-16,17,21 235-031-11	30.66 acres	650 head
Eden Vale Dairy (Kesting) Harmony Grove Rd.	235-011-01,02	50.61 acres	550 head
John Konyn 27918 Valley Center Rd.	186-240-11,12	69.65 acres	1,140 head
Simon Vander Woude 3588 Twin Oaks Valley Rd. (San Marcos Area)	178-170-01,11	38.98 acres	400 head
Gerritt Van Ommering 15055 Willow Rd. (Lakeside)	390-040-03,23,26	125.16 acres	1,400 head
Ellen Whelan (Estate) 3850 North River Rd. (Oceanside)	157-020-41 158-010-02,03,07	323.68 acres	385 head

These dairies shall be required to obtain approval of a Major Use Permit prior to expansion of the herd size to a number greater than that permitted above or prior to a reduction in site area without a proportionate decrease in herd size, unless said dairy is reclassified to a zone permitting such expansion.

(Added by Ord. No. 7354 (N.S.) adopted 8-5-87)

6878

6878 REDEVELOPMENT AREAS

(Added by Ord. No. 7878 (N.S.) adopted 3-6-91)
(Repealed by Ord. No. 9246 (N.S.) adopted 8-9-00)

NONCONFORMING STRUCTURES

6880 NONCONFORMING STRUCTURE - ABANDONMENT.
Whenever a structure which is nonconforming is vacated and remains unoccupied for a continuous period of 12 months, the facility may not be reused unless it is to conform to The Zoning Ordinance. This provision shall not apply if only a part of the structure is vacated.

(Renumbered by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6970)

6881 NONCONFORMING STRUCTURE - DAMAGE OR DESTRUCTION.

a. If a nonconforming structure is damaged or destroyed by fire, wind, earthquake, flood, or other accidental cause beyond the control of the owner, to the extent that the cost of reconstruction, repair, or rebuilding will exceed 75 percent of the replacement valuation of the structure immediately prior to the damage or destruction, as determined by the Building Official pursuant to Section 51.0107 of the County Code, the structure may not be restored. If such reconstruction, repair, or rebuilding would constitute 75 percent or less of the replacement valuation of the structure immediately prior to the damage or destruction, as determined above, such structure may be restored and the previous occupancy may be renewed. If restoration and renewed occupancy is permitted pursuant to this Section 6881, a building permit for such restoration must be obtained within one year after the damage or destruction. If it is not, the structure is considered to be abandoned and cannot be restored, and the previous occupancy cannot be renewed.

b. Notwithstanding the provisions of subsection a. above, if the structure contains two or more dwellings and is damaged or destroyed as described in subsection a., said dwellings may be reconstructed, repaired, or rebuilt to their predamaged size and number of dwelling units (pursuant to Section 65852.25 of the Government Code). However, if said structure is located in an area zoned with industrial use regulations, then the provisions of subsection a. above shall apply.

c. Notwithstanding the provisions of subsection a. above, if a structure (not covered by subsection b. above) was damaged or destroyed by a natural disaster that has been proclaimed by the Board of Supervisors as a local emergency, the structure may be reconstructed or repaired, provided that the reconstructed or repaired structure shall not exceed the size, number of dwelling units, or extent of nonconformity of the structure damaged or destroyed, except as provided in Section 6883.

(Renumbered by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6971)
(Amended by Ord. No. 7935 (N.S.) adopted 6-19-91)
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)
(Amended by Ord. No. 9658 (N.S.) adopted 6-23-04)

6882 NONCONFORMING STRUCTURE - REPAIRS AND ALTERATIONS
Ordinary repairs and alterations may be made to a nonconforming structure provided that in any one year period the costs of such work shall not exceed 20 percent of the replacement valuation of the nonconforming portion of the structure immediately prior to the repairs and/or alterations, as determined by the Building Official pursuant to Section 51.0304(a) of the County Code. Substantial renovation or alteration of a nonconforming structure, as determined by the Director, is not allowed.

(Added by Ord. No. 7935 (N.S.) adopted 6-19-91)

6883 NONCONFORMING STRUCTURE - EXPANSION & ALTERATION.
A nonconforming structure may be expanded in any manner if the expansion complies with all of the following requirements:

a. The expanded portion of the structure conforms to all requirements of this ordinance.

b. No new nonconformity is created.

c. The degree of any existing nonconformity is not increased.

d. Any alteration or repair of the nonconforming structure resulting from its expansion shall be in conformance with Section 6882 of The Zoning Ordinance.

Note: See Section 6886 for the allowance for expansion of nonconforming dwellings into certain required yards.

(Renumbered and amended by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6973)
(Amended by Ord. No. 7935 (N.S.) adopted 6-19-91)
(Amended by Ord. No. 8864 (N.S.) adopted 12-17-97)

6884 NONCONFORMING UNREINFORCED MASONRY BUILDINGS - DEMOLITION AND RECONSTRUCTION.
Notwithstanding Section 6881, if a nonconforming structure is demolished by the owner pursuant to Section 51.605 of the County Code relating to unreinforced masonry buildings, the 75 percent of replacement value limitation shall not apply and such structure may be entirely demolished without losing its nonconforming status provided that the structure is rebuilt in the exact same location and within the footprint of the demolished building. The rebuilt structure shall not exceed the number of stories, the square footage, or the height of the demolished structure. A nonconforming structure which is rebuilt pursuant to this Section 6884 shall comply with current zoning requirements except for setback, parking and landscaping requirements. The minimum setback, parking and landscaping requirements for the rebuilt structure shall be those which were in existence for the demolished structure prior to its demolition as determined by the Director. If a building is demolished and reconstructed pursuant to this Section 6884 and Section 51.605 of the County Code, the previous occupancy may be renewed.

(Added by Ord. No. 7935 (N.S.) adopted 6-19-91)

6885 NONCONFORMING STRUCTURE - REVERSION.
Any portions of a nonconforming structure which is changed to conform to the regulations of the zone where located shall not be changed back to a nonconforming condition.

(Renumbered by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6974)

6886 NONCONFORMING STRUCTURES - ENCROACHMENTS BY DWELLINGS INTO CERTAIN REQUIRED YARDS
Notwithstanding Section 6882 or 6883, nonconforming dwellings (including any attached garage) may be expanded into a required rear or interior side yard if all of the following requirements are met:

1. The existing nonconforming dwelling shall conform to the building setback that was in effect at the time of its construction.

2. No expansion shall encroach nearer to a property line than the existing dwelling.

3. The expansion shall not exceed the height, and 50% of the square footage, of the existing portion of the dwelling within the required rear or interior side yard setback.

4. The expansion shall maintain, at a minimum, 50% of the present setback requirement or a setback of 5 feet, whichever is greater.

(Added by Ord. No. 8864 (N.S.) adopted 12-17-97)

NONCONFORMING: ENCLOSURE, FENCING & LANDSCAPING REGULATIONS

6895 ENCLOSURE, FENCING AND LANDSCAPING OF NONCONFORMING COMMERCIAL AND INDUSTRIAL USES IN CERTAIN ZONES.

a. Every nonconforming Commercial or Industrial Use subject to the use, enclosure, or special area regulations listed in Column 1 of the following table shall conform to enclosure, fencing, and landscaping regulations set forth in Column 2:

COLUMN 1	**COLUMN 2**
Use, Enclosure, Or Special Area Regulations	Applicable Enclosure, Fencing or Landscaping Regulations
Residential	a. C34 Enclosure Regulations b. The Fencing Regulations applicable to commercial zones in Section 6706. c. The required front and exterior side yards shall be landscaped in accordance with the Fencing and Landscaping Regulations. An existing building or view-obscuring fence at least six feet in height need not be altered or removed to comply with the landscaping requirements.

COLUMN 1	COLUMN 2
C30	a. C30 Enclosure Regulations b. Fencing Regulations of Section 6706
C31	a. C31 Enclosure Regulations b. Fencing Regulations of Section 6706
C32	a. C32 Enclosure Regulations b. Fencing Regulations of Section 6706
C34	a. C34 Enclosure Regulations b. Fencing Regulations of Section 6706
C35	a. C35 Enclosure Regulations b. Fencing Regulations of Section 6706

(Added by Ord. No. 5809 (N.S.) adopted 6-18-80, operative 9-1-80)

C36	a. C36 Enclosure Regulations b. Fencing Regulations of Section 6706
M50, M52	M50, M52 Enclosure, Fencing and Landscaping Regulations. An existing building or view obscuring fence at least six feet in height need not be altered or removed to comply with the landscaping requirements of Section 6714.a.
Scenic Area Regulations	a. Scenic Area Enclosure Regulations b. Fencing Regulations of Section 6706.a, and either Section 6706.c or, if a site plan is approved, Section 6706.e

b. Uses subject to subsection "a" above shall conform to the applicable enclosure, fencing, or landscaping requirements within two years after becoming subject to this section. Uses subject to this section which were also subject to Section 513.5 of the former Zoning Ordinance (Ordinance 1402 N.S.) shall conform to the requirements of this section not later than December 29, 1980.

c. A Major Use Permit may be granted to allow substitution of alternative means of enclosure, fencing, landscaping buffering or operation of a nonconforming uses, provided that such alternative means would lessen any adverse impact of the nonconforming use on the surrounding residents and properties at least to the same degree as full compliance with the applicable enclosure, fencing, and landscaping requirements.

d. The Director may exempt a nonconforming commercial or industrial use from the requirements of this Section, provided that the owner of the subject property executes an irrevocable, recorded agreement to terminate the nonconforming use not more than five years after becoming subject to this Section. Uses exempted pursuant to this Section which were also subject to Section 513.5 of the former Zoning Ordinance (Ordinance 1402 N.S.) shall be terminated not later than December 29, 1983. The exemption may be approved subject to such terms and conditions as the Director deems appropriate to carry out the intent of this Section.

e. Compliance with the requirements of this Section or the granting of a permit or exemption pursuant hereto does not change an otherwise nonconforming use or building into a conforming use or building.

(Renumbered and amended by Ord. 5508 (N.S.) adopted 5-16-79. Formerly 6975)

MISCELLANEOUS GENERAL REGULATIONS

6900 AMBULANCE SERVICE.
Ambulance services in zones subject to the RU Use Regulations shall comply with the following provisions.

a. Exclusive Use. No business, other than emergency ambulance service, shall be conducted on the premises nor shall any office equipment or signs be located on the premises.

b. Setback. The ambulance service shall be located no farther than 1,500 feet from an improved road which is designated as no less than a Minor Collector by the Mobility Element of the San Diego County General Plan.

c. Use of Warning Equipment. No siren or flashing lights or any other emergency warning equipment shall be used prior to reaching such Collector Highway as described in subsection "b" above.

d. Storage. Ambulance shall be parked or stored entirely within an enclosed building.

(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6901 CEMETERIES

a. Continued Operation of Previously Existing Cemeteries. By Ordinance No. 7854 (N.S.), Division 6, entitled "CEMETERIES", of Title 8 of the San Diego County Code, was repealed, in recognition that the requirement of this Zoning Ordinance that a major use permit be obtained for the establishment or expansion of a cemetery, substantially satisfied the objectives of said Division 6. Said Division 6 required a cemetery permit for the establishment or maintenance of a cemetery, except for their continued maintenance, development and operation within the boundaries of cemeteries as established on February 24, 1942. Therefore, for purposes of this Zoning Ordinance, cemeteries which were legally established on or before February 24, 1942 and have not discontinued operation pursuant to Section 6865, shall be deemed to be nonconforming uses.

b. Additional Standards for Cemeteries. Before any Major Use Permit for a cemetery may be granted or modified, in addition to the findings required by Section 7358, it shall be found, based upon a financial statement of the applicant and such measures or programs as the applicant may propose, that the cemetery will be established, cared for and maintained in such a manner as to prevent the same from becoming a public nuisance.

(Added by Ord. No. 7850 (N.S.) adopted 1-16-91)

6902 ANIMAL WASTE PROCESSING.

All animal waste processing operations shall comply with the following provision.

a. Location. No animal waste processing operation shall be located closer than 1/2 mile from property in a zone which does not permit animal waste processing operations; provided that this requirement need not be met if the Planning Commission or Board of Supervisors finds that a closer location will not adversely affect property in a zone which does not permit animal waste processing because of one or both of the following circumstances:

   1. The effect of natural topography will largely negate any adverse influences of the waste processing operation on property in such zone; or

   2. The property in such zone is vacant or essentially vacant due to its topography, location, access, or other factors, is not reasonably expected to be developed within the time period for which the major use permit is granted.

b. Minimum Site Area. No animal waste processing operation shall be established or maintained on a lot or parcel unless such lot or parcel is 5 acres or more in area.

c. Setback. No building, machinery or stockpile in connection with the operation of animal waste processing subject to this section shall be maintained closer than 1,000 feet from the nearest pool, tennis court, public playground or dwelling located outside the boundary of the parcel or contiguous parcels associated with the animal waste processing operation at the time the Major Use Permit is granted. This requirement need not be met if the Planning Commission or Board of Supervisors finds that the animal waste processing facilities will not create significant adverse impacts to residences within said 1,000 feet and that the Major Use Permit findings at Section 7358 can be made.

d. Operation Plan. The applicant shall submit with his application plans, specifications and a description of the operation in sufficient detail so that the proposed operation can be fully evaluated as to any potential adverse effects on surrounding territory. Such plans shall include but not necessarily be limited to the following:

   1. Site Plan showing the location of all structures and functions of the operation.

   2. A description of machinery, process and products.

3. Specifications for the mechanisms and techniques to be used in the suppression of odors, air contaminants and flies at all times before, during and after the processing operation.

e. Director of Environmental Health Review. The Director of Environmental Health shall review all applications and make recommendations thereon, including recommendations as to conditions deemed necessary to assure adequate suppression of odors, air contaminants, flies and other hazards of the public health.

f. Water Quality Control Board Review. The Director shall send a copy of each application to the appropriate California Regional Water Quality Control Board for information and, if said Board so elects, for recommendation to the Approving Authority.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 8292 (N.S.) adopted 8-4-93)
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)
(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

6903 LOT LINE LOCATIONS

Lot lines shall not be relocated so as to do any of the following:

a. Impair any legal access or create a need for new access to any adjacent lots or parcels.

b. Impair any existing easements, create a need for any new easements serving any adjacent lots or parcels or cause any of the lots or parcels involved to be without safe and adequate access.

c. Require substantial alteration of any existing public improvement or create a need for any new public improvements, unless approval is given by the Director, Department of Public Works.

d. Adjust the boundary between lots or parcels for which a Covenant of Improvement Requirements has been recorded and all required improvements stated therein have not been completed unless the Director determines the proposed boundary adjustment will not significantly affect said Covenant of Improvement Requirements.

e. Include any lots or parcels, which in the Director's judgment, based on design, size, or specification of the original document creating the parcel, were not intended as a building site.

f. Negate any condition imposed or finding made in the original action or actions that created any or all of the lots involved in any such relocation of a lot line.

g. Negate any action or measure imposed to mitigate environmental impacts at the time any or all of the lots involved in any such relocation of a lot line were created.

h. Result in any lot or lots which utilize or propose to utilize an individual sewage disposal system, unless said lot or lots have been certified by the Director of Environmental Health as being approved for the installation of a sewage disposal system in accordance with the Septic Tank Ordinance, said certification to be dated no earlier than one year prior to the filing of said request for relocation of lot line(s). The Director of Environmental Health may exempt a boundary adjustment lot(s) from certification when the lot line changes will not impact the ability of the lot(s) to utilize an individual sewage disposal system.

i. Result in any increase in noncompliance to the lot design requirements specified in Section 81.401 of the County Subdivision Ordinance.

j. Result in any lot or lots which do not comply with all applicable zoning regulations, except that in the case of a lot or lots which did not conform to zoning regulations prior to the lot line relocation, the relocation may be approved if it does not result in any greater degree of nonconformity.

k. Include any area determined by the Director of Public Works to be subject to flooding or inundation unless the limits of said area are delineated by a distinctive boundary line, clearly labeled, with an appropriate note stating said area is subject to flooding or inundation.

l. Where the Director has made the determination referred to in Section 67.711 of the San Diego County Code, lot lines may not be relocated so as to result in lots zoned for residential use that are smaller than the minimum parcel sizes set forth in San Diego County Code Section 67.722.A (within the San Diego County Groundwater Ordinance), except that an existing parcel smaller than the applicable minimum parcel size set forth in said Section 67.722.A need not be made to conform to the minimum, so long as it is not further reduced in size by the Adjustment Plat.

m. Include all or any portion of a lot that was created without a parcel map under Government Code Section 66428(a)(2).

(Amended by Ord. No. 9826 (N.S.) adopted 01-31-07)
(Added by Ord. No. 7178 (N.S.) adopted 8-6-86)
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

6904 EXPLOSIVE STORAGE.

All explosive storage shall comply with the following provisions.

a. Conformance to Federal and State Law. Explosive storage shall conform to all applicable provisions of federal and state law, including the tables of quantity and distance criteria, except where requirements of this section or conditions of the Major Use Permit are more stringent, in which case such requirements and conditions shall apply.

b. Location. The area in which explosive storage is proposed shall be open in character and essentially free of development.

c. Setbacks. Explosive storage shall not be located closer than 1,000 feet from any building or structure not on the same site as the explosive storage facility and which is used continuously or intermittently for human occupancy; except that storage in Class II magazines, as authorized in state law, shall not be located closer than 400 feet from any such building or structure.

d. Buffering. Explosives storage shall be effectively screened by a natural land form or artificial barricade either surrounding the entire site or surrounding each magazine located thereon, which land form or barricade shall be of such height that:

   1. A straight line drawn from the top of any side wall of all magazines to any part of the nearest building or structure will pass through said land form or barricade; and

   2. A straight line drawn from the top of any side wall of all magazines to any point 12 feet above the centerline of a railroad or a street traversable by the public will pass through said land form or barricade.

   Artificial barricades shall be a mound or revetted wall of earth with a minimum thickness of 3 feet.

e. Compliance Review. A Major Use Permit for storage of explosives shall be conditioned to require the submittal of a compliance report to the Department of Planning and Land Use once every 5 years (from the date of approval of the Use Permit) demonstrating, to the satisfaction on the Director, that the use meets the requirements of this section and all applicable conditions of the Major Use Permit. As a result of such review, the Director may determine that the use is in compliance with the Major Use Permit or may determine that the Major Use Permit shall be subject to review by the Approving Authority. As the result of such review, or at any time, if said Approving Authority finds that circumstances or conditions have changed so that the use no longer meets the requirements of this section or the conditions of the Major Use Permit, said permit may be modified, or revoked, whichever is more appropriate.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

6905 FIRE PROTECTION AND LAW ENFORCEMENT SERVICES

All fire protection services, and also law enforcement services in the A72 and S92 Use Regulations, shall require Site Plan review in accordance with the Site Plan Review Procedure commencing at Section 7150 and the following guidelines.

a. Site Plan Review Required. Prior to the issuance of any building permit, grading plan or construction of any structure or conversion of any existing structure for use as a fire station, or in the A72 and S92 Use Regulations as a law enforcement station, a Site Plan of the proposed station shall be submitted to the Director for review and evaluation.

b. Content of the Site Plan. Application for Site Plan review shall be submitted to the Director and shall be accompanied by such data and information as he may require including maps, plans, drawings, sketches and documented material as is necessary to show:

   1. Boundaries and existing topography of the property, and adjoining or nearby streets;

   2. Location and height of all existing buildings and structures, existing trees and the proposed disposition or use thereof;

   3. Location, height, building elevations, and proposed use of all proposed or existing structures, including walls, fences and freestanding signs, and location and extent of the building site;

   4. Location and dimensions of ingress and egress points, interior roads and driveways, parking areas, and pedestrian walkways;

   5. Location and treatment of important drainageways, including underground drainage systems;

   6. Proposed grading and removal of natural materials, including finished topography of the site;

   7. Proposed landscaping plan including location of exterior lighting fixtures and underground fuel storage facilities and aboveground pumps.

c. Site Plan Review Criteria. The Site Plan shall be reviewed and evaluated by the Director for conformance with the following criteria.

1. All elements of the proposed fire protection or law enforcement services are consistent with the intent and purpose and meet the requirements of this section and applicable zone requirements.

2. Buildings and structures will be so located on the site as to create a generally attractive appearance and be agreeably related to surrounding development and the natural environment.

3. Insofar as is feasible, natural topography and scenic features of the site will be retained and incorporated into the proposed development.

4. Any grading or earth-moving operations in connection with the proposed station are planned and will be executed so as to blend with the existing terrain both on and adjacent to the site.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 9101 (N.S.) adopted 12-8-99)

6906 REQUIREMENTS FOR FARM LABOR CAMPS.

a. For any application for a Minor Use Permit for a farm labor camp which is subject to the waiver of fees pursuant to Section 7602.d.5, prior to the approval of the Minor Use 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.

b. Farm labor camp housing shall be removed or converted to another allowed use at such time as the commercial agriculture to which it relates ceases operation for more than twelve consecutive months following the date of occupancy on the building permit issued for the farm labor camp housing.

c. For any application for a Minor Use Permit for a farm labor camp which is subject to the waiver of fees pursuant to Section 7602 d.7, prior to the submittal of the Minor Use 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.

d. Prior to submitting an application for a building permit for a farm labor camp project, the property owner shall enter into a contract with the County agreeing to specific terms and conditions. The form of the contract shall have been approved by the Board of Supervisors.

e. Evidence of Commercial Agriculture. Prior to approval of the Minor Use Permit for a Farm Labor Camp the property owner shall provide appropriate evidence to the satisfaction of the Director of Planning and Land Use of an active Commercial Agricultural Operation.

f. On an annual basis, the property owner shall file a certificate with the Director of Planning and Land Use stating that the Commercial Agricultural operation to which the housing is related is still active and that the tenants are employed as Farm Employees. Failure to file the certificate will indicate the Commercial Agriculture has ceased.

(Added by Ord. No. 7768 (N.S.) adopted 6-13-90)
(Amended by Ord. No. 7790 (N.S.) adopted 08-01-90. This ordinance will expire on August 31, 1993, unless extended in connection with GPA 93-02)
(Amended by Ord. No. 8086 (N.S.) adopted 6-16-92)
(Amended by Ord. No. 8271 (N.S.) adopted 6-30-93)
(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)

6907 CREMATORIUMS.
Crematoriums shall comply with the following provisions:

a. Separation Requirement. In any zone where the Funeral and Interment Services: Cremating use type is permitted, or within any cemetery, no use permit for a crematorium use shall be approved if said use is within 650 feet of:

1. Any lot or parcel upon which one or more residences are the primary use at the time of initial application for the use permit for a crematorium,

2. Any residential use regulations, or

3. Any school or public playground, park or recreational area.

This 650 foot distance, without regard to intervening structures, shall be measured as a straight line from the closest exterior structural wall of a crematorium to the closest property line of a residence which is a primary use, area zoned with residential use regulations, or school, public playground, park or recreational area. A Variance may be granted from this separation requirement pursuant to the Variance Procedure commencing at Section 7100.

This separation requirement shall not apply to a subsequent application for modification of a previously approved and still valid crematorium use permit, unless said modification would enlarge the outside dimensions of the building(s) and/or structures housing the crematory operation.

Application of this separation requirement shall be at the discretion of the approving authority when rendering a decision on a Major Use Permit for a crematorium, the building permit application for which was on file with the County prior to the effective date of this Section.

b. Exception to Section 1019. Notwithstanding Section 1019, no application for a building permit for a Funeral and Interment Services: Cremating use type shall be accepted or approved where the proposed use or facility would violate Section 2545(b) or Section 2585(b).

(Added by Ord. No. 8318 (N.S.) adopted 10-27-93)

6908 COLUMBARIA

Additional Standards for Columbaria. Before any Major Use Permit or Minor Use Permit for a Columbarium may be granted or modified, in addition to the findings required by Section 7358, it shall be found that the Columbarium will be located upon land owned in fee interest by the operator of the associated Religious Assembly Use Type.

(Added by Ord. No. 9151 (N.S.) adopted 5-10-00)

6909 MINI-WAREHOUSES.

All Mini-Warehouses shall comply with the following provisions:

a. Commercial Uses Not Allowed. Incidental uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant but in no case may storage spaces in a mini-warehouse facility function as an independent retail, wholesale, business or service use.

b. Size and Uses. Individual storage spaces within a mini-warehouse shall have a maximum gross floor area of 400 square feet and shall not be used for workshops, hobbyshops, manufacturing or similar uses and human occupancy of said spaces shall be limited to that required to transport, arrange, and maintain stored materials.

c. Driveways. Driveways between mini-warehouse buildings on the same site shall have a minimum width of 24 feet to accommodate the temporary parking of vehicles during loading and unloading operations.

d. Mini-Warehouses in Residential Areas. In areas where mini-warehouses are permitted upon issuance of a Major Use Permit under the residential use regulations, they may only be located on relatively flat parcels of land of not less than 1 acre and not greater then 5 acres where any portion of such parcels are on the periphery of residential areas impacted by noise levels from adjacent roads in excess of 60 CNEL.

e. Enclosure Regulations. The Enclosure Regulations to the contrary notwithstanding, open storage of boats and/or recreational vehicles, may be permitted as an accessory use in connection with a major use permit for a mini-warehouse.

(Added by Ord. No. 9935 (N.S.) adopted 4-23-08)

6910 WHOLESALE LIMITED, BOUTIQUE AND SMALL WINERIES

a. Wholesale Limited Winery. A Wholesale Limited Winery shall comply with the following provisions:

1. A Wholesale Limited Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited.

2. On-site sales to the public of wine and other goods from the winery, tasting rooms, and/or special events, including but not limited to weddings and parties, are prohibited. Internet sales, phone sales and mail-order sales are allowed.

3. The maximum floor area of non-residential structure(s) used to crush, ferment, store and bottle fruit, wine and other products and equipment used in winemaking is limited to 1,000 square feet where the lot is less than one gross acre. A maximum floor area of 1,500 square feet is allowed where the lot is one acre or more but less than two acres gross, and 2,000 square feet of floor area is allowed where the lot is two to four acres gross. An additional 200 square feet of floor area is allowed for each acre over four acres, up to a maximum of 5,000 square feet of additional allowed floor area.

4. Up to 75 percent of the fruit used in winemaking may be imported from off the premises while the remainder shall be grown on the premises.

5. Wine production shall be less than 12,000 gallons annually.

6. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code of Regulatory Ordinances relating to Noise Abatement and Control.

7. A Wholesale Limited Winery shall demonstrate compliance with the emergency travel times specified in the Public Facilities Element, Section 11.

b. Boutique Winery. A Boutique Winery shall comply with the following provisions:

1. A Boutique Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited.

2. Wine production shall be less than 12,000 gallons annually.

3. Of the total fruit used in winemaking a minimum of 75% shall be grown within San Diego County, a minimum of 25% shall be grown on the premises and a maximum of 25% may be grown outside of San Diego County.

4. The maximum floor area of non-residential structure(s) used to crush, ferment, store and bottle fruit, wine and other products and equipment used in winemaking is limited to 1,000 square feet where the lot is less than one gross acre. A maximum floor area of 1,500 square feet is allowed where the lot is one acre or more but less than two acres gross, and 2,000 square feet of floor area is allowed where the lot is two to four acres gross. An additional 200 square feet of floor area is allowed for each acre over four acres, up to a maximum of 5,000 square feet of additional allowed floor area.

5. One tasting/retail sales room is allowed. The tasting/retail sales room shall be accessory to wine production and shall not exceed 30% of the total square footage of the structure used for wine production. Internet sales, phone sales and mail-order sales are allowed.

6. Events, including but not limited to weddings and parties, are prohibited.

7. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be approved by the County of San Diego Department of Environmental Health. Catered food service is allowed, but no food preparation is allowed at a Boutique Winery. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Boutique Winery premises.

8. A tasting/retail sales room is allowed to operate from 10 a.m. until legal sunset seven days a week.

9. A minimum of six parking spaces shall be provided for customers and a minimum of three spaces shall be provided for employees and Boutique Winery operations. No parking for a Boutique Winery is allowed off the premises.

10. The on-site driveway and parking area shall not be dirt. The on-site driveway and parking area may be surfaced with Chip Seal, gravel, or an alternative surfacing material such as recycled asphalt suitable for lower traffic volumes.

11. Amplified sound is not allowed.

12. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code of Regulatory Ordinances relating to Noise Abatement and Control.

13. Outdoor eating areas shall be limited to a maximum of five tables and seating for no more than 20 people.

14. Vehicles with a capacity in excess of 12 passengers are not allowed.

15. A Boutique Winery shall demonstrate compliance with the emergency travel times specified in the Public Facilities Element, Section 11.

c. Small Winery. A Small Winery shall comply with the following provisions:

1. A Small Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. The applicant shall disclose if any other licenses issued by the California Department of Alcoholic Beverage Control will be relied upon for operations at the Small Winery.

2. Wine production shall be less than 120,000 gallons annually.

3. Of the total fruit used in winemaking a minimum of 50% shall be grown within San Diego County, a minimum of 25% shall be grown on the premises and a maximum of 50% may be grown outside of San Diego County.

4. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be approved by the County of San Diego Department of Environmental Health. Catered food service is allowed, but no food preparation is allowed at a Small Winery. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Small Winery premises.

5. Events, including but not limited to weddings and parties, may be allowed upon the making of the findings in Section 6910.c.6.

6. An Administrative Permit is required and may be approved in accordance with the Administrative Permit Procedure commencing at Section 7050 if it is found:

   i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

      a) Harmony in scale, bulk, coverage and density.

      b) The availability of public facilities, services and utilities.

      c) The harmful effect, if any, upon desirable neighborhood character.

      d) The generation of traffic and the capacity and physical character of surrounding streets.

      e) The suitability of the site for the type and intensity of use or development which is proposed.

      f) Any other relevant impact of the proposed use.

ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.

iii. That the requirements of the California Environmental Quality Act have been complied with.

7. A Small Winery shall demonstrate compliance with the emergency travel times specified in Safety Element, Table S-1.

8. Notice shall be provided pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.

(Added by Ord. No. 9940 (N.S.) adopted 6-18-08)
(Amended by Ord. No. 10067 (N.S.) adopted 8-4-10)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

6911 EMERGENCY SHELTERS.

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

a. The maximum number of clients permitted to be served (eating, showering or sleeping) nightly shall not exceed 1 per 125 sq. ft. of floor area. There shall be one bed provided for each client.

b. Off street parking shall be provided as follows: one parking space per employee on site at the same time and one additional space for every 6 client beds or portion thereof.

c. The client waiting and/or intake areas shall be as follows:

1. The interior waiting/intake area for a facility with 14 or fewer beds shall be no less than 125 sq. ft. and for a facility with 15 or more beds shall be no less than 200 sq. ft. in area.

2. The exterior waiting/intake area shall be no less than 450 sq. ft. for facilities with 14 beds or fewer. The exterior waiting/intake area shall be no less than 900 sq. ft. for facilities with 15 beds or more. Exterior waiting/intake areas shall be screened from view from surrounding properties by solid fencing of not less than 6 feet in height. Fencing shall conform to the requirements of Section 6700 et. seq.

d. An individual or individuals who do not utilize the homeless beds and/or services and who maintain their own residence off site may be eligible as on site manager(s). Each facility shall have manager(s) present onsite 24 hours per day, 7 days per week. At a minimum, one on site manager and one supporting staff member of the same sex shall be provided in each segregated sleeping area being used.

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e. Segregated sleeping, lavatory and bathing areas shall be provided if the Emergency Shelter accommodates both men and women in the same building. Reasonable accommodation shall be made to provide segregated sleeping, lavatory and bathing areas for families.

f. No Emergency Shelter shall be located within 300 feet of another Emergency Shelter.

g. No client shall be allowed to stay more than 180 consecutive days or 300 overall days within any 12 month period of time.

h. Lighting shall be provided in all parking areas, exterior intake and/or waiting areas and outside common areas. Outdoor lighting shall conform to all provisions of Section 6324 of this Zoning Ordinance and Section 51.201 and following of the San Diego County Code.

i. Adequate security shall be provided on site during all hours of operation.

j. For purposes of this section, “client” is defined as a person who utilizes the Emergency Shelter facilities to eat, shower or sleep but is not a staff member.

(Added by Ord. No. 10035 (N.S.) adopted 1-27-10)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

6912 COMMUNITY GARDENS

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

a. Hours of Operation. Hours of operation shall be limited to the hours between sunrise and sunset.

b. Permitted structures. Accessory structures, such as storage sheds for tools and other supplies, greenhouses and/or an Agricultural Stand, may be allowed in a community garden pursuant to Section 6156.

c. Parking. A minimum of 2 parking spaces shall be provided on the lot when there is no on-street parking allowed adjacent to the community garden property.

d. Water Use. Wasting water is prohibited pursuant to County Code Section 86.725. Water efficient irrigation techniques such as drip irrigation and timers to control watering times are encouraged. All hoses shall be equipped with a trigger nozzle. Mulching of planted areas is encouraged to retain plant moisture.

e. Composting. Composting may be performed onsite within a composting container subject to all of the following:

1. Composted materials shall be only those materials generated onsite or contributed by active members of the community garden.

2. Composting containers shall be located a minimum of three feet from property lines.

3. Odors and/or fly-breeding shall not be greater than customarily found at a well-maintained residence.

f. Organic Gardening. Organic gardening is strongly encouraged.

g. Trash/Recycling Receptacles. Trash and recycling receptacles shall be provided onsite for the proper disposal of refuse. The receptacles shall be screened from adjacent properties by six-foot high solid fencing. Refuse shall be removed from the site regularly so that the receptacle area and the lot are kept free from litter.

h. Sale of Produce and Plants. Sale of produce or plants raised on the site is allowed only from a permitted Agricultural Stand, subject to all provisions of 6156.q. Otherwise, on-site sales of produce, plants or any other items are prohibited.

i. Prohibited plants. Planting illegal or invasive plants, as defined in County Code Section 86.701 et seq., shall be prohibited.

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

(Added by Ord. No. 10204 (N.S.) adopted 3-28-12)

6920 COTTAGE INDUSTRIES.

a. Purpose and Intent. The purpose and intent of this Section is to provide a means for establishing certain limited commercial and industrial uses to provide products and services to rural areas which are not currently zoned commercial or industrial but would benefit from the application of such limited commercial and industrial uses. Furthermore, it is intended that these limited commercial and industrial uses be used in conjunction with a dwelling and that said uses, although more extensive than home occupations, do not significantly alter or disturb the residential or rural nature of the premises or the surrounding community.

b. Permit.

1. Cottage Industries are permitted, upon issuance of a Minor Use Permit, only in the A70, A72, S90 and S92 Use Regulations, and in the RR Use Regulations on parcels of four acres gross or larger.

2. A Minor Use Permit for a Cottage Industry shall be granted for seven years, unless the Director determines that a shorter period is more appropriate to insure conformance with the intent and standards of this section or other applicable requirements. Any person holding an unexpired Minor Use Permit for a cottage industry may apply for a modification pursuant to Section 7378 to extend its expiration date. The expiration date of any unexpired Minor Use Permit for a cottage industry which was granted prior to September 13, 1991 shall, however, be automatically extended by operation of Ordinance No. 7964 (N.S.) to September 13, 1998.

3. The Director, in acting on an unexpired Minor Use Permit for a cottage industry which was granted prior to September 13, 1991, shall not apply the 1,000 square foot maximum floor area standard specified in Section 6920d.4. below. The maximum floor area applicable to an unexpired Minor Use Permit for a cottage industry which was granted prior to September 13, 1991 shall be the square footage authorized and constructed prior to September 13, 1991.

c. General Standard. The particular uses conducted by the Cottage Industry, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surroundings.

d. Specific Standards. Cottage Industries shall conform to the following requirements:

1. The Cottage Industry shall be a secondary use of a parcel containing a dwelling occupied as the principal residence of the owner or operator of the Cottage Industry.

2. The use shall be conducted entirely within a dwelling, garage, or accessory building which retains the appearance of buildings normally associated with dwellings.

3. Dwellings or garages modified in conjunction with this use shall, on sides adjacent to streets, retain the appearance of a single detached dwelling and garage. The required number of off-street parking spaces shall be maintained.

4. The maximum floor area devoted to the use shall not exceed 1,000 square feet.

5. Not more than 3 persons may be employed on the premises in addition to the members of a single family residing on the premises.

6. No on-premise signs or advertising is permitted except as permitted for home occupations (one sign not exceeding 2 square feet in area displaying the name and occupation of the occupant).

7. No Cottage Industry may be owned, operated, managed, or leased by any person within one mile of any other Cottage Industry owned, operated, managed, or leased by the same person.

8. The Cottage Industry shall conform to the Performance Standards for the applicable use regulations. (See Section 6300)

9. Production of goods shall be by hand manufacturing methods which involve the use of hand tools or mechanical equipment not exceeding the use of five horse power at any one time, or a single kiln not exceeding 8 cubic feet in volume. The applicant shall provide a description, including horsepower ratings, of all power tools intended to be utilized.

10. Incidental direct sale to consumers of only those goods produced on site may be permitted subject to any limitations specified by the Minor Use Permit.

e. Decision. If the officer or body having jurisdiction over a permit for a Cottage Industry determines that a particular use does not comply with all applicable regulations or that the permit cannot be conditioned by adequate requirements to ensure compliance with all applicable regulations, the permit shall be denied.

(Amended by Ord. No. 5652 (N.S.) adopted 11-21-79)
(Amended by Ord. No. 6195 (N.S.) adopted 12-2-81)
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 7964 (N.S.) adopted 8-14-91)
(Amended by Ord. No. 8698 (N.S.) adopted 7-17-96)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6930 ADULT ENTERTAINMENT ESTABLISHMENTS.

a. Purpose and Intent. It is the purpose of this section to establish reasonable and uniform regulation to prevent the concentration of adult entertainment establishments, as defined herein, and to protect the public health, safety and welfare, within the unincorporated area of San Diego County. It is the intent of this section that the regulations be utilized to preserve the character of neighborhoods and property values and to deter the spread of crime and prevent problems of blight, deterioration, and public safety which often accompany and are brought about by the concentration and operation of adult entertainment establishments.

(Amended by Ord. No. 8015 (N.S.) adopted 12-04-91)

b. Permit required; Standards for Location.

1. No person shall cause or permit the establishment, operation, enlargement or transfer of ownership or control of any adult entertainment establishment without first obtaining an Administrative Permit pursuant to this section from the Director.

   i. Upon receipt of an application, the Director shall send a notification to all occupants and owners of record of properties within a 1,000-foot radius of the proposed site.

   ii. Interested persons notified under section subsection b.1.i may submit written comments to the Director solely on the issue of whether or not the proposed site complies with subsection b.2.

   iii. The Director shall make a decision to grant or deny the Administrative Permit within 15 days of the initial filing of the application.

   iv. The Director shall make a decision based solely upon the completeness of the application and evidence relevant to the objective zoning and distance standards specified in subsection b.2, including any written comments from interested persons.

2. The application for an Administrative Permit for an adult entertainment establishment shall be approved unless said establishment is within 500 feet of any area zoned so as to permit the family residential use type as a primary use by right, or within 600 feet of any church, school, public playground, or park or within 1,000 feet of another such adult entertainment establishment. No Variance shall be approved for an adult entertainment establishment to deviate from these distance standards. Establishment of a residential use, church, school, public playground or park located within the aforementioned distance restrictions subsequent to the filing of an application for a permit for an adult entertainment establishment shall not render the adult entertainment establishment a non-conforming use.

3 In the event that an Administrative Permit for an Adult Entertainment Establishment is appealed and the court has not decided the validity of the denial within thirty days after the petition is filed, the Director shall issue a temporary permit for an Adult Entertainment Establishment. The temporary permit shall remain in effect only until the court has rendered its opinion concerning the validity

of the denial. Court challenges shall be governed by California Code of Civil Procedure § 1094.8.

(Repealed and reenacted by Ord. No. 8015 (N.S.) adopted 12-04-91)
(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)
(Amended by Ord. No. 9745 (N.S.) adopted 12-14-05)

c. Measure of Distance. Distance, without regard to intervening structures, shall be:

1. A straight line measured from the closest property lines of any two adult entertainment establishments.

2. A straight line measured from the closest property lines of the adult entertainment establishment to the closest property line of a church, school, public playground, park, recreational area, or area zoned so as to permit the family residential use type as a primary use by right.

3. If any portion of a parcel falls within the distance criteria referenced in Section 6930, said parcel shall be prohibited from the development of any Adult Entertainment Establishment.

(Amended by Ord. No. 8015 (N.S.) adopted 12-04-91)
(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)

d. Activities. For the purpose of this ordinance, the following activities as defined in Sections following Section 1110 shall be deemed adult entertainment.

1. Adult Arcade/Peep Show

2. Adult Bookstore, Adult Novelty Store, Adult Video Store

3. Adult Cabaret

4. Adult Drive-In Theater

5. Adult Mini-Motion Picture Theater

6. Adult Model Studio

7. Adult Hotel or Motel

8. Adult Motion Picture Theater

9. Adult Theater

10. Body Painting Studio

11. Sexual Encounter Establishment

12. Any other business which involves Specified Sexual Activities or display of Specified Anatomical Areas.

(Amended by Ord. No. 8015 (N.S.) adopted 12-04-91)
(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)

e. Nothwithstanding Section 6852, an adult entertainment establishment which was lawfully established before May 15, 2002 shall be allowed to continue as a nonconforming use for three (3) years. The Adult Entertainment Establishment shall have the right to apply for a six-month extension of this period upon a showing of financial hardship to the Director. In making a decision regarding an extension, the Director shall consider: 1) the availability of alternative locations; 2) the term of the lease; 3) the cost of any improvements that would only be of use to the Adult Business; and 4) the potential for other conforming uses to locate on the site.

Any nonconforming adult entertainment establishment shall not be expanded, enlarged, extended or altered except that the use may be changed to a conforming use.

f. As used in this section, "Establishing an Adult Entertainment Establishment" shall mean:

1. The opening or commencement of any such establishment as a new establishment; or

2. The conversion of an existing establishment, whether or not an adult entertainment establishment, to any of the adult entertainment establishments defined herein; or

3. The addition of any of the adult entertainment establishments defined herein to any other existing adult entertainment establishments; or

4. The relocation of any such establishment.

g. As used in this section, "Transfer of Ownership or Control" shall mean:

1. The sale, lease or sublease of such establishment; or

2. The transfer of securities which constitute a controlling interest in such establishment, whether by sale, exchange or similar means; or

3. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of such establishment, except for transfers by bequest or other operation of law upon the death of the person possessing such ownership or control.

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)
(Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)
(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)

h. Exception to Section 1019. Notwithstanding Section 1019, no application for an Administrative Permit or a building permit for an adult entertainment establishment shall be accepted or approved where the proposed use or facility would violate Section 6930 b.

(Added by Ord. No. 8015 (N.S.) adopted 12-04-91)
(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)

6935 MEDICAL MARIJUANA COLLECTIVE FACILITIES

a. Purpose and Intent. It is the purpose of this section to implement the Compassionate Use Act of 1996 (Health & Safety Code Section 11362.5) and the Medical Marijuana Program (Health & Safety Code Sections 11362.7 et seq.) by establishing reasonable and uniform zoning regulations of medical marijuana collective facilities which, in combination with licensing requirements contained in the San Diego County Code, will allow qualified patients and primary caregivers to collectively or cooperatively cultivate marijuana for medical purposes, and at the same time protect the public health, safety and welfare of communities, within the unincorporated area of San Diego County. It is the intent of this section that the regulations be utilized to preserve the character of neighborhoods and property values and to deter the spread of crime and prevent problems of blight, deterioration, and public safety which often accompany and are brought about by the operation of medical marijuana collective facilities.

b. Definition. The terms “Qualified Patient”, “Primary Care Giver”, “Medical Marijuana Collective Facility” and “Collective Facility” shall have the meanings given in San Diego County Code Section 21.2502. However, this Zoning Ordinance shall not apply to the following: (1) a Collective Facility operated by a Qualified Patient where the amount of marijuana at no time exceeds 1.5 times the amount allowed by state law for a single Qualified Patient under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur; and, (2) a Collective Facility operated by a Primary Care Giver where the amount of marijuana at no time exceeds the amount allowed for a single Primary Care Giver under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.

c. Use Regulations Where Collective Facilities Are Allowed. A Collective Facility may only be located upon property to which the M50, M52, M54, M56 or M58 Use Regulations apply, and within those areas, the separation restrictions of paragraph d below shall apply.

d. Separation Requirements For Collective Facilities. A Collective Facility shall not be allowed or permitted upon any parcel, any portion of which would be, at the time of establishment of the Collective Facility, within any of the following:

1. 1000 feet from a parcel to which a residential Use Regulation applies;

2. 1000 feet from a parcel containing a school, playground, park, church, recreation center, or youth center; or

3. 1000 feet from a parcel on which another Collective Facility has been established.

The distance between a Collective Facility and the parcels containing the uses listed in paragraph d above shall be measured in a straight line, without regard for intervening structures, from any parcel line of the real property on which the Collective Facility is located, to the nearest point on a parcel line of the real property on which any portion of the facility, building, or structure in which the above listed use occurs or is located. The distance requirements specified above shall apply whether the use is in the unincorporated area or in an adjacent city.

e. Openness of Premises. A Collective Facility shall be designed and constructed such that no area or portion where marijuana is cultivated or stored is visible from the exterior; however, the entrance shall be fully visible from the public street or building frontage.

f. Operating License Required. Pursuant to San Diego County Code Section 21.2503, a Medical Marijuana Collective Facility Operating Compliance Certificate is required for the operation of a Collective Facility.

g. Premises Requirements.

1. Signage. Exterior signage shall conform to the requirements of Section 6250 et al.

2. Parking. A Collective Facility shall conform to the requirements of Section 6762 and shall be considered an "Office" occupancy type for purposes of that Section.

3. Physical Appearance. The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment or property values within the immediate area.

h. Nonconforming Uses. Notwithstanding Section 6852, a Collective Facility which was lawfully established before August 5, 2009 shall cease operations no later than August 5, 2013. In order for a Collective Facility to be “lawfully” established it must have applied for and obtained a building permit and/or a certificate of occupancy prior to commencing operations. The Collective Facility may apply for one six-month extension of this period. The Director may grant that extension if upon determining that the operator would be subjected to unreasonable financial hardship if forced to cease operations, considering (1) the availability of alternative complying locations; (2) the term of any applicable lease for the premises and whether it may be modified or terminated; (3) the non-recoverable costs of any improvements that would only be of use to the Collective Facility; and (4) the potential for other conforming uses to locate on the site.

Any nonconforming medical marijuana collective facility shall not be expanded, enlarged, extended or altered except that the use may be changed to a conforming use.

(Added by Ord. No. 10061 (N.S.) adopted 6-30-10)
(Amended by Ord. No. 10118 (N.S.) adopted 1-25-11)

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.

(Added by Ord. No. 6082 (N.S.) adopted 6-10-81)
(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)
(Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)
(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)

6950

6950 WIND TURBINE SYSTEM, MEDIUM.
A medium wind turbine system, shall be permitted on a parcel of at least one acre and require an Administrative Permit approved in accordance with the Administrative Permit Procedure commencing at Section 7050 and the following requirements:

a. The following findings must be made prior to approval of an Administrative Permit:

1. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

i. Harmony in scale, bulk, coverage and density;

ii. The availability of public facilities, services and utilities;

iii. The harmful effect, if any, upon desirable neighborhood character;

iv. The generation of traffic and the capacity and physical character of surrounding streets;

v. The suitability of the site for the type and intensity of use or development which is proposed; and to

vi. Any other relevant impact of the proposed use; and

2. That the impacts, as described in paragraph "a.1" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan; and

3. That the requirements of the California Environmental Quality Act have been complied with.

b. Notification. Notification shall be in accordance with paragraph c of Section 7060.

c. Setback. The wind turbines shall be set back from property lines and roads at least three times the height of the wind turbine (to the top of blade in vertical position) and shall meet the applicable setback requirements of the zone. The system must also meet fire setback requirements.

d. Fencing. Public access shall be restricted through the use of a fence with locked gates, non-climbable towers or other suitable methods.

e. Signs. Suitable warning signs containing a telephone number and an address for emergency calls and informational inquiries shall face all approaches to the project. Individual signs shall be between 5 and 16 square feet.

f. Review. Review shall include an assessment of the impact on adjacent property with regard to:

1. Location of installation in its relation to topographic features which would constitute an unusual safety hazard.

2. Sensitivity of adjacent uses to noise and electrical interference and visual impact.

g. Noise. The system shall meet the sound level limits of Title 3, Division 6, Chapter 4 of the San Diego County Code (Noise Abatement and Control).

h. Height. For the purpose of calculating height, the height of the wind turbines shall mean the distance from ground to the top of the blade in vertical position. The system shall not exceed 60 feet.

i. It shall be a condition of the permit that non-operational wind turbines shall be removed within 12 months after becoming non-operational.

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

(Added by Ord. No. 6857 (N.S.) adopted 10-10-84. Opr. 1-1-85)
(Amended by Ord. No. 7117 (N.S.) adopted 4-23-86)
(Amended by Ord. No. 9596 (N.S.) adopted 9-17-03)
(Amended by Ord. No. 10073 (N.S.) adopted 9-15-10)

6951 WIND TURBINE SYSTEM, LARGE.

Large wind turbine systems, shall be permitted on a parcel of at least five acres and considered a Major Impact Services and Utilities use type requiring a major use permit approved in accordance with the Use Permit Procedure commencing at Section 7350 and the following requirements:

a. Setbacks. The wind turbines shall observe the following setbacks measured from the closest point on the base or support structure. For purposes of calculating setbacks, height of the wind turbines shall mean the distance from ground to the top of blade in vertical position:

1. From property lines or public road setback 4 times the height.

2. From all existing residences or buildings occupied by civic use types setback 8 times the height.

3. From the furthermost property line of adjacent parcels which are vacant setback 9 times the total height.

4. Setbacks for experimental wind turbines (those which are not produced by an established wind turbine manufacturer on a production basis) may be greater than those specified above based on the discretion of the permit granting authority.

5. Setbacks may be reduced up to a maximum of 50% with the written consent to the granting of a setback reduction signed by the owner or owners of each lot or parcel affected by the proposed setback reduction.

b. Fencing. Public access shall be restricted through the use of a fence with locked gates, non-climbable towers or other suitable methods.

c. Signs. Suitable warning signs containing a telephone number and an address for emergency calls and informational inquiries shall face all approaches to the project. Individual signs shall be between 5 and 16 square feet.

d. Noise. The project shall meet the sound level limits of Title 3, Division 6, Chapter 4 of the San Diego County Code (Noise Abatement and Control).

e. 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. The system shall not exceed 80 feet.

f. Visual. The following measures should be followed whenever possible in order to minimize the visual impact of the project:

1. Removal of existing vegetation should be minimized.

2. Internal roads should be graded for minimal size and disruption.

3. Any accessory buildings should be painted or otherwise visually treated to blend with the surroundings.

4. The turbines and towers should be painted with non-reflective paint to blend with the surroundings.

g. Turbine Description. The following information shall be specified as part of the permit:

1. The wind turbine manufacturer, model, power rating and blade dimensions.

2. The tower manufacturer and model.

h. Non-Operational Wind Turbines. It shall be a condition of the permit that non-operational wind turbines shall be removed:

1. The project owner shall insure that a copy of all prospectuses shall be placed in the County's permit file.

2. County staff may, at any time in the future, compare the amount of power stated (in kilowatt hours) in the appropriate prospectus with the actual power sold to the utility (as reported in the California Energy Commissions' "Wind Project Performance Reporting System") and determine if any wind turbine systems meet the definition for "wind turbine non-operational."

3. County staff may collect other data as necessary to determine if any wind turbine systems meet the definition for "wind turbine non-operational."

4. Applicant may propose alternate methods to monitor the "non-operational" status of wind turbines.

i. Removal Surety. The project owner shall post a bond, lien contract agreement, cash deposit, or other form of surety acceptable to the Director of Planning and Land Use, sufficient to allow for the removal of non-operational wind turbines. If a bond surety is provided, such bond shall comply with Section 7612, and shall be for a minimum of 10 years (unless the permit is for a shorter period of time). Posting of bond(s) and/or other surety may be phased with the installation of wind turbines.

j. Existing Administrative Permits for Wind Turbine Projects - Modification or Revocation. Administrative permits for wind turbine projects granted pursuant to Section 7060 prior to January 1, 1986, shall be treated for all purposes as if they are major use permits shall be subject to all the provisions of the Zoning Ordinance which apply to Major Use Permits for purpose of modification or revocation.

(Added by Ord. No. 7117 (N.S.) adopted 4-23-86)
(Amended by Ord. No. 9596 (N.S.) adopted 9-17-03)
(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)
(Amended by Ord. No. 10073 (N.S.) adopted 9-15-10)

6952 SOLAR ENERGY SYSTEM

a. Solar Energy System, Onsite Use shall be permitted as follows:

1. A photovoltaic solar energy system for onsite use shall be allowed as an accessory use to all Agricultural, Civic, Commercial, Industrial and Residential use types in all zones in accordance with the following requirements:

i. Setback. A System shall meet all of the main building setback requirements of the zone or comply with Section 4835.f.

ii. Height. A System shall meet the height limit of the height designator of the zone, except when allowed to extend not more than 5 feet above the highest point of the roof, in accordance with Section 4620.i.

iii. Solar Panel Description. The panel manufacturer and model shall be specified as part of the building permit.

iv. Special Area Regulations: Photovoltaic solar energy systems for onsite use subject to a Special Area Designator must comply with the applicable Special Area Regulations provisions of Sections 5000 through 5999.

b. Solar Energy System, Offsite Use shall be permitted as follows:

1. A photovoltaic solar energy system for offsite use with a project area of less than 10 acres shall be allowed with an Administrative Permit in all zones in accordance with the Administrative Permit Procedure commencing at Section 7050. The following findings must be made prior to approval of an Administrative Permit:

(a.) That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

i. Harmony in scale, bulk, coverage and density;

ii. The availability of public facilities, services and utilities;

iii. The harmful effect, if any, upon desirable neighborhood character;

iv. The generation of traffic and the capacity and physical character of surrounding streets;

v. The suitability of the site for the type and intensity of use or development which is proposed; and to

vi. Any other relevant impact of the proposed use; and

(b.) That the impacts, as described in paragraph "b.1.(a.)" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan; and

(c.) That the requirements of the California Environmental Quality Act have been complied with; and

(d.) That the applicant has provided the County with an owner consent letter demonstrating to the satisfaction of the Director that the operator of the Solar Energy System is authorized to use the property for a Solar Energy System, unless the operator owns the land upon which the Solar Energy System will be located.

2. A photovoltaic solar energy system for offsite use with a project area of 10 acres or more, or a combination of parcels with a combined area of 10 acres or more is a Major Impact Service and Utility in all zones and shall require a Major Use Permit permitted in accordance with the use permit procedure commencing at section 7350. The use permit conditions shall include the requirements in subsection a. and subsection 3. of this Section.

3. All other types of a solar energy systems or solar power plants including concentrating solar power plants, parabolic troughs, concentrating linear fresnel reflectors, stirling solar dish, or a solar power tower are a Major Impact Service and Utility in all zones and shall require approval of a Major Use Permit in accordance with section 7350 and the following requirements on any parcel of land:

(a.) Setback. A system or plant shall meet all of the setback requirements of the zone.

(b.) Height. A system or plant of more than 200 feet in height is required to comply with Federal Aviation Administration safety height requirements.

(c.) Visual. The following measures shall be followed in order to minimize the visual impact of the project:

i. Removal of existing vegetation shall be minimized.

ii. Internal roads shall be graded for minimal size and disruption.

iii. Any accessory buildings shall be painted or otherwise visually treated to blend with the surroundings.

iv. A structure shall be non-reflective in all areas possible to blend with the surroundings.

(d.) Security. The operator shall provide a security in the form and amount determined by the Director to ensure removal of the Solar Energy System. The security shall be provided to DPLU prior to building permit issuance. Once the Solar Energy System has been removed from the property pursuant to a demolition permit to the satisfaction of the Director, the security may be released to the operator of the Solar Energy System.

4. Special Area Regulations: Photovoltaic solar energy systems for offsite use subject to a Special Area Designator must comply with the applicable Special Area Regulations provisions of Sections 5000 through 5999.

(Added by Ord. No. 10072 (N.S.), adopted 9-15-10)

6960 NUDIST FACILITIES.

All nudist facilities and the conversion of any use or structure to a nudist facility, shall require the application, and granting of a Major Use Permit for the entire facility. In addition, such nudist facilities shall be located and screened in such a manner that no nude person can be seen from outside the facility's boundaries.

(Added by Ord. No. 7106 (N.S.) adopted 3-19-86)

6970 RECYCLING COLLECTION FACILITY.

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

a. Recycling Collection Facility, Small

1. In Residential Use Regulations, shall be established in accordance with Section 6158 as an accessory use in conjunction with an existing Civic Use which is in compliance with all zoning, building and fire codes and upon meeting the criteria set forth in this section commencing at subsection a.4. below;

2. In a Commercial or Industrial Use Regulations upon meeting the criteria set forth in this section commencing at subsection a.4. below;

3. In Agricultural and Special Purpose Use Regulations, upon issuance of an Administrative Permit. Said Administrative Permit shall be granted provided the criteria set forth in this section commencing at subsection a.4. below are complied with and upon a finding that there would be no adverse impact on surrounding properties;

4. Shall be set back at least 10 feet from any street line and shall not obstruct pedestrian or vehicular circulation;

5. Shall accept only glass, metals, plastic containers, papers and other recyclable materials. Clean (uncontaminated) used motor oil and oil filters may be accepted upon approval from the Department of Environmental Health;

6. In Residential Use Regulations, shall use no power-driven processing equipment except for reverse vending machines;

7. Shall use containers that are constructed of durable waterproof and rustproof material, shall be well maintained, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;

8. Shall store all recyclable material in containers or in a mobile recycling unit vehicle, and shall not leave materials outside of containers when attendant is not present;

9. Shall be maintained free of litter and any other undesirable materials; mobile facilities, where trucks or containers are removed at the end of each collection day, shall be swept at the end of each collection day;

10. Shall not exceed noise levels of 60 dBA as measured at the property line of residentially zoned or occupied property, otherwise shall not exceed 70 dBA;

11. Attended facilities located within 50 feet of property zoned or occupied for residential use shall operate only during the hours between 7:00 a.m. and 7:00 p.m., power driven equipment shall not commence operation prior to 9:00 a.m.; facilities located within 50 feet of property zoned or occupied for residential use shall be conducted within a building or screened from view by a 6 foot wall or view-obscuring fence;

12. Containers for the 24-hour donation of materials shall be at least 30 feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;

13. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers;

14. Signs shall comply with Section 6252 aa. of the On-Premise Sign Regulations.

15. The facility shall not impair the landscaping required by this ordinance for any concurrent use or any permit issued pursuant thereto;

16. No additional parking spaces shall be required for customers of a small recycling collection facility located at the established parking lot of a primary use. One space shall be designated for the attendant, if needed;

17. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;

18. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary use unless one of the following conditions exist:

    i. The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation;

    ii. A parking study, requested and approved by the Director, shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site;

iii. A reduction in available parking spaces in an established parking area may then be allowed as follows:

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

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

19. Reverse vending machines:

i. Shall be located within 30 feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation;

ii. Shall occupy no more than 50 square feet of floor space per each installed machine, including any protective enclosure;

iii. Shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative;

iv. Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.

b. Recycling Collection Facility, Large

1. In a Commercial or Industrial Use Regulations upon meeting the criteria set forth in this section commencing at subsection b.4. below.

2. In a Special Purpose Use Regulations upon the issuance of a Minor Use Permit and meeting the criteria set forth in this section commencing at subsection b.4. below.

3. If located within a C36 Use Regulations, a large recycling collection facility may not exceed 10,000 square feet unless a Minor Use Permit is granted authorizing a larger area. The conditions of said Minor Use Permit shall require compliance with the criteria set forth in this section commencing at subsection b.4. below;

4. May be larger than 500 square feet;

5. May accept glass, aluminum, and metal cans, plastic containers, and paper products including newspaper, cardboard, ledger and mixed grade. Other items such as metal scrap, tires, appliances and reusable items may be accepted if stored within a completely enclosed building. In the C36 Use Regulations, such a storage building shall not exceed 10,000 square feet. Clean (uncontaminated) used motor oil and oil filters may also be accepted upon approval from the Department of Environmental Health;

6. May use power-driven processing equipment in accordance with the Performance Standards commencing at Section 6300;

7. Shall be set back at least 10 feet from any street line and shall not obstruct pedestrian or vehicular circulation;

8. Shall use containers that are constructed of durable waterproof and rustproof material, shall be well maintained, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;

9. Shall store all recyclable material in containers or in a mobile recycling unit vehicle, and shall not leave materials outside of containers when attendant is not present;

10. Shall be maintained free of litter and any other undesirable materials; mobile facilities, where trucks or containers are removed at the end of each collection day, shall be swept at the end of each collection day;

11. Shall not exceed noise levels of 60 dBA as measured at the property line of residentially zoned or occupied property, otherwise shall not exceed the following:

    70 dBA in any Commercial Use Regulation (Except C31)
    55 dBA in the C31 Use Regulation
    75 dBA in the M54 and M58 Use Regulations;

12. Attended facilities located within 50 feet of a property zoned or occupied for residential use shall operate only during the hours between 7:00 a.m. and 7:00 p.m. power driven equipment shall not commence operation prior to 9:00 a.m.; facilities located within 50 feet of property zoned or occupied for residential use shall be conducted within a building or screened from view by a 6 foot wall or view-obscuring fence;

13. Containers for the 24-hour donation of materials shall be at least 30 feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;

14. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers;

15. Signs shall comply with Section 6252aa. of the On-Premise Sign Regulations.

16. The facility shall not impair the landscaping required by this ordinance for any concurrent use or any permit issued pursuant thereto;

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)
(Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)

6975 RECYCLING PROCESSING FACILITY.

The Recycling Processing Facility Use Type (as defined at Section 1513) is a permitted use in the specified Use Regulations when conducted in accordance with the following:

a. Recycling Processing Facility, Light

1. In a Commercial or Industrial Use Regulation upon meeting the criteria set forth in this section commencing at subsection a.2. below;

2. All operations shall be conducted entirely within an enclosed building except as follows:

   i. In the C37, C38 and C40 Commercial Use Regulations and the M54 and M58 Industrial Use Regulations, a light recycling processing facility may be conducted outside of buildings if the property on which the facility is located does not abut a property zoned or planned for residential use.

   ii. Notwithstanding the Enclosure Regulations, in any other Commercial or Industrial Use Regulation, a Minor Use Permit may be granted for an alternative type of enclosure such as a wall or view-obscuring fence not less than 8 feet in height and landscaped on all street frontages;

3. Power-driven processing shall be permitted, provided all requirements of the Performance Standards commencing at Section 6300 are met;

4. A light processing facility shall be no larger than 45,000 square feet and shall have no more than an average of 2 outbound truck shipments of material per day;

5. Setbacks and landscaping requirements shall be those required by the zone in which the facility is located;

6. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or palletized. Storage containers for flammable material shall be constructed of non-flammable material. Oil storage must be in containers approved by the Local fire and/or Health Official. No storage, excluding truck trailers and overseas containers, shall be visible above the height of the fencing;

7. Site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis and shall be secured from unauthorized entry and removal of materials when attendants are not present;

8. Space shall be provided on the site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space shall be provided for a minimum of 10 customers or the peak load, whichever is higher, except where the Director determines that allowing overflow traffic is compatible with surrounding businesses and public safety;

9. One parking space shall be provided for each commercial vehicle operated by the processing center.

10. Noise levels shall not exceed 60 dBA as measured at the property line of residentially zoned or occupied property, or otherwise shall not exceed the following:

    70 dBA in any Commercial Use Regulation (Except C31)
    55 dBA in the C31 Use Regulation
    75 dBA in the M54 and M58 Use Regulations;

11. If the facility is located within 500 feet of property zoned or planned for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The facility shall be attended by on-site personnel during the hours the facility is open;

12. Any containers provided for after-hours donation of recyclable materials shall be at least 50 feet from any property zoned or occupied for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials;

13. Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. Facility shall display a notice stating that no material shall be left outside the recycling containers;

14. Signs shall comply with the On-Premise Sign Regulations. In addition, facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation;

15. Air contaminants including but not limited to smoke, charred paper, dust, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any emissions that endanger human health, cause damage to vegetation or property or cause soiling, vibration or noise above levels allowed by the Performance Standards commencing at Section 6300, shall not be permitted.

16. Incidental sale of products produced from recycled material is allowed on-site.

b. Recycling Processing Facility, Heavy

1. In a C37, C38 or C40 Commercial Use Regulation or M54 or M58 Industrial Use Regulation upon meeting the criteria for a light recycling processing facility as set forth above in this section commencing at subsection a.2.;

2. In any other Commercial or Industrial Use Regulation upon the issuance of a Major Use Permit. The conditions of said Major Use Permit shall require compliance with the criteria for a light recycling processing facility as set forth above in this section commencing at subsection a.2. as well as any others necessary in order to make the findings required for the granting of a Major Use Permit.

c. Recycling Processing Facility, Wood and Green Materials

1. A facility devoted exclusively to the processing (not including composting) of wood and green materials is considered a General Industrial Use Type, and as such, shall be conducted in accordance with the regulations applicable to said Use Type except that a Wood and Green Materials Recycling Processing Facility may be permitted in an Agricultural or Special Purpose Use Regulation upon issuance of a Minor Use Permit. The conditions of said Minor Use Permit shall require compliance with the criteria for a light recycling processing facility as set forth above in this section commencing at subsection a.2., except for the requirement that the operations be conducted entirely within an enclosed building; except for the requirements of subsection a.4 relating to size and scope of operation; subsection a.6. relating to storage within containers; and, subsection a.10. relating to noise level limits. The conditions of the Minor Use Permit shall address the above-mentioned requirements as well as any others necessary in order to make the findings required for the granting of a Minor Use Permit. Said Minor Use Permit may include composting of wood and/or green waste provided the conditions relating to composting are satisfactory to the Director of the Department of Public Works.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6976 MARIJUANA DISPENSARIES – NON-MEDICAL (NOT AUTHORIZED UNDER STATE LAW)

No person shall cause or permit the establishment, operation, enlargement or transfer of ownership of a dispensary of marijuana for non-medical purposes, meeting the definition "Marijuana Dispensary - Non-Medical (Not Authorized Under State Law)" in Section 1110. This prohibition shall apply throughout all use regulations.

(Added by Ord. No. 10062 (N.S.) adopted 6-30-10)

6980 WIRELESS TELECOMMUNICATIONS FACILITIES

(Added by Ord. No. 9549 (N.S.) adopted 4-30-03)

6981 CONFLICT RESOLUTION

Sections 6980 – 6991 are intended to be supplemental to the Zoning Ordinance. In case of conflict between the provisions represented in these sections and the provisions set forth in the Zoning Ordinance, the provisions of these sections shall apply.

(Added by Ord. No. 9549 (N.S.) adopted 4-30-03)

6982 PURPOSE

The purpose and intent of this Section is to provide a uniform and comprehensive set of standards for the development, siting and installation of wireless telecommunications facilities. These regulations are intended to protect and promote the public health, safety and welfare of the residents of the unincorporated areas of San Diego County and to preserve community character and protect aesthetic quality in accordance with the guidelines and intent of the Telecommunications Act of 1996 and to encourage siting in preferred locations to minimize aesthetic impacts and to minimize the intrusion of these uses into residential areas.

(Added by Ord. No. 9549 (N.S.) adopted 4-30-03)

6983 DEFINITIONS

For the purpose of the Wireless Telecommunications Facilities regulations contained in Sections 6980 through 6991, certain abbreviations, terms and words shall be used, interpreted and defined as set forth in this Section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural indicate the singular.

A. Administrative Site Plan – A Site Plan, pursuant to Sections 7150 through 7174 of this Ordinance, that does not require community review except as noted in Section 6987 A of this Ordinance.

Antenna – Any system of wires, poles, rods, reflecting discs or similar devices designed for telephonic, radio, facsimile, data or television communications through sending and/or receiving of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include, but not be limited to, devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted up and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be part of the antenna.

Antenna Height – The vertical distance measured from the ground surface at grade to the tip of the highest point of the proposed structure.

Antenna Support – Any pole, telescoping mast, tower tripod or any other structure that supports a device used in the transmitting and/or receiving of electromagnetic waves.

Applicant – A person who applies for a wireless facility siting. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, lessor, consultant or architect.

C. Camouflaged – Any telecommunications facility that is designed to blend into the surrounding environment. Examples of camouflaged facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, towers made to look like trees and antenna structures designed to look like light poles. Camouflaged facilities may be considered low or high visibility depending on the type of facility, degree of camouflaging and compatibility with the surrounding existing environment (see definitions of low and high visibility).

Co-location – Locating wireless telecommunications equipment from more than one provider on a single site.

Commercial Zones - are defined as consisting of the following zones: C32, C34, C35, C36, C37, C38, C40, C42, and C44, and also S88 when the proposed site is in a commercial component of a Specific Plan.

Community Character – Those unique attributes including, but not limited to, architecture, historical and cultural features, historical development patterns, landscape, hardscape and the size, scale and spacing of buildings and other structures that define a community's identity.

E. Equipment Building, Shelter or Cabinet – A cabinet or building used to house equipment used by telecommunication providers at a facility.

F. Façade Mounted Antenna – An antenna architecturally integrated into the façade of a building or structure.

Facility – See Wireless Telecommunications Facility.

Faux Trees – A term used to refer to Monopalms, Monopines and other camouflaged monopoles made to resemble different types of trees.

G. Grade – The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the structure and the property line or, when the property line is more than 5 feet from the structure, between the structure and a line 5 feet from the structure.

Guyed Tower – A telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.

H. High Visibility – The following shall be considered High Visibility facilities:

1) Monopoles, lattice towers and guyed towers

1) Non-camouflaged facilities

3) Faux Trees

4) Any and all wireless facilities not defined as invisible or low visibility.

High Voltage Transmission Tower – a tower carrying transmission lines of at least 132 kilovolts.

I. Industrial zones – are defined as consisting of the following zones: M50, M52, M54, M56, M58, and also S88 when the proposed site is in an industrial component of a Specific Plan.

Invisible – Facilities, including, but not limited to towers, antennas and equipment cabinets and any other ancillary equipment, that cannot be seen from any street and from all adjacent properties and that do not result in any apparent architectural changes or additions, including Community Identification Signs when the antennas are fully integrated into the sign. The addition of landscaping, walls, fences or grading as screening techniques does not meet the definition of invisible.

L. Lattice Tower – A guyed or self-supporting three or four sided, open, steel frame support structure used to support telecommunications equipment.

Low Visibility – the following shall be considered Low Visibility facilities if they do not exceed the height schedule pursuant to Sections 4610 - 4620 of this Ordinance:

1) Whip antennas not exceeding six feet in length or height, including mounting, and measuring no more than 3 inches in diameter, located on existing structures including, but not limited to, water storage tanks, high-voltage transmission towers, utility towers and poles, sign standards, and roadway overpasses, if the addition, including any vertical mounting, does not result in an increase in height of the structure of more than 5 feet, and with equipment cabinets that are screened from view by means other than new walls or fences and have total dimensions no greater than 50 cubic feet and no dimension greater than 6 feet. Cabinets in underground vaults are not included in the size calculation.

2) Panel-shaped antennas that are flush-mounted to an existing building façade or other existing structure on at least one edge, extend a maximum of 24 inches from the building façade or other structure at any edge, do not exceed the height of the building or other structure by more than five (5) feet and are designed to blend with the color and texture of the existing building or structure, with no equipment cabinet visible.

3) Facilities, including equipment cabinets, that are camouflaged from public view through the use of architectural treatments, such as cupolas, faux water towers, windmills or other structures and which are consistent with existing development and community character.

4) Additions to existing permitted low-visibility facilities if the additions themselves meet the definition of low visibility and are designed to minimize visibility of both the facility and equipment cabinets that have total dimensions no greater than 50 cubic feet and no dimension greater than 6 feet and are screened from view by means other than new walls and fences. The equipment cabinet may be larger if contained inside a structure consistent with the architecture and character of the site.

5) Changes to an existing building that are consistent with the building's architectural style and the equipment cabinet is not visible.

M. Monopalm – a monopole camouflaged to resemble a palm tree.

Monopine – a monopole camouflaged to resemble a pine tree.

Monopole – A wireless communication facility consisting of a single pole constructed without guy wires and ground anchors.

P. Panel Antenna - An antenna or array of antennas designed to concentrate a radio signal in a particular area. Also called directional antennas.

R. Residential Zones – for purposes of this section, are defined as consisting of the following zones: RS, RD, RR, RM, RV, RU, RMH, RRO, RC, S80, S90, C30, C31, C46 and also S88 when the proposed site is in a residential component of a Specific Plan.

Roof Mounted Antenna – Any antenna with its support structure placed directly on the roof of any building or structure.

Rural Zones – are defined as consisting of the following zones; A70, A72 and S92.

S. Service Area – The area served by a single telecommunications facility.

Service Network – The telecommunications transmission system operated by a service provider in a community or jurisdiction.

Special Purpose Zones - are defined as consisting of the following zones: S82, S86 and S94.

T. Telecommunications – The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Telecommunications Tower - Any mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and primarily used to support antennas.

Tower – See Telecommunications Tower.

W. Whip Antenna – An antenna that transmits signals in 360 degrees. Whip antennas are typically cylindrical in shape and are less than 3 inches in diameter and measure up to 6 feet in length, including the mounting. Also called omni-directional, stick or pipe antennas.

Wireless Community Master Plan – a Master Plan of preferred sites and designs for wireless facilities for a defined geographic area prepared in cooperation with one or more wireless service providers; formally submitted by the community planning group or sponsor group or by a homeowners association representing at least 4,000 residents and at least 5,000 acres to the Director of Planning and Land Use; reviewed by the Director for such issues as aesthetics and community compatibility; and following public review, approved by the Director. A Community Master Plan can be applicable to all providers or to selected providers as defined in the Plan.

Wireless Telecommunications Facility – Any facility that transmits and/or receives electromagnetic waves, including, but not limited to, antennas, dish antennas and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, equipment buildings, parking area and other accessory development. Also known as a wireless communications facility. This definition does not apply to Amateur Radio Stations as defined by the Federal Communications Commission, Part 97 of the Commission's Rules nor to TV and radio transmission facilities.

(Added by Ord. 9549 (N.S.) adopted 4-30-03)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6984 APPLICATION REQUIREMENTS

In addition to meeting standard application submittal requirements for discretionary permits, all applicants for wireless telecommunications facilities shall provide 3 copies of the information listed below. One copy shall be distributed by the Department to the appropriate Planning or Sponsor Group. When a facility meets all requirements for processing under Tier 1, the requirements of Sections B and C 1 shall not be required. The Director of the Department of Planning and Land Use may waive any of the submittal requirements listed below or require additional information based upon specific project factors:

A. Geographic Service Area. Identify the geographic service area for the subject installation, including a map showing all the applicant's existing sites in the local service network associated with the gap the facility is meant to close. Describe how this service area fits into and is necessary for the company's service network.

B. Visual Impact Analysis. A visual impact analysis shall be provided showing the maximum silhouette, viewshed analysis, color and finish palette and proposed screening. The analysis shall include photo simulations and other information as necessary to determine visual impact of the facility. A map depicting where the photos were taken shall be included.

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C. Narrative.

1. Height. Show the height of the facility. Carriers must provide evidence that establishes that the proposed facilities have been designed to the minimum height required from a technological standpoint for the proposed site. If the tower will exceed the maximum permitted height limit, as measured from grade, a discussion of the physical constraints (topographical features, etc.) making the additional height necessary shall be required.

2. Maintenance. Describe the anticipated maintenance and monitoring program for the antennas, back-up equipment and landscaping.

3. Noise/Acoustical Information. As part of the Application for Environment Initial Study, provide manufacturer's specifications for all equipment such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties.

4. If the site is not a preferred site as described in Section 6986, provide the information required in Section 6986 B.

5. Concept Landscape Plan. Provide a plan showing all proposed landscaping, screening and proposed irrigation with a discussion of how the chosen material at maturity will screen the site.

6. Fire Service. Provide evidence of compliance with Fire Policy FP-2 or a service letter from the applicable fire district.

7. Hazardous Materials. Listing of all hazardous materials to be used onsite.

8. For all applications for facilities located in the public right of way, include on the plot plan the location of parking for maintenance personnel.

9. A letter stating the applicant's willingness to allow other carriers to co-locate on their facilities wherever technically and economically feasible and aesthetically desirable.

10. The lease area of the proposed facility on the plot plan.

11. For all applications for wireless facilities operating below 1200 megahertz, submit a copy of the Federal Communications Commission Licensing Application Form 601, Main Form, Pages 1 through 4, Schedule A, Page 1, Schedule D, Page 1 and Schedule H, Pages 1 through 3. The application shall be reviewed by the Sheriff's Wireless Services Unit to determine potential interference with the Regional Communication System. Interference with that system may be grounds for denial.

(Added by Ord. No. 9549 (N.S.) adopted 4-30-03)

6985 APPLICATION PROCESSING

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

A. Applications will be processed based upon the following 4-tier permitting system, subject to the exceptions and general regulations found in Sections 6985 B and C:

TIER 1 – ADMINISTRATIVE SITE PLAN

Facilities meeting any of the following criteria shall be processed as an ADMINISTRATIVE SITE PLAN:

Industrial and Commercial Zones

- Invisible facilities

- Facilities on:

  -CALTRANS structures, “cobra-style” streetlights and poles in the public right of way, or an existing park and ride light standard, when they meet all the following:

  - The antennas do not project more than 24 inches above the structure,
  - No more than a total of two antennas are located on a site
  - The equipment cabinet is no larger than 6 cubic feet.
  - The equipment cabinet is concealed from public view through the use of undergrounding or screening by means other than walls or fences.

- Façade mounted antennas integrated into the architecture in such a manner that no change to the architecture is apparent and no part of the facility can be seen from public view.

- Facilities not subject to the “B”, “D”, “H” or “J” Designators and are:

  -Hidden from public view through the use of architectural treatments (cupolas, etc.); and
  -Consistent with the existing building and community character.

Any Zone

- Antennas located on high voltage transmission towers if they increase the bulk and scale of the structure by less than 5 percent.

TIER 2 – SITE PLAN WITH COMMUNITY REVIEW

Facilities meeting any of the following criteria shall be processed as a SITE PLAN WITH COMMUNITY REVIEW:

Commercial, Industrial and Special Purpose Zones

- Low visibility facilities.

All Zones

- Facilities covered by a Wireless Community Master Plan when the design and siting are consistent with the plan.

TIER 3 – MINOR USE PERMIT

Facilities meeting any of the following criteria shall be processed as a MINOR USE PERMIT:

- All facilities other than those meeting the criteria of Tiers 1, 2, or 4.

TIER 4 – MAJOR USE PERMIT

Facilities meeting the following criteria shall be processed as a MAJOR USE PERMIT:

- Non-camouflaged towers greater than 60 feet, or 15 feet above the maximum allowed height limit in the zone, whichever is lower, shall require a Major Use Permit in all zones (except where they are prohibited).

- All facilities in Residential and Rural zones except as specified in Tiers 1 and 2.

B. Exceptions

1. In addition to all other requirements in Sections 6980 through 6991, any proposed facility on a structure currently subject to a Major or Minor Use Permit shall obtain approval of the facility through the modification of the permit in accordance with Section 7378 of this Ordinance for a Use Permit or by Minor Deviation in accordance with Section 7609 of this Ordinance when the facility is invisible.

2. Major Use Permits for Wireless Telecommunications Facilities shall be under the original jurisdiction of the Planning Commission.

C. General Regulations

1. Non-camouflaged monopoles, lattice towers and guyed towers are prohibited in Residential and Rural zones.

2. All buildings and structures built to contain equipment accessory to a facility may not exceed 10 feet in height measured from the base of the foundation unless a greater height is necessary to maximize architectural integration and shall be screened by landscaping.

3. No more than three facilities are allowed on any site or parcel in commercial, industrial, rural or special purpose zones. No more than one facility is allowed on any parcel or site in a Residential zone. This requirement may be waived by the Director if a finding is made that co-location of more facilities is consistent with community character.

4. Telecommunications towers located adjacent to a residential use shall be set back from the nearest residential lot line by a distance at least equal to its total height or 50 feet, whichever is greater. The setback shall be measured from that part of the tower that is closest to the neighboring property (i.e., the setback for a faux tree would be measured from the end of the branch closest to the neighboring property).

5. No tower or equipment shall be located in a front, rear or side yard setback in any zone and no portion of any antenna array shall extend beyond the property lines.

6. Noise from any equipment supporting the facility shall meet the requirements of the County's Noise Ordinance on an average hourly basis.

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7. The Director may grant an exemption from the requirement to process a Site Plan permit pursuant to Section 7156 of this Ordinance if he or she finds that all of the purposes and requirements of the Site Plan have been or will be fulfilled by another discretionary permit, or where the Director finds the proposed development or improvement is minor in nature and that the public purpose for which the Site Plan permit would normally be required will not be harmed by granting a Site Plan permit exemption. The Director's decision may be appealed pursuant to Section 7200 of this Ordinance.

8. All facilities located on a utility pole shall be promptly removed at the operator's expense at the time a utility is scheduled to be undergrounded.

9. Maintenance vehicles servicing facilities located in the public or private right of way shall not park on the traveled way or in a manner that would obstruct traffic.

10. Equipment cabinets and antenna structures shall be secured to disallow unauthorized access.

11. Use Permits for high visibility facilities shall have a maximum term of 6 years for facilities valued at less than $10,000; 10 years for facilities valued from over $10,000 to $500,000; and 15 years for facilities valued at $500,000 or more. This may be extended for an additional period of time by modifying the permit if it is found that no smaller or less visible technology is available or feasible to replace the facility.

12. As a condition of approval, prior to use of the facility, submit evidence, such as photos, to the satisfaction of the Director of Planning and Land Use to show proof that the facility is in conformance with photo simulations provided pursuit to Section 6984 (B) of this Ordinance.

(Added by Ord. No. 9549 (N.S.) adopted 4-30-03)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

6986 PREFERRED SITES

A. The County has determined that certain zones and locations are preferable to others for siting wireless facilities due to aesthetics and land use compatibility.

1. The preferred zones are as follows:

PREFERRED ZONES	NON-PREFERRED ZONES
(a.) C32, C34, C35, C36, C37, C38, C40, C42, C44, M50, M52, M54, M56, M58, S82, S86, S94, and S88 when the facility would be located in a commercial or industrial component of the Specific Plan. (b.) Upon approval by the Director of Planning and Land Use of a Wireless Community Master Plan, the Preferred Zones for that defined geographic area shall be replaced by the locations shown in that Plan for the provider or providers covered by the plan.	All other zones

2. The preferred locations are as follows:

PREFERRED LOCATIONS	NON-PREFERRED LOCATIONS
(a.) (1) Existing structures, including, but not limited to, water tanks, utility towers and poles, traffic lights, “cobra-style” street lights, and roadway overpasses in non-residential zones when the size and scale are compatible. (2) Commercial and industrial buildings. (3) County or other government facilities (e.g., fire district buildings, road stations, freeway park and ride lots), excluding Elementary and Middle schools and County parks. (4) Co-location in zones other than residential to a total of three (3) towers each. (b.) Upon approval by the Director of Planning and Land Use of a Wireless Community Master Plan, the Preferred Locations for that defined geographic area shall be replaced by the locations shown in that plan for the provider or providers covered by the plan.	All other locations.

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B. Each application shall identify the zone and location preference that the proposed facility is meeting. If the proposed facility is not in a preferred zone identified in 6986 A (1) or if it is not in a preferred location identified in 6986 A (2), the applicant shall provide a map of the geographical area and a discussion of preferred sites that could potentially serve the same area as the proposed site and describe why each preferred site was not technologically or legally feasible. Facilities proposed to be located in County parks are excluded from this requirement when the Director of the Department of Parks and Recreation has issued a letter of concurrence.

C. Projects in a non-preferred zone or non-preferred location shall not be approved when siting in a preferred zone or preferred location is feasible unless a finding is made that the proposed site is preferable due to aesthetic and community character compatibility.

(Added by Ord. No. 9549 (N.S,) adopted 4-30-03)

6987 DESIGN REGULATIONS

A. All applications at sites subject to a “H”, “J”, “B” or “D” design review designator shall also meet all requirements pursuant to Zoning Ordinance Sections 5700 – 5747 for “H” designators, 5749 for “J” designators, 5750 – 5799 for “B” designators or 5900 – 5910 for “D” designators.

B. All camouflaged facilities shall be designed to visually and operationally blend into the surrounding area in a manner consistent with community character and existing development. The facility shall also be appropriate for the specific site (i.e., it should not “stand out” from its surrounding environment, such as a faux tree standing alone in a field or standing at a greater height (five feet or more) than other trees on the site).

C. No facility shall be allowed on any building or structure, or in any district, that is listed or eligible for listing on any Federal, State or local historical register unless it is determined by the Historic Site Board that the facility will have no adverse effect on the appearance of the building or structure or its eligibility for historic designation. No change in architecture nor High Visibility facility is permitted on any such building, any such site or in any such district.

D. In cases where the facility site is visible from a Scenic Highway, as identified in the General Plan, the facility shall be designed and located in such a manner as to avoid adverse visual impacts. Such locations shall use design methods such as, but not limited to, type of facility, camouflaging, screening and landscaping. No monopoles, lattice towers or guyed towers are permitted.

E. Façade-mounted antennas shall be architecturally integrated into the building design and otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas shall not extend more than 24 inches out from the building face.

F. All facilities shall be designed to minimize the visual impact to the greatest extent feasible by means of placement, screening, landscaping with native species, whenever feas ible, and camouflage, and to be compatible with existing architectural elements, building materials and other site characteristics. The applicant shall use the least visible antennas possible to accomplish the coverage objectives.

G. Colors and materials for facilities shall be non-reflective and chosen to minimize visibility. Facilities, including support equipment and buildings, shall be painted or textured using colors to match or blend with the primary background. All cabinets visible to the public shall be treated with a graffiti-resistant coating.

H. Beacon lights shall not be included in the design of facilities unless required by the Federal Aviation Administration and shall be included when calculating the height of the facility.

I. No High Visibility facility, including ancillary support equipment, may be located between the face of a building and a public street, bikeway, trail or park.

J. No signs, striping, graphics or other attention getting devices are permitted on the transmission tower or ancillary facilities except for warning and safety signage with a surface area of no more than three square feet. Such signage shall be affixed to a fence or ancillary facility and the number of signs is limited to no more than two unless a greater number is required by law.

K. All high visibility facilities shall be sited in such a manner as to cause the least detriment to the viewshed of adjoining properties.

L. Roof mounted antennas shall be constructed at the minimum height possible to serve the operator's service area and shall be set back as far from the edge of the building as possible or otherwise screened to minimize their visibility.

M. No net loss in required parking spaces shall occur as a result of the installation of any wireless telecommunications facility.

N. Cabinets and other equipment shall not impair pedestrian use of sidewalks or other pedestrian pathways, nor inhibit equestrian activities on designated public or private trail systems and shall be screened from the sidewalk by landscaping, undergrounding or other means, excluding new walls and fences.

O. In cases where the facility site is visible from a County park or is proposed to be located in a County Park, the facility shall be designed and located in such a manner as to avoid adverse visual impacts. Such locations shall use design methods such as, but not limited to, type of facility, camouflaging, screening and landscaping. No monopoles, lattice towers or guyed towers are permitted.

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P. The use of chain link fences for security of equipment is permitted if the fence is fully screened by landscaping. No razor wire or barbed wire is permitted. Slats do not satisfy the requirement for screening.

Q. Site lighting shall be kept to a minimum in every instance, shall be shielded to direct the light downward, shall be controlled by a manual switch or timed switch of no greater than one hour's duration and shall not be used except when nighttime maintenance is necessary.

R. No facility sited on a ridgeline or hilltop shall be approved unless the facility blends with the surrounding existing and man-made environment to the maximum extent possible and a finding is made that no other location is feasible.

(Added by Ord. No. 9549 (N.S.) adopted 4-30-03)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

6988 MAINTENANCE

A. All graffiti on any components of the facility shall be removed promptly in accordance with County regulations. Graffiti on any facility in the public right-of-way must be removed within 48 hours of notification.

B. All landscaping shall be maintained at all times and shall be promptly replaced if not successful.

C. If a flagpole is used for camouflaging a facility, flags must be flown and must be properly maintained at all times.

D. All wireless telecommunications sites shall be kept clean and free of litter.

E. All equipment cabinets shall display a legible operator's contact number for reporting maintenance problems.

(Added by Ord. No. 9549 (N.S.) adopted 4-30-03)

6989 ABANDONMENT OR DISCONTINUATION OF USE

A. All operators who intend to abandon or discontinue the use of any wireless telecommunications facility shall notify the County of such intentions no less than 60 days prior to the final day of use.

B. Wireless telecommunications facilities with use discontinued shall be considered abandoned 90 days following the final day of use.

C. All abandoned facilities shall be physically removed by the facility owner no more than 90 days following the final day of use or of determination that the facility has been abandoned, whichever occurs first.

D. The County reserves the right to remove any facilities that are abandoned for more than 90 days at the expense of the facility owner.

E. Any abandoned site shall be restored to its natural or former condition. Grading and landscaping in good condition may remain.

(Added by Ord. No. 9549 (N.S.) adopted 4-30-03)

6990 REVOCATION

Failure to comply with any condition of approval or standard in this ordinance shall constitute grounds for possible revocation of use pursuant to Sections 7174, 7380 and 7382 of the Zoning Ordinance.

(Added by Ord. No. 9549 (N.S.) adopted 4-30-03)

6991 AMORTIZATION OF HIGH VISIBILITY FACILITIES IN RESIDENTIAL AND RURAL ZONES

Notwithstanding any other sections regulating wireless facilities, all facilities defined as “high visibility” by this ordinance, and located in a Residential or Rural Zone shall be brought into conformance with this ordinance under the following amortization schedule. The time allowed shall be measured from the effective date of this ordinance. The Director may extend the amortization period upon a showing of economic hardship to the owner.

Fair Market Value on Effective Date	Minimum Years Allowed
Under $10,000	6
$10,000 - $500,000	10
Over $500,000	15

(Added by Ord. No. 9549 (N.S.) adopted 4-30-03)