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Nonconforming Uses

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Nonconforming Uses

6-550

General.

- (a) Unless otherwise stated in the regulations for a specific zoning district, the regulations in this article shall apply to all nonconforming uses.
- (b) The use of land, or the use of a building, structure or improvement, existing on May 1, 1980, which does not conform to the land use regulations in this title, may continue as provided in this article, so long as the use does not violate any other ordinance or law.
- (c) "Land, building, structure or improvement," as used in this section, refers only to that portion which is actually utilized for the nonconforming but preexisting use. The term does not include an improvement which is not a part of the existing use; and any land, building, structure or improvement which is not a part of the existing use shall be disregarded in the application of the provisions of this article.

(Ord. 221 § 7 (part), 1980)

6-551

Regulations.

The following regulations apply to each nonconforming use:

- (a) No physical change in the use is permitted other than ordinary maintenance and repair, except as provided by Section 6-553.
- (b) No increase or enlargement of the area, space or volume occupied and used is permitted.
- (c) No change in the nature or character of the nonconforming use is permitted.
- (d) If the nonconforming use is replaced by a conforming use, the right to continue the nonconforming use is automatically terminated.
- (e) If the nonconforming use discontinues active operation, except for reasons defined by Section 6-554 for a continuous period of 120 days, the nonconforming use terminates and the facilities accommodating or serving such activity shall thereafter be utilized only for uses permitted or conditionally permitted by the regulations of the applicable zoning district.

(Ord. 221 § 7 (part), 1980)

6-552

Certificates.

- (a) The planning director shall compile a list of all nonconforming uses which exist within

the commercial districts of the city and shall issue a "certificate of nonconforming use" to the proprietor of each such use and to the owner of property upon which the nonconforming use exists. No use of land, building or structure may be made other than that specified in the certificate of nonconforming use unless the use conforms with the regulations of the land use district in which the property is located. Failure of the proprietor or owner to receive such certificate of nonconforming use, or failure of the planning director to issue such certificate, shall not affect the nonconforming status of such use.

- (b) The planning director shall file a copy of each certificate of nonconforming use in the office of the building inspection department. No building permit may be issued to an applicant for property for which a certificate of nonconforming use exists, without the prior written approval of the planning director.

(Ord. 221 § 7 (part), 1980)

6-553

Alterations.

Physical changes may be made in a building or structure which contains a nonconforming use, and the use may continue after said changes are made, provided that:

- (a) A land use permit is obtained prior to the making of, and authorizing, the physical changes; and
- (b) There is no expansion or extension of the nonconforming use, nor any change in the nature, character or intensity of such use.

(Ord. 221 § 7 (part), 1980)

6-554

Reconstruction.

A building or structure containing a nonconforming use may be rebuilt and the use continued if the building or structure is damaged by fire, collapse, explosion or act of God, occurring after May 1, 1980; and if the expense of the work to restore the building to its former status prior to the damage does not exceed 50 percent of the fair market value of the building or structure in its damaged state at the time immediately before the proposed work will be undertaken. The 50-percent factor is a determinant of whether or not a nonconforming use may continue and is not a maximum limit of moneys which could be expended for restoration work. The value of the structure shall be determined by an independent appraisal and approved by the planning commission. The floor area and overall outside dimensions of any building, or portion thereof, devoted to the nonconforming use shall not be increased; no open parking, loading, sales, display, service, production or storage area accommodating or serving the nonconforming use shall be relocated or increased in size; and no such building or open area shall be wholly reconstructed. (Ord. 221 § 7 (part), 1980)

6-555

Rezoning or changes in district boundaries.

When the city changes the boundaries of a land use district or rezones an area from one land use district to another, the provisions of this article apply to a nonconforming use created by the change in boundaries or change in land use district classification. (Ord. 221 § 7 (part), 1980)