

## **Chapter 17.56 – Nonconforming Uses**

Sections:

- 17.56.010 Continuance permitted when—Conditions and specifications.
- 17.56.020 Existing uses—Continuance permitted when.
- 17.56.030 Continuance of Non-Use.

### **17.56.010 Continuance permitted when—Conditions and specifications.**

The lawful use of land or buildings existing at the time of the adoption of this Title may continue although such use does not conform to the regulations specified by this Title for the zone in which such land or buildings are located, subject to the following conditions and specifications:

- A. Any nonconforming use of land or building which has ceased by discontinuance or abandonment for a period of one year shall thereafter conform to this Title except as provided in 17.56.030 of this section.
- B. No nonconforming use of a building may be moved to any other part or parcel of land upon which same was conducted at the time of the adoption of this Title.
- C. The use of a nonconforming building may be changed only to a use conforming to the zone in which the property is located.
- D. Any nonconforming signs or billboards shall be removed within a period of two years from date of the enactment of this Title. (Prior code §4-4-16)

### **17.56.020 Existing uses—Continuance permitted when.**

Nothing herein shall prevent the continuance of the present occupancy or lawful use of any existing building, except as may be necessary for the safety of life and property and except as provided in Chapter 17.52. (Prior code §4-4-20)

### **17.56.030 Continuance of Non-Use.**

If the nonuse continues for a period of one (1) year or longer, the city shall, by written request, require that the owner declare his intention with respect to the continued nonuse of the improvements in writing within twenty-eight (28) days of receipt of the request. If the owner elects to continue the nonuse, he shall notify the city in writing of his intention and shall post the property with notice of his intent to continue the nonuse of the improvements. He shall also publish notice of his intent to continue the nonuse in a newspaper of general circulation in the county where the property is located. If the property owner complies with the requirements of this subsection, his right to use such improvements in the future for their designed purpose shall continue for a period of ten years, notwithstanding any change in the zoning of the property.

The property owner may voluntarily elect to withdraw the use by filing with the clerk of the city or the county, as the case may be, an affidavit of withdrawn use. If the property is redesigned for a different use, the property owner shall be deemed to have abandoned any grandfather right to the prior use of the property.

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For purposes of this section "designed purpose" means the use for which the improvements were originally intended, designed and approved pursuant to any applicable planning and zoning ordinances.

The provisions of this section shall not be construed to prohibit a city or a county from passing or enforcing any other law or ordinance for the protection of the public health, safety and welfare.