

Nonconformities

Nonconforming Use, Structure or Lot

A "nonconforming" use, structure or lot is one that was legal and conformed to the County Land Use and Building Codes at the time it was established, but no longer conforms to these regulations because of updated or changed regulations.

The term "grandfathered" is often used to mean a nonconforming situation.

A nonconforming use, structure or lot is considered legal, but is restricted in terms of how it can be changed or altered. The right to continue a nonconforming use or structure may be lost under certain conditions.

Illegal Use, Structure or Lot

A use, structure or lot that is established after a given land use or building code provision is adopted and that does not meet the requirements of those regulations is considered illegal rather than nonconforming.

Questions and Information

For detailed information or for answers to specific questions regarding nonconformities in general or as it pertains to a specific lot or parcel of land, please contact the Planning Department.



Frequently Asked Questions

Q. How does the Planning Department determine if a use or building is nonconforming?

A. A planner will research county records and the following information provided by the property owner:

- Historical records and photos showing when a use/building was established.
- Description of the use (type, size, volume, frequency, hours of operations, etc.).
- Documentation showing whether the use/building has been in continuous operation since established.

Q. Can a property or building change the use?

A. A nonconforming use may **not** be replaced by another nonconforming use.

Q. Can repair and maintenance be done on a nonconforming building?

A. Yes, normal routine repairs and maintenance are allowed, but does not include repairs or maintenance that increases the degree of nonconformity.

Q. Can a nonconforming use or building extend, expand, enlarge or change its character?

A. It will depend on the nature of the nonconformity and the desired changes. Those factors will determine whether the nonconformity will have to go through a review process with the Planning Department.

Q. What does "change in character" mean?

A. A change in character occurs when the location, nature, volume, density, intensity, frequency, or degree of use is altered. Factors that are taken into consideration:

- Increase in number of employees or trips generated by customer traffic.
- Changes in business hours of operation.
- Change in activity, products or services.
- Effect the change has on the neighborhood (light, noise, or air quality).