

Chapter 5.2 Non-Conforming Uses and Developments

Sections:

5.2.100 - Nonconforming Uses

5.2.200 - Nonconforming Development

5.2.100 Nonconforming Uses.

Where at the time of adoption of this Code a use of land exists that would not be permitted by the regulations imposed by this Code and was lawful at the time it was established, the use may be continued as long as it remains otherwise lawful, provided:

- A. **Expansion Prohibited.** No such nonconforming use is enlarged, increased or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this Code. No additional structure, building or sign shall be constructed on the lot in connection with such nonconforming use of land;
- B. **Location.** No such nonconforming use shall be moved in whole or in part to any portion of its lot, or any other lot, other than that occupied by such use at the effective date of adoption or amendment of this Code;
- C. **Discontinuation or Abandonment.** The nonconforming use of land is not discontinued for any reason for a period of more than 12 months. For purposes of calculating the 12 month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:
 - 1. On the date when the use of land is physically vacated;
 - 2. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
 - 3. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or
 - 4. On the date a request for final reading of water and power meters is made to the applicable utility districts.
- D. **Application of Code Criteria and Standards.** If the use is discontinued or abandoned for any reason for a period of more than 12 months, any subsequent use of land shall conform to the applicable standards and criteria specified by this Code for the land use district in which such land is located.

5.2.200 Nonconforming Developments.

Where a development exists at the effective date of adoption or amendment of this title that could not be built under the terms of this Code by reason of restrictions on lot area, lot coverage, height, yard, equipment, its location on the lot or other requirements concerning the structure; and the structure was lawful when constructed; the development may remain on the site so long as it remains otherwise lawful, subject to the following provisions:

- A. Enlargement or Alteration.** If a request is made for an enlargement or development of an existing nonconforming development, the applicant shall be required to complete a Conditional Use Permit in Chapter 4.4. If an application is proposed that reduces its nonconformity, it shall be reviewed using the applicable review process (either Development Review or Site Design Review);
- B. Reconstruction after Destruction.** Should such nonconforming development or nonconforming portion of development be destroyed by any means to an extent more than 80 percent of its current value as assessed by the Lake County assessor, it shall be reconstructed only in conformity with the Development Code; and
- C. Location.** Should such development be moved for any reason and by any distance, it shall thereafter conform to the regulations of the Development Code.
- D. Non-Conforming Street Access Connections** that exist prior to the adoption of this code that do not conform with standards in Chapter 3.1 shall be brought into compliance when the following conditions exist:
 - 1. When a new access connection permit is requested for the subject property; or
 - 2. When a building permit or land use application is submitted that results in an increase of trip generation by 20 percent and 100 average daily trips (ADT).
- E. Non-Conforming Stabilization and Flood Control Structures in a Riparian Corridor.** Any expansion of existing shoreline stabilization and flood control structures or development of new structures shall be approved only if less-invasive or non-structural methods will not adequately meet the stabilization or flood control needs. The approval process shall include an evaluation by the appropriate natural resource agency staff.