

(O-87-229)

ORDINANCE NUMBER O- 16923 (NEW SERIES)

ADOPTED ON AUG 10 1987

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.0212, 101.0407, 101.0410, 101.0803, 101.0817, AND BY ADDING SECTIONS 101.0101.30.1, 101.0101.65.1, 101.0609 AND 101.0610.

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

Section 1. That Chapter X, Article 1, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 101.0212, 101.0407, 101.0410, 101.0803 and 101.0817, to read as follows:

SEC. 101.0212 ENFORCEMENT

A. PLANNING DIRECTOR - POWER TO ARREST

The Planning Director, or any representative thereof designated by the Director with the duty to enforce the provisions of this Chapter, is hereby authorized to arrest any person without a warrant whenever the Planning Director or his designated representative has reasonable cause to believe that the person to be arrested has committed a violation of this Chapter in his presence.

B. VIOLATIONS OF ZONING ORDINANCES

It shall be unlawful for any person, corporation, partnership, or association to erect, place, construct, reconstruct, convert, establish, alter, maintain, use, or enlarge any building, structure, improvement, lot, or premises in any manner contrary to any provision contained in this Chapter of the Code; or to do any act without any required permit, or contrary to the conditions upon which permit has been issued pursuant to this Code; or to do any act or maintain any structure or improvement without a variance or special permission as required by this Code, or contrary to any condition imposed by a variance or special permission (or amendment) properly issued according to the provisions of this Code.

C. PROPERTY OWNER'S RESPONSIBILITY

It shall be unlawful for any property owner(s) to maintain or use, or allow to be maintained or used, his (their) real property and appurtenances in violation of any provision of this Chapter of the Code.

D. ZONING VIOLATIONS - MISDEMEANORS

Every person who violates any of the provisions of this Code, or who causes, suffers, or permits any act or any thing to be done in contravention or in violation of any of the provisions of this Code, or who causes, suffers, or otherwise allows 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 guilty of a misdemeanor and shall be liable to the penalties imposed by

Section 11.12; each day that a violation continues to exist shall constitute a separate offense.

E. ZONING VIOLATIONS - INJUNCTIONS

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

F. AUTHORITY TO INSPECT

The Planning Director and his or her empowered assistants are authorized to enter upon any property or premises to ascertain whether the provisions of this Code are being obeyed, and to make any such examinations and surveys as may be necessary in the performance of enforcement or other duties, provided that such entries, examination, and surveys are done in a reasonable manner. Where an owner or occupant or agent refuses permission to enter, the Planning Director and his or her empowered assistants may seek an administrative inspection warrant (Code of Civil Procedure, Section 1822.50, et seq.).

G. VOID PERMITS

Any and all permits and licenses, issued by the Planning Department or its authorized agents, which violate this Chapter or any other provision of the Municipal Code, or which purport to authorize the doing of any act prohibited by the Code or other ordinance, shall be void.

SEC. 101.0407 R-1 ZONES

A. through D. [No changes to paragraphs A. through D.]

E. PARKING REGULATIONS

1. Every premises shall be provided with a minimum of permanently maintained off-street parking spaces in a parking area or private garage on the same premises, as follows:

a. For each dwelling unit - two spaces.

b. For each two lodgers - one space.

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

3. 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. There shall be no less than 30 feet, measured at the property line, between driveways serving the same premises. All driveways shall lead to a legal off-street parking area on the same premises (and/or to legal parking on neighboring property, if permitted by variance, recorded map easement, or other approved mechanism).

F. OUTDOOR STORAGE AND PLACEMENT

Storage and placement of material and equipment outside a roofed, fully-enclosed, legally-installed structure is permitted as follows, subject to compliance with all applicable fire, health, safety, litter, and building codes:

1. The type and quantity of stored and placed items must be clearly incidental to residential use and enjoyment of the premises; those items, except as exempted below, are further prohibited from or restricted within required yard

and setback areas by the terms of Section 101.0609, Use of Required Yards, Setback Areas, and Landscape Areas.

2. Unless otherwise noted in paragraphs F.4. and F.5., below, all stored or placed items shall be completely screened by legally installed and maintained solid fencing, walls, buildings, landscape features, or a combination thereof. No item shall exceed the height of the solid screening enclosure, except where City-wide screening requirements are stipulated for specific equipment elsewhere in this Code.

3. Not more than one fully screened outdoor area may be used to store vehicle and/or other equipment parts, and/or inoperable vehicles. Such storage may not exceed 400 square feet in area, may not intrude into any required yard, and may not exceed 10'-0" in height.

4. The following items may be placed outdoors without screening:

a. Any item listed in Section 101.0609. Use of Required Yards, Setback Areas, and Landscape Areas.

b. Home maintenance or lawn maintenance equipment and supplies, during actual use. The Zoning Administrator shall determine the necessity for extended placement when questions arise.

c. Game, sport, and leisure equipment designed and intended for on-site recreational enjoyment, when such equipment is set up and immediately available for such use.

d. Bicycles, tricycles, children's wagons, and other small, non-motorized wheeled devices in working condition and used for recreational purposes either on-site or on neighboring streets or properties. A non-motorized wheeled device with any plane dimension of greater than 24 square feet is subject to paragraph F.5., below.

5. The following items may be placed outdoors if legally installed and maintained solid fencing, walls, buildings, and/or landscape features provide complete screening from improved streets (the placed items may not exceed the height of the provided screening):

Recreational vehicles, travel trailers, trailers, boats, all-terrain vehicles, camper shells, and similar equipment, provided such equipment is maintained in serviceable condition. (An operable, self-propelled recreational vehicle may be parked in the same manner as any other operable vehicle, pursuant to Division 8 of this Article.) No item listed above may be placed within a required front or street-side yard; any such item which does not exceed 6'-0" in height may, however, be placed within required interior side and rear yards.

SEC. 101.0410 R (MULTIPLE FAMILY RESIDENTIAL) ZONES

A. through L. [No changes to paragraphs A. through L.]

M. OUTDOOR STORAGE AND PLACEMENT

Storage and placement of material and equipment outside a roofed, fully-enclosed, legally installed structure is permitted as follows, provided that there is no impediment to the growth and maintenance of required landscaping, and subject to all applicable fire, health, safety, litter, and building codes:

1. The type and quantity of stored and placed items must be clearly incidental to residential use and enjoyment of the premises; those items, except as exempted below, are further prohibited from or restricted within required yard and setback areas by the terms of Section 101.0609, Use of Required Yards, Setback Areas, and Landscape Areas.

2. Unless otherwise noted in paragraphs F.4. and F.5., below, all stored or placed items shall be completely screened by legally installed and maintained solid fencing, walls, buildings, landscape features, or a combination thereof. No item shall exceed the height of the solid screening enclosure, except where City-wide screening requirements are stipulated for specific equipment elsewhere in this Code.

3. Not more than one fully screened outdoor area may be used to store or place vehicle and/or inoperable vehicles. Such storage may not exceed 400 square feet in area, may not intrude into any required yard or landscape area, and may not exceed 10'-0" in height.

4. The following items may be placed outdoors without screening:

a. Any item listed in Section 101.0601.1. Use of Required Yards, Setback Areas, and Landscape Areas.

b. Home maintenance or lawn maintenance equipment, during actual use. As necessary, such equipment may be placed in required yard or setback areas, or landscape areas when alternative placement options do not exist. The Zoning Administrator shall determine the necessity for extended placement when questions arise.

c. Game, sport, and leisure equipment designed and intended for on-site recreational enjoyment, when such equipment is set up and immediately available for such use.

d. Bicycles, tricycles, children's wagons, and other non-motorized wheeled devices in working condition and used for recreational purposes either on-site or on neighboring streets or properties. A non-motorized wheeled device with any plane dimension of greater than 24 square feet is subject to paragraph F.5., below.

5. The following items may be placed outdoors if legally installed and maintained solid fencing, walls, buildings, and/or landscape features provide complete screening from improved streets (the placed items may not exceed the height of the provided screening):

Recreational vehicles, travel trailers, trailers, boats, all-terrain vehicles, camper shells, and similar equipment, provided such equipment is maintained in serviceable condition. (An operable, self-propelled recreational vehicle may be parked in the same manner as any other operable vehicle, per Division 8 of this Article.) Except for recreational vehicles qualifying as operable vehicles, no item listed above may be placed within a required front or street-side yard; any such item which does not exceed 6'-0" in height may, however, be placed within required interior side and rear yards if not in conflict with landscaping or other development requirements.

N. COASTAL ZONE REGULATIONS

[No changes to the text of paragraph N., formerly paragraph M.]

SEC. 101.0803 USE OF REQUIRED PARKING SPACES

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

SEC. 101.0817 YARD-PARKING WITHIN

A. Off-street parking spaces shall not be located in any required front or street side yard or in any area lying between the public street and setback line except as otherwise provided in the particular zone.

B. No vehicle may be parked within a required front or street side yard, or within a required street yard, except where a particular zone permits parking, or except as noted below:

1. An operable vehicle may be parked on a legal driveway, provided that the vehicle does not in any way impede access to or from more than one required parking space (or, in zones where parking requirements are not stated in terms of spaces, any required parking area larger than 200 square feet). An operable vehicle may, however, be parked on a legal driveway in front of a legal tandem parking area if the tandem area is occupied by at least one operable vehicle and there is no impediment to any other access.

2. This driveway parking provision allows one operable vehicle to be parked in front of each eligible parking space or area. An eligible parking space or area is a single space, a parking area of 200-square feet or less, or a tandem area already occupied by at least one operable vehicle; in any and all cases, such space or area must be fronted by a driveway of sufficient size and design to accommodate parking without impeding access to any other space or area.

3. Nothing in this provision allows the utilization of such driveway to satisfy off-street parking requirements, nor is there any permission to infringe upon any public sidewalk, or otherwise violate any section of the Municipal Code or California Vehicle Code. The Zoning Administrator may allow an operable vehicle to temporarily park within a required front or street side yard under alternative conditions if he

or she can determine that the alternative temporary parking is necessary for loading or unloading, and that occurrences of such parking are minimal in frequency and duration.

C. Unless restricted or prohibited by specific zone or other regulations, operable vehicles may be parked on parking spaces within interior side and rear yards, subject to all applicable screening, surfacing, landscaping, and other requirements of this Code.

Section 2. That Chapter X, Article 1, of the San Diego Municipal Code be and the same is hereby amended by adding Sections 101.0101.30.1, 101.0101.65.1, 101.0609 and 101.0610, to read as follows:

SEC. 101.0101.30.1 JUNKYARD

Any premises on which any of the items listed below, or any items similar to those listed below, are placed outside a legally installed, fully enclosed and roofed building, except as specifically referenced and clearly permitted by applicable zone or district regulations, or by a Conditional Use or other Permit issued pursuant to Chapter X of this Code.

- A. Inoperable vehicles.
- B. Used vehicle or equipment parts.
- C. Used equipment and appliances.
- D. Equipment, fixtures, building materials or components, furniture, bedding, or other items which are dismantled or separated from usually contiguous components.

SEC. 101.0101.65.1 VEHICLE, OPERABLE

A self-propelled motor vehicle immediately capable of being driven upon the highways in conformity with the requirements of the California Vehicle Code (including self-propelled recreational vehicles with such capability). Usable vehicle shall mean the same as operable vehicle.

**SEC. 101.0609 USE OF REQUIRED YARDS, SETBACK AREAS, AND
 LANDSCAPE AREAS**

Other than incidental passage and enjoyment by man, woman, child, and animal, and except as specified elsewhere in this Code, required yards, setback areas, and landscape areas may be used solely for the following items and purposes:

- A. Living landscape material.
- B. Other landscape elements, constructed and installed to complement living landscape material, and not exceeding a height of 3'-0" in required yards or setback areas.
- C. Fences and walls as permitted by this Code.
- D. Directional and other notification signs as permitted by this Code.
- E. Walkways and paved driveways consistent with zone or district standards and applicable landscape regulations.
- F. Items which the Zoning Administrator may determine to be necessarily placed in order to accommodate a temporary period of construction, site modification, or equipment change, when there is evidence of frequent and diligent physical effort to complete work.

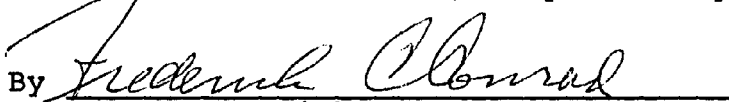
G. Other items that the Zoning Administrator may determine to be appropriately placed with respect to applicable zone or district standards.

SEC. 101.0610 OPERATION OF A JUNKYARD

No person shall operate a junkyard (Section 101.0101.30.1) except as authorized by a Conditional Use Permit or other Permit issued pursuant to Chapter X of this Code, unless the Planning Director determines that the facility has a nonconforming right.

Section 3. 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:cc:600
06/10/87
Or.Dept:Plan.
O-87-229
Form=o.code

AUG 10 1987

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

Council Members	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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
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

JUL 28 1987

AUG 10 1987

....., 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.

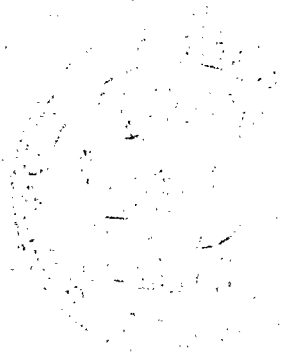
(Seal)

By *June G. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-16923** Adopted **AUG 10 1987**

1997 JUN 22

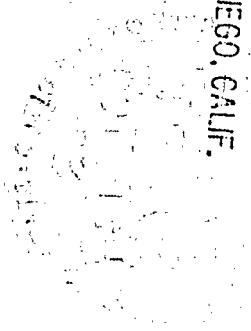


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1997 JUN 22 AM 11:03

SAN DIEGO, CALIF.



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CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: JUNE A. BLACKNELL

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPER X, ARTICLE 1, OF
THE SAN DIEGO MUNICIPAL CODE

ORDINANCE NUMBER O-16923 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF
THE SAN DIEGO MUNICIPAL CODE BY AMENDING SEC-
TIONS 101.0212, 101.0407, 101.0410, 101.0803, 101.0817, AND
BY ADDING SECTIONS 101.0101.30.1, 101.0101.65.1,
101.0609 AND 101.0810.

The ordinance amends the Municipal Code by adding to the zoning regulations definitions of "Junkyard" and "Vehicle, Operable." The ordinance defines those acts that represent violations of the zoning regulations and provides for injunctive relief from any violations. The ordinance authorizes the Planning Director or assistants to inspect property to determine compliance with applicable regulations and to seek inspection warrants when access to property is refused. Provisions are added which relate to the size and placement of driveways in the R-1 Zones. The outdoor storage and placement of goods and materials are regulated in the R-1 and R (Multiple Family) Zones. Limitations are imposed on the use of required yards and landscape areas. Operation of a junkyard is prohibited unless authorized under a Conditional Use Permit. Parking of vehicles in required parking spaces is limited to operable vehicles and only under circumstances specified in the ordinance.

A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on JUL 28 1987
Passed and adopted by the Council of The City of San Diego on
AUG 10 1987

AUTHENTICATED BY: MAUREEN O'CONNOR
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. September 8 87707

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

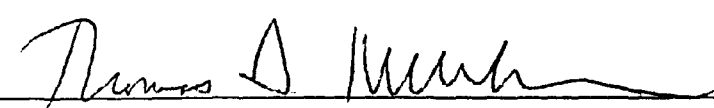
ORDINANCE NUMBER O-16923 (NEW SERIES)

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:

SEPT. 8

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

Dated at San Diego, California this 8 day of SEPT., 19 87.


(Signature)

$(3\frac{1}{4}'' \times 2 \times \$10.78 = \$70.08)$ $36 \text{ lines} \times \frac{98}{2} = \70.56