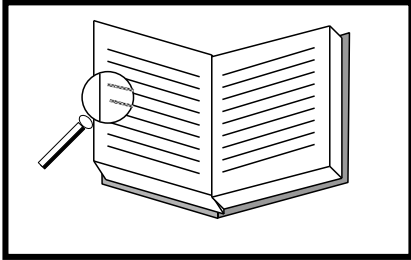


## CHAPTER 61



# Non-Conforming Uses and Structures)

### Sections

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### **25-61.1 Purpose**

The purpose of this chapter is to prevent the expansion of non-conforming uses and structures, to the maximum extent possible, to establish criteria under which they may be continued or possibly expanded and to provide for the modification or removal of these non-conforming uses and structures in a fair, defensible and timely manner.

### **17.60.02 Definitions**

- a. A non-conforming use is a use of a structure or land that was lawfully established and maintained prior to the adoption of the Firebaugh Zoning Ordinance but which does not conform with the use regulations for the district in which it is located.
- b. A non-conforming structure is a structure that was lawfully erected prior to the adoption of the Firebaugh Zoning Ordinance but which does not conform with the standards of coverage, setbacks, height, or distance between structures prescribed in the regulations for the district in which the structure is located.

### **25-61.3 Continuation, Maintenance and Abandonment**

- a. A use legally occupying a structure or a site on the effective date of the zoning ordinance or amendments thereto, which does not conform with the use regulations for the district in which the use is located shall be deemed a legal,

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- non-conforming use and may be continued, except as otherwise provided in this chapter.
- b. A structure legally occupying a site on the effective date of the zoning ordinance or amendments thereto which does not conform with the standards of coverage, setbacks, height, or distances between structures prescribed in the regulations for the district in which the structure is located shall be deemed a legal, non-conforming structure and may be continued, except as otherwise provided in this chapter.
  - c. A sign or outdoor advertising structure legally occupying a site on the effective date of the zoning ordinance or amendments thereto which does not conform with the standards for message content, location, size, height, placement, lighting, or movement prescribed in Chapter 25-47 (Signs) for the district in which it is located shall be deemed to be non-conforming, except as otherwise provided in this chapter.
  - d. Routine maintenance and repairs may be performed on a non-conforming site, a non-conforming structure or a non-conforming sign or outdoor advertising structure. Improvements in the design or appearance of these non-conforming features may be made so long as the discrepancy between the existing conditions of the use, structure, sign, or advertising structure and the current district standards is not increased.
  - e. Alterations and additions to uses that are non-conforming shall be prohibited unless required by law or unless the moving, altering, or enlargement will result in the elimination of the non-conforming use.
  - f. Alterations and additions to structures, signs and outdoor advertising structures shall be prohibited unless required by law or unless the moving, altering or enlargement will result in the elimination of the non-conforming structure, sign, or outdoor advertising structure.
  - g. Whenever a non-conforming use, structure, sign, or outdoor advertising structure has been abandoned, discontinued, or changed to a conforming use for a continuous period of six months, the non-conforming use shall not be reestablished and the non-conforming structure, sign or outdoor advertising structure shall be removed.
  - h. Nothing in this chapter shall be construed or applied so as to require the termination, discontinuance, or removal or so as to prevent the expansion, modernization, replacement, maintenance, alteration, reconstruction or rebuilding and continued use of a public building or public utility buildings, structures, equipment, and facilities.

**25-61.4          Restoration of Damaged Structure**

- a.        Whenever a non-conforming use, structure, sign or outdoor advertising structure is destroyed by fire or other calamity or by an act of God or by the public enemy, the use, structure or sign shall not be replaced, unless the cost of such reconstruction, repairing or rebuilding does not exceed fifty (50%) percent of the reasonable replacement value of the building immediately prior to the damage, as determined by a qualified appraiser, provided that restoration is started within three months of the act of destruction and is completed within one year from the time of the event.
  
- b.        Whenever a non-conforming use, structure, sign, or outdoor advertising structure is destroyed by fire, or other calamity, or by an act of God or by the public enemy to the extent that more than 50 percent of the value of the use, structure, sign or outdoor advertising structure is destroyed as determined by the Chief Building Official, the feature shall be voluntarily razed, shall be required by law to be razed or shall be restored to conformity with the regulations for the district in which the feature is located. A non-conforming use shall not be resumed.