

- (1) There is a change in the law on ordinances authorizing such use; or
- (2) The Use Permit has lapsed in accordance with section 5.03.422 above or has been revoked in accordance with section 5.03.430 below.

[History: ORD. 691, 07/14/10]

### **5.03.430 Revocation of Use Permit.**

A Use Permit may be revoked upon failure to comply with the provisions therefore. Revocation proceedings shall be initiated upon demand by the City Council. Written notice of the revocation proceeding shall be posted on the three (3) official bulletin boards of the Town of Colma and mailed to the owner of the property affected at the address shown on the last tax roll of San Mateo County at least ten (10) days before the matter is brought before the City Council. In lieu of revocation, the City Council may add to, delete or amend conditions of the Use Permit.

[History: formerly § 5.343; ORD. 234, 3/14/79; ORD. 638, 12/14/05]

### **5.03.440 Non-Conforming Building and Uses.**

(a) A non-conforming building may be maintained, except as otherwise provided in this section, and repairs and alterations may be made to such building provided that in a building or structure which is non-conforming as to use regulations, no structural alteration shall be made nor shall a building be added to, or enlarged in any manner, unless such building, including such additions and enlargements, are made to conform to all regulations of the zone in which it is located. No non-conforming building shall be moved in whole or in part to any other location on the lot unless every portion of said building is made to conform to all the requirements of the zone in which it is located.

(b) A non-conforming building which is damaged or partly destroyed by fire, flood, wind, earthquake, or other calamity or Act of God or the public enemy, to the extent of more than fifty (50) per cent of its value at that time, may be restored provided the total cost of such restoration does not exceed fifty (50) per cent of the value of the building at the time of such damage. In the event such damage or destruction exceeds fifty (50) per cent of the value of such non-conforming building or structure, no repairs or reconstruction shall be made unless every portion of such building is made to conform to all regulations for new buildings in the zone in which it is located.

(c) Except as otherwise provided in this subsection the non-conforming use of a building, existing at the time this ordinance became effective, may be continued; the use of a non-conforming building may be changed to a use of the same or more restricted classification; however, if so changed, it shall not thereafter be changed to a use of a less restricted classification. A vacant non-conforming building may be occupied by a use for which the building was designed or intended if so occupied within a period of one (1) year after the effective date of this ordinance, and the use of a non-conforming building which becomes vacant after the effective date of this ordinance may also be occupied by a use for which the building was designed or intended if so occupied within a period of one (1) year after the building becomes vacant.

(d) A non-conforming use of a building conforming to the use regulations shall not be expanded or extended into any other portion of said building nor changed, except to a conforming use. If such a non-conforming use or portion thereof is discontinued or changed to a conforming use, any further use of such building or portion thereof shall be in conformity with the regulations of the zone in which said building is located.

(e) The non-conforming use of land (where no building is involved), existing at the time this ordinance became effective, may be continued; provided that no such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property, and further provided that, if such non-conforming use of land or any portion thereof is discontinued or changed, any future use of land shall be in conformity with the provisions of this ordinance.

[History: formerly § 5.344; ORD. 234, 3/14/79; ORD. 638, 12/14/05]

#### **5.03.450 Application for Variance.**

(a) An application for a variance shall be made on the Town of Colma Project Application and shall contain such information as is necessary to complete the Project Application. In addition, the application shall contain sufficient information to enable the City Council to determine whether the standards for granting a variance are met.

(b) The application shall be reviewed by the City Planner for completeness in accordance with section 5.01.040 of this Code.

(c) Within ten (10) days after the City Planner has determined that the application is complete, he shall transmit the same to the City Council for his recommendations. This time limitation is merely directory, not mandatory.

(d) A public hearing shall be held by the City Council prior to taking any action to grant or deny any variance. The public hearing shall be conducted in accordance with the provisions of section 1.02.120 of this Code. Whenever possible, the public hearing required by this section shall be held at the same time as, and in conjunction with, the public hearing, if any, on the final EIR for the project for which the variance is requested.

(e) An application for a variance shall be accompanied by a fee, which shall be established from time to time by the City Council of the Town of Colma by resolution.

[History: formerly § 5.345, ORD. 234, 3/14/79; ORD. 443, 9/9/92; ORD. 524, 1/14/98; ORD. 638, 12/14/05]

#### **5.03.460 Standards for Granting a Variance.**

(a) Variances from the terms of the zoning ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.