

**ARTICLE 22.00  
NONCONFORMING USES AND STRUCTURES**

**22.01 CONTINUATION OF NONCONFORMING USES OR STRUCTURES**

Subject to the provision of Section 22.02 through 22.07, a nonconforming structure or use may be continued, but shall not be altered or extended except upon a finding by the Planning Commission by a two-thirds vote of the voting members present:

1. That in the logical development of the area in which the nonconforming use is located the zone will be changed within a reasonable period of time to one in which the nonconforming uses would no longer be such a use.
2. That an alteration or extension of the nonconforming use would not operate to lessen the value of property in the same zone and reasonably adjacent to the property concerned.
3. That the extent of such alteration or expansion shall be prescribed by the Commission in connection with its findings; and
4. That the expansion or alteration complies with such other conditions as the Planning Commission considers necessary.

The procedure to be followed and the fees to be charged on an application for permission to extend or to alter a nonconforming use shall be substantially the same as those provided in Section 24.02 through 24.04 and Article 33.00 of this Ordinance in the case of a Conditional Use.

**22.02 NONCONFORMING STRUCTURE**

A structure conforming as to use, but nonconforming as to height, setback, or coverage may be altered or extended providing the alteration or extension is in conformance with this Ordinance.

**22.03 DISCONTINUANCE OF A NONCONFORMING USE**

If a nonconforming use which does or does not involve a structure is discontinued from active use for a period of one-year, further use of the property shall be for a conforming use.

**22.04 UNOCCUPIED BUILDING**

If a building is unoccupied on the effective date of this ordinance, then the last evidence of use shall be considered to be its use of record and the one-year period of discontinuance allowed by Section 22.03 shall commence on the effective date of this Ordinance.

## **22.05 DESTRUCTION OF A NONCONFORMING USE**

If a nonconforming structure or structure containing a nonconforming use is destroyed by fire, other casualty or natural disaster substantial construction shall be initiated within one-year from the occurrence to restore or replace the structure or use in order for it to continue.

## **22.06 COMPLETION OF BUILDING**

Nothing contained in this ordinance shall require any change in the plans, alteration, construction, or designated use of a building upon which construction work has commenced prior to the adoption of this Ordinance, except that if the designated use will be nonconforming it shall, for the purpose of Section 22.03, be a discontinued use if substantial construction is not initiated within one-year of the date of issuance of the building permit. A one-year extension may be permitted to correspond with a building permit extension.