

County of Sacramento
Office of Planning and Environmental Review

Instructions for filing for an Application for Certificate of Non-Conforming Use

These instructions are designed to help applicants prepare complete applications. For assistance or for more information, please call (916) 874-6141 or visit our website at www.per.saccounty.net

1. **Application Form:** This form requests basic information about the property, structure or use.
 - a. Item #1: Parcel numbers may be obtained from the Assessor's website at www.assessor.saccounty.net or by calling their office at (916) 875-0700.
 - b. Item #4: If applicant is seeking to legalize a legal non-conforming business, *a copy of the current business license is required.*
 - c. Item #5: Number of parking spaces includes all parking spaces on the property, or if multiple parcels make up a shopping center, all shared parking spaces. Number of seats would include outdoor seating if use is a restaurant.
 - d. **Signature** of LEGAL PROPERTY OWNER or representative with power of attorney **must** be provided.
2. **Exhibits:** Three (3) full size (24" x 36" minimum) copies of a Site Plan and Floor Plan.
 - a. Site plans shall contain the following minimum information:
 - Address of property;
 - Property lines for all abutting properties (including those opposite a public or private street);
 - All existing structures on the property;
 - North Area and Legend;
 - Scale of drawing, or clear dimensions of property lines, setbacks and buildings;
 - Date of the drawing; and
 - All fences or walls (including height).
 - b. If applicable, site plans shall also show:
 - All loading and storage facilities, utilities, trash enclosures, transformers, etc. and
 - Easements and existing public right-of-ways (clearly labeled).
 - c. Floor plans shall contain the following minimum information:
 - Square footage of existing use, including each room/suite (only provide subject tenant space if building has multiple tenants/suites);
 - Use for which each room or suite is intended;
 - North Arrow and Legend.
3. **CD submittal:** Electronic version of a reduced copy (8 1/2" x 11") of both the site plan and floor plan. Scanned copies of all submittal materials.
4. **Filing Fee:** Flat fee of \$1,081.58¹ due at time of submittal (non-refundable). Make checks payable to "Sacramento County".

¹ Fee as of November 1, 2015. To check current fees, please go to the Planning and Environmental Review Fee webpage at www.per.saccounty.net/Pages/Planning-and-Environmental-Fees.aspx or call (916) 874-6141.

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Certificate of Non-Conforming Use – General Description

A Certificate of Non-Conforming Use may be issued to allow the continuation of a nonconforming use of land or buildings beyond the date the use became non-conforming, subject to the standards in Section 1.9 of the Zoning Code. A Certificate of Non-Conforming Use may be granted by the Planning Director, provided the following findings can be made (Zoning Code Section 1.9.3.E):

- a) Such use was made non-conforming by a rezone action initiated by the Board of Supervisors or by a Zoning Code amendment adopted by the Board of Supervisors;
- b) Prior to the effective date of the action taken in (a) above, the use was a legally established use in conformance with the Zoning Code in effect at that time;
- c) No complaints of any kind are pending before the Code Enforcement Division of the Community Development Department regarding the property, and no enforcement action of any kind is pending regarding the property. For purposes of this section, “enforcement action” shall include, but not be limited to, notices given by the Code Enforcement Section, stipulated judgments or other settlement documents requiring performance of some activity, and/or enforcement litigation. The pendency of any complaint or any action based solely on the nonconforming status of the property shall not be the basis for denial of the certificate;
- d) If the use is one which is required by the Zoning code to be located at least 500 or 1,000 feet from any residential, interim residential, estate, agricultural-residential, or agricultural land use zoning district, then the use shall meet the required distance from any such land use zoning district;
- e) If the use is one for which a valid business license is or was required, and such license has been continuously held for the entire period it has been required (i.e., such license was not terminated or revoked);
- f) Such use has not expanded, enlarged, or extended since the date it became non-conforming; and
- g) The use has not been discontinued (such as building space unoccupied, land area is vacant, or operation has ceased) for more than 90 days.

A Certificate of Non-Conforming Use shall be valid from the date of issuance. A certificate may be issued indefinitely or be limited to a specified time as a condition of approval. A certificate may be issued subject to conditions reasonably related to making the current use conform to feasible standards in the current zoning district. A certificate may be revoked in the same manner and for the same reasons as other entitlements, as provided in Section 6.6 of the Zoning Code. The use permitted by a Certificate of Non-Conforming Use is subject to the restrictions set forth in Section 1.9.3.A of the Zoning Code.