

PELUC Eligibility Criteria

In order to be eligible for PELUC consideration, the non-conforming use shall be consistent with all of the following criteria. Any non-conformity that is expressly prohibited by the following criteria, shall not be eligible to apply for such waiver of non-conforming use status. Staff's responses to these Eligibility Criteria are listed below:

(1) The non-conforming use shall have been originally established as a legal use and have been in existence on the date of adoption of the LDR (January 1, 2009)	
Staff:	This criteria is SATISFIED.
(2) The waiver provisions by this PELUC review process shall be applicable only to existing non-conforming uses of land and cannot be applied to waive any other development criteria in the LDR, such as but not limited to, environmental requirements, buffering, open space, building codes, lot area, impervious surface, parking, or setbacks.	
Staff:	This criteria is SATISFIED.
(3) In all future land use and zoning categories, the following uses shall not be eligible to apply for a PELUC certificate: (a) Industrial uses, such as those permitted in the M-2 District, adjoining residential areas. (b) Any industrial use for which sole access is to a local or collector street.	
Staff:	This criteria is SATISFIED. The requested use is non-industrial.
(4) In order to protect existing residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment, the following uses that are located within areas zoned for residential use shall not be eligible to apply for a PELUC certificate: (a) Commercial use and development in excess of 20,000 square feet of building floor area, other than office uses. (b) All industrial uses.	
Staff:	This criteria is SATISFIED. The use is not a commercial or industrial use.
(5) No request for waiver can be submitted which exceeds 75% impervious surface per lot with the exception of single-family residential uses. A request for waiver can be submitted for single-family residential land uses regardless of the impervious surface percentage.	
Staff:	This criteria is SATISFIED.

PELUC Review Criteria

The following criteria shall be applied in evaluating and deciding any application for a Previously Established Land Use Conformity (PELUC) Certificate. No application for a PELUC shall be granted by the Zoning Board of Appeals unless satisfactory provisions and arrangements have been made concerning each of the following criteria, all of which are applicable to each application. Responses to these criteria from both the Applicant and Staff are listed below :

(1) Demonstrate how the impact of the non-conformity is minimal upon surrounding land uses and is not detrimental to the public health, safety and welfare and, as a result, the non-conforming status may be waived:	
Applicant:	It will have no impact.
Staff:	The impact of a house will be very minimal on the neighbors.
(2) Explain how the non-conformity may be substantially mitigated such that the development may attain conforming status by implementing the outlined mitigation steps. A site plan or plan of development may be required to demonstrate mitigative measures that will maintain compatibility through specified design measures.	
Applicant:	It will be a house and will not have any impact.
Staff:	The applicant is proposing to replace the damaged single-family residence with a new single-family residence, having very little impact on the neighborhood.