

## Chapter 17.74

### NONCONFORMING STRUCTURES, USES LOTS, AND SIGNS

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17.74.01 PURPOSE & APPLICATION. This section is intended to limit the number and extent of nonconforming uses by prohibiting their enlargement, reestablishment after abandonment, and restoration and destruction. Within the zoning districts established by this Ordinance, or as subsequently amended, there exist structures, uses, lots, and signs which were lawful before this Ordinance was passed or amended but which would be prohibited or restricted under the conditions of this Ordinance or future amendments. The City Council of Huron declares that nonconforming structures, uses, lots, and signs are incompatible with permitted uses in the zoning districts involved and such nonconforming uses, lots, and signs shall not be enlarged, expanded, or extended. Such nonconforming structures, uses, and signs shall not be used as grounds for adding other structures or uses prohibited by this Ordinance.

17.74.02 NONCONFORMING STRUCTURES.

- A. A nonconforming structure shall not be enlarged in area, space, or volume that will result in an increase in the degree of nonconformity.

17.74.03 NONCONFORMING USES OF STRUCTURES.

- A. Any nonconforming use may be maintained and continued provided there is no increase or enlargement of the area, space, volume occupied, use or trips generated by the facility to such nonconforming use, except as otherwise provided in this Ordinance.
- B. Any part of a permanent building, structure, or land occupied by a nonconforming use that is changed to or replaced by a use conforming to the provisions of this Ordinance shall not thereafter be used or occupied by a nonconforming use.

- C. Any part of a building, structure, or land occupied by a nonconforming use that has been abandoned for a period of one (1) year or more shall not again be used or occupied for a nonconforming use.
- D. If no structural alterations are made, a nonconforming use of a building may be changed to a similar or less intense nonconforming use.
- E. Whenever a nonconforming use or structure shall be destroyed by fire or other calamity, by an act of God, or by the public enemy to the extent of less than sixty (60) percent the structure may be restored and the nonconforming use may be resumed, provided that restoration is started within six (6) months and diligently pursued to completion. Whenever a nonconforming use or structure is so destroyed or damaged to the extent of sixty (60) percent, or more, or is razed, either voluntarily or as required by law, the structure shall not be restored except in full conformity with the regulations for the district in which it is located, and the nonconforming use shall not be resumed. The extent of damage to any structure or use shall be as determined by the building official.

17.74.04 NONCONFORMING USES OF LAND.

- A. A nonconforming use of land shall not be expanded or extended in any way.
- B. A nonconforming use of land shall not be changed to or replaced by any other use except a use that complies with the regulations of the zoning district in which the subject property lies.
- C. Any nonconforming use of land that has been abandoned for a period of one (1) year or more shall not be reestablished.
- D. Any nonconforming uses of land where no main building has been established or a nonconforming use occupying a structure having an assessed valuation of less than two hundred fifty dollars (\$250.00); or a nonconforming sign or outdoor advertising structure; or a nonconforming sign intruding into the public right-of-way shall be completely removed upon the effective date of the ordinance certified in this Section shall be discontinued within three (3) years of the effective date of this Section.
  - 1. Other nonconforming uses and structures shall be completely removed or altered and converted to a conforming status in accordance with the following schedule:

Type of Construction (Uniform Building Code, 1961 Edition): Type I and II;  
time period, forty (40) years;

Type of Construction (Uniform Building Code, 1961 Edition): Type II and IV; time period, thirty (30) years;

Type of Construction (Uniform Building Code, 1961 Edition): Type V; time period, twenty-five (25) years;

Fences, hedges and walls: time period, six (6) months.

2. When such nonconforming use is removed, at or before the end of the specified time period, every future use shall be in conformity with the provisions of this title. Repairs necessary to maintain a nonconforming use, and minor alterations not exceeding an assessed valuation of two hundred fifty dollars (\$250.00) shall not be construed as lengthening the allowed time period for compliance.
3. The time period shall begin on the date the use first became nonconforming on or after the effective date of the ordinance codified in this chapter. Whenever a use or structure becomes nonconforming because of a change of zoning district boundaries or a change of regulations for the district in which the site is located, the period of time prescribed shall be computed from the effective date of the change of district or regulations.
4. Records and Notification of Nonconforming Uses and Structures. Within six (6) months after the effective date of said ordinance and amendments thereto, the planning official shall compile a list and description of all structures or uses which shall have become nonconforming by the adoption of said ordinance or amendments. This list shall be recorded in the office of the Fresno County recorder.
5. Within one (1) year after the effective date of said ordinance or amendments thereto, the planning official shall notify in writing the owners of all nonconforming structures or uses of the nonconforming status of their property and the date when such structure or use shall be removed or made conforming by said owners, if such removal for conformance is required by the provisions of this title.
6. Continuing Nonconforming Uses or Structures. Nothing in this title shall be construed to exempt a use or structure which became nonconforming under the provisions of a previous ordinance and which continues to be nonconforming under the provisions of this title. Such continuing nonconforming uses or structures shall be discontinued or eliminated within the schedule and under the provisions of the ordinance in force when they first became nonconforming or within the schedule and under the provisions of this title from the date of its enactment, whichever is more restrictive.
7. Nonconforming Yards. Existing structures which are nonconforming solely because of the lack of required yards but which are within sixty (60) percent

of conformance shall be exempted from this section and shall be exempted from making alterations to improve the existing structure, but shall otherwise be subject to the provisions governing nonconforming structures.

E. The exploration for or development or production of oil, gas, or other hydrocarbon substances shall not be considered nonconforming uses of land.

17.74.05 NONCONFORMING LOTS. Any lot which was legally recorded prior to the effective date of this Ordinance may be used in conformance with the uses permitted by the zoning district in which it is located, provided that all other Zoning Ordinance and General Plan requirements are met.

17.74.06 DETERMINATION OF NONCONFORMING STATUS. Where there is doubt regarding the legal nonconforming status of structures, uses of structures, uses of land, parcel size, or signs, documentation shall be submitted to the Planning Department to establish legal nonconforming status.

17.74.07 EXISTING CONDITIONAL USES. Any existing structure or use which is a conditional use in the district in which it is located shall be considered as a permitted use for the purposes of this title; provided, however, that any expansion, alteration or change of such use or structure shall be subject to approval of the planning commission in accordance with the provisions prescribed in Chapter 17.88.