

ORDINANCE NUMBER O- 16265 (New Series)

Adopted on AUG 20 1984

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY
ADDING SECTION 101.0426.1, RELATING TO CV
(COMMERCIAL VISITOR - SERVICE) 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, and the same is hereby amended by adding Section 101.0426.1, to read as follows:

SEC. 101.0426.1 CV (COMMERCIAL VISITOR -
SERVICE) ZONE

A. PURPOSE AND INTENT

The CV Zone is primarily intended to provide for establishments catering to the lodging, dining, and shopping needs of visitors. The CV Zone will usually be applied adjacent to major recreational resource areas and along major access routes leading to such areas. The CV Zone regulations seek to encourage an aesthetically pleasing environment and ample off-street parking.

B. PERMITTED USES

In the CV 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: (provided that no premises shall

contain drive-thru or drive-in facilities unless approved under a Planned Commercial Development Permit; and, further provided, that ground floor occupancy shall be limited to those uses identified in Subparagraphs (1) and (2), below):

1. Hotels and motels.

2. Retailing of goods and services from the following establishments:

a. Agencies for tickets, travel, and car rental.

b. Antique shops.

c. Apparel shops.

d. Art stores and art galleries.

e. Bakeries.

f. Barber shops and beauty shops.

g. Bicycle shops, including rental and repair.

h. Book stores.

i. Cocktail lounges.

j. Confectioneries.

k. Delicatessens.

l. Drug stores.

m. Florists.

n. Food stores.

o. Gift shops.

p. Greeting card shops.

q. Hobby shops.

r. Jewelry shops.

- s. Laundromats.
- t. Liquor stores.
- u. Music stores.
- v. Photographic equipment stores and outlets.
- w. Restaurants, including outdoor dining.
- x. Shoe stores and shoe repair shops.
- y. Sporting good stores, including rental and repair.
- z. Stationers.

3. The following uses shall be permitted; provided, however, that none may occupy any portion of the ground floor of any building:

- a. Business and professional offices (excluding employment agencies and hiring halls).
- b. Private clubs, lodges, and fraternal organizations.
- c. Studios for teaching art and music.
- d. Apartments.

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

5. Any uses which, in the opinion of the Planning Director or Planning Commission, are

similar in character to the uses enumerated in this Section and are clearly within the intent and purpose of this zone. Any such finding by the Planning Director shall be final unless an appeal in writing is filed with the Planning Director within 15 days from the date of action by the Director. In the event of such appeal, the Director shall cause the matter to be presented to the Commission at a public hearing and the Commission shall make the final determination. The adopted resolution embodying any such finding shall be filed in the office of the City Clerk.

6. Accessory uses for any of the foregoing permitted uses including on-premises signs constructed, fabricated, erected, installed, attached, fastened, placed, positioned, operated, and abated in accordance with the regulations as set forth in Chapter X, Article 1, Division 2, and Chapter IX, Article 5, Division 1 of this Code.

C. SPECIAL DEVELOPMENT REGULATIONS

1. All uses except off-street parking, outdoor dining facilities, signs, and the storage and display of those items listed in Paragraph "E.," shall be operated entirely within enclosed buildings.

2. Artificial lighting used to illuminate the premises shall be directed away from adjacent properties.

D. ENCLOSURE REGULATIONS

1. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, or mechanical ventilator shall be erected, constructed, maintained, or altered anywhere on the premises unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls or visual screening with construction and appearance similar to the main building.

2. A minimum of 32 square feet of on-site refuse collection area shall be provided on each lot or premises, and shall not be located in any front or street side yard. Said area shall be screened by a solid fence or wall with a minimum height of four feet, or the height of the refuse container, whichever is greater; provided that a six foot solid wall or fence shall be constructed between any such container and any adjoining residentially zoned property. In all cases where a lot or premises is served by an alley, all refuse collection areas shall be directly accessible to such alley.

3. 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 except on public alleys; provided, however, that within any required front yard such wall shall be reduced in height to three feet.

E. OUTDOOR DISPLAY AND STORAGE REGULATIONS

1. The following listed merchandise sold or rented on the premises may be displayed outdoors without screening walls or fences, except along property lines that abut residentially zoned lots:

- a. Artwork and pottery.
- b. Flowers and plants.
- c. Food products.
- d. Handcrafted products and goods.
- e. Recreational equipment rentals such as roller skates, bicycles, and surfboards.
- f. Any other merchandise which the Planning Director or the Planning Commission on appeal as set forth in Paragraph "B.4." may find to be similar in character, type, or nature to the merchandise listed in Paragraph "E.1." The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

2. All other merchandise sold on the premises may be displayed outdoors during hours of operation, provided that the display area is completely enclosed by walls, fences, buildings or landscape screening, or a combination thereof.

3. All walls and fences required in Paragraph "E.2.," above, shall be a minimum of six feet in height and shall be constructed and maintained with not less than 50 percent of the surface area impervious to light. The location, materials, and design of required walls and fences shall be subject to approval by the Zoning Administrator. Whenever feasible, the approval of the Zoning Administrator shall be based upon the similarity of architectural design and appearance of the wall or fence to existing buildings on the premises, or to buildings being constructed concurrently on the premises. Any decision of the Zoning Administrator relating to walls or fences may be appealed to the Board of Zoning Appeals in accordance with the procedures set forth in Chapter X, Article 1, Division 5 of this Code. Such walls or fences shall be maintained in accordance with the provisions set forth in Chapter X, Article 1, Division 6 of this Code.

F. MINIMUM LOT AREA AND DIMENSIONS

1. Area - 5,000 square feet.

2. Street frontage - 50 feet.

3. Width - 50 feet.

4. Depth - 100 feet.

5. 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.

G. MINIMUM YARDS

1. Front: ten feet.

2. Side:

a. Interior - none, except that a five-foot side yard shall be provided if any portion of the side lot abuts residentially zoned property. Such side yard shall be increased three feet for each story above two.

b. Street - five feet.

c. Rear - none, 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.

H. MAXIMUM FLOOR AREA RATIO

The maximum floor area ratio shall be two (2.0).

I. 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 the same development standards as other permitted uses in the CV Zone, provided that the area used for residential purposes is located above the ground floor. No lot or parcel shall be developed or occupied by more than one dwelling unit for every 1,500 square feet of lot area.

J. LANDSCAPING REGULATIONS

1. 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 this 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 document entitled, "Developmental Standards and Operational Standards - Landscaped Strips."

2. When landscape screening is used to enclose areas used for outdoor display or storage, a landscape screening proposal shall be submitted to the Zoning Administrator for review and approval. The landscape screening shall be developed in conformance with standards adopted by the Planning Commission as set forth in the document entitled, "Development and Maintenance standards - Landscaping," 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 this Code. Landscape screening shall be permanently maintained in accordance with the adopted standards referred to above.

K. 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, except as otherwise provided in Division 8 of this Article, as follows:

a. For residential development - 1.3 spaces for each dwelling unit containing not more than one bedroom; and 1.6 spaces for each dwelling unit containing two or more bedrooms.

b. For hotel and motel uses - one parking space for each guest room or suite.

c. For private clubs and other similar establishments - one parking space for each guest room or one parking space for each 400 square feet of gross floor area, whichever is greater.

d. For restaurants - one parking space for each 200 square feet of gross floor

area.

e. For all commercial retail, office, service and similar establishments - one parking space for each 400 square feet of gross floor area.

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

L. COASTAL ZONE REGULATIONS

Within the Coastal Zone, the following regulations shall be supplementary to, and in the event of conflict shall supersede, the regulations set forth or referenced in preceding paragraphs of this Section.

1. Vertical Facade Offsets

Any continuous facade greater than 50 feet in length shall be provided with recessed offsets or indentations extending the full height of the facade at not more than 50 foot intervals. Such recessed offsets or indentations shall each have a minimum average depth of two feet, and a minimum length of four feet measured along the vertical plane of the facade, and their inward angles shall be not less than 30 degrees when measured from such plane.

2. Driveways (see also Paragraph "K.")

A maximum of one driveway for every 100 feet of street frontage shall be permitted for each

premises; provided that for lots with less than 100 feet of street frontage, one driveway shall be permitted for each frontage. No driveway shall exceed a width of 25 feet measured at the property line, and there shall be no less than 45 feet measured at the property line between driveways serving the same lot or premises.

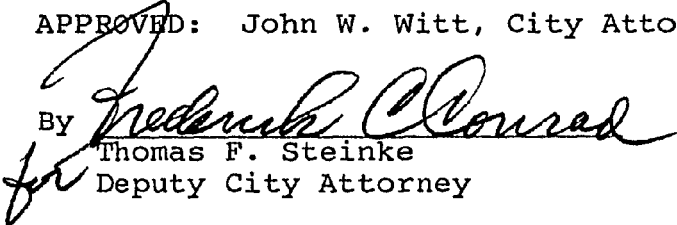
3. Required parking on ground floor (see also Paragraph "K.")

Not more than 50 percent of the ground floor may be used for required off-street parking.

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


Thomas F. Steinke
Deputy City Attorney

TFS:ta:630
O-83-9
7/2/82
REV. 7/7/83
Or.Dept:Plan.
Form=r.none

AUG 20 1984

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"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmas	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Barbara Baxter*, 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

AUG 7 1984

AUG 20 1984

_____, 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 *Barbara Baxter*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number O-16265 Adopted AUG 20 1984

RECEIVED
CITY CLERK'S OFFICE
1983 JUL -7 PM 2:09
SAN DIEGO, CALIF.

1983 JUL 7

1983 JUL 7

1983 JUL 7

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
1984 SEP 10 AM 8:46
SAN DIEGO, CALIF.

CITY OF SAN DIEGO
202 C St., 12th Floor
San Diego, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NO. O-16265

**ORDINANCE NO. O-16265
(NEW SERIES)**

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 101.0426.1, RELATING TO CV (COMMERCIAL VISITOR - SERVICE) ZONE.

This ordinance amends that division of the San Diego Municipal Code relating to land use zones by adding the CV (Commercial Visitor Service) Zone to provide for establishments catering to the lodging, dining, and shopping needs of visitors by limiting the type and location of permitted uses; by providing special development, landscaping and off-street parking regulations; and by establishing, within the Coastal Zone only, property development regulations that require a building facade offset and limit driveway width and spacing.

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" Street, San Diego, CA 92101.

Introduced August 7, 1984

Passed and adopted by the Council of The City of San Diego August 20, 1984

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

By BARBARA BAXTER Deputy

(SEAL)

Pub. Sept. 3, 1984

60-8874

I, Carrie Gedeon, 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

ORDINANCE NO. O-16265
(NEW SERIES)

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:

September 3, 1984

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

Dated at San Diego, California this 3rd day of Sept., 1984.

Carrie Gedeon
01377 (Signature)

5" x 9.76 = 48.80