

ORDINANCE NO. O-15481
(New Series)

O-81-144

APR 6 1981

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 101.0303 REGARDING 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 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
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 zone ordinance became effective, with which ordinance
such building did not conform with respect to the develop-
ment regulations, may be continued provided any enlargements,
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 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 such repairs or alterations shall not exceed 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.

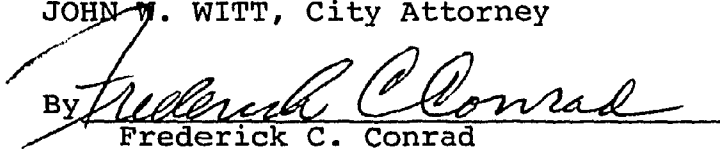
If any nonconforming building or use be destroyed by fire, explosion, act of God or act of the public enemy to the extent of 50 percent or more of the fair market value, according to the assessment thereof by the County Assessor for the fiscal year during which such destruction occurs, then and without 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. The provisions of this paragraph shall not apply to any nonconforming building for which a Reconstruction Permit has been or is obtained pursuant to Municipal Code Sections 101.0500 and 101.0502.

0-15481

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 City Attorney

FCC:clh
12/17/80
630
Or.Dept.:Planning

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

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<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"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Barbara Beridge*, 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

MAR 24 1981

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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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Barbara Beridge*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-15481 Adopted APR 6 1981

RECEIVED
CITY CLERK'S OFFICE

1981 APR 24 AM 10:58

SAN DIEGO, CALIF. *nja*

CERTIFICATE OF PUBLICATION

SAN DIEGO, CITY OF
202 C St., 12th floor
San Diego, CA 92101
Attn: B. Berridge

IN THE MATTER OF

NO.

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

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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 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 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 zone ordinance became effective, with which ordinance such building did not conform with respect to the development regulations, may be continued provided any enlargements, 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 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 such repairs or alterations shall not exceed 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 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. The provisions of this paragraph shall not apply to any nonconforming building for which a Reconstruction Permit has been or is obtained pursuant to Municipal Code Sections 101.0500 and 101.0502.

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

Introduced on March 24, 1981.
Passed and Adopted by the Council of The City of San Diego on April 8, 1981.

AUTHENTICATED BY:
PETE WILSON,
Mayor of The City of San Diego, California.
CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.

(SEAL)
By BARBARA BERRIDGE, Deputy City Clerk

Published April 20, 1981

80-4808

Camille Simpson

I, Camille Simpson, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

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is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

April 20, 1981

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 20th day of Apr., 19 81.

Camille Simpson
(Signature)

14" x 2 x 7.33 = \$91.63