

Chapter 19.54 – NONCONFORMING USES AND SPECIAL EXCEPTIONS

Section 19.54.010 – Continuing Nonconforming Uses – Generally.

1. The lawful use of any building or lot existing at the time of passage of this ordinance, although such use does not conform to the provisions thereof may be continued.

However, if such nonconforming use is discontinued for a period of six months or more, use of the lands or buildings thereafter shall be in conformity with the uses permitted in the zone district in which the property is located.

2. The provisions of 19.54.010(1) notwithstanding, the use of a building as a single-family dwelling which is discontinued for a period longer than six months shall not subject said building to the restrictions of the zone classification, if and only if the lapse in use is occasioned by the good faith, continuing effort to sell said building for use as a single-family dwelling.

Section 19.54.027 – Transitional right to apply for a Certificate of Zoning Compliance after this ordinance has been amended.

Land owners who had begun the process of qualifying land to meet the CZC criteria, by removing that area of land from commercial agricultural production for the required three-year period, and who have registered such intention with the County Planning Office by documenting that intent and specifying that land are before July 15, 2005, are given the right to apply for siting a rural residence under the CZC process. Such application will be processed according to the Zoning Ordinance regulations in effect on July 15, 2005. This right to vest under those regulations for such persons and lands as stated herein, shall be valid until December 31, 2008.

Section 19.54.030 - Restrictions on Non-conforming Uses of Land.

Non-conforming uses of land, except for rural residential sites as specified in Section 19.10.060 1. B., shall not be enlarged or increased, not extended to occupy a greater area of land than was occupied at the effective date of adoption of this chapter unless such use is authorized under conditional use provisions of the applicable use district and a conditional use permit has been issued. (Revised 3/27/94, Ordinance #047966).

Section 19.54.040 - Restrictions on Nonconforming Structures.

1. Nonconforming buildings and structures shall not be enlarged or altered in a way which increases nonconformity without the issuance of a variance by the Board of Adjustment in accordance with Chapter 19.06 of this title, excepting that:
  - A. Should such a structure be destroyed by any means to an extent of more than 75% of its actual value based on the assessed valuation placed upon it at the time of its destruction, the use of said structure and the lot upon which it is located shall thereafter conform to all requirements of the use district within which they are located.
  - B. If the structure is located within the Pullman-Moscow Corridor, as defined in Section 19.15 of this Zoning Code, relief from restrictions on existing non-conforming parcels, uses, and structures may be achieved through the conditional uses allowed under Section 19.15.060 (Z). (See also 19.15.025(2).)

2. The provisions of 19.54.040(1) notwithstanding, in the event that any single family dwelling unit located in the agricultural district which was originally a lawfully-constructed use, is damaged to any extent by fire, wind, flood or other occurrence, or the building has deteriorated to the extent that reconstruction or repair is necessary, the owner of said property or his successor(s) in interest may rebuild a single-family dwelling unit on the same lot without the necessity of complying with the minimum acreage requirements of Section 19.10.030 or the requirements of Section 19.10.060. Any such repair or reconstruction shall be completed and habitable according to building code requirements within three years of the date of the most recent damage affecting over 10% of the assessed value of the structure. Failure to complete reconstruction as provided herein shall cause said structure and lot to be subject to the requirements for residential use in Chapter 19.04. This proviso in no way abrogates the application of other sections of Chapter 19.54 to single-family dwelling units in the agricultural district, except where those provisions are inconsistent with this proviso.

*(Revised 4/30/07 Ordinance #066838, effective 5/15/07)*