

ORDINANCE NO. 2026 –

AN ORDINANCE AMENDING SECTIONS 18.10.060 (RULES OF MEASUREMENT), 18.11.120 (INTERIM USES), 18.22.020 (ALLOWED LAND USES ET SEQ.), 18.30.310 (TATTOO PARLORS ET AL), AND 18.30.340 & 345 (MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION) OF TITLE 18 (ZONING) OF THE NATIONAL CITY MUNICIPAL CODE TO RESTORE PREVIOUSLY OMITTED SECTIONS.

WHEREAS, the City of National City (the “City”), pursuant to the police powers delegated to it by the California Constitution, has the authority to enact or amend laws which promote the public health, safety, and general welfare of its residents; and

WHEREAS, pursuant to the terms and provisions of the Government Code of the State of California, proceedings were duly initiated for the amendment of the National City Municipal Code; and

WHEREAS, on the dates of March 15, 2021, October 18, 2021, October 17, 2022, November 7, 2022, and December 4, 2023, noticed public hearings were held by the Planning Commission related to the various proposed code amendments, and all persons interested were given the opportunity to appear and be heard before the National City Planning Commission; and

WHEREAS, the Planning Commission regularly and duly certified its report to the City Council of National City and recommended approval of the amendments to NCMC Title 18: and

WHEREAS, pursuant to a published 10-day notice of the adoption of said ordinance, a public hearing was held by the City Council on January 20, 2026, and at said public hearing, all persons interested were given the opportunity to appear and be heard before the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY DOES ORDAIN AS FOLLOWS:

Section 1. All protests, if any, against said amendment to the Municipal Code and each of them be and hereby are denied and overruled.

Section 2. Section 18.10.060 (Rules of Measurement) is hereby amended to read as follows:

18.10.060 – Rules of Measurement.

- A. Purpose. The purpose of this section is to explain how various measurements referenced in this title are to be calculated.
- B. Applicant Responsibility. For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements that apply to a project. These

drawings shall be drawn to scale and of sufficient detail to allow easy verification upon inspection by the city.

C. Fractions. When calculating a maximum requirement, round down to nearest whole number. When calculating a minimum requirement, round up to nearest whole number.

D. Measuring Distances.

1. Measurements are the Shortest Distance. When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.
2. Distances are Measured Horizontally. Distances are measured along a horizontal plane unless otherwise specified.
3. Measurements Involving a Structure. Measurements involving a structure are made to the closest wall of the structure, unless otherwise specified.
4. Measurements Between Uses. When measuring the distance between two different uses, the measurement is calculated from closest lot line to lot line.

E. Measuring Height.

1. General. Height shall be considered the vertical distance from the highest point of any structure to the ground level directly below, except as otherwise provided in this section. On sloped lots, the height shall be measured from the average grade to the tallest point of the structure.
2. Measuring the Height of Buildings Located Near Retaining Walls. If any portion of a building lies within the setback area of a lot and the base of the retaining wall is at a lower elevation than the building, the height of the building shall be calculated from the base of the retaining wall (at the lower of natural or finished grade) rather than from the base of the building wall.
3. Measuring the Height of Combined Fences and Retaining Walls. When a fence is constructed on top of or within one foot of the face of an above-ground retaining wall, and located in a required yard, the height of the fence shall be measured from the top of the fence to the midpoint height of the retaining wall.

F. Measuring Lot Width and Depth.

1. Lot Width. Minimum lot width shall be measured at the front setback line, or from the front property line if there is no required setback, as determined by the zoning of the parcel.

2. Lot Depth. Lot depth is measured along an imaginary straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.
- G. Determining Floor Area. Floor area is the horizontal area (expressed in square feet) of all floors included within a building or buildings, according to the following rules:
1. Included in Floor Area. Floor area is deemed to include:
 - a. The floor of atrium and lobby areas.
 - b. Enclosed and roofed storage and equipment spaces.
 - c. Enclosed and roofed halls, stairways, and elevator shafts.
 - d. Enclosed and roofed porches and balconies.
 - e. Portions of basements and attics that meet building code height requirements for living space.
 - f. The actual floor space of mezzanines, interior balconies, and lofts.
 2. Excluded from Floor Area. Floor area does not include:
 - a. Unenclosed balconies, decks, porches, and stairs.
 - b. Substandard height portions of attics and basements.
 - c. The area within a building adjacent to, and in an imaginary horizontal plane with, interior balconies, mezzanines, or lofts.
- H. Determining Floor Area Ratio. Floor area ratio (FAR) is the ratio of the floor area of all principal and accessory buildings on a lot to the lot area. To calculate FAR, floor area is divided by lot area, and typically expressed as a decimal. For example, if the floor area of all buildings on a lot totals twenty thousand square feet, and the lot area is ten thousand square feet, the FAR is expressed as 2.0.
- I. Determining Lot Coverage. Lot coverage is the ratio of the footprint of all structures on a lot to the lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports and roofed porches, shall be summed in order to calculate lot coverage. The following structures shall be excluded from the calculations:
1. Unenclosed and unroofed structures; porches, landings, balconies, and stairways less than three feet in height.
 2. Unenclosed and unroofed decks less than eighteen inches in height.

3. Eaves and roof overhangs projecting up to four feet from a wall.
4. Trellises and similar structures that do not have solid roofs.
5. Swimming pools and hot tubs that are not enclosed in roofed structures.
6. Trash enclosures.
7. Solar collectors.

Section 3. Section 18.11 (Nonconforming uses, structures, and parcels) is hereby amended to read as follows:

18.11.120 – Interim Uses.

A. Purpose. To provide a process for the temporary use of buildings that were previously legal nonconforming and lost their nonconforming status due to lack of use and establish a set amount of time for their use in the interim period between the current nonconforming situation and the eventual redevelopment of the property. The interim use will require administrative review in order to evaluate the compatibility of the proposed use with surrounding uses and the suitability of the use to the site.

B. Applicability. An interim use permit is required to authorize proposed interim land uses as being allowable in the applicable zoning district subject to the approval of an interim use permit.

C. Application Requirements. An application for an interim use permit shall contain all information required by the city manager or his/her designee necessary to determine compliance with the Land Use Code and to accomplish the requirements of this section, including the means to provide notice of the application. It is the responsibility of the applicant to provide evidence in support of the findings required by this section. 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. The application shall include a timeline for eventual redevelopment of the property.

D. Notice of Application.

1. The designated staff person shall mail notice of the application no later than ten days after an application has been deemed complete to:

a. The applicant; and

b. The owners of any real property, as shown on the latest equalized property tax assessment roll of the San Diego County Assessor, located within three hundred feet of the boundary of the property that is the subject of the application.

E. Contents of the Notice of Application.

1. The notice of application shall include at least the following information:
 - a. A general description of the proposed use, including activities and duration of the use.
 - b. The location and size of the property that is the subject of the application.
 - c. The name, telephone number, and city address of the designated staff person to contact for additional information.
 - d. An explanation that an interim use permit is an administrative process whereby the decision to approve, conditionally approve, or deny the proposed development will be made by the planning division without a public hearing.
 - e. An explanation of the process to appeal the decision.

F. Requests for Notice of Decision. Persons who wish to receive notice of the approval or denial of the application may request this information from the staff person indicated in the notice of application. The request must be received no later than ten business days after the date on which the notice of application is mailed.

G. Findings and Decision. The planning division may approve or deny an application for an interim use permit. The designated staff person shall record the decision and the findings on which the decision is based. The planning division may approve an interim use permit only after first finding all of the following:

1. The proposed use is consistent with the General Plan and any applicable specific plan;
2. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity;
3. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and
4. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

H. Issuance of Permit and Duration.

1. Upon the approval of an application, the planning division shall authorize the issuance of an interim use permit, with or without conditions, and one copy of which shall be forwarded to each of the following:

- a. The applicant;
- b. The building official;
- c. Any other department or agency the planning division considers affected by the issuance of the permit; and
- d. The division files for permanent retention.

2. Interim use permits shall be in effect for five years, at which time up to two annual extensions may be granted for a total of seven years. Application for an extension shall be subject to a nonrefundable fee, in such amount as established by the city council from time to time by resolution and in effect at the time of filing of the extension. Extensions exceeding two additional years or seven total years may be requested and require a public hearing and approval by the Planning Commission.

3. No expansion of the premises shall be permitted.

I. Conditions of Approval. In approving an interim use permit, the planning division may impose any conditions deemed reasonable and necessary to ensure that the approval would comply with the findings required by this section.

J. This Code section shall be in effect for 15 years from time of adoption, at which time the Interim Use Permit program will cease and all issued Interim Use Permits shall be null and void.

Section 4. That Subsection 18.22.020 of the National City Municipal Code is amended to read as follows:

18.22.020 Allowed land uses and permit requirements.

Table 18.22.020 identifies the uses of land allowed in each commercial zone. This table does not apply to the CL zone. For a list of allowable uses in the CL zone, please refer to Appendix A of the Westside Specific Plan.

Table 18.22.020
Allowed Land Uses
Commercial Zones

Land Use	Zone		Specific Use Regulations
	CA	CS	
Used auto and truck sales	-	C	
P Permitted C Conditional use permit M Minor use permit — Not permitted			

Section 5. Section 18.30.310 (Tattoo Parlors and Body-Piercing Establishments) is hereby amended to read as follows:

18.30.310 – Tattoo parlors and body-piercing establishments

A. Restrictions.

1. No tattoo or body piercing establishment shall be located within one-mile of another such establishment.
2. Tattoo parlors and body-piercing establishments shall be located no less than 1,000 feet from a church, school, or playground.
3. Tattoo parlors and body-piercing establishments shall be no closer than two hundred fifty feet from a residential zone.
4. No tattoo and body-piercing establishments shall be located east of Interstate 805 except within the MXD-2 zone.
5. A Conditional Use Permit is required.

Section 6. Section 18.30.340 (Medical Marijuana Dispensaries) is hereby amended to read as follows:

18.30.340 - Commercial Marijuana Activity

A. Prohibition.

1. Commercial marijuana activity is prohibited except as provided for in Chapter 9.60 of the National City Municipal Code.

B. Definitions.

1. "Commercial marijuana activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery, or sale of marijuana and marijuana products.
2. For purposes of this section, "marijuana" shall have the same meaning as the definition of that word in Section 11018 of the California Health and Safety Code.

Section 7. Section 18.30.345 (Medical Marijuana Cultivation) is hereby struck in its entirety.

Section 8. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 9. This Ordinance shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it or a summary of it, shall be published once, with the names of the members of the City Council voting for and against the same in the Star News, a newspaper of general circulation published in the County of San Diego, California.

INTRODUCED this 2nd day of December, 2025

PASSED and ADOPTED this ____ day of _____, 2026.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney