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**Chapter 17.104**  
**NONCONFORMING USES, STRUCTURES AND LOTS**

Sections:

- [17.104.010](#) Nonconforming uses.
- [17.104.020](#) Nonconforming structures.
- [17.104.030](#) Nonconforming lots.

**17.104.010 Nonconforming uses.**

A. Continuing Existing Buildings and Uses.

Except as otherwise provided in this title, any use of land, buildings or structures which is legally nonforming due to the adoption of previous zoning regulations, or a subsequent amendment to the zoning regulations contained in this title, may be continued. Except as provided for in this chapter, no legal, nonconforming use of land, buildings or structures shall be enlarged, expanded or intensified in any manner.

B. Continuing Conditional Uses.

Any use lawfully existing at the time of the adoption of these zoning regulations, or a subsequent amendment to this title, which use is listed as a conditional use in the zone in which it is located, shall remain a nonconforming use, and in no case shall the use be enlarged, expanded or intensified in any manner until a use permit has been obtained pursuant to the provisions of this title.

C. Extension of Nonconforming Uses in Buildings.

Upon an application for a use permit, the planning commission may permit the extension of a nonconforming use throughout those parts of an existing building which were designed or arranged for the use prior to the date the use of the building became nonconforming, if no structural alterations, except those required by law, are made therein.

D. Changes to Other Nonconforming Uses.

Upon an application for a use permit, the planning commission may permit the substitution of one nonconforming use for another nonconforming use which is determined by the planning commission to be of the same or more restrictive nature. Whenever a nonconforming use has been changed to be more restrictive use or conforming use, the more restrictive use or conforming use shall not be changed back to a less restrictive use or to a nonconforming use.

The nonconforming use shall not continue if more than fifty (50) percent of the area or fifty percent (50) of the use has been destroyed.

E. Cessation of Uses.

1. For the purposes of this chapter, a use shall be deemed to have ceased when it has been discontinued, either temporarily or permanently, whether with the intent to

abandon the use or not, for a continuous time period as set forth in this chapter.

2. A building or structure which has been occupied by a nonconforming use shall not again be used for nonconforming purposes when the use has ceased for a continuous period of twelve (12) months or more.

3. Land on which there is a nonconforming use not involving any building or structure, except minor structures, including but not limited to buildings containing less than three hundred (300) square feet of gross floor area, fences and signs, where the use has ceased for one month or more, shall not again be used for nonconforming purposes, and the nonconforming use of land shall be discontinued, and the nonconforming buildings or structures shall be removed from the premises within six months after the first date of cessation of use. (Ord. 2003-04 § 24; Ord. 97-03 §2 (part): prior code § 8-1.6011)

#### **17.104.020 Nonconforming structures.**

##### **A. Nonconforming Structures—Continuation.**

Structures which were legally constructed, but are now nonconforming as to setbacks, floor area, landscaping, parking or other development regulations of this title may continue to be used.

##### **B. Nonconforming Structures—Improvement.**

Any expansion of a nonconforming structure must be in conformance with current zoning and building codes. Where the health, safety or general welfare are found to be at issue, the city building official may require that modifications be made to existing nonconforming structures as part of the expansion.

##### **C. Repair of Unsafe or Unsanitary Buildings.**

The provisions of this title shall not prevent the strengthening or restoring to a safe condition any part of any nonconforming building or structure declared unsafe by the building department or declared unsanitary by the Yolo County health department.

##### **D. Replacement of Damaged or Destroyed Nonconforming Buildings.**

1. Any nonconforming building or structure damaged or destroyed by fire, flood, explosion, wind, earthquake, war, riot or other calamity or act of God, may be restored or reconstructed and a nonconforming use continued if one exists; provided, repair or reconstruction is begun within one year and completed within two years of the date of the damage.

2. Nonconforming structures which are demolished or require major structural repairs in order to maintain the viability of the structure, as determined by the community development director, may be re-established only in conformance with Section [17.104.010\(E\)\(3\)](#) or with development standards of this title.

##### **E. Expansion of Legal Nonconforming Buildings.**

Regardless of any other provision of this title, a building which retains its nonconforming status shall be allowed to expand, enlarge or intensify, if the following findings can be affirmatively made by the zoning administrator:

1. The use will not impair other uses in the vicinity, which uses are consistent with the zone;
2. The curtailment of full privileges for the residential use may contribute to the premature conversion of land and unnecessarily loss of housing inventory;
3. If the expansion does not encroach into required yard setbacks and is consistent with other applicable development standards of this title. (Ord. 97-03 § 2 (part): prior code § 8-1.6013)

**17.104.030 Nonconforming lots.**

Legally created nonconforming lots (lots which are nonconforming due to either their size and/or shape) may be developed in accord with current development standards, provided minimum required. setback and open space requirements, as applicable, can be met. Development of nonconforming lots should be designed to provide consistency with the character and style of development in the surrounding neighborhood. (Ord. 97-03 § 2 (part): prior code § 8-1.6013)

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**This page of the Winters Municipal Code is current through Ordinance 2010-02, passed March 8, 2010.**

Disclaimer: The City Clerk's Office has the official version of the Winters Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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