

## CHAPTER 8

**NONCONFORMING USES, BUILDINGS, AND LOTS**

## SECTION:

- 9-8-1: Purpose  
9-8-2: General Provisions  
9-8-3: Nonconforming Under Permit Authority

9-8-1: **PURPOSE:** It is the intent of this title to permit legal nonconforming uses, structures, and lots to continue until they are removed or altered in such a manner to bring them into conformance. It is further the intent of this title that nonconforming uses, buildings, and lots shall not be enlarged upon, expanded or extended in such a manner as to increase their nonconformity, without approval of the commission. (Ord. 426, 7-8-2002)

9-8-2: **GENERAL PROVISIONS:**

- A. Lawful Use Continued: The lawful use of land or structures existing on the effective date hereof may be continued.
- B. Alteration, Expansion Or Addition: A nonconforming structure which conforms with respect to use may be altered or expanded if the alteration, expansion or addition is in conformance with the standards of this title.
- C. Use Discontinued: If a nonconforming use is discontinued for a period of twelve (12) consecutive months, further use of the property shall thereafter conform to this title. However, any single-family or duplex use lawfully existing on the effective date hereof shall be hereafter deemed a lawful use. All state laws requiring continuing use of a building for the purpose it was constructed for shall apply.

- D. Change To Conforming Use: A nonconforming use, if changed to a conforming use, may not thereafter be changed back to a nonconforming use.
- E. Repairs And Alterations: Normal repairs and alterations may be made to a lawful nonconforming structure. No existing nonconforming structure designed, arranged, intended for or devoted to a use not allowed under this title shall be enlarged, extended, reconstructed, structurally altered or moved unless such use is changed to a use allowed under the regulations specified by this title; and provided, further, that nothing in this title shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof, unless such building has been destroyed by an extent exceeding seventy five percent (75%) of full value, as determined by consideration of the assessed value as determined by the county assessor.
- F. Damage By Fire Or Other Cause: When a building or other structure containing a nonconforming use other than a residence is damaged by fire or by any other cause so that the cost of renewal of the damaged parts exceed seventy five percent (75%) of the cost of the replacement of the entire building (exclusive of foundations) using new materials, then such building shall not be rebuilt. When the damage is less than seventy five percent (75%), the building and its construction and use shall conform fully to all codes of the city as applied to new buildings. The determination of whether a building is destroyed to the extent described above shall rest with the city council. (Ord. 426, 7-8-2002)

9-8-3: **NONCONFORMING UNDER PERMIT AUTHORITY:** Nothing contained in this chapter shall require any change in the plans, construction, and alteration or designated use of a structure upon which construction has commenced or a permit has been obtained prior to the effective date hereof. If the designated use will be nonconforming, the construction for such use shall be commenced within six (6) months of permit issuance and it shall be in operation within two (2) years from the effective date hereof, otherwise, future use of the property shall be in conformance with this title. (Ord. 426, 7-8-2002)