

CHAPTER 24**NONCONFORMING USES, BUILDINGS AND STRUCTURES***(Amended 09/11/18)*

- Section 24.010. Maintenance Permitted.
 Section 24.020. Repairs.
 Section 24.030. Expansion or Enlargement.
 Section 24.040. Restoration of Damaged Buildings.
 Section 24.050. Discontinuance.
 Section 24.060. Change to a Conforming Use.
 Section 24.070. Change to Another Nonconforming Use Prohibited.
 Section 24.080. Changes in Zoning District Boundaries and Allowed Uses.
 Section 24.090. Nonconforming Lots of Record.

Section 24.010. Maintenance Permitted.

A use, building, or structure may be maintained and continued to the same extent as that which existed prior to the effective date of this Code by meeting the provisions of this Chapter.

Section 24.020. Repairs.

Repairs may be made to a building or structure occupied by a use that becomes nonconforming by the passage of this Code, providing such repairs shall not have the effect of increasing the floor area devoted to the nonconforming use.

Section 24.030. Expansion or Enlargement.*(Amended 12/13/16; 11/15/22)*

A. Land. The site area devoted to a nonconforming use shall not be increased. However, the parking area for non-conforming uses may extend, in areas where a legal nonconforming use exists next to a vacant lot. The vacant lot may be used to support the existing nonconforming use as long as the expanded parking does not exceed 30% of the previous land area.

B. Buildings. The Hearing Examiner may allow the remodeling, reconstruction, expansion or enlargement of a nonconforming building or structure, but only to an extent not to exceed thirty (30%) of the floor area that existed at the effective date of this Code. Such remodeling, reconstruction, expansion or enlargement shall not be authorized by the Hearing Examiner unless the applicant can demonstrate that the remodeling, reconstruction, expansion or enlargement will not:

1. increase traffic volume or congestion in the immediate vicinity.
2. adversely affect the character, appearance, or other amenities of the subject property or surrounding properties.
3. reduce property values in the surrounding area.

The Hearing Examiner shall not authorize the remodeling, reconstruction, expansion or enlargement of kennels, coops, or other buildings or structures used for the care or housing of livestock, fowl, or other animals.

Section 24.040. Restoration of Damaged Buildings.

A nonconforming building or structure occupied by a nonconforming use, damaged or destroyed by fire, flood, wind, earthquake, or other calamity may be restored and continued provided that such restoration does not increase the floor area that existed prior to damage or destruction and that restoration is commenced within one (1) year from the date of damage or destruction and completed under the terms of an approved and valid building permit.

Section 24.050. Discontinuance.

A nonconforming use, building or structure which is abandoned or discontinued for a period of one (1) year shall not be occupied, or continued except by a use which conforms to the provisions of this Code.

Section 24.060. Change to a Conforming Use.

Any nonconforming use may be changed to a conforming use by meeting the requirements of this Code.

Section 24.070. Change to Another Nonconforming Use Prohibited.

A nonconforming use shall not be changed to another non-conforming use. Changes in use may only be made to allow a use that conforms to the provisions of this Code.

Section 24.080. Changes in Zoning District Boundaries and Allowed Uses.

The provisions of this Chapter shall apply to all uses, buildings and structures that may become nonconforming due to a revision or amendment to this Code. Any valid building permit issued in conformity with the provisions of this Code and prior to the enactment of any amendment or revision to this Code shall remain valid for the period of its issuance.

Section 24.090. Nonconforming Lots of Record.

(Amended 12/13/16)

In any zoning district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any legal lot of record that existed at the effective date of this Code, even if such lot fails to meet the requirements for area that are generally applicable in the zoning district. However, yard and setback dimensions and other requirements not involving area shall conform to the regulations for the zoning district in which such lot is located. Variance to width and yard requirements shall only be obtained through an action of the Hearing Examiner with a finding that the standards of Section 25.020 of this Code can be met.