CHAPTER 7: NONCONFORMITIES

7.1 MEANING AND INTENT

7.1.1 A nonconforming use, lot, building or sign shall be any use, lot, building or sign that lawfully existed before the adoption of this Code, or before zoning regulations previously adopted by Lake County, but which is prohibited by or does not comply with the requirements of this Code.

7.1.2 It is the intent of these zoning regulations and this Code to allow for the continuation of such nonconforming uses, lots, buildings, and signs so long as they meet the provisions of this Chapter; to discourage their enlargement; and to prevent their continuation if they are discontinued for a period of two years, or substantially damaged by fire or other cause.

7.2 ABANDONMENT OF USE

If active and continuous operations are not carried on as a nonconforming use during a continuous period of 2 years or more, the building, other structure or land where such nonconforming use previously existed shall thereafter be used and occupied only for conforming uses. A nonconforming use, building or lot, if changed to be a conforming use, building or lot, shall not be changed back to a non-conforming state.

7.3 RESTORATION

7.3.1 Any nonconforming building or other structure may be restored to the use of such structure unless such non-conforming structure is damaged or destroyed by fire or other cause to the extent of more than 75 percent of its replacement cost at the time of the destruction. If the destruction was due to causes beyond the control of the owner and the destruction was less than total, the Board of Adjustment may allow restoration upon a finding of exceptional and undue hardship.

7.3.2 Such restoration must be substantially completed within 2 years after the damage or destruction, or from when the Board of Adjustment allowed such restoration in such cases where Board of Adjustment approval is necessary.

7.4 ENLARGEMENT OF NONCONFORMING USE OR BUILDING

7.4.1 No nonconforming building, use, or sign shall be structurally altered or expanded in any way that would increase the degree or area of nonconformance. In matters pertaining to the restoration of nonconforming buildings, the provisions of the Dangerous Building Code and other such building, fire, plumbing, mechanical and other codes as the County has adopted shall apply unless such provisions are in conflict with or inconsistent with provisions contained within this Code, in which case the more restrictive provision shall prevail.

7.4.2 Nonconforming manufactured housing, including manufactured housing - non-qualified (defined in Section 9.2), shall be permitted to be enlarged through replacement so long as:

A) The replacement home meets the definition of Manufactured Home - Double-wide (defined in Section 9.2);
B) Such replacement home meets the established setbacks for the zoning district in which it is to be located or such replacement home is located the same distance from property lines as the nonconforming manufactured home.

C) Such replacement home meets the established setbacks for the zoning district in which it is to be located or such replacement home is located the same distance from property lines as the nonconforming manufactured home.

7.4.3 Additions to nonconforming manufactured housing, including manufactured housing - non-qualified (defined in Section 9.2), which meet the requirements of the building codes adopted by Lake County are prohibited.

7.5 ALTERATION OF NONCONFORMING BUILDINGS

Nonconforming buildings and signs may be altered to make that building or sign conform to established safety requirements. Maintenance repairs may be undertaken to keep the building or sign in sound condition and alterations are permitted which would reduce the degree of nonconformance or change the use to one of conformance.

7.6 TITLE DEFAULT

If the title to any nonconforming lot or parcel shall change by 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 the provisions of this Code and all other Lake County regulations and resolutions.

7.7 CONFORMING AND NONCONFORMING LOTS

Nonconforming lots of record at the time of adoption of this zoning regulation may be built upon or used provided that (1) the setback, floor area and other requirements for the zoning district within which the lot is located are adhered to, and (2) the lot was not created by private conveyance or in violation of the county subdivision regulations.

7.8 NONCONFORMING SIGNS

All signs that are or that become nonconforming at the time of adoption of this Code may be maintained so long as they are kept in a state of good repair as specified in Section 6.14.3 D) and so long as they are not relocated, replaced, structurally altered, abandoned for a period of more than 6 months or damaged by wind, fire or other cause to the extent that 75 percent or more of their value has been destroyed. Such abandoned or damaged signs shall not be allowed to continue as non-conforming uses.