

ORDINANCE NO. 9756 (N.S.)

AN ORDINANCE AMENDING SECTION 7362 OF THE SAN DIEGO COUNTY  
ZONING ORDINANCE RELATING TO MONITORING COMPLIANCE  
FOR USE PERMITS  
REF: POD 05-080

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the following amendments of the Zoning Ordinance will update and clarify the conditions required for monitoring use permits for compliance with conditions of approval. The Board of Supervisors further finds and determines that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare and are consistent with the General Plan.

Section 2. Section 7362 of the Zoning Ordinance is hereby amended to read as follows:

7362 CONDITIONS

Use permits may be granted or modified subject to the performance of such conditions, including the provision of required improvements, and for such period of time as the Planning Commission, the Board of Supervisors, or the Director, whoever grants or modifies the use permit, shall deem to be reasonable and necessary or advisable under the circumstances so that the objectives of the Zoning Ordinance shall be achieved. Such conditions shall be imposed and enforced as follows:

- a. Security May Be Required to Insure Performance. In order to insure the performance of conditions imposed concurrent with the granting or modification of a use permit, the applicant may be required to furnish security in the form of money or surety bond in the amount fixed by the authority granting or modifying the use permit. Such security shall be furnished as required by Section 7612.
- b. Provision of Required Improvements. Whenever a use permit is granted or modified subject to the condition that specified improvements be provided by the applicant, such improvements shall be installed by the applicant and approved and accepted by the cognizant County authority, the applicant shall execute an agreement with the cognizant County authority pursuant to Section 7613 to make such improvements, prior to the time or events specified in the permit.
- c. Condition Declared Void. Whenever there becomes final any judgment of a court of competent jurisdiction declaring one or more of the conditions of a use permit to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation of one or more of such conditions, said use permit shall cease to be valid and all rights or privileges granted thereby shall lapse, as provided by Section 7380.
- d. Violation of Condition. Whenever a use permit is granted or modified subject to a condition or conditions, use or enjoyment of the use permit in violation of or without observance of any such condition shall constitute a violation of the

Zoning Ordinance and said use permit may be revoked or modified as provided by Section 7382.

- e. Monitoring compliance. Every permittee of a use permit shall allow the Director to conduct periodic inspections of the property for which a use permit has been granted to ensure that the permittee is complying with the use permit conditions. Inspections under this section are in addition to any inspections authorized under Section 7702. As used in this section, "permittee" also means the permittee's employees, agents, tenants, heirs, assignees and successors. The frequency of the periodic inspections shall be at the discretion of the Director, but shall not occur more often than once every twelve months. The Director shall give the permittee written notice at least 24 hours before any inspection under this section. No permittee shall refuse to permit inspection of the property covered by the use permit after the requisite notice has been given. No inspector, however, shall conduct any inspection authorized by this section if permission to inspect is refused. If permission to inspect is refused, the inspector may obtain an inspection warrant pursuant to California Code of Civil Procedure sections 1822.50 et seq. to conduct any inspection authorized by this section. If an inspector determines during a periodic inspection that the permittee is not in compliance with any use permit condition, the Director may authorize follow-up inspections more frequently than once every twelve months until the Director is satisfied that the permittee is complying with all use permit conditions.
- f. Notices under paragraph e. Notices shall either be served personally or by United States mail. Notices served by mail shall allow five business days for delivery.

PASSED AND ADOPTED THIS 1<sup>st</sup> DAY OF FEBRUARY 2006