

CHAPTER 12 NON-CONFORMING USES AND STRUCTURES

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12.01 Purpose

The purpose of this chapter is to establish regulations for the control and eventual elimination of shoreline uses and structures which are non-conforming; i.e., which were lawful prior to adoption of this program or amendments thereto, but which do not conform to present regulations and standards of this program or the policies of the Act.

12.02 Non-conforming Use of or Structures on Shorelines

The non-conforming use of or structures on shorelines may be continued provided that:

1. It is not enlarged, or increased, or extended to occupy a greater area than was occupied on the date of adoption of this program, or applicable amendments thereto.
2. It is not moved in whole or in part to any other portion of the lot, parcel, or shoreline area.
3. If moved, it is made to conform to regulations of this program for the shoreline area of its new location.
4. If damaged to an extent exceeding 75% of replacement cost, it is reconstructed only in accordance with regulations of this program for the shoreline area of its location.
5. If the use or use of the structure ceases for a period of more than two (2) years, any subsequent use of the shoreline shall be conforming. A non-conforming use shall not be changed to any other non-conforming use, regardless of the conforming or non-conforming status of the building or structure in which it is housed.

12.03 Reconstruction

When a legal building or structure that does not comply with the provisions of this program is damaged to an extent that does not exceed 75% of the existing assessed value of the building or structure for tax purposes, said building or structure may be restored or repaired, providing:

1. Reconstruction is started within nine months and is completed within eighteen (18) months of date of damage.
2. After such repair has been completed, the building can be repaired or altered in the future only if its use and the damaged portions conform to all existing codes and regulations.

Final decisions in regard to the extent and cost of damage are to be made by the Building Inspector.

12.04 Exceptions to Requirements

If the Hearing Examiner and/or Planning Commission and/or Board of County Commissioners determines that the enlargement, extension or increase of the non-conforming use of shorelines or structures on shorelines can be accomplished without appreciable threat to the health, safety and general welfare of the public or the shoreline environment and purpose of this Program and the Act, and that to deny the enlargement, extension or increase in the nonconformity would constitute a hardship greater than the public benefit derived from denial of the non-conformity, such proposals shall be permitted subject to terms and conditions established by the Hearing Examiner, Commission or Board and attached to the variance and/or conditional use permit required of the applicant.