

TITLE 10: LOCAL LAWS
DIVISION 1: FIRST SENATORIAL DISTRICT (ROTA)

§ 1708. Nonconforming Uses or Structures.

(a) *Continuance of Nonconforming Uses and Structures.* Within the areas designated by the Zoning Board in its proposed zoning plan and which become law by enactment of the legislature or by popular initiative, or within the boundaries of such districts later established, there may be lots, structures, or uses of land and structures that were lawful prior to the enactment of the zoning plan but which would be prohibited or restricted under the zoning plan, as enacted, or under future amendments. The provisions of this section are intended to reasonably expedite the eventual elimination of existing uses or structures that are not in conformity with the enacted zoning plan. However, in applying these provisions, no elimination of nonconforming uses or structures shall be effected to cause unreasonable interference with established property rights or unreasonable hardship upon the property owner or user.

(b) *Nonconforming Uses or Structures.* Any lawful structures or use of land or structures existing at the effective date of the statutory enactment of the zoning plan by the First Senatorial District legislative delegation, or upon such zoning plan becoming law by initiative, including structures under construction and 25 percent complete, may be continued even though such uses or structures do not conform to the provisions of said zoning plan. The following provisions shall apply to every nonconforming use or structure within any district:

(1) It shall not be changed to another nonconforming use or structure.

(2) It shall not be enlarged or altered in a way which increases its intensity of use or its nonconformity.

(3) It shall not be reestablished after discontinuance and abandonment for a continuous period of six months or more.

(4) Any structures damaged by natural disaster, typhoon, fire, war or civil insurrection or act of God to any extent may be reconstructed as nonconforming structures, provided such damage is less than 75 percent of the physical structure. Such reconstruction shall not be an enlargement of the original structure. The Zoning Board shall, by regulation, establish standards and procedures to determine the percentage of damage to structures.

(c) *Nonconforming Areas and Parcels.* A lot of record may be occupied by any use permitted by this article within the district in which the lot is situated.

(d) *Casual or Illegal Use of Land.* A casual, intermittent, temporary, or illegal use of lands or structures shall not be sufficient to establish the existence of a nonconforming use.

(e) *Existence of Nonconforming Use is a Question of Fact.* Whether a nonconforming use exists shall be a question of fact and shall be decided by the Zoning Board. The burden of proof lies with the applicant.

(f) *Illegal Nonconforming Uses.* An illegal, nonconforming structure or use of land or structure shall not be validated by the adoption of regulations.

(g) *Annual Report.* The Zoning Board shall annually report to the First Senatorial District legislative delegation on the number and type of nonconforming structures and uses and make recommendations for acquisition of such sites by purchase or land exchange.

Source: Rota LL 8-2, § 8, modified.