

12198

NOV 2 1977 O.77-227

ORDINANCE NO. _____
(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, 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, of the San Diego
Municipal Code be, and it is hereby 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, additions, 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.

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OCT 4 1978

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

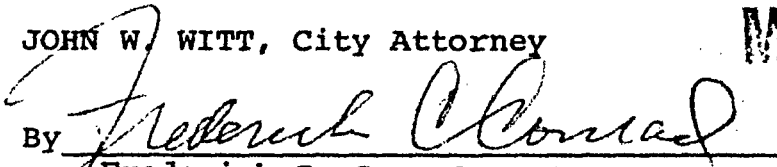
Repairs and alterations which do not increase the degree of nonconformity of a nonconforming building, structure, or improvement, nor increase the size or degree of nonconformity of a use, may be made provided that the aggregate value of all such repairs or alterations shall not exceed fifty (50) percent of its fair market value, according to the assessment thereof by the County Assessor for the fiscal year during which the repairs and alterations occur. 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 fifty (50) percent or more of the fair market value, 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 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, Chief Deputy

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OCT 4 1978

12198

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FCC:clh
7/29/77

Or.Dept.:Planning

NOV 2 1977

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Joel M. Strobl	<input checked="" 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 Jan Johnson 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

OCT 18 1977

NOV 2 1977

~~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.

By Jan Johnson Deputy.

(Seal)

RECEIVED for
CITY CLERK'S OFFICE
1977 AUG 12 AM 8:27
SAN DIEGO, CALIF.

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OCT 4 1978

Office of the City Clerk, San Diego, California

Ordinance **12198** NOV 2 1977
Number _____ Adopted _____

01718

ATTORNEYS:

San Diego, City of
12th Floor, City Admin. Bldg.
202 C St.
San Diego, Ca 92101
Attn: Jan Johnson

CERTIFICATE OF PUBLICATION

No. 12198

IN THE MATTER OF

NONCONFORMING USES AND STRUCTURES

ORDINANCE NO. 12198

(New Section)
AN ORDINANCE AMENDING
CHAPTER X, ARTICLE 1, OF
THE SAN DIEGO MUNICIPAL
CODE BY AMENDING SEC-
TION 101.0303 RELATING TO
NONCONFORMING USES
AND STRUCTURES.

BE IT ORDAINED, by the Coun-
cil of The City of San Diego, as
follows:

Section 1. That Chapter X, Arti-
cle 1, of the San Diego Municipal
Code be, and it is hereby 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 or-
dinance became effective, with
which ordinance such use did not
conform, may be continued pro-
vided no enlargement or addition
to such use is made.

The lawful use of buildings ex-
isting at the time the District
Zone Ordinance became effec-
tive, with which ordinance such
building did not conform with
respect to the development
regulations, may be continued
provided any enlargement, addi-
tions, 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 non-
conforming use for a continuous
period of twelve (12) months
shall be deemed to constitute
abandonment of any nonconform-
ing rights existing at the time of
the enactment of the ordinance.

Any change from a nonconfor-
ming 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 nonconform-
ing building, structure, or im-
provement, nor increase the area
or degree of nonconformity of a
site, may be made provided that
the aggregate value of all such
repairs or alterations shall not
exceed fifty (50) percent of the
fair market value, according to
the assessment thereof by the
County Assessor for the fiscal
year during which the repairs
and alterations occur. The term
"repairs and alterations" do not
include painting or replacement
of exterior stone, siding, or
shingles.

PATRICIA M. DUTRA

I, PATRICIA M. DUTRA hereby certify
that the 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

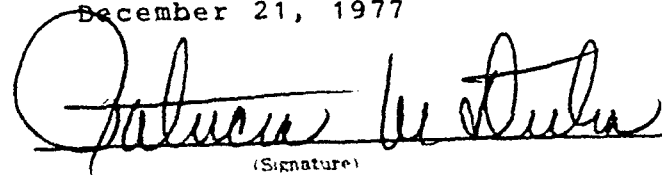
ORDINANCE NO. 12198

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

November 16, 1977

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

December 21, 1977


(Signature)

MICROFILMED

OCT 4 1978

01719

ATTORNEY(S)

San Diego, City of
202 C St., 12th Floor
San Diego, CA 92101
Attn: P.E. Bruce

IN THE SUPERIOR COURT OF CALIFORNIA
- IN AND FOR THE COUNTY OF SAN DIEGO -

CERTIFICATE OF PUBLICATION

ORDINANCE NO.
12198 NS

No. 77-3

IN THE MATTER OF

AMENDING DIVISION 3

OR 77-3

NOTICE OF PUBLIC HEARING
OR 77-3
 NOTICE IS HEREBY GIVEN that the Planning Commission of the City of San Diego, California, has set the hour of 1:30 p.m., on Thursday, March 10, 1977, in the Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101, as the time and place for conducting a public hearing on a proposal to amend Division 3 of the Planning and Zoning Regulations to either remove or reduce value limitations on repairs and alterations to and/or reconstruction of remodeling buildings and structures.

The precise language of the proposal would incorporate changes to SEC 101.0003 of the Municipal Code.

At the conclusion of the public hearing, the Planning Commission reserves the right to make any of the following recommendations to the City Council:

1. That the proposed amendments to the Municipal Code be adopted.
2. That the proposed amendments to the Municipal Code not be adopted.
3. That the proposed amendments to the Municipal Code be adopted with modifications.

Any person may, but is not required to, appear and be heard by the Planning Commission. Further information may be obtained by contacting the City Planning Department at 236-6460.

LOUIS M. WOLFSHEIMER,
 CHAIRMAN
 CITY PLANNING
 COMMISSION
 SAN DIEGO, CALIFORNIA
 DATED: February 28, 1977
 P.E.D. No.: 76-12-2423
 Pub. Feb. 28, 1977. 12198 NS

I, **PATRICIA M. DUTRA** hereby certify that the 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

NOTICE OF PUBLIC HEARING

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

February 28, 1977

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

February 28, 1977

Patricia M. Dutra

(Signature)

J1721

4 1/4" @ 5.08 = 21.59