

OLD LANGUAGE: ~~STRIKEOUT~~
NEW LANGUAGE: DOUBLE UNDERSCORE

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

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.

§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 ⁽¹⁾ -		OF ⁽¹²⁾ -
	3rd >>		1-	2-	1-	1-		1-
	4th >>		1	1	1	1	2	1
Open Space through Retail Sales [No change.]								
Commercial Services								

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 ⁽¹²⁾ -
		3rd >>	1-	2-	1-	1-	1-	
		4th >>	1	1	1	1	2	1
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 Day Child Care Homes								
Small Family Day Child Care Homes								
Eating and Drinking Establishments Abutting Residentially Zoned Property through Zoological Parks [No change.]								
Offices through Signs [No change.]								

Footnotes for Table 131-02B [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 ⁽¹⁾ -
		3rd >>	1-	2-	1-	1-	1-	
		4th >>	1	1	1	2	1	
Max Permitted Residential Density through Max Floor Area Ratio [No change.]								
Refuse and Recyclable Material Storage [See Section 142.0805]								
applies								
applies								
applies								
applies								
applies								

Footnotes for Table 131-02C

1

Refer to Section ~~143.0145~~ [143.0146](#) for supplemental development regulations for the OF zone.

Footnotes 2 through 8 [No change.]

§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
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.]					
<i>Child Care Facilities:</i>					
Child Care Centers		-		C ⁽⁹⁾	
Large Family Day Child Care Homes		-		L ⁽⁹⁾	
Small Family Day Child Care Homes		-		P L	
Eating and Drinking Establishments Abutting Residentially Zoned Property through Zoological Parks [No change.]					
Offices through Signs [No change.]					

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
Max Permitted Residential through Min Lot Dimensions [No change.]					
Setback Requirements					
Max Structure Height through Min Floor Area [No change.]					
Refuse and Recyclable Material Storage [See Section 142.0805]					
		applies	applies	applies	applies

Footnotes for Table 131-03C [No change]

§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

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 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.]	
<i>Child Care Facilities:</i>	
Child Care Centers	C C C C
Large Family Day Child Care Homes	L L L L
Small Family Day Child Care Homes	P L P L -P L P L
Eating and Drinking Establishments Abutting Residentially Zoned	

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
Property through Zoological Parks [No change.]																							
Offices through Signs [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
Open Space through 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.]													
<i>Child Care Facilities:</i>													
Child Care Centers		C	C			C			C		-		
Large Family Day Child Care Homes		L	L			L			L		-		
Small Family Day Child Care Homes		P <u>L</u>	P <u>L</u>			P <u>L</u>			P <u>L</u>		-		
Eating and Drinking Establishments Abutting Residentially Zoned Property through Zoological Parks [No change.]													
Offices through Signs [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

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

(b) RS Zones

Table 131-04D
Development Regulations of RS Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
Max permitted density (DU per lot) though Supplemental requirements [See Section 131.0464(a)]		[No change.]						
Diagonal plan dimension								
Bedroom regulation [No change.]								
Refuse and Recyclable Material Storage [See Section 142.0805]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>Applies</u>
Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	8	9	10	11	12	13	14
Max permitted density (DU per lot) through Supplemental requirements [See Section 131.0464(a)]		[No change.]						
Diagonal plan dimension								
Bedroom regulation [No change.]								
Refuse and Recyclable Material Storage [See Section 142.0805]		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>Applies</u>

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 density (DU per lot) through Supplemental regulations [See Section 131.0464(b)]			[No change.]	
Diagonal plan dimension [See Section 131.0465]				
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 density 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.]

§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.]

**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 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.]												
<i>Child Care Facilities:</i>												
Child Care Centers		L	L	-	L	L ⁽¹⁰⁾		-		-		
Large Family DayChild Care Homes		L	L	-	L	L ⁽¹⁰⁾		-		-		
Small Family DayChild Care Homes		P <u>L</u>	P <u>L</u>	-	P <u>L</u>	P <u>L</u>		P <u>L</u>		-		
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 >>	CN ⁽¹⁾ -			CR-		CO-		CV-		CP-	
	3rd >>	1-			1-	2-	1-		1-		1-	
	4th >>	1	2	3	1	1	1	2	1	2	1	
Offices through Signs [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 >>	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
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.]																		
<i>Child Care Facilities:</i>																		
Child Care Centers																		
Large Family DayChild Care Homes																		
Small Family DayChild Care Homes																		
Eating and Drinking Establishments Abutting Residentially Zoned Property through Zoological Parks [No change.]																		
Offices through Signs [No change.]																		

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	
Max permitted residential density through Building articulation [No change.]				
<u>Refuse and Recyclable Material Storage [See Section 142.0805]</u>				
		<u>applies</u>	<u>applies</u>	<u>applies</u>

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	2	1
Max permitted residential through Parking lot orientation [No change.]						
<u>Refuse and Recyclable Material Storage [See Section 142.0805]</u>						
		<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>	<u>applies</u>

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	applies	applies	applies	applies	applies	applies	applies	applies	applies	applies	applies	applies	

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

§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.]										
<i>Child Care Facilities:</i>										
Child Care Centers		L	L	-	L	L	-	L	L	
Large Family DayChild Care Homes		-	-	-	-	-	-	-	-	
Small Family DayChild 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.]									
<u>Refuse and Recyclable Material Storage [See Section 142.0805]</u>									
		<u>applies</u>		<u>applies</u>			<u>applies</u>		<u>applies</u>

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

§141.0606 Child Care Facilities

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

- (1) ~~Large family day~~Family child care homes: Any *child care facility* licensed by the State of California to provide ~~child care for 7 to 12~~regular care, protection and supervision of children in the child care ~~providers home. (Small family day care homes, which provide care for six or fewer children, are not subject to this section.)~~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 ~~day~~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) ~~Large~~ Family ~~Day~~Child Care Homes

Large and small family ~~day~~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 ~~day~~child care home may provide care for ~~7-12 children (including~~ 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 ~~home) for periods of less than 24 hours per day.~~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.

~~(2C)~~ The ~~daychild~~ care provider shall comply with all state licensing requirements for large family day care homes.

~~(3D)~~ 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 ~~daychild~~ care homes.

~~(e) Child Care Centers~~

~~Child care centers are permitted as a limited use in the zones indicated with an “L” and 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:~~

~~(1) — Child care centers are not permitted within 1,000 feet of any known business that:~~

~~(A) — Has or is required to have a permit from the County of San Diego Hazardous Materials Division, excluding underground fuel storage tanks, and handles regulated substances above the Threshold Quantity as listed in the California Code of Regulations, Title 19 Section 2770.5;~~

~~(B) — Handles compressed flammable gases in excess of 1,500 pounds; or~~

~~(C) — Handles flammable liquids in excess of 10,000 gallons.~~

~~(2) — The 1,000-foot separation distance shall be measured from the *property line* of the proposed *child care facility* to the use, storage, or handling areas for the regulated substances. Businesses may satisfy the separation requirements on-site. The child care center operator has the burden of proof of demonstrating compliance with the separation requirement.~~

- ~~(3) — Before beginning operation, the child care center operator shall obtain and shall maintain on file on the *premises* a “Hazardous Materials Substance Approval Form” executed by the County of San Diego Hazardous Materials Division.~~
- ~~(4) — Deviations from the hazardous materials separation requirements may be permitted with a Conditional Use Permit decided in accordance with Process Three. Issuance of the permit will be based in part on a “Health Risk Assessment Study” to be submitted by the *applicant*.~~
- ~~(5) — Drop off and pick up of children from vehicles shall be permitted only on the driveways, in approved parking areas, or in the *street* directly in front of the facility.~~
- ~~(6) — All outdoor play and activity areas shall be enclosed with a *fence* that is at least 4 feet and no more than 6 feet in height. If an outdoor play or activity area is located adjacent to a public *street* with a right of way width of 64 feet or more, the *fence* shall be solid.~~
- ~~(7) — All outdoor play and activity areas shall be separated from vehicular circulation, parking areas, equipment enclosures, storage areas, and refuse and recycling storage areas.~~

~~(8) Child care centers shall be designed to attenuate significant outside noise sources. Surrounding uses shall also be protected from noise emanating from child care centers. The following measures are required to accomplish noise attenuation.~~

~~(A) A solid fence that is at least 4 feet and no more than 6 feet in height shall be constructed between the child care center and abutting residential uses, or all windows facing abutting residential uses shall be double glazed with 1/4 inch thick glass.~~

~~(B) A solid fence that is at least 4 feet and no more than 6 feet in height shall be constructed between the child care center and a public right-of-way of 64 feet or more wide, or all windows facing a public right-of-way of 64 feet or more wide shall be double glazed with 1/4 inch thick glass.~~

(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.

(9C) The child care ~~center operator~~ provider shall comply with all state licensing requirements for small family child care ~~centers~~ homes.

~~(d) — Child care centers proposed to be located on public or private *school* sites are permitted as follows:~~

~~(1) — Child care centers proposed as an *accessory use* on the *premises* of a *school* are exempt from the provisions of this section. The child care center may be either school-operated or privately operated.~~

~~(2) — Child care centers proposed for location on private *school premises* in a zone where *schools* are a permitted use, are permitted as a limited use subject to the regulations of Section 141.0606(e).~~

~~(3) — Child care centers proposed for location on private *school premises* in a zone where *schools* are required to obtain a Conditional Use Permit shall also be required to obtain a Conditional Use Permit subject to the regulations in Section 141.0606(e).~~

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

§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) ~~This division applies to all~~New residential development projects involving two or more dwelling units.

(b) New nonresidential development, or

(c) Additions to existing multiple dwelling unit residential, commercial, and or industrial development whether or not a permit or other approval is required for the development. ~~(b) Table 142-08A shows the applicable regulations for specific types of development proposals 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
Development in residential, agricultural or open space zones of a single dwelling unit	Exempt from this division	Exempt from this division
Development in multiple unit zones development involving two or more dwelling units <u>New residential</u>	Sections 142.0810 and 142.0820	No permit required by this division
Development in commercial or industrial zones <u>New nonresidential development</u>	Sections 142.0810 and 142.0830	No permit required by this division
<u>Additions to existing multiple dwelling unit residential, commercial, or industrial development where the gross floor area would be increased by 30 percent or more</u>	<u>Sections 142.0810, 142.0820 and 142.0830</u>	<u>No permit required by this division</u>

§142.0810 General Regulations for Refuse and Recyclable Material Storage

~~All new multiple unit~~ New residential, commercial, and industrial 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. ~~The storage areas shall be designed to accommodate~~

~~standard size containers and to be accessible by standard collection vehicles.~~

(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 ~~pedestrian and vehicular access points~~ 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

~~All new multiple unit~~ 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~~ dwelling unit shall be equipped with an interior refuse and *recyclable material* storage area ~~of at least 5 cubic feet. The storage area shall consist of at least 2.5 cubic feet for recyclable material and at least 2.5 cubic feet for non-recyclable material.~~

(b) Exterior Refuse and *Recyclable Material* Storage. Each *structure* that contains ~~dwelling units~~ dwelling units shall provide at least one exterior storage area. The ~~minimum size of the~~ total ~~of all~~ storage areas requirement is based on the number of ~~dwelling units~~ 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
~~Multiple-Unit~~ Residential Development [No change]

§142.0830 Refuse and Recyclable Material Storage Regulations for ~~Commercial and Industrial~~Nonresidential Development

- (a) All new nonresidential *development*, or additions to existing commercial and/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 ~~minimum-size of 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 ~~Commercial and Industrial~~ Nonresidential Development [No change]

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