

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA, CALIFORNIA ADDING COALINGA MUNICIPAL CODE SECTION 9-6.210 "ABANDONMENT OF NONCONFORMING USES".

WHEREAS, Article 2 of Chapter 6 of the Coalinga Planning and Zoning code permits the continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with all of the standards and requirements of the current version of the Planning and Zoning Code; and

WHEREAS, Section 9-6.210 of the planning and zoning code prohibits nonconforming uses to resume, reestablish, reopen or be replaced by any other nonconforming use after it has been abandoned or vacated for a period of six (6) months; and

WHEREAS, the City desires to amend section 9-6.210 of the planning and zoning code to allow a longer period of time for a non-conforming use to resume, reestablish, reopen or be replaced by any other nonconforming use; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COALINGA DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that all the facts, findings, and conclusions set forth above in this Ordinance are true and correct.

SECTION 2. The City Council hereby amends Section 9-6.210 to Article 2 of Chapter 6 in Title 9 of the Coalinga Municipal Code to read as follows:

Sec. 9-6.210. - Abandonment of nonconforming uses.

- (a) No nonconforming use may be resumed, reestablished, reopened or replaced by any other nonconforming use after it has been abandoned or vacated for a period of one (1) year, except as provided for in this section. The nonconforming use of a legally established structure may be reestablished if the City Council approves a Conditional Use Permit after making all the following findings in addition to any other required findings:
 - (1). The structure cannot be used for any conforming use because of its original design or because of legal structural changes made for a previous nonconforming use;
 - (2). The structure can be reasonably expected to remain in active use for a period of twenty (20) years without requiring repairs or maintenance in excess of fifty (50) percent of the replacement cost of the structure, as defined in this chapter, within any five (5) year period; and
 - (3). The continuation of the use or structure will not be incompatible with or detrimental to surrounding conforming uses.
- (b) As a condition of approving the resumption of such nonconforming use, the City Council may impose a time limit on its duration if necessary in order to make the required findings.

SECTION 3. Severability Clause:

Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION 4. Effective Date:

This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Coalinga ordinance.

SECTION 5. Certification:

The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2019.

Ron Lander, Mayor

ATTEST:

Shannon Jensen, City Clerk

APPROVED AS TO FORM:

Mario U. Zamora, City Attorney