

ORDINANCE NO. 10496 FEB 4 1971
(New Series)

AN ORDINANCE AMENDING CHAPTER X,
ARTICLE 1, OF THE SAN DIEGO MUNICIPAL
CODE BY AMENDING SECTION 101.0426
RELATING TO THE CN ZONE.

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

Section 1. That Chapter X, Article 1, of the San Diego
Municipal Code be amended by amending Section 101.0426 to
read as follows:

SEC. 101.0426 CN ZONE

A. PURPOSE AND INTENT

This zone is primarily intended to accommodate shopping areas that provide convenience goods and services for residential neighborhoods. Since individual CN districts will normally be of limited size, it is important to prevent preemption by residential uses, as well as by those commercial establishments that are more appropriately located in general commercial areas or along major tourist routes. The development standards set forth herein are designed to minimize possible conflicts with adjacent residential uses.

B. PERMITTED USES

In the CN Zone, no building or improvement, or portion thereof, shall be erected, constructed, converted, established, altered, or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. Business and professional offices (not including employment agencies or hiring halls).
2. Retailing of consumer convenience goods and dispensing of consumer services from the following establishments:

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- a. Apparel shops.
- b. Bakeries.
- c. Barber shops.
- d. Beauty shops.
- e. Bicycle shops.
- f. Confectioneries.
- g. Curtain and drapery shops.
- h. Drug stores.
- i. Dry cleaning establishments (no truck delivery of finished cleaning).
- j. Dry cleaning and laundry agencies and self-service dry cleaning and laundry establishments.
- k. Recreational facilities not exceeding 2,500 square feet in gross floor area.
- l. Florists.
- m. Food stores.
- n. Hardware stores.
- o. Hobby shops.
- p. Jewelry stores.
- q. Liquor stores.
- r. Nurseries - plant.
- s. Paint and wallpaper stores.
- t. Photographic studios.
- u. Radio, television and home appliance repair shops.
- v. Restaurants (excluding drive-in and drive-thru restaurants and further excluding live entertainment and the sale of all intoxicating beverages except beer and wine).
- w. Shoe stores.

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- x. Shoe repair shops.
 - y. Stationers.
 - z. Studios for teaching of art, dancing and music.
 - aa. Variety stores.
3. Apartments provided they are not located on the ground floor.
 4. Public utility electrical distribution substations, gas regulators and communications equipment buildings developed in accordance with building and landscaping plans approved by the Zoning Administrator.
 5. Private clubs, fraternal organizations and lodges.
 6. Parking lots - commercial.
 7. Any other use which the Planning Commission may find to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.
 8. Accessory uses for any of the foregoing permitted uses, including the following signs:
 - a. Wall signs as defined in Section 95.0101 provided that no such sign shall project above the nearest parapet or eave of the building to which affixed.
 - b. One wall or freestanding sign for each street frontage, having a maximum area of eight square feet, designating the premises for sale, rent or lease.

c. The aggregate area of all signs permitted on the premises (excluding signs designating the premises for sale, rent or lease) shall not exceed five-tenths of a square foot for each lineal foot of the street frontage of the premises, provided that the aggregate area of all signs used by a single place of business need not be less than 15 square feet.

No sign shall exceed 5 feet by 25 feet in maximum dimensions.

d. All signs, except signs designating the premises for sale, rent or lease shall refer only to the permitted uses as set forth in Section 95.0305, paragraphs 2 and 3.

e. Signs permitted herein may be lighted; however, none shall contain visibly moving parts or be illuminated by flashing lights. No sign shall be lighted prior to 6:00 a.m. or after 12:00 midnight of any day.

C. SPECIAL REGULATIONS

1. All uses except off-street parking, outdoor dining facilities, signs and the storage and display of nursery plants shall be operated entirely within enclosed buildings.
2. All accessory uses shall be located in the same building as the permitted use or uses which they serve. There shall be no entrance to any such accessory uses except through a foyer, court, lobby, patio or similar area. However, neither of the foregoing regulations shall be applicable to the excluded uses listed in paragraph "C.1." above.

3. No permitted use shall commence operating prior to 6:00 a.m. nor continue later than 12:00 midnight of any day.
4. Artificial lighting used to illuminate the premises shall be directed away from adjacent properties.

D. PROPERTY DEVELOPMENT REGULATIONS

No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, or used nor shall any premises be used unless the lot or premises and buildings shall comply with the following regulations and standards.

1. Minimum Lot Dimensions.
 - a. Area - 10,000 square feet.
 - b. Street frontage - 100 feet.
 - c. Width - 100 feet.
 - d. Exception. Any lot which qualifies under the definition of a lot as set forth in this Code and which does not comply in all respects with the minimum lot dimensions specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this zone.
2. Minimum Yards.
 - a. Front - ten feet.
 - b. Side, street - ten feet.
 - c. Exceptions to Front and Street Side Yard Regulations. Off-street parking may be located within the required front yard and street side yard adjoining the required landscaped strip abutting public street rights-of-way.

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d. **Building Distance from Residentially Zoned Property.** No portion of any building or sign shall be closer than ten feet to any residentially zoned property.

3. **Maximum Building Height.**

The maximum building height shall be 30 feet.

4. **Maximum Floor Area Ratio.**

The maximum floor area ratio shall be one.

5. **Regulations for Residential Development.**

All buildings, improvements, or portions thereof, erected, constructed, converted, established, altered or enlarged in this zone which are designed or intended for living purposes shall observe minimum front, side and rear yards and maximum coverage and density as required in the R-3 Zone as set forth in Section 101.0411. In those cases where the premises are occupied or proposed to be occupied by both commercial and residential uses, the minimum front, side and rear yards and maximum coverage and density shall be determined and computed without regard to the buildings or portions thereof to be occupied by the commercial uses.

6. **Landscaping.**

Prior to the use and occupancy of any premises, a strip of land within said premises abutting public street rights-of-way (except for approved ways of ingress and egress) shall be suitably landscaped with shrubs, trees, and ornamental ground cover. Said strip shall have a minimum depth of five feet and an area equal in square feet to ten times the length of the property line abutting public street

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rights-of-way (except for approved ways of ingress and egress). Any portion of said landscaped strip which exceeds 25 feet in depth shall not be included in calculating the required area. Prior to the issuance of any building permits, a complete landscaping plan shall be submitted to the Zoning Administrator for approval; said landscaping plan shall be in substantial conformance with standards and specifications adopted by the Planning Commission as set forth in the document entitled "Developmental Standards and Operational Standards - Landscaped Strips," on file in the office of the Planning Department. Substantial conformance shall be determined by the Zoning Administrator; said determination shall be subject to appeal in the manner set forth in Section 101.0504. Landscaping and required watering system shall be installed prior to the use of the premises. All landscaping material in required landscaped areas shall be permanently maintained in a growing and healthy condition, including trimming, as appropriate to the landscaping material in accordance with the "Developmental Standards and Operational Standards - Landscaped Strips" referred to above.

7. Walls.

Prior to the use or occupancy of any premises, a wall not less than six feet in height shall be constructed along all portions of the perimeter of said premises that abut residentially zoned property; provided, however, that within any required front yard or street side yard such wall shall be reduced in height to three feet.

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8. Outdoor Storage.

Outdoor storage of merchandise, material or equipment shall be permitted only when incidental to a permitted use located on the same premises, and provided that:

- a. The storage area shall be completely enclosed by walls or buildings or a combination thereof. Said walls shall be not less than six feet in height.
- b. There shall be no outdoor storage of merchandise, materials, equipment or other goods to a height greater than that of any enclosing wall, or building.

9. Other applicable property development regulations are contained in Division 6 of this Article.

E. OFF-STREET PARKING REGULATIONS

1. Every premises used for one or more of the permitted uses listed in paragraph "B" above shall be provided with a minimum of off-street parking spaces on the same lot or premises as follows:
 - a. For apartments, one parking space for each dwelling unit containing not more than one bedroom and one and one-half parking spaces for each dwelling unit containing two or more bedrooms.
 - b. For private clubs and similar establishments, one parking space for each guest room or one parking space for each 200 square feet of gross floor area, whichever is greater.

- c. For other uses (except commercial parking lots, distribution substations and gas regulators) one parking space for each 200 square feet of gross floor area.
2. Where ambiguity exists in the application of these off-street parking requirements or where any use not specified in paragraph "B" above is found to be a permitted use, the off-street parking requirement shall be consistent with that for similar uses in this zone.
3. All off-street parking facilities shall be constructed, operated and maintained in compliance with Division 8 of this Article.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad, Deputy

Passed and adopted by the Council of The City of San Diego on FEB 4 1971,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Helen Cobb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam T. Loftin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mike Schaefer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mayor Frank Curran	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

FRANK CURRAN
 Mayor of The City of San Diego, California.

JOHN LOCKWOOD
 City Clerk of The City of San Diego, California.

(Seal)

By Elfa P. Hamel, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JAN 21 1971

FEB 4 1971

, and on _____

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

JOHN LOCKWOOD
 City Clerk of The City of San Diego, California.

(Seal)

By Elfa P. Hamel, Deputy.

Office of the City Clerk, San Diego, California		
Ordinance Number	10496	Adopted FEB 4 1971

MICROFILMED
APR 28 1978

mr

ATTORNEY (S)

City of San Diego
202 C Street
Community Concourse
San Diego, California 92101

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
OF THE SAN DIEGO MUNICIPAL CODE

ORDINANCE NO. 10496
(NEW SERIES)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0426 RELATING TO THE CN ZONE.

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Section 1. That Chapter X, Article 1, of the San Diego Municipal Code be amended by amending Section 101.0426 to read as follows:

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B. PERMITTED USES

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2. Retailing of consumer convenience goods and dispensing of consumer services from the following establishments:
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 - i. Dry cleaning establishments (no truck delivery of finished cleaning).
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 - k. Recreational facilities not exceeding 2,500 square feet in gross floor area.
 - l. Florists.
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 - o. Hobby shops.
 - p. Jewelry stores.
 - q. Liquor stores.
 - r. Nurseries—plant.
 - s. Paint and wallpaper stores.
 - t. Photographic studios.
 - u. Radio, television and home appliance repair shops.

I, Patricia M. Applestill hereby certify that The Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; that the

ORDINANCE NO. 10496 (NEW SERIES)

is a true and correct copy of which this certificate is annexed was published in said newspaper on

February 12, 1971

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on Feb. 12, 1971

Patricia M. Applestill
(Signature)

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SAN DIEGO, CALIF.

v. Restaurants (excluding drive-in and drive-thru restaurants and further excluding live entertainment and the sale of all intoxicating beverages except beer and wine).

w. Shoe stores.
x. Shoe repair shops.
y. Stationers.
z. Studios for teaching of art, dancing and music.

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3. Apartments provided they are not located on the ground floor.

4. Public utility electrical distribution substations, gas regulators and communications equipment buildings developed in accordance with building and landscaping plans approved by the Zoning Administrator.

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6. Parking lots—commercial.

7. Any other use which the Planning Commission may find to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

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9. Other applicable property development regulations are contained in Division 6 of this Article.

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a. For apartments, one parking space for each dwelling unit containing not more than one bedroom and one and one-half parking spaces for each dwelling unit containing two or more bedrooms.

b. For private clubs and similar establishments, one parking space for each guest room or one parking space for each 200 square feet of gross floor area, whichever is greater.

c. For other uses (except commercial parking lots, distribution substations and gas regulators) one parking space for each 200 square feet of gross floor area.

2. Where ambiguity exists in the application of these off-street parking requirements or where any use not specified in paragraph "B" above is found to be a permitted use, the off-street parking requirement shall be consistent with that for similar uses in this zone.

3. All off-street parking facilities shall be constructed, operated and maintained in compliance with Division 8 of this Article.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on January 21, 1971.

Passed and adopted by the Council of The City of San Diego on February 4, 1971.

AUTHENTICATED BY:

FRANK CURRAN,
Mayor of The City of
San Diego, California.
JOHN LOCKWOOD
City Clerk of The City of
San Diego, California.
By ELFA F. HAMEL,
Deputy.

(SEAL)
Published Feb. 12, 1971

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