

O. 78-281  
REV.

ORDINANCE NO. 12540

JAN 2 1979

(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING THERETO DIVISION 5, MISSION BEACH PLANNED DISTRICT REGULATIONS SECTIONS 103.0500 THROUGH 103.0599, AND REPEALING CERTAIN ZONING ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, Section 103.0101 of the San Diego Municipal Code states that the purpose and intent of Planned Districts is:

1. To preserve and enhance the cultural, aesthetic or economic value of neighborhoods having special importance due to their historical significance or because of their being part of older established community centers; and
2. To provide a method of implementing adopted plans for such areas through the adoption of appropriate controls in lieu of conventional zoning; and,

WHEREAS, the Community of Mission Beach is a significant established neighborhood with unique features including a dense population concentration, a regional beach resource and extremely limited land area; and

WHEREAS, the community is faced with a series of problems including potentially excessive population growth, severe lack of on-street and off-street parking spaces, excessively massive buildings relative to both the size of typical lots and to development on adjacent properties, and a general lack of amenities on both public and private property; and

WHEREAS, existing regulatory provisions of the zoning districts presently being utilized in Mission Beach are not properly suited nor adequate for application to the subdivision pattern of Mission Beach nor for the facilitation of development in Mission Beach in conformance to the types and patterns of development recommended in the City Council - adopted Mission Beach Precise Plan;

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

Section 1. That Chapter X, Article 3, of the San Diego Municipal Code be amended by adding Division 5, SEC. 103.0500 through 103.0599, to read as follows:

CHAPTER X, ARTICLE 3

DIVISION 5

MISSION BEACH PLANNED DISTRICT REGULATIONS

SEC. 103.0500 PURPOSE AND INTENT

It is the purpose of these regulations to provide reasonable restrictions on the construction or alteration of residential and commercial developments related to the small-lot size and the urbanization pattern of the Mission Beach community. The intent is to implement the adopted Mission Beach Precise Plan.

SEC. 103.0501 BOUNDARIES OF PLANNED DISTRICT AREA

The regulations which follow shall apply in the Mission Beach Planned District. The boundaries of the Mission Beach Precise Plan Area in the City of San Diego, California, are designated on Map Drawing No. C-637. (Described in the appended boundary description, filed in the office of the City Clerk under Document No. 765388) The Mission Beach Planned District is generally bounded by Pacific Beach Drive on the north, Mission Bay Park on the east, the San Diego River Flood Control Channel on the south, and the Pacific Ocean on the west.

SEC. 103.0502 APPLICABLE REGULATIONS

Where not otherwise specified in this Division, the provisions of Municipal Code Chapter X, Article 1, Divisions 1 through 6, and Division 8, and Chapter X, Article 2, shall apply.

All other provisions of Chapter X, Article 1, of the Municipal Code are superseded by the regulations set forth herein.

Where there is a conflict between the provisions of Chapter X, Article 1, and the provisions of this Division, the provisions of this Division shall apply.

SEC. 103.0506 PLANNING DEPARTMENT APPROVAL REQUIRED BEFORE  
ISSUANCE OF PERMIT

The Department of Building Inspection shall not issue any permit for the installation of fixtures or equipment, or for the erection, construction, conversion, establishment, alteration or enlargement of any building, structure or improvement, or for the occupancy of any building or structure in any portion of the Mission Beach Planned District until approval of the Planning Department - Zoning Administrator has been obtained by the applicant or owner. Each application for a permit shall state therein the purpose for which the proposed building, structure or improvement is intended to be used.

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SEC. 103.0507 PROCEDURES AND FEES

The fees for Classification of Property, Variance, Conditional Use Permit, Subdivision, and change of street name shall be the same as set forth in Chapter X, Article 1, Division 2.

The procedure for application of the above permits, as well as the procedures for public notice and public hearing process, shall be the same as set forth in Chapter X, Article 1, Division 2 and Division 5 of the Municipal Code, except that residents residing within any area shall be noticed in a manner identical to noticing an owner-of-record. For purposes of notifying residents by mail, a notice addressed to "San Diego Resident" shall be sufficient.

SEC. 103.0520 DEFINITIONS - PURPOSE AND INTENT

It is the purpose of this section to provide clear and concise definitions of those words, terms and phrases which apply only to the Mission Beach Planned District area.

It is also intended that the definitions in Chapter X, Article 1, Division 1, of the Municipal Code shall be used when they do not conflict with the definitions set forth in this Division. This is to provide uniformity of interpretation and application.

## SEC. 103.0520.20 BALCONY, EXTERIOR

A roofed or unroofed platform, enclosed by a railing or parapet, projecting from an exterior wall of a building. When a balcony is roofed and has less than 40 percent of its vertical surface permanently open, it is considered to be part of the room or interior area it serves and is included in computations of gross floor area. When a portion of a roof is enclosed by a railing, said area shall be defined as a porch or terrace.

## SEC. 103.0520.31 CORNER LOT, MISSION BEACH

Any lot situated at the intersection of two or more streets, courts, places, walks, or alleys, which have an angle of intersection, measured within said lot, of not more than 135 degrees.

## SEC. 103.0520.32 COURT

Any named pedestrian way having no motorized vehicular access dedicated for the primary use of pedestrians as a means of access to abutting properties.

## SEC. 103.0520.73 FLOOR AREA RATIO

The numerical value obtained by dividing the gross floor area of a building or buildings on the premises by the total parcel area of the premises on which such building or buildings are located.

SEC. 103.0520.80 GROSS FLOOR AREA

The total horizontal area, expressed in square feet, of all the floors of a building included within the surrounding walls.

Gross floor area shall include:

A. Enclosed exterior stairwells (excluding the enclosed area under any stairwell from the ground to the second floor only), aboveground parking structures and exterior elevator shafts.

B. The floor area of mezzanines and other similar interior balconies.

C. Exterior balconies, entrances, porches, canopies, rigid awnings, stoops, openly supported terraces, openly supported stairways, and sun baffles or shades which are constructed and maintained with less than 40 percent of the vertical surface permanently open.

SEC. 103.0520.135 LOT COVERAGE

That portion of the area of a lot, expressed as a percentage, occupied by all buildings or structures which are roofed or otherwise covered and which extend more than three feet above grade level provided, however, that the following shall be exempted:

A. Exterior balconies, entrances, canopies, rigid awnings, stoops, openly supported terraces, openly supported exterior stairways and sun baffles or shades provided they:

1. Do not encroach into required yards;
2. Do not project more than six feet from the supporting structures;
3. Are constructed and maintained with not less than 40 percent of the vertical surface permanently open except for those walls which are used in common with the building.

B. Roofed areas enclosed by no more than three exterior walls of a building which provide shelter to exterior balconies, entrances, stoops, terraces, and exterior stairways.

C. Cornices and eaves.

D. Those portions of a structure lying partially above grade but not exceeding three feet above grade. All horizontal dimensions shall be taken from the exterior faces of walls, including those structural and architectural appendages as defined and set forth herein.



SEC. 103.0520.182 PLACE

Any named vehicular way, also having pedestrian access, dedicated for the primary use of vehicles and pedestrians.

SEC. 103.0520.191 SIGN

All definitions pertaining to "SIGN," shall be all those definitions set forth in Chapter X, Article 1, Division 11, of this Code.

SEC. 103.0520.197 SUBDISTRICT

A portion of the territory within the boundaries of the Mission Beach Planned District within which certain regulations and requirements apply under the provisions of the Planned District Regulations.

SEC. 103.0520.230 WALK, BAYSIDE AND OCEAN FRONT

Any public way immediately adjacent to the ocean in the case of an Ocean Front Walk and the bay in the case of a Bayside Walk, dedicated for the primary use of pedestrians and bicycles.

SEC. 103.0520.242 YARD, BAYFRONT, OCEAN FRONT, COURT,  
PLACE, AND MISSION BOULEVARD

That open, unoccupied space extending across the lot and measured inward, perpendicularly, from the property line adjacent to either Bayside Walk, Ocean Front Walk, Public Beach, Court, Place and/or Mission Boulevard and parallel thereto for a distance specified in this Division.

SEC. 103.0525 SUBDISTRICTS OF THE MISSION BEACH  
PLANNED DISTRICT

In order to regulate the location of dwellings, businesses, recreation areas and other specified uses, subdistricts of the Mission Beach Planned District are established. The boundaries of said subdistricts are designated on that certain Map Drawing No. C-637.

SEC. 103.0526 RESIDENTIAL SUBDISTRICTS - NORTHERN AND  
SOUTHERN - DEFINITION AND INTENT

The Residential Subdistricts are designated "R-N" and "R-S" on map Drawing No. C-637. The purpose of the Residential Subdistrict is to regulate the small-scale and low-profile developed area with a maximum residential density of approximately 36 dwelling units per net residential acre.

It is the intent of these regulations to allow the improvement or development of the standard Mission Beach lots with little or no need for variances.

SEC. 103.0526.1 PERMITTED USES

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

A. PRIMARY USES

1. Single-family dwellings.
2. Duplexes (two-family dwellings).
3. Multi-family dwellings; restricted to a maximum of four dwelling units in any single structure including common wall construction on adjoining lots.
4. Parks and Playgrounds.
5. Off-premises parking lots for residential uses in accordance with the provisions of Chapter 10, Article 1, Division 8, except that the parking lot shall be within a horizontal distance of 300 feet of the premises for which the off-street parking is located. Off-premises parking shall not be utilized in lieu of required on-premises parking.

B. ACCESSORY USES

Accessory uses and buildings customarily incidental to any of the foregoing permitted uses including the following:

1. Private garages, parking areas, and storage areas.
2. Recreational facilities intended only for the use of residents residing on the premises.
3. Lodgers, permitted as follows:
  - a. For a single-family dwelling which is the only dwelling unit on the premises, not more than two lodgers with each being provided a minimum of 100 square feet of bedroom area, and with more than one full bathroom facility within the dwelling unit.
  - b. For duplexes and multi-family dwelling units, not more than one lodger with a minimum of 100 square feet of bedroom area and with more than one full bathroom facility on the premises.
4. On-premise signs as defined by Sec. 103.0532 -  
(RESIDENTIAL SUBDISTRICT ON-PREMISES SIGN REGULATIONS)

SEC. 103.0526.2 DENSITY REGULATIONS

One dwelling unit, including lodging and boarding units, per 1,200 square feet of lot area; except that "R-S" lots of 2,000 square feet shall be entitled to a maximum of two dwelling units if said lot is developed separately.

SEC. 103.0526.3 MINIMUM LOT STANDARDS

TABLE I

	"R-N"	"R-S"
A. Area	1,250 Square Feet	2,400 Square Feet
B. Street Frontage	25 Feet	30 Feet
C. Width	25 Feet	30 Feet
D. Depth	50 Feet	80 Feet

E. 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.

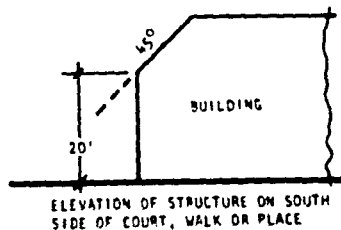
SEC. 103.0526.4 MINIMUM YARDS FOR BAYSIDE AND OCEAN FRONT WALKS

Ten feet except for a yard abutting Bayside Walk which shall have an additional setback beginning 20 feet above grade and sloping back at a 45 degree angle. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction. See Illustration A below.

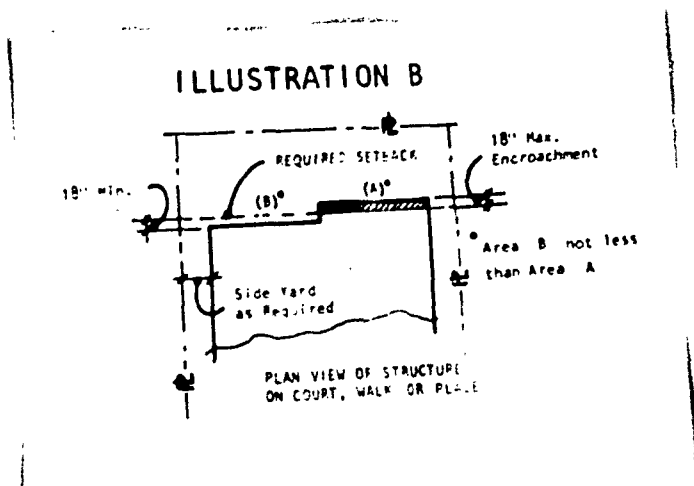
SEC. 103.0526.5 MINIMUM YARDS FOR COURTS AND PLACES

A. Ten feet in the "R-N" Subdistrict and 15 feet in the "R-S" Subdistrict except for buildings exceeding 20 feet in height and on the south side of a Court or Place. In this case, an additional setback shall be observed beginning 20 feet above grade and sloping back at a 45 degree angle. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction. See Illustration A below.

ILLUSTRATION A



B. Buildings facing a Court, Place, Bayside or Ocean Front Walk shall not be wider than 25 feet in the "R-N" Subdistrict or 30 feet in the "R-S" Subdistrict, unless a vertical offset in the façade is provided. The vertical offset extending full height shall be a minimum of three feet in depth not less than 45 degrees. The following option is permitted when providing the required vertical offset. The building may encroach into the required yard a maximum of 18 inches for a width not more than one-half of the total building width. However, for all yard encroachment an equal area must be left vacant behind the required setback line adjacent to the Court, Place, or Walk. See illustration B below.



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SEC. 103.0526.6 MINIMUM INTERIOR YARDS

A. Three feet or 10 percent of the width of the lot whichever is greater. When two lots are developed at the same time with common wall construction (combined total of units shall not exceed four) each opposite side yard shall be six feet or 20 percent of the width of the lot whichever is greater.

B. For a three-story building, the interior side yard shall be a minimum of five feet.

SEC. 103.0526.7 MINIMUM YARDS ON STREETS AND ALLEYS

Yards abutting Strandway and Bayside Lane and alleys shall not be required except when off-street parking access is perpendicular to the alley or street. Such parking space shall be a minimum of 21 feet measured from the opposite edge of the right-of-way. This 21-foot distance may be reduced one foot for each six-inch increase in parking space width but shall not be less than 18 feet.

SEC. 103.0526.8 MISSION BOULEVARD YARDS

Buildings abutting Mission Boulevard shall be set back a minimum of three feet or ten percent of the lot's shortest property line intersecting Mission Boulevard, whichever is the greater. The maximum yard required need not exceed seven feet.



SEC. 103.0526.9 MINIMUM REAR YARDS

No rear yard is required except where the rear yard abuts an interior yard of an adjacent lot, then the regulations under MINIMUM INTERIOR YARDS, SEC. 103.0526.6 shall apply.

SEC. 103.0526.10 MAXIMUM LOT COVERAGE

Sixty-five percent.

SEC. 103.0526.11 FLOOR AREA RATIO

- A. The basic maximum floor area ratio shall be 1.1.
- B. Portions of the building or structure used exclusively for required off-street parking shall not be included as part of the building area for the purposes of determining floor area ratio. This exemption is restricted to a maximum 200 square feet per required off-street parking space.
- C. Regardless of lot size, individual buildings, including common wall construction, shall not exceed 5,280 square feet in total gross floor area. However, those areas excluded by Paragraph "B" of this Section from the calculations of floor area ratio shall not be considered as part of the 5,280 square feet.

SEC. 103.0526.12 HEIGHT

Thirty feet above grade. The height of a building or structure shall be measured as the greatest vertical distance along a line between the highest part of the building and the average preexisting grade of the premises. The average grade shall be the average of the preexisting elevation of all corner points of the premises.

If the 30-foot height limitation of Ordinance No. 10960 N.S. is removed from Mission Beach, the building height limit shall be 35 feet.

SEC. 1103.0526.13 LANDSCAPING

One hundred percent of all required yards except interior yards and rear yards shall be landscaped with a minimum of at least 50 percent and shall be a combination of trees, shrubs and ground cover. The remaining 50 percent may include but is not restricted to fountains, reflecting pools, art objects, decorative walkways, screens, walls, fences, benches, and decks not exceeding three feet in height and paved areas.

SEC. 103.0526.14 TRASH ENCLOSURE AREA

Enclosed trash collection areas shall be provided on each lot in the manner set forth below:

A. Such areas shall be screened from public view by a solid fence or wall, the minimum height of which shall be four feet or not less than the height of commercial container. For trash enclosure areas located in an interior side yard or abutting interior property lines, a solid fence or wall of not less than five feet or greater than six feet in height shall be located between the trash enclosure area and the adjoining premises.

B. The minimum area provided shall be eight square feet per dwelling unit and four square feet per boarder or lodger.

C. Such areas shall not be placed in required yards abutting Bayside Walk, Ocean Front Walk, Courts, Places and Mission Boulevard.

D. The square footage requirements set forth in this Section shall not be computed as lot coverage.

SEC. 103.0526.15 FENCES

Fences and walls shall be permitted as follows:

A. Fences and walls, including retaining walls, located within required yards except interior yards and rear yards shall not exceed a height of three feet.

B. Fences and walls, including retaining walls, located in interior or rear yards or adjacent to alleys or streets except Mission Boulevard shall not exceed a height of six feet.

C. No sharp-pointed or electrically charged fence shall be erected or maintained.

D. No fence shall exceed three feet in height in that triangular area created by measuring ten feet along each property line from the point of intersection where any combination of streets and/or alleys intersect.

SEC. 103.0526.16 PARKING

A. Every premises used for one or more of those uses permitted in SEC. 103.0526.2 (PERMITTED USES) shall be provided with a minimum of permanently maintained off-street parking spaces located on the premises as follows:

1. 2.0 spaces per dwelling unit; except in "R-S" - Subdistricts where the requirement shall be 1.5 spaces per dwelling unit for duplexes built on lots with less than 34 feet of frontage on a street or alley.

2. 1.0 spaces per unit (room) of boarder or lodger.

B. At least one space per dwelling unit and one space per two boarding or lodging units shall have direct access to a dedicated and improved street or alley.

C. Parking shall not be permitted in required yards except interior or rear yards.

D. Tandem off-street parking is permitted. The space required is 8 feet x 35 feet and accommodates two cars, one behind the other. The tandem space shall be marked reserved.

E. Fifty percent of the individual (non-tandem) parking spaces shall have a minimum 8-foot width and 20-foot depth. The other 50 percent shall not be less than a minimum 7 1/2-foot width and 15-foot depth.

F. All parking areas adjacent to Courts, Places, Walks or Mission Boulevard shall be screened by a solid fence five feet in height.

SEC. 103.0528 COMMERCIAL SUBDISTRICTS - DEFINITION AND  
INTENT

The Neighborhood Commercial Subdistricts are designated "NC-N" or "NC-S" and the Visitor Commercial Subdistricts are designated "VC-N" and "VC-S" on Map Drawing No. C-637. The purpose of the Neighborhood Commercial is to provide adequate commercial services for the residents while the Visitor Commercial accommodates tourists, visitors and vacationers.

It is the intent of these regulations to provide development possibilities that will accommodate both commercial and mixed uses as well as compliment existing development and the surrounding residential areas.

SEC. 103.0528.1 PERMITTED USES

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

A. PRIMARY USES

1. Those primary uses set forth in SEC. 103.0526.1 (Permitted Uses) except that residential uses

shall not be permitted within the first story of any building on any lot abutting Mission Boulevard; and for lots exclusively developed residentially, that development is subject to all regulations of the appropriate Residential Subdistrict.

2. Business Offices (not including hiring halls).

3. Retailing of consumer convenience goods and dispensing of consumer services from the following establishments provided, however, that no premises shall contain drive-in or drive-thru facilities:

- |    |   |     |   |
|----|---|-----|---|
| a. | Apparel shops.  | o.  | Hobby shops   |
| b. | Art stores  | p.  | Jewelry stores  |
| c. | Bakeries  | q.  | Liquor stores   |
| d. | Barber shops  | r.  | Nurseries - plants  |
| e. | Beauty shops  | s.  | Paint and wallpaper stores                                    |
| f. | Bicycle shops   | t.  | Photographic studios  |
| g. | Book stores   | u.  | Radio, television and home appliance repair shops             |
| h. | Curtain and drapery shops   | v.  | Restaurants   |
| i. | Drug stores   | w.  | Shoe stores   |
| j. | Dry cleaning and laundry establishments and agencies and self-service dry cleaning and laundry establishments | x.  | Shoe repair shops   |
| k. | Gyms, when equipped for physical fitness activities and athletic training programs.                           | y.  | Sporting goods including rental items                         |
| l. | Florists  | z.  | Stationers  |
| m. | Food stores   | aa. | Studios for teaching of art, dancing and music                |
| n. | Hardware stores   | bb. | Variety stores  |
|    |   | cc. | Taverns and other similar places serving alcoholic beverages. |

4. Schools and studios for academic, cultural (including the fine arts), technical, vocational, or professional instruction.
5. Motels and hotels in the "VC" only including:
  - a. Housekeeping units - guest rooms having separate access to the outside or to a hallway used in common with other guest rooms and having cooking facilities and used for combined living, dining and sleeping purposes.
  - b. Related recreational facilities.
  - c. Restaurants and bars with incidental entertainment and dancing.

B. ACCESSORY USES

Accessory uses and buildings customarily incidental to any of the foregoing permitted uses, including the following:



1. Private garages, parking areas and storage areas except access shall not be off Mission Boulevard.
2. Recreational facilities intended only for the use of residents residing on the premises.
3. On-premises signs as permitted by SEC. 103.0533. (Commercial Subdistrict On-Premises Sign Regulations).

SEC. 103.0528.2 MINIMUM LOT STANDARDS

TABLE II

	NC-N VC-N	NC-S VC-S
A. Area	1,250 Square Feet	2,400 Square Feet
B. Street Frontage	25 Feet	30 Feet
C. Width	25 Feet	30 Feet
D. Depth	50 Feet	80 Feet

- E. 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.

SEC. 103.0528.3 MINIMUM INTERIOR YARDS

A three-foot interior side yard shall be provided along any portion of a lot line which abuts property in a residential subdistrict; for three story buildings said yard shall be five feet.

SEC. 103.0528.4 MINIMUM YARDS ON STREETS AND ALLEYS

The minimum yard requirements shall be those set forth in SEC. 103.0526.7 (Minimum Yards on Streets and Alleys).

SEC. 103.0528.5 MINIMUM YARDS ON OCEAN FRONT WALK, COURTS AND PLACES IN "NC-N" AND "NC-S"

The minimum yard requirement shall be those set forth in SEC. 103.0526.4 (Minimum Yards for Bayside and Ocean Front Walks) and SEC. 103.0526.5 (Minimum Yards for Courts and Places).

SEC. 103.0528.6 MINIMUM YARDS ON BAYSIDE AND OCEAN FRONT-WALKS IN VC-N AND VC-S

The minimum yard requirement shall be those set forth in Sec. 103.0526.4 (Minimum Yards for Bayside and Ocean Front Walks).

SEC. 103.0528.7 MINIMUM YARDS ON MISSION BOULEVARD

None required except as required for planter boxes as set forth in SEC. 103.0528.11 (Landscaping).

SEC. 103.0528.8 FLOOR AREA RATIO

A. For lots developed exclusively for residential use in any Commercial Subdistrict, the floor area ratio provisions of SEC. 103.0526.12 (Residential Subdistricts) shall prevail.

B. For lots exclusively developed with nonresidential development the following floor area ratios are applicable:

1. The basic floor area ratio shall be 1.25.
2. The basic floor area ratio may be increased to 1.75 if one off-street parking space is provided for every 800 square feet of gross floor area.

C. For lots with mixed development with the first (or ground) story reserved for nonresidential activities (excluding parking and residential storage) and with the upper stories being designed for residential occupancy, the following floor area ratios are applicable:

1. The basic floor area ratio shall be 1.25.
  
2. The basic floor area ratio may be increased to 1.75- if 2.0 off-street parking spaces are provided for each dwelling unit.

D. For NC-N and NC-S Subdistricts, no individual building or structure shall exceed the total amount of gross floor area of 8,750 sq. ft.

SEC. 103.0528.9 HEIGHT

The maximum building height shall be that set forth in Sec. 103.0526.12 (Height).

SEC. 103.0528.10 LANDSCAPING

Planter box(es) containing shrubs or trees located adjacent to the Courts, Places, Walks, or Mission Blvd. The planter(s) shall be a minimum of two-feet wide, no taller than three feet and total square feet equal in area to fifty percent of the street frontage. The fifty percent requirement may be reduced if the Planning Director determines such reduction eliminates a safety hazard.

An alternative to planter box(es) is ten percent of the total lot area shall be landscaped adjacent to Courts, Places, Walks or Mission Boulevard in accordance with Sec. 103.0526.13 (Landscaping).

SEC. 103.0528.11 PARKING

A. For hotels and motels, there shall be provided 1.2 parking spaces for each guest room or suite.

B. For residential development the parking requirement shall be as required by SEC. 101.0526.16 (Parking).

SEC. 103.0528.12 TRASH ENCLOSURE AREA

Enclosed trash collection areas shall be provided for on each lot in the manner set forth below:

A. Such areas shall be screened from public view by a solid fence or wall, the minimum height of which shall be four feet or not less than the height of commercial container. For trash enclosure areas located in an interior side yard or abutting interior property lines, a solid fence or wall of not less than five feet or greater than six feet in height shall be erected between the trash enclosure area and the adjoining premises.

- B. The minimum area provided shall be 32 square feet.
  
- C. Such areas shall not be placed in required yards abutting Bayside Walk, Ocean Front Walk, Courts, Places and Mission Boulevard.
  
- D. The square footage requirements set forth in this section shall not be computed as lot coverage.

SEC. 103.0528.13 FENCES

Fences and walls shall be permitted as follows:

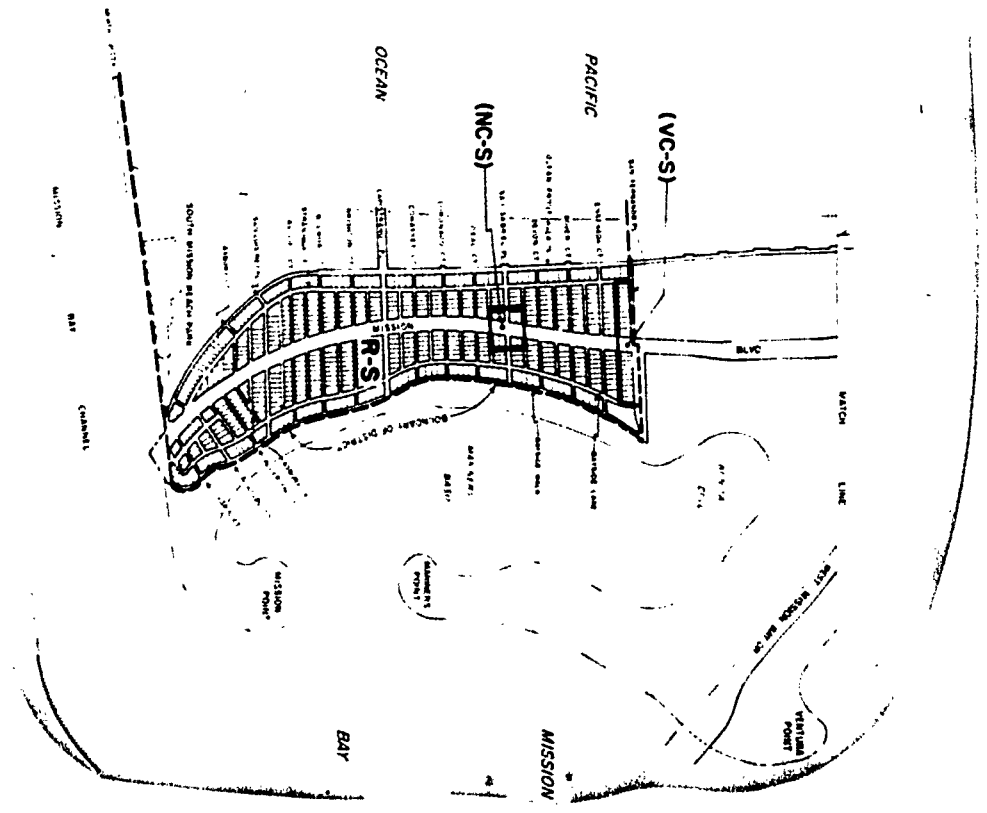
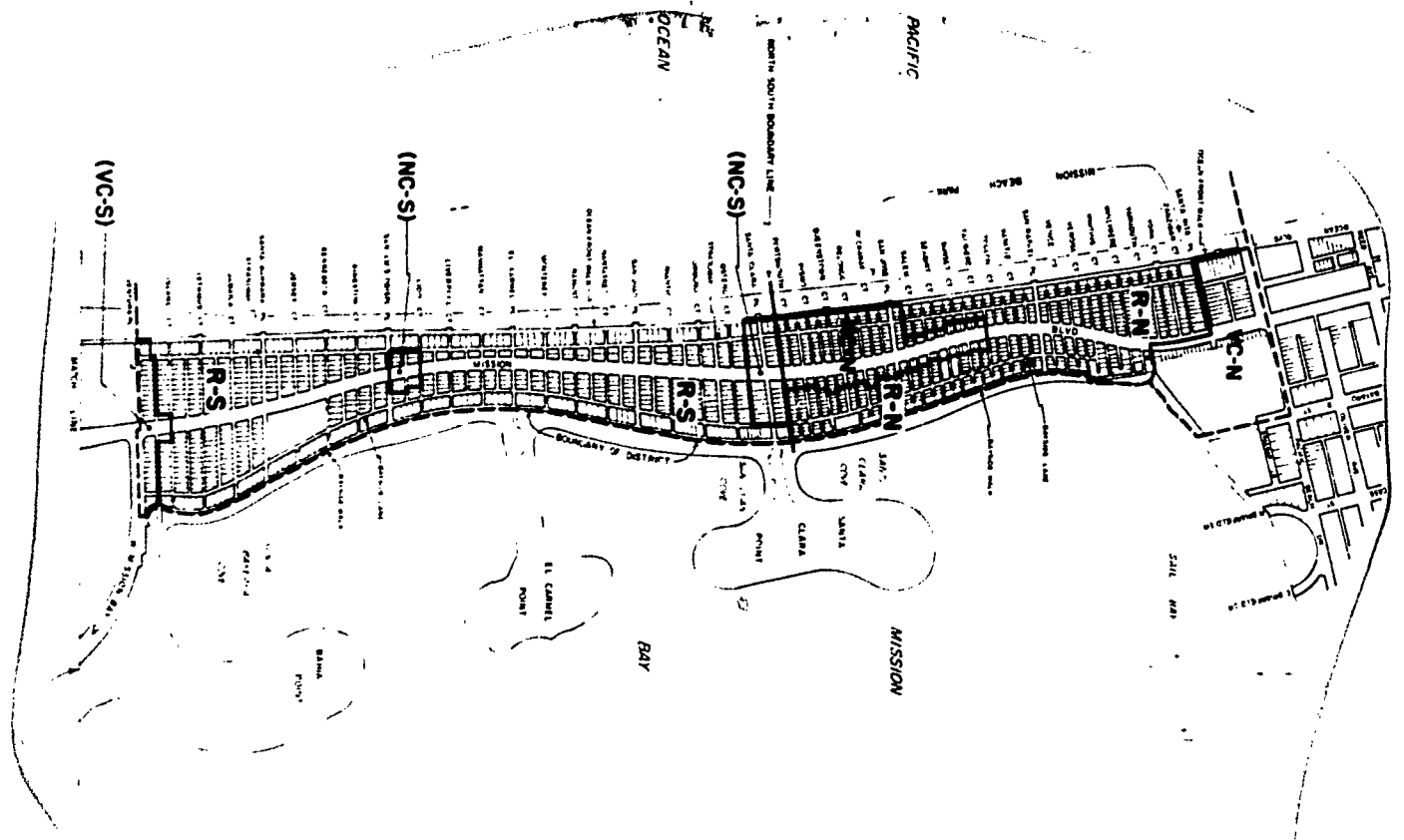
- A. Fences and walls, including retaining walls, located within required yards, except interior yards shall not exceed three feet in height.
  
- B. Fences and walls, including retaining walls, located in interior yards or adjacent to alleys, Bayside Lane or Strandway shall not exceed eight feet in height.
  
- C. No electrically charged fence shall be erected or maintained.

D. No fence shall exceed three feet in height in that triangular area created by measuring ten feet along each property line from the point of intersection where any combination of streets and/or alleys intersect.

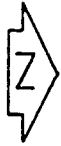
SEC. 103.0532 RESIDENTIAL SUBDISTRICT ON-PREMISES SIGN REGULATIONS

A. The following nonilluminated wall signs shall be permitted, provided that no sign shall project above the parapet or eaves of the building to which affixed:

1. One nameplate per dwelling unit not exceeding one square foot in total area to identify only the occupant; or
2. In lieu of "1" above, the occupant of a dwelling unit, if the possessor of a valid home occupation permit, shall be permitted a sign indicating the nature of the home occupation not to exceed two square feet in total area.
3. One building identity sign not exceeding one percent of the area of the wall to which it is affixed or 20 square feet, whichever is the smaller figure.



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4. One directional sign per vehicular entryway not exceeding two square feet in total area nor four feet in height measured to the apex of the sign.
5. One temporary wall or freestanding sign offering the premises for sale, rent or lease, not to exceed eight square feet in total area nor four feet in height measured to the apex of the sign. Such sign is permitted in required yards.
6. Any sign not in compliance with the provisions of this section within seven years from the effective date of the ordinance adopting these regulations shall be removed or brought into compliance unless said sign is granted an extension of time as set forth in the provisions of SEC. 95.0123 of this Code. Any sign located on property subsequently placed in the Residential Subdistricts and not in compliance with the provisions of this section shall be removed or brought into compliance within five years from the effective date of the ordinance establishing the Residential Subdistricts unless said sign is granted an extension of time as set forth in the provisions of SEC. 95.0123 of this Code.

SEC. 103.0533 COMMERCIAL SUBDISTRICT ON-PREMISES SIGN REGULATIONS

Accessory on-premises signs incidental to primary and conditional uses located on the same premises as follows:

A. Signs on the faces of buildings are permitted provided that no sign shall project above the nearest parapet or eave of the building to which the signs are attached. The aggregate sign area for each street frontage on a given premises shall not exceed one square foot for each lineal foot of street frontage or 25 square feet, whichever is larger. In addition, the following identification signs shall be permitted:

1. One single or double-faced freestanding sign located adjacent to each entrance or exit driveway to a parking lot. Signs shall not exceed 12 square feet in area nor a height of 12 feet measured vertically from the base at ground level to the apex of the sign.
2. One sign on the exterior wall at each side or rear entrance to a store, shop or place of business provided that no sign shall project above the nearest parapet or eave of the building to which it is attached and, provided further, that no sign shall be attached to the perimeter framing of the building or to the face of canopies or porch roofs.

No such sign shall have an area exceeding 12-1/2 square feet or one-half square foot for each lineal foot of street frontage of the premises, whichever is larger.

B. For each street frontage of the premises, one sign attached to the wall or one freestanding sign designating the premises for sale, rent or lease is permitted, provided such sign has a maximum area of eight square feet and a height, if freestanding, not exceeding 12 feet measured vertically from the base at ground level to the apex of the sign.

C. Where the face of the building sets back from the property line in excess of 20 feet, single or double-faced freestanding signs, in addition to those on the building, are permitted, provided that:

1. No part of such signs shall extend over public property or have a height exceeding 20 feet measured vertically from the base at ground level to the apex of the sign.
2. The total area of all such signs on any street frontage of the premises shall not exceed four-tenths of a square foot per lineal foot of street frontage or 37-1/2 square feet, whichever is smaller.

D. Any sign not in compliance with the provisions of this section within seven years from the effective date of the ordinance adopting these regulations shall be removed or brought into compliance unless said sign is granted an extension of time as set forth in the provisions of SEC. 95.0123 of this Code. Any sign located on property subsequently placed in a Commercial Subdistrict and not in compliance with the provisions of this section shall be removed or brought into compliance within five years from the effective date of the ordinance establishing the Commercial Subdistricts on said property unless said sign is granted an extension of time as set forth in the provisions of SEC. 95.0123 of this Code.

E. Signs permitted herein which are attached to walls or the face of a building shall be parallel to the wall or the face of the building and shall project not more than 18 inches therefrom.

F. Signs permitted herein may be illuminated, however, none shall contain visibly moving parts or be illuminated by flashing lights.

G. All signs permitted by the provisions of this Paragraph shall also comply with the provisions of Chapter IX, Article 5, Division 1, of this Code.

SEC. 103.0535 EXISTING USES - ENLARGEMENT

Whenever an existing use which does not provide all the off-street parking spaces required by this Code on any premises is enlarged by floor area there shall be provided at the same time an increase in the number of parking spaces. The number of spaces required by this paragraph need not exceed the total number of parking spaces required for the total enlarged development.

SEC. 103.0542 CONDITIONAL USE PERMIT GRANTED BY THE ZONING ADMINISTRATOR

A. USES WHICH MAY BE CONSIDERED

The Zoning Administrator shall have the authority to permit by conditional use permit the following uses in any district:

1. Public and private schools for academic, artistic, and vocational instruction.
2. Nursery schools and day-care centers, provided such facilities provide fenced and screened play lots and areas.
3. Churches, temples or buildings of a permanent nature and used primarily for religious purposes.

4. Teaching of the fine arts including, but not limited to: music, drawing, painting, sculpture, drama and dancing.
5. Residential care homes for not more than ten aged or mentally disordered or otherwise handicapped persons or dependent or neglected children and which are licensed by the State of California.
6. Parking lots for nonresidential uses in residential and commercial subdistricts.

SEC. 103.0545 CONDITIONAL USE PERMIT GRANTED BY THE  
PLANNING COMMISSION

A. USES WHICH MAY BE CONSIDERED

The Planning Commission shall have the authority to permit by conditional use permit the following uses in any commercial subdistrict except as specified in paragraphs "A.4.," "A.6.," and "A.7." of this section:

1. Automobile service station.
2. Buildings, structures, and uses operated by a public utility or by a public body having the power of eminent domain.

3. Drive-in or drive-thru offices, retail facilities, and food-handling establishments and services, including those providing pre-prepared food and "fast-food" services.
4. Residential structures with a maximum of six dwelling units for any development qualifying and approved for housing assistance under programs administered by the Housing Authority of The City of San Diego or similar programs. The number of dwelling units on any lot shall not exceed the maximum permitted density in all Residential and Commercial Subdistricts.
5. Laboratories for medical, dental or general research, development or testing.
6. Amusement and entertainment enterprises such as amusement parks, all types of theatres, playhouses, swimming pools, skating rinks and dance halls limited to the Visitor Commercial Subdistrict only.
7. Residential, commercial, industrial and institutional uses in and on historical sites in all Residential and Commercial Subdistricts.

## SEC. 103.0599 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more of the sections, subsection, sentences, clauses or phrases hereof be declared invalid or unconstitutional.

Section 2. The following ordinances of the City of San Diego which zoned or rezoned all of that area within the boundaries of the Mission Beach Planned District, as shown on Zone Map Drawing No. C-637, filed in the office of the City Clerk as Document No. 765389, be, and they are hereby repealed insofar as they conflict herewith:

<u>Ordinance No.</u>	<u>Date</u>
119 NS.	Adopted January 3, 1933
243 N.S.	Adopted June 5, 1933
2680 N.S.	Adopted June 8, 1943
3323 N.S.	Adopted January 7, 1947
6719 N.S.	Adopted October 25, 1955
6735 N.S.	Adopted November 3, 1955




<u>Ordinance No.</u> (continued)	<u>Date</u>
10958 N.S.	Adopted December 5, 1972
10968 N.S.	Adopted January 2, 1973

Section 3. That area, as described in the appended boundary description, on file in the office of the City Clerk as Document No. 765388 in the City of San Diego, California, within the boundaries of that planned district designated "Mission Beach Planned District," together with designated subdistricts on Zone Map Drawing No. C-637, filed in the office of the City Clerk as Document No. 765389, and it is hereby incorporated into the Mission Beach Planned District . . . as such district, together with its various subdistricts, is described and defined by Chapter X, Article 3, Division 5 of the San Diego Municipal Code.

Section 4. 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  
Chief Deputy City Attorney

FCC/Word Proc.  
12/18/78  
Or.Dept.:Planning.

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_,  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<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"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" 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.

**CHARLES G. ABDELNOUR**

City Clerk of The City of San Diego, California.

(Seal)

By E. J. Cook, 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

DEC 19 1978

JAN 2 1979

, 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.

**CHARLES G. ABDELNOUR**

City Clerk of The City of San Diego, California.

(Seal)

By E. J. Cook, Deputy.

RECEIVED  
CITY CLERK'S OFFICE  
1978 DEC 19 11 31 AM  
SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California	
Ordinance Number	<b>12540</b> Adopted _____

*sk*

ATTORNEY(S)

San Diego, City of  
12th Floor, City Admin. Bldg.  
202 C St.  
San Diego, Ca 92101  
Attn: Earnest H. Cook

RECEIVED  
CITY CLERK  
JAN 30 1979 2 46  
SAN DIEGO, CALIF.

CERTIFICATE OF PUBLICATION

No. 12540

IN THE MATTER OF

REPEALING CERTAIN ZONING ORDINANCES

I **PATRICIA M. SPAULDING**, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

SYNOPSIS OF ORDINANCE NO. 12540

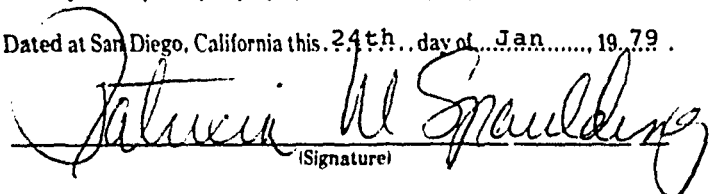
**SYNOPSIS OF  
ORDINANCE NO. 12540**  
(New Series)  
**AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, OF THE  
SAN DIEGO MUNICIPAL CODE BY ADDING THERE TO DIVI-  
SION 5, MISSION BEACH PLANNED DISTRICT REGULATIONS,  
SECTIONS 100.0800 THROUGH 100.0809, AND REPEALING CERTAIN  
ZONING ORDINANCES IN CONFLICT HEREWITH.**  
An ordinance establishing regulations for the Mission Beach Planned District containing a comprehensive program of land use regulations and uses for Mission Beach. Areas for various residential densities are established and provisions made for developmental regulations. Commercial areas are identified and permitted uses listed. Height, setback, height limits, side yard and set back regulations are established. The provisions of this ordinance supersede prior zoning and development regulations for the Mission Beach Planned District.  
A complete copy of the ordinance is available for inspection in the office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 "C" St., San Diego, CA 92101.  
Introduced on December 19, 1978.  
Passed and adopted by the Council of The City of San Diego on January 2, 1979.  
**AUTHENTICATED BY:**  
**STE WILSON,**  
Mayor of The City of San Diego, California.  
**CHARLES G. ABDELNOUR,**  
City Clerk of The City of San Diego, California.  
By **EARNEST H. COOK, Deputy.**  
**SEAL**  
Published January 16, 1979. (00-1489)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to-wit:

January 16, 1979

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 24th day of Jan., 1979.

  
(Signature)

5 1/2" - 33.39