
Zoning Nonconformities

What are zoning nonconformities?

Zoning nonconformities are defined as parcels, land uses, buildings, structures, or situations that do not conform with existing zoning regulations. Examples include a substandard subdivided lot whose size does not meet existing minimum parcel size requirements, a residence in an industrial zone (where existing industrial zoning regulations do not allow residential uses), and a building built to lesser setbacks that are currently required.



Can zoning nonconformities legally continue to exist?

Yes. The zoning regulations allow nonconformities to continue, although removal of demonstrated nuisances can be required. If certain nonconformities are abandoned, damaged, or destroyed, the regulations restrict their replacement. For further information talk to a Planner at the Development Review Center, planning counter.

Can zoning nonconformities be enlarged?

Generally, no. However, a nonconforming parcel (substandard lot) and nonconforming residential use (house in a nonresidential area) may be enlarged under certain circumstances and with some restrictions. In both cases, a use permit may be required.

When can zoning nonconformities be replaced as they currently exist?

Zoning nonconformities can be replaced as they currently exist when they require maintenance, become damaged, or in the case of most residential uses, are destroyed by an act of nature or other unintentional event.

When must zoning nonconformities be replaced to conform with current zoning requirements?



When zoning nonconformities are intentionally destroyed, demolished or removed from the site, they may only be replaced in conformance with the current zoning requirements. Also, when nonresidential nonconformities are demolished (intentionally or unintentionally), they may only be replaced in conformance with the current zoning requirements.

How are nonconforming structures restricted?

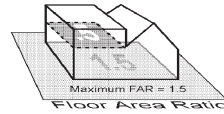
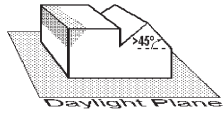
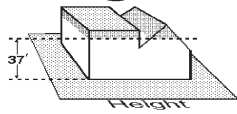
The most typical zoning nonconformity is a nonconformity structure. The chart on the following page illustrates various scenarios regarding nonconforming residential and non-residential structures.

Are there any exceptions to this rules?

Yes. The Planning Commission may grant a Use Permit to except any provision in this chapter which restricts the continuation, enlargement, reestablishment or replacement of a nonconforming use, structures or situation. Additionally, the Planning Director may grant an exception when there are conflicts with another government mandated requirement.

Zoning Nonconformities

Nonconforming Structures



Continue

Residential

Non-Residential



Minor Repair, Remodel, Upgrade

Replace Nonconformity



Reestablish After Abandoned



Enlarge

Enlarge Nonconformity



Major Repair, Remodel, Upgrade

Continue Nonconformity
<50% Nonconforming



Continue Nonconformity
≥50% Nonconforming



Replace Nonconformity



Replace After Demolished (Unintentional)

Replace Nonconformity



Replace After Demolished (Intentional)

Replace Nonconformity



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San Mateo County
Planning and Building Division

Zoning Nonconformities

Planning and Building Division

455 County Center, Second Floor

Redwood City, California 94063

(650) 363-4161

FAX (650) 363-4849

email:

INTERNET:plngbldg@co.sanmateo.ca.us

web site address:

<http://www.co.sanmateo.ca.us/planning>

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