

ORDINANCE NUMBER O- 20137 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 22 2012

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 4, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 44.0404; REPEALING SECTION 440405; AMENDING SECTION 44.0406; REPEALING SECTION 44.0407; AMENDING SECTION 44.0408; REPEALING SECTION 44.0409; AMENDING SECTIONS 44.0413 AND 44.0414; AND REPEALING SECTIONS 44.0418 AND 44.0420, ALL RELATING TO THE KEEPING OF BEES

WHEREAS, Healthy Works, a program administered by the County of San Diego Health and Human Services Agency and funded by the American Recovery and Reinvestment Act of 2009, awards grants to combat rising obesity rates in the San Diego region by planning communities in ways that support increased physical activity and access to healthy foods; and

WHEREAS, the City of San Diego has been awarded a grant of \$50,000 to increase access to healthy foods pursuant to Municipal Code and General Plan amendments to support urban agriculture; and

WHEREAS, on July 20, 2011, the Land Use and Housing Committee of the City Council of the City of San Diego held a hearing on the subject of urban agriculture and requested that staff address specific items and return with proposed amendments to the City of San Diego Municipal Code to increase access to healthy, local and sustainable food by expanding the opportunities for community gardens; and

WHEREAS, on October 5, 2011, staff returned to the Land Use and Housing Committee with proposed amendments to the City of San Diego Municipal Code; and

WHEREAS, on December 15, 2011, the Planning Commission of the City of San Diego recommended that the City Council of the City of San Diego adopt the proposed amendments to the San Diego Municipal Code to ease restrictions on the keeping of bees; NOW, THEREFORE,

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

Section 1. That Chapter 4, Article 4, Division 4 of the San Diego Municipal Code is amended by amending section 44.0404, repealing section 44.0405, amending section 44.40406, repealing section 44.0407, amending section 44.0408, repealing section 44.0409, amending sections 44.0413 and 44.0414, and repealing sections 44.0418 and 44.0420 to read as follows:

§44.0404 Registration Required

Within 30 days of establishing an apiary the owner of the apiary shall register the apiary with the San Diego County Agricultural Commissioner and shall reregister in January of every year thereafter while in possession of the apiary.

§44.0406 Permitted Bee Species

Only docile *Apis mellifera* species (honey bees) shall be permitted by this Division.

§44.0408 Beekeeping — Locational Requirements

- (a) An apiary consisting of three or more beehives shall be located no closer than 600 feet from a building used as a residence, other than the residence located on the same premises as the beehives, and a minimum of 100 feet from the public right-of-way.
- (b) An apiary consisting of two or fewer beehives may be maintained in accordance with the following:
 - (1) The apiary shall be located outside of all required setbacks as established by Chapter 13, Article 1 of this Code, or fifteen feet

from the property line and 20 feet from all public rights-of-way, whichever is greater;

- (2) A minimum 6-foot tall barrier shall surround the beehive leaving sufficient space to properly maintain the beehive except that the barrier shall not be required when the beehive is elevated at least eight feet above grade;
- (3) The beehive is not visible from the public right-of-way;
- (4) The beehive is in a location that is secured from unauthorized access;
- (5) The opening of the beehive faces the most distant property line;
- (6) The opening of the beehive faces away from entrances and walkways on the premises to the extent possible while ensuring that the entrance faces the most distant property line;
- (7) The beehive structure is a pale color; and
- (8) The beehive is requeened at least once every two years.

§44.0413 Beekeeping — Fire Safety

- (a) An apiary comprising three or more beehives shall also include a firebreak not less than 30 feet wide around such apiary, which firebreak shall meet the following specifications:
 - (1) Within the 10 foot wide area closest to the apiary, all flammable or combustible vegetation or material shall be cut or trimmed to a height not greater than six inches above the ground; and

- (2) Within the area 30 feet from the apiary and lying outside of the outside perimeter of the 10 foot wide area in subparagraph (1), all flammable or combustible vegetation or material shall be trimmed to a height not greater than 12 inches above the ground.
 - (3) Subsections (1) and (2) shall not be construed to require the cutting or removal of individual live trees, unless such cutting or removal is required in writing by an officer or agency authorized by section 44.0417 to enforce section 44.0413.
 - (4) Subsection (a) shall not apply if the apiary is maintained in a residential zone area unless the Fire Department determines that a firebreak is necessary to protect the public safety.
- (b) Every person owning, possessing or controlling an apiary comprising two or fewer beehives shall be required to locate the beehives within Brush management Zone One in accordance with San Diego Municipal Code section 142.0412 (Brush Management).

§44.0414 Beekeeping — Fire Fighting Materials

The following fire fighting materials shall be maintained, in good working condition, at all times when the apiary is attended by the keeper, sufficiently near the apiary so as immediately to be available in case of fire:

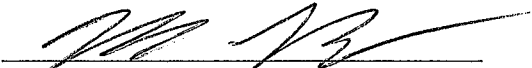
- (a) A shovel; and
- (b) A fire extinguisher, of either the 2 1/2 gallon water-under-pressure type or the 5 gallon back-pump type; provided, that a fire extinguisher, equally effective as those above mentioned, may be used if written authority is first obtained from an officer or agency authorized by Section 44.0417 to

enforce this section. A garden hose may be substituted for a fire extinguisher, provided the hose is connected to a source of water.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.


APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Keith Bauerle
Deputy City Attorney

KB:hm
01/17/2012
Or.Dept:DSD
Document No. 306033

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 14 2012.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 2.22.12
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

ORDINANCE NUMBER O- 20138 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 22 2012

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 2, DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 42.0708 AND 42.0709 AND REPEALING SECTION 42.0713, ALL RELATING TO THE KEEPING OF CHICKENS

WHEREAS, Healthy Works, a program administered by the County of San Diego Health and Human Services Agency and funded by the American Recovery and Reinvestment Act of 2009, awards grants to combat rising obesity rates in the San Diego region by planning communities in ways that support increased physical activity and access to healthy foods; and

WHEREAS, the City of San Diego has been awarded a grant of \$50,000 to increase access to healthy foods pursuant to Municipal Code and General Plan amendments to support urban agriculture; and

WHEREAS, on July 20, 2011, the Land Use and Housing Committee of the City Council of the City of San Diego held a hearing on the subject of urban agriculture and requested that staff address specific items and return with proposed amendments to the City of San Diego Municipal Code to increase access to healthy, local and sustainable food by expanding the opportunities for community gardens; and

WHEREAS, on October 5, 2011, staff returned to the Land Use and Housing Committee with proposed amendments to the City of San Diego Municipal Code; and

WHEREAS, on December 15, 2011, the Planning Commission of the City of San Diego recommended that the City Council of the City of San Diego adopt the proposed amendments to

the San Diego Municipal Code to ease restrictions on the keeping of chickens; NOW,
THEREFORE,

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

Section 1. That Chapter 4, Article 2, Division 7 of the San Diego Municipal Code is amended by amending sections 42.0708 and 42.0709, and repealing section 42.0713, to read as follows:

§42.0708 Fowl, Rabbits, Racing and Homing Pigeons and Fancy Pigeon Regulated

Health Regulated Businesses shall include the keeping or maintenance of more than:

- (a) Twenty-five fowl and rabbits; or
- (b) 100 racing or homing or fancy pigeons; or
- (c) Any combination of (a) and (b) which exceeds 100.

**§42.0709 Fowl, Rabbits, Racing or Homing Pigeons or Fancy Pigeons, Maintenance—
Regulations and Exceptions**

- (a) No fowl or rabbits shall be kept or maintained within fifty feet of any building used for residential purposes, except as may be permitted in section 42.0709(e) .
- (b) [No change in text.]
- (c) All fowl, rabbit or racing or homing or fancy pigeon droppings and food scraps shall be properly disposed of at least once a week or more frequently if, in the opinion of the Director of Public Health, it is necessary to prevent an unsanitary condition.
- (d) [No change in text.]

(e) Keeping or maintaining chickens located on a premises zoned for a single dwelling unit, developed with a single dwelling unit, developed with a community garden in accordance with section 141.0203, or developed with a retail farm in accordance with section 141.0505, is subject to the following requirements, except that section 42.0709(e) shall not apply to single dwelling units located in agriculture base zones.


- (1) No rooster shall be permitted on the premises.
- (2) The number of chickens permitted and the location of the chicken coop are as follows:
 - (A) Up to five chickens may be kept on a premises, provided that the coop is located outside of all required setbacks as established by Chapter 13, Article 1 of this Code;
 - (B) Up to fifteen chickens may be kept on a premises, provided that the coop is located outside of all required setbacks, as established by Chapter 13, Article 1 of this Code, or 15 feet from the property line, whichever is greater; and
 - (C) Up to twenty-five chickens may be kept on a premises, provided that the coop and the enclosure are a minimum of 50 feet from any structure used for residential purposes.
- (3) All chickens shall be housed in coop that is designed to be:
 - (A) Predator proof;
 - (B) Thoroughly ventilated;
 - (C) Watertight;

- (D) Easily accessed and cleaned; and
- (E) A minimum of six square feet of area per chicken.
- (4) Direct access from the coop to an outdoor enclosure shall be provided with the outdoor enclosure designed to be:
 - (A) Predator proof;
 - (B) Easily accessed and cleaned;
 - (C) Fenced to contain the chickens; and
 - (D) A minimum of ten square feet of ground area per chicken.
- (f) Nothing contained in this section shall be deemed or construed to prohibit the keeping of fowl, rabbits, or racing, homing, or fancy pigeons:
 - (1) In a coop, box or run located and kept within a schoolhouse, museum or zoo for the purpose of study or observation;
 - (2) In a coop, box or run located and kept within a physician's office or laboratory, for medical research, medical treatment or scientific purposes;
 - (3) On premises zoned for AG-1-1, AG-1-2, AR-1-1, AR-1-2, IL-3-1, and IH-2-1;
 - (4) On premises where the fowl, rabbits, or racing, homing, or fancy pigeons are sold in the ordinary and customary course of business, and are not raised, bred or grown on such premises.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

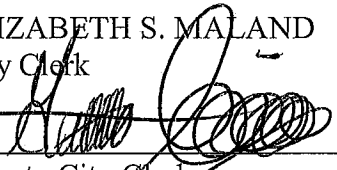
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Keith Bauerle
Deputy City Attorney

KB:hm
01/17/2012
Or.Dept:DSD
Document No. 306072

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 14 2012.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 2.22.12
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

5100
2/14

ORDINANCE NUMBER O- 20139 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 22 2012

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 4,
DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY
REPEALING SECTION 44.0302 AND AMENDING SECTIONS
44.0306, 44.0307 AND 44.0318, ALL RELATING TO THE
KEEPING OF MINIATURE GOATS

WHEREAS, Healthy Works, a program administered by the County of San Diego Health and Human Services Agency and funded by the American Recovery and Reinvestment Act of 2009, awards grants to combat rising obesity rates in the San Diego region by planning communities in ways that support increased physical activity and access to healthy foods; and

WHEREAS, the City of San Diego has been awarded a grant of \$50,000 to increase access to healthy foods pursuant to Municipal Code and General Plan amendments to support urban agriculture; and

WHEREAS, on July 20, 2011, the Land Use and Housing Committee of the City Council of the City of San Diego held a hearing on the subject of urban agriculture and requested that staff address specific items and return with proposed amendments to the City of San Diego Municipal Code to increase access to healthy, local and sustainable food by expanding the opportunities for community gardens; and

WHEREAS, on October 5, 2011, staff returned to the Land Use and Housing Committee with proposed amendments to the City of San Diego Municipal Code; and

WHEREAS, on December 15, 2011, the Planning Commission of the City of San Diego recommended that the City Council of the City of San Diego adopt the proposed amendments to the San Diego Municipal Code to ease restrictions on the keeping of miniature goats; NOW, THEREFORE,

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

Section 1. That Chapter 4, Article 4, Division 3 of the San Diego Municipal Code is amended by repealing section 44.0302 and amending sections 44.0306, 44.0307 and 44.0318 to read as follows:

§44.0306 Agricultural and Non-Agricultural Areas — Definitions

Agricultural areas, for the purposes of this division only, shall be any areas zoned AG-1-1, AG-1-2, AR-1-1, AR-1-2, IL-3-1, and IH-2-1, as defined by Chapter 13, Article 1 of this Code. Non-agricultural areas shall be all other areas within the City.

§44.0307 Cattle, Goats and Sheep

- (a) [No change in text.]
- (b) Section 44.0307(a) shall not apply to the following:
 - (1) [No change in text.]
 - (2) [No change in text.]
 - (3) The keeping of miniature goats on a premises zoned for a single dwelling unit or developed with a single dwelling unit consistent with the following requirements.
 - (A) Miniature goats are those goats commonly known as Pygmy, Dwarf, and Miniature Goats.
 - (B) All miniature goats shall be dehorned.
 - (C) Male miniature goats shall be neutered.

- (D) No more than, and no less than, two miniature goats shall be kept on the premises, except that offspring may be kept onsite for up to twelve weeks from birth.
- (E) Miniature goats shall be housed in a shed designed to be:
 - (i) Predator proof;
 - (ii) Thoroughly ventilated;
 - (iii) Easily accessed and cleaned;
 - (iv) Watertight and draft free;
 - (v) A minimum of ten square feet of interior space; and
 - (vi) Located outside of all required setbacks as established by Chapter 13, Article 1 of this Code.
- (F) Direct access from the shed to an outdoor enclosure shall be provided with the outdoor enclosure designed to be:
 - (i) Secured with a minimum five-foot tall fence;
 - (ii) A minimum area of 400 square feet;
 - (iii) Secured from the outside in a manner that prevents the miniature goats from escaping;
 - (iv) Free of objects that would enable the goats to climb out of the enclosure; and
 - (v) Easily accessed and cleaned.
- (G) Goat's milk, goat's cheese, and other goat-related food products shall be for personal consumption only; sale of such products is prohibited.

(c) [No change in text.]

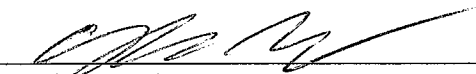
§44.0318 Domestic Animals — Definition

For the purpose of this Division, a domestic animal is defined to be any horse, colt, mule, donkey, burro, ox, bull, cow, calf, hog, pig, sheep or standard goat.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

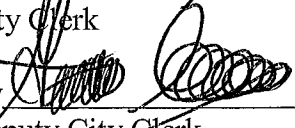
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Keith Bauerle
Deputy City Attorney

KB:hm
01/17/2012
Or.Dept:DSD
Document No. 306087

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 14 2012.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 2.22.12
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

ORDINANCE NUMBER O- 20140 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 22 2012

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 131.0622, AND AMENDING CHAPTER 14, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 141.0203, ALL RELATING TO COMMUNITY GARDENS

WHEREAS, Healthy Works, a program administered by the County of San Diego Health and Human Services Agency and funded by the American Recovery and Reinvestment Act of 2009, awards grants to combat rising obesity rates in the San Diego region by planning communities in ways that support increased physical activity and access to healthy foods; and

WHEREAS, the City of San Diego has been awarded a grant of \$50,000 to increase access to healthy foods pursuant to Municipal Code and General Plan amendments to support urban agriculture; and

WHEREAS, on July 20, 2011, the Land Use and Housing Committee of the City Council of the City of San Diego held a hearing on the subject of urban agriculture and requested that staff address specific items and return with proposed amendments to the City of San Diego Municipal Code to increase access to healthy, local and sustainable food by expanding the opportunities for community gardens; and

WHEREAS, on October 5, 2011, staff returned to the Land Use and Housing Committee with proposed amendments to the City of San Diego Municipal Code; and

WHEREAS, on December 15, 2011, the Planning Commission of the City of San Diego recommended that the City Council of the City of San Diego adopt the proposed amendments to the San Diego Municipal Code to expand the opportunities for community gardens; NOW, THEREFORE,

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

Section 1. That Chapter 13, Article 1, Division 6 of the San Diego Municipal Code is amended by amending section 131.0622 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 in text.]

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

Use Categories/Subcategories	Zone Designator	Zones							
		IP-		IL-			IH-		IS-
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	1-	2-	1-	2-	3-	1-	2-	1-
	3rd >>	1	1	1	1	1	1	1	1
	4th >>	1	1	1	1	1	1	1	1
Open Space [No change in text.]									
Agriculture									
Agricultural Processing through Raising, Maintaining & Keeping of Animals [No change in text.]									
Separately Regulated Agriculture Uses									
Agricultural Equipment Repair Shops		-	-	P	P	P	P	P	P
Commercial Stables		-	-	-	-	-	-	-	-
Community Gardens		-	-	N	N	N	N	N	N
Equestrian Show & Exhibition Facilities		-	-	-	-	-	-	-	-
Open Air Markets for the Sale of Agriculture-Related Products & Flowers		-	-	-	-	-	-	-	-
Residential through Signs [No change in text.]									

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

Section 2. That Chapter 14, Article 1, Division 2 of the San Diego Municipal Code is amended by amending section 141.0203 to read as follows:

§141.0203 Community Gardens

Community gardens are *premises* that are used for crop cultivation by individuals or collectively, and may be divided into multiple plots. Community gardens are permitted as a limited use in the zones indicated with an “L” and may be permitted with a Neighborhood Use Permit in the zones indicated with an “N” in


the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) On-site sales are permitted as follows:
 - (1) On-site sales are permitted only in commercial and industrial zones, except that on-site sales may be permitted in residential zones one day a week.
 - (2) [No change in text.]
- (b) through (h) [No change in text.]

Section 3. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this ordinance applicable inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

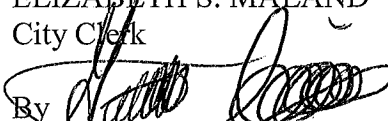
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Keith Bauerle
Deputy City Attorney

KB:hm
01/17/2012
Or.Dept:DSD
Document No. 306094

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 14 2012.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 2.22.12
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

51 (E)
(O-2012-61)
2/14

ORDINANCE NUMBER O- 20141 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 22 2012

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 131.0322 AND 131.0323; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622; AND AMENDING CHAPTER 14, ARTICLE 1, DIVISION 5 BY ADDING NEW SECTION 141.0503, RENUMBERING CURRENT SECTION 141.0503 TO SECTION 141.0504, ADDING NEW SECTION 141.0505, AND RENUMBERING CURRENT SECTION 141.0504 TO SECTION 141.0506, ALL RELATING TO FARMERS' MARKETS AND RETAIL FARMS

WHEREAS, Healthy Works, a program administered by the County of San Diego Health and Human Services Agency and funded by the American Recovery and Reinvestment Act of 2009, awards grants to combat rising obesity rates in the San Diego region by planning communities in ways that support increased physical activity and access to healthy foods; and

WHEREAS, the City of San Diego has been awarded a grant of \$50,000 to increase access to healthy foods pursuant to Municipal Code and General Plan amendments to support urban agriculture; and

WHEREAS, on July 20, 2011, the Land Use and Housing Committee of the City Council of the City of San Diego held a hearing on the subject of urban agriculture and requested that staff address specific items and return with proposed amendments to the City of San Diego Municipal Code to increase access to healthy, local and sustainable food by expanding the opportunities for community gardens; and

WHEREAS, on October 5, 2011, staff returned to the Land Use and Housing Committee with proposed amendments to the City of San Diego Municipal Code; and

WHEREAS, on December 15, 2011, the Planning Commission of the City of San Diego recommended that the City Council of the City of San Diego adopt the proposed amendments to the San Diego Municipal Code to increase the opportunities for farmers' markets and retail farms to offer locally grown foods in urban settings; NOW, THEREFORE,

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

Section 1. That Chapter 13, Article 1, Division 2 of the San Diego Municipal Code is amended by amending section 131.0222, 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 in text.]

**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- ⁽¹⁾		OF- ⁽¹¹⁾
	3rd >>	1-	2-	1-	1-	1-	
	4th >>	1	1	1	1	2	1
Open Space through Institutional [No change in text.]							
Retail Sales							
Building Supplies & Equipment	-	-	-	-	-	-	-
Food, Beverages and Groceries	-	-	-	-	-	-	-
Consumer Goods, Furniture, Appliances, Equipment	-	-	-	-	-	-	-
Pets & Pet Supplies	-	-	-	-	-	-	-
Sundries, Pharmaceuticals, & Convenience Sales	-	-	-	-	-	-	-
Wearing Apparel & Accessories	-	-	-	-	-	-	-
Separately Regulated Retail Sales Uses:							
Agriculture Related Supplies & Equipment	-	-	-	-	-	-	-
Alcoholic Beverage Outlets	-	-	-	-	-	-	-
Farmers' Markets							
Weekly Farmers' Markets	-	-	-	-	-	-	-
Daily Farmers' Market Stands	-	-	-	-	-	-	-
Plant Nurseries	-	-	-	-	-	-	-

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 ⁽¹⁾	OF ⁽¹¹⁾
		3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1	2	1
Retail Farms		-	-	-	-	-	
Swap Meets & Other Large Outdoor Retail Facilities		-	-	-	-	C ⁽⁷⁾	
Commercial Services through <i>Signs</i> [No change in text.]							

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

Section 2. That Chapter 13, Article 1, Division 3 of the San Diego Municipal Code is amended by amending sections 131.0322 and 131.0323 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 in text.]

**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	
Open Space through Institutional [No change in text.]						
Retail Sales						
Building Supplies & Equipment		-	-			
Food, Beverages and Groceries		-	-			
Consumer Goods, Furniture, Appliances, Equipment		-	-			
Pets & Pet Supplies		-	-			
Sundries, Pharmaceuticals, & Convenience Sales		-	-			
Wearing Apparel & Accessories		-	-			
Separately Regulated Retail Sales Uses						
Agriculture Related Supplies & Equipment		C	C			
Alcoholic Beverage Outlets		-	-			
Farmers' Markets						
Weekly Farmers' Markets		-	-			
Daily Farmers' Market Stands		-	-			
Plant Nurseries		C	C			
Retail Farms		-	-			
Swap Meets & Other Large Outdoor Retail Facilities		-	C			
Commercial Services through Signs [No change in text.]						

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

§131.0323 Additional Use Regulations of Agricultural Zones

The uses in this section are permitted within the agricultural zones as indicated subject to the regulations listed.

- (a) [No change in text.]
- (b) Horticulture nurseries are permitted subject to the following:
 - (1) Only plants are permitted to be sold on the *premises*. The sale of nonplant items requires a Conditional Use Permit for a plant nursery in accordance with Section 141.0504;
 - (2) through (3) [No change in text.]

Section 3. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code is amended by amending section 131.0422, 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 in text.]

**Table 131-04B
Use Regulations Table of Residential 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 >>	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 Institutional [No change in text.]																							
Retail Sales																							

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
Building Supplies & Equipment			-																					
Food, Beverages and Groceries			-																					
Consumer Goods, Furniture, Appliances, Equipment			-																					
Pets & Pet Supplies			-																					
Sundries, Pharmaceuticals, & Convenience Sales			-																					
Wearing Apparel & Accessories			-																					
Separately Regulated Sales Uses																								
Agriculture Related Supplies & Equipment			-																					
Alcoholic Beverage Outlets			-																					
Farmers' Markets																								
Weekly Farmers' Markets			-																					
Daily Farmers' Market Stands			-																					
Plant Nurseries			-																					
Retail Farms			-																					
Swap Meets & Other Large Outdoor Retail Facilities			-																					
Commercial Services through Signs [No change in text.]																								

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	
Open Space through Institutional [No change in text.]															
Retail Sales															
Building Supplies & Equipment			-	-	-	-	-	-	-	-	-	-	-		
Food, Beverages and Groceries			-	-	-	-	-	-	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾		
Consumer Goods, Furniture, Appliances, Equipment			-	-	-	-	-	-	-	-	-	-	-		
Pets & Pet Supplies			-	-	-	-	-	-	-	-	-	-	-		
Sundries, Pharmaceuticals, & Convenience Sales			-	-	-	-	-	-	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾	P ⁽⁸⁾		
Wearing Apparel & Accessories			-	-	-	-	-	-	-	-	-	-	-		
Separately Regulated Sales Uses															
Agriculture Related Supplies & Equipment			-	-	-	-	-	-	-	-	-	-	-		
Alcoholic Beverage Outlets			-	-	-	-	-	-	-	-	-	-	-		
Farmers' Markets															

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
Weekly Farmers' Markets			-	-	-	-	-	-	-	-	-	-	-	
Daily Farmers' Market Stands			-	-	-	-	-	-	-	-	-	-	-	
Plant Nurseries			-	-	-	-	-	-	-	-	-	-	-	
Retail Farms			-	-	-	-	-	-	-	-	-	-	-	
Swap Meets & Other Large Outdoor Retail Facilities			-	-	-	-	-	-	-	-	-	-	-	
Commercial Services through <i>Signs</i> [No change in text.]														

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

Section 4. That Chapter 13, Article 1, Division 5 of the San Diego Municipal Code is amended by amending section 131.0522, 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 in text.]
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 ⁽¹⁾ -			CR-		CO-		CV-		CP-	
	3rd >>		1-			1-	2-	1-	1-	1-			
	4th >>		1	2	3	1	1	1	2	1	2	1	
Open Space through Institutional [No change in text.]													
Retail Sales													

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 ⁽¹⁾ -			CR-		CO-		CV-		CP-
	3rd >>		1-			1-	2-	1-	1-	1-	1-	
	4th >>		1	2	3	1	1	1	2	1	2	1
Building Supplies & Equipment			P ⁽¹¹⁾			P ⁽¹¹⁾	P ⁽¹¹⁾	-	-	-	-	
Food, Beverages and Groceries			P ⁽¹¹⁾			P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	-	-	
Consumer Goods, Furniture, Appliances, Equipment			P ⁽¹¹⁾			P ⁽¹¹⁾	P ⁽¹¹⁾	P ^(3,11)	P ⁽¹³⁾	-	-	
Pets & Pet Supplies			P ⁽¹¹⁾			P ⁽¹¹⁾	P ⁽¹¹⁾	-	-	-	-	
Sundries, Pharmaceutical, & Convenience Sales			P ⁽¹¹⁾			P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	-	-	
Wearing Apparel & Accessories			P ⁽¹¹⁾			P ⁽¹¹⁾	P ⁽¹¹⁾	-	P ⁽¹¹⁾	-	-	
Separately Regulated Retail Sales Uses												
Agriculture Related Supplies & Equipment												
Alcoholic Beverage Outlets												
Farmers' Markets												
Weekly Farmers' Markets												
Daily Farmers' Market Stands												
Plant Nurseries												
Retail Farms												
Swap Meets & Other Large Outdoor Retail Facilities												
Commercial Services through Signs [No change in text.]												

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	5
Open Space through Institutional [No change in text.]																				
Retail Sales																				
Building Supplies & Equipment																				
P ⁽¹¹⁾ P ⁽¹¹⁾ - P ⁽¹¹⁾ P ⁽¹¹⁾																				
Food, Beverages and Groceries																				
P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾																				
Consumer Goods, Furniture, Appliances, Equipment																				
P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾																				
Pets & Pet Supplies																				
P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾																				
Sundries, Pharmaceutical, & Convenience Sales																				
P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾																				
Wearing Apparel & Accessories																				
P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾ P ⁽¹¹⁾																				
Separately Regulated Retail Sales Uses																				
Agriculture Related Supplies & Equipment																				
- - - P P																				
Alcoholic Beverage Outlets																				
L L L L L																				
Farmers' Markets																				
Weekly Farmers' Markets																				
L L L L L																				
Daily Farmers' Market Stands																				
L L L L L																				
Plant Nurseries																				
P P P P P																				

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	5
Retail Farms		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Swap Meets & Other Large Outdoor Retail Facilities		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C
Commercial Services through <i>Signs</i> [No change in text.]																			

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

Section 5. That Chapter 13, Article 1, Division 6 of the San Diego Municipal Code is amended by amending section 131.0622 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 in text.]

**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	1
Open Space through Institutional [No change in text.]										
Retail Sales										
Building Supplies & Equipment		-	-	P ^(6,15)	P ⁽¹⁵⁾	P ⁽¹⁵⁾	-	P ^(6,15)	P ⁽¹⁵⁾	
Food, Beverages and Groceries		-	-	-	-	P ⁽¹⁵⁾	-	-	-	-
Consumer Goods, Furniture, Appliances, Equipment		-	-	-	P ^(2,15)	P ⁽¹⁵⁾	-	-	P ^(3,15)	
Pets & Pet Supplies		-	-	-	-	P ⁽¹⁵⁾	-	-	-	-
Sundries, Pharmaceuticals, & Convenience Sales		-	P ^(5,15)	P ^(5,15)	P ^(5,15)	P ⁽¹⁵⁾	P ^(5,15)	P ^(5,15)	P ^(4,15)	
Wearing Apparel & Accessories		-	-	-	P ^(3,15)	P ^(3,15)	-	-	P ^(3,15)	
Separately Regulated Retail Sales Uses										
Agriculture Related Supplies & Equipment		-	-	-	P	P	P	P	P	
Alcoholic Beverage Outlets		-	-	-	-	L	-	-	-	
Farmers' Markets										
Weekly Farmers' Markets		-	-	-	-	L	-	-	-	

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
Daily Farmers' Market Stands		-	-	-	-	L	-	-	-
Plant Nurseries		-	-	-	-	P	-	P	P
Retail Farms		-	-	-	-	L	-	-	-
Swap Meets & Other Large Outdoor Retail Facilities		-	-	C	C	C	C	C	C
Commercial Services through <i>Signs</i> [No change in text.]									

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

Section 6. That Chapter 14, Article 1, Division 5 of the San Diego Municipal Code is amended by adding new section 141.0503, renumbering current section 141.0503 to section 141.0504, adding new section 141.0505, and renumbering current section 141.0504 to section 141.0506, to read as follows:

§141.0503 Farmers' Markets

Farmers' markets are outdoor establishments where farmers and other vendors sell produce and other goods directly to consumers and where vendors selling farm produce comprise at least 50 percent of the vendors. A farmers' market may be either a weekly farmers market or a daily farmers market stand. Weekly farmers' markets conducted on public property are not subject to this section. Farmers' markets are permitted as 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.

- (a) Weekly farmers' markets on private property shall comply with the following:

- (1) Written permission of the property owner to conduct the weekly farmers' market shall be available to City of San Diego staff and officials upon request;
 - (2) A farmers' market shall be limited to one event per week per location;
 - (3) No parking shall be required; however, any parking reserved for handicapped access impacted by the farmers' market shall be temporarily relocated to a handicapped accessible location during the hours of the farmers market;
 - (4) Access to all building entryways and all disabled access routes shall be maintained; and
 - (5) One restroom per 250 persons shall be available.
- (b) Daily farmers' market stands shall comply with the following:
- (1) Daily farmers' market stands may operate seven days per week at a given location;
 - (2) Outdoor display areas shall comply with Section 142.1130 (Outdoor Display Regulations for Commercial Zones);
 - (3) No parking shall be required;
 - (4) Sales shall be limited to the sale of unprocessed, non-value added crops;
 - (5) A daily farmers' market stand shall occupy an area no greater than five feet in depth and sixteen feet in length per commercial frontage; and

- (6) No required parking shall be displaced.
- (c) Daily farmers' market stands on private property shall obtain written permission of the property owner to conduct the daily farmers' market and shall make such written permission available to City of San Diego staff and officials upon request, in addition to the requirements of Section 141.0503(b)(1) through 141.0503(b)(6).
- (d) Daily farmers' market stands located in the public right-of-way, between the curb and fronting property line, shall comply with the following in addition to the requirements of Section 141.0503(b)(1) through 141.0503(b)(6):
 - (1) Written permission of the fronting property owner to conduct the daily farmers' market shall be available to City of San Diego staff and officials upon request;
 - (2) A Certificate of Insurance for a Public Liability Insurance Policy of at least \$500,000 in a form acceptable to the City Engineer and naming the City as an additional insured shall be required to be maintained at all times; and
 - (3) The location of the daily farmers' market stand shall comply with the following:
 - (A) A minimum 4-foot wide clear path of sidewalk shall be maintained within the public right-of-way at all times;
 - (B) Access to adjacent uses shall be maintained at all times;

- (C) The daily farmers' market stand shall be located as close as feasible to the fronting property; and
- (D) The daily farmers' market stand shall not be located parallel to loading areas, transit stops, taxi zones, or areas designated for pedestrian loading and unloading.

§141.0504 Plant Nurseries

Plant nurseries may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) through (c) [No change in text.]

§141.0505 Retail Farms

Retail farms are establishments whose primary function is to produce and sell food and other related products on the same *premises*. Retail farms are permitted as 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:

- (a) The maximum area inclusive of retail and farming areas shall not exceed 4 acres;
- (b) The use of pesticides is limited to those permitted by the U. S. Department of Agriculture's National Organic Program;
- (c) A minimum of seventy-five percent of the products sold must be grown or generated onsite;

- (d) The hours of operation for the farm component shall be limited to the hours between sunrise and sunset as set forth by the National Oceanic and Atmosphere Administration for the San Diego area;
- (e) All equipment shall be stored on the *premises*;
- (f) All storage, service, and repair areas shall be enclosed, secured and located outside of all required setbacks; and
- (g) Parking shall comply with Chapter 14, Division 2, Article 5 (Parking Regulations).
 - (1) The retail component shall comply with the parking ratios for Retail Sales, Commercial Services, and Mixed use Development;
 - (2) The farm component shall provide one parking space per employee working the farm during the largest shift; and
 - (3) For a “pick your own” retail operation, the retail parking ratio shall assume 1,000 square feet of retail space per acre of land farm.

§141.0506 Swap Meets and Other Large Outdoor Retail Facilities


Swap meets and other large outdoor retail facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) through (f) [No Change in Text]

Section 7. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 8. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this ordinance applicable inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

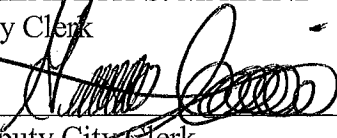
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Keith Bauerle
Deputy City Attorney

KB:hm
01/17/2012
Or.Dept:DSD
Document No. 306111

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 14 2012.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 2-22-12
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor