

ORDINANCE NO. 9658 (N.S.)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE
RELATING TO DAMAGE OR DESTRUCTION OF NONCONFORMING STRUCTURES
AND A SETBACK EXCEPTION FOR CERTAIN STRUCTURES DAMAGED OR
DESTROYED BY NATURAL DISASTER
REF: POD 04-05

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The purpose of this ordinance is to provide exceptions to certain Zoning Ordinance regulations regarding setbacks and nonconforming structures, and to assist victims to rebuild structures damaged or destroyed by natural disasters proclaimed by the Board of Supervisors as local emergencies. The Board of Supervisors further finds and determines that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare and are consistent with the General Plan.

Section 2. Section 4844 is hereby added to the Zoning Ordinance to read as follows:

4844 EXCEPTION TO SETBACK REQUIREMENTS FOR CERTAIN
 STRUCTURES DAMAGED OR DESTROYED BY NATURAL DISASTERS

The Director may grant an exception to the setback requirements to allow repair or replacement of a structure that was damaged or destroyed by a natural disaster that has been proclaimed by the Board of Supervisors as a local emergency, if he or she finds that there is no feasible way to rebuild in compliance with the required setbacks. The exception shall only allow repair or reconstruction of a structure which is substantially the same as that damaged or destroyed, or which more nearly conforms to the setback regulations.

Section 3. Section 6881 of the Zoning Ordinance is hereby amended to read as follows:

6881 NONCONFORMING STRUCTURE – DAMAGE OR DESTRUCTION

- a. If a nonconforming structure is damaged or destroyed by fire, wind, earthquake, flood, or other accidental cause beyond the control of the owner, to the extent that the cost of reconstruction, repair, or rebuilding will exceed 75 percent of the replacement valuation of the structure immediately prior to the damage or destruction, as determined by the Building Official pursuant to Section 51.0107 of

the County Code, the structure may not be restored. If such reconstruction, repair, or rebuilding would constitute 75 percent or less of the replacement valuation of the structure immediately prior to the damage or destruction, as determined above, such structure may be restored and the previous occupancy may be renewed. If restoration and renewed occupancy is permitted pursuant to this Section 6881, a building permit for such restoration must be obtained within one year after the damage or destruction. If it is not, the structure is considered to be abandoned and cannot be restored, and the previous occupancy cannot be renewed.

- b. Notwithstanding the provisions of subsection a. above, if the structure contains two or more dwellings and is damaged or destroyed as described in subsection a., said dwellings may be reconstructed, repaired, or rebuilt to their predamaged size and number of dwelling units (pursuant to Section 65852.25 of the Government Code). However, if said structure is located in an area zoned with industrial use regulations, then the provisions of subsection a. above shall apply.
- c. Notwithstanding the provisions of subsection a. above, if a structure (not covered by subsection b. above) was damaged or destroyed by a natural disaster that has been proclaimed by the Board of Supervisors as a local emergency, the structure may be reconstructed or repaired, provided that the reconstructed or repaired structure shall not exceed the size, number of dwelling units, or extent of nonconformity of the structure damaged or destroyed, except as provided in Section 6883.

Section 4. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED this 23rd day of June, 2004.