

Planning Division

17.48.010 Intent. The intent of this chapter is to permit nonconforming uses and structures to continue until they are removed, restricted or abandoned, but not to encourage their survival. Nonconforming uses and structures are hereby declared to be incompatible with permitted uses in the same district. Nonconforming uses and structures shall not be enlarged upon, expanded or extended, except as expressly provided herein, nor shall the existence of a nonconforming use or structure be grounds for adding other uses or structures prohibited in the same district.

17.48.020 Nonconforming uses. A nonconforming use may be continued so long as it is in compliance with all laws other than the use regulations in this Title, subject to the following provisions:

A. It may not be enlarged, extended, moved or altered, except to change the use of a structure or land to a use permitted in the district in which it is located.

B. It may be extended throughout any part of the structure which was originally approved for such use, but it may not be extended to occupy land outside such structure.

C. In the case of a nonconforming use of land not involving a structure, use may not be moved in whole or in part to any portion of the lot or parcel on which it is located other than occupied by the use at the time it became nonconforming.

D. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use; provided, that the Development Review Committee finds that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Development Review Committee may impose conditions to insure that the degree of nonconformity is not thereafter increased, along with such other conditions as are necessary to mitigate any adverse impacts of the changed use upon neighboring properties.

E. If a nonconforming use of a structure or land is superseded by a permitted use, such use shall thereafter conform to the regulations for the district, and the nonconforming use may not be resumed.

F. When a nonconforming use of a structure or land is discontinued, or abandoned for a continuous period of one hundred eighty days or more, any subsequent use shall conform to the regulations of the district in which the property is located.

G. Nonconforming uses in the HC-D zone may be expanded as set forth in Section 17.08.020(D).

17.48.030 Nonconforming structures. A nonconforming structure may be continued in use so long as it is in compliance with all laws other than the structural regulations of this Title, subject to the following provisions:

A. It may not be enlarged, expanded or altered in any way which increases its nonconformity, but may be altered to decrease its nonconformity.

B. Should a nonconforming structure or nonconforming portion of a structure be destroyed by any means to an extent of more than fifty percent of its reasonable replacement value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this title; provided, however, that a nonconforming structure used for residential purposes may be reconstructed in any residential zone or planned development zone designated for residential development if it meets all building and safety regulations; and

provided further, that to the extent reasonable and feasible the construction shall conform to the regulations of this title as determined by the Development Review Committee.

C. When an additional dwelling unit is added to a property in a zone permitting multi-family development, all structures on the property shall meet all building and safety regulations; and further, that to the extent reasonable and feasible all existing structures shall be brought into conformity to the regulations of this title as determined by the Committee or Commission.

D. If a structure is moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located.

E. If use of a nonconforming structure is maintained in a nonconforming structure, the provisions of this section and Section 17.48.020 shall apply; provided, that where a conflict between said sections exists, the more restrictive provisions shall govern.

F. When a nonconforming structure is abandoned or vacated for a continuous period of one hundred eighty days or more, any subsequent use of the property shall conform to the regulations of the district in which the property is located.

17.48.040 Repairs and maintenance. On any nonconforming structure, or on any conforming structure containing a nonconforming use, routine maintenance work may be performed, or repair or replacement of nonbearing walls, fixtures, wiring or plumbing may take place; provided, that the value of repair or replacement work during any twelve-month period shall not exceed ten percent of the replacement cost of the whole structure; and provided further, that the square footage of the structure, whether conforming or nonconforming, shall not be increased.

17.48.050 Nonconforming resulting from change in density regulations. Where a lawful use of a structure and land in combination is rendered nonconforming solely by reason of a change in the density allowed on the property, nothing in this chapter shall prohibit the enlargement, extension, reconstruction or structural alteration of one or more structures on the property, provided:

A. Such work shall only be allowed on that number of structures than permitted in the district in which the property is located.

B. Approval of such work shall be obtained from the Development Review Committee, which shall review the site plan and other pertinent information to insure that all other applicable provisions of this code are satisfied and that no new nonconformity will be created.

C. A covenant describing the structure or structures for which work has been approved shall be recorded in the office of the county recorder.

D. Once work is done on that number of structures than permitted on the premises, no work shall be approved by the Development Review Committee of any other structure on the premises.