

ARTICLE 11

NON-CONFORMING USES

SECTION 11.010, PURPOSE: Non-Conforming Uses are those buildings and structures including: signs, land use, or continuing activities which were lawfully established or conducted prior to the effective date of this ordinance but do not conform with one or more standards or permit requirements of this ordinance. The purpose of this article is to control, improve, or terminate Non-Conforming Uses.

SECTION 11.015, RIGHT TO CONTINUE NON-CONFORMING USE: A Non-Conforming Use established prior to the effective date of this ordinance, or prior to any subsequent amendment which creates such nonconformity, may be continued and maintained except as otherwise provided by this article. Continuation of a Non-Conforming Use may include a change of ownership, tenancy, or management where the previous line of business or other function is substantially unchanged.

SECTION 11.020, NON-CONFORMITY DUE TO LACK OF CONDITIONAL USE PERMIT: Any Non-Conforming Use which is non-conforming only because of the absence of a conditional use permit shall be deemed a conforming use upon securing the approval of such permit.

SECTION 11.025, NON-CONFORMING EXPANSION OR CHANGE: A non-conforming structure or use may be expanded or changed to another Non-Conforming Use subject to the public hearing review process. A request for expansion or change of use of a Non-Conforming Use shall be reviewed for compliance with the following:

01. The existing development is sufficiently substantial so that compared to the cost of conversion to comply with requirements for new development makes conversion impractical.
02. The proposed development and its use will be more compatible with the surrounding area than the current development and use considering the following:
 - A. The character and history of the use and of development in the surrounding area.
 - B. The comparing degree of noise, vibration, dust, odor, fume, glare, or smoke detectable at the property boundary.
 - C. The comparing amount and nature of outside storage, loading, and

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parking.

- D. The comparing visual appearance, hours of operation, and traffic generation.
- E. Other factors which tend to reduce conflicts or incompatibility with the character or needs of the area.

03. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration.

SECTION 11.030, TERMINATION OF NON-CONFORMING USE OR STRUCTURE:

A Non-Conforming Use or structure shall be terminated when:

- 01. The Non-Conforming Use has been discontinued for a period of 12 months or more.
- 02. The non-conforming structure has been destroyed to an extent exceeding 80 percent of its assessed value as indicated by the records of the County Assessor.

SECTION 11.035, RESTORATION AND REPAIR: Restoration and repair to a non-conforming structure will be permitted, subject to Ministerial Review, where the restoration or repair is necessary to continue the use in a reasonable manner, subject to Section 11.015, or where the restoration or repair is necessary to comply with any lawful requirement for continued use.

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