

Village of Lake Isabella - Codified Ordinances

Article XII – Planning & Zoning

Chapter 1230 – Non-Conforming Lots, Uses, and Structures

Adopted August 4, 1998 – Ordinance 1998-01

Last amended July 15, 2008 – Ordinance 2008-02

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1230.01 NON-CONFORMING USES

Any lawful use existing at the time of the adoption or amendment of this chapter may be continued notwithstanding the fact that such use becomes non-conforming under the chapter as adopted or amended.

1230.03 CHANGE OF NON-CONFORMING USE

A nonconforming use may be changed to another nonconforming use by authorization of the zoning board of appeals if such new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. Whenever a nonconforming use is changed to a more restricted or conforming use, such use shall not thereafter revert to the prior non-conforming use.

1230.05 DISCONTINUANCE

If a non-conforming use is discontinued or abandoned for a period of six months, it may not thereafter be continued. A non-conforming use, if changed to a use permitted in the district in which it is located, shall not be resumed or changed back to a non-conforming use of any nature.

1230.07 EXPANSION OF NON-CONFORMING USE

A non-conforming use may be expanded throughout the structure in which it is conducted, except in all residential districts. Non-conforming uses which are not located within a structure may not be expanded to land not actually in use at the time of the adoption of this chapter or any amendment thereto. Non-conforming uses

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having multiple structures shall not be expanded by construction of an additional structure.

1230.09 NON-CONFORMING STRUCTURES

1. Any structure which when constructed, complied with the height, area, dimension and any other size regulations, or setback of the required conditions of the zoning code in effect at the time of its construction may continue notwithstanding the fact that such structure becomes non-conforming as to height, area, dimension, setback, or other regulations of this chapter as adopted or amended.
2. Any structural or dimensional change to a non-conforming structure must be conforming, except that a single-family dwelling may be expanded in any non-conforming yard to the existing point of the non-conforming setback presently maintained by the structure, unless the non-conforming setback relates to a deck, enclosed porch, or other portion of the structure that is not considered habitable floor space.

1230.11 BUILDINGS AND USES UNDER CONSTRUCTION

Any structure or use lawfully in the process of completion at the time of the adoption of this chapter or any amendment thereto may be completed. Such structure may be used for the use specified in the zoning and building permit notwithstanding the fact that such use or the structure itself does not comply with the chapter as adopted or amended. The term "Process of completion" includes the completed construction of footings and the pouring of concrete therefore. The preparation of architectural plans and drawings, purchase of land, leases, or materials, or the moving of earth are excluded from such term. The Zoning Board of Appeals shall determine which buildings and structures are in the process of completion according to the procedures specified in Chapter 1302.

1230.13 RESTORATION AND REPAIR

1. Only repairs and maintenance work required to keep a non-conforming structure in sound condition may be made.
2. A structure or use damaged by the elements, public enemy or other casualty may be rebuilt or restored to its size prior to such damage and its use resumed if the cost of such restoration and repair does not exceed 50% of the appraised replacement cost of the building or use which was damaged. The building inspector shall make such determination. Persons aggrieved by the determination of estimated replacement cost by the building inspector may appeal such determination to the zoning board of appeals.
3. No non-conforming structure or use shall be rebuilt or reconstructed and resumed if the cost thereof exceeds the formula established in Chapter 1230.13(2), except single-family dwellings may be re-established as a non-conforming use in a conforming primary structure, unless the zoning board of appeals has made the following determinations:

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- A. The circumstances are such that the lot previously occupied by such non-conforming use cannot then be advantageously used for a use permitted in the district in which it is situated, and all repairs shall be commenced within one year from the time of the casualty.
- B. Reconstruction of the structure or use and its resumption will not adversely affect adjacent properties or the Village of Lake Isabella for reasons of health, safety or general welfare.

1230.15 DISTRICT BOUNDARY CHANGES

When district boundaries shall hereinafter be changed, any nonconforming use may be still continued but subject to all other provisions of this chapter. The provisions of this article shall also apply to buildings and land or uses which hereafter become nonconforming due to any reclassification of districts under this chapter and any change in the regulations of this chapter.

1230.17 PLANS ALREADY FILED

In any case where plans and specifications for a building or structure have been filed, which would conform with the zoning regulations effective at the date of such filing but not with the regulations of this chapter, such work may proceed provided construction is commenced within 60 days after the issuance of such permit and diligently pursued to completion.

1230.19 NON-CONFORMING LOTS

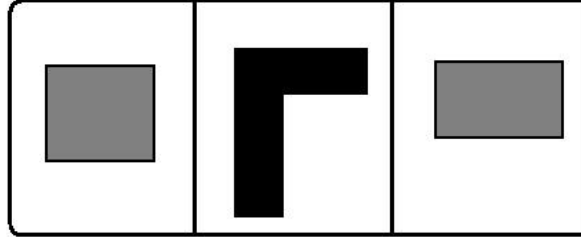
Any existing lot of record nonconforming due to its size or width may be built upon provided all structures comply with the minimum setback requirements of the district in which it is located. Where two or more contiguous non-conforming lots were under common ownership as of the effective date of this chapter, such lots shall be considered as a single lot and no portion of the said combined lot shall be used, sold or divided in a manner that diminishes compliance with lot width, lot area or setback requirements established by this chapter.

Chapter 1230 continued on the next page...

1230.21 NON-CONFORMING EXAMPLES

USE: Commercial use in a Residential district, Industrial use in a Residential district.

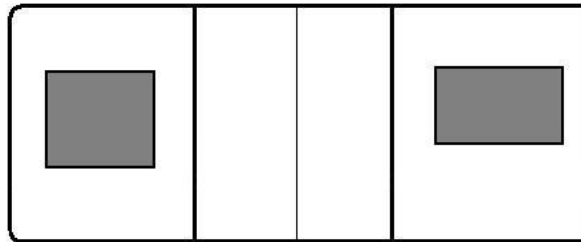
Non-Conforming Use



Industrial Use

PARCEL: Does not meet size requirements such as width or depth, does not have access to a street.

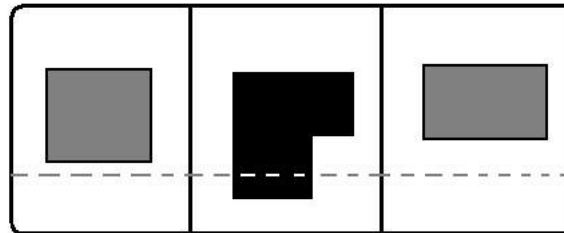
Non-Conforming Parcel



Parcels not meeting minimum width requirement

STRUCTURE: Not within setback requirements, exceeds allowed height, does not have the required habitable floor space for the zoning district.

Non-Conforming Structure



Structure located within required setback