

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**FROM:** TLMA-Planning Department

**SUBMITTAL DATE:**  
June 4, 2014

**348.4773**

**SUBJECT: Ordinance No. ~~348.4473~~ CEQA Exempt - Applicant: County of Riverside - All Supervisorial Districts - Location: Countywide - REQUEST:** The amendment proposes to revise Section 18.8, "Nonconforming Structures and Uses," of Ordinance No. 348. It will eliminate all time limits on how long a legal structure or use can continue (amortization period), once the County has changed the underlying zoning designation so that the structure now conflicts with the requirements for the new zone. The amendment will also revise definitions related to Nonconforming Structures and Uses found in Sections 21.52 and 21.53 of Ordinance No. 348.

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. **FIND** that the proposed amendment is exempt from CEQA pursuant to the CEQA Guidelines Section 15061(b)(3), based on the findings and conclusions incorporated in the staff report.
2. **ADOPT ORDINANCE NO. ~~348.4473~~ 348.4773**, based in the findings and conclusions incorporated into the staff report.

JCP:dm

Juan C. Perez  
TLMA Director/ Interim Planning Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	
SOURCE OF FUNDS: N/A					Budget Adjustment:
					For Fiscal Year:

**C.E.O. RECOMMENDATION:**

APPROVE

BY   
Tina Grande

**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

FORM APPROVED COUNTY COUNSEL  
BY:   
KARIN L. WATTS-BAZAN DATE: 6/4/14  
Departmental Concurrence

- ☐ A-30      ☐ Positions Added  
☐ 4/5 Vote      ☐ Change Order

**Prev. Agn. Ref.: Item 3.51, 12/17/13 | District: ALL**

**Agenda Number:**

**16-1**

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**  
**FORM 11: ORDINANCE NO. 348-4473** – CEQA Exempt – Applicant: County of Riverside – All  
Supervisory Districts – Location: Countywide – **Request:** The amendment proposes to revise Section  
18.8, "Nonconforming Structures and Uses," of Ordinance No. 348. All Districts/All Districts [\$0]  
**DATE:** June 3, 2014  
**PAGE:** Page 2 of 2

**BACKGROUND:**

**Summary**

The Board of Supervisors and the County Executive Office have stressed the need to make changes to our business practices in order to become more "Business Friendly," encourage economic activity and expand the job base in Riverside County, while providing for quality development that enhances our quality of life.

Ordinance No. 348 is the primary ordinance which governs the review and approval of the land use and zoning applications in the County. On December 17, 2013, the Board of Supervisors approved the initiation of a series of "business friendly" amendments to Ordinance No. 348. This amendment is one of the amendments initiated.

Currently, there are time limitations (amortization periods) to how long structures and uses can continue in existence after the underlying zoning has changed. For example, general commercial uses have a one year amortization, and up to 10 years of additional time extensions, from the time that the zoning changed. Without this proposed ordinance amendment, those uses upon expiration of the amortization period, would need to potentially process a new entitlement to come into compliance with the new zoning requirements or in some cases have to discontinue the use if no longer allowed under the current zone.

This ordinance amendment will allow existing, legally approved uses to continue to operate indefinitely, for those properties where the underlying zoning has changed and where the existing structures or uses conflicts with the requirements of the current zone. The County's verification of legal nonconformance will be made through a simple application process and issuance of a certification by the Planning Department. The County retains the right to go through a revocation process of a prior use approval, including appropriate hearings and to afford due process, if it is determined to be necessary for public health, safety, and welfare, or to address public nuisances. This amendment has been reviewed and recommended for approved by the Planning Commission.

**Impact on Citizens and Businesses**

The amendment will allow those structures and uses that have been determined as legal nonconforming to continue indefinitely. This applies to structures and uses that were previously approved by the County through the appropriate permits in areas where the zone has subsequently changed. This Ordinance Amendment also allows the use to be discontinued for a period up to two years (currently one year) and still maintain its legal non-conforming status in recognition of the lingering effects of the recession. With this ordinance amendment these uses will continue to operate as legal non-conforming uses without additional processing costs, allowing them to continue contributing to the local economy and serving the community.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

N/A

**Contract History and Price Reasonableness**

N/A

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1 following information: Assessor's Parcel Number, street address, description  
2 of nonconforming structure or use, and such other information as deemed  
3 appropriate. If the subject structure or use is not established as  
4 nonconforming, the Planning Department shall prepare and mail to the  
5 applicant a letter of denial of the nonconforming structure or use which shall  
6 include the following information: Assessor's Parcel Number, street address,  
7 description of claimed nonconforming structure or use, and justification for the  
8 denial of the request.

- 9 c. REVOCATION OF NONCONFORMING STRUCTURE OR USE. The County may  
10 revoke the right to continue a nonconforming structure or use pursuant to the  
11 procedures for permit revocation set forth in Section 18.31 of this ordinance. Said  
12 revocation shall be made on the basis that the nonconforming structure or use is  
13 detrimental to the public health, safety and welfare or is a public nuisance.  
14  
15 d. EXPANSION OF NONCONFORMING STRUCTURE OR USE. The total square  
16 footage of an existing nonconforming structure or use, excluding mobile homes, may  
17 be expanded a maximum of 25 percent on the same parcel of land from the time the  
18 structure or use was deemed nonconforming. Such expansion shall require issuance of  
19 a building permit only.  
20 e. LOSS OF NONCONFORMING STATUS.

21 (1) Any part of a structure or land occupied by a nonconforming use which is  
22 changed to or replaced by a use that conforms to the provisions of this  
23 ordinance shall not thereafter be used or occupied by a nonconforming use.

24 (2) Any part of a structure or land occupied by a nonconforming use, which use is  
25 discontinued for 2 years or more, shall thereafter be used in conformity with  
26 the provisions of this ordinance and the nonconforming right shall be lost.  
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- 1 f. ISSUANCE OF PERMIT FOR STRUCTURE PRIOR TO ESTABLISHMENT OF  
2 NONCONFORMING STATUS. Any structure for which a permit has been legally  
3 issued before the effective date of an amendment to this ordinance making the use  
4 nonconforming, may nevertheless be continued and completed in accordance with the  
5 plans and specifications upon which the permit was issued.
- 6 g. DAMAGE TO NONCONFORMING STRUCTURE. The provisions of this section  
7 shall not prevent the reconstruction, repairing, rebuilding, or replacement and  
8 continued use of any nonconforming structure that is damaged by fire, explosion,  
9 vehicular accidents, or acts of God.
- 10 h. REPAIR AND MAINTENANCE. The provisions of this section shall not prevent the  
11 general repair and maintenance of any nonconforming structure.
- 12 i. RETROFITTING. The provisions of this section shall not prevent reconstruction  
13 required to reinforce unreinforced masonry structures provided such retrofitting is  
14 limited to compliance with earthquake safety standards or other applicable legal  
15 requirements.
- 16 j. EXCEPTIONS AND LIMITATIONS. The provisions of this section apply to  
17 structures and uses which become nonconforming by reason of the adoption of this  
18 ordinance or any amendment thereof, as of the effective date of such adoption or  
19 amendment. In addition, the following exceptions and limitations shall apply:  
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- 21 (1) No structure or use shall be deemed to have become nonconforming by virtue  
22 of decreased lot size resulting solely from the acquisition of any portion of the  
23 lot for public road, storm or drainage channel, or other public use or the  
24 adoption by a public agency of a plan for such public use.
- 25 (2) Agricultural crops shall not be deemed nonconforming and shall not be  
26 subject to the provisions of this section. Agricultural uses that involve  
27 permanent structures are subject to this section; provided, however, that such  
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1 uses shall be permitted to make any changes or improvements that are  
2 required by any law, including structural alterations that are necessary as part  
3 thereof.

4 (3) No structure or use shall be deemed to have become nonconforming by virtue  
5 of decreased lot size resulting solely from any amendment of this ordinance  
6 that changes the method of calculation of lot sizes from gross acreage to net  
7 acreage.

8 (4) No structure or use shall be deemed to have become nonconforming by virtue  
9 of any amendment of this ordinance that changes the permit required to  
10 establish a use from one permit to another permit or if an amendment to this  
11 ordinance requires a permit prior to approval for an existing structure or use if  
12 that structure or use was previously established as an allowed use without  
13 requiring any permit.”  
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15 Section 2. Section 21.52 of Ordinance No. 348 is amended to read as follows:

16 “Section 21.52. NONCONFORMING STRUCTURE.

17  
18 A structure which was legal when established but which, because of the adoption or amendment of this ordinance  
19 conflicts with the provisions of this ordinance applicable to the zone in which such structure is located.”

20 Section 3. Section 21.53 of Ordinance No. 348 is amended to read as follows:

21  
22 “Section 21.53. NONCONFORMING USE.

23 The use of a structure or land which was legal when established but which, because of the adoption or amendment  
24 of this ordinance, conflicts with the provisions of this ordinance applicable to the zone in which such use is  
25 located.”  
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Section 4. This ordinance shall take effect thirty (30) days after its adoption.

BOARD OF SUPERVISORS OF THE COUNTY  
OF RIVERSIDE, STATE OF CALIFORNIA

BY: \_\_\_\_\_  
Chairman

ATTEST: Kecia Harper-Ihem  
CLERK OF THE BOARD:

By: \_\_\_\_\_  
Deputy

(SEAL)

APPROVED AS TO FORM  
June 4, 2014

By: Karin Watts-Bazan  
KARIN WATTS-BAZAN,  
Principal Deputy County Counsel