

## **CHAPTER 15 NON-CONFORMING USE**

15-1 INTENT

15-2 APPLICABILITY

15-3 ADMINISTRATION

15-4 DEFINITION

15-5 PERMITTED

15-6 STANDARDS

15-1 INTENT

It is the intent of the County to allow Non-Conforming Uses to remain and persist in their current state until such time they are discontinued and no longer permissible. Nothing stated herein shall be construed as encouraging the survival of a Non-Conforming Use.

15-2 APPLICABILITY

This chapter shall regulate all Non-Conforming Uses unless otherwise stated in the JCZO.

15-3 ADMINISTRATION

The Jerome County Planning and Zoning Administrator shall have the primary responsibility of administering all areas of this Chapter and related matters thereto that are not specifically designated to the Board, the Commission or others. The Administrator may designate/delegate these duties to other Staff members of his office.

15-4 DEFINITION

**NON-CONFORMING USE**

An existing land use not prohibited by the JCZO at the time of inception, but has since become prohibited in some manner as a result of a subsequent change in the ordinance.

15-5 PERMITTED

Non-Conforming Uses may continue operations despite being in conflict with the current JCZO, but shall do so subject to the provisions of this Chapter.

15-6 STANDARDS

15-6.01 EXPANSION PROHIBITED

- A. Unless otherwise stated in the JCZO, a Non-Conforming Use shall not increase, expand or extend beyond that which its current permit allows, or if none, then beyond its current size or scope. A Non-Conforming Use that is voluntarily reduced in size or scope, and which is not operating by way of a permit, shall be subject to the provisions of this paragraph and prohibited from expanding back to its original size.
- B. Single Family Dwellings used for residential purposes shall not be subject to the provisions of Paragraph "A" of this section.

- 15-6.02 **ADVERTISING AND DIRECTIONAL SIGNS**  
No advertising or directional signs for a Non-Conforming Use shall be erected on the property containing such use. This provision shall not apply to any such sign so erected prior to the use becoming a Non-Conforming Use.
- 15-6.03 **REPAIRS AND MAINTENANCE** Any structure, or portion thereof, that serves a Non-Conforming Use, may receive ordinary repairs and up-keep. In performing such, all components of the structure, such as walls, floors, ceilings, roofs, fixtures, wiring, plumbing, etc., may be rebuilt or replaced, provided the existing foot print and volume of the original structure is not increased. Single Family Dwellings are exempt from being confined to their previous footprint or volume and may expand beyond it.
- 15-6.04 **DISCONTINUED, ABANDONED OR INTENTIONALLY DESTROYED**
- A. When a Non-Conforming Use is discontinued or abandoned for more than one (1) year, the use shall not be revived thereafter unless in conformance with the current regulations of the JCZO.
  - B. When a primary structure of a Non-Conforming Use is intentionally removed or destroyed with the consent of the owner or operator of the Use, the Non-Conforming Use in its entirety shall immediately cease and further operation shall be prohibited.
- 15-6.05 **UNINTENTIONALLY DESTROYED**  
When any structure serving a Non-Conforming Use is unintentionally destroyed by way of accident, act of God or otherwise, it shall be permissible to rebuild the structure to the same foot print and volume existing at the time of destruction. Single Family Dwellings are exempt from being confined to their previous footprint or volume and may expand beyond it. The Non-Conforming Use shall be allowed to continue its operations in the rebuilt structure, subject to the provisions of this Chapter.
- 15-6.06 **ALLOWANCE BY SPECIAL USE PERMIT PROHIBITED**  
An application for a Special Use Permit, that would create a Non-Conforming Use, shall not be approved, nor shall such a permit be issued. Any Special Use Permit issued in violation of this paragraph shall not cure or make valid a Non-Conforming Use.
- 15-6.07 **ZONING MAP AMENDMENTS**  
If the property serving a Non-Conforming Use is rezoned so that the Use is no longer in conflict with the zone itself, the Use must still satisfy all other requirements of the JCZO before being considered a conforming use. Failure to do so shall cause the Use to remain Non-Conforming and subject to the standards of this chapter.