

Chapter 17.60

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ARTICLE I. USE

17.60.010 Defined. "Nonconforming use" means any legal use which, on the effective date of the ordinance codified in this title or as a result of subsequent amendments thereto, does not conform to the permitted uses established in the district for which the nonconforming use is located. (Ord. 68 §8(a)(1), 1980)

17.60.020 Replacement of nonconforming structure. When a nonconforming structure is removed from a parcel, it must be replaced with a conforming structure. (Ord 68 §8(a)(2), 1980)

17.60.030 Continuance permitted. A nonconforming use may be continued on the same land area and within the same floor area as that which existed on the date when the use first became nonconforming. (Ord 68 §8(a)(3)(a), 1980)

17.60.040 Parking, loading sign nonconformance exempted. A permitted use shall not be considered

nonconforming for failure to comply with off-street parking requirements, off-street loading requirements or sign regulations. (Ord. 68 §8(a)(3)(b), 1980)

17.60.050 Change to permitted use. A nonconforming use may be changed within its existing structure or on its existing land area to a conforming use or to any use which is a permitted use in a more restrictive district than the district in which the nonconforming use is located. (Ord 68 §8(a)(3)(c), 1980)

17.60.060 Enlargement or extension. The area occupied by a nonconforming use within an existing structure or on a tract of land may not be enlarged or extended. (Ord. 68 §8(a)(3)(d), 1980)

17.60.070 Maintenance of off-street parking and loading space. All off-street parking and loading space operated by or associated with a nonconforming use on the date it becomes nonconforming shall be maintained in accordance with all of the specifications of Articles I and II, and Section 17.48.190, of Chapter 17.48. If, on the date the use becomes nonconforming, it has off-street parking area in excess of that required by these regulations for that permitted use, then the off-street parking area may be reduced to no less than the required amount. If, on the date the use becomes nonconforming, it has less than the required amount of off-street parking required by this title for that permitted use, no action shall be taken which will further reduce the area devoted to off-street parking. (Ord. 68 §8(a)(3)(e), 1980)

17.60.080 Discontinuance. If active and continuous operation of a nonconforming use is discontinued for nine months, the structure or tract of land shall thereafter be used only for a conforming use. A stated intent to resume operations shall not affect this provision. (Ord. 68 §8(a)(3)(f), 1980)

17.60.090 Damage or destruction of structure--Termination of use. A nonconforming use shall terminate if the structure on which is operated is damaged or destroyed in any manner whatsoever and the estimated cost of repairing the damage exceeds sixty percent of the replacement cost of the structure on the date of the damage. (Ord. 68 §8(a)(3)(g), 1980)

17.60.100 Damage or destruction of structure--Dispute of extent. In the event the value or cost assigned by the city is not agreed to by the owner of the structure, the value shall be set by three independent appraisers, one selected by the city council, another by the owner of the

structure and the third by the two appraisers already selected. The decision of a majority of the appraisers shall be binding upon all parties. The cost of the appraisal process shall be borne by the property owner. (Ord. 68 §8(a)(3)(h), 1980)

ARTICLE II. STRUCTURE

17.60.110 Defined. "Nonconforming structure" means any structure which, on the effective date of the ordinance codified in this title or as the result of subsequent amendments thereto, does not comply with the provisions of this title for the district in which the nonconforming structure is located. (Ord. 68 §8(b)(1), 1980)

17.60.120 Alteration, repair, enlargement. A nonconforming structure may be altered, repaired or enlarged provided its degree of nonconformity is not increased. (Ord. 68 §8(b)(2)(a), 1980)

17.60.130 Unsafe--Restoration. A nonconforming structure found to be unsafe may be restored to a safe condition only if the cost of making the structure safe is less than forty percent of the replacement cost of the structure on the date of the determination that the structure is unsafe. The zoning administrator, chief building inspector and inspection department shall have the authority to determine if a structure is unsafe. The replacement cost shall be determined as described in Section 17.60.100. (Ord. 68 §8(b)(2)(b), 1980)

17.60.140 Damage or destruction. The right to operate and maintain a nonconforming structure shall terminate if the structure is damaged or destroyed in any manner and the cost of repairing the damage exceeds sixty percent of the replacement cost of the structure on the date of the damage. The replacement cost shall be determined as described in Section 17.60.100. (Ord. 68 §8(b)(2)(c), 1980)

Chapter 17.63

CONDITIONAL USES

Sections:

- 17.63.010 Described--Approval required.
- 17.63.020 Application.
- 17.63.030 Administrative action--Referrals.
- 17.63.040 Administrative action--Response of consulted agencies.