

- E. Change in Use.** A nonconforming use shall not be changed to any other use, unless any new or additional use conforms to the provisions of these Land Use Regulations for the zone district in which the use is located.
- F. Discontinuance or Abandonment.** If a nonconforming use is discontinued or abandoned for a period of more than twelve (12) consecutive months, whether or not the equipment or furniture are removed, then such use may not be re-established or resumed, and any subsequent use shall conform to the provisions specified by these Land Use Regulations. When government action can be documented as the reason for discontinuance or abandonment, the time of delay by government shall not be calculated for purposes of this Section.
- G. Unsafe because of Maintenance.** If a nonconforming structure or portion thereof or a structure containing a nonconforming use becomes physically unsafe or unlawful due to the lack of repairs or maintenance, and is declared by the Building Inspector to be an unsafe structure, it shall thereafter be rebuilt and repaired in conformance with the standards of these Land Use Regulations and the Building Code.
- H. Damage of Structure.** If a nonconforming structure or a structure housing a nonconforming use is damaged or destroyed by any means to an extent of more than fifty (50) percent of the actual value of the structure immediately prior to the damage (as determined by the most recent County Tax Assessor's role), it shall not be restored or repaired, except in conformance with the provisions of these Land Use Regulations, and all rights of a nonconformity are terminated. If a structure is damaged by less than fifty (50) percent of its actual value (as determined by the most recent County Tax Assessor's role), it may be repaired and reconstructed and used as before the time of damage, provided such repair and reconstruction is substantially completed within twelve (12) months of the date of damage.
- I. Use is Acquired by Tax Delinquency.** If Eagle County acquires title to any land by reason of tax delinquency upon which a nonconforming use is located, and the land is not redeemed as provided by law, the use on the land shall comply with the provisions of these Land Use Regulations, and any amendments thereto.
- J. Conforming Use in a Nonconforming Structure.** Conforming uses within a nonconforming structure may change as long as the use does not increase the nonconformity of that structure. Uses must be allowable pursuant to Article 3, Zone Districts. (am 03/12/02)

SECTION 6-120 NONCONFORMING LOTS OF RECORD

- A. General.** Where a legal lot of record has an area or frontage that does not conform to the standards of these Land Use Regulations, but it was a legal lot of record on January 1, 1999, the effective date of these Land Use Regulations, or was created pursuant to Section 5-295, Conservation Subdivision, such lot or parcel of land may be developed, provided it is not a contiguous lot under common ownership as defined in Section 6-120.B., Contiguous Parcels Under Single Ownership, and the minimum yard standards for the zone district in which it is located are met or a variance from these standards is obtained pursuant to Section 5-260, Variances.
(am 9/27/99) (am 11/07/07)

1. **Uses by Right.** In all instances, and except in the Backcountry (BC) and Resource Preservation (RP) zone districts, and except for a contiguous lot under single ownership, this Section shall be interpreted to allow one (1) single family dwelling unit to be located on a nonconforming legal lot of record, and in the Resource (R) Zone District only, to allow a nonconforming legal lot of record to maintain those agricultural uses that are allowed uses in that zone district. New single family dwelling units shall comply with any and all standards of these Land Use Regulations. *(am. 03/12/02) (am.05/15/07)*
 2. **Additional Uses.** In all zone districts, except for the Fulford Historical (FH), Backcountry (BC) and Resource Preservation (RP) zone districts, this Section shall be interpreted to allow the owner of a nonconforming lot of record to apply, pursuant to Section 5-250, Special Uses, for any other use that is allowed, allowed by limited review, or allowed by special review for any use normally permitted in the applicable underlying zone district (see Table 3-300 Residential, Agricultural, and Resource Zone Districts Use Schedule). All setbacks and zone standards must be adhered to, except that the uses approved by the Board of County Commissioners may be allowed on lots which do not meet minimum lot size for that zone district. in the applicable underlying zone district. *(am. 03/12/02) (am.05/15/07)*
- B. Contiguous Parcels under Single Ownership.** Except as set forth hereunder, two (2) or more contiguous parcels of land under single ownership shall constitute a single lot which cannot be subdivided without the prior approval of Eagle County, as prescribed in these Regulations. *(am.12/13/05)*
1. **Division is a Subdivision.** Except as set forth hereunder, in the event that two (2) or more contiguous lots, previously separately conveyed or described, were acquired under single ownership, regardless of diverse times of acquisition by the single owner, the division of such land into two (2) or more lots, separate interests, interests in common or other division, even if divided along the line(s) of a previously described or conveyed lot(s), shall constitute a subdivision of land. *(am.12/13/05)*
 2. **Limits to Applicability.** *(am.11/08/05)*
 - a. Nothing herein shall be deemed to apply (a) in the Fulford Historical Zone District, or (b) in the Nelson Access Road Community as shown in Appendix D to these Land Use Regulations, or (c) to a lot shown on any recorded subdivision plat if such subdivision has been approved and signed by the Board of County Commissioners, or (d) to a legal lot of record which conformed to the applicable zoning standards at the time the single ownership came into being or, if later, when zoning first applied to the lot (October 19, 1974). This Section 6-120.B. applies only when the single ownership of the contiguous lots existed on, or at any time after, October 19, 1974. *(am 02/20/01)*
 - b. For any merger of parcels of land or lots under the provisions of this Code, which merger is not requested in writing by each owner of an affected parcel, and which merger occurs for the first time on or after October 1, 2003 (the effective date of Senate Bill 03-067 as codified in C.R.S. Section 30-28-139), the following provisions shall govern, as expressly required C.R.S. Section 30-28-139:
 - (1) Prior to the completion of the merger, the County shall send notice of the County's intent to complete the merger to each owner of the affected