

4.3 Non-Conforming Uses and Structures

- a. Any structure or use lawfully existing upon the effective date of this Ordinance may be continued at the size and in the manner of operation existing upon such date as hereinafter specified.
- b. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Zoning Officer, providing the necessary repairs shall not constitute more than 50% of replacement value of such structure.
- c. When any lawful non-conforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.
- d. A lawful non-conforming use of a structure or parcel of land may be changed to a similar non-conforming use or to a more restrictive non-conforming use. Once a structure or parcel of land has been placed in a more restrictive non-conforming use, it shall not return to a less restrictive non-conforming use.
- e. Whenever a lawful non-conforming structure shall have been damaged by fire, flood, explosion, earthquake, war, riot, or act of God, it may be reconstructed and used as before if it is reconstructed within twelve (12) months after such calamity, unless the damage to the building or structure is fifty percent (50%) or more of its fair market value as shown on the assessment records at the time of damage, in which case the whole thereof shall be demolished, and any construction thereafter shall be for a use in accordance with the provisions of this Ordinance.
- f. Whenever a lawful non-conforming use of a structure or land is voluntarily discontinued and remains discontinued after a notice by the City for a period of thirty (30) day, any future use of said structure or land shall be in conformity with the provisions of this Ordinance.
- g. Any lawful non-conforming use of land not involving a structure, and any lawful non-conforming use involving a structure with an assessed market value upon the effective date of this Ordinance of One Thousand Dollars (\$1,000) or less, may be continued for a period of thirty-six (36) months after the effective date of this Ordinance, whereupon such non-conforming use shall cease, unless brought into conformity.
- h. Any proposed structure which will, under this ordinance become non-conforming but for which a zoning permit has been lawfully granted, not more than six months prior to the effective date of this Ordinance, may be completed in accordance with the approved plans; provided construction is started within six (6) months of the effective date of this Ordinance, and continues to completion within two (2) years.

Such structure and use shall thereafter be a legally existing non-conforming structure and use.

- i. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.
- j. Alterations may be made to a building containing lawful non-conforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units or bulk of the building.