

## **Calaveras County Ordinance for Non Conforming Uses and Zoning**

The following ordinance comes from the Calaveras County Municipal Code (found online at: [http://library2.municode.com/default-test/home.htm?infobase=16236&doc\\_action=whatsnew](http://library2.municode.com/default-test/home.htm?infobase=16236&doc_action=whatsnew) under Title 17 Zoning, Article I Permit Processing, Chapter 17.92 Non Conforming Uses and Zoning).

### **Chapter 17.92 NONCONFORMING USES AND ZONING\***

#### Sections:

[17.92.010 Land use existing prior to the effective date of this title.](#)

[17.92.020 Enlargement of nonconforming use or building.](#)

[17.92.030 Nonconforming lots of record.](#)

[17.92.040 Nonconforming infrequent use.](#)

\* Prior ordinance history: Chapter 17.92 was renumbered by Ord. 1810. Provisions of Chapter 17.92 were formerly codified at Chapter 17.60 deriving from Ords. 945 and 1810.

#### **17.92.010 Land use existing prior to the effective date of this title.**

The lawful use of land and structures thereon existing on the effective date of the ordinance codified in this title, or amendments thereto, may be continued although such use does not conform to the provisions of this title. If such use is discontinued for a period of one year, any future use of such land or structures thereon will require approval as set forth in Section 17.92.020 of this chapter, except for the following reasons: discontinuance for a period of one year due to destruction of structures for which a building permit for repairs or replacements cannot be reasonably issued in that one-year period; discontinuance for a period of one year due to acts of terrorism or acts of God.

(Ord. 2859 § 3(part), 2005: Ord. 1812 § 1(part), 1986).

#### **17.92.020 Enlargement of nonconforming use or building.**

Any existing building designed, arranged, or intended for or devoted to a use not permitted in the district in which such structure is located shall not be enlarged, extended, reconstructed, structurally altered or reoccupied unless a permit for such work or reoccupation is approved by the planning commission. Provided, however, any alteration or change to any structure associated with a nonconforming use shall be permitted if caused significantly by any governmental regulation affecting such use. Provided, further, that any damage or destruction to any structure associated with such nonconforming use is permitted to be repaired or replaced in substantially the same square footage as originally existed.

(Ord. 2859 § 3(part), 2005: Ord. 1812 § 1(part), 1986).

### **17.92.030 Nonconforming lots of record.**

Whenever a lot or parcel legally established and recorded in the office of the county recorded and with less area than the minimum lot size for new lots and parcels exist, such lots or parcels are permitted the same uses, conditional uses and temporary uses as lots greater than the minimum; provided other site development standards are satisfied.

(Ord. 1812 § 1(part), 1986).

### **17.92.040 Nonconforming infrequent use.**

Uses, such as mining operations and farm operations, which have a history of infrequent use, although such use does not conform to the provisions of this title, may be continued, although if such use is discontinued for a period of three years, any further use of such property will require approval in accordance with Section 17.92.020 of this chapter.

(Ord. 1812 § 1(part), 1986).