

# CHAPTER 1: GENERAL PROVISIONS

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## 1.1. TITLE AND EFFECTIVE DATE

This document shall be officially known as the Zoning Code of Sacramento County (County), and is referred to throughout this document as “this Code.” This Code shall become effective on August 22, 2015.

## 1.2. AUTHORITY

This Code is enacted pursuant to the authority established in the Constitution of the State of California, including Cal. Const. Article XI §7, and all other powers authorized by state statutes and common law, including those for the regulation of land uses, land use planning and development, subdivision, environmental protection, police powers, and the power to abate nuisances.

## 1.3. PURPOSE OF THIS CODE

This Code is adopted to implement the policies of the Sacramento County General Plan, as may be amended from time to time, to preserve resources and to protect the public health, safety, and general welfare of the residents of Sacramento County. This Code is specifically intended to:

- Promote a balanced mix of land uses that are consistent with the General Plan;
- Ensure greater public safety, promote health and healthy communities, convenience, and accessibility through the physical design of the built environment and location of land use activities;
- Promote a healthful and convenient distribution of population by regulating and limiting the density of development;
- Encourage sustainable and efficient use of land in the County, including redevelopment of underutilized land in urbanized areas;
- Preserve the character and quality of residential neighborhoods;
- Promote a balanced supply of commercial, industrial, institutional, and transportation land uses that is compatible with adjacent land uses and has good access to transportation networks;
- Ensure the protection, preservation and provision of adequate open space for light, air, fire safety, and recreation; and
- Provide for the enforcement of the regulations of this Code.

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## **1.4. APPLICABILITY AND JURISDICTION**

### **1.4.1. General Applicability**

This Code applies to all land, buildings, structures, and uses thereof located within Sacramento County outside of incorporated municipalities, unless an exemption is provided by or pursuant to the terms of this Code.

### **1.4.2. Application to Governmental Agencies**

To the extent allowed by law, the provisions of this Code shall apply to all land, buildings, structures, and uses owned, leased, or otherwise controlled by any municipal, district, county, state, or federal government agencies in Sacramento County. Where the provisions of this Code do not legally control such land, buildings, structures, and uses, such agencies are encouraged to meet the provisions of this Code.

### **1.4.3. Continuity of Provisions**

The provisions of this Code, insofar as they are substantially the same as previously existing ordinance provisions relating to the same subject matter, shall be construed as restatements and continuations thereof and not new enactments. Any actions or proceedings commenced or permits issued pursuant to any previously existing ordinance shall not be affected by the enactment of this Code; but such actions, proceedings, and permits shall hereafter conform to this Code.

**1.5. DELEGATION OF ASSIGNED AUTHORITY**

- 1.5.1.** Whenever a provision of this Code authorizes the Planning Director, another head of a department, or another officer of the County to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others.
- 1.5.2.** Whenever a provision appears requiring a public hearing body to perform an act or duty, if that body is lapsed or otherwise unable to act in a timely manner as determined by the Board of Supervisors, then that provision shall be construed as authorizing the Board of Supervisors to delegate that responsibility to another public hearing body.

## **1.6. OFFICIAL ZONING MAP**

### **1.6.1. General**

The boundaries of zoning districts established in this Code are delineated upon the Comprehensive Zoning Plan (CZP) as found on the Sacramento County Parcel Viewer G.I.S. application, adopted by the Board of Supervisors. The CZP is incorporated by reference as part of this Code, and shall be maintained on file in the office of the Planning Director. The boundaries of the zone districts as set forth on the CZP are confirmed, adopted, established, and may be changed in accordance with this Code.

### **1.6.2. Interpretation of Zoning District Boundaries**

#### **1.6.2.A. Rules of Interpretation**

Where uncertainty exists with respect to any of the boundaries of the zoning districts, the following rules shall apply:

1. Where zoning district boundaries are indicated as approximately following the center line of streets, highways, roadways, alleys, railroad rights-of-way, municipal boundaries lines, stream bed or canal lines, or property lines, such lines shall be construed to be such boundaries.
2. No zoning district boundary shall be established to divide one lot into two or more districts unless approved by the Board of Supervisors.
3. In cases where the platted and physical rights-of-way do not coincide, the Planning Director shall determine the location of the zoning district boundary.
4. In un-subdivided property, zoning district boundaries shall be determined by use of the scale on the map. A legal description acceptable to the Planning Director shall be made available in the event of any dispute concerning zoning district boundaries.
5. Where a zoning district boundary is shown by specific dimension as being located at any given distance from any right-of-way line, such specific dimension shall govern.

## **1.7. RELATIONSHIP TO OTHER LAWS AND PLANS**

### **1.7.1. Relationship to Other Public Laws, Ordinances, Regulations, or Permits**

This Code is intended to complement other county, municipal, state, and federal regulations that affect land use. This Code is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this Code are either more restrictive or less restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements shall govern, as determined by the Planning Director.

### **1.7.2. Relationship to General Plan**

It is the intent of this Code to implement the planning policies adopted by the Board of Supervisors for the County, as reflected in the Sacramento County General Plan.

### **1.7.3. Relationship to Other Adopted Project-Specific Zoning Ordinances**

Project-specific zoning ordinances provide regulations tailored to a specific area of the County that supplement or replace the general provisions of this Code. Project-specific ordinances include Planned Unit Developments, Specific Plans, Corridor Plans, Special Planning Areas, Neighborhood Preservation Areas, and other similar area-specific zoning ordinances.

#### **1.7.3.A. Controlling Ordinance [AMENDED 01-15-2021]**

1. Where the provisions of this Code differ from the provisions established within an area controlled by a project-specific zoning ordinance, the regulations of the project-specific zoning ordinance shall control, except as specified in Section 1.7.3.A.2.
2. Language of this Code shall supersede any more restrictive language within Titles IV, V, and VI regarding Accessory Dwelling Units or Junior Accessory Dwelling Units.

**1.7.3.B.** Where a project-specific zoning ordinance is silent with regard to a requirement or standard contained in this Code, the regulations in this Code shall control.

**1.7.3.C.** Title IV of this Code, hereby incorporated by reference, contains all of those zoning districts considered to be temporary, and it is the intent to rezone each parcel of property to one of the permanent zoning districts, as defined by this Code, as community plans are updated.

**1.7.3.D.** Title V of this Code, hereby incorporated by reference, contains all of the adopted Special Planning Areas and Neighborhood Preservation Areas.

**1.7.3.E.** Title VI of this Code, hereby incorporated by reference, contains all of the adopted Specific Plans and Corridor Plans.

### **1.7.4. Relationship to Private Agreements**

This Code is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this Code are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this Code shall govern. Nothing in this Code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Code. In no case shall the County be obligated to enforce

the provisions of any easements, covenants, or agreements between private parties.

**1.7.5. Consistency with State and Federal Law**

Notwithstanding any other provision of the Code, any land use, activity or establishment that contravenes either state or federal law, or both, is prohibited.

**1.8. SEVERABILITY**

- 1.8.1.** If any court invalidates any provision of this Code, then such judgment shall not affect the validity and continued enforcement of any other provision of this Code.
- 1.8.2.** If any court invalidates the application of any provision of this Code, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment.
- 1.8.3.** If any court invalidates any condition attached to the approval of an application for development approval, then such judgment shall not affect any other conditions or requirements attached to the same approval, not specifically included in that judgment.

## **1.9. NONCONFORMANCE**

### **1.9.1. General Provisions**

#### **1.9.1.A. Intent**

Within the zoning districts established by this Code or amendments that may later be adopted, existing lots, structures, and uses of land and structures exist that were lawful before this Code was passed or amended, but which may be prohibited, regulated, or restricted under the terms of this Code or future amendments. These nonconforming uses and structures are incompatible with permitted uses in the zoning districts and shall not be enlarged, expanded, or extended, except as provided in Section 1.9.4. Furthermore, nonconforming uses shall be eliminated as soon as possible and shall not be used as grounds for adding other structures or uses prohibited by this Code.

Consistent with the County's Right to Farm Ordinance, it is the intent of this Code that the establishment of urban and non-agricultural uses surrounding agricultural and agricultural-residential properties does not result in agricultural uses and structures becoming nonconforming.

#### **1.9.1.B. Issued Building Permits**

To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building for which a valid, unrevoked building permit has been issued by the Building Permits and Inspection Division.

#### **1.9.1.C. Legal Nonconforming Uses**

Regardless of any other provision of this Code, the following shall without further action be deemed legal nonconforming uses:

1. Any use for which a Use Permit or Variance has been granted pursuant to a previous code or any other ordinance of the County subject to any conditions imposed at the time of said grant.

#### **1.9.1.D. Uses, Structures, and Lots Rendered Nonconforming**

1. When a building, structure, or lot is used for a purpose that was a lawful use before the effective date of this Code, and this Code no longer classifies such use as an allowed use in the zoning district in which it is located, such use shall be considered nonconforming and shall be controlled by this Section.
2. Where any building, structure, or lot that legally existed on the effective date of this Code does not meet all standards set forth in this Code, such building, structure, or lot shall be considered nonconforming and shall be controlled by this Section.

#### **1.9.1.E. [DELETED 07-16-2020]**

#### **1.9.1.F. Lots Nonconforming Upon Creation [ADDED 12-01-2017]**

Any lot located in a residential (RD) zoning district which, upon its creation, did not conform to the applicable zoning district and which remains out of conformance with the applicable zoning district shall be considered nonconforming and shall be controlled by Section 1.9, provided the lot meets all of the following requirements:

1. The County has issued an unconditional Certificate of Compliance for the lot pursuant to the Subdivision Map Act, and the Certificate of Compliance has been recorded in the



- office of the Sacramento County Recorder;
2. The lot is no smaller than 3,000 square feet in size;
  3. The lot is not landlocked;
  4. The lot has access to public water and public sewer; and
  5. The lot contains a dwelling constructed prior to July 11, 1956, or, a dwelling constructed after July 11, 1956 pursuant to a valid County building permit.

## **1.9.2. Nonconforming Lots of Record**

### **1.9.2.A. Residential Lots, Area**

In any residential zoning district, as defined in this Code, a single-family dwelling may be erected on an interior lot not meeting minimum lot size subject to the following conditions:

1. The lot was recorded prior to July 11, 1956.
2. All yard requirements of the zoning district in which the lot is located are met.
3. Public water supply and public sewerage facilities are available.

### **1.9.2.B. Residential Lots, Public Street Frontage**

In any residential zoning district, as defined in this Code, a single-family dwelling or mobile home, if the mobile home meets the architectural standards listed in Section 5.4.2.H, may be erected on a legal lot not meeting the public street frontage requirement of the zoning district subject to the following conditions:

1. At least 20 feet of frontage exists and will be utilized as access, or
2. A private road from the lot to a paved public maintained street is used which meets the following standards:
  - a. 16-foot wide, two-inch asphalt over four-inch aggregate base, including turnaround facilities when deemed necessary by the local fire district when only two primary dwellings would access the private drive.
  - b. 21-foot wide, two-inch asphalt over four-inch aggregate base, including turnaround facilities when deemed necessary by the fire district when more than two primary dwellings would access the private drive.
3. Irrevocable Offers of Dedication to a width(s) acceptable to the County Engineering Division are granted to conform to an existing or proposed public street system.
4. Project proponents who desire a lesser standard may apply for a Special Development Permit, pursuant to Section 6.4.6.

### **1.9.2.C. Agricultural Residential Lots, Public Street Frontage**

In any agricultural residential zoning district, interim general and limited agricultural zoning district, or A-10 interim agricultural holding zoning district as defined in this Code, a single-family dwelling or mobile home, if the mobile home meets the architectural standards listed in Section 5.4.2.H, may be erected on a legal lot not meeting the public street frontage requirement of the zoning district, subject to the following conditions:

1. At least 20 feet of frontage exists and will be utilized as access, or

2. A private road from the lot to a paved publicly maintained street is used which meets the following standards:
  - a. In cases where two or fewer primary homes will be served by the private drive the private drive will consist of four-inch aggregate base or equivalent to a width of 16 feet including adequate turnaround facilities when deemed necessary by the local fire district.
  - b. In cases where three or more primary homes will be served by the private drive, the private drive will consist of four-inch aggregate base or equivalent to a width of 20 feet including adequate turnaround facilities when deemed necessary by the local fire district.
3. Irrevocable Offers of Dedication to a width(s) acceptable to the County Engineering Division are granted to conform to an existing or proposed public street system.
4. Project proponents who desire a lesser standard may apply for a Special Development Permit, pursuant to Section 6.4.6.

#### **1.9.2.D. C-1, C-2, LC, and GC Commercial Zoning Districts**

In the C-1, Limited Commercial and C-2, General Commercial zones, a side street yard may be less than 56 feet in depth subject to the following conditions:

1. The lot is less than 90 feet in width.
2. The lot was recorded as a separate parcel of property prior to July 11, 1956.
3. The lot abuts on a lot which is in the C-1, C-2, M-1 or M-2 zone.
4. The side street yard depth shall not be less than 25 feet. For rights-of-way with Public Utilities and Public Facilities Easement (PUPFs), the side street yard depth shall not be less than 31 feet.

#### **1.9.2.E. Residential, Agricultural-Residential, Agricultural and Recreational Zoning Districts**

1. In any AR-5, AR-10, AG-20, AG-40, AG-80, AG-160, A-5, or A-10 zone, or any of the above zoning districts with flood combining district (F), or other overlay zone as defined in this Code, one single-family dwelling and accessory uses may be erected on the property notwithstanding the required lot area or lot width provisions of this Code, only if either:
  - a. The property satisfies all of the following:
    - i. The property is a single lot which was legally created and recorded prior to the effective date of the ordinance changing the property to one of said zoning districts,
    - ii. The lot, as of January 15, 1988 was owned by an owner different from the owner of a lot or lots having a common boundary line with the single lot; and
    - iii. The requirements of Section 1.9.2.E.3 are complied with; or
  - b. The property satisfies all of the following:
    - i. The property is a group of lots, each of which was legally created and recorded prior to the effective date of the ordinance changing the property to one of said zoning districts,

- ii. The property consists of all of the lots having a common boundary line which were in the same ownership as of January 15, 1988, up to and including the minimum number of lots necessary to meet the lot area and lot width provisions of this Code for the zoning district in which the group of lots is located, and
    - iii. The requirements of Section 1.9.2.E.3 are complied with.
  2. In any AR-1, AR-2, residential, or recreation zoning district, as defined in this Code, a single-family dwelling and accessory uses may be erected on a single lot which was legally created and recorded prior to the effective date of the ordinance changing the property to one of said zoning districts, subject to the required lot area or lot width provisions of this Code and the requirements of Section 1.9.2.E.3.
  3. Each lot described in Section 1.9.2.E.1.a and b and each group of lots described in Section 1.9.2.E.2 shall be deemed to be a legal nonconforming single-family dwelling site, subject to all yard requirements of the zoning district in which the lot is located, provided that the lot contains a minimum one acre gross area if neither public sewer nor public water is available. Accessory buildings, private stables and corrals, and accessory residential buildings shall be regulated pursuant to Section 3.9 and Section 5.4.5 of this Code.
  4. The provisions of Section 1.9.2.E.1.a and b shall not apply to lots legally created after March 1972, pursuant to a land division created in compliance with the State Subdivision Map Act, provided the lot is a minimum one gross acre in size.
  5. Existing legally established structures on parcels that do not meet the requirements of Sections 1.9.2.E.1 through 1.9.2.E.4 may be completely restored or rebuilt, provided all current development standards are maintained and upon issuance of the necessary building permits.
- 1.9.2.F.** Any lot or parcel which has been rezoned from A-1-A to A-1-B on or after April 17, 1974, and which at the time of the change in zoning complied with all of the requirements of A-1-A zone, shall be deemed to conform to the requirements of the A-1-B zone.
- 1.9.2.G.** Any lot or parcel which has been zoned from A-1-B to A-2-B on or after April 17, 1974, and which at the time of the change in zoning complied with all of the requirements of the A-1-B zone, shall be deemed to conform to the requirements of the A-2-B zone.
- 1.9.2.H.** In the RD-10 zone, as defined in this Code, a duplex may be erected on any legal lot not meeting the minimum area requirements of the zoning district, subject to Design Review by the Planning Director and the following conditions:
  1. All yard requirements of the zoning district are met.
  2. Public water supply and public sewerage facilities are available.

### **1.9.3. Nonconforming Use of Land or Buildings**

#### **1.9.3.A. Continuation**

Except as provided in Section 1.9.3.B and subject to the provisions of Section 1.9.3.E, the nonconforming use of land or a conforming building or structure may be continued for a period of five years, and thereafter upon issuance of a Certificate of Nonconforming Use, pursuant to Section 6.5.2 and subject to all of the following restrictions:

1. Such land use or building use shall not be expanded or extended in any way either on

the same or adjoining land.

2. Such land use or building use shall not be changed, except to a use which conforms to the regulations of the zoning district in which such land or conforming building is located.
3. Notwithstanding the provisions of Section 1.9.1.B, if such use is discontinued for a period of more than 90 days, it shall not thereafter be re-established. A use is considered discontinued if the building space is unoccupied, if land area is vacant, or, if a business license is required, the license has expired or been closed. [AMENDED 07-16-2020]
4. A conforming building or structure used in connection with a nonconforming use of land may be maintained or repaired subject to the limitation that any such repair or maintenance during any 12 consecutive month periods shall not exceed 25 percent of the current replacement cost of the conforming building or structure.
5. If the land use or nonconforming use of the building or structure requires either a general or special business license and such license is terminated pursuant to Section 4.02.065, 4.02.070 or 4.02.075 of the SCC, such use shall not thereafter be continued.
6. A conforming building or structure used in connection with a nonconforming use of land may not be restored or remodeled unless the use of such building or structure conforms to the regulations of the zoning district in which the underlying land is located.

#### **1.9.3.B. Limitation**

Notwithstanding the provisions of Section 1.9.3.A, the nonconforming use of land shall be discontinued immediately in any of the following cases:

1. Where no buildings are employed in connection with such use; or
2. Where the only buildings employed are accessory or incidental to the principal use of land and the replacement cost of such building does not exceed \$1,000.00.

#### **1.9.3.C. Lack of Required Off-Street Parking Space**

Where the automobile parking space maintained on a lot, in connection with a building or structure at the time this Code became effective, is insufficient to meet the requirements of this Code; or where no parking space has been provided, the building or structure shall not be altered or enlarged to create additional dwelling units, seating capacity, floor area, or guest rooms, as the case may be unless additional parking space is supplied. Refer to Section 5.9.1, "General Provisions" for off-street parking.

#### **1.9.3.D. Continued Occupancy of Mobile Homes**

Persons who have been authorized to occupy mobile homes as permanent dwellings on property in the unincorporated area of Sacramento County and who on September 22, 1971, lawfully occupied the mobile home shall be permitted to continue said occupancy at the same location on the property on which the mobile home is located. Mobile homes legally established may be replaced, provided, however, on parcels of land two acres (gross) or smaller in size, the architectural standards set forth in Section 5.4.4 shall be met. Mobile homes or manufactured homes established in conformance to a Certificate of Mobile Home Compatibility issued by Sacramento County shall be considered legally conforming uses.

#### **1.9.3.E. Continuation of Nonconforming Use of Land or Building [AMENDED 12-01-2017] [AMENDED 06-07-2018][AMENDED 03-27-2019]**

1. The nonconforming use of land or buildings may be continued beyond five years from

the date the use became nonconforming, upon issuance of a Certificate of Nonconforming Use (Certificate) or Zoning Verification Letter approved by the Planning Director, as specified in this Section.

2. The Planning Director shall issue such Certificate or Zoning Verification Letter only if all of the following findings can be made:
  - a. Such use was made nonconforming by a rezoning action initiated by the Board of Supervisors or by a Code amendment adopted by the Board of Supervisors.
  - b. Prior to the effective date of the action taken in Section 1.9.3.E.1, the use was a legally established use in conformance with the Code in effect at that time.
  - c. No complaints of any kind are pending, nor has there been a history of complaints before the Office of Development and Code Services regarding the property and no enforcement action of any kind is pending regarding the property. For purposes of this Section, "enforcement action" shall include, but not be limited to, notices given by the Code Enforcement Division, stipulated judgments or other settlement documents requiring performance of some activity, and enforcement litigation. The pendency of any complaint or any action based solely on the nonconforming status of the property shall not be the basis for denial of the Certificate.
  - d. If the use is one which is required by this Code to be located at least 500 or 1,000 feet from any residential, interim residential, estate, agricultural-residential, or agricultural land use zoning district, then the use shall meet the required distance from any such land use zoning district, except as provided in Section 1.9.3.F.
  - e. If the use is one for which a business license is required, a valid business license has been continuously held for the entire period it has been required.
  - f. The nonconforming use or structure has not resulted in a notable negative impact or nuisance to the surrounding area.
  - g. The nonconforming use is compatible with the general character of the surrounding area.
  - h. The proposed action is compatible with the purpose of the applicable zone.
3. A Certificate may be issued subject to conditions reasonably related to making the current use conform to reasonable standards in the current zoning district. Conditions may include a term of expiration when deemed appropriate by the granting authority. A Certificate may be revoked in the same manner as other entitlements as provided in Section 6.6.
4. A Zoning Verification Letter may be issued in place of a Certificate to confirm legal nonconforming status when a commercial, institutional, or industrial use has been made nonconforming through updates to the Code and:
  - a. The change did not include imposition of new or additional Use Standards,
  - b. The use is not one listed in Section 3.7.1.B, Table 3.7.The Zoning Verification Letter would not include conditions, expiration dates, or be subject to revocation.
5. The use permitted by the Certificate or described by the Zoning Verification Letter is subject to the restrictions set forth in Section 1.9.3.A.

**1.9.3.F. Continuation of Use of Land or Buildings Made Nonconforming Due to Distance Limitations**

Notwithstanding the provisions of Section 1.9.3.A, the use of land or a conforming building which is subject to a distance separation requirement from other specified uses that was legally established, but has been rendered nonconforming as a result of an incompatible use being established within the prescribed distance separation requirement, may continue subject to all of the following restrictions:

1. Such land use or building use shall not be expanded or extended in any way either on the same or adjoining land.
2. Such land use or building use shall not be changed, except to a use which conforms to the regulations of the zoning district in which the land use is located.
3. Notwithstanding the provisions of Section 1.9.3.A, if the nonconforming use is discontinued for a period of more than 90 days, it shall not thereafter be re-established.
4. A conforming building or structure, used in connection with a nonconforming use of land, may be maintained or repaired, subject to the limitation that any such repair or maintenance during any 12 consecutive month period shall not exceed 25 percent of the current replacement cost of the conforming building or structure.
5. If the use requires either a general or special business license and such license is terminated pursuant to Section 4.02.065, 4.02.070 or 4.02.075 of the SCC, such use shall not thereafter be continued.
6. A conforming building or structure, used in connection with a nonconforming use of land, may not be restored or remodeled unless the use of such building or structure conforms to the regulations of the zoning district in which the underlying land is located.

**1.9.3.G. Alcohol Sales**

Establishments that serve beer, wine and/or distilled spirits, and have obtained a special license for that purpose from the Department of Alcoholic Beverage Control (ABC), if lawfully established, shall be considered a permitted use, and shall not be required to obtain a Certificate of Nonconforming Use pursuant to Section 1.9.3.A. In the event that the type of ABC license for the address of the establishment is changed, the ABC license is transferred to a different address, or the use itself is expanded in any way, the use shall be subject to the regulations set forth in Table 3.1, Chapter 3.

**1.9.3.H. [DELETED 03-09-2016]****1.9.3.I. Dog Kennels and Veterinarian Hospitals**

Dog kennels and veterinarian hospitals lawfully in place and located in the then A-1-A, A-2, A-5, and A-10 zones on June 30, 1972, shall be considered a “permitted use” of property within said zone. As a “permitted use”, the use shall be subject to all regulations applicable to such “permitted use” within said zone. Proof may be required that the establishment was lawfully in place as of June 30, 1972 in order to attain a “permitted use” status.

**1.9.3.J. Convenience Store Operations [AMENDED 12-01-2017]**

Provided that the conditions listed below are met in any commercial zoning district, or any zoning district, where lawfully established, a convenience store, neighborhood market, or a

food market ancillary to a service station shall be considered a “permitted use”. As a “permitted use”, the use shall be subject to all regulations applicable to such “permitted use” required by the zoning district in which said property is located.

The subject business may operate regardless of the hours it is open and regardless of its location in relationship to the property line of residentially zoned property, or the location of a public or private school (kindergarten through the twelfth grade), provided that:

1. The use of convenience store, neighborhood market, or food market ancillary to a service station, was established on or before August 5, 1982; and/or
2. The hours of operation of the store, on August 5, 1982, were prior to 6:00 a.m. or were after 11:00 p.m.

In order to establish such use, a business must register this fact with Planning and Environmental Review by July 1, 1988, on a form provided by that office to declare such status.

Business so registered will be required by July 1, 1989, to have the business property in compliance with the then in effect (August 1982) development standards for the land use zone of that business on that date, unless notified by Planning and Environmental Review to comply at an earlier time.

#### **1.9.3.K. Existing Cardrooms**

Cardrooms in existence as of May 3, 1995 may continue to operate in accordance with the provisions of this Article, except that where cardrooms located within 500 feet of a residential zoning district propose to operate between the hours of 2:00 a.m. and 9:00 a.m., Sunday through Thursday, such businesses must first apply for and obtain a Conditional Use Permit approved by the Board of Supervisors.

#### **1.9.3.L. Existing Adult Bookstores**

Notwithstanding any provisions of the Code to the contrary, adult bookstores that were lawfully established in conformance with the Code, and which have continuously held a valid business license to operate an adult bookstore since such use was first established, may continue to operate subject to the restrictions set forth in Section 1.9.3. Nonconforming Convenience, Minor, and Major Recycling Facilities [AMENDED 11-27-2015]

Any convenience, minor, and major recycling facility lawfully in use on the effective date of the amendment to this Code (Date November 27, 2015) may continue operations. Any convenience, minor, and major recycling facility which becomes nonconforming because of the amendment to this Code may continue to be used for a period of one year from the effective date of the amendment. Nonconforming recycling facilities in existence beyond one year are hereby illegal and a public nuisance and shall be abated as provided for in Title 16.18 of the SCC.

Convenience, minor, and major recycling facilities that are nonconforming to the standards contained in Section 3.8.5.D.2 and 3.8.5.D.3 may apply for a Certificate of Nonconforming Use, pursuant to Section 6.5.2 of this Code. Convenience facilities that are in operation as of November 27, 2015 and are not in compliance shall have until March 27, 2016 to submit an application for a Certificate of Nonconforming Use. The application shall be referred to the appropriate Community Planning Advisory Council and noticed to property owners within a 500-foot radius of the property line. The Planning Director shall be the appropriate authority to review and decide all applications for the Certificate of Nonconforming Use.

Appeals of the decision of the Planning Director can be made to the Board of Zoning Appeals consistent with Section 6.1.3. Existing facilities with an approved Conditional Use Permit or Certificate of Nonconforming Use shall be subject solely to the terms of the Use Permit or Certificate, respectively.

#### **1.9.3.M. Nonconforming Dwelling Units**

Existing structures in residential zoning districts that do not meet the current definition of a dwelling unit are considered nonconforming uses. Within one year of the date of adoption of this Code, such use shall comply with the Code in effect or obtain a Certificate of Nonconforming Use pursuant to Section 1.9.3.E and Section 6.5.2. The application shall be referred to the appropriate Community Planning Advisory Council and noticed to property owners within a 500-foot radius of the property line.

#### **1.9.3.N. Nonconforming Massage Establishments [ADDED 07-08-2016]**

Massage establishments, lawfully in use on the effective date of the amendment to this Code, that are not exempt from the Minor Use Permit and distance separation requirements are non-conforming and may continue to be in operation for a period of one year from the effective date of the amendment (July 8, 2016). These establishments may apply for Certificates of Non-conforming Use pursuant to Section 6.5.2. Nonconforming massage establishments in existence beyond one year, without Certificates of Nonconforming Use, shall be considered illegal and public nuisances and shall be abated as provided for in Title 16.18 of the SCC. The application shall be referred to the appropriate Community Planning Advisory Council and noticed to property owners within a 500-foot radius of the property line.

### **1.9.4. Nonconforming Building and Structures**

#### **1.9.4.A. Repair, Maintenance, and Modification**

A nonconforming building or structure may be maintained, repaired, and modified; however, for any period of 12 consecutive months, such maintenance, repair and modification shall not exceed 25 percent of the current replacement cost of the nonconforming building or structure and shall not expand, enlarge or change the use of the nonconforming portion of the building or structure (e.g. a change from non-habitable to habitable space). The criteria for determining the replacement cost may include the linear length of all existing walls (interior and exterior), square footage of the building, percentage of altered construction, actual construction valuation as determined by a California licensed appraiser, or any combination of the above.

#### **1.9.4.B. Enlargements**

A building or structure, nonconforming as to use, lot area, or yard width or depth regulations may be added to or enlarged upon a determination by the Planning Director that the proposed addition or enlargement thereto will not expand, enlarge or change the nonconformity and will otherwise meet the regulations of the zoning district in which it is located (e.g., a bedroom addition will meet all setback requirements), and the requirements of the Building Code. The remainder of the building or structure may remain nonconforming and shall not preclude the proposed enlargement. Upon a determination by the Planning Director, the modification of a nonconforming building or structure that otherwise meets the requirements of Section 1.9.4.A above may include an insignificant enlargement of the roof or walls to the extent reasonable necessary to achieve architectural design consistency with



the conforming portion of the building or structure, so long as there is no increase to the footprint or in the amount of habitable space of the nonconforming building or structure.

#### **1.9.4.C. Relocation**

A nonconforming building shall not be moved to any other lot or to any other portion of the lot on which it is presently located unless as a result of the move the building shall conform to the regulation of the zoning district in which it will be located after the move.

#### **1.9.4.D. Restoration**

This Section shall apply to all restoration of nonconforming buildings, structures, and bridges with the exception of those located within the Natural Streams zoning district. A nonconforming building or structure which is altered, damaged or partially destroyed to the extent of not more than 50 percent of its value at that time, may be restored and the occupancy or use of such building, structure or part thereof, which existed at the time of such partial alteration, damage or destruction, may be continued or resumed, provided the total cost of such restoration does not exceed 50 percent of the value of the building or structure at the time of such alteration, damage or destruction and such restoration is started within a period of one year and is diligently prosecuted to completion. Value may be determined using the same criteria to determine replacement cost in Section 1.9.4.A, above. In the event such alteration, damage or destruction exceeds 50 percent of the value of such nonconforming building or structure, no repair or reconstruction shall be made unless every portion of such building or structure is made to conform to all regulations for new buildings. For Single-family Dwellings and Residential Accessory Structures, the criteria for determining the reconstruction of more than 50 percent of a building may include the linear length of all existing walls interior or exterior or square footage of the building.

#### **1.9.4.E. Single-family Residences without Public Street Frontage**

Any single-family residence constructed prior to January 1, 1979, on a lot or parcel without the required public street frontage, shall be a legal conforming building, provided that such building conforms in all other respects to the provisions of this Code and the SCC in effect on that date.

#### **1.9.4.F. Existing Single-Family and Duplex Residences in Commercial, Industrial, IR and O Zones [ADDED 12-01-2016]**

Notwithstanding Section 1.9.4.D. above, an existing legally established single family or duplex residence located in Commercial, Industrial, IR or O zone may be completely restored or rebuilt provided all current residential development standards are maintained, and upon issuance of the necessary building permits.

### **1.9.5. Nonconforming Signs**

#### **1.9.5.A. Application**

Nonconforming signs shall be regulated by the provisions of this Section.

#### **1.9.5.B. Extent of Regulation**

The provisions of this Section shall apply to all zoning districts and Special Sign Corridors established at the effective date of this Code or thereafter established by amendment.

#### **1.9.5.C. Continuation**

Except as otherwise provided in this Section, any sign lawfully in use on the effective date of this Code may continue to be used for a period of five years. Any sign which becomes nonconforming because of an amendment of this Code may continue to be used for a period of five years from the effective date of such amendment.

1. Signs for nonconforming uses of land or building continuing beyond five years under the provisions of Section 1.9.3.B, "Limitation", which are now located in an Agricultural, Agricultural-Residential, Residential, Interim Agricultural Holding, Interim Agricultural, Interim Estate, Interim Residential, or Interim Residential Townhouse zoning district, may have signs subject to a Use Permit approved by the Zoning Administrator.

#### **1.9.5.D. Alteration and Maintenance of Nonconforming Signs**

Nonconforming signs shall be kept in good repair and visual appearance during the five-year period the sign may be used. Structural alterations or modifications of any nonconforming sign are prohibited. Structural repair resulting in same size and shape is permitted subject to the provisions of Title 18 of the SCC.

#### **1.9.5.E. Removal or Modification as a Condition of Rezoning**

The Board of Supervisors may, as a condition of rezoning, require any nonconforming sign to be removed or altered so as to comply with the provisions of the new zoning district classification.

#### **1.9.5.F. Nonconforming Directory Pole Signs**

A directory pole sign, which becomes nonconforming because of the removal of advertising copy, may be made a conforming non-directory pole sign if a Use Permit is approved by the Planning Commission after application and public hearing.

#### **1.9.5.G. Abatement**

Nonconforming signs in existence beyond five years, as provided for by Section 1.9.5.C, are hereby illegal signs and a public nuisance and shall be abated as provided for in Title 18 of the SCC.

#### **1.9.5.H. Exception for Off-Site Signs**

Off-site signs, except directional subdivision signs and regional directional subdivision signs in industrial and commercial zoning districts that were lawfully erected pursuant to the Code in effect immediately prior to December 26, 1985 and which do not comply with Ordinance No. SZC85-124 shall be nonconforming signs, subject to the remedies in CA BPC §5412. The failure to have a Conditional Use Permit for an off-site sign as of December 26, 1985, shall not, by itself, cause a sign to become nonconforming.

### **1.9.6. Nonconforming Walls and Fences**

#### **1.9.6.A. Walls and Fences Seven Feet or Less in Height**

See Section 5.2.5.F.

#### **1.9.6.B. Walls and Fences Over Seven Feet in Height**

Any wall or fence over seven feet in height shall be considered a "structure", and shall meet the provisions of Section 1.9.4, pertaining to nonconforming buildings and structures.