



NONCONFORMITIES REVIEW PROCESS GUIDE

Purpose

This process is intended to allow the Planning Director and/or the Board of County Commissioners to review extensions, expansions, enlargements or change in character of Nonconforming Uses. Nonconforming Uses are defined in the Land Use Code, Section 4.8, as: uses, buildings and structures (except signs), and lots that were legally established prior to the adoption of this code but that do not comply with one or more requirements of this code. The provisions of the Nonconformities section are intended to recognize the interests of property owners in continuing and putting to productive use nonconforming uses, buildings, structures and lots while also encouraging as many aspects of such uses, buildings, structures and lots to be brought into conformance with this code as is reasonably practicable.

Review Criteria

To approve a request to extend, expand, enlarge or change the character of a nonconforming use, building or structure, the planning director or county commissioners must consider the following criteria and find that each has been met or determined to be inapplicable:

- A. The extended, expanded, enlarged or changed use, building or structure is not more than 50 percent larger or more intense than the initial use, building or structure as measured by indoor area and/or outdoor use area or as measured by other means deemed applicable by the planning director or board of county commissioners;
- B. The request to extend, expand, enlarge or change the character of a nonconforming use, building or structure complies with all applicable requirements of this code and any applicable supplementary regulations to the maximum extent practicable;
- C. The request to extend, expand, enlarge or change the character of a nonconforming use, building or structure complies with all conditions of approval imposed by the county commissioners, the board of adjustment or floodplain review board under another approval process authorized by this code;
- D. The proposed use will be compatible with existing and allowed uses in the surrounding area and be in harmony with the neighborhood;
- E. The proposed use will not result in a substantial adverse impact on other property in the vicinity of the subject property.

***Note:** If an appeal is included with the proposal, the appeal will automatically be scheduled for a hearing before the Board of County Commissioners. Property owners in the vicinity of the proposal will be notified of the date, time, and location of the hearing.

OVERVIEW – NONCONFORMITIES PROCESS (Section 6 of the Larimer County Land Use Code)

Phase 1 Project Submittal	Phase 2 Internal/External Review	Phase 3 Decision/Final Documents
<p>Purpose Formal application and review.</p> <p>Development Review Fee Please see the Development Review Fee Schedule</p> <p>Steps</p> <ol style="list-style-type: none"> 1. Pre-Application Conference 2. Applicant submits required materials and application fee 3. Determination of a complete submittal made by the Planning Director 	<p>Purpose The application materials are sent to internal and external reviewing agencies and property owners in the vicinity of the proposal for comment.</p> <p>Estimated Review Time Frame From Date Sent 21 days for internal/external review agencies 14 days for property owners in the vicinity of the proposal</p> <p>Internal Review Internal review includes comments from agencies such as Engineering, Health, Building etc., and a field trip to the site.</p> <p>External Review External review includes comments from agencies such as city, fire, water, sewer, CDOT, etc. as applicable</p>	<p>Planning Decision Within 5 working days following the review period, the Planning Director will provide written determination stating one of the following:</p> <ol style="list-style-type: none"> 1. Is approved, with or without conditions 2. Requires modifications based upon the referral and/or neighbor comments 3. Requires a public hearing based on unresolved neighbor comments/concerns 4. Is denied based upon the inability to comply with the code. <p>Post Approval Upon approval of the Public Site Plan application and prior to commencing the use, the applicant shall submit any final documents, comply with any conditions of approval as required as a part of the public site plan approval, and pay Capital Transportation Expansion Fees, if applicable.</p> <p>Approval of a Nonconformity application does not relieve the applicant from complying with any other County, State, or Federal regulations.</p>