

Article 3: Zoning

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

Division 1: Zoning and Rezoning Procedures

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0101 Purpose of Zoning and Rezoning Procedures

The purpose of these procedures is to establish the process for the inclusion or placement of any property within the City of San Diego into any zone as established and defined in Chapter 13.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0102 When a Zoning or Rezoning Application Is Required

A proposal to apply a zone on any property that is not currently in a City of San Diego zone shall require an application for zoning. A proposal to change the zone on a piece of property shall require an application for rezoning.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0103 Commencement of a Zoning or Rezoning Action

A proposed action to designate a zone on a property or change an existing zone may be commenced in the following manner:

- (a) By Resolution. The City Council or the Planning Commission may initiate a zoning or rezoning action by resolution; or
- (b) By Application. A property owner may commence a zoning or rezoning action by filing an application in accordance with Sections 112.0102 and 123.0104.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0104 Applications for Zoning or Rezoning in the Planned Urbanizing Areas

An application to zone or rezone a property located in the planned urbanizing area, as defined in the Progress Guide and General Plan, will be accepted for processing only when the property is located within the boundaries of an applicable *land use plan* or when the zoning or rezoning application is processed concurrently with a *land use plan* proposal.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0105 Decision Process for Zoning or Rezoning

- (a) A decision on a proposed zoning or rezoning action shall be made in accordance with Process Five.
- (b) The City Council may approve a zoning or rezoning action whenever public necessity or convenience, the general welfare, or good zoning practice justifies this action.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0107 Failure of Planning Commission to Make a Recommendation on Zoning or Rezoning

If the Planning Commission fails to provide a recommendation on a proposed zoning or rezoning within 45 calendar days after the date of the public hearing before the Planning Commission, as may be extended by any continuance consented to by the *applicant*, the City Council shall direct that a public hearing be held before the Council without the Planning Commission recommendation if requested by the *applicant*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0108 Actions the City Council May Take on Zoning or Rezoning

The City Council may take any of the following actions at the conclusion of a public hearing to consider a proposed zoning or rezoning application:

- (a) Adopt the proposed zoning or rezoning as recommended by the Planning Commission;
- (b) Reject the recommendation of the Planning Commission;
- (c) Modify the recommendation of the Planning Commission and adopt any other zone that has been identified for consideration in the public notice; or
- (d) Adopt or reject the proposal or modify the proposal and adopt any other zone that has been identified for consideration in the public notice if the Planning Commission has not made a recommendation as described in Section 123.0107.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0109 Certification of Local Coastal Program Amendments to Zoning Ordinances

- (a) An amendment to a zoning ordinance as defined by California Government Code section 65850 that meets the requirements of, and implements the provisions of the California Public Resources Code, Division 20, California Coastal Act, constitutes an amendment to the City of San Diego *Local Coastal Program*.
- (b) The amendment of a *Local Coastal Program* zoning ordinance must be certified by the Coastal Commission in accordance with Coastal Commission regulations. If the Coastal Commission certifies a zoning ordinance with modifications, the City Council shall conduct a public hearing noticed to consider the modifications no later than 6 months after the Coastal Commission action. The hearing shall be noticed in accordance with Sections 112.0301(c) and 112.0302(b).

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0110 Interim Emergency Zoning

After a rezone has been introduced, and before its adoption, the City Council may adopt an interim emergency zoning ordinance to delay *development* that would be inconsistent with the proposed rezone until a decision has been made by the City Council on the rezone. An interim emergency zoning action may be initiated only by the City Council or the Planning Commission.

- (a) Notice. No public notice is required for the initial adoption of an interim emergency zoning ordinance.
- (b) Decision Process. The City Council may approve or deny a proposed interim emergency zoning ordinance without a Planning Commission recommendation. Adoption of an interim emergency ordinance requires approval by a two-thirds vote of the elected members of the City Council.
- (c) *Findings*. An interim emergency zoning ordinance may be adopted only if the City Council makes all of the following *findings*:
 - (1) Proposed *development* would be inconsistent with the zoning initiated by the City or would preempt the City's ability to implement adopted *land use plans* and policies;

- (2) Proposed *development* would be detrimental to the public peace, property, health, or safety;
 - (3) The proposed *development* appears imminent; and
 - (4) The emergency is set forth and defined in the preamble to the proposed ordinance.
- (d) Effective Date. An interim emergency zoning ordinance is effective upon adoption and remains in effect for 180 calendar days.
- (e) Extensions. The City Council may extend an interim emergency zoning ordinance for two 180-day periods or until a *land use plan* is adopted or amended for the property that is the subject of the zoning ordinance, whichever occurs first. The City Council may extend an interim emergency zoning ordinance in accordance with Process Five, except that a two-thirds vote of the elected members of the City Council is required to approve the extension.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§123.0111 Prezoning Ordinance

Pending incorporation of territory adjoining the City, the City Council may adopt a *prezoning ordinance* to delineate the zone that will apply to the property upon annexation to the City. A *prezoning ordinance* may be initiated only by the Planning Commission or the City Council. A *prezoning ordinance* shall become effective upon the annexation of the affected property. The City Council may approve or deny a *prezoning ordinance* in accordance with Process Five.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)