

Chapter 17.132

NONCONFORMING USES

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17.132.010 Continuation of nonconforming uses and structures. Except as otherwise provided, the use of a building, structure, premises or land lawfully existing at the time of the effective date of this title or at the of a change in the official zoning maps may be continued and maintained in reasonable repair, although such use does not conform with the provisions of this title. (Ord. 634 §1 Exh. A (part), 1995)

17.132.020 Vested rights. Nothing in this title shall require any change in the plans, construction, alteration or designated use of a structure on which construction has physically, lawfully and substantially commenced prior to the adoption of this title, provided the structure is completed within two years from the issuance of the development permit. (Ord. 634 §1 Exh. A (part), 1995)

17.132.030 Alteration of nonconforming use or structure. As used in this section, "alteration" of a nonconforming use or structure including a change in use of structure of no greater adverse impact to the neighborhood.

A. Minor Alteration. A proposal for the alteration of fifteen percent or less of the gross building volume of a nonconforming use or structure may be approved by the city manager and the planner as a minor variance.

B. Major Alteration. A proposal for the alteration greater than fifteen percent of the gross building volume of a nonconforming use may be approved by the planning commission subject to the provisions for conditional use permits. (Ord. 634 §1 Exh. A (part), 1995)

17.132.040 Restoration of nonconforming uses. The planner may approve, as an administrative variance, the restoration, reconstruction or replacement of a nonconforming use which is damaged by fire, flood, wind, earthquake or other calamity or act of God of the public enemy to an extent greater than sixty percent of the replacement value using new materials, provided that the restoration is commenced within a period of one year and is diligently prosecuted to completion. Single-family residential uses may be rebuilt by right provided such

reconstruction is completed within one year of its destruction.
(Ord. 634 §1 Exh. A (part), 1995)

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17.132.050 Discontinuance. If a nonconforming use involving a structure or property is discontinued from active use for a period of one year, any subsequent use of the property or structure shall be a conforming use. The planning commission may, however, permit a use for which the structure was originally designed or similar thereto, through the conditional use process. (Ord. 634 §1 Exh. A (part), 1995)

17.132.060 Criteria to grant or deny. When reviewing any request to alter or restore a nonconforming use, in addition to the other applicable criteria, it shall be determined that all of the following are found to exist:

A. The nature and character of the proposed use are substantially the same as that for which the structure was originally designed;

B. There is no material difference in the quality, character, intensity or degree of use;

C. The proposed use will not prove materially adverse to surrounding properties. (Ord. 634 §1 Exh. A (part), 1995)

17.132.070 Compliance with state and local codes.
The granting of any such approval shall not be deemed as providing any exception to all other state and local codes such as, but not limited to, fire and life safety, building or comprehensive plan implementing ordinances. (Ord. 634 §1 Exh. A (part), 1995)

