

Planned Unit Development permits which were adopted by ordinance ~~and~~ which must be administered in the same manner as existing ordinances. (Ord. 3432, 8/23/83)

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13.10.250 INTERPRETATION. The Zoning Administrator shall be respon-

sible for the interpretation of the provisions of this Chapter for their application to **any** specific case or situation, interpretation of whether a proposed use is essentially the same as a use allowed in the zone district, or interpretation of the boundary location of a zone district, based on the following guidelines, subject to appeal to the Board of Supervisors pursuant to Chapter 18.10:

(a) In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.

(b) Whenever the district boundary is indicated **as** being a road or a property line, then, unless otherwise definitely indicated on the Zoning Plan map, the centerline of the road or the property line shall be assumed to be the district boundary.

(c) Where the location of district boundary lines is not indicated by dimensions, the boundaries shall be located by use of the scale to which the map is drawn.

13.10.260 NONCONFORMING USES.

(a) Any nonconforming use within the County is detrimental to the orderly development of the County and to the general welfare. It is the intent of this Chapter that nonconforming uses shall be eliminated as rapidly as possible. In addition to the definition given in Section 13.10.700-N, any existing use for which a Use Approval is required by the terms of this Chapter shall be considered a nonconforming use unless and until the required permit is obtained.

(b) The lawful use of land existing on the effective date of a change of zoning designation or of the zoning regulations may be continued, even if such use no longer conforms to the regulations specified by this Chapter for the district in which such land is located, provided that no such use shall be enlarged, increased, or extended to occupy a greater area than that occupied by such use at the time of the change in zoning designation or change of the zoning designation except that:

1. The nonconforming use of a portion of a building may be changed to a use of the same or more restricted nature provided that in each case a Use Approval is obtained.

2. The nonconforming use of a portion of a building may be extended throughout the building provided that in each case a Use Approval is obtained.

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(c) Where two or more residential dwelling units exist on a parcel of land as nonconforming units because the zoning of the property no longer allows more than one dwelling unit, the largest of the units, or one of two or more units of similar size, may be considered **as conforming** to the zone district. **Accordingly**, that unit only may be enlarged, extended, **reconstructed, or** structurally altered in accordance with the site coverage, yard, and height restrictions of this Chapter. Notwithstanding the foregoing limitation, the roof line of the other units not deemed conforming to the zone district may be structurally altered (with a Level 4 approval) provided, however, that the cubic habitable space of the structure or structures containing the other units is not increased by the alteration of the roof line, and such structural alterations of the roof line are in accordance with the height and other applicable restrictions of this Chapter.

(d) If the nonconforming use of land or buildings ceases for a continuous period of six months, or is abandoned, then without further **action** by the County, said building or land shall be subject to all of the regulations of this Chapter for the district in which said land is located.

(e) Whenever property for which a Use Approval has been granted is placed in a district in which the **use** is no longer allowed either as a permitted or as a **discretionary** use, the use for which the permit was granted **shall** be considered nonconforming. Such nonconforming use shall be subject to the provisions of this section.

(f) A **nonconforming** use may be ordered to be terminated by the Board of Supervisors by an Order of the Board of Supervisors upon recommendation of the Planning Commission within a period to be specified in such Order. Such an Order shall be issued only after a public hearing by the Planning Commission after 15 days' written notice to the nonconforming user. If the nonconforming user has not made a substantial investment in furtherance of such use, or if the investment can be substantially **utilized or** recovered through a then permitted use, such Order may require complete termination of the nonconforming use within a minimum of one year **after the** date of the Order. In making its recommendation, the Planning Commission shall consider the total cost of land and improvements, the length of time the use has continued, adaptability of the land and **improvements** to a then permitted use, the cost of moving and **reestablishing** the use elsewhere, and other relevant factors.

(g) Where a nonconforming use involves the removal of natural earth products, any order for termination shall be considered, **in** accordance with Chapter 16.54, **Mining** Regulations, of the

Santa Cruz County Code.

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(h) When a use has become nonconforming because it does not comply with the requirements of Section 13.10.345 (Industrial Special Standards and Conditions), any permit subsequently issued shall set a reasonable time schedule for conformance to such requirements. In no case shall the time set for full compliance exceed five years. The time schedule for compliance shall be in addition to any other conditions to the permit.

(i) Failure to comply with a Board of Supervisors' Order to terminate a nonconforming use shall constitute a violation of this chapter and is a public nuisance subject to abatement in accordance with Chapter 1.08 of this Code.

(j) Regulations regarding the replacement of nonconforming greenhouses are found in Section 13.10.636(c) of this Code.

(k) Notwithstanding any other provisions of this section, whenever a nonconforming use of land or buildings outside of the California Coastal Zone is terminated by reason of an acquisition of the property or portion thereof by a public agency by eminent domain or an acquisition under threat of the use of eminent domain, the nonconforming use may be relocated to another location on the property or to an adjacent parcel, including a parcel which is near or close to the subject parcel, provided that:

- 1) Any structure reconstructed and/or relocated for the nonconforming use will not exceed the floor area, height, or bulk of the replaced structure;
- 2) The use will remain the same;
- 3) A Level V approval is obtained based on a finding that the relocated use and any structure for the use will not be detrimental to the health, safety, or welfare of persons residing or working in the vicinity or the general public, nor be materially injurious to properties or improvements in the vicinity, and that any relocated or reconstructed structure will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects of the neighborhood.

(Ord. 560, 7/14/58; 740, 12/11/61; 1704, 4/25/72; 2047, 8/20/74; 2452, 6/21/77; 2787, 10/2/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83); 3593, 11/6/85; 4217, 10/20/92; 4411, 4/16/96; 4467, 8/12/97)

13.10.265 NONCONFORMING STRUCTURES.

(a) The lawful use of a structure existing on the effective date of a change of zoning or of the zoning regulations may be continued even if such a structure and/or use does not conform to the change in zoning or change of the zoning regulations specified for the district in which such structure is located.