

## Title 18 ZONING\*

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\*Editor's Note: The abbreviation "NCLUC" contained in the parenthetical ordinance notation following the sections of this title refers to the National City Land Use Code.

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18.02.010 Short title.

This title shall be known and may be cited as the land use code of the city.

(Ord. 1503 § 1 (part), 1976: NCLUC § 951-1)

18.02.020 Statutory authority.

This title is adopted pursuant to the provisions of the Planning Law, Title 7 of the Government Code of the state.

(Ord. 1503 § 1 (part), 1976: NCLUC § 951-2)

18.02.030 Purposes.

The purposes of this title are to (A) promote and protect the public health, safety, welfare and general prosperity of the city, (B) implement the general plan, (C) encourage the most desirable and appropriate use of land for open space, residential, commercial, industrial, and other purposes, and the most desirable density of population throughout the city, (D) ensure the orderly and adequate provision of community utilities and facilities such as transportation, water, sewerage, schools, and other public improvements, (E) encourage the most appropriate use and occupancy of buildings, (F) promote good civic design and arrangements, (G) provide reasonable standards with respect to, but not limited to, the following: the use and intensity of use of structures and land for residential, commercial, industrial or other purposes; population density; the location, height, bulk and size of buildings and other structures; yards, courts, and other private and public open spaces; parking and loading; signs; the division of land; parcel maps; private streets; building lines; grading of land, all in accordance with the general plan.

(Ord. 1503 § 1 (part), 1976: NCLUC § 951-3)

18.02.040 Jurisdiction.

This title shall be in full force and effect within the city limits.

(Ord. 1503 § 1 (part), 1976: NCLUC § 951-4)

18.02.050 Minimum requirements.

In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.

(Ord. 1503 § 1 (part), 1976: NCLUC § 953-1)

18.02.060 Compliance with other laws.

Nothing in this title shall be construed to authorize the use of any lot or parcel of land in violation of this title or any other applicable statute, ordinance or regulation.

(Ord. 1503 § 1 (part), 1976: NCLUC § 951-5)

18.02.070 References apply to amendments.

Whenever reference is made to any portion of this title, or to any other law or ordinance, the reference applies to all amendments and additions now or hereafter made.

(Ord. 1503 § 1 (part), 1976: NCLUC § 953-3)

18.02.071 Issuance of licenses and permits by city agencies.

City agencies shall not issue any permit or license that would be in conflict with, or which would seem to authorize any use of property in conflict with this title.

(Ord. 1712 § 6, 1980)

18.02.080 Limitation of land use.

Except as otherwise provided:

A. No building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose or in any manner other than is included among the uses listed in this title as permitted in the zone in which such building, land or premises is located.

B. No building or part thereof or structure shall be erected, reconstructed or structurally altered to exceed in height the limit designated in this title for the zone in which such building is located.

C. No building or part thereof or structure shall be erected, nor shall any existing building be altered, enlarged or rebuilt or moved into any zone, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area, and building location regulations designated in this title for the zone in which such building or open space is located.

D. All property governed by this title, including buildings, signs, paving, fences, walls, vacant lots, and landscaping, shall be maintained in a neat, clean, orderly, safe, and usable condition.

E. No yard or other open space provided about any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building, and no yard or other open space on one building site shall be considered as providing a yard or open space for a building on any other building site.

(Ord. 1503 § 1 (part), 1976: NCLUC § 953-2)

18.02.090 Zoning annexed lands.

Areas annexed to the city shall be classified in the zone classification under this title most comparable to the zone classification in which said area is classified in the county at the time of annexation, unless and until the city council adopts a different classification in the manner provided for zone changes in this title. Such zone changes, variances and conditional use permits may be initiated and heard prior to the effective date of annexation to be effective upon annexation.

(Ord. 1503 § 1 (part), 1976: NCLUC § 953-4)

18.02.100 Unclassified lands.

Any property with the exception of the 24th Street Marine Terminal, which, for any reason, is not designated on the zoning map or in this title as being classified in any of the zones established by this title, shall be deemed to be temporarily zoned RS-2 until said land is classified after being processed as an amendment to the zone map pursuant to this title and Chapter 8, Title 7 of the Government Code.

(Ord. 1712 § 3, 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 953-5)

18.02.110 Application of provisions.

The provisions of this title shall apply to all structures or land owned, operated or controlled by any person, corporation or governmental agency, unless specifically excepted by ordinance or by applicable state or federal regulations.

(Ord. 1503 § 1 (part), 1976: NCLUC § 953-6)

18.02.120 Classification of vacated streets and alleys.

In the event a dedicated street or alley shown on the zoning map is vacated by ordinance, the property formerly in the street or alley shall be included within the zone of the adjoining property on either side of the vacated street or alley. In the event the street or alley was a zone boundary between two or more different zones, the new zone boundary shall be the former centerline of the vacated street or alley.

(Ord. 1503 § 1 (part), 1976: NCLUC § 953-7)

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18.04.002 Generally.

For the purpose of carrying out the provisions of this title, the words, phrases, and terms included herein shall be deemed to have the meaning ascribed to them in this chapter.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-1)

18.04.004 Abut or abutting.

"Abut" or "abutting" means the same as "adjoining" (Section 18.04.016) and "contiguous" (Section 18.04.162).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.006 Access.

"Access" means the place or way by which pedestrians and vehicles shall have safe, adequate and suitable ingress and egress to a property or use as required by this title.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.008 Accessory building or structure.

"Accessory building or structure" means a subordinate building or structure, the use of which is incidental to that of the main building and which is located on the same lot therewith, including guest houses, separate servants' quarters, nurseries and greenhouses, separate utility buildings or recreation buildings.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.010 Accessory use.

An "accessory use" is a use conducted on the same lot as the principal use or structure to which it is related, except that where specifically provided in the parking and loading regulations, accessory off-street parking or loading need not be located on the same lot; and, a use which is clearly incidental to and customarily found in connection with such principal use, and which is either in the same ownership as such principal use or is maintained and operated on the same lot substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the principal use.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.012 Addition.

"Addition" means the result of any work that increases the volume of an existing structure or replaces a demolished portion. Compare "alteration" (Section 18.04.030) and "structural alteration" (Section 18.04.648).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.014 Adjacent.

"Adjacent" refers to two or more lots or parcels of land separated only by an alley, or located in close proximity to each other; or two or more objects that lie near or close to each other. Compare "adjoining" (Section 18.04.016).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.016 Adjoining.

"Adjoining" refers to two or more lots or parcels of land sharing a common boundary line, or two or more objects in contact with each other. Synonyms are "contiguous" or "abutting."

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.017 Adult day health care center.

Adult day health care center means a facility for seniors which provides care, protection and activities on a less than twenty-four-hour basis under the supervision of professional staff. The establishment shall be licensed by the state and conducted in accordance with state requirements.

(Ord. 1899 § 1, 1987)

18.04.018 Advertising.

For definitions relating to advertising, see sign-related definitions.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.020 Agent of owner.

"Agent of owner" means any person who can show certified written proof that he is acting for the property owner.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.022 Agricultural or agriculture.

"Agricultural" or "agriculture" means the use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for handling, treating or storing the produces; provided, however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activity.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.024 Air contaminant.

"Air contaminant" means particulate matter, dust, fumes, gas, mist, smoke, vapor, or any combination thereof having or tending to have a deleterious effect on human beings, vegetation, animals or property.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.026 Air-reactive material.

"Air-reactive material" means any material which will ignite spontaneously in contact with air.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.028 Alley.

"Alley" means a public or private right-of-way, other than a street or highway, permanently reserved as a means of providing secondary vehicular access to abutting properties.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.030 Alteration.

"Alteration" means any work on a structure that does not result in any addition to the structure. Compare "addition" (Section 18.04.012) and "structural alteration" (Section 18.04.648).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.032 Amendment.

"Amendment" means a change in the wording, context or substance of this title, or a change in the zoning maps, which are part of this title when adopted by ordinance of the city council in the manner prescribed by law.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.033 Amusement arcade.

For the purpose of this title, "amusement arcade" means one general enclosure in which is conducted the business of operating or exhibiting any games of skill or amusement.

(Ord. 1763 § 3, 1981: Ord. 1699 § 4(G) (1), 1979)

18.04.034 Animal hospital.

For a definition of "animal hospital," see "veterinary hospital" (Section 18.04.724).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.036 Apartment.

"Apartment" means the same as "dwelling unit" (Section 18.04.220).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.038 Apartment, bachelor or efficiency.

"Bachelor or efficiency apartment" means a dwelling that combines kitchen, living and sleeping rooms into one room, located within an apartment house or apartment hotel and subject to minimum floor area and occupancy requirements.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.040 Apartment house.

"Apartment house" means a building, or a portion of a building, designed or used for occupancy by three or more families, living independently of each other, and containing three or more dwelling units.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.042 Arcade.

"Arcade" means a contiguous area with access to a street or other public way which is open and unobstructed to a height of not less than twelve feet, is accessible to the public at all times, has an area of not less than five hundred square feet including portions occupied by columns, has a minimum dimension of ten feet, and is not more than three feet above the level of the street which it adjoins.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.044 Architectural projection.

For this definition, see Section 18.04.524.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.046 Area.

"Area" means the same as "net area" (Section 18.04.048), unless otherwise specified.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.048 Area, net.

"Net area" means that area of a lot or parcel of land exclusive of public alleys, highways or streets; or proposed public facilities such as alleys, highways, or streets or other necessary public sites when included within a proposed development project; or other public or private easements where the owner of the servient tenement does not have the right to use the entire surface of the land.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.050 Assembly building.



"Assembly building" means a building or a portion of a building used for gathering for such purposes as deliberation, worship, auditorium, church or chapel, dance floor, lodge rooms, conference rooms, dining rooms, drinking establishments, exhibit rooms, or lounges.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.051 Assisted living facility.

"Assisted living facility" means a complex that is designed to accommodate primarily the elderly but may accommodate others, with staff personnel and programs to assist residents with many activities of daily living. Units may or may not have kitchens, but meals are provided in a central location. Units usually rent on a monthly basis.

(Ord. 2228 § 1, 2003)

18.04.052 Automobile, abandoned.

"Abandoned automobile" means any motor vehicle which is required to be registered by the California Vehicle Code when operated upon a highway and whose registration has been expired for a period of six months or more. However, a motor vehicle stored within a permitted building or structure shall not be considered to be an abandoned automobile.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.054 Automobile and trailer sales area.

"Automobile and trailer sales area" means an open area, other than a street, used for the display, sale or rental of new or used automobiles or trailers and where no repair work is done except minor incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.056 Automobile dismantling yard or automobile wrecking yard.

"Automobile dismantling yard" or "automobile wrecking yard" means any premises used for the dismantling or wrecking of vehicles required to be registered under the California Vehicle Code, including the buying, selling or dealing of such vehicles or the integral parts or component materials thereof, or the storage, sale or dumping of dismantled, partly dismantled or wrecked inoperative vehicles. "Automobile dismantling" shall not include the incidental storage of inoperative or disabled vehicles in connection with a legal operation of an automobile repair garage, automobile body and fender repair shop, or automobile impound yard. See "scrap metal processing" (Section 18.04.582) .

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.058 Automobile impounding yard.

"Automobile impounding yard" means facilities maintained by a permittee, on contract with the city, for the temporary storage of vehicles legally removed or impounded by a peace officer from public or private property as prescribed by law.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.060 Automobile laundry or car wash.

"Automobile laundry" or "car wash" means a building or portion thereof containing facilities for washing automobiles, using production line methods with chain conveyors, blowers, steam cleaning devices or other mechanical means.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.062 Automobile parking.

For definitions relating to automobile parking, see "parking lot" (Section 18.04.490) and parking-related definitions.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.064 Automobile repair, major.

"Major automobile repair" means repair involving removal of heads, pans, transmissions; repairing, replacing, or overhauling of engines, motor transmissions; repairing or replacing driving mechanisms, steering mechanisms, differential assemblies; and repairing or replacing any other major automotive part or parts.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.066 Automobile repair, minor.

"Minor automobile repair" means the sale, installation, and servicing of tires, batteries, automotive accessories and replacement items, engine tuneup, replacing points and plugs, carburetor overhaul; brake replacement and drum turning; alignment work, wheel balancing; replacing shock absorbers; air conditioning service; washing and lubricating services; steam cleaning; and supplying other incidental customer services and products.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.068 Automobile service station.

"Automobile service station" means a retail place of business engaged in the sale of motor fuels and in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. These shall include free restroom facilities for service station customers, and may include any of the items included under "major automobile repair" or "minor automobile repair," as defined in Sections 18.04.064 and 18.04.066 respectively.

(Ord. 1897 § 1, 1986: Ord. 1777 § 3, 1982: Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.070 Automobile wrecking.

For a definition of "automobile wrecking," see "automobile dismantling, or wrecking yard" (Section 18.04.056).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.072 Awning.

"Awning" means a temporary shelter supported by an exterior wall of a building and of a type which can be retracted, folded or collapsed against the face of the supporting building. Compare "canopy" (Section 18.04.120) and "marquee" (Section 18.04.420).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-2 (part))

18.04.074 Bachelor apartment.

For this definition, see Section 18.04.038.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-3 (part))

18.04.076 Balcony.

"Balcony" means an unroofed platform enclosed by a railing or parapet projecting from the wall of a building for the private use of tenants or for exterior access to the above-grade living units. When a balcony is roofed and enclosed with operating windows, it is considered part of the room it serves.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-3 (part))

18.04.078 Basement.

For a definition of "basement," see the Uniform Building Code.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-3 (part))

18.04.080 Batching plant.

"Batching plant" means a plant for the manufacture or mixing of concrete, cement, and concrete and cement products, including any apparatus and uses incident to such manufacturing and mixing.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-3 (part))

18.04.081 Bed and breakfast inn.

"Bed and breakfast inn" means a residential building containing a specified number of guest rooms occupied by a specific number of persons, which provides living units and limited refreshments for transient guests, and which is managed and occupied by the owner of the property.

(Ord. 1874 § 2, 1985)

18.04.082 Bedroom.

"Bedroom" means a private room intended for or capable of being used for sleeping, separated from other rooms by a door, having a window and closet/storage nook, and accessible to a bathroom without crossing another bedroom.

(Ord. 2261 § 7, 2005)

18.04.083 Beginning of construction.

"Beginning of construction" means demolition, elimination and removal of an existing structure preparatory to new construction, or the incorporation of labor and materials in the foundation of a building or buildings.

(Ord. 2261 § 6, 2005; Ord. 1503 § 1 (part), 1976: NCLUC § 950-3 (part))

18.04.084 Billboard or outdoor advertising structure.

For definitions relating to billboards or outdoor advertising structures, see sign-related definitions.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-3 (part))

18.04.086 Block.

"Block" means the land adjoining one side of a street between two consecutive junctions of said street with streets, railways, rights-of-way, or waterways crossing or meeting said side of said street.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-3 (part))

18.04.088 Boardinghouse or lodginghouse.

"Boardinghouse" or "lodginghouse" means a dwelling or part thereof, not including rest homes, where meals and/or lodging are provided, for compensation, for three or more persons not transients, other than members of the resident family.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-3 (part))

18.04.090 Boats and boat trailers.

For definitions of boats and boat trailers, see Section 18.04.542.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-3 (part))

18.04.091 Bona fide public eating place.

"Bona fide public eating place" means a place which is regularly and in a bona fide manner, used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health. "Meals" mean the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or

salads shall not be deemed a compliance with this requirement. "Guests" mean persons who, during the hours when meals are regularly served therein, come to a bona fide public eating place for the purpose of obtaining, and actually order and obtain at such time, in good faith, a meal therein. Nothing in this section, however, shall be construed to require that any food be sold or purchased with any beverage.

(Ord. 1760 § 1, 1981)

18.04.092 Buildable area.

"Buildable area" means the same as "net area" (Section 18.04.048).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-3 (part))

18.04.094 Building.

For a definition of "building," see the Uniform Building Code.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-3 (part))

18.04.096 Building, accessory.

For this definition, see Section 18.04.008.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-3 (part))

18.04.098 Building bulk.

"Building bulk" means the size of buildings or other structures and their relationships to each other and to open areas and lot lines. Regulations controlling bulk include maximum height, maximum lot coverage, maximum floor area ratio, minimum size of yards and setbacks, shape of buildings or other structures, the area of the lot upon which a residential building is located, and the number of dwelling units or rooms within such building in relation to the area of the lot.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-3 (part))

18.04.100 Building height.

For a definition of "building height," see the Uniform Building Code.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-3 (part))

18.04.102 Building line.

"Building line" means a line established by law or agreement usually parallel to the property line beyond which a structure may not extend.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-3 (part))

18.04.104 Building lot coverage.

"Building lot coverage" means that percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-3 (part))

18.04.106 Building, main.

"Main building" means any building in which is conducted the principal use of the building site on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the building site on which it is located.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-3 (part))

18.04.108 Building site.

"Building site" means:

- A. The ground area of one lot; or
- B. The ground area of two or more lots when used in combination for a building or permitted group of buildings, together with all open spaces as required by this title.

See "lot" (Section 18.04.386).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-3 (part))

18.04.110 Bulk distributing station, hazardous materials.

"Hazardous materials bulk distributing station" means any distributing station for hazardous materials where there is located a loading rack and which is not an integral part of a refinery, natural gasoline plant, or crude petroleum producing or pipeline operation.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-3 (part))

18.04.112 Bungalow court.

"Bungalow court" means a group of three or more detached one-story, one-family or two-family dwellings located on a single lot, and having a common court or yard. Each dwelling unit will have a separate entrance on the ground floor.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-3 (part))

18.04.113 Cabaret.

"Cabaret" means a cafe, restaurant, bar or other public establishment that serves food or alcoholic or nonalcoholic beverages, or both, where entertainment is regularly provided by paid or unpaid performers or musicians, or dancing is regularly allowed to the accompaniment of recorded or live music or rhythmic sound. See also Section 18.69.020(H).

(Ord. 2167 § 3 (part), 1999: Ord. 1669 § 4(G)(2), 1979)

18.04.114 Camper.

For a definition of "camper," see Section 18.04.542. Compare "mobile home" (Section 18.04.426).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.116 Camp, tourist.

For this definition, see Section 18.04.670.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.118 Camp, youth.

For this definition, see Section 18.04.752.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.120 Canopy.

"Canopy" means a fixed shelter without enclosing walls used only as a roof and attached to the exterior wall or walls of a building and used only for purposes accessory to the building to which it is attached. A canopy may have column support in addition to the support provided by the building to which it is attached. Compare "awning" (Section 18.04.072) and "marquee" (Section 18.04.420).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.122 Car.

For definitions relating to cars, see "motor vehicle" (Section 18.04.436). "vehicle" (Section 18.04.710). and other automobile-related definitions.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.124 Carport.

"Carport" means an accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two sides, and designed or used for the parking or temporary storage of motor vehicles of owners or occupants of the structure to which it is accessory.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.126 Car wash.

For this definition, see Section 18.04.060.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.128 Cellar.

For a definition of "cellar," see the Uniform Building Code.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.130 Cemetery.

"Cemetery" means land used or intended to be used for the burial or interment of the dead and dedicated for such purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.132 Certificate of occupancy.

"Certificate of occupancy" means a required document issued by the department of building and housing prior to the occupation or use of vacant land, except for agricultural uses, or prior to occupation or use of buildings erected or structurally altered.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.134 Child day care center or child care nursery.

"Child day care center" or "child care nursery" means any building or other premises or portion thereof appropriated to the day care, apart from their parents or guardian, of more than six ambulatory children between the ages of two and five years inclusive, and between the hours of six a.m. and seven p.m. The establishment shall be licensed by the state and conducted in accordance with state requirements. Similar terms are day nursery, nursery school and child day care nursery. Rooms accessory to a church and used for religious education on not more than two days a week are not considered child day care centers. Compare "children's home" (Section 18.04.136), "family day care home" (Section 18.04.240), "family foster care home" (Section 18.04.242), and "philanthropic institution" (Section 18.04.508).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.136 Children's home.

"Children's home" means one or more buildings used for the semipermanent, twenty-four-hour care of orphans or other children deprived of parental care, operated by a public agency or a philanthropic or charitable organization, but shall not include commercial enterprises operated by such organization or a correctional institution.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.138 Circus and/or carnival.

"Circus" and/or "carnival" means a temporary outdoor amusement center, bazaar or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food service, sales, or small-scale games.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.140 Clinic.

"Clinic" means any facility used for the care, diagnosis and treatment of sick, active, infirm or injured persons and those who are in need of medical, dental or surgical attention, but who are not provided with board or room, or kept overnight on the premises. "Clinic" includes dental clinic, health clinic, medical clinic and doctors' offices, and may include laboratory facilities in conjunction with normal clinic services.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.142 Club, country.

"County club" means a private club organized and operated for social purposes and possessing outdoor recreational facilities, such as golf courses, tennis courts or polo grounds.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.144 Club, private.

"Private club" means any building or premises used by an association of persons, whether incorporated or unincorporated, organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.146 Combining zone.

"Combining zone" means a zone within which certain regulations and requirements apply in addition to, and are combined with, regulations and requirements of another zone.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.147 Commence, land use activity.

"Commencement" of any land use activity as provided for by this title is the date of beginning of such activity after all required city permits and approvals have been given. Where a use or premises require an occupancy permit, commencement shall not be recognized before that permit is issued. Any land use activities begun prior to commencement as defined above are, for the purposes of this title, not commenced.

(Ord. 1712 § 58 (part), 1980)

18.04.148 Commercial.

"Commercial" refers to any activity on or use of land which involves the buying, selling, processing, or improving of things not produced on the land and having financial gain as the primary aim of the activity or use, whether or not such activity or use is for hire or on account of the buyer, seller, processor, or improver.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.150 Commission.

"Commission" means the planning commission of the city.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.152 Communication equipment building or use.

"Communication equipment building or use" means a building or lot housing electrical and mechanical equipment necessary for the conduct of a public communications business with or without necessary personnel.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.154 Community center.

"Community center" means a neighborhood building for social, recreational, and cultural activities.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.156 Conditional use.

"Conditional use" means a use which requires a special degree of control because of characteristics peculiar to it, or because of size, technological processes or type of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities. Such control is to ensure that

the particular use at the particular site on which such use is proposed to be located is compatible with other existing or permitted uses surrounding the site.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.158 Condominium development.

"Condominium development" means a structure and appurtenant premises divided in ownership by the existence of condominiums as now or hereafter defined by state law, and includes instances where ownership is so divided following prior single ownership of the entire structure and premises, as well as new structures and premises so divided in ownership.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.160 Construction yard.

"Construction yard" means an area on or immediately adjacent to a major construction or demolition site used on a temporary basis for the parking and storage of equipment used in the project, and the storage and preparation of materials and other items used in the project. Such yard may include construction offices and such shops as are necessary for work on the immediate project.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.162 Contiguous.

"Contiguous" means the same as "adjoining" (Section 18.04.016).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.164 Convalescent home.

"Convalescent home" means the same as "long-term health facility" (Section 18.04.286).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.166 Convenience establishments.

"Convenience establishments" means small establishments designed and intended to serve the daily or frequent trade or service needs of the surrounding population. Such establishments include grocery stores, variety stores, drugstores, coin-operated laundry and dry cleaning establishments, beauty shops, barber shops, and medical and dental offices. Specifically excluded are automobile service stations and repair garages, and drive-in eating and drinking establishments.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.168 Corner lot.

For this definition, see Section 18.04.390.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.170 Court.

"Court" means an area on the same lot with a building which is bounded on two or more sides by the exterior walls of a building or buildings on the same lot.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.172 Coverage.

For this definition, see Section 18.04.104.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))

18.04.174 Curb level.

"Curb level" means the level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the city engineer shall establish such curb level or its equivalent.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-4 (part))



18.04.176 Dairy.

"Dairy" means any premises where three or more cows or goats or any combination thereof equaling three or more animals are kept or maintained for the purpose of producing milk or milk products.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-5 (part))

18.04.178 Day care center or day nursery.

"Day care center" or "day nursery" means the same as "child day care center" (Section 18.04.134).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-5 (part))

18.04.180 Day care home.

"Day care home" means the same as "family day care home" (Section 18.04.240).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-5 (part))

18.04.182 Decibel.

"Decibel" is a unit which describes the sound pressure level or intensity of sound. The sound pressure level in decibels is twenty times the logarithm, to the base ten, of the ratio of the pressure of the sound to a reference pressure of 0.0002 microbars.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-5 (part))

18.04.184 Density.

"Density" means the number of dwelling units that may be constructed per acre or per square foot of lot area.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-5 (part))

18.04.186 Department store.

"Department store" means a store or group of shops under unified management selling a variety of merchandise groups, normally including clothing, appliances, hardware, and furniture.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-5 (part))

18.04.188 Depth of lot.

For this definition, see Section 18.04.392.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-5 (part))

18.04.192 Detached living quarters.

"Detached living quarters" means the same as "guest house" (Section 18.04.282).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-5 (part))

18.04.193 Development.

"Development" means the design, construction and related use of real property in any manner requiring compliance with this code.

(Ord. 1614 § 1, 1978)

18.04.194 Discrete impulses.

"Discrete impulses" means a ground-transmitted vibration stemming from a source where specific pulses do not exceed sixty per minute or one per second.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-5 (part))

18.04.196 Dock.

"Dock" means a landing pier for boats; a wharf, a structure supported by piling or floats in such a manner as to allow free flow of water beneath said structure and in which any buildings constructed thereon are incidental to the use of said structure as a wharf or landing pier.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-5 (part))

18.04.198 Dormitory.

"Dormitory" means a guest room designed, intended or occupied as sleeping quarters for more than two persons. Every one hundred square feet of superficial floor area in a dormitory shall be considered as a separate guest room.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-5 (part))

18.04.200 Drive-in restaurant or drive-in eating and drinking establishment.

"Drive-in restaurant" or "drive-in eating and drinking establishment" means any commercial establishment serving food or drinks, making provisions encouraging consumption of food or beverages in automobiles, whether such consumption in automobiles is on the premises or at the curb adjacent to the premises.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-5 (part))

18.04.202 Driveway.

"Driveway" means a private road, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel on which located.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-5 (part))

18.04.204 Dump.

"Dump" means an area devoted to the disposal of refuse and salvage, including incineration, reduction, or the dumping of ashes, garbage, combustibles or non-combustibles, or offal.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-5 (part))

18.04.206 Duplex.

"Duplex" means the same as "two-family dwelling" (Section 18.04.218).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-5 (part))

18.04.208 Dwelling.

"Dwelling" means a building or portion thereof designed or used exclusively for residential occupancy. For the purposes of this title, dwellings do not include hotels, motels, roominghouses, nursing homes, housing for the elderly, rest homes, university-owned or university-leased housing or institutions. See also "residential building" (Section 18.04.554).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-5 (part))

18.04.210 Dwelling, group.

"Group dwelling" means two or more one-family, two-family or multiple-family dwellings, or apartment houses located on the same lot.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-5 (part))

18.04.212 Dwelling, mobile home.

For a definition of "mobile home dwelling," see "mobile home" (Section 18.04.426).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-5 (part))

18.04.214 Dwelling, multiple-family.

"Multiple-family dwelling" means the same as "apartment house" (Section 18.04.040).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-5 (part))

18.04.216 Dwelling, single-family detached.

"Single-family detached dwelling" means a detached building designed or used exclusively for occupancy by one family and containing one dwelling unit.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-5 (part))

18.04.218 Dwelling, two-family.

"Two-family dwelling" means a building designed or used exclusively for occupancy by two families and containing two dwelling units.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-5 (part))

18.04.220 Dwelling unit.

"Dwelling unit" means a group of two or more rooms, one of which is a kitchen, designed for occupancy by one family for living and sleeping purposes.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-5 (part))

18.04.222 Dwelling unit, efficiency.

"Efficiency dwelling unit" means the same as "bachelor apartment" (Section 18.04.038).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-5 (part))

18.04.224 Earthborne vibration.

For this definition, see Section 18.04.726.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-6 (part))

18.04.226 Easement, private road.

For this definition, see Section 18.04.522.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-6 (part))

18.04.228 Educational institution.

"Educational institution" means any elementary school, junior high school, high school, or university, either public or private, giving general academic instruction in the several branches of learning.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-6 (part))

18.04.230 Efficiency apartment.

For this definition, see Section 18.04.038.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-6 (part))

18.04.232 Electric distribution substation.

"Electric distribution substation" means the assembly of equipment which is part of a system for the transmission of electric power, which receives electric energy at a very high voltage from its source of generation, by means of a network of high voltage lines, and where, by means of transformers, said high voltage is transformed to a lower subtransmission voltage for the purpose of supplying electric power to large individual customers, or interconnections with other power-producing agencies or electric distribution substations for transformation to still lower voltage for distribution to smaller individual use.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-6 (part))

18.04.233 Emergency shelter.

"Emergency shelter" means any facility, other than a hotel or motel or a dwelling unit, that provides sleeping accommodations and restroom facilities to homeless persons on a day-to-day basis.

(Ord. 2194 § 3)

18.04.234 Essential services.

"Essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police callboxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such utilities or municipal or other

governmental agencies or for the public health or safety or general welfare, but not including any buildings, electrical substations, or water storage tanks.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-6 (part))

18.04.236 Explosive material.

"Explosive material" means any chemical compound mixture or device, the primary and common purpose of which is to function by explosion with substantially simultaneous release of gas and heat, the resulting pressure being capable of producing destructive effects.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-6 (part))

18.04.238 Family.

"Family" means:

A. A person or persons, related by blood, marriage, or adoption, living together as a single housekeeping unit in a bachelor apartment or dwelling unit; or

B. A group of not more than five persons, including roomers but not servants, unrelated by blood, marriage, or adoption, when living together as a single housekeeping unit in a dwelling unit; or

C. A family day care home; or

D. A family foster care home.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-7 (part))

18.04.240 Family day care home.

"Family day care home" means a home which regularly provides care, protection and supervision of fourteen or fewer children, in the provider's own home, for periods of less than twenty-four hours per day, while the parents or guardians are away, and is either a large family day care or a small family day care home, as defined in Sections 18.04.241-242.

(Ord. 2228 § 2 (part), 2003; Ord. 2059 § 2, 1993: Ord. 1850 (part), 1985: Ord. 1503 § 1 (part), 1976: NCLUC § 950-7 (part))

18.04.241 Family day care home, large.

"Large family day care home" means a home which provides family day care to seven to fourteen children pursuant to Ch. 18.83, including children under the age of ten years who reside at that home.

(Ord. 2228 § 2 (part), 2003; Ord. 2059 § 3, 1993: Ord. 1850 (part), 1985)

18.04.241.1 Family day care home, small.

"Small family day care home" means a home which provides family day care to six or fewer children, including children under the age of ten years who reside at the home pursuant to Ch. 18.83. "Small family day care home" also means a home that provides family day care to seven or eight children, including children under the age of ten years who reside at that home, provided that all of the conditions set forth in Section 18.83.031 are met.

(Ord. 2228 § 2 (part), 2003; Ord. 2059 § 4, 1993: Ord. 1850 (part), 1985)

18.04.242 Family foster care home.

"Family foster care home" means a family residence in which twenty-four-hour full-time care is provided for not more than six foster children (persons under eighteen years of age) and the dwelling unit is licensed by the state.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-7 (part))

18.04.243 Fast food eating place.

"Fast food eating place" means any retail food establishment that primarily provides short order food services for on-site dining or take-out service, where such food and beverage is served on paper, plastic or other disposable containers, and including drive-in and drive-through restaurants where ready-to-eat foods are served primarily to be consumed off the premises. This definition includes all self-service restaurants, except cafeterias, sit-down pizza parlor and doughnut shops.

(Ord. 1855 § 1, 1985)

18.04.244 Fence.

"Fence" means a freestanding structure of metal, masonry, composition or wood, or any combination thereof, resting on or partially buried in the ground and rising above ground level, and used for confinement, privacy, protection, screening or partition purposes. See also "landscaping" (Section 18.04.374) and "screening" (Section 18.04.584).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-7 (part))

18.04.246 Filling station.

For a definition of "filling station" see "automobile service station" (Section 18.04.068).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-7 (part))

18.04.248 Final map.

"Final map" means a map prepared in accordance with the land division regulations and with any applicable provisions of the Subdivision Map Act, designed to be recorded with the county recorder.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-7 (part))

18.04.250 Fire protection.

"Fire protection" means such fire hydrants and other protective devices as required by the chief of the fire department.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-7 (part))

18.04.252 Floor area.

"Floor area" means the sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls separating two buildings. In particular, "floor area" includes basement space, except as specifically excluded in this definition; elevator shafts or stairwells, at each floor; floor space in penthouses; attic space (whether or not a floor has been laid) providing structural headroom of eight feet or more; floor space in interior balconies or mezzanines; floor space in open or roofed terraces, exterior balconies, breezeways or porches, if more than fifty percent of the perimeter of such terrace, balcony, breezeway or porch is enclosed, and provided that a parapet not higher than three feet eight inches, or a railing not less than fifty percent open and not higher than four feet six inches, shall not constitute an enclosure; any other floor space used for dwelling purposes, no matter where located within a building, when not specifically excluded; floor space in accessory buildings, except for floor space used for accessory off-street parking; floor space used for permitted or required accessory off-street parking spaces located more than twenty-three feet above curb level; floor space used for permitted or required accessory off-street parking spaces located more than fifty percent above ground (subterranean and semi-subterranean parking areas); and any other floor space not specifically excluded.

However, the floor area of a building shall not include cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths; elevator or

stair bulkheads, accessory water tanks, or cooling towers; uncovered steps; attic space, whether or not a floor actually has been laid, providing structural headroom of less than eight feet; floor space in open or roofed terraces, exterior balconies, breezeways, or porches, provided that not more than fifty percent of the perimeter of such terrace, balcony, breezeway, or porch is enclosed, and provided that a parapet not higher than three feet eight inches, or a railing not less than fifty percent open and not higher than four feet six inches, shall not constitute an enclosure; floor space used for permitted or required accessory off-street parking spaces located less than fifty percent above curb level; floor space used for accessory off-street loading berths, up to two hundred percent of the amount required by the applicable zone regulation; and floor space used for mechanical equipment.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-7 (part))

18.04.254 Floor area ratio.

"Floor area ratio" means the total floor area on a lot divided by the lot area. For example, a building containing twenty thousand square feet of floor area on a zoning lot of ten thousand square feet has a floor area ratio of two.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-7 (part))

18.04.256 Freeway.

"Freeway" means a divided highway for through traffic with full control of access and with grade separations at intersections, and declared to be such in compliance with the California Streets and Highways Code.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.258 Frequency.

"Frequency" means the number of times that a displacement completely repeats itself in one second of time. Frequency may be designated in cycles per second or hertz (Hz).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-7 (part))

18.04.260 Frontage.

"Frontage" means all property fronting on one side of a street between intersecting or intercepting streets, or between a street and right-of-way, waterway, end of dead-end street, or city boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

(Ord. 1503 § 1 (part), 1976: NCLUC (§ 950-7 (part))

18.04.262 Frontage road.

For this definition, see Section 18.04.592.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-7 (part))

18.04.264 Front yard.

For this definition, see Section 18.04.740.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-7 (part))

18.04.266 Future street or alley.

For this definition, see Section 18.04.642.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-7 (part))

18.04.267 Games of skill or amusement.

"Games of skill or amusement" means any machines, devices or apparatus, the operation or use of which is permitted, controlled, allowed or made possible by the deposit or placement of any coin, plate, disc, slug or key into any slot or crevice, for the purpose or

use as a game or amusement of any description the use for the purpose of which is not prohibited by any law of the state.

(Ord. 1749 § 2, 1981)

18.04.268 Garage, private.

For a definition of "private garage," see "parking garage, private" (Section 18.04.486). (Ord. 1712 § 7 (part), 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 950-8 (part))

18.04.270 Garage, public.

For a definition of "public garage," see "parking garage, public" (Section 18.04.488). (Ord. 1712 § 7 (part), 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 950-8 (part))

18.04.272 Garage, repair.

"Repair garage" means a structure or portion thereof, other than a storage or parking garage, designed or used for repairing, equipping or servicing motor vehicles. Such garages may also be used for housing, storage or sale of motor vehicles.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-8 (part))

18.04.274 Garage, storage.

"Storage garage" means a structure or portion thereof designed and used exclusively for the storage of motor vehicles, and within which temporary parking may also be permitted.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-8 (part))

18.04.276 General plan.

"General plan" means a comprehensive declaration of purposes, policies and programs for the development of the city and including, where applicable, diagrams, maps and text setting forth objectives, principles, standards, and other features, and which have been adopted by the city council. Compare "specific plan" (Section 18.04.616)

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-8 (part))

18.04.277 Government service agency.

"Government service agency" means a government service facility providing direct services to the public wherein large aggregations of people are probable, especially those such as employment offices, public assistance offices, motor vehicle registration and licensing services and similar activities commonly accustomed to having sizeable assemblages of people queueing, tarrying, bidding or waiting for service, whether pedestrian or vehicular.

(Ord. 1692 § 4, 1979)

18.04.278 Grade.

For a definition of "grade," see the Uniform Building Code.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-8 (part))

18.04.280 Gradient.

"Gradient" means the rate of vertical change of a ground surface expressed as a percentage figure and determined by dividing the vertical distance by the horizontal distance.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-8 (part))

18.04.282 Guest house.

"Guest house" means detached living quarters of a permanent type of construction, without kitchen or cooking facilities, clearly subordinate and incidental to the main building on the same lot, and intended for use by occasional guests of the occupants of the main building. A guest house shall not be separately rented, let or leased whether

compensation is direct or indirect. See also "accessory structure" (Section 18.04.008) and "servants' quarters" (Section 18.04.590).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-8 (part))

18.04.284 Guest room.

"Guest room" means any habitable room which does not contain cooking facilities and is designed or used for occupancy by one or more persons and is not in a dwelling unit. See also "suite" (Section 18.04.656).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-8 (part))

18.04.285 Hazardous waste facility.

"Hazardous waste facility" shall be defined as specified by the California Health and Safety Code and the San Diego County Hazardous Waste Management Plan.

(Ord. 2035 § 1, 1992)

18.04.286 Health facility, long-term.

"Long-term health facility" means an institution or premises licensed by the state and used for the housing and care of the ambulatory, aged or infirm, and offering or providing lodging, meals, nursing, dietary or other personal services, but not including the care and treatment of persons with contagious or communicable diseases or persons insane or addicted to narcotics or alcohol. There shall be no surgery, physical therapy, or other similar activities such as are customarily provided in hospitals. Also called rest homes; convalescent homes; homes for the aged; veterans' homes; institutions for the feebleminded, cerebral palsied and the like; plus other similar names signifying long-term care, which is personal and, at most, nursing help, rather than medical or surgical care. See also "hospital" (Section 18.04.318). (Note: A senior citizens' project or housing-for-the-elderly project is to be distinguished from a long-term health facility in that the senior citizens' project or housing is primarily of a residential character with only incidental nursing facilities while a nursing home is primarily designed and used for the care of convalescent or ill persons.)

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.288 Heliport.

"Heliport" means an area of land or water or a structural surface which is used or intended for use for the landing and takeoff of helicopters, and any appurtenant areas which are used or intended for use for heliport buildings and other heliport facilities.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.290 Helistop.

"Helistop" means the same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.292 Highway.

For definitions relating to highways, see Section 18.04.632, and sections referenced under said section.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.294 Home, child care.

"Child care home" means the same as "family day care home" (Section 18.04.240).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.296 Home, children's.

For this definition, see Section 18.04.136.



(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.298 Home, convalescent.

"Convalescent home" means the same as "long-term health facility" (Section 18.04.286).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.300 Home, day care.

"Day care home" means the same as "family day care home" (Section 18.04.240).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.302 Home, family day care.

For this definition, see Section 18.04.240.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.304 Home for the aged.

"Home for the aged" means the same as "long-term health facility" (Section 18.04.286).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.306 Home, foster care.

For this definition, see Section 18.04.242.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.308 Home, model.

For this definition, see Section 18.04.432.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.310 Home, motorized.

For this definition, see Section 18.04.542.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.312 Home, nursing.

"Nursing home" means the same as "long-term health facility" (Section 18.04.286).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.314 Home occupation.

"Home occupation" means an occupation carried on within the main building by the occupant of the dwelling as a secondary use, in connection with which there is no display, no stock in trade nor commodity sold upon the premises, no person employed, and no mechanical equipment used except that which is normally necessary for housekeeping purposes.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.316 Home, rest.

"Rest home" means the same as "long-term health facility" (Section 18.04.286).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.318 Hospital.

"Hospital" means an establishment which provides accommodations, facilities and services, over a continuous period of twenty-four hours or more, for observation, diagnosis and care of two or more individuals, not related by blood or marriage to the operator, who are suffering from illness, injury, deformity or abnormality, or from any condition requiring obstetrical, medical or surgical services. The term "hospital" includes "special hospital" services unless otherwise specified.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.320 Hospital, long-term convalescent, or nursing and convalescent.

"Long-term convalescent hospital" or "nursing and convalescent hospital" means the same as "long-term health facility" (Section 18.04.286).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.322 Hospital, psychiatric.

"Psychiatric hospital" means the same as "special hospital" (Section 18.04.324)

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.324 Hospital, special.

"Special hospital" means a hospital which treats primarily people with communicable diseases, insane or feeble-minded patients, epileptics, drug addicts, or alcoholic patients.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.326 Hotel.

"Hotel" means any building or portion of any building with access provided through a common entrance, lobby or hallway to six or more guest rooms, having no cooking facilities, and which rooms are designed, intended to be used, or are used, rented or hired out as temporary or overnight accommodations for transient guests.

(Ord. 1614 § 2, 1978; Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.328 House, apartment.

For this definition, see Section 18.04.040.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.330 House, boarding or rooming.

For this definition, see Section 18.04.088.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.332 House, guest.

For this definition, see Section 18.04.282.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.334 Household pet.

"Household pet" means any domesticated animal commonly maintained in residence with man.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.336 House, rooming.

For this definition, see Section 18.04.088.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.338 House trailer.

For a definition of "house trailer," see "mobile home" (Section 18.04.426).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.340 Housing for the elderly or senior citizens' housing.

"Housing for the elderly" or "senior citizens' housing" means a project specially designed for elderly persons and providing living unit accommodations and spaces for common use by the occupants in social and recreational activities and, when needed, incidental facilities and space for the project residents.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-9 (part))

18.04.342 Impact.

"Impact" means an earthborne impact vibration generally produced by two or more objects striking each other so as to cause separate and distinct noises.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-10 (part))

18.04.344 Impact noise.

"Impact noise" means relatively short-duration noise, generally produced by the striking of two or more objects so as to be heard as separate distinct noises.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-10 (part))

18.04.346 Impact noise analyzer.

"Impact noise analyzer" means an instrument which measures the peak sound pressure of an impact noise and meets the standards of the American National Standards Institute (or the International Electrotechnical Commission).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-10 (part))

18.04.348 Improvement.

"Improvement" means such street work and utilities as may be installed on land to be used for public or private streets, highways, alleys, pedestrian ways, ways, and easements, as are necessary for the general use and safety of the landowner and the public. Such street work and utilities may include necessary monuments, street name signs, guardrails, barricades, safety devices, fire hydrants, grading, retaining walls, storm drains and flood control channels and facilities, erosion control structures, sanitary sewers, street lights, street trees, traffic warning devices (other than traffic signals), and such other facilities as may be required by this title.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-10 (part))

18.04.350 Impulses, discrete.

For this definition, see Section 18.04.194.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-10 (part))

18.04.352 Incidental use.

"Incidental use" means the same as "accessory use" (Section 18.04.010).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-10 (part))

18.04.354 Industrial park.

"Industrial park" means a special or exclusive type of industrial area designed or equipped to accommodate a community of industries, or approved under the procedure for planned development.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-10 (part))

18.04.356 Inner court.

For a definition of "inner court," see "court" (Section 18.04.170).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-10 (part))

18.04.358 Institution, educational.

For this definition, see Section 18.04.228.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-10 (part))

18.04.360 Institution, health.

For definitions relating to health institutions, see "clinic" (Section 18.04.140) "long-term health facility" (Section 18.04.286), and "hospital" (Section 18.04.318).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-10 (part))

18.04.362 Institution, philanthropic.

For this definition, see Section 18.04.508.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-10 (part))

18.04.364 Inundation.

"Inundation" means ponded water or water in motion of sufficient depth to damage property due to the presence of the water or due to deposits of silt.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-10 (part))

18.04.366 Junk or salvage yard.

"Junk or salvage yard" means any premises used for the keeping or storage of junk, including but not limited to iron and scrap metals, paper, rags, glass, wood and similar materials, and includes the dismantling of machinery or the storage or keeping for sale of parts and equipment resulting from dismantling or wrecking operations on said property or elsewhere. "Junk or salvage yard" also includes the baling of cardboard, cardboard boxes, paper and paper cartons. Compare "automobile dismantling, or wrecking yard" (Section 18.04.056) and "scrap metal processing" (Section 18.04.582).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-11)

18.04.368 Kennel.

"Kennel" means any place where three or more dogs are kept for breeding purposes and where the pups are sold to any other person; or where dogs are received for care or for boarding by the day, week or month, or for longer periods of time.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-12 (part))

18.04.370 Kitchen.

"Kitchen" means any room or space within a building designed, intended to be used, or used for the cooking or the preparation of food.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-12 (part))

18.04.372 Land reclamation project.

"Land reclamation project" means a project established to restore otherwise unsuitable land to useful purposes through the use of fill materials such as rubbish, waste, soil and other unwanted materials. "Land reclamation project" includes a dump or waste disposal facility.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-13 (part))

18.04.374 Landscaping.

"Landscaping" means the use of architectural and horticultural materials to provide control of erosion, dust, weeds, and accumulation of litter in a manner complementary to the purpose of adding natural environmental quality to the premises. "Landscaping" includes the planting and maintenance of some combination of trees, shrubs, groundcover, vines, flowers, lawns or other planting materials, other than weeds, providing shade, visual screening, aesthetic enhancement, soil conservation, and the removal or reduction of fire hazards, rodent harborages, vermin, and disease-bearing creatures. In addition, the combination or design may include natural features such as rock and stone, and structural features such as pools, art work, screens, walls, fences and benches. See also "fence" (Section 18.04.244) and "screening" (Section 18.04.584).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-13 (part))

18.04.376 Landscaping maintenance.

"Landscaping maintenance" includes sufficient irrigation, fertilization, pruning, trimming, training, and all other reasonable acts necessary to keep plants in a healthy vigorous condition. Maintenance also includes removal of weeds, dead materials and accumulated litter, rubble, or other foreign substances; and reseeding, and replacement of dead plants and planting where necessary to restore a landscaped area to the level of "coverage" required of a new installation.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-13 (part))

18.04.378 Living quarters.

"Living quarters" means the same as "guest house" (Section 18.04.282).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-13 (part))

18.04.380 Loading berth.

"Loading berth" means a space within a loading facility, exclusive of driveways, aisles, maneuvering areas, ramps, columns, landscaping areas, office and work areas, for the temporary parking of a commercial vehicle while loading or unloading goods or materials, and which abuts upon a street, alley, or other appropriate means of access.  
(Ord. 1503 § 1 (part), 1976: NCLUC § 950-13 (part))

18.04.382 Loading facility.

"Loading facility" means an area, either open or enclosed, or partially enclosed within a structure or portion thereof, designed or used for the temporary parking of commercial vehicles while loading or unloading goods or materials.  
(Ord. 1503 § 1 (part), 1976: NCLUC § 950-13 (part))

18.04.384 Lodginghouse.

For this definition, see Section 18.04.088.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-13 (part))

18.04.386 Lot.

The following shall constitute a legal building site:

- A. A parcel of land which is shown on a final subdivision map recorded in the office of the county recorder, pursuant to the provisions of the Subdivision Map Act; or
- B. A parcel of land, the dimensions or boundaries of which are defined by a duly recorded record of survey map; or
- C. A parcel of land shown on the approved lot split map on file in the city engineering department; or
- D. A parcel of land which is shown on an approved parcel map recorded in the office of the county recorder; or
- E. A parcel of land not described as in subsections A, B, C or D of this section and legally subdivided prior to the adoption of this National City Land Use Code.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-13 (part))

GRAPHIC LINK: [Click here](#)

LOT DEFINITIONS

18.04.388 Lot area.

"Lot area" means the total area, measured on a horizontal plane, included within the lot lines of a lot or parcel of land.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-13 (part))

18.04.390 Lot, corner.

"Corner lot" means a lot or parcel of land situated at the intersection of two or more streets or highways, which streets or highways have an angle of intersection, measured within the lot or parcel of land, of not more than one hundred thirty-five degrees.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-13 (part))

18.04.392 Lot depth.

"Lot depth" means the horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-13 (part))

18.04.394 Lot frontage.

For a definition of "lot frontage," see "frontage" (Section 18.04.260).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-13 (part))

18.04.396 Lot, interior.

"Interior lot" means a lot other than a corner lot or reversed corner lot.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-13 (part))

18.04.398 Lot, key.

"Key lot" means the first interior lot to the rear of a reversed corner lot and not separated therefrom by an alley.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-13 (part))

18.04.400 Lot line.

"Lot line" means the property line bounding the lot.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-13 (part))

18.04.402 Lot line, front.

"Front lot line" means a line separating an interior lot from a street or highway, or a line separating the narrower street frontage of a corner lot from the street or highway. In the case of a corner lot with equal frontages on intersecting streets, the front lot line shall be the continuation of the street line with the greatest number of lot frontages in the block.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-13 (part))

18.04.404 Lot line, rear.

"Rear lot line" means a lot line which is opposite and most distant from the front lot line and, in the case of an irregular, triangular, or gore-shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-13 (part))

18.04.406 Lot line, side.

"Side lot line" means any lot boundary line not a front lot line or a rear lot line.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-13 (part))

18.04.408 Lot, reversed corner.

"Reversed corner lot" means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-13 (part))

18.04.410 Lot, through.

"Through lot" means a lot having frontage on two parallel or approximately parallel streets.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-13 (part))

18.04.412 Lot width.

"Lot width" means the horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-13 (part))

18.04.414 Main building.

For this definition, see Section 18.04.106.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-14 (part))

18.04.416 Major highway.

For definitions relating to highways, see Section 18.04.632, and sections referenced under said sections.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-14 (part))

18.04.418 Maps.

For definitions relating to maps, see "final map" (Section 18.04.248). "parcel map" (Section 18.04.478). "Subdivision Map Act" (Section 18.04.654) "tentative map" (Section 18.04.662), and "zoning map" (Section 18.04.758).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-14 (part))

18.04.419 Massage and massage parlor.

A. Massage. See Section 6.50.030E.

B. Massage Parlor. See Sections 18.69.020N and 6.50.030F.

(Ord. 1699 § 4(G) (4, 5), 1979)

18.04.420 Marquee.

"Marquee" means a fixed shelter used only as a roof and extended over a building line, and which is entirely supported by the building to which it is attached. Compare

"awning" (Section 18.04.072) and "canopy" (Section 18.04.120).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-14 (part))

18.04.422 Medical clinic.

"Medical clinic" means the same as "clinic" (Section 18.04.140).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-14 (part))

18.04.424 Mental care.

For a definition relating to mental care, see "special hospital" (Section 18.04.324).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-14 (part))

18.04.425 Miniwarehouse.

"Miniwarehouse" means a building used for private rental of space for temporary storage of household goods and materials other than storage by commercial "household goods storage" businesses and except "warehouses."

(Ord. 1712 § 35 (part), 1980)

18.04.426 Mixed use.

The term "mixed use" shall be defined as either:

A. A combination of commercial and residential uses or structures, designed and built on a single lot or parcel, or as components of a single development; or

B. Residential development within a commercial zone where permitted by the applicable regulations of the commercial zone and Chapter 18.140 of the land use code.

(Ord. 1974 § 2, 1989)

18.04.427 Mobile home.

"Mobile home" means a structure or vehicle, without its own motive power, used or designed for living or sleeping purposes. It is equipped with wheels for the purpose of transporting such from place to place but is generally located on a fixed or semipermanent base. In addition, a travel trailer is not to be considered as a mobile home.

Compare "recreational vehicles" (Section 18.04.542).

(Ord. 1974 § 1, 1989; Ord. 1503 § 1 (part), 1976: NCLUC § 950-14 (part))

18.04.428 Mobile home park.

"Mobile home park" means any lot or parcel of land where trailer or mobile home sites are rented or leased, or offered for rent or lease, for one or more house trailers or mobile homes. Compare "tourist camp" (Section 18.04.670).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-14 (part))

18.04.430 Mobile home site.

"Mobile home site" means that portion of a mobile home park set aside and designated for the occupancy of a mobile home and including the area set aside or used for parking

or structures, including awnings, cabanas or ramadas which are accessory to the mobile home.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-14 (part))

18.04.432 Model home.

"Model home" means a dwelling or residential building having all of the following characteristics:

A. Said dwelling is constructed upon a proposed lot previously designated as a model home site by the planning commission in a subdivision for which the commission has approved or conditionally approved a tentative map but for which a final map has not yet been recorded;

B. The proposed lot upon which the model home is constructed is recognized as a legal building site for the duration of the model home permit;

C. No certificate of occupancy for such dwelling has been issued by the director of building and housing;

D. Where applicable, temporary access to such dwelling is permitted over future streets previously restricted to public access; and,

E. Said dwelling is intended to be temporarily utilized as an example of the dwellings which have been built or which are proposed to be built in the same subdivision.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-14 (part))

18.04.434 Motel.

"Motel" means a building or group of buildings containing individual sleeping or living units designed or used temporarily by tourists or transients traveling by automobile, with the garage attached or parking space conveniently located to each unit, commonly referred to as auto courts, motels, motor lodges, tourist courts, and similar designations. Otherwise, "motel" means the same as "hotel" (Section 18.04.326).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-14 (part))

18.04.436 Motor vehicle.

"Motor vehicle" means a self-propelled device used or intended to be used for the transportation of freight or passengers upon a street or highway, excepting a device moved by human power or a device used exclusively upon stationary rails or tracks. See also "recreational vehicles" (Section 18.04.542) and automobile-related definitions, plus "accessory vehicle" (Section 18.04.712) and "commercial vehicle" (Section 18.04.714).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-14 (part))

18.04.438 Net area.

For this definition, see Section 18.04.048.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-15 (part))

18.04.440 Nonconforming structure.

"Nonconforming structure" means a structure which was lawfully erected prior to the adoption of the ordinance codified in this title but which, under the provisions of this title, does not conform to the standards of coverage, yards, height of structures, or distances between structures prescribed in the regulations for the zone in which the structure is located.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-15 (part))

18.04.442 Nonconforming use.



"Nonconforming use" means a use of a structure or land, which was lawfully established and maintained prior to the adoption of the ordinance codified in this title, but which, under the provisions of this title, does not conform with the use regulations for the zone in which it is located.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-15 (part))

18.04.444 Nursery, day.

"Day nursery" means the same as "child day care center" (Section 18.04.134).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-15 (part))

18.04.446 Nursery school.

"Nursery school" means the same as "child day care center" (Section 18.04.134).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-15 (part))

18.04.448 Nursing home.

"Nursing home" means the same as "long-term health facility" (Section 18.04.286).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-15 (part))

18.04.450 Octave band analyzer.

"Octave band analyzer" means an instrument to measure the octave band composition of a sound, by means of bandpass filters. It shall meet the specifications of the American National Standards Institute and should be calibrated in the preferred frequencies (ANSI S1.4-1961, ANSI S1.6-1967, ANSI S1.11-1966). See also "preferred center frequency" (Section 18.04.516).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-16 (part))

18.04.452 Odorous matter.

"Odorous matter" means material suspended in the atmosphere that produces an olfactory response in normal human beings.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-16 (part))

18.04.454 Odor threshold concentration.

"Odor threshold concentration" means the lowest concentration of odorous matter that produces an olfactory response in normal human beings. Odor thresholds shall be determined in accordance with the American Society for Testing and Materials Test Method D1391-57 (reconfirmed to 1967) or in an equivalent manner acceptable to the planning director.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-16 (part))

18.04.456 Odor threshold limit value.

"Odor threshold limit value" means the maximum allowable concentration of odorous matter to which an industrial worker may be exposed for eight hours exposure per day, five days a week, as adopted by the American Conference of Governmental Industrial Hygienists. (Note: This definition appears similar to odor threshold concentration.)

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-16 (part))

18.04.458 Office.

The following types of uses are typical office functions: agricultural, business, and personal credit services; security and commodity brokers, dealers, exchanges, and services; employment services; insurance carriers, agents, brokers, and services; real estate and related services; holding and investment companies; advertising services; consumer and mercantile credit reporting services; adjustment and collection services; direct mail advertising services; stenographic services and other duplicating and mailing services; news syndicate services; business and management consulting services;

detective and protective services; motion picture distribution and services; physician services; legal services; engineering and architectural services; and office activities only of business organizations involved in manufacturing, wholesale and retail trade, transportation, communication, and public and semipublic utilities.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-16 (part))

18.04.460 Open space, common usable.

"Common open space" means open space substantially free of structures but containing improvements which are part of a general development plan and are appropriate for the active or passive recreation of residents of a planned residential development. The common usable open space shall be designed and screened appropriately for its intended use and shall have a minimum dimension of ten feet. The common open space shall be located within the total development site and shall be used for active or passive recreational purposes by occupants of the development, or dedicated to the city for public park.

"Common open space" shall not include public or private streets, driveways, private yards or patios, parking or loading spaces, or utility easements where the ground surface cannot be used appropriately for active or passive recreation, nor other areas primarily designed for other operational functions.

(Ord. 2251 § 2, 2004; Ord. 1503 § 1 (part), 1976: NCLUC § 950-16 (part))

18.04.462 Open space, private usable.

Private usable open space shall be improved for recreational use by the residents of the unit to which it is credited. It shall be located adjacent to and accessible from the unit that it serves, and shall have a minimum dimension of five feet. At ground level it shall be screened by the use of five and one half foot tall dense landscaping or a wall/fence. If the space is four feet or higher above grade or at ground level but located such that the space faces a beneficial outward and open orientation the space shall be screened with three and one half foot tall dense landscaping or a wall/fence.

(Ord. 2251 § 3, 2004; Ord. 1712 § 64, 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 950-16 (part))

18.04.464 Open space, usable roof area.

"Usable roof area open space" means that part of a roof which is usable by all residents of the building, is accessible to all residents by a passageway from the buildings, is enclosed by parapet or ground rails adequate for the safety of the occupants, has no dimension less than twenty feet, and is developed for active or passive recreational use.

(Ord. 1503 § 1 (part) 1976: NCLUC § 950-16 (part))

18.04.465 Termination, land use activity.

"Termination" or "cessation" of a land use activity occurs when premises are, from outward appearance, vacated, abandoned, inoperative or disused for a consecutive period of thirty days or more, or when electric service has been discontinued by the occupant or the premises are barricaded, padlocked or otherwise closed to all entry; or when the holder of city permits or licenses advises city agencies that a use has terminated or ceased.

(Ord. 1712 § 53 (part), 1980)

18.04.466 Orphanage.

"Orphanage" means the same as "children's home" (Section 18.04.136). See also "philanthropic institution" (Section 18.04.508).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-16 (part))

18.04.468 Outdoor advertising display.

"Outdoor advertising display" means any card, paper, cloth, metal, glass, wooden or other display or device of any kind placed for outdoor advertising purposes on the ground or on any tree, wall, rock, structure, or other object.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-16 (part))

18.04.470 Outdoor advertising structure.

For definitions relating to outdoor advertising structures, see sign-related definitions.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-16 (part))

18.04.472 Outdoor storage.

"Outdoor storage" means storage of goods and materials outside of any building or structure, but not including storage of a temporary or emergency nature.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-16 (part))

18.04.474 Pad, building.

"Building pad" means the area occupied by a building or buildings on a building site, including the open area contiguous to and surrounding such buildings and having a slope not greater than ten percent. Building pads shall be exclusive of required front yards.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.476 Parcel.

For a definition of "parcel," see "lot" (Section 18.04.386).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.478 Parcel map.

"Parcel map" means a map showing the division of land, as described in the California Subdivision Map Act, and prepared in accordance with the provisions of this title and the Subdivision Map Act.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.480 Parking building.

"Parking building" means the same as "public parking garage" (Section 18.04.488).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.482 Parking facility.

"Parking facility" means an area other than a street or other public way, either open or enclosed within a structure or portion thereof, designed or used for the parking of motor vehicles.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.484 Parking facility, accessory.

"Accessory parking facility" means a parking facility which is accessory to a structure or use on the same lot or another lot, and may include both required or permitted parking stalls.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-11 (part))

18.04.486 Parking garage, private, or carport, private.

"Private parking garage" or "private carport" means a detached accessory building or portion of a main building assigned for the parking or temporary storage of automobiles of the occupants of the premises.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.488 Parking garage, public.

"Public parking garage" means a structure or portion thereof designed or used for the parking of motor vehicles and some or all of whose parking stalls are nonaccessory. Commercial or public parking garages may include accessory off-street parking stalls limited to such stalls which are accessory to other structures or uses on the same lot. (Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.490 Parking lot.

"Parking lot" means an open area, other than a street, used or designated to be used for temporary storage of vehicles, and which is available for either public or private use, whether free, for compensation, as an accommodation for clients or customers, or for private use.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.492 Parking space or stall.

"Parking space" or parking stall" means a permanently surfaced space within a parking facility, exclusive of driveway, aisles, maneuvering or landscaped areas, ramps, columns, office and work areas, for the parking of one motor vehicle.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.494 Parkway.

"Parkway" means that portion of a street or highway other than a roadway or sidewalk.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.496 Particulate velocity.

"Particulate velocity" means a characteristic of vibration that depends on both displacement and frequency. If not directly measured, it can be computed by multiplying the frequency by the amplitude times the factor 6.28. The particulate velocity would be in inches per second, when the frequency is expressed in cycles per second and the amplitude in inches.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.498 Patio structure.

"Patio structure" means an attached roofed structure, open on one or more sides, whose principal use shall be for indoor-outdoor living and recreation.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.500 Pedestrian way.

"Pedestrian way" means a right-of-way for pedestrians, free from vehicular traffic and including access ramps, stairs, and mechanical lifts and routes through buildings which are available for public use.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.501 Peep show.

A. "Peep show establishment" means any place in which a peep show device is operated. See also Chapter 15.36.

B. "Peep show device" means an aperture through which may be viewed images that are exhibited by means of the projection or internal electronic reflection of motion picture film, or slides, or both. See also adult motion picture arcades defined in Section 18.36.020(F) and adult mini-motion picture theater in Section 18.69.020(E).

(Ord. 1699 § 4(G)(3), 1979)

18.04.502 Performance standards.

For provisions regarding performance standards, see Sections 18.102.150 through 18.102.270, and specific definitions dispersed throughout this chapter.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.504 Petroleum bulk plant.

"Petroleum bulk plant" means any premises used for the wholesale distribution and storage of gasoline, oil or petroleum products, but not including the storage of liquid petroleum gas, a tank farm, or connection to a pipeline constituting, in effect, a petroleum terminal.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.506 Pet shop.

"Pet shop" means any store, department of any store, or place of business where dogs, cats, monkeys, birds, reptiles, or any other animals are kept for sale, for hire, or are sold.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.508 Philanthropic institution.

"Philanthropic institution" means a nonprofit, charitable institution devoted to the housing, training or care of children, or of aged, indigent, handicapped or underprivileged persons, but not including the following: office buildings, except as an accessory to and located on the same lot with an institutional activity, as listed above; hospitals, clinics or sanitariums, correctional institutions; institutions or homes for the insane or those of unsound mind; lodginghouses or dormitories providing temporary quarters for transient unemployed persons; organizations devoted to collecting and salvaging new or used materials; or organizations devoted principally to distributing food, clothing or supplies on a charitable basis.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.510 Planned unit development.

"Planned unit development" means the planning, construction, or implementation and operation of any use or structure, or a combination of uses and structures, on a single parcel of land based on a comprehensive and complete design or plan treating the entire complex of land, structures and uses as a single project.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.512 Planning commission.

For this definition, see Section 18.04.150.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.514 Poultry farm.

"Poultry farm" means any premises on which the primary use is breeding, raising, or maintaining poultry, for sale of eggs or poultry, or where the primary income from the premises is derived from the aforesaid occupation.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.516 Preferred center frequency.

"Preferred center frequency" means the octave band designated by a single number which corresponds to the geometric center frequency. Nine octave bands cover the entire range of frequencies of interest in industrial noise and are described in the American National Standards Institute Standard S1.6-1967.

(Ord. 1503 § 1 (part) 1976: NCLUC § 950-17 (part))

18.04.518 Principal permitted use.

"Principal permitted use" means a use which does not require the issuance of a conditional use permit, but which may be subject to site plan and architectural approval, planned unit development approval, or planned development approval. Where more than

one use, as identified in Appendix D, is located within a single place, the principal use is that activity to which the greatest amount of floor and/or ground space is devoted. All other activities are "accessory uses." An accessory use that is clearly subordinate and incidental to a permitted use is a component of that permitted use.

(Ord. 1712 § 36, 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.520 Private club.

For this definition, see Section 18.04.144.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.522 Private road easement.

"Private road easement" means a parcel of land not dedicated as a public street but intersecting or connecting with a public street, or another private street, for which a private easement for road purposes has been proposed or granted to the owners of property contiguous or adjacent thereto, and for which an instrument creating the easement has been duly recorded and filed with the county recorder.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.524 Projection, architectural.

"Architectural projection" means anything attached to and extended outside the outer face of the exterior wall of a structure and not intended for shelter or occupancy.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.526 Property line.

"Property line" means a line separating parcels of real property having separate legal descriptions, but not including a building line.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.528 Public utility service center.

"Public utility service center" means any building or premises used for the administration of public utility repair, maintenance and installation crews, including parking for vehicles not to exceed one and one-half-ton rated capacity, but not including warehouses or storage yards.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-22 (part))

18.04.530 Public utility service yard.

"Public utility service yard" means any building or premises used for the office, warehouse, storage yard, or maintenance garage of a public utility, including microwave repeater stations when incorporated as a part of the service yard use. See also

"communication equipment building" (Section 18.04.152) and "telephone repeater station" (Section 18.04.658).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-22 (part))

18.04.532 Public way.

"Public way" means any street, alley, pedestrian way, channel, viaduct, subway, tunnel, bridge, easement, right-of-way, or other way in which a public agency has a right of use. See also Section 18.04.632, and sections referenced under said section.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-17 (part))

18.04.534 Quarry.

"Quarry" means any place on a lot or parcel of land where dirt, soil, sand, gravel, rock, clay, decomposed granite, or other similar material is removed by excavation or otherwise. "Quarry" includes mining operations for the removal of ores, precious stones, or other solid minerals, but shall not include excavation and removal of materials from a

lot or parcel of land preparatory to construction of a building for which a building permit has been issued and remains in full force and effect, provided that such excavation is confined to that necessary for such building construction, but in no event shall more than five thousand cubic yards of soil or other excavated materials be removed from the premises; or excavation, on a lot, parcel of land or subdivision, necessary to grading, building construction or operation on the premises, where a building permit is not in full force and effect, provided that such grading is necessary to prepare a site for a lawful use permitted thereon, but in no event shall more than five hundred cubic yards of soil or other excavated materials be removed from such premises.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-18)

18.04.536 Real estate tract sales office.

"Real estate tract sales office" means a sales office established and maintained in one model home as approved by the planning commission, or in a single-family dwelling on a recorded lot previously designated as a model home site by the planning commission and serving temporarily as an example of houses in the same subdivision, and subject to the provisions of this title.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-19 (part))

18.04.538 Rear lot line.

For this definition, see Section 18.04.404.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-19 (part))

18.04.540 Rear yard.

For this definition, see Section 18.04.744.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-19 (part))

18.04.542 Recreational vehicles.

A. Recreational vehicles include the following:

1. Boats and boat trailers, including boats, floats, and rafts, plus the normal equipment to transport the same on a highway;
2. Campers, which are structures designed primarily to be mounted upon a motor vehicle and with sufficient facilities to render same suitable for use as a temporary dwelling for camping travel, recreational and vacation purposes;
3. Full tent trailers, which are canvas folding structures mounted on wheels and designed for travel and vacation use;
4. Motorized homes, which are portable dwellings designed and constructed as an integral part of a self-propelled vehicle;
5. Travel trailers, which are vehicular portable structures built on a chassis and designed to be used as temporary dwellings for travel, recreational and vacation uses permanently identified as a travel trailer by the manufacturer.

B. See also "mobile home" (Section 18.04.426) and "motor vehicle" (Section 18.04.436).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-19 (part))

18.04.544 Recreation, commercial.

"Commercial recreation" means recreation facilities operated as a business and open to the general public for a fee.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-19 (part))

18.04.546 Recreation, private, noncommercial.

"Noncommercial private recreation" means clubs or recreation facilities operated by a nonprofit organization and open only to bona fide members of such nonprofit organization.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-19 (part))

18.04.548 Recreation, public.

"Public recreation" means publicly owned or operated recreation facilities.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-19 (part))

18.04.550 Recreation room or building.

"Recreation room or building" means a room, contained in either a main building or an accessory building, designed to be utilized primarily for games, the pursuit of hobbies, social gatherings, and such activities. Such a room may contain such plumbing fixtures as are utilized in a bar or for hobby activities. Such a room in a single-family or two-family dwelling, or in an accessory building appurtenant to a single-family or two-family dwelling, may not include facilities for the cooking and preparation of food. However, in a multiple residential use or in an accessory building appurtenant thereto, a recreation room which is for the common use of all the dwelling units therein may contain facilities for the cooking and preparation of food.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-19 (part))

18.04.553 Repair garage.

For this definition, see Section 18.04.272.

(Ord. 1934 § 2, 1987: Ord. 1503 § 1 (part), 1976: NCLUC § 950-19 (part))

18.04.554 Residential building.

"Residential building" means a building or portion thereof designed or used for human habitation and including the following types with respect to permitted numbers of dwelling units and guest rooms:

TABLE INSET:

| Type   | Dwelling | Units     | Guest     |
|--|----------|-----------|-----------|
| Rooms  |          |           |           |
| Dwelling, single-family                      | 1        | 2         |           |
| Dwelling, two-family or duplex               | 2        | 2         |           |
| Dwelling, multiple-family or apartment house |          | 3 or more | 5 or less |
| Boardinghouse or roominghouse                | 1        | 1 to 5    |           |
| Dormitories, fraternity or sorority houses   | 1        | 6 or more |           |
| Hotel or motel                               | 0 or 1   | 6 or more |           |

See specific definitions for any additional requirements.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-19 (part))

18.04.556 Residential care home.

"Residential care home" means a state authorized, certified, or licensed home serving six or fewer mentally disordered or otherwise handicapped persons or dependent or neglected children, and providing care on a twenty-four-hour-a-day basis, as defined in Section 5116, California Welfare and Institutions Code.

(Ord. 1712 § 37, 1980: Ord. 1503 § 1 (part), 1976: NCLUC § 950-19 (part))

18.04.558 Residential density.



"Residential density" means the average number of families living on one acre of land in a given area. Net residential density is determined by dividing the total number of families in a defined area by the total acreage of all parcels of land within the area that are used for residential and accessory purposes. Gross residential density is obtained by dividing all land in a defined area used for residences, streets, local schools, local parks, and local shopping facilities into the total number of families in said area.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-19 (part))

18.04.560 Rest home.

"Rest home" means the same as "long-term health facility" (Section 18.04.286).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-19 (part))

18.04.562 Retail sales or retail store.

"Retail sales" or "retail store" means the sale of goods, merchandise or commodities for consumption or use by the purchaser.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-19 (part))

18.04.564 Right-of-way.

"Right-of-way" means an area of land reserved for public or private easements.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.566 Roadside stand.

"Roadside stand" means a temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.

(Ord. 1503 § 1 (part), 1976: NCLUC 950-19 (part))

18.04.568 Roadway.

"Roadway" means that portion of a right-of-way for a street, highway or alley designed or used for accommodating the movement of vehicles.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.570 Room, guest.

For this definition, see Section 18.04.284.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-19 (part))

18.04.572 Roominghouse.

For this definition, see Section 18.04.088.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-19 (part))

18.04.574 Salvage yard.

For this definition, see Section 18.04.366.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.576 Sanitarium or sanitorium.

"Sanitarium" or "sanitorium" means the same as "hospital" (Section 18.04.318).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.577 Satellite television antenna.

"Satellite television antenna" means a device or instrument designed or used for the reception of television or other electronic communications signals broadcast or relayed from an earth satellite. It may be a solid, open-mesh or bar-configured structure, typically eight feet in diameter, in the shape of a shallow dish or parabola.

(Ord. 1866 § 1, 1985)

18.04.578 School, elementary and high.

"Elementary school" and "high school" mean institutions of learning which offer instruction in the several branches of learning and study required to be taught to the

public schools by the Education Code of the state. "High school" includes junior and senior high schools.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.580 School, trade, vocational, business or professional.

"Trade school," "vocational school," "business school" or professional school" means an institution of learning which offers specialized instruction as preparation for entrance into, or as supplementary training in, a specific field or endeavor. Such institutions include, but are not limited to, secretarial schools, barber schools, modeling schools, language schools, electronics schools, dancing schools, and art schools.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.582 Scrap metal processing.

"Scrap metal processing" means the recovery of metals from salvage for consumption by primary metals industries, using cutting, shredding, and melting processes. "Scrap metal processing" includes the preparation of such salvaged metals for reshipment. "Scrap metal processing" does not include wrecking yards, junkyards, or any similar use where metals are stored or sold as secondhand or used materials. Nonmetallic salvage or processing not clearly incidental to the principal use shall not be allowed.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.584 Screening.

"Screening" means solid walls, solid fences, or dense living hedges for the purpose of concealing from view the area behind such structure or hedge.

See also "fence" (Section 18.04.244) and "landscaping" (Section 18.04.374).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.586 Secondary highway.

For definitions relating to highways, see Section 18.04.632, and sections referenced under said section.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.588 Senior citizens' housing.

For this definition, see Section 18.04.340.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.590 Servants' quarters.

"Servants' quarters" means an accessory structure located on the same premises with the main building used solely as a dwelling for persons employed on the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.592 Service road or frontage road.

"Service road" or "frontage road" means a street lying adjacent and approximately parallel to, and separated from, a freeway or highway and which affords access to abutting property.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.594 Setback.

"Setback" means a horizontal distance determining the location of a building with respect to a street, zone boundary line, or another use. Where the term "setback" is used in conjunction with a modifying word or words, such as "parking area," the setback shall, in its application, include but not be limited to building.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.596 Shopping center.

"Shopping center" means a group of commercial establishments planned and developed, owned or managed as a unit, with off-street parking and loading provided on the property, and related in its location, size, and type of shops to the trade area which the unit serves.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.598 Sidewalk.

"Sidewalk" means that portion of a thoroughfare, other than a roadway, set apart by curbs, barriers, markings or other delineations for pedestrian travel.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.600 Side yard.

For this definition, see Section 18.04.748.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.606 Site, building.

For this definition, see Section 18.04.108.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.607 Skilled nursing facility.

"Skilled Nursing Facility" means an institution, or part of an institution, that provides licensed, skilled nursing care and related services for patients who require 24-hour medical, nursing or rehabilitative services.

(Ord. 2229 § 1 (part), 2003)

18.04.608 Sloping terrain.

"Sloping terrain" means any ground surface having a rate of incline or decline of greater than a ten-percent gradient.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.610 Solid fill.

"Solid fill" means any noncombustible material insoluble in water, such as soil, rock, sand, or gravel, that can be used for grading land or filling depressions.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.612 Solid fill project.

"Solid fill project" means any operation on a parcel of land where more than one thousand cubic yards of solid fill materials are deposited for any purpose, including the grading or reclaiming of land.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.614 Sound level meter.

"Sound level meter" means an instrument to measure the overall sound pressure level. It shall comply with the applicable specifications of the American National Standards Institute (ANSI S1.4-1961).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.616 Specific plan.

"Specific plan" means a definite statement, adopted by ordinance, of policies, standards, and regulations, together with a map or description defining the location where such policies, standards, and regulations are applicable.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.618 Stable, private.

"Private stable" means a detached accessory building for the keeping of horses owned by the occupants of the premises, but not kept for remuneration, hire or sale. See also "accessory structure" (Section 18.04.008).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.620 Stable, public.

"Public stable" means a stable other than a private stable.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.622 Stall.

For a definition of "parking stall," see Section 18.04.492.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.624 Steady state.

For a definition of "steady state vibration," see Section 18.04.728.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.626 Storage.

For a definition of "outdoor storage," see Section 18.04.472.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.628 Storage garage.

For this definition, see Section 18.04.274.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.630 Story.

For a definition of "story," see the Uniform Building Code.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.632 Streets and highways.

For definitions relating to streets and highways, see Sections 18.04.256, 18.04.494, 18.04.522, 18.04.564, 18.04.568, 18.04.592, and 18.04.634 through 18.04.646. See also "alley" (Section 18.04.028) and "public way" (Section 18.04.532).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.634 Street or public street.

"Street" or "public street" means any public thoroughfare other than an alley or walk.

Where a subdivision has been recorded containing lots which abut only on an alley or walk, the alley or walk may be considered to be a street.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.636 Street, collector.

"Collector street" means a street (including the principal access streets of a subdivision) which carries traffic from local streets, either directly or by way of other existing or proposed collector streets, to a major or secondary highway.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.638 Street line.

"Street line" means the boundary line between a street and the abutting property.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.640 Street, local.

"Local street" means any street, other than a collector street, major or secondary highway or freeway, providing access to abutting property and serving local, as distinguished from through, traffic.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.642 Street or alley, future.

"Future street or alley" means any real property which the owner thereof has offered for dedication to the city for street or alley purposes but which has been rejected by the city council subject to the right of the council to rescind its action and accept by resolution at any later date and without further action by the owner all or part of said property as a public street or alley.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.644 Street, private.

"Private street" means a private road easement that the director determines to be adequate for access and which conforms to such dimensional and improvement standards as are adopted by the commission.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.646 Street, side.

"Side street" means a street which is adjacent to a corner lot and which extends in the general direction of the line determining the depth of the lot.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.648 Structural alteration.

"Structural alteration" means any change in the supporting members of a building, such as foundations, bearing walls, columns, beams, floor or roof joists, girders, or rafters, or changes in roof or exterior lines.

(Ord. 1503 § 1 (part), 1976: § 950-20 (part))

18.04.650 Structure.

"Structure" means anything constructed or erected which is supported directly or indirectly on the earth, but not including any vehicle which conforms to the California State Vehicle Act. "Structure" includes any building or accessory building which can be used for the housing, shelter, or enclosure of persons, animals, chattels, or property of any kind, plus fences, walls, billboards, platforms, towers, panels and signs.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.652 Structure, accessory.

For this definition, see Section 18.04.008.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.654 Subdivision Map Act.

"Subdivision Map Act" means the Subdivision Map Act of the state.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.656 Suite.

"Suite" means a group of habitable rooms designed as a unit and occupied by only one family, but not including a kitchen or other facilities for the preparation of food, with entrances and exits which are common to all rooms comprising the suite. Compare "guest room" (Section 18.04.284).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-20 (part))

18.04.658 Telephone repeater station.

"Telephone repeater station" means a building used for housing amplifying equipment along aerial or underground telephone cable routes. See also "public utility service center" (Section 18.04.528) and "public utility service yard" (Section 18.04.530).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-21 (part))

18.04.660 Temporary use.

For this definition, see Section 18.04.702.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-21 (part))

18.04.662 Tentative map.

"Tentative map" means a map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it, and need not be based upon an accurate or detailed final survey of the property.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-21 (part))

18.04.664 Tentative map, revised.

"Revised tentative map" means a map involving a revised arrangement of the streets, alleys, easements or lots within property for which a tentative map has been previously approved, or a modification of the boundary of the property.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-21 (part))

18.04.666 Threshold concentration or threshold limit value.

For definitions of "odor threshold concentration" and "odor threshold limit value," see Sections 18.04.454 and 18.04.456, respectively.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-21 (part))

18.04.668 Tideland.

"Tideland(s)" means that area designated by the state legislature to be the jurisdiction of the San Diego Unified Port District.

(Ord. 1712 § 38, 1980: Ord. 1503 § 1 (part), 1976: NCLUC § 950-21 (part))

18.04.670 Tourist camp.

"Tourist camp" means any place, area or tract of land upon which is located two or more campsters, trailer coaches, trailers, automobiles used for sleeping purposes, or other camping outfits, commonly referred to as a tourist camp, trailer camp, or similar designations. Compare "mobile home park" (Section 18.04.428).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-21 (part))

18.04.672 Townhouses.

"Townhouses" means attached or semidetached buildings, each containing a single dwelling unit and each located or capable of being located on a separate lot.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-21 (part))

18.04.674 Trailer.

For definitions relating to trailers, see "mobile home" (Section 18.04.426) and "recreational vehicles" (Section 18.04.542).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-21 (part))

18.04.676 Trailer, full tent.

For this definition, see Section 18.04.542.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-21 (part))

18.04.678 Trailer park.

For a definition of "trailer park" see "mobile home park" (Section 18.04.428).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-21 (part))

18.04.680 Trailer site.

For a definition of "trailer site," see "mobile home site" (Section 18.04.430).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-21 (part))

18.04.682 Trailer, utility.

"Utility trailer" means a vehicle designed to be drawn by a motor vehicle for the purpose of transporting cargo, but not including any recreational vehicle or mobile home. The

vehicle shall not exceed two thousand pounds in weight. Compare "mobile home" (Section 18.04.426) and "recreational vehicles" (Section 18.04.542) (Ord. 1503 § 1 (part), 1976: NCLUC § 950-21 (part))

18.04.684 Transient.

"Transient" means any person who exercises temporary occupancy by reason of concession, permit, right of access or license under the provision of Civil Code Section 1940(b).

(Ord. 2195 § 2; Ord. 1503 § 1 (part) 1976: NCLUC § 950-21 (part))

18.04.685 Transitional housing.

"Transitional housing" means multi-family housing operated by non-profit institutions and offered for a specified period of time to recently homeless families and individuals, to prepare them for independent living. "Transitional housing" may comprise either an entire property containing multi-family dwellings or a portion of such property.

(Ord. 2194 § 2)

18.04.686 Travel trailer.

For this definition, see Section 18.04.542,

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-21 (part))

18.04.688 Underwater land.

"Underwater land" means land below the "mean lower low water" as defined by the United States Coast and Geodetic Survey.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-22 (part))

18.04.690 Unified control.

"Unified control" means the written consent or agreement of all property owners.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-22 (part))

18.04.692 Usable open space.

For this definition, see Section 18.04.462.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-22 (part))

18.04.694 Use.

"Use" means the purpose for which land or structures are arranged, designed or intended, or for which either land or structures are, or may be, occupied or maintained. "Use" includes construction, establishment, maintenance, alteration, moving onto, enlargement, operation or occupancy.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-22 (part))

18.04.696 Use, accessory.

For this definition, see Section 18.04.010.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-22 (part))

18.04.698 Use, conditional.

For this definition, see Section 18.04.156. For provisions regarding conditional use permits, see Chapter 18.116.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-22 (part))

18.04.700 Use, principal.

"Principal use" means the main or primary purpose for which a structure or lot is designed, arranged or intended, or for which either may be used, occupied or maintained under this title.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-22 (part))

18.04.702 Use, temporary.

"Temporary use" means a use of land or structures not intended to be of permanent duration and regulated by Chapter 15.60.

(Ord. 1987 § 1 (part), 1989: Ord. 1503 § 1 (part), 1976: NCLUC § 950-22 (part))

18.04.704 Utility building.

"Utility building" means a separate building on the same lot with the main building or a portion of an accessory building designed or intended for use as a washhouse, laundry room, or any similar purpose. Plumbing facilities are permitted but the building shall not be designed nor equipped for cooking or preparation of food.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-22 (part))

18.04.706 Utility trailer.

For this definition, see Section 18.04.682.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-22 (part))

18.04.708 Variance.

For a definition of "variance" and provisions regarding variances, see Chapter 18.114.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-23 (part))

18.04.710 Vehicle.

For definitions relating to vehicles, see "motor vehicle" (Section 18.04.436), "mobile home" (Section 18.04.426), "recreational vehicles" (Section 18.04.542), and automobile related definitions.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-23 (part))

18.04.712 Vehicle, accessory.

"Accessory vehicle" means any motor vehicle used in connection with the operation of any structure or use.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-23 (part))

18.04.714 Vehicle, commercial.

"Commercial vehicle" means a vehicle which when operated upon a highway is required to be registered as a commercial vehicle by the California Vehicle Code, and which is used or maintained for the transportation of persons for hire, compensation, or profit, or designed, used or maintained primarily for the transportation of property.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-23 (part))

18.04.716 Vehicle, recreational.

For definitions relating to recreational vehicles, see Section 18.04.542.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-23 (part))

18.04.718 Vehicle storage yard, commercial.

"Commercial vehicle storage yard" means the storage, for compensation or consideration, of more than one motor vehicle, recreational vehicle, or unoccupied mobile home on a parcel of land for a period of time exceeding seventy-two hours. A commercial vehicle storage yard shall comply with the provisions of Chapter 18.70 (Automobile Impound and Storage Yards) and Chapter 18.94 (Outdoor Storage).

Premises used for the sale, lease, or rental of motor vehicles, recreational vehicles, or mobile homes shall not be governed by this section.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-23 (part))

18.04.720 Vehicular access rights.

"Vehicular access rights" means the right or easement for access of owners or occupants of abutting lands to a public way other than as pedestrians.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-23 (part))



18.04.722 Veterinary clinic.

"Veterinary clinic" means a treatment center serving only those kinds of small domesticated animals or household pets commonly maintained in residence with man.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-23 (part))

18.04.724 Veterinary hospital.

"Veterinary hospital" means an establishment where more than six domestic animals are kept for observation, diagnosis, and medical care.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-23 (part))

18.04.726 Vibration, earthborne.

"Earthborne vibration" means a reciprocating movement transmitted through the earth, both in horizontal and vertical planes.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-23 (part))

18.04.728 Vibration, steady state.

"Steady state vibration" means vibration which is continuous as from a fan, compressor or motor.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-23 (part))

18.04.730 Walk.

"Walk" means any right-of-way for pedestrians, including sidewalks and inner-block walks.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-24 (part))

18.04.731 Warehouse.

A "warehouse" is a building used for storage of goods or materials other than stock in trade of businesses on the premises or for goods stored in conjunction with permitted distribution type businesses operated on the premises or goods or materials manufactured on the premises. Warehouse includes the storage of impounded goods and materials, dead storage, and storage of in-transit commodities. It does not include miniwarehouse, as defined in Section 18.04.425.

(Ord. 1712 § 35 (part), 1980)

18.04.732 Water supply.

"Water supply" means such water system supply and distribution facilities as are necessary to provide a reliable and adequate water supply for private use and public fire protection services.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-24 (part))

18.04.734 Way.

For definitions relating to ways, see "alley" (Section 18.04.028), "pedestrian way" (Section 18.04.500), "public way" (Section 18.04.532), or Section 18.04.632 and sections referenced under said section.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-24 (part))

18.04.736 Wholesale store or sales.

"Wholesale store" or "wholesale sales" means a business establishment engaged in selling to retailers or jobbers, rather than consumers.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-24 (part))

18.04.738 Yard.

"Yard" means an open space, other than a court, on a lot or parcel of land, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title. See also Chapter 18.66 (Yards, Courts and Setbacks).

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-26 (part))

18.04.740 Yard, front.

"Front yard" means an open space extending the full width of the lot measured between the building closest to the front lot line, which open space is between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this title.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-26 (part))

18.04.742 Yard, front, least depth.

A. "Front yard least depth" means the shortest distance, measured horizontally between any part of a building other than parts herein excepted, and the front lot line.

B. Such depth shall be measured from the front lot line; provided, however, that if the proposed location of the right-of-way line of such street as adopted by the city differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as adopted; or said building shall comply with the official setback lines as adopted by the city.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-26 (part))

18.04.744 Yard, rear.

"Rear yard" means an open space between a building and the rear lot line, unoccupied and unobstructed from the ground upward and extending across the full width of the lot, except as specified elsewhere in this title.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-26 (part))

18.04.746 Yard, rear, least depth.

"Rear yard least depth" means the shortest distance, measured horizontally, between any part of a principal building other than parts hereinafter excepted, and the rear lot line.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-26 (part))

18.04.748 Yard, side.

"Side yard" means an open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title. A side yard on the street side of a corner lot shall be known as an exterior side yard.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-26 (part))

18.04.750 Yard, side, least width.

A. "Side yard least width" means the shortest distance, measured horizontally, between any part of a building other than parts herein excepted, and the nearest side lot line.

B. Such width shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as adopted by the city differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as adopted; or said building shall comply with any applicable official setback lines.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-26 (part))

18.04.752 Youth camp.

"Youth camp" means any place with programs established for the primary purpose of providing an outdoor group living experience with social, spiritual, educational or recreational objectives for persons under twenty-one years of age.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-26 (part))

18.04.754 Zone.

"Zone" means a portion of the territory of the city within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this title.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-27 (part))

18.04.756 Zone, combining.

"Combining zone" means a letter designation following a zone term and separated therefrom by a hyphen, which symbolizes expanded or limited permanent uses, development standards or procedural requisites available by choice of the property owners or imposed under the police power.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-27 (part))

18.04.758 Zoning map.

"Zoning map" means the designated official map or maps which show the location and boundaries of the districts established by this title and which are referred to as the "zoning map" and incorporated as a part of this title. The zoning map, together with everything shown thereon and all amendments thereto, are as much a part of this title as if fully set forth and described in context.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-27 (part))

18.04.760 Zoning permit.

"Zoning permit" means a document issued by the planning director authorizing uses consistent with the terms of this title, and for the purpose of carrying out and enforcing its provisions.

(Ord. 1503 § 1 (part), 1976: NCLUC § 950-27 (part))

## Chapter 18.06 FORMER REGULATIONS

Sections:

18.06.010 Effect of title on former regulations.

18.06.020 Continuation of existing regulations.

18.06.030 Previously granted variances--Continuation.

18.06.040 Previously permitted uses--Continuation.

18.06.050 Previously granted permits--Continuation.

18.06.060 Existing nonconforming uses--Continuation.

18.06.070 Previous zoning violations.

18.06.080 Conviction of crime continued.

18.06.090 Procedure regarding pending proceedings.

18.06.100 License approval continued.

18.06.010 Effect of title on former regulations.

The provisions of this title shall not be deemed or construed to repeal, amend, modify, alter or change any other ordinance, other than Ordinance 962 as amended, or any part thereof not specifically repealed, amended, modified, altered or changed herein, except in such particulars or matters as this title is more restrictive than such other ordinance, or part thereof; and in all particulars wherein this title is not more restrictive, each such other ordinance shall remain in full force and effect.

(Ord. 1503 § 1 (part), 1976: NCLUC § 952-1)

18.06.020 Continuation of existing regulations.

The provisions of this title, insofar as they are substantially the same as the provisions of any ordinances or portions of any ordinances repealed by the ordinance codified in this title, shall be construed as restatements and continuations thereof and not as new enactments.

(Ord. 1503 § 1 (part), 1976: NCLUC § 952-2)

18.06.030 Previously granted variances--Continuation.

All variances heretofore granted pursuant to the provisions of Ordinance 962, as amended, shall be deemed to exist hereafter as variances pursuant to Chapter 18.114 (Variances), and shall be subject to all conditions and provisions governing such variances upon the effective date of the National City Land Use Code.

(Ord. 1503 § 1 (part), 1976: NCLUC § 952-3.01)

18.06.040 Previously permitted uses--Continuation.

All permitted uses heretofore lawfully existing under Ordinance 962 shall continue in effect until revoked or terminated and shall be continued under this title and shall be subject to all conditions governing such permit.

(Ord. 1503 § 1 (part), 1976: NCLUC § 952-3.02)

18.06.050 Previously granted permits--Continuation.

All permits heretofore lawfully existing at the time of adoption of the National City Land Use Code shall continue in effect until revoked or terminated and shall be continued under this title, subject to all conditions governing such permit.

(Ord. 1503 § 1 (part), 1976: NCLUC § 952-4)

18.06.060 Existing nonconforming uses--Continuation.

Except as hereinafter specified, any use, building or structure existing at the time of the enactment of the ordinance codified in this title may be continued, even though such use, building or structure may not conform with the provisions contained in this title for the zone in which it is located; provided, however, that this section does not apply to any use, building or structure established in violation of any zoning ordinance previously in effect in the city, unless said use, building or structure now conforms with the provisions of this title.

(Ord. 1503 § 1 (part), 1976: NCLUC § 952-5)

18.06.070 Previous zoning violations.

Any use or structure previously unlawful shall not be deemed to have acquired the status of a nonconformity by reason of the adoption of the National City Land Use Code. To the extent that said use or structure was previously in violation of Ordinance 962, as amended, or any other ordinance, statute or law, or is in violation of this title, it shall be deemed a continuing violation.

(Ord. 1503 § 1 (part), 1976: NCLUC § 952-6)

18.06.080 Conviction of crime continued.

Any conviction for a crime under any ordinance which is repealed by the ordinance codified in this title, which crime is continued as a public offense by this title, constitutes a conviction under this title for any purpose for which it constituted a conviction under such repealed ordinance.

(Ord. 1503 § 1 (part), 1976: NCLUC § 952-8)

18.06.090 Procedure regarding pending proceedings.

When, prior to the effective date of the National City Land Use Code and pursuant to Ordinance 962, as amended, an action has been taken under any of the following

conditions, such action shall be deemed to have been taken pursuant to the provisions of this title and shall be processed, insofar as possible, in accordance with the provisions of this title, provided:

- A. An application has been filed;
- B. The commission or council has determined on its own initiative to hold a hearing;
- C. A hearing has been held; or
- D. A recommendation has been made.

(Ord. 1503 § 1 (part), 1976: NCLUC § 952-9)

18.06.100 License approval continued.

The rights given by any permit, license or other approval under any ordinance repealed by the ordinance codified in this title shall not be affected by such repeal, but such rights shall hereafter be exercised in accordance with the provisions of this title.

(Ord. 1503 § 1 (part), 1976: NCLUC § 952-10)

#### Chapter 18.08 GENERAL PLANS AND SPECIFIC PLANS\*

Sections:

18.08.010 General plan--Statutes adopted.

18.08.020 General plan--Compliance.

18.08.030 Specific plans--Statutes adopted.

18.08.040 Specific plans--Compliance.

\* For provisions regarding general plan and specific plan amendments, see Ch. 18.112 of this title.

18.08.010 General plan--Statutes adopted.

Sections 65300 through 65401 of the Government Code of the state relating to the authority for and scope of general plans, the adoption of general plans, and the administration of general plans are adopted and incorporated herein by reference as though set forth in full.

(Ord. 1503 § 1 (part), 1976: NCLUC § 954-1.01)

18.08.020 General plan--Compliance.

All matters governed by this title shall substantially conform to the purposes, intent or provisions of the general plan. If any action of the commission or council does not conform to the general plan, the recommendations and findings of the commission or council must contain valid reasons, based upon sound planning and zoning principles and practices, for not conforming therewith.

Proposed zone changes, however, have considerable potential influence on the effectuation of the general plan. Any recommendations for such changes, if found to be not in conformance with the general plan and its phrasing, should not be permitted unless it is also found in writing wherein the general plan is in error or in need of change.

(Ord. 1503 § 1 (part), 1976: NCLUC § 954-2)

18.08.030 Specific plans--Statutes adopted.

Sections 65450 through 65552 of the Government Code of the state relating to the authority for and scope of specific plans, the adoption of specific plans, and the administration of specific plans are adopted and incorporated herein by reference as though set forth in full.

(Ord. 1503 § 1 (part), 1976: NCLUC § 954-1.02)

18.08.040 Specific plans--Compliance.

All uses, buildings, or structures located within an area in which a specific plan has been adopted shall comply with the provisions therein.

Where such provisions conflict with the zoning regulations of the basic zone in which such lot or parcel is located, the provisions of the specific plan shall control.

(Ord. 1503 § 1 (part), 1976: NCLUC § 954-3)

#### Chapter 18.10 ZONES AND ZONING MAP\*

Sections:

- 18.10.010 Zoning map adoption--Authority.
- 18.10.020 General plan/zoning map--Generally.
- 18.10.030 Zone boundaries--Determination in cases of uncertainty.
- 18.10.040 Zone boundaries--Street, alley or lot lines.
- 18.10.050 Zone boundaries--Determined by map scale when.
- 18.10.060 Zoning of streets and rights-of-way.
- 18.10.070 Zoning of vacated streets and alleys.
- 18.10.080 Zone boundary changes--Procedure.
- 18.10.090 Division of zoning map.
- 18.10.100 Effect of specific plans.
- 18.10.110 Limitations on land use.
- 18.10.120 Zoning map symbols.
- 18.10.130 Zones established.
- 18.10.140 Combining zone symbols.
- 18.10.150 Appendix of permitted uses.

\* For a list of combining zones that may be added to the basic zone, see Section 18.22.020 of this title.

18.10.010 Zoning map adoption--Authority.

The official zoning map of the city is a zoning regulation within the context of this title. It is adopted pursuant to Chapter 4 (Zoning Regulations) of Title 7 of the California Government Code.

(Ord. 1503 § 1 (part), 1976: NCLUC § 960-1)

18.10.020 General plan/zoning map--Generally.

There is adopted by the city council of the city that certain document known as the combined general plan/zoning map, a copy of which is on file in the office of the city clerk of the city as Document No. 69005, along with any subunits as provided by Section 18.10.090 of the National City Municipal Code, and Section 960-5 of the National City Land Use Code.

(Ord. 1799 § 1, 1983)

18.10.030 Zone boundaries--Determination in cases of uncertainty.

Where uncertainty exists, the commission shall, by written decision, determine the location of the zone boundary, which decision shall be a final determination thereof. In making such a determination, the rules set out in Sections 18.10.040 through 18.10.070 shall apply.

(Ord. 1503 § 1 (part), 1976: NCLUC § 960-3 (part))

18.10.040 Zone boundaries--Street, alley or lot lines.

The zone boundaries are either street, alley or lot lines unless otherwise shown on the zoning map, and where the indicated boundaries on the zoning map are approximately

street, alley or lot lines, said street, alley or lot lines shall be construed to be the boundaries of such zones.

(Ord. 1503 § 1 (part), 1976: NCLUC § 960-3.01)

18.10.050 Zone boundaries--Determined by map scale when.

Where the zone boundary lines are not approximately street, alley or lot lines, or where property indicated on the zoning map is acreage and not subdivided into lots and blocks, the zone boundary lines on the zoning map shall be determined by the scale contained on such map.

(Ord. 1503 § 1 (part), 1976: NCLUC § 960-3.02)

18.10.060 Zoning of streets and rights-of-way.

A street, alley, railroad or railway, watercourse, channel or body of water included on the zoning map shall, unless otherwise indicated, be included within the zones of adjoining property on either side thereof; and where such street, alley, right-of-way, watercourse, channel or body of water, serves as a boundary between two or more different zones, a line midway in such street, alley, right-of-way, watercourse, channel or body of water, and extending in the general direction of the long dimension thereof, shall be considered the boundary between zones.

(Ord. 1503 § 1 (part), 1976: NCLUC § 960-3.03)

18.10.070 Zoning of vacated streets and alleys.

Information regarding the zoning classification of vacated streets and alleys can be found in Section 18.02.120.

(Ord. 1503 § 1 (part), 1976: NCLUC § 960-3.04)

18.10.080 Zone boundary changes--Procedure.

Changes in the boundaries of the zones shall be made by ordinance adopting an amended zoning map, or part of such map, or unit of a part of said zoning map, which amended map, or parts or units of parts, or legal descriptions thereof, when so adopted, shall be published in the manner prescribed by law and become a part of this title.

(Ord. 1503 § 1 (part), 1976: NCLUC § 960-4)

18.10.090 Division of zoning map.

The zoning map is, for convenience, divided into parts; and each such part, for purposes of more readily identifying areas within such zoning map, is subdivided into units; and such parts and units may be separately employed for purposes of amending the zoning map or for any official reference to the zoning map.

(Ord. 1503 § 1 (part), 1976: NCLUC § 960-5)

18.10.100 Effect of specific plans.

Where reference is made in this chapter to "specific plans," it is intended that compliance with such plans shall be "limitations on land use" pursuant to Section 18.10.110. If the requirements of any specific plan are either more restrictive or less restrictive than the underlying zone regulations of this title, the requirements of such plan shall have precedence.

Specific plans adopted by reference in this title shall be deemed to be adopted in compliance with the procedural requirements of the California Government Code.

(Ord. 1503 § 1 (part), 1976: NCLUC § 960-6)

18.10.110 Limitations on land use.

No land shall be used, and no building, structure or improvement shall be made, erected, constructed, moved, altered, enlarged or rebuilt which is designed, arranged or intended

to be used or maintained for any purpose or in any manner except in accordance with the use, height, area, yard, space, and other requirements established in the zone in which such land, building, structure or improvement is located, except as provided by Chapters 18.108 and 18.110 relating to nonconforming uses.

(Ord. 1503 § 1 (part), 1976: NCLUC § 960-7)

18.10.120 Zoning map symbols.

The symbols from the existing zoning map are shown in Section 18.10.130 under the heading "Former Symbols." These former symbols will be replaced by those under the heading "New Symbols" which represent the zones created by this title.

(Ord. 1503 § 1 (part), 1976: NCLUC § 960-8)

18.10.130 Zones established.

In order to classify, regulate, restrict, and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings, to regulate the area of yards and other open spaces about buildings, and to regulate the density of population, the following zones are established, into which the city is divided:

TABLE I

TABLE INSET:

Categories

| (Symbols) | Descriptions | Previous Categories (Symbols) |
|-----------|--------------|-------------------------------|
|-----------|--------------|-------------------------------|

RESIDENTIAL ZONES

|         |                                      |                 |
|---------|--------------------------------------|-----------------|
| RS-1    | Residential Single-Family Large Lot  | R-1, S-1, R-1-S |
| RS-2    | Residential Single-Family Small Lot  | R-1             |
| RS-3    | Residential Single-Family Extendable | None            |
| RS-4*** | Residential Single-Family            | None            |
| RT      | Residential Two-Family               | R-2             |
| RM-1    | Residential Multifamily              | R-4, R-4-PD*    |
| RM-2**  | Residential Multifamily              | RM-2**          |
| RM-3**  | Residential Senior Citizen Housing   | RM-2**          |
| RMH     | Residential Mobile Home Park         | None            |

COMMERCIAL ZONES

|     |                             |                             |
|-----|-----------------------------|-----------------------------|
| CT  | Commercial--Tourist         | HBT(1)PD*                   |
| CA  | Commercial--Automotive      | TRC-PD*, TCS(1)PD*, TCS-PD* |
| CL  | Commercial--Limited         | C-2, C-2-A, C-2-PD*         |
| CM  | Commercial--Medium          | C-3, CG                     |
| CH  | Commercial--Heavy           | C-4, CBS(1)PD*              |
| CG  | Commercial--General         | C-3-A, C-3-B, C-3-C, CBD    |
| CSC | Commercial--Shopping Center | CMSCC-PD*                   |

MIXED USE COMMERCIAL-RESIDENTIAL



MCR-1\*\*\* Mixed Use Commercial-Residential - 2 None  
MCR-2\*\*\* Mixed Use Commercial-Residential - 2 None

## INDUSTRIAL ZONES

ML Manufacturing--Light M-1, M-2, M-2A, M-3  
MM Manufacturing--Medium M-4  
MH Manufacturing--Heavy M-H  
MT Manufacturing--Tidelands M-4

## INSTITUTIONAL AND PUBLIC USE ZONES

IC Institutional--Civic None  
IP Institutional--Private None  
OSR Open Space Reserve None

\* All zoning designations (symbols) shown on the zoning map, heretofore a part of Ordinance 962 as amended, with a "PD" component shall be converted pursuant to Section 18.10.020 to the new designations (symbols) with the "PD" component added.

\*\* Although these zone titles have been used in the past, the current regulations are significantly different (see Section 18.14.200).

\*\*\* These zoning designations are newly created ones pursuant to and consistent with the Westside Specific Plan adopted on March 16, 2010.

(Ord. 1846 § 1, 1985; Ord. 1801 § 1, 1983; Ord. 1503 § 1 (part), 1976; NCLUC § 960-9)  
(Ord. No. 2010-2344, § 1, 8-3-2010)

18.10.140 Combining zone symbols.

A letter or letters following a zone symbol and separated therefrom by a hyphen indicates a combining and special purpose zone regulation pursuant to Chapters 18.22 through 18.42. Combining zone symbols shall be deemed to impose zoning regulations additional to the regulations of the underlying zone. Wherever a combining zone regulation modifies an underlying zone regulation such combining zone regulations shall have precedence.

(Ord. 1503 § 1 (part), 1976; NCLUC § 960-10)

18.10.150 Appendix of permitted uses.

An index of permitted typical land uses and their respective use groups is designated as Appendix D to the National City Land Use Code (see Section 18.136.130). (Ord 1503 § 1 (part), 1976; NCLUC § 960-11)

## Chapter 18.14 RESIDENTIAL ZONES\*

Sections:

18.14.010 Purposes.

18.14.015 Purpose of the single-family estate (RS-E) residential zone.

18.14.020 Purpose of the single-family (RS-1) zone.

18.14.030 Purpose of the single-family (RS-2) zone.

- 18.14.035 Purpose of the single-family extendable (RS-3) zone.
- 18.14.037 Purpose of the single-family (RS-4) zone.
- 18.14.040 Purpose of the two-family (RT) zone.
- 18.14.050 Purpose of the multifamily (RM-1) residential zone.
- 18.14.060 Purpose of the multifamily existing (RM-2) zone.
- 18.14.070 Purpose of the senior citizens' housing zone.
- 18.14.080 Purposes of the RMH residential mobile home park zone.
- 18.14.090 Principal uses and structures permitted.
- 18.14.092 Number of dwelling units allowed.
- 18.14.100 Accessory uses and structures permitted.
- 18.14.101 Accessory uses, conditions thereon.
- 18.14.110 Roomers and boarders.
- 18.14.120 Home occupations.
- 18.14.130 Accessory structures.
- 18.14.150 Family foster care.
- 18.14.155 Residential care home.
- 18.14.160 Prohibited uses and structures.
- 18.14.170 Use of yards in residential zones.
- 18.14.180 Uses and structures permitted by conditional use permit.
- 18.14.190 Design regulations.
- 18.14.200 Lot area.
- 18.14.210 Required frontage.
- 18.14.220 Required yards and setbacks.
- 18.14.230 Distance of buildings from common lot lines.
- 18.14.240 Front and side yard requirement variations.
- 18.14.250 Rear yard requirement variations.
- 18.14.260 Doors opening beyond lot lines prohibited.
- 18.14.265 Maximum area of accessory buildings.
- 18.14.270 Accessory buildings--Setback from side and rear lot lines.
- 18.14.280 Accessory buildings--Location within setbacks--Restrictions.
- 18.14.290 Accessory buildings--Setback from front lot line.
- 18.14.300 Yards and courts in multi-family residential projects.
- 18.14.301 Usable open space in multi-family projects.
- 18.14.302 Usable open space in the RS-3 zone.
- 18.14.310 Spacing of buildings.
- 18.14.330 Exceptions based on topography.
- 18.14.340 Building height.
- 18.14.350 Building floor area ratio--RM zones.
- 18.14.360 Building floor area requirements.
- 18.14.370 Lot coverage--RM zones.
- 18.14.390 Off-street parking--Minimum requirements.
- 18.14.400 Off-street parking--Facilities standards--RM zones.
- 18.14.410 Onsite signs.
- 18.14.420 Landscaping.
- 18.14.430 Laundry facilities.
- 18.14.440 Outdoor lighting.

- 18.14.450 Pedestrian walkways.
- 18.14.460 Site drainage.
- 18.14.470 Storage space.
- 18.14.480 Enlargement of apartment house projects.
- 18.14.490 Combining uses.
- 18.14.500 Exceptions to RS-1 zone design regulations.
- 18.14.510 Specific uses.
- 18.14.520 Satellite television antennas.

\* For provisions regarding design and development regulations generally, see Chs. 18.44-18.66 of this title. For provisions regarding the following specific design and development regulations, see the designated chapters of this title: accessory structures, Ch. 18.46; drainage, Ch. 18.48; fences, walls and hedges, Ch. 18.50; future street setbacks, Ch. 18.52; landscaping, Ch. 18.54; lots, Ch. 18.56; off-street parking and loading, Ch. 18.58; outdoor lighting, Ch. 18.60; signs and outdoor advertising, Ch. 18.62; underground utilities, Ch. 18.64; yards, courts and setbacks, Ch. 18.66.

For provisions regarding the following specific use regulations, see the designated chapters of this title: condominiums, Ch. 18.74; conversions of residences to "C" or "M" uses, Ch. 18.76; air conditioning or mechanical equipment, Ch. 18.86; mobile homes, Ch. 18.88; model homes, Ch. 18.90; outdoor display or sale of merchandise, Ch. 18.92; outdoor storage, Ch. 18.94.

For provisions regarding public improvements, see Ch. 18.106 of this title; for provisions regarding nonconforming uses, see Chs. 18.108 and 18.110 of this title; for provisions regarding development, design, performance and maintenance standards, see Ch. 18.102 of this title; for provisions regarding the appendices attached to the land use code codified in this title, see Ch. 18.136 of this title.

#### 18.14.010 Purposes.

The purposes of residential zones are to:

- A. Achieve the residential objectives of the general plan;
- B. Protect the character of residential areas by excluding those commercial and industrial activities which would have adverse impacts on residential neighborhoods;
- C. Influence the density of residential development in order to better provide for streets, utilities, and other public utilities.

(Ord. 1503 § 1 (part), 1976: NCLUC § 970-1 (part))

#### 18.14.015 Purpose of the single-family estate (RS-E) residential zone.

The purpose of the RS-E zone is to provide for areas of single-family residences on large lots (one acre minimum lot sizes).

(Ord. 1846 § 2, 1985)

#### 18.14.020 Purpose of the single-family (RS-1) zone.

The purpose of the RS-1 zone is to provide for areas of single-family residences on large lots (greater than ten thousand square feet and one to five units per acre). See Section 18.14.500 regarding exceptions.

(Ord. 1712 § 63, 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 970-1.01)

#### 18.14.030 Purpose of the single-family (RS-2) zone.

The purpose of the RS-2 zone is to provide for areas of single-family detached homes on smaller lots (five thousand square feet minimum and six to ten units per acre).

(Ord. 1503 § 1 (part), 1976: NCLUC § 970-1.02)

18.14.035 Purpose of the single-family extendable (RS-3) zone.

A. The purposes of the RS-3 zone are to:

1. Provide for areas of single-family detached homes on lots which cannot be subdivided in accordance with the land use code; and
2. Identify areas that contain both single-family homes and several parcels built out at higher density under previous zoning.

B. The RS-3 zone permits one detached single-family dwelling for each full five thousand square feet of lot area. It also allows the continuation of the existing mixture of housing types and encourages infill with single-family homes on vacant properties.

(Ord. 2124 § 15, 1996; Ord. 1801 § 3, 1983)

18.14.037 Purpose of the single-family (RS-4) zone.

A. The purposes of the RS-4 zone are to:

1. Provide for areas of single-family attached and detached homes on minimum lot sizes of two thousand five hundred square feet; and
2. Provide for small lot single-family development within the Westside Specific Plan area.

B. The RS-4 zone permits one attached or detached single-family dwelling for each full two thousand five hundred square feet of lot area provided there is no more than one single family residence for each two thousand five hundred square feet of lot area. It also allows the continuation of the existing mixture of housing types and encourages infill with single-family zones on vacant properties and where existing parcels may be further subdivided as provided herein.

(Ord. No. 2010-2344, § 3, 8-3-2010)

18.14.040 Purpose of the two-family (RT) zone.

The purpose of the RT zone is to provide for low population density (eleven to fifteen units per acre) multiple family residential areas and community services appurtenant thereto. The RT zone is intended to retain the fundamental characteristics to be found in the RS zones (i.e., private yards and patios, individual recreational facilities, privately maintained open space, and privacy and self-containment of dwelling units).

(Ord. 1503 § 1 (part), 1976; NCLUC § 970-1.03)

18.14.050 Purpose of the multifamily (RM-1) residential zone.

The purpose of the RM-1 zone is to provide, in accordance with the general plan, for multifamily residential development areas allowing one dwelling unit for each full one thousand nine hundred square feet of lot area.

(Ord. 1984 § 1, 1989; Ord. 1801 § 4, 1983; Ord. 1503 § 1 (part), 1976; NCLUC § 970-1.04)

18.14.060 Purpose of the multifamily existing (RM-2) zone.

The purpose of the RM-2 zone is to regulate existing large scale multifamily complexes and to allow their continued presence.

(Ord. 1801 § 5, 1983; Ord. 1503 § 1 (part), 1976; NCLUC § 970-1.05)

18.14.070 Purpose of the senior citizens' housing zone.

The purpose of the senior citizens' housing zone is to regulate government-sponsored senior citizen housing projects.

(Ord. 1801 § 6, 1983; Ord. 1503 § 1 (part), 1976; NCLUC § 970-1.06)

18.14.080 Purposes of the RMH residential mobile home park zone.

The purposes of the RMH zone are to:

- A. Provide for a greater range and choice of housing types in accordance with the general plan;
- B. Recognize the potential for higher standards offered by present mobile home design and technology;
- C. Create attractive mobile home parks, which will preserve and enhance the character of surrounding areas;
- D. Assure adequate access to major or secondary highways.

(Ord. 1503 § 1 (part), 1976: NCLUC § 970-1.07)

#### 18.14.090 Principal uses and structures permitted.

The principal uses permitted in the residential zones are designated by use group. The use groups are collections of individual uses of similar character. They are fully described within each use group in Chapter 18.104. The use groups permitted in residential zones are listed in Table II. See also Section 18.10.110 regarding limitations on land use.

Prior to, or concurrently with, the submission of building plans for plan check or application for issuance of a building permit for any single-family dwelling or any multiple dwelling building, a site development plan shall be submitted in accordance with Chapter 18.128 (Site Plan Review). No such permit shall be issued until a site plan therefor has been approved.

Prior to, or concurrently with, the submission of building plans for plan check or application for issuance of a building permit for any building or structure in any residential zone, an environmental review in accordance with city policy "Background and Guidelines for Environmental Impact Review" shall be initiated. No such permit shall be issued until an environmental impact review process therefor has been completed.

A. **Factory-built Housing.** Factory-built housing includes modular or sectional housing and residential structures certified under the National Mobile Home Construction and Safety Standards Act of 1974. All factory-built housing and the lot on which it is placed shall comply with all applicable provisions of Title 18 of the National City Municipal Code.

B. **Eligibility.** A mobile home shall not be located on a permanent foundation, on a private lot, unless it:

1. Was constructed after September 15, 1971, and was issued an insignia of approval by the California Department of Housing and Community Development or was constructed after July 1, 1976, and was issued an insignia of approval by the U.S. Department of Housing and Urban Development; and,

2. Has not been altered in violation of applicable codes.

C. **Criteria.** Mobile homes placed on a permanent foundation system, on a private lot, shall:

1. Be occupied only as a residential use type;

2. Meet all requirements for the zone in which located;

3. Be attached to a foundation system in compliance with all applicable building regulations and Section 18551 of the Health and Safety Code;

4. Have a minimum width of twenty feet;

5. Be covered with an exterior material customarily used on conventional dwellings and approved by the director of planning pursuant to site plan review. The exterior

covering material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation;

6. Have a roof consisting of shingles or other material customarily used on conventional dwellings;

7. A mobile home may be required to have a porch, eaves or roof with eaves when it is determined, pursuant to site plan review, it is necessary to have it compatible with the dwellings in the area.

D. Foundation System. Title 25 specifies regulations for the mobile home foundation system. These regulations provide:

1. Foundation system definition. A "foundation system" is an assembly of material constructed below, or partly below grade, not intended to be removed from its installation site, which is designed to support the structure and engineered to resist the imposition of external natural forces;

2. That mobile home foundation systems be designed in accordance with the provisions of Chapter 29 of the Uniform Building Code 1979 Edition, and local soil conditions. Design conditions for roof, wind, and seismic loads applicable to permanent building foundations shall be applicable to the mobile home foundation system;

3. The mobile home shall be installed in accordance with installation instructions provided by:

a. The manufacturer of the mobile home, or,

b. A California-licensed architect or engineer for an individual mobile home where manufacturer's installation instructions are not available;

4. That both the foundation system and connection of the mobile home to the foundation system shall be capable of withstanding the design loads and concentrated loads identified in the installation instructions;

5. A foundation system plan shall be provided in addition to the installation instructions. The foundation system plan may be:

a. Provided by the mobile home manufacturer either as a part of, or separate from, the installation instructions,

b. Provided by the installation contractor,

c. Required to be signed by a California-licensed architect or engineer;

6. A foundation system plan approved by the California Department of Housing and Community Development will be accepted.

E. Utility Connections. The mobile home electrical, gas, water and drain connections shall be made permanent in a manner applicable to permanent buildings. Gas shut-off valves, meters and regulators shall not be located beneath the mobile homes.

F. Surrender of Registration. Prior to occupancy, the owner shall request a certification from the planning department that a certificate of occupancy be issued pursuant to Section 18551 (b) (2) of the California Health and Safety Code. Thereafter, for an existing mobile home, any vehicle license plate, certificate of ownership and certificate of registration issued by a state agency is to be surrendered to the appropriate state agencies.

G. Mobile Home Taxation. Mobile homes placed on a permanent foundation in compliance with all regulations become exempt from vehicle license fees and become subject to property tax laws.

H. Park and School Fees. Mobile homes placed on a permanent foundation shall be subject to local park and school fees in the same manner as conventional single-family dwellings.

I. Modification of Criteria. Modification of the criteria set forth in subsection C of this section may be granted by the director of planning if the site plan review finds that such modification will not be detrimental to the public interest or surrounding residents or properties. No such modification may be granted from subdivisions 1, 2, or 3 of subsection C.

J. Additions. Additions to a mobile home placed on a permanent foundation shall be made in accordance with all applicable laws, codes, and ordinances enforced by the city, and installation instructions provided by (site plan review required):

1. The manufacturer of the mobile home; or,
2. A California-licensed architect or engineer; or,
3. A building addition plan approved by the California Department of Housing and Community Development.

TABLE II  
USE GROUPS PERMITTED IN RESIDENTIAL ZONES  
TABLE INSET:

| Use Group No. | Use Group  |      |      |            |            |            |      |      |            |     |   |
|---------------|--|------|------|------------|------------|------------|------|------|------------|-----|---|
| Reference     | RS-1   | RS-2 | RS-3 | RS-4       | RS-E       | RT         | RM-1 | RM-2 | RM-3       | RMH |   |
| 1             | Areawide permitted uses                              |      |      |            | 18.04.050  |            | X    | X    | X          | X   | X |
|               | X  | X    | X    | X          | X          |            |      |      |            |     |   |
| 2             | Areawide conditional uses                            |      |      |            | 18.104.060 |            | C    | C    | C          | **  | C |
|               | C  | C    | C    | C          | C          |            |      |      |            |     |   |
| 3             | Animal husbandry                                     |      |      | 10.104.070 |            | C          | -    | -    | -          | C   | - |
|               | -  | -    | -    | -          |            |            |      |      |            |     |   |
| 8             | Community, cultural and public recreational services |      |      |            |            |            |      |      | 18.104.120 |     | - |
|               | -  | -    | X    | -          | -          | -          | -    | -    | -          | -   |   |
| 9             | Dwelling, single-family                              |      |      |            | 18.104.130 |            | X    | X    | X          | X   | X |
|               | X  | X    | X    | -          | X          |            |      |      |            |     |   |
| 10            | Dwelling, two-family                                 |      |      |            | 18.104.140 |            | -    | -    | -          | -   | X |
|               | X  | X    | X    | X          |            |            |      |      |            |     |   |
| 11            | Dwelling, multiple-family                            |      |      |            | 18.104.150 |            | -    | -    | -          | -   | - |
|               | -  | X    | X    | X          | -          |            |      |      |            |     |   |
| 12            | Dwelling, mobile home                                |      |      |            | 18.104.160 |            | -    | -    | -          | -   | - |
|               | -  | -    | -    | -          | C          |            |      |      |            |     |   |
| 29            | Public protection facilities                         |      |      |            | 18.104.330 |            | C    | C    | C          | C   | C |
|               | C  | C    | C    | C          | C          |            |      |      |            |     |   |
| 33            | Signs and outdoor advertising                        |      |      |            |            | 18.104.370 |      | X    | X          | X   | X |
|               | X  | X    | X    | X          | X          | X          |      |      |            |     |   |
| 34            | Temporary uses                                       |      |      |            | 18.104.380 |            | T    | T    | T          | T   | T |
|               | T  | T    | T    | T          |            |            |      |      |            |     |   |

X Permitted  
- Not permitted

- C Conditional use permit required
- T Temporary use permit required

Note: See Section 18.14.200 for minimum lot area requirements. Existing, lawfully constructed residential uses, including single-family homes, as well as one or more single-family detached dwellings on a lot, duplexes and multifamily dwellings, are also permitted in the RS-3 zone.

\*\* Note: Within the RS-4 zone, existing multi-family and duplexes may continue as a permitted use. Existing churches and religious services may continue as a permitted use whereas new churches and religious facilities and expansions to existing churches and religious facilities are permitted pursuant to approval of a conditional use permit. Parks and open space are permitted uses. See Appendix A of the Westside Specific Plan. (Ord. 2124 § 16, 1996; Ord. 1846 § 3, 1985; Ord. 1801 § 7, 1983; Ord. 1751 §§ 1, 2, 1981; Ord. 1503 § 1 (part), 1976; NCLUC § 970-2) (Ord. No. 2010-2344, § 4, 8-3-2010)

18.14.092 Number of dwelling units allowed.

The total number of dwelling units allowed is:

TABLE INSET:

RS-E 1

RS-1 1

RS-2 1

RS-3 1 for each full five thousand square feet of lot area (for new development). Also allowed is existing residential development that may be of higher density. However, no additional units may be constructed if they would result in more than 1 per five thousand square feet of lot area.

RS-4 1 for each full two thousand five hundred square feet of lot area.

RT 2, except that for detached single-family condominium units, a greater number is allowed, as specified by an approved subdivision.

RMH Per State Health and Safety Code 18000 et seq.

RM-1 1 unit for each full one thousand nine hundred square feet of lot area

RM-2 Per existing development

RM-3 Determined by planned development permit

(Ord. 2259 § 3, 2005; Ord. 2124 § 17, 1996; Ord. 1984 § 2, 1989; Ord. 1846 § 4, 1985; Ord. 1801 § 8, 1983)

(Ord. No. 2010-2344, § 4, 8-3-2010)

18.14.100 Accessory uses and structures permitted.

Accessory uses and buildings customarily incidental to a permitted use in residential zones are listed in Table III.

TABLE III

ACCESSORY USE PERMITTED IN  
RESIDENTIAL ZONES

TABLE INSET:

Uses Zones Section Number



|                      |                  |           |
|----------------------|------------------|-----------|
| Roomers and boarders | All, except RS-1 | 18.14.110 |
| Home occupations     | All R zones      | 18.14.120 |
| Accessory structures | All R zones      | 18.14.130 |
| Family day care      | All R zones      | 18.14.140 |
| Family foster care   | All R zones      | 18.14.150 |

(Ord. 1616 § 3, 1978; Ord. 1503 § 1 (part), 1976: NCLUC § 970-3 (part))

18.14.101 Accessory uses, conditions thereon.

Accessory uses are subject to the conditions set out in Sections 18.14.110 through 18.14.150.

(Ord. 1614 § 3, 1978)

18.14.110 Roomers and boarders.

In a dwelling unit occupied as a private residence, one or two rooms may be rented and table board provided for a maximum of two paying guests in all R zones except the RS-1 zone.

(Ord. 1503 § 1 (part), 1976: NCLUC § 970-3.01)

18.14.120 Home occupations.

A home occupation permit granted by the planning director pursuant to Chapter 18.122 (Home Occupation Permits) shall be required. The home occupation shall comply with the provisions included within the definition as provided in Section 18.04.314.

(Ord. 1503 § 1 (part), 1976: NCLUC § 970-3.02)

18.14.130 Accessory structures.

A. Accessory structures, including garages, carports, recreation rooms, bathhouses, utility buildings, swimming pools, and habitable accessory structures such as guest houses are permitted. Refer to Chapter 18.46 (Accessory Structures). The aggregate area of all accessory buildings on a residential lot shall not exceed a greater portion of the rear yard area than the following:

1. Forty percent in RS zones;
2. Fifty percent in RT zones;
3. Sixty-seven percent in RM zones.

B. It is unlawful to erect, construct, or place on any lot in the residential zones private garages or other accessory buildings without a permissible main building.

(Ord. 1503 § 1 (part), 1976: NCLUC § 970-3.03)

18.14.150 Family foster care.

Family foster care is permitted in all residential zones subject to the following limitations:

- A. Such care shall be authorized, certified or licensed by the state;
- B. Such care shall be subject to the issuance of a conditional use permit.

(Ord. 1503 § 1 (part), 1976: NCLUC § 970-3.05)

18.14.155 Residential care home.

A residential care home is permitted in all residential zones subject to the following limitations:

- A. Such care shall be authorized, certified or licensed by the state;
- B. Such care shall be limited pursuant to Section 18.04.556.

(Ord. 1712 § 34, 1980)

18.14.160 Prohibited uses and structures.

- A. In all residential zones, no structure of a temporary nature, trailer, mobile home, basement, tent, shack, garage, carport, barn or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently.
- B. In all residential zones, no commercial uses are allowed, other than approved home occupations in dwellings.
- C. Automobile and motorcycle racing, including quarter midget track establishments, shall be prohibited in all residential zones.
- D. In the RM zones, all types of open outdoor storage are prohibited.
- E. In all residential zones, massage parlors are prohibited.
- F. Churches are prohibited in the RS-1, RS-2, RS-3 and RMH zones.
- G. Second units, or granny flats, as defined in Section 65852.2 of the Government Code, are prohibited in the RS-1, RS-2 and RS-E zones. Second units are permitted in all other residential zones provided they comply with all development standards of the zone.
- H. Semi trucks and trailers, dump trucks, moving vans and other heavy-duty commercial vehicles shall not be parked on any residentially zoned lot for a period longer than eight hours.
- I. In all residential zones, the use of tarpaulins as temporary or permanent structures, including, but not limited to carports, sheds, lean-tos and patio covers is prohibited. (Ord. 2194 § 4, 2002; Ord. 2063 § 1, 1993; Ord. 1925 § 5, 1987; Ord. 1801 § 9, 1983; Ord. 1797, 1983; Ord. 1712 § 62, 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 970-4 (part))

18.14.170 Use of yards in residential zones.

- A. Boats or trailers shall not be stored or parked in any required front yard or side yard adjacent to a street or highway.
- B. No storage shall be permitted in any required front or side yard adjacent to a street or highway.
- C. In the RM zone, parking areas shall be used only for parking of vehicles used by tenants and their guests. No auto repair is allowed. (Ord. 1503 § 1 (part), 1976: NCLUC § 970-4.01)

18.14.180 Uses and structures permitted by conditional use permit.

Use groups which are indicated as requiring a conditional use permit in Table II as set out in Section 18.14.090 shall comply with the provisions of Chapter 18.116 (Conditional Use Permits).

(Ord. 1503 § 1 (part), 1976: NCLUC § 970-5)

18.14.190 Design regulations.

Design regulations for residential zones are set out in Sections 18.14.200 through 18.14.480. For general design and development regulations, see Chapters 18.44 through 18.66.

(Ord. 1503 § 1 (part), 1976: NCLUC § 970-6 (part))

18.14.200 Lot area.

The following minimum lot areas are established for residential zones:

TABLE INSET:

| Zone | Lot Area (square feet) |
|------|------------------------|
| RS-E | 43,560 (one acre)      |
| RS-1 | 10,000                 |

RS-2 5,000  
 RS-3 5,000  
 RT 5,000  
 RMH See State Health and Safety Code Section 18000  
 RM-1 5,000  
 RM-2 5,000  
 RM-3 5,000

(Ord. 2124 § 18, 1996; Ord. 1846 § 5, 1985; Ord. 1801 § 10, 1983; Ord. 1503 § 1 (part), 1976; NCLUC § 970-6.01)

18.14.210 Required frontage.

All lots in the residential zones shall have a minimum width of fifty feet and a minimum frontage of fifty feet on a dedicated street, except for the following:

- A. All lots in the RS-1 zone shall have a minimum width of sixty feet and a minimum frontage of sixty feet, or as provided in subsection A of Section 18.14.5000.
- B. All residential lots on the bulb of a cul-de-sac shall have a minimum frontage of thirty-six feet. Except for those parcels within the RS-4 zone, a minimum lot frontage of twenty-five feet is required.
- C. All lots within the RS-4 zone shall have a minimum width of twenty-five feet and a minimum frontage on the bulb of a cul-de-sac of fifteen feet and may front on a public or private street, or alleyway.

(Ord. 1614 § 6, 1978; Ord. 1503 § 1 (part), 1976; NCLUC § 970-6.02)

(Ord. No. 2010-2344, § 4, 8-3-2010)

18.14.220 Required yards and setbacks.

The minimum required yard setbacks in the residential zones are as follows:

TABLE IV

TABLE INSET:

| Zone | Front                                    | Yard | Side                              | Yard | Rear | Yard                  | Exterior | Side Yard | Rear Yard | Abutting | Alley or Public Park | Usable Open | Space Required |
|------|--|------|-----------------------------------|------|------|-----------------------|----------|-----------|-----------|----------|----------------------|-------------|----------------|
| RS-1 | 25                                       | 5    | 25**                              | 10   | 20   | -                     |          |           |           |          |                      |             |                |
| RS-2 | 20                                       | 5    | 25*                               | 10   | 20   | -                     |          |           |           |          |                      |             |                |
| RS-3 | 20                                       | 5    | 5                                 | 5    | 5    | 20                    |          |           |           |          |                      |             |                |
| RS-4 | 10/15***                                 |      | 3/0***                            | 15   | 10   | 15                    | -        |           |           |          |                      |             |                |
| RS-E | 25                                       | 5    | 25                                | 10   | 20   | -                     |          |           |           |          |                      |             |                |
| RT   | 15                                       | 5    | 10                                | 5    | 5    | -                     |          |           |           |          |                      |             |                |
| RM-1 | 20                                       | 5    | 5                                 | 5    | 5    | See Section 18.14.300 |          |           |           |          |                      |             |                |
| RM-2 | 20                                       | 5    | 5                                 | 5    | 5    | See Section 18.14.300 |          |           |           |          |                      |             |                |
| RM-3 | Determined by planned development permit |      |                                   |      |      |                       |          |           |           |          |                      |             |                |
| RMH  | 25                                       | 10   | (See Chapter 18.88, Mobile Homes) |      |      |                       |          |           |           |          |                      |             |                |

\* See Section 18.14.250.

\*\* See Sections 18.14.250 and 18.14.500.

\*\*\* Stoops and porches may extend into the front yard up to the front property line or in the case of a corner parcel, to the side property line. Garages shall maintain a fifteen-foot front yard setback. A zero foot minimum side yard, for one-side yard on the parcel is permitted provided there is a six-foot separation to the adjacent residential structure and that there is a minimum three-foot side yard setback on the opposite side.

(Ord. 1846 § 6, 1985; Ord. 1801 § 11, 1983; Ord. 1690 § 4(G), 1979; Ord. 1503 § 1 (part), 1976; NCLUC § 970-6.03 (part))

(Ord. No. 2010-2344, § 4, 8-3-2010)

18.14.230 Distance of buildings from common lot lines.

On a corner lot, the rear line of which abuts the sideline of an adjoining lot, no accessory or main building, or portion thereof, shall be located within four feet of the common lot line of such lots.

(Ord. 1503 § 1 (part), 1976; NCLUC § 970-6.03:01)

18.14.240 Front and side yard requirement variations.

Front yards established by this title may be varied as follows in obtaining the minimum depth thereof:

A. The depth of a front yard on a key lot shall not be less and need not be more than the average of the front yard on an adjoining interior lot; provided, however, that in no case shall the front yard of such key lot be required to have a depth greater than the regular front yard depth required for the zone in which the key lot is located.

B. No provisions in this title shall be construed as to require that the depth of any front yard shall exceed thirty feet, and no front yard with a depth greater than thirty-five feet shall be used in determining the depth of any other front yard. In determining the average depth of a front yard on any lot, no building over forty feet from the sideline of such lot need be considered. No yard created by an existing building designed, constructed or established as a nonconforming building shall be used in determining any front yard.

C. No yard created by an existing building that was built in violation of zoning regulations in effect at that time shall be used in determining front yard requirement variations hereunder.

D. For additions to a single-family home, the planning director may approve reduced front, side or exterior side yard setbacks equal to those of the existing home.

(Ord. 2228 § 3 (part), 2003; Ord. 1712 § 8, 1980; Ord. 1690 § 4(6), 1979; Ord. 1503 § 1 (part), 1976; NCLUC § 970-6.03:03)

18.14.250 Rear yard requirement variations.

A. Rear yards established by this title may be varied as follows in obtaining the minimum depth: Single-story structures attached to a main building in a single-family residential zone may be located in the rear yard setback to within ten feet of the rear property line, subject to the provisions of Section 18.14.260, and provided the planning director makes the following findings:

1. That the site for the proposed use is adequate in size and shape; and
2. That the proposed addition will not have an adverse effect upon adjacent or abutting residences.

B. Such additions shall not be closer than five feet from any retaining wall or toe of slope, and the aggregate area of all buildings shall not exceed a greater portion of the rear yard area than forty percent. Structures exceeding one story in height shall not be closer than the required rear yard setback for the zone in which located.

(Ord. 1685, 1979)

18.14.260 Doors opening beyond lot lines prohibited.

Every main building, private garage building, carport, accessory building, or other building in any residential zone shall be so equipped that the doors, when open, or being opened, shall not project beyond any lot line. When said doors open onto an alley, the wall or portion thereof containing the doors or doorway shall be at least six feet from the line forming the common boundary between the lot and the alley.

(Ord. 1503 § 1 (part), 1976: NCLUC § 970-6.03:04)

18.14.265 Maximum area of accessory buildings.

On lots developed with a single-family residence, the total cumulative area of all accessory buildings, including but not limited to patios, shacks and sheds, but not including attached and detached garages, carports and swimming pools, shall not exceed twenty-five percent of the total square footage of the residence. The total cumulative area of all attached and detached garages and carports on a site developed with a single-family residence shall not exceed seven hundred fifty square feet, or twenty-five percent of the total square footage of the residence, whichever is the greater amount.

(Ord. 2063 § 7, 1993)

18.14.270 Accessory buildings--Setback from side and rear lot lines.

Accessory buildings, including patios, swimming pools, attached carports and attached garages shall maintain a four-foot setback from the side lot line and rear lot line, except for RS-4 which shall maintain a three-foot setback from the side lot line and the rear lot line and a minimum of six feet between structures, but shall not be located in the front yard setback required except as provided by this title.

(Ord. 1503 § 1 (part), 1976: NCLUC § 970-6.03:05)

(Ord. No. 2010-2344, § 4, 8-3-2010)

18.14.280 Accessory buildings--Location within setbacks--Restrictions.

Detached carports and detached garages, as excluded by Section 18.14.270, shall not be located in the front yard setback and shall be governed as to side and rear yard setback by the Uniform Building Code of the city.

(Ord. 1712 § 9, 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 970-6.03:06)

18.14.290 Accessory buildings--Setback from front lot line.

No detached accessory building, except garages and carports, on any lot in a residential zone shall be located closer to the front lot line than a distance equal to one-half of the depth of the lot, and shall not be located closer to any lot line than four feet.

(Ord. 1503 § 1 (part), 1976 NCLUC § 970-6.03:07)

18.14.300 Yards and courts in multi-family residential projects.

A. Yard courts in multi-family residential projects shall comply with the following additional regulations. "Court" means an area on the same lot with a building which is bounded on two or more sides by the exterior walls of a building or buildings on the same lot.

These requirements do not apply for development within the MCR-1 and MCR02 zones:

1. Front yards shall be a minimum of fifteen feet when units face a street; side yards shall be a minimum of fifteen feet when units face such yards; rear yards shall be a minimum of fifteen feet when units face such yards. Front yards shall be a minimum of ten feet when units face a street, side yards shall be a minimum of ten feet if adjacent to a single-family residential, multi-family or commercial development.

2. Minimum courts for nine units or more shall be a minimum of twenty feet and fifteen feet for eight units or less.

B. Yard and courts in multi-family residential projects within the MCR-1 and MCR-2 shall comply with the following additional regulations:

1. Front yards shall provide a minimum of ten feet when units face a street, side yards shall be a minimum of ten feet between property line and the adjacent structure.

C. An additional five feet shall be added to all side yards, rear yards and courts for each story above the first floor. Zero side yards may be allowed when two lots are developed as one with a common wall separating units.

(Ord. 1690 § 4(7), 1979; Ord. 1614 § 7 (part), 1978; Ord. 1503 § 1 (part), 1976: NCLUC § 970-6.03:08)

(Ord. No. 2010-2344, § 4, 8-3-2010)

18.14.301 Usable open space in multi-family projects.

A. For projects of three units or more common usable open space shall be required in a minimum amount of three hundred square feet per dwelling unit. Private usable open space may be substituted for such common usable open space in the ratio prescribed in Section 18.14.301(B), except that actual common usable open space shall be provided in the amount of three hundred square feet or seventy-five square feet per unit, whichever is greater.

B. Each square foot of private usable open space shall be considered equivalent to two square feet of required common usable open space, and may be so substituted, subject to the minimum requirements for actual common usable open space. At least seventy-five percent of the units shall be provided with at least sixty square feet of private usable open space.

C. Provision of usable open space in setback areas and court, and indoors.

1. Both common and private usable open space provided at ground level may be provided in the interior side yard and rear yard setback areas, within courts, and within exterior side yard setback areas to within five feet of the property line.

2. Both common and private usable open space located more than four feet above grade shall not be located closer than five feet to side and rear property lines.

3. Private usable open space provided above the first floor may be located in the front yard setback area to within twelve feet of the front property line.

4. Up to a maximum of sixty percent of the required common usable open space may be provided indoors.

(Ord. 2251 § 4, 2004; Ord. 1694 § 4(1), 1979; Ord. 1690 § 4(1), 1979; Ord. 1614 § 7 (part), 1978)

18.14.302 Usable open space in the RS-3 zone.

Adjacent to each single-family unit in the RS-3 zone, there shall be a usable open space area with a minimum dimension of twenty feet.

(Ord. 1801 § 12, 1983)

18.14.310 Spacing of buildings.

A. If two or more dwellings are placed on the same lot in the RT, RM or RS-3 zones, they shall be at least ten feet apart if placed side by side, and at least fifteen feet apart if located in any other manner; except, however, a lesser standard may be permissibly by an approved subdivision.

B. Detached accessory buildings, including garages and carports, shall maintain a four-foot minimum distance from the main building and from each other.

(Ord. 2259 § 4, 2005; Ord. 1801 § 13, 1983; Ord. 1503 § 1 (part), 1976: NCLUC § 970-6.04)

18.14.330 Exceptions based on topography.

A. Where the average grade or slope of the front one-half of a lot, measured parallel to and midway between the side lot lines, is equal to or more than one foot rise or fall in each four feet of distance, the following exceptions to yard and height provisions may be made:

1. When said slope is on the downhill side of a hillside street, an additional story may be built, provided the ceiling of the lowest story is not over two feet above the average curb elevation across the front of such lot; or

2. A one-story private garage, not over ten feet in height, may be established in the front yard of such lot; provided such building does not occupy over fifty percent of the street frontage of such yard, is at least five feet from the front lot line at every point, and does not extend more than three feet above adjacent natural ground elevation at any point; and provided, further, that if the slope is such that only the garage wall nearest the side lot line cannot be made to comply with these provisions, then a side yard equal to that prescribed for a main building on such lot shall be required.

B. Exception in yard setback, due to topography or other reasons, may be established by approval by the city council of a final subdivision map.

(Ord. 1712 § 10, 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 970-6.06)

18.14.340 Building height.

Any building on a lot in any residential zone, except multi-family residential project shall not exceed three stories or thirty-five feet in height. The height provision does not apply to any structure in the O.D. Arnold Estates Subdivision in which an application for a building permit in excess of one story (see Section 18.14.500). Building height limits do not apply to signs. The height limit of signs is regulated by Section 18.62 (Signs and Outdoor Advertising Displays) of this chapter.

(Ord. 1614 § 8, 1978; Ord. 1503 § 1 (part), 1976: NCLUC § 970-6.07:01)

(Ord. No. 2010-2344, § 4, 8-3-2010)

18.14.350 Building floor area ratio--RM zones.

In the RM zones, each lot or parcel of land shall have a maximum floor area ratio (F.A.R.) as follows:

TABLE INSET:

Zone F.A.R.

RM-1 1

RM-2 2

RM-3 Determined by planned development permit.

(Ord. 1801 § 14, 1983; Ord. 1503 § 1 (part), 1976: NCLUC § 970-6.07:02)

18.14.360 Building floor area requirements.

In all residential zones, the minimum floor area, excluding garages and accessory buildings, shall be as follows:

Minimum Floor Area, Residential Zones

TABLE INSET:

Zone Minimum Sq. Ft.

|            |  |        |  |
|------------|--|--------|--|
| RS-1       | One story, two bedrooms  | 1,200  |  |
|            | One story, three or more bedrooms  | 1,400  |  |
|            | Two stories  | 1,700  |  |
| RS-2, RS-3 | Minimum unit size  | 1,000  |  |
| RS-4       | Three stories  | No     |  |
|            | minimum  |        |  |
| RS-E       | One story, two bedrooms  | 1,200  |  |
|            | One story, three or more bedrooms  | 1,400  |  |
|            | Two stories  | 1,700  |  |
| RT         | A minimum 500 square feet per dwelling unit, or as listed under the RM zones, whichever is greater |        |  |
| RM-1, RM-2 | Bachelor unit  | 500    |  |
|            | One-bedroom unit   | 650    |  |
|            | Two-bedroom unit   | 800    |  |
|            | Three-bedroom unit   | 1,000  |  |
|            | Each additional bedroom  | 150    |  |
| RM-3       | To be determined by planned development permit   |        |  |
| RMH        | Subject to State Health and Safety Code Section 18,000 et seq.                                     | 18,000 |  |
|            | New condominium  | 1,000  |  |
| MCR-1      | Minimum unit size  | 600    |  |
| MCR-2      | Minimum unit size  | 600    |  |
|            | Regardless of number of bedrooms   |        |  |

(Ord. 1932, 1987: Ord. 1846 § 7, 1985; Ord. 1801 § 15, 1983: Ord. 1503 § 1 (part), 1976: NCLUC § 970-6.07:03)

(Ord. No. 2010-2344, § 4, 8-3-2010)

18.14.370 Lot coverage--RM zones.

In the RM zones, all buildings on an interior lot shall cover not more than sixty percent of the area of the lot, and not more than seventy-five percent of the area of a corner lot, excluding carports and garages.

(Ord. 1503 § 1 (part), 1976: NCLUC § 970-6.07:04)

18.14.390 Off-street parking--Minimum requirements.

The minimum number of required off-street parking spaces for the residential zones are specified in Section 18.58.240.



(Ord. 2228 § 3 (part), 2003; Ord. 1846 § 8, 1985; Ord. 1801 § 16, 1983; Ord. 1503 § 1 (part), 1976; NCLUC § 970-6.08 (part))

18.14.400 Off-street parking--Facilities standards--RM zones.

In the RM zones, parking facilities shall be designed to meet the following standards:

- A. In projects of nine units or more, parking may not be located in required front yards.
- B. In projects of eight units or less, parking may be allowed in the required front yards to within four feet of the front property line, provided the front yard setback is properly landscaped.
- C. All parking stalls in an open parking facility shall be separated from any dwelling unit wall on the same lot if the wall contains doors or windows which are on the same or approximately the same level as the parking facility. The separation shall be at least ten feet in width, at least one-half the width of which shall be unpaved.
- D. All parking facilities for apartment house projects shall be designed and developed in accordance with Chapter 18.58 (Off-Street Parking and Loading).

(Ord. 1503 § 1 (part), 1976; NCLUC § 970-6.08 (part))

18.14.410 Onsite signs.

For provisions regulating onsite signs in residential zones, see Chapter 18.62.

(Ord. 1503 § 1 (part), 1976; NCLUC § 970-6.09)

18.14.420 Landscaping.

- A. In all apartment house projects, all yards, courts, and open space that is not otherwise used for walkways, driveways or improved usable open space shall be landscaped. Fencing and screening shall be placed around all usable open areas for privacy, safety, and visual control. Clothes drying yards, trash areas, utility areas, carports, and parking lots shall be screened. Mechanical irrigation systems shall be installed for all landscaping.
- B. Landscaping for any residential use or development shall be installed in accordance with and as required by Chapter 18.54 and adopted guidelines.
- C. All landscaping, maintenance, construction, or street tree placement within any parkway of the city shall be done in accordance with the provisions of Chapter 13.18.
- D. Paving of front yard areas for all residential zoned property, including single-family homes and all other housing, is prohibited, except for driveways, walkways and patio areas approved through site plan review or as part of a landscaping plan.

(Ord. 2228 § 3 (part), 2003; Ord. 1503 § 1 (part), 1976; NCLUC § 970-6.10)

18.14.430 Laundry facilities.

For projects of nine units or more, laundry and dryer facilities will be provided according to the following formula:

- A. One washer to twelve through fifteen living units or one washer to eighteen through twenty-five bedrooms, with the exception of units for singles which shall be at a ratio of one washer for every twenty units, and units for senior citizens which shall be at a ratio of one washer for every forty units;
- B. One small dryer to each washer or one large dryer to each two washers;
- C. Adequate deep sink and folding table facilities shall be provided.

(Ord. 1503 § 1 (part), 1976; NCLUC § 970-6.11)

18.14.440 Outdoor lighting.

In all apartment house projects, light fixtures for walks, steps, parking areas, driveways, onsite streets, and other facilities shall be provided in keeping with the type of development and at locations to assure safe and convenient nighttime use. Fixtures shall be designed in keeping with the project and shall be properly shaded to screen the windows of habitable rooms from the direct rays of light. All outdoor lighting shall be so shielded and adjusted that the light therefrom is directed to fall only on the same premises upon which such light source is located. All outdoor security and safety lighting shall be installed in accordance with the guidelines in Section 18.102.090.

(Ord. 1503 § 1 (part), 1976: NCLUC § 970-6.12)

#### 18.14.450 Pedestrian walkways.

A. Notwithstanding the provisions of Section 4450, et seq., of Chapter 7 of Title 1 of the Government Code, containing requirements for facilities necessary to assure access and usability for the physically handicapped, in all apartment house projects the provisions of subsection B of this section shall apply:

B. Safe, convenient, well-drained pedestrian access to dwelling units, parking lots, and service areas, by provision of walks, steps or stepped ramps, so constructed as to assure reasonable durability and economy of maintenance, shall be required.

1. Pedestrian walkways shall be a minimum of thirty-six inches in width.

2. Pedestrian walkways shall be graded or ramped to no steeper than a one-to-twelve slope.

(Ord. 1503 § 1 (part), 1976: NCLUC § 970-6.13)

#### 18.14.460 Site drainage.

In all apartment house projects, adequate site drainage shall be provided to protect property from storm water runoff or groundwater, and to provide for the safety and convenience of occupants by the installation of adequate facilities for the collection and disposal of surplus runoff and subsurface waters. A minimum slope of one percent (one foot in one hundred feet) is required. Steeper slopes are recommended. Resolution of more specific problem areas in this regard shall be in accordance with the guidelines in Section 18.102.100 through 18.102.140.

(Ord. 1503 § 1 (part), 1976: NCLUC § 970-6.14)

#### 18.14.470 Storage space.

In all apartment house projects, an accessory storage space of not less than one hundred fifty cubic feet for each unit plus fifty cubic feet for each additional bedroom more than one and a utility storage area of not less than five square feet shall be provided for each dwelling unit. Screened or enclosed trash areas with not less than thirty-gallon trash receptacles shall be provided not more than two hundred fifty feet from the farthest unit.

(Ord. 1694 § 4(4), 1979: Ord. 1690 § 4(4), 1979: Ord. 1503 § 1 (part), 1965: NCLUC § 970-6.15)

#### 18.14.480 Enlargement of apartment house projects.

A. Any apartment project of eight units or less may be enlarged to exceed eight units only if the enlarged project provides the number of off-street parking spaces, the usable open space, and the laundry and dryer facilities required in this chapter for apartment projects of nine units or more and calculated on the total site development including the existing apartment units.

B. Any apartment project for which a building permit was issued prior to June 2, 1972, may be enlarged provided that the enlarged portion conforms to all provisions of this title, based on the total number of units on the site.

(Ord. 1503 § 1 (part), 1976: NCLUC § 970-6.16)

18.14.490 Combining uses.

A letter designation following the basic zone symbol indicates combining zones and special purpose zones (see Chapters 18.22 through 18.42).

(Ord. 1503 § 1 (part), 1976: NCLUC § 970-7.01)

18.14.500 Exceptions to RS-1 zone design regulations.

Pursuant to Government Code Title 7, Article 8 (Authority for and Scope of Specific Plans), there is adopted a specific plan for the O.D. Arnold Estates Subdivision, recorded in Book 6802, Page 380, on file in the office of the county recorder, specifically requiring that:

A. The minimum building area shall be ten thousand square feet of lot area having a minimum lot width of fifty feet. Any lot shown upon the official recorded maps of the subdivision, containing less than the minimum ten thousand square feet of lot area, shall be deemed a legal building site.

B. No dwelling shall be located on any lot nearer to the rear lot line than twenty feet, or nearer to the front lot line than the setbacks as established and as shown on the official recorded maps of the subdivision.

C. All applications for building permits in excess of one story in height shall require a conditional use permit (see Chapter 18.116).

(Ord. 1503 § 1 (part), 1976: NCLUC § 970-7.02)

18.14.510 Specific uses.

For specific use regulations, see Chapters 18.68 through 18.100.

(Ord. 1503 § 1 (part), 1976: NCLUC § 970-7.03)

18.14.520 Satellite television antennas.

Satellite television antennas shall be considered as accessory to the main structure and permitted subject to the following limitations:

A. Site plan approval in conformance with Chapter 18.128 of this title and subject to the building permit requirements of Chapter 15.08;

B. Shall be ground-mounted, and located within the rear yard only;

C. Shall be located at least four feet from any property line or structure;

D. Shall not exceed ten feet in height.

(Ord. 2108 (part), 1996; Ord. 1866 § 2, 1985)

Chapter 18.16 COMMERCIAL ZONES\*

Sections:

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18.16.030 Purposes of commercial limited (CL) zone.

18.16.040 Purposes of the medium commercial (CM) zone.

18.16.050 Purpose of the general commercial (CG) zone.

18.16.060 Purposes of the commercial shopping center (CSC) zone.

18.16.070 Purposes of the heavy commercial (CH) zone.

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- 18.16.095 Shopping centers.
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- 18.16.380 Combining uses.
- 18.16.390 Screening and landscaping.
- 18.16.400 Exceptions to CG zone setback regulations.
- 18.16.410 Specific uses.
- 18.16.420 Satellite television antennas.
- 18.16.430 Uses to be adequately housed in completely enclosed buildings.

\* Ed. Note: For provisions regarding design and development regulations generally, see Chs. 18.44--18.66 of this Title.

For provisions regarding the following specific design and development regulations, see the designated chapters of this title: accessory structures, Ch. 18.46; drainage, Ch. 18.48; fences, walls and hedges, Ch. 18.50; future street setbacks, Ch. 18.52; landscaping, Ch. 18.54; lots, Ch. 18.56; off-street parking and loading, Ch. 18.58; outdoor lighting, Ch. 18.60; signs and outdoor advertising, Ch. 18.62; underground utilities, Ch. 18.64; yards, courts and setbacks, Ch. 18.66.

For provisions regarding the following specific use regulations, see the designated chapters of this title: automobile impound and storage yards, Ch. 18.70; automotive and allied service uses, Ch. 18.72; condominiums, Ch. 18.74; conversions of residences to "C" or "M" uses, Ch. 18.76; electroplating, Ch. 18.78; hide curing by brinematic process, Ch. 18.82; liquefied petroleum gas facilities, Ch. 18.84; air conditioning and mechanical equipment, Ch. 18.86; mobile homes, Ch. 18.88; model homes, Ch. 18.90; outdoor display or sale of merchandise, Ch. 18.92; outdoor storage, Ch. 18.94; scrap metal processing, Ch. 18.96; service stations, Ch. 18.98.

For provisions regarding public improvements, see Ch. 18.106 of this title; for provisions regarding nonconforming uses, see Chs. 18.108 and 18.110 of this title; for provisions regarding development, design, performance and maintenance standards, see Ch. 18.102 of this title; for provisions regarding the appendices attached to the land use code codified in this title, see Ch. 18.136 of this title.

#### 18.16.010 Purposes.

The general purposes of commercial zones are to:

- A. Provide areas in which business may be conducted, goods sold and distributed, public and private services rendered, and such other activities provided which are related to the function of commercial development;
- B. Ensure compatibility of the various commercial areas with adjacent land uses;
- C. Implement the general plan by concentrating all intensive commercial and residential development and redevelopment at specially designated locations.

(Ord. 1503 § 1 (part), 1976: NCLUC § 971-1 (part))

#### 18.16.020 Purpose of commercial tourist (CT) zone.

The purpose of the CT zone is to provide areas catering specifically to the needs of automobile-oriented trade, such as transient accommodations and services, certain specialized retail outlets, commercial amusement enterprises and compatible residential development.

(Ord. 1974 § 4, 1989: Ord. 1503 § 1 (part), 1976: NCLUC § 971-1.01)

#### 18.16.030 Purposes of commercial limited (CL) zone.

The purposes of the CL zone are to:

- A. Provide for small scale, limited convenience retail shopping facilities at the neighborhood level, typically including food and convenience stores, small retail and service shops, professional offices and compatible residential development. The sale of all merchandise shall be retail only;
- B. Ensure that the character of the CL zone will be compatible with and will complement the surrounding residential area.

(Ord. 1974 § 5, 1989: Ord. 1503 § 1 (part), 1976: NCLUC § 971-1.02)

#### 18.16.040 Purposes of the medium commercial (CM) zone.

The purposes of the CM zone are to:

- A. Accommodate existing developments of mixed commercial uses which are well established, while providing a degree of protection to adjacent residential areas;
- B. Ensure orderly development and concentration of thoroughfare commercial uses at appropriate locations, as determined by the general plan, and in such a manner as to minimize traffic hazards and interference with other uses in the vicinity;
- C. Ensure compatible residential development.

(Ord. 2251 § 5, 2004; Ord. 1801 § 17, 1983; Ord. 1503 § 1 (part), 1976: NCLUC § 971-1.03)

18.16.050 Purpose of the general commercial (CG) zone.

The CG zone is intended for high intensity commercial and complementary development along major roadways and in community shopping complexes and for compatible residential development.

(Ord. 1974 § 6, 1989: Ord. 1801 § 18, 1983: Ord. 1503 § 1 (part), 1976: NCLUC § 971-1.04)

18.16.060 Purposes of the commercial shopping center (CSC) zone.

The purposes of the CSC zone are to:

- A. Establish and maintain intensive commercial activities and specialized service establishments that require centralized locations to serve a large urban population;
- B. Provide a full range of merchandise and services usually obtainable in major department stores and their complementary specialty shops.

(Ord. 1503 § 1 (part), 1976: NCLUC § 971-1.05)

18.16.070 Purposes of the heavy commercial (CH) zone.

The purposes of the CH zone are to:

- A. Provide for an area for intensive commercial activities and specialized service establishments requiring a central location;
- B. Permit limited and restricted manufacturing and wholesaling and distribution facilities governed by standards controlling the intensity of use, the external effects upon surrounding areas, and in general limiting the uses to those that can be operated in a clean and quiet manner;
- C. Ensure compatible residential development.

(Ord. 2251 § 6, 2004; Ord. 1503 § 1 (part) 1976: NCLUC § 971-1.06)

18.16.080 Purposes of commercial automotive (CA) zone.

The purpose of the CA zone is to provide an area for new and used automobile and truck sales and services, and for sales and services that support and complement such use.

(Ord. 1503 § 1 (part), 1976: NCLUC § 971-1.07)

18.16.085 Purposes of mixed-use commercial-residential (MCR-1 and MCR-2) zones.

The purpose of the MCR-1 and MCR-2 zones is to provide an area within the Westside Specific Plan area for either commercial or multi-family residential development or a commercial and multi-family development constructed on a single parcel or as components of a single development on a assemblage of parcels. The uses established for MCR-1 and MCR-2 are listed in Appendix A of the Westside Specific Plan.

(Ord. No. 2010-2344, § 5, 8-3-2010)

18.16.090 Principal uses and structures permitted.

The principal uses permitted in the commercial zones are designated by use group. The use groups are collections of individual uses of similar character and are fully described



|    |  |            |   |   |   |   |   |
|----|--|------------|---|---|---|---|---|
| 19 | Goods and services, other<br>X                     | 18.104.230 | - | - | X | C | C |
| 20 | Heavy equipment and machinery<br>- X               | 18.104.240 | - | - |   | C | - |
| 21 | Hotel, motel and related services<br>X X           | 18.104.250 | X | - |   | X | C |
| 22 | Light manufacturing                                | 18.104.260 | - | - | - | - | X |
| 27 | Offices and studios                                | 18.104.310 | X | X | X | X | X |
| 28 | Off-street parking                                 | 18.104.320 | - | - | X | X | X |
| 29 | Public protection facilities<br>X                  | 18.104.330 | - | C |   | X | X |
| 30 | Public facilities                                  | 18.104.340 | C | C | C | C | C |
| 31 | Research and development<br>X                      | 18.104.350 | - | - | X | - | - |
| 33 | Signs and outdoor advertising<br>X                 | 18.104.370 | X | X | X | X | X |
| 35 | Wholesaling, warehousing and distribution<br>- - X | 18.104.390 | - | - |   | - | - |

X Permitted - Not permitted C Conditional use permit required

Note: Uses permitted in the CA zone are as set forth in Section 703 of the Redevelopment Plan for the National City Redevelopment Project, adopted July 18, 1995 pursuant to Ordinance No. 95-20-95.

(Ord. 2124 § 19, 1996; Ord. 1987 § 1 (part), 1989; Ord. 1974 § 7, 1989; Ord. 1877 § 1, 1986; Ord. 1801 § 19, 1983; Ord. 1712 § 11, 1980; Ord. 1614 § 9, 1978; Ord. 1503 § 1 (part), 1976; NCLUC § 971-2)

(Ord. No. 2010-2344, § 5, 8-3-2010)

18.16.095 Shopping centers.

Construction of shopping centers and expansion of existing shopping centers shall require the issuance of a conditional use permit in accordance with Chapter 18.116 of this title (Ord. 1974 § 8, 1989)

18.16.100 Accessory uses.

Accessory uses and buildings customarily incidental to a permitted principal use in commercial zones are listed in Table VI.

#### TABLE VI

#### ACCESSORY USES PERMITTED IN COMMERCIAL ZONES

#### TABLE INSET:

Uses Zones Section Number

Commercial, uses in motels and hotels All zones except CL, CSC, and CA

18.16.110

Storage buildings and garages All zones 18.16.120

Recreational facilities All zones except CL, CSC, and CA 18.16.130

Alcoholic beverages, conditional use permit required All zones except CL and CA

18.16.140



Beer and wine, and other alcoholic beverages limited to table service in full meal public eating place (no bar), conditional use permit All zones except CA 18.16.150  
 Service stations, incidental, conditional use permit required CT 18.16.160  
 Gasoline sales, incidental, conditional use permit required All zones 18.16.170  
 Off-street parking and loading facilities All zones 18.16.180  
 Auctions with antique or used furniture sales, conditional use permit required CM, CG, CH 18.16.190  
 Catering services CM, CG, CH 18.16.200  
 Automobile body and paint shop, accessory to new car agency All zones except CL, CT and CG 18.16.210  
 Auto body repair as an accessory use to auto painting CM, CH 18.16.220  
 Sixty-day storage of wrecked vehicles by automobile dealer All zones except CL, CT and CG 18.16.230  
 Sixty-day storage of wrecked vehicles by garage and/or body shop All zones except CL, CT and CG 18.16.240

(Ord. 1877 § 2, 1986; Ord. 1820 § 2, 1984; Ord. 1801 § 20, 1983; Ord. 1614 § 4 (part), 1978; Ord. 1503 § 1 (part), 1976; NCLUC § 971-3 (part))

18.16.101 Accessory uses, conditions thereon.

Accessory uses and the conditions of their use are set out in Sections 18.16.110 through 18.16.240.

(Ord. 1614 § 4 (part), 1978)

18.16.110 Commercial uses in hotels and motels.

Such accessory uses and services as are customarily incidental to the principal use may be permitted; and such accessory businesses as are customarily designed and intended for the convenience or necessity of the guests of the permitted use, including bars, cafes, restaurants, lunchrooms, gift shops, florists, barbershops, beauty shops, news and tobacco shops, travel ticket and car rental agencies, valet service (agency for laundering, cleaning, and pressing of clothing), letting of space for professional offices, operated in conjunction with the uses permitted in this section and not as a separate enterprise, and located on the same premises may be permitted, provided there shall be no entrance to such place or accessory or incidental uses, except from the lobby or the interior of a principal building or buildings or patio thereof.

(Ord. 1503 § 1 (part), 1976; NCLUC § 971-3.01)

18.16.120 Storage buildings and garages.

Storage buildings and garages clearly incidental to permitted uses on the same premises are permitted.

(Ord. 1712 § 12, 1980; Ord. 1503 § 1 (part), 1976; NCLUC § 971-3.02)

18.16.130 Recreational facilities.

Recreational facilities serving the customer or patron of a principal use may be permitted.

Typical facilities include:

- A. Swimming pools and gymnasiums;
- B. Tennis, badminton, volleyball, croquet, and similar courts;
- C. Bowling alleys.

(Ord. 1503 § 1 (part), 1976; NCLUC § 971-3.03)

18.16.160 Automobile service stations in the CT zone.

Automobile service stations operated as accessory uses in the CT zone shall be subject to the following limitations:

- A. Automobile service stations developed in accordance with Chapter 18.98 and operated as an incidental use and limited to the retail sale of gasoline, oil, tires and automobile accessories; the rendering of lubrication services limited to two lubrication hoist or hoists to be located within an enclosed structure, may be permitted. No grease pits, or steam cleaning, shall be permitted;
- B. The performing of minor emergency automobile repairs or installations of accessories may be permitted, but specifically excluding automobile painting, repairing, replacing or overhauling of engines, motors, transmission, driving mechanisms, differential assemblies or any other major automobile part or parts; body and fender work of any kind; tire rebuilding or recapping; conducting any type of rental business and selling or servicing trucks.

(Ord. 1743 § 1, 1981; Ord. 1503 § 1 (part), 1976: NCLUC § 971-3.06)

#### 18.16.170 Sale of gasoline.

The sale of gasoline may be permitted as an accessory use in any zone where gasoline service stations are permitted, subject to the issuance of a conditional use permit.

(Ord. 2139 § 1, 1997; Ord. 1503 § 1 (part), 1976: NCLUC § 971-3.07)

#### 18.16.180 Off-street parking and loading.

Off-street parking and loading facilities developed in accordance with Chapter 18.58 may be permitted.

(Ord. 1503 § 1 (part), 1976: NCLUC § 971-3.08)

#### 18.16.190 Auctions.

Auctions, in conjunction with used furniture or antique sales, may be permitted subject to the issuance of a conditional use permit.

(Ord. 1503 § 1 (part), 1976: NCLUC § 971-3.09)

#### 18.16.191 Games of skill or amusement as an incidental use.

A. In the commercial zones, the use of games of skill or amusement, as an incidental or accessory use, shall be limited to four machines per establishment, two of which may be multiple-player machines.

B. Bowling alleys, as referred to in Use Group 6 of Appendix D of the National City Land Use Code, shall be limited to thirty games of skill or amusement as an incidental use. All such machines shall be located in the main concourse of the facility within the line-of-sight of a supervising adult employed by the business proprietor, whom shall be continuously present at all times that machines are being used.

(Ord. 1749 § 1, 1981)

#### 18.16.192 Motels.

Any proposal for the construction or expansion of a motel in any zone shall comply with the following standards:

- A. All motels shall have a manager's apartment.
- B. Kitchen or kitchenette facilities are prohibited in all but the resident manager's unit.
- C. All motels shall be located on lots that are at least twenty thousand square feet in size and the minimum number of units provided shall be twenty.
- D. Motel rooms shall be at least three hundred square feet in size including the bathroom.

E. A swimming pool at least five hundred twenty-five square feet in size shall be provided on all sites.

F. On-site parking shall be provided in accordance with Section 18.58.290.

G. Landscaped areas shall be provided per Section 18.16.390.

H. Motels shall be permitted only on property bearing the symbol "MPD" on the zoning map per Chapter 18.43.

(Ord. 2228 § 4, 2003; Ord. 1805 (part), 1983)

18.16.193 Fast food eating place.

Any proposal for the construction or expansion of a fast food eating place shall be required to obtain a conditional use permit in accordance with Chapter 18.116.

(Ord. 1855 § 2, 1985)

18.16.194 Distance requirement for fast food eating places.

New fast food eating places shall be located a minimum of three hundred feet from any residential zoned properties.

(Ord. 1920, 1987; Ord. 1855 § 3, 1985)

18.16.195 Markets that sell seafood.

Markets that sell fresh or frozen seafood that are less than twenty-five thousand square feet in area shall be located a minimum distance of three hundred feet from any residentially zoned properties. A conditional use permit shall be required for all markets that sell fresh or frozen seafood. This section shall not apply to manufacturers' prepackaged frozen products.

(Ord. 2192 § 4, 2001; Ord. 2173 § 1, 2000; Ord. 2002 § 1, 1991)

18.16.196 Tobacco specialty shop.

"Tobacco specialty shop" means any business, the primary use of which is the sale of tobacco products or tobacco related paraphernalia. A business shall be determined a tobacco specialty shop when more than forty percent of its retail floor area is devoted to the display and sales of tobacco products and/or paraphernalia.

(Ord. 2212 § 2, 2002)

18.16.197 Distance requirement for tobacco specialty shops.

A. "Tobacco specialty shop," where permitted pursuant to Appendix D of the Land Use Code, shall not be located within one thousand feet of any school, playground, recreation center or facility, childcare center or library in the city of National City.

B. A use lawfully existing on October 1, 2002 which is rendered nonconforming by the provisions of this section may be continued for a period of not more than three years from October 1, 2002, and shall thereafter be terminated, provided that:

1. The use shall not be extended or expanded either on the same or adjoining property.

2. If the use existing at the time this section takes effect is thereafter discontinued for six months or more, any future use of the property shall conform with the provisions of this section.

C. The owner or operator of a use rendered nonconforming by the provisions of this section may apply to the city council for an extension of the time upon which said use must be terminated. The application for extension shall be governed by the hearing and notice provisions of Chapter 18.130. The city council, after conducting a public hearing may, by resolution, deny the extension or grant an extension equal to or less than applied for, when it concludes that the strict application of the provisions of this section would be

unreasonable as to a particular use, that strict application of the provisions of this section would create a hardship upon the owner or operator which was not brought about by an act of the owner or operator, and the hardship resulting from strict application of the provisions of this section outweighs any detriment to the public caused by granting an extension of time.

In making a determination as to granting or denying extensions of time, the city council shall consider any evidence presented as to the following matters, but not limited thereto:

1. Age, condition and physical characteristics of the use;
  2. Location;
  3. Remaining economic life;
  4. Depreciation treatment for income tax purposes;
  5. Investment in use;
  6. Monopoly or advantage resulting from fact that similar new uses are prohibited;
  7. Cost to discontinue use.
- D. A copy of the resolution made by the city council under subsection (C) shall be mailed to the applicant.
- E. The decision of the city council upon an application for extension of time shall be final.

(Ord. 2212 § 3, 2002)

18.16.198 Automobile sales lots.

Lots used for the sale of automobiles, trucks, recreational vehicles or other similar vehicles shall have a minimum of ten thousand square feet.

(Ord. 1925 § 6, 1987)

18.16.199 Vehicle storage on city streets by automobile dealers.

No licensed automobile dealer may store vehicles to be offered for sale on any city street or alley for any period of time.

(Ord. 2063 § 9, 1993)

18.16.200 Catering services.

Catering services for retail food preparation and party supplies may be permitted; provided said use is conducted in conjunction with a permitted retail store, restaurant, or commercial office; and further provided that the wholesaling or warehousing of merchandise not used directly in the operation of the catering business is prohibited.

(Ord. 1503 § 1 (part), 1976: NCLUC § 971-3.10)

18.16.209 Automobile and truck repair service establishments.

Automobile and truck repair service establishments shall have a minimum lot area of seven thousand five hundred square feet.

(Ord. 2212 § 4, 2002)

18.16.210 Automobile body and paint shop accessory to new car agency.

Automobile body repair and painting may be conducted as an accessory use to a new car agency.

(Ord. 1503 § 1 (part), 1976: NCLUC § 971-3.11)

18.16.220 Automobile body repair as an accessory use to auto painting.

Automobile body and fender repair may be conducted as an accessory use to auto painting, provided such repair is conducted in accordance with Section 18.72.030.

(Ord. 1503 § 1 (part), 1976: NCLUC § 971-3.12)

18.16.230 Sixty-day storage of wrecked vehicles by auto dealers.

Any authorized new or used automobile dealer may store, for a period of not more than sixty days, a disabled, dismantled, or wrecked motor vehicle; provided said vehicle is located at said establishment for repair and/or pending determination of repair or total loss; and further provided that the storage shall be in an area that is part of the service area for which a dealer has a business license.

(Ord. 1503 § 1 (part), 1976: NCLUC § 971-3.13)

18.16.240 Sixty-day storage of wrecked vehicles by garage, and/or body shop.

Any authorized garage and/or body shop may store, for a period of not more than sixty days, a disabled, dismantled, or wrecked motor vehicle; provided said vehicle is located at said establishment for repair and/or pending determination of repair or total loss; and further provided that the storage shall be in an area which is a part of the normal area for which the establishment has a business license. The storage area shall contain not more than two thousand square feet devoted to the storage of wrecked vehicles pending said determination. However, any area may be enlarged if approval is obtained from the planning commission upon a showing by the operator that the size of the repair service and number of employees justify a larger storage area.

(Ord. 1503 § 1 (part), 1976: NCLUC § 971-3.14)

18.16.250 Prohibited uses and structures.

A. The following are prohibited uses in commercial zones:

TABLE INSET:

Zones Prohibited Uses

CA All uses except as provided by Section 703 of the redevelopment plan for the National City redevelopment project

CL Special hospitals

CSC Drive-thru dairy stores; self-service car washes; secondhand stores; churches

ALL C (except CA specified above) Auto wrecking, dismantling, stripping parts removal, salvaging or as racetrack establishments; auto and motorcycle racing; truck service stations

CA, CT, CL and CSC Governmental service agencies

B. Residential uses are prohibited in the CA, CM, CH and CSC zones. Residential and mixed use development may be allowed in the CT, CL and CG zones in accordance with Chapter 18.140 of this title.

C. No storage shall be permitted in any required front or side yard adjacent to a public street or highway.

D. The use of tarpaulins as temporary or permanent structures, including, but not limited to carports, sheds, or lean-tos is prohibited.

(Ord. 2124 § 20, 1996: Ord. 2063 § 2, 1993; Ord. 1974 § 9, 1989; Ord. 1919 § 3, 1987: Ord. 1801 § 21, 1983; Ord. 1780 (part), 1982; Ord. 1692 § 3, 1979; Ord. 1503 § 1 (part), 1976: NCLUC § 971-4)

18.16.260 Uses and structures permitted by conditional use permit.

Use groups which are indicated in Table V, as set out in Section 18.16.100, and as identified for MCR-1 and MCR-2 in Appendix A of the Westside Specific Plan, as requiring a conditional use permit shall comply with the provisions of Chapter 18.116 (Conditional Use Permits).

(Ord. 1503 § 1 (part), 1976: NCLUC § 971-5 (part))

(Ord. No. 2010-2344, § 5, 8-3-2010)

18.16.270 Development adjacent to R or CL uses.

In the CH zone, no lands adjacent to an R or CL usage, across a lot line, alley or street, shall be used for any purpose or development unless approved by the issuance of a conditional use permit.

(Ord. 1503 § 1 (part), 1976: NCLUC § 971-5.01)

18.16.280 Design regulations.

Design regulations for commercial zones are set out in Sections 18.16.290 through 18.16.370. Additional guidelines and standards for zones MCR-1 and MCR-2 are specifically stated in the Westside Specific Plan. For general design and development regulations, see Chapters 18.44 through 18.66 and the City of National City's adopted design guidelines.

(Ord. 1503 § 1 (part), 1976: NCLUC § 971-6 (part))

(Ord. No. 2010-2344, § 5, 8-3-2010)

18.16.290 Lot area.

Minimum lot area shall be five thousand square feet, except automobile service stations shall have a minimum lot area of fifteen thousand square feet. With the approval of a subdivision map or parcel map, the city council, upon recommendation of the planning commission, may allow lots or parcels having less than the required area; provided that the land is part of an adopted planned development permit that specifically identifies all such parcels having reduced area.

(Ord. 1503 § 1 (part), 1976: NCLUC § 971-6.01)

18.16.300 Required frontage.

A. All lots in the commercial zones, except automobile service stations, shall have a minimum of fifty feet of frontage on a dedicated street. Automobile service stations shall have a minimum of one hundred feet of frontage. With the approval of a subdivision map or parcel map, the city council, upon recommendation of the planning commission, may allow lots or parcels having less than the required frontage, provided that the planning commission and city council make a finding that the covenant and agreement between the city and the applicant agreeing to file access easements from adjacent public street to each lot, described below, will provide adequate access to a public street in accordance with the purposes of this section.

B. In all cases of reduced frontage upon a public street, and prior to city council final approval of any such subdivision map or parcel map, the applicant (property owner) therefor shall submit a covenant and agreement between the city and the applicant agreeing to file access easements from an adjacent public street to each lot being sold separately. No such final approval shall be effective until the required covenants have been approved by the city council and recorded with the county recorder.

C. Such covenants will further agree that such lot or parcel shall not be sold separately, as specified in the conditional use permit therefor, until said easements have been approved by the city council and recorded with the county recorder.

(Ord. 1598 (part), 1977; Ord. 1579 (part), 1977; Ord. 1503 § 1 (part), 1976: NCLUC § 971-6.02)

18.16.310 Required yards and setbacks.

The minimum required yard setbacks in the commercial zones are as follows:

TABLE VII  
TABLE INSET:

| Zone      | Front Yard        | Side Yard | Rear Yard | Exterior |
|-----------|-------------------|-----------|-----------|----------|
| Side Yard |                   |           |           |          |
| CT        | 10                |           |           |          |
|           | 0b                | 0         | 5         |          |
| CL        | 10a               |           |           |          |
|           | 0b                | 0b        | 10a       |          |
| CG        | 10f               |           |           |          |
|           | 0                 | 0         | 4g        |          |
| CH        | 5                 |           |           |          |
|           | 0c                | 0c        | 5         |          |
| CM        | See Notes d and g |           |           |          |
| CA        | See Note e        |           |           |          |
| CSC       | See Note e        |           |           |          |
| MCR-1     | 10                |           |           |          |
|           | 0/10h             | 5         | 10        |          |
| MCR-2     | 10                |           |           |          |
|           | 0/10h             | 5         | 10        |          |

Notes: a--or same as adjoining R zone, whichever is greater.  
 b--or ten feet if adjoining an RS zone and four feet if adjoining any other R zone.  
 c--or five feet on a dedicated street or when adjoining an R zone.  
 d--as per the Uniform Building Code.  
 e--building coverage shall not exceed eighty percent of the total land area.  
 f--See zoning map 2 attached to the National City Land Use Code for lesser front yard setbacks that are established by specific plan; also see Section 18.16.400 of this title.  
 g--ten feet on Highland Avenue.  
 h--ten feet if adjacent to a single-family or multi-family development without a mixed-use commercial/office.

(Ord. 1801 § 23, 1983; Ord. 1741, 1981; Ord. 1614 § 9, 1978; Ord. 1503 § 1 (part), 1976; NCLUC § 971-6.03)

(Ord. No. 2010-2344, § 5, 8-3-2010)

18.16.320 Accessory buildings in yard setbacks prohibited.

Accessory buildings shall not be located within any yard setback.

(Ord. 1503 § 1 (part), 1976; NCLUC § 971-6.03:01)

18.16.330 Increased yards in CL zone when.

In the CL zone, when a structure height exceeds twenty-five feet and the structure abuts an RS zone, the front yard and abutting yard setbacks shall be increased to twenty feet.

(Ord. 1503 § 1 (part), 1976; NCLUC § 971-6.03:02)

18.16.340 Building aesthetics and materials.

A. In the commercial zones, all buildings or structures shall be constructed of stucco, plaster, masonry, concrete, rock, wood, and/or metal; provided, however, that all

buildings or structures shall have an integrated color or painted exterior; and provided, further, that the construction of metal buildings shall be permitted in the commercial zones, subject to approval of the planning commission and subject to the following requirements:

1. Metal buildings must have the architectural appearance of conventionally built structures and an exterior surface that includes either stucco, plaster, glass, stone, wood, brick, decorative masonry or wood sheathing.
2. Building fronts shall incorporate and present either a finished parapet or overhang to the street.
3. All roof edges shall be finished with fascia and/or combination fascia gutter.
4. Finished soffits are required.
5. The use of decorative materials to enhance the aesthetic appearance of the building or structure shall be required on any portion of the building or structure abutting upon a dedicated street.

B. The exterior walls of all buildings or structures constructed within the commercial zones shall be of new material; provided, however, that used materials such as rock, red brick, decorative masonry, or colored glass may be permissible. Other forms of architectural treatment of used materials may be approved by the planning commission. (Ord. 1892 § 1, 1986; Ord. 1503 § 1 (part), 1976: NCLUC § 971-6.04)

18.16.350 Building height, floor area ratio, and lot coverage.

All structures hereafter designed or erected in the commercial zones, including the MCR-1 and MCR-2 zones, and existing buildings which may be reconstructed, altered, moved, or enlarged in the commercial zones, may not exceed the height, floor area ratio (F.A.R.), or lot coverage as indicated in Table VIII for the zone in which the buildings are or may be located.

TABLE VIII

TABLE INSET:

| Zone        | Height<br>(Max.) | F.A.R.<br>(Max.) | Lot<br>Coverage<br>(Max.) |
|-------------|------------------|------------------|---------------------------|
| CA          | 13 stories       | 1                | 80 percent                |
| CT          | No limit         | 1                | Reserved                  |
| CL*         | No limit         | 1                | Reserved                  |
| CM          | No limit         | 3                | Reserved                  |
| CH          | No limit         | 2                | Reserved                  |
| CG          | No limit         | 6                | Reserved                  |
| CSC         | 13 stories       | 4                | 80 percent.               |
| MCR-1       | 3 stories        |                  |                           |
| and 50 feet | .6               | None             |                           |
| MCR-1       | 5 stories        |                  |                           |
| and 65 feet | .6               | None             |                           |



\* Within the Westside Specific Plan, properties within the C-L zone are limited to thirty-five feet and a F.A.R. of .6.

(Ord. 1801 § 24, 1983; Ord. 1503 § 1 (part), 1976: NCLUC § 971-6.05)

(Ord. No. 2010-2344, § 5, 8-3-2010)

18.16.360 Off-street parking and loading.

A. Automobile parking or loading areas in any commercial zone shall not be located in any front or exterior side yard setback; except that in the CT zone, parking, excluding garages or carports, shall observe the front yard setback of ten feet.

B. See also Chapter 18.58 (Off-Street Parking and Loading).

(Ord. 1503 § 1 (part), 1976: NCLUC § 971-6.06)

18.16.370 Signs.

For sign regulations, see Chapter 18.62 (Signs and Outdoor Advertising).

(Ord. 1503 § 1 (part), 1976: NCLUC § 971-6.07)

18.16.380 Combining uses.

A letter designation following the basic zone symbol indicates a combining zone or a special purpose zone (see Chapters 18.22 through 18.42).

(Ord. 1503 § 1 (part), 1976: NCLUC § 971-7.01)

18.16.390 Screening and landscaping.

A. All required setbacks, excluding driveways, shall be landscaped and maintained in accordance with Chapter 18.54 and the city's adopted landscape guidelines.

B. When adjoining a residential zone, any commercial use shall be permanently screened from such adjoining property by a wall and suitable landscaping.

C. All landscaping, maintenance, construction, or street tree placement within any parkway of the city shall be done in accordance with the provisions of Chapters 13.18 and 18.54, and the city's adopted landscape guidelines of this code.

(Ord. 1503 § 1 (part), 1976: NCLUC § 971-7.02)

(Ord. No. 2010-2344, § 5, 8-3-2010)

18.16.400 Exceptions to CG zone setback regulations.

Pursuant to Government Code, Title 7, Article 8 (Authority for and Scope of Specific Plans), there is adopted a specific plan for the CG zone, specifically requiring that:

A. Upon adoption of the National City Land Use Code, all that property formerly zoned C-3-B by Ordinance 962, and made a part of the CBD zone, and subsequently CG, shall maintain a minimum front yard setback of five feet; provided, however, all properties abutting Highland Avenue shall maintain a minimum ten-foot setback. (See specific plan SP-3-75.)

B. Upon adoption of the National City Land Use Code, all that property formerly zoned C-3-C by Ordinance 962, and made a part of the CBD zone, and subsequently CG, shall maintain a minimum front yard setback of zero feet; provided, however, all properties abutting Highland Avenue shall maintain a minimum ten-foot setback. (See specific plan SP-3-75.)

(Ord. 1801 § 25, 1983; Ord. 1503 § 1 (part), 1976: NCLUC § 971-7.03)

18.16.410 Specific uses.

For specific use regulations, see Chapters 18.68 through 18.100.

(Ord. 1503 § 1 (part), 1976: NCLUC § 971-7.04)

18.16.420 Satellite television antennas.

Satellite television antennas shall be considered as accessory to the main structure and permitted subject to the following limitations:

- A. Site plan approval in conformance with Chapter 18.128 of this title and subject to the building permit requirements of Chapter 15.08;
- B. Shall be ground-mounted unless otherwise approved;
- C. Shall not be located within a front yard or exterior side yard setback;
- D. Shall not exceed twenty feet in height;
- E. Shall not be used as a sign or contain any advertising copy;
- F. Roof-mounted antennas may be permitted subject to the following limitations:
  - 1. Antennas shall be screened, using appropriate architectural materials or parapet walls,
  - 2. Antennas shall be of a neutral color or as otherwise approved by the planning department,
  - 3. Antennas so mounted shall be inspected by the building inspector as to stability and safety;
- G. Shall be screened, as defined in Section 18.04.584, or as required by the planning department.

(Ord. 2108 (part), 1996; Ord. 1866 § 3, 1985)

18.16.430 Uses to be adequately housed in completely enclosed buildings.

All uses in the commercial zones shall be adequately housed in completely enclosed buildings; provided, however, that businesses such as auto and truck dealers, nurseries, gas stations, and similar uses (as determined by the planning director per Section 18.104.030) that customarily include outdoor use, may be permitted outside of a completely enclosed building. This section shall not restrict incidental loading, property maintenance, or special promotions as provided by Section 18.92.030 of this title.

(Ord. 1925 § 20, 1987)

#### Chapter 18.18 INDUSTRIAL (MANUFACTURING) ZONES\*

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\*For provisions regarding design and development regulations generally, see Chs. 18.44-18.66 of this title. For provisions regarding the following specific design and development regulations, see the designated chapters of this title: accessory structures, Ch. 18.46; drainage, Ch. 18.48; fences, walls and hedges, Ch. 18.50; future street setbacks, Ch. 18.52; landscaping, Ch. 18.54; lots, Ch. 18.56; off-street parking and loading, Ch. 18.58; outdoor lighting, Ch. 18.60; signs and outdoor advertising, Ch. 18.62; underground utilities, Ch. 18.64; yards, courts and setbacks, Ch. 18.66.

For provisions regarding the following specific use regulations, see the designated chapters of this title: automobile impound and storage yards, Ch. 18.70; automotive and allied service uses, Ch. 18.72; conversions of residences to "C" or "M" uses, Ch. 18.76; electroplating, Ch. 18.78; hazardous waste facilities, Ch. 18.79; hide curing by brinematic process, Ch. 18.82; liquefied petroleum gas facilities, Ch. 18.84; air conditioning and mechanical equipment, Ch. 18.86; outdoor storage, Ch. 18.94; recycling collection facilities, Ch. 18.95; scrap metal processing, Ch. 18.96; service stations, Ch. 18.98.

For provisions regarding public improvements, see Ch. 18.106 of this title; for provisions regarding nonconforming uses, see Chs. 18.108 and 18.110 of this title; for provisions regarding development, design, performance and maintenance standards, see Ch. 18.102

of this title; for provisions regarding the appendices attached to the land use code codified in this title, see Ch. 18.136 of this title.

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Sections:

- 18.18.010 Purposes.
- 18.18.020 Purposes of light manufacturing (ML) zone.
- 18.18.021 Purposes of the light manufacturing/residential (MLR) zone.
- 18.18.030 Purposes of medium manufacturing (MM) zone.
- 18.18.040 Purposes of heavy manufacturing (MH) zone.
- 18.18.050 Purposes of tidelands manufacturing (MT) zone.
- 18.18.060 Principal uses and structures permitted.
- 18.18.070 Accessory uses and structures permitted.
- 18.18.071 Accessory uses, conditions thereon.
- 18.18.080 Accessory structures.
- 18.18.090 Caretaker's residence.
- 18.18.100 Open storage.
- 18.18.110 Motorcycle dismantling.
- 18.18.114 Automobile sales lots.
- 18.18.115 Automobile and truck repair establishments.
- 18.18.120 Sixty-day storage of wrecked vehicles by automobile dealer.
- 18.18.130 Sixty-day storage of wrecked vehicles by garage and/or body shop.
- 18.18.135 Vehicle storage on city streets by repair establishments.
- 18.18.140 Prohibited uses and structures--All manufacturing zones.
- 18.18.150 Prohibited uses and structures--ML and MLR zones.
- 18.18.160 Uses and structures permitted by conditional use permit.
- 18.18.170 Development adjacent to residential uses, churches and schools.
- 18.18.171 Hazardous waste facilities.
- 18.18.180 Design regulations.
- 18.18.190 Lot area.
- 18.18.200 Required frontage.
- 18.18.210 Required yards and setbacks.
- 18.18.220 Accessory buildings in yard setbacks prohibited.
- 18.18.230 Determination of setbacks.
- 18.18.240 Building aesthetics and materials.
- 18.18.250 Building height, floor area ratio and lot coverage.
- 18.18.260 Off-street parking.
- 18.18.270 Signs.
- 18.18.280 Combining uses.
- 18.18.290 Screening and landscaping.
- 18.18.300 Exceptions to ML zone setback regulations.
- 18.18.310 Specific uses.
- 18.18.320 Satellite television antennas.
- 18.18.330 Uses to be adequately housed in completely enclosed buildings.
- 18.18.010 Purposes.

The general purposes of industrial zones are to:

- A. Provide areas in which a wide variety and complexity of industrial and manufacturing uses and processes may function safely, efficiently and harmoniously;
- B. Regulate with development standards the physical plant necessary and appropriate for the uses in each zone with due consideration for the special requirements of adjacent zones;
- C. Prescribe performance standards in order to control industrial noise, vibration, air pollution, odor, fire hazards, radioactivity, and glare, thereby creating a better industrial environment for the mutual benefit of all persons and uses both within and around the zoned areas;
- D. Prohibit residential and most commercial uses in order to prevent reduction of the city's industrial base and to protect industrial land and improvements from encroaching incompatible uses.

(Ord. 1503 § 1 (part), 1976: NCLUC § 972-1 (part))

#### 18.18.020 Purposes of light manufacturing (ML) zone.

The purposes of the ML zone are to:

- A. Establish low intensity industrial uses in areas near residential and commercial zones;
- B. Require all industrial uses to be adequately housed in completely enclosed buildings;
- C. Limit, with the aid of performance standards, the physical effects of industrial activities to levels permitting no objectionable or obnoxious smoke, noise, vibration, fumes, radiation, glare phenomena, and fire and explosive hazards.

(Ord. 1503 § 1 (part), 1976: NCLUC § 972-1.01)

#### 18.18.021 Purposes of the light manufacturing/residential (MLR) zone.

The purposes of the MLR zone are to:

- A. Provide for continuation and new establishment of low intensity industrial uses, where compatible with adjacent uses, in the area which is generally located south of 8th Street, east of I-5, west of National City Boulevard and north of 22nd Street, and which contains a mix of residential along with industrial, commercial and institutional uses;
- B. Require all industrial uses to be adequately housed in completely enclosed buildings;
- C. Limit, with the aid of performance standards and discretionary review of new development, the physical effects of industrial activities to levels permitting no objectionable or obnoxious smoke, noise, vibration, fumes, radiation, glare phenomena, and fire and explosive hazards.
- D. Protect existing residential and institutional uses from potentially incompatible industrial development, and provide for new residential and compatible institutional development.

(Ord. 2124 § 4, 1996)

#### 18.18.030 Purposes of medium manufacturing (MM) zone.

The purposes of the MM zone are to:

- A. Establish intermediate industrial uses in areas in which production and processing activities involve some degree of noise, vibration, air pollution, radiation, glare phenomena, and fire and explosive hazards;
- B. Limit, with the aid of performance standards, the physical effects of such phenomena beyond the boundaries of the industrial property.

(Ord. 1503 § 1 (part), 1976: NCLUC § 972-1.02)

18.18.040 Purposes of heavy manufacturing (MH) zone.

The purposes of the MH zone are to:

- A. Establish areas for the heaviest and most intensive industrial uses in areas in which production and processing activities would involve the highest expected amounts of noise, vibration, air pollution, radiation, glare phenomena, and fire and explosive hazards;
- B. Control and suppress any hazards and prevent adverse effects to the community.

(Ord. 1503 § 1 (part), 1976: NCLUC § 972-1.03)

18.18.050 Purposes of tidelands manufacturing (MT) zone.

The purposes of the MT zone are to:

- A. Establish a tidelands manufacturing area that is oriented to the use of the terminal facilities;
- B. Allow manufacturing that is oriented to sea and rail transportation;
- C. Specify the land uses permitted pursuant to Section 19 of the San Diego Unified Port District Act;
- D. Limit environmental pollution problems emanating from permitted industrial uses within the tidelands manufacturing area with the use of performance standards.

(Ord. 1503 § 1 (part), 1976: NCLUC § 972-1.04)

18.18.060 Principal uses and structures permitted.

The principal uses permitted in the manufacturing zones are designated by use groups. The use groups are collections of individual uses of a similar character and are fully described in Chapter 18.104.

The use groups permitted in manufacturing zones are listed in Table IX.

Prior to, or concurrently with, the submission of building plans for plan check or application for issuance of a building permit for any building or structure in any industrial zone, a site development plan shall be submitted in accordance with Chapter 18.128 (Site Plan Review), and an environmental review in accordance with city policy "Background and Guidelines for Environmental Impact Review" shall be initiated.

No such permit shall be issued until a site plan therefor has been approved, and an environmental impact review process completed.

TABLE IX

USE GROUPS PERMITTED IN COMMERCIAL ZONES

TABLE INSET:

Use Group

| No. | Use Group                               | Reference  | ML | MLR | MM | MH | M |
|-----|---|------------|----|-----|----|----|---|
| 1   | Areawide permitted uses                 | 18.104.050 | X  | X   | X  | X  | X |
| 2   | Areawide conditional uses               | 18.104.060 | C  | C   | C  | C  | C |
| 4   | Automotive and allied                   | 18.104.080 | X  | X   | X  | -  | - |
| 9   | Dwelling, single-family                 | 18.104.130 | -  | X   | -  | -  | - |
| 13  | Eating places (other than take-out)     | 18.104.170 | X  | X   | X  | -  | - |
| 14  | Eating places (take-out and drive-thru) | 18.104.180 | X  | X   | X  | X  | X |
| -   | C                                       |            |    |     |    |    |   |

|             |   |            |   |                                 |   |   |   |   |
|-------------|---|------------|---|---------------------------------|---|---|---|---|
| 15          | Food processing                           | 18.104.190 | - | -                               | C | X | X |   |
| 16          | Gasoline service stations                 | 18.104.200 | C | C                               | C | - | - |   |
| 19          | Goods and services, other                 | 18.104.230 | X | X                               | - | - | - |   |
| 20          | Heavy equipment and machinery             | 18.104.240 | X | X                               | X | X | X | - |
|             | C   |            |   |                                 |   |   |   |   |
| 21          | Hotel, motel and related services         | 18.104.250 | X | X                               | - | - | - |   |
|             | -   |            |   |                                 |   |   |   |   |
| 22          | Light manufacturing                       | 18.104.260 | X | X                               | X | - | C |   |
| 23          | Medium manufacturing                      | 18.104.270 | - | -                               | X | - | C |   |
| 24          | Heavy manufacturing                       | 18.104.280 | - | -                               | C | - | - |   |
| 25          | Manufacturing, tidelands                  | 18.104.290 | - | -                               | - | - | - | X |
| 26          | Mineral resource extraction               | 18.104.300 | - | -                               | C | - | - |   |
| 28          | Off-street parking                        | 18.104.320 | X | X                               | X | - | X |   |
| 29          | Public protection facilities              | 18.104.330 | X | X                               | X | X | X | X |
| 30          | Public utilities                          | 18.104.340 | X | X                               | X | X | X |   |
| 31          | Research and development                  | 18.104.350 | X | X                               | X | - | X |   |
| 32          | Scrap metal processing                    | 18.104.360 | - | -                               | - | X | - |   |
| 33          | Signs and outdoor advertising             | 18.104.370 | X | X                               | X | X | X | X |
| 35          | Wholesaling, warehousing and distribution | 18.104.390 | X | X                               | X | X | X | X |
|             | - X                                       |            |   |                                 |   |   |   |   |
| 36          | Truck transportation Facilities           | 18.104.400 | - | -                               | C | - | - |   |
|             | X   |            |   |                                 |   |   |   |   |
| 37          | Waterfront                                | 18.104.410 | - | -                               | C | - | X |   |
| X Permitted | - Not permitted                           |            | C | Conditional use permit required |   |   |   |   |

(Ord. 2124 § 5, 1996; Ord. 1987 § 1 (part), 1989: Ord. 1503 § 1 (part), 1976: NCLUC § 972-2)

18.18.070 Accessory uses and structures permitted.

A. Accessory uses and buildings customarily incidental to a permitted principal use in manufacturing zones are listed in Table X.

TABLE X

ACCESSORY USES PERMITTED IN MANUFACTURING ZONES

TABLE INSET:

| Uses   | Zones                | Section Number |
|--|----------------------|----------------|
| Accessory structures   | All zones            | 18.18.080      |
| Caretaker's residence  | All zones            | 18.18.090      |
| Open Storage   | All zones            | 18.18.100      |
| Motorcycle dismantling   | ML, MLR and MM zones | 18.18.110      |
| Sixty-day storage of wrecked vehicles by automobile dealer       | ML, MLR and MM zones | 18.18.120      |
| Sixty-day storage of wrecked vehicles by garage and/or body shop | ML, MLR and MM zones | 18.18.130      |

(Ord. 2124 § 6, 1996; Ord. 1614 § 5 (part), 1978; Ord. 1503 § 1 (part), 1976: NCLUC § 972-3 (part))

18.18.071 Accessory uses, conditions thereon.

Accessory uses and conditions of their uses are set out in Sections 18.18.080 through 18.18.130.

(Ord. 1614 § 5 (part), 1978)

18.18.080 Accessory structures.

Accessory buildings or structures required for storage of products, materials, equipment, or uses lawfully permitted or produced on the premises may be permitted, including, but not limited to, tanks, buildings or shelters for industrial equipment machinery or supplies.

(Ord. 1503 § 1 (part), 1976: NCLUC § 972-3.01)

18.18.090 Caretaker's residence.

A caretaker's residence may be permitted, provided that the legally established use requires continuous supervision of a caretaker, superintendent or watchman, and the residence is occupied only by such persons and their families.

(Ord. 1503 § 1 (part), 1976: NCLUC § 972-3.02)

18.18.100 Open storage.

The open storage of equipment and materials shall be permitted only when incidental to a legally established use and located on the same lot. All outdoor storage shall be conducted in accordance with Chapter 18.94.

(Ord. 1503 § 1 (part), 1976: NCLUC § 972-3.03)

18.18.110 Motorcycle dismantling.

The dismantling and assembling of used motorcycles and motorcycle parts shall be permitted as an incidental use to a used motorcycle parts business subject to the issuance of a conditional use permit. All dismantling, assembling, or associated storage shall be conducted entirely within an enclosed building, and shall be shielded from public view.

(Ord. 1503 § 1 (part), 1976: NCLUC § 972-3.04)

18.18.114 Automobile sales lots.

Lots used for the sale of automobiles, trucks, recreational vehicles or other similar vehicles shall have a minimum of ten thousand square feet.

(Ord. 2212 § 5, 2002)

18.18.115 Automobile and truck repair establishments.

Automobile and truck repair service establishments having a minimum lot area of seven thousand five hundred square feet, may be permitted in the manufacturing and industrial zones.

(Ord. 1892 § 2, 1986)

18.18.120 Sixty-day storage of wrecked vehicles by automobile dealer.

Any authorized new or used automobile dealer may store, for a period of not more than sixty days, a disabled, dismantled or wrecked motor vehicle; provided said vehicle is located at said establishment for repair and/or pending determination of repair or total loss; and further provided the storage shall be in an area that is part of the service area for which a dealer has a business license.

(Ord. 1503 § 1 (part), 1976: NCLUC § 972-3.05)

18.18.130 Sixty-day storage of wrecked vehicles by garage and/or body shop.

Any authorized garage and/or body shop may store, for a period of not more than sixty days, a disabled, dismantled or wrecked motor vehicle; provided said vehicle is located at said establishment for repair and/or pending determination of repair or total loss, and further provided the storage shall be in an area which is a part of the normal area for

which the establishment has a business license. The storage area shall contain not more than two thousand square feet devoted to the storage of wrecked vehicles pending said determination. However, any area may be enlarged if approval is obtained from the planning commission upon a showing by the operator that the size of the repair service and number of employees justify a larger storage area.

(Ord. 1503 § 1 (part), 1976: NCLUC § 972-3.06)

18.18.135 Vehicle storage on city streets by repair establishments.

No owner or operator of any garage, body shop, or automobile or truck repair establishment, shall cause or permit the storage on any street or alley, for any period of time, of any vehicle which is pending service or repair.

(Ord. 2063 § 8, 1993)

18.18.140 Prohibited uses and structures--All manufacturing zones.

In all manufacturing zones, the following uses are prohibited:

- A. All residential uses (except caretaker's residence and as provided in subsections A and B of Section 18.108.051, and as provided for the MLR zone in Table IX within Section 18.18.060);
- B. Churches (except as provided in Section 18.108.050);
- C. Hotels, motels and restaurants (except in the redevelopment area);
- D. Animal slaughterhouses (except as provided in subsection C of Section 18.108.060);
- E. Asphalt mixing;
- F. Auto, motorcycle and quarter midget racing;
- G. Auto wrecking, dismantling, stripping, parts removal, salvaging or junking;
- H. Coke ovens;
- I. Dairies;
- J. Distillation of coal, wood or bones;
- K. Fat rendering;
- L. Fertilizer works;
- M. Fish canneries and reduction plants;
- N. Fish curing and grinding;
- O. Fur and hide curing and tanning (except hide curing by the brinematic process);
- P. Hog raising;
- Q. Junkyards;
- R. Massage parlors;
- S. Manufacture of:
  - 1. Ammunition,
  - 2. Asphalt,
  - 3. Charcoal,
  - 4. Explosives,
  - 5. Fertilizer,
  - 6. Fireworks,
  - 7. Glue,
  - 8. Grease and tallow,
  - 9. Gunpowder,
  - 10. Gypsum,
  - 11. Lampblack,



- 12. Shoddy,
- 13. Tar,
- 14. Tarpaper,
- 15. Tar products;
- T. Petroleum refining plant;
- U. Rock crushing;
- V. Salvage enterprises;
- W. Smelters;
- X. Stockyards;
- Y. Wool scouring and pulling;
- Z. Wrecking yards.

AA. The use of tarpaulins as temporary or permanent structures, including, but not limited to carports, sheds and lean-tos is prohibited.

(Ord. 2124 § 7, 1996; Ord. 2063 § 3, 1993; Ord. 1503 § 1 (part), 1976: NCLUC § 972-4 (part))

18.18.150 Prohibited uses and structures--ML and MLR zones.

In the ML (light manufacturing) and MLR (light manufacturing/residential) zones, the following uses are prohibited:

- A. Drilling for gas, oil, etc.;
- B. Drop hammers;
- C. Canneries;
- D. Food processing plants;
- E. Plastics manufacture;
- F. Liquefied petroleum gas storage;
- G. Petroleum storage;
- H. Petroleum processing;
- I. Scrapyards;
- J. Foundries;
- K. Meat packing plants;
- L. Auto wrecking and dismantling yards;
- M. Refuse disposal or incineration.

(Ord. 2124 § 8, 1996: Ord. 1925 § 7, 1987: Ord. 1503 § 1 (part), 1976: NCLUC § 972-4 (part))

18.18.160 Uses and structures permitted by conditional use permit.

Use groups which are indicated in Table IX, as set out in Section 18.18.060, as requiring a conditional use permit, as well as hazardous waste facilities in the MM, MH and MT zones, shall comply with the provisions of Chapter 18.116 (Conditional Use Permits).

(Ord. 2035 § 2, 1992: Ord. 1503 § 1 (part), 1976: NCLUC § 972-5 (part))

18.18.170 Development adjacent to residential uses, churches and schools.

In the ML and MLR zones, no property adjacent to a residential or institutional use or structure, i.e. across a lot line or alley but within the same block, shall be developed for any purpose unless approved by issuance of a conditional use permit in accordance with Chapter 18.116; however, this requirement for a conditional use permit shall not apply to development of a single-family home in the MLR zone.

(Ord. 2124 § 9, 1996: Ord. 2024 § 1, 1992)

18.18.171 Hazardous waste facilities.

Hazardous waste facilities may be permitted only in the Medium Manufacturing (MM), Heavy Manufacturing (MH) and Tidelands Manufacturing (MT) zones and shall require approval of a conditional use permit and comply with provisions of Chapter 18.116 (Conditional Use Permits). Data, policies, criteria and procedures contained in the San Diego County Hazardous Waste Management Plan shall be utilized for evaluation of applications for hazardous waste facilities. The siting criteria, the conditional use permit procedure and the fair share policies of the plan shall be utilized in making decisions on such applications.

(Ord. 2035 § 3, 1992)

18.18.180 Design regulations.

Design regulations for manufacturing zones are set out in Sections 18.18.190 through 18.18.270. For general design and development regulations, see Chapters 18.44 through 18.66.

(Ord. 1503 § 1 (part), 1976: NCLUC § 972-6 (part))

18.18.190 Lot area.

A. Minimum lot area shall be five thousand square feet, except automobile service stations shall have a minimum lot area of fifteen thousand square feet, and automobile and truck repair service establishments shall have a minimum lot area of seven thousand five hundred square feet. With the approval of a subdivision map, the city council, upon recommendation of the planning commission, may allow lots or parcels having less than the required area, provided that the land is part of an adopted planned development permit that specifically identifies all such parcels having reduced area.

B. Within the MLR zone, single-family residential use shall be permitted on any existing, legally created lot. However, new subdivisions for single-family homes shall provide a minimum lot size of five thousand square feet.

(Ord. 2124 § 10, 1996: Ord. 1892 § 3, 1986: Ord. 1503 § 1 (part), 1976: NCLUC § 972-6.01)

18.18.200 Required frontage.

A. All uses in the manufacturing zones, except automobile service stations, shall have a minimum of fifty feet of frontage on a dedicated street. Automobile service stations shall have a minimum of one hundred feet of frontage. With the approval of a subdivision map or parcel map, the city council, upon recommendation of the planning commission, may allow lots or parcels having less than the required frontage, provided that a conditional use permit is approved therefor that specifically identifies all such parcels having reduced frontage.

B. In all cases of reduced frontage upon a public street, and prior to city council final approval of any such subdivision map or parcel map, the applicant (property owner) therefor shall submit a covenant and agreement between the city and the applicant agreeing to file access easements from an adjacent public street to each lot being sold separately. No such final approval shall be effective until the required covenants have been approved by the city council and recorded with the county recorder.

C. Such covenants will further agree that such lot or parcel shall not be sold separately, as specified in the conditional use permit therefor, until said easements have been approved by the city council and recorded with the county recorder.

(Ord. 1503 § 1 (part), 1976: NCLUC § 972-6.02)

18.18.210 Required yards and setbacks.

The minimum required yard setbacks in the manufacturing zones are as follows:TABLE XI

TABLE INSET:

| Zone | Front | Yard | Side | Yard | Rear | Yard | Exterior | Side Yard |
|------|-------|------|------|------|------|------|----------|-----------|
| MLR  | 4     | 0b,e | 0c   | 4    |      |      |          |           |
| ML   | 4a    | 0b,e | 0c   | 4a   |      |      |          |           |
| MM   | 4d    | 0b   | 0c   | 4d   |      |      |          |           |
| MH   | 4     | 0b   | 0c   | 4    |      |      |          |           |
| MT   | 4     | 0b   | 0c   | 4    |      |      |          |           |

Notes: a--a ten-foot setback shall be maintained on Highland Avenue.  
 b--or ten feet if adjoining an R zone.  
 c--or twenty feet if adjoining an R zone.  
 d--zero feet along Cleveland Avenue between Civic Center Drive and 24th Street.  
 e--a five-foot setback shall be maintained from side yard property lines adjoining property developed for residential or institutional uses.

(Ord. 2124 § 11, 1996; Ord. 2024 § 2, 1992: Ord. 1711, 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 972-6.3:01)

18.18.220 Accessory buildings in yard setbacks prohibited.

Accessory buildings shall not be located within any yard setback.

(Ord. 1503 § 1 (part), 1976: NCLUC § 972-6.03:02)

18.18.230 Determination of setbacks.

A. In all manufacturing zones, when in any block on any street forty percent of the frontage in such block and facing such street has been improved, it shall be required that the front face of all buildings or structures hereafter placed, erected, moved on, or rebuilt on any and all other parcels within said block shall be located no nearer to the front property line than the average distance back from the front property line than the front of the existing buildings in said block used for commercial, manufacturing or industrial uses. Setbacks established by nonconforming residential uses shall not be used in figuring the average setback. In the event the entire block is cleared of all structures, setbacks as established in Section 18.18.210 shall prevail.

B. In all manufacturing zones, when overhead doors are provided in a building wall located adjacent to either a setback line or property line facing a street, a distance of not less than twenty feet shall be provided between the building wall with overhead doors and the streetside setback line or property line; provided, however, only one overhead door facing a street shall be allowed on a corner lot.

(Ord. 1892 § 4, 1986; Ord. 1503 § 1 (part), 1976: NCLUC § 972-6.03:03)

18.18.240 Building aesthetics and materials.

A. In the manufacturing zones, all buildings and structures shall be constructed of stucco, plaster, masonry, concrete, rock, wood, and/or metal, and shall have an integrated color or painted exterior. All metal buildings shall have the architectural appearance of

conventionally built structures and an exterior surface that includes either stucco, plaster, glass, stone, wood, brick, decorative masonry or wood sheathing.

B. In the manufacturing zones, thirty percent, including doors, of the gross area, to a twelve-foot height, of any building or structure abutting on the front or exterior side yard of a lot shall be constructed of, or surfaced with, glass, stone, wood, brick, and/or decorative masonry as architectural treatment to increase the aesthetic appearance of the building. On a corner lot, if the treatment required on the exterior side yard is concentrated on the corner of the building or structure and is located nearest the corner of the intersecting streets, the percentage of required area for decorative purposes may be reduced on the exterior side yard to ten percent.

C. Where the end use of any building or structure in the manufacturing zones prohibits the use of decorative materials in either the front or exterior side of any building or structure or it is not economically feasible to use decorative materials, a color combination of the exterior surface of integrated or painted finish, or the use of integrated colored metal panels with factory-applied baked-enamel finish may be permitted, subject to site plan review.

D. The exterior walls of all buildings or structures constructed in the manufacturing zones shall be of new material; provided, however, that used materials such as rock, red brick, decorative masonry or colored glass may be permissible. Other forms of architectural treatment of used materials that will enhance the aesthetic appearance of the building or structure may be permitted.

(Ord. 1892 § 5, 1986; Ord. 1503 § 1 (part), 1976: NCLUC § 972-6.04)

18.18.250 Building height, floor area ratio and lot coverage.

All structures hereafter designed or erected in the manufacturing zones, and existing buildings which may be reconstructed, altered, moved or enlarged in the manufacturing zones may not exceed the height, floor area ratio (F.A.R.), or lot coverage as indicated in Table XII, for the zone in which said buildings are or may be located.

TABLE XII

TABLE INSET:

| Zone | Height<br>(Max.) | F.A.R.<br>(Max.) | Lot Coverage<br>(Max.) |
|------|------------------|------------------|------------------------|
| ML   | 35               | 2                | Reserved               |
| MLR  | 35               | 2                | Reserved               |
| MM   | 60               | 4                | Reserved               |
| MH   | 60               | 4                | Reserved               |
| MT   | 90               | 4                | Reserved               |

(Ord. 2124 § 12, 1996; Ord. 1503 § 1 (part), 1976: NCLUC § 972-6.05)

18.18.260 Off-street parking.

A. Automobile and truck parking or loading areas in any manufacturing zone shall not be located in any front or exterior side yard setback.

B. See also Chapter 18.58 (Off-Street Parking and Loading)

C. The minimum off-street parking requirement for new single-family homes in the MLR zone shall conform to that required in the RS-2 and RS-3 zones, pursuant to Section 18.14.390.

(Ord. 2124 § 13, 1996; Ord. 2024 § 3, 1992; Ord. 1892 § 6, 1986; Ord. 1503 § 1 (part), 1976: NCLUC § 972-6.06)

18.18.270 Signs.

For sign regulations, see Chapter 18.62 (Signs and Outdoor Advertising).

(Ord. 1503 § 1 (part), 1976: NCLUC § 972-6.07)

18.18.280 Combining uses.

A letter designation following the basic zone symbol indicates a combining zone or a special purpose zone (see Chapters 18.22 through 18.42).

(Ord. 1503 § 1 (part), 1976: NCLUC § 972-7.01)

18.18.290 Screening and landscaping.

A. All required setbacks, excluding driveways, shall be landscaped and maintained in accordance with Chapter 18.54 and Appendix C, "Guidelines for Onsite Landscaping," attached to the National City Land Use Code.

B. When the perimeter of any manufacturing zone is adjacent to a residential zone across a lot line, alley or street, it shall be permanently screened from such adjoining properties by a hedge or wall and suitable landscaping, all contained within a strip of land a minimum of ten feet wide adjacent to or opposite the residential zone. The hedge or wall shall be not less than four feet nor more than six feet in height. The ten-foot strip referred to, as well as the ten-foot setback from Highland Avenue specified in Section 18.18.210, shall be landscaped and maintained in accordance with Chapter 18.54.

C. All landscaping, maintenance, construction, or street tree placement within any parkway of the city shall be done in accordance with the provisions of Chapter 13.18 of this code.

(Ord. 1503 § 1 (part), 1976: NCLUC § 972-7.02)

18.18.300 Exceptions to ML zone setback regulations.

Pursuant to Government Code, Title 7, Article 8 (Authority for and Scope of Specific Plans), there is adopted a specific plan for the ML zone, specifically requiring that all ML-zoned properties abutting on Highland Avenue shall maintain a minimum ten-foot setback.

(Ord. 1503 § 1 (part), 1976: NCLUC § 972-7.03)

18.18.310 Specific uses.

For specific use regulations, see Chapters 18.68 through 18.100.

(Ord. 1503 § 1 (part), 1976: NCLUC § 972-7.04)

18.18.320 Satellite television antennas.

Satellite television antennas shall be considered as accessory to the main structure and permitted subject to the following limitations:

A. Site plan approval in conformance with Chapter 18.128 of this title and subject to the building permit requirements of Chapter 15.08;

B. Shall be ground-mounted unless otherwise approved;

C. Shall not be located within a front yard or exterior side yard setback;

D. Shall not exceed twenty feet in height;

E. Shall not be used as a sign or contain any advertising copy;

F. Roof-mounted antennas may be permitted subject to the same limitations as set forth in Section 18.16.420(F);

G. Shall be screened as defined in Section 18.04.584, or as required by the planning department.

(Ord. 2108 (part), 1996; Ord. 1866 § 4, 1985)

18.18.330 Uses to be adequately housed in completely enclosed buildings.

All uses in the manufacturing zones shall be adequately housed in completely enclosed buildings; provided, however, that businesses such as lumber yards, building material yards, metal processing yards, auto and truck dealers, storage lots, and similar uses (as determined by the planning director per Section 18.104.030) that customarily include outdoor use, may be permitted outside of a completely enclosed building.

(Ord. 1892 § 7, 1986)

#### Chapter 18.20 INSTITUTIONAL ZONES\*

##### Sections:

18.20.010 Purpose of civic institutional (IC) zone.

18.20.020 Purpose of private institutional (IP) zone.

18.20.030 Principal uses and structures permitted.

18.20.040 Accessory uses and structures permitted.

18.20.050 Prohibited uses and structures.

18.20.060 Uses and structures permitted by conditional use permit.

18.20.070 Design regulations.

18.20.080 Lot area.

18.20.090 Required frontage.

18.20.100 Required yards and setbacks.

18.20.101 Accessory buildings in yard setbacks prohibited.

18.20.110 Building aesthetics and materials.

18.20.120 Building height, bulk and area.

18.20.130 Off-street parking.

18.20.140 Signs.

18.20.150 Combining uses.

18.20.160 Screening and landscaping.

18.20.170 Specific uses.

18.20.180 Satellite television antennas.

\* For provisions regarding design and development regulations generally, see Chs. 18.44-18.66 of this title.

For provisions regarding the following specific design and development regulations, see the designated chapters of this title: accessory structures, Ch. 18.46; drainage, Ch. 18.48; fences, walls and hedges, Ch. 18.50; future street setbacks, Ch. 18.52; landscaping, Ch. 18.54; lots, Ch. 18.56; off-street parking and loading, Ch. 18.58; outdoor lighting, Ch. 18.60; signs and outdoor advertising, Ch. 18.62; underground utilities, Ch. 18.64; yards, courts and setbacks, Ch. 18.66.

For provisions regarding the following specific use regulations, see the designated chapters of this title: condominiums, Ch. 18.74; conversions of residences to "C" or "M" uses, Ch. 18.76; air conditioning and mechanical equipment, Ch. 18.86; outdoor display or sale of merchandise, Ch. 18.92; outdoor storage, Ch. 18.94.

For provisions regarding public improvements, see Ch. 18.106 of this title; for provisions regarding nonconforming uses, see Chs. 18.108 and 18.110 of this title; for provisions regarding development, design, performance and maintenance standards, see Ch. 18.102 of this title; for provisions regarding the appendices attached to the land use code codified in this title, see Ch. 18.136 of this title.

18.20.010 Purpose of civic institutional (IC) zone.

The purpose of the IC zone is to accommodate the wide range of major public institutional and auxiliary uses, most of which are provided for in the general plan elements established in response to the health, safety, educational, cultural, and welfare needs of the city.

(Ord. 1503 § 1 (part), 1976: NCLUC § 973-1)

18.20.020 Purpose of private institutional (IP) zone.

The purpose of the IP zone is to recognize and accommodate the assembly of nonprofit quasi-public and private facilities into efficient, functionally compatible, and attractively planned administrative centers, medical and retirement centers, cultural centers, educational institutions, multifamily housing, and similar uses in conformance with the general plan.

(Ord. 2274 § 2, 2005: Ord. 1503 § 1 (part), 1976: NCLUC § 973-2)

18.20.030 Principal uses and structures permitted.

The principal uses permitted in the institutional zones are designated by use groups. The use groups are collections of individual uses of a similar character and are fully described in Chapter 18.104. The use groups permitted in institutional zones are listed in Table XIII.

Prior to, or concurrently with, the submission of building plans for plan check or application for issuance of a building permit for any building or structure in any institutional zone, a site development plan shall be submitted in accordance with Chapter 18.128 (Site Plan Review), and an environmental review in accordance with city policy "Background and Guidelines for Environmental Impact Report" shall be initiated. No such permits shall be issued until a site plan therefor has been approved, and an environmental impact review process completed.

TABLE XIII

USE GROUPS PERMITTED IN INSTITUTIONAL ZONES

TABLE INSET:

| Use Group No. | Use Group  | Reference Section | IC | IP         |
|---------------|--|-------------------|----|------------|
| 1             | Areawide permitted uses                              | 18.104.050        | X  | X          |
| 2             | Areawide conditional uses                            | 18.104.060        | C  | C          |
| 6             | Commercial recreation, indoor                        | 18.104.100        | -- | C          |
| 7             | Commercial recreation, outdoor                       | 18.104.110        | C  | C          |
| 8             | Community, cultural and public recreational services |                   |    | 18.104.120 |
|               | X  |                   |    | X          |

|    |                              |            |    |   |
|----|------------------------------|------------|----|---|
| 11 | Dwelling, multiple-family    | 18.104.150 | -- | C |
| 27 | Offices and studios          | 18.104.310 | C  | C |
| 29 | Public protection facilities | 18.104.330 | C  | C |
| 30 | Public utilities             | 18.104.340 | C  | C |
| 33 | Outdoor advertising          | 18.104.370 | X  | X |

TABLE INSET:

X Permitted - Not permitted C Conditional use permit required

(Ord. 2274 § 3, 2005; Ord. 1987 § 1 (part), 1989: Ord. 1614 § 11, 1978; Ord. 1503 § 1 (part), 1976: NCLUC § 973-3)

18.20.040 Accessory uses and structures permitted.

Accessory uses and buildings customarily incidental to a permitted principal use are permitted, subject to the provisions of Chapter 18.46.

(Ord. 1503 § 1 (part), 1976: NCLUC § 973-4)

18.20.050 Prohibited uses and structures.

A. Auto, motorcycle, and quarter midget racing is prohibited.

B. Massage parlors are prohibited.

(Ord. 1503 § 1 (part), 1976: NCLUC § 973-5)

18.20.060 Uses and structures permitted by conditional use permit.

Use groups which are indicated in Table XIII, as set out in Section 18.20.030, as requiring a conditional use permit shall comply with the provisions of Chapter 18.116 (Conditional Use Permits).

(Ord. 1503 § 1 (part), 1976: NCLUC § 973-6)

18.20.070 Design regulations.

A. Design regulations for institutional zones are set out in Sections 18.20.080 through 18.20.140 of this chapter, unless specified in this section. For general design and development regulations, see Chapters 18.44 through 18.66 of this title.

B. Multifamily residential development within the IP zone is subject to the RM-1 residential design regulations referenced in Section 18.14.190 of this title.

C. Open space requirements for residential multifamily development in the IP zone shall be as required by Section 18.14.301 of this title.

D. Parking requirements for multifamily residential development in the IP zone shall be as required in the RM-1 parking requirements, in accordance with Chapter 18.58 of this title.

E. Exceptions to the multifamily residential design regulations listed or referenced in this section may be granted in conjunction with the required conditional use permit or site plan review application, if consistent with the general plan.

(Ord. 2274 § 4, 2005: Ord. 1503 § 1 (part), 1976: NCLUC § 973-7 (part))



18.20.080 Lot area.

Minimum lot area shall be five thousand square feet.

(Ord. 1503 § 1 (part), 1976: NCLUC § 973-7.01)

18.20.090 Required frontage.

All uses in the institutional zones shall have a minimum of fifty feet of frontage on a dedicated street.

(Ord. 1503 § 1 (part), 1976: NCLUC § 973-7.02)

18.20.100 Required yards and setbacks.

A. The minimum required yard setbacks in the institutional zones are as follows:

TABLE XIV

TABLE INSET:

| Zone | Front | Side | Rear | Exterior | Abutting Alley or Public Park |
|------|-------|------|------|----------|-------------------------------|
| IC   | 10    | 4    | 5    | 5        | 5                             |
| IP   | 10    | 4    | 5    | 5        | 5                             |

(Ord. 1614 § 13 (part), 1978; Ord. 1503 § 1 (part), 1976: NCLUC § 973-7.03)

18.20.101 Accessory buildings in yard setbacks prohibited.

Accessory buildings shall not be located within any yard setbacks.

(Ord. 1614 § 13 (part), 1978)

18.20.110 Building aesthetics and materials.

(Reserved)

(Ord. 1503 § 1 (part), 1976: NCLUC § 973-7.04)

18.20.120 Building height, bulk and area.

(Reserved)

(Ord. 1503 § 1 (part), 1976: NCLUC § 973-7.05)

18.20.130 Off-street parking.

A. Automobile parking or loading areas in any institutional zone shall not be located in any front or exterior side yard setback.

B. See also Chapter 18.58 (Off-Street Parking and Loading).

(Ord. 1503 § 1 (part), 1976: NCLUC § 973-7.06)

18.20.140 Signs.

For sign regulations, see Chapter 18.62 (Signs and Outdoor Advertising).

(Ord. 1503 § 1 (part), 1976: NCLUC § 973-7.07)

18.20.150 Combining uses.

A letter designation following the basic zone symbol indicates a combining zone or a special purpose zone (see Chapters 18.22 through 18.42).

(Ord. 1503 § 1 (part), 1976: NCLUC § 973-8.01)

18.20.160 Screening and landscaping.

A. All required setbacks, excluding driveways, shall be landscaped and maintained in accordance with Chapter 18.54 and Appendix C, "Guidelines for Onsite Landscaping," attached to the National City Land Use Code.

B. All landscaping, maintenance, construction, or street tree placement within any parkway of the city shall be done in accordance with the provisions of Chapter 13.18 of this code.

(Ord. 1503 § 1 (part), 1976; NCLUC § 973-8.02)

18.20.170 Specific uses.

For specific use regulations, see Chapters 18.68 through 18.100.

(Ord. 1503 § 1 (part), 1976; NCLUC § 973-8.03)

18.20.180 Satellite television antennas.

Satellite television antennas shall be considered as accessory to the main structure, and permitted subject to the following limitations:

A. Site plan approval in conformance with Chapter 18.128 of this title and subject to the building permit requirements of Chapter 15.08;

B. Shall be ground-mounted unless otherwise approved;

C. Shall not be located within a front yard or exterior side yard setback;

D. Shall be located four feet from a side or rear property line;

E. Shall not exceed twenty feet in height;

F. Shall not be used as a sign or contain any advertising copy;

G. Shall be screened, as defined in Section 18.04.584, or as required by the planning department;

H. Roof-mounted antennas may be permitted subject to the same limitations set forth in subsection F of Section 18.16.420.

(Ord. 2108 (part), 1996; Ord. 1866 § 5, 1985)

Chapter 18.21 OPEN SPACE RESERVE (OSR) ZONE

Sections:

18.21.010 Intent and purpose.

18.21.020 Applicability.

18.21.030 Principal uses permitted.

18.21.010 Intent and purpose.

The purpose of the open space reserve (OSR) zone is to provide a use category to include public and private lands, playgrounds, salt marsh and coastal wetlands, water areas, uninhabited agricultural lands, recreational lands, public utility areas, flood control channels, and other scenic and open space areas shown in the open space and conservation element of the city's general plan and local coastal program. It is also the intent of this zone to provide for permanent open space use in the city by restricting development in such areas as designated on the zoning map.

(Ord. 1801 § 26 (part), 1983)

18.21.020 Applicability.

When any property on the zoning map bears the symbol OSR, the provisions of this chapter shall apply.

(Ord. 1801 § 26 (part), 1983)

18.21.030 Principal uses permitted.

The principal uses permitted in the open space reserve zone are separated into open space reserve (water areas) and open space reserve (land areas). These uses are designated by

use groups. The use groups are collections of individual uses of a similar character and are fully described in Chapter 18.104.

A. Establish Use Group 38 in Appendix D--Open space reserve (water areas).

Typical permitted uses:

Minor public facilities;

Restorative measures;

Nature study.

B. Establish Use Group 39 in Appendix D--Open space reserve (land areas). Typical permitted uses:

Open space;

Open space recreation;

Landscaped areas;

Bikeways, paths, and trails;

Hiking trails;

Equestrian trails;

Public recreation and educational facilities;

Picnic areas;

Public access;

Playgrounds;

Bay access;

Utility easements;

Railroad rights-of-way;

Freeway rights-of-way;

Aquaculture.

(Ord. 1801 § 26 (part), 1983)

#### Chapter 18.22 COMBINING AND SPECIAL PURPOSE ZONES--GENERALLY

Sections:

18.22.010 Purposes of regulations.

18.22.020 Effect of regulations.

18.22.010 Purposes of regulations.

The purposes of the regulations set out in Chapters 18.24 through 18.42 are to:

A. Establish special regulations or procedures for unusual or extensive land use;

B. Supplement or restrict provisions of zoning regulations in select locations of the city in conformance with the general plan.

(Ord. 1503 § 1 (part), 1976; NCLUC § 974-1)

18.22.020 Effect of regulations.

The designations set forth below are termed "combining zones." The regulations of each such designation shall apply in lieu of or in addition to the regulations of the basic zone listed in Section 18.10.130 to which the combining designation is attached. The provisions of this chapter and Chapters 18.24 through 18.42 shall not be made applicable to any property unless and until the commission and council have conducted public hearings, and made the findings required in a zone reclassification matter, pursuant to Chapter 18.112 (Amendments).

TABLE INSET:

-FP Floodplain See Chapter 18.24

- FW Floodway See Chapter 18.24
- H Height limit See Chapter 18.26
- P Parking See Chapter 18.28
- PUD Planned unit development See Chapter 18.30
- PD Planned development See Chapter 18.32
- SP Specific plans See Chapter 18.34
- RD Redevelopment area See Chapter 18.36
- PB Public building and historic site design review See Chapter 18.38
- E Equestrian park See Chapter 18.40
- OS Open space See Chapter 18.42
- CZ Coastal zone See Chapter 18.39
- UPD Unified port district See Chapter 18.41
- D Residential density See Chapter 18.23
- GP-PZ Prezone See Chapter 18.33
- GP-TZ Tentative zone See Chapter 18.35.

(Ord. 1801 § 27, 1983; Ord. 1503 § 7 (part), 1976: NCLUC § 974-2)

#### Chapter 18.23 RESIDENTIAL DENSITY COMBINING ZONE

Sections:

18.23.010 Intent and purpose.

18.23.020 Applicability.

18.23.030 Regulations.

18.23.010 Intent and purpose.

The intent and purpose of the residential density combining zone is to designate specific densities development for residential properties.

(Ord. 1801 § 28 (part), 1983)

18.23.020 Applicability.

When a property bears on the zoning map of the city, in addition to its zone designation the symbol "D" followed by a numerical figure, the provisions of this chapter shall apply.

(Ord. 1801 § 28 (part), 1983)

18.23.030 Regulations.

No property shall be used for a total number of dwelling units in excess of the number obtained by multiplying the total area, in square feet, of such property by the density figure shown on the zoning map, divided by the area of one acre (forty-three thousand five hundred sixty square feet).

(Ord. 1801 § 28 (part), 1983)

#### Chapter 18.24 FLOODWAY (-FW), FLOODWAY FRINGE (-FF-1), AND FLOODWAY FRINGE-SHALLOW FLOODING (-FF-2) ZONES

Sections:

18.24.010 Statement of purpose.

18.24.020 Methods of reducing flood losses.

18.24.030 Warning and disclaimer of liability.

18.24.040 Abrogation and greater restrictions.

18.24.050 Definitions.

18.24.060 Lands to which chapter applies.

18.24.070 Basis for establishing the areas of special flood hazard.

- 18.24.080 Compliance.
- 18.24.090 Interpretation.
- 18.24.100 Severability.
- 18.24.110 Designated floodway combining zone (-FW) established.
- 18.24.120 Floodway fringe combining zone (-FF-1) established.
- 18.24.130 Floodway fringe--shallow flooding combining zone (-FF-2) established.
- 18.24.140 Standards applicable to all areas of special flood hazard.
- 18.24.150 Standards for utilities.
- 18.24.160 Standards for subdivisions.
- 18.24.170 Standards for manufactured homes/mobile homes.
- 18.24.180 Standards for recreational vehicles.
- 18.24.190 Floodways (-FW).
- 18.24.200 Establishment of development permit.
- 18.24.210 Designation of the floodplain administrator.
- 18.24.220 Duties and responsibilities of the floodplain administrator.
- 18.24.230 Map determination.
- 18.24.240 Appeals.
- 18.24.250 Exceptions.
- 18.24.260 Conditions for exceptions.
- 18.24.270 Fees.
- 18.24.010 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. 2107 § 1 (part), 1996)

- 18.24.020 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions to:

- A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

- C. Control the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;
- D. Control filling, grading, dredging, and other development which may increase flood damage; and
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

(Ord. 2107 § 1 (part), 1996)

#### 18.24.030 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, the state of California or the Federal Insurance Administration, Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. 2107 § 1 (part), 1996)

#### 18.24.040 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another chapter, easement, covenant or deed restrictions conflict or overlap, whichever imposes the more stringent restriction shall prevail.

(Ord. 2107 § 1 (part), 1996)

#### 18.24.050 Definitions.

Unless specifically defined below, or in Chapter 18.04 of this title, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. "Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.
2. "Adversely affects" means, for purposes of this chapter, that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.
3. "Alluvial fan" means a geomorphologic feature characterized by a cone- or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from slopes, transported by flood flows, and then deposited on the valley floor, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.
4. "Apex" means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the slope.
5. "Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this chapter.
6. "Area of shallow flooding" means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a

clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

7. "Area of special flood hazard"--see "Special flood hazard area."
8. "Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "one hundred year flood"). Base flood is the term used throughout this chapter.
9. "Basement" means any area of the building having its floor subgrade--i.e., below ground level--on all sides.
10. "Building"--see "Structure."
11. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
12. "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.
13. "Exception" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.
14. "Existing manufactured home/mobile home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes/mobile homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this chapter.
15. "Expansion to an existing manufactured home/mobile home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes/mobile homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads)
16. "Flood, flooding or floodwater" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.
17. "Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.
18. "Flood Hazard Boundary Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.
19. "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
20. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

21. "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source--see "Flooding."
22. "Floodplain administrator" means the individual appointed to administer and enforce the floodplain management regulations. This individual shall be the city engineer of the city.
23. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
24. "Floodplain management regulations" means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other applications of police power which control development in flood-prone areas. The term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.
25. "Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
26. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "regulatory floodway."
27. "Floodway encroachment lines" means the lines marking the limits of floodways on federal, state and local floodplain maps.
28. "Floodway fringe" means that area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted.
29. "Fraud and victimization," as related to Section 18.24.260 (Conditions for exceptions) of this chapter, means that the exception granted must not cause fraud on or victimization of the public. In examining this requirement, the planning commission will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject, during all those years, to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.
30. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.



31. "Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."
32. "Hardship," as related to Section 18.24.260 (Conditions for exceptions) of this chapter, means the unusual hardship that would result from a failure to grant the requested exception. The planning commission requires that the exception be unusual and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting an exception, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.
33. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
34. "Historic structure" means any structure that is:
- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
  - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.
35. "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.
36. "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.
37. "Lowest floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area (see "Basement") is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title. (Note: This definition allows attached garages to be built at grade. Below grade garages are not allowed as they are considered to be basements)
38. "Manufactured home" or "mobile home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include "recreational vehicles" or "travel trailers."

39. "Manufactured home/mobile home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.
40. "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
41. "New construction" for floodplain management purposes means structures for which the "start of construction" commenced on or after the effective date of floodplain management practices adopted by this community, and includes any subsequent improvements to such structures.
42. "New manufactured home/mobile home park or subdivision" means a manufactured home/mobile home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes/mobile homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the ordinance codified in this chapter.
43. "Obstruction" means and includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, or along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.
44. "One hundred year flood"--see "Base flood."
45. "Principal structure" means a structure used for the principal use of the property as distinguished from an accessory use.
46. "Public safety and nuisance," as related to Section 18.24.260 of this chapter, means that the granting of an exception must not result in anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin.
47. "Recreational vehicle" means a vehicle which is:
- a. Built on a single chassis;
  - b. Four hundred square feet or less when measured at the largest horizontal projection;
  - c. Designed to be self-propelled or permanently towable by a light-duty truck; and
  - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
48. "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
49. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
50. "Sheet flow"--see "Area of shallow flooding."

51. "Special flood hazard area (SFHA)" means an area having special flood or flood-related erosion hazards, and shown on a FBHM or FIRM as Zone A, AO, A1--A30, AE, A99 and AH.

52. "Start of construction" means and includes substantial improvement and other proposed new development, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty days from the date of the permit. The actual start means either the first placement of permanent construction of a structure (other than a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivisions, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

53. "Structure" means a walled and roofed building that is principally aboveground. This includes a gas or liquid storage tank or manufactured/mobile home.

54. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

55. "Substantial improvement" means any reconstruction, rehabilitation, addition or other proposed new development of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual work performed.

The term does not, however, include either:

- a. Any project for improvement of a structure to correct violations or to comply with state or local health, sanitary, or safety code specifications which have been identified by a local code conformance official and which are solely necessary to assure safe living conditions; or
- b. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

56. "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

57. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

58. "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(Ord. 2107 § 1 (part), 1996)

18.24.060 Lands to which chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of National City.

(Ord. 2107 § 1 (part), 1996)

18.24.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard as shown on the supplemental zoning map as floodway (FW), floodway fringe (FF-1), and floodway fringe-shallow flooding (FF-2) combining zones and conforming with the areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for National City dated August 4, 1988, and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated August 4, 1988, and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the planning commission by the floodplain administrator. The study, FIRMs and FBFMs are on file at the office of the floodplain administrator at 1243 National City Boulevard, National City, California, 91950.

(Ord. 2107 § 1 (part), 1996)

18.24.080 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city from taking such lawful action as is necessary to prevent or remedy any violation.

(Ord. 2107 § 1 (part), 1996)

18.24.090 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the city; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 2107 § 1 (part), 1996)

18.24.100 Severability.

This chapter and the various parts thereof are declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

(Ord. 2107 § 1 (part), 1996)

18.24.110 Designated floodway combining zone (-FW) established.

There is established, as a combining zone to be attached to existing zones, a designated floodway zone. The FW zone shall be applied to those areas of special flood hazard designated as floodways on the "Flood Boundary and Floodway Map" of the Flood Insurance Study.

(Ord. 2107 § 1 (part), 1996)

18.24.120 Floodway fringe combining zone (-FF-1) established.

There is established, as a combining zone to be attached to existing zones, a designated floodway fringe zone. The FF-1 zone shall be applied to those areas of special flood hazard designated as floodway fringe on the "Flood Boundary and Floodway Map" of the Flood Insurance Study, but excluding areas of shallow flooding designated AO or AH on the Flood Insurance Rate Map (FIRM).

(Ord. 2107 § 1 (part), 1996)

18.24.130 Floodway fringe--shallow flooding combining zone (-FF-2) established.

There is established, as a combining zone to be attached to existing zones, a designated floodway fringe-shallow flooding zone. The FF-2 zone shall be applied to those areas of special flood hazard designated as floodway fringe on the "Flood Boundary and Floodway Map" of the Flood Insurance Study, and designated as areas of shallow flooding AO or AH on the Flood Insurance Rate Map (FIRM).

(Ord. 2107 § 1 (part), 1996)

18.24.140 Standards applicable to all areas of special flood hazard.

In all areas of special flood hazards including the FW, FF-1 and FF-2 zones, the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. All manufactured/mobile homes shall meet the anchoring standards of Section 18.24.170.

B. Construction Materials and Methods. All new construction and substantial improvements shall be constructed:

1. With materials and utility equipment resistant to flood damage;

2. Using methods and practices that minimize flood damage;

3. With electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if

4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing. (See Section 18.24.050 definitions for "new construction," "substantial damage" and "substantial improvement.")

1. Residential construction, new or substantial improvement, shall have the lowest floor, including basement:
    - a. In an AO zone, elevated above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least one foot, or elevated at least three feet above the highest adjacent grade if no depth number is specified;
    - b. In an A zone, elevated at least one foot above the base flood elevation, as determined by the city;
    - c. In all other zones, elevated at least one foot above the base flood elevation.Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional civil engineer or surveyor to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.
  2. Nonresidential construction shall either be elevated to conform with subsection (C)(1) of this section or together with attendant utility and sanitary facilities:
    - a. Be completely floodproofed below the elevation recommended under subsection (C)(1) of this section so that the structure is watertight with walls substantially impermeable to the passage of water; and
    - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
    - c. Be certified by a registered professional civil engineer that the standards of this subsection (C)(2) of this section are satisfied. Such certification shall be provided to the floodplain administrator.
  3. All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basement) that are usable solely for parking vehicles, building access or storage, and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must exceed the following minimum criteria:
    - a. Be certified by a registered professional civil engineer; or
    - b. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration, Federal Emergency Management Agency; or
    - c. Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
  4. Manufactured homes shall also meet the standards in subsection (C)(3) of this section and Section 18.24.170.
- D. Storage of Material and Equipment.
1. The storage or processing of materials that are, in time of flooding, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
  2. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

(Ord. 2107 § 1 (part), 1996)

18.24.150 Standards for utilities.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of floodwaters into the systems; and
2. Discharge from the systems into floodwaters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

(Ord. 2107 § 1 (part), 1996)

18.24.160 Standards for subdivisions.

A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

B. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the final first floor and pad elevations shall be certified by a registered professional civil engineer or surveyor and provided to the floodplain administrator.

C. All subdivision proposals shall be consistent with the need to minimize flood damage.

D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

(Ord. 2107 § 1 (part), 1996)

18.24.170 Standards for manufactured homes/mobile homes.

A. All manufactured homes that are placed or substantially improved, within Zones A1--30, AH and AE on the Flood Insurance Rate Map, on sites located:

1. Outside of a manufactured home park or subdivision;
2. In a new manufactured home park or subdivision;
3. In an expansion to an existing manufactured home park or subdivision; or
4. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1--30, AH and AE on the Flood Insurance Rate Map that are not subject to the provisions of subsection A of this section shall be elevated so that either:

1. The lowest floor of the manufactured home is at least one foot above the base flood elevation; or
2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

C. All mobile homes/manufactured homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

1. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than fifty feet long requiring only one additional tie per side;
2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than fifty feet long requiring only four additional ties per side;
3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and
4. Any additions to the mobile home shall be similarly anchored.

(Ord. 2107 § 1 (part), 1996)

#### 18.24.180 Standards for recreational vehicles.

All recreational vehicles placed on sites within Zones A1--30, AH and AE on the community's Flood Insurance Rate Map will either:

- A. Be on the site for fewer than one hundred eighty consecutive days;
- B. Be fully licensed and ready for highway use--a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- C. Meet the permit requirements of Section 18.24.200 of this chapter and the elevation and anchoring requirements for manufactured homes in Section 18.24.170A.

(Ord. 2107 § 1 (part), 1996)

#### 18.24.190 Floodways (-FW).

Located within areas of special flood hazard established in Section 18.24.070 are areas designated as floodways to which the following provisions apply:

- A. Encroachments, including fill, new construction, manufactured homes, substantial improvements, and other development, shall be prohibited unless certification by a registered professional civil engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If Section 18.24.190A is satisfied, all new construction, substantial improvements, and other new development shall comply with all other applicable flood hazard reduction provisions of Sections 18.24.140 through 18.24.190 and require approval of a conditional use permit pursuant to Chapter 18.116 of the National City Municipal Code.

(Ord. 2107 § 1 (part), 1996)

#### 18.24.200 Establishment of development permit.

A development permit shall be obtained concurrently with or before issuance of any building, grading, conditional use, planned development, or planned unit development permit, or site plan approval, and before construction or development begins within any area of special flood hazard established in Section 18.24.070. Application for a development permit shall be on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Identify and describe the work to be covered by the permit for which application is made;



- B. Describe the land on which the proposed work is to be done by lot, block, tract, house and street address; or similar description that will readily identify and definitely locate the proposed building or work;
- C. Indicate the use or occupancy for which the proposed work is intended;
- D. Be accompanied by plans and specifications for proposed construction;
- E. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority;
- F. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures in AO zone elevation of highest adjacent grade and proposed elevation of lowest floor of all structures;
- G. Proposed elevation in relation to mean sea level to which any structure will be floodproofed, if required in Section 18.24.140(C)(3);
- H. All appropriate certifications listed in Section 18.24.220E of this chapter;
- I. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
- J. Give such other information as reasonably may be required by the floodplain administrator, including but not limited to:
  - 1. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be corrupted by the proposed development and higher water information,
  - 2. Locations and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types and other pertinent information,
  - 3. Profile showing the slope of the bottom of the channel or flow line of the stream;
- K. Evidence of prior or concurrent approval of any conditional use permit which may be required by Section 18.24.220 for alteration of watercourses.

(Ord. 2107 § 1 (part), 1996)

#### 18.24.210 Designation of the floodplain administrator.

The city engineer is appointed to administer, implement and enforce this chapter by granting or denying development permits in accord with its provisions.

(Ord. 2107 § 1 (part), 1996)

#### 18.24.220 Duties and responsibilities of the floodplain administrator.

The duties of the floodplain administrator shall include, but not be limited to the following:

- A. Permit Review. Review all development permits to determine that:
  - 1. Permit requirements of this chapter have been satisfied;
  - 2. All other required state and federal permits have been obtained;
  - 3. The site is reasonably safe from flooding; and
  - 4. The proposed development does not adversely affect the carrying capacity of the areas where base flood elevations have been determined but a floodway has not been designated.
- B. Review and Use of any Other Base Flood Data. When base flood elevation data have not been provided in accordance with Section 18.24.070, the floodplain administrator shall obtain, review and reasonably utilize any base flood and floodway elevation data available from a federal or state agency or other source, in order to

administer Sections 18.24.140 through 18.24.190, inclusive. Any such information shall be submitted to the city for adoption.

C. Information to be Obtained and Maintained.

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures;
2. For all new or substantially improved flood-proofed structures:
  - a. Verify and record the actual elevation (in relation to mean sea level); and
  - b. Maintain the floodproofing certifications required in subsection (C)(1), (2) and (3) of Section 18.24.140, subsection B of Section 18.24.160, and subsection A of Section 18.24.190;
3. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Conditional Use Permit Required. In alteration or relocation of a watercourse, a conditional use permit shall be required by the planning commission. Such permit shall include the following conditions:

1. Notification of adjacent communities and the California Department of Water Resources prior to alteration or relocation;
2. Submission of evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency;
3. Assurance that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained;
4. The new channel shall be completed before the old channel is abandoned.

E. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Section 18.24.140(C)(1) (floor elevations);
2. Certification required by Section 18.24.140(C)(2) (elevation or floodproofing of nonresidential structures);
3. Certification required by Section 18.24.140(C)(3) (wet floodproofing standard);
4. Certification of elevation required by Section 18.24.160B (subdivision standards);
5. Certification required by Section 18.24.190A (floodway encroachments).

F. Remedial Action. Take action to remedy violations of this chapter as specified in Section 18.24.080.

(Ord. 2107 § 1 (part), 1996)

18.24.230 Map determination.

The boundaries of the FW, FF-1 and FF-2 combining zones shall be determined by the scale contained on the supplemental zoning map. Where interpretation is needed to the exact location of said boundaries (for example where there appears to be a conflict between a mapped boundary and actual field conditions), the planning commission shall make such determination in accordance with Section 18.10.030 of the National City Municipal Code based upon:

- A. The recommendation of the floodplain administrator; and
- B. A review of the city engineering department Flood Hazard Boundary Maps Series 1914-D through 1933-D, inclusive, adopted by reference and declared to be a part of this chapter; and
- C. Technical evidence which may be presented by the applicant for a FHAD permit.

The regulatory flood elevation for the point in question shall be the governing factor in locating the boundary on land. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 18.24.240.

(Ord. 2107 § 1 (part), 1996)

18.24.240 Appeals.

The planning commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the floodplain administrator in the enforcement or administration of this chapter. Appeals may be filed and shall be processed in the same manner as for site plan review as provided in Sections 18.128.060 through 18.128.090 of this code.

(Ord. 2107 § 1 (part), 1996)

18.24.250 Exceptions.

A. Applications for exceptions from the terms of this chapter shall be submitted and processed in the same manner as conditional use permits, as provided in Chapter 18.116 of this code.

B. In passing upon such applications for exceptions, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and the:

1. Danger that materials may be swept onto other lands to the injury of others;
2. Danger to life and property due to flooding or erosion damage;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner and future property owners;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location where applicable;
6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in times of flood for ordinary and emergency vehicles;
10. Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

C. Any applicant to whom an exception is granted shall be given written notice over the signature of a community official that:

1. The issuance of an exception to construct a structure below the base flood level will result in increased premium rates for flood insurance; and
2. Such construction below the base flood level increases risks to life and property.
3. A copy of the notice shall be recorded by the floodplain administrator in the office of the San Diego County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

D. The floodplain administrator will maintain a record of all exception actions, including justification for their issuance, and report such exceptions issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

(Ord. 2107 § 1 (part), 1996)

18.24.260 Conditions for exceptions.

A. Generally, exceptions may be issued for new construction and substantial improvements and other proposed development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Sections 18.24.140 through 18.24.210, inclusive, of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the exception increases.

B. Exceptions may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 18.24.050 of this chapter) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the exception is the minimum necessary to preserve the historic character and design of the structure.

C. Exceptions shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Exceptions shall only be issued upon a determination that the exception is the "minimum necessary," considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of exceptions to an elevation requirement, this means the planning commission need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the planning commission believes will both provide relief and preserve the integrity of this chapter.

E. Exceptions shall only be issued upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the exception would result in exceptional hardship to the applicant; and
3. A determination that the granting of an exception will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 18.24.050 of this chapter, or conflict with existing local laws or ordinances.

F. Exceptions may be issued for new construction, substantial improvement, and other proposed development necessary for the conduct of a functionally dependent use provided that the provisions of Section 18.24.260A through E are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

G. Upon consideration of the factors of Section 18.24.250 and the purposes of this chapter, the planning commission may attach such conditions to the granting of exceptions as it deems necessary to further the purposes of this chapter.

(Ord. 2107 § 1 (part), 1996)

18.24.270 Fees.

A. A nonrefundable fee as established in the fee schedule adopted by the city council shall be paid to the city treasurer at the time of filing an application for a development permit pursuant to Section 18.24.200.

B. A nonrefundable fee as established in the fee schedule adopted by the city council shall be paid to the city treasurer at the time of filing an appeal pursuant to Section 18.24.240.

C. A nonrefundable fee as established in the fee schedule adopted by the city council shall be paid to the city treasurer at the time of filing for an exception pursuant to Section 18.24.250.

(Ord. 2107 § 1 (part), 1996)

Chapter 18.26 HEIGHT LIMIT COMBINING ZONE (-H)

Sections:

18.26.010 Applicability.

18.26.020 Formula.

18.26.010 Applicability.

Whenever any property bears, on the zoning map of the city, in addition to its zone designation, the symbol "-H" followed by a numerical figure, the provisions of this chapter shall apply thereto, insofar as height limitations for any buildings or structures located, or to be located, upon such property are concerned.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-4.01)

18.26.020 Formula.

Notwithstanding any other provisions of this title, no building or structure shall be erected upon any property in any zone, which property bears on the zoning map the symbol "-H" together with a numerical figure following, exceeding a building height, of a distance measured in feet, equal to the numerical figure following the symbol "-H."

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-4.02)

Chapter 18.28 PARKING COMBINING ZONE (-P)

Sections:

18.28.010 Intent and purpose.

18.28.020 Principal uses permitted.

18.28.030 Accessory uses.

18.28.040 Conditional uses.

18.28.050 Development standards.

18.28.010 Intent and purpose.

The intent and purpose of the parking combining zone (-P) is to create areas for the purpose of providing off-street parking facilities to supplement any area where additional parking facilities are needed. Development standards are imposed to provide for a parking area with functional design that will be harmoniously integrated with adjacent land uses.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-6.01)

18.28.020 Principal uses permitted.

The following are principal uses permitted in the parking combining zone (-P):

A. Uses permitted in the underlying zone;

B. Parking lots providing supplemental parking for motor vehicles having a rated capacity of not more than one and one-half tons, and serving any lawfully established

agricultural, residential, commercial, manufacturing or special purpose use subject to the provisions of Chapter 18.58 (Off-Street Parking and Loading) and Chapter 18.128 (Site Plan Review).

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-6.02)

18.28.030 Accessory uses.

(Reserved)

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-6.03)

18.28.040 Conditional uses.

(Reserved)

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-6.04)

18.28.050 Development standards.

Property in the parking combining zone (-P) shall be subject to the development standards prescribed:

A. In the basic zone to which this combining zone is added, when developed with any principal use permitted in said zone;

B. In Chapter 18.58 (Off-Street Parking and Loading) when developed for supplemental parking under the provisions of Section 18.58.020.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-6.05)

Chapter 18.30 PLANNED UNIT DEVELOPMENT COMBINING ZONE (PUD)

Sections:

18.30.010 Intent and purpose.

18.30.020 Permitted on residentially zoned land only.

18.30.030 Number of dwelling units--Lot area per dwelling unit.

18.30.040 Combinations of dwelling units.

18.30.050 Minimum acreage.

18.30.060 Ownership of property.

18.30.070 Lots--Shape--Alterations.

18.30.080 Lots--Subdivision.

18.30.090 Private streets.

18.30.100 Sidewalks and pedestrian walkways.

18.30.110 Off-street parking.

18.30.120 Special building setback and height requirements.

18.30.130 Open space--Generally.

18.30.140 Open space--Conditions of approval.

18.30.150 Underground utilities.

18.30.160 Fire and police lanes--Fire hydrants.

18.30.170 Commonly owned facilities.

18.30.180 Improvement completion agreement.

18.30.190 Compliance with approved plan required.

18.30.200 Subdivision map required.

18.30.210 Project site plan required.

18.30.220 Progress plan required.

18.30.230 Access to streets required.

18.30.240 Utility line installation.

18.30.250 Vehicular access indication.

18.30.260 Sales of parts of development.

18.30.270 Chapter regulations filed.

18.30.010 Intent and purpose.

A planned unit development consists of a group of residential buildings, or sites for designated future residential buildings, together with the surrounding open spaces, comprehensively planned in relation to each other with the necessary utilities and services, accessways, parking areas, recreation facilities, and other appurtenances and amenities.

A planned unit development shall be considered as a unit, rather than an aggregation of separate individual residential buildings on unrelated lots. The provisions of this chapter are intended to encourage imaginative planning and design in the development of land. As hereinafter provided, the city council may grant a planned unit development permit allowing exceptions from the requirements of the zoning regulations and subdivision regulations of the National City Land Use Code, otherwise applicable to said land, when such exceptions are determined to be in the public interest.

(Ord. 1712 § 13, 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.01)

18.30.020 Permitted on residentially zoned land only.

A planned unit development shall be permitted only on land zoned for residential use. Except as specifically provided in this chapter, the same conditions and restrictions shall apply as specified for the zone in which the land is located.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.02:01)

18.30.030 Number of dwelling units--Lot area per dwelling unit.

The number of dwelling units shall not exceed the number otherwise allowed. In no case shall the right-of-way of any public or private street, sidewalk, public or semipublic parking area, or adjacent pedestrian walk be included in the allowable lot area per dwelling unit.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.02:02)

18.30.040 Combinations of dwelling units.

Two or more dwelling units may be attached or combined into a single structure.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.02:03)

18.30.050 Minimum acreage.

A planned unit development shall consist of not less than two acres, except that the city council may approve a planned unit development permit for a single-family condominium subdivision of less than two acres.

(Ord. 1653, 1978; Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.02:04)

18.30.060 Ownership of property.

The area must either be in one ownership or the subject of an application filed jointly by all the owners of the property included.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.02:05)

18.30.070 Lots--Shape--Alterations.

Building sites or lots within a project may have any reasonable shape. Reductions in lot sizes, areas, and setback requirements may be approved, provided that acceptable land is designated as permanent open and/or usable recreation space. The land area of each permanent open space area shall equal or exceed the total of all lot reductions.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.02:06)

18.30.080 Lots--Subdivision.

Where land is subdivided into more than one lot, the reduction in area of the individual lots shall not exceed the amounts specified in the following table:

TABLE INSET:

| Zone | A              | B                 | C             |
|------|----------------|-------------------|---------------|
| RS-1 | 10,000 sq. ft. | 35%-3,500 sq. ft. | 6,500 sq. ft. |
| RS-2 | 5,000 sq. ft.  | 25%-1,250 sq. ft. | 3,750 sq. ft. |
| RT   | 2,500 sq. ft.  | 15%-375 sq. ft.   | 2,125 sq. ft. |
| RM-1 | --             | --                | No reduction  |

Where:

A is the minimum required lot area per dwelling unit for standard development.

B is the maximum allowable reduction of lot area in a planned unit development to be used as open space and/or recreation area.

C is the minimum remaining lot area per lot and per dwelling unit for a planned unit development.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.02:07)

18.30.090 Private streets.

Private streets may be permitted within a development, provided that they are designed and constructed in compliance with city specifications, and further provided that responsibilities for maintenance are assumed by a qualified community organization.

Each private street shall have a designated right-of-way. The right-of-way designated for a private street or semipublic parking area provided in lieu of on-street parking shall include an area at least five feet beyond the curbline. The pavement width between curbs of private streets shall be not less than the dimensions indicated in the following table:

TABLE INSET:

Minimum Width

|                | No Parking | Parking         |
|----------------|------------|-----------------|
| Between Curbs  |            |                 |
| One Side       | Parking    |                 |
| Both Sides     |            |                 |
| One-way street | 14 feet    | 20 feet 28 feet |
| Two-way street | 24 feet    | 30 feet 36 feet |

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.02:08)

18.30.100 Sidewalks and pedestrian walkways.

Concrete sidewalks shall be provided adjacent to all on-street parking areas. Additional pedestrian walkways shall connect all building entrances, off-street parking areas, and recreation facilities. Sidewalks and pedestrian walkways shall be provided with adequate surfacing to eliminate dust and mud, and shall be so graded and drained as to dispose of all surface water.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.02:09)

18.30.110 Off-street parking.

Off-street parking shall conform with the requirements for specific residential uses and zones as outlined in Chapter 18.58. In addition, the total available parking space, including on-street parking spaces within a planned unit development, or on the same



side of a public street abutting a planned unit development, shall be at a ratio of not less than two spaces per dwelling unit.

(Ord. 2228 § 5, 2003; Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.02:10)

18.30.120 Special building setback and height requirements.

Special building setback and height requirements may be established for a planned unit development, based on design and relation of buildings to each other and the surrounding areas. No building shall be closer than five feet from any sidewalk or street right-of-way line, nor ten feet from the curb of any street.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.02:11)

18.30.130 Open space--Generally.

Open space designated within a planned unit development may contain natural wooded areas, landscaping, pedestrian walks, and recreation facilities. Structures may be permitted, provided that they are limited to recreational uses. Said open space shall be for the permanent use and enjoyment of all the owners and/or residents of the development. If a planned unit development is constructed in phases, open space shall be provided and improved contiguous to the phase being developed, in proportion to the number of dwelling units within the entire development.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.02:12)

18.30.140 Open space--Conditions of approval.

A condition of approval may require that the designated open space be set forth as a separate lot or lots of a subdivision map and/or that open space easements be conveyed to the city. An additional condition of approval may be to require installation of reasonable and appropriate improvements within open space, including guarantee of performance, as specified in Section 18.30.180, and assurance of permanent maintenance.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.02:13)

18.30.150 Underground utilities.

All distribution and communication utility facilities within the boundaries of a planned residential unit development shall be placed underground, unless it is shown such underground installations are unreasonable or impractical because of circumstances unique to the particular case. The developer is responsible for complying with the requirements of this section and shall make the necessary arrangements with each of the serving utilities for installation of such facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other facilities necessarily appurtenant to such underground utilities, and street and other lighting systems may be placed above ground. The provisions of this section shall not apply to existing facilities or to the installation and maintenance of overhead electric transmission lines and overhead communication long distance, trunk and feeder lines.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.02:14)

18.30.160 Fire and police lanes--Fire hydrants.

Location of fire and police lanes and fire hydrants, as approved by the fire chief and chief of police of the city, shall be designated and kept clear of obstructions for access by public safety and emergency personnel and equipment.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.02:15)

18.30.170 Commonly owned facilities.

Where a planned unit development contains any land or improvements thereon contemplated to be held in common ownership, including streets, parking areas, walks,

buildings, utilities, recreational facilities or open spaces, the applicant shall provide a declaration of covenants, conditions and restrictions, running with the land, clearly setting forth the privileges and responsibilities, including maintenance, payment of taxes, etc., involved in the common ownership. Said covenants, conditions and restrictions shall be subject to approval as to content and form by the city attorney and the city council, upon recommendation of the planning commission.

In the event the city determines said covenants, conditions and restrictions are not adequately carried out, the city may assume the maintenance of private streets and recreation areas and assess each property owner within the planned unit development for the cost of same.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.02:16)

18.30.180 Improvement completion agreement.

A. The developer of a planned unit development shall enter into an agreement with the city whereby, in consideration of approval by the city of the planned unit development, the developer agrees to complete the installation of all improvements and other work required by the city in accordance with the approved plans, or an approved unit thereof. All of said installations and other work shall be completed within the time specified in the agreement. To assure the city that this work will be completed and lien holders paid, the developer shall furnish the city with either:

1. A bond guaranteeing faithful performance of the agreement and guaranteeing payment for labor and materials; or
2. A trust agreement evidencing that the estimated cost of the work or improvements has been deposited with an approved trustee.

B. The amount of such bond or cash deposited pursuant to subsection A of this section shall be determined by the city engineer and approved by the city council as to amount and adequacy.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.02:17)

18.30.190 Compliance with approved plan required.

After approval by the city council of the final plan for a planned unit development, no building, structure or other improvement shall be located, erected or constructed within the area defined as a planned unit development, and no use shall take place, except as shown on the approved final plan or an approved amendment thereof.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.02:18)

18.30.200 Subdivision map required.

A subdivision map is required to be submitted with the application for a planned unit development permit. No building permit shall be issued for any building to be developed under the provisions of this chapter, unless a final subdivision map has been recorded for the subject property.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.03:01)

18.30.210 Project site plan required.

A project site plan shall be submitted with the application. Refer to Chapter 18.128 (Site Plan Review) for requirements.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.03:02)

18.30.220 Progress plan required.

A progress plan delineating the various development phases, if more than one, and specifying a reasonable time allocation for each phase shall be submitted and made a

condition of approval by the commission. The total area of open space provided in each phase shall, at a minimum, be in a similar proportion as in the entire development.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.03:03)

18.30.230 Access to streets required.

Each development shall be located on and have direct access to a major or secondary highway, or a collector street.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.03:04)

18.30.240 Utility line installation.

All utility lines necessary to serve the development shall be installed underground.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.03:05)

18.30.250 Vehicular access indication.

The approved site plan shall indicate all vehicular access.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.03:06)

18.30.260 Sales of parts of development.

A. No lot in the development shall be sold unless a corporation, association, property owners' group, or similar entity has been formed with the right to assess all the properties which are jointly owned with interests in the common areas and facilities in the entire development or in the tract which is a part of the entire development to meet the expenses of such entity, and with authority to control, and the duty to maintain, all of said mutually available features of the development or tract portion thereof.

B. Such entity shall operate under recorded conditions, covenants and restrictions which shall include compulsory membership of all owners of lots and flexibility of assessments to meet changing costs of maintenance, repairs and services.

C. The developer shall submit evidence of compliance with the requirement of this section to the director.

D. This condition shall not apply to land dedicated to the city and included in an open space maintenance district, or dedicated to the city for other public purposes.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.03:07)

18.30.270 Chapter regulations filed.

The provisions of this chapter shall be included in the conditions, covenants and restrictions applying to the property which are recorded in the office of the county recorder, and copies of said provisions shall be furnished to the individual purchasers of units in the development. Refer to Chapter 18.124 for procedures relating to planned unit development permits.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-7.03:08)

Chapter 18.32 PLANNED DEVELOPMENT COMBINING ZONE (-PD)

Sections:

18.32.010 Intent and purposes.

18.32.020 Permitted uses.

18.32.030 General conditions and use limitations.

18.32.040 Special conditions.

18.32.050 Development standards.

18.32.060 Design requirements.

18.32.070 Maintenance standards.

18.32.010 Intent and purposes.

The intent and purposes of planned development (-PD) zones are to:

- A. Recognize specific design requirements of certain land and/or land uses that, because of unusual or extraordinary characteristics, do not reasonably adapt to the otherwise specified design requirements of this title;
- B. Allow formal review of the design of new construction to determine compliance with the general plan and with the criteria set forth in Sections 18.116.020 through 18.116.040 relating to conditional use permits;
- C. Promote a more desirable environment for living, business, or industry than would be possible through the strict application of the zoning regulations;
- D. Assist in the clearance, reconstruction, spot clearance and conservation, preservation and improvement of deteriorated areas and neighborhoods pursuant to powers of the California Community Redevelopment Law;
- E. Insure, through the imposition of conditions of approval, a more efficient use of open space, separation of pedestrian and vehicular traffic, increased project amenities, compatibility with the surrounding neighborhood, and conformance to the achievable capacity of community utilities and improvements.

(Ord. 1614 § 14, 1978; Ord. 1586 § 1, 1977; Ord. 1503 § 1 (part), 1976: NCLUC § 974-8.01)

#### 18.32.020 Permitted uses.

All uses permissible in the underlying zone and all uses provided for in an adopted redevelopment plan, where said plan is the subject of a planned development permit applied pursuant to this chapter, shall be permitted in the planned development (-PD) zone.

(Ord. 1586 § 2, 1977: Ord. 1503 § 1 (part), 1976: NCLUC § 974-8.02)

#### 18.32.030 General conditions and use limitations.

Wherever the -PD combining zone is shown on the zoning map of the city, the uses of land hereafter commenced therein shall be designed and maintained in compliance with an adopted planned development permit therefor. This shall not require planned development permits for single-family dwellings on vacant lots. Planned development permits are those permits described in Chapter 18.126. Said permits, when adopted in the manner specified herein, shall have precedence over any conflicting rules or regulations of this title and shall be subject to enforcement as though they were part of this title. No such use shall be commenced until a planned development permit has been issued therefor as provided herein.

(Ord. 1556 § 1, 1977: Ord. 1503 § 1 (part), 1976: NCLUC § 974-8.03)

#### 18.32.040 Special conditions.

A. An adopted redevelopment plan may impose greater, but not lesser, requirements than those imposed by the land use code for the underlying zone. Where a redevelopment plan is also adopted as a planned development permit, the said permit may impose both greater and lesser requirements than those applicable to the underlying zone.

B. For the purpose of this section, a redevelopment plan may be adopted as a planned development permit by reference to that intent in said redevelopment plan, without following the procedures in this title for adopting planned development permits. After such adoption, the variance procedures contained in the redevelopment plan shall preempt the land use code, where applicable. All previously adopted redevelopment plans now in effect are adopted as planned development permits.

(Ord. 1586 § 3, 1977: Ord. 1503 § 1 (part), 1976: NCLUC § 974-8.04)

18.32.050 Development standards.

Development standards shall be as required in the underlying zone, except as specifically covered by the planned development permit.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-8.05)

18.32.060 Design requirements.

For design requirements refer to Sections 18.102.050 through 18.102.140.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-8.06)

18.32.070 Maintenance standards.

A. "Maintenance" includes maintenance of all features of a planned development permit.

B. For maintenance standards, refer to Sections 18.102.280 and 18.102.290.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-8.07)

Chapter 18.33 GENERAL PLAN PREZONE GP-PZ ( )

Sections:

18.33.010 Intent and purpose.

18.33.020 Applicability.

18.33.030 Regulations--Generally.

18.33.010 Intent and purpose.

The intent and purpose of the prezone designation is to enable the city to prezone unincorporated territory adjoining the city for the purpose of determining the zoning that will apply to such property in the event of subsequent annexation to the city per California State Government Code Section 65859.

(Ord. 1801 § 29 (part), 1983)

18.33.020 Applicability.

This overlay symbol will be preceded on the general plan/zoning map by a zoning symbol representing the underlying zone designation.

(Ord. 1801 § 29 (part), 1983)

18.33.030 Regulations--Generally.

The zoning symbol shown in parentheses ( ) within the General Plan--Prezone GP-PZ ( ) overlay symbol will convert to permanent status and the GP-PZ symbol will be removed from the general plan/ zoning map when the property is annexed to the city; which annexation orders such permanent status.

(Ord. 1801 § 29 (part), 1983)

Chapter 18.34 SPECIFIC PLAN COMBINING ZONE (-SP)

Sections:

18.34.010 Generally.

18.34.010 Generally.

A. Whenever the -SP, followed by a numerical figure, combining zone is shown on the zoning map of the city, the uses of land therein shall be in compliance with any specific plan adopted by the ordinance having the number shown as such numerical figure. Specific plans are those plans described in Section 65450, et seq., of the Government Code. Said plans, when adopted in the manner specified in the Government Code, shall have precedence over any conflicting rules or regulations of this title and shall be subject to enforcement as though they were part of this title.

B. All specific plan ordinances shall be available to the public at no charge at the offices of the city clerk and the planning department.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-10)

#### Chapter 18.35 GENERAL PLAN--TENTATIVE ZONE--GP-TZ ( )

Sections:

18.35.010 Intent and purpose.

18.35.020 Applicability.

18.35.030 Regulations--Generally.

18.35.010 Intent and purpose.

The purpose of the general plan tentative zone is to apply a temporary zone to a property until such time as a specific plan has been adopted.

(Ord. 1801 § 30 (part), 1983)

18.35.020 Applicability.

This overlay symbol will be preceded on the general plan/zoning map by a zoning symbol representing the underlying zone designation.

(Ord. 1801 § 30 (part), 1983)

18.35.030 Regulations--Generally.

The zoning symbol shown in parentheses ( ) within the general plan--tentative zone GP-TZ ( ) overlay symbol will convert to permanent status and the GP-TZ symbol will be removed from the general plan/zoning map when a specific plan for that property has been adopted, which plan orders such permanent status. Until such permanent status is achieved, the property will be subject to the pertinent regulations of the underlying zone shown on the map.

(Ord. 1801 § 30 (part), 1983)

#### Chapter 18.36 REDEVELOPMENT AREA COMBINING ZONE (-RD)

Sections:

18.36.010 Intent and purpose.

18.36.020 Designation on zoning map.

18.36.030 Removal from zoning map.

18.36.040 Establishment or termination--Public hearing not required.

18.36.050 Variances, use permits, or amendments for redevelopment area.

18.36.010 Intent and purpose.

The intent and purpose of the redevelopment area combining zone (-RD) is to identify on the zoning map all properties which are included in project areas planned and administered by the city redevelopment agency and for which redevelopment plans have been adopted by the council.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-11.01)

18.36.020 Designation on zoning map.

Upon adoption, by the council, of the redevelopment plan ordinance establishing the boundaries, proposed land use, conditions of performance for each land use, residential density, street widths, street pattern, and other regulations for the redevelopment project area, the council shall request the director of planning to identify the physical extent of the redevelopment project area on the zoning map by adding the letters "-RD," representing urban redevelopment combining zone, to each zone symbol for all properties or groups of properties within the approved redevelopment project area (for example, ML-RD)

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-11.02:01)

18.36.030 Removal from zoning map.

When the redevelopment plan for a project area has been implemented and the responsibilities of the redevelopment agency have been legally fulfilled, and the conditions of performance for each land use has expired as specified in said ordinance, the council may direct the director of planning to remove from the zoning map the -RD redevelopment combining zone previously added to all zone symbols for all properties within the subject redevelopment project area.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-11.02:02)

18.36.040 Establishment or termination--Public hearing not required.

Notwithstanding any provisions of this title to the contrary, no public hearing need be held nor further notice given as a requisite for establishing or terminating any -RD redevelopment combining zone, since the redevelopment agency and the council conduct separate public hearings or a joint public hearing on the matter of the redevelopment plan ordinance.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-11.02:03)

18.36.050 Variances, use permits, or amendments for redevelopment area.

Before concluding public hearings on any zone variances, use permits, changes in zoning, or other land use regulations involving property shown in a redevelopment area combining zone, the planning commission shall refer such matters to the redevelopment agency staff for review and comment. Failure of the redevelopment agency staff to submit their comments to the planning commission within thirty days of referral shall be deemed to be approval.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-11.03)

Chapter 18.38 PUBLIC BUILDING AND HISTORIC SITE ZONE (-PB)

Sections:

18.38.010 Intent and purposes.

18.38.020 Permitted uses.

18.38.030 Special design requirements.

18.38.040 Development standards.

18.38.050 Special conditions and procedures.

18.38.010 Intent and purposes.

The intent and purposes of the public buildings and historic site zone (-PB) are to:

A. Protect public investment in the civic center, the branch administrative centers, and the numerous parks, schools and similar public and quasi-public facilities by reviewing the design of all property developments surrounding or along the approaches to such facilities;

B. Insure compatibility with the development of the civic center and other public institutions;

C. Conserve and enhance the appearance or architectural quality of areas of existing or potential governmental, cultural, historical, architectural, scenic, or tourist interest.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-12.01)

18.38.020 Permitted uses.

Uses permitted in the public buildings and historic site zone (-PB) shall be uses permitted in the underlying zone.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-12.02)

18.38.030 Special design requirements.

The use of all property zoned -PB shall be limited to compliance with any adopted specific plans therefor. Such specific plans shall be the same as described in Chapter 18.34. In the absence of any such specific plans, the use and development of such property shall be in compliance with the planned development requirements of Chapter 18.32.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-12.03)

18.38.040 Development standards.

For development standards, refer to Sections 18.102.050 through 18.102.140.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-12.04)

18.38.050 Special conditions and procedures.

No permit shall be issued for any building, structure, sign, parking lot, or other development of property, or appurtenances or alterations thereto, in -PB combining zones unless plans, elevations and proposed signs for buildings or structures or alterations thereto have been approved by the director or by the commission on appeal. See Chapter 18.128 (Site Plan Review).

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-12.05)

Chapter 18.39 COASTAL ZONE (-CZ)

Sections:

18.39.010 Intent and purpose.

18.39.020 Applicability.

18.39.030 Regulations--Generally.

18.39.010 Intent and purpose.

The intent and purpose of the coastal zone is to identify and give notice that properties within this zone are affected by the city's local coastal program.

(Ord. 1801 § 31 (part), 1983)

18.39.020 Applicability.

When any property bears on the zoning map of the city, in addition to its zone designation, the symbol -CZ, the provisions of this chapter shall apply.

(Ord. 1801 § 31 (part), 1983)

18.39.030 Regulations--Generally.

In addition to meeting the requirements of the underlying zone, any use on a property bearing the symbol -CZ on the zoning map must in addition meet the provisions of the city's local coastal program.

(Ord. 1801 § 31 (part), 1983)

Chapter 18.40 EQUESTRIAN PARK COMBINING ZONE (-E)

Sections:

18.40.010 Applicability.

18.40.020 Regulations.

18.40.010 Applicability.

When any property bears on the zoning map of the city, in addition to its zone designation, the symbol "E," the provisions of this chapter shall apply thereto.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-13.01)

18.40.020 Regulations.

In areas designated "E," equestrian parks (including public riding stables and riding academies) shall be a permitted use subject to the issuance of a conditional use permit. In



addition to the required findings for the approval of conditional use permits, it shall also be required that the following conditions be complied with:

- A. An equestrian park shall have a minimum of ten acres.
- B. Any building or enclosure in which horses are contained shall be at least one hundred feet distant from any school, church, or other building used for human habitation.
- C. The horses must be maintained within an enclosure.
- D. Stable or paddock locations shall be submitted to the planning department for approval.
- E. A maximum limit on the number of horses permitted on any lot or parcel may be established by the city council upon recommendation of the planning commission. This number may be in excess of the number permitted in other areas of the city pursuant to Chapter 8.32 (Keeping of Birds and Animals) of this code.
- F. The sanitary regulations stated in Chapter 8.32 of this code shall be strictly enforced.
- G. Any horse(s) presently being maintained in conformity with the regulations of either the city or the county on the effective date of the ordinance codified herein, as applied to the property where said horses are being maintained, may continue to be so maintained in accordance with said rules.
- H. Other specific conditions regarding animal keeping, shelter, or sanitation, as may be specified by the planning commission or city council, shall be complied with.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-13.02)

#### Chapter 18.41 UNIFIED PORT DISTRICT (-UPD)

Sections:

18.41.010 Intent and purpose.

18.41.020 Applicability.

18.41.030 Regulations--Generally.

18.41.010 Intent and purpose.

The intent and purpose of the UPD zone is to identify and give notice that properties within this zone are contained within the San Diego unified port district.

(Ord. 1801 § 32 (part), 1983)

18.41.020 Applicability.

When any property bears on the zoning map of the city, in addition to its zone designation the symbol UPD the provisions of this chapter shall apply.

(Ord. 1801 § 32 (part), 1983)

18.41.030 Regulations--Generally.

In addition to meeting the requirements of the underlying zone, any use on a property bearing the symbol UPD on the zoning map must comply with the zoning regulations outlined in Document 32405 on file with the city clerk.

(Ord. 1801 § 32 (part), 1983)

#### Chapter 18.42 OPEN SPACE COMBINING ZONE (-OS)

Sections:

18.42.010 Intent and purpose.

18.42.020 Applicability.

18.42.030 Regulations generally.

18.42.040 Permitted primary uses.

18.42.050 Permitted secondary uses.

18.42.060 Conditional uses.

18.42.070 Filling or dredging in bay, slough, or salt marsh areas.

18.42.010 Intent and purpose.

The intent and purpose of the open space combining zone (-OS) is to provide an open space combining zone to include public school sites, public and private lands, playgrounds, salt marsh lands, water areas, uninhabited agricultural or aquacultural lands, recreational lands, public utility areas, freeway rights-of-way, railroad rights-of-way, flood control channels, and other scenic and open space areas shown on the "Open Space and Conservation Element" of the city's general plan. It is also the intent of this zone to provide for permanent open space and open space use in the city by limiting development in such areas as designated on the zoning map.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-14.01)

18.42.020 Applicability.

When any property bears on the zoning map of the city, in addition to its zone designation, the symbol "OS," the provisions of this chapter shall apply thereto.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-14.02)

18.42.030 Regulations generally.

Areas designated -OS shall be limited to the primary uses designated in this chapter as established at the date of adoption of the National City Land Use Code and as may be maintained and expanded within the properties now established for such use and secondary uses.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-14.03)

18.42.040 Permitted primary uses.

The following are permitted primary uses in this zone:

- A. Utility easements;
- B. Railroad rights-of-way;
- C. Public educational facilities;
- D. Public and private parks;
- E. Open space recreation;
- F. Open space;
- G. Flood control channels;
- H. Freeway rights-of-way;
- I. Playgrounds;
- J. Salt evaporation ponds and dikes.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-14.03:01)

18.42.050 Permitted secondary uses.

The following are permitted secondary uses in this zone:

- A. Open space;
- B. Open space recreation;
- C. Landscaped areas;
- D. Bikeways, paths, and trails;
- E. Hiking trails;
- F. Equestrian trails;
- G. Public recreation;
- H. Picnic areas;

- I. Marinas;
- J. Public access;
- K. Playgrounds;
- L. Waterways;
- M. Bay access;
- N. Similar uses.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-14.03:02)

#### 18.42.060 Conditional uses.

A. The use of property in the -OS combining zone is limited to the primary and secondary uses stated in Sections 18.42.040 and 18.42.050. Uses permitted by the underlying zoning of property, but not listed in Sections 18.42.040 or 18.42.050 as primary or secondary uses, are permitted only as conditional uses requiring the approval of conditional use permits.

B. In addition to the required findings for the approval of conditional use permits, it shall also be shown that:

1. The approval of such a conditional use permit will not produce any condition conflicting with the open space element of the city's general plan;
2. The proposed use will not be detrimental to any existing or proposed public open space use;
3. The proposed use will not block or decrease public access to an open space use.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-14.04)

#### 18.42.070 Filling or dredging in bay, slough, or salt marsh areas.

Before the issuance of any permit to fill or dredge any portion of any bay, slough, or salt marsh area, a conditional use permit must first be approved by the city council. Such filling or dredging will normally not be allowed except when in conjunction with development for open space recreational use, or when such development will increase or improve public access to the bay or marsh area.

(Ord. 1503 § 1 (part), 1976: NCLUC § 974-14.05)

### Chapter 18.43 MOTEL-PLANNED DEVELOPMENT COMBINING ZONE (MPD)

#### Sections:

18.43.010 Intent and purpose.

18.43.020 Regulations generally.

18.43.030 Development standards.

18.43.010 Intent and purpose.

The intent and purpose of the motel--planned development combining zone is to identify and zone properties which are suitable for motel development in order that:

- A. The existing community can be protected from incompatible land uses;
- B. Motel development occurs in areas served by freeway access ramps and support facilities such as restaurants;
- C. Motel developments that are built are of high quality and do not contribute to urban blight;
- D. Adequate architectural controls can be applied.

(Ord. 1805 (part), 1983)

18.43.020 Regulations generally.

Motels shall be permitted only on property bearing the symbol "MPD" on the zoning map. Any proposal for the construction or enlargement of a motel shall require issuance of a conditional use permit in accordance with Chapter 18.116.

(Ord. 1805 (part), 1983)

18.43.030 Development standards.

Motels shall be developed in accordance with the standards in Section 18.16.192.

(Ord. 1805 (part), 1983)

#### Chapter 18.44 GENERAL DESIGN AND DEVELOPMENT REGULATIONS

Sections:

18.44.010 General statement.

18.44.010 General statement.

The design and development regulations contained in Chapters 18.46 through 18.66 are designated as follows:

TABLE INSET:

|         |       |                                |
|---------|-------|--------------------------------|
| Chapter | 18.46 | Accessory structures           |
|         | 18.48 | Drainage                       |
|         | 18.50 | Fences, walls and hedges       |
|         | 18.52 | Future street setbacks         |
|         | 18.54 | Landscaping                    |
|         | 18.56 | Lots                           |
|         | 18.58 | Off-street parking and loading |
|         | 18.60 | Outdoor lighting               |
|         | 18.62 | Signs and outdoor advertising  |
|         | 18.64 | Underground utilities          |
|         | 18.66 | Yards, courts and setbacks     |

These regulations shall govern all uses and structures, regardless of the zone in which they are located, and are in addition to specific regulations and standards specified elsewhere in this title. No structure or use may hereafter be constructed, altered, enlarged, relocated, operated, occupied, established, or maintained on a lot or parcel of land unless it conforms to the design requirements set out in Chapters 18.46 through 18.66. A lot shall not hereafter be divided into two or more lots unless all lots resulting from such division conform to all the applicable regulations contained in Chapters 18.46 through 18.66.

(Ord. 1614 § 15 (part), 1978; Ord. 1503 § 1 (part), 1976; NCLUC § 975-1)

#### Chapter 18.45 PROJECTIONS INTO COURTS AND YARDS

Sections:

18.45.010 Requirements generally.

18.45.010 Requirements generally.

Every required front, side, and rear yard shall be open and unobstructed from the ground to the sky, unless otherwise provided. In addition to permitted accessory buildings, the following structures may be erected or projected into any required yard:

A. Fences, walls, and hedges may be erected or projected into any required yard as provided in Chapter 18.50.

B. Cornices, belt courses, sills, or other similar architectural features (other than bay windows or vertical projections) may project into a required side yard, other than the side yard adjoining the street lot line of a corner lot, not more than two inches for each one foot of such side yard, and may project into a required front yard or rear yard, or a side yard adjoining the street lot line of a corner lot, passageway or other open space not more than thirty inches, provided the width of a side yard adjoining the street lot line of a corner lot is not reduced to less than three feet.

C. Eaves may project into a required side yard, other than the side yard adjoining the street lot line of a corner lot, not more than four inches for each one foot of width of such side yard, provided the width of such side yard is not reduced to less than two and one-half feet. Eaves may also project into a required front yard or rear yard, or a side yard adjoining the street lot line of a corner lot, passageway or other open space not more than thirty inches, provided the width of a side yard adjoining the street lot line of a corner lot is not reduced to less than two and one-half feet.

D. Chimneys may project into a required passageway not more than one foot and into a required front yard, rear yard, side yard or other required open space not more than two feet, provided the width of any required side yard is not reduced to less than three feet.

E. Fire escapes may extend or project into any front, side or rear yard not more than four feet.

F. Open unenclosed stairways, or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than four feet, and into a required front yard, passageway, other open space or the side yard adjoining the street lot line of a corner lot not more than thirty inches, provided the width of a side yard adjoining the street lot line of a corner lot is not reduced to less than two and one-half feet.

G. Open, unenclosed porches, platforms or landing places, including access stairways thereto, not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may extend or project into the required front yard, side yard, rear yard, passageway or other open space not more than six feet, provided that in no event shall any such porch, platform or landing place be more than six feet above the natural ground level adjacent thereto.

H. A one-story covered passageway, commonly referred to as a breezeway, not over five feet in width, extending from a main residential building to an accessory parking or other accessory structure, may be erected and maintained in a required rear yard. Such passageway shall be located not less than five feet from all lot lines and shall be unenclosed; except that on a corner lot there may be a wall or fence not over six feet in height along the street side of such passageway.

I. Awnings or canopies without enclosing walls or screening may be attached to the exterior walls of a residential structure provided that:

1. Such awnings or canopies do not extend more than four feet into a required front yard or building line space at the front of the lot, and have no vertical support within the yard or space;

2. Such awnings or canopies do not extend more than thirty inches into a required side yard, rear yard, building line space at the side of a lot, passageway or other open space, but in no event nearer than thirty inches to an interior lot line;

3. Where such awnings or canopies project into a required front or side yard, passageway or other open space, they may extend only over the windows or doors to be protected and for twelve inches on each side thereof.

J. Entry arbors, either freestanding or as part of a fence as provided for in Section 18.30.035.

K. Notwithstanding the provisions of this chapter, architectural features, fire escapes, porches, balconies, or other projections permitted in a yard, passageway or other open space shall not be located and maintained so as to preclude complete access to main buildings and accessory living quarters at all times. At least five feet of clear and open space shall be maintained between any two main buildings, including the projections, on any one lot.

(Ord. 2228 § 6, 2003; Ord. 1712 § 65, 1980)

#### Chapter 18.46 ACCESSORY STRUCTURES\*

##### Sections:

18.46.010 Conditions.

18.46.020 Alteration.

18.46.030 Garages and parking spaces.

18.46.040 Swimming pools.

18.46.050 Satellite television antennas.

\* For additional regulations on public swimming pools, see Ch. 15.40.

18.46.010 Conditions.

Accessory structures and uses may be developed as permitted in this title, provided they are located on the same lot or parcel of land, and are incidental to and do not substantially alter the character of the principal permitted use. No accessory structure or use shall be located on property in a more restrictive zone than that required for the main structure or use to which it is accessory.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-5.01)

18.46.020 Alteration.

No accessory structure shall be structurally altered, converted, enlarged or maintained for the purpose of providing guest rooms or dwelling units unless such accessory structure and all enlargements thereof are made to conform to all regulations of this title for new structures.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-5.02)

18.46.030 Garages and parking spaces.

Private garages and parking spaces required by this title shall be built concurrently with the main buildings to which such garages and parking spaces are accessory, and shall be permanently maintained as private garages or parking spaces for such main buildings.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-5.03)

18.46.040 Swimming pools.

A. Swimming pools shall be considered as accessory to the main structure, and shall conform to all yard and setback requirements applicable to accessory buildings.

B. Unless the swimming pool wall is constructed to act as a retainer wall for the main structure, the swimming pool shall not be located closer than four feet from the main structure.

(Ord. 2109, 1996; Ord. 1503 § 1 (part), 1976: NCLUC § 975-5.04)

18.46.050 Satellite television antennas.

Satellite television antennas shall be considered as accessory to the main structure, and shall conform to all yard and setback requirements applicable to accessory structures.  
(Ord. 1866 § 6, 1985)

#### Chapter 18.48 DRAINAGE\*

Sections:

18.48.010 Drainage.

18.48.020 Required maintenance of private drainage systems.

\* For regulations governing grading, excavations, fills, and watercourses, see Ords. 1052, 1280 and 1416.

18.48.010 Drainage.

A. All improvements in open areas in any zone shall be designed and maintained so as to readily dispose of all storm runoff and all surface water so as to eliminate any puddles or standing water.

B. For drainage design criteria for parking lots, see Chapter 18.58.

C. For gradient standards and guidelines, see Section 18.102.100, et seq.

(Ord. 1712 § 14, 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 975-7)

18.48.020 Required maintenance of private drainage systems.

Private drainage systems using any combination of ditches, swales, culverts, pipes, conduits, diversion structures or similar facilities shall be maintained to fully serve their intended purpose.

(Ord. 1712 § 15, 1980)

#### Chapter 18.50 FENCES, WALLS AND HEDGES

Sections:

18.50.010 Fencing.

18.50.020 Maximum height.

18.50.030 Height exceptions.

18.50.035 Entry arbors.

18.50.040 Blocking building access prohibited.

18.50.050 Construction and maintenance.

18.50.060 Openings in view-obscuring fences may be allowed.

18.50.070 Site plan review required.

18.50.010 Fencing.

Wood fences are permitted between residential uses. Chain link fencing of minimum nine-gauge wire and three and one-half inch by five inch mesh with two and one-half inch by five-sixteenths inch redwood slats may be used in screening industrial areas, not adjacent to residential uses, provided landscape screening is installed adjacent to the chain link or wrought iron fencing. Concrete decorative or decorative block walls shall be constructed between any residential use and any newly-developed industrial, commercial, or multi-use residential-commercial development to screen the use from the residential use.

Within the Westside Specific Plan area, the use of chain link, barbed wire and razor wire fencing shall be prohibited for all new development and/or expansions that increase the building square footage by twenty percent of the existing gross leased area.

(Ord. 1712 § 17, 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 975-6 (part))

(Ord. No. 2010-2344, § 6, 8-3-2010)

18.50.020 Maximum height.

A. Fences and walls not exceeding eight feet in height and hedges may be located in yard areas; provided, that if located in any front yard or exterior side yard of any corner lot, they shall not exceed four feet in height, except that a residentially developed property in a residential zone may have a fence, wall or hedge not exceeding six feet in height within the exterior side yard or a corner lot.

B. Fences, walls and hedges over four feet in height shall not be permitted in the rear yard area of a reversed corner lot where such reverse corner lot abuts a front yard setback of the key lot at the rear.

C. The height of retaining walls contributes to the allowable height of fences and walls; provided, that within interior side yards and rear yards, the required height of screens or protective fences shall not be inhibited by the height of a retaining wall. The height of such protective fences shall be measured from the top of the retaining wall above or upon which the protective fence is placed.

(Ord. 2065 § 1, 1993; Ord. 1712 § 16, 1980; Ord. 1691, 1979; Ord. 1503 § 1 (part), 1976; NCLUC § 975-6.01)

18.50.030 Height exceptions.

A. Regardless of any other provision of this chapter limiting height or location of fences, wire mesh fences of any height, including barbed wire strands at the top, may be used to enclose public school or playground property, or public utility stations or structures, or any swimming pool.

B. Certain uses in the commercial and industrial zones are required by this title to have fences or walls in excess of eight feet, and when occurring, the height limitations of this chapter are superseded.

C. Up to thirty percent of the length of a fence may exceed the height limits specified in this chapter by up to six inches.

(Ord. 2228 § 7, 2003; Ord. 1503 § 1 (part), 1976; NCLUC § 975-6.02)

18.50.035 Entry arbors.

Arbors may be placed freestanding, or at entrances along fences within required front and exterior side yards, subject to the following standards:

A. The height of the arbor shall not exceed ten feet;

B. The width of the arbor shall not exceed six feet between centerlines of the supports.

C. A maximum two-foot overhang is permitted on each side of the center of the supports.

D. The depth of the arbor shall be no more than two feet six inches.

E. A minimum six-foot eight-inch vertical clearance above grade is required.

F. Supports shall not exceed six inches by six inches (horizontal dimensions).

G. The arbor shall not be enclosed on any side other than where attached to a building or by an entry gate that is part of an allowed fence.

H. Arbors may encroach into the entire width of the required front or exterior side yard.

I. Exceptions to these standards may be approved pursuant to subsection (D) of Section 18.50.030.

(Ord. 2228 § 8, 2003)

18.50.040 Blocking building access prohibited.



No fence, wall, hedge, or other landscape or architectural features permitted by this title shall be so located or maintained as to preclude access at all times about a main building. Gates or other suitable openings at least three feet in width shall be considered as providing such access.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-6.03)

18.50.050 Construction and maintenance.

A. All fences and walls shall be constructed of new or good used material, and all fences and walls shall be kept in good repair and adequately maintained. Any dilapidated, dangerous, or unsightly fences or walls shall be removed, unless otherwise required, or repaired.

B. See Appendix J of the National City Land Use Code for guidelines for fence and wall construction.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-6.04)

18.50.060 Openings in view-obscuring fences may be allowed.

With the approval of a site plan, the planning director may allow view-obscuring fences to have visual openings, for security surveillance. Such openings shall not exceed twenty-four inches in width and the aggregate of openings shall not exceed fifteen percent of the linear length of the fence along any side of an enclosed area.

Upon recommendation of the chief of police, the planning director or chief building official may require that security openings be provided in view-obscuring fences constructed after the effective date of the ordinance codified in this section.

(Ord. 1712 § 18 (part), 1980)

18.50.070 Site plan review required.

Site plan review pursuant to Chapter 18.128 is required for all fences and screening required by this title to be view-obscuring.

(Ord. 1712 § 18 (part), 1980)

## Chapter 18.52 FUTURE STREET SETBACKS

Sections:

18.52.010 Structures in--Prohibitions.

18.52.020 Determinations of yard depth.

18.52.010 Structures in--Prohibitions.

No structure shall be erected or maintained on a lot or parcel of land which abuts a street or highway having only a portion of its required width dedicated, or which lot is separated from such a street by only a future street, unless the yards provided and maintained in connection with such structure have sufficient width or depth in that portion of the lot or parcel of land needed to complete the street or highway width, plus whatever width or depth of yard is required on the lot or parcel of land by this title.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-4 (part))

18.52.020 Determinations of yard depth.

Where a future street intervenes between a parcel and an existing street, the yard depth shall be determined as though the parcel abutted directly on the future street. The planning commission, upon request, shall determine a required street width. Where width standards are not established, the prevailing widths of streets in the immediate, surrounding area may be used with due consideration given to any particular topographical or geological conditions or sizes of ownership affecting the property involved.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-4 (part))

Chapter 18.54 WATER EFFICIENT LANDSCAPE REGULATIONS\*

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\*Editor's note: Ord. No. 2010-2331, § 1, adopted March 2, 2010, amended Ch. 18.54, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Ch. 18.54 pertained to landscaping. See also the Code Comparative Table and Disposition List.

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Sections:

- 18.54.010 Purpose.
- 18.54.020 Definitions.
- 18.54.030 Applicability.
- 18.54.040 Administration and enforcement.
- 18.54.050 Landscape documentation package.
- 18.54.060 Soils management report.
- 18.54.070 Planting and irrigation plans.
- 18.54.080 Water efficient landscape worksheet.
- 18.54.090 Grading plan.
- 18.54.100 Irrigation schedule.
- 18.54.110 Maximum applied water use.
- 18.54.120 Estimated total water use.
- 18.54.130 Adjustment to landscaped area for non-vegetated area.
- 18.54.140 Regulations applicable to use of turf on landscaped areas.
- 18.54.150 Projects with model homes.
- 18.54.160 Recycled water.
- 18.54.170 Landscaping and irrigation installation.
- 18.54.180 Landscaping and irrigation maintenance.
- 18.54.190 Certificate of completion.
- 18.54.200 Waste water prevention.
- 18.54.010 Purpose.

The State Legislature determined in the Water Conservation in Landscaping Act (the "Act"), Government Code sections 65591 et seq., that the state's water resources are in limited supply. The legislature also recognized that while landscaping is essential to the quality of life in California, landscape design, installation, maintenance, and management must be water efficient. The general purpose of this Chapter is to establish water use standards for landscaping in the City of National City that implement the 2006 development landscape design requirements established by the Act. Consistent with the Legislature's findings, the purpose of this Ordinance is to:

- A. Promote the values and benefits of landscapes while recognizing the need to utilize water and other resources as efficiently as possible.
- B. Establish a structure for planning, designing, installing, maintaining, and managing water efficient landscapes.
- C. Promote the use, when available, of tertiary treated recycled water, for irrigating landscaping.

D. Use water efficiently without waste by setting a maximum applied water allowance (MAWA) as an upper limit for water use and reduce water use to the lowest practical amount.

E. Encourage water users of existing landscapes to use water efficiently and without waste.

(Ord. No. 2010-2331, § 1, 3-2-2010)

#### 18.54.020 Definitions.

The following definitions shall apply to this chapter:

A. "Automatic irrigation controller" means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers shall schedule irrigation events using either evapotranspiration (ET<sub>o</sub>) (weather-based) or moisture sensor data.

B. "Building permit" means a permit to engage in a certain type of construction at a specific location.

C. "Certified landscape irrigation auditor" means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization, or other accredited certification program.

D. "Developer" means a person who seeks or receives permits for or who undertakes land development activities who is not a single-family homeowner. Developer includes a developer's partner, associate, employee, consultant, trustee, or agent.

E. "Director" means the development services director or anyone to whom the director has designated or hired to administer or enforce this chapter.

F. "Discretionary permit" means any permit requiring a decision-making body to exercise judgment prior to its approval, conditional approval, or denial.

G. "Estimated total water use" (ETWU) means the estimated total water use in gallons per year for a landscaped area.

H. "ET adjustment factor" (ETAF) means a factor that when applied to reference ET<sub>o</sub>, adjusts for plant water requirements and irrigation efficiency, two major influences on the amount of water that is required for a healthy landscape.

I. "Evapotranspiration" (ET<sub>o</sub>) means the quantity of water evaporated from adjacent soil and other surfaces, and transpired by plants during a specified time period.

J. "Reference evapotranspiration" means a standard measurement of environmental parameters which affect the water use of plants. ET<sub>o</sub> is given in inches per day, month, or year and is an estimate of the ET<sub>o</sub> of a large field of four-inches to seven-inch tall, cool season turf that is well watered. Reference ET<sub>o</sub> is used as the basis of determining the MAWA so that regional differences in climate can be accommodated.

K. "Grading" means any importation, excavation, movement, loosening, or compaction of soil or rock.

L. "Hardscape" means any durable surface material, pervious, or non-pervious.

M. "Homeowner-provided landscaping" means landscaping installed either by a private individual for a single-family residence or installed by a California licensed contractor hired by a homeowner.

N. "Hydrozone" means a portion of the landscape area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

- O. "Invasive plant species" means species of plants not historically found in California that spread outside cultivated areas and may damage environmental or economic resources.
- P. "Irrigation audit" includes an in depth evaluation of the performance of an irrigation system conducted by a certified landscape irrigation auditor. An irrigation audit may include, but is not limited to, inspection, system tune up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.
- Q. "Irrigation efficiency" means the measurement of the amount of water beneficially used divided by the water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices.
- R. "Landscaped area" means an area with outdoor plants, turf, and other vegetation. A landscaped area may include a water feature either in an area with vegetation or that stands alone. A landscaped area may also include design features adjacent to an area with vegetation. A landscaped area does not include the footprint of a building, decks, patio, sidewalk, driveway, parking lot, or other hardscape. A landscaped area also does not include an area without irrigation designated for non-development such as designated open space or area with existing native vegetation and areas dedicated for food production.
- S. "Landscape Manual" means the Water Efficient Landscape Design Manual, approved by the City of National City that establishes specific design criteria and guidance to implement the requirements of this chapter.
- T. "Low head drainage" means a sprinkler head or other irrigation device that continues to emit water after the water to the zone in which the device is located has shut off.
- U. "Low volume irrigation" means the application of irrigation water at low pressure through a system of tubing or lateral lines and low volume emitters such as drip lines or bubblers.
- V. "Maximum applied water allowance" (MAWA) means the maximum allowed annual water use for a specific landscaped area based on the square footage of the area, the ETAF, and the reference ETo.
- W. "Mulch" means an organic material such as leaves, bark, straw, or inorganic mineral materials such as rocks, gravel, or decomposed granite left loose and applied to the soil surface to reduce evaporation, suppress weeds, moderate soil temperature, or prevent soil erosion.
- X. "Overspray" means the water from irrigation that is delivered outside an area targeted for the irrigation and makes contact with a surface not intended to be irrigated.
- Y. "Pervious" means any surface or material that allows the passage of water through the material and into underlying soil.
- Z. "Plant factor" means a factor when multiplied by the ETo, estimates the amount of water a plant needs.
- AA. "Recycled water" means waste water that has been treated at the highest level required by the California Department of Public Health for water not intended for human consumption.

- BB. "Recreational areas" means areas of active play or recreation, such as parks, playgrounds, sports fields, golf courses, school yards, picnic grounds, or other areas where turf provides a playing surface or serves other recreational purposes.
- CC. "Runoff" means water that is not absorbed by the soil or landscape to which it is applied and flows from the landscaped area.
- DD. "Special landscaped area" means an area of the landscape dedicated to edible plants, an area irrigated with recycled water, or an area dedicated as turf area within a park, sports field, or golf course where turf provides a passive or active recreational surface.
- EE. "Standard Urban Storm Water Mitigation Plan" (SUSMP) means a plan designed to reduce pollutants and runoff flows from new development and significant redevelopment.
- FF. "SUSMP Manual" means the manual prepared for implementation of SUSMP requirements, and available for reference at the city's development services department and on the city's website.
- GG. "Storm Water Management and Discharge Control" means regulations contained in Chapter 14.22 of the Municipal Code enacted to reduce the effects of polluted discharge on water of the state, to secure benefits from the use of storm water as a resource, to ensure compliance with the San Diego Regional Water Quality Control Board (RWQCB) and applicable state and federal law.
- HH. "Subsurface irrigation" means an irrigation device with a delivery line and water emitters installed below the soil surface that slowly and frequently emit small amounts of water into the soil to irrigate plant roots.
- II. "Tertiary treated recycled water," means water that has been through three levels of wastewater treatment including filtration and disinfection, but not intended for human consumption.
- JJ. "Transitional area" means a portion of a landscaped area that is adjacent to a natural or undisturbed area and is designated to ensure that the natural area remains unaffected by plantings and irrigation installed on the property.
- KK. "Turf" means a groundcover surface of mowed grass.
- LL. "Water feature" means a design element where open water performs an aesthetic or recreational function. A water feature includes a pond, lake, waterfall, fountain, artificial streams, spa, and swimming pool. Constructed wetlands used for onsite wastewater treatment or storm water best management practices are not water features.
- MM. "WUCOLS III" means Water Use Classification of Landscape Species and refers to the Department of Water Resources 1999 publication or the most current version. (Ord. No. 2010-2331, § 1, 3-2-2010)

#### 18.54.030 Applicability.

- A. All new industrial, commercial, institutional, or multi-family residential development with a total landscaped area less than two thousand five hundred square feet shall provide the following:
1. Install on-site landscaping and below grade automatic irrigation system in accordance with the landscape manual.
  2. Landscaping shall be installed in all areas not utilized for structures, parking, drainage, and hardscape.

3. Drought tolerant landscaping and water efficiency in accordance with this chapter and the landscape manual is encouraged.

4. Parkways, between the curb and the sidewalk, bordering the development shall be provided with ground cover, shrubs, and at a minimum one fifteen-gallon street tree every forty linear feet.

B. All new single-family and two-family residences with a total landscaped area less than five thousand square feet shall provide the following:

1. Install on-site landscaping and below grade automatic irrigation systems in accordance with the landscape manual.

2. Landscaping shall be installed on all areas not used for structures, driveways, drainage, and hardscape.

3. Drought tolerant landscaping and water efficiency for all new landscaping consistent with this chapter is encouraged.

4. Parkways, between the curb and the sidewalk, bordering the development shall be provided with ground cover, shrubs, and at a minimum one fifteen-gallon street tree every forty linear feet.

C. For all other projects that exceed the landscape area identified in 18.54.030(A) and (B) of this chapter shall apply to the following projects when a building permit or a discretionary permit is required:

1. A project for an industrial, commercial, institutional, or multi-family residential use with a total landscaped area equal to or greater than two thousand five hundred square feet.

2. Developer installed residential and common area landscapes where the total landscaped area for the development is equal to or greater than two thousand five hundred square feet.

3. A new single-family residence with homeowner provided landscaping, where the landscaped area is equal to or greater than five thousand square feet.

4. A model home that includes a landscaped area.

5. A public agency project that contains a landscaped area equal to or greater than two thousand five hundred square feet.

6. A rehabilitated landscape for an existing industrial, commercial, institutional, public agency, or multi-family use where a building permit or discretionary permit is being issued, and the applicant is installing or modifying two thousand five hundred square feet or more of landscaping.

B. This chapter shall not apply to the following:

1. A registered local, state, or federal historical site.

2. An ecological restoration project that does not require a permanent irrigation system.

3. A mined land reclamation project that does not require a permanent irrigation system.

4. A botanical garden or arboretum, open to the public.

5. Any single-family residence that is being rebuilt after it was destroyed due to a natural disaster, such as a fire, earthquake, or hurricane.

(Ord. No. 2010-2331, § 1, 3-2-2010)

18.54.040 Administration and enforcement.

A. The director shall administer and enforce this chapter.

B. The director shall provide guidance to applicants on how to comply with the requirements of this chapter.

(Ord. No. 2010-2331, § 1, 3-2-2010)

18.54.050 Landscape documentation package.

A. Building permit applications for projects subject to section 18.54.030 shall submit and have approved a landscape documentation package to the development services department prior to issuance of a building permit. A minimum of three percent of the construction cost to install the landscaping and irrigation improvements shall be submitted as a deposit to review the landscape documentation package. The developer shall be billed for actual costs incurred by the city, including actual labor charges and consultant fees, less the amount of the deposit. In addition to the fee, the landscape documentation package shall contain the following.

1. A soils management report and plan that complies with section 18.54.060.
2. Planting and irrigation plans that comply with section 18.54.070.
3. A water efficient landscape worksheet that complies with section 18.54.080.
4. A grading plan that complies with section 18.54.090, and Chapters 14.22 (Storm Water Management and Discharge Control) and 15.70 (Grading) of the Municipal Code.

(Ord. No. 2010-2331, § 1, 3-2-2010)

18.54.060 Soils management report.

A. The soils management report required by section 18.54.050 shall be prepared by a licensed landscape architect, licensed civil engineer, licensed architect, or other landscape professional appropriately licensed by the state, and shall contain the following information:

1. An analysis of the soil for the proposed landscaped areas of the project that includes information about the soil texture, soil infiltration rate, pH, total soluble salts, sodium, and percent organic matter.
2. Recommendations about soil amendments that may be necessary to foster plant growth and plant survival in the landscaped area using efficient irrigation techniques.
3. Proposed soil amendments and mulch as follows:
  - a. The report shall identify the type and amount of mulch for each area where mulch is applied. Mulch shall be used as follows:
    - i. A minimum two-inch layer of mulch shall be applied on all exposed soil surfaces in each landscaped area except in turf areas, creeping or rooting ground covers or direct seeding applications where mulch is contraindicated.
    - ii. Stabilizing mulch shall be applied on slopes.
    - iii. The mulching portion of seed/mulch slurry in hydro-seeded applications shall comply with subsection A. above.
  - b. Highly flammable mulch material shall not be used.

b. Highly flammable mulch material shall not be used.

i. The report shall identify any soil amendments and their type and quantity.

B. When a project involves mass grading of a site, the soils report that complies with subsection A. shall be submitted with the certificate of completion required by section 18.54.190.

(Ord. No. 2010-2331, § 1, 3-2-2010)

18.54.070 Planting and irrigation plans.

A. The planting and irrigation plans required by section 18.54.050 shall be prepared by a licensed landscape architect, licensed civil engineer, licensed architect, or other landscape professional appropriately licensed by the state. The plans shall:

1. Include the MAWA for the plans, including the calculations used to determine the MAWA. The calculations shall be based on the formula in section 18.54.110.
2. Include the ETWU for the plans, including the calculations used to determine the ETWU. The calculations shall be based on the formula in section 18.54.120.
3. Include a statement signed under penalty of perjury by the person who prepared the plan that provides, "I am familiar with the requirements for landscape and irrigation plans contained in the City of National City Water Efficient Landscape Regulations (LUC Chapter 18.54). I have prepared this plan in compliance with those regulations. I certify that the plan implements those regulations to provide efficient use of water."
4. Demonstrate compliance with best management practices identified in Municipal Code Chapter 14.22, including the Storm Water Management, Discharge Control Ordinance and Standard Urban Stormwater Mitigation Plan (SUSMP).
5. Demonstrate compliance with state and city requirements for defensible space around buildings and structures, and avoid the use of fire prone vegetation.

B. The planting plan shall meet the following requirements:

1. The plan shall include a list of all vegetation by common and botanical plant name, which exists in the proposed landscaped area. The plan shall state what vegetation will be retained and what will be removed.
2. The plan shall include a list of all vegetation by common and botanical plant name which will be added to each landscaped area. Invasive plant species shall not be added to a landscaped area. The plan shall include the total quantities by container size and species. If the applicant intends to plant seeds, the plan shall describe the seed mixes and applicable purity and germination specifications.
3. The plan shall include a detailed description of each water feature, including the type and surface area of all water features that will be included in the landscaped area. The water feature shall utilize a recirculating water system.
4. The plan shall be accompanied by a drawing showing the specific location of all vegetation, retained or planted, the plant spacing and plant size, natural features, water features, and hardscape areas. The drawing shall include a legend listing the common and botanical plant name of each plant shown on the drawing.
5. All plants shall be grouped in hydrozones, and the irrigation shall be designed to deliver water to hydrozones based on the moisture requirements of the plant grouping. A hydrozone may mix plants of moderate and low water use or mix plants of high water use with plants of moderate water use. No high water use plants shall be allowed in a low water use hydrozone. The plan shall also demonstrate how the plant groupings accomplish the most efficient use of water.
6. The plan shall identify areas permanently and solely dedicated to edible plants.
7. The plan shall demonstrate that landscaping when installed and at maturity will be positioned to avoid obstructing motorists' views of pedestrian crossings, driveways, roadways, and other vehicular travel ways. If the landscaping will require maintenance to avoid obstructing motorist's views, the plan shall describe the maintenance and the frequency of the proposed maintenance.



8. The plan shall avoid the use of landscaping with known surface root problems adjacent to a paved area, unless the plan provides for installation of root control barriers or other appropriate devices to control surface roots.

9. Plants in a transitional area shall consist of a combination of site adaptive and compatible native and/or non-native species. Invasive species shall not be introduced or tolerated in a transitional area. The irrigation in a transitional area shall be designed so that no overspray or runoff shall enter an adjacent area that is not irrigated.

10. Where applicable, the plan shall identify passive and active recreational areas.

11. Parkways, between the curb and the sidewalk, bordering the development shall be provided with ground cover, shrubs, and at a minimum one fifteen-gallon street tree every forty linear feet.

C. The irrigation plan shall meet the following requirements:

1. The plan shall show the location, type, and size of all components of the irrigation system that will provide water to the landscaped area, including the controller, water lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices.

2. The plan shall show the static water pressure at the point of connection to the public water supply and the flow rate in gallons, the application rate in inches per hour, and the design operating pressure in pressure per square inch for each station.

3. The irrigation system shall be designed to prevent runoff, overspray, low-head drainage and other similar conditions where irrigation water flows or sprays onto areas not intended for irrigation. The plan shall also demonstrate how grading and drainage techniques promote healthy plant growth and prevent erosion and runoff.

4. The plan shall identify each area irrigated with recycled water.

5. The plan shall provide that any slope greater than twenty-five percent will be irrigated with an irrigation system with a precipitation rate of seventy-five hundredths inches per hour or less to prevent runoff and erosion. As used in this Chapter, twenty-five percent grade means one foot of vertical elevation change for every four feet of horizontal length. An applicant may employ an alternative design if the plan demonstrates that no runoff or erosion will occur.

6. The plan shall provide that all wiring and piping under a paved area that a vehicle may use, such as a parking area, driveway or roadway, will be installed inside a PVC conduit.

7. The plan shall provide that irrigation piping and irrigation devices that deliver water, such as sprinkler heads, shall be installed below grade if they are within twenty-four inches of a vehicle or pedestrian use area. The director may allow on-grade piping where landform constraints make below grade piping infeasible.

8. The plan shall provide that only low volume irrigation shall be used to irrigate any vegetation within twenty-four inches of an impermeable surface unless the adjacent impermeable surfaces are designed and constructed to cause water to drain entirely into a landscaped area.

9. The irrigation system shall provide for the installation of a manual shutoff valve as close as possible to the water supply. Additional manual shutoff valves shall be installed between each zone of the irrigation system and the water supply.

10. The irrigation system shall provide that irrigation for any landscaped area will be regulated by an automatic irrigation controller using either evapotranspiration or soil moisture sensor data.

11. The irrigation system shall be designed with a landscape irrigation efficiency necessary to meet the MAWA.

12. The plan shall describe each automatic irrigation controller the system uses to regulate the irrigation schedule, and whether it is a weather-based system or moisture detection system. The plan shall depict the location of electrical service for the automatic irrigation controller or describe the use of batteries or solar power that will power valves or an irrigation controller.

13. Parkways, between the curb and the sidewalk, bordering the development shall be provided below grade irrigation.

(Ord. No. 2010-2331, § 1, 3-2-2010)

#### 18.54.080 Water efficient landscape worksheet.

The water efficient landscape worksheet required by section 18.54.050 shall be prepared by a licensed landscape architect, licensed civil engineer, licensed architect, or other landscape professional appropriately licensed by the state, and shall contain the following:

A. A hydrozone information table that contains a list of each hydrozone in the landscaped area of the project and complies with the following requirements:

1. For each hydrozone listed, the table shall identify the plant types and water features in the hydrozone, the irrigation methods used, the square footage, and the percentage of the total landscaped area of the project that the hydrozone represents.

2. The plant types shall be categorized as turf, high water use, moderate water use, or low water use.

B. Water budget calculations, which shall meet the following requirements:

1. The plant factor used shall be from WUCOLS III. A plan that mixes plants in a hydrozone that requires a different amount of water shall use the plant factor for the highest water using plant in the hydrozone.

2. Temporarily irrigated areas shall be included in the low water use hydrozone. Temporarily irrigated as used in this chapter means the period of time when plantings only receive water until they become established.

3. The surface area of a water feature, including swimming pools, shall be included in a high water use hydrozone.

4. The calculations shall use the formula for the MAWA in section 18.54.110 and for the ETWU in section 18.54.120.

5. Each special landscaped area shall be identified on the worksheet and the area's water use calculated using an ETAF of 1.0.

(Ord. No. 2010-2331, § 1, 3-2-2010)

#### 18.54.090 Grading plan.

The grading plan required by section 18.54.050 shall comply with the Municipal Code Chapters 14.22 (Storm Water Management and Discharge Control) and 15.70 (Grading). See the SUSMP Manual for implementation guidelines for Chapter 14.22 to reduce runoff and the discharge of pollutants. The grading plan shall be prepared by a California licensed civil engineer, and shall comply with following requirements:

A. The grading on the project site shall be designed for the efficient use of water by minimizing soil erosion, runoff, and water waste, resulting from precipitation and irrigation.

B. The plan shall show the finished configurations and elevations of each landscaped area including the height of graded slopes, the drainage pattern, pad elevations, finish grade, and any storm water retention improvements.

(Ord. No. 2010-2331, § 1, 3-2-2010)

#### 18.54.100 Irrigation schedule.

The irrigation schedule shall be prepared by a licensed landscape architect, licensed civil engineer, licensed architect or other landscape professional appropriately licensed by the State, and shall provide the following information:

A. A description of the automatic irrigation system that will be used for the project.

B. The irrigation schedule shall consider irrigation run times, emission device, flow rate, and current reference evapotranspiration so that applied water meets the estimated total water use. Total annual applied water shall be less than or equal to maximum applied water allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data or soil moisture sensor data.

C. Overhead irrigation will be scheduled between 4:00 p.m. and 9:00 a.m., unless weather conditions prevent it. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

D. The parameters used for setting the irrigation system controller for watering times for:

1. The plant establishment period.
2. Different seasons during the year.
3. Established landscaping and temporarily irrigated areas.
4. Irrigation uniformity or efficiency setting.
- E. The consideration used for each station based on the following factors:
  1. The days between irrigation.
  2. Station run time in minutes for each irrigation event, designed to avoid runoff.
  3. Number of cycle starts required for each irrigation event, designed to avoid runoff.
  4. Amount of water to be applied on a monthly basis.
  5. The root depth setting.
  6. The plant type setting.
  7. The soil type.
  8. The slope factor.
  9. The shade factor.
  10. Application rate setting.
  11. Irrigation uniformity or efficiency setting.

(Ord. No. 2010-2331, § 1, 3-2-2010)

#### 18.54.110 Maximum applied water use.

A. A landscape project subject to this chapter shall not exceed the MAWA. The MAWA for a landscape project shall be determined by the following calculation:  $MAWA = (ET_o)(0.62)[0.7 \times LA + 0.3 \times SLA]$ .

B. The abbreviations used in the equation have the following meanings:

1. MAWA = Maximum Applied Water Allowance in gallons per year.
2. ETo = Evapotranspiration in inches per year.
3. 0.62 = Conversion factor to gallons per square foot.
4. 0.7 = ET adjustment factor for plant factors and irrigation efficiency.
5. LA = Landscaped area includes special landscaped area in square feet.
6. 0.3 = the additional ET adjustment factor for a special landscaped area (1.0 - 0.7 = 0.3).
7. SLA = Portion of the landscaped area identified as a special landscaped area in square feet.

(Ord. No. 2010-2331, § 1, 3-2-2010)

#### 18.54.120 Estimated total water use.

A. An applicant for a project subject to this Chapter shall calculate the ETWU for each landscaped area and the entire project using the following equation:

1.  $ETWU = (ETo)(0.62)(PF \times HA/IE + SLA)$ .

B. The abbreviations used in the equation have the following meanings:

1. ETWU = Estimated total water use in gallons per year.
2. ETo = Evapotranspiration in inches per year.
3. 0.62 = Conversion factor to gallons per square foot.
4. PF = Plant factor from WUCOLS.
5. HA = Hydrozone Area in square feet. Each HA shall be classified based upon the data included in the landscape and irrigation plan as high, medium, or low water use.
6. IE = Irrigation Efficiency of the irrigation method used in the hydrozone.
7. SLA = Special landscaped area in square feet.

C. The ETWU for a proposed project shall not exceed the MAWA.

(Ord. No. 2010-2331, § 1, 3-2-2010)

#### 18.54.130 Adjustment to landscaped area for non-vegetated area.

Rock and stone or pervious design features, such as decomposed granite ground cover that are adjacent to a vegetated area may be included in the calculation of the MAWA and ETWU provided the features are integrated into the design of the landscape area and the primary purpose of the feature is decorative.

(Ord. No. 2010-2331, § 1, 3-2-2010)

#### 18.54.140 Regulations applicable to use of turf on landscaped areas.

The following regulations shall apply to the use of turf on a project subject to this chapter:

- A. Only low volume or subsurface irrigation shall be used for turf in a landscaped area when either of the following occurs:
  1. On a slope greater than twenty-five percent grade where the toe of the slope is adjacent to an impermeable hardscape.
  2. Where any dimension of the landscaped area is less than eight feet wide.
- B. On a roadway improvement project, commercial, industrial, institutional, or multi-family project, no turf shall be allowed on a center island median strip or on a parking lot island.
- C. A ball field, park, golf course, cemetery, and other similar use shall be designed to limit turf in any portion of a landscaped area not essential for the operation of the facility.
- D. No turf shall be allowed in a landscaped area that cannot be efficiently irrigated to avoid runoff or overspray.

(Ord. No. 2010-2331, § 1, 3-2-2010)

18.54.150 Projects with model homes.

A person who obtains a permit to construct a single family residential development that contains a model home or homes shall provide a summary of this chapter to each adult visitor that visits a model home. If an adult visitor is accompanied by one or more adults during the visit only one set of written materials is required to be provided. Each model home shall provide an educational sign in the front yard of the model home visible and readable from the roadway that the home faces that states in capital black lettering at least two inches high on a white sign, "THIS MODEL HOME USES WATER EFFICIENT LANDSCAPING AND IRRIGATION."

(Ord. No. 2010-2331, § 1, 3-2-2010)

18.54.160 Recycled water.

A. A person who obtains a permit for a project that is subject to this chapter shall use recycled water for irrigation and decorative water features when tertiary treated recycled water is available from the water purveyor who supplies water to the property.

B. A person using recycled water shall install a dual distribution system for water received from the water purveyor. Pipes carrying recycled water shall be purple.

C. A person who uses recycled water under this section shall be entitled to an ETAF of 1.0.

D. This section does not excuse a person using recycled water from complying with all state and local laws and regulations related to recycled water use.

(Ord. No. 2010-2331, § 1, 3-2-2010)

18.54.170 Landscaping and irrigation installation.

A person issued a landscape approval for a project shall install the approved landscaping and irrigation system before final inspection of the project.

(Ord. No. 2010-2331, § 1, 3-2-2010)

18.54.180 Landscaping and irrigation maintenance.

A. A property owner using water on property subject to a landscape approval shall prepare a maintenance schedule for the landscaping and irrigation system on the project. The schedule shall provide for (1) routine inspection to guard against runoff and erosion and detect plant or irrigation system failure; (2) replacement of dead, dying and diseased vegetation; (3) eradication of invasive species; (4) repairing the irrigation system and its components; (5) replenishing mulch; (6) soil amendment when necessary to support and maintain healthy plant growth; (7) fertilizing, pruning, and weeding and maintaining turf areas; and (8) maintenance to avoid obstruction of motorists' view. The schedule shall also identify who will be responsible for maintenance.

B. After approval of a landscape plan, the owner is required to:

1. Maintain and operate the landscaping and irrigation system on the property consistent with the MAWA.

2. Maintain the irrigation system to achieve efficiency that meets or exceeds the MAWA.

3. Replace broken or malfunctioning irrigation system components with components of the same materials and specifications, their equivalent or better.

4. Ensure that when vegetation is replaced, replacement plantings are representative of the hydrozone in which the plants were removed, and are typical of the water use

requirements of the plants removed, provided that the replaced vegetation does not result in mixing high-water use plants with low-water use plants in the same hydrozone.

(Ord. No. 2010-2331, § 1, 3-2-2010)

#### 18.54.190 Certificate of completion.

Each person issued a landscape approval shall submit:

- A. A signed certificate of completion, under penalty of perjury, on a form provided by the City of National City within ten days after installation, that includes the following:
  1. A statement verifying that the landscaping and irrigation were installed as allowed in the approved landscape and irrigation plan, all recommended approved soil amendments identified in the soil management report were implemented, the installed irrigation system is functioning as designed and approved, the irrigation control system was properly programmed in accordance with the irrigation schedule, and the person operating the system has received all required maintenance and irrigation plans.
  2. "As-built" plans submitted by the landscape design professional of record showing the changes when there have been significant changes to the landscape plan during the installation of landscaping or irrigation devices or irrigation system components.
  3. Signature by the landscape design professional of record.
- B. An irrigation schedule that complies with section 18.54.100, that describes the irrigation times and water usage for the project.
- C. A landscaping and irrigation system maintenance schedule that complies with section 18.54.180.
- D. A soil management report that complies with section 18.54.060, if the applicant did not submit the report with the landscape documentation package.

(Ord. No. 2010-2331, § 1, 3-2-2010)

#### 18.54.200 Waste water prevention.

- A. No person shall use water for irrigation that results in runoff, low head drainage, overspray or other similar condition, water flows onto adjacent property, non-irrigated areas, structures, walkways, roadways, or other paved areas.

(Ord. No. 2010-2331, § 1, 3-2-2010)

### Chapter 18.56 LOTS

Sections:

18.56.010 Area.

18.56.020 Width.

18.56.030 Frontage.

18.56.040 Combined lots.

18.56.050 Commonly developed parcels or lots--Separate sale prohibited.

18.56.010 Area.

The required minimum lot area for all uses in all zones is five thousand square feet, except for the RS-1 zone which has a minimum area of ten thousand square feet, and for service stations where the minimum is fifteen thousand square feet. Refer to Chapter 18.98 for specific use regulations for service stations.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-2.01:01)

18.56.020 Width.

The required minimum width for all lots shall be fifty feet, except for lots in the RS-1 zone where the minimum width is sixty feet. Excepted from this requirement is any lot shown upon a subdivision map recorded prior to August 3, 1948.

(Ord. 1503 § 1 (part), 1976; NCLUC § 975-2.01:02)

#### 18.56.030 Frontage.

All lots shall have a minimum fifty-foot frontage on a dedicated street, except for the following:

- A. Lots in the RS-1 zone, where a minimum sixty-foot frontage is required;
- B. Lots on the bulb of a cul-de-sac, which shall have a minimum street frontage of thirty-six feet;
- C. Any lot shown upon a legal subdivision map recorded prior to August 3, 1948;
- D. Automobile service stations, which shall have a minimum of one hundred feet of frontage on a dedicated street.
- E. Lots in subdivisions approved pursuant to Section 18.16.300 of this code.

(Ord. 1598 (part), 1977; Ord. 1579 (part), 1977; Ord. 1503 § 1 (part), 1976; NCLUC § 975-2.01:03)

#### 18.56.040 Combined lots.

If two or more existing contiguous lots in the same zone have a total frontage of more than or equal to the required minimums, such lots may be treated as one parcel of land, provided that the combined parcels are under common ownership and covenants and agreements have been properly executed and recorded with the county recorder.

(Ord. 1503 § 1 (part), 1976; NCLUC § 975-2.02)

#### 18.56.050 Commonly developed parcels or lots--Separate sale prohibited.

Whenever two or more parcels or subdivided lots in common ownership have been commonly developed in a manner that results in buildings or driveways straddling common parcel boundaries or lot lines; or whenever such parcels or lots result in required courts, yards, open spaces or setbacks straddling such parcel boundaries or lot lines; those parcels or lots must thereafter be held in common ownership and shall, for the purpose of this code, become single parcels. The division of such commonly developed parcels for purposes of sale, lease or financing must comply with the provisions of this title regulating such courts, yards, open spaces or setbacks, after such division.

With the approval of a conditional use permit, the city may allow such division of commonly developed parcels or lots upon finding that the intent of this section will be preserved. Approval of such a conditional use permit may require the filing of covenants, conditions and restrictions, or other legal instruments, designed to preserve the amenities of yards, courts, open spaces, driveways and setbacks enjoyed by the combined parcels or lots. See also Section 18.66.010.

(Ord. 1708, 1980)

### Chapter 18.58 OFF-STREET PARKING AND LOADING

#### Sections:

18.58.010 Chapter purposes and intent.

18.58.020 Requirement generally.

18.58.030 Required for new or moved structures.

18.58.040 Additional facilities for altered structures--Requirements.

18.58.050 Increase in intensity of use.

18.58.060 Change in use.

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- 18.58.752 Parking facilities for disabled persons.
- 18.58.760 Loading areas.
- 18.58.770 Maintenance.
- 18.58.010 Chapter purposes and intent.

The purposes and intent of this chapter are to:

- A. Provide for the establishment of accessory off-street parking and loading facilities incidental to new uses and to major alterations and enlargements of existing uses, in order to prevent or to progressively alleviate traffic congestion and shortage of curb space;
- B. Prescribe minimum off-street parking and loading requirements for the various structures and uses irrespective of the districts in which they occur;
- C. Ensure that off-street parking and loading facilities are designed, developed and maintained in a manner that will assure their usefulness, provide for public safety, and, where appropriate, insulate surrounding uses from their impact.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.01)

- 18.58.020 Requirement generally.

For any structure or use hereafter constructed, established, moved, substantially altered, increased in intensity of use, or changed in use after the effective date of the National City Land Use Code, off-street parking and loading facilities conforming to the requirements of this title shall be provided on the same lot as the main building or structure or on contiguous property as provided in Sections 18.58.090 and 18.58.100. (Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.02 (part))

18.58.030 Required for new or moved structures.

Parking and loading facilities shall be provided for all structures and uses hereafter constructed, established, or moved to new sites.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.02:01)

18.58.040 Additional facilities for altered structures--Requirements.

A. Additional parking and loading facilities need not be provided where any structure is renovated or repaired, provided said structure is not increased in intensity of use or changed to a use requiring additional facilities.

B. Parking and loading facilities shall be provided in accordance with the requirements for an equivalent new structure where any such structure is in any way structurally altered to the extent of more than twice the latest assessed valuation prior to the alteration. (This provision applies to existing structures which, upon the effective date of the National City Land Use Code, are nonconforming as to parking and loading. The "latest assessed valuation" requirement is identical to the requirement for all nonconforming structures under the nonconforming provisions.)

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.02:02)

18.58.050 Increase in intensity of use.

A. For the purpose of this section, an increase in the intensity of use of any structure or premises shall mean the addition of dwelling units, employees, gross floor area, seating capacity, or any other unit of measurement specified in this title as a basis for determining required parking and loading facilities.

B. When the intensity of use of any structure or premises, excluding single-family detached dwellings, is increased by less than fifty percent, parking and loading facilities shall be provided for the increase but not for any existing deficiency in such facilities.

C. When the intensity of use is increased by more than fifty percent, excluding single-family detached dwellings, parking and loading facilities shall be provided for the entire structure or premises.

D. When consecutive increases in intensity of use amount to a total increase of more than fifty percent, parking and loading facilities shall be provided for the entire structure or premises. Consecutive increases shall be figured from the effective date of the National City Land Use Code or from the time of the initial construction or establishment, whichever is more recent.

E. With the annual renewal of business licenses for all uses mentioned in Sections 18.58.290 and 18.58.300, the city treasurer, when requested by the planning director, shall require the business proprietor to submit a statement showing the total number of employees on the shift of maximum employment anticipated during the next succeeding twelve-month period.

F. Except for single-family residential parcels within the RS-4 zones, when a single-family detached dwelling is increased or expanded to more than two thousand five hundred square feet of floor area and/or more than four bedrooms, off-street parking

facilities shall be provided for the increase but not for any existing deficiency in such facilities. Parking facilities required as a result of this section may be provided in a garage, carport, or surface space.

(Ord. 2261 § 2, 2005; Ord. 1712 § 59, 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.02:03)

(Ord. No. 2010-2344, § 7, 8-3-2010)

18.58.060 Change in use.

When the use of any structure or premises is changed to a different use, parking and loading facilities shall be provided for the different use, in compliance with the provisions of this chapter for increase in intensity of use.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12-02:04)

18.58.070 Permitted facilities.

Any off-street parking or loading facility which is permitted but not required by this title shall comply with all regulations in this chapter governing the location, design, improvement, operation and maintenance of such facilities.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.03)

18.58.080 Reduction of existing facilities.

Accessory parking and loading facilities in existence on the effective date of the National City Land Use Code, or authorized and subsequently established under a building permit issued prior to said effective date, shall not be reduced below, or if already less than, shall not be further reduced below, the requirements for an equivalent new structure or use. All such facilities shall be continued for as long as the structure or use served is continued, or until equivalent facilities are substituted in conformance with the requirements of this title. In no case, however, shall it be necessary to continue parking or loading facilities in excess of those required by this title for equivalent new structures or uses.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.04)

18.58.090 Offsite facilities--Recorded agreements.

A. Where required parking or loading facilities are provided on a lot other than the lot on which the structure or use served is located, as a prerequisite to the issuance of a building permit or certificate of occupancy, the owners of the land on which the facilities are to be provided shall record an agreement, approved by the city attorney as to form and content, in the office of the county recorder as a covenant running with the land for the benefit of the city. The agreement shall provide that said facilities shall be continued so long as the structure or use they intended to serve is continued.

B. Said agreement shall remain in effect until satisfactory evidence has been submitted to the director of planning either that other parking or loading facilities meeting the requirements of this title have been provided or that the structure or use served has been removed or changed so as to no longer require said facilities. Upon submission of such evidence, the director of planning shall remove the restriction from the property.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.05:01)

18.58.100 Offsite facilities--Certificate of occupancy for building or structure being served.

A. Any certificate of occupancy for the structure or use referred to in Section 18.58.090 shall be valid only while such parking facilities are continued and shall bear a notation to that effect.

B. Each such certificate shall be continuously displayed in a conspicuous place in the building, or, if there is no building, on the premises. The director of planning shall keep a record of each off-site parking or loading facility and shall periodically inspect such facilities to ensure their continuation.

C. If such facilities are not continued, the certificate of occupancy for the structure or use served by the facilities shall be automatically canceled. The building official shall notify the person having custody of said structure or use of the cancellation of the certificate and the reasons therefor. The structure or use shall not thereafter be occupied or used until the required facilities are again provided in accordance with the provisions of this title and a new certificate is issued.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.05:02)

18.58.110 Combined or multiple uses--Determination of facilities required.

Where there is a combination of structures or uses on a lot, the total number of parking stalls and loading facilities required shall be the sum of the individual requirements of the various structures or uses on the premises.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.06)

18.58.120 Unspecified uses--Determination of parking requirements.

Parking requirements for structures and uses not specified in Sections 18.58.240 through 18.58.300 shall be determined by the planning commission based on the requirements for the most comparable structure or use specified.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.07)

18.58.130 Joint use of parking facilities--Generally.

The planning commission may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses or activities under the conditions specified in Sections 18.58.140 through 18.58.170.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.08 (part))

18.58.140 Joint use of parking facilities--Daytime and nighttime uses.

Up to fifty percent of the parking facilities required by this chapter for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use; and up to fifty percent of the parking facilities required by this chapter for a use considered to be primarily a nighttime use may be provided by the parking facilities of a use considered to be primarily a daytime use; provided such reciprocal parking area shall be subject to the conditions set forth in Section 18.58.170.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.08:01)

18.58.150 Joint use of parking facilities--For churches or school auditoriums.

Up to one hundred percent of the parking facilities required by this chapter for a church or for an auditorium incidental to a public or parochial school may be supplied by parking facilities of a use considered to be primarily a daytime use, provided such reciprocal parking area shall be subject to conditions set forth in Section 18.58.170.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.08:02)

18.58.160 Joint use of parking facilities--Daytime and nighttime uses designated.

The following uses are typical daytime uses: banks, business offices, retail stores, personal service shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings, and similar uses. The following uses are typical of nighttime and/or Sunday uses: auditoriums incidental to a public or parochial school, churches, dance halls, theaters and bars.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.08:03)

18.58.170 Joint use of parking facilities--Conditions.

A. The building or use for which application is being made for authority to utilize the existing off-street parking facilities provided by another building or use shall be located within one hundred fifty feet of such parking facility.

B. The applicant shall show that there is no substantial conflict in the principal operating hours of the buildings or uses for which the joint use of off-street parking facilities is proposed.

C. Parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a proper legal instrument approved by the city attorney as to form and content. Such instrument, when approved as conforming to the provisions of this section and Sections 18.58.130 through 18.58.160, shall be recorded in the office of the county recorder and copies thereof shall be filed with the city clerk.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.08:04)

18.58.180 Parking for commercial vehicles.

In addition to the parking stalls required by the schedules set out in Sections 18.58.240 through 18.58.300 for owners, occupants, employees, customers, or visitors of structures and uses, one parking stall shall be provided for each commercial vehicle used in connection with the operation of any structure or use. Parking stalls for such accessory vehicles shall be provided within an open or enclosed parking facility on the same lot as the structure or use to which the vehicles are accessory.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.09)

18.58.190 Parking for commercial and industrial zones--Allowed in abutting RM zones. Parking spaces required in the commercial and industrial zones may be located in abutting RM zones; provided said property is abutting the lot of the main building or structure; and provided that such parking spaces in the abutting RM zone shall not be maintained as a separate commercial enterprise. Properties separated by an alley shall be deemed as being abutting.

(Ord. 1503 § 1 (part), 1976: NCLUC § 972-12.10)

18.58.200 Abatement of nonconforming parking facilities.

It is the purpose of the regulations set out in this chapter that off-street parking facilities open for public use shall be continuously designed, operated and maintained in a manner consistent with reasonable standards of public convenience and safety. For that reason, the planning director shall advise the city council whenever such design, operation or maintenance fails to fulfill that purpose. Upon receiving such advice, the city council may schedule a public hearing thereon. The city clerk shall give ten days' written notice of such an abatement hearing to the property owner (to consider abatement of the objectionable features) of any such facility. Upon finding cause for abatement, after the hearing, the city council may order specified improvements in the design, operation or maintenance of such a parking facility to be accomplished within a period of not more than one hundred eighty days of the date of such order, the exact time of abatement to be set by the city council as a part of the abatement order. A property owner's failure to comply with any such order of abatement shall be a violation of these zoning regulations and may be cause for a finding by the city council that the use of such property is a public nuisance. The city council may, as a part of such proceedings, order the closure and/or relocation of driveway openings to public or private streets or alleys.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.11)

18.58.210 Uses made nonconforming by inadequate parking--Abatement.

Any use made nonconforming by reason of an insufficient number of parking spaces shall be subject to abatement in the manner described in Chapter 18.108.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.12)

18.58.220 Parking facility improvements--Site plan review required.

All parking facility improvements shall comply with the provisions of Chapter 18.128 (Site Plan Review). Improvements subject to review include, but are not limited to, driveways, access to streets and alleys, arrangement of parking stalls, aisles and maneuvering areas, signs and traffic-control devices, striping, surfacing, lighting, landscaping, screening, pedestrian walkways, fire accessways, obstructions, traffic flow and protective barriers.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.13)

18.58.230 Facilities prerequisite to building occupancy.

The off-street parking and loading spaces as required by this title shall be completed and made available for use, including curb break and driveway installed to the established grade of the street, prior to the occupancy of the building served.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.14)

18.58.240 Schedule of parking requirements--Residential uses.

The following is the schedule of off-street parking requirements for residential uses:

TABLE INSET:

Housing Units in  
the Following Zones Off-Street  
Parking Required

RS-1 and RS-E zones 2 spaces in a garage or carport per dwelling unit with 2,500 square feet or less in floor area.

3 spaces, including 2 spaces in a garage or carport, per dwelling unit with more than 2,500 square feet in floor area.

RS-2 and RS-3 zones 2 spaces, including 1 space in a garage or carport, per dwelling unit with 2,500 square feet or less in floor area.

3 spaces, including 2 spaces in a garage or carport, per dwelling unit with more than 2,500 square feet in floor area.

RS-4 zone 2 spaces, including 2 spaces in a garage or carport, per dwelling unit for units with more than 1,200 square feet in floor area, or 1.0 spaces, including one space in a garage or carport, per dwelling unit for units with 1,200 square feet or less.

RT Zone 1.5 spaces per dwelling unit

Exception: A detached home in this zone shall have the same parking requirement as the RS-3 zone.

RM-1, RM-2 1.3 spaces per 1-bedroom unit and studio unit, plus 1.5 spaces per unit containing 2 or more bedrooms, and conveniently located guest parking of 0.5 spaces per unit for 20 units or less, plus 0.25 spaces for each unit over 20. Half of the required guest parking spaces may include parallel curb parking spaces on dedicated public streets contiguous to the site.

Exceptions: A duplex built in this zone shall have the same parking requirement as the RT zone. A detached home in this zone shall have the same parking requirement as the RS-3 zone.

RM-3 Planned development permit

RMH Two spaces per unit

TABLE INSET:

Additional Standards Off-Street Parking Required

Boardinghouse and Lodging Houses 1 space per guest room

Condominiums 2 spaces per dwelling unit and conveniently located guest parking in the numbers as specified above for RM zones. Garages or carports shall be provided for detached condominium homes as required in the applicable zone. (Not applicable to condominium conversions. Refer to Chapter 18.74.)

Dormitories and Fraternity or Sorority Houses As required by conditional use permit

(Ord. 2261 § 3, 2005; Ord. 2228 § 9 (part), 2003; Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.15:01)

(Ord. No. 2010-2344, § 7, 8-3-2010)

18.58.245 Schedule of parking requirements--Mixed use.

The following is the schedule of off-street parking requirements for mixed use:

TABLE INSET:

Structures and Uses Off-Street Parking Required

Except for the MCR-1 and MCR-2 zones, all other mixed use See Chapter 18.140.

MCR-1 and MCR-2 1.5 spaces per dwelling unit for units of more than 1,200 square feet of floor area and 1.0 spaces per dwelling unit for units of 1,200 square feet or less. In addition 5 bicycle parking spaces shall be provided for each 20 dwelling units (minimum 20 dwelling units)

(Ord. 1974 § 11, 1989)

(Ord. No. 2010-2344, § 7, 8-3-2010)

18.58.250 Schedule of parking requirements--Health uses.

The following is the schedule of off-street parking requirements for health uses:

TABLE INSET:

Structures and Uses Off-Street Parking Required

Convalescent home, rest home, nursing home, asylum, or sanitarium 1 space per 3 beds, plus 1 space for every 3 permanent employees

Hospital 1 space per 3 beds, plus 1 space for every 3 permanent employees.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.15:02)

18.58.260 Schedule of parking requirements--Educational and cultural uses.

The following is the schedule of off-street parking requirements for educational and cultural uses:

TABLE INSET:

Structures and Uses    Off-Street Parking Required

Child day care center, day nursery, preschool or nursery school    1 space per 2 employees, with a minimum of 4 spaces.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.15:03)

18.58.270 Schedule of parking requirements--Places of assembly and recreational uses.

The following is the schedule of off-street parking requirements for places of assembly and recreational uses:

TABLE INSET:

Structures and Uses    Off-Street Parking Required

Bowling alleys    3 spaces for each alley

Churches, temples, and other places of religious worship    1 space for each 5 fixed seats, plus 1 space for every 35 square feet of area available for seating within the main auditorium where there are no fixed seats

Dance halls    1 space for every 35 square feet of dance floor, plus 1 space for every 3 fixed seats, plus 1 space for every 21 square feet of seating area where there are no fixed seats

Golf driving range    1 space per tee

Mortuaries and chapels    1 space for every 5 fixed seats, plus 1 space for every 35 square feet of area available for seating within the main chapel where there are no fixed seats, plus 1 space for every 400 square feet of gross floor area, exclusive of the main chapel

Other outdoor uses    1 space for every 1,000 square feet of gross area

Private clubs and lodges    1 space for each 5 fixed seats, plus 1 space for every 35 square feet available for public assembly. In no event shall less than 10 parking spaces be provided for each such use

Restaurants, nightclubs, cocktail lounges, bars, and similar establishments for the sale and consumption of food or beverages on the premises    See business and commercial uses schedule, Section 18.58.290

Roller or ice skating rinks    1 space for every 35 square feet of rink floor area, plus 1 space for each 5 fixed seats, plus 1 space for every 35 square feet of gross floor area available for assembly where there are no fixed seats

Stadiums and arenas    1 space for every 5 seats

Theaters and auditoriums    1 space for each 5 fixed seats, plus 1 space for every 35 square feet of seating area where there are no fixed seats, plus 1 space for each 2 employees. In no event shall less than 10 parking spaces be provided for each such use

Places of public assembly not otherwise provided for in this schedule    1 space for every 5 seats, or for every 35 square feet of seating area where there are no fixed seats.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.15:04)

18.58.280 Schedule of parking requirements--Office uses.



The following is the schedule of off-street parking requirements for business and commercial uses:

TABLE INSET:

Structures and Uses Off-Street Parking Required

Administrative, clerical and professional offices, excluding health services, except within the MCR-1 and MCR-2 zones. For those zones see below. First 5,000 sq. ft. 1 space for every 200 sq. ft. of gross floor area\* (see Use Group 27, Section 18.104.310, for complete list of uses)

5,000 to 10,000 1 space for every 250 sq. ft. of gross floor area\*

10,000 to 30,000 1 space for every 300 sq. ft. of gross floor area\*

30,000 to 100,000 1 space for every 350 sq. ft. of gross floor area\*

Over 100,000 1 space for every 400 sq. ft. of gross floor area\*

MCR-1 and MCR-2 office and studios uses (Use group 27) For each 1,000 sq ft of gross leased area 2.9 spaces

\* For each building, and these formulas will not accumulate where there is more than one building on the property.

(Ord. 1735 § 1, 1981; Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.15:05)

(Ord. No. 2010-2344, § 7, 8-3-2010)

18.58.290 Schedule of parking requirements--Business and commercial uses.

The following is the schedule of off-street parking requirements for business and commercial uses:

TABLE INSET:

Structures and Uses Off-Street Parking Required

Specifically within MCR-1 and MCR-2 zones 3.6 parking spaces for each 1,000 square feet of gross floor area for retail uses, goods and services, and restaurant uses (Use groups 13, 14, 17, 18, and 19)

And 1 bicycle rack (minimum 4 bike spaces) for 10% of vehicle parking spaces

Automobile and truck repair service establishments 1 space for every 800 square feet, or fraction thereof, of gross floor area, plus 1 space for any amount of vehicles used in conjunction with the business

Automobile, truck, boat, camper vehicle, or similar vehicle sales, or rental establishment located in the commercial zones 1 space for each 2 employees of the shift of maximum employment, plus 1 space for each vehicle used in conjunction with the use

Eating places, take-out and drive-thru 1 stall for every 100 square feet of gross floor area

Existing commercial shopping centers with multiple uses Existing shopping centers shall be required to maintain the parking ratio which was applied during site plan approval

Goods and services (Use Groups 17, 18 and 19) located in individual buildings with a single use 1 space for every 250 square feet of gross floor area

Heavy equipment and machinery (Use Group 20) 1 space for every 2 employees of the shift of maximum employment, or 1 space for every 1,000 square feet of enclosed or covered area, whichever is greater.

Hotels and motels 1 space per guest room, plus one extra parking space for every ten units up to 50. Over 50 units, 1 extra parking space shall be provided for every 20 units  
New commercial shopping centers with multiple uses 1 space for every 200 square feet of gross floor area

Restaurants, nightclubs, cocktail lounges, bars, and similar establishments for the sale and consumption of food or beverages on the premises 1 space for every 5 fixed seats, plus 1 space for every 35 square feet of area available for assembly where there are no fixed seats.

Shopping centers in the CSC zone (existing or new construction) 4.5 spaces for every 1,000 square feet of gross leasable floor area

Video tape rental and sale; laundromat (self-service); barber and beauty shops 1 space for every 100 square feet of gross floor area

Warehousing and storage 1 space, plus 1 space for each 2 employees

Wholesaling and distribution 4 spaces, plus 1 space for every 1,000 square feet of gross floor area or fraction thereof over 4,000 square feet

(Ord. 2228 § 9, 2003; Ord. 2147 § 1, 1998; Ord. 2024 § 4, 1992; Ord. 1933, 1987; Ord. 1892 § 8, 1986; Ord. 1712 § 40, 1980; Ord. 1503 § 1 (part), 1976; NCLUC § 975-12.15:06)

(Ord. No. 2010-2344, § 7, 8-3-2010)

18.58.300 Schedule of parking requirements--Manufacturing and related uses.

The following is the schedule of off-street parking requirements for manufacturing and related uses:

TABLE INSET:

Structures and Uses Off-Street Parking Required

MCR-1 and MCR-2 zones 2.0 spaces for each 1,000 square feet of gross floor area for industrial uses and 1 bicycle rack (minimum 4 bike spaces) for 10% of vehicle parking spaces

All uses in the industrial zones (unless otherwise specified) 1 space for every 500 square feet, or fraction thereof, of gross floor area, plus 1 space for each service vehicle used in conjunction with the business, plus 1 space for visitor parking.

Food processing (Use Group 15), light manufacturing (Use Group 22), medium manufacturing (Use Group 23), heavy manufacturing (Use Group 24), manufacturing tidelands (Use Group 25), mineral resources extraction and processing (Use Group 26), and research and development (Use Group 31) 1 space for every 800 square feet, or fraction thereof, of gross floor area, plus 1 space for each service vehicle used in conjunction with the business, plus 1 space for visitor parking.

Scrap metal processing 1 space for every 7,000 square feet of yard area or fraction thereof, up to the first 42,000 square feet, plus 1 space for every 20,000 square feet of yard area, or fraction thereof, in excess of 42,000 square feet.

Warehouse and storage 6 spaces, plus 1 space for every 2 employees and 1 space for visitor parking.

Wholesale and distribution 5 spaces, plus 1 space for every 1,000 square feet, or fraction thereof, of gross floor area over 4,000 square feet, plus 1 space for visitor parking.

(Ord. 2024 § 5, 1992: Ord. 1892 § 8, 1986: Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.15:07)

(Ord. No. 2010-2344, § 7, 8-3-2010)

18.58.310 Parking table and diagram.

The following Table XV provides the required minimum dimensions of parking facilities based on the explanatory diagram where:

- A. "A" equals the parking angle;
- B. "B" equals the stall width;
- C. "C" equals the minimum stall depth;
- D. "D" equals the minimum clear aisle width;
- E. "E" equals the stall distance at bay side;
- F. "F" equals the minimum clear bay width; and
- G. "G" is the required increase in clear aisle width for public parking facilities, except for accessory parking facilities used exclusively by tenants, employees, or owners of the structures or uses served.
- H. "H," "I," "J," "K," "L," "M" and "N" correspond to dimensions defined by the letters "A" through "G," respectively, for compact parking spaces shown on Table XV.

GRAPHIC LINK: [Click here](#)

Table XV

Parking Table

Standard Size Car

TABLE INSET:

Parking

Angle Stall

Width Stall

Depth Aisle

Width Stall

Distance at

Bay Side Bay Width Required

Increase

in Aisle

Width for

Public

Facilities

| A        | B      | C     | D        | E        | F     | G     |       |    |
|----------|--------|-------|----------|----------|-------|-------|-------|----|
| Parallel |        | 9'0"* | 9'0"     | 12'0"*** |       | 23'0" | 21'0" | 2' |
| 20°      | 9'0"*  | 15'0" | 12'0"*** |          | 26'3" | 27'0" | 1'    |    |
|          | 9'6"*  | 15'5" | 12'0"*** |          | 27'8" | 27'5" |       |    |
|          | 10'0"* | 15'9" | 12'0"*** |          | 29'2" | 27'9" |       |    |
| 30°      | 9'0"*  | 17'3" | 12'0"*** |          | 18'0" | 29'3" | 1'    |    |
|          | 9'6"*  | 17'8" | 12'0"*** |          | 19'0" | 29'8" |       |    |
|          | 10'0"* | 18'2" | 12'0"*** |          | 20'0" | 30'2" |       |    |
| 45°      | 9'0"*  | 19'8" | 13'0"    | 12'7"    | 32'8" | -     |       |    |

|     |        |       |       |       |       |   |
|-----|--------|-------|-------|-------|-------|---|
|     | 9'6"*  | 20'1" | 13'0" | 13'4" | 33'1" |   |
|     | 10'0"* | 20'5" | 13'0" | 14'1" | 33'5" |   |
| 60° | 9'0"*  | 21'0" | 18'0" | 10'4" | 39'0" | - |
|     | 9'6"*  | 21'2" | 18'0" | 11'0" | 39'2" |   |
|     | 10'0"* | 21'5" | 18'0" | 11'5" | 39'5" |   |
| 70° | 9'0"*  | 21'0" | 19'0" | 9'6"  | 40'0" | - |
|     | 9'6"*  | 21'2" | 18'5" | 10'1" | 39'7" |   |
|     | 10'0"* | 21'2" | 18'0" | 10'6" | 39'2" |   |
| 80° | 9'0"*  | 20'3" | 24'0" | 9'1"  | 44'3" | - |
|     | 9'6"*  | 20'4" | 24'0" | 9'6"  | 44'4" |   |
|     | 10'0"* | 20'5" | 24'0" | 10'2" | 44'5" |   |
| 90° | 9'0"*  | 18'0" | 24'0" | 9'0"  | 43'0" | - |
|     | 9'6"*  | 18'0" | 24'0" | 9'6"  | 43'0" |   |
|     | 10'0"* | 18'0" | 24'0" | 10'0" | 43'0" |   |

\* See Sections 18.58.330 and 18.58.340 of this chapter.

\*\* See G and N for public parking facilities.

Compact Size Car

TABLE INSET:

| H        | I     | J     | K        | L        | M      | N        |
|----------|-------|-------|----------|----------|--------|----------|
| Parallel |       | 8'0"* | 8'0"     | 12'0"*** |        | 16'0"/   |
| 19'0"    | 20'0" | 2'    |          |          |        |          |
| 30°      | 8'0"* | 15'6" | 12'0"*** |          | 15'10" | 27'6" 1' |
| 45°      | 8'0"* | 17'0" | 12'0"*** |          | 11'4"  | 29'0" 2' |
| 60°      | 8'0"* | 17'9" | 17'0"*** |          | 9'2"   | 34'9" 2' |
| 90°      | 8'0"* | 16'0" | 20'0"*** |          | 8'0"   | 36'0" 2' |

(Ord. 2280 § 2, 2006; Ord. 1738 § 2, 1981; Ord. 1614 § 16, 1978; Ord. 1503 § 1 (part), 1976; NCLUC § 975-12.16:01)

18.58.320 Parking space vertical clearance.

Each parking space shall have a vertical clearance of at least seven feet.

(Ord. 1503 § 1 (part), 1976; NCLUC § 975-12.16:02)

18.58.330 Perpendicular parking--Additional stall width.

For perpendicular parking, two feet shall be added to the width specified in Column B of Table XV (Section 18.58.310) for stalls abutting a building, fence, or other obstruction.

(Ord. 2063 § 4, 1993; Ord. 1503 § 1 (part), 1976; NCLUC § 975-12.16:03)

18.58.340 Obstructed parking stall--Additional width.

Any stall which is adjoined on either side of its longer dimension by a column, post, or similar obstruction located within three and one-half feet of the opening to the stall shall be increased in width at least one foot if so obstructed on one side, and at least one and one-half feet if so obstructed on both sides, over the width specified in Column B of Table XV (Section 18.58.310)

18.58.345 Dimensions for garage or carport area and openings.

A. A one-car garage or carport shall contain an unobstructed interior parking area of a minimum of eleven feet wide by nineteen feet deep. A two-car garage or carport shall

contain an unobstructed interior parking area of a minimum of twenty feet wide by nineteen feet deep.

B. A garage for more than two cars shall contain additional area consistent with Sections 18.58.310, 18.58.330 and 18.58.340.

C. A single-car garage door or opening to a single space carport shall be a minimum of eight feet wide; a two-car garage door or opening to a two-space carport shall be a minimum of sixteen feet wide. For larger parking garages or carports serving multifamily residential or nonresidential development, openings shall be provided in accordance with Sections 18.58.330 and 18.58.340.

D. A tandem parking garage for two vehicles shall be a minimum of ten feet wide by thirty-eight feet long. A tandem parking space within a parking structure shall be a minimum of eight and one-half feet wide by thirty-six feet long.

(Ord. 2228 § 10, 2003)

(Ord. No. 2010-2344, § 7, 8-3-2010)

18.58.350 Tandem parking.

Tandem parking spaces are permitted in the RS-4, and MCR-1 and MCR-2 zones and within the CL zone of the Westside Specific Plan.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.16:05)

(Ord. No. 2010-2344, § 7, 8-3-2010)

18.58.352 Parking for compact cars.

A. In the commercial, industrial, and institutional zones, twenty-five percent of the parking stalls required by the schedules set out in Sections 18.58.240 through 18.58.300 may be allocated to compact car spaces.

B. For residential, multifamily use, one parking space may be compact in size for every ten parking spaces required.

C. All parking spaces provided in excess of the number required by the schedules set out in Sections 18.58.240 through 18.58.300 may be allocated to compact car spaces.

D. All parking facilities constructed, installed or modified to incorporate compact car spaces shall hereafter comply with the provisions of Chapter 18.128. Design features subject to review shall include, but are not limited to, specific findings of good circulation, adaptability to balance of parking lot, easy identification and adequate signs and pavement markings. The design of such signs and markings shall be subject to approval of the planning director.

E. The minimum size of compact car parking stalls shall be eight feet in width by sixteen feet in length.

F. Maintenance of parking facilities pursuant to Section 18.58.770 shall also include maintenance of all special compact car signs and pavement markings shown on approved site plans or otherwise required by this chapter.

(Ord. 1738 § 1, 1981)

18.58.360 Parking facilities--Access to streets or alleys.

A. Access driveways shall be provided between each parking facility and a public street or alley. Lots should not have access from predominantly residential streets, except when the lot is serving a residential use. Residential driveways shall be permitted only on an arterial street where no other access to the property exists.

B. One-way driveways and driveways serving a single-family residence shall have a minimum width of twelve feet; except for driveways leading to a single car garage or parking space where the director of planning may authorize a lesser width.

C. Two-way driveways between a street and private parking facilities shall have a minimum width of eighteen feet. Two-way driveways between a street and public parking facilities shall have a minimum width of twenty-four feet. Two-way driveways within a parking facility connecting separated areas of parking spaces shall have a minimum width of eighteen feet, or as otherwise required by Section 18.58.430.

D. Where access is available from any adjoining or abutting alley to any lot proposed for residential or mixed use development in the CL, CT and CC zones, access to the required residential parking facility shall be from that alley when appropriate to avoid access to commercial collector or arterial streets.

(Ord. 2228 § 9 (part), 2003; Ord. 1974 § 12, 1989; Ord. 1712 § 21, 1980; Ord. 1503 § 1 (part), 1976; NCLUC § 975-12.17 (part))

18.58.370 Parking facilities--Internal circulation--Generally.

All parking facilities, except those serving not more than two dwelling units, shall be arranged so that:

A. Any vehicle entering a public street can do so traveling in a forward motion;

B. A vehicle entering the parking facility shall not be required to enter a street to move from one location to any other location within the parking facility or premises.

(Ord. 1503 § 1 (part), 1976; NCLUC § 975-12.17:01)

18.58.380 Parking facilities--Internal circulation--Serving not more than two dwelling units.

Parking facilities serving not more than two dwelling units shall be arranged so that any vehicle entering a street can do so traveling in a forward motion where:

A. The parking facility is served by a single access driveway that is less than twenty feet in width and more than one hundred feet in length;

B. The access driveway opens upon an arterial street.

(Ord. 1503 § 1 (part), 1976; NCLUC § 975-12.17:02)

18.58.390 Parking facilities--Vehicle maneuver restrictions.

All parking facilities, except those serving not more than two dwelling units, shall be arranged so that parking maneuvers can be accomplished without driving, maneuvering, or encroaching into or upon any public right-of-way, walkway, or unpaved landscaped area within or adjoining the parking facility.

(Ord. 1503 § 1 (part), 1976; NCLUC § 975-12.17:03)

18.58.400 Parking stalls--Openings.

All parking stalls shall open directly on a maneuvering or turnaround area, an access driveway, or an aisle leading to an access driveway, and shall be individually and continuously accessible.

(Ord. 1503 § 1 (part), 1976; NCLUC § 975-12.17:04)

18.58.410 Parking stalls--Location.

All parking stalls shall be so located and free of obstructions that parking can be accomplished in a continuous forward movement and unparking can be accomplished with not more than one backing movement and one forward movement.

(Ord. 1503 § 1 (part), 1976; NCLUC § 975-15.17:05)

18.58.420 Parking facilities--Driveway vertical clearance.

The minimum vertical clearance for driveways shall be thirteen feet six inches to allow for the passage of emergency vehicles, or as required by the city fire department, whichever is greater.

(Ord. 2228 § 9 (part), 2003; Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.18:01)

18.58.430 Parking facilities--Aisles, approach lanes, and maneuvering areas for two-way traffic.

For two-way traffic within parking facilities, all aisles, approach lanes and maneuvering areas shall have a minimum width of eighteen feet or as specified in Table XV (Section 18.58.310), or as required by the city fire department for emergency access, whichever is greater.

(Ord. 2228 § 9 (part), 2003; Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.18:02)

18.58.440 Parking facilities--One-way aisles--Width.

One-way aisles shall have a minimum width of twelve feet or as specified in Column D of Table XV (Section 18.58.310), whichever is greater.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.18:03)

18.58.450 Parking facilities--One-way aisles--Directional markings.

One-way aisles shall have directional markings to indicate one-way circulation.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.18:04)

18.58.460 Parking facilities--Driveway and lane gradients.

A. Driveway and lane gradients shall be suitable to provide adequate and safe access. Gradients of less than seven percent are desirable; however, steeper gradients could be preferable under some circumstances, but in no case more than fifteen percent. For slopes over ten percent, a transition at least eight feet long shall be provided at each end of a ramp. Driveway and lane gradients are acceptable as determined by individual analysis considering topography, the desirability of preserving existing site features, and the character of the facilities being served. Ramp slopes shall be in accordance with the diagrams provided.

B. For grades of twelve percent or more, P.C.C. paving is required. All surfacing shall be in accordance with Sections 18.58.620-680.

C. The city engineer shall determine compliance with the standards contained or referenced in Sections 18.58.460-480 and 18.58.620-690 based upon best engineering practice applicable to the topography of the site.

(Ord. 2228 § 9 (part), 2003; Ord. 1712 § 19 (part), 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.18:05 (part))

18.58.470 Parking facilities--Driveway exit maximum slope.

A ramped driveway exit rising up to a public sidewalk must have a transition section that is almost level (maximum slope, five percent) before intersecting the sidewalk to prevent the hood of the car from obscuring the driver's view of pedestrians on the walk. This transition shall be sixteen feet long.

(Ord. 1712 § 19 (part), 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.18:05 (part))

GRAPHIC LINK: [Click here](#)

18.58.471 Parking facilities--Maximum gradient for parking stall pads.

The maximum allowable slope of parking stall pads is three percent. Such slopes up to five percent may be allowed by the planning director with the approval of a site plan where it can be shown that the steeper grades are mitigated by added safety features such

as wheel stops, door bumpers, or other devices. Driveway gradients shall comply with Sections 18.58.460 and 18.58.470.

(Ord. 1712 § 20 (part), 1980)

18.58.480 Parking facilities--Entrances and exits.

A. The location and design of all street or alley entrances and exits for off-street parking facilities shall be subject to the approval of the city engineer, to insure traffic safety.

B. Each exit to a parking lot shall be constructed and maintained so that any vehicle leaving the parking lot shall be clearly visible to a person reaching a point ten feet from the edge of the approach to the driveway nearest to him, when the vehicle is at a point distant ten feet from the property line within the parking lot. Exits from parking lots shall be clearly posted with stop signs. Appropriate bumper guards, entrance and exit signs, and directional signs shall be maintained where needed. Upon a finding that parking facilities cause imminent hazard upon adjoining public streets, the city engineer may order the placement and maintenance of such guards and signs. Failure to comply with any such order may be grounds for a finding of a public nuisance.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.18:06)

18.58.490 Parking facilities--Setbacks.

A. Parking facilities may occupy any portion of a lot, except and as provided by this section.

B. Parking facilities shall not extend into any required yard that adjoins a street lot line.

C. Where a parking facility is on a lot not in an R district but which adjoins an R district along the same street, the parking facility shall not be located closer to the street lot line than would be permitted on the adjoining R district lot or twenty feet, whichever is less. The street setback provided by this provision shall extend for a distance of at least fifty feet from the adjoining R district.

D. All required yards separating off-street parking areas from street lot lines shall be landscaped in accordance with Sections 18.58.560 through 18.58.610, except apartment projects of eight units or less pursuant to Section 18.14.400 (B).

(Ord. 1614 §§ 17, 18, 1978; Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.19)

18.58.500 Parking facilities--Screening--Required.

On any lot, all parking facilities shall be effectively screened from:

A. Any adjoining lot in any R district;

B. Any adjoining alley separating the parking facility from a lot in any R district; and

C. Any adjoining street.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.20:01)

18.58.510 Parking facilities--Screening--Requirement waived when.

On any lot, the screening required in Sections 18.58.500 through 18.58.550 may be waived to the extent that it serves only to screen a required parking facility from the structure or use to which the parking is accessory.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.20:02)

18.58.520 Parking facilities--Screening--Location.

Screening provided in compliance with Sections 18.58.500 through 18.58.550 shall be located on the perimeter of the parking facility. For the purposes of determining the



location of required screening, the following shall be considered as falling outside the parking facility perimeter:

- A. Any required front or street side yard;
- B. Any other setback from a street lot line required by Section 18.58.490;
- C. That portion of any access drive or driveway which leads to but is not contiguous to the remainder of the parking facility. See Chapter 18.50.

(Ord. 1712 § 42 (part), 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.20:03)

18.58.530 Parking facilities--Screening--Fence, wall or hedge.

Required screening shall be continuous, broken only for access driveways and walkways, and shall consist of a fence, wall, or compact evergreen hedge. See Chapter 18.50.

(Ord. 1712 § 42 (part), 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.20:04)

18.58.540 Parking facilities--Screening--Abutting residential lot.

Whenever a public parking lot abuts an adjoining lot in any residential zone, it shall be permanently screened from such adjoining property by a hedge or wall and suitable landscaping, all contained within a strip of land a minimum of five feet wide adjacent to the residential zone. Said five-foot wide strip shall be landscaped and maintained in accordance with Chapter 18.54. See Chapter 18.50.

(Ord. 1712 § 42 (part), 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.20:05)

18.58.550 Parking facilities--Screening--Height.

Required parking facility screening shall be from five to six feet in height, except that screening within fifteen feet of a street shall be from three to six feet in height; provided, however, that in no case shall screening required by this section and Sections 18.58.500 through 18.58.540 exceed three feet in height within:

- A. Any required yard that adjoins a street; or
- B. Fifteen feet of the nearest point of intersection of any access driveway and a street or alley, measured at the property line.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.20:06)

18.58.560 Parking facilities--Landscaping--Five or more spaces.

For parking facilities with five or more parking spaces, all required setback areas shall be permanently landscaped.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.21:01)

18.58.570 Parking facilities--Landscaping--Ten or more spaces.

For parking facilities with ten or more parking stalls, at least five percent of the net parking facility shall be permanently landscaped. For purposes of this section, "net parking facility" includes parking spaces, access drives, aisles, walkways, dead spaces, and required separation from structures, but shall not include required street setbacks or access drive walkways within such setbacks. At least fifty percent of the required interior landscaping must be distributed throughout the interior of the parking facility.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.21:02)

18.58.580 Parking facilities--Watering system for landscaped areas.

A permanent underground watering system shall be provided for all landscaped areas.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.21:03)

18.58.590 Parking facilities--Landscaping--Maintenance.

All trees, shrubs, plants, and other landscaping of parking lots, including interior landscaped areas, setbacks, and parkways shall be periodically and systematically

watered, weeded, fertilized, and maintained in a healthy, growing condition. Dead growth should be promptly replaced so as to maintain the designed planting scheme.

(Ord. 1712 § 43, 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.21:04)

18.58.600 Parking facilities--Landscaping--Pruning or trimming.

All growth in landscaped areas should be controlled by pruning, trimming or otherwise so that:

A. It will not interfere with the maintenance or repair of any public utility;

B. It will not restrict pedestrian or vehicular access;

C. It will not constitute a traffic hazard because of reduced visibility.

(Ord. 1712 § 44, 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.21:05)

18.58.610 Parking facilities--Landscaping--Additional regulations.

For complete landscaping regulations, see Chapter 18.54.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.21:06)

18.58.620 Parking facilities--Surfacing--Generally.

All parking facilities, including access ways accessory thereto, shall be surfaced in accordance with the minimum specifications set out in Sections 18.58.630-680. The city engineer shall determine compliance with these standards based upon best engineering practice applicable to the topography of the site.

(Ord. 2228 § 9 (part), 2003; Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.22 (part))

18.58.630 Parking facilities--Surfacing--Temporary pavement.

Temporary pavement shall consist of two inches of compacted decomposed granite, the top one inch of which has been treated with SC-250 asphalt road oil to form a water-resistant and dust-free wearing surface. Penetrants shall be applied at such rates or a sufficient number of times to produce the specified wearing surface. A weed killer shall be applied in accord with the manufacturer's instructions to the entire area to be paved.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.22:01)

18.58.640 Parking facilities--Surfacing--Semipermanent pavement.

A. Semipermanent pavement shall consist of two inches of asphalt concrete pavement with seal coat placed upon native soil. It shall be permissible to use 40-50 penetration grade asphalt binder as an alternate to 60-70 penetration asphalt binder.

B. Native soil to receive pavement shall be graded and compacted prior to installation of paving material. A weed killer shall be applied in accord with the manufacturer's instructions to the entire prepared native base.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.22:02)

18.58.650 Parking facilities--Surfacing--Permanent pavement.

All parking spaces, maneuvering and turnaround areas, and driveways used for access thereto shall be surfaced with a minimum of four-inch-thick portland cement concrete or paved with a minimum three-inch-thick asphalt surfacing or a minimum two-inch-thick asphalt surfacing over a four-inch base of compacted material approved by the city engineer. All such paving shall thereafter be properly maintained. The surfacing shall be designed, constructed, and maintained so as to dispose of all surface water. In no case shall drainage be allowed to flow over or across public sidewalks.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.22:03)

18.58.660 Parking facilities--Vehicle storage area surfacing.

Permanent areas for the storage only of passenger-type vehicles may be paved as specified under semipermanent use. This reduction shall apply only to the specific storage areas and does not include areas designated for parking or movement of vehicles. (Ord. 1503 § 1 (part), 1976; NCLUC § 975-12.22:04)

18.58.670 Parking facilities--Surfacing--Design for unusual circumstances--Justified when.

Special design efforts are justified in all cases where:

- A. Native soil is expansive, poorly drained or has a high clay content;
- B. Traffic volumes are high;
- C. Unusually heavy vehicles are expected to utilize the pavement.

(Ord. 1503 § 1 (part), 1976; NCLUC § 975-12.22:05)

18.58.680 Parking facilities--Surfacing--Design for unusual circumstances--Generally. Certain commercial or industrial properties may require the submission of a pavement design to accommodate any unusual circumstances. Upon approval of the design by the city engineer, such design shall supersede the blanket requirements contained in Sections 18.58.620 through 18.58.660.

(Ord. 1503 § 1 (part), 1976; NCLUC § 975-12-.22:06)

18.58.690 Parking facilities--Drainage.

In all instances, pavement grades shall be designed, constructed and maintained so as to prevent ponding of water upon or adjacent to the paved surface. The minimum allowable slope is one percent. Slopes up to five percent may be allowed in unusual cases.

Driveway gradients shall comply with Section 18.58.460. The city engineer shall determine compliance with these standards based upon best engineering practice applicable to the topography of the site.

(Ord. 2228 § 9 (part), 2003; Ord. 1712 § 20 (part), 1980; Ord. 1503 § 1 (part), 1976; NCLUC § 975-12.23)

18.58.700 Parking facilities--Striping and marking.

A. In all public parking facilities, individual stalls shall be marked with hairpin lines, four to six inches wide, forming a band between twelve and twenty-four inches wide around each side of the stall. For accessory parking facilities used exclusively by tenants, employees, or owners of the uses served, individual stalls may be marked by single separation lines.

B. In all parking facilities containing ten or more stalls, all aisles, approach lanes, and maneuvering areas shall be clearly marked with directional arrows and lines to expedite traffic movement.

C. Once a parking facility has been marked in accordance with an approved site plan, the marking shall be permanently maintained.

(Ord. 1503 § 1 (part), 1976; NCLUC § 975-12.24)

18.58.710 Parking facilities--Wheel stops and bumper guards.

Every parking facility, except those serving not more than two dwelling units on a single lot, shall have bumper guards not less than two feet in height or wheel stops not less than six inches in height adjacent to any building or structure, wall, fence, hedge, walkway, landscaped area, property line, or parking stall, to protect persons, property, and other vehicles. Wheel stops, used to prevent the front or rear bumpers of vehicles from striking buildings, fences, walls, or landscaping shall be set back forty-eight inches from such

structures or landscaping. Upon finding that suitable alternative protection is provided, the planning director may allow reduction of this setback.

(Ord. 1712 § 45, 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.25)

18.58.720 Parking facilities--Pedestrian walkways.

A. All parking facilities shall have safe, unobstructed, convenient, well-drained pedestrian access by provision of walks, steps or stepped ramps, so constructed as to assure reasonable durability and economy of maintenance.

B. Pedestrian walkways shall be a minimum of three feet in width.

C. Pedestrian walkways shall not exceed a gradient of twelve percent.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.26)

18.58.730 Parking facilities--Signs.

Parking facility signs should identify only the parking facility and direct traffic rather than advertise the use which the lot serves. Accordingly, signs in parking facilities should be only as large as is required to make the public aware of the lot location and to direct traffic to appropriate entrances and exits.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.27)

18.58.740 Parking facilities--Lighting.

Adequate lighting shall be provided if off-street parking facilities are to be operated during hours of darkness. The lighting shall be installed and arranged so as to reflect light away from adjacent structures, premises, or streets. Parking facility lighting shall be installed in accordance with the guidelines in Section 18.102.090.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.28)

18.58.750 Parking facilities--Operation and use.

A. Required parking facilities shall be used exclusively for the temporary parking of passenger automobiles or light trucks of patrons, occupants and guests, or employees of the structure or use served.

B. Required parking facilities shall not be used to satisfy the berth requirements for loading facilities, nor shall they be used for the sale, display, rental or repair of motor vehicles.

C. Motor vehicle repair or service, except minor emergency repairs, shall not be performed in conjunction with any open parking facility.

D. No vehicle, except those upon which minor emergency repairs are presently being effected, which is inoperable for any reason shall be stored, maintained or kept on any parking facility.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.29)

18.58.752 Parking facilities for disabled persons.

A. Pursuant to California Vehicle Code Section 21107.8 et seq., properly posted and identified off-street parking stalls reserved for disabled persons may be eligible for enforcement by the police department.

B. Each such parking facility shall be described in an ordinance or resolution, adopted by the city council in the manner described in CVC Section 21107.8(c).

C. Such parking stalls shall be included in the minimum number of parking stalls required by this chapter.

D. The number of parking stalls reserved for use by disabled persons within any parking facility shall be determined by the property owner or person responsible for the parking facility.

(Ord. 1712 § 46, 1980)

18.58.760 Loading areas.

- A. On the same premises with every building, structure or part thereof erected and occupied in the commercial or industrial zones, there shall be provided and maintained, on the lot, adequate space for standing, loading and unloading services, in order to avoid undue interference with public use of the streets or alleys.
- B. Such space, unless otherwise adequately provided for, shall include one twelve-foot by fifty-foot loading space with a fourteen-foot height clearance for every twenty thousand square feet or fraction thereof of building floor area, or for every twenty thousand square feet or fraction thereof of land use.
- C. All loading facilities shall be improved in accordance with the requirements established for parking facilities by this chapter.
- D. Required loading facilities shall be used exclusively for the loading and unloading of vehicles concerned with the transportation of goods or materials. Loading facilities shall not be used to satisfy the stall requirements for parking facilities, nor shall they be used for the sale, display, rental or repair of motor vehicles.
- E. Loading facilities shall be screened as provided in Sections 18.58.500 through 18.58.550, except that all loading berths exceeding twenty-five feet in length which are located within fifty feet of a residential zone shall be enclosed or screened from the residential zone by a solid masonry wall not less than six feet nor more than eight feet in height.
- F. No interior landscaping of loading areas shall be required.
- G. All loading facilities shall be arranged so that any vehicle utilizing the facility may enter a street traveling in a forward motion.
- H. Each loading berth shall open directly upon a maneuvering or turnaround area, an access driveway, an aisle leading to an access driveway, or an alley, and shall be easily accessible.
- I. All access driveways serving loading facilities shall conform to the requirements established in this chapter for parking facility access driveways, but in addition shall be located so that any street entrance or exit to or from the loading facility is at a point at least fifty feet from the nearest point of intersection of any two streets and at least thirty feet from any lot in a residential district.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.30)

18.58.770 Maintenance.

- A. All parking lots and loading areas shall be kept clean and in good repair at all times. Breaks in paved surfaces shall be repaired promptly, and broken or splintered wheel stops shall be replaced so that their function will not be impaired. All striping and marking shall be permanently maintained to present a good visual appearance.
- B. No obstructions of any kind shall be permitted within parking areas.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-12.31)

Chapter 18.60 OUTDOOR LIGHTING

Sections:

18.60.010 Requirements.

18.60.010 Requirements.

- A. In all zones throughout the city, all outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises upon which

the light source is located. The use of permanently fixed circulating beacon spotlights is prohibited.

B. In all multiple residence, commercial, or industrial developments, all sites shall be well lighted so as to provide safe pedestrian and vehicular access and to eliminate dark areas.

C. See Appendix H of the National City Land Use Code for guidelines for security lighting in all zones.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-10)

Chapter 18.62 SIGNS AND OUTDOOR ADVERTISING DISPLAYS\*

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\*Editor's note: Ord. No. 2009-2319, § 1, adopted May 19, 2009, amended Ch. 18.62, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Ch. 18.62 pertained to similar subject matter. See also the Code Comparative Table and Disposition List.

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Sections:

- 18.62.010 Purpose and intent.
- 18.62.020 Unlawful display of signs or banners--Prohibited.
- 18.62.030 Definitions.
- 18.62.040 Site plan review--Required.
- 18.62.050 Design.
- 18.62.060 Uniform Building, Electrical and Mechanical Code compliance--Required.
- 18.62.070 Maintenance.
- 18.62.080 Removal from abandoned site or building.
- 18.62.090 Permanent signs permitted in all zones.
- 18.62.100 Flags and banners--Regulated.
- 18.62.105 A-frame signs--Regulated.
- 18.62.110 Large permanent signs in commercial, manufacturing, and institutional zones.
- 18.62.120 Large permanent signs in shopping centers.
- 18.62.130 Small permanent signs in commercial, manufacturing, institutional, and multi-family zones.
- 18.62.140 Pole-mounted or freestanding signs in commercial, manufacturing, and institutional zones.
- 18.62.150 Roof-mounted signs.
- 18.62.160 Revolving signs in commercial and manufacturing zones.
- 18.62.170 Temporary signs permitted in all zones.
- 18.62.180 Projecting signs in commercial, manufacturing, and institutional zones.
- 18.62.185 Mobile billboards.
- 18.62.190 Signs for churches.
- 18.62.200 Mural-type signs in commercial zones.
- 18.62.210 Signs prohibited in all zones.
- 18.62.220 Nonconforming signs.
- 18.62.230 Constitutional severability.
- 18.62.240 Non-commercial speech.
- 18.62.010 Purpose and intent.

The purpose and intent of this chapter is to:

- A. Aid in the identification of properties, land uses, and enterprises;
- B. Improve traffic safety by reducing visual distractions and physical obstructions and hazards;
- C. Enhance the general appearance and aesthetics of the urban environment; and
- D. Protect the natural beauty of the city's open space.

(Ord. No. 2009-2319, § 1, 5-19-2009)

18.62.020 Unlawful display of signs or banners--Prohibited.

A. Except as provided in this Chapter 18.62, it is unlawful for any person or entity to install, maintain, or allow the installation or maintenance of a sign or banner as defined in this chapter in any zone.

B. The reference to a specific prohibition in this Section 18.62.020 shall not affect the validity and effect of the general prohibition set forth in Section 18.02.080 or its application regulating the uses of property outlined throughout the remainder of Title 18 of the National City Municipal Code, nor shall it affect Chapter 10.54 prohibiting the maintenance of graffiti as a public nuisance.

C. Chapter 18.62 shall not apply to any governmental agency or to any regulatory sign prescribed or required by federal or State law or local ordinance.

D. Nothing in this chapter is intended to authorize the installation of a sign or banner without the permission of the owner or occupant of that property.

E. Within this chapter, all regulations shall refer and apply only to "on-site" displays of signs and banners. When a regulation is made applicable to an "off-site" display, it shall be so designated. Unless so designated, off-site displays are prohibited.

(Ord. No. 2009-2319, § 1, 5-19-2009)

18.62.030 Definitions.

As used in this chapter, and in addition to the definitions in Chapter 18.04, the following definitions or concepts shall be applicable:

A. "Awnings and canopies" are any roof-like covers that project from the wall of a building for the purpose of shielding a doorway or window from the elements.

B. "Awning sign" is any sign copy or logo attached to or painted on an awning or canopy.

C. "Banner" is any flexible material, such as cloth, plastic, vinyl, paper, cardboard or thin metal, with or without a "message", attached outdoors to a building, structure or mounting device, or attached indoors to a building, structure or mounting device so as to be visible from the exterior of a building, or structure. The term "banner" includes a pennant, flag, or bunting.

D. "Bunting" is a form of banner that is typically presented and displayed in a folded or gathered fashion or combination. It may include a display in combination with a flag or banner. Depending on the format of the display, the term may be synonymous with banner.

E. "Business premises" refers to specific business occupancy within a building or upon a parcel of land, typically having a specific address and discrete entrance(s) and exit(s) so as to maintain a specific business identity and location.

F. "Changeable copy sign" refers to a sign displaying a "message" that is changed by means of moveable letters, slats, lights, light emitting diodes, or moveable background material.

- G. "Civic event sign" is a temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.
- H. "Convenience sign or directional sign" is a sign that conveys information (e.g. restrooms, no parking, entrance) or minor business identification for directional purposes, and is designed to be viewed by pedestrians and/or motorists.
- I. "Directional sign" is any individual sign used to provide directions to pedestrians and vehicular traffic. It shall not include a grouping or mosaic of individual signs that are arranged in such a manner as to constitute a larger sign.
- J. "Directory sign" is a sign listing the tenants of a multiple tenant structure or center.
- K. "Double-faced sign" is a sign constructed to display its message on the outer surfaces of two identical and opposite parallel planes.
- L. "Flag" is a form of "banner" that is mounted and displayed outdoors on a pole.
- M. "Freestanding sign" means a sign which is permanently supported on the ground by one or more uprights, braces, poles, or other similar structural components that are not attached to any building. This category includes both monument and pole signs.
- N. "Frontage" when used as a measurement reference of a building or business premises, shall refer to the distance between the two most distant corners of a building measured in a straight line along the building face bordering the adjoining street. See Section 18.04.260 pertaining to frontage when made applicable to a parcel of land. It shall also refer to the elevation of a building that abuts or adjoins a private or public right-of-way or parking lot.
- O. "Height" means the distance measured vertically from grade to the highest point or portion of the object to be measured or height limited.
- P. "Illuminated sign" means a sign whose message is made readable by internal or external lights or light emitting diodes, typically during hours of darkness.
- Q. "Install" or "installation" includes but is not limited to the act by which a sign is constructed or placed on land or a structure, or the act of attaching, painting, printing, producing, or reproducing, or using any other method or process by which a visual message is presented or placed upon a surface.
- R. "Message" means any form of visual communication presented on any type of media. It is not material whether the communication has any logical, practical, literary, or artistic significance or not. It includes any form or combination of letters, graphics, symbols or designs. The term is not intended to include mono-color paint applied to the exterior, trim, fascia, or other architectural elements of a building for protection against the elements.
- S. "Monument sign" means a low-profile freestanding sign supported by a structural base or other solid structural features other than support poles and may contain signage on more than one side.
- T. "Mural" or "mural-type sign" means a sign painted on the exterior wall of a building consisting of graphics or images, either alone or in combination with letters.
- U. "Off-site" or "off-site sign" refers to a sign or banner that promotes or advertises goods, services or activities located or offered on a business premises or parcel that is separate from the parcel where the sign is located, even if the two sites or parcels are contiguous to each other.



- V. "On-site" or "on-site sign" refers to a sign or banner that promotes or advertises goods, services, or activity located or offered on the business premises or parcel of property where the sign is located.
- W. "Outdoors" means a location on undeveloped property or to the exterior of a building or structure.
- X. "Outdoor advertising" refers to the placement of a message on signs or banners located outdoors, or located indoors in a manner such that the message is visible from the exterior of a building or structure.
- Y. "Parcels" or "property" or similar references or descriptions shall refer to parcels defined or delineated by assessor parcel numbers maintained by the County tax assessor or as defined by Sections 18.04.476 and 18.04.386 of this Code.
- Z. "Pedestrian oriented sign" is a small, pedestrian-oriented sign (less than four square feet) that projects perpendicularly from a structure (bracket sign) or is hung beneath a canopy (blade sign).
- AA. "Pennant" is a banner with three sides.
- BB. "Permanent sign" means a sign that is solidly attached to a building, structure, or the ground by means of mounting brackets, bolts, welds, or other combination of attachment methods, thereby rendering the sign non-moveable or difficult to reposition without the use of machinery, cutting devices, or mechanical devices. See also "temporary sign."
- CC. "Pole sign" means a permanently mounted, freestanding sign which is supported above the ground by one or more uprights, braces, poles, or other similar structural components.
- DD. "Portable sign" is a sign that is not affixed to a structure or the ground (e.g., A-frame or sandwich-board signs).
- EE. "Projecting sign" is a sign that protrudes in a V-shape from the top of the round floor over the sidewalk, like a traditional theater marquee.
- FF. "Shopping center" shall mean a group of commercial buildings as defined in Section 18.04.596.
- GG. "Sign" as used in this Chapter 18.62, shall generically refer to any medium through which a message is conveyed which is placed outdoors in any zone or is visible to the exterior of a commercial or industrial building or structure. It shall include a banner and any of the following:
1. Any advertising display defined in Section 9.32.010.
  2. Any message painted, printed, or otherwise produced or affixed on or to:
    - a. The exterior of a building or structure;
    - b. A rigid or semi-rigid material or surface, such as wood, metal, or plastic, attached to a building, structure, or pole or which is itself free-standing; or
    - c. An inflatable balloon or other three-dimensional object that is tethered or fastened to a building, structure, pole, or the ground.
- HH. "Temporary sign" means a sign that is easily moveable and which is not attached to a building, structure, or the ground in such a manner as to be rendered a permanent sign.
- II. "Visible to the exterior" refers to the placement of a sign or banner within the interior first eight feet of a commercial or industrial building or structure in such a manner so that it or its message is readily visible on an immediately contiguous public

right-of-way, parking lot, or parcel. To be visible does not require that the message be understandable or readable.

(Ord. No. 2009-2319, § 1, 5-19-2009; Ord. No. 2010-2344, § 8, 8-3-2010)

#### 18.62.040 Site plan review--Required.

A. Except as exempted in Section 18.62.040(B), signs allowed by this chapter may not be installed until a site plan review is conducted (see Chapter 18.128), and a finding of compliance with the design criteria in Appendix A of the National City Land Use Code by the planning director is completed. Signs that are not consistent with the design criteria outlined in Appendix A of the National City Land Use Code may not be installed. This determination may be appealed pursuant to the provisions of Chapter 18.128, and Sections 18.134.010 and 18.034.020.

B. Site plan review shall be limited to considerations of the location, installation or placement, size, public safety and sight distance, view blockage, and comparable matters, and not to the content of the message conveyed by the sign or banner, except when the publication of such message is unlawful.

C. Site plan review is not required for signs allowed by Sections 18.62.090, 18.62.100, and 18.62.170.

(Ord. No. 2009-2319, § 1, 5-19-2009)

#### 18.62.050 Design.

The design of all signs shall comply with the design guidelines described in Appendix A of the National City Land Use Code, "Standards for On-Premises Signs." It shall be the duty of the planning commission to interpret these guidelines in the manner prescribed in Section 18.134.020.

(Ord. No. 2009-2319, § 1, 5-19-2009)

#### 18.62.060 Uniform Building, Electrical and Mechanical Code compliance--Required.

No sign shall be installed that does not comply with the applicable Uniform Building, Mechanical and Electrical Codes adopted by the city. Permits for installation shall be obtained, when required, prior to any installation, from the director of building and safety.

(Ord. No. 2009-2319, § 1, 5-19-2009)

#### 18.62.070 Maintenance.

All signs and their supporting structures and components shall be maintained in a state of safe condition and good repair. Signs shall be "face washed" at least once a year.

Electrically energized components must bear the seal of approval of an approved testing laboratory. Broken faces and burned-out lamps, bulbs, or tubes must be replaced within thirty days from the date of notification from the city.

(Ord. No. 2009-2319, § 1, 5-19-2009)

#### 18.62.080 Removal from abandoned site or building.

When the use of any parcel or building is vacated, terminated, or abandoned for any reason for a period of more than one hundred twenty consecutive days, the owner or person in possession of the property shall be responsible for the physical removal of all signs on the property, building or wall(s), and for painting over the surface so as to obliterate any painted or printed signs on the building so that the copy is not visible, within thirty days following notice from the city. Removal, painting out, or obliteration shall be performed in a manner that does not create a blighting influence.

(Ord. No. 2009-2319, § 1, 5-19-2009)

18.62.090 Permanent signs permitted in all zones.

The following signs shall be permitted in all zones. Site plan review pursuant to Section 18.62.040 shall not be required.

A. Permanent Signs.

1. Size. The display on any parcel of any single sign, flag, or banner that is less than six square feet in area is permitted, except when a home occupation permit has been issued for a residential parcel, this exemption shall not apply, and that property shall be subject to all the requirements of this chapter.

2. Restrictions. No signs shall be placed in the public right-of-way nor shall they obstruct the free flow of traffic.

B. Directional Signs. Directional signs which do not exceed a total of three square feet in size per sign and total area combined does not exceed nine square feet.

C. Freestanding or Monument Signs. A maximum of two freestanding or monument signs not to exceed a total of one hundred square feet, are permitted for single-family subdivisions, multi-family developments, or mobile home parks.

D. Official Flags. Up to three official flags of the United States, the State of California, or other states of the nation, counties, municipalities, and official flags of sovereign nations. Proposals for more than three flags require a sign permit and site plan review. If flags are to be displayed on vertical flagpoles, these poles shall be permanently installed with appropriate building permits. Flags of nationally or internationally recognized organizations and corporate or business flags are only permitted if displayed in conjunction with the United States flag. The Flag Code of the United States shall be observed at all times.

(Ord. No. 2009-2319, § 1, 5-19-2009)

18.62.100 Flags and banners--Regulated.

A. Flags and banners may be displayed on automobile sales lots without time limitation or site plan review provided that:

1. The displays are properly maintained;
2. Displays are limited to the perimeter of the lot;
3. Displays do not exceed a height of twenty-five feet above the ground.

B. Flags and banners may be displayed on other commercial and industrial uses for a cumulative period of sixty days within each calendar year. The time limit commences when a banner permit is issued by the planning director. The sixty-day period may be divided into two occasions per calendar year, provided the total display time does not exceed sixty days per calendar year. A banner permit fee and an administrative fee in an amount representing the anticipated city enforcement costs in causing the applicant to remove flags or banners shall be paid to the city treasurer at the time of application for site plan review. The administrative fee shall be refunded upon the verified removal of the flag or banner by the specified deadline.

C. The following shall apply to all displays of flags and banners:

1. Flags and banners must be removed by the owner or occupant within fifteen days after a determination by the planning director that the display is improperly maintained or the flag or banner is tattered or worn.
2. Flags and banners shall not be displayed in lieu of a permanent sign.

3. Violation of the time limits established by Subsection B shall render the site ineligible for issuance of a permit for display of a banner for a period of one year from the date that the violation is abated.

4. The restrictions of this section shall also apply to signs and banners located within the first eight feet of the interior of commercial or industrial premises when such sign or banner is visible to the exterior.

(Ord. No. 2009-2319, § 1, 5-19-2009)

18.62.105 A-frame signs--Regulated.

Freestanding A-frame signs shall be permitted within the Westside Specific Plan area, positioned outside of the public right-of-way provided that:

1. The displays are properly maintained;
2. Maximum of one sign may be displayed at a time.
3. The sign shall be limited to five feet in height by three feet in width.
4. The sign shall be limited to two sign faces per sign, back-to-back.
5. There shall be no external or internal illumination.
6. The sign shall not be permanently affixed to any object, structure or the ground, including utility poles, light poles, trees or any merchandise or products displayed outside of buildings.
7. The sign shall be portable, self-supporting, stable, and weighted or constructed to withstand overturning or by wind or contact.
8. The sign shall not be displayed during non-business hours.
9. The sign shall be located directly in front of the building and/or business that it is advertising.
10. The sign shall not be placed in such a way as to interfere with pedestrian and/or vehicular sight lines or corner clear zone requirements as specified by the City.
11. The sign shall not be placed in such a way as to obstruct access to a public sidewalk, public street, driveway, parking space, fire door, fire escape, handicapped access or in such a way that it obstructs free passage over any public right-of-way.
12. The sign shall not obscure or interfere with the effectiveness of any official notice or public safety device.

(Ord. No. 2010-2344, § 8, 8-3-2010)

18.62.110 Large permanent signs in commercial, manufacturing, and institutional zones. Except in shopping centers, large permanent signs (those exceeding twenty-five square feet in area) may be installed on or along the face of a building in commercial, manufacturing or institutional zones, subject to the following specifications and restrictions:

- A. Signs shall be limited to one sign per business premise per frontage along a street, freeway, or parking lot.
- B. Sign area on the primary frontage shall not exceed thirty percent of the area of the building face or four square feet of sign for each linear foot of building face along that frontage, whichever is greater.
- C. Sign area on a secondary frontage shall not exceed fifteen percent of the area of the building face or two square feet per linear foot of secondary frontage, whichever is greater.

D. The sign face shall not be located, such as by a cabinet, deep lettering, or architectural feature, more than eighteen inches from a building face unless an exception is approved pursuant to site plan review.

(Ord. No. 2009-2319, § 1, 5-19-2009)

18.62.120 Large permanent signs in shopping centers.

Large permanent signs for businesses within a shopping center shall be limited to one per business premises per frontage on a common walkway, parking lot, driveway, alleyway, street, or freeway. The size and placement of these signs shall conform with the standards specified by Subsections 18.62.110(C) and (D) as well as standards that may be applied through any required city council or planning commission approval, including but not limited to a conditional use permit, planned development permit, specific plan, or variance.

(Ord. No. 2009-2319, § 1, 5-19-2009)

18.62.130 Small permanent signs in commercial, manufacturing, institutional, and multi-family zones.

Any permanent sign measuring less than twenty-five square feet and not described elsewhere in this chapter shall be considered a small permanent sign that shall only be permitted in commercial, manufacturing, and institutional zones as follows:

A. Small permanent signs shall be permitted only in windows or along the face of a building.

B. The total area of all small permanent signs and any allowable small temporary signs combined shall not exceed ten percent of the wall or elevation on which the sign is placed.

(Ord. No. 2009-2319, § 1, 5-19-2009)

18.62.140 Pole-mounted or freestanding signs in commercial, manufacturing, and institutional zones.

Pole-mounted or freestanding signs are permitted in the commercial and manufacturing zones, subject to the following requirements:

A. Pole signs or freestanding signs shall be limited to one sign per frontage on street, freeway, or parking lot, and may include a cluster sign identifying individual businesses on the parcel(s).

B. The total area of any sign installed along the primary frontage shall not exceed four square feet per lineal foot of property on the primary frontage.

C. The total area of any sign installed along each secondary frontage shall not exceed two square feet per lineal foot of property on the secondary frontage.

D. Sign structures shall not be placed within the required setback area, except that projecting signs may protrude into or overhang a maximum distance of one-half of the setback.

(Ord. No. 2009-2319, § 1, 5-19-2009)

18.62.150 Roof-mounted signs.

A. Except as provided in Subsection B, signs shall not be installed on roofs in any zone.

B. Roof signs may be authorized in commercial and manufacturing zones if the planning commission determines that no other form of sign arrangement can effectively serve to advertise on-premises goods, services, or businesses. The maximum total area of a roof sign shall not exceed thirty percent of the area of the front building face of the

building upon which the sign is to be located. Authorized roof-mounted signs shall not project outward over the face of the building.

(Ord. No. 2009-2319, § 1, 5-19-2009)

18.62.160 Revolving signs in commercial and manufacturing zones.

Signs that revolve shall be restricted to those that rotate three hundred sixty degrees and no more than eight revolutions per minute. Revolving signs shall be permitted only in commercial and manufacturing zones.

(Ord. No. 2009-2319, § 1, 5-19-2009)

18.62.170 Temporary signs permitted in all zones.

A. Temporary signs on construction sites having the following specifications shall be permitted in all zones:

1. The maximum total area for signs at single-family residential construction projects shall be twenty square feet per street frontage.
2. The maximum area of signage at other construction projects shall be fifty square feet per street frontage.
3. For any request for square-footage exceeding the limits set forth in Subsections A.1. and A.2., a temporary use permit is required, the granting or denial of which shall be based solely on objective criteria such as time, location, and size.
4. All signs must be removed prior to and as a condition of the final inspection and approval of the project.

B. A maximum of two temporary signs on currently for sale or for lease property may be installed on developed or undeveloped property in all zones, with the following requirements and specifications for the sign:

1. The maximum area of signage allowed by this section per parcel per street frontage in commercial, manufacturing, multi-family, or institutional zones shall be fifty square feet.
2. The maximum area of signage allowed by this section per parcel per frontage in single-family residential zones is six square feet.
3. These signs shall not be lighted.
4. Signs shall be removed within ten days following the lease or sale of the premises on which the sign is displayed.

C. Temporary off-site signs are prohibited in all zones, unless otherwise provided herein and by State law.

D. Additional temporary signs erected due to an event are permitted as follows:

1. Commercial/manufacturing/multi-family/institutional zones.
  - a. One or more temporary signs, each of which is thirty-two square feet or less in area, shall be permitted per parcel.
  - b. Temporary signs, except flags and banners, shall not be fastened directly to the exterior wall or face of any building. Such signs may be displayed in windows or on display boards, provided the combined total area of all signs does not exceed ten percent of the area of the building face upon which the signs are mounted. (See Section 18.62.100 for restrictions on flags and banners.)
  - c. This Section shall not apply to existing billboards.
  - d. Such signage is permitted on a temporary basis as defined hereinafter, in addition to other sign allotment per site.
    2. Single-family residential zones.

- a. One or more temporary signs, each of which is six square feet or less in area, shall be permitted per parcel.
- b. A corner lot parcel can also have larger temporary signs each of which is sixteen square feet or less in area.
- c. Permission of the property owner or occupant where the sign is placed shall be required.
- d. No temporary signs are permitted in the public right-of-way.
- E. Removal. If the signage was erected for an event, such signage shall be removed within ten days after the event.

(Ord. No. 2009-2319, § 1, 5-19-2009; Ord. No. 2010-2345, § 1, 8-17-2010)

#### 18.62.180 Projecting signs in commercial, manufacturing, and institutional zones.

A projecting sign may be permitted in all commercial, manufacturing, and institutional zones, subject to the following conditions:

- A. Projecting signs shall not project over any public right-of-way, including streets or alleys, except as provided in Subsection D.
- B. The maximum height of projecting signs shall be twelve feet, and may project above any eave or parapet of less than twelve feet in height, but may not project inward over any such eave or parapet.
- C. The maximum area of a projecting sign shall be thirty-two square feet.
- D. Projecting signs may project over street parkways and required setback areas a maximum of one-half of the street parkway or setback width, but in no case shall the projection exceed that allowed for marquee signs as set forth in Appendix A of the National City Land Use Code. For the purpose of this section, "street parkway" is defined as that part of the public street right-of-way lying between the front property line and the edge of the roadway.
- E. No more than one projecting sign shall be placed on each street frontage per business premises.
- F. A projecting sign shall be permitted only in lieu of a freestanding or marquee sign, and may not be utilized in addition to a freestanding or marquee sign.
- G. Projecting signs shall be supported so as to appear to be an architectural and integral part of the building. The sign shall be free of any extra bracing, angle iron, guy wires, or cables.

(Ord. No. 2009-2319, § 1, 5-19-2009)

#### 18.62.185 Mobile billboards.

- A. It is unlawful for any person to conduct, or cause to be conducted, any mobile billboard advertising upon any street or other public place within the city in which the public has the right of travel.
- B. Mobile billboard advertising includes any vehicle or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard for the primary purpose of advertising.
- C. This section shall not apply to:
  - 1. Any vehicle which displays an advertisement or business identification of its owner, so long as such vehicle is engaged in the usual business or regular work of the owner, and not used merely, mainly or primarily to display advertisements;
  - 2. Buses; or
  - 3. Taxicabs.

(Ord. No. 2009-2319, § 1, 5-19-2009)

18.62.190 Signs for churches.

The size and placement of signs for church uses shall be subject to Sections 18.62.110 through 18.62.180, and 18.62.200. For church uses located in the RM-1, RM-2 and RM-3 zones, the following may be displayed:

One wall mounted sign not to exceed twenty square feet in area, and one freestanding changeable copy directory sign not to exceed six feet in height and twenty square feet in area; provided, however, that the signs shall be architecturally related to the structure to which they are appurtenant.

(Ord. No. 2009-2319, § 1, 5-19-2009)

18.62.200 Mural-type signs in commercial zones.

Mural-type signs not exceeding one hundred ten square feet in area shall be allowed in commercial zones in lieu of a fixed sign.

(Ord. No. 2009-2319, § 1, 5-19-2009)

18.62.210 Signs prohibited in all zones.

Notwithstanding Section 18.62.020(A), the following signs are strictly prohibited in all zones:

- A. Signs that obstruct any window, door, or opening used or required as a means of regular ingress and egress, legal light and ventilation, as a fire escape or other emergency access or escape.
- B. Signs placed on public property or within the public street right-of-way.
- C. Signs placed on property without permission of the property owner or occupant.
- D. Signs on fences.
- E. Except as provided in Sections 18.62.090(B) and 18.62.170(B), signs on vacant or unimproved land.
- F. Any sign whose intensity of illumination or size, shape, or location interferes with the safe operation of a vehicle or creates distraction to the operator of a motor vehicle on adjoining public streets.
- G. Animated and flashing signs exceeding the following limits or restrictions:
  1. Flashing signs are limited to a maximum illumination equivalent to incandescent bulbs of sixty watts per bulb maximum, and shall not flash more than sixty times per minute. "Chasers" are prohibited.
  2. High intensity neon lights, tubes, or flashing lights exceeding sixty watts are prohibited on animated or flashing signs.
  3. Rotating beacon-type lighting elements on signs are prohibited.
- H. Temporary or permanent off-site signs, including billboards, are prohibited except where otherwise provided by State law or herein.
- I. Inflatable signs and displays, unless authorized pursuant to a temporary use permit issued under Chapter 15.60.
- J. Signs mounted on motor vehicles that are in violation of Section 7.20.150, or signs exceeding twenty-five square feet mounted on motor vehicles parked for more than eight hours in any twenty-four-hour period on private property.

(Ord. No. 2009-2319, § 1, 5-19-2009)

18.62.220 Nonconforming signs.



Any sign that is made nonconforming by enactment of Ordinance 2001-2192 may continue to be maintained or displayed subject to the provisions of Section 18.108.150 regarding the continuance and abatement of nonconforming signs.

(Ord. No. 2009-2319, § 1, 5-19-2009)

18.62.230 Constitutional severability.

The city council declares that the judicial invalidity of any section or portion of this chapter shall not affect the validity of any other remaining section or portion; that the city council would have adopted each of those remaining portions, notwithstanding any later declared invalidity. If any provision determined invalid under the preceding sentence can either be judicially severed or interpreted in a way that could harmonize it with the remaining provisions, then it may be severed or interpreted and applied so as to give full purpose, meaning, and effect to the remaining provisions of this chapter.

(Ord. No. 2009-2319, § 1, 5-19-2009)

18.62.240 Non-commercial speech.

Anywhere that commercial signage is allowed, non-commercial signage is allowed subject to the same restrictions as those set forth for commercial signage, but not in addition to such allowance.

(Ord. No. 2009-2319, § 1, 5-19-2009)

#### Chapter 18.64 UNDERGROUND UTILITIES

Sections:

18.64.010 Generally.

18.64.010 Generally.

Within the boundary lines of all property upon which is constructed or moved in a multiple-family dwelling of five units or more, a commercial, manufacturing, or industrial structure, the conditions on installation of public utility facilities shall be in accordance with Chapter 13.08 of this code.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-9)

#### Chapter 18.66 YARDS, COURTS AND SETBACKS

Sections:

18.66.010 Separation of required yard from lot.

18.66.020 Interpretation of lot lines.

18.66.030 Determination of yards from building lines.

18.66.040 Yards on through lots.

18.66.050 Corner cutoffs and vision clearance.

18.66.010 Separation of required yard from lot.

No required yard or other open space around an existing structure shall be separated in ownership from the portion of the lot upon which the structure is located. The required yard or other open space around an existing structure, or which is hereafter provided around any structure for the purpose of complying with the provisions of this title, shall not be considered as providing a yard or open space for any other structure, existing or proposed.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-3.01)

18.66.020 Interpretation of lot lines.

Where the identification or designation of the front lot line is in doubt, as in the following situations, the planning director shall determine the identity or designation of the lot lines and the lot width:

A. Corner lots or parcels of land with two street or highway frontages approximately equal in length;

B. Through lots or parcels of land fronting on two or more streets or highways;

C. Lots or parcels of land where the only contiguous boundary to a public street or highway is provided by a driveway or other private access or for flag lots.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-3.02)

18.66.030 Determination of yards from building lines.

Where a building line has been established by ordinance, the space between such building line and the front or side lot line may be used as the front or side yard, as the case may be, in lieu of the front or side yard required by this title.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-3.03)

18.66.040 Yards on through lots.

At each end of a through lot there shall be a front yard of the depth required for the zone in which each street frontage is located. However, only one front yard need be provided on those through lots which abut on a major or secondary highway, when the rights of vehicular access from such through lots to the highway have been abandoned or prohibited by a required restriction incident to the recordation of a subdivision map in which such through lots are included. Where only one front yard is required on a through lot, as provided in this section, the rear yard shall be located on the portion of such lot adjacent to the highway. Where a through lot is less than one hundred fifty feet in depth or is developed as a single building site, and two required front yards are provided, no rear yard is required.

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-3.04)

18.66.050 Corner cutoffs and vision clearance.

A. All corner lots and reversed corner lots subject to yard requirements shall maintain, for safety vision purposes, a triangular area, one angle of which shall be formed by the intersection of the front and side lot lines separating the lot from the street; and the sides of such triangle forming the corner angle shall each be fifteen feet in length, measured from the aforementioned corner intersection. The third side of the triangle shall be a straight line connecting the two points which are distant fifteen feet from the intersection of the front and side lot lines; and within the area comprising the triangle, no tree, fence, shrub, or other physical obstruction higher than three feet above the official lot line grade shall be permitted.

B. Each corner or reversed corner lot in the commercial and industrial zones shall maintain a yard area conforming to the corner cutoff requirements, except that a single supporting column, for a cantilevered roof or second story, having a diameter of eight inches or less may be located in the corner triangle area.

GRAPHIC LINK: [Click here](#)

(Ord. 1503 § 1 (part), 1976: NCLUC § 975-3.05)

Chapter 18.68 SPECIFIC USE REGULATIONS--GENERALLY

Sections:

18.68.010 General statement.

18.68.010 General statement.

The regulations set out in Chapters 18.70 through 18.100 are designated as follows:

TABLE INSET:

Automobile impound storage yards Chapter 18.70  
Automobile and allied services uses Chapter 18.72  
Condominiums and community apartment projects Chapter 18.74  
Conversions to nonresidential uses Chapter 18.76  
Electroplating Chapter 18.78  
Helicopter operations Chapter 18.80  
Hide curing Chapter 18.82  
Liquefied petroleum gas facilities Chapter 18.84  
Mechanical equipment Chapter 18.86  
Mobile homes Chapter 18.88  
Model homes Chapter 18.90  
Outdoor display or sale of merchandise Chapter 18.92  
Outdoor storage Chapter 18.94  
Scrap metal processing Chapter 18.96  
Service stations Chapter 18.98  
Veterinary hospitals and clinics Chapter 18.100.

These regulations are regulations for specific uses and are supplementary provisions intended to clarify the general requirements with respect to certain potentially incompatible uses.

(Ord. 1614 § 15 (part), 1978; Ord. 1503 § 1 (part), 1976; NCLUC Art. 976 (part))

Chapter 18.69 ADULT-ORIENTED BUSINESSES\*

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\*Editor's note: It should be noted that section 1 of Ord. No. 2010-2332 provides, "For a period of 45 days from the effective date of this Ordinance, no massage technician permit shall be issued, no massage establishment not currently existing within the city shall be located within the city; no building permit, certificate of occupancy, establishment permit, business license, nor permit or entitlement for a massage establishment shall be issued; no construction shall take place relating to a massage establishment; and no construction shall take place within the city relating to the location, development, or approval of any massage establishment."

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Sections:

18.69.010 Purpose and intent.  
18.69.020 Definitions.  
18.69.030 Prohibitions.  
18.69.040 Measure of distance.  
18.69.050 Development and maintenance standards.  
18.69.060 Exceptions.  
18.69.070 Other regulations, permits or licenses.  
18.69.080 Protection of minors.  
18.69.090 Private viewing rooms.  
18.69.100 Constitutional severability.  
18.69.010 Purpose and intent.

A. It is the purpose of this chapter to establish reasonable and uniform content-neutral regulations to decrease blight and crime by either dispersing adult-oriented businesses, or by shifting part of the burden of regulating such businesses to the private sector by placing them in locations which minimize the negative secondary effects of such businesses.

B. It is the intent of this chapter that these regulations be utilized to serve the substantial interest of the city in preventing problems of blight and deterioration which accompany and are brought about by adult-oriented businesses, which allowing reasonable alternative locations for those businesses.

C. In enacting this chapter, the city council is relying upon the experiences of the city of National City and upon the experiences and studies of other municipalities concerning the deleterious effects of adult-oriented businesses, which this chapter is intended to curtail.

(Ord. 2167 § 4, 1999: Ord. 1699 § 3 (part), 1979)

#### 18.69.020 Definitions.

It is the purpose of this section to provide clear and concise definitions of those words, terms and phrases most commonly utilized in the regulations and provisions of this chapter in order to assist in the uniform interpretation of such regulations and provisions and to insure uniformity in their application.

It is intended that the following words, terms and phrases, whenever used in this chapter, shall be construed as defined in the following subsections, unless from the context a different meaning is specifically defined and more particularly directed to the use of such words, terms or phrases.

It is also intended that those definitions and interpretations set forth in Section 1.04.010 and Chapter 18.04 shall be used for purposes of uniformity of interpretation and application of the regulations and provisions of this chapter but only where they do not conflict with any definitions or interpretation set forth in this chapter.

A. "Specified anatomical areas" means and includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

B. "Specified sexual activities" means and includes any of the following:

1. The fondling or other touching of human genitals, pubic region, buttocks, anus or female breasts;
2. Sex acts, normal or perverted, actual or simulated; or
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in this subsection.

C. "Adult bookstore" is an establishment that devotes more than fifteen percent of the total floor area utilized for the display of books and periodicals to the display and sale of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records of other forms of visual or audio

representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or

2. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

An adult bookstore does not include an establishment that sells books or periodicals as an incidental or accessory part of its principal stock-in-trade and does not devote more than fifteen percent of the total floor area of the establishment to the sale of books and periodicals.

D. "Adult motion picture theater" is an establishment, with a capacity of fifty or more persons, where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

E. "Adult mini-motion picture theater" is an establishment, with a capacity of more than five but less than fifty persons, where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

F. "Adult motion picture arcade," to include without limitation a peep show, is any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas. The image-producing device or peep show device shall also include any other device by or through which electronic, video, photographic, cinematic, digital, or computer-generated images depicting specified anatomical areas or specified sexual activity defined by this section are or can be reflected or projected onto an external screen or be internally projected, generated or reflected onto a screen that is an integral part of the device itself.

G. "Adult drive-in theater" means an open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats, and presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

H. "Adult cabaret" is a night club, bar, restaurant, cabaret or similar establishment which may serve food or alcoholic or non-alcoholic beverages, or both, and which, for consideration, regularly features live performances or films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or the exposure of specified anatomical areas for observation by patrons or attendees.

I. "Adult motel" is a motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

J. "Adult theater" is a theater, concert hall, auditorium or similar establishment, either indoor or outdoor in nature which, for any form of consideration, regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

K. "Adult model studio" is any establishment open to the public where, for any form of consideration, one or more persons display or expose any portion of specified anatomical areas to be observed, sketched, drawn, painted, sculptured, photographed, videoed or be similarly viewed or depicted by any person, other than the proprietor, who pays a consideration to either the proprietor, an employee of the proprietor or the model. This definition shall also include, without limitation, a "lingerie modeling establishment." This definition shall not apply to any school of art which is operated by an individual, firm, association, partnership, corporation or institution which meets the requirements established in the Education Code of the state of California for the issuance or conferring of, and is in fact authorized thereunder to issue and confer a diploma.

L. "Sexual encounter establishment" is an establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state of California engages in sexual therapy.

For the purposes of this chapter, sexual encounter center shall include massage or rap parlor and other similar establishments.

M. "Body painting studio" is an establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when such body is wholly or partially nude in terms of specified anatomical areas.

N. "Massage parlor" is an establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state of California. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

O. "General motion picture theater" is a building or part of a building intended to be used for the specific purposes of presenting entertainment as defined in this chapter, or displaying motion pictures, slides or closed circuit television pictures before an individual or assemblage of persons, whether such assemblage be of a public, restricted or private nature, except a home or private dwelling where no fee, by way of an admission charge,

is charged; provided, however, that any such presentations are not distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas in that any such depiction or description is only incidental to the plot or story line.

P. "Legitimate or live theater" is a theater, concert hall, auditorium or similar establishment which, for any fee or consideration, regularly features live performances which are not distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas in that any such depiction or description is only incidental to the primary purpose of the performance.

Q. "General bookstore" is an establishment engaged in the buying, selling and/or trading of new and/or used books, manuscripts and periodicals of general interest. A general bookstore does not include an establishment that is encompassed by the definition of adult bookstore.

R. "School" is an institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of learning under the jurisdiction of the State Department of Education, but it does not include a vocation or professional institution or an institution of higher education, including a community college.

S. "Establishing an adult-oriented business," as used in this chapter, means and includes any of the following:

1. The opening or commencement of any such business as a new business;
2. The conversion of an existing business, whether or not an adult-oriented business, to any of the adult-oriented businesses defined in this chapter; or
3. The addition of any of the adult-oriented businesses defined herein to any other existing adult-oriented business; or
4. The relocation of any such business.

T. "Transfer of ownership or control," as used in this chapter, means and includes any of the following:

1. The sale, lease or sublease of an adult-oriented business;
2. The transfer of securities which constitute a controlling interest in such business, whether by sale, exchange or similar means; or
3. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of such business, except for transfer by bequest or other operation of law upon the death of the person possessing such ownership or control.

U. "Sale and display of paraphernalia and literature commonly associated with the use of narcotics and controlled substances (headshops)" is an establishment or place where more than fifteen percent of the floor area in any room is used for the sale and display of such paraphernalia and literature, including but not limited to cocaine and sniffing kits, glass mirrors for cutting cocaine, snorting spoons and tubes, strainers to sift cocaine, water pipes (bongs), everyday items with special removable tops that have been converted to conceal narcotics and drugs, including simulated beer cans, oil cans and plastic photograph film vials, "roach clips" (for holding marijuana cigarettes), or books and magazines extolling the use of narcotics or controlled substances. Such a place is an adult-oriented business. This definition does not limit licensed pharmacies in selling and

displaying paraphernalia that is medical equipment prescribed by licensed medical practitioners.

V. A "private viewing room" is an area separated from the sales or display area of the establishment by a curtain, wall, door, shade or similar obstruction thus allowing the private viewing of video tapes, movies, transparencies, films or projectable motion pictures by customers at the establishments.

W. "Video cassette sales and rentals--adult" is the same as "adult bookstore."

X. "Video games--adult" are coin-operated electronic game machines having visual displays and animation that depict in any manner, any sort of activity characterized by exposure of "specified anatomical areas" or "specified sexual activities."

Y. "Sexually oriented business" is any business in which:

1. Specified sexual activity occurs or specified anatomical areas are exposed, or both, by a patron, attendee, employee or independent contractor for any form of consideration paid or furnished to the owner, proprietor, an employee of the owner or proprietor, or to an independent contractor at the location or premises; or

2. Material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activity or specified anatomical areas, or both, is displayed, sold or provided for consideration on a regular basis.

Z. "Consideration," as used in this chapter, means a payment or transfer of money or other thing of value exceeding a total of one cent to an owner or proprietor, an employee of the owner or proprietor, or to a performer, independent contractor or entertainer at the establishment, without regard to:

1. Any donative intent of the payor, transferrer or donor;

2. The time of payment or transfer; or

3. Whether the payment or transfer was for admission to the establishment or for merchandise, food or beverage displayed or sold at or on behalf of that establishment.

AA. "Lingerie modeling establishment" means an establishment where, for consideration and for viewing by a patron at that establishment, a person either:

1. Wears and displays undergarments, lingerie, underwear and similar articles of intimate apparel which cover those areas which constitute specified anatomical areas; or

2. Changes from one costume into another in the presence of a patron or patrons and thereby exposes one or more specified anatomical areas to that patron or patrons. This definition shall not, however, be construed so as to apply to a commercial retail or wholesale establishment that principally and customarily sells clothing and related wearing apparel and where specified anatomical areas are not exposed to customers during demonstration displays of merchandise for sale.

(Ord. 2167 §§ 5, 6, 1999; Ord. 1790 § A, 1983; Ord. 1781 (part), 1982; Ord. 1712 § 54, 1980; Ord. 1699 § 3 (part), 1979)

#### 18.69.030 Prohibitions.

A. No person or entity shall own, establish, operate, control or enlarge or cause or permit the establishment, operation, enlargement or transfer of ownership or control, except pursuant to Section 18.69.060, of any of the following adult-oriented businesses if such adult-oriented business is or would be within one thousand five hundred feet of another adult-oriented business, within one thousand five hundred feet of any school or public park within the city, or within one thousand feet of any residentially zoned property in the city:



1. Adult bookstore;
2. Adult motion picture theater;
3. Adult mini-motion picture arcade (peep shows);
4. Adult arcade;
5. Adult drive-in theater;
6. Adult cabaret;
7. Adult motel;
8. Adult theater;
9. Adult model studio;
10. Body painting studio;
11. Massage parlor;
12. Any sexually oriented business;
13. Adult video games;
14. Adult video cassette sales and rentals;
15. Sexual encounter establishments;
16. Lingerie modeling establishment.

B. An establishment listed in this section shall not be established, operated, enlarged or transferred unless the provisions of the zone in which the site or proposed site is located permit such a use. The conduct of such establishment and the use of premises shall otherwise comply with the land use code and all other applicable regulations.

C. Nothing in this chapter prohibits the location of adult-oriented businesses within retail shopping centers in all commercial zones wherein such activities will have their only frontage upon enclosed malls or malls isolated from their direct view from public streets, parks, schools, churches or residentially zoned property.

D. Massage parlors, and sexual encounter establishments shall be permitted only upon the prior issuance of a conditional use permit.

E. The location of an adult-oriented business listed in subsection A (with the exception of subsections (A)(11) and (A)(15)) within any new or existing retail center shall not require a conditional use permit under Section 18.16.095 of this code.

(Ord. 2167 § 7 (part), 1999; Ord. 2135 § 1, 1997; Ord. 2063 § 6, 1993; Ord. 1919 § 1, 1987; Ord. 1790 § B, 1983; Ord. 1712 § 55, 1980; Ord. 1699 § 3 (part), 1979)

#### 18.69.040 Measure of distance.

The required minimum distance between any two adult-oriented businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each such business. The distance between any adult-oriented business and any public school, public parks or residential zoned land shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult-oriented business to the closest property line of the public school, public park or residential zone.

(Ord. 2167 § 7 (part), 1999; Ord. 1790 § C, 1983; Ord. 1699 § 3 (part), 1979)

#### 18.69.050 Development and maintenance standards.

All adult-oriented businesses hereafter commenced shall, in addition to compliance with the land use code, comply with these specific requirements:

A. Signs. Except for theater marquee signs, changeable copy signs, temporary signs and small permanent signs are not permitted. In addition to the requirements of Section

18.62.020 for permit approvals, all sign permits shall be subject to review and approval by the planning commission.

B. Exterior Painting. Buildings and structures shall not be painted or surfaced with garish colors or textures or any design that would simulate a sign or advertising message.

C. Advertisements, displays of merchandise, signs or any other exhibit depicting adult-oriented activities placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such buildings or premises.

D. No outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to an adult-oriented use is allowed.

E. Upon order of the city manager, graffiti appearing on any exterior surface of a building or premises, which graffiti is within public view, shall be removed, and that surface shall be restored within seventy-two hours of notification to the owner or person in charge of the premises.

F. All exterior windows that are visible to the public must be opaquely covered.

(Ord. 2167 § 7 (part), 1999: Ord. 1699 § 3 (part), 1979)

18.69.060 Exceptions.

A. Any person having ownership or control of an adult-oriented business which is within one thousand five hundred feet of another such business or within one thousand five hundred feet of any public school, public park, or within one thousand feet of any residential zone on the date this section first became effective (September 11, 1979) shall be permitted to transfer such principal ownership or control within a period of two years thereafter, provided that the persons acquiring such ownership or control shall be required to discontinue and abate the uses transferred thereunder within a period not to exceed five years from the date of such transfer of principal ownership or control if such business continues to be within one thousand five hundred feet of any other such adult-oriented business or within one thousand five hundred feet of any public school or public park or within one thousand feet of any residential-zoned property in the city.

B. Nothing in this section prohibits the transfer of principal ownership or control of adult-oriented uses permitted under subsections 18.69.030(C) or (E).

C. After the effective date of adoption of Section 18.69.030(A) (September 11, 1979), no public school, public park or residential zoned area shall be allowed to commence within those minimum distances of separation.

D. Notwithstanding any other provision of this code to the contrary, the provisions of this chapter shall be applicable to all land within the city, including all redevelopment project areas now in existence or hereafter established.

(Ord. 2167 § 7 (part), 1999: Ord. 1790 § D, 1983: Ord. 1699 § 3 (part), 1979)

18.69.070 Other regulations, permits or licenses.

A. Effect. The provisions of this chapter do not waive or modify any other provision of this code. Adult-oriented businesses shall comply with all applicable provisions of law and this code.

B. Reference. This list is not all-inclusive and is inserted here for reference only; other applicable regulations include, but are not limited to the following chapters:

TABLE INSET:

|                          |       |
|--------------------------|-------|
| Live entertainment       | 6.43  |
| Massage establishments   | 6.50  |
| Obscene matter           | 10.34 |
| Pornography              | 10.62 |
| Peep show establishments | 15.36 |

(Ord. 2167 § 7 (part), 1999: Ord. 1699 § 3 (part), 1979)

18.69.080 Protection of minors.

Adult-oriented business shall not allow the admission of minors and shall otherwise comply with Chapter 10.62. An attendant shall be present at all times during hours of operation to deny admittance to minors.

(Ord. 2167 § 7 (part), 1999: Ord. 1699 § 3 (part), 1979)

18.69.090 Private viewing rooms.

It is unlawful for any person or entity which is subject to the regulations of this chapter, and which sells or rents prerecorded video tapes, movies, transparencies, films, projectable motion pictures or equipment used for showing any or all of these items, to offer or allow the viewing of these materials in private viewing rooms, as defined in Section 18.69.020V.

(Ord. 1945 § 1, 1988: Ord. 1781 (part), 1982)

18.69.100 Constitutional severability.

The city council declares that the invalidity of any section or portion of this chapter shall not affect the validity of any other remaining section or portion; that the city council would have adopted each of those remaining portions notwithstanding any later declared invalid. If any portion determined to be invalid can be severed or be judicially interpreted in a way that could harmonize it with the remaining provisions, then it may either be severed or be judicially interpreted and, as interpreted, be applied so as to give full purpose, meaning and effect to the remaining provisions of this chapter.

(Ord. 2167 § 8, 1999)

## Chapter 18.70 AUTOMOBILE IMPOUND AND STORAGE YARDS

Sections:

18.70.010 Conditional use permit--Required.

18.70.020 Yard area requirements.

18.70.030 Rules of operation.

18.70.040 Conditional use permit--Expiration.

18.70.050 Conditional use permit--Revocation for violation.

18.70.010 Conditional use permit--Required.

Any application for a permit to establish an automobile impound and storage yard shall be subject to the issuance of a conditional use permit in accordance with Chapter 18.116. The permittee must be a successful bidder of a contract with the city to participate in the assignment of service calls on police-impounded automobiles. No permit shall be granted to premises located east of National Avenue.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-3.01)

18.70.020 Yard area requirements.

The conditional use permit shall require, for its issuance, that the proposed storage area meet the following criteria:

A. The storage area shall be in a building or enclosed by a solid fence or wall at least eight feet in height. The construction and maintenance of a required fence shall be in accordance with Section 18.102.080 and Appendix J of the National City Land Use Code.

B. No sign, picture, transparency, advertisement or mechanical device which is used for the purpose of or does advertise or bring to notice any person or persons, or article or articles of merchandise, or any business or profession, or anything that is to be or has been sold, bartered or given away, shall be placed or maintained, or caused to be maintained, upon the outward face of such fence or wall.

C. The storage area must contain a gross surface of not less than ten thousand square feet nor more than fifteen thousand square feet devoted to the storage of wrecked vehicles.

D. The storage area, including driveways and access roads, shall be surfaced with asphalt cement, or decomposed granite with oil.

E. The storage area shall be served by drainage facilities adequate to prevent the accumulation of standing water. The city engineer shall determine the adequacy of proposed drainage facilities.

F. Gates in the fence or wall surrounding the storage area shall be constructed of new material, the same height as the fence or wall. No gate shall swing outward. All gates shall be kept closed except when vehicles or pedestrians are exiting or entering the premises. As an alternative to closing all gates, an interior screening fence may be erected so as to prevent public view of the contents of the storage yard during times when the gates are open.

G. A four-foot setback from dedicated streets is required. The setback area and the parkway area shall be landscaped with trees, shrubs, or other ground cover in accordance with Chapter 18.54 and adopted guidelines.

H. Exterior floodlighting, when used, shall be directed away from adjacent property and streets. All lights shall be shielded in such a manner that the light therefrom will fall only on the same premises upon which such light source is located.

I. A conditional use permit shall not be granted for an area visible from a freeway unless all wrecked vehicles can be stored out of sight of adjacent freeways.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-3.02)

18.70.030 Rules of operation.

The conditional use permit shall require, for its issuance and continued validity, that permitted storage operations be conducted pursuant to the following rules:

A. Stripping of automobiles, removal of parts, and dismantling, salvaging or junking shall be prohibited; provided, however, that the permittee may remove articles required to be removed to permit scrapping of the impounded vehicles. Removed parts may be accumulated for thirty days on the licensed premises.

B. All inflammable liquids shall be removed from any unregistered or scrapped vehicle.

C. Stored material and vehicles shall be so arranged that reasonable inspection of all parts of the premises can be made at any time by fire, health, police, planning and building authorities.

D. Trash containers shall be installed and maintained on the premises, and the premises shall be kept free of trash at all times.

E. Wrecked vehicles shall be disposed of in an expeditious manner, and no vehicle shall be retained in storage in excess of three months from the date of impoundment. Upon recommendation of the chief of police of the city or order of a court of competent jurisdiction, the city council may extend the storage time.

F. No article shall be piled higher than the enclosing fence or wall, or nearer than two feet to the enclosing fence or wall.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-3.03)

18.70.040 Conditional use permit--Expiration.

A conditional use permit granted under the provisions of this title will expire upon the revocation, expiration, or cancellation of a permittee's contract with the city.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-3.04)

18.70.050 Conditional use permit--Revocation for violation.

Violation of any requirement of this title is grounds for revocation of a conditional use permit in accordance with Chapter 18.116.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-3.05)

Chapter 18.71 SALE OF ALCOHOLIC BEVERAGES AND LIVE ENTERTAINMENT  
Sections:

18.71.010 Conditional use permit--Required.

18.71.020 Conditional use permit--Additional notice required.

18.71.030 Community meeting--Required.

18.71.040 Distance requirements.

18.71.050 Measure of distance.

18.71.060 Additional standards for the sale of alcohol at restaurants or public eating places.

18.71.070 Live entertainment.

18.71.010 Conditional use permit--Required.

A conditional use permit is required for the sale of alcoholic beverages, whether for on-site or off-site consumption, and may be approved pursuant to Chapter 18.116 of this title and Sections 18.71.020, 18.71.030, 18.71.040, 18.71.050 and 18.71.060.

(Ord. 2236 § 2 (part), 2003)

18.71.020 Conditional use permit--Additional notice required.

In addition to notice required pursuant to Section 18.130.080, and in accordance with procedures for mailing written notice as contained in Section 18.130.080, written notice for a public hearing on a conditional use permit for the sale of alcoholic beverages shall be provided to owners and occupants of property within a radius of six hundred sixty feet of the exterior boundaries of the property where the sale of alcoholic beverages is proposed.

(Ord. 2236 § 2 (part), 2003)

18.71.030 Community meeting--Required.

Prior to the public hearing required pursuant to Section 18.71.010, the applicant shall hold a community meeting to inform residents of a proposal for the sale of alcoholic beverages. The applicant shall provide to the planning department documentation of the meeting and input received.

(Ord. 2236 § 2 (part), 2003)

18.71.040 Distance requirements.

Establishments where alcoholic beverages are sold for on or off-site consumption shall be located as follows:

A. Liquor stores, or other businesses where the principal use involves the sale of alcohol for off-site consumption, shall be:

1. A minimum of six hundred sixty feet from any public school (kindergarten through twelfth grade) within the boundaries of the city; and
2. A minimum of five hundred feet apart.

B. Bars and cocktail lounges or other establishments where the sale of alcoholic beverages for on-site consumption is the principal use, shall be:

1. A minimum of six hundred sixty feet from any public school (kindergarten through twelfth grade) within the boundaries of the city; and
2. No less than one thousand feet apart.

C. Restaurants where the sale of alcoholic beverages for on-site consumption is accessory or incidental to the principal use shall be a minimum of six hundred sixty feet from any public school (kindergarten through twelfth grade) within the boundaries of the city; except that this distance requirement shall not apply to restaurants (other than fast-food restaurants with drive-through service) where at least thirty percent of the floor area of the building is comprised of seating area.

D. Private clubs or lodges, bowling alleys, theaters and other establishments where the sale of alcoholic beverages is accessory or incidental to the principal use shall be:

1. A minimum of six hundred sixty feet from any public school (kindergarten through twelfth grade) within the boundaries of the city; and
2. No closer than five hundred feet apart. This limitation shall not apply to restaurants.

E. No minimum distances from schools or other uses are required for grocery stores, convenience stores or other retail establishments involving the sale of alcohol for off-site consumption as an accessory use.

(Ord. 2236 § 2 (part), 2003)

18.71.050 Measure of distance.

For the purposes of Section 18.71.040:

A. The distance between any two establishments that sell alcoholic beverages shall be measured in a straight line without regard to intervening structures from the closest exterior structural walls of the establishments.

B. The distance between any establishment selling alcohol and a school shall be measured in a straight line, disregarding intervening structures, from the closest exterior structural walls of the establishment to the closest property line of the school.

(Ord. 2236 § 2 (part), 2003)

18.71.060 Additional standards for the sale of alcohol at restaurants or public eating places.

Restaurants or public eating places shall conform to the following, additional standards:

A. Alcoholic beverage sales shall be incidental to food service.

B. There shall be no sale of alcoholic beverages after midnight unless otherwise specified by the conditional use permit. The conditional use permit may further restrict the times when alcoholic beverages may be sold.

(Ord. 2236 § 2 (part), 2003)

18.71.070 Live entertainment.

- A. Live entertainment shall be limited to a single entertainer performing musical work (piano bars, etc.) except as provided below.
- B. Additional entertainers, dancing, audience participation, karaoke, or other live entertainment may be authorized by a conditional use permit in zones where live entertainment is permitted.
- C. Live entertainment specified in subsection B of this section may be permitted by a resolution of approval for a conditional use permit for the sale of alcohol in zones where live entertainment is permitted.

(Ord. 2236 § 2 (part), 2003)

#### Chapter 18.72 AUTOMOTIVE AND ALLIED SERVICES USES

##### Sections:

18.72.010 Screening.

18.72.020 Lighting.

18.72.030 Automobile painting.

18.72.010 Screening.

When any automotive and allied services use (Use Group 4) is located on a lot adjoining a residential zone, that use shall be permanently screened from such adjoining property by a fence or wall and suitable landscaping, adjacent to or opposite the residential zone. All portions of the lot involving service or repairs shall be screened from public view by means of a building and/or wall or fence not less than six feet in height, and suitable landscaping. Fencing shall be constructed in accordance with adopted guidelines. See Chapter 18.50 for design of fences.

(Ord. 1712 § 47, 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 976-4.01)

18.72.020 Lighting.

Floodlighting used in conjunction with vehicle parking spaces and vehicle lot sales shall be directed away from adjacent property and streets. All outdoor lighting shall be so shielded and adjusted that the light therefrom is directed to fall only on the same premises upon which such light source is located. Stringer lights or lighting systems which include the use of unshielded bulbs or other wire-supported lighting systems shall be prohibited on such lots or parcels, provided that any such lighting system installed and operating on July 1, 1973, may be continued for a period not to exceed two years from said date.

Security lighting shall be in accordance with adopted guidelines.

(Ord. 1712 § 22, 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 976-4.02)

18.72.030 Automobile painting.

Automobile painting with accessory body and fender work shall be conducted entirely within a building. The hours of operation shall be between seven a.m. and seven p.m., except where the building adjoins a residential area the hours of operation shall be restricted to between eight a.m. and six p.m. daily, excluding Sundays. (Accessory body work shall be defined as "only that work required in the preparation for complete auto repaint.")

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-4.03)

#### Chapter 18.74 CONDOMINIUMS AND COMMUNITY APARTMENT PROJECTS

##### Sections:

18.74.010 Compliance with apartment house regulations.

18.74.020 Condominium conversion.

18.74.021 Conversion of hotels and motels to residential condominiums.

18.74.030 Condominium subdivision of commercial and industrial properties.

18.74.010 Compliance with apartment house regulations.

New condominium and community apartment projects, not including condominium conversions, shall comply with all the zoning regulations applicable to apartment house projects.

(Ord. 2216 § 6, 2003; Ord. 1503 § 1 (part), 1976; NCLUC § 976-5.01)

18.74.020 Condominium conversion.

The conversion of existing apartments or other rental properties to condominiums, community projects or stock cooperatives may be permitted if the following conditions are satisfied:

A. A conditional use permit is required pursuant to Chapter 18.116 and the following additional findings:

1. The proposal is consistent with housing element goals and objectives;
2. Plans and reports submitted by the applicant, along with conditions of approval, show that necessary upgrading will be completed prior to sale of any unit.

B. A conversion shall comply with requirements for tentative and final parcel and subdivision maps, as provided in this title.

C. Requirements of the state Subdivision Map Act will be satisfied, specifically with regard to requirements for notice to tenants and right of tenants to exclusive contract for purchase in condominium, community apartment or stock cooperative projects.

D. Physical Elements Reports.

1. At the time of submitting the conditional use permit application required in subsection A of this section, the applicant shall submit a report or reports on the status of the physical elements of the project, including the condition and remaining useful life of building foundations and walls, roofs, electrical systems, plumbing systems, mechanical systems, recreational facilities, parking and other paved areas and drainage facilities. These reports shall be prepared by California licensed structural or civil engineers or private home inspectors and they shall include a detailed evaluation of the existing physical elements, a recommendation on their status including any necessary repairs or replacement, either immediate or in the future, and a certification of the findings. The reports shall also specifically address or include the following:

- a. Measures that should be taken to improve sound attenuation between units (except for projects built after July 1, 1979 in compliance with the Building Code);
  - b. Structural pest report;
  - c. Building history report identifying the date of construction of all elements;
  - d. Characteristics of the building not in compliance with currently applicable building or housing codes, and with codes in effect at the time of construction;
  - e. The need for smoke detectors in individual units, as well as for other on-site fire protection systems maintained by the homeowners association.
2. The planning commission, or city council on appeal, shall review these reports to determine the need to repair or replace any existing physical elements as a condition of approving the proposed conversion.

E. Any other materials required by the planning director to provide evidence in support of the above conditions shall be submitted before the conditional use permit application is determined complete.



(Ord. 2216 § 7, 2003; Ord. 2216 § 7, 2003; Ord. 1712 § 23, 1980; Ord. 1614 § 20, 1978; Ord. 1503 § 1 (part), 1976; NCLUC § 976-5.02)

18.74.021 Conversion of hotels and motels to residential condominiums.

Proposals for conversion of hotels and motels to residential condominiums shall comply with requirements of Section 18.74.020, except for subsection C regarding notice to tenants of the right to purchase their units. In addition, proposals for conversion of hotels and motels to residential condominiums shall comply with requirements specified in Chapter 18.77.

(Ord. 2241 § 3, 2004)

18.74.030 Condominium subdivision of commercial and industrial properties.

Upon finding that such action will be consistent with the intent of this title, commercial and industrial condominium subdivision maps may be approved, subject to all provisions of Title 17.

(Ord. 1712 § 24, 1980)

## Chapter 18.76 CONVERSIONS TO NONRESIDENTIAL USE

Sections:

18.76.010 Generally.

18.76.020 Approval.

18.76.030 Removal of residential facilities.

18.76.040 Compliance with zoning regulations.

18.76.050 Building occupancy.

18.76.060 Dwelling unit of historical character.

18.76.070 Dwelling unit used as a place of assembly.

18.76.080 Design and aesthetics.

18.76.090 Filing fee.

18.76.010 Generally.

A structure or building intended or designed to be used as a dwelling unit may be used in the commercial and industrial zones for a permitted commercial or industrial use, subject to the provisions of this chapter.

(Ord. 1503 § 1 (part), 1976; NCLUC § 976-6 (part))

18.76.020 Approval.

Approval of the location and plans by the planning commission is required.

(Ord. 1503 § 1 (part), 1976; NCLUC § 976-6.01)

18.76.030 Removal of residential facilities.

All facilities for living, sleeping, cooking, and dining shall be permanently removed except for employee dining facilities.

(Ord. 1614 § 21, 1978; Ord. 1503 § 1 (part), 1976; NCLUC § 976-6.03)

18.76.040 Compliance with zoning regulations.

All other provisions of this title shall be complied with.

(Ord. 1503 § 1 (part), 1976; NCLUC § 976-6.03)

18.76.050 Building occupancy.

The structure or building shall not be used or occupied until after the issuance of a certificate of occupancy by the director of building and housing. Any change of occupancy shall comply with all requirements of the building code of the city and this title.

(Ord. 1503 § 1 (part), 1976; NCLUC § 976-6.04)

18.76.060 Dwelling unit of historical character.

When application is made for approval to convert a dwelling unit of recognized historical character, the planning commission may deny a permit on grounds of unsuitability with such historical character.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-6.05)

18.76.070 Dwelling unit used as a place of assembly.

A dwelling unit or any portion thereof shall be permitted to be converted and/or used as a place of assembly as defined by this title only by the issuance of a conditional use permit.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-6.06)

18.76.080 Design and aesthetics.

In the approval of any plans for the conversion of a residential structure for any of the uses permitted under this chapter, the planning commission shall take into consideration the architectural design of the structure, as well as the aesthetic quality of the structure and the property.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-6.07)

18.76.090 Filing fee.

A nonrefundable fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of filing.

(Ord. 1831 § 2 (part), 1984: Ord. 1629 § 2(h), 1978)

Chapter 18.77 CONVERSIONS OF HOTELS AND MOTELS TO RESIDENTIAL USE  
Sections:

18.77.010 Conversions of hotels and motels generally.

18.77.020 Number of dwelling units allowed.

18.77.030 Compliance with zoning regulations--Exceptions.

18.77.040 Design and aesthetics.

18.77.050 Additional conditions for conversion of hotels and motels to condominiums.

18.77.010 Conversions of hotels and motels generally.

A hotel or motel may be converted to a residential use, if located in a commercial zone where the residential use is permitted, with the issuance of a conditional use permit, in accordance with Chapter 18.116 and subject to the provisions of this chapter.

(Ord. 2241 § 2 (part), 2004)

18.77.020 Number of dwelling units allowed.

The maximum number of dwelling units which may be permitted shall be limited to the number of existing motel rooms or units; or the maximum permitted for residential use in the commercial zones, pursuant to Chapter 18.140, whichever is greater.

(Ord. 2241 § 2 (part), 2004)

18.77.030 Compliance with zoning regulations--Exceptions.

All other provisions of this title shall be complied with. Hotels and motels converted to residential use shall comply with residential design standards specified in Section 18.14.190; however, exceptions to the design standards may be granted with the issuance of a conditional use permit.

(Ord. 2241 § 2 (part), 2004)

18.77.040 Design and aesthetics.

In the approval of any plans for the conversion of a hotel or motel to residential use, the planning commission shall take into consideration the architectural design of the

structure, as well as the aesthetic quality of the structure and the property, and determine that the proposal conforms with the city's adopted design guidelines, unless exceptions are warranted.

(Ord. 2241 § 2 (part), 2004)

18.77.050 Additional conditions for conversion of hotels and motels to condominiums. The conversion of existing hotels or motels to condominiums, community projects or stock cooperatives may be permitted if the conditions specified in Section 18.74.020 are satisfied, excluding subsection C.

(Ord. 2241 § 2 (part), 2004)

#### Chapter 18.78 ELECTROPLATING

Sections:

18.78.010 Conditional use permit required.

18.78.020 Rules of operation.

18.78.010 Conditional use permit required.

Electroplating will be permitted as a principal use or an accessory use only upon the issuance of a conditional use permit.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-7.01)

18.78.020 Rules of operation.

The conditional use permit shall require, for its issuance and continued validity, that permitted electroplating be conducted pursuant to the following rules:

- A. Authorization to operate shall be obtained from the air pollution control board.
- B. All plating shall be conducted entirely within an enclosed building.
- C. The storage and use of chemicals shall be in accordance with city fire department requirements.
- D. The disposal of chemical waste shall be in accordance with the requirements of the city department of building and housing.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-7.02)

#### Chapter 18.79 HAZARDOUS WASTE FACILITIES

Sections:

18.79.010 Definition.

18.79.020 Approval.

18.79.030 Grant conditions.

18.79.040 Information requirements.

18.79.050 Related permit requirements.

18.79.010 Definition.

"Hazardous waste facility" shall be defined as specified by the California Health and Safety Code and San Diego County Hazardous Waste Management Plan.

(Ord. 2035 § 4 (part), 1992)

18.79.020 Approval.

Hazardous waste facilities may be permitted only in the Medium Manufacturing (MM), Heavy Manufacturing (MH) and Tidelands Manufacturing (MT) zones and shall require approval of a conditional use permit and comply with provisions of Chapter 18.116 (Conditional Use Permits). Data, policies, criteria and procedures contained in the San Diego County Hazardous Waste Management Plan shall be utilized for evaluation of applications for hazardous waste facilities. The siting criteria, the conditional use permit

procedure and the fair share policies of the plan shall be utilized in making decisions on such applications.

(Ord. 2035 § 4 (part), 1992)

18.79.030 Grant conditions.

Before any conditional use permit may be granted for a new hazardous waste facility project or for modification of an existing facility, in addition to the conditions required by Section 18.116.020, it shall be found that the proposed facility is in compliance with the following siting criteria documents of the County of San Diego Hazardous Waste Management Plan:

A. Section E, entitled "Local and Regional Facility Needs", of Chapter IX, entitled "Siting and Permitting of Hazardous Waste Facilities" (Pages IX-35 through IX-37);

B. Appendix IX-A, entitled "Siting Criteria for Evaluating Hazardous Waste Management Facility Siting Proposals in San Diego County"; and

C. Appendix IX-B, entitled "General Areas for Siting Hazardous Waste Management Facilities".

(Ord. 2035 § 4 (part), 1992)

18.79.040 Information requirements.

An application for a conditional use permit for a hazardous waste facility project shall provide information required by the planning director to show conformance with procedural requirements of Article 8.7 of the California Health and Safety Code. Such information may include but shall not be limited to documentation from the state office of permit assistance regarding procedures required for approval of the proposed facility.

(Ord. 2035 § 4 (part), 1992)

18.79.050 Related permit requirements.

All applicable zoning, subdivision, conditional use permit and variance decisions made by the city shall be consistent with the siting criteria documents of the County of San Diego Hazardous Waste Management Plan listed in Section 18.79.030 above.

(Ord. 2035 § 4 (part), 1992)

## Chapter 18.80 HELICOPTER OPERATIONS

Sections:

18.80.010 Purpose and intent.

18.80.020 Definitions.

18.80.030 Heliports and helistops--Classification.

18.80.040 Heliports and helistops--Conditional use permit--Required.

18.80.050 Heliports and helistops--Conditional use permit--Application.

18.80.060 Temporary heliport or helistop permits.

18.80.070 Heliports or helistops--Conditional use permit--Approval.

18.80.080 Heliport and helistop regulations.

18.80.090 Elevated heliport and helistop regulations.

18.80.100 Heliports and helistops--Conditional use permit--Suspension--By approval withdrawal.

18.80.110 Heliports and helistops--Conditional use permit--Suspension--Because of dangerous conditions.

18.80.120 Heliports and helistops--Conditional use permit--Revocation--Grounds.

18.80.130 Heliports and helistops--Conditional use permit--Revocation--Hearing.

18.80.010 Purpose and intent.

The purpose and intent of this chapter are to provide rules and regulations governing the conduct of the operation of helicopters and related facilities within the city.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-17.01)

#### 18.80.020 Definitions.

Whenever used in this title, the following words or phrases shall be defined as set out in this section.

- A. "Approach-departure path" means a clear path selected for flight, extending upward and outward from the edge of the landing and takeoff area.
- B. "Commercial helicopter" means any helicopter used for the transportation for hire of passengers, cargo or mail where a public heliport or helistop is the destination or point of origin of its flight, and any helicopter engaged in commercial utility work including photo, patrol, forestry, advertising, agricultural and flight training where a public heliport or helistop is used for takeoff or landing.
- C. "Helicopter" means a rotary-wing aircraft which depends, for its support and motion in the air, principally upon the lift generated by one or more power-driven rotors that rotate on a substantially vertical axis.
- D. "Heliport" means an area, either at ground level or elevated on a structure, which is used or intended to be used for the landing and takeoff of helicopters, and includes some or all of the various facilities useful to helicopter operation, such as helicopter parking, waiting room, fueling and maintenance equipment.
- E. "Helistop" means a heliport, either at ground level or elevated on a structure, for the landing and takeoff of helicopters, but without auxiliary facilities such as waiting room, hangar, parking, maintenance or fueling equipment.
- F. "Off-heliport landing site" means that takeoff and landing area intended for temporary or occasional helicopter use but not formally designed as a heliport.
- G. "Private heliport/helistop" means a heliport or helistop serving a limited number of individuals or firms, their owners, employees, agents and guests.
- H. "Public heliport/helistop" means that area of the heliport or helistop serving the general public.
- I. "Takeoff and landing area" means that area of the heliport where the helicopter actually lands and takes off, and includes the touchdown area.
- J. "Taxiway" means a surface pathway used to hover taxi or ground taxi helicopters to and from the takeoff and landing area.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-17.02)

#### 18.80.030 Heliports and helistops--Classification.

- A. Heliports and helistops shall be designated as either ground level, elevated, or floating. Each shall be classified as one of the following:
  - 1. Class I, private: any heliport or helistop which is exclusively for the owner's sole use and which use by other parties is only by specific invitation or permission of the owner;
  - 2. Class II, public (small): any publicly owned heliport or helistop (or one privately owned but dedicated to public use) which will accommodate helicopters of six thousand pounds or less gross weight;
  - 3. Class III, public (large): any publicly owned heliport or helistop (or one privately owned but dedicated to public use) which will accommodate helicopters in excess of six thousand pounds gross weight.

B. Heliports and helistops are further subclassified in accordance with their available support facilities as follows:

1. Subclass A, minimum support facilities: no buildings, maintenance or fueling (a helistop);

2. Subclass B, limited support facilities: no fuel, no maintenance;

3. Subclass C, complete support facilities including maintenance and fueling.

C. Classification as used in this chapter is not intended to establish control or limitation on support facilities authorized for heliports/helistops, but is a reflection of such facilities available on any given installation.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-17.03)

18.80.040 Heliports and helistops--Conditional use permit--Required.

No person shall operate or maintain a heliport or helistop without first obtaining a conditional use permit in accordance with Chapter 18.116.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-17.04)

18.80.050 Heliports and helistops--Conditional use permit--Application.

Every application for a conditional use permit to construct and/or operate a permanent heliport or helistop shall include the following:

A. Name and address of applicant, whether a firm, association, or corporation;

B. Copy of completed application to California Department of Aeronautics for state approval;

C. Copy of completed application to Federal Aviation Administration for approval;

D. For the first application in each calendar year, a certificate of insurance providing for public liability and property damage, consistent with the requirements of the California Public Utility Commission for helicopter operations;

E. Fifteen copies of a complete site development plan, drawn to a scale of not less than one inch equals thirty feet, and an architectural rendering of exterior elevations where applicable, showing the proposed uses of the property, including dimensions and locations of all proposed structures, parking spaces, streets, landscaping, open spaces, and such additional information as may be requested by the planning commission.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-17.05)

18.80.060 Temporary heliport or helistop permits.

A. No person shall operate a helicopter to or from any property within the city other than a heliport or helistop approved by the city (except in cases of an emergency situation); provided, however, that the landing and takeoff of helicopters at places other than approved heliports and helistops may be authorized for specifically designated and limited times. Such authorization shall not exceed a thirty-day period.

B. Every application for a temporary heliport or helistop permit shall be made in writing to the planning commission and shall include the following:

1. Name and address of applicant, whether a firm, association or corporation;

2. Copy of application for state approval;

3. Copy of application for Federal Aviation Administration approval;

4. Written approval of landowner or duly authorized agent or representative;

5. Certificate of insurance as provided in subsection D of Section 18.80.050;

6. Fifteen copies of a complete site development plan, drawn to a scale of not less than one inch equals thirty feet, and an architectural rendering of exterior elevations where applicable, showing the proposed uses of the property, including dimensions and

locations of all proposed structures, parking spaces, streets, landscaping, open spaces, and such additional information as may be requested by the planning commission.

C. Upon receipt of proper application, the planning commission shall coordinate and obtain concurrence from appropriate city departments. Temporary sites will be evaluated on the basis of recommended Federal Aviation Administration criteria. Waivers may be granted on this criteria when safety of flight or the interests of the general public are not jeopardized. Past performance of applicant shall be considered in each instance. An appropriate conditional use permit for temporary operations shall be issued by the city council upon recommendation of the planning commission.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-17.07)

#### 18.80.070 Heliports or helistops--Conditional use permit--Approval.

Every conditional use permit which is issued as provided in this chapter shall be conditional pending receipt by the city manager of evidence of the approval required by the Federal Aviation Administration and the California Department of Aeronautics, and the conditional use permit 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 the California Department of Aeronautics disapproves such applications or fails to approve such applications within ninety days after the issuance of the conditional use permit issued pursuant to this chapter, then the conditional use permit shall be deemed revoked by operation of law without the requirement of notice to the applicant by the city. This section shall not be construed as authority to operate a heliport or helistop until the conditional use permit granted pursuant to this chapter is unconditionally approved.

(Ord. 1503 § 1 (part) 1976: NCLUC § 976-17.06)

#### 18.80.080 Heliport and helistop regulations.

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

- A. The takeoff and landing area shall be encircled by a fence or barrier not less than three feet in height.
- B. The touchdown area shall be located in the center of the takeoff and landing area.
- C. Obstruction clearance surfaces shall be as required by federal aviation regulations.
- D. Each takeoff and landing area shall have two obstruction clearance surfaces at least ninety degrees apart, one of which is into the prevailing wind.
- E. A wind-indicating device shall be provided and maintained at all times in a workable condition.
- F. A takeoff and landing area shall be provided with adequate lighting if used for night or all-weather operations.
- G. The helicopter landing facilities shall be marked as prescribed by the Federal Aviation Administration.
- H. Surfacing of the landing facility shall be such so as to minimize the blowing of any dust, dirt, or other objectionable material onto neighboring property.
- I. Every heliport or helistop as defined in this chapter shall be limited in hours of operation to the periods between sunup and sundown daily unless properly lighted and specifically approved for night operation.

J. The city council, upon recommendation of the planning commission, may impose such additional conditions as it deems necessary and desirable to protect the public health, safety and welfare.

K. Floating helistops or heliports shall be marked and lighted in accordance with Coast Guard regulations.

L. Adequate portable fire extinguishers shall be provided as determined by the city fire marshal.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-17.08)

18.80.090 Elevated heliport and helistop regulations.

No conditional use permit for the operation of an elevated heliport or helistop shall be issued until the following additional requirements are met:

A. All applicable provisions of the Uniform Building Code shall be complied with.

B. The roof shall be provided with a twelve-inch parapet. Where openings pierce the roof, they shall be provided with a six-inch curb and fire protected as required for vertical shafts. No openings in the roof shall be permitted within twenty-five feet of the touchdown boundaries.

C. Exits shall not be located in the landing or takeoff pattern.

D. Landing pads raised above roof level shall be provided with two separate stairways to the roof below. Each such stairway shall be not less than three feet in width and shall comply with Section 3305 of the Uniform Building Code.

E. No fueling or repairing of helicopters shall be permitted except of an emergency nature when approved by the city fire marshal.

F. Separator or clarifying tanks for collecting spilled fuel shall be installed under approval and supervision of the fire department.

G. No smoking shall be permitted within fifty feet of the landing pad.

H. Two or more wet standpipes shall be provided to reach all parts of roof equipped with one and one-half-inch rubber-lined fire hose not over one hundred feet in length. Hose shall be equipped with combination fog nozzles. Sufficient pressure shall be provided to afford a good fog pattern. Hose cabinets shall be located near the separate exits.

I. The electrical wiring and equipment in the landing pad area shall comply with requirements of the National Electrical Code for Class 1, Division 2, hazardous locations.

J. Mechanical, air handling, and air conditioning equipment, or penthouses must be twenty-five feet from the landing pad, outside the landing and takeoff patterns, and protected by a substantial incombustible barrier on the side toward the landing pad.

K. Two fire extinguishers of at least eighty BC rating each shall be provided.

L. Approved means of communication, such as a direct-line telephone or fire alarm box, shall be provided in the immediate vicinity.

M. The requirements of the adopted edition of the Uniform Fire Code will be applicable to all installations in addition to recommended procedures by the National Fire Protection Association, current editions.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-17.09)

18.80.100 Heliports and helistops--Conditional use permit--Suspension--By approval withdrawal.

A conditional use permit to operate a heliport or helistop granted pursuant to this chapter shall be deemed automatically suspended if the approval of the licensee or the facility



given by the California Department of Aeronautics or the Federal Aviation Administration is lost or withdrawn for any reason. Such suspension shall remain in effect until the licensee delivers evidence of the approval of the California Department of Aeronautics and/or the Federal Aviation Administration to the city council.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-17.10--:01)

18.80.110 Heliports and helistops--Conditional use permit--Suspension--Because of dangerous conditions.

When, in the opinion of the city council, the continued operation of a heliport or helistop is a serious danger to the public health, safety or welfare, the city council may suspend the conditional use permit to operate such facility without complying with the hearing procedure provided by this title. The licensee is, however, entitled to the appeals procedure provided by Chapter 18.134.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-17.10:02)

18.80.120 Heliports and helistops--Conditional use permit--Revocation--Grounds.

The city council may revoke a conditional use permit to operate a heliport or helistop whenever:

A. There is a violation of this chapter and/or of any state or federal law or regulation pertaining thereto;

B. The state permit and/or Federal Aviation Administration approval is lost, suspended or withdrawn for any reason;

C. There has been a material change of circumstances since the granting of the conditional use permit which would have precluded issuance of the conditional use permit if such changed circumstances had been in existence at the time of application;

D. Conditions of the conditional use permit have been violated.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-17.10:03)

18.80.130 Heliports and helistops--Conditional use permit--Revocation--Hearing.

A. Before revoking a conditional use permit, the city council shall call a hearing as provided in Section 18.116.170, except as provided in subsections A and B of Section 18.80.120.

B. At the conclusion of the hearing, the city council shall make an order. Such order can:

1. Dismiss the charges;

2. Suspend or revoke the conditional use permit; or

3. Affix such other conditional and probationary orders as may be proper for the enforcement of this chapter.

C. A copy of the decision shall be furnished to the holder of such conditional use permit who shall be informed of his right of appeal pursuant to this title.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-17.11)

## Chapter 18.82 HIDE CURING

Sections:

18.82.010 By brinematic process--Conditional use permit required.

18.82.020 By brinematic process--Rules of operation.

18.82.010 By brinematic process--Conditional use permit required.

Hide curing by the brinematic process shall require the issuance of a conditional use permit.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-8.01)

18.82.020 By brinematic process--Rules of operation.

The conditional use permit shall require, for its issuance and continued validity, that permitted hide curing by the brinematic process be conducted pursuant to the following rules:

- A. All loading or unloading operations shall be conducted directly between the truck and building, with no outdoor handling or storage of hides.
- B. Hide curing shall be conducted completely within an enclosed structure.
- C. Cement mixers used in curing the hides shall be permanently installed.
- D. Adequate cold storage facilities shall be maintained for storing uncured hides held on the premises more than twenty-four hours.
- E. Uncured hides held on the premises for more than twenty-four hours shall be frozen and so maintained in a cold storage locker until ready for curing.
- F. All liquid wastes from the curing operation shall be promptly and properly disposed of in a manner acceptable to the city and to the San Diego Metropolitan Sewer District.

(Ord. 1503 § 1 (part), 1976; NCLUC § 976-8.02)

#### Chapter 18.83 FAMILY DAY CARE FACILITIES

Sections:

18.83.010 Intent.

18.83.020 Definitions.

18.83.030 Small family day care.

18.83.031 Small family day care homes for seven or eight children.

18.83.040 Large family day care.

18.83.041 Large family day care homes for thirteen or fourteen children.

18.83.050 Application procedure for a large family day care facility.

18.83.010 Intent.

To provide family day care opportunities in the city consistent with State Health and Safety Code Chapter 1597 while ensuring that such facilities will not adversely affect neighboring properties.

(Ord. 2059 § 1 (part), 1993; Ord. 1850 (part), 1985)

18.83.020 Definitions.

"Family day care home" means a home which regularly provides care, protection and supervision of fourteen or fewer children in the provider's own home for periods of less than twenty-four hours per day, while the parents or guardians are away, and includes the following:

A. "Large family day care home" means a home which provides family day care for seven to fourteen children, pursuant to this chapter, including children under the age of ten years who reside at that home.

B. "Small family day care home" means a home which provides family day care to six or fewer children, including children under the age of ten years who reside at the home, pursuant to this chapter. "Small family day care home" also means a home that provides family day care to seven or eight children, including children under the age of ten years who reside at that home, provided that all of the conditions set forth in Section 18.83.031 are met.

(Ord. 2228 § 11 (part), 2003; Ord. 2059 § 1 (part), 1993; Ord. 1850 (part), 1985)

18.83.030 Small family day care.

Small family day care homes as defined in Section 18.04.241.1 are permitted in all residential structures located in residential zones subject to the following limitations:

- A. Care is provided for children on less than a twenty-four hour full-time basis;
  - B. Care is limited to a total of six children, including children under the age of ten who live in the home, as provided in Section 18.38.031; otherwise care is limited to six children, including children under the age of ten who live in the home, provided that a small family day care home may provide care for seven or eight children, including children under the age of ten years who live in that home, provided that all of the conditions of Section 18.83.031 are met.
  - C. Occupancy is subject to all day care home requirements required by the state fire marshal;
  - D. The facility is licensed by or registered with the state and/or the county. (Ord. 2228 § 11 (part), 2003; Ord. 2059 § 1 (part), 1993; Ord. 1850 (part), 1985)
- 18.83.031 Small family day care homes for seven or eight children.

A small family day care home may provide care for seven or eight children without an additional adult attendant if all of the following conditions are met:

- A. At least two of the children are at least six years of age.
- B. No more than two infants are cared for during any time when more than six children are cared for.
- C. The licensee notifies each parent that the facility is caring for the seven or eight children in the home at one time.
- D. The licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented. (Ord. 2228 § 12 (part), 2003)

18.83.040 Large family day care.

Large family day care homes as defined in Section 18.04.241 are permitted in single-family residential structures located in zones which allow single-family residences as a permitted use subject to the following limitations:

- A. Family day care must be operated as an incidental use to the residence;
- B. The planning director may require the construction of block walls not exceeding six feet in height to minimize noise impacts;
- C. An area sufficient for dropping off and picking up children shall be provided to the satisfaction of the planning director;
- D. Large family day care facilities shall obtain and maintain all applicable county and state licenses and permits. Such licenses and permits shall be kept current;
- E. A large family day care facility shall not locate within seven hundred feet of another such facility. The required minimum distance between any two large family day care facilities shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each such facility;
- F. The facility shall be maintained in accordance with the standards established by the State Fire Marshal for large family day care facilities;
- G. The facility shall be subject to the issuance of a business license and site plan review approval by the planning director. Site plan review approval shall be based solely on the adequacy of the facility with regard to spacing and concentration, traffic control, parking availability and noise minimization. (Ord. 2059 § 1 (part), 1993; Ord. 1850 (part), 1985)

18.83.041 Large family day care homes for thirteen or fourteen children.

A large family day care home may provide care for thirteen or fourteen children, if all of the following conditions are met:

- A. At least two of the children are at least six years of age.
- B. No more than three infants are cared for during any time when more than twelve children are cared for.
- C. The licensee notifies a parent that the facility is caring for the thirteen or fourteen children in the home at one time.
- D. The licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented.

(Ord. 2228 § 12 (part), 2003)

18.83.050 Application procedure for a large family day care facility.

A. Application shall be made to the planning department. If the planning director finds that an application for a large family day care facility complies with the provisions of this chapter, he shall approve the application and issue a permit. If the planning director finds that an application does not comply with this chapter, he shall deny the issuance of the permit.

B. A nonrefundable fee determined by the city council shall be paid to the city treasurer at the time of filing the application.

(Ord. 2059 § 1 (part), 1993; Ord. 1850 (part), 1985)

## Chapter 18.84 LIQUEFIED PETROLEUM GAS FACILITIES

Sections:

18.84.010 Liquefied petroleum gas defined.

18.84.020 Conditional use permit required.

18.84.030 Rules of operation.

18.84.010 Liquefied petroleum gas defined.

"Liquefied petroleum gas (LPG)" is any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them: propane, propylene, butanes (normal butane or isobutane), and butylenes.

(Ord. 1503 § 1 (part), 1976; NCLUC § 976-9 (part))

18.84.020 Conditional use permit required.

The installation and use of storage and dispensing facilities for the sale of liquefied petroleum gas may be permitted as a primary or accessory use in any zone wherein service stations, or automotive or truck repair garages are allowed, subject to the issuance of a conditional use permit.

(Ord. 1503 § 1 (part), 1976; NCLUC § 976-9.01 (part))

18.84.030 Rules of operation.

The installation and use of storage and dispensing facilities for the sale of liquefied petroleum gases shall comply with the following provisions, in addition to all other zoning regulations, and in addition to all conditions of approval attached to any conditional use permit:

A. Installation and use of storage and dispensing facilities for the sale of liquefied petroleum gases shall conform to all provisions of the National Fire Code, and to the provisions of the Unified Pressure Vessel Safety Code of the Division of Industrial Safety of the state.

- B. The dispensing of liquefied petroleum gas shall be by a fully competent and qualified person, who understands the properties of these gases, and who is thoroughly trained in safe practices for handling, distribution, and operation.
- C. Liquefied petroleum gas sales as a primary use shall comply with all the applicable conditions of automobile service stations specified in Chapter 18.98.
- D. Accessory liquefied petroleum gas sales shall be allowed only as incidental uses to permitted service stations, or automotive or truck repair garages which are otherwise in compliance with all applicable requirements of this title.
- E. The maximum permitted size of liquefied petroleum gas storage tanks shall be determined by the planning commission at the time of approval of any conditional use permit under this chapter.
- F. Liquefied petroleum gas dispensing facilities shall be a permanent installation.  
(Ord. 1503 § 1 (part), 1976: NCLUC § 976-9.01 (part))

#### Chapter 18.86 MECHANICAL EQUIPMENT

##### Sections:

18.86.010 Regulations generally.

18.86.020 Enclosure.

18.86.030 Noise limits.

18.86.040 Maintenance.

18.86.010 Regulations generally.

Any principal use which has, as an accessory use, mechanical equipment, tanks, ductwork, elevator equipment or enclosure compressors, air conditioning units, cooling towers, mechanical ventilators or similar machinery located outside of the exterior walls of any building shall comply with the provisions of this chapter.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-1 (part))

18.86.020 Enclosure.

A. All mechanical equipment as set out in Section 18.86.010 located at ground level shall be enclosed within a permanent noncombustible enclosure subject to the approval of the building official, and subject to all yard and setback regulations.

B. All such mechanical equipment located on the roof of any building shall be contained within a completely enclosed penthouse or portion of the same building having walls and roofs with construction and appearance similar to the building served by the equipment and other appurtenances.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-1.01)

18.86.030 Noise limits.

The maximum permitted sound levels for mechanical equipment shall be in compliance with Sections 18.102.200 and 18.102.210.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-1.02)

18.86.040 Maintenance.

All such mechanical equipment shall be maintained in a clean and proper condition to prevent a collection of litter or filth, and to avoid the emission of unnecessary noise.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-1.03)

#### Chapter 18.88 MOBILE HOMES

##### Sections:

18.88.010 Use as dwelling--Restrictions.

18.88.020 Use as business office--Restrictions.

18.88.030 Trailer park operation.

18.88.040 Mobile home park--Conditional use permit.

18.88.050 Mobile home park--Screening.

18.88.060 Payment of school fees for mobile home parks.

18.88.010 Use as dwelling--Restrictions.

Except within the Westside Specific Plan area, a mobile home shall not be used for living or sleeping purposes except when located in an approved mobile home park. Within the Westside Specific Plan RS-4 zone, a new mobile home or modular home may be installed upon obtaining appropriate building permits and provided that the mobile home or modular unit meets the design guidelines of the Westside Specific Plan and the city's design guidelines.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-10 (part))

(Ord. No. 2010-2344, § 9, 8-3-2010)

18.88.020 Use as business office--Restrictions.

A mobile home or house trailer shall not be used as a business office in any zone, except as a temporary office or classroom for a period of no longer than one year, subject to the issuance of a temporary use permit pursuant to Chapter 15.60.

(Ord. 1987 § 1 (part), 1989: Ord. 1712 § 2, 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 976-10 (part))

18.88.030 Trailer park operation.

Trailer parks shall be operated in accordance with Chapter 9.28 of this code.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-10 (part))

18.88.040 Mobile home park--Conditional use permit.

The development of a mobile home park shall require the issuance of a conditional use permit to insure that such development will be compatible with existing and permitted uses in the adjacent areas. The conditions of approval may include, but shall not be limited to, external traffic circulation, screening walls and plantings, park layout and design (including architectural design), lot size and shape, landscaping, signs, parking, usable open space and recreation areas, and service buildings.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-10.01 (part))

18.88.050 Mobile home park--Screening.

When located on a lot adjoining another residential use, mobile home parks shall be permanently screened from such adjoining property by a fence or wall and suitable landscaping, adjacent to or opposite the other residential use.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-10.01:01)

18.88.060 Payment of school fees for mobile home parks.

The following condition shall be included as a condition of approval on any conditional use permit approved for a mobile home park:

Prior to placement of any mobile homes within the mobile home park, all school fees stipulated in Section 4.34.120 shall be paid to the respective school districts. Proof of payment of the fees, in the form of a letter of availability, and/or a school service availability letter from the National School District and the Sweetwater Union High School District, shall be submitted to the National City planning department.

(Ord. 1888 § 6, 1986)

Chapter 18.90 MODEL HOMES

Sections:

18.90.010 Regulations generally.

18.90.020 Temporary office uses.

18.90.030 Off-street parking.

18.90.040 Landscaping.

18.90.050 Lighting.

18.90.060 Signs.

18.90.070 Temporary permit required.

18.90.010 Regulations generally.

Within the boundaries of a subdivision where lots are offered for sale to the public for the first time, buildings and structures erected in compliance with the provisions of the prevailing zone may be used as provided in this chapter.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-11 (part))

18.90.020 Temporary office uses.

One building for a temporary real estate sales office and not more than six dwellings for temporary demonstration or model home purposes shall be permitted. Such temporary uses shall be made only in conjunction with the sale or rental of land or buildings within such subdivisions, and such use or uses shall terminate one year after the filing in the office of the county recorder of the final subdivision map thereon, or sixty days after the sale of the last house, whichever comes first. After the time limit has expired, all commercial activity shall cease and the temporary office building, if any, shall be converted to a conforming use or removed at the owner's expense. At the termination of such office use, all necessary alterations to convert the temporary office to residential use or removal of the building shall be made.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-11.01)

18.90.030 Off-street parking.

The planning director shall determine the need for off-street parking, based on the location of model homes in relationship to adjoining subdivisions, the size of the subdivision, character of the street, and the expected duration of model home area use.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-11.02)

18.90.040 Landscaping.

Model home sites shall be attractively landscaped and maintained in accordance with Chapter 18.54.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-11.03)

18.90.050 Lighting.

All outdoor lighting shall be so shielded and adjusted that the light there from is directed to fall only on the same premises upon which such light source is located.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-11.04)

18.90.060 Signs.

For provisions regulating signs, see Chapter 18.62 (Signs and Outdoor Advertising).

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-11.05)

18.90.070 Temporary permit required.

For provisions regarding temporary use permit, see Chapter 15.60.

(Ord. 1987 § 1 (part), 1989: Ord. 1503 § 1 (part), 1976: NCLUC § 976-11.06)

Chapter 18.92 OUTDOOR DISPLAY OR SALE OF MERCHANDISE

Sections:

18.92.010 Outdoors display or sale of merchandise prohibited--General.

18.92.020 Permitted displays in commercial and industrial zones.

18.92.030 Special promotions.

18.92.040 Seasonal sale of Christmas trees and pumpkins.

18.92.010 Outdoors display or sale of merchandise prohibited--General.

A. The outdoors display or sale of merchandise on public or private property is unlawful, except as provided in this chapter or Chapter 7.21. Merchandise is displayed outdoors when it is placed to the exterior of a building or structure.

B. The inclusion of a specific prohibition in this Section 18.92.010 shall not affect the general prohibition set forth in Section 18.02.080 or its application creating restrictions on the uses of property outlined throughout the remainder of Title 18 of the National City Municipal Code.

C. The term "merchandise" is as defined in Section 10.22.010 and means any tangible object of nominal or value greater than one cent including, but not limited to, all manufactured products, food, goods and flowers, but excluding "newspapers" defined in Section 10.22.010(D).

(Ord. 2192 § 6, 2001)

18.92.020 Permitted displays in commercial and industrial zones.

A. In commercial and industrial zones, service stations, auto dealers, recreational vehicle sales lots, nurseries, licensed flower shops, and building material yards may display merchandise outdoors only on the same site approved for the business.

B. Other businesses in commercial and industrial zones shall not display or sell merchandise outdoors except pursuant to a determination by the planning director under Section 18.104.040 that the display would be customary with that type of business and consistent with or comparable to the types of uses described in Section 18.92.020(A).

(Ord. 2192 § 6, 2001)

18.92.030 Special promotions.

A. Except as allowed by Section 18.92.020, all other businesses in the commercial and industrial zones are permitted to have special promotions at which outdoors display and sales will be allowed, limited to a maximum of three consecutive days each, including all set-up and takedown time. No business shall have more than two such sales in a calendar year. There shall be a period of at least thirty days between sales.

B. Special promotions involving outdoor display of merchandise which are to last more than three days, or would involve more than two such sales in any calendar year, are not allowed unless city council approval in accordance with Chapter 15.60 is first obtained. All sales shall be limited to the site approved for the business.

C. No business shall conduct a special promotion with an outdoors display on a property unless the business has a permanent business address on that property. This restriction shall not apply to sales conducted entirely indoors.

(Ord. 2192 § 6, 2001)

18.92.040 Seasonal sale of Christmas trees and pumpkins.

A. The seasonal sale of Christmas trees and pumpkins outdoors is permitted only in commercial zones on property developed with a commercial use or on vacant property in a commercial zone.

B. Displays and sales of Christmas trees and pumpkins are limited to thirty-five days each, including installation and removal of all related materials. A business license shall be obtained each year prior to setting up displays.



(Ord. 2192 § 6, 2001)

## Chapter 18.94 OUTDOOR STORAGE

### Sections:

18.94.010 Enclosure.

18.94.020 Stacking stored materials--Height limitation.

18.94.030 Posting signs or devices prohibited.

18.94.040 Storage in yard setback prohibited.

18.94.050 Materials storage during construction.

18.94.060 Surfacing storage areas.

18.94.070 Specific storage regulations in C or M zones.

18.94.080 Rubbish storage.

18.94.010 Enclosure.

All outdoor storage, in any zone, which occupies a volume of more than sixty cubic feet and is visible from any abutting public street, or which abuts property used for residential purposes, shall be enclosed by a view-obscuring fence or wall (see Chapter 18.50 regarding fences, walls and hedges) at least six feet high. All gates provided for ingress and egress in any required fence or wall shall be at least six feet in height and shall be of view-obscuring construction.

(Ord. 1712 § 48, 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 976-1301 (part))

18.94.020 Stacking stored materials--Height limitation.

Merchandise, materials, equipment, or other goods, other than neatly stacked lumber in lumberyards, shall be stacked in outdoor storage areas to a height no greater than that of any building, wall, fence, or gate enclosing the storage area. For scrap metal processing yards, see Section 18.96.030.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-13.01 (part))

18.94.030 Posting signs or devices prohibited.

No sign, picture, transparency, advertisement, or mechanical device which is used for the purpose of or which does advertise or bring to notice any person or persons, or article or articles of merchandise, or any business or profession, or anything that is to be or has been sold, bartered or given away shall be placed or caused to be placed or to be maintained or caused to be maintained upon the outward face of any gate, fence or wall enclosing any outdoor storage area.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-13.01 (part))

18.94.040 Storage in yard setback prohibited.

No storage shall be permitted in any required front or side yard setbacks adjacent to a public street or highway.

(Ord. 1503 § 1 (part) 1976: NCLUC § 976-13.01 (part))

18.94.050 Materials storage during construction.

During construction and sixty days thereafter, property in said project area may be used for the storage of materials, excluding batch plants, used in the construction of the individual buildings in the project and for the contractor's temporary office.

(Ord. 1614 § 23, 1978; Ord. 1503 § 1 (part), 1976: NCLUC § 976-13.01 (part))

18.94.060 Surfacing storage areas.

All areas of the yard open to vehicular passage shall be paved with not less than two-inch-thick asphalt surfacing, or oil and aggregate mixture to prevent emission of dust or tracking of mud onto public rights-of-way; provided, however, the director of planning

may approve other paving materials which provide, in his opinion, the equivalent in service and useful life. Areas designated for storage or which are otherwise restricted to vehicular passage shall be indicated on the plot plan and be so maintained unless surfaced as provided in this section.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-13.01 (part))

18.94.070 Specific storage regulations in C or M zones.

In the commercial and manufacturing zones, the following regulations shall apply:

A. The storage of all materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible by or otherwise attractive to insects or rodents, unless said materials or wastes are stored outdoors in closed containers, is prohibited.

B. The storage, utilization or manufacturing of corrosive materials is permitted subject to the provisions of the city fire code.

C. Activities involving the storage, use or manufacture of fire and explosive hazard materials shall be conducted in accordance with the city fire code.

D. Toxic or dangerous materials shall be stored in a manner that insures against their escape from the premises to the detriment of public safety, health or welfare.

E. No material, equipment, or goods of any kind shall be stored on the roof of any building in any zone.

F. In the CT zone, the outdoor storage of merchandise, materials or equipment, except vehicles, shall be permitted only when incidental to a permitted use located on the same lot, provided that such storage is located at the rear of a lot and is confined to an area not to exceed five percent of the gross floor area of the permitted building or buildings.

G. In the industrial zones, the storage of materials, liquids, or wastes upon any lot in such form or manner that they may be transferred or flow off said lot by natural causes or forces is prohibited.

H. Shipping containers and truck trailers shall not be used for storage purposes in any zone, except as approved on a temporary basis by the city council.

(Ord. 1925 §§ 4, 19, 1987; Ord. 1503 § 1 (part), 1976: NCLUC § 976-13.02)

18.94.080 Rubbish storage.

A. Rubbish and solid waste shall be disposed of by public facilities, when available. Liquid wastes shall be promptly and properly disposed of in a manner acceptable to the city and to the San Diego Metropolitan Sewer District. Where public facilities are not provided for disposal, rubbish and solid waste shall be contained in rodent proof, nonflammable, reasonably waterproof storage containers with close-fitting lids. When liquid wastes are of such a character as to be unacceptable in the public sewer system, such wastes shall be stored in suitable containers or tanks until transfer. Such containers or tanks shall comply with the city fire code and other applicable regulations in this title.

B. All storage and disposal facilities shall be screened from all public view. In the residential, commercial and institutional zones such screening shall be of solid masonry construction with sturdy gates of view-obscuring design. Location and accessibility shall be subject to site plan review.

C. Any building or structure or portion of building or structure used for storage of rubbish-and waste shall contain an approved floor drain connected to the public sewer system.

(Ord. 1712 § 49, 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 976-13.03)

## Chapter 18.95 RECYCLING COLLECTION FACILITIES

Sections:

18.95.010 Intent and purpose.

18.95.020 Definitions.

18.95.030 Types of facilities permitted.

18.95.040 Permits required.

18.95.050 Operating and design standards.

18.95.060 Additional requirements.

18.95.010 Intent and purpose.

It is the intent and purpose of this chapter to establish reasonable regulations for establishment of recycling collection facilities to encourage and facilitate the recycling of glass, aluminum, plastic and nonaluminum metal beverage containers in a safe and convenient manner.

(Ord. 1934 § 1 (part), 1988)

18.95.020 Definitions.

For the purpose of this chapter, the following words shall have the following meanings:

A. Igloos. An "igloo" is a small, temporary collection bin of painted metal or plastic with a dome-shaped top, occupying no more than forty square feet each.

B. Mobile Recycling Unit. A "mobile recycling unit" means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles, which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers, other than igloos, transported by trucks, vans, or trailers, and used for the collection of recyclable materials.

C. Recyclable Material. "Recyclable material" is reusable material including aluminum, nonaluminum metal, glass and plastic beverage containers, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material as described in this section does not include paper, refuse, motor oil or other hazardous materials.

D. Recycling Collection Facility. A "recycling collection facility" is a center for the collection of recyclable materials from the public by donation, redemption or purchase. A certified recycling facility means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers located on the premises of a commercial or industrial use used solely for the collection of recyclable materials generated by that use.

Recycling collection facilities include the following:

1. Reverse vending machines;

2. Igloos;

3. Mobile recycling units.

E. Reverse Vending Machine. A "reverse vending machine" is an automated mechanical device which accepts at least one or more types of empty beverage containers including aluminum and nonaluminum metal cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically; provided, that the entire process is enclosed within the

machine. In order to accept and temporarily store all four container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

A bulk reverse vending machine is a reverse vending machine that is larger than fifty square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.

(Ord. 1934 § 1 (part), 1988)

18.95.030 Types of facilities permitted.

A. Reverse vending machines, igloos, and mobile recycling units may be permitted subject to conformance with all of the following:

1. Location within the limited commercial (CL), general commercial (CG), tourist commercial (CT), medium commercial (CM), heavy commercial (CH), light manufacturing (ML), light manufacturing/residential (ML/R) and medium manufacturing (MM) zones;
2. Location within convenience zones designated by the state of California Department of Conservation, Division of Recycling;
3. Certification or application for certification by the state of California;
4. Required permits, as described in Section 18.95.040;
5. Operation and design standards as set forth in Section 18.95.050.

B. No recycling collection facility shall be permitted if it is found that the facility or its operation will have a detrimental effect on public health, safety or general welfare.

(Ord. 2124 § 14, 1996; Ord. 1934 § 1 (part), 1988)

18.95.040 Permits required.

A. Site Plan Review. Reverse vending machines and igloos, as defined in Section 18.95.020, shall require site plan review approval, as set forth in Chapter 18.128.

B. Conditional Use Permit. Mobile recycling units, as defined in Section 18.95.020, shall require a conditional use permit, as set forth in Chapter 18.116.

(Ord. 1934 § 1 (part), 1988)

18.95.050 Operating and design standards.

A. Reverse vending machines shall comply with the following standards:

1. Established in conjunction with a commercial use or community service facility which is in compliance with the zoning, building and fire codes of the city;
2. Located within thirty feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation;
3. Not occupy parking spaces required by the primary use;
4. Except for bulk reverse vending machines, occupy no more than fifty square feet of floor spaces per installation, including any protective enclosure, and be no more than eight feet in height; no more than four reverse vending machines at the site; bulk reverse vending machines shall occupy no more than three hundred square feet of floor space per installation, including any protective enclosure;
5. Constructed and maintained with durable waterproof and rustproof material;
6. Clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative;

7. Have a sign area of a maximum of four square feet per machine, exclusive of operating instructions;
  8. Maintained in a clean, litter-free condition on a daily basis;
  9. Illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn;
  10. Installation of all wiring required in accordance with the National Electrical Code, latest edition.
- B. Igloos shall comply with the following standards:
1. Established in conjunction with an existing commercial use or community service facility which is in compliance with the zoning, building and fire codes of the city;
  2. Occupy an area no larger than two hundred square feet;
  3. Set back at least ten feet from any front property line and shall not obstruct pedestrian or vehicular circulation;
  4. Accept only glass, metal and plastic containers;
  5. No power-driven processing equipment used;
  6. Containers constructed and maintained with durable waterproof and rust-proof material, covered when site is not attended, secured from unauthorized entry or removal of material, of a capacity sufficient to accommodate materials collected and collection schedule;
  7. All recyclable material stored in containers, and materials not left outside of containers at any time;
  8. Maintained free of litter and any other undesirable materials;
  9. Not be located within fifty feet of a residential zoned property;
  10. Operation of attended facilities located within one hundred feet of a property zoned or occupied for residential use only during the hours between nine a.m. and seven p.m.;
  11. Noise levels not exceeding sixty dBA as measured at the property line of residentially zoned or occupied property, and otherwise not exceeding sixty-five dBA;
  12. Location of containers for the twenty-four hour donation of materials at least one hundred feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;
  13. Labeling of containers to identify the type of material which may be deposited; identification of the facility with the name and telephone number of the facility operator and the hours of operation, and display of a notice stating that no material shall be left outside the recycling enclosure or containers;
  14. Signing permitted as follows:
    - a. Identification signs with a maximum of four square feet, in addition to informational signs required in subsection B(13) above,
    - b. Signs consistent with the character of the location,
    - c. Directional signs, bearing no advertising message, installed with the approval of the planning director if the facility is not visible from the public right-of-way,
    - d. Planning director authorization for increase in the number and size of signs upon finding that it is compatible with adjacent businesses;
  15. Required landscape area not occupied or interfered with;

16. No occupation of parking spaces on the site unless deemed necessary and authorized by the planning director; no additional parking spaces required for customers of an igloo collection facility located at the established parking lot of a host use; one space of host use permitted to be occupied by the attendant, if needed.

C. Mobile recycling units shall comply with the following standards:

1. Established in conjunction with an existing commercial use or community service facility which is in compliance with the zoning, building and fire codes of the city;

2. No larger than three hundred fifty square feet and occupy no more than three parking spaces not including space that will be periodically needed for removal of materials or exchange of containers;

3. Set back at least ten feet from any front property line and shall not obstruct pedestrian or vehicular circulation;

4. Accept only glass, aluminum, nonaluminum metal and plastic containers;

5. No power-driven processing equipment used;

6. Containers constructed and maintained with durable waterproof and rust-proof material, covered when site is not attended, secured from unauthorized entry or removal of material, and of a capacity sufficient to accommodate materials collected and collection schedule;

7. All recyclable material stored in containers or in the mobile unit vehicle, and not left outside of containers at any time;

8. Maintained free of litter and any other undesirable materials; mobile facilities, at which truck or containers are removed at the end of each collection day, swept at the end of each collection day;

9. Noise levels not exceeding sixty dBA as measured at the property line of residentially zoned or occupied property, and otherwise not exceeding sixty-five dBA;

10. Not be located within fifty feet of a residential zoned property;

11. Operation of attended facilities located within one hundred feet of a property zoned or occupied for residential use only during the hours between nine a.m. and seven p.m.;

12. Location of containers for the twenty-four hour donation of materials at least one hundred feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;

13. Labeling of containers to identify the type of material which may be deposited; identification of the facility to identify the name and telephone number of the facility operator and the hours of operation, and display of a notice stating that no material shall be left outside the recycling enclosure or containers;

14. Signing permitted as follows:

a. Identification signs with a maximum of twenty percent per side or sixteen square feet, whichever is larger, in addition to informational signs required in subsection C(13) above. In the case of a wheeled facility, the side will, be measured from the pavement to the top of the container,

b. Signs consistent with the character of the location,

c. Directional signs, bearing no advertising message, installed with the approval of the planning director if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way,

- d. Planning director authorization for increase in the number and size of signs upon finding that it is compatible with adjacent businesses;
- 15. Required landscape area not occupied or interfered with;
- 16. No additional parking spaces required for customers of a mobile recycling unit located at the established parking lot of a host use; one space of the host use permitted to be occupied by the attendant, if needed;
- 17. Area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;
- 18. No reduction of available parking spaces below the minimum number required for the primary host use unless a parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site; reduction in available parking spaces in an established parking facility then permitted as follows:
  - a. For a commercial host use:

TABLE INSET:

| Number of Available Parking Spaces | Maximum Reduction |
|------------------------------------|-------------------|
| 0--25                              | 0                 |
| 26--35                             | 2                 |
| 36--49                             | 3                 |
| 50+                                | 4                 |

- b. For a community facility host use: A maximum four spaces reduction will be allowed when not in conflict with parking needs of the host use.  
(Ord. 1934 § 1 (part), 1988)

18.95.060 Additional requirements.

Additional requirements may be required as conditions of permit approval as provided by Chapters 18.116 and 18.128 of the National City Municipal Code.

(Ord. 1934 § 1 (part), 1988)

Chapter 18.96 SCRAP METAL PROCESSING

Sections:

- 18.96.010 Regulations generally.
- 18.96.020 Site plan review required.
- 18.96.030 Salvage or junk storage restrictions.
- 18.96.040 Fences and walls--Required.
- 18.96.050 Fences and walls--Materials.
- 18.96.060 Fences and walls--Construction standards.
- 18.96.070 Fences and walls--Painting.
- 18.96.080 Standards for structures.
- 18.96.090 Paving of yards.
- 18.96.100 Landscaping.
- 18.96.110 Painting and maintenance.
- 18.96.120 Storage of combustibles.
- 18.96.130 Litter prohibited.
- 18.96.140 Performance standards.
- 18.96.010 Regulations generally.

All uses listed in Use Group 32 (scrap metal processing) shall be operated in accordance with the provisions of this chapter. This shall not relieve the operators of scrap metal processing uses from complying with all city regulations, laws, and ordinances.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-14 (part))

18.96.020 Site plan review required.

All scrap metal processing uses shall be subject to site plan review in accordance with Chapter 18.128.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-14.01)

18.96.030 Salvage or junk storage restrictions.

The storage of salvage or junk shall not be placed or allowed to remain outside of the enclosed yard area. It may be stored above the height of the fence or wall, provided such storage is not within ten feet of an exterior lot line. Nonmetallic salvage or processing not clearly incidental to the principal use shall not be allowed.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-14.02)

18.96.040 Fences and walls--Required.

The entire premises shall be enclosed by fences and walls of uniform height in relation to the ground upon which they stand. Such fences or walls shall be a minimum of eight feet high and shall not exceed fifteen feet in height.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-14.03:01)

18.96.050 Fences and walls--Materials.

All fences and walls open to view from any street shall be constructed of the following materials:

A. Metallic panels, at least .024 inches thick, painted with a baked-on enamel or similar permanent finish. All fences constructed with metallic panels exposed to view from the exterior side shall have an interior face of solid wood not less than two inches thick from the ground to the top of such fence;

B. Masonry;

C. Other materials comparable to the foregoing if approved by the director of planning.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-14.03:02)

18.96.060 Fences and walls--Construction standards.

All fences and walls shall be constructed in a workmanlike manner and shall consist solely of new materials, unless the director of planning approves the substitution of used materials where, in his opinion, such used materials will provide the equivalent in service, appearance, and useful life.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-14.03:03)

18.96.070 Fences and walls--Painting.

All fences and walls, excluding masonry and approved permanent finish panels, shall be painted a uniform complimentary color, excluding black, which blends with the surrounding terrain and improvements, and shall be maintained in a neat, orderly condition at all times. Such fence or wall shall contain no painted signs or posters except as approved by the director of planning. In all cases, colors shall be subject to approval by the director of planning.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-14.03:04)

18.96.080 Standards for structures.



Any structures which are used as part of the yard boundaries and/or are exposed to view from a street frontage shall be subject to painting, maintenance and sign requirements for fences and walls as provided in Sections 18.96.050 through 18.96.070. The director of planning may approve other appropriate architectural treatment.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-14.03:05)

18.96.090 Paving of yards.

All areas of the yard open to vehicular passage shall be paved with not less than two-inch-thick asphalt surfacing, or oil and aggregate mixture to prevent emission of dust or tracking of mud onto public rights-of-way; provided, however, the director of planning may approve other paving materials which provide, in his opinion, the equivalent in service and useful life. Areas designated for storage or which are otherwise restricted to vehicular passage shall be indicated on the plot plan and shall be so maintained unless surfaced as provided in this section.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-14.04)

18.96.100 Landscaping.

A. Along each street frontage, all required setbacks and the adjacent street parkways shall be landscaped.

B. A permanent automatic irrigation system shall be provided which satisfactorily irrigates all planted areas.

C. All landscaped areas shall be continuously and properly maintained in good condition.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-14.05)

18.96.110 Painting and maintenance.

All equipment, structures, etc., extending above the height of exterior fences shall be continuously maintained and painted in a neat and orderly fashion.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-14.06)

18.96.120 Storage of combustibles.

Containers approved by the city fire department shall be provided for the storage of combustible materials removed from scrap autos delivered to the site.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-14.07)

18.96.130 Litter prohibited.

The entire site shall be continuously maintained to prevent accumulations of weeds, rubbish, litter, or combustible waste. Any incidents of rat or vermin harborage shall be promptly corrected.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-14.08)

18.96.140 Performance standards.

All salvage operations shall comply with the performance standards for air pollution, noise, vibration, and glare, as set forth in Sections 18.102.150 through 18.102.250.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-14.09)

Chapter 18.98 SERVICE STATIONS

Sections:

18.98.010 Conditional use permit required.

18.98.020 Design and development regulations generally.

18.98.030 Frontage.

18.98.040 Minimum site area.

18.98.050 Screening.

- 18.98.060 Building fronts.
- 18.98.070 Metal buildings.
- 18.98.080 Pump island roofing.
- 18.98.090 Landscaping--Generally.
- 18.98.110 Landscaped areas--Watering system.
- 18.98.120 Lighting.
- 18.98.130 Open areas--Surfacing.
- 18.98.140 Use regulations.
- 18.98.150 Conversion of nonconforming station to "self-service."
- 18.98.160 Gasoline pumps as an accessory use.
- 18.98.170 Sale of gasoline as an accessory use.
- 18.98.180 Abatement of unused or abandoned service stations.
- 18.98.190 Sale of nonautomotive products at service stations.
- 18.98.200 Supplying services generally required by motorists.
- 18.98.010 Conditional use permit required.

The development and construction of all service stations shall be subject to the issuance of a conditional use permit in accordance with Chapter 18.116.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-15.01)

- 18.98.020 Design and development regulations generally.

Automobile service stations shall comply with the regulations set out in Sections 18.98.030 through 18.98.130 in addition to the zone regulations.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-15.02 (part))

- 18.98.030 Frontage.

The site shall have a minimum of one hundred feet of frontage on a dedicated street.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-15.02:01)

- 18.98.040 Minimum site area.

The minimum site area shall be fifteen thousand square feet.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-15.02:02)

- 18.98.050 Screening.

When a service station adjoins a residential zone along a rear or side lot line, a masonry screening wall, not less than five feet nor more than six feet in height, shall be erected along such adjoining lot line.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-15.02:03)

- 18.98.060 Building fronts.

All building fronts shall incorporate and present a finished parapet and/or combination fascia gutter. Finished soffits shall be required. A minimum of thirty percent of the fronts of all service station structures, excepting pump islands, shall be constructed of, or surfaced with, new glass and/or new or used stone, wood, brick, decorative masonry, and/or decorative materials.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-15.02:04)

- 18.98.070 Metal buildings.

Metal buildings shall be of metal panels with factory-applied baked-enamel finished exterior surface, or other exterior finish which the planning commission finds is comparable to a factory-applied baked-enamel finish.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-15.02:05)

- 18.98.080 Pump island roofing.

All pump islands shall be completely roofed with the same design and the same materials as the station building.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-15.02:06)

18.98.090 Landscaping--Generally.

Five percent of the gross site area shall be devoted to landscaping. Landscaping and maintenance shall be in accordance with Chapter 18.54.

(Ord. 2228 § 13, 2003; Ord. 1503 § 1 (part), 1976: NCLUC § 976-15.02:07)

18.98.110 Landscaped areas--Watering system.

All landscaped areas, including parkways, shall be provided with a permanent watering system. Refer to Chapter 18.54.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-15.02:09)

18.98.120 Lighting.

All lighting shall be directed away from adjoining properties and streets and shall be so shielded and adjusted that the light therefrom is directed to fall only on the same premises upon which the light source is located. Refer to Chapter 18.60.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-15.02:10)

18.98.130 Open areas--Surfacing.

All open areas not included within the landscaping, driveways, and/or other areas under control by the city fire department shall be surfaced in accordance with Sections 18.58.620 through 18.58.680.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-15.02:11)

18.98.140 Use regulations.

The operation of all service stations shall be in accordance with the following regulations:

- A. Uses permissible at a service station do not include body or fender work or automobile painting unless they are permissible uses within the particular zone. Dismantling of automobiles for the purpose of selling parts is not included.
- B. All repair work being conducted shall be within a structure which shall be attached to the existing service station facility.
- C. Adequate facilities for such repair shall be available.
- D. No outdoor storage of disabled vehicles, vehicles under repair, automobile parts, or repair equipment shall be allowed at any time.
- E. No more than one vehicle may be undergoing major repair at any one time.
- F. Major repairs shall be conducted only between the hours of seven a.m. and seven p.m.
- G. Operations outside permanent structures shall be limited to the dispensing of motor fuels; servicing of tires, batteries and/or automobile accessories; and detaching and attaching utility trailers. There shall be no outside storage or display of merchandise except when the service station is open for business; provided, however, that all merchandise is displayed in racks or cases which are designed for the purpose of displaying merchandise for sale; and provided, further, that the location of the outdoor display of merchandise must be reflected in the plot plan submitted with the application under this chapter. Any outdoor display of merchandise can thereafter be had only at approved locations.
- H. Utility trailers, not exceeding ten in number, may be stored for rent on service station sites in the commercial zones; provided, however, said utility trailers shall not

occupy any area which is in excess of two thousand square feet of site area and shall be located at the rear of the site.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-15.03)

18.98.150 Conversion of nonconforming station to "self-service."

Whenever an existing service station, which does not conform to the provisions of this chapter, is converted to a self-service service station, the entire facility shall be made to comply with the provisions of this chapter.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-15.04)

18.98.160 Gasoline pumps as an accessory use.

This chapter shall have no effect on the installation and operation of a gasoline pump or pumps, or lube oil drums which are used solely to service the motorized equipment of commercial, manufacturing or industrial use of the land upon which the pump or drum is installed; provided, however, that the pump or drum shall not be installed or operated on any parcel of land not included within the land of the permissible principal use.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-15.05)

18.98.170 Sale of gasoline as an accessory use.

A. The sale of gasoline as an accessory use to a permitted use shall require the issuance of a conditional use permit.

B. The sale of gasoline as an accessory use will be allowed only in zones in which the sale of gasoline as a principal use is allowed.

(Ord. 2139 § 2, 1997: Ord. 1503 § 1 (part), 1976: NCLUC § 976-15.06)

18.98.180 Abatement of unused or abandoned service stations.

For provisions regarding the abatement of unused or abandoned service stations, see Chapter 18.110.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-15.07)

18.98.190 Sale of nonautomotive products at service stations.

The sale of nonautomotive products in service stations is permitted as follows:

A. Such products must be displayed within an enclosed permanent building.

B. The display area shall be a maximum of two hundred sixteen cubic feet, except that a conditional use permit may be issued pursuant to Chapter 18.116 of this title to authorize additional areas of display, where such use is otherwise permitted by this title. The sale of any alcoholic beverages is prohibited, regardless of the display area, unless specifically authorized by a conditional use permit in accordance with Chapter 18.116 of this title.

(Ord. 2139 § 3, 1997: Ord. 1897 § 2, 1986: Ord. 1743 § 2, 1981)

18.98.200 Supplying services generally required by motorists.

A. New gasoline service stations shall provide free restroom facilities for service station customers.

B. Existing gasoline service stations that currently have these facilities shall continue to maintain them for use by customers.

C. Existing gasoline service stations that previously offered these facilities but no longer do, shall reinstall and once again provide them within a five-year abatement period of the adoption of the ordinance codified in this section.

(Ord. 1897 § 3, 1986: Ord. 1777 § 2, 1982)

Chapter 18.100 VETERINARY HOSPITALS AND CLINICS\*

Sections:

18.100.010 Restriction on types of animals served.

18.100.020 Conditional use permit required.

\* For requirements for operating dog kennels, see Ch. 8.24 of this code; for regulations governing the keeping of birds and animals, see Ch. 8.32 of this code.

18.100.010 Restriction on types of animals served.

Veterinary clinics shall be limited to serving only those kinds of small domesticated animals or household pets commonly maintained in residence with man.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-16 (part))

18.100.020 Conditional use permit required.

Veterinary hospitals or clinics shall be subject to the issuance of a conditional use permit.

In addition to complying with the provisions of Chapter 18.116 (Conditional Use Permits), such uses shall:

A. Be located no closer than one hundred feet to any residential zone, or to any restaurant, hotel or motel;

B. Show that adequate measures and controls have been taken to prevent offensive noise and odor;

C. Not allow the incineration of refuse or animal carcasses on the premises;

D. Not be operated as a kennel.

(Ord. 1503 § 1 (part), 1976: NCLUC § 976-16.01)

#### Chapter 18.101 GOVERNMENTAL SERVICE AGENCIES

##### Sections:

18.101.010 Conditional use permit required.

18.101.020 Additional grant conditions.

18.101.010 Conditional use permit required.

Governmental service agencies will be permitted as a principal use, or an accessory use, only upon the issuance of a conditional use permit.

(Ord. 1692 § 1 (part), 1979)

18.101.020 Additional grant conditions.

In addition to the showing of facts required for the issuance of a conditional use permit, as specified in Chapter 16.118, the applicant shall show the existence of the following facts:

A. That the site provides for safe and efficient traffic control; and

B. That the site provides for the safety and protection of pedestrians; and,

C. That the proposed use provides for personal safety and security; and

D. That crowd control measures are provided, to insure public safety and security, and no adverse effects upon adjacent abutting properties.

(Ord. 1692 § 1 (part), 1979)

#### Chapter 18.102 DEVELOPMENT, DESIGN AND MAINTENANCE STANDARDS

##### Sections:

##### I. General Provisions

18.102.010 Intent and purpose.

18.102.020 Limitation on land use.

18.102.030 Method of adoption.

18.102.040 Site plan review.

##### II. Development and Design Standards

18.102.050 Landscaping.

- 18.102.060 Signs.
- 18.102.070 Architectural review.
- 18.102.080 Aesthetic quality and materials.
- 18.102.090 Security lighting in all zones.
- 18.102.100 Gradient standards--Generally.
- 18.102.110 Setbacks and gradient standards--Protective slopes adjacent to buildings.
- 18.102.120 Gradient standards--Useable lawn area and other slopes.
- 18.102.130 Gradient standards--Parking sites.
- 18.102.140 Gradient standards--Open space.

### III. Performance Standards

- 18.102.150 Intent and purposes.
- 18.102.160 Limitation on land use.
- 18.102.170 Administrative procedures.
- 18.102.180 Odor emissions.
- 18.102.190 Air contaminant emissions.
- 18.102.210 Noise and vibration limits.
- 18.102.240 Glare--Control.
- 18.102.250 Glare--Measurement.
- 18.102.260 Enforcement.
- 18.102.270 Violations--Notice--Correction.

### IV. Maintenance Standards

- 18.102.280 General statement.
- 18.102.290 Effect of appendices.

### I. General Provisions

- 18.102.010 Intent and purpose.

The intent and purpose of this chapter are to provide standards for land use development, design, maintenance, and performance. It is intended that these standards serve as guidelines offering maximum flexibility. Guidelines, as established in this chapter, are meant to be generalized design specifications. Projects shall be designed to equal or exceed these standards. The planning director will evaluate each proposal and determine whether it is equal to the intent of the applicable standard.

(Ord. 1503 § 1 (part), 1976: NCLUC § 980-1)

- 18.102.020 Limitation on land use.

In addition to complying with all other applicable regulations of this title, no structure or use may hereafter be constructed, altered, enlarged, established, or relocated, and no use shall commence operation or occupancy on a lot or parcel of land unless it conforms to these standards, where applicable.

(Ord. 1503 § 1 (part), 1976: NCLUC § 980-2)

- 18.102.030 Method of adoption.

The standards included in the appendices to the National City Land Use Code are adopted by resolution of the city council, upon recommendation of the planning commission.

(Ord. 1503 § 1 (part), 1976: NCLUC § 980-3)

- 18.102.040 Site plan review.

A site plan is, or may be, required in order to determine whether or not a proposed development will properly comply with the provisions and development standards prescribed in this title or as prescribed by the city council, planning commission, or

director of planning. Any person may also use a site plan to indicate his compliance, or plans and intentions to comply, with the regulations and standards prescribed in this title. (Ord. 1503 § 1 (part), 1976: NCLUC § 980-4)

## II. Development and Design Standards

### 18.102.050 Landscaping.

Minimum standards for the installation of landscaping in all commercial, industrial, and multiple residence developments shall be in accordance with appendix C of the National City Land Code Use, "Guidelines for Onsite Landscaping." It shall be the duty of the planning commission to interpret these guidelines in the manner prescribed in Chapter 18.134.

(Ord. 1503 § 1 (part), 1976: NCLUC § 981-1)

### 18.102.060 Signs.

The design of all signs and outdoor advertising shall reasonably comply with the design guidelines described in Appendix A of the National City Land Use Code, "Standards for On-Premises Signs." It shall be the duty of the planning commission to interpret these guidelines in the manner prescribed in Chapter 18.134.

(Ord. 1503 § 1 (part), 1976: NCLUC § 981-2)

### 18.102.070 Architectural review.

(Reserved)

(Ord. 1503 § 1 (part), 1976: NCLUC § 981-3)

### 18.102.080 Aesthetic quality and materials.

(Reserved)

(Ord. 1503 § 1 (part), 1976: NCLUC § 981-4)

### 18.102.090 Security lighting in all zones.

(Reserved)

(Ord. 1503 § 1 (part), 1976: NCLUC § 981-5)

### 18.102.100 Gradient standards--Generally.

A minimum slope of one percent (one foot in one hundred feet) is required for proper site drainage. However, steeper slopes are recommended. The guidelines of Sections 18.102.110 through 18.102.140 will serve to resolve most site drainage problems.

(Ord. 1503 § 1 (part), 1976: NCLUC § 981-6 (part))

### 18.102.110 Setbacks and gradient standards--Protective slopes adjacent to buildings.

The setbacks and gradient standards for protective slopes adjacent to buildings shall be as follows:

- A. All protective slopes shall slope down from building walls to carry away drainage water.
- B. Protective slope setbacks shall be provided between buildings and slopes, as shown on Table XIX.

GRAPHIC LINK: [Click here](#)

### C. First four feet from buildings:

1. Impervious surfaces; minimum one-eighth inch per foot;
2. Pervious surfaces; minimum one-quarter inch per foot;
3. All surfaces; maximum one inch per foot.

### D. Beyond first four feet from buildings:

1. Minimum; same as subsection B, above;

2. Maximum; 5:1 to outer limit of required setback.

E. For all residential structures, at least two sides of each building shall have protective slopes pursuant to subsection B, above, for no less than eight feet away from all two story buildings and ten feet for three or more story buildings. Such increased setbacks are intended for fire department access and shall be provided on walls having windows or balconies on the floors above the first floor.

(Ord. 1712 § 25, 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 981-6.01)

18.102.120 Gradient standards--Useable lawn area and other slopes.

The gradient standards for usable lawn areas and other slopes shall be as follows:

A. Minimum gradient for pervious surfaces, one-eighth inch per foot (one percent);

B. Maximum gradient: two horizontal to one vertical; however, the planning department may, after analysis, accept steeper slopes or require flatter slopes.

(Ord. 1503 § 1 (part) 1976: NCLUC § 981-6.02)

18.102.130 Gradient standards--Parking sites.

All parking stalls shall be sloped to drain with a maximum three percent gradient and a five-percent maximum in extreme hardship cases.

(Ord. 1503 § 1 (part), 1976: NCLUC § 981-6.03)

18.102.140 Gradient standards--Open space.

The gradient standards for open space shall be as follows:

A. Minimum gradient: one-eight inch per foot (one percent);

B. Maximum gradient: five horizontal to one vertical (twenty percent).

(Ord. 1503 § 1 (part), 1976: NCLUC § 981-6.04)

### III. Performance Standards

18.102.150 Intent and purposes.

The intent and purposes of Sections 18.102.160 through 18.102.250 are to:

A. Permit potential nuisances to be measured factually and objectively to protect the community from such nuisances;

B. Protect industries from arbitrary exclusion or restriction based solely on potential nuisance, rather than actual nuisance.

(Ord. 1503 § 1 (part), 1976: NCLUC § 982-1)

18.102.160 Limitation on land use.

A. Any use established or changed to, and any building, structure, or tract of land developed, constructed, or used for, any permitted use shall comply with all of the performance standards set forth in Sections 18.102.180 through 18.102.250 for the zone involved.

B. If any existing use or building or other structure is extended, enlarged, moved, structurally altered or reconstructed, or any existing use of land is enlarged or moved, the performance standards for the zone involved shall apply with respect to such extended, enlarged, moved, structurally altered or reconstructed building or other structure or portion thereof, and with respect to land use which is enlarged or moved.

(Ord. 1503 § 1 (part), 1976: NCLUC § 982-2)

18.102.170 Administrative procedures.

A. Purpose. The purpose of the administrative procedures in this section is to insure that an objective, unbiased determination is made in those cases where there may be substantial doubt as to whether an individual land use or group of land uses comply with



the performance standards for the zone in which located, and to develop practical methods for the alleviation of any such noncompliance.

B. Determination of Compliance of a Proposed Use. During the site plan review of a proposed use, the planning director may determine that there are reasonable grounds to believe that the proposed use may violate the performance standards set forth in Sections 18.102.180 through 18.102.250. The planning director may require that the owner or operator of the proposed use engage the services of a mutually agreeable registered architect, professional engineer, or scientific laboratory to certify that the proposed use will meet the applicable performance standards for the zone in which the use will be located. An occupancy or use permit shall not be issued until the planning director has received and approved the certification.

(Ord. 1503 § 1 (part), 1976: NCLUC § 982-3)

18.102.180 Odor emissions.

A. In all zones except MM, MH, and MT, odorous matter released from any activity shall not exceed the odor threshold concentration beyond lot lines, measured either at ground level or habitable elevation.

B. In the MM (medium manufacturing) zone, odorous matter released from any operation or activity shall not exceed the odor threshold concentration beyond the MM zone boundaries (except in a MH or MT zone), measured either at ground level or habitable elevation.

C. In the MB (heavy manufacturing) and MT (manufacturing, tidelands) zones, odorous matter released from any operation or activity shall not exceed the odor threshold concentration when measured in a residential zone, either at ground level or habitable elevation.

(Ord. 1503 § 1 (part), 1976: NCLUC § 982-4)

18.102.190 Air contaminant emissions.

Any activity, operation, or device which causes, or tends to cause, the release of air contaminants into the atmosphere shall comply with the rules and regulations of the San Diego County Air Pollution Control District.

(Ord. 1503 § 1 (part), 1976: NCLUC § 982-4.02)

18.102.210 Noise and vibration limits.

The maximum limits for noise and vibration are set forth in Title 12.

(Ord. 1712 § 26, 1980)

18.102.240 Glare--Control.

Any operation or activity producing glare shall be conducted or shielded so as not to cause illumination in residential districts in excess of five-tenths footcandle. Flickering or intrinsically bright sources of illumination shall be controlled so as not to be a nuisance in residential districts.

(Ord. 1503 § 1 (part), 1976: NCLUC § 982--7.01)

18.102.250 Glare--Measurement.

Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

(Ord. 1503 § 1 (part), 1976: NCLUC § 982-7.02)

18.102.260 Enforcement.

The city zoning enforcement officer shall investigate any purported violation of performance standards and, if there is reasonable evidence of such a violation, shall notify the planning director of same. The planning director shall investigate the alleged violation, and for such investigation, may employ qualified experts. The services of any qualified experts shall be paid for by the violator if the violation is established; otherwise, the cost shall be paid by the city.

(Ord. 1503 § 1 (part), 1976: NCLUC § 991-7.01)

18.102.270 Violations--Notice--Correction.

A. When, in the considered opinion of the planning director, a violation exists, the planning director shall give written notice, by certified mail or other means insuring a signed receipt for such notice, to the owner or operator of the property in question. Such notice shall describe the particulars of the alleged violation and the reasons why the planning director believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the director within a reasonable time limit set by the director. The notice shall state, and it is declared, that failure to reply or to correct the alleged violation to the satisfaction of the planning director within the time limit set constitutes admission of violation.

B. The notice shall further state that, upon request of those to whom it is directed, technical determinations will be made; and if the violation as alleged is found, the costs of the determination shall be borne by the violators; otherwise the cost shall be paid by the city.

C. If, within the time limit set, there is no reply, but the alleged violation is corrected to the satisfaction of the planning director, he shall note "Violation Corrected" on his copy of the notice and shall retain it among his records, taking such other action as may be warranted by the circumstances of the case.

D. If there is no reply within the time limits set (thus establishing admission of violation as provided above) and the alleged violation is not corrected to the satisfaction of the planning director within the time limit set, he shall take or cause to be taken such action as warranted by continuation of an admitted violation, after notice to cease.

E. If a reply is received within the time limit set, indicating that an alleged violation will be corrected to the satisfaction of the planning director, but that more time is required than was granted by the original notice, the director may grant an extension of time, if he deems such extension warranted in the circumstances of the case, and if such extension will not, in his opinion, cause imminent peril to life, health, or property. In acting on such requests for extension of time, the director shall, in writing, state his reasons for granting or refusing to grant the extension and shall transmit the same by certified mail, return receipt requested, or other means insuring a signed receipt, to those to whom the original notice was sent.

F. If a reply is received, within the time limit set, requesting technical determinations as described in the appropriate provisions of this title, and if the alleged violations continue, the planning director may call in properly qualified experts to make the determinations. If expert findings indicate violation of the performance standards, the costs of the determinations shall be paid by the persons responsible for the violations, in addition to such other penalties as may be appropriate under the terms of this title. If no violation is found, costs of the determination shall be paid by the city.

(Ord. 1503 § 1 (part), 1976: NCLUC § 991-7.02)

#### IV. Maintenance Standards

##### 18.102.280 General statement.

All property governed by this title shall be maintained in compliance with Sections 18.02.080 and 18.136.050.

(Ord. 1503 § 1 (part), 1976: NCLUC § 984-1)

##### 18.102.290 Effect of appendices.\*

The appendices shall provide administrative guidelines to assure maintenance of all property governed by this title.

(Ord. 1503 § 1 (part), 1976: NCLUC § 984-2)

\* The appendices may contain maintenance guidelines for buildings, signs, paving, fences, walls, hedges, landscaping, vacant lots, open space, gradients, floodways and floodplains.

#### Chapter 18.104 USE GROUPS

##### Sections:

##### 18.104.010 Description.

##### 18.104.020 Effect.

##### 18.104.030 Determination of permitted uses.

##### 18.104.040 Index.

##### 18.104.050 Use Group 1--Areawide permitted uses.

##### 18.104.060 Use Group 2--Areawide conditional uses.

##### 18.104.070 Use Group 3--Animal husbandry.

##### 18.104.080 Use Group 4--Automotive and allied services.

##### 18.104.090 Use Group 5--Amusement and entertainment.

##### 18.104.100 Use Group 6--Indoor commercial recreation.

##### 18.104.110 Use Group 7--Outdoor commercial recreation.

##### 18.104.120 Use Group 8--Community, cultural and public recreational services.

##### 18.104.130 Use Group 9--Single-family dwelling.

##### 18.104.140 Use Group 10--Two-family dwelling.

##### 18.104.150 Use Group 11--Multiple-family dwelling.

##### 18.104.160 Use Group 12--Mobile home dwelling.

##### 18.104.170 Use Group 13--Eating places other than takeout.

##### 18.104.180 Use Group 14--Drive-thru/ drive-in take-out eating places.

##### 18.104.190 Use Group 15--Food processing.

##### 18.104.200 Use Group 16--Gasoline service stations.

##### 18.104.210 Use Group 17--Convenience goods and services.

##### 18.104.220 Use Group 18--Shopping goods and services.

##### 18.104.230 Use Group 19--Other goods and services.

##### 18.104.240 Use group 20--Heavy equipment and machinery.

##### 18.104.250 Use Group 21--Hotel, motel, and related services.

##### 18.104.260 Use Group 22--Light manufacturing.

##### 18.104.270 Use Group 23--Medium manufacturing.

##### 18.104.280 Use Group 24--Heavy manufacturing.

##### 18.104.290 Use Group 25--Manufacturing, tidelands.

##### 18.104.300 Use Group 26--Mineral resource extraction and processing.

##### 18.104.310 Use Group 27--Offices and studios.

##### 18.104.320 Use Group 28--Off-street parking.

- 18.104.330 Use Group 29--Public protection facilities.
- 18.104.340 Use Group 30--Public utilities.
- 18.104.350 Use Group 31--Research and development.
- 18.104.360 Use Group 32--Scrap metal processing.
- 18.104.370 Use Group 33--Signs and outdoor advertising.
- 18.104.380 Use Group 34--Temporary uses.
- 18.104.390 Use Group 35--Wholesaling, warehousing and distribution.
- 18.104.400 Use Group 36--Truck transportation facilities.
- 18.104.410 Use Group 37--Waterfront.
- 18.104.010 Description.

A. A use group is a compilation of land use types having similarities which are compatible with each other and which, when grouped together; enable systematic consideration of location and other regulations, thus accomplishing the purpose(s) of the zones described in this title.

B. Chapters 18.14 through 18.20 set forth the regulations for each zone. For each of these chapters there is a table showing the use groups permitted in the zones. Use groups are identified in Sections 18.104.050 through 18.104.410 by number and name and a descriptive statement. An alphabetical listing of typical uses allowed within respective use groups is found in Appendix D of the National City Land Use Code. The use groups with their respective examples of typical uses are found in Appendix B of the National City Land Use Code. Except that specific use groups are identified for the Westside Specific Plan area and are identified in Appendix E of the Land Use Code.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-1)

(Ord. No. 2010-2344, § 10, 8-3-2010)

18.104.020 Effect.

A. The use of land and buildings is governed by the use groups specified for the respective zones. Any use determined, as provided in this chapter, to be an appropriate use in a use group will thereafter be uniformly allowed wherever such use group is allowed. Uses that have not been so determined are prohibited.

B. Each use group (Sections 18.104.050 through 18.104.410) contains a general description of the allowable use types. This becomes the basis for all interpretative actions. They are supplemented by Appendix D of the National City Land Use Code, "Index of Land Uses and Their Respective Use Groups." They are limited by all provisions of the zone in which located. In addition, all uses permitted by use groups will be subject to full compliance with each of the following types of use limitations, and where conflict exists the more restrictive rule shall apply:

1. General design and development regulations, Chapters 18.44 through 18.66;
2. Public improvements, Chapter 18.106;
3. Nonconforming uses, Chapter 18.108 and 18.110;
4. Development and design standards, Sections 18.102.050 through 18.102.140;
5. Performance standards, Sections 18.102.150 through 18.102.250;
6. Maintenance standards, Sections 18.102.280 and 18.102.290;
7. Appendices, Sections 18.136.010, 18.136.070 and 18.136.130.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-2)

18.104.030 Determination of permitted uses.

A. The list of uses in Appendix D of the National City Land Use Code is typical of permitted uses in their respective use groups.

B. The planning director may determine that uses of reasonably certain likeness to uses in Appendix D are permitted uses within the various use groups. Such determinations will thereafter be uniformly applied. The planning director shall keep a record of all such determinations and shall advise the planning commission annually of such actions. The planning commission shall then amend Appendix D accordingly.

C. When determination that a particular use is of a reasonably certain likeness to the uses in Appendix D cannot be made by the planning director, he shall immediately forward the decision to the planning commission for its determination pursuant to the rules of interpretation of Section 18.134.020. After a planning commission interpretation specifying the appropriate use group or groups within which the particular use may fall, said use shall be permitted in the use groups designated by the planning commission.

D. If the planning commission is unable to designate use groups into which a particular use may fall, that use is prohibited in the city in the absence of an amendment to this title.

E. In making determinations and interpretations hereunder, the use group descriptions found under Sections 18.104.050 through 18.104.410, the examples of typical uses found in Appendix D, previous determinations and interpretations, general policies of land use management adopted by the city, and the general plan shall be used. (Ord. 1503 § 1 (part), 1976: NCLUC § 983-3)

18.104.040 Index.

The index of typical uses allowed within respective use groups is found in Appendix D of the National City Land Use Code.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-4)

18.104.050 Use Group 1--Areawide permitted uses.

Use Group 1 includes certain public, agricultural, open land, and similar uses which are either subject to other public controls or which do not have adverse effects on other land uses.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.01)

18.104.060 Use Group 2--Areawide conditional uses.

Use Group 2 includes uses which, because of unusual effects or characteristics including large land area, potential intensity, or public concern, cannot be automatically permitted in nor absolutely prohibited from some or all zones without imposition of specific conditions. Such conditions provide safeguards to ensure that the conditional use will be operated and maintained in a manner not detrimental to the public health, safety, and welfare, or harmful to neighboring property and improvements.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.02)

18.104.070 Use Group 3--Animal husbandry.

Use Group 3 includes uses and services pertaining to the scientific control, management, or recreational utilization of domestic animals.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.03)

18.104.080 Use Group 4--Automotive and allied services.

Use Group 4 includes automotive and allied sales and service, and excludes gasoline service stations and auto wrecking.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.04)

18.104.090 Use Group 5--Amusement and entertainment.

Use Group 5 includes commercial establishments providing amusement and entertainment.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.05)

18.104.100 Use Group 6--Indoor commercial recreation.

Use Group 6 includes commercial establishments providing indoor recreation and entertainment facilities.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.06)

18.104.110 Use Group 7--Outdoor commercial recreation.

Use Group 7 includes commercial recreation facilities, the principal activities of which are usually open-air, located in undeveloped or sparsely developed sections of the city.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.07)

18.104.120 Use Group 8--Community, cultural and public recreational services.

Use Group 8 includes community services, cultural and recreational facilities which are needed in residential areas to serve the residents or need a residential environment, but which are or can be objectionable to nearby residential uses. These uses are permitted by special exception in some districts, by right in some districts, and are prohibited in other districts. Governmental service agencies are added under the category of "Conditional Use Permit Required."

(Ord. 1692 § 2, 1979; Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.08)

18.104.130 Use Group 9--Single-family dwelling.

Use Group 9 includes single-family detached dwelling.

(Ord. 1503 § 1 (part), 1976: NCLUC § 933-5.09)

18.104.140 Use Group 10--Two-family dwelling.

Use Group 10 includes two-family or duplex dwellings.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.10)

18.104.150 Use Group 11--Multiple-family dwelling.

Use Group 11 includes multifamily dwellings and similar uses.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.11)

18.104.160 Use Group 12--Mobile home dwelling.

Use Group 12 includes mobile home dwellings.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.12)

18.104.170 Use Group 13--Eating places other than takeout.

Use Group 13 includes eating places offering on-premises consumption of food and drink within the principal structure and/or providing take-out service. No drive-thru/drive-in service is allowed, and no in-car, on-premises consumption is permitted. Use Group 13 is established in recognition of the desirability of providing dining facilities in certain environments in which commercial facilities of a higher use intensity would be objectionable.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.13)

18.104.180 Use Group 14--Drive-thru/drive-in take-out eating places.

Use Group 14 includes eating establishments providing drive-thru/drive-in service and offering food or drink for take-out, on-premises consumption within motor vehicles, or on-premises consumption outside the principal structure. Use Group 14 does not include bars or cocktail lounges.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.14)

18.104.190 Use Group 15--Food processing.

Use Group 15 includes food processing, excluding abattoirs, except as provided in Sections 18.108.020 through 18.18.070.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.15)

18.104.200 Use Group 16--Gasoline service stations.

Use Group 16 includes establishments engaged in the retail sale of motor fuels, lubricants, tires, batteries and automobile accessories, and performing minor repair, installation and maintenance services.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.16)

18.104.210 Use Group 17--Convenience goods and services.

Use Group 17 includes retail trade and service establishments which are recognized as being desirable conveniences in certain residential and office districts. Use Group 17 is established to permit the location of convenience goods and services in certain environments in which commercial facilities of a higher use intensity would be objectionable.

(Ord. 1503 § 1 (part), 1976: NCLUC § 985-5.17)

18.104.220 Use Group 18--Shopping goods and services.

Use Group 18 includes retail establishments engaged in the merchandising of goods and services which are ordinarily purchased less frequently than convenience goods.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.18)

18.104.230 Use Group 19--Other goods and services.

Use Group 19 includes trade establishments primarily providing business and household maintenance goods and services ordinarily not found in the primary retail districts because of differing market and site requirements.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.19)

18.104.240 Use group 20--Heavy equipment and machinery.

Use Group 20 includes heavy equipment and machinery sales, service and repairs, and rentals.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.20)

18.104.250 Use Group 21--Hotel, motel, and related services.

Use Group 21 includes hotel, motel and related services.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.21)

18.104.260 Use Group 22--Light manufacturing.

Use Group 22 includes light manufacturing and related uses having no objectionable environmental influences by reason of the emission of odor, heat, smoke, noise, and vibration.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.22)

18.104.270 Use Group 23--Medium manufacturing.

Use Group 23 includes manufacturing and industrial uses having moderately objectionable environmental influences by reason of the emission of odor, heat, smoke, noise, or vibration.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.23)

18.104.280 Use Group 24--Heavy manufacturing.

Use Group 24 includes manufacturing and industrial uses having the most objectionable environmental influences.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.24)

18.104.290 Use Group 25--Manufacturing, tidelands.

Use Group 25 includes manufacturing and industrial uses that are oriented to water and rail terminal facilities.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.25)

18.104.300 Use Group 26--Mineral resource extraction and processing.

Use Group 26 includes extractive operations, certain mineral processing operations, and manufacturing operations which directly utilize minerals, at or near the source. These uses have an adverse effect on other uses and are therefore excluded from most urban districts.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.26)

18.104.310 Use Group 27--Offices and studios.

Use Group 27 includes offices, studios, and certain other compatible or supporting services.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.27)

18.104.320 Use Group 28--Off-street parking.

Use Group 28 includes public and private off-street parking and loading, and includes both use and design regulations.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.28)

18.104.330 Use Group 29--Public protection facilities.

Use Group 29 includes public protection facilities which may have technical locational requirements necessitating specific locations in or around areas serviced but which can be objectionable to certain other uses and are therefor permitted in certain districts by special exception and in the remaining districts by right.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.29)

18.104.340 Use Group 30--Public utilities.

Use Group 30 includes public utility facilities which may have technical locational requirements necessitating specific locations in or around areas serviced but which can be objectionable to adjoining uses.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.30)

18.104.350 Use Group 31--Research and development.

Use Group 31 includes facilities for scientific research, development and testing which are customarily located on large, landscaped sites, and the operation of which does not produce objectionable environmental effects.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.31)

18.104.360 Use Group 32--Scrap metal processing.

Use Group 32 includes businesses engaged in the collecting, dismantling, sorting, consolidation, bundling or packaging, and resale of scrap metals.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.32)

18.104.370 Use Group 33--Signs and outdoor advertising.

Use Group 33 is established in recognition of the similarity of signs and outdoor advertising signs in the various zones and the resulting desirability of uniform regulations, notwithstanding their accessory or principal use distinctions.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.33)

18.104.380 Use Group 34--Temporary uses.



Use Group 34 includes those activities of an occasional and temporary nature and which are subject to the issuance of a temporary permit. Refer to Chapter 18.118 (Temporary Use Permits).

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.34)

18.104.390 Use Group 35--Wholesaling, warehousing and distribution.

Use Group 35 includes warehousing and wholesaling often located adjacent to the central business district, in industrial parks served by rail and highway transportation, and port areas.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.35)

18.104.400 Use Group 36--Truck transportation facilities.

Use Group 36 includes uses which relate to the movement, handling, and temporary storage of goods and freight by truck, and allied services to truck vehicles. Use Group 36 excludes truck wrecking.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.36)

18.104.410 Use Group 37--Waterfront.

Use Group 37 includes any use operated and maintained by the San Diego Unified Port District as a part of the city marine terminal, small boat marinas, and supportive commercial and recreational businesses.

(Ord. 1503 § 1 (part), 1976: NCLUC § 983-5.37)

#### Chapter 18.106 CONDITIONAL ZONING

##### Sections:

18.106.010 Public improvements requirement imposition.

18.106.010 Public improvements requirement imposition.

A. The city council, upon approving a property-owner-initiated zone change request, may impose conditions requiring public improvements where they have made a finding that such improvements are inherently necessary to render the uses allowed by the requested zoning reasonably impactive upon the public health, safety, and general welfare.

B. Whenever such conditions are imposed, no building or occupancy permit shall be issued for that property until such conditions have been satisfied, or until an agreement between the property owner and city, with a suitable performance bond attached, has been accepted by the city council.

(Ord. 1503 § 1 (part), 1976: NCLUC § 977-1)

#### Chapter 18.108 NONCONFORMING USES

##### Sections:

18.108.010 Intent and purpose.

18.108.020 Continuance--Generally.

18.108.030 Enlargements and alterations.

18.108.040 Partially destroyed structures.

18.108.050 Churches.

18.108.051 Single-family detached dwellings.

18.108.060 Use made nonconforming by off-street parking requirements.

18.108.070 Certificate of nonconforming use.

18.108.080 Nonconformance with performance standards.

18.108.090 Publicly owned nonconforming uses.

18.108.100 Substitution of nonconforming uses.

- 18.108.120 Abatement--By violation of title.
- 18.108.130 Abatement--By discontinuance.
- 18.108.140 Termination by operation of law.
- 18.108.150 Abatement of nonconforming signs.
- 18.108.152 Abatement of nonconforming service stations lacking facilities.
- 18.108.160 Abatement of nonconforming buildings.
- 18.108.170 Abatement--Order--Generally.
- 18.108.180 Abatement--Order--Service when.
- 18.108.190 Abatement--Order--Mailing.
- 18.108.200 Abatement--Order--Failure to comply.
- 18.108.210 Abatement--Order--Appeal--Generally.
- 18.108.220 Abatement--Order--Appeal--Processing.
- 18.108.230 Affirmative termination by amortization.
- 18.108.010 Intent and purpose.

Within the zones established by this title or amendments that may later be adopted, there exist uses, structures and lots which were lawful before the National City Land Use Code was adopted or amended, but which would be prohibited under the terms of this title or future amendment to this title. It is the intent of this title to permit these nonconforming uses to continue until they are terminated, but not to encourage their enlargement, expansion or extension. To avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction, or designated use of any building where a building permit has been issued prior to the effective date of the National City Land Use Code, provided such permit construction is diligently carried to completion.

(Ord. 1503 § 1 (part), 1976: NCLUC § 978-1)

18.108.020 Continuance--Generally.

A. Any lawful nonconforming use existing at the time of adoption of the National City Land Use Code may be continued, provided such use is continually maintained and occupied. A nonconforming use in either a conforming building or a nonconforming building, structure, or portion of either shall neither be extended to any portion of the building or structure not so used nor be enlarged or extended to any other portion of the lot not actually so occupied at the time said use became nonconforming, except as otherwise provided in this chapter.

B. The planning director shall, in accordance with the procedures contained in Section 18.108.080, issue a certificate of nonconforming use to all known owners of uses or structures subject to the nonconforming use provisions.

C. Nonconforming uses created by subsequent amendments to this title shall also receive such certificates and be subject to similar procedures. No use of land or structures shall be made other than that specified on the certificate of nonconforming use unless said use is in conformance with the regulations in which the property is located.

D. Uses or structures subject to nonconformity and not issued a certificate of nonconforming use but later discovered to be a nonconformity shall be issued a certificate without prejudice, except that time limits, if any, will still be calculated from the effective date of the National City Land Use Code or applicable subsequent amendment, or, if a prior nonconformity, from the date established by prior regulations.

(Ord. 1503 § 1 (part), 1976: NCLUC § 978-2 (part))

18.108.030 Enlargements and alterations.

No existing building or premises designed, arranged, intended or devoted to a use not permitted in the zone in which such building or premises is located shall be enlarged, extended, reconstructed or structurally altered, except:

A. Work done in any period of twelve months on ordinary structural alterations or replacements of walls, fixtures or plumbing not exceeding twice the building's assessed value, according to the assessment thereof by the county assessor for the fiscal year in which such work is done, shall be permitted.

B. These provisions shall not prevent the expansion, increase in capacity, modernization or replacement of such public utility buildings, structures, equipment, and features as are used directly for the delivery of or distribution of the service; provided, however, that all yard requirements of the zone in which the site is located shall be maintained and there shall be no enlargement of the site.

C. A single-family detached dwelling may be reconstructed or remodeled in accordance with the standards of the existing structure, i.e., in the same building location on the lot, the same size of the existing structure, and the same height as the existing structure; however, different materials and architectural details may be used.

D. A nonconforming use located in the Westside Specific Plan area that substitutes another nonconforming use in compliance with Section 18.108.100, may expand, enlarge, reconstruct or structurally alter the footprint of the existing building or structure for that substituted nonconforming use up to twenty percent within the existing parcel in which it is located, subject to first obtaining a conditional use permit.

(Ord. 2028 § 1, 1992; Ord. 1503 § 1 (part), 1976: NCLUC § 978-2.01)

(Ord. No. 2010-2344, § 11, 8-3-2010)

18.108.040 Partially destroyed structures.

A nonconforming building or structure which is damaged or destroyed by fire, explosion, or natural disaster may be restored and the occupancy or use of such structure or part thereof existing at the time of such partial destruction may be continued or resumed provided:

A. Such restoration is of an equal or lesser degree of nonconformity;

B. The total cost of such restoration for structures other than single-family detached dwellings does not exceed one-half the replacement cost of the structure at the time of such damage (the replacement cost will be calculated by the department of building and housing);

C. Such restoration is started within a period of one year and is carried out diligently to completion;

D. Such damage or destruction of structures other than single-family detached dwellings is not intentionally caused by the owner;

E. In the event such damage or destruction exceeds one-half the replacement cost of such nonconforming structure, other than a single-family detached dwelling, it shall not be reconstructed.

(Ord. 2028 § 2, 1992; Ord. 1925 §§ 12, 13, 1987; Ord. 1503 § 1 (part), 1976: NCLUC § 978-2.02)

18.108.050 Churches.

Churches of a permanent nature which became nonconforming at the time of adoption of the National City Land Use Code may be continued, reconstructed, structurally altered, extended or enlarged subject to having plans of any reconstruction, alteration, extension

or enlargement being approved by the planning commission; provided such reconstruction, alteration, extension or enlargement conforms with all other provisions of this title; and provided, further, that said extension, reconstruction, alteration or enlargement shall not be extended to additional property beyond the parcel(s) upon which the nonconforming use exists.

(Ord. 1503 § 1 (part), 1976: NCLUC § 978-2.03)

#### 18.108.051 Single-family detached dwellings.

Single-family dwellings which became nonconforming uses at the time of adoption of the National City Land Use Code or of amendments to the code may be continued, reconstructed, structurally altered, extended or enlarged in conformance with the following:

A. The reconstruction or remodeling shall conform to the standards of the existing structure, i.e., the same location of the lot, the same size of the existing or previously existing structure, and the same height as the existing structure; however, different materials and architectural details may be used; otherwise, the reconstruction or remodeling shall conform to the standards of the zone in which the use is located.

B. Enlargement or extension of a single-family detached dwelling shall conform to the standards of the zone which applies to the property. If a proposed enlargement or extension, except in the coastal zone, results in more than two thousand five hundred square feet of floor area and/or more than four bedrooms, parking facilities shall be provided for the increase but not for any existing deficiency in such facilities. Parking facilities required as a result of this section may be provided in a garage, carport, or surface space.

C. No increase in parking over that previously provided shall be required for reconstruction of a nonconforming single-family residential use destroyed or partially destroyed by natural disaster, but may be permitted, in conformance to development standards of the zone which applies to the property, except that the number of parking spaces specified by Section 18.14.390 for the RS-2 zone shall be provided for reconstruction of a nonconforming single-family residential use in a different location from the previously constructed building, on lots of five thousand square feet in size or greater.

(Ord. 2261 § 4, 2005: Ord. 2028 § 3, 1992)

#### 18.108.060 Use made nonconforming by off-street parking requirements.

A. Any use, excluding a single-family detached dwelling, which is nonconforming only because of changes made in the off-street parking requirements by the adoption of the National City Land Use Code, or any amendment thereto, may be expanded, increased or modified, or converted to a conforming use, as provided herein; and no addition to or change in the off-street parking facilities shall be required except as provided herein.

B. If the existing off-street parking facilities are not sufficient to comply with the requirements of this title after such expansion, increase or modification, additional parking facilities shall be added.

1. The capacity of said facilities shall equal the difference between the off-street parking facilities this title would require for such use as expanded, increased or modified, and the off-street parking facilities as required for such use before said expansion, increase or modification.

2. This shall not apply to entertainment and public assembly type uses which shall provide the full amount of parking otherwise required.

C. Any additional off-street parking facilities provided under these conditions shall be developed pursuant to the provisions of Chapter 18.58 (Off-Street Parking and Loading).

D. Any modification of off-street parking requirements permitted by this section shall not be construed to extend the termination date of the subject nonconforming use, as specified by this title.

(Ord. 2261 § 5, 2005; Ord. 1925 § 15 (part), 1987; Ord. 1614 § 24, 1978; Ord. 1503 § 1 (part), 1976; NCLUC § 978-2.05)

18.108.070 Certificate of nonconforming use.

A. Whenever a finding has been made by the planning director, pursuant to Sections 18.108.020 through 18.108.070, to determine lawful nonconforming use status for any property, the planning director shall issue a permit of nonconforming use therefor. Said permit shall contain the legal description of the property, the street address, and a description of the nonconformity and expiration date, if any, plus all the findings made, and shall specifically describe any limitations upon the use of said property.

B. The only purpose of such a permit is to clearly record the findings made. Such a permit shall not modify or extend any other provisions hereof.

C. A copy of each permit of nonconforming use shall be filed in the department of building and housing.

D. A permit of nonconforming use may be revoked by the planning commission following a public hearing and subsequent notice of revocation, plus written findings for revocation.

E. An appeal from the planning commission's decision may be taken to the city council, whose decision is final.

(Ord. 1925 § 15 (part), 1987; Ord. 1712 § 27, 1980; Ord. 1503 § 1 (part), 1976; NCLUC § 990-12)

18.108.080 Nonconformance with performance standards.

All uses nonconforming at the time of the adoption of the National City Land Use Code by reason of noncompliance with performance standards established in this title shall adopt necessary measures to conform therewith within three years of the adoption of the National City Land Use Code. See Sections 18.102.150 through 18.102.250 for performance standards.

(Ord. 1925 § 15 (part), 1987; Ord. 1503 § 1 (part), 1976; NCLUC § 978-3)

18.108.090 Publicly owned nonconforming uses.

Any lawfully existing publicly owned use, including, but not limited to, schools, colleges, parks, libraries, fire stations, police stations and other public sites, may be added to, extended, or altered if such additions, extensions or alterations do not extend beyond the boundaries of the original site established prior to the time approval was required, and provided said addition, extension or alteration does not infringe upon the required off-street parking facilities established pursuant to the provisions of this title.

(Ord. 1925 § 15 (part), 1987; Ord. 1503 § 1 (part), 1976; NCLUC § 978-4)

18.108.100 Substitution of nonconforming uses.

A. A nonconforming use may not be converted to any use except to a specifically permitted use in the zone of the parcel on which it is located; except that conversion of a

lawful nonconforming use to a nonconforming use found by the planning commission to be a lawful nonconforming use on another site within the same zone may be allowed where a conditional use permit therefore has been approved; provided, that this shall in no way extend the abatement provisions otherwise contained in this chapter. The exception stated in this paragraph of allowing a conversion of a lawful nonconforming use to another nonconforming use within the same zone does not apply to nonconforming uses located within the Westside Specific Plan area.

B. Nonconforming uses located within the Westside Specific Plan area.

1. A nonconforming use located on a parcel or parcels located within the Westside Specific Plan may not be converted to any use except to a specifically permitted use in the zone of the parcel or parcels on which it is located, except as follows:

a. A nonconforming use may be converted to any use which is specifically permitted in the allowable uses for any of the zones identified in Appendix A of the Westside Specific Plan.

2. A nonconforming use that converts to another nonconforming use from Appendix A may enlarge and alter their footprint to the extent allowed in Section 18.108.030.

C. In the CA zone where there exists commercial retail shopping facilities which became nonconforming at the time of the adoption of the National City Land Use Code, such facilities may be continued and may continue to lease commercial retail space to uses typical of such facilities but not otherwise permitted in the CA zone.

(Ord. 1925 §§ 15 (part), 22, 1987; Ord. 1647 (part), 1978; Ord. 1503 § 1 (part), 1976: NCLUC § 978-5)

(Ord. No. 2010-2344, § 11, 8-3-2010)

18.108.120 Abatement--By violation of title.

Any of the following violations of this title shall immediately terminate the right to operate a nonconforming use, except as otherwise provided in this title:

A. Changing a nonconforming use to a use not permitted in the zone;

B. Increasing or enlarging the area, space, or volume occupied by or devoted to such nonconforming use;

C. Addition to a nonconforming use of another use not permitted in the zone.

(Ord. 1503 § 1 (part), 1976: NCLUC § 978-6.01)

18.108.130 Abatement--By discontinuance.

Discontinuance of a nonconforming use as indicated in this section shall immediately terminate the right to operate such nonconforming use, except when extended as otherwise provided in this title:

A. Changing a nonconforming use to a conforming use;

B. Discontinuance of a nonconforming use for a period of twelve or more successive calendar months;

C. Discontinuance of a nonconforming use for a period of eighteen or more total months in any consecutive twenty-four-month period.

(Ord. 1503 § 1 (part), 1976: NCLUC § 978-6.02)

18.108.140 Termination by operation of law.

(Reserved)

(Ord. 1614 § 25, 1978; Ord. 1503 § 1 (part), 1976: NCLUC § 978-6.03)

18.108.150 Abatement of nonconforming signs.

A. In cases where the area of signs existing as a lawful nonconforming use on a property exceeds the total allowable area for permitted signs, no additional signs shall be permitted on the property. If the size or configuration of a parcel or building is changed by the subdivision or splitting of the property or alterations to the building or parcel, property identification signs and outdoor advertising signs on the resulting properties shall be required to conform to the sign regulations applicable to the newly created parcel or parcels, at the time such change becomes effective.

B. In the event a use of any site or building is vacated, terminated or abandoned, for any reason, for a period of more than one hundred twenty consecutive days, the owner or person in possession of the property shall be responsible for the removal of all signs on the property, building or wall, or for having the copy thereon painted out, immediately upon notice from the city.

C. Nonconforming signs shall be removed or made conforming when the business or property changes occupancy or ownership. However, a lawful nonconforming roof-mounted sign, when in compliance with all building and safety regulations, may have the copy thereon changed or may be structurally altered to reduce its size and/or copy area.

D. Existing off-premises signs and billboards shall be removed by July 14, 1977, or when the property on which the sign is located changes ownership, whichever occurs first.

(Ord. 1503 § 1 (part), 1976: NCLUC § 978-6.05)

18.108.152 Abatement of nonconforming service stations lacking facilities.

Service stations, as described in Section 18.98.200(C), found to have had free air, water and restroom facilities for service station customers, but which have been modified to remove any of these facilities, shall reinstall and again provide them within a period of five years.

(Ord. 1777 § 4, 1982)

18.108.160 Abatement of nonconforming buildings.

(Reserved)

(Ord. 1503 § 1 (part), 1976: NCLUC § 978-6.06)

18.108.170 Abatement--Order--Generally.

Where any one of the facts set forth in Section 18.108.120 or 18.108.130 are found to exist by the director of planning, or where he finds that the abatement period, as to a building or structure, as set forth in Section 18.108.140, has expired, he shall give a written order of abatement to the owner and/or person in possession of the property, if any. Said order shall be deemed final and shall be complied with within thirty days after the mailing thereof, in the absence of an appeal, as provided in Sections 18.108.180 through 18.108.220.

(Ord. 1503 § 1 (part), 1976: NCLUC § 978-7)

18.108.180 Abatement--Order--Service when.

The planning director shall serve notice by written order of abatement to the owner and/or person in possession of the property when any of the facts set forth in Section 18.108.170 are found to exist.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-15.01)

18.108.190 Abatement--Order--Mailing.

The orders of abatement provided for in this chapter shall be delivered by certified United States mail, with a return receipt requested. Said order of abatement shall clearly state the condition to be abated and the regulation of this title involved.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-15.02)

18.108.200 Abatement--Order--Failure to comply.

Failure to comply with the terms and conditions of the orders described in Section 18.108.190 shall be prima facie evidence that a violation exists, unless the person(s) receiving such order files an appeal, in writing, as provided in this chapter.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-15.03)

18.108.210 Abatement--Order--Appeal--Generally.

Any person who has been served with an order of abatement may, within five days after receipt thereof, file a written appeal with the planning commission.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-15.04)

18.108.220 Abatement--Order--Appeal--Processing.

All appeals in order of abatement cases shall be processed in the manner described in Section 18.128.060, et seq., of this title.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-15.05)

18.108.230 Affirmative termination by amortization.

A. The city council of the city of National City may order a nonconforming use to be terminated within a reasonable amount of time, upon recommendation of the planning commission. The planning commission shall conduct a public hearing after ten days' written notice to the nonconforming user. If the nonconforming user has not made a substantial investment in furtherance of the use, or if the investment can be substantially utilized or recovered through a currently permitted use, the order may require complete termination of the nonconforming use within a minimum of one year after the date of the order. If the nonconforming user has made a substantial investment in furtherance of the use, or if the investment cannot be substantially utilized or recovered through a currently permitted use, the order may require complete termination of the nonconforming use within a longer reasonable amount of time. Nonconforming uses that are determined to be an imminent threat to public health or safety may be terminated immediately, pursuant to Chapter 1.36 of this code. In making its recommendation to terminate a nonconforming use and in recommending a reasonable amount of time in which to terminate, the planning commission shall consider:

1. The total cost of land and improvements;
2. The length of time the use has existed;
3. Adaptability of the land and improvements to a currently permitted use;
4. The cost of moving and reestablishing the use elsewhere;
5. Whether the use is significantly nonconforming;
6. Compatibility with the existing land use patterns and densities of the surrounding neighborhood;
7. The possible threat to public health, safety or welfare; and
8. Any other relevant factors.

The term "nonconforming use" when used in this section shall include nonconforming uses, nonconforming structures and nonconforming lots, consistent with the intent of this title.

This amortization section does not apply to any lawful nonconforming residential uses.



Failure to comply with the city council's order to terminate a nonconforming use shall constitute a violation of this chapter and is a public nuisance subject to abatement in accordance with Chapter 1.36 of this code.

B. That a notice of exemption shall be filed indicating that this amendment to the Municipal Code is exempt from the California Environmental Quality Act, because it can be said with certainty that there is no possibility that the action will have a significant effect on the environment as it does not have a direct effect on any property or environmental consequence.

(Ord. 2286 §§ 1, 2, 2006)

#### Chapter 18.110 ABANDONED SERVICE STATIONS

##### Sections:

18.110.010 Definitions.

18.110.020 Abatement--Findings and determinations.

18.110.030 Nuisance declaration.

18.110.040 Abatement--Authorized when.

18.110.050 Abatement--Notice.

18.110.060 Voluntary abatement--Generally.

18.110.070 Voluntary abatement--Effect.

18.110.080 Involuntary abatement--Notice.

18.110.090 Involuntary abatement--Hearing.

18.110.100 Involuntary abatement--Costs--Collection.

18.110.110 Alternative procedure.

18.110.120 Limitation of actions.

18.110.130 Service of resolution.

18.110.010 Definitions.

As used in this chapter:

"Building" means any and all physical improvements or structures which are designed, built or adapted for use as, or in connection with, a service station; and includes any and all pumps, pump islands, tanks, mechanical equipment, wells, foundations, signs, and any and all other improvements situated on such service station site; and includes the plural.

"Service station" means any lot or parcel of real property the buildings of which are designed and built for the purpose of dispensing and selling fuels for internal combustion engines of any type or types of automotive vehicles, whether or not containing facilities for the provision of other services to customers.

(Ord. 1503 § 1 (part), 1976: NCLUC § 978-06.04:07)

18.110.020 Abatement--Findings and determinations.

Any service station which becomes a public nuisance through being abandoned or unused for a long period of time shall be abated in accordance with the provisions contained in this chapter. The city council finds and determines that:

A. The fire marshal requires that underground tanks that were used to store flammable or combustible liquids be removed or filled completely with an inert material whenever such tanks are taken out of service for more than ninety days.

B. Abandoned or unused service stations, the underground storage tanks of which have been removed or filled with inert material, often cannot thereafter be used as service stations, because the cost of replacing such underground tanks or restoring them to

serviceable condition is excessive in relation to the economic benefit to be derived therefrom.

C. Unused or abandoned service stations often cannot be easily or inexpensively adapted to other commercial use (even assuming such is allowed in the particular zone or zones where such service stations are situated), because of their unique location in relation to the property lines of their lots, their unique architectural design, and their unique structural appurtenances.

D. Many unused or abandoned service stations are situated in locations that are uneconomic for such uses, as demonstrated by frequent changes of ownership thereof and the number of service stations in the city that are now unused and which have been unused for more than eighteen months.

E. Unused or abandoned service stations constitute dangers to the public health, welfare and safety, in that such conditions invite vandalism, arson, other fire hazards, rodent infestation, and unsightliness and blight that depreciate values of surrounding properties.

F. Unless corrective measures are undertaken to cure and prevent such public nuisances, such serious threats to the public health, safety and welfare will continue to exist, and the need to correct such conditions is sufficiently great as to outweigh potential benefits of inaction, if any, to the owners of such unused or abandoned service stations.  
(Ord. 1503 § 1 (part), 1976: NCLUC § 978-6.04 (part))

18.110.030 Nuisance declaration.

Each service station which is unused as such, the underground storage tanks of which have been removed or filled with inert material, may be declared by the city council to be a public nuisance if such station constitutes a danger to the public health, welfare or safety.

(Ord. 1503 § 1 (part), 1976: NCLUC § 978-6.04:08:01)

18.110.040 Abatement--Authorized when.

Upon discovery that any service station may constitute a public nuisance, the city manager or his deputy shall immediately commence proceedings to abate such nuisance and carry the same through to conclusion in the manner prescribed by this chapter.

(Ord. 1503 § 1 (part), 1976: NCLUC § 978-6.04:08:02)

18.110.050 Abatement--Notice.

The notice of violation shall be substantially as follows:

"NOTICE OF VIOLATION

"Notice is hereby given that the City Manager of the City of National City, or his undersigned Deputy, has found and determined that conditions exist on the real property described in San Diego County Assessor's Parcel No.(s)\_\_\_\_\_ commonly known as \_\_\_\_\_, National City, California, which may constitute a public nuisance and a violation of the provisions of the Municipal Code, in that the service station situated on said real property has been unused as such for a period of time, the underground storage tanks thereof have been removed or filled with inert material, and \_\_\_\_\_  
\_\_\_\_\_

(state facts constituting nuisance)

"Failure to abate said nuisance by (1) reoccupation and reinstatement of use of the premises as a service station (in case of a nonconforming use issuance of a Conditional Use Permit is required), or (2) reoccupation and use of the premises for another authorized purpose, or (3) demolition and removal of all buildings (as defined in subsection A of Section 18.110.010 of the National City Municipal Code) situated on real property, and (4) removal of the other conditions constituting such nuisance, within 60 days from and after the date hereof, shall result in the commencement by the City of National City of proceedings to abate said nuisance as provided herein.

"If any demolition, dismantling, moving, removal, additions to, or alteration, restoration or repair of any structure, or reoccupancy of the premises is to be accomplished, or if any excavation of earth is to be performed, by any person or entity affected by this Notice, other than City officers, employees or agents, appropriate permits must be obtained before commencement of any such work.

Dated: \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_ "

City Manager

(Ord. 1503 § 1 (part), 1976: NCLUC § 978-6.04:08:03)

18.110.060 Voluntary abatement--Generally.

No person shall:

A. Reoccupy or reinstate any use of any building on the property unless and until the building official and fire marshal have inspected the same and found it to be in compliance with such and so many of the standards applicable to the suitability of such building for such occupancy as appear in the city's building code and the city's fire prevention code;

B. Reoccupy or reinstate such use on the property if the same is in violation of any applicable zoning regulation of the city;

C. Fail or refuse to pay any fee prescribed for the inspection services specified in subsection A of this section.

(Ord. 1503 § 1 (part), 1976: NCLUC § 978-6.04:08:04)

18.110.070 Voluntary abatement--Effect.

If the public nuisance is abated within the sixty day period specified in the notice of violation, no further action shall be taken with respect thereto by the city manager or his deputy. If abatement work has been commenced within such period, the city manager or his deputy may grant a single extension of time for completion for up to thirty days for good cause shown (e.g., delay beyond the control of the owner or owners of the property).

(Ord. 1503 § 1 (part), 1976: NCLUC § 978-6.04:08:05)

18.110.080 Involuntary abatement--Notice.

A. If the owner or owners of the property do not abate the nuisance within the time specified in the notice of violation, or any extension thereof, the city manager or his deputy shall cause notice, in substantially the following form, to be served personally upon or to be mailed by certified mail to all persons who own or claim an interest in the

real property, as disclosed by the last available equalized tax roll on file in the office of the assessor of the county, or as known to the city manager or his deputy:

"NOTICE OF HEARING ON ABATEMENT OF NUISANCE

"Notice is hereby given that on \_\_\_\_\_ 19\_\_\_\_\_, after the hour of \_\_\_\_\_, of said day or as soon thereafter as the matter can be heard, the City Council of the City of National City, California, will hold a public hearing in the City Council Chambers, Civic Center, 1243 National Avenue, National City, California, to ascertain whether or not certain premises in the City of National City described as San Diego County Assessor's Parcel No.(s)\_\_\_\_\_, and commonly known as National City, California, constitute a public nuisance and require abatement as prescribed in Chapter 18.110 of the National City Municipal Code.

"The conditions which shall be the subject of the public hearing are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

"If said premises are found by the Council to constitute a public nuisance, and if the public nuisance has not been abated by the person or persons responsible therefor, such public nuisance may be ordered by the City Council to be abated by the person or the persons who own or claim an interest in said real property, or may be ordered to be abated by the City and the cost thereof charged to said person or persons or levied as an assessment against real property.

"All persons having any objection to or interest in said matters are hereby notified to attend the hearing at the time and place hereinabove specified, at which their testimony and evidence will be heard and received and given due consideration.

Dated: \_\_\_\_\_ 19\_\_\_\_\_.

\_\_\_\_\_ "

City Manager

B. Said notice shall be served or mailed as provided in subsection A of this section and a copy thereof shall be posted conspicuously on the property not later than fifteen days before the day fixed for the hearing. Proof of service and posting shall be made by written declaration under penalty of perjury and shall be filed with the city clerk before the time fixed for the hearing.

C. A copy of such notice shall also be published in a newspaper of general circulation in the city pursuant to the provisions of the California Government Code, such publication to be done not later than ten days before the date of hearing.

(Ord. 1503 § 1 (part), 1976: NCLUC § 978-6.04:08:06)

18.110.090 Involuntary abatement--Hearing.

A. At the hearing provided for by Section 18.110.080, after the city manager has presented evidence on the issue, any interested person may state his objections and protests and give evidence relative to the alleged public nuisance or the proposed abatement thereof.

B. After all such evidence is received and heard, the council shall determine the issue. If it finds and determines that the condition of the property constitutes a public

nuisance and that the public nuisance requires abatement, the council may take such action as it may deem necessary therefor, including, but not by way of limitation, any of the following actions:

1. Allow abatement by means of reinstatement of lawful service station or other uses, including rehabilitation and repair if necessary, within a stated period of time; or
2. Order the nuisance to be abated by removal of the cause thereof, including, if necessary therefor, the demolition and removal of any or all structures situated on the property, the filling of all excavations, and the excavation and removal of all underground tanks and appurtenances; and
3. Revoke any permits or variances that authorized or otherwise pertained to the discontinued service station use.

C. If the council's order is made pursuant to subdivisions 1 or 2 of subsection B of this section, the council may condition its order upon commencement of such abatement within such period of time as the council may find to be reasonable in the circumstances, and may order that, upon failure of such condition:

1. The director of public works shall abate the nuisance by awarding a contract for the work of abatement in the name of the city; or
2. The city attorney commence an action to enjoin the nuisance.

(Ord. 1503 § 1 (part), 1976: NCLUC § 978-6.04:08:07)

18.110.100 Involuntary abatement--Costs--Collection.

A. Any and all costs and expenses incurred by the city by reason of involuntary abatement of any such public nuisance shall be charged against the owner of the land.

B. If the costs of removal which are charged against the owner of the parcel of land are not paid within thirty days of the date of the order, or final disposition, such costs shall be assessed against the parcel of land pursuant to the Government Code, and shall be transmitted to the tax collector for collection. Said assessment shall have the same priority as other city taxes.

(Ord. 1503 § 1 (part), 1976: NCLUC § 978-6.04:08:08)

18.110.110 Alternative procedure.

This chapter is not exclusive. The council shall have the power to provide other procedures or to follow procedures now or hereafter provided by general law. The procedures and powers specified in this chapter are alternative. When proceeding under this chapter, its provisions only need be followed. The provisions of this chapter shall be controlling to the extent that they are in conflict with any of the provisions of any general law or act, except as expressly otherwise provided in this chapter.

(Ord. 1503 § 1 (part), 1976: NCLUC § 978-6.04:09:01)

18.110.120 Limitation of actions.

No action shall be commenced to contest any proceeding, decision, action or order had, taken or made under this chapter unless the same is commenced within thirty days from and after the date thereof.

(Ord. 1503 § 1 (part), 1976: NCLUC § 978-6.04:09:02)

18.110.130 Service of resolution.

Each action taken or order made by the council under this chapter shall be done by resolution, a copy of which shall be served personally or by certified mail upon all persons who were entitled to notice under the provisions of Section 18.110.080 not later than fourteen calendar days after the date of adoption of such resolution.

(Ord. 1503 § 1 (part), 1976: NCLUC § 978-6.04:09:03)

## Chapter 18.112 AMENDMENTS

### Sections:

18.112.010 Generally.

18.112.020 Initiation.

18.112.030 Application.

18.112.040 Planning commission hearing.

18.112.050 City council hearing.

18.112.060 Notice of decision of city council.

18.112.070 Modifications to be referred to the planning commission.

18.112.080 Adoption of the ordinance.

18.112.090 General plan map, general plan, and specific plan amendments.

18.112.010 Generally.

The boundaries of the zones established by this title, as described in Section 18.10.080, and all provisions of Chapters 18.10 through 18.100, 18.104, 18.106 and 18.110, and Sections 18.102.010 through 18.102.250, 18.102.280, 18.102.290, 18.108.010 through 18.108.070, 18.108.090 through 18.108.170, 18.136.010, 18.136.070 and 18.136.130 may be amended only in the manner prescribed by the California Government Code (Sections 65854 through 65857. Amendments to Chapters 18.02 through 18.08 and 18.112 through 18.134, and Sections 18.102.260, 18.112.270, 18.108.080, 18.108.180 through 18.108.220, 18.136.020 through 18.136.060 and 18.136.080 through 18.136.120 may be adopted as other ordinances are adopted.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-3.01)

18.112.020 Initiation.

The amendments, as specified in Sections 18.112.010 through 18.112.080, may be initiated by:

- A. The application of an owner or the agent of such owner seeking an amendment, supplement to, or change of the regulations prescribed for his property, or the reclassification of his property;
- B. The application of a person authorized to exercise the power of eminent domain;
- C. The application of a redeveloper who is seeking to redevelop the property involved, and who is a party to an existing disposition and development agreement with the community development commission;
- D. Minute action of the city council;
- E. Minute action of the planning commission.

(Ord. 2184 § 3, 2001: Ord. 1686 § 1, 1979; Ord. 1503 § 1 (part), 1976: NCLUC § 990-3.02)

18.112.030 Application.

- A. All applications for amendment shall be made to the planning department. No steps shall be taken to hold any hearings on a proposed amendment until the applicant has deposited with the finance officer a filing fee in such amount as the city council shall from time to time establish by resolution.
- B. No decision on a zoning amendment shall be rendered by the planning commission or city council until they have, respectively, found that the amendment, if adopted, would be consistent with the general plan.

(Ord. 1831 § 2(part), 1984; Ord. 1629 § 2(a), 1978; Ord. 1503 § 1 (part), 1976: NCLUC § 990-3.03)

18.112.040 Planning commission hearing.

Upon the filing of a verified application and the deposit of the required fee, or the adoption of a resolution by the planning commission or city council, the planning commission shall hold a public hearing, Notice of such hearing shall be given as provided by Chapter 18.130. Following such hearing, the commission shall recommend to the city council approval or denial of the request, including the reasons for the recommendation, and the relationship of the proposed amendment to applicable general and specific plans. Within seven days from the date of the hearing, the commission shall notify the applicant of the decision.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-3.04)

18.112.050 City council hearing.

Upon receipt of the recommendation to the planning commission, the city council shall hold a public hearing.

(Ord. 2063 § 14, 1993: Ord. 1503 § 1 (part), 1976: NCLUC § 990-3.05)

18.112.060 Notice of decision of city council.

A. Within seven days following the approval or denial by the city council, the city clerk shall notify the applicant, in writing, of such action.

B. Where an application for an amendment has been denied and that action has become final, no new application for substantially the same purpose shall be accepted for a period of one year after the effective date of the denial.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-3.06)

18.112.070 Modifications to be referred to the planning commission.

The city council may approve, modify or disapprove the recommendation of the planning commission; provided that any modification of the proposed amendment by the city council not previously considered by the planning commission during its hearing shall first be referred to the planning commission for report and recommendation, but the planning commission shall not be required to hold a public hearing thereon. Failure of the planning commission to report within forty days after the reference shall be deemed to be approval of the proposed modification.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-3.07)

18.112.080 Adoption of the ordinance.

Within thirty days of approval, the city attorney shall prepare and present, for council adoption, an ordinance incorporating the approved amendment.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-3.08)

18.112.090 General plan map, general plan, and specific plan amendments.

A. Purpose. The general plan map, general plan, and any specific plan may be amended whenever public necessity, general welfare, convenience, or sound planning principles require, in the manner prescribed in Sections 65350 through 65360, and 65500 through 65506 of the Government Code of the state.

B. Initiation. Amendments to the general plan map, general plan, or any specific plan may be initiated by:

1. Minute action of the city council;
2. Minute action of the planning commission.

C. Application. Any person desiring to initiate a change in the general plan map, general plan, or any specific plan shall address his request on a form prescribed by the planning commission, to the city planning commission, which shall consider the request at a regular meeting within thirty days of receipt thereof. The director of planning, upon receipt of such a request, shall fix the date at which the request will be presented to the planning commission and shall inform the applicant thereof not later than ten days prior to such meeting. A nonrefundable fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of filing.

D. Action of Planning Commission. The planning commission shall, in its sole discretion, determine whether or not to initiate any amendatory proceedings as requested by such person.

E. Fee. In the event that the proposed amendment to the general plan is requested by a private citizen, no steps shall be taken to hold any hearings on such proposed amendment until said person has deposited with the city a sum equal to the estimated cost of making such amendment in such amount as the city council shall from time to time establish by resolution.

(Ord. 1831 § 2 (part), 1984; Ord. 1686 § 2, 1979; Ord. 1629 § 2(i), 1978; Ord. 14 §§ 1--5, 1976)

#### Chapter 18.114 VARIANCES

##### Sections:

18.114.010 Description.

18.114.020 Conditions.

18.114.030 Conditions of approval.

18.114.040 Development standards.

18.114.050 Application.

18.114.060 Notice and hearing.

18.114.070 Planning commission action.

18.114.080 Resolutions.

18.114.090 Notice of planning commission's decision.

18.114.100 Effective date.

18.114.110 Transmittal of records.

18.114.120 City council action.

18.114.130 City council decision.

18.114.140 Notice of council's decision.

18.114.150 Refiling procedure.

18.114.160 Acceptance of conditions.

18.114.170 Expiration.

18.114.010 Description.

A. Variances are adjustments in the application of this title to avoid practical difficulties and unnecessary hardships with respect to a particular piece of property which is not enjoying the privileges commonly enjoyed by other properties in the same vicinity and zone.

B. A practical difficulty or unnecessary physical hardship may result from the size, shape or dimensions of a site, or because of the location of existing structures on the site, or from setbacks or building lines, or from geographic, topographic or other physical conditions on the site or in the immediate vicinity.



(Ord. 1503 § 1 (part), 1976: NCLUC § 990-4.01)

18.114.020 Conditions.

Before any zone variance is granted, the applicant shall show compliance with the following:

- A. Variances from the terms of this title shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this title deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
- B. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
- C. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-4.02:01)

18.114.030 Conditions of approval.

Conditions of approval may be attached to the granting of a variance to render such variance compatible with adjacent uses and properties and in accord with the general intent and purpose of this title, and to prevent the granting of a special privilege inconsistent with the limitations placed upon other properties and uses similarly situated.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-4.02:02)

18.114.040 Development standards.

Except for the provision(s) of this title which are the subject of a zone variance approval, all other provisions of this title shall apply.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-4.02:03)

18.114.050 Application.

- A. An application for variance shall be submitted to the planning department. Such application shall include:
  1. A site plan prepared in accordance with Appendix B of the National City Land Use Code, "Site Development Plan Checklist," and containing other specific information required by the director;
  2. The names and addresses of all persons whose names appear on the latest adopted tax roll of San Diego County as owning property within a distance of not less than three hundred feet from the exterior boundary of the lot or parcel upon which subject zone variance is requested;
  3. Other information the commission may require;
  4. A map showing the following:
    - a. The legal boundaries of all property within three hundred feet of the applicant's property,
    - b. The house numbers of each respective property shown on the map,
    - c. All streets adjacent to said property.
- B. A nonrefundable fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of filing.

(Ord. 1831 § 2 (part), 1984; Ord. 1629 § 2(b), 1978; Ord. 1503 § 1 (part), 1976: NCLUC § 990-4.03)

#### 18.114.060 Notice and hearing.

Upon the filing of an application for a zone variance by the property owner, by a lessee with the consent of the owner, or by the plaintiff in an action in eminent domain in which it is sought to acquire the property involved, which application sets forth fully the grounds therefor and the facts deemed to justify the granting of the zone variance, and is accompanied by the supporting documents described in Chapter 18.130, the planning department shall give public notice, as provided in Chapter 18.130, of the planning commission's intention to consider, at a public hearing, the granting of such zone variance. All applications shall be signed by the owner of the property involved, by the lessee of the property involved with the consent of the owner, by the plaintiff in an action of eminent domain in which it is sought to acquire the property involved, or by a redeveloper who is seeking to redevelop the property involved, and who is a party to an existing disposition and development agreement with the community development commission.

(Ord. 2184 § 2, 2001; Ord. 1503 § 1 (part), 1976: NCLUC § 990-4.04:01)

#### 18.114.070 Planning commission action.

Not more than twenty days following the termination of proceedings of the public hearing on a zone variance, the planning commission shall announce its findings by formal resolution, and said resolution shall recite, among other things, the facts and reasons which, in the opinion of the planning commission, make the granting or denial of the zone variance necessary to carry out the provisions and general purpose of this title, and shall order that the zone variance be granted or denied, and if such resolution orders that the zone variance be granted, it shall also recite such conditions and limitations as the commission may impose.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-4.04:02)

#### 18.114.080 Resolutions.

The formal resolution of the planning commission announcing its findings and order after hearing on an application for zone variance shall be numbered consecutively in the order of their filing and shall become a permanent record in the files of the planning commission.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-4.04:03)

#### 18.114.090 Notice of planning commission's decision.

Not later than seven days following the rendering of a decision ordering that a zone variance be granted or denied, a copy of the resolution shall be mailed to the applicant at the address shown on the application filed with the planning commission and to any other person requesting a copy. A copy of the planning commission resolution ordering or denying such applications shall be given to the city clerk for transmittal to the city council not less than five nor more than twenty working days later.

(Ord. 1712 § 29 (part), 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 990-4.04:04)

#### 18.114.100 Effective date.

A. The resolution of the planning commission in granting or denying a zone variance shall become effective and final on the day following the city council meeting where the planning commission's resolution is set for review, unless an appeal in writing is filed with the city clerk prior to 5:00 p.m. on the day of that city council meeting. The city

council may, at that meeting, appeal the decision of the planning commission and set the matter for public hearing.

B. The timely filing of an appeal shall stay the effective date of the commission's resolution pending action by the city council.

C. A nonrefundable fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of filing.

(Ord. 1831 § 2 (part), 1984; Ord. 1712 § 28 (part), 1980; Ord. 1629 § 2(1) (part), 1978; Ord. 1503 § 1 (part), 1976: NCLUC § 990-4.05:05)

18.114.110 Transmittal of records.

The planning department, upon notice from the city clerk that an appeal has been timely filed, shall transmit to the city clerk a report of the planning commission's record of the case.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-4.04:06)

18.114.120 City council action.

Within not to exceed thirty days following the receipt of the written appeal, the city council shall conduct a duly advertised public hearing, public notice of which shall be given as provided in Chapter 18.130.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-4.04:07)

18.114.130 City council decision.

A. The city council shall announce its findings and decision by formal resolution not more than twenty days following the termination of proceedings of the hearing, and said resolution shall recite, among other things, the facts and reasons which, in the opinion of the city council, make the granting or denial of the zone variance necessary to carry out the general purpose of this title, and shall order that the zone variance be granted or denied or modified subject to such conditions or limitations that it may impose.

B. Any action by the city council on such matters shall be final and conclusive.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-4.04:08)

18.114.140 Notice of council's decision.

Not later than seven days following the adoption of a resolution ordering that a zone variance be granted or denied, a copy of said resolution shall be mailed to the applicant and to any other parties requesting notice of the action, and one copy shall be attached to the planning commission's file of the case.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-4.04:09)

18.114.150 Refiling procedure.

Where an application for a zone variance has been denied and that action has become final, no new application for substantially the same use shall be accepted for a period of one year after the effective date of the denial.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-4.04:10)

18.114.160 Acceptance of conditions.

Before any zone variance granted pursuant to the provisions of this chapter shall become effective, the applicant shall file a written statement, in the form to be prescribed by the city attorney, with the planning department, acknowledging and accepting all of the conditions, if any, imposed upon such zone variance. Failure to file such written statement within thirty days after notice from the city to do so shall automatically terminate the zone variance.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-4.04:11)

18.114.170 Expiration.

Zone variance shall be subject to all provisions of Section 18.116.190.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-4.05)

#### Chapter 18.116 CONDITIONAL USE PERMITS

##### Sections:

18.116.010 Conditional use permits defined.

18.116.020 Grant conditions--Generally.

18.116.021 Grant conditions--Hazardous waste facilities.

18.116.030 Grant conditions--Imposition.

18.116.040 Development standards.

18.116.050 Application.

18.116.060 Notice and hearing.

18.116.070 Planning commission action.

18.116.080 Resolutions.

18.116.090 Notice of planning commission's decision.

18.116.100 Appeal procedure.

18.116.110 Transmittal of records.

18.116.120 City council action.

18.116.130 City council decision.

18.116.140 Notice of council's decision.

18.116.150 Refiling procedure.

18.116.160 Acceptance of conditions.

18.116.170 Revocation.

18.116.180 Modification.

18.116.190 Expiration.

18.116.200 Violations.

18.116.010 Conditional use permits defined.

"Conditional use permits," as the term is used in this chapter, shall be the same as those conditional use permits described in Section 65901 of the Government Code and shall include all references in this chapter to "special use permits."

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-5.01)

18.116.020 Grant conditions--Generally.

Before any conditional use permit is granted, the applicant shall show the existence of the following facts:

A. That the site for the proposed use is adequate in size and shape; and

B. That the site has sufficient access to streets and highways that are adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use; and

C. That the proposed use will not have an adverse effect upon adjacent or abutting properties; and

D. That the proposed use is deemed essential and desirable to the public convenience or welfare.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-5.02:01)

18.116.021 Grant conditions--Hazardous waste facilities.

Before any conditional use permit may be granted for a new hazardous waste facility project or for modification of an existing facility, in addition to the conditions required by

Section 18.116.020, it shall be found that the proposed facility is in compliance with the following siting criteria documents of the County of San Diego Hazardous Waste Management Plan:

- A. Section E, entitled "Local and Regional Facility Needs", of Chapter IX, entitled "Siting and Permitting of Hazardous Waste Facilities" (Pages IX-35 through IX-37);
- B. Appendix IX-A, entitled "Siting Criteria for Evaluating Hazardous Waste Management Facility Siting Proposals in San Diego County"; and
- C. Appendix IX-B, entitled "General Areas for Siting Hazardous Waste Management Facilities".

(Ord. 2035 § 5, 1992)

#### 18.116.030 Grant conditions--Imposition.

Conditions may be imposed upon the granting of any conditional use permit so as to render the use proposed thereunder as compatible as possible with other uses in the immediate surrounding area, and to accomplish the purpose of this chapter.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-5.02:02)

#### 18.116.040 Development standards.

The requirements of this title relating to yards, building and structure height, area, and off-street parking requirements, for any use for which a conditional use permit is required, shall be observed, except where the commission and/or council finds that specific alterations and/or exemptions with reference to such requirements are reasonable and are required to be made. Such findings shall be made only at the same time the permit is approved.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-5.02:03)

#### 18.116.050 Application.

A. An application for a conditional use permit shall be submitted to the planning department. Such application shall include:

- 1. A site plan prepared in accordance with Appendix B of the National City Land Use Code, "Site Development Plan Checklist," and containing other specific information required by the director;
  - 2. The names and addresses of all persons whose names appear on the latest adopted tax roll of San Diego County as owning property within a distance of not less than three hundred feet from the exterior boundary of the lot or parcel upon which the subject conditional use permit is requested;
  - 3. Other information the commission may require;
  - 4. A map showing the following:
    - a. The legal boundaries of all property within three hundred feet of the applicant's property,
    - b. The house numbers of each respective property shown on the map,
    - c. All streets adjacent to said property.
- B. A nonrefundable fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of filing.
- C. An application for a conditional use permit for a hazardous waste facility project shall provide information required by the planning director to show conformance with procedural requirements of Article 8.7 of the California Health and Safety Code. Such information may include but shall not be limited to documentation from the state office of permit assistance regarding procedures required for approval of the proposed facility.

(Ord. 2035 § 6, 1992; Ord. 1831 § 2 (part), 1984; Ord. 1629 § 2(d), 1978; Ord. 1503 § 1 (part), 1976: NCLUC § 990-5.03)

18.116.060 Notice and hearing.

Upon the filing of an application for a conditional use permit, which application sets forth fully the grounds therefor and the facts deemed to justify the granting of the conditional use permit, and is accompanied by the supporting documents described in Chapter 18.130, the planning department shall give public notice, as provided in Chapter 18.130, of the planning commission's intention to consider, at a public hearing, the granting of such conditional use permit. All applications shall be signed by the owner of the property involved, by the lessee of the property involved with the consent of the owner, by the plaintiff in an action of eminent domain in which it is sought to acquire the property involved, or by a redeveloper who is seeking to redevelop the property involved, and who is a party to an existing disposition and development agreement with the community development commission.

(Ord. 2184 § 1, 2001: Ord. 1503 § 1 (part), 1976: NCLUC § 990-5.04:01)

18.116.070 Planning commission action.

Not more than twenty days following the termination of proceedings of the public hearing on a conditional use permit, the planning commission shall announce its findings by formal resolution, and said resolution shall recite, among other things, the facts and reasons which, in the opinion of the planning commission, make the granting or denial of the conditional use permit necessary to carry out the provisions and general purpose of this title, and shall order that the conditional use permit be granted or denied; and if such resolution orders that the conditional use permit be granted, it shall also recite such conditions and limitations as the commission may impose.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-5.04:02)

18.116.080 Resolutions.

The formal resolution of the planning commission announcing its findings and order after hearing on an application for conditional use permit shall be numbered consecutively in the order of their filing and shall become a permanent record in the files of the planning commission.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-5.04:03)

18.116.090 Notice of planning commission's decision.

Not later than seven days following the rendering of a decision ordering that a conditional use permit be granted or denied, a copy of the resolution shall be mailed to the applicant at the address shown on the application filed with the planning commission and to any other person requesting a copy. A copy of the planning commission resolution granting or denying such applications shall be given to the city clerk who shall then transmit it to the city council unless an appeal is filed, in which case the provisions of Section 18.116.100 shall apply.

(Ord. 1925 § 2, 1987: Ord. 1712 § 29 (part), 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 990-5.04:04)

18.116.100 Appeal procedure.

A. The resolution of the planning commission in granting or denying a conditional use permit shall become effective and final on the day following the city council meeting where the planning commission's resolution is set for review, unless an appeal in writing is filed with the city clerk prior to 5:00 p.m. on the day of that city council meeting. The

city council may, at that meeting, appeal the decision of the planning commission and set the matter for public hearing.

B. The timely filing of an appeal shall stay the effective date of the commission's resolution pending action by the city council.

C. A nonrefundable fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of filing.

(Ord. 1925 § 3, 1987; Ord. 1831 § 2 (part), 1984; Ord. 1712 § 28 (part), 1980; Ord. 1629 § 2(1) (part), 1978; Ord. 1503 § 1 (part), 1976: NCLUC § 990-5.04:05)

18.116.110 Transmittal of records.

The planning department, upon notice from the city clerk that an appeal has been timely filed, shall transmit to the city clerk a report of the planning commission's record of the case.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-5.04:06)

18.116.120 City council action.

Within not to exceed thirty days following the receipt of the written appeal, the city council shall conduct a duly advertised public hearing, public notice of which shall be given as provided in Chapter 18.130.

(Ord. 1503 § 1 (part), 1976: NCLUC § 998-5.04:07)

18.116.130 City council decision.

A. The city council shall announce its findings and decision by formal resolution not more than twenty days following the termination of the proceedings of the hearing, and said resolution shall recite, among other things, the facts and reasons which, in the opinion of the city council, make the granting or denial of the conditional use permit necessary to carry out the general purpose of this title, and shall order that the conditional use permit be granted, denied or modified subject to such conditions or limitations that it may impose.

B. Any action by the city council on such matters shall be final and conclusive.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-5.04:08)

18.116.140 Notice of council's decision.

Not later than seven days following the adoption of a resolution ordering that a conditional use permit be granted or denied, a copy of said resolution shall be mailed to the applicant and to any other parties requesting notice of the action, and one copy shall be attached to the planning commission's file of the case.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-5.04:09)

18.116.150 Refiling procedure.

Where an application for a conditional use permit has been denied and that action has become final, no new application for substantially the same use shall be accepted for a period of one year after the effective date of the denial.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-5.04:10)

18.116.160 Acceptance of conditions.

Before any conditional use permit granted pursuant to the provisions of this chapter shall become effective, the applicant shall file a written statement, in the form to be prescribed by the city attorney, with the planning department, acknowledging and accepting all of the conditions, if any, imposed upon such conditional use permit. Failure to file such written statement within thirty days after notice from the city to do so shall automatically terminate the conditional use permit.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-5.04:11)

18.116.170 Revocation.

A. Conditional use permits shall be subject to revocation in the time and manner as set forth in this chapter. Whenever the planning director finds that any of the following facts exist, with reference to a conditional use permit, he shall recommend to the planning commission or city council, whichever body granted the same, that the conditional use permit be revoked:

1. That the same was obtained by fraud; or
2. That the use authorized by such conditional use permit has ceased, or has been suspended, for any reason, for a period of six months or more; or
3. That the conditional use permit is being exercised in a manner contrary to any law or conditions of approval imposed upon such conditional use permit; or
4. That any use or uses pursuant to such conditional use permit is being, or has been, exercised in a manner detrimental to public peace, health, safety, or welfare, or in a manner to constitute the same a public nuisance.

B. Upon receipt of such recommendation, the granting body shall expeditiously set and conduct a public hearing upon such matter after having given notice in the manner set forth in Chapter 18.130. At the time and place of such hearing, the body conducting such hearing shall determine whether any one of the facts, set forth in subdivisions 1 through 4 of subsection A of this section, are present. If, as a result of the evidence produced at such hearing, the body conducting the hearing determines that any one of such facts are present, it shall, forthwith, revoke the conditional use permit.

C. If the revocation proceeding is conducted before the planning commission, the decision of the commission shall be subject to an appeal to the city council in the time and manner as set forth in Chapter 18.130. In the absence of such appeal from a commission decision, its decision shall be final and conclusive. The action of the city council, either upon an appeal or as a conducting body, shall be final and conclusive for all purposes.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-5.05)

18.116.180 Modification.

Any condition imposed upon the granting of a conditional use permit may be modified or eliminated, or new conditions may be added; provided that the original granting body, the commission or the council, first conducts a public hearing thereon, in the same manner as required for the granting of the same. No such modification shall be made unless the commission or council finds that such modification is necessary to protect the public interest and/or adjacent or abutting properties; or, in case of deletion of an existing condition, that such action is necessary to permit reasonable operation and use under the conditional use permit.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-5.06)

18.116.190 Expiration.

A. If the use permitted pursuant to the granting of a conditional use permit is not exercised within the time permitted by this chapter, such conditional use permit shall be deemed null and void. The exercise of such rights shall be commenced within the time permitted by the resolution granting such a conditional use permit. If no time is specified, then for all purposes such time for the exercise of right shall be deemed to be a period of



one year from and after the adoption of the resolution granting such conditional use permit.

B. The granting body, upon good cause shown by the applicant, may extend the time permitted by this chapter for the exercise of such rights, for a period of not to exceed one year.

C. An additional extension of time may be granted by the granting body where the applicant, after a public hearing, which shall be noticed as provided in Chapter 18.130, shows, to the reasonable satisfaction of such body, that the exercise of such rights was prevented by causes outside of the applicant's control. Such time extensions shall be for reasonable periods of time, not exceeding one year for each such extension.

D. Requests for extensions of time within which to exercise the rights under a conditional use permit shall be made prior to the expiration date thereof. Such requests shall be in writing and, where the planning commission is the granting body, shall be filed with the secretary of the commission. Where the city council is the granting body, such written requests shall be filed with the city clerk. Upon the filing of such a written request, the time for the exercise of rights under the conditional use permit shall be deemed automatically extended until the granting body determines whether or not the request is to be granted, but in no event shall such automatic extension be for a period longer than thirty days, except as hereinafter provided.

E. Where the granting body is the city council, if no action is taken upon such request within a period of thirty days after the filing thereof, the same shall be deemed denied.

F. Where the granting body is the planning commission, and the commission either denies the request or fails, within a period of thirty days, to take action thereon, the same shall be deemed denied, unless within ten days after such request has been denied by the commission, or within ten days after the expiration of the thirty-day period, an appeal is filed, in writing, with the city clerk.

G. Where an appeal is taken from the commission's action or inaction, the expiration date for the conditional use permit shall be automatically extended for a period of thirty days after the filing of such written appeal with the city clerk. If the council fails to act upon the request within said thirty-day period, the same shall be deemed denied.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-5.07)

#### 18.116.200 Violations.

The following shall be considered violations of Title 18:

A. Commencement or continuation of an activity which requires approval of a conditional use permit pursuant to this title, not including lawful nonconforming uses, established prior to enactment of regulations that require a conditional use permit for the activity.

B. Any violation of a condition of approval of a conditional use permit.

(Ord. 2228 § 15, 2003)

#### Chapter 18.122 HOME OCCUPATION PERMITS

Sections:

18.122.010 Purpose.

18.122.020 Conditions.

18.122.030 Application.

18.122.040 Appeals.

18.122.010 Purpose.

The purpose of a home occupation permit shall be to insure that an occupation conducted within a dwelling is compatible with the character of the area in which the dwelling is located and that it is clearly a secondary use to the primary residential use of the dwelling.

(Ord. 1928 § 9, 1987; Ord. 1503 § 1 (part), 1976; NCLUC § 990-8.01)

18.122.020 Conditions.

An occupation may be carried on within a dwelling provided that:

- A. There is no display;
- B. No stock in trade nor commodity is sold upon the premises; no materials or equipment is to be stored on the premises;
- C. No person is employed;
- D. No mechanical equipment is used except that which is normally necessary for housekeeping purposes;
- E. No signs or advertising is placed on the premises;
- F. Home occupation permits are nontransferable;
- G. Additional stipulations can be placed on the permit by the planning director;
- H. The occupation shall be limited to those activities specifically described on the permit, and subject to the conditions described above or as stipulated on the permit;
- I. A business license is procured. If it is determined or found by the planning commission that the home occupation authorized causes a disturbance or nuisance to the abutting neighborhood, it shall be reviewed by the planning commission and may be declared null and void, and any business license issued shall be subject to cancellation.

(Ord. 1712 § 5, 1980; Ord. 1503 § 1 (part), 1976; NCLUC § 990-8.02)

18.122.030 Application.

- A. Application shall be made to the planning department. If the planning director finds that an application for a home occupation permit complies with this chapter, he shall approve the application and issue a permit. If the planning director finds that an application does not comply with this chapter, he shall deny the issuance of a home occupation permit.
- B. A nonrefundable fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of filing.
- C. Any applicant for a home occupation permit who is not the legal owner of the subject real property shall provide a written statement from the legal owner consenting to the application.

(Ord. 1925 § 8, 1987; Ord. 1831 § 2 (part), 1984; Ord. 1629 § 2(k), 1978; Ord. 1503 § 1 (part), 1976; NCLUC § 990-8.03)

18.122.040 Appeals.

- A. If the issuance of a home occupation permit is denied by the planning director, the applicant may request, in writing, that the planning commission make a determination as to whether the proposed use is within the intent and purpose of a home occupation permit. If it is determined by the commission that a home occupation is justified, the commission shall instruct the planning director to issue same. The decision of the planning commission is final.

- B. A nonrefundable fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of filing.

(Ord. 1831 § 2 (part), 1984; Ord. 1629 § 2(1) (part), 1978; Ord. 1503 § 1 (part), 1976: NCLUC § 990-8.04)

#### Chapter 18.124 PLANNED UNIT DEVELOPMENT PERMITS

Sections:

18.124.010 Generally.

18.124.010 Generally.

Applications for planned unit development permits shall be submitted and processed in the same manner as conditional use permits, as provided in Chapter 18.116. Planned unit developments shall comply with development standards concerning same, adopted by the city council.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-9)

#### Chapter 18.126 PLANNED DEVELOPMENT PERMITS

Sections:

18.126.010 Generally.

18.126.020 Fee.

18.126.030 In conjunction with conditional use permit.

18.126.010 Generally.

Applications for planned developments shall be submitted and processed in the same manner as conditional use permits, as provided in Chapter 18.116. Planned developments shall comply with all provisions of this title.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-10)

18.126.020 Fee.

A nonrefundable fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of filing.

(Ord. 1831 § 2 (part), 1984: Ord. 1629 § 2(c), 1978)

18.126.030 In conjunction with conditional use permit.

Where a planned development permit and a conditional use permit are required for the same project prior to development of the property, only the planned development permit shall be required to be processed. Conditional uses applied for anytime thereafter shall be required to obtain a separate conditional use permit.

(Ord. 1925 § 1, 1987)

#### Chapter 18.128 SITE PLAN REVIEW

Sections:

18.128.010 Purpose.

18.128.020 Requirements.

18.128.030 Submission of site plan.

18.128.040 Plan review.

18.128.050 Building or occupancy permit.

18.128.060 Disapproval and appeals.

18.128.070 Effective date of planning commission action--Time for appeal.

18.128.080 Transmittal of records.

18.128.090 City council action on appeals.

18.128.100 Appendix.

18.128.110 Preliminary site plan review.

18.128.010 Purpose.

Site plan review is established to insure compliance with those items listed under plan review (Section 18.128.040) and to attach conditions to insure such compliance.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-11.01)

#### 18.128.020 Requirements.

The site plan or plot plan shall be prepared in accordance with Appendix B of the National City Land Use Code, "Site Development Plan Checklist," and shall contain any other specific information required by the director.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-11.02)

#### 18.128.030 Submission of site plan.

Prior to or concurrently with the submission of building plans for plan check or application for issuance of a building permit for any building to be erected in any zone wherein site plan review is required by this title, accurately dimensioned architectural drawings and plot plans for all proposed construction shall be submitted to the planning department for approval. Such plans shall show all the items listed in the Appendix B of the National City Land Use Code, "Site Development Plan Checklist."

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-11.03)

#### 18.128.040 Plan review.

A. The planning department shall review all plans submitted and shall endorse its approval on a copy thereof, if it determines that the same shows:

1. Compliance with this title and all other applicable city ordinances;
2. Desirable site layout and design;
3. Utility of open areas;
4. Adequate landscaping;
5. Compatibility with neighboring property;
6. Compliance with the general plan;
7. Landscaping of all slopes in excess of a three-to-one gradient to prevent soil erosion;
8. Consistency with adopted guideline standards for architectural quality;
9. Incorporation of all mitigation measures stipulated in a certified environmental impact report for the project.

B. If the department determines that the plans thus submitted do not conform or adequately provide for one or more of such provisions, it shall endorse its disapproval thereof, together with a statement of the provisions of this chapter with which such plans do not conform.

C. When referred to the engineering department, fire department, building department, or other city agency by the planning department, such departments shall evaluate such plans as to compliance with all applicable city ordinances and standards and may require additional plans to be submitted and approved prior to final approval of such plans. The conditions of approval of development plans by the planning department may include the recommendations of other city department heads required to be made by him by the terms of this chapter.

(Ord. 1712 § 51, 1980; Ord. 1690 § 4(8), 1979; Ord. 1503 § 1 (part), 1976: NCLUC § 990-11.04)

#### 18.128.050 Building or occupancy permit.

No building permit or certificate of occupancy shall be issued until the approvals required by this chapter have been obtained.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-11.05)

18.128.060 Disapproval and appeals.

A. Whenever a site plan has been disapproved, as provided for in this chapter, the planning department shall notify the applicant thereof, in writing, by United States mail, addressed to the applicant at his last known address. Such notice shall contain a brief statement advising the applicant of the reason or reasons for the disapproval. The decision shall be final and conclusive unless, within ninety days after the mailing of the notice to the applicant, the applicant may appeal the decision of the planning department to the planning commission, by filing a written letter of appeal with the planning department.

B. The planning department, upon receipt of such an appeal, shall forward its files in the case being appealed to the secretary of the planning commission, who shall thereafter set the matter for a hearing before the planning commission, as soon as is practicable. The secretary of the planning commission shall give the appealing party at least five days' notice in the same manner as the planning department's notice, of the time and place of such hearing.

C. At the time set for such hearing, the chairman shall give the appealing party a reasonable opportunity to be heard on the matter, and may require reports from any city department. After the hearing, the planning commission shall affirm, disaffirm, or modify the decision appealed from.

D. A nonrefundable fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of filing.

(Ord. 1831 § 2 (part), 1984; Ord. 1629 § 2(n) (part), 1978; Ord. 1503 § 1 (part), 1976: NCLUC § 990-11.06)

18.128.070 Effective date of planning commission action--Time for appeal.

A. The action of the planning commission in granting or denying the appeal shall become effective and final twenty days following such action, unless within such period of time an appeal in writing is filed by the applicant or an opponent with the city clerk. Within this period of time, the city council, on its own motion, may appeal the decision of the planning commission in the same manner as an applicant. The timely filing of an appeal shall stay the effective date of the commission's action, pending action by the city council. The city clerk shall notify the planning department of the filing of such appeal.

B. A nonrefundable fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of filing.

(Ord. 1831 § 2 (part), 1984; Ord. 1629 § 2(n) (part), 1978; Ord. 1503 § 1 (part), 1976: NCLUC § 990-11.07)

18.128.080 Transmittal of records.

The planning department, upon notice from the city clerk that an appeal has been timely filed, shall transmit to the city clerk a report of the planning commission's record of the case.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-11.08)

18.128.090 City council action on appeals.

The city council shall hold a hearing on the matter so appealed, in the same manner as the planning commission. The decision of the council affirming, modifying, or disaffirming the planning commission's determination shall be final and conclusive.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-11.09)

18.128.100 Appendix.

Attached to the land use code codified in this title and incorporated herein by reference is that certain document entitled "Appendix B, Site Development Plan Checklist," which contains a list of all information items and requirements for preparation of site plans. All site plans submitted pursuant to this chapter shall conform to the provisions as set forth in said Appendix B.

(Ord. 1503 § 1 (part), 1976; NCLUC § 990-11.10)

18.128.110 Preliminary site plan review.

A. Site plans may be submitted for preliminary review prior to submission of building plans for plan check, or application for issuance of a building permit for any building to be erected in any zone wherein site plan review is required by title.

B. A fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of submittal, which amount will be deducted from the building permit fee paid at the time building permits are issued.

(Ord. 1831 52 (part), 1984; Ord. 1629 § 2(m), 1978)

Chapter 18.130 APPLICATIONS AND HEARINGS

Sections:

18.130.010 Public hearing defined.

18.130.020 Applications--Form.

18.130.030 Applications--Acceptability of signatures.

18.130.040 Applications--Filing.

18.130.045 Applications--Compliance with CEQA.

18.130.050 Application--Filing fee.

18.130.060 Applications--Withdrawal.

18.130.070 Hearings--Setting.

18.130.080 Hearings--Notice--Generally.

18.130.085 Hearings--Notice--Additional requirement for conditional use permits for the sale of alcoholic beverages.

18.130.090 Hearings--Notice--Required wording.

18.130.100 Investigations.

18.130.110 Hearings--Rules.

18.130.120 Hearings--Continuation.

18.130.130 Hearings--Testimony.

18.130.010 Public hearing defined.

A public hearing is a session to receive original evidence or testimony on applications regulated by this title. These are held by the planning commission and city council.

(Ord. 1503 § 1 (part) 1976; NCLUC § 990-13.01)

18.130.020 Applications--Form.

The planning director shall prescribe the form in which applications are made for changes in zone boundaries or classifications, or for variances and conditional use permits. It may prepare and provide blanks for such purposes and may prescribe the type of information to be provided in the application by the applicant. No application shall be accepted unless it complies with such requirements.

(Ord. 1503 § 1 (part), 1976; NCLUC § 990-13.02:01)

18.130.030 Applications--Acceptability of signatures.

If signatures of persons other than the owners of property making the application are required or offered in support of, or in opposition to, an application, they may be received as evidence of notice having been served upon them of the pending application, or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the city as represented by the planning commission and the city council.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-13.02:02)

#### 18.130.040 Applications--Filing.

Applications filed pursuant to this title shall be numbered consecutively in the order of their filing, and shall become a part of the permanent official records, and there shall be attached thereto and permanently filed therewith copies of all notices and actions, with certificates and affidavits of posting, mailing or publication pertaining thereto.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-13.02:03)

#### 18.130.045 Applications--Compliance with CEQA.

Applications filed pursuant to this title and "development projects" as defined by Sections 65927 and 65928 of the California Government Code shall be deemed not received for filing until the environmental documentation has been submitted sufficient to permit the determination required by Section 21080.1 of the Public Resources Code.

(Ord. 1712 § 60, 1980)

#### 18.130.050 Application--Filing fee.

All filing fees required to be paid upon the filing of any application shall be set forth from time to time by city council resolution applicable to the particular type of application.

(Ord. 1831 § 2 (part), 1984: Ord. 1629 § 2(a) (part), (d) (part), 1978; Ord. 1503 § 1 (part), 1976: NCLUC § 990-13.02:04)

#### 18.130.060 Applications--Withdrawal.

Any applicant may withdraw an application at any time, provided the withdrawal is in writing and notification of public hearing has not been mailed. Any public hearing for which notification has been given shall be held, after which the withdrawal in writing of the application may be approved. If the withdrawal is accepted, the application shall be deemed null and void.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-13.02:05)

#### 18.130.070 Hearings--Setting.

For all proposals for amendments, zone variances, conditional use permits and other matters to be heard by the planning commission, the planning director shall set the date for public hearing and give the required notice. For all appeals of planning commission decisions and all other matters requiring public hearings by the city council, the city clerk shall set dates for public hearings and give required notices. The date of the hearings shall be not less than ten days nor more than forty-five days from the time of the filing of such verified application or the adoption of such resolution or the making of a motion.

(Ord. 1712 §§ 56, 61, 1980; Ord. 1503 § 1 (part), 1976: NCLUC § 990-13.03)

#### 18.130.080 Hearings--Notice--Generally.

Notice of time and place of public hearings shall be given in the following manner:

A. Notice of any public hearing upon a proposed amendment to this title, or to the map which is a part of this title, shall be given by at least one publication in a newspaper

of general circulation in the city not less than ten days before the date of the public hearing.

B. Notice of public hearing to consider a variance, conditional use permit, or reclassification of any property shall be given by mailing a written notice not less than ten days prior to the date of such hearing to the applicant, and to owners of property within a radius of three hundred feet of the exterior boundaries of the property to be changed, using for this purpose the name and address of such owners, as shown on the latest adopted San Diego County tax roll, and other persons on request.

C. In the event that the number of owners to whom notice may be sent pursuant to subsection B of this section is greater than one thousand, notice may be given at least ten days prior to the hearing by either of the following procedures:

1. By placing a display advertisement of at least one-fourth page in a newspaper having general circulation within the area affected by the proposed ordinance or amendment; or
2. By placing an insert with any generalized mailing sent by the city to property owners in the area affected by the proposed ordinance or amendment, such as billings for city services.

(Ord. 1789 § 1, 1982; Ord. 1786 § 1, 1982; Ord. 1503 § 1 (part), 1976: NCLUC § 990-13.04)

18.130.085 Hearings--Notice--Additional requirement for conditional use permits for the sale of alcoholic beverages.

In addition to notice required pursuant to Section 18.130.080, and in accordance with procedures for mailing written notice as contained in Section 18.130.080, written notice for a public hearing on a conditional use permit for the sale of alcoholic beverages shall be provided as specified in Chapter 18.71 of this title.

(Ord. 2236 § 3, 2003)

18.130.090 Hearings--Notice--Required wording.

Such public notice of hearings on zone reclassification, amendments, variances or conditional use permits shall consist of the words "Notice of Proposed Change of Zone Boundaries or Classification" or "Notice of Proposed Variance" or "Notice of Proposed Conditional Use Permit," as the case may be, setting forth the description of the property under consideration, the nature of the proposed change or use, and the time and place at which the public hearing, or hearings, on the matter will be held.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-13.05)

18.130.100 Investigations.

The planning commission shall cause to be made, by its own members or members of its staff, such investigation of facts bearing upon an application set for hearing that will assure action on each case consistent with the purpose of this title and previous amendments or variances.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-13.06)

18.130.110 Hearings--Rules.

The planning commission may establish rules governing the conduct of public hearings conducted by it.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-13.07)

18.130.120 Hearings--Continuation.



If, for any reason, testimony on any case set for public hearing cannot be completed on the date set for such hearing, the person presiding at such public hearing may, before adjournment or recess thereof, publicly announce the time and place to and at which the hearing will be continued, and no further notice is required.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-13.08)

18.130.130 Hearings--Testimony.

A summary of all pertinent testimony offered at public hearings held in connection with an application filed pursuant to this title and the names of persons testifying shall be recorded and made a part of the permanent files of the case.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-13.09)

#### Chapter 18.132 OFFICIAL RECORDS

Sections:

18.132.010 Description.

18.132.020 Depository.

18.132.030 Responsibility.

18.132.040 Public records.

18.132.010 Description.

The official records described in this chapter are the written data pertaining to the use of any property regulated by the provisions of this title.

(Ord. 1503 § 1 (part), 1976: NCLUC § 992-1)

18.132.020 Depository.

All official records shall be kept in the files of the planning department.

(Ord. 1503 § 1 (part), 1976: NCLUC § 992-2)

18.132.030 Responsibility.

The planning director shall be responsible for the keeping of the official records, and may, from time to time, discard or consolidate information that has become obsolete.

(Ord. 1503 § 1 (part), 1976: NCLUC § 992-3)

18.132.040 Public records.

All official records are open to the public.

(Ord. 1503 § 1 (part), 1976: NCLUC § 992-4)

#### Chapter 18.134 ADMINISTRATION AND ENFORCEMENT

Sections:

18.134.010 Compliance with Government Code.

18.134.020 Interpretation.

18.134.030 Enforcement agency.

18.134.040 Referrals.

18.134.070 Appeal procedures.

18.134.080 Prosecutions of violations.

18.134.090 Issuance of citations.

18.134.100 Violations--Misdemeanors and infractions (Wobblers).

18.134.010 Compliance with Government Code.

The procedures outlined in this chapter, Chapters 18.112 through 18.132, and Sections 18.102.260, 18.102.270, 18.108.080, 18.108.180 through 18.108.220, and 18.136.080 through 18.136.120 are pursuant to Chapter 3, Title 7 of the California Government Code, entitled "Local Planning," and Chapter 4, Title 7 of the California Government Code, entitled "Zoning Regulations."

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-1)

#### 18.134.020 Interpretation.

A. The planning director, in accordance with Section 18.104.030, may make determinations on questions involving the likeness of uses. When doubt exists on questions involving the likeness of uses or on questions involving the applicability of this title, the planning director shall submit these questions to the planning commission for interpretation. Interpretations are limited to strict and literal explanation of the zoning terms of this title and shall be limited solely to such translation. All other questions for which interpretations are sought shall be treated as title amendments.

B. A nonrefundable fee in such amount as the city council shall from time to time establish by resolution shall be paid to the finance officer at the time of filing.

(Ord. 1831 § 2 (part), 1984; Ord. 1629 § 2(g), 1978; Ord. 1303 § 1 (part), 1976: NCLUC § 990-2)

#### 18.134.030 Enforcement agency.

It is the responsibility of the code conformance officer to enforce all provisions of Title 18. The provisions of Chapter 7.32 for enforcement of Title 7 also apply to Title 18.

(Ord. 1812 (part), 1984; Ord. 1503 § 1 (part), 1976: NCLUC § 991-1)

#### 18.134.040 Referrals.

A. The city council, the planning commission and city staff persons may refer to the code conformance officer reports of apparent violations of Title 18. The code conformance officer will investigate such referrals and proceed with appropriate enforcement action. The code conformance officer will also receive and respond to reports of offenses submitted by the public.

B. Although it is clearly intended that the code conformance officer will give first priority to cases reported to him, he will not withhold action on any enforcement matter that comes to his attention.

(Ord. 1812 (part), 1984; Ord. 1503 § 1 (part), 1976: NCLUC § 991-2)

#### 18.134.070 Appeal procedures.

All appeals in enforcement cases shall proceed the manner set forth in Section 7.32.100 of this code.

(Ord. 2063 § 13, 1993; Ord. 1503 § 1 (part), 1976: NCLUC § 991-5)

#### 18.134.080 Prosecutions of violations.

When referred by the planning commission, or by the planning department when a timely appeal has not been filed, to the city attorney for prosecution, he shall proceed forthwith to seek the remedies provided by law. Whenever a probable violation has ceased to exist and thereafter the same or a similar violation is resumed on the same property, the city attorney shall, upon notice from the planning director, proceed with prosecution of the violation.

(Ord. 1503 § 1 (part), 1976: NCLUC § 991-6)

#### 18.134.090 Issuance of citations.

A. Whenever a violation persists, and after the procedures of Sections 18.134.030 through 18.134.080 have been exhausted, the planning director or his designee may issue citations pursuant to and limited by the enabling provisions of this code.

B. The city council may, by specific action, designate classes of zoning violations for which citations may be issued without reference to the procedures set forth in Sections 18.134.030 through 18.134.080.

(Ord. 1712 § 52, 1980)

18.134.100 Violations--Misdemeanors and infractions (Wobblers).

It is unlawful for any person to violate any provisions or fail to comply with any of the requirements of this title. A violation of any of the provisions or failure to comply with any of the mandatory requirements of this title shall constitute a misdemeanor; except that notwithstanding any other provision of this code, any such violation constituting a misdemeanor under this title may in the discretion of the city attorney be charged and prosecuted as an infraction.

(Ord. 1925 § 23, 1987)

Chapter 18.136 APPENDICES

Sections:

18.136.010 Intent and purpose.

18.136.020 Description.

18.136.030 Effect.

18.136.040 Limitation of land use.

18.136.050 Compliance required.

18.136.060 Appeals.

18.136.070 Method of adoption and amendment.

18.136.080 Submission for approval and recommendation.

18.136.090 Recommendation for adoption or denial by commission.

18.136.100 Adoption by council.

18.136.110 Effective date.

18.136.120 Amendment.

18.136.130 Index.

18.136.010 Intent and purpose.

The intent and purpose of the appendices of the land use code codified in this title are in accordance with Sections 18.136.020 through 18.136.060.

(Ord. 1503 § 1 (part), 1976: NCLUC § 985-1)

18.136.020 Description.

The appendices to the National City Land Use Code consist of supplemental charts, diagrams, descriptions and references which serve to interpret this title and to provide administrative design guidelines for the use or development of land, buildings or structures.

(Ord. 1503 § 1 (part), 1976: NCLUC § 955-1)

18.136.030 Effect.

Appendices shall provide administrative guidelines for the orderly development of land and uses within the city, and shall assist in assuring compliance with regulations and conditions which are applicable within a zone. The guidelines do not supersede any provision of this title. The guidelines are administrative only. For adoption and amendment procedures, see Sections 18.136.080 through 18.136.120. For the index of appendices, see Section 18.136.130.

(Ord. 1503 § 1 (part), 1976: NCLUC § 955-2)

18.136.040 Limitation of land use.

Appendix guidelines shall not, by themselves, limit the use of property. They shall be used only for administrative purposes as provided for in this chapter.

(Ord. 1503 § 1 (part), 1976: NCLUC § 955-3)

18.136.050 Compliance required.

The planning director shall rely upon the appendices to the National City Land Use Code as guidelines for the review of those uses which require site plan approval, as provided in this title. Such approvals may be withheld when it is found that reasonable compliance has not been made. Failure to continuously maintain property in compliance with such approvals may be treated as violation of this title.

(Ord. 1503 § 1 (part), 1976: NCLUC § 955-4)

18.136.060 Appeals.

A. Appeals from all administrative actions, interpretations and decisions on any guideline which is part of an appendix may be made by any aggrieved party.

B. Appeals shall be made in the same manner provided by Section 18.128.060.

(Ord. 1503 § 1 (part), 1976: NCLUC § 955-5)

18.136.070 Method of adoption and amendment.

Appendices to the land use code codified in this title shall be adopted and amended in accordance with the procedures in Sections 18.136.080 through 18.136.120.

(Ord. 1503 § 1 (part), 1976: NCLUC § 985-2)

18.136.080 Submission for approval and recommendation.

The director of planning shall submit to the commission all proposed appendices for approval and recommendation.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-14.01)

18.136.090 Recommendation for adoption or denial by commission.

The commission shall, without public hearing, submit a recommendation to the council that the proposal be adopted or denied. Such recommendation may be adopted by resolution and forwarded to the council.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-14.01:02)

18.136.100 Adoption by council.

The city council, upon receipt of the commission's action and without public hearing, may adopt the proposal by resolution. The council shall not be restricted by the commission's recommendation.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-14.01:03)

18.136.110 Effective date.

All appendices shall become effective upon adoption and shall be titled, indexed, and made available for use by the public.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-14.01:04)

18.136.120 Amendment.

Amendments to appendices may be made in the same manner as adoption.

(Ord. 1503 § 1 (part), 1976: NCLUC § 990-14.02)

18.136.130 Index.

Appendices to the National City Land Use Code shall be indexed by alphabetical letter A through Z continuing to AA through ZZ. The following appendices to the land use code have been adopted or are held in reserve pending adoption:

- A. Standards for on-premises signs.
- B. Site development plan check list.
- C. Guidelines for on-site landscaping.
- D. Use groups with their respective lists of typical uses.
- F. Guidelines for architectural review (Reserved).

- G. Guidelines for aesthetic qualities and materials (Reserved).
- H. Guidelines for security lighting in all zones (Reserved).
- I. Guidelines for gradient selection (Reserved).
- J. Guidelines for fence and wall construction (Reserved).
- K. Performance standards for noise and vibration (Reserved).
- O. Approved home occupations (Reserved).
- T. Specific plans (those affecting private property) (Reserved).
- Z. Criteria for zone changes (Reserved).

(Ord. 1614 § 26, 1978; Ord. 1503 § 1 (part), 1976: NCLUC § 985-3)

#### Chapter 18.138 ENVIRONMENTAL REVIEW

Sections:

- 18.138.010 Definitions.
- 18.138.020 Environmental review required.
- 18.138.030 Compliance required.
- 18.138.040 Maintenance required.
- 18.138.050 Responsibility for administration.
- 18.138.010 Definitions.

The following words and phrases, as used in this chapter, shall have the meanings ascribed to them in this section:

- A. "Environmental review" means the whole method and procedure for investigating, reporting and responding to projects as defined and described in the California Environmental Quality Act (California Public Resources Code Section 21,000 et seq.) and the "Guidelines for Environmental Review," adopted by the city council of National City.
- B. "Mitigations" means those remedial measures described in certified environmental impact reports as necessary measures to be taken as increments of project work.
- C. "Stipulations" means measures, like mitigations, described in an initial study or in permit approvals as necessary increments of project work.
- D. "Projects" means those discretionary actions defined by CEQA.

(Ord. 1712 § 50 (part), 1980)

- 18.138.020 Environmental review required.

All projects promulgated, allowed or implemented by city departments and agencies are subject to strict compliance with environmental review procedures. This also includes, but is not limited to, the issuance of permits and other authorizations allowing projects to commence or to proceed.

(Ord. 1712 § 50 (part), 1980)

- 18.138.030 Compliance required.

All permit and inspection agencies are responsible for monitoring and requiring compliance with this chapter to assure that projects are completed according to the environmental review documents. Failure of a project to comply is cause for suspension or revocation of all permits applying to that project work.

(Ord. 1712 § 50 (part), 1980)

- 18.138.040 Maintenance required.

Wherever environmental review has been completed and project work has been authorized and/or completed, work shall thereafter be maintained in a manner assuring

continued compliance with this chapter. Failure of a project to comply shall be a violation of this title.

(Ord. 1712 § 50 (part), 1980)

18.138.050 Responsibility for administration.

The director of planning and his designees are responsible for the administration of this chapter. All persons having discretionary authority, as defined in CEQA, shall not exercise that authority by authorizing any project work within their jurisdiction to proceed without complying with the provisions of this chapter.

(Ord. 1712 § 50 (part), 1980)

#### Chapter 18.139 HISTORIC PROPERTIES

Sections:

18.139.010 Intent and purpose.

18.139.020 Historic properties list.

18.139.030 Review of permits.

18.139.040 Bed and breakfast inn--Definition.

18.139.050 Conditions for operating a bed and breakfast inn.

18.139.060 Design requirements for bed and breakfast inns.

18.139.070 Preliminary departmental review.

18.139.010 Intent and purpose.

It is the intent and purpose of this section to:

A. Establish a procedure whereby properties of historical significance are identified and appropriate notice is provided in the event demolition or significant alteration or conversion is proposed.

B. Encourage preservation of homes identified on the city's list of historic properties by establishing procedures for permitting "bed and breakfast inns" in identified historic houses in the city.

(Ord. 1874 § 1 (part), 1985; Ord. 1806 (part), 1983)

18.139.020 Historic properties list.

A list of historic properties shall be maintained. The city council shall periodically update the list.

(Ord. 2228 § 15, 2003; Ord. 1874 § 1 (part), 1985; Ord. 1806 (part), 1983)

18.139.030 Review of permits.

A. The director of building and safety or designee shall review each request for a building or demolition permit to determine if it involves any structure identified on the list of historic properties as provided in Section 18.139.020. If a property proposed for demolition or significant alteration or conversion is determined to be on the historic properties list, the director of building and safety shall withhold issuance of the permit for a period of thirty days. Within the first five days of that time period the city council and National City Historical Society shall be notified of the pending permit.

B. The National City Historical Society shall review the proposed permit and make a report and recommendation to the city council within twenty days after receipt of the notification of pending permit. Recommendations can include approval of the permit, no recommendation, recommendation that the permit be denied, or a request for additional time to evaluate the permit.

C. The city council, at its sole discretion, may approve the permit, deny the permit if a finding is made that such permit may result in an adverse effect on the public welfare,

or withhold the issuance of the permit until such time as all alternative measures are thoroughly evaluated.

(Ord. 1874 § 1 (part), 1985; Ord. 1806 (part), 1983)

18.139.040 Bed and breakfast inn--Definition.

"Bed and breakfast inn" means a residential building containing a specified number of guest rooms occupied by a specific number of persons, which provides living units and limited refreshments for transient guests, and which is managed and occupied by the owner of the property.

(Ord. 1874 § 1 (part), 1985)

18.139.050 Conditions for operating a bed and breakfast inn.

- A. Permitted in any residence listed on the city's list of historic properties subject to the issuance of a conditional use permit.
- B. Operated as an accessory use to the owner's residential use. The bed and breakfast inn shall be operated by the owner of the property only.
- C. Check-in/check-out time shall be between nine a.m. and eight p.m. only.
- D. Breakfast shall be the only meal served to guests.
- E. No long-term rental of rooms shall be permitted. The maximum stay for guests shall be seven days.
- F. No cooking facilities shall be allowed in the guest rooms.
- G. If the use at any time becomes unduly intrusive to the neighborhood, the permit may be revoked at the discretion of the planning commission. The decision of the planning commission shall be final.
- H. The historic character of the structure shall be maintained.
- I. Bed and breakfast inns shall comply with all applicable adopted city fire and building codes.
- J. The number of rooms permitted in the bed and breakfast inn shall be specified in the conditional use permit.

(Ord. 1874 § 1 (part), 1985)

18.139.060 Design requirements for bed and breakfast inns.

The following design requirements shall apply to all bed and breakfast inns:

- A. Parking shall be provided at a ratio of one off-street parking space for each guest room plus two spaces for the owner's unit. In addition, one space shall be provided for each employee of the shift of maximum employment.
- B. One sign shall be permitted subject to approval of the planning commission at the time of the conditional use permit consideration. Such sign shall be compatible with the historic character of the structure in design, color and materials. The sign shall not exceed twelve inches wide by sixteen inches long and shall be mounted at a maximum height of four feet. Modification of the sign, at a later time, shall be subject to approval of the planning director in accordance with Chapter 18.128 (Site Plan Review).
- C. Bed and breakfast inns shall comply with the design regulations for the underlying zone in which the site is located.
- D. Bed and breakfast inns shall be subject to the provisions of Chapter 18.128 (Site Plan Review).

(Ord. 1874 § 1 (part), 1985).

18.139.070 Preliminary departmental review.

Prior to submission for a conditional use permit to operate a bed and breakfast inn the applicant may request that the director of building and safety, or his designee, and the fire chief, or his designee, conduct an inspection of the proposed bed and breakfast inn. After such inspection the applicant will be notified of the findings of the preliminary inspection and given a tentative list of modifications that will be required for the structure as conditions of the conditional use permit. Upon submission of the conditional use permit application and review by the departments, the above list may be added to or deleted from. The planning commission shall consider the findings of the director of building and safety and the fire chief when considering the conditional use permit.

(Ord. 1874 § 1 (part), 1985)

#### Chapter 18.140 MIXED USE

Sections:

18.140.010 Intent and purpose.

18.140.020 Definitions.

18.140.030 Regulations generally.

18.140.040 Number of dwelling units allowed.

18.140.050 Design regulations.

18.140.010 Intent and purpose.

It is the intent and purpose of this chapter to:

A. Establish reasonable and uniform regulations allowing residential and mixed use development in specific commercial zones;

B. Offer alternatives for development of commercially zoned properties in National City. Increase the area available for residential development and assure that new development is of the highest quality;

C. Encourage residential development within commercial zones, where appropriate, to protect established single-family residential neighborhoods from development which might affect the stability of the neighborhood and the quality of life;

D. To provide alternatives to additional development of small shopping centers.

(Ord. 1974 § 13 (part), 1989)

18.140.020 Definitions.

For the purposes of this chapter the following words and terms shall be defined as follows:

A. Mixed Use. The term "mixed use" shall be defined as either:

1. A combination of commercial and residential uses or structures, designed and built on a single lot or parcel, or as components of a single development; or

2. Residential development within a commercial zone where permitted by the applicable regulations of the commercial zone and Chapter 18.140 of the land use code.

(Ord. 1974 § 13 (part), 1989)

18.140.030 Regulations generally.

A. Mixed use may be permitted in the tourist commercial (CT), limited commercial (CL), general commercial (CG), medium commercial (CM) and heavy commercial (CH) zones with the issuance of a conditional use permit, in accordance with Chapter 18.116 of this title. However, a single residence on a lot may be permitted with site plan review approval by the planning director where deemed appropriate in accordance with Chapter 18.128 of this title.



B. Expansion, enlargement, and/or reconstruction of existing multifamily residential structures, not resulting in any additional dwelling units, may be permitted with site plan review approval by the planning director in accordance with Chapter 18.128 of this title where such expansion would not exceed ten percent of the size of the structure and where the number of units is permitted by Section 18.140.040.

C. Mixed use shall be permitted within the mixed use commercial-residential (MCR-1 and MCR-2) with site plan review approval by the planning division in accordance with Chapter 18.128 of this title. However, a single residence on a lot within the MC-R zones may be permitted with the approval of a building permit and grading permit, as necessary.

(Ord. 2251 § 7, 2004; Ord. 1974 § 13 (part), 1989)

(Ord. No. 2010-2344, § 12, 8-3-2010)

18.140.040 Number of dwelling units allowed.

A. The maximum number of dwelling units which may be permitted in the CT, CG, CM and CH zones shall be limited to one dwelling unit per each full one thousand two hundred fifty square feet of lot area, in the CL zone to one dwelling unit per each full one thousand nine hundred square feet of lot area.

B. In the MCR-1 and MCR-2 zones are, the minimum number of dwelling units for multi-family development is twenty-four dwelling units per acre with a maximum of sixty dwelling units per acre in accordance with Chapter 18.16.

(Ord. 2251 § 8, 2004; Ord. 1974 § 13 (part), 1989)

(Ord. No. 2010-2344, § 12, 8-3-2010)

18.140.050 Design regulations.

A. Residential development, and the residential component of a joint commercial/residential development shall be subject to the residential design regulations referenced in the City of National City Design Guidelines (1991) and as follows:

1. Single-family residential use shall be subject to the RS-2 design regulations.
2. Two-family residential use shall be subject to the RT design regulations.
3. Multi-family residential and mixed use commercial-residential shall be subject to the city's design guidelines for the MCR-1 and MCR-2 zones as additionally provided in the Westside Specific Plan (2010).

B. Open space requirements for residential multi-family developments in the CL, CT, CG, CM, and CH, as required by Section 18.14.301 except that for the MCR-1 and MCR-2 zones a minimum of three hundred square feet of common usable open space and seventy-five feet of private open space shall be provided for each unit over three units. As an alternative for projects incorporating both commercial and residential uses required common open space may be provided as landscaped courtyard areas for passive use, integrated with both commercial and residential components for the development.

C. The parking requirements for residential development in the CT, CL and CG zones shall be as follows:

1. RS-2 parking requirements for one detached residence;
2. RT parking requirements for two attached units;
3. RS-3 parking requirements for two or more detached units;
4. RM-1 parking requirements for multi-family residential use.

D. The following parking requirements shall apply for mixed-use development in the CT, CL, and CG zone:

1. The parking requirements for mixed-use development shall be the sum of the requirements of the individual uses. Up to one-half of the required guest parking may be provided by the commercial parking facility. Where there is an alley adjacent or abutting the property, access to the residential parking facility shall be solely from that alley and the residential parking facility shall be adjacent to that alley where appropriate to avoid access to commercial collector or arterial streets.

2. The parking facility shall be designed and arranged to provide separation between the commercial and residential parking areas, and each parking area shall be designated. Residential parking shall be signed or marked to restrict commercial use.

E. The following parking requirements shall apply to the MCR-1 and MCR-2 zones. Parking shall be also provided in accordance with Chapter 18.58.

1. The parking requirements in mixed-use development in the MCR-1 and MCR-2 zones shall include 1.7 parking spaces for each dwelling unit of less than or equal to one thousand two hundred square feet and 2.0 parking spaces for each dwelling unit of more than one thousand two hundred square feet. Shared parking may be considered where fifty percent of the parking may be shared between daytime uses (commercial and office) and nighttime uses (residential).

2. Joint parking arrangements may be developed on-site or within a off-site parking lot or parking structure located within five hundred feet of the property line of the development.

3. A maximum of twenty-five percent of multi-family development may be provided with tandem parking spaces in accordance with Chapter 18.58.

F. A comprehensive sign program shall be included with any conditional use permit application for a mixed use development or within any site plan review permit.

G. Exceptions to the design regulations listed or referenced in this section may be granted in conjunction with the required conditional use permit or site plan review application if consistent with the general plan.

(Ord. 2251 § 9--10, 2004 ; Ord. 1974 § 13 (part), 1989)

(Ord. No. 2010-2344, § 12, 8-3-2010)

#### Chapter 18.141 HOMES FOR BATTERED WOMEN

##### Sections:

18.141.010 Intent.

18.141.020 Definitions.

18.141.030 Small homes for battered women.

18.141.040 Large homes for battered women.

18.141.050 Minimum standards for large homes for battered women.

18.141.060 Approval procedures for large homes for battered women serving seven to twelve persons.

18.141.010 Intent.

The intent of this chapter is to provide opportunities for the establishment of homes for battered women within residential structures in residential zones while protecting the integrity of those zones and acknowledging the desires of property owners in the vicinity of the use.

(Ord. 1991 § 1 (part), 1990)

18.141.020 Definitions.

For the purpose of this chapter the following meanings shall apply:

A. Homes for Battered Women. "Home for battered women" means a facility designed to provide accommodations on a twenty-four-hour-a-day basis, with or without food service(s) for women and their dependent children suffering from psychological and/or physical abuse.

B. Homes for Battered Women, Small. "Small home for battered women" means a home for battered women housing six or fewer persons excluding professional staff not residing at the residence.

C. Homes for Battered Women, Large. "Large home for battered women" means a home for battered women housing seven or more persons excluding professional staff not residing at the residence.

(Ord. 1991 § 1 (part), 1990)

18.141.030 Small homes for battered women.

Small homes for battered women, as defined in Section 18.141.020, serving six or fewer persons including residents of the home but excluding professional staff who do not reside at the residence, shall be considered a family for purposes of zoning and shall be permitted in any lawfully established single-family residence.

(Ord. 1991 § 1 (part), 1990)

18.141.040 Large homes for battered women.

A. Large homes for battered women serving from seven to twelve persons, excluding professional staff who do not reside at the premises, may be permitted in any zone allowing single-family residential land uses and within a lawfully established single-family residence subject to approval and issuance of a home for battered women permit by the planning director in accordance with the standards listed in Section 18.141.050 and procedures specified in Section 18.141.060.

B. Large homes for battered women serving thirteen or more persons, excluding professional staff who do not reside at the premises, may be permitted in any institutional zone, any zone allowing single-family residential land uses and any commercial zone except CA (automotive commercial) subject to the issuance of a conditional use permit in accordance with Chapter 18.116 of this title and standards listed in Section 18.141.050.

(Ord. 1991 § 1 (part), 1990)

18.141.050 Minimum standards for large homes for battered women.

The following minimum standards shall apply to large homes for battered women:

A. There shall be a maximum of one facility per lot or premises.

B. The minimum distance between such facilities shall be a straight line distance of three hundred thirty feet measured from the exterior boundaries of the lot on which the facility is sited.

C. A license, or evidence of the ability to obtain a license, issued by applicable agencies shall be provided to the planning department prior to approval of the permit.

D. Maximum occupancy of the facility shall be determined by the building and safety director as provided by the Uniform Housing Code. Habitable rooms, except kitchens, shall have an area of not less than seventy square feet. Where more than two persons occupy a room for sleeping purposes, the required floor area shall be increased at the rate of fifty square feet for each occupant in excess of two.

E. No signs advertising the use shall be permitted.

F. A site plan shall be submitted for review at the time of application. The site plan shall include the following:

1. Fully dimensioned plot plan including existing and proposed building locations, parking, landscaping, floor plan and elevations, as required by the director of planning.

G. The following criteria shall be incorporated in the site plan:

1. No room commonly used for other purposes shall be used as a sleeping area. Such rooms shall include but shall not be limited to living rooms, dining rooms, family rooms, dens, recreation rooms, hallways, stairways, unfinished attics, basements, garages, storage areas, sheds or similar attached or detached buildings.

2. No sleeping area shall be used as a public or general passageway to another room, bath or toilet.

3. A minimum of eight square feet of storage (closet or drawers) area shall be provided for each bed.

4. The facility shall provide one full bathroom (toilet, sink, shower and/or bathtub) per seven beds.

5. The facility shall not cause a reduction in required on-site parking or conversion of a garage.

6. The facility shall be required to provide one parking space per employee and one parking space for every seven beds, unless the planning director determines that additional parking spaces are required.

7. The facility shall comply with the city-wide landscaping requirements and applicable design guidelines for the underlying zone.

(Ord. 1991 § 1 (part), 1990)

18.141.060 Approval procedures for large homes for battered women serving seven to twelve persons.

A. Applications for a large home for battered women permit, as defined above shall be made to the planning department. If the planning director finds that an application for a large home for battered women serving seven to twelve persons complies with the provisions of this chapter, the director shall approve the application and issue the permit. If the planning director finds an application does not comply with this chapter, the director shall deny the permit.

B. A nonrefundable fee determined by resolution of the city council shall be submitted to the finance department at the time of filing the application.

C. Not less than ten days prior to the date on which the planning director shall make the decision on the issuance of a home for battered women permit, notification of the proposed permit shall be given by mail or delivery to all owners shown on the San Diego County tax assessors latest equalized assessment roll as owning property within one hundred feet of the exterior boundaries of the property on which the home for battered women is located.

D. If the issuance of a home for battered women permit is denied by the planning director, or if a property owner whose property lies within one hundred feet of the property proposed for the home for battered women objects to the issuance of the permit, the applicant or property owner may request, in writing, that the planning commission hold a hearing on the subject application and make a decision regarding issuance of the permit. The request must be filed within twenty days of the planning director's decision. If the planning commission finds that the permit should be issued, the commission shall instruct the planning department to issue same. The decision of the planning commission may be appealed to city council.

The action of the planning commission in granting or denying the appeal shall become effective and final twenty days following such action, unless within such period an appeal in writing is filed by the applicant or an opponent with the city clerk. The timely filing of an appeal shall stay the effective date of the commission's action, pending action by the city council.

E. A nonrefundable fee determined by the city council resolution shall be submitted to the finance department at the time of filing the appeal by the appellant.

(Ord. 1991 § 1 (part), 1990)

#### Chapter 18.142 RESIDENTIAL DENSITY BONUS AND AFFORDABLE HOUSING INCENTIVES\*

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\*Editor's note: Ord. No. 2009-2317, § 2, adopted March 17, 2009, amended Ch. 18.142, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Ch. 18.142 pertained to similar subject matter. See also the Code Comparative Table.

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#### Sections:

18.142.010 Intent and purpose.

18.142.020 Definitions.

18.142.030 Density bonus.

18.142.040 Concessions, incentives, and development standards.

18.142.050 Application requirements and review.

18.142.060 Density bonus housing agreement.

18.142.010 Intent and purpose.

The intent and purposes of this Chapter are to:

A. Implement the policies of the General Plan's Housing Element for developing affordable housing for households with very low, low, and moderate incomes.

B. Encourage affordable housing units to be developed citywide and designed to be consistent with the surrounding neighborhood.

C. Implement the provisions of State Government Code Section 65915.

(Ord. No. 2009-2317, § 2, 3-17-2009)

18.142.020 Definitions.

Within this Chapter 18.142, the following definitions shall apply:

A. "Additional incentives" means any regulatory concessions or incentives which would result in identifiable cost avoidance or reductions that are offered in addition to a density bonus, as also specified in California Government Code Subsections 65915.

B. "Density bonus" means a density increase of up to thirty-five percent over the otherwise maximum residential density allowable by the applicable zoning designation, pursuant to State Government Code Section 65915, as amended from time to time.

C. "Density bonus units" means those residential units granted pursuant to the provisions of this Chapter that exceed the otherwise allowable maximum residential density for the development site.

D. "Development standard" shall have the meaning given that term by Government Code Section 65915.

E. "Financial Pro Forma" means a financial report for density bonus projects that shall include identifiable, financially sufficient, and actual cost reductions achieved

through any requested incentives or concessions, as well as evidence that the cost reduction allows the developer to provide affordable rents or affordable sales prices.

F. "Housing development" for the purpose of this Chapter means construction projects consisting of five (5) or more residential units, including single-family, multi-family, and mobile homes for sale or rent.

G. "Lower income household" means households whose income is no more than 80 percent of the area median income of San Diego County, as established and amended time to time by Section 8 of the United States Housing Act of 1937, pursuant to Section 50079.5 of the California Health and Safety Code.

H. "Maximum residential density" means the maximum number of residential units permitted by the City's General Plan Land Use Element and Land Use Code at the time of application, excluding the provisions of this Chapter. In calculating the required number of dwelling units affordable to moderate, lower, or very low income households, any decimal fraction resulting from the applicable percent of the total units shall be rounded to the next larger whole number.

I. "Moderate income household" means households whose income does not exceed 120 percent of the area median income of San Diego County, as established and amended time to time by Section 8 of the United States Housing Act of 1937, pursuant to Section 50093 of the California Health and Safety Code.

J. "Non-restricted unit" means all units within a housing development as defined in this Chapter, excluding the target units.

K. "Target unit" means a dwelling unit within a housing development that will be reserved for sale to or rent to, and affordable to, very low, or moderate income households, or qualifying residents.

L. "Very low income household" means households whose income is no more than 50% of the area median income of San Diego County, as established and amended time to time by Section 8 of the United States Housing Act of 1937, pursuant to Section 50105 of the California Health and Safety Code.

(Ord. No. 2009-2317, § 2, 3-17-2009)

18.142.030 Density bonus.

A. In applications for projects meeting the minimum threshold of five (5) units or more, the density bonus provisions set forth in Government Code Section 65915, as amended from time to time, shall apply.

B. It is the intent of this Section to ensure that all projects applying for the concessions and incentives of this Section provide for affordable housing units that are comparable in size, design, and quality to the market units in the same project. The Planning Director, unless otherwise specified, shall have the discretion and authority to enforce this provision during the application process.

(Ord. No. 2009-2317, § 2, 3-17-2009)

18.142.040 Concessions, incentives, and development standards.

In applications for projects meeting the minimum threshold of five (5) units or more, concessions and incentives including reductions in site development standards, modifications of zoning code or architectural design requirements, and other incentives or concessions defined in Government Code Section 65915(1) may be requested, consistent with the parameters enumerated below.

A. Concessions and incentives. The applicant shall provide a financial pro forma demonstrating to the City that the requested concession or incentive results in identifiable, financially sufficient, and actual cost reductions to the project pursuant to California Government Code Section 65915(l)(1).

B. Development Standards. Applicants may seek a waiver or modification of development standards that will have the effect of precluding the construction of a residential development meeting the criteria of Government Code Section 65915 at the densities or with the incentives or concessions permitted by that Section.

C. Nothing in this Section requires the City to provide direct financial incentives for the residential development, including but not limited to the provision of publicly owned land, waiver of fees, off-site improvements, or dedication requirements.

(Ord. No. 2009-2317, § 2, 3-17-2009)

18.142.050 Application requirements and review.

A. Application Conference. Prior to submitting an application, an applicant proposing a housing development pursuant to this Section shall schedule a pre-application conference with appropriate Planning and/or Housing Division staff. The applicant should provide the following information:

1. A brief description of the proposed development, including at a minimum the total number of units, total number of target units, and total number of density bonus units proposed.
2. The combined general plan/zoning designations and assessor parcel number(s) of the project site.
3. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway and parking layout.
4. If an additional incentive(s) is requested, the application should describe why the additional incentive(s) is necessary to ensure affordability of the target units and density bonus units proposed!
5. The developer/applicant should also submit the project pro-forma, outlining revenue sources, expenses, and projected profit.

B. Application/Processing. Requests for a density bonus and/or additional incentive(s) pursuant to this Chapter shall be submitted to the Planning Division and processed pursuant to procedures in Chapter 18.116 for approval of a conditional use permit and concurrently with any other application(s) required for the development. In addition, applications shall include the following:

1. A description of any requested density bonuses, incentives, concessions, waivers or modifications of development standards, or modified parking standards.
2. Identification of all affordable units qualifying for the project for a density bonus, and level of affordability of all affordable units.
3. For all incentives and concessions, a financial pro forma demonstrating that the requested incentives and concessions result in identifiable, financially sufficient, and actual cost reductions is required.
4. For waivers or modifications of development standards: evidence that the imposition of the development standards for which a waiver is requested will have the effect of precluding the construction of the residential development at the densities or with the incentives or concessions permitted by Government Code Section 65915.

5. Any financial pro forma submitted to comply with this Section may not include the lost opportunity cost of any affordable units (i.e., the revenue that would have been generated had the units been rented or sold at market rate) and may include as an additional cost only those additional expenses that are required solely because of the proposed construction of the affordable units. The pro forma shall also include: (a) the actual cost reduction achieved through the incentive or concession; and (b) evidence that the cost reduction allows the developer to provide affordable rents or affordable sales prices.

6. The City may retain a consultant to review the financial report (pro forma). The cost of the consultant shall be borne by the applicant with the following exception: if the applicant is a non profit organization, the cost of the consultant may be paid by the City upon prior approval of the City Council.

C. Findings for Approval. Before any density bonus and/or additional incentive is granted, the approving authority shall make the following findings:

1. The residential development is eligible for a density bonus and any concessions, incentives, waivers, modifications, or reduced parking standards requested.

2. The residential development conforms to all standards for affordability included in this Section.

3. Any requested incentive or concession will result in identifiable, financially sufficient, and actual cost reductions based upon appropriate financial analysis and documentation if required by Section 18.142.050.

4. If a waiver or modification is requested, the applicant has shown that the imposition of the development standards sought to be waived or modified will have the effect of physically precluding the construction of the development at the densities or with the incentives or concessions otherwise permitted by this Section.

D. Findings for Denial - Concessions, Incentives, Waivers, Modifications.

1. Concessions or Incentives. The City may deny one or more requested concessions or incentives if, based on substantial evidence, the City makes either of the following findings:

a. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Section 65915(c); or

b. The concession or incentive would have a specific adverse impact, as defined in Government Code Section 65598.5(d)(2), upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, low, and moderate income households.

2. Waivers and Modifications. The City may deny one or more requested waivers or modifications if the City makes either of the following findings:

a. The waiver or modification would have a specific adverse impact, as defined in Government Code Section 65598.5(d)(2), upon public health and safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or

b. The waiver or modification would have a specific adverse impact on any real property that is listed in the California Register of Historical Resources.



E. Deed Covenant. Approval of a density bonus and/or additional incentive(s) pursuant to this Chapter shall require the recordation of a deed covenant recorded against the property to ensure the target unit(s) is maintained for affordability for the time period required prior to Final Map recordation or prior to the issuance of a building permit, if no subdivision of property is involved.

F. Appeal Procedure. The decision of the Planning Commission to approve or deny a request for a density bonus, additional incentive(s), and/or waivers or modifications of development standards pursuant to this Chapter may be appealed to the City Council pursuant to procedures for appeal of other discretionary permit applications that are concurrently considered, or if no other discretionary permit applications are concurrently considered, the decision of the Planning Commission may be appealed pursuant to procedures specified in Chapter 18.116 of the Municipal Code. (Ord. No. 2009-2317, § 2, 3-17-2009)

#### 18.142.060 Density bonus housing agreement.

A. Applicants/developers requesting a density bonus shall enter into a Density Bonus Housing Agreement with the City. The terms of the draft agreement shall be approved by the Executive Director of the Community Development Commission of the City of National City or his designee.

B. Following execution of the Agreement by all parties, the completed Density Bonus Housing Agreement, or memorandum thereof, shall be recorded with the County of San Diego Records Office, and the conditions therefore filed and recorded on the parcel or parcels designated for construction of target units and a copy of the recorded document shall be provided to the City. Recordation of the Agreement shall occur prior to recordation of a Final Map or prior to issuance of building permits, whichever occurs first. The Density Bonus Housing Agreement shall be binding to all future owners and successors in interest during the term of the Agreement, unless rescinded by the City upon completion of terms of the Agreement.

C. The Density Bonus Housing Agreement shall include at least the following:

1. The total number of units approved for the housing development, including the number of target units.
2. A description of the household income group to be accommodated by the housing development, as outlined in Section 18.142.050 of this Chapter, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost.
3. The location, unit sizes (square feet), and number of bedrooms of target units.
4. Tenure of use restrictions for target units of at least ten or thirty years, in accordance with Section 18.142.050 of this Chapter.
5. A schedule for completion and occupancy of target units.
6. A description of the density bonus, additional incentive(s) or equivalent financial incentives being provided by the City.
7. A requirement to submit to the Executive Director of the Community Development Commission of the City of National City or his designee for review and approval of an Affirmative Marketing Plan, which details the actions the developer/applicant shall take to provide information and otherwise attract eligible persons to the available housing units without regard to race, sex, sexual orientation, marital status, familial status, color, religion, national origin, ancestry, handicap, age, or any other category which may be defined by law now or in the future.

8. A description of remedies for breach of the Agreement by either party. The City may identify tenants or qualified purchasers as third party beneficiaries under the Agreement.

9. Other provisions to ensure implementation and compliance with this Chapter.

10. Provision allowing payment of fee by applicant to the City to recover their administrative expenses.

D. In the case of for-sale housing developments, the Density Bonus Housing Agreement shall provide for the following conditions governing the initial sale and use of target units during the applicable use restriction period:

1. Target units shall, upon initial sale, be sold to eligible very low, low, or moderate income households at an affordable sales price and housing cost, or to qualified residents (i.e., maintained as senior citizen housing) as defined by this Chapter.

2. Target units shall be initially owner-occupied by eligible very low, low, or moderate households, or by qualified residents in the case of senior citizen housing.

3. Target units, if later rented by the owner, shall be made available to eligible very low, low, or moderate income households at an affordable rent or to qualified residents (i.e., senior citizens) as defined by this Chapter.

4. The initial purchaser of each target unit shall execute an instrument or agreement approved by the City restricting the sale or rental of the target unit in accordance with this Ordinance during the applicable use restriction period. Such instrument or agreement shall be recorded against the parcel containing the target unit and shall contain such provisions as the City may require to ensure continued compliance with this Chapter and the State density bonus law.

E. In the case of rental housing developments, the Density Bonus Housing Agreement shall provide for the following conditions governing the use of target units during the use restriction period:

1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining target units for qualified tenants;

2. Property owners shall be required to verify tenant incomes on an annual basis and maintain books and records to demonstrate compliance with this Chapter.

3. Property owners shall be required to submit an annual report to the City, which includes the name, address, household size, and income of each household occupying target units, and which identifies the bedroom size and monthly rent or cost of each target unit.

4. Property owners shall be required to allow a City representative to inspect each unit annually at a minimum to ensure that units are being maintained to local Code and the Department of Housing and Urban Development (HUD) Housing Quality Standards. (Ord. No. 2009-2317, § 2, 3-17-2009)