

ORDINANCE NUMBER O- 16672 (NEW SERIES)

ADOPTED ON JUN 23 1986

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 4, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 44.0309; BY AMENDING CHAPTER VI, ARTICLE 8, DIVISION 2, BY AMENDING SECTIONS 68.0207 AND 68.0209; BY AMENDING CHAPTER IX, ARTICLE 8, DIVISION 2, BY AMENDING SECTION 98.0202; AND BY AMENDING CHAPTER X, ARTICLE 1, DIVISIONS 3, 4, 8, 11 and 18, BY AMENDING SECTIONS 101.0303, 101.406, 101.0410, 101.0423, 101.0426, 101.0427, 101.0435.2, 101.0441, 101.0813, 101.0815, 101.1117.1 AND 101.1801.24, RELATING TO ADMINISTRATIVE CHANGES REGARDING THE ESTABLISHMENT OF A PLANNING DIRECTOR CONDITIONAL USE PERMIT PROCEDURE.

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

Section 1. That Chapter IV, Article 4, Division 3, of the San Diego Municipal Code be and the same is hereby amended by amending Section 44.0309, to read as follows:

SEC. 44.0309 HOGS, PIGS, SWINE

A. (No changes.)

B. REGULATION OF

No person shall bring or maintain any hogs, pigs or other swine within the city; provided that, where the keeping of any such animals was lawfully established and existing in an area thereafter annexed to The City of San Diego, such keeping may, without enlargement, be continued, if, but only if, a zone variance, as provided by Chapter X, Article 1, Division 5 of the Municipal Code, and a health department permit are obtained and maintained as hereinafter set forth.

Section 2. That Chapter VI, Article 8, Division 2, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 68.0207 and 68.0209, to read as follows:

SEC. 68.0207 APPLICATION FOR LICENSE - PERMANENT HELIPORT OR HELISTOP

Every application for a license to construct and/or operate a permanent heliport or helistop shall be submitted in writing to the City Manager and shall include the following:

(a) through (d). (No changes.)

(e) A Conditional Use Permit issued by the City Planning Commission in accordance with the provisions of the Municipal Code, Chapter X, Article 1, Division 5.

Every license which is issued pursuant to this division shall be conditional pending receipt by the City Manager of evidence of the approvals required by the Federal Aviation Administration and the California Department of Aeronautics, and said license shall not be deemed unconditionally approved until such evidence is received by the City Manager. In the event either or both the Federal Aviation Administration or California Department of Aeronautics disapproves such applications or fails to approve such applications within ninety days after the issuance of the license issued pursuant to this division, then said license shall be deemed revoked by operation of law without the requirement of notice to the applicant by City. This section shall not be construed as authority to operate a heliport or helistop until the license granted pursuant to this division is unconditionally approved.

SEC. 68.0209 HELIPORT AND HELISTOP REGULATIONS

No license for the operation of a permanent heliport or helistop shall be issued until the following conditions are met:

(a) through (i) (No changes.)

(j) The Planning Commission may, pursuant to Chapter X, Article 1, Division 5 of the Municipal Code, impose such additional conditions as it deems necessary and desirable to protect the public health, safety and welfare in those cases requiring the issuance of a Conditional Use Permit.

(k) through (l) (No changes.)

Section 3. That Chapter IX, Article 8, Division 2, of the San Diego Municipal Code be and the same is hereby amended by amending Section 98.0202, to read as follows:

SEC. 98.0202 MOBILEHOMES, RECREATIONAL VEHICLES AND COMMERCIAL COACHES LOCATED OUTSIDE LICENSED MOBILEHOME AND SPECIAL OCCUPANCY PARKS - SPECIAL PERMIT - FEE

a) No person shall use or occupy any mobilehome, commercial coach or recreational vehicle on private property not licensed as a mobilehome park or special occupancy park except as follows:

1) through 4) (No change.)

5) For residential uses authorized by Conditional Use Permit pursuant to the provisions of Chapter X, Article 1, Division 5 of this Code.

6) (No changes).

b) through d) (No changes.)

Section 4. That Chapter X, Article 1, Divisions 3, 4; 8, 11 and 18, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 101.0303, 101.406, 101.0410, 101.0423, 101.0426, 101.0427, 101.0435.2; 101.0441, 101.0813, 101.0815, 101.1117.1 and 101.1801.24, to read as follows:

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 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 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 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 101.0513.

SEC. 101.0406 HOME OCCUPATIONS IN RESIDENTIAL ZONE

A. through D. (No changes).

E. APPEAL

In the event of the approval or the denial of any permit, or the revocation thereof, or of any objection to the limitations or conditions, or the lack of limitations or conditions placed thereon, appeal may be made in writing to the Board of Zoning Appeals in accordance with the provisions of Section 101.0503 of this Code. Notwithstanding any of the provisions of Section 101.0204, appeals to the Board of Zoning Appeals on matters of home occupations shall not be subject to a fee.

SEC. 101.0410 R ZONES (MULTIPLE FAMILY RESIDENTIAL)

A. (No changes.)

B. 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 as provided herein:

1. through 8. (No changes.)

9. In addition to the uses listed above, the following uses shall be permitted in the R-1000 through R-200 Zones:

a. through b. (No changes.)

c. Offices for psychologists, social workers, religious practitioners, doctors, and dentists, provided

that no overnight patients are permitted; and, further provided, that not more than two such professional persons, and not more than three employees of each, shall be engaged in such work on the premises.

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 of Chapter 5, or in Section 314 of Chapter 8, or any amendment for remedification 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 101.0510 C. 1 a, j, and n and Section 101.0510 C.3 b, d, i, k, and m 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.
10. through 13. - No change.

C. through M. (No changes.)

SEC. 101.0423 CO ZONE (Commercial Office)

A. (No changes.)

B. PERMITTED USES

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

1. Business and professional office uses. Such uses may include 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 of 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 101.0510 C.1 a, j, and n and Section 101.0510 C.3 b, d, i, k, and m 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.

2. through 9. (No changes.)

C. through F. (No changes.)

SEC. 101.0426 CN ZONE (Neighborhood Commercial

A. (No changes.)

B. PERMITTED USES

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

1. Business and professional offices (not including hiring halls).

Such lot or parcel may not be used by one or more practitioners who among them, medically threat, 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 of 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 101.0510 C.1 a, j, and n and Section 101.0510 C.3 b, d, i, k, and m or the office use shall be come 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.

2. through 8. (No changes.)

C. through F. (No changes.)

SEC. 101.0427 CC ZONE (Community Commercial) - Commercial Centers in Established Neighborhood Areas

A. (No changes.)

B. PERMITTED USES

In the CC Zone, no building or improvement, or portion thereof, shall be erected, constructed, converted, established, altered, or enlarged, nor shall any premise be used except for one or more of the following purposes; provided, however, that no premises shall contain an establishment exceeding a total of 5,000 square feet in gross floor area; and, further provided, that no premises shall contain drive through or drive-in facilities except through a Planned Commercial Development Permit.

1. Business and professional offices..

Such lot or parcel may not be used by one or more practitioners who among them, medically threat, 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 of 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 101.0510 C.1 a, j, and n and Section 101.0510 C.3 b, d, i, k, and m or the office use shall be come 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.

2. through 8. (No changes.)

C. through G. (No changes.)

SEC. 101.0435.2 M-1B ZONE

A. (No changes.)

B. PERMITTED USES

In the M-1B Zone, no building, 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:

1. through 10. (No changes.)

11. The following establishments:

a. through d. (No changes.)

e. Business and professional office uses. Such uses may include 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 threat, 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 of 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 101.0510 C.1 a, j, and n and Section 101.0510 C.3 b, d, i, k, and m or the office use shall be come 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. through 14. (No changes.)

C. through F. (No changes.)

SEC. 101.0441 M-2 ZONE

A. In an M-2 Zone, buildings and land may be used for any purposes whatsoever not in conflict with any ordinance of The City of San Diego regulating nuisances; provided, however, that no building permit shall be issued for any of the following uses until and unless the location of such shall have been approved by the City Planning Commission and permit obtained from the Council; said Council shall not grant a permit for any of the following uses until a public hearing has been held. Notice of said hearing shall be given by publication in the official newspaper of the City at least ten days prior to said hearing.

1. through 12. (No changes.)

Notwithstanding the above provisions, uses requiring Conditional Use Permits considered by the Zoning Administrator, Planning Director, Planning Commission, City Council, or Requirements for Processing Conditional Use Permits and Reclamation Plans for Natural Resources Development shall require Conditional Use Permits in accordance with established procedures in Division 5.

B. through E. (No changes.)

SEC. 101.0813 MINIMUM DIMENSIONS FOR PARKING SPACES

A. through C. (No changes.)

D. Aisles and driveways shall be dimensioned in substantial conformance with standards adopted by the Planning Commission as set forth in a document entitled "Locational Criteria, Development Standards and Operational Standards - Off-street Parking Lots," on file in the office of the Planning Department. Substantial conformance shall be determined by the Zoning Administrator; said determination shall be subject to appeal in the manner set forth in Section 101.0503.

SEC. 101.0815 LANDSCAPING

A minimum area of two percent of the interior of parking lots containing more than 20 spaces shall be landscaped and provided with an adequate permanent underground watering system. This requirement is in addition to areas provided in required landscaped strips. A landscaping and site plan shall be submitted to the Zoning Administrator for approval prior to installation of any plant material. This plan shall be in substantial conformance with standards and specifications adopted by the Planning Commission as set forth in a document entitled, "Locational Criteria, Development Standards and and Operational Standards - Off-street Parking Lots", on file in the office of the Planning Department. Substantial conformance shall be determined by the Zoning Administrator; said determination shall be subject to appeal in the manner set forth in Section 101.0503.

Landscaping and required watering systems shall be installed prior to the use of the parking lot. 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 "Locational Criteria, Developmental Standards and Operational Standards - Off-street Parking Lots," referred to above.

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, as set forth in Section 101.0510, providing the applicant has established to the satisfaction of the Zoning Administrator that no alternative sign type exists that will provide reasonable opportunity for the applicant to communicate. If the Zoning Administrator makes the finding required herein, a rotating sign may be approved, providing such sign conforms to the following provisions.

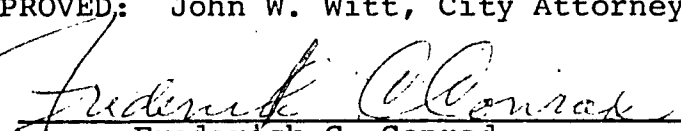
B. (No changes.)

SEC. 101.1801.24 SOCIAL WELFARE INSTITUTION

For purposes of this division, a social welfare institution shall mean an activity established pursuant to Municipal Code, Section 101.0510. C. 3. k if the services provided by the activity are primarily intended for the elderly or minor children.

Section 5. 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

FCG:cc:600
06/13/86
Or.Dept:Plan.
0-86-211
Form=o.none

Passed and adopted by the Council of The City of San Diego on JUN 23 1986
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 G. Blackwell, 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

JUN 10 1986

JUN 23 1986

~~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 G. Blackwell, Deputy.

Office of the City Clerk, San Diego, California

00786

Ordinance Number 0-16672 Adopted JUN 23 1986

RECEIVED
CITY CLERK'S OFFICE
1996 JUN 20 PM 4: 23 *pl*
SAN DIEGO, CALIF.

00787

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C STREET
SAN DIEGO, CA. 92101

IN THE MATTER OF

NO.

AN ORDINANCE CHAPTER V, ARTICLE 4, DIVISION 3, OF THE
SAN DIEGO MUNICIPAL CODE

ORDINANCE NUMBER O-16672 (NEW SERIES)

AN ORDINANCE CHAPTER IV, ARTICLE 4, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 44.0309; BY AMENDING CHAPTER VI, ARTICLE 8, DIVISION 2, BY AMENDING SECTIONS 66.0207 AND 66.0209; BY AMENDING CHAPTER IX, ARTICLE 8, DIVISION 2, BY AMENDING 99.0202; AND BY AMENDING CHAPTER X, ARTICLE 1, DIVISIONS 9, 11 AND 12, BY AMENDING SECTIONS 101.0303, 101.0404, 101.0410, 101.0423, 101.0426, 101.0427, 101.0435.2, 101.0441, 101.0613, 101.0616, 101.1117.1 AND 101.1801.24, RELATING TO ADMINISTRATIVE CHANGES REGARDING THE ESTABLISHMENT OF A PLANNING DIRECTOR CONDITIONAL USE PERMIT PROCEDURE.

The ordinance amends various sections of the Municipal Code to provide a uniform procedure for considering conditional use permits by the Planning Director and corrects various errors and references to sections which have been amended to provide for Planning Director approval of such permits.

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 JUN 10 1986.

Passed and adopted by the Council of the City of San Diego on

JUN 23 1986.

AUTHENTICATED BY: ED STRUIKSMAN,
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. BLACKNELL, Deputy.

Pub. July 21

54883

I, Thomas D. Kelleher, 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 NUMBER O-16672
(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:

July 21

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

Dated at San Diego, California this 21st day of July, 19 86.

(Signature)

00788

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