

Article XXII. Nonconforming Uses

Sec. 1. Defined.

- (a) Any lawful use of property existing on July 1, 1950, which does not conform to the regulations prescribed herein, shall be deemed a nonconforming use and may be continued subject to such regulations as to the maintenance of premises and conditions of operations as may, in the judgment of the board of adjustment, be reasonably required for the protection of adjacent property. A nonconforming use may not be expanded within an existing building nor may the building be expanded or structurally altered to accommodate the nonconforming use. A nonconforming use of a building may be changed to another nonconforming use of the same or more restrictive classification; however once a change is made to a more restrictive use, the use shall not be changed back to the prior nonconforming use.
- (b) A nonconforming use, if changed to a conforming use, may not thereafter be changed back to any nonconforming use. If a nonconforming use is discontinued for a period exceeding six months, such nonconforming use shall be deemed to have been abandoned and any future use thereof shall conform to the terms of this ordinance.
- (c) If a structure occupied by a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except to conform to the provisions of this ordinance. In the case of partial destruction of a nonconforming use not to exceed 50 percent of its reasonable value, reconstruction will be permitted but the size or function of the nonconforming use cannot be expanded or enlarged.
- (d) At the discretion of the director of development services, incremental site improvements, including, but not limited to, landscaping or screening, may be made without meeting the minimum requirements of this ordinance where no building or circulation changes are proposed.

(Ord. No. 3172-A, § 4, 4-13-98)

End of Article XXII