

# Zoning Advisory Group

**Meeting #2**

**Nonconforming Situations**

July 27, 2022



# Introductions

## City of Santa Fe Springs

- Wayne Morrell, Director of Planning
- Cuong Nguyen, Assistant Director of Planning
- Laurel Reimer, Planning Consultant
- Jack Wong, Planning Consultant

## MIG

- Cathy Corliss, Principal
- Laura R. Stetson, Principal
- Jose M. Rodriguez, Project Manager

# Agenda

- What is a Nonconforming Situation?
- Policy Foundation for Nonconforming Provisions
- New Approach to Regulating Nonconforming Situations
- Questions and Discussion
- Schedule



# Nonconforming Situations

# Nonconforming

Any use of property and/or structure that was legally established but does not meet the current standards of the zoning district in which it is located.

# What Are Nonconforming Situations?

Nonconforming Lot	A <u>lot</u> created before the City adopted land division standards which is smaller than the current minimum lot size for the zoning district
Nonconforming Use	A <u>use</u> such as a bar (nightclub) located in an area that has since been rezoned to residential
Nonconforming Development	A <u>physical development</u> of land, such as a parking lot built at a time when interior landscaping was not required or a building set back 30 feet from the street in a zoning district where the maximum setback is now 10 feet

# Current Nonconforming Provisions

155.385	Purpose	155.395	Abandonment of nonconforming use
155.386	Existing uses and structures made nonconforming	155.396	Use of land integrated with use of structure
155.387	Continuation of nonconforming uses	155.397	Nonconforming uses limit other uses
155.388	Repairs and alterations	155.398	Required termination of nonconforming structures and uses
155.389	Additions and alterations to nonconforming dwellings	155.399	Measurement of termination date
155.390	Additions and alterations to nonconforming nonresidential uses	155.400	Removal of structures
155.391	Repairs of damage for partially destroyed structures	155.401	Extension of time limits for termination of nonconforming uses
155.392	Structures under construction	155.402	Appeal
155.393	Change of nonconforming use prohibited	155.403	Public uses
155.394	Reversion to nonconforming use prohibited	155.404	Public utilities

# Current Nonconforming Use Provisions

- Title refers to Nonconforming Uses, but standards also apply to nonconforming structures, buildings, improvements
  - Terminology is confusing
  - No clear delineation in approach between types of nonconforming situations
- The stated purpose is to provide for the regulation and eventual elimination of uses and structures not in compliance with the requirements of the zone in which they are located
- Standards require every nonconforming structure or use be completely removed or altered to conform within a specified period of time
  - exceptions (e.g., for certain parcels that became nonconforming as a result of Ordinances 952 and 1092) and extensions are possible
- Nonconforming structures (or structures containing a nonconforming use) which are damaged or partially destroyed can only be rebuilt if the cost of restoration does not exceed 150% of the assessed value of the entire structure



# General Plan Policy

## Nonconforming Uses

Existing legally established land uses or structures that are made nonconforming by this General Plan or related zoning amendments **may continue operating until a site is redeveloped**; however, any material expansion in square footage of a nonconforming building or use shall require a conditional use permit.

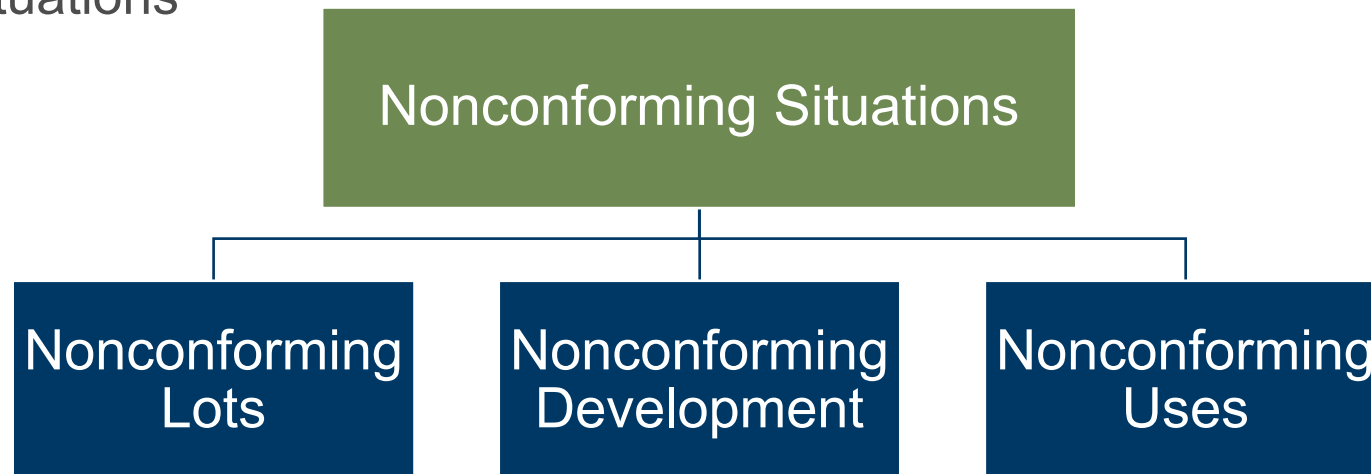
Repairs and maintenance may be made to keep nonconforming buildings or structures in a safe condition.

# Why Change?

- Implement General Plan policy foundation
- Better facilitate the reuse of existing buildings and improvements and recognize the different potential for offsite impacts between nonconforming lots, development and uses.
- Recognize the investments owners have made into their properties and businesses
- Make regulations easier to understand, thus improving implementation
- Provide more options to property owners impacted by fires or other disasters

# Proposed New Approach

- Updated nonconforming situations chapter would replace existing chapter
- Purpose to balance public health, safety, and general welfare with reasonable use of private property.
- Clarify terminology, organization and recognize differences between types of nonconforming situations



# Nonconforming Lots

- Nonconforming lots that are legally established may be developed
- New structures on nonconforming lots must comply with the Zoning Ordinance
- Approach is consistent with current practice

# Nonconforming Development

- No deadline to terminate or update nonconforming development
- Vacant nonconforming developments can be re-occupied by conforming uses
- Expansion or alteration allowed provided it complies with the current regulations in the Zoning Ordinance or is moving toward compliance
- If damaged or destroyed by fire or other causes may be rebuilt in-kind within the footprint of the damaged or destroyed improvement if damage does not exceed 75% of the improvement's value
- A percent of the value of large projects must be spent bringing the site into conformance with the certain standards

# Nonconforming Uses

- For most nonconforming uses, no deadline to terminate
- For most nonconforming uses, if discontinued for a year, nonconforming status is lost, and use can't be restarted
  - New criteria to clarify when the clock starts
  - Possible to appeal
  - Separate standard for adult business and oil and gas wells
- Expansion or alteration allowed subject to conditional use approval
  - New conditional use approval criteria



**Questions/Discussion**



**Schedule**



# Focused Zoning Amendment Upcoming Meetings

August 2022	September 2022	October 2022
CC/PC Study Sessions Public Review ZAG Meeting #3 Business Working Group Meeting	Planning Commission Public Hearing	City Council Public Hearing

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