

SECTION 6: NONCONFORMING BUILDINGS, STRUCTURES AND USES

(orig. 5-6-46; am. 9-6-77; am. 5-11-93)

A. Use Regulations

1. Except as provided below, any building, structure or use existing and lawful at the time of the adoption of this Zoning Resolution or in the case of an amendment to this Zoning Resolution, at the time of such amendment, shall be deemed a legal nonconforming use and may be continued, even though such building, structure or use does not conform to the provision of this Zoning Resolution or such amendment. (orig. 5-11-93; am. 12-17-02)
2. If a legal nonconforming use is discontinued for a period of 180 days or more, any future use of said land, building or structure shall conform with the provisions of this Zoning Resolution. If there are no antennas on a legal nonconforming telecommunications tower or if a legal nonconforming telecommunications tower has been abandoned for a period of 180 days or more, the tower and any abandoned legal nonconforming accessory buildings, structures or equipment must be removed within 180 days from the expiration of said 180 day period or it must be brought into conformity with this Zoning Resolution. (orig. 5-6-46; am. 2-14-56; am. 9-6-77; am. 5-11-93; am. 10-15-02; am. 12-17-02)
3. A legal nonconforming use shall not be changed to a different nonconforming use. (9-6-77; am. 5-11-93)
4. A legal nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. (orig. 5-6-46; am. 5-11-93; am. 12-17-02)
5. A legal nonconforming use shall not be extended, expanded or enlarged. Extension, expansion or enlargement shall include, but is not limited to the following. (orig. 5-6-46; am. 9-6-77; am. 5-11-93)
 - a. For Buildings (orig. 9-6-77)
 - (1) An increase in floor area in which the legal nonconforming use is conducted, provided, however, that a nonconforming use may be extended throughout any part of a building that was manifestly designed or arranged for such use on the effective date of this Zoning Resolution. (orig. 9-6-77; am. 5-11-93; am. 12-17-02)
 - (2) Additions or extensions may be made to a building or structure that is legal nonconforming as to height, area or setback regulations provided said addition and the use of said addition conforms to all the requirements for the district in which it is located. (orig. 5-11-93)
 - b. For Land (including mining operations) (orig. 9-6-77)
 - (1) Any increase in the land area used for any legal nonconforming use or any relocation of said legal nonconforming use to a different area. (orig. 9-6-77; am. 5-11-93)
 - (2) Any new or increase in area of any accessory use in support of any legal nonconforming use. (orig. 5-11-93)
 - c. For Telecommunications Towers (5-11-93)

An increase in the number of antennas located on a tower, or an increase in the height or weight bearing capacity of the tower beyond that necessary to conform to safety regulations adopted by the County, State or Federal government, except that the following shall be allowed: (orig. 5-11-93)

 - (1) Existing antennas may be maintained or replaced with another antenna intended to provide the same service. (orig. 5-11-93)

- (2) New antennas may be added to a tower where the tower and antennas do not exceed 200 feet in height above the base of the towers, and the new antenna does not exceed 25 feet in length and 8 inches in diameter. (orig. 5-11-93)

B. Alterations And Repairs

1. Maintenance, repairs or alterations to legal nonconforming telecommunication towers may be performed that are necessary to maintain the tower in good condition and repair. The weight bearing capacity and wind loading capacity of a tower may only be increased to the extent necessary to maintain the tower in conformance with state or national standards for weight bearing capacity and wind loading capacity for the number of antennas otherwise allowed on the tower as set forth in this section. (orig. 5-11-93)
2. Restoration of Damaged Buildings and Structures

A legal nonconforming building or structure, including a telecommunications tower, which is damaged, intentionally removed, or partially destroyed by fire, flood, wind, earthquake, snow, ice or other calamity or the public enemy, to the extent of not more than 50 percent of its appraised market value at that time, may be restored and the same use or occupancy resumed, provided that such restoration is started within a period of 1 year from the date of damage and is diligently pursued to completion. Notwithstanding the foregoing, television and radio stations and land mobile operators shall be entitled to repair, reconstruct or rebuild their towers, but only to the minimal extent necessary to resume broadcasting and to fulfill the requirements of their FCC license. The site may not be used as a permanent telecommunications site for more than one year from the date of damage unless zoning or Special Use approval is obtained, or the user is actively engaged in the Rezoning or Special Use approval process. (orig. 5-11-93; am. 12-17-02)

C. County Acquired Property

If the County shall hereafter acquire title to any property as a result of a tax delinquency sale, the use of such property shall thereafter be in conformity with this Zoning Resolution. (orig. 5-6-46; am. 2-14-56; am. 3-9-76; am. 12-17-02)

D. Legalization of Certain Nonconforming Uses

An existing nonconforming use that could be allowed under currently applicable zoning as a special use may be legalized and made conforming by approval through the Special Use process. As part of that process, the County may consider expansion of such use if consistent with the applicable zoning. (orig. 5-21-13)