

(O-87-232)

ORDINANCE NUMBER O- 16932 (NEW SERIES)

ADOPTED ON SEP 8 1987

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,  
DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTION 101.0304 RELATING TO ZONING  
USE CERTIFICATE.

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 the same is hereby amended by  
amending Section 101.0304 to read as follows:

**SEC. 101.0304 ZONING USE CERTIFICATE**

**A. PURPOSE AND INTENT**

The purpose of this section is to provide a procedure by  
which business uses can be assured of consistency with the  
underlying zone, Planned District, Planned Development,  
Conditional Use Permit, or any other discretionary permit  
regulation. It establishes a preliminary review of the  
proposed use only.

It is the intent of this section that business uses  
shall not be inconsistent with the applicable zone or other  
use standards established by the San Diego Municipal Code.

**B. ZONING USE CERTIFICATE REQUIRED**

After the effective date of this section, a Zoning Use  
Certificate shall be required prior to the commencement of  
any business within the City of San Diego, in addition to any

other permits required by the Municipal Code. It shall be unlawful to operate any business herein so regulated without a Zoning Use Certificate or any other required permit. Failure of any business to obtain a Zoning Use Certificate or failure to comply with specified conditions or operational regulations required by the Municipal Code shall constitute a violation and shall be subject to prosecution under Municipal Code Section 11.12. The City Manager and the Planning Director shall promulgate such rules as may be appropriate for administration of this section.

C. AUTHORITY

The Zoning Administrator, or a designated representative of the Zoning Administrator, shall administer the Zoning Use Certificate.

D. ZONING USE CERTIFICATE

The Zoning Use Certificate is a document issued by the Zoning Administrator which states, based upon the information provided by the applicant on the form provided by The City of San Diego, that the proposed use in the proposed location is in, general conformity with the underlying zone, Planned District, Planned Development, Conditional Use Permit, or any other discretionary permit regulations which are applicable. The Zoning Use Certificate may specify conditions of the specific zone or permit necessary for conformance with zoning use standards as established in the San Diego Municipal Code.

E. APPLICATION PROCEDURES

1. Completion of the Zoning Use Certificate information shall be required on City forms before determination of compliance is rendered. This application shall be made on forms provided by Zoning Administration and shall include a description of the proposed use at the proposed location.

Any other information deemed necessary by the Zoning Administrator to judge compliance with the regulations contained herein and other applicable regulations shall also be included with the application.

2. A fee established in accordance with Section 101.0204 of the Municipal Code shall be paid by the applicant. Said fee shall be used to recover the costs associated with the issuance of a Zoning Use Certificate.

F. DETERMINATION

If the proposed use does not conform with the zone's use regulations, or does not constitute a nonconforming use in the general regulations, Sections 101.0301 and 101.0303 of the Municipal Code, then the Zoning Administrator shall not issue a Zoning Use Certificate.

G. REQUIRED PERMITS

The Zoning Use Certificate does not relieve the applicant from obtaining all appropriate permits and licenses required by The City of San Diego. The Zoning Use Certificate does not involve a plan check and as such does

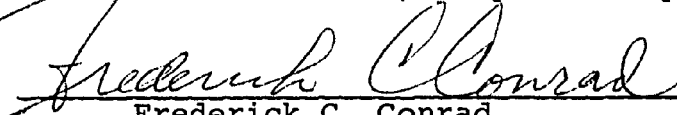
not relieve the applicant from complying with all applicable development regulations and restrictions.

H. EXPIRATION

The Zoning Use Certificate will expire one hundred eighty (180) days after issuance if not obtained in conjunction with a certificate of payment. The Zoning Use Certificate shall establish the applicant's right to initiate business operations at the specified location regardless of rezones with the exception of emergency or interim ordinances.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage. One year subsequent to the effective date of this ordinance, the Planning Commission shall review the impacts of implementation of this ordinance.

APPROVED: JOHN W. WITT, City Attorney

By   
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:cc:600  
06/18/87  
Or.Dept:Plan.  
O-87-232  
Form=o.code

O-16932

SEP 8 1987

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(Seal)

By *Ellen Board*, 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

AUG 11 1987, and on SEP 8 1987

~~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 *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number *0-16932* Adopted SEP 8 1987

RECEIVED  
CITY CLERK'S OFFICE

1987 JUN 30 AM 10:06

SAN DIEGO, CALIF.

11/11/87

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
1987 OCT - 2 PM 3:44  
SAN DIEGO, CALIF.

CITY OF SAN DIEGO  
202 C STREET, 2ND FLOOR  
SAN DIEGO, CA 92101  
ATTN: ELLEN BOVARD

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE

I, THOMAS D. KELLEHER, 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

**ORDINANCE NUMBER O-16932 (NEW SERIES)**

**AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0304 RELATING TO ZONING USE CERTIFICATE.**

The ordinance amends Municipal Code Section 101.0304 by establishing a Zoning Use Certificate program. The ordinance's provisions require a Use Certificate to be obtained by any person or organization before conducting a business in the City of San Diego. The ordinance provides a procedure under which a Zoning Use Certificate will be issued. A Zoning Use Certificate expires in 180 days from issuance under circumstances specified in the ordinance. The Zoning Use Certificate establishes the applicant's rights to operate the specified business at the indicated location notwithstanding subsequent rezoning of the property except in cases of emergency or interim ordinances.

A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on August 11, 1987

Passed and adopted by the Council of The City of San Diego on September 8, 1987

AUTHENTICATED BY: MAUREEN O'CONNOR

Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

By ELLEN BOVARD, Deputy

Pub. September 22

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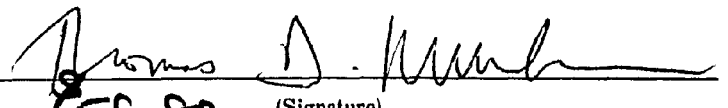
ORDINANCE NUMBER O-16932 (NEW SERIES)

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:

SEPT. 22

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

Dated at San Diego, California this 22 day of SEPT., 19 87.



(Signature)

30 lines x .98 x 2 = 58.80

( 2 3/4" x 2 x 10.78 = 59.30)