

FREMONT COUNTY NON-CONFORMING USE STATUS APPLICATION

This application procedure is an administrative process through the Fremont County Department of Planning and Zoning. There is a non-refundable application fee as set forth by resolution of the Board of County Commissioners that is required to accompany this application.

A non-conforming use is a land use that was valid or lawful when brought into existence, but as of the effective date of the Fremont County Zoning Resolution or subsequent amendments, is prohibited by or inconsistent with the requirements of the Zoning Resolution or its subsequent amendments.

If a non-conforming use has been abandoned, the right to continue the non-conforming use shall terminate upon expiration of a six (6) month period of abandonment and therefore not eligible for non-conforming use status. Abandonment shall mean discontinuance of the use coupled with the intent not to re-establish the use.

If a non-conforming use is discontinued for a period of one (1) year, whether such period of time begins prior to or after the enactment of Zoning Resolution or any amendment thereto, the right to continue that non-conforming use shall terminate upon expiration of the one (1) year period and such non-conforming use shall not be re-established and therefore not eligible for non-conforming use status. Discontinuance shall mean cessation of the use whether or not there was an intent to abandon the use.

A non-conforming use may not be altered, enlarged or expanded except for Business Uses in accordance with Section 5.6.8 of the Fremont County Zoning Resolution or non-conforming dairy farms in accordance with Section 5.6.9 of the Zoning Resolution.

If the title to any property shall change by reason of tax delinquency, the future use of such property shall be in conformity with the existing Fremont County Zoning Resolution.

In accordance with Section 5.6.14 of the Fremont County Zoning Resolution Junkyards and Automobile Graveyards as defined therein are declared to be a public nuisance and detrimental to the health, safety and welfare of the County and the adverse effects of such uses shall be mitigated according to the provisions of said Section.

1. Name of Owner: _____
2. Owners Address: _____ City: _____
State: _____ Zip: _____ Telephone #: _____ Fax #: _____
3. Address of Subject Property: _____
4. Legal Description of Subject Property: _____

5. Current Zoning District: _____

6. Description of Non-conforming Use: _____

7. Is the non-conforming use a business use or a dairy farm? Yes No If yes, is an expansion of building size and/or land area proposed? Please specify which or both _____
 What is the existing size of the building and/or land area? _____
 What is the size of the building and/or land area expansion? _____
8. Is the non-conforming use permitted or similar to a permitted, special or conditional use? _____ If yes, list the use that is permitted, special or conditional or the use it is similar too.

9. Documentation that the use was continuous for each year since the use became non-conforming and that the use was not discontinued for more than one (1) year from the beginning of the non-conformance to the present, shall be attached and labeled as Exhibit 8.
10. Attach a copy of site plan (minimum of 11”X 17”) locating all structures, parking spaces and areas, and driveways by dimension. In addition, all setbacks from property lines shall be shown.

By signing this Application, the Applicant, or the agent/representative acting with due authorization on behalf of the Applicant, hereby certifies that all information contained in the application and any attachments to the Application, is true and correct to the best of Applicant’s knowledge and belief.

Fremont County hereby advises Applicant that if any material information contained herein is determined to be misleading, inaccurate or false, the Board of Commissioners may take any and all reasonable and appropriate steps to declare actions of the Department regarding the Application to be null and void.

Signing this Application is a declaration by the Applicant to conform to all plans, drawings, and commitments submitted with or contained within this Application, provided that the same is in conformance with the Fremont County Zoning Resolution.

 Applicant Printed Name

 Signature

 Date