



PREVIOUSLY CONFORMING USE REGULATIONS

SUMMARY

Previously conforming means the circumstance where a use, structure, or premises complied with all applicable state and local laws when it was first built or came into existence, but because of a subsequent change in zone or development regulations, is not in conformance with the current zone or all development regulations applicable to that zone.

Previously conforming use regulations would apply to any properties that are rezoned or to properties affected by any changes proposed to development regulations as a result of a Community Plan Update. If new development regulations are applied with the new plan/zone, a previously conforming use can continue as it currently exists.

- Use – A use (residences and businesses) can become previously conforming when a new zone is applied and it does not permit the current use, or the permitted uses of the existing zone are modified so that the existing use is no longer permitted.
- Structure – Buildings can become previously conforming when a new zone is applied or the regulations of the current zone change and make regulations for setbacks from property lines, height, maximum floor area (square feet) and other regulations more restrictive.
- Premises – The property (lot) can become previously conforming when a new zone is applied or the regulations of the current zone change and make regulations for lot size and dimensions more restrictive.

FREQUENTLY ASKED QUESTIONS

The following responses are intended to provide a general understanding of previously conforming regulations based on the City of San Diego Municipal Code (November 2019). The regulations provide guidance on the extent to which a previously conforming structure can continue to be maintained or altered. Additionally, a previously conforming structure can be expanded provided that the new construction complies with all current development regulations. Specific situations will vary based on a variety of factors and unique circumstances.



What will happen to a previously conforming *STRUCTURE* if new development regulations are applied with the new plan/zone?

A previously conforming structure can continue as it currently exists. No changes to the structure are required. The structure can be sold and continue as it currently exists.

Can changes be made to buildings containing a previously conforming *USE*?

Previously conforming uses can continue to maintain, repair, or alter their structure with some limitations related to existing walls and total building size as described in the Municipal Code. A previously conforming use may increase its floor area with limitations through a *Neighborhood Use Permit* process that is also described in the Municipal Code.

Are there new restrictions for a previously conforming *USE*?

There are also no new restrictions (e.g., hours of operation, parking, and other code issues) for previously conforming uses. The regulations that pertained to the use when it was permitted continue to be applied. A previously conforming use can change to a use that is permitted at any time. However, once it changes to a permitted use it cannot change back to a previously conforming use.

MORE INFORMATION

The Regulations for Previously Conforming Premises and Uses are located in Chapter 12, Article 7, Division 1 of the Municipal Code. Previously conforming use regulations can be found online at the City of San Diego website ([Chap 12 Art 07 Div 01, General Review Procedures for Previously Conforming Premises and Uses](#)).

