



# User's Guide To The Land Use Permit Process

## Nonconforming Uses

Yakima County Planning Division ◆ 128 N. 2nd Street 4th Floor Courthouse - Yakima, Washington 98901 ◆ Phone (509) 574-2300

Lots, uses, and structures exist which were lawful when established but whose establishment now would be restricted or prohibited under the current zoning regulations. These are considered “**Nonconforming**” and Title 19 provides for nonconforming uses, structures, and lots that were legally established and have not been abandoned or discontinued.

### General Information about Nonconforming Uses

- Nonconforming uses are activities that were established through legal means and have been maintained since the zoning ordinance was either adopted or changed to not allow such uses, or since the zoning district changed.
- Owners of nonconforming uses are responsible for submitting evidence verifying that the use was legally established and that the activity has been in continuous use or operation every year since the use became nonconforming.
- Nonconforming uses may continue to exist unless they are discontinued or abandoned. A use is considered discontinued if it is succeeded by an allowed use, it is succeeded by another non-allowed use, or it ceases for more than 18 months.
- Sometimes nonconforming uses require a review for certain actions, such as when constructing new buildings or additions, when changing the use, or sometimes when regular maintenance of a building is required. See below for an expanded list of activities that might trigger a review.

Examples of a nonconforming use include an old residence in a neighborhood which is now zoned as a commercial district, or an old convenience center in what is now zoned as a residential district. These land uses may have received all the proper permits at the time they were established but would not be permitted as new uses in those areas under today's regulations.

### **Types of Activities that might trigger a review, but are not limited to:**

1. Building an addition to a structure that contains a nonconforming use.
2. Adding a structure or structures to expand a nonconforming use on the same lot.
3. Repairing a structure that contained a nonconforming use that has been damaged by fire or another disaster. Such repairs must occur within 18 months of the disaster.
4. Normal repair and maintenance activities of a structure containing a nonconforming use, when the value in work and materials within a 12 month period exceeds 25 percent of the value of the structure. {19.33.060(3)(b)}.
5. Change to a different, less intense use listed as a land use in the County Code (Table 19.14.1) .

### **Submittal Instructions:**

The following forms are required at the time of submittal

1. Non-Conforming Use Application Form
2. Narrative Form
3. General Application Form
4. Site Plan with completed Site Plan Checklist
5. Other pertinent evidence to establish the legal nonconforming status of the use as required by 19.33.060(1)(b)

*For specific application submittal requirements and timelines please refer to Title 19 (Unified Land Development Code) and Title 16B (Yakima County Project Permit Administration Ordinance).*