

ORDINANCE NO. **11971**
(New Series)

DEC 22 1976

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTION 101.0303 RELATING TO
NONCONFORMING USES AND STRUCTURES.

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

Section 1. That Chapter X, Article 1, Division 3 of
the San Diego Municipal Code be amended by amending Section
101.0303 to read as follows:

SEC. 101.0303 CONTINUANCE OF NONCONFORMING
USES AND STRUCTURES

The lawful use of land existing at the time the
district zone ordinance became effective with which
ordinance such use did not conform may be continued
provided no enlargement or addition to such use is
made.

The lawful use of buildings existing at the time
the District Zone Ordinance became effective with
which Ordinance such building did not conform with
respect to the development regulations may be continued,
provided any enlargement, addition, or alterations to
such building will not increase its degree of noncon-
formity and will conform in every respect with the
development regulations of the zone in which the
building is located, except as hereinafter provided
by zone variance.

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Any discontinuance of a nonconforming use for a continuous period of twelve (12) months shall be deemed to constitute abandonment of any nonconforming rights existing at the time of the enactment of the Ordinance.

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

Repairs and alterations which do not increase the degree of nonconformity of a nonconforming building, structure or improvement nor increase the size or degree of nonconformity of a use, 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 of the building on the date the building first became a nonconforming building. The terms "repairs and alterations," do not include painting or replacement of exterior stucco, siding or shingles.

If any nonconforming building or use 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

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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 or use 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
Frederick C. Conrad
Chief Deputy City Attorney

FCC:n
8-23-76
Or. Dept. Clerk

-3-

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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"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<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 *Kathleen Martinez* 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

DEC 8 1976

DEC 22 1976

, and on _____

~~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 *Kathleen Martinez* Deputy

RECEIVED
1976 SEP -9 10 18
SAN DIEGO, CALIF.

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MAY 15 1978

Office of the City Clerk, San Diego, California

Ordinance Number **11971**

Adopted **DEC 22 1976**

60471

fw

ATTORNEY(S)

San Diego, City of
202 C St., 12th Floor
San Diego, CA 92101
Attn: Kathleen Martinez

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

NONCONFORMING USES AND STRUCTURES

ORDINANCE NO. 11971

(New Series)
CHAPTER X, ARTICLE 1, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0303 RELATING TO NONCONFORMING USES AND STRUCTURES.

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

Section 1. That Chapter X, Article 1, Division 3 of the San Diego Municipal Code be amended by amending Section 101.0303 to read as follows:

SEC. 101.0303 CONTINUANCE OF NONCONFORMING USES AND STRUCTURES

The lawful use of land existing at the time the district zone ordinance became effective with which ordinance such use did not conform may be continued provided no enlargement or addition to such use is made.

The lawful use of buildings existing at the time the District Zone Ordinance became effective with which Ordinance such building did not conform with respect to the development regulations may be continued, provided any enlargement, addition, or alterations to such building will not increase its degree of nonconformity and will conform in every respect with the development regulations of the zone in which the building is located, except as hereinafter provided by zone variance.

Any discontinuance of a nonconforming use for a continuous period of twelve (12) months shall be deemed to constitute abandonment of any nonconforming rights existing at the time of the enactment of the Ordinance.

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

Repairs and alterations which do not increase the degree of nonconformity of a nonconforming building, structure or improvement nor increase the size or degree of nonconformity of a use, 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 of the building on the date the building first became a nonconforming building. The term "repairs and alterations" do not include painting or replacement of exterior siding, siding or shingles.

PATRICIA M. DUTRA

I, 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; and the

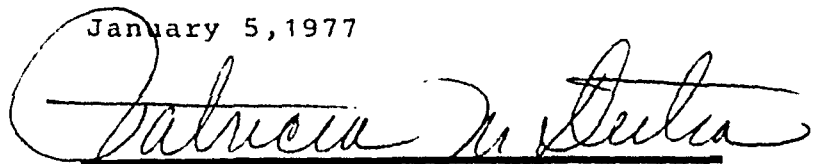
ORDINANCE NO. 11971

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

January 5, 1977

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

January 5, 1977



(Signature)

00472

9 1/4" @ 5.08 = 46.99 ✓

...by the County Assessor...
...the local year...
...such destruction occurs...
...without further notice by...
...Council the said building...
...and the land on which...
...building was located or...
...shall from and after the...
...such destruction be...
...the regulations...
...ordinance for...
...in which such...
...located...
...This ordinance...
...and be in force...
...day from and after...
...on December 8...
...and adopted by the...
...The City of San Diego...
...December 22, 1916.

CERTIFICATED BY:
W. WILSON,
Mayor of the City of
San Diego, California.
EDWARD NIELSEN,
City Clerk of the City of
San Diego, California.