

16630

ORDINANCE NUMBER O- _____ (NEW SERIES)

ADOPTED ON APR 28 1986

AN ORDINANCE AMENDING CHAPTERS IX AND X OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 95.0127, 101.0640, 101.0641, 101.1900, 101.1901, 101.1902, 101.1902.1, 101.1902.2, 101.1902.3, 101.1903, 101.1904, 101.1905, 101.1906, 101.1907, 101.1908, 101.1909, 101.1910, 101.1911, 101.1912, 101.1913 AND 101.1914; BY AMENDING SECTIONS 95.0106, 95.0126, 101.0303, 101.0407, 101.0410, 101.0414, 101.0430, 101.0435.1, 101.0435.2, 101.0436, 101.0456, 101.0802, 101.0803, 101.0806, 101.0816, 101.0821, 101.0900, 101.1101.1, 101.1110, 101.1112, 101.1117.1, 101.1118.1, 101.1118.3, 101.1120.4, 101.1120.9, 101.1126, 103.0526.4, 103.0802.1, 103.0804.2, 103.0805.2 AND 103.1305; AND BY ADDING SECTIONS 101.0608 AND 101.1101.162.

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

Section 1. That Chapters IX and X of the San Diego Municipal Code be and the same are hereby amended by repealing Sections 95.0127, 101.0640, 101.0641, 101.1900, 101.1901, 101.1902, 101.1902.1, 101.1902.2, 101.1902.3, 101.1903, 101.1904, 101.1905, 101.1906, 101.1907, 101.1908, 101.1909, 101.1910, 101.1911, 101.1912, 101.1913 and 101.1914.

Section 2. That Chapters IX and X of the San Diego Municipal Code be and the same are hereby amended by amending Sections 95.0106, 95.0126, 101.0303, 101.0407, 101.0410, 101.0414, 101.0430, 101.0435.1, 101.0435.2, 101.0436, 101.0456, 101.0802,

101.0803, 101.0806, 101.0816, 101.0821, 101.0900, 101.1101.1,
101.1110, 101.1112, 101.1117.1, 101.1118.1, 101.1118.3,
101.1120.4, 101.1120.9, 101.1126, 103.0526.4, 103.0802.1,
103.0804.2, 103.0805.2 and 103.1305, to read as follows:

SEC. 95.0106 SIGN PERMIT APPLICATION

Application for a Sign Permit shall be made in writing upon forms provided by the City and shall state the following information:

A. (No change.)

B. (No change.)

C. (No change.)

E. A fully dimensioned plot plan, drawn to scale, indicating the location of the sign relative to property line, rights-of-way, streets, sidewalks, and other buildings or structures on the premises.

F. (No change.)

G. (No change.)

H. (No change.)

I. (No change.)

SEC. 95.0126 ENFORCEMENT

A. It shall be unlawful for any person to erect, place, construct, reconstruct, alter, maintain or move any sign, or to do any act contrary to any provision contained in this division of this Code.

B. Every person who violates any of the provisions of the Code, or who causes, suffers, or permits any act or thing to be done in contravention or in violation of any of the provisions of this Code, or who neglects or refrains from doing anything required to be done by any of the provisions of this Code, or who carries out or who suffers, causes, or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this Code, or who fails to comply with any order, direction, or notice given under this Code, may be deemed to be guilty of a misdemeanor. For each day that a violation is permitted to exist, it shall constitute a separate offense.

C. (No change.)

D. In the event the Planning Director determines that a sign does not conform to the provisions of this Code, the Planning Director may give written notice to the owner of the sign or, if the sign owner cannot be located, to the owner of the building or premises upon which the sign is located. Failure to remove the sign or correct the conditions existing when written notice is given within the time specified in the written notice shall constitute a violation of this Code.

E. (No change.)

F. (No change.)

G. (No change.)

H. In addition to any other remedy provided by this Code any provision of this division of the Code may be enforced by injunction issued by the Superior Court upon a suit brought by The City of San Diego.

**SEC. 101.0303 CONTINUANCE OF NONCONFORMING USES AND
STRUCTURES**

The lawful use of land existing at the time the Zone Ordinance became effective, with which ordinance such use did not conform, may be continued provided no enlargement or addition to such use is made.

The lawful use of buildings existing at the time the Zone Ordinance became effective, with which ordinance such building did not conform with respect to the development regulations, may be continued provided any enlargements, additions or alterations to such building will not increase its degree of nonconformity and will conform in every respect with the development regulations of the zone in which the building is located, except as hereinafter provided by zone variance.

Any discontinuance of a nonconforming use for a continuous period of 12 months shall be deemed to constitute abandonment of any nonconforming rights existing at the time of the enactment of the ordinance.

Any change from a nonconforming use of land or buildings to a more restrictive or conforming use shall constitute abandonment of such nonconforming rights.

Repairs and alterations which do not increase the degree of nonconformity of a nonconforming building, structure, sign, advertising display, or improvement, nor increase the size or degree of nonconformity of a use, may be made provided that the aggregate value of such repairs or alterations shall not exceed 50 percent of its fair market value, according to the assessment

thereof by the County Assessor for the fiscal year during which the repairs and alterations occur. The terms "repairs" and "alterations" do not include painting or replacement of exterior stucco siding, or shingles.

If any nonconforming building, sign, advertising display, or use be destroyed by fire, explosion, act of God or act of the public enemy to the extent of 50 percent or more of the fair market value, according to the assessment thereof by the County Assessor for the fiscal year during which such destruction occurs, then and without further action by the City Council, the said building, sign, advertising display, or use and the land on which said building was located or maintained shall from and after the date of such destruction be subject to all the regulations specified by the Zone Ordinance for the district in which such building was located. The provisions of this paragraph shall not apply to any nonconforming building for which a Reconstruction Permit has been or is obtained pursuant to Municipal Code Sections 101.0500 and 101.0502.

If the use is a medical or counseling service and is prohibited pursuant to Sections 101.0410.B.9.c., 101.0423.B.1., 101.0426.B.1., 101.0427.B.1., or 101.0435.2.B.11.e., and if such use existed on the effective date of the ordinance enacting the provisions of this paragraph, it shall become a nonconforming use and shall be governed by the provisions of this section. Any such medical or counseling service existing on the effective date of the ordinance shall have 90 days to cease operation, after which time the service shall be unlawful at that site and shall

constitute a violation of this Code unless a Conditional Use Permit is obtained in accordance with Section 101.0506.7.

SEC. 101.0407 R-1 ZONES

A. (No change.)

B. (No change.)

1. (No change.)

2. (No change.)

3. Temporary real estate sales offices, model homes and identification signs in new subdivisions under the following conditions:

a. (No change.)

b. (No change.)

c. (No change.)

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

a. Not more than two lodgers, provided that these are housed within a one-family dwelling and the premises are in zone R-1-5.

b. The growing of all types of plants, grasses, and trees; provided, however, that all fertilizer, empty containers, and nursery supplies are stored back of the front 70 feet or within the rear 30 percent of the lot, entirely within an enclosing fence impervious to light and debris or entirely within a completely enclosed building. This paragraph does not permit the sale of any product, crop or merchandise on the premises.

5. Signs.

Each primary and companion dwelling shall be permitted to display the following signs:

- a. (No change.)
- b. (No change.)
- C. (No change.)
- D. (No change.)
- E. (No change.)

SEC. 101.0410 R (MULTIPLE FAMILY RESIDENTIAL) ZONES

- A. (No change.)
- B. (No change.)
- C. (No change.)
- D. (No change.)
- E. (No change.)
- F. (No change.)
- G. (No change.)

1. (No change.)

a. (No change.)

b. Minimum Yard. The minimum front, street side and rear yard may be used if a full-height vertical offset in no less than 50 percent of pertinent building wall is provided. This option is permitted if for all standard yard encroachments, an equal yard area is provided behind the standard yard as shown in Illustration A.

c. For any portion of a lot which fronts on a street having a radius of curvature of less than 100 feet, the standard front yard shall be 10 feet, and the minimum yard, five feet.

d. (No change.)

e. (No change.)

2. (No change.)

3. (No change.)

H. (No change.)

1. (No change.)

2. (No change.)

3. (No change.)

a. (No change.)

1. That an exterior usable area (as defined in Section 101.0101.49) shall be provided equal to 20 percent of lot area, or 150 square feet per dwelling unit, whichever is greater, and

2. (No change.)

b. (No change.)

c. (No change.)

d. (No change.)

e. (No change.)

4. (No change.)

I. (No change.)

J. (No change.)

K. (No change.)

1. (No change.)

- a. (No change.)
- b. (No change.)
- c. (No change.)
- d. (No change.)
- e. (No change.)
- f. (No change.)
- g. (No change.)
- h. (No change.)
- j. (No change.)
- k. (No change.)

1. For accessory uses permitted under provisions of "B.12.c." and "B.12.d." above, except for restaurants and bars - one space for each 400 square feet of gross floor area shall be provided.

2. (No change.)

3. (No change.)

4. (No change.)

5. Maximum Driveway Width. No driveway shall exceed a width of 25 feet within a required front or street side yard or at any point between a property line and an established setback line and there shall be no less than 45 feet measured at the property line between driveways serving the same premises. Driveways shall be so located as to provide at least one on-street parking space for each 50 feet of frontage of the premises, the said on-street parking space being not less than 20 feet in length measured along a full height curb; provided, however, that an alternative driveway

spacing and location may be approved by the City Manager and Planning Director if such alternative will result in a maximum number of on-street parking spaces being provided.

L. (No change.)

M. (No change.)

SEC. 101.0414

RV ZONE

A. (No change.)

B. (No change.)

1. (No change.)

2. (No change.)

3. (No change.)

4. (No change.)

5. (No change.)

6. (No change.)

7. (No change.)

a. (No change.)

b. (No change.)

c. (No change.)

d. (No change.)

e. (No change.)

(1) Wall signs as defined in Section 101.1101.240 provided that no such sign shall project above the parapet or eaves of the building to which affixed. In addition, one single-faced or double-faced ground sign facing or adjacent to each street abutting the property. The height of any

ground sign shall not exceed eight feet measured vertically from the base at ground level to the apex of the sign. Permanent or changeable copy of each wall or ground sign may include on-premises or public interest messages.

(2) (No change.)

(3) (No change.)

(4) (No change.)

(5) (No change.)

8. (No change.)

C. (No change.)

D. (No change.)

E. (No change.)

F. (No change.)

G. (No change.)

SEC. 101.0430

C-1 ZONE

A. (No change.)

B. (No change.)

C. (No change.)

D. (No change.)

1. (No change.)

2. (No change.)

3. (No change.)

4. (No change.)

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-1500 zone as set forth in Section 101.0410 of this Code. 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. (No change.)

7. (No change.)

E. (No change.)

F. (No change.)

1. (No change.)

a. (No change.)

b. (No change.)

c. (No change.)

1) (No change.)

2) (No change.)

3) (No change.)

4) Newspaper plants, if the floor area to be occupied for such use were to exceed 5,000 square feet per establishment.

5) (No change.)

d. Apartments, provided that dwelling units shall not be permitted on the ground floor of any building on the front half of the lot or premises.

2. (No change.)
3. (No change.)
4. (No change.)

SEC. 101.0435.1 M-IP (MANUFACTURING-INDUSTRIAL PARK) ZONE

A. (No change.)

B. (No change.)

1. (No change.)
2. (No change.)
3. (No change.)
4. (No change.)

a. (No change.)

b. (No change.)

c. (No change.)

d. (No change.)

e. (No change.)

f. (No change.)

j. (No change.)

k. Office and home furniture and furnishings.

5. (No change.)

6. (No change.)

7. (No change.)

a. (No change.)

b. (No change.)

- c. (No change.)
- d. (No change.)
- e. (No change.)
- f. (No change.)
- g. (No change.)
- h. (No change.)
- i. (No change.)
- j. Surveyors.
- k. (No change.)
- l. (No change.)
- m. (No change.)
- n. (No change.)
- o. (No change.)
- p. (No change.)
- q. (No change.)
- 8. (No change.)
- 9. (No change.)
- C. (No change.)
- D. (No change.)
- E. (No change.)
- F. (No change.)

SEC. 101.0435.2 M-1B ZONE

- A. (No change.)
- B. (No change.)
 - 1. (No change.)
 - 2. (No change.)

3. (No change.)
4. (No change.)
5. (No change.)
6. (No change.)
7. (No change.)
8. (No change.)
9. (No change.)
10. (No change.)
11. (No change.)

- a. (No change.)
- b. (No change.)
- c. (No change.)
- d. (No change.)

e. Business and professional office uses, including, but not limited to, accountants, advertising agencies, architects, attorneys, contractors, doctors, engineers, financial institutions, insurance agencies, medical clinics (no overnight patients), photographers, real estate brokers, securities brokers, surveyors and graphic artists.

Such lot or parcel may not be used by one or more practitioners who, among them, medically treat, or medically or psychologically counsel, on a group or individual basis, five or more persons in one calendar year who have committed, been charged by criminal indictment or complaint or convicted of a sex-related offense outside the family unit as defined in the

California Penal code, Part 1, Title 9, Chapter 1, or in Sections 286, 286.5, 288, 288a, 289 or Chapter 5, or in Section 314 of Chapter 8, or any amendment or recodification or any such sections, if such lot or parcel is located within 1,000 feet of any premises occupied by an elementary, junior or senior high school, except that such use is permitted by organizations described in Section 101.0503 A.1, 4, 8, and Sections 101.0506 A.3, 4, 8, 10, 12, or the office use shall become a nonconforming use and be subject to Section 101.0303. This restriction applies only to medical and counseling services which are directly related to physical or psychological treatment for the sex-related offenses committed and described in the above California Penal Code sections. Court ordered forensic evaluations are exempt services.

12. (No change.)

13. (No change.)

14. (No change.)

C. (No change.)

D. (No change.)

E. OFF-STREET PARKING REGULATIONS

Forty percent of the total area of the lot or premises shall be used for automobile parking areas, driveways, and off-street loading platforms and docks. Any areas set aside for parking shall have clear and unobstructed access of at least ten feet in width to a public street. Other parking regulations shall be as contained in Division 8 of this Article.

F. (No change.)

SEC. 101.0436

M-1A ZONE

In the M-1A Zone, no building or premises shall be erected, constructed, converted, established, altered, and/or enlarged or used except for one or more of the uses permitted in the M-1 Zone under conditions and requirements set forth in Section 101.0437, provided however:

A. (No change.)

B. That one-half of the total area of the property within M-1A Zone shall be used for automobile parking areas, driveways, and off-street loading platforms and docks; any areas set aside for parking shall have clear and unobstructed access of at least ten feet in width to a public street; and further providing that (except ways of ingress and egress), the perimeter of said M-1A Zone property adjoining streets, highways and public places shall consist of a ten foot planting strip; that the areas herein required for said ten-foot strip may be deducted from the areas herein required for parking. Other parking regulations shall be as contained in Division 8 of this Article.

C. (No change.)

D. (No change.)

E. (No change.)

F. (No change.)

G. (No change.)

H. (No change.)

SEC. 101.0456

MISSION TRAILS DESIGN DISTRICT

- A. (No change.)
- B. (No change.)
 - 1. (No change.)
 - 2. (No change.)
 - a. (No change.)
 - b. (No change.)
 - c. Subarea 3.

This subarea shall include two portions of the Mission Gorge area adjacent to the boundaries of the Mission Trails Regional Park:

(1) The western portion shall be that area immediately adjacent to the Park boundary along the San Diego River, bounded on the north by the northwest boundary of CUP No. 238PC, on the west by a line extending 1,000 yards from the park boundary then following the M-1B Zone boundaries, and on the south by Mission Gorge Road.

(2) The eastern portion shall include all that area within the City limits east of the Park boundary along the San Diego River, and south of the unincorporated strip of land. The City-owned portion of the eastern Mission Gorge area within Subarea 3 shall be zoned and retained only for open space uses consistent with the adopted General Plan.

SEC. 101.0802

EXISTING PARKING NOT TO BE REDUCED

Notwithstanding any other provisions of this Article, existing off-street parking facilities in any zone which were provided on the same premises and maintained before parking was required and which serve a use now requiring off-street parking shall not be reduced in number, dimension or any other manner below the requirements of the use as set forth in Division 4 of this Article.

SEC. 101.0803

USE OF REQUIRED PARKING SPACES

Required off-street parking spaces and parking areas shall be used only for the parking of usable vehicles of residents, employers, employees, customers and visitors, as appropriate to the permitted uses of each zone or district.

SEC. 101.0806

BEDROOMS DEFINED

For the purpose of calculating off-street parking requirements for dwelling units, the following shall be considered as bedrooms if they contain 70 square feet or more of superficial floor area:

- a. (No change.)
- b. (No change.)
- c. (No change.)
- d. (No change.)
- e. (No change.)

SEC. 101.0816

SURFACING

All parking spaces, parking areas, loading areas, and driveways shall be surfaced with asphaltic concrete at least two inches in depth or its equivalent as determined by the City Engineer.

SEC. 101.0821

TANDEM PARKING

In all residential zones, and for residential uses in nonresidential zones, tandem parking shall be permitted, subject to the following conditions:

1. (No change.)
2. That all tandem parking areas, notwithstanding provisions of Section 101.0813, shall have a minimum width of eight and one-half feet and a minimum depth of 35 feet.
3. (No change.)
4. That each tandem parking area (8-1/2 x 35) in an R (Multiple Family Residential) Zone, or serving a residential use in a non-residential zone, shall suffice to meet the parking requirement for one dwelling unit only. Parking requirements for units not served by tandem parking shall be calculated independently.

SEC. 101.0900

PLANNED RESIDENTIAL DEVELOPMENTS

- A. (No change.)
- B. (No change.)
- C. (No change.)
- D. (No change.)

- E. (No change.)
- F. (No change.)
- G. (No change.)
- H. (No change.)
- I. (No change.)
- J. (No change.)
- K. (No change.)
- L. (No change.)

1. (No change.)

2. Open Space. The open space provided on the property shall not be less than that shown in the following table.

<u>ZONE</u>	<u>TOTAL REQUIRED OPEN SPACE PER D.U. (sq. ft.)</u>	<u>REQUIRED USABLE OPEN SPACE PER D.U. (sq. ft.)</u>
A-1-1, A-1-5, A-1-10	28,000	14,000
A-1-10, A-1-5 Rural Cluster	3,000	1,500
R1-40000	28,000	14,000
R1-20000	12,000	6,000
R1-15000	9,000	4,500
R1-10000	6,000	3,000
R1-8000	4,800	2,400
R1-6000	3,600	1,800
R1-5000	3,000	1,500
R-3000	1,800	900
R-2500	1,500	750
R-2000	1,200	600
R-1750	1,050	525
R-1500	900	450
R-1250	700	300
R-1000	500	250
R-800	400	200
R-600	300	150
R-400	200	100
R-200	100	50
RV	500	250
RV (Coastal Zone)	900	450

If the property involved is composed of land falling in two or more residential zones, the amount of open space

required in the development shall be the sum of the open space required in each of the residential zones. Within the Planned Residential Development, the required open space may be distributed without regard to the underlying zoning. The usable open space as determined from the above table shall be composed of moderately level land having an overall grade not exceeding ten percent and shall not include land occupied by buildings, structures, streets, driveways or parking areas or any land proposed to be dedicated to the City as open space. The usable open space may, however, be occupied by recreational facilities, excluding buildings, including the following:

Swimming pools, golf courses, tennis, basketball, volleyball and badminton courts, open handball courts, children's play areas and accompanying equipment, baseball diamonds, shuffleboard courts, croquet and lawn bowling facilities, walks and riding trails, picnic and barbecue facilities and any other use which the Planning Director may find to be similar in character to the uses enumerated in this paragraph and consistent with the purpose and intent of Section 101.0900. That portion of the required total open space not designated as usable open space may be occupied by any improvement except buildings. Areas not occupied by improvements may be landscaped or left in their natural state. Areas left in a natural state shall be kept free of litter and debris and shall at no time constitute a health, safety or fire hazard.

All or part of the required open space may be owned in common by the occupants of the development. If open space is to be owned in common, provision acceptable to the City shall be made for its preservation and maintenance.

If an Affordable Housing Density Bonus Agreement or a Density Bonus and Affordable Housing Deviation has been approved, the open space shall be the total of the following:

a. Open space based on the zone in which the property is located times the number of dwelling units permitted in that zone; plus

b. Open space based on the next less restrictive zone times the number of dwelling units in excess of the number permitted in the zones in which the property is located.

When the property is developed under the rural cluster concept, the total required open space and the required usable open space shall be contained in the area of the cluster development rather than the total site which is used for calculating density.

3. (No change.)

4. (No change.)

5. (No change.)

6. (No change.)

M. (No change.)

N. (No change.)

O. (No change.)

P. (No change.)

00450

Q. (No change.)

R. (No change.)

S. (No change.)

SEC. 101.1101.1 ADMINISTRATOR

This Sign Code Administrator who shall be the Planning Director or a designated representative.

SEC. 101.1110 SIGN REGULATIONS

The City-wide sign regulations embodied in Chapter IX, Article 5, Division 1, and Chapter X, Article 1, Division 11, of this Code shall be applicable to all existing and future zones unless there are specific exceptions. The following are excepted from the provisions of Chapter X, Article 1, Division 11:

A. (No change.)

B. (No change.)

C. (No change.)

D. Those uses permitted by Conditional Use Permits granted by the City; provided, however, that any such permit must be issued in full compliance with the provisions embodied in Chapter X, Article 1, Division 5 of this Code; and further provided, that this exception shall not apply unless the Conditional Use Permit contains comprehensive conditions regulating the use of specifically permitted signs.

E. (No change.)

F. (No change.)

SEC. 101.1112 GROUND SIGNS (FREESTANDING)

A. Number and size permitted. One multi-faced ground sign is permitted for each premises having frontage on a public right-of-way. Where a premises has a frontage greater than 250 feet along the same right-of-way such a premises is permitted to have two ground signs, plus one ground sign for every additional 250 feet of frontage. If there are two or more ground signs per premises on the same frontage, the total square footage for each sign is to be 50 percent less than set out in Table I. Where the premises is under single occupancy, the sole occupant may elect to combine the allowable area of two or more ground signs, where permitted, into one ground sign with a maximum allowable area not to exceed one-half square foot for every one linear foot of frontage along the same right-of-way, up to 200 square feet maximum per face.

B. More than one frontage. Where a premises fronts on more than one public right-of-way or street excluding alleys and serviceways the provisions of paragraph "A," of this section and Table I shall apply to each frontage. Each frontage is to be considered separately for determination of ground sign allowances.

C. (No change.)

D. Area. The maximum permitted area of a ground sign, except when two or more signs are combined, shall not exceed the figures shown in Table I for each face of a double-faced sign or for the sole face of a single-faced ground sign. If a sign has more than two faces, the total area may not exceed twice the area permitted for one face.

TABLE I

MAXIMUM PERMITTED AREAS OF GROUND SIGNS

(No change to Table I.)

- E. (No change.)
- F. (No change.)
- G. (No change.)
- H. (No change.)
- I. (No change.)
- J. (No change.)
- K. (No change.)
- L. (No change.)
- M. (No change.)

SEC. 101.1117.1 ROTATING AND REVOLVING SIGNS

A. The Zoning Administrator or Sign Code Administrator may approve a Conditional Use Permit for a rotating sign, providing the applicant has established to the satisfaction of the Zoning Administrator or Sign Code Administrator that no alternative sign type exists that will provide reasonable opportunity for the applicant to communicate. If the Zoning Administrator or Sign Code Administrator makes the finding required herein, a rotating sign may be approved, providing such sign conforms to the following provisions. The provisions of Municipal Code Section 101.0503, paragraph "B.," shall apply to an application for a Conditional Use Permit for a rotating sign.

- 1. (No change.)
- 2. (No change.)

00453

3. Location restrictions. If adjacent premises on the same side of the street contains an existing residence or apartment in a residential zone, existing hospital or home for the aged or convalescent home located within 100 feet horizontal line sight distance of the sign, or there is such land use within 100 feet of the street or intersection, no rotating or revolving or moving sign shall be permitted. Any such use established within the prescribed horizontal distance described herein subsequent to the installation of such sign shall not render the sign nonconforming for a period of four years.

B. (No change.)

SEC. 101.1118.1 THEATER MARQUEES

Theater marquee signs may be installed or altered only by obtaining a Conditional Use Permit from the Zoning Administrator or Sign Code Administrator. Theater marquee signs in existence prior to April 5, 1973, may remain in operation without obtaining a Conditional Use Permit.

**SEC. 101.1118.3 MARQUEES OTHER THAN THEATER PROHIBITED IN
COASTAL ZONE**

Within the Coastal Zone, signs on or attached to marquees other than theater marquees shall not be permitted.

**SEC. 101.1120.4 BANNERS, PENNANTS, FLAGS, STREAMERS,
 INFLATABLE DISPLAYS AND OTHER SIMILAR DEVICES.**

The erection and/or maintenance of strings, clusters and groupings of banners, pennants, flags, twirlers, propellers, flares, balloons, noise creating wind devices, inflatable displays and similar devices of carnival character, including wind devices activated by natural or artificial means, are not permitted except as indicated below:

- A. (No change.)
- B. (No change.)
- C. (No change.)
- D. (No change.)
- E. (No change.)

F. Inflatable Displays. Inflatable displays shall be permitted as provided for in paragraph G. of this section and Section 101.1116. No permit for an inflatable display shall be issued after December 31, 1986.

G. Special Permit. Wind signs such as streamers, banners, and pennants may be permitted for purposes other than that provided for in paragraph "D." of this section, and inflatable displays may be allowed by Special Permit granted by the Sign Code Administrator who shall, prior to giving approval, determine that the following conditions are met:

- 1. (No change.)
- 2. (No change.)
- 3. Removal Dates. Each Special Permit shall specify a removal date for removal of the streamers, banners, pennants

and inflatable displays. The permittee, or owner of the premises, or possessor of the premises, or owner of these devices shall be jointly and severally responsible for the prompt removal of such devices at the termination of the specified permit period. The Sign Code Administrator shall be responsible for conducting a field inspection on the third working day after the expiration date. If the inspection reveals noncompliance with the removal date, the posted cash deposit covering the installation shall be forfeited.

4. Posting of Cash Deposit. No Special Permit shall be approved by the Sign Code Administrator unless and until the applicant therefore has signed an agreement that all of the permitted devices shall be removed within three working days after expiration of the permit. Said agreement shall be accompanied by a cash deposit equivalent to four times the Permit Fee which deposit may be used to defray the costs of removal by the City in the event the permittee defaults upon the agreement. The permittee shall agree to allow, if necessary, City agents, upon five days' notice to the permittee and to the premises' owner of record, to enter said premises to remove such banners, pennants, streamers, and inflatable displays. No additional Special Permit for temporary banners, streamers, pennants and inflatable displays shall be approved for use on the premises, or by the permittee involved in a default action covered by this subsection, until the expiration of twelve calendar months from the date of removal of such devices.

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5. (No change.)

6. (No change.)

7. Materials. The permittee or permittee's agent shall specify the materials to be used for each installation. The Sign Code Administrator shall determine that the materials used will not fade, tear, rip, or otherwise become unsightly during the period of installation. If such a determination cannot be made, the Sign Code Administrator shall not issue the Special Permit. Structural materials and installation shall comply with the provisions of California State General Order No. 95.

8. Location Information. The Permit applicant or applicant's agent shall provide the Sign Code Administrator with locational diagrams drawn to scale, indicating both in plan and elevation views, the areas in which or on which the banners, streamers, pennants or inflatable displays are to be displayed. Calculation of square footage of maximum cross-section areas shall be included for inflatable displays. The specified locations may not be changed during the Permit period. The diagrams shall indicate the total number of lineal feet of devices suspended by wire in the air.

9. Conformity of Signs. The Sign Code Administrator shall not approve a Special Permit until it is determined that all other existing signs on the premises upon which the banners, streamers, pennants and inflatable displays are to be located, fully conform to the provisions of this Code.

10. Status Log. The Sign Code Administrator shall maintain a list of the current status of each installation by Special Permit, which shall be made available for public inspection.

**SEC. 101.1120.9 TEMPORARY SUBDIVISION DIRECTIONAL AND
IDENTIFICATION SIGNS**

A. (No change.)

B. (No change.)

1. Temporary off-premises subdivision directional and identification signs may be permitted by the Sign Code Administrator by the issuance of a subdivision directional sign permit. The Sign Code Administrator shall, if there appears to be a potential adverse impact due to the issuance of a permit, conduct a public hearing on the requested permit in accordance with the provisions set forth in Section 101.0502.

2. The Sign Code Administrator in making a decision on a request for a permit, shall take into consideration the guidelines set forth in the document, "TEMPORARY OFF-PREMISES SUBDIVISION DIRECTIONAL SIGNS - LOCATIONAL CRITERIA, CONSTRUCTION AND MAINTENANCE STANDARDS," a copy of which is on file in the office of the City Clerk as Document No. 00-16428.

a. The Sign Code Administrator may impose conditions upon the permit in accordance with above criteria and standards.

b. The Sign Code Administrator, in granting a permit shall find that there will be no detrimental effects upon adjacent properties.

c. The Sign Code Administrator shall also find that the permittee will adhere to all operational and maintenance standards and conditions imposed upon the permit.

d. The Sign Code Administrator shall charge a fee on a single subdivision basis. Such fee shall be consistent with the fee charged for a variance.

C. (No change.)

1. Each real estate sales office and each model home shall be permitted to display one sign not more than 16 square feet in area on the same premises advertising the subdivision in which the sales office or home is located. In addition, one double-faced or two single-faced signs with a total face area of not more than 160 square feet advertising the subdivision may be permitted at the entrance to the subdivision. In a Planned Residential Development, if the sign is to be placed farther than 50 feet in distance from the sales office, the location is subject to approval by the Sign Code Administrator as part of the Subdivision Sign Permit. No freestanding sign on the premises of a real estate office shall exceed a height of 12-feet measured vertically from the base at ground level to the apex of said sign, except that the sign may measure up to 16 feet in height when approved by the Sign Code Administrator as part

of the Subdivision Sign Permit. Each subdivision shall be permitted to display three flags for each model home allowed by paragraph "B.3.a." in Section 101.0407 except that six flags shall be allowed when there is only one model. Flags shall be three feet by five feet in dimension and a maximum of 20 feet in height. All above signs and flags shall be removed two years after the filing of the final subdivision map referred to in paragraph "B.3.a." above or two years after the issuance of the Occupancy Permit.

2. If the alternate location of the temporary real estate office or sales office sign is closer than 100 feet from any occupied dwelling unit not in the same subdivision, the occupant of said unit shall be notified of the proposed locations. If the signature of the occupant is obtained expressing no objection to the proposed location(s), the Sign Code Administrator may issue a Subdivision Sign Permit. A public hearing shall be conducted if there appears to be a potential adverse impact. If there is an objection to the proposed location(s), the Sign Code Administrator shall conduct a public hearing to determine if there is a potential adverse impact.

D. REVOCATION OF PERMIT

A permit shall be revoked by the Sign Code Administrator upon violation of any requirement of this Code, or of any condition, standard or criteria, or requirement of any permit granted, unless such violation is corrected within 15 days of notice of such violation, and any such permit may be revoked

for repeated violation of the requirements of this section or of the conditions of such permit, or where the Sign Code Administrator finds that the continuation of the permit will have detrimental effect upon the surrounding neighborhood. The Sign Code Administrator may conduct a public hearing on the revocation.

SEC. 101.1126 "PAINTED" GRAPHICS

Painted graphics as defined in Section 101.1101.170 of this Code are not to be considered as either primary or secondary signs when placed on a wall or fence. Painted graphics, installed on other than a wall or fence or which are considered a sign as defined in Section 101.1101.190, shall conform to all regulations applicable to the appropriate type of sign.

SEC. 103.0526.4 MINIMUM YARDS FOR BAYSIDE AND OCEAN FRONT WALKS

A-The minimum yards for Bayside and Ocean Front Walks shall be as follows:

1. (No change.)
2. "R-N" Subdistrict, Ocean Front Walk - seven feet for the first story and for additional stories above the first story; three feet for 50 percent of the lot fronting on the walk and five feet for the remaining 50 percent. Use of these varying setbacks shall fulfill requirements for vertical offset.

3. (No change.)

4. (No change.)

**SEC. 103.0802.1 PROCEDURES FOR PERMITS, APPLICATIONS AND
REVIEW**

A. Application for a Building Permit accompanied by a specific site plan shall be made in accordance with the Municipal Code, Chapter IX and Chapter VI, Article 2, before the commencement of any work in the erection of any new building or structure, or the addition of any existing structure within the Planned District, or any building which is moved into the Planned District. Zoning plan check approval by the Building Inspection Department on behalf of the Planning Director is not required for interior modifications, repairs, or alterations for which a Building Permit is not now required.

B. (No change.)

C. (No change.)

D. (No change.)

SEC. 103.0804.2 REGULATIONS

A. (No change.)

1. (No change.)

2. (No change.)

3. Any use requiring a Conditional Use Permit, if a Conditional Use Permit is obtained, except those involving any form of residential habitation.

-PAGE 35 OF 37-

00462

0-16630

- 4. (No change.)
- B. (No change.)
- C. (No change.)

SEC. 103.0805.2 REGULATIONS

- A. (No change.)
 - 1. (No change.)
 - 2. (No change.)
 - 3. Any use requiring a Conditional Use Permit, if a Conditional Use Permit is obtained, except those involving any form of residential habitation.
 - 4. (No change.)
- B. (No change.)
- C. (No change.)

SEC. 103.1305 PERMITTED USES

- A. (No change.)
- B. (No change.)
- C. (No change.)
- D. Signs, as identified in Section 103.1306.
- E. (No change.)

Section 3. That Chapter X of the San Diego Municipal Code be amended by adding Sections 101.0608 and 101.1101.162, to read as follows:

APR 28 1986

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

Councilmen	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VACANT

AUTHENTICATED BY:

ED STRUIKSMA
Deputy Mayor of The City of San Diego, California,

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *June A. Blackall*, 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

APR 15 1986

APR 28 1986

, 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 *June A. Blackall*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16630 Adopted APR 28 1986

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C STREET 12TH FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTERS IX AND X OF THE
SAN DIEGO MUNICIPAL CODE

Thomas D. Kelleher

ORDINANCE NUMBER O-16630 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTERS IX AND X OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 95.0127, 101.0640, 101.0641, 101.1900, 101.1901, 101.1902, 101.1902.1, 101.1902.2, 101.1902.3, 101.1903, 101.1904, 101.1905, 101.1906, 101.1907, 101.1908, 101.1909, 101.1910, 101.1911, 101.1912, 101.1913 AND 101.1914; BY AMENDING SECTIONS 95.0106, 95.0126, 101.0303, 101.0407, 101.0410, 101.0414, 101.0430, 101.0435.1, 101.0435.2, 101.0436, 101.0456, 101.0802, 101.0803, 101.0806, 101.0816, 101.0821, 101.0900, 101.1101.1, 101.1110, 101.1112, 101.1117.1, 101.1118.1, 101.1118.3, 101.1120.4, 101.1120.9, 101.1126, 103.0526.4, 103.0802.1, 103.0804.2, 103.0805.2 AND 103.1305; AND BY ADDING SECTIONS 101.0608 AND 101.1101.162.

The ordinance makes various minor changes to the provisions of the Municipal Code relating to signs and nonconforming uses. The R-1 Zone is amended by reorganization to provide that growing of plants is an accessory use. The R (Multiple Family Residential) Zones are revised to clarify the provisions relating to yards and correct references to other applicable sections. The RV Zone is revised to correct an erroneous reference to another section number. The C-1 Zone is revised to clarify the provisions relating to living units and the provisions relating to newspaper plants. The M-IP (Manufacturing-Industrial Park) Zone is revised to correct the listing of office and home furniture and furnishings and correct the spelling of surveyors. The M-1B Zone is revised to clarify listed uses and parking regulations. The M-1A Zone is revised to include references to parking requirements contained in Division 8 of the Municipal Code. The provisions of the Mission Trails Design District are amended to include a description of Subarea 3. Municipal Code Section 101.0608 is added which provides for CUPs for temporary carnival uses in certain areas and under specified conditions. Division 8 Parking Regulations are revised by minor language changes. Municipal Code Section 101.0900 is revised to correct references relating to open space requirements. Sign Regulations contained in Municipal Code Section 101.1110, et seq, are revised to delete references to the Zoning Administrator and insert Sign Code Administrator. Other minor corrections are made to provide proper references to tables and sections.

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 on APR 15 1986

Passed and adopted by the Council of The City of San Diego on APR 28 1986.

AUTHENTICATED BY: ED STRUICKSMA,
Deputy Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.

By JUNE A. BLACKWELL, Deputy
Pub. June 9, 1986.

I, _____, 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-16630

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:

June 9, 1986.

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

Dated at San Diego, California this 9th day of June, 19 86.

Thomas D. Kelleher

(Signature)

474x2x9.76 = 92.72

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