ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF (TOWN OF, COUNTY OF, CITY AND COUNTY OF) _____, STATE OF CALIFORNIA, ADDING A NEW CHAPTER _____ TO DIVISION _____ OF THE _____ MUNICIPAL CODE (COUNTY CODE), RELATING TO LAND USE FOR RECONSTRUCTION.

The City Council (County Board of Supervisors of) of the City of (County of, City and County of) _____, State of California, ordains as follows:

**Section 1.** Chapter _____ is added to Division ____ of Title ____ of the City of (County of, City and County of) _____ municipal (county) code, to read:

**Chapter _____. Land Use for Reconstruction.**

**Sections:**


_____Intent
_____Application of Provisions
_____Definitions
_____Land Use Requirements
_____Board of Appeals


**Section _____ Intent**

This chapter waives the requirements of building site zoning and planning ordinances relating to building size, lot coverage, parking and site improvements to facilitate the reconstruction of buildings or structures which were destroyed or caused to be demolished as a result of a disaster for which a local emergency has been declared by the City Council (Town Council, Board of Supervisors). The chapter does not allow exemptions from the Building, Fire, Electrical, Mechanical, Plumbing, or other codes.

**Section _____ Application of Provisions.**

The provisions of this chapter are applicable following each disaster when a local emergency has been declared by the City Council (Town Council, Board of Supervisors) to all building sites regulated by the City (Town, County, City and County) of _____. The Council (Board) may extend the provisions as necessary.

**Section _____ Definitions.**

For the purposes of this chapter, the following definitions apply:

(a) **Current building code** shall mean the edition of the Uniform Building Code, published by the International Conference of Building Officials, as adopted by the

City (Town, County, City and County) of _____ in accordance with operation of law pursuant to Section 18941.5 of the State of California Health and Safety Code. The edition to be applied shall be that edition in effect at the time of the declaration of a local emergency by the City Council (Town Council, Board of Supervisors).

(b) **Non-conforming occupancy** shall mean occupancies, as defined by Table No. 5-A of the current building code, which were in place prior to the passage of the City (Town, County, City and County) General Plan and all current zoning or planning ordinances.

**Section _____ Land Use Requirements.**

(a) All buildings or structures which, as a result of natural disaster for which a local emergency has been declared, have been damaged to a point where the owner has elected to demolish rather than repair, caused to be demolished as a threat to public health and safety, or destroyed may be reconstructed on the same lot. If the buildings or structures are to be reconstructed, current zoning and planning ordinances relating to building size, lot coverage, parking and site improvements shall be waived provided:

(1) The building is reconstructed to the same configuration, floor area, height, and occupancy as the original building or structure and is constructed of similar construction materials. Existing unreinforced masonry and concrete materials shall be replaced with similar materials reinforced in accordance with the current building code.

(2) All parts or portions of the original construction are completely removed, except as approved by the building official.

(3) The site is prepared in accordance with a foundation report prepared by an individual registered by the State of California to perform foundation investigations.

(4) All new construction complies fully with the requirements of the current building code.

(b) For those buildings which housed non-conforming occupancies, the non-conforming occupancy may be maintained in the new building provided the occupancy is lawful and not in violation of any other portions of the municipal (County) code.

**Section _____ Board of Appeals.**

(a) The provisions of this chapter may be appealed to the City (Town, County, City and County) of _____ Board of Appeals pursuant to municipal (County) code section _____.