



CITY OF SACRAMENTO



DEPARTMENT OF PLANNING AND DEVELOPMENT

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Sacramento, Ca. 95814

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Building Inspections
Room 200 449-5716
Planning
Room 200 449-5604

January 26, 1990

Transportation and Community Development Committee
Sacramento, California

Honorable Members in Session:

Subject: 1. Environmental Determination
2. Amendment of Section 12 of the Zoning Ordinance Relating to Non-Conforming Uses, Lots, Buildings and Structures (M89-022)

Location: City-wide

SUMMARY

The proposed Zoning Ordinance amendment clarifies the existing non-conforming use section of the Zoning Ordinance (Section 12) and amends the hearing process for a change in non-conforming use from a variance to a special permit process. The Planning Commission and staff recommend approval of the proposed Zoning Ordinance amendment.

BACKGROUND

Section 12 of the Zoning Ordinance pertains to non-conforming uses within the City of Sacramento. A non-conforming use is defined as:

Any use, whether of a building, other structure, lot or tract of land which does not conform to the use regulations of this Ordinance for the district in which such non-conforming use is located, either at the effective date of this Ordinance or as a result of subsequent amendments which may be incorporated into this Ordinance. (Section 22-A-35)

Presently the Zoning Ordinance indicates that the proper procedure to change from one non-conforming use of another is to request a variance from the City Planning Commission. The City Attorney's office informed Planning staff that a variance is not the proper Planning entitlement as granting a variance for a non-conforming use constitutes the granting of a use variance which is in violation of both the Zoning Ordinance and State law. The Attorney's office

recommended that this section be amended to change the hearing procedure from a variance to a special permit. Planning staff also saw this as an opportunity to revamp the entire non-conforming use section to clear up some ambiguities in the Ordinance and make the non-conforming use regulations easier to understand.

The proposed Zoning Ordinance amendment is attached for the Transportation and Community Development Committee's review (Exhibit A). Also attached, as Exhibit B, is the existing non-conforming use section of the Zoning Ordinance with proposed additions and deletions to the existing text. Outlined below are the major changes proposed to the non-conforming use regulations:

Existing Regulation

Definition of non-conforming use listed in definition section (Section 22).

Residential uses are exempt from non-conforming use provisions.

Non-conforming buildings may not be added to, enlarged or relocated unless the addition, enlargement, or relocation conforms to all the regulations of the zone in which the building is located or a variance is granted.

A non-conforming building and/or structure which is damaged or partially destroyed by fire, flood, wind, earthquake, other calamity or the public enemy to an extent less than 50 percent of its market value at the time of the calamity may be restored.

If a building wherein a non-conforming use is conducted is demolished or removed to an extent of more than 50 percent of the market value of the building any subsequent use of the land or building must meet Zoning Ordinance requirements.

Proposed Regulation

Addition of a definition for non-conforming lot, non-conforming building, non-conforming structure, non-conforming use and change of use found in Section 12.

Residential uses are no longer exempt from non-conforming use regulations. A Planning Director's Special Permit may be applied for to rehabilitate/restore residential structures with over 50 percent damage.

Variance requirement changed to a Planning Director's Special Permit.

Changed to the cost of repair or restoration is less than 50 percent of the replacement cost (instead of market value) of the building or structure.

Existing regulation allows a building where a non-conforming use is being conducted to undergo major restorations with no review. Under proposed regulations the Planning Director may issue a Planning Director's Special Permit authorizing the reconstruction/restoration of

A change from one non-conforming use of land, building or structure to another non-conforming use requires an approved variance from the Planning Commission.

If a variance to change from one non-conforming use to another non-conforming use is approved, the variance is good for one year from date of approval.

Any non-conforming use which becomes vacant and remains unoccupied for one year cannot thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located.

Parts B and C of the existing non-conforming use regulations deal with adult-related entertainment and establishments. These sections are not proposed for amendment but will be re-lettered C and D to be in proper order in the section.

The Environmental Coordinator has determined that the proposed project will not have a significant adverse effect on the environment and has filed a Negative Declaration.

non-conforming building or building devoted to a non-conforming use provided that the cost of restoration is less than 50 percent of replacement cost of the structure; and the restoration is started within one year of date of removal of building.

A change from one non-conforming use of land, building or structure to another requires an approved special permit from the Planning Commission instead of a variance. Specific findings are required to approve the special permit.

If a special permit to change from one non-conforming use to another is approved, the new non-conforming use must be established and in operation within six months of the date of approval unless a different date is specified by the Planning Commission.

This provision remains the same. In addition, a definition has been added which states that discontinuance of the use begins the date that the old use ceases until the date that an application for change of use is filed. Also, a limit has been placed on the number of applications for change in non-conforming use that can be filed (two times maximum). This allows the Commission sufficient opportunity to determine whether or not a non-conforming use should continue at a specific location.

VOTE OF THE PLANNING COMMISSION

On January 8, 1990, the Commission voted seven ayes, two absent, to recommend adoption of the Zoning Ordinance amendment.

FINANCIAL DATA

No impact.

POLICY CONSIDERATIONS

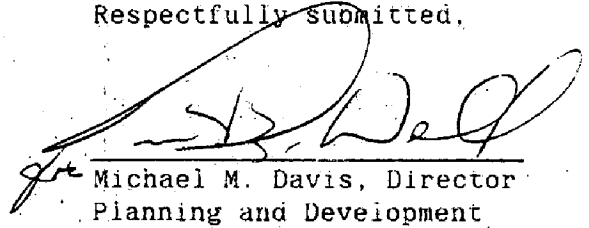
Discussed in the background section.

MBE/WBE CONSIDERATIONS

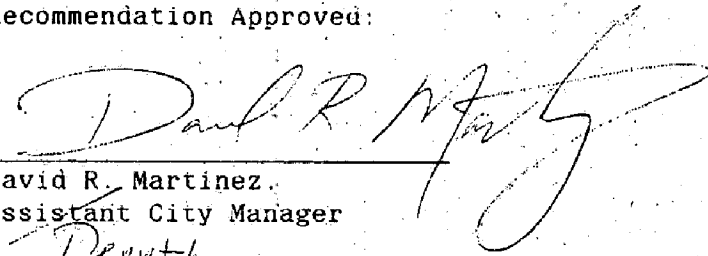
Not applicable.

RECOMMENDATION: The Planning Commission and staff recommend that the Transportation and Community Development Committee recommend approval of the proposed Zoning Ordinance Amendment and forward to City Council.

Respectfully submitted,


Michael M. Davis, Director
Planning and Development

Recommendation Approved:


David R. Martinez
Assistant City Manager
Deputy

Contact person to answer questions:

Joy Patterson,
Senior Planner
449-5604

Exhibit A

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**AN ORDINANCE AMENDING SECTION 12 OF THE ZONING
ORDINANCE RELATING TO NON-CONFORMING USES,
LOTS, BUILDINGS AND STRUCTURES**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Section 12 of the Zoning Ordinance is hereby amended to read as follows:

A. GENERAL

1. Intent: In the zones established by this ordinance or amendments that may later be adopted, there exist lots, buildings and structures, and uses of lots, buildings and structures, which were lawful before this ordinance was passed or amended but which would be prohibited, regulated or restricted under the terms of this ordinance or future amendment. The City Council declares that non-conforming buildings, structures and uses are generally incompatible with permitted uses and conforming buildings and structures in the zones involved, and that such non-conforming buildings, structures and uses shall not be enlarged, modified or otherwise changed, except as provided herein.
2. Definitions: In addition to the definitions set forth in Section 22, the following definitions shall apply for purposes of this section:

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- (a) Non-Conforming Lot: A lot which does not comply with lot area, lot dimension, lot coverage, lot improvement and maintenance requirements for parking, storage and display areas, or other non-use restrictions or requirements established by the Zoning Ordinance or any amendments thereto, but which complied with the non-use restrictions or regulations in existence at the time of the creation of the lot.
- (b) Non-Conforming Building: A building which does not comply with height, setback, coverage or other non-use restrictions or requirements established by this ordinance or any amendment thereto, but which complied with the non-use restrictions or regulations in existence at the time of the construction of the building.
- (c) Non-Conforming Structure: A structure which does not comply with height, setback, or other non-use restrictions or requirements established by this ordinance or any amendment thereto, but which complied with the non-use restrictions or regulations in existence at the time of the construction or erection of the structure.
- (d) Change of Use: For purposes of this section, a change of use is a change to another land use listed or included in the same or any other land use group.
- (e) Non-Conforming Use: Any use, whether of a building, structure, lot, or tract of land, which does not conform to the land use regulations of this ordinance for the zone in which such use is located, either on the effective date of this ordinance or as a result of subsequent amendments which may be made to this ordinance.

B. NON-CONFORMING BUILDINGS AND STRUCTURES
AND NON-CONFORMING USES

- 1. Maintenance Permitted: A non-conforming building or structure, or a building or structure devoted to a non-conforming use, may be maintained. Maintenance may include such repair work as necessary to keep the building or structure in sound condition, but maintenance shall not include the replacement of a building or structure.

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2. Additions, Enlargements and Relocations:

(a) Non-Conforming Buildings and Structures: Except as otherwise provided in this section, a non-conforming building or structure may not be added to, enlarged, or relocated, unless the addition, enlargement, or relocation conforms to all the regulations of the zone in which it is located.

(1) Exception: Notwithstanding any other provisions of this ordinance, the City Planning Director may issue a Planning Director's Special Permit authorizing an addition to, or an enlargement or relocation of, a non-conforming building or structure that does not comply with all of the non-use regulations of the zone in which it is located.

a) Application -- Notice -- Appeal: The application, notice and appeal requirements of Paragraphs 1 and 2 of subsection (H) of Section 15 of this ordinance shall apply to Planning Director's Special Permits sought pursuant to this subsection.

b) Decision, Findings: An application for a Planning Director's Special Permit authorizing an addition to, or enlargement or relocation of, a non-conforming building or structure may be approved if the Planning Director finds that issuance of the special permit will not be detrimental to the public health, safety or welfare and will not result in the creation of a nuisance.

(b) Non-Conforming Uses: Except as provided in subparagraph 11 below, no non-conforming use may be enlarged within the building it occupies, nor shall it be enlarged within the building it occupies, nor shall it be enlarged or increased to occupy a greater area of land than that occupied by such use at the time this ordinance was adopted, nor shall any non-conforming use be moved in whole or in part to any other portion of the lot or parcel of land occupied by such non-conforming use.

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3. Restoration -- Partially Damaged Buildings or Structures:
A non-conforming building or structure, or any building or structure devoted to a non-conforming use, which is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity or by the public enemy may be restored and the occupation or use of that building, structure, or part thereof, which lawfully existed at the time its partial destruction, may be continued, provided that (i) the cost of repair or restoration is less than fifty percent (50%) of the replacement cost of the building or structure; and (ii) the restoration is started within a period of one year following the date of the damage or destruction and is diligently prosecuted to completion. Any restoration, repair or reconstruction of any building or structure under the provisions of this subsection shall be in accordance with the regulations of the Sacramento Building Code existing at the time of reconstruction. If the cost of repair or reconstruction is fifty percent (50%) or more of the reconstruction cost of the building or structure, no repairs or reconstruction shall be made unless every portion of the building or structure and its use are made to conform to all regulations of this ordinance for the zone in which it is located.

(a) Definition: For purposes of this subsection, replacement cost shall mean the cost at the time of the application to replace the building or structure as it existed immediately prior to the damage or partial destruction with a building or structure of like kind and quality.

(b) Procedure: The determination(s) as to the cost of repair or reconstruction and the replacement cost shall be made by the Planning Director or authorized representative of the Planning Director. Any person dissatisfied with the determination of the Planning Director or the authorized representative of the Planning Director may appeal that decision to the City Planning Commission within the time period and pursuant to the procedures set forth in Section 18(K) of this ordinance. Any person aggrieved by the determination of the City Planning Commission on an appeal of the Planning Director's decision may appeal that decision to the City Council within the time period and pursuant to the procedures specified

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in Section 18(K). The City Council may, in its discretion, refer the matter to a hearing officer for resolution pursuant to the provisions of Article XIX of Chapter 2 of the City Code.

(c) Exception--Residential Uses: Notwithstanding any other provisions of this ordinance, the Planning Director may issue a Planning Director's Special Permit authorizing the reconstruction or restoration of a non-conforming building or structure lawfully devoted to a residential use, even though the cost of restoration or reconstruction is fifty percent (50%) or more of the reconstruction cost for the building or structure. In granting a Planning Director's Special Permit, the Planning Director may impose such conditions as may be necessary to carry out the intent and purpose of this ordinance or to protect the public health, safety or welfare.

(1) Application -- Notice -- Appeal: The application, notice and appeal requirements of Paragraphs 1 and 2 of subsection (H) of Section 15 of this ordinance shall apply to Planning Director's Special Permits sought pursuant to this subsection.

(2) Decision, Findings: An application for a Planning Director's Special Permit authorizing the reconstruction or restoration of a building or structure devoted to residential use may be approved if the Planning Director finds that issuance of the special permit will not be detrimental to the public health, safety or welfare and will not result in the creation of a nuisance.

(3) Time for Application: An application for a special permit pursuant to this subsection shall be filed not later than six months following the date of the damage or destruction.

(4) Time for Restoration: Restoration shall be completed not later than one year following issuance of the special permit.

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a) Extension of Time: The Planning Director or authorized representative of the Planning Director may approve a single, one year extension of the period for restoration or reconstruction specified above if substantial and diligent progress towards completion has been made or, if not, the delay in, or inability to complete, the restoration is attributable to factors not reasonably within the applicant's control including, but not limited to, the weather and the unavailability of necessary building materials.

1) Appeal: Any person dissatisfied with the decision of the Planning Director or authorized representative thereof concerning the extension of time may appeal pursuant to the procedure set forth in Section 18K of this Ordinance.

4. Restoration or Replacement of Demolished Buildings and Structures: Except as provided in Subparagraph 3 above, or as provided in the exceptions set forth below, a non-conforming building or structure, or any portion thereof, or a building or structure lawfully used for a non-conforming use, which is removed or otherwise destroyed or demolished, shall not be restored or replaced unless every portion of the building or structure and its use are made to conform to all regulations of this ordinance for the zone in which the building or structure is located.

(a) Exception--Partial Removal or Destruction: Notwithstanding any other provisions of this ordinance, the Planning Director may issue a Planning Director's Special Permit authorizing the reconstruction or restoration of a non-conforming building or structure, or a building or structure lawfully devoted to a non-conforming use, provided that (i) the cost of restoration or reconstruction is less than fifty percent (50%) of the replacement cost of the building or structure; and (ii) the restoration or replacement is started within a period of one year following the date of the removal, destruction or demolition and is diligently prosecuted to completion. Any reconstruction or restoration shall be in accordance with the regulations of the Sacramento

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Building Code existing at the time of the restoration or reconstruction. If the cost of the restoration or reconstruction is fifty percent (50%) or more of the reconstruction cost of the building or structure, no restoration or reconstruction shall be made unless every portion of the building or structure and its use are made to conform to all regulations of this ordinance for the zone in which it is located.

- (1) Application -- Notice -- Appeal: The application, notice and appeal requirements of paragraphs 1 and 2 of subsection (H) of Section 15 of this ordinance shall apply to Planning Director's Special Permits sought pursuant to this subsection.
- (2) Decision, Findings: An application for a Planning Director's Special Permit authorizing the reconstruction or restoration of a non-conforming building or structure, or a portion thereof, or of a building or structure, or portion thereof, used lawfully for a non-conforming use, may be approved if the Planning Director finds that issuance of the Planning Director's Special Permit will not be detrimental to the public health, safety or welfare and will not result in the creation of a nuisance.
- (c) Exception--Residential Uses: Notwithstanding any other provisions of this ordinance, the Planning Director may issue a Planning Director's Special Permit authorizing the reconstruction or restoration of a non-conforming building or structure lawfully devoted to a residential use at the time of its damage or partial destruction, even though the damage or destruction is such that the cost of repair or reconstruction is fifty percent (50%) or more of the reconstruction cost for the building or structure. In granting a Planning Director's Special Permit, the Planning Director may impose such conditions as may be necessary to carry out the intent and purpose of this ordinance or to protect the public health, safety or welfare.

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- (1) Application -- Notice -- Appeal: The application, notice and appeal requirements of Paragraphs 1 and 2 of subsection (H) of Section 15 of this ordinance shall apply to Planning Director's Special Permits sought pursuant to this subsection.
- (2) Decision, Findings: An application for a Planning Director's Special Permit authorizing the reconstruction or repair of a non-conforming building or structure devoted to residential use may be approved if the Planning Director finds that issuance of the special permit will not be detrimental to the public health, safety or welfare and will not result in the creation of a nuisance.
- (3) Time for Application: An application for a special permit pursuant to this subsection shall be filed not later than six months following the date of the calamity causing the damage or destruction.
- (4) Time for Restoration: Restoration or reconstruction shall be completed not later than one year following issuance of the special permit.
 - a) Extension of Time: The Planning Director or authorized representative of the Planning Director may approve a single, one year extension of the period for restoration or reconstruction specified above if substantial and diligent progress towards completion has been made or, if not, the delay in, or inability to complete, the restoration or reconstruction is attributable to factors not reasonably within the applicant's control including, but not limited to, the weather and the unavailability of necessary building materials.

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the decision of the Planning Director or authorized representative thereof concerning the extension of time may appeal pursuant to the procedure set forth in Section 18K of this Ordinance.

5. Completion of Buildings or Structures: Any building or structure for which a building permit has been granted prior to the adoption of this ordinance or any amendment thereto, and the construction of which is substantially under construction prior to the effective date of said ordinance or amendment, may be completed in accordance with plans on file in the office of the City Building Division; provided, however, that construction of the building or structure must be completed within a reasonable period of time.
6. Lawful Use May be Continued: Any lawful use of a lot, building or structure existing or substantially under construction, as provided in subsection B(4) above, at the time this ordinance was adopted or amended may be continued although such use does not conform with the current use regulations of the zone in which it is located.
7. Change of Zones: The provisions of this section shall also apply to any use in any zone which becomes non-conforming as a result of a change in zoning or the zoning of areas not previously covered by the zoning map.
8. Change to a Conforming Use: A non-conforming use of a building or structure, whether conforming or non-conforming, may be changed to a conforming use provided that if the building or structure is altered, enlarged or expanded to accommodate the conforming use, the alteration, expansion or enlargement shall comply with the applicable non-use regulations or restrictions for the zone in which the building or structure is located.
9. Change to Another Non-Conforming Use; General Rule: Except as provided in subparagraph 11 below, no non-conforming use of a lot, building or structure may be changed to any other non-conforming use.

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10. Discontinuance of Non-Conforming Uses: Any non-conforming use of a lot, building, or structure which becomes vacant and remains unoccupied for a continuous period of one year shall not be thereafter occupied except by a use which conforms to the use regulations of the zone in which it is located.

(a) Definition: For purposes of this section, a lot, building, or structure for which a request for a change of use is filed pursuant to subparagraph 11 shall be considered to have been discontinued from the date that the old use ceases until the date that the application for change of use is filed.

(b) Number of Applications: Two applications for a change from one non-conforming use to another non-conforming use may be made pursuant to subparagraph 11. If the first application is denied and less than thirty (30) days remain of the one-year period, or if the one-year period has expired, a second application may be filed not later than thirty (30) days from the date of denial of the first application. For purposes of this subsection, the date of denial shall be the date the decision becomes final.

11. Change to Another Non-Conforming Use; Exception: Notwithstanding any provisions of this ordinance or the provisions of the General Plan or the community plans, the City Planning Commission, after holding a hearing, may issue a special permit authorizing (i) a similar or more restrictive non-conforming use of a conforming or non-conforming lot, building or structure, or (ii) an expansion or enlargement of an existing non-conforming use on or within the building, structure or lot it occupies, provided the requirements of subsection (a) below are satisfied. A change of non-conforming use may be sought for both conforming and non-conforming lots, buildings and structures.

(a) Standard: An application for a special permit authorizing a change from one non-conforming use to another non-conforming use may be approved if and only if the Planning Commission makes each of the following findings:

(1) The proposed new non-conforming use is similar to, or less intensive than, the existing non-conforming use.

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- a) For purposes of this subsection, the sequence of zones, the first being the least intensive and the last being the most intensive, is as follows: A:RE; R-1; R-1A; R-1B; R-2; R-2A; R-2B; R-3A; R-3; R-4A; R-4; R-5; R-0; O-B; H; C-2; S-C; H-C; C-2; C-3; C-4; M-1; M-2.
- b) Uses in the same zoning classification permitted as a matter of right or pursuant to a special permit or other discretionary entitlement are considered to be similar in intensity.
- (2) The benefit to the public health, safety or welfare that will result from the change of non-conforming use exceeds any detriment which may result from such change.
- (b) Application -- Notice -- Hearing: The application, notice and hearing requirements of subsection (C) of Section 15 of this ordinance shall apply to special permits sought pursuant to this subsection.
- (c) Subject to Conditions: The application for change of non-conforming use, if approved, may be subject to such conditions as are necessary to accomplish the purposes of this ordinance or to protect the public health, safety or welfare.
- (d) Establishment. Notwithstanding any other provision of the Zoning Ordinance, a new non-conforming use or an expansion or enlargement of an existing non-conforming use must be established and in actual, lawful operation within six (6) months of the date of approval unless a different date is specified by the Planning Commission or City Council in its decision granting the special permit for a change of non-conforming use. If the new non-conforming use is not established and in operation within the six months, the special permit shall expire.
- (e) Discontinuance: Any change from a non-conforming use to a less intensive use shall constitute a discontinuance of the original non-conforming use and shall result in the termination, for that use, of any rights associated with that use.

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DATE ADOPTED: _____

C. ADULT BOOKSTORES, ADULT CABARETS, ADULT MOTION PICTURE THEATERS, ADULT ARCADES AND ADULT HOTELS-MOTELS: The following regulations shall apply to non-conforming adult bookstores, adult cabarets, adult motion picture theaters, adult arcades and adult hotel-motels, in addition to the requirements of Subsections A and B of this Section:

1. Non-Conforming Uses Defined: All Adult Bookstores, Adult Cabarets, Adult Motion Picture Theaters, Adult Arcades and Adult Hotels-Motels legally established or in legal existence prior to the effective date of Ordinance No. 4114, Fourth Series, shall be deemed non-conforming and may continue to operate subject to the provisions of this Section.
2. No legally established Adult Bookstores, Adult Cabarets, Adult Motion Picture Theaters, Adult Arcades and Adult Hotels-Motels shall be deemed non-conforming solely by virtue of the subsequent creation or expansion of any use or zone designated in Section 2-E-22(a)(1) or 2-E-22(a)(2).

D. ADULT-RELATED ESTABLISHMENTS: The following regulations shall apply to non-conforming adult-related establishments in addition to the requirements of Subsections A and B of this Section. The provisions of this Subsection shall prevail in the event of conflict with the provisions of Subsections A and B:

1. Non-Conforming Uses Defined: All adult-related establishments legally established or legally in existence prior to the effective date of this Section D and which do not comply with the provisions of Section 2-E-24(a)(1), 2-E-24(a)(2) and 2-E-24(a)(3) shall be deemed non-conforming and may continue to operate, provided, however, that any adult-related establishment legally established or legally in existence will further be subject to the provisions of this Section D. No adult-related establishment shall be deemed to be legally established or legally in existence prior to the effective date of this Section unless:

- (a) In the case of any massage parlor, a valid Permit therefore pursuant to Article IV of Chapter 28 of the Sacramento City Code was in effect on the effective date of this Ordinance.

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DATE ADOPTED: _____

(b) In the case of any adult-related establishment other than a massage parlor, a permit therefore has been applied for pursuant to City Code Section 28.42 on or before November 7, 1983, and such Permit is subsequently issued.

2. No adult-related establishment legally established or legally in existence shall be deemed non-conforming solely by virtue of the subsequent creation or expansion of any use or zone designated in Sections 2-E-22(a)(1), 2-E-22(a)(2), 2-E-24(a) or 2-E-24(b).

3. Discontinuance of Non-Conforming Activities: Within three years from the effective date of this Section, all adult-related establishments which do not conform to the provisions of Sections 2-E-24(a)(1), 2-E-24(a)(2) and 2-E-24(a)(3) shall be discontinued or brought into full conformity with this Ordinance.

A Special Permit shall be issued to permit the activity to be continued for a period of time exceeding three years, but in no event exceeding five years, if the Commission finds that the activity involves investment of money in leasehold or other improvements such that the longer period is the minimum necessary to prevent undue financial hardship by permitting amortization of such funds invested.

4. In determining the extent of investment involved in the activity, the Commission shall only consider leases and improvements directly related to the particular adult entertainment establishment and acquired or entered into prior to the effective date of Ordinance No. 83-034.

5. The Planning Commission in granting a Special Permit may impose reasonable conditions as may be necessary to carry out the intent and purpose of this Ordinance.

6. No existing lease for such a non-conforming use shall be renewed or extended, unless such lease is renewed or extended pursuant to an option agreement entered into prior to the effective date of Ordinance 83-034. Any new owner or operator of a leased adult-related establishment shall prove that he has received either an assignment or sublease from the previous tenant.

7. Any non-conforming use which has been unoccupied or out of business for 60 days or more shall be deemed abandoned and shall not be reestablished except by the granting of Special Permit in accordance with Section 2-E-24.
8. In the event two or more lawfully established adult-related establishments are rendered non-conforming solely because of their location within 1,000 feet of one another, the adult-related establishment or establishments last established shall be the establishment required to discontinue operations or bring such operations into conformity with this Ordinance.

SECTION 2. It is the purpose of this ordinance to amend certain of the regulations concerning non-conforming buildings and structures and non-conforming uses set forth in current Section 12A of the Zoning Ordinance. It is not the purpose of this ordinance to amend, alter or modify the existing regulations set forth in current Subsections B and C of Section 12 of the Zoning Ordinance concerning or relating to adult bookstores, adult cabarets, adult motion picture theaters, adult arcades, adult hotels-motels, and adult-related establishments; rather, the purpose is only to recodify those subsections as Subsections C and D. As to offenses committed, as well as all rights or liabilities incurred prior to the effective date of this ordinance, the current provisions of the Zoning Ordinance and any regulations, orders, and requirements thereunder shall be treated as still remaining in force for the purpose of maintaining any proper suit, action, or prosecution with respect to such right, liability or offense, unless expressly provided otherwise.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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ORDINANCE NO.: _____

DATE ADOPTED: _____

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTION 12 OF THE ZONING ORDINANCE RELATING TO NON-CONFORMING USES, LOTS, BUILDINGS AND STRUCTURES

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Section 12 of the Zoning Ordinance is hereby amended to read as follows:

A. GENERAL

1. Intent: In the zones established by this ordinance or amendments that may later be adopted, there exist lots, buildings and structures, and uses of lots, buildings and structures, which were lawful before this ordinance was passed or amended but which would be prohibited, regulated or restricted under the terms of this ordinance or future amendment. The City Council declares that non-conforming buildings, structures and uses are generally incompatible with permitted uses and conforming buildings and structures in the zones involved, and that such non-conforming buildings, structures and uses shall not be enlarged, modified or otherwise changed, except as provided herein.

2. Definitions: In addition to the definitions set forth in Section 22, the following definitions shall apply for purposes of this section:

(a) Non-Conforming Lot: A lot which does not comply with lot area, lot dimension, lot coverage, lot improvement and maintenance requirements for parking, storage and display areas, or other non-use restrictions or requirements established by the Zoning Ordinance or any amendments thereto, but

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which complied with the non-use restrictions or regulations in existence at the time of the creation of the lot.

- (b) Non-Conforming Building: A building which does not comply with height, setback, coverage or other non-use restrictions or requirements established by this ordinance or any amendment thereto, but which complied with the non-use restrictions or regulations in existence at the time of the construction of the building.
- (c) Non-Conforming Structure: A structure which does not comply with height, setback, or other non-use restrictions or requirements established by this ordinance or any amendment thereto, but which complied with the non-use restrictions or regulations in existence at the time of the construction or erection of the structure.
- (d) Change of Use: For purposes of this section, a change of use is a change to another land use listed or included in the same or any other land use group.
- (e) Non-Conforming Use: Any use, whether of a building, structure, lot, or tract of land, which does not conform to the land use regulations of this ordinance for the zone in which such use is located, either on the effective date of this ordinance or as a result of subsequent amendments which may be made to this ordinance.

~~A. REGULATIONS ADOPTED: The following regulations pertaining to non-conforming uses are hereby adopted:~~

- ~~1. Lawful Use May be Continued: Any lawful use of land and/or building or structure existing or under construction at the time this Ordinance was adopted, may be continued although such use does not conform with the provisions of the zone in which it is located.~~
- ~~2. Not Non-Conforming Due to Area Regulations: A building shall not be termed a non-conforming structure due to lack of compliance with required yard, court, lot area per dwelling unit, lot area, or lot coverage requirements.~~

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- ~~3. Residential Use Exempt - Conditions. The provisions of this Section relative to additions and enlargements, restoration of damaged buildings, and abandonment shall not apply to any residential use, provided however, this clause shall not be so interpreted to permit an increase in the number of dwelling units within any such residential building.~~
- ~~4. Maintenance Permitted: A non-conforming building or structure shall be maintained, said maintenance to consist of repair work necessary to keep a building or structure in sound condition.~~
- ~~5. Additions and Enlargements: No non-conforming use may be enlarged within the building it occupies, nor shall it be enlarged or increased to occupy a greater area of land than that occupied by such use at the time this Ordinance was adopted, nor shall any non-conforming use be moved in whole or in part to any other portion of the lot or parcel of land occupied by such non-conforming use.~~
- ~~6. Restoration - Damaged Buildings: A non-conforming building and/or structure which is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity or by the public enemy to an extent less than 50 percent of its market value at the time of such calamity, may be restored and the occupancy or use of such building structure or part thereof which lawfully existed at the time of such partial destruction may be continued, provided such restoration is started within a period one year and is diligently prosecuted to completion. In the event such damage or destruction exceeds 50 percent of the market value of such building at the time of such calamity, no repairs or reconstruction shall be made unless every portion of such building and its use is made to conform to all regulations of this Ordinance for the zone in which it is located, provided further, that any restoration, repair or reconstruction of any building or structure under the provisions of this Section shall be in accordance with the requirements of the Sacramento Building Code.~~
- ~~7. Abandonment: Any non-conforming use of land and/or building or structure which becomes vacant and remains unoccupied for a continuous period of one year shall not be thereafter occupied except by a use which conforms to the use regulations of the zone in which it is located.~~

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- ~~8. Change to Another Non-Conforming Use: No non-conforming use of land or building or structure may be changed to any other non-conforming use.~~
- ~~9. Completion of Buildings: Any building and structure for which a Building Permit has been granted prior to the adoption of this Ordinance and the construction of which has been started prior to the effective date of said Ordinance may be completed in accordance with plans on file in the office of the Building Inspector, and such building or structure shall be deemed to be a non-conforming building or structure within the meaning of this article, provided, however, that construction of such building or structure must be completed within a reasonable period of time.~~
- ~~10. Change of Zones: The foregoing provisions of this section shall also apply to any non-conforming use in any zone hereafter changed to a more restrictive use or to zones hereafter established for areas not previously covered by the zoning maps.~~
- ~~11. Restoration - Demolished Buildings: If any building wherein a nonconforming use is conducted or maintained is hereafter demolished or removed, or partially demolished or removed, to the extent of more than 50 percent of the market value of the structure at the time of such partial demolition or partial removal, any subsequent use of the land or any building subsequently erected thereon shall be in accordance with the requirements of all regulations of this Ordinance for the zone in which it is located.~~
- ~~12. Changes to Non-Conforming Use - Where Net Benefits Result: Notwithstanding any other provisions of this Ordinance, the City Planning Commission, after holding a hearing, may authorize a similar or less restrictive use of a non-conforming building, structure or land or authorize an addition, enlargement or relocation on the premises upon which it exists of a non-conforming use, building or structure upon a determination that the benefit to the public health, safety or welfare exceeds any detriment inherent in such change.~~
- ~~13. Hearing - Procedure: The procedural and substantive requirements for any hearing to consider changes to a non-conforming use as provided in subparagraph 12 of this Section shall be the same as those for a variance in Section 14 of this Ordinance. Both the test in subpara-~~

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~~graph 13 of this Section and the tests in Section 14-A of this Ordinance must be satisfied before an application for a change to a non-conforming use may be granted.~~

B. NON-CONFORMING BUILDINGS AND STRUCTURES AND NON-CONFORMING USES

1. Maintenance Permitted: A non-conforming building or structure, or a building or structure devoted to a non-conforming use, may be maintained. Maintenance may include such repair work as necessary to keep the building or structure in sound condition, but maintenance shall not include the replacement of a building or structure.

2. Additions, Enlargements and Relocations:

(a) Non-Conforming Buildings and Structures: Except as otherwise provided in this section, a non-conforming building or structure may not be added to, enlarged, or relocated, unless the addition, enlargement, or relocation conforms to all the regulations of the zone in which it is located.

(1) Exception: Notwithstanding any other provisions of this ordinance, the City Planning Director may issue a Planning Director's Special Permit authorizing an addition to, or an enlargement or relocation of, a non-conforming building or structure that does not comply with all of the non-use regulations of the zone in which it is located.

a) Application -- Notice -- Appeal: The application, notice and appeal requirements of Paragraphs 1 and 2 of subsection (H) of Section 15 of this ordinance shall apply to Planning Director's Special Permits sought pursuant to this subsection.

b) Decision, Finding: An application for a Planning Director's Special Permit authorizing an addition to, or enlargement or relocation of, a non-conforming building or structure may be approved if the Planning Director finds that issuance of the special permit will not be detrimental to the public health, safety or welfare

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and will not result in the creation of a nuisance.

(b) Non-Conforming Uses: Except as provided in subparagraph 11 below, no non-conforming use may be enlarged within the building it occupies, nor shall it be enlarged within the building it occupies, nor shall it be enlarged or increased to occupy a greater area of land than that occupied by such use at the time this ordinance was adopted, nor shall any non-conforming use be moved in whole or in part to any other portion of the lot or parcel of land occupied by such non-conforming use.

3. Restoration -- Partially Damaged Buildings or Structures: A non-conforming building or structure, or any building or structure devoted to a non-conforming use, which is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity or by the public enemy may be restored and the occupation or use of that building, structure, or part thereof, which lawfully existed at the time its partial destruction, may be continued, provided that (i) the cost of repair or restoration is less than fifty percent (50%) of the replacement cost of the building or structure; and (ii) the restoration is started within a period of one year following the date of the damage or destruction and is diligently prosecuted to completion. Any restoration, repair or reconstruction of any building or structure under the provisions of this subsection shall be in accordance with the regulations of the Sacramento Building Code existing at the time of reconstruction. If the cost of repair or reconstruction is fifty percent (50%) or more of the reconstruction cost of the building or structure, no repairs or reconstruction shall be made unless every portion of the building or structure and its use are made to conform to all regulations of this ordinance for the zone in which it is located.

(a) Definition: For purposes of this subsection, replacement cost shall mean the cost at the time of the application to replace the building or structure as it existed immediately prior to the damage or partial destruction with a building or structure of like kind and quality.

(b) Procedure: The determination(s) as to the cost of repair or reconstruction and the replacement cost shall be made by the Planning Director or authorized

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representative of the Planning Director. Any person dissatisfied with the determination of the Planning Director or the authorized representative of the Planning Director may appeal that decision to the City Planning Commission within the time period and pursuant to the procedures set forth in Section 18(K) of this ordinance. Any person aggrieved by the determination of the City Planning Commission on an appeal of the Planning Director's decision may appeal that decision to the City Council within the time period and pursuant to the procedures specified in Section 18(K). The City Council may, in its discretion, refer the matter to a hearing officer for resolution pursuant to the provisions of Article XIX of Chapter 2 of the City Code.

(c) Exception--Residential Uses: Notwithstanding any other provisions of this ordinance, the Planning Director may issue a Planning Director's Special Permit authorizing the reconstruction or restoration of a non-conforming building or structure lawfully devoted to a residential use, even though the cost of restoration or reconstruction is fifty percent (50%) or more of the reconstruction cost for the building or structure. In granting a Planning Director's Special Permit, the Planning Director may impose such conditions as may be necessary to carry out the intent and purpose of this ordinance or to protect the public health, safety or welfare.

(1) Application -- Notice -- Appeal: The application, notice and appeal requirements of Paragraphs 1 and 2 of subsection (H) of Section 15 of this ordinance shall apply to Planning Director's Special Permits sought pursuant to this subsection.

(2) Decision, Findings: An application for a Planning Director's Special Permit authorizing the reconstruction or restoration of a building or structure devoted to residential use may be approved if the Planning Director finds that issuance of the special permit will not be detrimental to the public health, safety or welfare and will not result in the creation of a nuisance.

(3) Time for Application: An application for a special permit pursuant to this subsection

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shall be filed not later than six months following the date of the damage or destruction.

(4) Time for Restoration: Restoration shall be completed not later than one year following issuance of the special permit.

a) Extension of Time: The Planning Director or authorized representative of the Planning Director may approve a single, one year extension of the period for restoration or reconstruction specified above if substantial and diligent progress towards completion has been made or, if not, the delay in, or inability to complete, the restoration is attributable to factors not reasonably within the applicant's control including, but not limited to, the weather and the unavailability of necessary building materials.

1) Appeal: Any person dissatisfied with the decision of the Planning Director or authorized representative thereof concerning the extension of time may appeal pursuant to the procedure set forth in Section 18K of this Ordinance.

4. Restoration or Replacement of Demolished Buildings and Structures: Except as provided in Subparagraph 3 above, or as provided in the exceptions set forth below, a non-conforming building or structure, or any portion thereof, or a building or structure lawfully used for a non-conforming use, which is removed or otherwise destroyed or demolished, shall not be restored or replaced unless every portion of the building or structure and its use are made to conform to all regulations of this ordinance for the zone in which the building or structure is located.

(a) Exception--Partial Removal or Destruction: Notwithstanding any other provisions of this ordinance, the Planning Director may issue a Planning Director's Special Permit authorizing the reconstruction or restoration of a non-conforming building or structure, or a building or structure lawfully devoted to a non-conforming use, provided that (i) the cost

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of restoration or reconstruction is less than fifty percent (50%) of the replacement cost of the building or structure; and (ii) the restoration or replacement is started within a period of one year following the date of the removal, destruction or demolition and is diligently prosecuted to completion. Any reconstruction or restoration shall be in accordance with the regulations of the Sacramento Building Code existing at the time of the restoration or reconstruction. If the cost of the restoration or reconstruction is fifty percent (50%) or more of the reconstruction cost of the building or structure, no restoration or reconstruction shall be made unless every portion of the building or structure and its use are made to conform to all regulations of this ordinance for the zone in which it is located.

(1) Application -- Notice -- Appeal: The application, notice and appeal requirements of paragraphs 1 and 2 of subsection (H) of Section 15 of this ordinance shall apply to Planning Director's Special Permits sought pursuant to this subsection.

(2) Decision, Findings: An application for a Planning Director's Special Permit authorizing the reconstruction or restoration of a non-conforming building or structure, or a portion thereof, or of a building or structure, or portion thereof, used lawfully for a non-conforming use, may be approved if the Planning Director finds that issuance of the Planning Director's Special Permit will not be detrimental to the public health, safety or welfare and will not result in the creation of a nuisance.

(c) Exception--Residential Uses: Notwithstanding any other provisions of this ordinance, the Planning Director may issue a Planning Director's Special Permit authorizing the reconstruction or restoration of a non-conforming building or structure lawfully devoted to a residential use at the time of its damage or partial destruction, even though the damage or destruction is such that the cost of repair or reconstruction is fifty percent (50%) or more of the reconstruction cost for the building or structure. In granting a Planning Director's

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Special Permit, the Planning Director may impose such conditions as may be necessary to carry out the intent and purpose of this ordinance or to protect the public health, safety or welfare.

(1) Application -- Notice -- Appeal: The application, notice and appeal requirements of Paragraphs 1 and 2 of subsection (H) of Section 15 of this ordinance shall apply to Planning Director's Special Permits sought pursuant to this subsection.

(2) Decision, Findings: An application for a Planning Director's Special Permit authorizing the reconstruction or repair of a non-conforming building or structure devoted to residential use may be approved if the Planning Director finds that issuance of the special permit will not be detrimental to the public health, safety or welfare and will not result in the creation of a nuisance.

(3) Time for Application: An application for a special permit pursuant to this subsection shall be filed not later than six months following the date of the calamity causing the damage or destruction.

(4) Time for Restoration: Restoration or reconstruction shall be completed not later than one year following issuance of the special permit.

a) Extension of Time: The Planning Director or authorized representative of the Planning Director may approve a single, one year extension of the period for restoration or reconstruction specified above if substantial and diligent progress towards completion has been made or, if not, the delay in, or inability to complete, the restoration or reconstruction is attributable to factors not reasonably within the applicant's control including, but not limited to, the weather and the unavailability of necessary building materials.

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- 1) Appeal: Any person dissatisfied with the decision of the Planning Director or authorized representative thereof concerning the extension of time may appeal pursuant to the procedure set forth in Section 18K of this Ordinance.

5. Completion of Buildings or Structures: Any building or structure for which a building permit has been granted prior to the adoption of this ordinance or any amendment thereto, and the construction of which is substantially under construction prior to the effective date of said ordinance or amendment, may be completed in accordance with plans on file in the office of the City Building Division; provided, however, that construction of the building or structure must be completed within a reasonable period of time.

6. Lawful Use May be Continued: Any lawful use of a lot, building or structure existing or substantially under construction, as provided in subsection B(4) above, at the time this ordinance was adopted or amended may be continued although such use does not conform with the current use regulations of the zone in which it is located.

7. Change of Zones: The provisions of this section shall also apply to any use in any zone which becomes non-conforming as a result of a change in zoning or the zoning of areas not previously covered by the zoning map.

8. Change to a Conforming Use: A non-conforming use of a building or structure, whether conforming or non-conforming, may be changed to a conforming use provided that if the building or structure is altered, enlarged or expanded to accommodate the conforming use, the alteration, expansion or enlargement shall comply with the applicable non-use regulations or restrictions for the zone in which the building or structure is located.

9. Change to Another Non-Conforming Use; General Rule: Except as provided in subparagraph 11 below, no non-conforming use of a lot, building or structure may be changed to any other non-conforming use.

10. Discontinuance of Non-Conforming Uses: Any non-conforming use of a lot, building, or structure which becomes vacant and remains unoccupied for a continuous

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period of one year shall not be thereafter occupied except by a use which conforms to the use regulations of the zone in which it is located.

(a) Definition: For purposes of this section, a lot, building, or structure for which a request for a change of use is filed pursuant to subparagraph 11 shall be considered to have been discontinued from the date that the old use ceases until the date that the application for change of use is filed.

(b) Number of Applications: Two applications for a change from one non-conforming use to another non-conforming use may be made pursuant to subparagraph 11. If the first application is denied and less than thirty (30) days remain of the one-year period, or if the one-year period has expired, a second application may be filed not later than thirty (30) days from the date of denial of the first application. For purposes of this subsection, the date of denial shall be the date the decision becomes final.

11. Change to Another Non-Conforming Use; Exception: Notwithstanding any provisions of this ordinance or the provisions of the General Plan or the community plans, the City Planning Commission, after holding a hearing, may issue a special permit authorizing (i) a similar or more restrictive non-conforming use of a conforming or non-conforming lot, building or structure, or (ii) an expansion or enlargement of an existing non-conforming use on or within the building, structure or lot it occupies, provided the requirements of subsection (a) below are satisfied. A change of non-conforming use may be sought for both conforming and non-conforming lots, buildings and structures.

(a) Standard: An application for a special permit authorizing a change from one non-conforming use to another non-conforming use may be approved if and only if the Planning Commission makes each of the following findings:

(1) The proposed new non-conforming use is similar to, or less intensive than, the existing non-conforming use.

a) For purposes of this subsection, the sequence of zones, the first being the least intensive and the last being the

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most intensive, is as follows: A:RE; R-1; R-1A; R-1B; R-2; R-2A; R-2B; R-3A; R-3; R-4A; R-4; R-5; R-0; 0-B; H; C-2; S-C; H-C; C-2; C-3; C-4; M-1; M-2.

b). Uses in the same zoning classification permitted as a matter of right or pursuant to a special permit or other discretionary entitlement are considered to be similar in intensity.

(2) The benefit to the public health, safety or welfare that will result from the change of non-conforming use exceeds any detriment which may result from such change.

(b) Application -- Notice -- Hearing: The application, notice and hearing requirements of subsection (C) of Section 15 of this ordinance shall apply to special permits sought pursuant to this subsection.

(c) Subject to Conditions: The application for change of non-conforming use, if approved, may be subject to such conditions as are necessary to accomplish the purposes of this ordinance or to protect the public health, safety or welfare.

(d) Establishment. Notwithstanding any other provision of the Zoning Ordinance, a new non-conforming use or an expansion or enlargement of an existing non-conforming use must be established and in actual, lawful operation within six (6) months of the date of approval unless a different date is specified by the Planning Commission or City Council in its decision granting the special permit for a change of non-conforming use. If the new non-conforming use is not established and in operation within the six months, the special permit shall expire.

(e) Discontinuance: Any change from a non-conforming use to a less intensive use shall constitute a discontinuance of the original non-conforming use and shall result in the termination, for that use, of any rights associated with that use.

B. — C. ADULT BOOKSTORES, ADULT CABARETS, ADULT MOTION PICTURE THEATERS, ADULT ARCADES AND ADULT HOTELS-MOTELS: The following regulations shall apply to non-conforming adult

bookstores, adult cabarets, adult motion picture theaters, adult arcades and adult hotel-motels, in addition to the requirements of Subsections A and B of this Section:

1. Non-Conforming Uses Defined: All Adult Bookstores, Adult Cabarets, Adult Motion Picture Theaters, Adult Arcades and Adult Hotels-Motels legally established or in legal existence prior to the effective date of Ordinance No. 4114, Fourth Series, shall be deemed non-conforming and may continue to operate subject to the provisions of this Section.
2. No legally established Adult Bookstores, Adult Cabarets, Adult Motion Picture Theaters, Adult Arcades and Adult Hotels-Motels shall be deemed non-conforming solely by virtue of the subsequent creation or expansion of any use or zone designated in Section 2-E-22(a)(1) or 2-E-22(a)(2).

~~C.~~ D. ADULT-RELATED ESTABLISHMENTS: The following regulations shall apply to non-conforming adult-related establishments in addition to the requirements of Subsections A and B of this Section. The provisions of this Subsection shall prevail in the event of conflict with the provisions of Subsections A and B:

1. Non-Conforming Uses Defined: All adult-related establishments legally established or legally in existence prior to the effective date of this Section ~~C-D~~ and which do not comply with the provisions of Section 2-E-24(a)(1), 2-E-24(a)(2) and 2-E-24(a)(3) shall be deemed non-conforming and may continue to operate, provided, however, that any adult-related establishment legally established or legally in existence will further be subject to the provisions of this Section D. No adult-related establishment shall be deemed to be legally established or legally in existence prior to the effective date of this Section unless:
 - (a) In the case of any massage parlor, a valid Permit therefore pursuant to Article IV of Chapter 28 of the Sacramento City Code was in effect on the effective date of this Ordinance.

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(b) In the case of any adult-related establishment other than a massage parlor, a permit therefore has been applied for pursuant to City Code Section 28.42 on or before November 7, 1983, and such Permit is subsequently issued.

2. No adult-related establishment legally established or legally in existence shall be deemed non-conforming solely by virtue of the subsequent creation or expansion of any use or zone designated in Sections 2-E-22(a)(1), 2-E-22(a)(2), 2-E-24(a) or 2-E-24(b).

3. Discontinuance of Non-Conforming Activities: Within three years from the effective date of this Section, all adult-related establishments which do not conform to the provisions of Sections 2-E-24(a)(1), 2-E-24(a)(2) and 2-E-24(a)(3) shall be discontinued or brought into full conformity with this Ordinance.

A Special Permit shall be issued to permit the activity to be continued for a period of time exceeding three years, but in no event exceeding five years, if the Commission finds that the activity involves investment of money in leasehold or other improvements such that the longer period is the minimum necessary to prevent undue financial hardship by permitting amortization of such funds invested.

4. In determining the extent of investment involved in the activity, the Commission shall only consider leases and improvements directly related to the particular adult entertainment establishment and acquired or entered into prior to the effective date of Ordinance No. 83-034.

5. The Planning Commission in granting a Special Permit may impose reasonable conditions as may be necessary to carry out the intent and purpose of this Ordinance.

6. No existing lease for such a non-conforming use shall be renewed or extended, unless such lease is renewed or extended pursuant to an option agreement entered into prior to the effective date of Ordinance 83-034. Any new owner or operator of a leased adult-related establishment shall prove that he has received either an assignment or sublease from the previous tenant.

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7. Any non-conforming use which has been unoccupied or out of business for 60 days or more shall be deemed abandoned and shall not be reestablished except by the granting of Special Permit in accordance with Section 2-E-24.
8. In the event two or more lawfully established adult-related establishments are rendered non-conforming solely because of their location within 1,000 feet of one another, the adult-related establishment or establishments last established shall be the establishment required to discontinue operations or bring such operations into conformity with this Ordinance.

SECTION 2. It is the purpose of this ordinance to amend certain of the regulations concerning non-conforming buildings and structures and non-conforming uses set forth in current Section 12A of the Zoning Ordinance. It is not the purpose of this ordinance to amend, alter or modify the existing regulations set forth in current Subsections B and C of Section 12 of the Zoning Ordinance concerning or relating to adult bookstores, adult cabarets, adult motion picture theaters, adult arcades, adult hotels-motels, and adult-related establishments; rather, the purpose is only to recodify those subsections as Subsections C and D. As to offenses committed, as well as all rights or liabilities incurred prior to the effective date of this ordinance, the current provisions of the Zoning Ordinance and any regulations, orders, and requirements thereunder shall be treated as still remaining in force for the purpose of maintaining any proper suit, action, or prosecution with respect to such right, liability or offense, unless expressly provided otherwise.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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