

## **ARTICLE VIII: NONCONFORMITIES AND SUBSTANDARD LOTS OF RECORD**

The purpose of this Article is to provide for the regulation of nonconforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which nonconforming buildings, structures and uses will be operated and maintained. It is the intent of this Ordinance that nonconforming uses shall be encouraged to eventually be brought into conformity. Legally established nonconformities existing as of the date of this Ordinance, or as of the date of an amendment which resulted in the nonconformity, are allowed to be continued, but they will be restricted as to any expansion, additions, or intensification of use.

### **Section 800. Nonconforming Buildings and Structures**

1. General: A lawful, or authorized, nonconforming building or structure existing at the time of adoption of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this Section even though said building or structure may not conform with the regulations of this Ordinance for the District in which it is located. A nonconforming building or structure in existence at the adoption hereof that was not a lawful, or authorized, building or structure under previous zoning ordinances shall not be authorized to continue as a nonconforming building or structure pursuant to this Ordinance, or amendments thereto. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe.
  - a. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed or abandoned, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same District.
  - b. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which construction was lawfully begun prior to the effective date of adoption or amendment of the Ordinance and upon which substantial improvements have been made.
  - c. Any use in existence at the time of adoption of this Ordinance which was not an authorized “non-conforming use” under the previous zoning ordinance shall not be authorized to continue as a non-conforming use pursuant to this Ordinance, or amendments thereto.
2. Alteration or Enlargement of Building and Structures: A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure including additions and enlargements, is made to conform to all the regulations of the District in which it is located; provided, however, that if a building or structure is conforming as to its use, but nonconforming as to yards or height or off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the District in which said building or structure is located. No nonconforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all the regulations of the District in which it is located.

3. Building Vacancy: A building or structure or portion thereof, that is nonconforming which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the District in which it is located.
4. Destruction of Nonconforming Building or Structure: Any nonconforming building or structure which has been or may be damaged by fire, flood, explosions, earthquake, war, riot, or any other act of God, may be reconstructed and used as before if it can be done within twelve (12) months of such calamity, unless damaged more than fifty (50) percent of its fair market value, as determined by the Board of Adjustment or estimated market value as indicated in the records of the County Assessor, at the time of the damage, in which case reconstruction shall be in accordance with the provisions of this Ordinance.
5. Non-Conforming Use of Structures: No existing structure devoted to a use not permitted by this Ordinance in the District in which it is located shall be enlarged, extended, re-constructed, or structurally altered except in changing the use of the structure to a use permitted in the District in which it is located. If no structural alterations are made, any non-conforming use of a structure, building and premises may be changed to another non-conforming use of the same or a more restricted classification.
6. Non-Conforming Mobile Homes. No non-conforming mobile home may be replaced with another mobile home, but shall do so within twelve (12) months from the day of damage.
7. Change of Uses: A nonconforming use of a conforming building or structure may be expanded or extended into any other portion of the structure provided the structure was manifestly arranged or designed for such use at the time of adoption or amendment of the Ordinance, but no such use shall be extended to occupy any land outside such building.

If such a nonconforming use, or a portion thereof, is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant conforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one (1) year after the effective date of this Ordinance, but otherwise it shall be used in conformity with the regulations of the district in which it is located.

The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification; but where the use of nonconforming building or structure is changed to a use of a more restricted district classification it thereafter shall not be changed to a use of a less restricted district classification; provided, however, that a building or structure that is nonconforming at the time of adoption of this Ordinance is not in violation. For the purpose of this subsection only, the "R-1" District shall be considered the most restrictive and the "M-2" District the least restrictive District.

### **Section 801. Nonconforming Uses of Land**

1. General: A lawful, or authorized, nonconforming use existing at the time of adoption of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this Section. Any nonconforming use in existence at the adoption hereof that was not a lawful, or authorized use under previous zoning ordinances shall not be authorized to continue as a nonconforming use pursuant to this Ordinance, or amendments thereto.

2. Extension or Expansion of Use: A nonconforming use may not be extended or expanded, nor shall it occupy more lot area or be considered a more intense use than was in existence on the effective date of this Ordinance.
3. Discontinuance of Use: If said nonconforming use or any portion thereof is discontinued for a period of one (1) year, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the District in which it is located.
4. Change of Uses: A nonconforming use of a conforming building or structure may be expanded or extended into any other portion of the structure provided the structure was manifestly arranged or designed for such use at the time of adoption or amendment of the Ordinance, but no such use shall be extended to occupy any land outside such building. If the nonconforming use, or a portion thereof, is changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant conforming building or structure may be occupied by a nonconforming use for which the building or structure was designed or intended if occupied within a period of one (1) year after the effective date of this Ordinance, but otherwise it shall be used in conformity with the regulations of the district in which it is located.

The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification. However, where the use of nonconforming building or structure is changed to a use of a more restricted district classification, it shall not be changed thereafter to a use of a less restricted district classification unless appropriately rezoned. This is provided that the building or structure that is nonconforming at the time of adoption of this Ordinance is not in violation. For the purpose of this subsection only, the “R-1” Single Family Residential District shall be considered the most restrictive and the “M-2” Heavy Industrial and/or Manufacturing District the least restrictive District.

#### **Section 802. Nonconforming or Substandard Lots of Record**

1. General: A lawful, or authorized, nonconforming lot existing at the time of adoption of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this Section. Any nonconforming lot in existence at the adoption hereof that was not a lawful, or authorized use under previous zoning ordinances shall not be authorized to continue as a nonconforming lot pursuant to this Ordinance, or amendments thereto.
2. Nonconforming Lots as Lots of Record: A nonconforming lot in existence on the effective date of this Ordinance shall be considered a “lot of record”, as defined and regulated within this Ordinance.