



R-11-03

Zoning Regulation Amendment

Continuation, Changes, or Modifications to Non-conformances for Catastrophic Events

Board of Supervisors

September 27, 2011



Background

Per Article 20:

- ✓ **Non-conforming lots or parcels of record are those having less site area than required for the zoning district in which it is located which lawfully existed either prior to January 1, 1975, or which was rendered nonconforming as a result of subsequent amendments to the regulations, may be developed provided the project complies with all applicable site development standards.**



Background

Furthermore:

- ✓ Any discontinuance of nonconforming uses as the result of destruction by fire, explosion, act of God or act of the public enemy, requires the future use(s) to comply with all requirements of the Zoning Regulations or amendments thereto for the zoning district in which such future use is located.



Proposed Revision

Would allow property owners whose structure(s) were damaged or destroyed by catastrophic events that the BOS declares emergencies and who wish to repair or rebuild structures deemed legal, non-conforming (or which existed prior to January 1, 1975) to be exempt from compliance with current standards.



Proposed Amendment - Article 20

2003.03 Discontinuance of Nonconforming Uses

- B. "In the event that a nonconforming use of land, building or structure is destroyed by fire, explosion, act of God or act of the public enemy, then the future use shall from and after the date of such destruction, be subject to all of these Regulations or amendments thereto for the zoning district in which such future use is located. *However, property owners whose structures were damaged or destroyed by a catastrophic event that the Board of Supervisors declares to be an emergency, and who wish to repair or rebuild structures deemed non-conforming, are exempt from this requirement.*"



Planning and Zoning Commission Recommendation

On September 14, the Planning and Zoning Commission unanimously (7 – 0) recommended that the Board approve the text amendment as proposed.



Recommendation

Staff recommends that the Board of Supervisors approve the proposed zoning regulation text amendment.