

CHAPTER 10 LAND USE REGULATIONS

ORDINANCE 1001 NON-CONFORMING USES AND STRUCTURES

Section 1001.01: INTENT 1001-1

Section 1001.02: CONTINUATION OF NON-CONFORMING USE 1001-1

Section 1001.03: EXTENSION OR EXPANSION OF NON-CONFORMING USE 1001-1

Section 1001.04: MAINTENANCE 1001-1

Section 1001.05: STRUCTURAL CHANGE 1001-1

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Section 1001.01: INTENT. It is not the intent of this section to encourage the non-conforming use of land. Non-conformities are declared by this Ordinance to be incompatible with permitted uses in the districts in which the non-conformity occurs. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or land of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

Section 1001.02: CONTINUATION OF NON-CONFORMING USE. A nonconformity may not be expanded or enlarged, but it may be continued, including through repair, replacement, restoration, maintenance, or improvement. There are two situations where a nonconformity may not be continued:

- (1) the nonconformity or occupancy ceases for a period of one year; or
- (2) the nonconforming use is destroyed by fire or other peril to the extent of 50 percent, or greater, of its market value as indicated by the records of the County Assessor and no building permit has been applied for within 180 days of when the property is damaged.

If a nonconformity may not be continued, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. This section does not prohibit the City from enforcing an ordinance that applies to adults-only bookstores, adults-only theatres, or similar adults-only businesses, as defined by ordinance.

Section 1001.03: EXTENSION OR EXPANSION OF NON-CONFORMING USE. A non-conforming use of a residential, commercial or industrial building may not be extended or expanded by adding onto the building. A non-conforming use of a residential, commercial or industrial land shall not be enlarged, expanded, increased or extended to occupy a greater area than was occupied when the use became non-conforming, except in conformity with the provisions of this ordinance.

Section 1001.04: MAINTENANCE. Maintenance of a building or other structure containing or used for a non-conforming use will be permitted when it includes necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming building or use.

Section 1001.05: STRUCTURAL CHANGE. No existing structure devoted to a non-conforming use shall be enlarged, extended, reconstructed, moved, or structurally altered except in changing the use of the structure to a conforming use.