

Cumulative Substantial Improvement/ Non-conforming Use

16.08.150

Cumulative substantial improvement.

"Cumulative substantial improvement" means the total cost of all improvements, modifications, additions, reconstruction, or repairs to a structure in order to determine the applicability of the substantial improvement provisions of this Title. When the total cost of all improvements, modifications, additions, reconstruction or repairs equals or exceeds the 50% substantial improvement threshold, the structure must be brought into compliance. The cumulative substantial improvement provision does not apply to tenant improvements of commercial structures or to the subsequent remodeling of any residential facility (e.g. kitchen or bathroom) that have been remodeled previously and accounted for under this provision. (Ord. 2010 FC-1; Ord. 2005-FC2 § 2 (part), 2005)

16.08.530

Nonconforming use.

"Nonconforming use" means an existing legal use that does not comply with this Title and was either:

- A. Constructed prior to December 16, 1974, which predates the requirement for written authorization for development within a floodplain, or
- B. Constructed on or after December 16, 1974, in compliance with the terms and conditions of the written authorization in effect at the time of construction. (Ord. 2010 FC-1)

16.08.680

Substantial damage.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. This term also applies to structures which have incurred repetitive loss or damage where the cumulative total of the loss or damage equals or exceeds 50 percent of the structure's market value regardless of the actual repair work performed. (Ord. 2010 FC-1; Ord. 2005 FC-2 § 2 (part), 2005)

16.08.690

Substantial improvement.

"Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement as determined by:

- A. The latest assessment rolls of the County Assessor before the improvement or repair is started, or
- B. The market value as determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation that has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

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- C. This term includes structures which have incurred Substantial damage regardless of the actual repair work performed.
- D. The term does not, however, include either:
 - 1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,
 - 2. Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure." (Ord. 2010 FC-1; Ord. 2005 FC-2 § 2 (part), 2005)



Location: RCD Conference Room A

Date: 3/29/10

Meeting: CUMULATIVE SUBSTANTIAL IMPROVEMENT / NON-CONFORMING USES

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