

CHAPTER 10 NONCONFORMING USES

SECTION:

6-10-1: STATEMENT OF PURPOSE:

This Title establishes separate zoning districts, each of which is an appropriate area for the location of the uses which are permitted in that district. It is necessary and consistent with the establishment of those districts that those nonconforming uses which substantially and adversely affect the orderly development and taxable value of other property in the district not be permitted to continue without restriction.

The purpose of this Chapter is to provide for the regulation of nonconforming uses and to specify those circumstances and conditions under which they shall be permitted to continue.

6-10-2: AUTHORITY TO CONTINUE NONCONFORMING USES:

Any use which existed lawfully at the time of the adoption of this Title, or any amendment hereto, and which remains or becomes nonconforming upon the adoption of this Title, or any amendments hereto, may be continued, provided that 1) if the use is located in building or structure, it may be continued during the remainder of the normal life of the building or structure in which the nonconforming use is conducted or until the building or structure has deteriorated to the extent that it is no longer safe for the housing of the nonconforming use therein, or 2) if the use does not involve a principal building or structure, it may be continued so long as no new principal or accessory building or structure is erected. The continuance of all nonconforming uses shall be subject to the regulations herein set forth.

No use which was not lawfully existing at the time of the adoption of this Title shall become or be made lawful solely by reason of the adoption of this Title; and to the extent that, and in any manner, said unlawful use is in conflict with the requirements of this Title, said use remains unlawful hereunder.

6-10-3: RESTRICTIONS ON NONCONFORMING USES:

1. Repairs and Alterations:
 - 1.1. Repairs and alterations may be made to a building or structure in which is conducted a nonconforming use provided that they are made in accordance with provisions of Section 6-10-3.1.2 hereof. No repairs and alterations shall be made which increase the bulk of the building or structure unless they are intended to provide for a permitted use.
 - 1.2. Nothing in this Chapter shall prevent the reconstruction, repairing, or rebuilding of a building or structure in which is conducted a nonconforming use, rendered necessary by wear and tear or deterioration or which is required by the provisions of the building regulations of the City relative to the maintenance of said buildings or structures provided the cost of such work within a two-year period shall not exceed fifty percent (50%) of the replacement cost of such building or structure at the time such work is done.
2. Restoration: If a building or structure in which is conducted a nonconforming use is damaged by fire, collapse, explosion, or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty percent (50%) of the replacement cost of the building or structure at the time of destruction or damage, the nonconforming use must cease and any new

construction or reconstruction must comply with all regulations, including use regulations, of the zoning district in which the building or structure is located.

In the event such damage or destruction is less than fifty percent (50%) of the replacement cost of the building or structure, the nonconforming use, if temporarily discontinued, shall not be reestablished unless restoration is started within six (6) months from the date of partial destruction and restoration proceeds and does not cease for a period of sixty (60) days and completion is accomplished within twenty-four (24) months from the date of partial destruction.

3. Expansion of Nonconforming Uses:
 - 3.1. A nonconforming use shall not be expanded or extended into any other portion of the building or structure which was not occupied by the nonconforming use at the time of the adoption of this Title, or any amendment hereto.
 - 3.2. The nonconforming use of land which does not involve a building or structure or which is accessory to the nonconforming use of a building or structure shall not be expanded or extended beyond the area it occupies at the time of the adoption of this Title or any amendment hereto.
4. Discontinuance of Nonconforming Uses: If a nonconforming use is discontinued for a continuous period of six (6) months, it shall not be renewed, and any subsequent use of the building, structure, or parcel of land shall conform to the use regulations of the zoning district in which such building, structure, or parcel of land is located.
5. Change of Nonconforming Uses: A nonconforming use may be changed to another use if it conforms to the use regulations of the zoning district in which the building, structure, or parcel of land is located or if it is of substantially the same character as the nonconforming use at the time of the adoption of this Title or any amendment hereto.
6. Relocation: No building or structure in which is conducted a nonconforming use shall be moved in whole or in part to any other location on the same or any other lot unless the use thereof conforms to the use regulations of the zoning district in which the building or structure is to be located.

6-10-4: RESERVED

Editor's note(s)—Ord. No. 10-087, § 9, adopted July 20, 2010, repealed the former Section 6-10-4 in its entirety, which pertained to the registration of nonconforming uses, and derived from Ord. No. 80-5, adopted January 21, 1980.