



Larimer County Land Use Code

Nonconformities, Article 1.10

Community Development Division
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Nonconforming Use, Structure or Lot

Article 1.10 governs nonconformities which are uses, buildings, structures (except signs), lots, and site features (such as parking and landscaping), that were legally established prior to the adoption of this Code but that do not comply with one or more requirements of this Code. The provisions of this section are intended to recognize the interests of property owners in continuing and putting to nonconformities to productive use, while also encouraging and establishing processes to bring as many aspects of nonconformities into conformance with this Code as is reasonably practicable.

A nonconforming use, structure or lot is considered legal, but is restricted in terms of how it can be changed or altered. The right to continue a nonconforming use or structure may be lost under certain conditions.

Nonconforming Structure: A structure that, by reason of its height, size, distance from a lot line, encroachment on a setback, or other dimensional or bulk requirement, does not conform to the requirements of this Code but did conform to all applicable zoning requirements at the time of its construction.

Nonconforming Lot: A lot or parcel of land that does not meet one or more of the requirements of this Code but is considered a legal lot because: 1) The lot was created by deed or other instrument of property transfer executed before May 5, 1972; or, 2) The lot was approved by the County Commissioners on or after May 5, 1972; or, 3) The lot appears on a final plat of record approved by the appropriate approval authority at the time the plat was recorded.

Nonconforming Use: A use that does not conform to the requirements of this Code but did conform to all applicable zoning requirements at the time of adoption, revision, or amendment of this Code.

Questions and Information

For detailed information or for answers to specific questions regarding nonconformities in general or as it pertains to a specific lot or parcel of land, please contact the Planning Department.

Frequently Asked Questions

Q. How does the Planning Department determine if a use or building is nonconforming?

A. A planner will research county records and the following information provided by the property owner:

- Historical records and photos showing when a use/building was established.
- Description of the use (type, size, volume, frequency, hours of operations, etc.).
- Documentation showing whether the use/building has been in continuous operation since established.

Q. Can a property or building change the use?

A. A nonconforming use may **not** be replaced by another nonconforming use.

Q. Can repair and maintenance be done on a nonconforming building?

A. Yes, normal routine repairs and maintenance are allowed, but does not include repairs or maintenance that increases the degree of nonconformity.

Q. Can a nonconforming use or building extend, expand, enlarge or change its character?

A. It will depend on the nature of the nonconformity and the desired changes. Those factors will determine whether the nonconformity will have to go through a review process with the Planning Department.

Q. What does "change in character" mean?

A. A change in character occurs when the location, nature, volume, density, intensity, frequency, or degree of use is altered. Factors that are taken into consideration:

- Increase in number of employees or trips generated by customer traffic.
- Changes in business hours of operation.
- Change in activity, products or services.
- Effect the change has on the neighborhood (light, noise, or air quality).