

(O-98-57)

ORDINANCE NUMBER O- **18483** (NEW SERIES)

ADOPTED ON **APR 07 1998**

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 103.0502, 103.0506, 103.0520, 103.0520.191, 103.0526:1, 103.0526.2, 103.0526.3, 103.0526.13, 103.0526.16, 103.0528.11, 103.0532, 103.0533, 103.0535, 103.0538, 103.0542, ALL RELATING TO MISSION BEACH PLANNED DISTRICT.

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

Section 1. That Chapter X, Article 3, Division 5, of the San Diego Municipal Code is amended by amending section 103.0502, to read as follows:

SEC. 103.0502 Applicable Regulations

Where not otherwise specified in this Division, the following provisions of the Land Development Code apply:

Chapter 11 (Land Development Procedures);

Chapter 12 (Land Development Reviews) except Article 6, Division 6 (Planned Development Permit Procedures);

Chapter 13 (Zones);

Chapter 14, Article 1 (Separately Regulated Use Regulations);

Chapter 14, Article 2, Division 1 (Grading Regulations);

Chapter 14, Article 2, Division 2 (Drainage Regulations);

Chapter 14, Article 2, Division 5 (Parking Regulations);

Chapter 14, Article 2, Division 6 (Public Facility Regulations);

Chapter 14, Article 2, Division 8 (Refuse and Recyclable Materials Storage Regulations);

Chapter 14, Article 3 (Supplemental Development Regulations) except Division 4 (Planned Development Permit Regulations);

Chapter 14, Article 4 (Subdivision Regulations);

Chapter 14, Article 5 (Building Regulations);

Chapter 14, Article 6 (Electrical Regulations); and

Chapter 14, Article 7 (Plumbing and Mechanical Regulations)

Where there is a conflict between the Land Development Code and this Division, this Division applies.

Section 2. That Chapter X, Article 3, Division 5, of the San Diego Municipal Code is amended by amending section 103.0506, to read as follows:

SEC. 103.0506 Mission Beach Planned District Permit Required Before Issuance of Permit Building Permit

The City Manager shall not issue any permit for the installation of fixtures or equipment, or for the erection, construction, conversion, establishment, alteration or enlargement of any building, structure or improvement, or for the occupancy of any building or structure in any portion of the Mission Beach Planned District until a Mission Beach Planned District Permit has been obtained from the City Manager by the applicant or owner. Each application for a permit shall state therein the purpose for which the proposed building, structure or improvement is intended to be used.

Section 3. That Chapter X, Article 3, Division 5, of the San Diego Municipal Code be and the same is hereby amended by amending section 103.0520, to read as follows:

SEC. 103.0520 Definitions -- Purpose and Intent

[No change in first paragraph.]

It is also intended that the definitions in Land Development Code Section 113.0103 shall be used when they do not conflict with the definitions set forth in this Division. This is to provide uniformity of interpretation and application.

Section 4. That Chapter X, Article 3, Division 5, of the San Diego Municipal Code is amended by amending section 103.0502.191, to read as follows:

SEC. 103.0520.191 Sign

All definitions pertaining to "SIGN," shall be all those definitions set forth in Land Development Code Section 113.0103.

Section 5. That Chapter X, Article 3, Division 5, of the San Diego Municipal Code is amended by amending section 103.0526.1, to read as follows:

SEC. 103.0526.1 Permitted Uses

[No change in first paragraph.]

A. PRIMARY USES

1. through 4. [No change.]
5. Off-premises parking lots for residential uses in accordance with the provisions of Land Development Code Section 142.0535 except that the parking lot shall be within a horizontal distance of 300 feet of the premises for which the off-street parking is

located. Off-premises parking shall not be utilized in lieu of required on-premises parking.

B. [No change.]

Section 6. That Chapter X, Article 3, Division 5, of the San Diego Municipal Code is amended by amending section 103.0526.2, to read as follows:

SEC. 103.0526.2 Density Regulations

One (1) dwelling unit shall be allowed, including lodging and boarding units, per 1,200 square feet of lot area; except that "R-S" lots of 2,000 square feet shall be entitled to a maximum of two (2) dwelling units if such lots are developed separately. Also, an "R-N" lot or lots totaling between 1,800 and 2,400 square feet shall be temporarily entitled to a maximum of two (2) dwelling units, provided any building permit for two (2) units on such lots must be applied for on or before June 30, 1985. Land Development Code Section 113.0222 shall not apply to any property regulated by this planned district ordinance.

Section 7. That Chapter X, Article 3, Division 5, of the San Diego Municipal Code is amended by amending section 103.0526.3, to read as follows:

SEC. 103.0526.3 Minimum Lot Standards

[No change in TABLE I.]

E. Exception. Any lot which qualifies under the definition of a lot as set forth in Land Development Code Section 113.0103 and Section 113.0237 and which does not comply in all respects with the minimum lot dimensions specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this zone.

Section 8. That Chapter X, Article 3, Division 5, of the San Diego Municipal Code is amended by amending section 103.0513, to read as follows:

SEC. 103.0526.13 Landscaping

[No change in first paragraph.]

Landscaping located within the required yards for Courts and Places shall protect pedestrian view corridors by emphasizing tall trees with canopy areas and ground cover. Landscaping materials shall not encroach or overhang into the Courts and Places rights-of-way below a height of eight (8) feet above the finish surface or finish grade, as measured at the trunk. All landscaping and irrigation within the public-right-of-way shall be developed in accordance with the Landscape Guidelines of the Land Development Manual.

Section 9. That Chapter X, Article 3, Division 5, of the San Diego Municipal Code is amended by amending section 103.0526.16, to read as follows:

SEC. 103.0526.16 Parking

A. [No change.]

B. For residential development the parking requirement shall be as required by Sec. 103.0526.16 (PARKING).

C. and D. [No change.]

1. (a) and (b) [No change.]

(c) A minimum of 25% of all required yards, except interior and rear yards, shall be landscaped with a combination of trees, shrubs and ground cover in conformance with the Landscape Guidelines of the Land Development Manual.

(d) [No change.]

2. [No change.]

D. through G. [No change.]

Section 10. That Chapter X, Article 3, Division 5, of the San Diego Municipal Code is amended by amending section 103.0528.11, to read as follows:

SEC. 103.0528.11 Parking

A. [No change.]

B. For residential development the parking requirement shall be as required by Section 103.0526.16 (Parking).

C. and D. [No change.]

Section 11. That Chapter X, Article 3, Division 5, of the San Diego Municipal Code is amended by amending section 103.0532, to read as follows:

SEC. 103.0532 Residential Subdistrict On-Premises Sign Regulations

A. The following non-illuminated wall signs shall be permitted, provided that no sign shall project above the parapet or eaves of the building to which affixed:

1. through 6. [No change.]

7. Any sign not in compliance with the provisions of this section within seven years from the effective date of the ordinance adopting these regulations shall be removed or brought into compliance. Any sign located on property subsequently placed in the Residential Subdistricts and not in compliance with the provisions of this section shall be removed or brought into compliance within five years from the effective date of the ordinance establishing the Residential Subdistricts.

Section 12. That Chapter X, Article 3, Division 5, of the San Diego Municipal Code is amended by amending section 103.0533, to read as follows:

SEC. 103.0533 Commercial Subdistrict On-Premises Sign Regulations

On-premises and public interest signs are as follows:

A. through C. [No change.]

D. Any sign not in compliance with the provisions of this section within seven (7) years from the effective date of the ordinance adopting these regulations shall be removed or brought into compliance. Any sign located on property subsequently placed in a Commercial Subdistrict and not in compliance with the provisions of this section shall be removed or brought into compliance within five (5) years from the effective date of the ordinance establishing the Commercial Subdistricts on said property.

E. and F. [No change.]

G. All signs permitted by the provisions of this Paragraph shall also comply with Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures) and Chapter 14, Article 2, Division 12 (Sign Regulations).

Section 13. That Chapter X, Article 3, Division 5, of the San Diego Municipal Code is amended by amending section 103.0535, to read as follows:

SEC. 103.0535 Existing Uses -- Enlargement

Whenever an existing use which does not provide all the off-street parking spaces required by the Municipal Code or any premises is enlarged by floor area there shall be provided at the same time an increase in the number of parking spaces. The number of spaces required by this paragraph need not exceed the total number of parking spaces

required for the total enlarged development.

Section 14. That Chapter X, Article 3, Division 5, of the San Diego Municipal Code is amended by amending section 103.0538, to read as follows:

SEC. 103.0538 Encroachments/Ocean Front Walk

No permit for any development or redevelopment on any lot abutting the Ocean Front Walk public right-of-way or any public right-of-way may be issued, unless the owner obtains a permit in accordance with Land Development Code Chapter 12, Article 9, Division 7 (Public Right-of-Way Permits) for any existing or proposed encroachments into the public right-of-way.

Section 15. That Chapter X, Article 3, Division 5, of the San Diego Municipal Code is amended by amending section 103.0542, to read as follows:

SEC. 103.0542 Conditional Use Permit

An application for a conditional use permit for the uses listed below, may be approved, conditionally approved or denied by a Hearing Officer in accordance with Process Three and Land Development Code Chapter 12, Article 6, Division 3 (Conditional Use Permit Procedures), subject to the development regulations in Land Development Code Chapter 14, Article 1. The Hearing Officer's decision may be appealed to the Board of Zoning Appeals in accordance with Land Development Code Section 112.0506.

1. through 5. [No change.]
6. The following uses may be permitted in any commercial subdistrict, except as specified in Sections 103.0542(6)(d), (f) and (g).

a. through f. [No change.]

g. Video arcades limited to the visitor commercial subdistricts only.

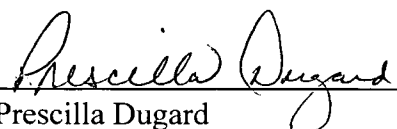
(1) The Hearing Officer shall consider the following criteria when approving, conditionally approving or denying an application for a conditional use permit for a video arcade.

(a) through (e) [No change.]

(2) An approved conditional use permit for a video arcade may be revoked in accordance with Land Development Code Sections 121.0314, 121.0315, and 121.0316.

Section 16. This ordinance shall take effect and be in force on May 1, 1998 or on the date the Coastal Commission unconditionally certifies the provisions subject to Coastal Commission jurisdiction as a local coastal program amendment, whichever is later.

APPROVED: CASEY GWINN, City Attorney

By 
Prescilla Dugard
Deputy City Attorney

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Or.Dept:Dev.Svcs.
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