

**Chapter 17.64**  
**NONCONFORMING USES**

**Sections:**

**17.64.010 Intent and purpose.**

**17.64.020 Nonconforming uses.**

**17.64.030 Nonconforming structure.**

**17.64.040 Nonconforming lots.**

**17.64.010 Intent and purpose.**

Within the districts established by this title or subsequent amendments thereto, there exist uses, structures and lots which were lawfully established or created, but which would be prohibited, regulated or restricted under the terms of this title or future amendments. The intent of this title is to allow these nonconformities to continue but not to encourage their perpetuation or survival. Nonconformities are declared by this title to be incompatible with permitted uses, structures and lots in the districts involved. It is further the intent of this title that nonconformities shall not be enlarged upon, expanded, or enjoy an increase in intensity of use. (Ord. O-01-05 § 2 (part))

**17.64.020 Nonconforming uses.**

- A. A legal nonconforming use in existence as of the effective date of the ordinance codified in this title may be continued but shall not be enlarged upon, expanded, increased in intensity, or be extended, without first obtaining a conditional use permit. However, the extension or enlargement of the nonconforming use of a structure that was originally arranged or designed for such nonconforming use at the time of passage of the ordinance codified in this title or amendment thereto shall not be deemed the extension of a nonconforming use.
- B. A nonconforming use shall not be changed to any other use unless changed to a conforming use. A nonconforming use, if changed to a conforming use, may not thereafter be changed to a nonconforming use.
- C. No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that part occupied by such use on the effective date of adoption or amendment of the ordinance codified in this title.
- D. If a nonconforming use is discontinued or abandoned from active use for a period of one year, further use of the property shall conform to the provisions of this title. (Ord. O-01-05 § 2 (part))

**17.64.030 Nonconforming structure.**

- A. A structure which is legally nonconforming as of the effective date of the ordinance codified in this title by reason of restrictions on area, lot coverage, height, required setbacks, or other requirements concerning structures may be continued so long as it remains otherwise lawful.
- B. A structure, with one or more nonconformities, may be extended when said addition or extension would be no less conforming as to setback distance than the existing structure.
- C. A nonconforming structure shall not be altered, extended, enlarged, or otherwise physically changed in any manner that would have the effect of increasing its amount or degree of nonconformity.
- D. A nonconforming structure destroyed by any cause to an extent exceeding fifty percent of its cost of replacement using new materials shall only be replaced with a structure

conforming to the provisions of this title.

- E. Nothing in this title shall be deemed to prevent the normal maintenance and repair of a nonconforming structure or its restoration to a safe condition when declared to be unsafe by any official charged with protecting the public safety. (Ord. O-01-05 § 2 (part))

**17.64.040 Nonconforming lots.**

Lots which were lots of record on the date of adoption of the ordinance codified in this title, or amendment thereto, which contain less than the required width, depth, or area as required by this title, shall be considered building lots in all respects; provided, that any structures proposed to be built meet all of the dimensional requirements of the district in which the lot is located. However, a lot which is nonconforming by virtue of the lack of its adequate access to a public street as required elsewhere in this title shall not be considered a building lot. (Ord. O-01-05 § 2 (part))