

18.108.230 Affirmative Termination by Amortization

A. The city council of the city of National City may order a nonconforming use to be terminated within a reasonable amount of time, upon recommendation of the planning commission. The planning commission shall conduct a public hearing after ten days' written notice to the nonconforming user. If the nonconforming user has not made a substantial investment in furtherance of the use, or if the investment can be substantially utilized or recovered through a currently permitted use, the order may require complete termination of the nonconforming use within a minimum of one year after the date of the order. If the nonconforming user has made a substantial investment in furtherance of the use, or if the investment cannot be substantially utilized or recovered through a currently permitted use, the order may require complete termination of the nonconforming use within a longer reasonable amount of time. Nonconforming uses that are determined to be an imminent threat to public health or safety may be terminated immediately, pursuant to Chapter 1.36 of this code. In making its recommendation to terminate a nonconforming use and in recommending a reasonable amount of time in which to terminate, the planning commission shall consider:

1. The total cost of land and improvements;
2. The length of time the use has existed;
3. Adaptability of the land and improvements to a currently permitted use;
4. The cost of moving and reestablishing the use elsewhere;
5. Whether the use is significantly nonconforming;
6. Compatibility with the existing land use patterns and densities of the surrounding neighborhood;
7. The possible threat to public health, safety or welfare; and
8. Any other relevant factors.

The term "nonconforming use" when used in this section shall include nonconforming uses, nonconforming structures and nonconforming lots, consistent with the intent of this title.

This amortization section does not apply to any lawful nonconforming residential uses. Failure to comply with the city council's order to terminate a nonconforming use shall constitute a violation of this chapter and is a public nuisance subject to abatement in accordance with Chapter 1.36 of this code.

B. That a notice of exemption shall be filed indicating that this amendment to the Municipal Code is exempt from the California Environmental Quality Act, because it can be said with certainty that there is no possibility that the action will have a significant effect on the environment as it does not have a direct effect on any property or environmental consequence.(Ord. 2286 §§ 1, 2, 2006)