

CHAPTER 165.70 NON-CONFORMING BUILDINGS AND USES

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165.70.010 Continuance of Use

- A. Any lawfully established use of a building or land that does not conform to the use regulations for the district in which it is located shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.
- B. Any legal non-conforming building or structure may be continued in use provided there are no physical changes other than necessary maintenance and repair, except as otherwise permitted herein.
- C. Any building for which a permit has been lawfully granted may be completed in accordance with the approved plans; provided construction is started within 90 days and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.

165.70.020 Discontinuance of Use

- A. Whenever any part of a building, structure or land occupied by a non-conforming use is changed to or replaced by a conforming use, such premises shall not thereafter be used or occupied by a non-conforming use, even though the building may have been originally designed and constructed for the prior non-conforming use.
- B. Whenever a non- conforming use of a building or structure or part thereof has been discontinued for a period of 12 consecutive months, or whenever there is evident a clear intent on the part of the owner to abandon a non- conforming use, such use shall not, after being discontinued or abandoned, be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the district.
- C. Where no enclosed building is involved, discontinuance of a non-conforming use for a period of six months shall constitute abandonment, and shall not thereafter be used in a non conforming manner.

165.70.030 Repairs, Alterations

- A. Normal maintenance of a building or other structure containing a non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.
- B. No structural alteration shall be made in a building or other structure containing a non-conforming use, except in the following situations:
 - 1. When the alteration is required by law.
 - 2. When the alteration will actually result in elimination of the non-conforming use.

3. When a building in a residential district containing residential non-conforming uses may be altered in any way to improve livability, provided no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building.

165.70.040 Additions, Enlargements

- A. A non-conforming building may be enlarged or extended only if the entire building is thereafter devoted to conforming use, and is made to conform to all the regulations of the district in which it is located.
- B. No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non conforming use.
- C. No non-conforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed on the effective date of this adopted chapter, or to displace any conforming use in the same building or on the same premises.
- D. A building or structure which is non-conforming with respect to yards, floor area, ratio, or any other element of bulk shall not be altered or expanded in any manner which would increase the degree or extent of its nonconformity with respect to the bulk regulations for the district in which it is located.

165.70.050 Exempted Buildings

Wherever a lawfully existing building or other structure otherwise conforms to the use regulations of the district in which it is located, but is non conforming only in the particular manner hereinafter specified, the building and use thereof shall be exempt form the requirements of Section 165.70.030 and 165.70.040.

- A. In any residential district where a dwelling is non-conforming only as to the number of dwelling units it contains, provided no such building shall be altered in any way as to increase the number of dwelling units therein.
- B. In any business or manufacturing district, where the use is less distant from a residential district than that specified in the regulations for the district in which it is located.
- C. In any district where an established building, structure or use is non-conforming with respect to the standards prescribed herein for any of the following:
 - 1. Yards: Front, side rear or transitional
 - 2. Off-street parking and loading
 - 3. Lot area
 - 4. Building height

165.70.060 Damaged Buildings

No building which has been damage by fire, explosion, act of God, or the public enemy, to the extent of more than 60% of its value, shall be restored expect in conformity with the regulations of this Chapter.

165.70.070 Effect on Previous Violation

No non-conforming structure that was erected, converted, or structurally altered in violation of the provisions of the ordinance which this Chapter repeals shall be validated by the adoption of this Chapter, and such violations or any violations of this Chapter may be ordered removed or corrected by the proper officials at any time.