

ARTICLE V

GENERAL PROVISIONS

501. Continuance of Nonconforming Uses. Any lawful use of any building or land existing at the time of the enactment of this resolution or whenever a district is changed by an amendment thereafter may be continued although such use does not conform to the provisions of this resolution with the following limitations:

501.1. No building or land containing a nonconforming use shall hereafter be extended unless such extensions shall conform with the provisions of this resolution for the district in which it is located; provided, however, that a nonconforming use may be extended throughout those parts of a building which were manifestly arranged for such use prior to the enactment of this resolution.

501.2. Any nonconforming building, which has been damaged by fire or other causes, may be reconstructed and used as before, unless it is determined by the building official that the building is damaged to the extent of more than seventy-five (75) percent of the fair cash market value of the structure, in which case any repair or reconstruction shall be in conformity with this resolution.

501.3. When a nonconforming use of any building or land has ceased for a period of one year, it shall not be reestablished or changed to any use not in conformity with the provisions of this resolution.

501.4. Any building containing a nonconforming use shall not be changed to another nonconforming use unless it is determined by the Board of Zoning Appeals that such use is less offensive than the previous use.

501.5. Nonconforming Mobile Home. A mobile home deemed to be a legal nonconforming use at the time of the adoption of this resolution and located on a single lot may be replaced under the following conditions.

501.5.1. Provided that they are replaced within one year of the removal or destruction of the previous mobile home;

501.5.2. Provided that the replacement mobile home is of structural quality equal to or exceeding that of the previous mobile home in the opinion of the Planning director;

501.5.3. Provided that they meet the front, side and rear yard requirements of the district in which they are located.

501.6. Nonconforming Mobile Home Parks. A mobile home park deemed to be a legal nonconforming use at the time of the adoption of this resolution may replace mobile homes under the following conditions:

501.6.1 Mobile homes may be replaced in the parks if they meet the density and spacing requirements of section 508.3.1 and the setback requirements of section 508.3.2.

501.7. A nonconforming commercial or industrial use may be expanded provided that said expansion is approved by the Washington County Planning Commission; however the expansion of a nonconforming commercial or industrial use shall not be permitted through the acquisition of additional land. Before any expansion is begun, however, a set of plans showing existing development and the proposed expansion shall be presented to the planning commission for review and approval. A nonconforming use by its nature is not in character with its surrounding

neighborhood, therefore, an effort shall be made to maintain the aesthetic characteristics of the neighborhood in order to protect the safety and welfare of citizens and to protect property values. Since noise, visual pollution and traffic congestion are the primary sources of incompatibility of land uses, efforts should be made to minimize their effects. A site plan showing the following, as a minimum, may be required by the planning commission.

501.7.1. A signed statement by a licensed engineer or architect indicating existing noise levels and proposed noise levels when the expansion is completed.

501.7.2. Landscaped areas indicating fencing, berms, and planted buffer strips.(see Appendix A)

501.7.3. Off-street parking - loading and unloading areas.

501.7.4. Erosion and sedimentation control.

501.7.5. Points of ingress and egress.

501.7.6. A bond may be required to insure completion of all required improvements.

501.7.7. Any other data deemed necessary by the planning commission.

501.8. Any building existing and operating as a commercial use at the time of any amendment to Section 507 and eligible for the issuance of a permit pursuant to 507 shall be entitled to a permit as a non-conforming use.