

Memo

TO: Camp Verde Planning Commission and ZORC Members

FROM: Dava Hoffman and Rick Counts

DATE: September 15, 2010

**SUBJECT: Part One, Section 102 B Non-Conforming Uses and Structures
Suggested Revisions - Draft Development Guidance System**

After further discussions with Town staff were conducted, we are of the opinion that additional criteria should be added to the drafted non-conforming section, i.e. Part One, Sec 102-B, 1 and 4, to offer more definition and flexibility. This will be part of the discussion at the Joint Work Session on September 27, 2010.

Please review and replace those subsections with the following additions, shown in italics.

Section 102-B Non-conforming Uses and Structures

As herein defined, a non-conforming use or structure was at one time a legal, conforming use or structure that is no longer considered to be conforming due to a change in the Town's land use ordinances.

1. Continuation

The lawful use of any building, structure, or land may be continued, although such use does not conform with the current provisions hereof, *subject to verification as set forth in Section 102-E-5, below, where the use or structure was lawfully established prior to and has been continued under one of the following circumstances:*

- a. the date upon which the Yavapai County Zoning Ordinance became effective, September 20, 1970; or*
- b. assumption of municipal zoning authority by the Town of Camp Verde upon its incorporation; or*
- c. an amendment to zoning provisions or other development regulations to which the use or structure, thereafter, does not conform.*

(Note: the last sentence of 102-B-1."However, no such use....safety and welfare of the public"... may be deleted as it is covered in 102-B-5, Verification)

Section 102-B-4

c. A non-conforming use may not expand, defined as including a geographic increase of the actual use, as well as an increase in volume or intensity, *with the exception that a property owner may apply for a determination, pursuant to Section 102-B-5, that a minor increase may be approved based on findings that the proposed expansion will constitute an improvement to the subject property with no detriment to neighboring properties, in the following instances:*

- 1) replacement of a non-conforming mobile home with a certified manufactured home that does not exceed the replaced structure's area by more than 50%; or*
- 2) building extension of a non-conforming setback on a single-family, site-built residence that neither decreases the non-conforming setback distance nor creates any further non-conforming condition and does not increase the structure's ground floor area by more than 20% and maintains an interior side yard setback of not less than 3 feet to the property line.*