



## **2. THE LAND USE PLAN (CONTINUED)**

### **2.2 DESCRIPTION OF LAND USE PLAN MAP DESIGNATIONS (CONTINUED)**

#### **NON-CONFORMING LOTS**

##### **Issues:**

Legally created lots presently developable under existing zoning regulations, may not meet proposed General Plan minimum parcel sizes. An example of this situation would be a 20 acre parcel presently zoned A-C being recommended for "AG 60 acres" designation. Under the recommendation, the property would become a "legal non-conforming lot", as it would be smaller than the 60 acre minimum proposed. There is concern that the lot will become undevelopable by virtue of the newly established density.

##### **Findings:**

1. It is the present policy and operation of the County Planning Department that all "legal non-conforming lots" are allowed to be developed in accord with the zoning regulations on that property regardless of the lot size. If a legally created parcel of 20 acres is zoned "A-C:B 40 acres", use of that parcel is the same as allowed on a 40 acre parcel. Allowable uses are not diminished by virtue of the "legal non- conforming" status.
2. Variances to minimum lot size are not required to develop "legal non-conforming lots". The Mendocino County Zoning Ordinance was recently amended to include the following wording:

Section 20.73 (E)(3) - "When any lot(s) has been legally created and is subsequently zoned to a minimum parcel size larger than the existing parcel size, said lot(s) shall be found to be legally non-conforming and shall not be subject to requirements for variance to minimum lot size. (Ord. No. 3211, adopted 1978.)"

3. In some rare cases, small legal non-conforming lots, within low density designations, require variance to setback regulations for front, rear and side yards, since larger setbacks are required under the larger minimum lot size regulations. While there has been no problem in obtaining these variances, time delay is involved.

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## -MENDOCINO COUNTY COASTAL ELEMENT-

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