

Article 13: Mission Beach Planned District

(“Mission Beach Planned District” added 3-27-2007 by O-19589 N.S.)

Division 3: Zones and Subdistricts

(“Zones and Subdistricts” added 3-27-2007 by O-19589 N.S.)

§1513.0301 Subdistricts of the Mission Beach Planned District

In order to regulate the location of dwellings, businesses, recreation areas and other specified uses, subdistricts of the Mission Beach Planned District are established. The boundaries of said subdistricts are designated on that certain Map Drawing No. C-637.1.

(“Subdistricts of the Mission Beach Planned District” added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.)

§1513.0302 Residential Subdistricts — Northern and Southern — Definition and Intent

(a) The Residential Subdistricts are designated R-N and R-S. The purpose of the Residential Subdistrict is to regulate the small-scale and low-profile developed area with a maximum residential density of approximately 36 dwelling units per net residential acre.

(b) It is the intent of these regulations to allow the improvement or development of the standard Mission Beach lots with little or no need for variances.

(“Residential Subdistricts — Northern and Southern — Definition and Intent” added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.)

§1513.0303 Permitted Uses – Residential Subdistricts

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:

(a) Primary Uses

(1) Single dwelling units.

(2) Duplexes (2 dwelling units in a single structure).

- (3) Multiple dwelling units; restricted to a maximum of 4 dwelling units in any single structure including common wall construction on adjoining lots.
 - (4) Parks and Playgrounds.
 - (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) Accessory Uses

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

- (1) Private garages, parking areas, and storage areas.
- (2) Recreational facilities intended only for the use of residents residing on the premises.
- (3) Lodgers, permitted as follows:
 - (A) For a single dwelling unit which is the only dwelling unit on the premises, not more than 2 lodgers with each being provided a bedroom and with more than one full bathroom facility within the dwelling unit.
 - (B) For duplexes and multiple dwelling units, not more than one lodger being provided with a bedroom and with more than one full bathroom facility on the premises.
- (4) On-premises signs subject to the Sign Regulations in accordance with Section 1513.0404(a) titled Residential Subdistricts – On Premises Signs.

(“Permitted Uses – Residential Subdistricts” added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.)
(Amended 10-18-2010 by O-19999 N.S.; effective 8-9-2012.)

§1513.0304 Property Development Regulations – Residential Subdistricts

(a) Density Regulations

One dwelling unit shall be allowed, including lodging and boarding units, per 1,200 square feet of lot area; except as follows:

- (1) A single R-S lot of 2,000 to 2,400 square feet shall be entitled to a maximum of 2 dwelling units;
- (2) Two contiguous R-S lots developed concurrently with common wall construction shall be entitled to a maximum of 4 dwelling units; and
- (3) Fractions of a dwelling unit shall not be rounded up when determining the total units permitted on a lot or lots.

(b) Minimum Lot Standards

The minimum lot standards as shown in Table 1513-03A apply except that any lot as defined in Land Development Code Section 113.0103 that meets the criteria for being a legal lot under Section 113.0237 and which does not comply in all respects with the minimum lot dimensions specified in Table 1513-03A, may be used in accordance with the regulations of the applicable zone.

**Table 1513-03A
Minimum Lot Standards**

Standard	R-N	R-S
Area	1,250 Square Feet	2,400 Square Feet
Street Frontage	25 Feet	30 Feet
Width	25 Feet	30 Feet
Depth	50 Feet	80 Feet

(c) Yards

- (1) Minimum Yards for Bayside and Ocean Front Walks

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

- (A) R-N Subdistrict, Bayside Walk – 5 foot standard setback.
- (B) R-N Subdistrict, Ocean Front Walk.
 - (i) First story – 7-foot standard setback
 - (ii) Second and third story – a maximum of 50 percent of each story shall observe a minimum 3-foot setback from the standard setback with the remaining portion of each story observing a minimum 5-foot setback from the standard setback.
 - (iii) Use of these varying setback requirements of Section 1513.0304(c)(1)(B) shall fulfill requirements for vertical offset.
- (C) R-S Subdistrict, Bayside and Ocean Front Walks – 10-foot standard setback.
- (D) Exceptions
 - (i) Bayside Walk. In the R-S Subdistrict, buildings abutting Bayside Walk shall observe an additional setback beginning at 20 feet above existing grade or proposed grade, whichever is lower, at the standard setback and sloping back at a 45 degree angle. In the R-N Subdistrict, buildings abutting Bayside Walk shall observe an additional setback beginning at 15 feet above existing grade or proposed grade, whichever is lower, at the standard setback and sloping back at a 45 degree angle. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction.
 - (ii) Ocean Front Walk. In the R-S Subdistrict, buildings abutting Ocean Front Walk shall observe an additional setback beginning 25 feet above existing grade or proposed grade, whichever is lower, at the standard setback and sloping back at a 45 degree angle. In the R-N Subdistrict, buildings abutting Ocean Front Walk shall observe an additional setback beginning at 20 feet above existing grade or proposed grade, whichever is lower, at the standard setback and sloping back at a 45 degree angle. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction.

- (2) Minimum Yards for Courts and Places
 - (A) R-N Subdistrict - 10 foot standard setback
 - (B) R-S Subdistrict - 15 foot standard setback
 - (C) Exceptions:
 - (i) Buildings on the south side of a Court or Place shall observe an additional setback beginning at 20 feet above existing grade or proposed grade, whichever is lower, at the standard setback and sloping back at a 45 degree angle on the north facing facade. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction as shown in Diagram 1513-03A.
 - (ii) Buildings on the north side of a Court or Place shall observe an additional setback beginning 25 feet above existing grade or proposed grade, whichever is lower, at the setback and sloping back at a 45 degree angle on the south facing facade. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction, as shown in Diagram 1513-03B.

Diagram 1513-03A
Elevation on South Side of Court or Place
45° Angle on North Facing Facade

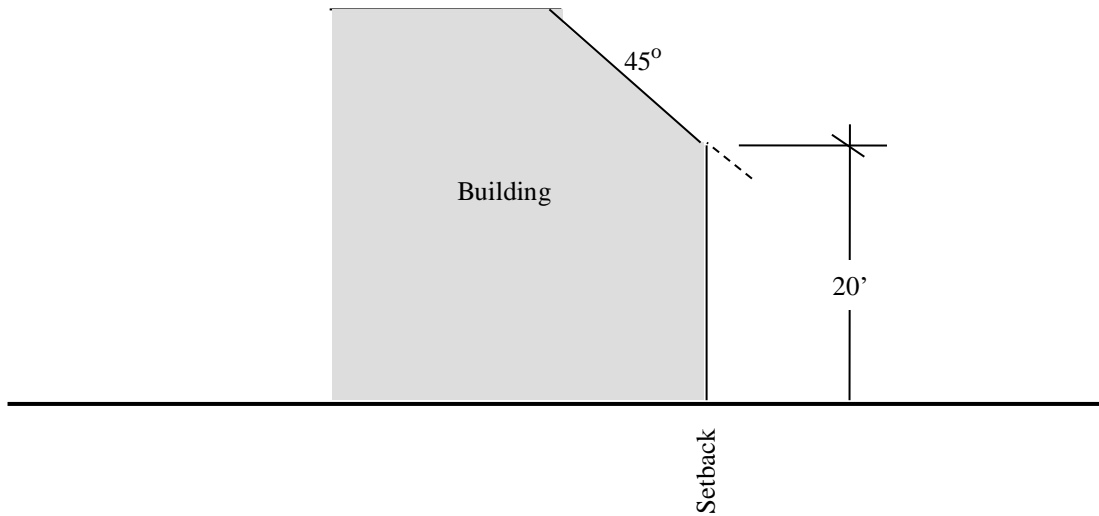
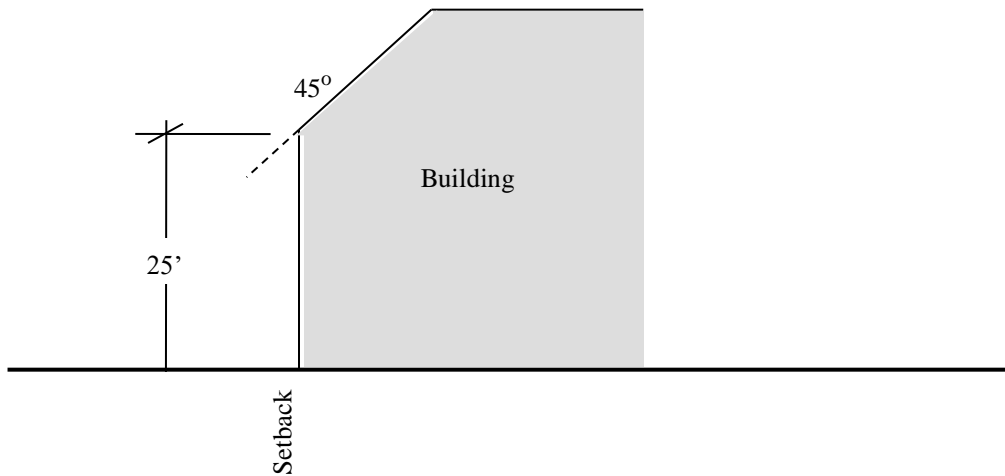


Diagram 1513-03B
Elevation on North Side of Court or Place
45° Angle on South Facing Facade



(3) Minimum Interior Yards

(A) Five foot standard setback.

(B) Exceptions:

(i) A three-foot setback may be applied to a structure that is 20 feet or less above existing or proposed grade, whichever is lower, provided that any portion of the structure's facade that exceeds 20 feet in height above existing grade or proposed grade, whichever is lower, shall observe an additional setback for the remainder of the structure height by sloping away from the vertical plane of the facade at an angle not to exceed 45 degrees.

(ii) Structures that are developed with portions of the structure observing a 3-foot setback, and other portions of the structure observing a 5-foot setback may use a combination of Sections 1513.0304(c)(3)(A) and 1513.0304(c)(3)(B)(i), as shown in Diagram 1513-03C.

(iii) In the R-N Subdistrict development of any lot or combination of lots 45 feet or greater in width shall have a minimum interior yard setback of 6 feet or 10 percent of the lot width, whichever is greater.

(iv) In the R-S Subdistrict development of any lot or combination of lots 55 feet or greater in width shall have a minimum interior yard setback of 6 feet or 10 percent of the lot width, whichever is greater.

(4) Minimum Yards on Streets and Alleys.

Yards abutting Strandway and Bayside Lane and alleys shall not be required.

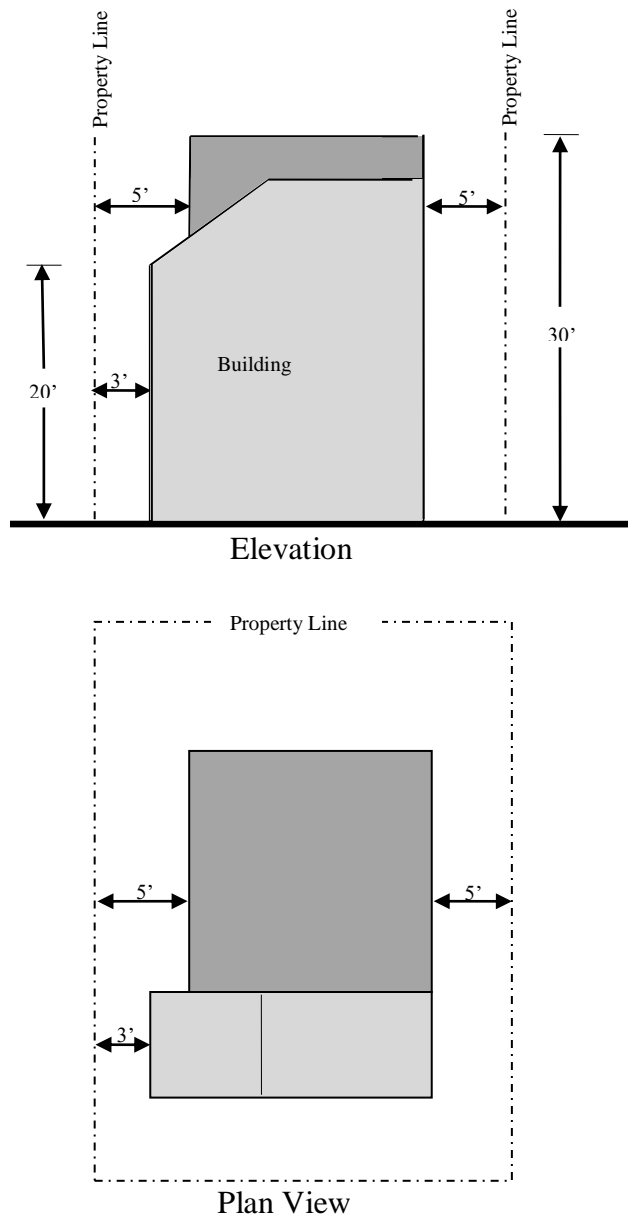
(5) Mission Boulevard Yards

Buildings abutting Mission Boulevard shall observe a minimum standard setback of 3 feet or 10 percent of the lot's shortest property line intersecting Mission Boulevard, whichever is the greater. The maximum yard required need not exceed a 7-foot standard setback.

(6) Minimum Rear Yards.

No rear yard is required except where the rear yard abuts an interior or rear yard of an adjacent lot; then, the regulations in Section 1513.0304(c)(3) shall apply.

Diagram 1513-03C
Interior Yards and Building Height



(d) Encroachments

- (1) Only the encroachments identified in Section 1513.0304(d) are allowed.

**Table 1513-03B
Allowable Encroachments¹**

Feature	Courts, Places, and Walks	Interior and Street Side Yard
Casings for Doors & Windows	6 inches	6 inches
Cornices ^{2,3}	1 foot	6 inches
Direct Vent Gas	1 foot	6 inches in 3- foot setback 1 foot in 5-foot setback
Eaves ²	2 feet ⁴	6 inches
Lighting Fixtures	9 inches	9 inches
Rain Gutters	6 inches	6 inches
Vents	6 inches	6 inches

¹ For features in Table 1513-03B that are located on any portion of the façade that encroaches 18 inches into the Court, Place, or Walk yard setback using the vertical offset in Section 1513.0304(d)(2)(A)(i), a maximum additional encroachment of 6 inches is allowed.

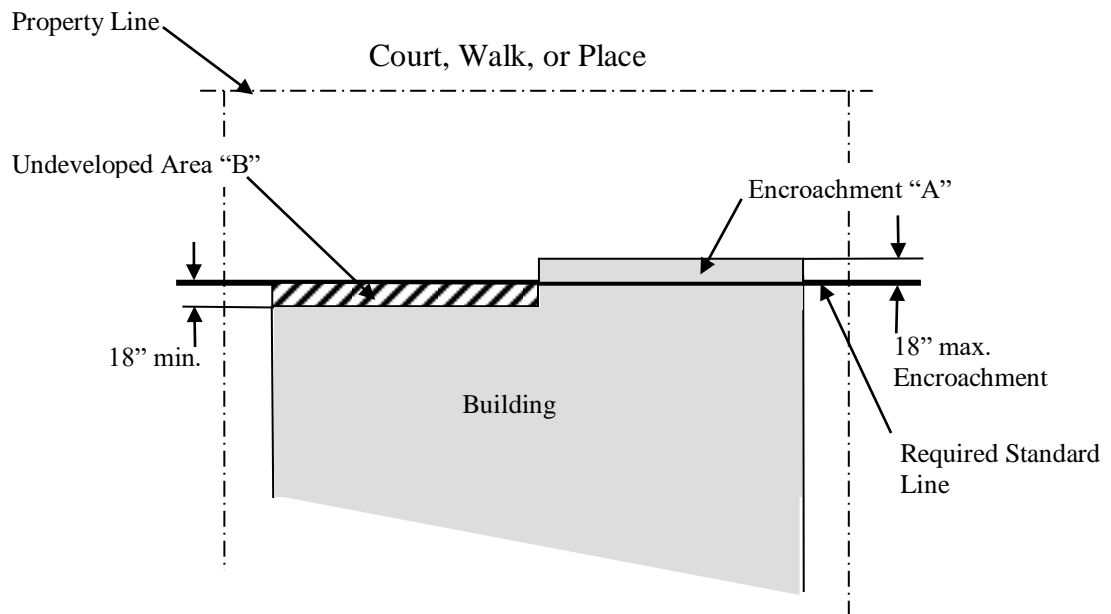
² The area that encroaches may not be used to support decks, exterior balconies, or floors.

³ Cornices shall not exceed 1-foot in height.

⁴ The eave shall not intrude into any required 45 degree angle for a Court, Place, Walk or interior yard.

- (2) Encroachments into yards for Courts, Places, and all yards on Ocean Front and Bayside Walks
 - (A) The following encroachments, in addition to those identified in Table 1513-03B, are permitted in yards for Courts, Places, and Walks:
 - (i) An encroachment of up to 18 inches for a vertical offset extending full height of the building that is a maximum of 3 feet in depth and not less than 45 degrees for at least 50 percent of the building as illustrated in Diagram 1513-03D provided that the width of the encroaching offset is not more than one-half of the total building width, and an insert area equal to the width of the encroaching offset at a minimum depth of 18 inches is undeveloped behind the required setback line parallel to the Court, Place, or Walk.
 - (ii) Only those encroachments identified in Table 1513-03B are allowed in the offset and inset areas.

Diagram 1513-03D
18 Inch Offset for a Court, Walk, or Place



- (B) The following encroachments are not permitted into yards for Courts, Places, or Walks:
 - (i) Encroachment into the 45 degree setback by any part of the structure (including but not limited to eaves, fireplaces, chimneys, stairs, or railings).
 - (ii) Any structure that exceeds 3 feet in height above existing grade or proposed grade, whichever is lower, (including fences; solid, glass, planter, or retaining walls; stairs; rails; bay or garden windows; and fireplaces, grills, or barbeques that are constructed in place) except that encroachments consistent with Section 1513.0304(d)(2)(A) are permitted.
- (3) Encroachments into interior yards and yards abutting Mission Boulevard
 - (A) Only those encroachments listed in Table 1513-03B are allowed in the interior yard.
 - (B) No encroachment may be closer than 2 feet, 6 inches from the property line.
- (4) Encroachments into the required 45 degree angled setbacks of the interior yard

The following features may encroach into the 45 degree angled setback required for interior yards:

- (A) Chimneys measuring no more than 2 feet by 2 feet, and roof vents;
- (B) Dormers shall be permitted to encroach into the 45 degree angled setback consistent with the following:
 - (i) The dormer shall be setback a minimum of 5 feet from the property line or the distance of the interior yard setback if the setback is greater than 5 feet;
 - (ii) Dormers may be located on each side of the roof ridge;
 - (iii) There shall be a minimum separation of 2 feet between dormers located on the same side of the roof ridge;

- (iv) In the R-N Subdistrict the combined width of the dormers on the same side of the roof ridge shall not exceed 10 feet; and
 - (v) In the R-S Subdistrict the combined width of all dormers on the same side of the roof ridge shall not exceed 20 feet.
 - (C) Roof decks shall be permitted to encroach into the 45 degree angled setback consistent with the setback, location, and dimension requirements for dormers in Section 1513.0304(d)(4)(B).
 - (e) Building Width
 - (1) Buildings facing a Court, Place, Bayside or Ocean Front Walk shall not be wider than 25 feet in the R-N Subdistrict or 30 feet in the R-S Subdistrict, unless a vertical offset in the front facade is provided. The vertical offset shall be a minimum of 3 feet in depth, not less than 45 degrees, and extend the full height of the building. The offset in Section 1513.0304(d)(2)(A)(i) may be used to satisfy this requirement (see diagram 1513-03D).
 - (2) The use of vertical offsets in Section 1513.0304(e)(1) is allowed for building widths less than 25 feet in the R-N Subdistrict and less than 30 feet in the R-S Subdistrict.
 - (f) Maximum Lot Coverage.

The maximum lot coverage shall be 65 percent.
 - (g) Floor Area Ratio.
 - (1) The basic maximum floor area ratio shall be 1.1.
 - (2) Portions of the building or structure used exclusively for required off-street parking shall not be included as part of the building area for the purposes of determining floor area ratio. This exemption is restricted to a maximum 200 square feet per required off-street parking space.
 - (3) Regardless of lot size, individual buildings, including common wall construction, shall not exceed 5,280 square feet in total gross floor area. However, those areas excluded by Section 1513.0304(g)(2) from the calculations of floor area ratio shall not be considered as part of the 5,280 square feet.

- (h) Height. The maximum height of a building or structure shall be 30 feet. If the 30-foot height limitation of Ordinance No. 10960 N.S. is removed from Mission Beach, the building height limit shall be 35 feet.

(“Property Development Regulations – Residential Subdistricts” added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.)
(Amended 10-18-2010 by O-19999 N.S.; effective 8-9-2012.)
(Amended 6-26-2012 by O-20175 N.S.; effective 8-9-2012.)
(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)

§1513.0305 Commercial Subdistricts — Definition and Intent

The Neighborhood Commercial Subdistricts are designated NC-N or NC-S and the Visitor Commercial Subdistricts are designated VC-N and VC-S. The purpose of the Neighborhood Commercial is to provide adequate commercial services for the residents while the Visitor Commercial accommodates tourists, visitors and vacationers.

It is the intent of these regulations to provide development possibilities that will accommodate both commercial and mixed uses as well as compliment existing development and the surrounding residential areas.

(“Commercial Subdistricts — Definition and Intent” added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.)

§1513.0306 Permitted Uses – Commercial Subdistricts

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:

- (a) Primary Uses

- (1) Those primary uses and density set forth in Section 1513.0303 (Permitted Uses) and Section 1513.0304(a) (Density Regulations) except that residential uses shall not be permitted within the first story of any building on any lot abutting Mission Boulevard; and for lots exclusively developed residentially, that development is subject to all regulations of the abutting residential subdistrict.
- (2) Business Offices (not including hiring halls) provided, however, that business offices shall not be permitted within the first story of any building on any lot within the VC-N and VC-S Subdistricts and further provided that 50 percent of the ground floor area of the first story shall be reserved for those uses permitted in Section 1513.0306(a)(3).
- (3) Retailing of consumer convenience goods and dispensing of consumer services from the following establishments provided, however, that no premises shall contain drive-in or drive-thru facilities:
 - (A) Apparel shops
 - (B) Art stores
 - (C) Bakeries
 - (D) Barber shops
 - (E) Beauty shops
 - (F) Bicycle shops
 - (G) Book stores
 - (H) Curtain and drapery shops
 - (I) Drug stores
 - (J) Dry cleaning and laundry establishments and agencies and self-service dry cleaning and laundry establishments
 - (K) Gyms, when equipped for physical fitness activities and athletic training programs
 - (L) Florists
 - (M) Food stores
 - (N) Hardware stores

- (O) Hobby shops
- (P) Jewelry stores
- (Q) Liquor stores
- (R) Nurseries – plants
- (S) Paint and wallpaper stores
- (T) Photographic studios
- (U) Radio, television and home appliance repair shops
- (V) Restaurants
- (W) Shoe stores
- (X) Shoe repair shops
- (Y) Sporting goods including rental items
- (Z) Stationers
- (AA) Studios for teaching of art, dancing and music
- (BB) Variety stores
- (CC) Taverns and other similar places serving alcoholic beverages.
- (4) Schools and studios for academic, cultural (including the fine arts), technical, vocational, or professional instruction.
- (5) Motels and hotels in the VC Subdistrict only including:
 - (A) Housekeeping units -- guest rooms having separate access to the outside or to a hallway used in common with other guest rooms and having cooking facilities and used for combined living, dining and sleeping purposes.
 - (B) Related recreational facilities.
 - (C) Restaurants and bars with incidental entertainment and dancing.

(b) Accessory Uses

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

- (1) Private garages, parking areas and storage areas except access shall not be off Mission Boulevard.
- (2) Recreational facilities intended only for the use of residents residing on the premises.
- (3) On-premises signs as permitted by Section 1513.0404(b) Sign Regulations - Commercial Subdistricts – On Premise Signs.

*(“Permitted Uses – Commercial Subdistricts” added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.)
(Amended 10-18-2010 by O-19999 N.S.; effective 8-9-2012.)*

§1513.0307 Property Development Regulations – Commercial Subdistricts

(a) Minimum Lot Standards

The minimum lot standards as shown in Table 1513-03C apply, except any lot as defined in Land Development Code Section 113.0103 that meets the criteria for a legal lot in accordance with 113.0237 and which does not comply in all respects with the minimum lot dimensions specified in Table 1513-03C may be used in accordance with the regulations of the applicable zone.

**Table 1513-03C
Minimum Lot Standards**

Standard	NC-N, VC-N	NC-S, VC-S
Area	1,250 Square Feet	2,400 Square Feet
Street Frontage	25 Feet	30 Feet
Width	25 Feet	30 Feet
Depth	50 Feet	80 Feet

(b) Yards

(1) Minimum Interior Yards

(A) 5-foot standard setback.

(B) Exceptions:

(i) A 3-foot setback may apply to a structure that is 20 feet or less above existing or proposed grade, whichever is lower, provided that any portion of the structure's facade that exceeds 20 feet in height above existing grade or proposed grade, whichever is lower, shall observe an additional setback for the remainder of the structure height by sloping away from the vertical plane of the facade at an angle not to exceed 45 degrees.

(ii) Structures that are developed with portions of the structure observing a 3-foot setback, and other portions of the structure observing a 5-foot setback may use a combination of Sections 1513.0307(b)(1)(A) and 1513.0307(b)(1)(B)(i), as shown in Diagram 1513-03C.

(iii) In the NC-N and VC-N Subdistricts, development of any lot or combination of lots 45 feet or greater in width shall have a minimum interior yard setback of 6 feet or 10 percent of the lot width, whichever is greater.

(iv) In the NC-S and VC-S Subdistricts, development of any lot or combination of lots 55 feet or greater in width shall have a minimum interior yard setback of 6 feet or 10 percent of the lot width, whichever is greater.

(2) Minimum Yards on Streets and Alleys

(A) A yard shall not be required for lots abutting Strandway and Bayside Lane and alleys.

(B) A yard shall not be required for lots abutting Ventura Place and West Mission Bay Drive.

(C) A yard shall not be required on Mission Boulevard except as set forth in Section 1513.0402(b)

- (3) Minimum Yards on Bayside and Ocean Front Walks in NC-N, NC-S, VC-N and VC-S Subdistricts shall be as follows:
 - (A) NC-N and VC-N Subdistricts, Bayside Walk-5-foot standard setback.
 - (B) NC-N and VC-N Subdistricts Ocean Front:
 - (i) First story – 7-foot standard setback.
 - (ii) Second and third story – a maximum of 50 percent of each story shall observe a minimum 3-foot setback from the standard setback with the remaining portion of each story observing a minimum 5-foot setback from the standard setback.
 - (C) NC-S and VC-S Subdistricts, Bayside and Ocean Front Walks – 10-foot standard setback.
 - (D) Exceptions:
 - (i) Bayside Walk. In the NC-S and VC-S Subdistricts, buildings abutting Bayside Walk shall observe an additional setback beginning at 20 feet above existing grade or proposed grade, whichever is lower, at the standard setback and sloping back at a 45 degree angle. In the NC-N and VC-N Subdistricts, buildings abutting Bayside Walk shall observe an additional setback beginning at 15 feet above existing grade or proposed grade, whichever is lower, at the standard setback and sloping back at a 45 degree angle. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction.
 - (ii) Ocean Front Walk. In the NC-S and VC-S Subdistricts, buildings abutting Ocean Front Walk shall observe an additional setback beginning at 25 feet above existing grade or proposed grade, whichever is lower at the standard setback and sloping back at a 45 degree angle. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction.

- (4) Minimum Yards on Courts and Places in VC-N, VC-S, NC-N and NC-S. The minimum yard requirement shall be those set forth in Section 1513.0304(c)(2). The R-N Subdistrict requirements shall apply to the VC-N and NC-N and the R-S Subdistrict requirements shall apply to the VC-S and NC-S.
- (c) Encroachments
 - (1) Encroachments into Interior Yards. Allowable encroachments into the interior yard are listed in Table 1513-03D.

**Table 1513-03D
 Allowable Encroachments**

Feature	Interior Yard
Direct Vent Gas	6 inches in 3-foot setback 1 foot in 5-foot setback
Eaves	6 inches
Lighting Fixtures	9 inches
Rain Gutters	6 inches
Vents	6 inches

- (2) Encroachments into the required 45 degree angled setbacks of the interior yard. The following features may encroach into the 45 degree angles required for interior yards:
 - (A) Chimneys measuring no more than 2 feet by 2 feet, and roof vents;
 - (B) Dormers shall be permitted to encroach into the 45 degree angled setback consistent with the following:
 - (i) The dormer shall be setback a minimum of 5 feet from the property line or the distance of the interior yard setback if the setback is greater than 5 feet;

- (ii) Dormers may be located on each side of the roof ridge; and
 - (iii) There shall be a minimum separation of 2 feet between dormers located on the same side of the roof ridge.
 - (C) In the NC-N and VC-N Subdistricts the combined total width of the dormers on the same side of the roof ridge shall not exceed 10 feet.
 - (D) In the NC-S and VC-S Subdistricts the combined width of all dormers on the same side of the roof ridge shall not exceed 20 feet.
- (d) Floor Area Ratio
 - (1) For lots developed exclusively for residential use in any Commercial Subdistrict, the floor area ratio provisions of Section 1513.0304(g) shall apply.
 - (2) For lots exclusively developed with nonresidential development the following floor area ratios are applicable:
 - (A) The basic floor area ratio shall be 1.25.
 - (B) The basic floor area ratio may be increased to 1.75 if one off-street parking space is provided for every 800 square feet of gross floor area.
 - (3) For lots with mixed development with the first (or ground) story reserved for nonresidential activities (excluding parking and residential storage) and with the upper stories being designed for residential occupancy, the following floor area ratios are applicable:
 - (A) The basic floor area ratio shall be 1.25.
 - (B) The basic floor area ratio may be increased to 1.75 if 2.0 off-street parking spaces are provided for each dwelling unit.
 - (4) For NC-N and NC-S Subdistricts, no individual building or structure shall exceed the total amount of gross floor area of 8,750 square feet.
- (e) Height. The maximum height of a building or structure shall be 30 feet. If the 30-foot height limitation of Ordinance No. 10960 is removed from Mission Beach, the building height limit shall be 35 feet.

*(“Property Development Regulations – Commercial Subdistricts” added 3-27-2007 by O-19589 N.S.; effective 4-26-2007.)
(Amended 10-18-2010 by O-19999 N.S.; effective 8-9-2012.)*