9th Update Code Language—Minor Corrections

ISSUE #45: Vacant Structures (Incorrect Section References)

§54.0308 Standards for Boarding a Vacant Structure

Except as provided in Section 54.0308(a)(9)(i), the responsible person or Director shall board a vacant structure according to all of the following specifications and requirements:

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

§54.0309 Entry or Interference with Notice Prohibited

(a) It is unlawful for any person to enter or occupy any structure or premises which has been posted pursuant to Section 54.0308(a)(8)(h) of this Division, except to repair or demolish the structure under proper permit or for a purpose authorized by the owner.

(b) It is unlawful for any person to remove or deface any notice posted pursuant to Section 54.0308(a)(8)(h) of this Code until the required repairs or demolition have been completed or a Certificate of Occupancy has been issued in accordance with appropriate provisions of the California Building Code as in Chapter IX of the Municipal Code.

ISSUE #46: Fee Payment (Incorrect Spelling)

§98.0425 Free Fee Payment

When fees are to be paid, the payment or an offer for payment shall be made to and accepted by the school district prior to the issuance of a building permit for the proposed development.

ISSUE #47: Definition of Reasonable Accommodation (Incorrect Term)

§113.0103 Definitions

Abutting property through Public utility [No change.]

Reasonable Accommodation, pursuant to the Fair Housing Amendments Acts of 1988 and the California Fair Employment and Housing Act, means accommodations necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling unit.

Reclamation through Yard [No change.]
ISSUE #48: Zoning and Rezoning Actions (Missing Section Reference)

§123.0101 Purpose of Zoning and Rezoning Procedures

The purpose of these procedures is to establish the process for the inclusion or placement of any property within the City of San Diego into any zone as established and defined in Chapter 13 (Zones) or Chapter 15 (Planned Districts).

ISSUE #49: Capital Improvement Program Projects (Incorrect Reference)

§126.0502 When a Site Development Permit is Required

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

(c) A Site Development Permit in accordance with Process Three is required for the following types of development.

(1) through (3) [No change.]

(4) Public improvements required in association with private development that involve development of more than 3,000 feet of property frontage, as described in Section 142.0612, except that capital improvement program projects shall be subject to Process CIP Two.

(5) Public improvements required in association with private development for which adopted City standards do not apply, as described in Section 142.0612, except that capital improvement program projects shall be subject to Process CIP Two.

(6) through (8) [No change.]

(d) through (g) [No change.]

ISSUE #50: Regulation of Residential in Commercial Zones (Incorrect Reference)

§131.0540 Maximum Permitted Residential Density and Other Residential Regulations

The following regulations apply to residential development within commercial zones where indicated in Table 131-04B 131-05B:

(a) through (f) [No change.]
ISSUE #51: Child Care in Industrial Zones (Incorrect Permit Reference)

§131.0622

Table 131-06B
Use Regulations for Industrial Zones

<table>
<thead>
<tr>
<th>Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]</th>
<th>Zone Designator</th>
<th>Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1st &amp; 2nd &gt; 3rd &gt;&gt; 4th &gt;&gt;</td>
<td>IP-</td>
</tr>
<tr>
<td>Child Care Centers</td>
<td>L</td>
<td>C</td>
</tr>
</tbody>
</table>

ISSUE #52: Pushcarts/Retail Food Code (Incorrect Section Reference, Punctuation Errors)

§141.0619 Pushcarts

This section regulates pushcarts on private property and pushcarts in the public right-of-way. Pushcarts are moveable, wheeled, non-motorized vehicles used by vendors for the sale of food or beverage products, fresh-cut flowers, or live plants in pots. Pushcarts are a health regulated business subject to Municipal Code Section 42.0102.

(a) Pushcarts on Private Property

Pushcarts are permitted on private property as a limited use in the zone indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(1) through (4) [No change.]

(5) The operation of the pushcart shall be in conformance with Municipal Code Sections 42.0160 through 42.0167.

(b) Pushcarts in the Public Right-of-Way

Pushcarts may be permitted in the public right-of-way with a Neighborhood Use Permit in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(1) [No change.]

(2) The decision maker will consider the appropriateness of the pushcart design and color scheme, signs, and graphics for the products for sale
and the proposed location. This provision supersedes Municipal Code Section 42.0163(Q).

(3) through (11) [No change.]

(12) Pushcarts shall not be left unattended, nor shall they remain in the public right-of-way between 12:00 midnight and 6:00 a.m. except for special events as provided for in Municipal Code Section 42.0130. Chapter 2, Article 2, Division 40.

(13) The operation of the pushcart shall be in conformance with Municipal Code Sections 42.0160 through 42.0167.

(14) An applicant that has received a Neighborhood Use Permit for a pushcart shall have an operating cart on the specified site within 60 calendar days of approval or the permit will be void.

(15) The permit is valid only when used at the location designated on the permit. The permit shall be displayed in a prominent and visible place on the pushcart.

(16) A Neighborhood Use Permit for a pushcart may not be transferred, but there may be more than one applicant for a single permit.

(17) A Neighborhood Use Permit for a pushcart can be revoked or modified in accordance with Sections 121.0313 through 123.0316.

(18) A Neighborhood Use Permit for a pushcart can be revoked on any of the grounds listed in Municipal Code Section 42.0168.

 ISSUE #53: General Fence Regulations (Grammatical Error)

§142.0310 General Fence Regulations for All Zones

(a) Location and Height of Fences

   (1) No portion of a fence shall extend beyond the property line of the premises into the public right-of-way unless a Public Right-of-Way permit has been obtained.

   (2) through (3) [No change.]

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

 ISSUE #54: Street System and Development (Italicization Errors)

§144.0233 Acceptance of Dedication
No reservation for public rights–of–way shall be offered for dedication unless such offer includes any necessary slope easements required for the ultimate development of the public right–of–way, and no such reservation shall be accepted for dedication by the City until improvements therein are constructed pursuant to the requirements of this Code.

The City Engineer, or other designee of the City Manager, may accept on behalf of the City Council streets and roads, or portions thereof, into the City street system and record conveyances to the City of real property interests for street and road uses and purposes. No street shall be accepted into the City street system and open to public use until improvements are constructed pursuant to the requirements of this Code.

**ISSUE #55: Findings for Tentative Map Approval**

§144.0242 Waiver of the Requirements to Underground Privately Owned Utility Systems and Service Facilities

(a) [No change.]

(b) Process. Requests to waive the undergrounding requirement in Section 144.0240(b) shall be considered concurrently with the approval of a tentative map or amendment thereto. Supporting facts for a decision to grant a waiver shall be documented in the findings for tentative map approval.

(c) through (d) [No change.]

**ISSUE #56: Mission Beach Planned District Ordinance (Capitalization/Incorrect Term)**

§1513.0304 Property Development Regulations – Residential Subdistricts

(a) through (c) [No change in text.]

(d) Encroachments

(1) [No change in text.]

(2) Encroachments into yards for Courts, Places, and all yards on Ocean Front and Bayside Walks

(A) The following encroachments, in addition to those identified in Table 1513-03B, are permitted in yards for Courts, Places, and Walks:

(i) An encroachment of up to 18 inches or a vertical offset extending full height of the building that is a maximum of 3 feet in depth and not less than 45 degrees for at least 50 percent of
the building as illustrated in Diagram 1513-03D provided that the width of the encroaching offset is not more than one-half of the total building width, and an insert area equal to the width of the encroaching offset at a minimum depth of 18 inches is undeveloped behind the required setback line parallel to the Court, Place, or Walk.

(ii) [No change in text.]

(B) [No change in text.]

(3) and (4) [No change in text.]

**ISSUE #57: Otay Mesa Planned District Ordinance (Remove Titles of Repealed Sections)**

**Article 17: Otay Mesa Development District**
- **Division 1: General Rules**
- **Division 2: Permits and Procedures**
- **Division 3: Zones and Subdistricts**
- **Division 4: General and Supplemental Regulations**

*(Repealed 4-11-2014 by O-20361 N.S.; effective 5-18-2014.)*