

**NON-CONFORMING STRUCTURES AND USES**

**PROPOSED DEFINITIONS:**

~~"NONCONFORMING STRUCTURE OR USE" MEANS A LAWFUL EXISTING STRUCTURE OR USE AT THE TIME THE ORDINANCE CODIFIED IN THIS TITLE OR ANY AMENDMENT THERETO BECOMES EFFECTIVE WHICH DOES NOT CONFORM TO THE REQUIREMENTS OF THE ZONE IN WHICH IT IS LOCATED.~~

~~"Discrete parcel" a lawfully created lot or parcel remains a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided.~~

*"Discrete parcel or lot" A legally created lot or parcel which has not been subsequently divided or combined with another lot. The parcel or lot remains discrete, unless the lot or parcel lines are vacated or the lot or parcel is further divided.*

*"Non-conforming lot" a lot that, at the time of its establishment, met the minimum lot size requirements for the zone in which it is located but which, because of subsequent changes to the minimum lot size applicable to that zone, is now smaller than that minimum lot size.*

*"Non-conforming parking"insufficient parking availability for a previously established use.*

*"Nonconforming structure" a lawfully existing structure which met the dimensional standards of the zone at the time of approval and construction, but as a result of changes in the code, no longer meets the dimensional standards outlined in this title. A non-conforming structure is related to physical characteristics or dimensional standards: including but not limited to height, setbacks, lot coverage.*

*"Non-conforming use" a use of property previously allowed in a zone, but as a result of changes in the code, no longer conforms to the requirements of the zone in which it is located. A non-conforming use can be related to the zone, or a property, with or without a structure.*

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## 17.108 NON-CONFORMING STRUCTURES AND USES

### Sections:

- 17.108.010 Nonconforming Structure.
- 17.108.020 Non-conforming Fence.
- 17.108.030 Non-conforming Lot
- 17.108.040 Non-conforming Use.
- 17.108.050 Change of a Non-conforming use.
- 17.108.060 Destruction of a Non-conforming use.
- 17.108.070 Completion of structure.

### 17.108.010 Purpose

The purpose of this chapter is to establish the legal status of nonconforming uses, structures, lots, and other site improvements by creating provisions to allow such structures, uses, or lots to be maintained, altered, reconstructed, expanded or abated

### 17.108.020 Non-conforming Structure.

~~A structure conforming with respect to use but Non conforming with respect to height, setback or coverage may be altered or extended if the alteration or extension does not deviate further from the standards of this title.~~

- A. *A non-conforming structure may be altered or extended if the alteration or extension conforms to the standard of this Title.***
  
- B. *If a non-conforming structure is damaged or destroyed the structure may be rebuilt provided that the new structure does not deviate further from the requirements of this Title than the original structure and the new structure is constructed inside the property lines..***

~~If a Non conforming structure is destroyed by any cause to an extent exceeding eighty (80) percent of the fair market value, as indicated by the records of the county assessor, a future structure or use shall conform to this title.~~

- C. A property owner shall be required to remove a non-conforming structure if the value of the structure is minimal (Under \$ 200.00)**
  
- D. Nothing contained in this title shall require any change in the plans, construction, alteration or designated use of a structure for which a permit has been issued and construction work has commenced prior to the adoption of the ordinance codified in this title; except that if the building is nonconforming, or is intended for a nonconforming use, it shall be completed and in use within two years from the time the permit is issued.**

### **17.108.020 Non-conforming Fence**

- A. ***If a non-conforming fence is destroyed it may be replaced as originally built, provided that the fence is constructed inside the property lines of the lot and conforms to the vision clearance and utility requirements.***

17.108.030      Non-conforming Lot

- A. A ***legally created*** parcel or lot which does not meet the current lot size requirements of the zone in which the property is located may be developed, provided that all other requirements of the zone are met.
- B. If a property owner desires to proceed with constructing an improvement on all or part of a parcel or contiguous subdivision lots, no portion of the property amounting to less than the whole property, shall be sold, divided or separated without the written permission of the City. This requirement shall be set forth in a Real Property Covenant and Restriction document which shall be filed at the County as a deed restriction.

[Moved from 17.104.050 General exception to lot size requirements.]

**17.108.40**      **Non-conforming Use**

~~17.108.030~~      ~~Discontinuance of a Non-conforming use.~~

- C. If a Non-conforming use involving a structure is discontinued from use for a period of one year, further use of the property shall be for a conforming use.
- D. If a Non-conforming use not involving a structure is discontinued for a period of six months, further use of the property shall be for a conforming use.
- C. ***A non-conforming use may be continued provided that the use does not change.***
- D. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time the ordinance codified in this title was adopted shall not be considered an extension of a nonconforming use.
- E. ***The change of ownership, tenancy, or management of a non-conforming use shall not affect its non-conforming status, provided that the use, extent, and intensity of use does not change.***
- F. If a Non-conforming use is replaced by another use, the new use shall conform to this title and shall not subsequently be replaced by a Non-conforming use.
- G. ***If a Non-conforming use is discontinued for a period of one year, further use of the property shall be for a conforming use.***

~~17.108.040~~      ~~Termination of certain Non-conforming uses.~~

- A. A Non-conforming use not involving a structure, or one involving a structure having an assessed value of less than two hundred dollars (\$200.00), shall be discontinued within two years from the

date the ordinance codified in this title was adopted.

~~B. A use which is Non conforming with respect to provision for screening shall provide screening within a period of five years from the date the ordinance codified in this title was adopted.~~

17.108.050 Change of a Non-conforming use.

If a Non-conforming use is replaced by another use, the new use shall conform to this title and shall not subsequently be replaced by a Non-conforming use.

~~17.108.060 Destruction of a Non-conforming use Structure.~~

~~If a nonconforming use structure is destroyed by any cause to an extent exceeding eighty (80) percent of the fair market value, as indicated by the records of the county assessor, a future structure or use shall conform to this title.~~