



## **City of Carmel-by-the-Sea Community Planning and Building Department Information Handout - Non-Conformities**

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### **What is a Non-Conforming Property?**

A legal nonconforming building or structure is an existing building or structure that was lawfully established but does not conform to current zoning regulations. Nonconforming structures can continue to be used and maintained.

A nonconforming use is any use that existed prior to a change in the municipal code that prohibits such use, or any use operating without a conditional use permit that existed prior to change in the municipal code that requires approval of a conditional use permit for such use.

Unpermitted construction is not considered a nonconforming use, building or structure.

### **Alterations to Nonconforming Buildings**

A lawful nonconforming structure may be repaired or altered as long as such alteration does not increase the nonconformity. Alterations, repairs or remodels that enlarge, extend or increase a nonconforming feature of a building are prohibited.

The substantial alteration of any nonconforming building or structure, that includes removal of any nonconforming building element or structural element, shall require correction of that specific nonconforming building element or structural element in conformance with all requirements for new construction. The removed nonconformity shall not be rebuilt or reestablished at that location on the site or elsewhere on the site

### **Destruction of Nonconforming Buildings**

Nonconforming buildings or structures that are damaged or destroyed by fire, explosion, acts of God, or acts of the public enemy to an extent of 75% or less of the value of the structure may be reestablished providing a building permit is obtained within 30 months of the date of damage. Nonconforming buildings or structures that are damaged or destroyed in excess of 75 percent as indicated above may be reestablished providing a use permit is issued by the Planning Commission prior to the Building Permit.

The voluntary demolition of any nonconforming building or structure shall require that all new construction on the site meet all requirements for new buildings and structures.

## **Nonconforming Uses**

No nonconforming use may be expanded or extended into an existing portion of a building that was not previously occupied by the same nonconforming use. Whenever a nonconforming use of a building or structure or part thereof has been discontinued for a period of six consecutive months, such use shall not, after being discontinued or abandoned, be reestablished, and the use of the building, part of the building, structure or land thereafter shall be in conformity with the regulations of the zoning district wherein the site of the use lies.