

## Non- Conforming Uses, Structures, and Lots Frequently Asked Questions

**Q** What does non-conforming mean?

**A** *Uses, structures, and lots which would not be consistent with regulations of this chapter but which enjoy rights of privilege based on their previous **legal** existence but which may also have some specific restrictions based on non-conforming status. Regulations related to non-conforming uses, structures, or lots typically are focused on how to allow such uses to continue without further increasing the nonconformity and with a general objective of bringing the use, structure, or lot into greater conformance where possible.*

**Q** Is every existing use legal non-conforming?

**A** *Not necessarily. When there is doubt, documentation will need to be submitted to Planning Department staff to establish legal non-conforming status through a Certificate of Zoning Compliance (CZC) this is application process that is provided without fee for:*

- *a building or land use permit application where the permit would result in a structure or sign coming into conformance with this chapter; and.*
- *all applications within the NMUGA until January 1, 2020.*

**Q** What are the privileges and restrictions if I have a non-conforming use?

**A** *A **legally** established lot, use, or structure that does not conform to the new requirements shall be deemed an existing legal lot, use, or structure and may be continued, transferred or conveyed and/or used as if conforming.*

*Use: A non- conforming use may be continued but may not be enlarged in scope or size unless it has been issued a CZC or if the expansion is needed to comply with new legal requirements (example: new environmental regulations).*

*Structure: A legal non-conforming structure may be altered if alterations do not increase the non-conformity or contributes to the making the structure more conforming with the new district standards. Additionally, some larger additions may require that the structure comply all new development regulations. Some additional regulations are in place for improvements to non-conforming structures in the Business Village District.*

*Lots: Legal non-conforming lots may be developed provided that they meet public health regulations and other applicable regulations except for tract or parcel size subject to any conditions that may be imposed as part of the CZC process if applicable.*

**Q** What do I do once the new regulations are adopted if I think I have a legal non-conforming use?

**A** *It would be a good idea to get the CZC before 2020 to qualify for the fee waiver especially if you plan to expand a non-conforming use or expand or improve a non-conforming structure or develop a non-conforming lot. Otherwise, regulations will have no immediate impact.*

**Q** What if I cannot prove the use, lot, or structure was legally established?

**A** *This will be particularly problematic if a non-conforming use has been discontinued for more than three years. In such cases such uses will have to be brought into compliance. All uses, structures, lots, and signs established illegally and not in conformance with the new regulations are considered illegal and must be brought into conformance new regulations. Such uses, structures, lots, and signs shall not be approved for any alteration or expansion until and unless actions are taken to reach conformance with the current standards and requirements.*

For more information see...17.06.250 - Non-Conforming Uses, Structures, and Lots.