

CHAPTER XX.76 NONCONFORMING USES

xx.76.010	Applicability.
xx.76.020	Continuation.
xx.76.030	Expansion.
xx.76.040	Repair and Maintenance.

xx.76.010 Applicability. Uses, structures, or lots that were legally constructed or established in accordance with regulations and laws in effect at that time, but that do not conform to the provisions of this Title, shall be considered legal non-conforming ~~structures, uses, or lots~~. Uses or structures that were illegally constructed or established in accordance with regulations and laws in effect at that time, and that do not conform to the provisions of this Title, shall be considered illegal non-conforming ~~structures~~. Structures identified on the State Historic Registry are legal non-conforming structures and can accommodate an adaptive use as appropriate.

- A. All new lots, structures and uses must comply with the provisions of this Title. No new non-conforming lots, structures, or uses may be permitted.
- B. Existing non-conforming lots, structures, or uses included in a development proposal or application covered by the provisions of this Title, must be brought into compliance unless otherwise provided.
- C. Non-conforming shoreline uses and structures are subject to the provisions of XX.34.070 Non-conforming Uses and Structures.

xx.76.020 Continuation. A legal non-conforming use of a structure or land may continue, provided that if such non-conforming use is discontinued for one year or longer, it ~~may~~ shall not be reestablished:

- A. Structures, or the use of a structure or ~~lot, that~~ lot, that were not ~~was not~~ legally established or are otherwise not legally conforming may not be continued and shall be discontinued upon notice; and
- B. Uses of similar impact may replace a legally non-conforming use provided that the new use occupies the same space within a structure, or in the case of an outdoor use, occupies the same amount of land, as the previous use. Similarity of impact shall be determined by the County based on the listing of permitted uses. The replacement use shall continue to be subject to the limitations on non-conforming uses specified in this Chapter. Any non-conforming use which has been discontinued for a year or more shall only be replaced ~~only~~ by a use which conforms to the regulations of the zone in which it is located.

xx.76.030 Expansion. An existing legal non-conforming structure cannot be enlarged or expanded in a manner which would increase the degree of nonconformance. If only a limited aspect of a use or structure is non-conforming, the use or structure may be expanded provided that the aspect of non-~~conforming~~ conformity is not increased.

A. Illegal non-conforming uses or structures may not be expanded.

xx.76.040 Repair and Maintenance. Legal non-conforming structures may be repaired and maintained in accordance with the provisions of this Title, provided that the degree of nonconformity is not increased.

Any non-conforming structure or non-conforming use damaged by fire, explosion, accident, act of God or act of a public enemy, may be restored to its status prior to the act of damage provided such efforts are commenced within two years. If restored under these circumstances, the structure or use shall occupy no more floor area than existed prior to the act of damage and the use and building shall remain non-conforming. If reconstruction of a non-conforming structure is not commenced within two years of the act of damage, the land and any development on it shall thereafter conform to the regulations of the zone in which it is located; provided, that a conditional use permit may be issued to reestablish a non-conforming structure, the restoration of which is not commenced within two years if circumstances such as lengthy litigation or disputed insurance settlements delay the Applicant from commencing reconstruction within the specified two-year time frame.