

Chapter 15.26

NONCONFORMITIES

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15.26.010 Purpose and intent. Within the districts established by this title, there exist, and will in the future come into existence, lots, structures, and uses, which were lawful before the effective date of this title but which would be prohibited, regulated or restricted under the terms of this title or future amendments to it. The intent of this chapter is:

01. To allow for reasonable use of legally created lots of record which do not meet current minimum requirements of their respective zoning districts.
02. To provide for reasonable use of legally constructed structures which do not meet current minimum requirements of their respective zoning districts.
03. To allow for the reasonable continuation of legally established uses which do not meet current use regulations of their respective zoning districts.
04. To limit the continuation and provide for the gradual elimination of nonconforming uses.

15.26.020 Nonconforming lots.

01. Pre-existing lots of record. Nonconforming lots of record existing at the effective date of this chapter shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any principal use allowed by the regulations for the district and must comply with all other density regulations set forth by this title.
02. Reduction due to public acquisition. If a portion of a legally existing lot in any district is acquired for public use, the remainder of this lot shall be considered a conforming lot.

15.26.030 Nonconforming uses. Any legal nonconforming use existing on the effective date of this chapter may continue subject to the limitations of this section.

01. Enlargement of Nonconforming Use. No nonconforming use shall be extended or enlarged to occupy a greater area of land or structure. No additional structure not conforming to the requirements of this title shall be erected in connection with a legal nonconforming use.

02. Abandonment of Nonconforming Use. If any nonconforming use ceases for a continuous period of more than six months, any subsequent use shall conform to the regulations of this title.
03. Relocation of Nonconforming Use. No nonconforming use shall be moved in whole or in part to any other location, unless the nonconforming use meets the requirements of this title.
04. Change of Use. A legal nonconforming use may be changed only as allowed in Chapter 15.02 of this title. (Ord. #6086, Sec. 1 (4), 6/28/10)
05. Allowance for Repairs. If a structure occupied by a nonconforming use becomes unsafe for use and is declared by an authorized official to be unsafe for use, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of this title. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an authorized official. When a structure containing a nonconforming use is damaged to an extent of fifty (50) percent or less of the replacement cost, the structure shall be allowed to continue if actual construction to repair it is commenced within six months of the date the damage was incurred, and the work is carried on diligently to completion within one year of this commencement.
06. For purposes of this chapter, the addition of an outdoor area of less than 150 square feet for purposes of adding an outdoor dining or open air tavern area to a pre-existing liquor license establishment shall not be deemed an enlargement of a pre-existing use. (Ord. #6086, Sec. 1 (6), 6/28/10)

15.26.040 Nonconforming structure. Where a structure lawfully exists upon the effective date of this chapter that could not be built under the terms of this title by reason of requirements on area, lot coverage, setbacks, and height, the structure may continue in existence as long as it remains otherwise lawful, subject to the following limitations:

01. Enlargement of Nonconforming Structure. No nonconforming structure may be enlarged or altered in any way which increases its nonconformity; however, a nonconforming structure may be altered to decrease its nonconformity.
02. Repair of Nonconforming Structure. Should a nonconforming structure or a portion of a nonconforming structure be destroyed by any means to an extent of more than fifty percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this title.
03. Moving of Nonconforming Structure. Any nonconforming structure that is moved shall conform to the regulations of the district in which it is located after it is moved.
04. Conversion of a Conforming Building. A conforming building shall not be changed in any way which will create a nonconforming lot, use or structure.

15.26.050 Exceptions. Any legal nonconforming residential use of a structure may be enlarged to the extent that an otherwise conforming residential use of a structure could be enlarged under the zoning regulations of the most restricted residential district in which such residential use of a structure would be permitted as a principal use. Any accessory use to a legal nonconforming residential use may be established or enlarged to the extent that such accessory use to a conforming residential use could be established or enlarged under the zoning regulations for the most restricted residential district in which such residential use would be permitted as a principal use. However, any such enlargement that does not conform under the terms of this title by reason of restriction on area, lot coverage, setbacks, height or other requirements of the most restricted residential district in which such use of a structure would be permitted as a principal or accessory use shall not be allowed.
(Ord. 5315, Sec. 4, 2/97)

15.26.060 Powers of board of adjustment as to nonconformities. See Chapter 15.02 of this title. (Ord. #6086, Sec. 2, 6/28/10)