

Chapter 16.195 Nonconforming Uses

16.195.000 Purpose and Scope

This Chapter is intended to address those uses or structures that were lawfully established before the date of adoption or amendment of this Ordinance but which would be prohibited or restricted under the terms of this Ordinance or an amendment hereto. The general purpose of this Section is to encourage the conversion of such nonconforming uses to conforming uses. However, this chapter allows nonconforming uses and structures to be continued, altered, restored or replaced subject to satisfaction of the review criteria specified in below . Nothing contained in this Ordinance is intended to require any change in the plans, construction, or designated use of any structure for which a building permit was issued and actual construction commenced prior to the date of adoption of this Ordinance or any amendment hereto. The alteration or expansion of a nonconforming use is not permitted except in compliance with the provisions of this chapter. For the purposes of this chapter, alteration does not include normal repairs or replacement of non-bearing walls, fixtures, wiring, plumbing or roofing or siding materials.

16.195.005 Application and Fee

An application for the alternation or expansion of a nonconforming use shall be filed with the City and accompanied by the appropriate fee. It is the applicant's responsibility to submit a complete application that addresses the applicable review criteria of this chapter. A nonconforming use application is subject to the public notice requirements and public hearing requirements of this chapter.

16.195.010 Review Criteria

- A. The Planning Commission may authorize alteration, restoration or replacement of a nonconforming use or structure when any of the following circumstances apply:
 - 1. The alteration is necessary to comply with any lawful requirements for alteration of said use or structure.
 - 2. Restoration or replacement is made necessary by fire, casualty, or natural disaster. Any restoration or replacement approved pursuant to this subsection A shall be commenced within one (1) year from the occurrence of the fire, casualty or natural disaster.

- B. In any other circumstance, the alteration, restoration or replacement of a

nonconforming use or structure may be authorized by the Planning Commission, provided that the applicant demonstrates that the proposal satisfies the following criteria:

1. That the alteration of the use will result in a reduction in nonconformity of the use, or would have no greater adverse impact on the neighborhood; and
 2. That the alteration of structures or physical improvements will result in a reduction in nonconformity of the structures or improvements or would have no greater adverse impact on the neighborhood.
- C. If any nonconforming use is discontinued for a period of one (1) year, the nonconforming use shall not be resumed and any subsequent use of the property and structure involved shall conform to the requirements of this ordinance.

16.195.015 Conditions of Approval

In approving the alteration, restoration or replacement of a nonconforming use, the Planning Commission may impose such conditions as it deems appropriate to ensure that the intent of this chapter is carried out. Such conditions shall be reasonably related to the criteria set forth in Review Criteria.

16.195.020 Compliance with Conditions

Compliance with conditions imposed in a permit for the alteration, restoration or replacement of a nonconforming use and adherence to the approved plot plan is required. Any material departure from these conditions of approval and approved plans constitutes a violation of this Ordinance. The Commission may revoke any permit issued hereunder for failure to comply with any prescribed condition of approval, or for any other violation of this Ordinance.