

ORDINANCE NUMBER O- **18280** (NEW SERIES)

ADOPTED ON APR 01 1996

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTIONS 101.0427.1, 101.0428 AND
101.0430 RELATING TO AREA SHOPPING CENTERS

WHEREAS, February 12, 1996, has been declared "Regulatory Relief Day"; and

WHEREAS, one purpose of Regulatory Relief Day is to streamline and consolidate where appropriate, the City's land use regulatory and environmental procedures; and

WHEREAS, the City Manager's office has reviewed San Diego Municipal Code sections 101.0427.1, 101.0428 and 101.0430 having to do with permitted uses in area shopping centers, and has suggested amendments to these code sections to streamline the regulatory process; NOW, THEREFORE,

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

Section 1. That Chapter X, Article 1, Division 4, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 101.0427.1, 101.0428 and 101.0430, to read as follows:

**SEC. 101.0427.1 CA-RR (Area Shopping Center --
Restricted Residential) Zone**

- A. [No changes]
- B. PERMITTED USES

In the CA-RR 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. through 3. [No changes]

4. Church facilities in existing buildings, provided that the facility shall not (1) exceed 50 percent of the maximum permitted gross floor area of a premises or (2) be the only use on the premises. A Conditional Use Permit shall be required to allow facilities which meet either of these criteria.

5. Any other use which the Planning Commission determines, in accordance with "Process Four", to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.

6. Accessory uses for any of the foregoing permitted uses, including on-premises signs constructed, fabricated, erected, installed, attached, fastened, placed, positioned, operated and abated in accordance with the regulations as set forth in Chapter X, Article 1, Division 11, and Chapter IX, Article 5, Division 1 of this Code.

C. [No changes]

D. PROPERTY DEVELOPMENT REGULATIONS

No building or portion thereof shall be erected,

constructed, converted, established, altered, enlarged or used, nor shall any premises be used unless the lot or premises and buildings shall comply with the following regulations and standards:

1. through 7. [No changes]

8. For purposes of determining separation and distance requirements between church facilities and uses regulated by Section 101.0515 (Alcoholic Beverage Establishments) and Section 101.1800 (Adult Entertainment Establishments) of the Municipal Code, churches located within this zone without a Conditional Use Permit shall be defined as a "commercial" use.

9. Other applicable property development regulations are contained in Division 6 of this Article.

E. OFF-STREET PARKING REGULATIONS

1. Every premises used for one or more of the permitted uses listed in paragraph "B" above, shall be provided with a minimum of off-street parking spaces on the same lot or premises as follows:

a. through d. [No changes]

e. For churches - one parking space for every 200 square feet of gross floor area.

f. For other permitted uses -- one parking space for every 200 square feet of gross floor area.

2. and 3. [No changes]

SEC. 101.0428 CA Zone (Area Shopping Center)

A. [No changes]

B. PERMITTED USES

In the CA 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. through 3. [No changes]

4. Church facilities in existing buildings, provided that the facility shall not (1) exceed 50 percent of the maximum permitted gross floor area of a premises or (2) be the only use on the premises. A Conditional Use Permit shall be required to allow facilities which meet either of these criteria.

5. Any other use which the Planning Commission determines, in accordance with "Process Four", to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.

6. Accessory uses for any of the foregoing permitted uses including signs constructed, fabricated, erected installed, attached, fastened, placed, positioned, operated and abated in accordance with the regulations as set forth in Chapter X, Article 1, Division 11, and Chapter IX, Article 5, Division 1 of this Code.

C. [No changes]

D. PROPERTY DEVELOPMENT REGULATIONS

No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged or used nor shall any premises be used unless the lot or premises and buildings shall comply with the following regulations and standards:

1. through 7. [No changes]

8. For purposes of determining separation and distance requirements between church facilities and uses regulated by Section 101.0515 (Alcoholic Beverage Establishments) and Section 101.1800 (Adult Entertainment Establishments) of the Municipal Code, churches located within this zone without a Conditional Use Permit shall be defined as a "commercial" use.

9. Other applicable property development regulations are contained in Division 6 of this Article.

E. OFF-STREET PARKING REGULATIONS

1. Every premises used for one or more of the permitted uses listed in paragraph "B." above shall be provided with a minimum of off-street parking spaces on the same lot or premises as follows:

a. through d. [No changes]

e. For churches - one parking space for every 200 square feet of gross floor area.

f. For other permitted uses -- one parking space for every 200 square feet of

gross floor area.

2. and 3. [No changes]

F. [No changes]

SEC. 101.0430 CA Zone (Area Shopping Center)

A. [No changes]

B. PERMITTED USES

In the C-1 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. through 4. [No changes]

5. Church facilities in existing buildings, provided that the facility shall not (1) exceed 50 percent of the maximum permitted gross floor area of a premises or (2) be the only use on the premises. A Conditional Use Permit shall be required to allow facilities which meet either of these criteria.

6. Any other use which the Planning Commission determines, in accordance with "Process Four", to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this zone. The Planning Commission's determination shall be filed with the office of the City Clerk.

7. Accessory uses for any of the foregoing permitted uses including signs constructed, fabricated, erected, installed, attached, fastened, placed, positioned, operated and abated in accordance with the

regulations as set forth in Chapter X, Article 1, Division 11 and Chapter IX, Article 5, Division 1, of this Code.

C. [No changes]

D. PROPERTY DEVELOPMENT REGULATIONS

No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged or used nor shall any premises be used unless the lot or premises and buildings shall comply with the following regulations and standards:

1. through 6. [No changes]

7. For purposes of determining separation and distance requirements between church facilities and uses regulated by Section 101.0515 (Alcoholic Beverage Establishments) and Section 101.1800 (Adult Entertainment Establishments) of the Municipal Code, churches located within this zone without a Conditional Use Permit shall be defined as a "commercial" use.

8. Other applicable property development regulations are contained in Division 6 of this Article.

E. OFF-STREET PARKING REGULATIONS

1. Every premises used for one or more of the permitted uses listed in paragraph "B." above, shall be provided with a minimum of off-street parking spaces on the same lot or premises, except as otherwise provided in Division 8 of this Article, as follows:

a. through d. [No changes]

e. For churches - one parking space for every 200 square feet of gross floor area.

f. For other permitted uses -- one parking space for each 400 square feet of gross floor area.


2. and 3. [No changes]

F. [No changes]

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By


Prescilla Dugard
Deputy City Attorney

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