

Section 86-27 Nonconforming Uses

- (a) *Continuation.* The use of buildings, structures or land legally existing on or before April 6, 1964, or on the effective date of relevant amendments to this chapter which do not conform to the provisions of this chapter may be continued except as otherwise provided in this section.
- (b) *Discontinuance.* If a nonconforming use is discontinued for a period of more than one-year, or any nonconforming use or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, as determined by the city assessor, and no building permit has been applied for within 180 days of when the properties is damaged, any subsequent use of the land or premises shall be a conforming use and the structure may not be rebuilt except in compliance with this chapter. In order to continue a destroyed nonconforming use or structure, a re-built structure must not extend, enlarge or intensify the nonconforming use existing prior to destruction.
- (c) *Alterations and normal maintenance.* Structural changes may be made only to bring the building or structure into compliance with building code or other governmental regulation. Normal maintenance may be permitted when it includes necessary nonstructural repairs and incidental alterations. Alterations or maintenance must not extend, enlarge or intensify the nonconforming use. Nonconforming structures must not be enlarged unless the enlargement is in compliance with this chapter and the entire structure's nonconformance is not increased. Nothing in this chapter shall prevent the improvement of a structure for safety purposes.

(Ord. No. 513 2nd series, 3-1-2004; Ord. No. 680 2nd series, § 1, 9-24-2013; Ord. No. 722 2nd series, § 1, 8-8-2017)

Editor's note(s)—Ord. No. 513, 2nd series, adopted March 1, 2004, repealed and reenacted § 86-27 in its entirety to read as herein set out. Formerly, § 86-27 pertained to similar subject matter and derived from the Code of 1976, § 11.20.