

Article 3: Zoning

Division 6: Community Garden Permit

§123.0601 Purpose of Community Garden Permit

The purpose of these procedures is to provide a review of community garden proposals for conformance with the applicable zoning regulations by ensuring compliance with the regulations and minimizing impacts to surrounding properties.

§123.0602 When a Community Garden Permit is Required

A Community Garden Permit is required for a community garden that is proposed in a zone that identifies community gardens as a limited use.

§123.0603 How to Apply for a Community Garden Permit

Prior to *development* of a community garden an *applicant* shall apply for a Community Garden Permit in accordance with Section 112.0102.

§123.0604 Decision on a Community Garden Permit

- (a) A decision on an application for a Community Garden Permit shall be approved in accordance with Process One.
- (b) The *applicant* shall demonstrate on submitted plans that the community garden will comply with the requirements of Section 141.0203.

§123.0605 Issuance of a Community Garden Permit

- (a) The City Manager shall issue a Community Garden Permit when the permit has been approved.
- (b) A Community Garden Permit shall not be issued to a property with a pending code violation case.
- (c) The permit shall be valid for a 5 year period.

§123.0606 Enforcement and Administrative Remedies

- (a) Violations of this Division are subject to the judicial and administrative enforcement remedies identified in Section 121.0311 of this Code.
- (b) Violations of this Division may also result in the revocation of a previously approved Community Garden Permit, in the event that two or more code violations, within a twelve month period, have been determined to exist either

prior to or pursuant to the final adjudication of any of the enforcement remedies available under Section 123.0311 of this Code.

Article 1: Base Zones

Division 4: Residential Base Zones

§131.0401 through §131.0420 [No Change]

§131.0422 Use Regulations Table for Residential Zones

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

**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	4
Open Space [No Change]																								
Agriculture																								
Park Maintenance Facilities	-	-																						
Agricultural Processing	-	-																						
Aquaculture Facilities	-	-																						
Dairies	-	-																						
Horticulture Nurseries & Greenhouses	-	-																						
Raising & Harvesting of Crops	P ⁽³⁾	-																						
Raising, Maintaining & Keeping of Animals	P ⁽³⁾⁽⁹⁾	-																						
Separately Regulated Agriculture Uses																								
Agricultural Equipment Repair Shops	-	-																						
Commercial Stables	-	-																						
Community Gardens	NL	NL																						
Equestrian Show & Exhibition Facilities	-	-																						
Open Air Markets for the Sale of Agriculture-Related Products & Flowers	-	-																						
Residential through Signs [No Change]																								

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and	Zone Designator	Zones				
	1st & 2nd >>	RM-				
	3rd >>	1-	2-	3-	4-	5-

Separately Regulated Uses]	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space [No Change]													
Agriculture													
Agricultural Processing		-	-	-	-	-	-	-	-	-	-	-	-
Aquaculture Facilities		-	-	-	-	-	-	-	-	-	-	-	-
Dairies		-	-	-	-	-	-	-	-	-	-	-	-
Horticulture Nurseries & Greenhouses		-	-	-	-	-	-	-	-	-	-	-	-
Raising & Harvesting of Crops		-	-	-	-	-	-	-	-	-	-	-	-
Raising, Maintaining & Keeping of Animals		-	-	-	-	-	-	-	-	-	-	-	-
Separately Regulated Agriculture Uses													
Agricultural Equipment Repair Shops		-	-	-	-	-	-	-	-	-	-	-	-
Commercial Stables		-	-	-	-	-	-	-	-	-	-	-	-
Community Gardens		NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL	NL
Equestrian Show & Exhibition Facilities		-	-	-	-	-	-	-	-	-	-	-	-
Open Air Markets for the Sale of Agriculture-Related Products & Flowers		-	-	-	-	-	-	-	-	-	-	-	-
Residential through Signs [No Change]													

Article 1: Base Zones

Division 5: Commercial Base Zones

§131.0501 through §131.0520 [No Change]

§131.0522 Use Regulations Table of Commercial Zones

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

**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 [No Change]												
Agriculture												
Agricultural Processing		-	-	-	-	-	-	-	-	-	-	-
Aquaculture Facilities		-	-	-	-	-	-	-	-	-	-	-
Dairies		-	-	-	-	-	-	-	-	-	-	-
Horticulture Nurseries & Greenhouses		-	-	-	-	-	-	-	-	-	-	-

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	
Raising & Harvesting of Crops		-	-	-	-	-	-	-	-	-	-	
Raising, Maintaining & Keeping of Animals		-	-	-	-	-	-	-	-	-	-	
Separately Regulated Agriculture Uses												
Agricultural Equipment Repair Shops		-		P	P	-	-	-	-	-	-	
Commercial Stables		-	-	-	-	-	-	L	-	-	-	
Community Gardens		<u>-L</u>		<u>-L</u>	<u>-L</u>	<u>-L</u>	<u>-L</u>	<u>-L</u>	<u>-L</u>	<u>-L</u>	<u>-L</u>	
Equestrian Show & Exhibition Facilities		-	-	-	-	-	-	C	-	-	-	
Open Air Markets for the Sale of Agriculture-related Products & Flowers		-	-	-	-	-	-	-	-	-	-	
Residential 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	4	5	1	2	3	4	5
Open Space [No Change]																		
Agriculture																		
Agricultural Processing		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Aquaculture Facilities		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dairies		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Horticulture Nurseries & Greenhouses		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Raising & Harvesting of Crops		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Raising, Maintaining & Keeping of Animals		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Separately Regulated Agriculture Uses																		
Agricultural Equipment Repair Shops		P		P	-	-	-	-	P				P				P	
Commercial Stables		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Community Gardens		<u>-L</u>		<u>-L</u>	<u>-L</u>	<u>-L</u>	<u>-L</u>	<u>-L</u>	<u>-L</u>	<u>-L</u>	<u>-L</u>	<u>-L</u>	<u>-L</u>	<u>-L</u>	<u>-L</u>	<u>-L</u>	<u>-L</u>	<u>-L</u>
Equestrian Show & Exhibition Facilities		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Open Air Markets for the Sale of Agriculture-Related Products & Flowers		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential through Signs [No Change]																		

§131.0530 through §131.0556 [No Change]

Article 1: Separately Regulated Use Regulations

Division 2: Agriculture Use Category--Separately Regulated Uses

§141.0201 [No Change]

§141.0202 [No Change]

§141.0203 **Community Gardens**

Community gardens are *premises* that are used divided into multiple plots for crop cultivation by individuals ~~parties 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) Projects permitted as a limited use shall obtain a **Community Garden Permit** in accordance with Chapter 12, Article 3, Division 6 in addition to the requirements in Sections 141.0203(b) through (l).
- (ab) ~~The on-site sales is permitted as follows: of produce is not permitted.~~
 - (1) On-site sale is not permitted only in **commercial and industrial zones.**
 - (2) Where on-site sales are permitted, sales are subject to the following:
 - (A) No products other than those grown on site may be sold; and
 - (B) All sales must be conducted in compliance with San Diego County Department of Agriculture, Weights and Measures.
- (bc) ~~The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent property to effectively handle all drainage onsite.~~
- (ed) A minimum 3-foot-wide, clearly marked entrance path shall be provided from the *public right-of-way* to the garden.
- (de) A **permanent fence** shall be provided on the perimeter of the garden. Any fence within the front yard or street side yard shall be an *open fence*. The *fence* shall be at least 5 feet in height and shall not exceed 6 feet in height. The *fence* shall include at least one access gate. Except as otherwise provided in this paragraph, *fences* shall be in compliance with Chapter 14, Article 2, Division 3 (Fence Regulations).
- (f) A permanent *sign* including the name of and contact information for the party responsible for the garden shall be posted at the primary entry path adjacent to the right-of-way. The sign shall not exceed 1-foot by 1-foot.

- (eg) Refuse storage areas shall be provided and *screened* to enclose all refuse generated from the garden. Refuse areas shall be **located as close as practicable to the rear and center of the property**. Refuse shall be removed from the site at least once a week.
- (fh) Storage areas for tools, fertilizers, equipment, and other material shall be enclosed and **located as close as practicable to the rear and center of the property**.
- (i) Best practice standards shall be used for the following garden operations:
 - (1) Composting.
 - (A) Composting may be performed onsite;
 - (B) Composting materials shall only be those materials generated onsite;
 - (C) Generated compost shall only be used onsite; and
 - (D) Composting areas shall be **located as close as practicable to the rear and center of the property**.
 - (3) Water use.
 - (A) Irrigation water rates will apply to community gardens.
 - (B) Community gardens shall include water conserving techniques including but not limited to the following:
 - (i) Mulch shall be applied to exposed soils in planting areas;
 - (ii) Soil amendments shall include water retaining matter; and
 - (iii) Water shall be applied only at the base of plants.
 - (4) Community gardens shall comply with the MHPA Land Use Adjacency Guidelines of the Land Development Manual Biology Guidelines.
- (gi) A **water meter** and hose bibs shall be provided on-site consistent with Chapter 14, Article 2, Division 4 (Landscape Regulations). ~~Irrigation water rates will apply to community gardens.~~
- (hk) Hours of operation shall be limited to the hours between sunrise and sunset.

- (i) The property shall be **locked** during non-operating hours.
- ~~(j) The applicant shall execute and file with the County Recorder a hold harmless and/or indemnification agreement in favor of the City.~~

§141.0204 [No Change]

§141.0205 [No Change]

Article 1: Planned Districts

Division 4: General and Supplemental Regulations

§151.0401 Uses Permitted in the Planned Districts

- (a) Where not otherwise specified in the planned district, the uses in Section 151.0401 may be permitted as limited uses or in accordance with the rules and procedures for Neighborhood Use Permits and Conditional Use Permits in Land Development Code Chapters 11 and 12. In addition to the uses listed in this section, other uses may be approved with a Conditional Use Permit as provided in each planned district.
- (b) Limited Uses
 - (1) [No Change]
 - (2) The following uses are permitted in the planned districts subject to the regulations for limited uses in the Land Development Code section specified for each use and the location restrictions specified for each use.
 - (A) [No Change]
 - (B) Community gardens in residential and commercial zones, subject to Land Development Code Section 141.0203.
 - ~~(C)~~ Garage and yard sales in residential zones, subject to Land Development Code Section 141.0305
 - ~~(D)~~ Home occupations in residential zones, subject to Land Development Code Section 141.0308
 - ~~(E)~~ Large family day care homes in zones where residential use is permitted, except in agricultural zoned areas of the Coastal

Overlay Zone that contain the 100-year floodplain, subject to Land Development Code Section 141.0606

(EF) Recycling facilities as follows:

(i) through (v) [No Change]

Article 5: Planned Districts

Division 2: Central Urbanized Planned District

§155.0238 Use Regulations Table of CU Zones

The uses allowed in the CU zones are shown in Table 155-02C:

**Table 155-02C
Use Regulations Table for CU Zones**

Use Categories/ Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CU-									
	3rd >>	1 ⁽¹⁾		2-			3-				
	4th >>	1	2	3	4	5	3 ⁽²⁾⁽¹²⁾	6	7	8	
Open Space [No Change]											
Agriculture											
Agricultural Processing		-									
Aquaculture Facilities		-									
Dairies		-									
Horticulture Nurseries & Greenhouses		-									
Raising & Harvesting of Crops		-									
Raising, Maintaining & Keeping of Animals		-									
Separately Regulated Agriculture Uses											
Agricultural Equipment Repair Shops		-				P				P	
Commercial Stables		-				-				-	
Community Gardens		<u>NL</u>				<u>-L</u>				<u>-L</u>	
Equestrian Show & Exhibition Facilities		-				-				-	
Open Air Markets for the Sale of Agriculture-Related Products & Flowers		-				-				-	
Residential through Signs [No Change]											