

Nevada County Codes

that become nonconforming solely because of adoption of the increased side and rear yard setbacks of the County's Fire Safety Regulations, adopted effective October 10, 1991, may be expanded without being subject to said limitations so long as the expansion does not expand the existing building footprint within the setback and otherwise complies with the current setback requirements. (Ord. 2232)

D. Time Extensions. If an applicant can demonstrate to the Planning Director, a reasonable effort to continue a legal nonconforming use or to reoccupy a legal nonconforming structure, during the initial one year of discontinued use, the Planning Director may approve or conditionally approve an extension of time for the applicant to reestablish said use or occupancy. Except as herein provided, this extension shall be granted only once, for a period not to exceed one year, and the use or occupancy must be completely reestablished at the end of this two-year period. Any aggrieved party may appeal the decision to the Planning Commission through a written request to the Nevada County Planning Department.

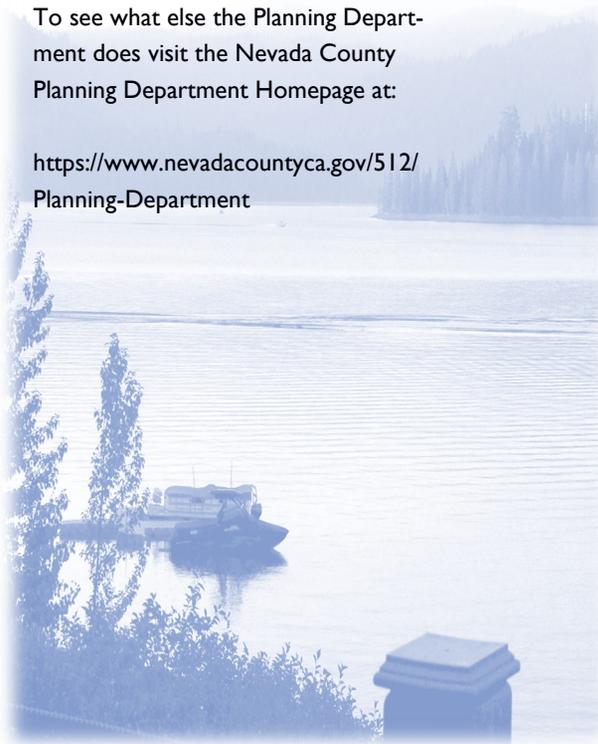
E. Single-Family Dwellings. Notwithstanding the above provisions of this Section, all legal nonconforming single-family dwelling units that become nonconforming due to a change from one zoning district to another shall be treated as conforming structures.

For additional information on the Nevada County Zoning Regulations please refer to the Nevada County Codes webpage at:

<https://www.nevadacountyca.gov/1073/Land-Use-Development-Codes>

To see what else the Planning Department does visit the Nevada County Planning Department Homepage at:

<https://www.nevadacountyca.gov/512/Planning-Department>



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Nevada County
Community Development

Planning Department

Planning for the Future of Nevada County



Legal Nonconforming
Uses and Structures



Legal Nonconforming Uses and Structures

Sec. 12.05.190

A. Purpose. Within the zoning districts established by this Chapter, there may be uses and structures which were lawful before the effective date of the applicable terms of the regulations, but which are prohibited, regulated or restricted under the terms of the regulations currently in effect or by future amendments. Relative to such uses and structures, it is the purpose of this Section to:

1. Reduce them to conformity or to eliminate them through abandonment, obsolescence, or destruction due to strict provisions against changes that could perpetuate them.
2. Provide for their regulation and to specify the circumstances and conditions under which they may continue to exist until brought into conformity, removed, or terminated.

B. Legal Nonconforming Uses. A legal nonconforming use is any use lawfully in existence at the time this Chapter or amendments thereto takes effect, although such use does not conform to the provisions of this Chapter. Such use may continue subject to the following:

1. No use shall be:
 - a. Enlarged or intensified,
 - b. Extended to occupy a greater area of land or a portion of a structure than that occupied at the time this Chapter or any amendment thereto takes effect, or
 - c. Moved in whole or in part to any other portion of the parcel of land occupied at the time this Chapter or any amendment thereto takes effect.
2. Any change in a use that provides for such use to become more conforming to the provisions of the applicable zoning district may be allowed subject to approval of a Use Permit by the Planning Agency.

3. Such use may be changed to a permitted use provided that all requirements of this Chapter are satisfied. In such instance there shall be no resumption of the nonconforming use.

4. If the use is discontinued for a period of one year or more, any subsequent use shall be in conformity with all applicable requirements of this Chapter, except as follows: a) uses clearly seasonal in nature (i.e., ski facilities) shall have a time period of 365 days or more, b) surface mining operations shall comply with the provisions of Section 3.22.L providing for interim management plans.

C. Legal Nonconforming Structures. A legal nonconforming structure is any structure lawfully in existence at the time this Chapter or amendments thereto takes effect, although such structure does not conform to the site development standards of this Chapter. Such structures may continue to be used subject to the following:

1. If such structure is destroyed or partially destroyed by fire, explosion, accident or natural disaster, it may be repaired, provided the structure is not altered or expanded except as noted in 4 below, subject to the following limitations:

- a. In cases where the destruction is less than 50% of the market value preceding destruction, the structure may be repaired.

- b. In cases where the destruction is 50% or greater of the market value preceding destruction, such structure may be reconstructed only if in conformity with all applicable requirements of this Chapter.

2. Such a structure may be repaired, altered, or remodeled thereto not necessitated by a fire, explosion, accident or natural disaster, provided the structure is not expanded except as noted in 4 below, subject to the following limitations:

- a. The total expenditure for labor and materials combined for such activity shall not exceed 25% of the fair market value of the structure.

- b. Such alterations may occur only once every 10 years to any structure, except single-family residences may be altered as often as annually, subject to the limitation in subsection a.

3. Historic structures consistent with the definition as found in Sec. L-II 4.3.6.B., or as otherwise defined by an adopted RC district, may be repaired, altered, or reconstructed where necessary for the preservation, restoration, rehabilitation, relocation, or continued use of a qualified structure or site, without limitation.

4. Structures devoted to a use allowed in the applicable zoning district may be expanded, subject to the following limitations:

- a. The total expenditure for labor and materials for the expansion, combined with any repair or alteration work done concurrently or within the 10 preceding years, shall not exceed 25% of the fair market value of the structure, except for single-family residences, in which case the total expenditure limitation applies to all work done concurrently or within the preceding year,

- b. The expansion shall be limited in any 10-year period to an increase of not more than 5% of the gross square footage of the structure, and

- c. The expansion shall otherwise comply with the use restrictions, site development standards and permit requirements of this Chapter (e.g., the expansion cannot be used to accommodate relocation or enlargement of a nonconforming use on site and a structure not conforming with front yard setbacks cannot be enlarged in a manner further encroaching into the front yard area).

- d. Notwithstanding the above provisions of this paragraph 4, all legal nonconforming structures
