

CHAPTER 17.76 NON-CONFORMING USES AND NON-STANDARD LOTS

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17.76.1 Non-Conforming Buildings, Structures, and Uses. A lawful use or structure existing at the time this Ordinance is adopted or amended may continue even though such use does not conform with the district regulations subject to the following provisions:

- A. Whenever a non-conforming principal land use been changed to a more restricted or conforming principal land use, it shall not be changed back to a less restricted use.
- B. Should any non-conforming building, structure, or use be destroyed by any means to the extent of more than fifty (50) percent of its replacement cost, such non-conforming use shall not continue.
- C. When a non-conforming use is discontinued for a period of one (1) year or a non-conforming building or structure is not occupied or otherwise actively used for its authorized land use for a period of one (1) year, the City Council may adopt, after notice by mail or hand delivery to the property owners, an amortization schedule to bring about the elimination of such non-conforming building, structure, or land use.
- D. Any non-conforming land use may be extended throughout any part of a building or structure which was arranged or designed for such use prior to the adoption of this Ordinance but shall not be extended outside such building or structure.
- E. No existing non-conforming building or structure shall be enlarged, moved, or structurally altered except to accommodate the transition to an authorized Permitted or Conditional Use.

17.76.2 Alterations to Non-Conforming Buildings, Structures, and Land Uses. Non-conforming buildings, structures, and land uses existing immediately prior to the effective date of this Ordinance may be continued, although such uses do not conform to the requirements of this Ordinance. Additionally, non-conforming buildings or structures may be enlarged or extended, converted, reconstructed, or structurally altered as follows:

- A. Enlargements, extensions, conversions, or structural alterations may be made as required by law or ordinance.

- B. Structural alteration of buildings or structures may otherwise be made if such changes do not encroach into an existing front yard, side yard, or rear yard which is less than the minimum required yards for the district in which they are located.
- C. Enlargement, extension, conversion of buildings or structures may otherwise be made if such changes comply with the minimum required yards, lot area, height, landscaping, parking, and density for the district in which they are located.

17.763 Merger of Non-Standard Lots. If two (2) or more contiguous lots are held in single or joint ownership prior to the issuance of a building permit for any of the lots in conformance with Chapter 17.84, the lots shall be replatted into one (1) lot to the extent necessary to meet the District's minimum lot and yard requirements if: (1) all share the same zoning district classification; (2) any of the lots do not individually meet the minimum lot and yard requirements of the zoning district in which they are located; and (3) any of the lots are undeveloped or contain no principal structure.

17.764 Merger of Simultaneously Improved Lots. When improvements are proposed involving two (2) or more contiguous lots held either in single or joint ownership, said lots shall be replatted into one (1) lot prior to the issuance of a building permit in conformance with Chapter 17.84.