

Clear Creek County Zoning Regulations: Section 11

SECTION 11. NON-CONFORMING USES

A. PURPOSE

The purpose of this section is to recognize within zoning districts established by these Regulations there exists land, uses of land, structures, buildings and uses of structures, which were lawful before these Regulations were adopted or amended, but which would be prohibited, regulated or restricted under the provisions of these Regulations. These non-conforming uses shall not be enlarged, expanded, increased, or be used as grounds for adding other structures or uses now prohibited in the same district.

B. APPLICABILITY

Uses and structures existing lawfully prior to the effective date of these Regulations which, by reason of these Regulations, are no longer conforming, shall be considered as legally non-conforming.

C. CONFLICT

In the event of a conflict between this Section and any other section of these Regulations, the more restrictive section shall control.

D. CONTINUATION

1. Non-Conforming Uses of Land

A use of land that was lawful before these Regulations were adopted or amended may continue to exist even though the use would be prohibited, regulated, or restricted under the provisions of these Regulations, subject to the following provisions:

- A. Such non-conforming use of land shall not be enlarged, expanded, increased, or moved to occupy an area of land which was not occupied for that use before these Regulations were adopted or amended.
- B. Any additional and/or new land use and/or structure(s) proposed for the parcel shall conform to these Regulations.

2. Non-Conforming Uses of Structures

A use of a structure(s) which was lawful before these Regulations were adopted or amended may continue to exist even though the use of the structure would be prohibited, regulated, or restricted under the provisions of these Regulations, subject to the following provisions:

- A. The use of existing structures, to the extent they are occupied by a non-conforming use, shall not be enlarged, expanded or extended to accommodate non-conforming uses or other uses not allowed in the district in which the structure(s) is located.

3. Non-Conforming Buildings or Structures

Building(s) and/or structure(s) which were lawful before these Regulations were adopted or amended may continue to exist even though the use would be prohibited, regulated, or restricted under the provisions of these Regulations, subject to the following provisions:

- A. Existing building(s) and structure(s) shall not be enlarged, expanded or extended to accommodate non-conforming uses or other uses not allowed in the district in which the structure(s) is located.

4. Non-Conforming Single Family Residential Structures

A structure which contains more dwellings than allowed by the zone, or dwelling(s) located in a non residential zone that does not permit residential uses.

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- A. A single family residential structure may be enlarged by 25% of gross floor area, provided that construction is in compliance with a valid building permit and obtains Certificate of Occupancy.

E. TERMINATION

If any nonconforming building, structure or property use is discontinued for a period of twelve (12) months, any future use shall be in conformity with these Regulations, unless one of the following applies:

- 1. Structure Destroyed by Fire or other Natural Causes: When a nonconforming structure or property use has been destroyed by fire or other natural cause, the structure can be replaced when the original footprint and square footage is the same, and construction in compliance with a valid building permit has begun within one (1) year of the incident, and construction obtains a Certificate of Occupancy. A one-time, two (2) year extension may be granted by the Planning Manager upon findings that:
 - A. There had been a substantial difficulty on the applicant/owner to begin reconstruction within one year;
 - B. The owner/applicant has taken steps to clean up/remove the damaged structure

F. NON-CONFORMING USES AND STRUCTURES ACQUIRED BY TAX SALES

If the County issues a treasurers deed for a property for reason of tax delinquency, and such property is not redeemed as provided by law, the future use of such property shall be in conformity with current provisions of these Regulations.