

ATTACHMENT NO. 8

USES ON TWENTY (20) ACRE OR LESS LOTS

I. PURPOSE

The purpose of this section shall be to permit the continued operation of existing uses and buildings which do not otherwise conform to the provisions of this Agreement, while guarding against such uses becoming a threat to more appropriate development, and to provide for the eventual elimination of uses likely to be most objectionable to the neighbors of such use.

II. CONTINUING EXISTING BUILDINGS AND USES

Except as otherwise provided in this Agreement, any use of land, buildings, or structures which is legally nonconforming due to the adoption of the zoning regulations on November 18, 1963, or a subsequent amendment to the zoning regulations contained in this Agreement, may be continued. Except as provided for in subsection XVII of this Agreement, no use of land, buildings, or structures shall be enlarged, expanded, or intensified in any manner.

III. CONTINUING CONDITIONAL USES

Any use lawfully existing at the time of the adoption of the zoning regulations on November 18, 1963, or a subsequent amendment to this Agreement, which use is listed as a conditional use in the zone in which it is located, shall be and remain a nonconforming use, and in no case shall such use be enlarged, expanded or intensified in any manner until a use permit has been obtained pursuant to the provisions of this Agreement.

IV. REPAIR OF UNSAFE OR UNSANITARY BUILDINGS

The provisions of this Agreement shall not prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Planning and Public Works Department or declared insanitary by the Health Department.

V. REPLACEMENT OF DAMAGED OR DESTROYED NONCONFORMING BUILDINGS

Any nonconforming building or structure damaged by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or act of God may be restored or reconstructed; provided, however, such repair or reconstruction shall conform to the applicable Building Codes in effect at the date of such restoration or reconstruction and without change to a nonconforming use, should such exist.

VI. RECONSTRUCTION AND ENLARGEMENT OF CERTAIN NONCONFORMING DWELLINGS

The provisions of this Agreement shall not prevent the reconstruction or enlargement of any single-family dwelling located in an Agricultural (A) Zone on any lot or parcel containing an area or dimension smaller than that required by the provisions of this Agreement, which area or dimension existed or exists at the time of the imposition of such area or dimension regulation; provided, however, any such reconstruction or enlargement shall comply with all the other regulations of the zone in which it is situated.

VIII. EXTENSION OF NONCONFORMING USES IN BUILDINGS

Upon an application for a use permit, the Planning Commission may permit the extension of a nonconforming use throughout those parts of a building, which parts were manifestly designed or arranged for such use prior to the date such use of the building became nonconforming, if no structural alterations, except those required by law, are made therein.

IX. CHANGES TO OTHER NONCONFORMING USES

Upon an application for a use permit, the Planning Commission may permit the substitution of one nonconforming use for another nonconforming use which is determined by the Planning Commission to be of the same or more restrictive nature. Whenever a nonconforming use has been changed to a more restrictive use or conforming use, such more restrictive use or conforming use shall not thereafter be changed back to a less restrictive use or to a nonconforming use.

X. CESSATION OF USES

For the purposes of this section, a use shall be deemed to have ceased when it has been discontinued, either temporarily or permanently, whether with the intent to abandon such use or not, for a continuous time period as set forth in this section.

XI. CESSATION OF USES OF BUILDINGS DESIGNED FOR NONCONFORMING USES

A building or structure which was designed for a use which does not conform with the provisions of this Agreement and which is occupied by a nonconforming use shall not again be used for nonconforming purposes when such use has ceased for a period of twenty-four (24) months or more.

XII. CESSATION OF USES OF BUILDINGS DESIGNED FOR NONCONFORMING USES

A building or structure which was designed for a use which conforms with the provisions of this Agreement but which is occupied by a nonconforming use shall not again be used for nonconforming purposes when such use has ceased for a period of twelve (12) months or more.

XIII. CESSATION OF NONCONFORMING USES OF LAND

Land on which there is a nonconforming use not involving any building or structure, except minor structures, including buildings containing less than 300 square feet of gross floor area, fences, and signs, where such use has ceased for one month or more shall not again be used for nonconforming purposes, and such nonconforming use of land shall be discontinued, and the nonconforming buildings or structures shall be removed from the premises within six (6) months after the first date of nonconformity.

XIV. CESSATION OF NONCONFORMING JUNK YARDS

Regardless of any other provision of this Agreement no junk yard which exists as a nonconforming use in any zone shall continue as provided in this section for nonconforming uses unless such junk yard, within one year after the junk yard has become a nonconforming use, shall be completely enclosed within an existing building or otherwise within a continuous solid fence not less than eight (8') feet nor more than twelve (12') feet in height or equivalent continuous hedgerow screening. The operation shall be conducted in such a manner as to be substantially screened at all times by the building, fence, or hedgerow. Plans for the required fence or hedgerow shall meet the approval of the Planning Director. All other provisions of this section shall apply to any nonconforming junk yard.

XV. CONSTRUCTION APPROVED PRIOR TO NOVEMBER 18, 1963

The provisions of this Agreement shall not require any change in the overall layout, plans, construction, size, or designated use of any development, building, or structure, or part thereof, where official and valid approvals and required building

17

permits have been granted prior to November 18, 1963, the construction of which development, building, or structure, conforming with such plans, shall have been started prior to December 18, 1963, and carried on in the normal manner to completion without the subsequent one-year period.

XVI. EXPANSION OF LEGAL NONCONFORMING RESIDENTIAL BUILDINGS

Where an existing single-family dwelling unit in the Residential One Family Zone (R-1) is legally nonconforming by reason of off-street parking and/or substandard yard setbacks, it may be enlarged or expanded so long as the improvement does not result in a further encroachment into a required parking area or yard.

XVII. EXPANSION OF LEGAL NONCONFORMING SINGLE-FAMILY DWELLINGS AND DUPLEXES

Where an existing single-family dwelling or duplex in any of the residential zones is nonconforming by reason of off-street parking and/or substandard yard setbacks, it may be enlarged or expanded so long as the improvement does not result in a greater encroachment into an existing required parking area or yard.

XVIII. DENSITIES GREATER THAN ONE PER LOT

Dwellings constructed prior to March 18, 1986, in densities greater than one per lot may be expanded or repaired provided the improvement does not result in an encroachment into a required parking area or yard.