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ARTICLE 9 NONCONFORMING USES

SECTION 9.010 PURPOSE

Invariably, at the time a zoning ordinance is adopted or amended, certain uses which existed prior to the adoption or amendment will not conform to the use or dimension regulations for the District. These are known as nonconforming uses, and in order to feasibly adopt the zoning ordinance and so as not to cause undue economic hardship on owners of nonconforming uses, these uses are allowed to continue under special conditions as outlined in the following sections.

SECTION 9.020 CONTINUATION OF NONCONFORMING STRUCTURE OR USE

Subject to the provisions of this article, a nonconforming structure or use may be continued and maintained in reasonable repair but shall not be altered or extended.

SECTION 9.030 DISCONTINUANCE OF NONCONFORMING USE

1. If a nonconforming use involving a structure is discontinued for a period of one year, further use of the property shall conform to this Ordinance.
2. If a nonconforming use not involving a structure is discontinued for a period of 6 months, further use of the property shall conform to this ordinance.

SECTION 9.040 CHANGE OF A NONCONFORMING STRUCTURE

Except for signs, a structure conforming as to use but nonconforming as to height, yard requirements, or lot coverage may be altered or extended providing the alteration or extension does not exceed the area, height, or coverage requirements of this ordinance. A nonconforming sign shall not be altered or extended except to make it comply with the requirements of this ordinance.

SECTION 9.050 CHANGE OF NONCONFORMING USE

1. If a nonconforming use not involving a structure is replaced by another use, the new use shall conform to this ordinance.
2. If a nonconforming use involving a structure is replaced by another use, the new use shall conform to this ordinance unless the Planning Commission determines that such structure is suitable only for another nonconforming use no more detrimental to surrounding properties than the one to be replaced.

SECTION 9.060 DESTRUCTION OF A NONCONFORMING STRUCTURE OR USE

Should the exterior framing of a nonconforming use or nonconforming portion of a structure be destroyed or dismantled to an extent of more than 40%, the structure shall not be reconstructed

except in conformity with the provisions of this ordinance. In the event the destruction of the exterior framing was accidental and exceeds the above percentage, the [*Planning Commission may grant a conditional use permit reconstruction*] **City may issue a building permit within two years of the date of destruction to reconstruct the non-conforming portion of the structure** in the same location provided that the original **non-conforming** dimensions, setbacks, and floor area are not exceeded."

SECTION 9.070 COMPLETION OF STRUCTURE

Nothing contained in this ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued and construction work has commenced prior to the adoption of this ordinance, provided the building, if nonconforming or intended for a nonconforming use, is completed and in use within one year from the time the building permit is issued.