



Planning Division
52 W College Ave.
San Angelo, TX 76903
(325) 657-4210, #2
www.cosatx.us/planning

PLANNING

Planning is a Division of the Department of Planning & Development Services

NONCONFORMING USE/STRUCTURE

What is a nonconforming use or structure?

A building, structure or use of land lawfully occupied at the time of the effective date of the most recently approved Zoning Ordinance (in this case, 2000), and which does not conform to the regulations of the district in which it is situated.

Can a nonconforming use be expanded?

Approval to expand a nonconforming use may only be authorized by the Planning Commission.

Can a nonconforming structure be expanded?

A nonconforming structure may not be enlarged, expanded or extended in such a manner that it shall be made more nonconforming. The structure may be enlarged, expanded or extended so long as the nonconforming feature is not.

Can a nonconforming use be changed to another use?

Yes. A nonconforming use may be changed to a conforming use at any time. Secondly, one nonconforming use may be changed to another nonconforming use, provided that the new use is of the same general character or less intensive in nature. However, once changed, the use may not thereafter be changed back to a more intensive use. The Director of Planning & Development Services will determine whether a proposed use is less intensive.

If unused for a period of time, may a nonconforming use or structure be continued?

If the nonconforming use or structure is not operated during a continuous period of 12 months, then it shall be considered abandoned, and may only thereafter be used in conformity with the Zoning Ordinance.

What happens in the event of damage or destruction?

In the case of total destruction, a nonconforming use or structure may not be extended or rebuilt. In the case of partial destruction, the Building Official will determine if the cost of reconstruction is more than 50% of the entire structure's replacement value.

What is the process to submit an application?

1. Submit a completed application with the required application fee, as outlined on the Planning Fee Schedule, including plans or drawings sufficient in clarity and detail to describe the existing use of the subject property as well as any proposed expansion.
2. Once the completed application is received, the Planning Division will review the application for completeness & resolve any questions.

3. The application is scheduled for hearing based on the adopted submittal schedule, and may be found on the Planning Division's website.
4. The Commission conducts a hearing and approves, approves with conditions necessary to prevent or minimize adverse effects upon the surrounding neighborhood, or denies the request.

What criteria are used to determine the ruling on this type of request?

- *Impacts Minimized.* Whether and the extent to which the proposed conditional use creates adverse effects on adjacent properties;
- *Consistent with the Zoning Ordinance.* Whether and the extent to which the proposed conditional use would conflict with any portion of the Zoning Ordinance, including the applicable zoning district intent statement;
- *Compatible with Surrounding Area.* Whether and the extent to which to proposed conditional use is compatible with existing and anticipated uses surrounding the subject area;
- *Effect on Natural Environment.* Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment;
- *Community Need.* Whether and the extent to which the proposed conditional use addresses a demonstrated community need; and,
- *Development Patterns.* Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community.

Is there a process for appeal of a decision?

Yes, an appeal of the Planning Commission's decision may be made within 30 days of the decision date. The appeal will be heard by the City Council. The City Council shall modify or reject the decision of the Planning Commission *only* if it is not supported by substantial competent evidence or if the decision is contrary to the Comprehensive Plan, the Zoning Ordinance, or the Zoning Map.

Does the decision expire?

All approvals issued are subject to the requirement that the property must actually acquire a building permit and have substantially completed construction within 12 months from the approval date.