

Chapter 12-09

NON-CONFORMING USES

Sections:

12-09-01 CONTINUANCE OF USE

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Section 12-09-01 CONTINUANCE OF USE

- A. The lawful use of land, a building/structure or premises existing on the effective date of this Ordinance, or subsequent amendments thereof, which does not conform to the regulations, or limitations, of use herein prescribed shall be deemed to be a non-conforming use and may be continued. If a non-conforming use is left vacant, or has been discontinued or abandoned, for a period of one year or more, or is more than fifty percent (50%) torn down, physically deteriorated or decayed, any further use of land, building/structure, or premises shall be in conformity with the provisions of this Ordinance. The mere presence of a building/structure shall not be deemed to constitute the continuance of a non-conforming use unless such building/structure is actually occupied and employed in maintaining such use.

- B. The owner of any land lying within (1) a Light Industrial (M-1) Zone as designated in the Ada County Zoning Ordinance, (2) the inner approach Zone B as designated in this Ordinance and (3) more than seven thousand feet (7,000') from the associated overrun area may exercise or continue the permitted and accessory uses authorized by the regulations of the Ada County Zoning Ordinances in existence and effect prior to March 31, 1973, provided the owners of said land grant an Aviation Easement approved by the Boise Airport Commission containing an easement for adjacent aviation noise as well as an easement above the maximum heights allowed including avoiding interference with flights by noise, dust, light or electronic means.

Section 12-09-02 RESTORATION OF A NON-CONFORMING USE

Nothing herein shall be deemed to prohibit the restoration of a building/structure within a period of six (6) months from the date of its destruction or damage in excess of fifty percent (50%) of its appraisal value by fire, explosion or other calamity, and said time may be extended when, upon petition to the Commission, proper cause is shown. However, the restoration of any building/structure so destroyed or damaged and the intended use thereof shall meet and comply with the regulations, and limitations, of this Ordinance in order to make a conforming use.

Section 12-09-03 SPECIAL PROVISIONS FOR NEW RUNWAYS AND CLEAR ZONES

- A. Maximum Height Provisions for Zone A and Clear Zone of Zone B: Until Runway 28L-10R (future long-range designation) is constructed, the landing strip zone and the inner two thousand five hundred feet (2,500') of the inner approach Zone B of said runway shall

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not be subject to the maximum height limitations provided by Sections 6.2(1)/12-6-2A and 6.2(2)/12-6-2B but until the construction of said runway shall be subject to a transition classification of the thirty five foot (35') maximum height limitation.

- B. Land Use Provisions for Zone A: The landing strip zone of Runway 28L-10R (future long-range designation) shall not be subject to the land use limitations of Section 7.2(1)/12-7-2A, but may be used for agricultural purposes. (Ord. 3601;9-23-74)