

ORDINANCE NO. 11400
(New Series)

SEP 26 1974

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0503, RELATING TO CONDITIONAL USE PERMIT GRANTED BY THE ZONING ADMINISTRATOR.

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

Section 1. That Chapter X, Article 1, Division 5 of the San Diego Municipal Code be amended by amending Section 101.0503 to read as follows:

SEC. 101.0503 CONDITIONAL USE PERMIT GRANTED
 BY THE ZONING ADMINISTRATOR

A. USES WHICH MAY BE CONSIDERED

The Zoning Administrator shall have the authority under conditions herein provided to permit by conditional use permit the following uses in any zone, including interim zones, except as otherwise provided in paragraphs "A.3.," "A.8.," "A.10." and "A.11." of this section.

1. Churches, temples or buildings of a permanent nature, used primarily for religious purposes.
2. Electric distribution and gas regulating stations serving the immediate area, provided all equipment is located within a building.
3. Impound storage yards, provided they are located in the C and CA Zones.
4. Nursery and elementary schools (private and public).

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5. Outdoor storage and display of new, unregistered motor vehicles.
6. Parking facilities.
7. Private clubs, lodges and fraternal organizations except fraternities and sororities.
8. Residential care homes, for not more than ten aged or mentally disordered or otherwise handicapped persons or dependent and neglected children, which are licensed or certified by the State of California, in the R-1 and R-2 Zones.
9. Temporary subdivision directional signs (off-premises).
10. Teaching of the fine arts including but not limited to music, drawing, painting, sculpture, drama and dancing.
11. Veterinary clinics and hospitals in any commercial, industrial or agricultural zone.
12. Community identification signs.

B. APPLICATION - FORM AND CONTENTS

Application to permit any conditional use referred to in this section may be made by the owner of property affected or may be initiated by the Zoning Administrator. Application shall be filed with the Zoning Administrator upon a form provided by him. The application shall state fully the

circumstances and conditions relied upon as grounds for the application and shall be accompanied by adequate plans, a legal description of the property involved and a detailed description of the proposed use.

C. HEARING BEFORE ZONING ADMINISTRATOR - PROCEDURE

1. The Zoning Administrator shall set a date for public hearing and give notice of time, place and purpose of such hearing in accordance with the procedure set forth in paragraphs "C.1.a." or "C.1.b." of this section.
 - a. By depositing in the United States mail, postage prepaid, at least ten days prior to the date of such hearing, a notice addressed to the owner of each parcel of land lying within the subject property and within 300 feet of the exterior boundaries of the subject property. The last known name and address of each owner as shown in the records of the County Assessor may be used for this notice.
 - b. By at least one publication of a notice in the City official newspaper, not less than ten days prior to the date of the hearing, and by posting notices, not less than ten days prior to the date of the hearing, in at

least four public places within the subject property or within 300 feet of the boundaries of the subject property.

2. In addition to the methods set forth in paragraphs "C.1.a." and "C.1.b." of this section, the Zoning Administrator may use other methods which he finds to be desirable in giving proper notice of the public hearing.
3. The mailed and posted notices referred to in paragraph "C.1." of this section shall be headed "NOTICE OF PUBLIC HEARING" in letters not less than one inch in height and shall recite in legible characters the following:
 - a. The boundaries of the subject property. A diagram or plat may be substituted for this description.
 - b. The date, time, place, and subject of the hearing.
 - c. A statement that any person may, but is not required to, appear and be heard.
 - d. A statement that the application, together with plans and other data submitted with the application are available for public inspection in the office of the Zoning Administrator.

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4. Upon the date set for the hearing, the Zoning Administrator shall hear the application unless for cause the Zoning Administrator shall, on that date, continue the matter. If a date and time certain for the continued hearing is announced in the open meeting, no further notice need be given.

D. DECISION OF THE ZONING ADMINISTRATOR

1. After the public hearing, the Zoning Administrator may, by resolution, grant a conditional use permit, if, after considering the facts presented in the application and at the hearing, he concludes that:
 - a. The proposed use at the particular location is desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community;
 - b. The proposed use will not, particularly because of conditions imposed, be detrimental to the public health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.
 - c. The proposed use will comply with the regulations specified in the Code for such use; and

- d. The granting of the conditional use permit will not adversely affect the PROGRESS GUIDE AND GENERAL PLAN OF THE CITY OF SAN DIEGO or the adopted plan of any governmental agency.
2. If the Zoning Administrator, after considering the facts presented on the application and at the hearing is unable to reach the four conclusions set forth in paragraph "D.1." of this section, he shall deny the permit by resolution.
3. The resolution granting or denying the conditional use permit shall include a finding of facts relied upon by the Zoning Administrator in reaching his decision. The resolution shall be filed with the City Clerk, Director of Building Inspection, County Recorder of San Diego County and a copy shall be mailed to the applicant. The resolution shall not be filed with said County Recorder if the resolution is a denial of the conditional use permit.
4. In granting a conditional use permit, the Zoning Administrator may impose such conditions as he deems necessary and desirable to protect the public health, safety and the general welfare.

Any regulations of the zone in which the property is situated including but not limited to signs, fences, walls, maximum building height, density, minimum yards, maximum building coverage and off-street parking may be increased or decreased.

5. The decision of the Zoning Administrator shall be final on the eleventh day after the filing of the resolution in the office of the City Clerk, except when appeal is taken to the Board of Zoning Appeals as provided in Section 101.0504 of this Code.

E. AMENDMENT TO PERMIT

1. The Zoning Administrator may, by resolution, grant an amendment to a valid conditional use permit which he has granted.
2. The procedure for making application for hearing, for decision and for appeal to the Board of Zoning Appeals from the decision of the Zoning Administrator shall be as set forth in this section.

F. EXTENSION OF TIME

1. The Zoning Administrator may grant an extension of time to a valid conditional use permit which he has granted if he finds that there has been no material change of circumstances since the granting of the permit.

2. A request for an extension of time shall be in writing and shall be filed by the owner of the property covered by the permit. The request shall be filed with the Zoning Administrator who may require a public hearing on such application if he determines that a hearing is in the public interest. In the event a hearing is ordered, the procedure for noticing shall be as set forth in paragraph "C." of this section.
3. The decision of the Zoning Administrator granting or denying the extension of time shall be in writing and shall contain a finding of facts relied upon by the Zoning Administrator in reaching his decision. A copy of the decision shall be filed with the City Clerk, the Director of Building Inspection, the County Recorder of San Diego County, and a copy shall be mailed to the applicant.

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, Chief Deputy

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

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<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"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By *Patricia Polen*, 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

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~~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.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By *Patricia Polen*, Deputy.

RECEIVED LB
CITY CLERK'S OFFICE
1974 AUG 19 AM 8:59
SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Ordinance Number **11400** Adopted **SEP 26 1974**

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RECEIVED
CITY CLERK'S OFFICE
1974 OCT 7 PM 12:32 *ej*
SAN DIEGO, CALIF.

ATTORNEY (S)

San Diego, City of
12th Floor, City Admin. Bldg.
San Diego, Ca. 92101

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

AN ORDINANCE AMENDING ARTICLE 1, CHAPTER X, DIVISION 5

OCT 07-1974 *ej*

I, Patricia M. Applestill hereby certify that San Diego 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

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

October 4, 1974

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

October 4, 1974

Patricia M. Applestill

(Signature)

28 1/2" @ 4.42 \$125.97 *ej*

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