

Nonconformities Innovative Standards

Part of a series highlighting innovative local government standards intended to help encourage adoption of more protective shoreland standards.



Benefits

- Gradual reduction of impacts caused by nonconformities
- Provides clarity on managing nonconformities

Types of Approaches

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The ordinance language used in these examples varies significantly depending on complexity of the issue and method of implementation. In straight forward cases, actual ordinance language is provided. In complex examples, the key provisions are summarized. Please contact the planning and zoning staff with the relevant community if you have questions about the specific ordinance provisions.

1. Cumulative Valuation

Douglas County

Should such structure be destroyed by fire or other peril to an extent of more than fifty (50) percent of the assessor's market value at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The fifty (50) percent replacement valuation must be calculated as a cumulative total for the life of the individual nonconforming structure. It is not the intent of this Ordinance to allow multiple construction projects on the individual nonconforming structure to manipulate the fifty (50) percent replacement valuation.

Ordinance Citation: Section V. F. 2.a. (2)

2. Limits on Expansion

Itasca County

Additions to nonconforming structures are allowed with a permit provided the addition:

- Doesn't encroach further into the nonconforming setback and isn't located in the shore or bluff impact zone.
- Doesn't encroach into the septic treatment or expansion area.
- Doesn't increase the square footage of the structure existing on April 1, 1995, by more than 100 percent or 1,000 square feet.
- Or the completed structure is no higher than 20 feet within the shore impact zone or 25 feet between the shore impact zone and the required setback.

Ordinance Citation: Section 4.5.2.

3. Clarifying Administration

Hubbard County

There are three parts to the standards:

1. Specific standards prohibiting the expansion and modification of nonconforming USES and structures housing nonconforming USES for a variety of situations. Article VII, Section 701.
2. Specific standards prohibiting the expansions of nonconforming structures except in situations where structures can meet specific criteria – otherwise a variance is required. Article VII, Section 702.
3. Definitions that clarify words used in Article VIII, Sections 701 and 702.

Expansion, enlargement, or intensification. Any increase in a dimension, size, area, volume, or height; any increase in the area of use; any placement of a structure or part thereof where none existed before; any addition of a site feature such as a deck, platform, fence, driveway, parking area, or swimming pool; any improvement that would allow the land to be more intensely developed; any move of operations to a new location on the property; or any increase in intensity of use based on a review of the original nature, function or purpose of the nonconforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the County. Article I, section 111

Maintenance. Normal upkeep of a structure to include the replacement of windows, siding, external roof surfaces, or exterior finish such as paint or stain. Article I, section 111

Repairs and maintenance. An alteration of the interior or exterior portion of a structure that does not involve the replacement of the main structural frame, walls, or changes in the exterior dimensions of the structure. Article I, section 111

Replacement, reconstruction, or restoration means construction that exactly matches pre-existing conditions. Article I, section 111.