

ORIGINAL

ORDINANCE NO. 11478
(New Series)

O. 75-113
JAN 16 1975

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 4, 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, Division 4 of
the San Diego Municipal Code be amended by amending Section
101.0426 to read as follows:

SEC. 101.0426 CN ZONE
(Neighborhood Commercial)

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,

MICROFILMED

02023

MAY 4 1978

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:
 - 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.
 - x. Shoe repair shops.
 - y. Stationers.
 - z. Studios for teaching of art, dancing and music.
 - aa. Variety stores.
 - bb. Bookstores.
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 on-premises signs:
 - a. Wall signs as defined in Chapter X, Article 1, Division 11, 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.

-4-

MICROFILMED

MAY 4 1978

11478

02026

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

- d. 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.
- e. All signs permitted by the provisions of paragraph "B.8." of this section shall also comply with the provisions of Chapter IX, Article 5, Division 1 of this Code.

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.

MICROFILMED
MAY 4 1978

02028

11478

b. Side.

- (1) Interior - zero except that a ten-foot side yard shall be provided if any portion of the side lot line abuts residentially zoned property. Such side yard shall be increased three feet for each story above two.
- (2) Street - ten feet except that the minimum shall be:
 - (a) Nine feet for any lot having a width of 45 feet but less than 50 feet.
 - (b) Eight feet for any lot having a width of 40 feet but less than 45 feet.
 - (c) Seven feet for any lot having a width of 35 feet but less than 40 feet.
 - (d) Six feet for any lot having a width of 30 feet but less than 35 feet.
 - (e) Five feet for any lot having a width of less than 30 feet.

MICROFILMED MAY 4 1978

11478

02029

c. Rear - zero except that a 15-foot rear yard shall be provided if any portion of the rear lot line abuts residentially zoned property. Such rear yard shall be increased three feet for each story above two.

d. 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.

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, maximum coverage,

density and floor area ratio as required in the R-2A Zone as set forth in Section 101.0410. 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 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 Chapter X, Article 1, Division 5 of the San Diego Municipal Code. 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.

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, 1.3 parking spaces for each dwelling unit containing not more than one bedroom and 1.6 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
Frederick C. Conrad
Chief Deputy City Attorney

-12-

FCC:mmb
11-20-74

MICROFILMED

11478

MAY 4 1978

02034

JAN 16 1975

Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California.

EDWARD NIELSEN
City Clerk of The City of San Diego, California.

(Seal)

By *Patricia Polon*, 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 2 1975, and on JAN 16 1975

~~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.


EDWARD NIELSEN
City Clerk of The City of San Diego, California.

(Seal)

By *Patricia Polon*, Deputy.

RECEIVED
CITY CLERK'S OFFICE
1974 NOV 25 AM 10:08
SAN DIEGO, CALIF.

MICROFILMED MAY 4 1978

Office of the City Clerk, San Diego, California	
Ordinance Number 11478	Adopted JAN 16 1975
	

ATTORNEY(S)

1975 JAN 24 PM 4: 25 *gy*

San Diego, City of
12th Floor City Admin. Bldg.
San Diego, Ca. 92101

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

Relating to the CN Zone

JAN 24 1975 gy

I, **PATRICIA M. APPLESTILL** hereby certify that San Diego 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. 11478

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

January 24, 1975

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

January 24, 1975

Patricia M. Applestill
(Signature)

RESOLUTION NO. 1108

(Date:)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.0426 RELATING TO THE CN ZONE, AS IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter X, Article 1, Division 4 of the San Diego Municipal Code be amended by amending Section 101.0426 to read as follows:

SEC. 101.0426 CN ZONE (Neighborhood Commercial)

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:
 - a. Apparel shops.
 - b. Barber shops.
 - c. Beauty shops.
 - d. Book stores.
 - e. Dry cleaning establishments (no truck delivery of finished clothing).
 - f. Dry cleaning and laundry agencies and self-service dry cleaning and laundry establishments.
 - g. Recreational facilities not exceeding 2,500 square feet in gross floor area.
 - h. Florists.
 - i. Food stores.
 - j. Hardware stores.
 - k. Hobby shops.
 - l. Jewelry stores.
 - m. Liquor stores.
 - n. Nurseries -- plant.
 - o. Paint and wallpaper stores.
 - p. Photographic studios.
 - q. Radio, television and home appliance repair shops.
 - r. Restaurants (excluding drive-in and drive-thru restaurants and bars) excluding live entertainment and the sale of alcoholic beverages except beer and wine).
 - s. Shoe stores.
 - t. Shoe repair shops.
 - u. Suthers.
 - v. Studios for teaching of art, dancing and music.
 - aa. Variety stores.
 - bb. Bookstores.
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 findings shall be filed in the office of the City Clerk.
8. Accessory uses for any of the foregoing permitted uses, including the following on-premises signs:
 - a. Wall signs as defined in Chapter X, Article 1, Division 11, 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 five feet by 25 feet in maximum dimensions.
 - d. 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 11:00 midnight of any day.
 - e. All signs permitted by the provisions of paragraph "B.8." of this section shall also comply with the provisions of Chapter IX, Article 6, Division 1 of this Code.

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 "B.8." above.
3. No sign shall be erected or shall commence operating prior to 6:00 a.m. or after 11:00 p.m. of any day.

02037

... DEVELOPMENT REGULATIONS ...
... 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.
 - (1) Interior — zero except that a ten-foot side yard shall be provided if any portion of the side lot line abuts residentially zoned property. Such side yard shall be increased three feet for each story above two.
 - (2) Street — ten feet except that the minimum shall be:
 - (a) Nine feet for any lot having a width of 45 feet but less than 50 feet.
 - (b) Eight feet for any lot having a width of 40 feet but less than 45 feet.
 - (c) Seven feet for any lot having a width of 35 feet but less than 40 feet.
 - (d) Six feet for any lot having a width of 30 feet but less than 35 feet.
 - (e) Five feet for any lot having a width of less than 30 feet.
 - c. Rear — zero except that a 15-foot rear yard shall be provided if any portion of the rear lot line abuts residentially zoned property. Such rear yard shall be increased three feet for each story above two.
 - d. 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.

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, maximum coverage, density and floor area ratio as required in the R-2A Zone as set forth in Section 101.0410. 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 occupied 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 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 Chapter X, Article 1, Division 5 of the San Diego Municipal Code. Landscaping and required watering systems 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.

... 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:

7. ...
8. ...
9. ...
10. ...
11. ...
12. ...
13. ...
14. ...
15. ...
16. ...
17. ...
18. ...
19. ...
20. ...
21. ...
22. ...
23. ...
24. ...
25. ...
26. ...
27. ...
28. ...
29. ...
30. ...
31. ...
32. ...
33. ...
34. ...
35. ...
36. ...
37. ...
38. ...
39. ...
40. ...
41. ...
42. ...
43. ...
44. ...
45. ...
46. ...
47. ...
48. ...
49. ...
50. ...
51. ...
52. ...
53. ...
54. ...
55. ...
56. ...
57. ...
58. ...
59. ...
60. ...
61. ...
62. ...
63. ...
64. ...
65. ...
66. ...
67. ...
68. ...
69. ...
70. ...
71. ...
72. ...
73. ...
74. ...
75. ...
76. ...
77. ...
78. ...
79. ...
80. ...
81. ...
82. ...
83. ...
84. ...
85. ...
86. ...
87. ...
88. ...
89. ...
90. ...
91. ...
92. ...
93. ...
94. ...
95. ...
96. ...
97. ...
98. ...
99. ...
100. ...

Section 2: This ordinance shall take effect and be in force on the second day from and after its passage.
Introduced on January 2, 1975.
Passed and adopted by the Council of The City of San Diego on January 15, 1975.
AUTHENTICATED BY:
PETE WILSON,
Mayor of The City of San Diego,
EDWARD NIELSEN,
City Clerk of The City of San Diego,
By PATRICIA ...