

ARTICLE 10 NONCONFORMING USES

Section 10.010	Purpose
Section 10.020	Continuation of Nonconforming Structure or Use
Section 10.030	Discontinuance of Nonconforming Use
Section 10.040	Change of a Nonconforming Structure
Section 10.050	Change of Nonconforming Use
Section 10.060	Destruction of a Nonconforming Structure or Use
Section 10.070	Completion of Structure

SECTION 10.010 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 10.020 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 10.030 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 10.040 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. However, alteration of a sign does not include a change of message or image or an exchange of the display panels on the existing sign structure.

SECTION 10.050 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 10.060

DESTRUCTION OF A NONCONFORMING STRUCTURE OR USE

Should the exterior framing of a nonconforming use of non-conforming 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 City shall 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 10.070

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.