

ORDINANCE NUMBER O- 197.00 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 13 2008

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2, BY AMENDING SECTIONS 131.0222 AND 131.0231; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3, BY AMENDING SECTIONS 131.0322 AND 131.0331; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4, BY AMENDING SECTIONS 131.0422 AND 131.0431; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5, BY AMENDING SECTIONS 131.0522 AND 131.0531; BY AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6, BY AMENDING SECTIONS 131.0622 AND 131.0631; BY AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6, BY AMENDING SECTION 141.0606; BY AMENDING CHAPTER 14, ARTICLE 2, DIVISION 8 BY AMENDING SECTIONS 142.0805, 142.0810, 142.0820 AND 142.0830, ALL RELATING TO THE LAND DEVELOPMENT CODE.

WHEREAS, the 6th Update to the Land Development Code [LDC] is part of the code monitoring program directed by the Mayor and City Council as part of the adoption of the LDC effective January, 2000; and

WHEREAS, the 6th Update project is divided into seven issue categories including: Measurement, Permit Process, Landscape, Parking, Signs, Compliance with State Law, and minor corrections, a total of fifty-one issues; and

WHEREAS, the fifty-one issues have been identified as amendments necessary to clarify existing regulations or to address inconsistencies, as well as assisting to streamline existing processes and better meet existing policies; and

WHEREAS, the amendments proposed in this ordinance are necessary to comply with state law requirements regarding licensing of heliports, family child care homes, and refuse and recycling materials storage; NOW, THEREFORE

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the San Diego Municipal Code is amended by amending Chapter 13, Article 1, Division 2, by amending Sections 131.0222, and 131.0231 to read as follows:

**§131.0222 Use Regulations Table for Open Space Zones**

The uses allowed in the open space zones are shown in Table 131-02B.

**Legend for Table 131-02B [No change.]**

**Table 131-02B  
Use Regulations Table of Open Space Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones					
	1st & 2nd >>		OP-		OC-	OR <sup>(1)</sup>		OF <sup>(12)</sup>
	3rd >>		1-	2-	1-	1-		1-
	4th >>		1	1	1	1	2	1
<b>Open Space through Retail Sales [No change.]</b>								
<b>Commercial Services</b>								
Building Services through Visitor Accommodations [No change.]								
Separately Regulated Commercial Services Uses								
Adult Entertainment Establishments through Camping Parks [No change.]								
<i>Child Care Facilities:</i>								
Child Care Centers		C <sup>(2)</sup>	-	-	-	-	-	-
Large Family Child Care Homes		-	-	-	L	-	-	-
Small Family Child Care Homes		-	-	-	L	-	-	-
Eating and Drinking Establishments Abutting Residentially Zoned Property through Zoological Parks [No change.]								
<b>Offices through Signs [No change.]</b>								

Footnotes for Table 131-02B [No change.]

**§131.0231 Development Regulations Table for Open Space Zones**

The following development regulations apply in the open space zones as shown in Table 131-02C.

**Table 131-02C  
Development Regulations of Open Space Zones**

Development Regulations [See Section 131.0230 for Development Regulations of Open Space Zones]	Zone Designator	Zones				
	1st & 2nd >>	OP-	OC-	OR-		OF <sup>(1)</sup> -
3rd >>	1-	2-	1-	1-	1-	
4th >>	1	1	1	2	1	
<b>Max Permitted Residential Density through Max Floor Area Ratio</b> [No change.]						
<b>Refuse and Recyclable Material Storage</b> [See Section 142.0805]	applies	applies	applies	applies	applies	

Footnotes for Table 131-02C

<sup>1</sup> Refer to Section 143.0146 for supplemental development regulations for the OF zone.  
Footnotes 2 through 8 [No change.]

Section 2. That the San Diego Municipal Code is amended by amending Chapter 13, Article 1, Division 3, by amending Sections 131.0322, and 131.0331 to read as follows:

**§131.0322 Use Regulations Table for Agricultural Zones**

The uses allowed in the agricultural zones are shown in Table 131-03B.

**Legend for Table 131-03B [No change.]**

**Table 131-03B**  
**Use Regulations Table of Agricultural Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
<b>Open Space through Retail Sales [No change.]</b>					
<b>Commercial Services</b>					
Building Services through Visitor Accommodations [No change.]					
Separately Regulated Commercial Services Uses					
Adult Entertainment Establishments through Camping Parks [No change.]					
<i>Child Care Facilities:</i>					
Child Care Centers					
Large Family Child Care Homes					
Small Family Child Care Homes					
Eating and Drinking Establishments Abutting Residentially Zoned Property through Zoological Parks [No change.]					
<b>Offices through Signs [No change.]</b>					

Footnotes for Table 131-03B [No change.]

**§131.0331 Development Regulations Table for Agricultural Zones**

The following development regulations apply in the agricultural zones as shown in Table 131-03C.

**Table 131-03C**  
**Development Regulations of Agricultural Zones**

Development Regulations [See Section 131.0330 for Development Regulations of Agricultural Zones]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-	1-	1-	1-
	4th >>	1	2	1	2
<b>Max Permitted Residential through Min Lot Dimensions [No change.]</b>					
<b>Setback Requirements</b>					

<b>Development Regulations</b> [See Section 131.0330 for Development Regulations of Agricultural Zones]	<b>Zone Designator</b>	<b>Zones</b>			
	1st & 2nd >>	AG		AR	
	3rd >>	1-	1-	1-	1-
	4th >>	1	2	1	2
<b>Max Structure Height through Min Floor Area [No change.]</b>					
<b>Refuse and Recyclable Material Storage [See Section 142.0805]</b>		applies	applies	applies	applies

Footnotes for Table 131-03C  
1-7 [No change]

Section 3. That the San Diego Municipal Code is amended by amending Chapter 13, Article 1, Division 4, by amending Sections 131.0422, and 131.0431 to read as follows:

**§131.0422 Use Regulations Table for Residential Zones**

The uses allowed in the residential zones are shown in the Table 131-04B.

**Legend for Table 131-04B [No change.]**

**Table 131-04B  
Use Regulations Table of Residential Zones**

<b>Use Categories/ Subcategories</b> [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	<b>Zone Designator</b>	<b>Zones</b>																					
	1st & 2nd >>	RE-	RS-										RX-	RT-									
	3rd >>	1-	1-										1-	1-									
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3

**Open Space through Retail Sales [No change.]**

**Commercial Services**

<b>Building Services through Visitor Accommodations [No change.]</b>	
<b>Separately Regulated Commercial Services Uses</b>	
Adult Entertainment Establishments through Camping Parks [No change.]	
<i>Child Care Facilities:</i>	
Child Care Centers	C C C C
Large Family Child Care Homes	L L L L
Small Family Child Care Homes	L L L L
Eating and Drinking Establishments Abutting Residentially Zoned Property through Zoological Parks [No change.]	

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																					
	1st & 2nd >>	RE-	RS-												RX-	RT-							
	3rd >>	1-	1-												1-	1-							
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3
<b>Offices through Signs</b> [No change.]																							

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones												
	1st & 2nd >>	RM-												
	3rd >>	1-			2-			3-			4-		5-	
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	
<b>Open Space through Sales</b> [No change.]														
<b>Commercial Services</b>														
<b>Building Services through Visitor Accommodations</b> [No change.]														
<b>Separately Regulated Commercial Services Uses</b>														
Adult Entertainment Establishments through Camping Parks [No change.]														
<i>Child Care Facilities:</i>														
Child Care Centers		C	C			C			C		-			
Large Family Child Care Homes		L	L			L			L		-			
Small Family Child Care Homes		L	L			L			L		-			
Eating and Drinking Establishments Abutting Residentially Zoned Property through Zoological Parks [No change.]														
<b>Offices through Signs</b> [No change.]														

Footnotes for Table 131-04B [No change.]

**§131.0431 Development Regulations Table of Residential Zones**

The following development regulations apply in the residential zones as shown in the Table 131-04C, 131-04D, 131-04E, and 131-04F.

- (a) RE Zones

**Table 131-04C**  
**Development Regulations of RE Zones**

<b>Development Regulations</b> [See Section 131.0430 for Development Regulations of Residential Zones]	<b>Zone designator</b>	<b>Zones</b>		
	1st & 2nd >>	RE-		
	3rd >>	1-	1-	1-
	4th >>	1	2	3
<b>Max permitted density (DU per lot) through Supplemental requirements</b> [See Section 131.0464(a)]		[No change.]		
<b>Diagonal plan dimension</b>				
<b>Refuse and Recyclable Material Storage</b> [See Section 142.0805]		applies	applies	Applies

(b) RS Zones

**Table 131-04D**  
**Development Regulations of RS Zones**

<b>Development Regulations</b> [See Section 131.0430 for Development Regulations of Residential Zones]	<b>Zone Designator</b>	<b>Zones</b>						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
<b>Max permitted density (DU per lot) through Supplemental requirements</b> [See Section 131.0464(a)]		[No change.]						
<b>Diagonal plan dimension</b>								
<b>Bedroom regulation</b> [No change.]								
<b>Refuse and Recyclable Material Storage</b> [See Section 142.0805]		applies	applies	applies	applies	applies	applies	Applies

<b>Development Regulations</b> [See Section 131.0430 for Development Regulations of Residential Zones]	<b>Zone Designator</b>	<b>Zones</b>						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	8	9	10	11	12	13	14
<b>Max permitted density (DU per lot) through Supplemental requirements</b> [See Section 131.0464(a)]		[No change.]						
<b>Diagonal plan dimension</b>								
<b>Bedroom regulation</b> [No change.]								
<b>Refuse and Recyclable Material Storage</b> [See Section 142.0805]		applies	applies	applies	applies	applies	applies	Applies

Footnotes for Table 131-04D [No change.]

(c) RX Zones

**Table 131-04E**  
**Development Regulations of RX Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones	
	1st & 2nd >>	RX-	
	3rd >>	1-	1-
	4th >>	1	2
Maximum permitted <i>density</i> (DU per <i>lot</i> ) through Supplemental regulations [See Section 131.0464(b)]		[No change.]	
Diagonal plan dimension			
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies

Footnote for Table 131-04E [No change.]

(d) RT Zones

**Table 131-04F**  
**Development Regulations of RT Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones			
	1st & 2nd >>	RT-			
	3rd >>	1-	1-	1-	1-
	4th >>	1	2	3	4
Maximum permitted <i>density</i> through Supplemental requirements [No change.]					
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies	applies

(e) RM Zones



**Table 131-04G  
Development Regulations of RM Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM-					
	3rd >>	1-	1-	1-	2-	2-	2-
	4th >>	1	2	3	4	5	6
Maximum permitted density through Supplemental requirements [No change.]							
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies	applies	applies	applies

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	RM					
	3rd >>	3-	3-	3-	4-	4-	5
	4th >>	7	8	9	10	11	12
Maximum permitted density through Supplemental requirements [No change.]							
Refuse and Recyclable Material Storage [See Section 142.0805]		applies	applies	applies	applies	applies	Applies

Footnotes for Table 131-04G [No change.]

Section 4. That the San Diego Municipal Code is amended by amending Chapter 13, Article 1, Division 5, by amending Sections 131.0522, and 131.0531 to read as follows:

**§131.0522 Use Regulations Table of Commercial Zones**

The uses allowed in the commercial zones are shown in Table 131-05B.

**Legend for Table 131-05B [No change.]**

0- 15732

**Table 131-05B**  
**Use Regulations Table for Commercial Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CN <sup>(1)-</sup>			CR-		CO-		CV-		CP-
	3rd >>	1-			1-	2-	1-		1-		1-
	4th >>	1	2	3	1	1	1	2	1	2	1
<b>Open Space through Retail Sales [No change.]</b>											
<b>Commercial Services</b>											
Building Services through Visitor Accommodations [No change.]											
Separately Regulated Commercial Services Uses											
Adult Entertainment Establishments through Camping Parks [No change.]											
<i>Child Care Facilities:</i>											
Child Care Centers											
Large Family Child Care Homes											
Small Family Child Care Homes											
Eating and Drinking Establishments Abutting Residentially Zoned Property through Zoological Parks [No change.]											
<b>Offices through Signs [No change.]</b>											

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																
	1st & 2nd >>	CC-																
	3rd >>	1-			2-			3-			4-			5-				
	4th >>	1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4
<b>Open Space through Retail Sales [No change.]</b>																		
<b>Commercial Services</b>																		
Building Services through Visitor Accommodations [No change.]																		
Separately Regulated Commercial Services Uses																		
Adult Entertainment Establishments through Camping Parks [No change.]																		
<i>Child Care Facilities:</i>																		
Child Care Centers																		
Large Family Child Care Homes																		
Small Family Child Care Homes																		
Eating and Drinking Establishments Abutting Residentially Zoned Property through Zoological Parks [No change.]																		
<b>Offices through Signs [No change.]</b>																		

Footnotes to Table 131-05B [No change.]

**§131.0531 Development Regulations Tables of Commercial Zones**

The following development regulations apply in each of the commercial zones as shown in Tables 131-05C, 131-05D, and 131-05E.

(a) CN Zones

**Table 131-05C  
Development Regulations of CN Zones**

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone designator		Zones		
	1st & 2nd >>		CN-		
	3rd >>		1-	1-	1-
	4th >>		1	2	3
<b>Max permitted residential density through Building articulation [No change.]</b>					
<b>Refuse and Recyclable Material Storage [See Section 142.0805]</b>					
		applies	applies	applies	applies

Footnotes for Table 131-05C [No change.]

(b) CR, CO, CV, and CP Zones

**Table 131-05D  
Development Regulations of CR, CO, CV, CP Zones**

Development Regulations [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator		Zones			
	1st & 2nd >>		CR-	CO-	CV-	CP-
	3rd >>		1-   2-	1-	1-	1-
	4th >>		1	1	2	1
<b>Max permitted residential through Parking lot orientation [No change.]</b>						
<b>Refuse and Recyclable Material Storage [See Section 142.0805]</b>						
		applies	applies	applies	applies	applies

Footnotes For Table 131-05D [No change.]

(c) CC Zones

**Table 131-05E**  
**Development Regulations of CC Zones**

Development Regulation [See Section 131.0530 for Development Regulations of Commercial Zones]	Zone Designator	Zones																	
	1st & 2nd >>	CC-																	
	3rd >>	1-	2-	4-	5-	1-	2-	4-	5-	1-	2-	4-	5-	3-	4-	5-	3-	4-	5-
	4th >>	1			2			3			4			5					
Max permitted residential density through Parking lot orientation [No change.]																			
Refuse and Recyclable Material Storage [See Section 142.0805]		applies			applies			applies			applies			applies					

Footnotes for Table 131-05E [No change.]

Section 5. That the San Diego Municipal Code is amended by amending Chapter 13, Article 1, Division 6, by amending Sections 131.0622, and 131.0631 to read as follows:

**§131.0622 Use Regulations Table for Industrial Zones**

The uses allowed in the industrial zones are shown in Table 131-06B.

**Legend for Table 131-06B [No change.]**

**Table 131-06B**  
**Use Regulations Table for Industrial Zones**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone designator	Zones								
	1st & 2nd >>	IP-		IL-			IH-		IS-	
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-	
	4th >>	1	1	1	1	1	1	1	1	
Open Space through Retail Sales [No change.]										
Commercial Services										
Building Services through Visitor Accommodations [No change.]										
Separately Regulated Commercial Services Uses										
Adult Entertainment Establishments through Camping Parks [No change.]										
Child Care Facilities:										

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone designator	Zones								
	1st & 2nd >>	IP-		IL-			IH-		IS-	
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-	
	4th >>	1	1	1	1	1	1	1	1	
Child Care Centers	L	L	-	L	L	-	L	L		
Large Family Child Care Homes	-	-	-	-	-	-	-	-	-	
Small Family Child Care Homes	-	-	-	-	-	-	-	-	-	
Eating and Drinking Establishments Abutting Residentially Zoned Property through Zoological Parks [No change.]										
Offices through Signs [No change.]										

Footnotes for Table 131-06B [No change.]

**§131.0631 Development Regulations Table for Industrial Zones**

The following development regulations apply in the industrial zones as shown in Table 131-06C.

**Table 131-06C  
Development Regulations for Industrial Zones**

Development Regulations [See Section 131.0630 for Development Regulations of Industrial Zones]	Zone Designator	Zones								
	1st & 2nd >>	IP-		IL-			IH-		IS-	
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1	
	4th >>	1		1			1		1	
Lot Area through Outdoor Amenities [No change.]										
Refuse and Recyclable Material Storage [See Section 142.0805]	applies		applies		Applies		applies			

Footnotes for Table 131-06C [No change.]

Section 6. That the San Diego Municipal Code is amended by amending Chapter 14, Article 1, Division 6, by amending Section 141.0606, to read as follows:

**§141.0606 Child Care Facilities**

(a) This section regulates the following *child care facilities*:

- (1) Family child care homes: Any *child care facility* licensed by the State of California to provide regular care, protection and supervision of children in the child care provider's home, for periods of less than 24 hours per day, while the parents or authorized representatives are away.
- (2) Child care centers: Any *child care facility*, other than a small or large family child care home, that is licensed by the State of California to provide child care: child care centers may be infant centers, preschools, or school-age, extended day care facilities.

(b) Family Child Care Homes

Large and small family child care homes are a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) Large Family Child Care Homes
  - (A) A large family child care home may provide care for up to 12 children (no more than 4 of whom may be infants), or for up to 14 children as stated in Section 141.0606(b)(1)(B). Maximum capacity shall not exceed the capacity specified on the provider's license and shall include children under the age of 10 who reside at the

licensee's home and the assistant provider's children under the age of 10.

(B) A large family child care home may provide care for a total of 13 or 14 children if all of the following conditions are met in accordance with Health and Safety Code Section 1597.465:

- (i) At least two of the children are at least 6 years of age, one of whom may be less than 6 years of age if enrolled in kindergarten;
- (ii) No more than 3 infants are cared for during any time when more than 12 children are being cared for;
- (iii) The licensee notifies parents or authorized representatives that the facility is caring for two additional school age children, and that there may be 13 or 14 children in the home at one time; and
- (iv) The licensee obtains written consent of the property owner when the family day care home is operated on property that is leased or rented.

(C) The child care provider shall comply with all state licensing requirements for large family day care homes.

(D) The day care provider shall comply with standards adopted by the State Fire Marshal pursuant to the California Health and Safety Code relating to large family child care homes.

(2) Small Family Child Care Homes

(A) A small family child care home may provide care for up to 6 children (including 4 infants total or up to 3 infants where cared for in combination with other children), or for up to 8 children as stated in Section 141.0606(b)(2)(B). Maximum capacity shall not exceed the capacity specified on the provider's license and shall include children under the age of 10 who reside at the licensee's home.

(B) A small family child care home may provide care for a total of 7 or 8 children if all of the following conditions are met in accordance with Health and Safety Code Section 1597.44:

(i) At least two of the children are at least 6 years of age, one of whom may be less than 6 years of age if enrolled in kindergarten; and

(ii) No more than 2 infants are cared for during any time when more than 6 children are being cared for; and



- (iii) The licensee notifies parents or authorized representatives that the facility is caring for two additional school age children, and that there may be 7 or 8 children in the home at one time; and
  - (iv) The licensee obtains written consent of the property owner when the family day care home is operated on property that is leased or rented.
- (C) The child care provider shall comply with all state licensing requirements for small family child care homes.

(c) through (d) [No change.]

Section 7. That the San Diego Municipal Code is amended by amending Chapter 14, Article 2 Division 8, by amending Sections 142.0805, 142.0810, 142.0820, and 142.0830 to read as follows:

**§142.0805 When Refuse and Recyclable Materials Storage Regulations Apply**

Refuse and recyclable materials storage shall be provided for the following types of *development* as indicated in Table 142-08A:

- (a) New residential *development* projects involving two or more *dwelling units*,
- (b) New nonresidential *development*, or

- (c) Additions to existing *multiple dwelling unit* residential, commercial or industrial *development* where the *gross floor area* would be increased by 30 percent or more.

**Table 142-08A**  
**Refuse and Recyclable Material Storage Regulations**  
**Applicability**

Type of Development Proposal	Applicable Regulations	Required Permit Type/Decision Process
<i>Development</i> of a single dwelling unit	Exempt from this division	Exempt from this division
New residential <i>development</i> involving two or more dwelling units	Sections 142.0810 and 142.0820	No permit required by this division
New nonresidential <i>development</i>	Sections 142.0810 and 142.0830	No permit required by this division
Additions to existing <i>multiple dwelling unit</i> residential, commercial, or industrial <i>development</i> where the <i>gross floor area</i> would be increased by 30 percent or more	Sections 142.0810, 142.0820 and 142.0830	No permit required by this division

**§142.0810 General Regulations for Refuse and Recyclable Material Storage**

New residential *development* as indicated in Section 142.0805 shall provide on-site areas for the storage of refuse and *recyclable material* that meet the following standards:

- (a) Size of Material Storage Areas. The size of required material storage areas shall meet or exceed the minimum requirements in Tables 142-08B and 142-08C.
- (b) Location of Material Storage Areas
- (1) Material storage areas may be located in a designated interior area that is not in a *dwelling unit*.

- (2) Material storage areas may be located outside a *structure* in required rear *yards* or in required side *yards*. Exterior material storage areas shall not be located in any front *yard*, street side yard, *street yard* area, parking area, landscaped area, or any other area required by the Municipal Code to be constructed or maintained unencumbered according to fire or other applicable building or public safety laws.
  - (3) Material storage areas shall be accessible to occupants and haulers.
  - (4) *Premises* served by an *alley* shall provide material storage areas that are directly accessible from the *alley*.
  - (5) One *sign* identifying the material storage area is required for each area and shall be posted on the exterior of the material storage area near the point of access. The maximum *sign copy area* permitted for each *sign* shall be one square foot.
  - (6) For commercial *development* on *premises* not served by an *alley*, material storage areas shall be located at least 25 feet from any *street* or sidewalk.
- (c) *Screening* of Material Storage Areas. Material storage areas located outside any *structure* shall be *screened* with a minimum 6-foot-high solid *screening* enclosure that is designed to be architecturally consistent with

the primary *structure*. Refuse, *recyclable material*, and material storage containers shall not exceed the height of the solid *screening* enclosure.

**§142.0820 Refuse and Recyclable Materials Storage Regulations for ~~Multiple-Unit Residential Development~~**

Applicable residential *development* in accordance with Section 142.0805, shall provide interior and exterior refuse and recycling storage areas as specified below:

- (a) Interior Refuse and *Recyclable Material* Storage. Each *dwelling unit* shall be equipped with an interior refuse and *recyclable material* storage area.
- (b) Exterior Refuse and *Recyclable Material* Storage. Each *structure* that contains *dwelling units* shall provide at least one exterior storage area. The total storage areas requirement is based on the number of *dwelling units* in the *development* as shown in Table 142-08B and includes the sum of all residential material storage areas located outside of individual *dwelling units*.

**Table 142-08B**  
**Minimum Exterior Refuse and**  
**Recyclable Material Storage Areas for**  
**Residential Development** [No change]

**§142.0830 Refuse and Recyclable Material Storage Regulations for Nonresidential Development**

- (a) All new nonresidential *development*, or additions to existing commercial or industrial *development* where the *gross floor area* would be increased by 30 percent or more, shall provide at least one exterior refuse and *recyclable material* storage area for each building. The total storage area

requirement is based on the *gross floor area* of the nonresidential buildings on the *premises*, as shown in Table 142-08C and includes the sum of all nonresidential refuse and recyclable material storage areas.

- (b) Where a *development* includes residential as part of a mixed use project, the *development* shall provide refuse and *recyclable material* storage for the residential portion of the project in accordance with Table 142-08B, in addition to the storage areas required by Table 142-08C for the nonresidential *development*.

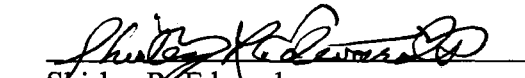
**Table 142-08C**  
**Minimum Exterior Refuse and Recyclable Material Storage Areas**  
**for Nonresidential Development** No change.]

Section 8. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 9. Except in the Coastal Overlay Zone, this ordinance shall take effect and be in force on the thirtieth day from and after its final passage. Within the Coastal Overlay Zone, this

ordinance shall be in force and effect on the date it is effectively certified by the California Coastal Commission as a City of San Diego Local Coastal Program amendment.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Shirley R. Edwards  
Chief Deputy City Attorney

SRE:pev  
09/24/08  
10/14/08 COR.COPY  
Or.Dept:DSD  
O-2009-29  
MMS #6574

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of OCT 28 2008.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 11-13-08  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor