

# Arapahoe Land Development Code

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## **PART 1            ZONING REGULATIONS**

### **SECTION 500    NONCONFORMING USES, STRUCTURES AND LAND**

#### **1-501        INTENT**

- The intent of this Section is to recognize that within zoning districts established by these Regulations there exists land, uses of land, structures and uses of structures, which were lawful before these Regulations were adopted or amended, but which would be prohibited, regulated, or restricted under the provisions of these Regulations. These nonconformity's shall not be enlarged, expanded, increased, nor be used as grounds for adding other structures or uses now prohibited in the same district.
- Nothing in this Section shall be interpreted to require a change in plans, construction, or designated use of any building in which a building permit was lawfully obtained from the PWD Building Division prior to the effective date of adoption or amendment of these Regulations, provided construction was commenced within sixty (60) days after obtaining said building permit and diligently completed.
- Any use, structure and/or parcel of land which was used, erected or maintained in violation of any previous Zoning Regulations shall not be considered as a legal, nonconforming use, structure and/or parcel, and shall be required to comply with all provisions of these Regulations.

#### **1-502        NONCONFORMING USES OF LAND**

- A use of land that was lawful before these Regulations were adopted or amended may continue to exist even though the use would be prohibited, regulated, or restricted under the provisions of these Regulations, subject to the following provisions:

##### **1-502.01**

- Such nonconforming use of land shall not be enlarged, expanded, extended, increased, nor moved to occupy an area of land which was not occupied before these Regulations were adopted or amended.

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## **1-502.02**

- If any such nonconforming use of land is discontinued for any reason for a period of more than six (6) months, a subsequent use of such land shall conform to the provisions of these Regulations and amendments, unless the Board of County Commissioners grants an extension of time.

## **1-502.03**

- Any additional land use and/or structure(s) associated with the nonconforming use of land shall conform to these Regulations.

## **1-503 NONCONFORMING USES OF STRUCTURES**

- A use of a structure(s) which was lawful before these Regulations were adopted or amended may continue to exist even though the use would be prohibited, regulated, or restricted under the provisions of these Regulations or amendments, subject to the following provisions:

### **1-503.01**

- Existing structures devoted to a nonconforming use shall not be enlarged, expanded, extended, nor altered to accommodate nonconforming uses or other uses not allowed in the district in which the structure is located.

### **1-503.02**

- If a permitted use supersedes a nonconforming use in all or part of the area in a structure, that area shall thereafter conform to the provisions of these Regulations.

### **1-503.03**

- When a nonconforming use of a structure is discontinued or abandoned for six (6) consecutive months, any subsequent use of such structure shall conform to the provisions of these Regulations, unless the Board of County Commissioners grants an extension of time.

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## **1-503.04**

- Should a structure devoted to a nonconforming use be damaged or destroyed by any means, the structure may be reconstructed and the nonconforming use re-established subject to compliance with the provisions of this Section.

## **1-504 NONCONFORMING STRUCTURES**

- A structure which was lawful before these Regulations were adopted or amended may continue to exist, even though the structure would be prohibited, regulated, or restricted under the provisions of these Regulations or amendments, subject to the following provisions:

### **1-504.01**

- Such nonconforming structure(s) shall not be enlarged or altered in any manner, except to decrease its nonconformity.

### **1-504.02**

- Should such nonconforming structure(s) or portion thereof be damaged or destroyed by any means, or be declared unsafe by the PWD Building Division to an extent of more than fifty percent (50%) of its replacement cost, it shall not be reconstructed except in conformity with the provisions of these Regulations. If the reconstruction cost and/or area of reconstruction (whichever is less) is less than or equal to fifty percent (50%), the structure may be strengthened or restored to a safe condition provided the original nonconformity is not enlarged, increased, or extended, and construction is commenced within six (6) months after obtaining the required building permit(s), unless the Board of County Commissioners grants an extension of time.

### **1-504.03**

- Should such nonconforming structure(s) be moved for any reason, for any distance whatsoever, it shall conform to the provisions of these Regulations.

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## **1-505 NONCONFORMING LAND**

- These Regulations specify minimum lot area, width, and yard requirements within each zoning district for the purpose of creating “building envelopes” in which construction can occur on any parcel in the unincorporated areas of Arapahoe County. It is the intent of this provision to allow construction of a permitted principal use and customary accessory structure(s) on any parcel which was of record before these Regulations were adopted or amended, unless such parcel was created in violation of Senate Bill 35.
- This provision shall apply even though such parcel fails to meet these Regulations’ requirements for area, width, or both, that are applicable in the given zoning district. However, all minimum yard requirements as set forth in the applicable zoning district shall apply to such parcel(s), unless a variance is obtained from the Board of Adjustment. No variance to the minimum lot area for any parcel may be obtained.

## **1-506 REPAIRS AND MAINTENANCE**

- Any nonconforming structure or a structure devoted to a nonconforming use may be repaired and maintained for ordinary upkeep. Such repairs and maintenance shall not enlarge, expand, extend, or increase the nonconformity in any manner. Also, such repairs and maintenance shall not exceed fifty percent (50%) of the current replacement cost of the nonconforming structure or a structure devoted to a nonconforming use.