

ORDINANCE NO. 10449 DEC 1 1970
(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1 OF THE
SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION
101.0303 RELATING TO DISCONTINUANCE OF NON-CONFORMING
USE.

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

Section 1. That Chapter X, Article 1 of the San Diego
Municipal Code be amended by amending Section 101.0303 to read
as follows:

SEC. 101.0303 DISCONTINUANCE OF NON-CONFORMING USE

The lawful use of land or buildings existing at the
time the district zone ordinance became effective with
which ordinance such use did not conform in every respect
may be continued provided no enlargement or additions to
such use or buildings is made except that permitted by a
zone variance as hereinafter provided.

Any discontinuance of such a non-conforming use for a
continuous period of twelve (12) months shall be deemed to
constitute abandonment of any non-conforming rights existing
at the time of the enactment of the ordinance.

Any change from a non-conforming use of land or buildings
to a more restrictive or conforming use shall constitute
abandonment of such non-conforming rights.

Repairs and alterations which do not enlarge or increase
the size of a non-conforming building, structure or improve-
ment may be made provided that the aggregate value of all
such repairs or alterations shall not exceed fifty (50)
percent of its value. The value of the building shall be
determined to be an amount equal to twice the assessed value

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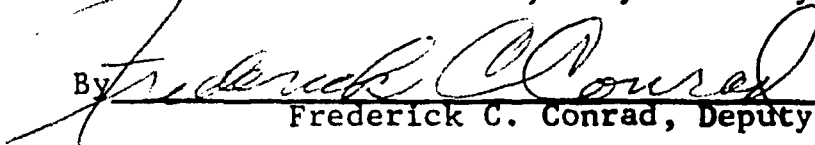
of the building on the date the building first became a non-conforming building. The terms "repairs and alterations" do not include painting or replacement of exterior stucco siding or shingles.

If any non-conforming building be destroyed by fire, explosion, Act of God, or act of the public enemy to the extent of two hundred (200) percent or more of the assessed value thereof, according to the assessment thereof by the County Assessor for the fiscal year during which such destruction occurs, then and without further action by the City Council the said building and the land on which said building was located or maintained shall from and after the date of such destruction be subject to all the regulations specified by the zone ordinance for the district in which such building was located.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By


Frederick C. Conrad, Deputy

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10449

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SAN DIEGO, CALIF.

Passed and adopted by the Council of The City of San Diego on DEC 1 1970,
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Helen Cobb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam T. Loftin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mike Schaefer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Frank Curran	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

FRANK CURRAN
Mayor of The City of San Diego, California.

JOHN LOCKWOOD
City Clerk of The City of San Diego, California.

(Seal)

By Elfa N. Hamel, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

NOV 12 1970

DEC 1 1970

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

JOHN LOCKWOOD
City Clerk of The City of San Diego, California.

(Seal)

By Elfa N. Hamel, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>10449</u>	Adopted <u>DEC 1 1970</u>

MICROFILMED
APR 28 1978

ATTORNEY (S)

• CITY OF SAN DIEGO
202 C Street
Community Concourse
San Diego, California

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING
SECTION 101.0303 RELATING TO DISCONTINUANCE OF
NON-CONFORMING USE.

ORDINANCE NO. 10449 (NEW SERIES)

AN ORDINANCE AMENDING
CHAPTER X, ARTICLE 1 OF THE
SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 101.0303 RE-
LATING TO DISCONTINUANCE OF
NON-CONFORMING USE.
BE IT ORDAINED, by the Council
of The City of San Diego, as follows:
Section 1. That Chapter X, Article
1 of the San Diego Municipal Code be
amended by amending Section 101.0303
to read as follows:

SEC. 101.0303 DISCONTINUANCE OF NON-CONFORMING USE

The lawful use of land or build-
ings existing at the time the district
zone ordinance became effective with
which ordinance such use did not
conform in every respect may be
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or additions to such use or build-
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by a zone variance as hereinafter
provided.

Any discontinuance of such a
non-conforming use for a continuous
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be deemed to constitute abandon-
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Repairs and alterations which do
not enlarge or increase the size of
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or improvement may be made pro-
vided that the aggregate value of
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not exceed fifty (50) percent of its
value. The value of the building
shall be determined to be an amount
equal to twice the assessed value of
the building on the date the building
first became a non-conforming
building. The terms "repairs and
alterations" do not include painting
or replacement of exterior stucco
siding or shingles.

If any non-conforming building be
destroyed by fire, explosion, Act of
God, or act of the public enemy to
the extent of two hundred (200)
percent or more of the assessed
value thereof, according to the as-
sessment thereof by the County
Assessor for the fiscal year during
which such destruction occurs, then
and without further action by the
City Council the said building and
the land on which said building was
located or maintained shall from
and after the date of such destruc-
tion be subject to all the regulations
specified by the zone ordinance for
the district in which such building
was located.

Section 2. This ordinance shall take
effect and be in force on the thirtieth
day from and after its passage.
Introduced on November 12, 1970.
Passed and adopted by the Council
of The City of San Diego on December
1, 1970.

AUTHENTICATED BY:

FRANK CURRAN,
Mayor of The City of
San Diego, California.
JOHN LOCKWOOD,
City Clerk of The City of
San Diego, California.
By ELFA F. HAMEL,
Deputy.

(SEAL)
Published Dec. 10, 1970

C-982

Patricia M. Applestill

hereby certify

that The Daily Transcript is a daily newspaper of general
circulation within the provisions of the Government Code of
the State of California, printed and published in the City of
San Diego, County of San Diego, State of California; that
I am the principal clerk of said newspaper; that the

ORDINANCE NO. 10449 (NEW SERIES)

to a true and correct copy of which this certificate is annexed
was published in said newspaper on

December 10, 1970

I certify under penalty of perjury that the foregoing is
true and correct, at San Diego, California, on

December 10, 1970

Patricia M. Applestill
(Signature)

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