

CHAPTER 10

NONCONFORMING USES AND NONCOMPLYING STRUCTURES

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8-10-1: CONTINUATION OF EXISTING USES:

Any use of land, building or structure lawfully existing at the time the ordinance codified herein, or amendments thereto, became effective, may be continued, even though such use does not conform with the regulations of this title or amendments thereto for the zoning district in which it is located.

8-10-2: EXPANSION OF NONCONFORMING USE:

A. A nonconforming use of land, or noncomplying building or structure, shall not be enlarged, reconstructed or structurally altered unless such enlargement, extension, reconstruction or structural alteration, and further use of such property, conform with the regulations of this title for the zoning district in which such property is located.

B. A building or structure occupied by a nonconforming use or a building or structure noncomplying as to height and area of yard regulations may be added to or enlarged or moved to a new location on the lot upon a permit authorized by the board of adjustment, which may issue; provided, that the board of adjustment, after the hearing, shall find:

1. The addition to, enlargement of, or moving of the building will be in harmony with one or more of the purposes of this title as stated in chapter 1 of this title, and shall be in keeping with the intent

of this title.

2. The proposed change does not impose any unreasonable burden upon the lands and residents located or residing in the vicinity of the nonconforming use or noncomplying structure.

8-10-3: REPAIRS AND ALTERATIONS:

Repairs and structural alterations may be made to a noncomplying building or to a structure housing a nonconforming use.

8-10-4: RESTORATION OF DAMAGED BUILDINGS:

A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, may be restored and the occupancy or use of such building, structure, or part thereof, which existed at the time of such damage or destruction, may be continued or resumed; provided, that such restoration is started within a period of one year and is diligently prosecuted to completion.

8-10-5: ONE YEAR OCCUPANCY:

A building or structure, or portion thereof, occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by a nonconforming use for a continuous period of one year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located.

8-10-6: CONTINUATION OF USE:

The occupancy of a building or structure by a nonconforming use, existing at the time the ordinance became effective, may be continued.

8-10-7: OCCUPANCY WITHIN ONE YEAR:

A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one year after the use became nonconforming.

8-10-8: CHANGE OF USE NOT TO BE MORE INTENSIVE:

A nonconforming use may be changed to any use allowed in the most restrictive zone where such nonconforming use is allowed, provided the planning commission finds that such use would not be more intensive than the most recent existing, legal nonconforming use.

A. Buildings shall not be enlarged, removed, reconstructed or otherwise changed except for interior remodeling and exterior restoration or renewal that will make the appearance of the building more nearly conform to the character of the area in which it is located.

B. The existing lot or parcel shall not be enlarged upon or modified except to create landscaping, fencing, curb, gutter and sidewalk, road widening or minimum off street parking that will provide a safer and more compatible facility.

C. Any change of a nonconforming use to another nonconforming use shall be a conditional use and subject to provisions of chapter 11 of this title, except that the proposed nonconforming use need not conform to the county master plan.

8-10-9: CHANGE OF BUILDING OR STRUCTURE TO CONFORMING USE:

Except as otherwise provided in this chapter, the nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

8-10-10: EXPANSION OF USE PERMITTED:

A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming.

8-10-11: NONCONFORMING USE OF LAND:

The nonconforming use of land, existing at the time the ordinance became effective, may be continued; provided, that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property; and provided, that if such nonconforming use of land or any portion thereof is abandoned or changed for a period of one year or more, any future use of such land

shall be in conformity with the provisions of this title.

8-10-12: ABANDONMENT:

A nonconforming use shall be deemed abandoned if said use has not been applied to the premises during any twelve (12) month period.