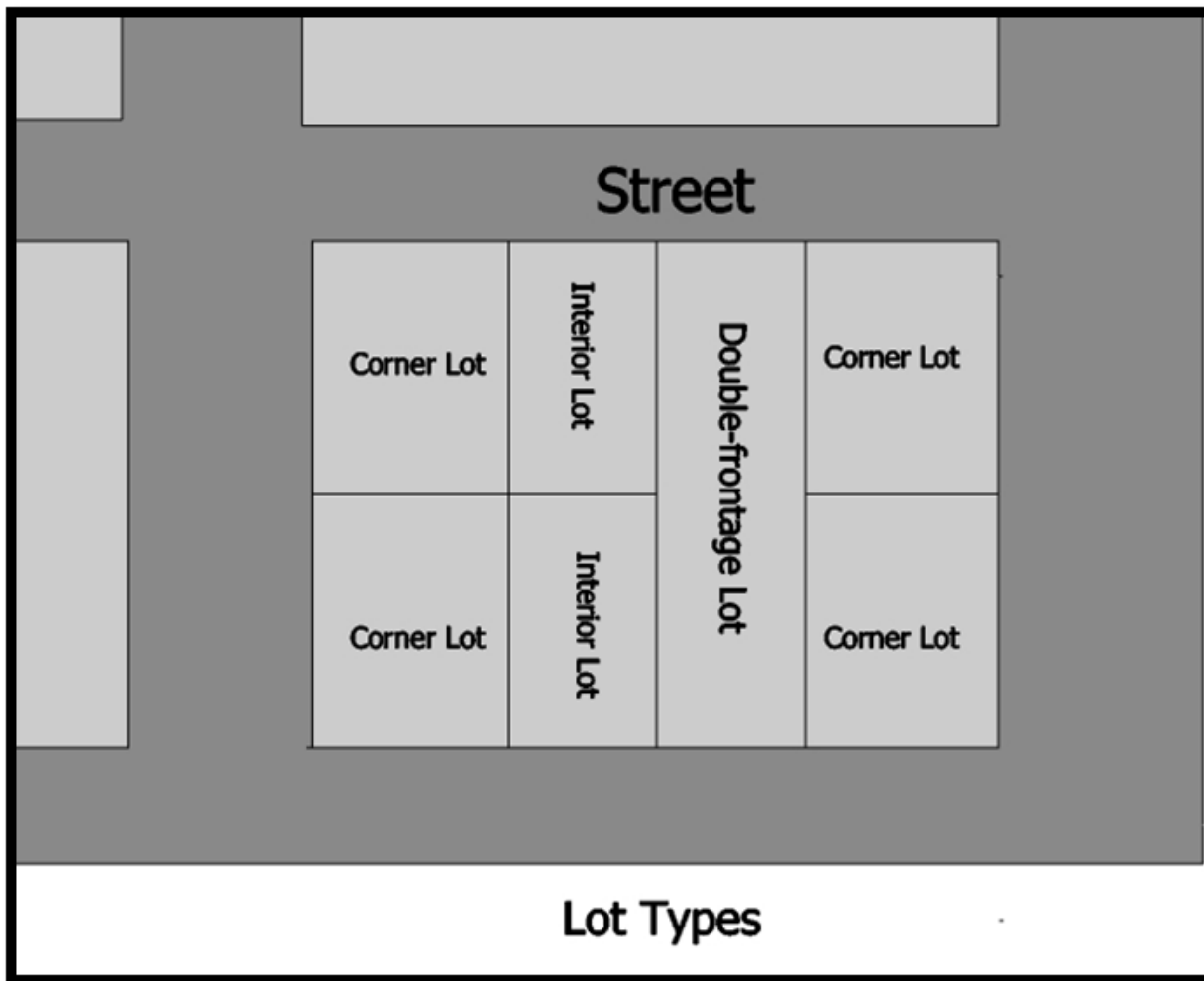


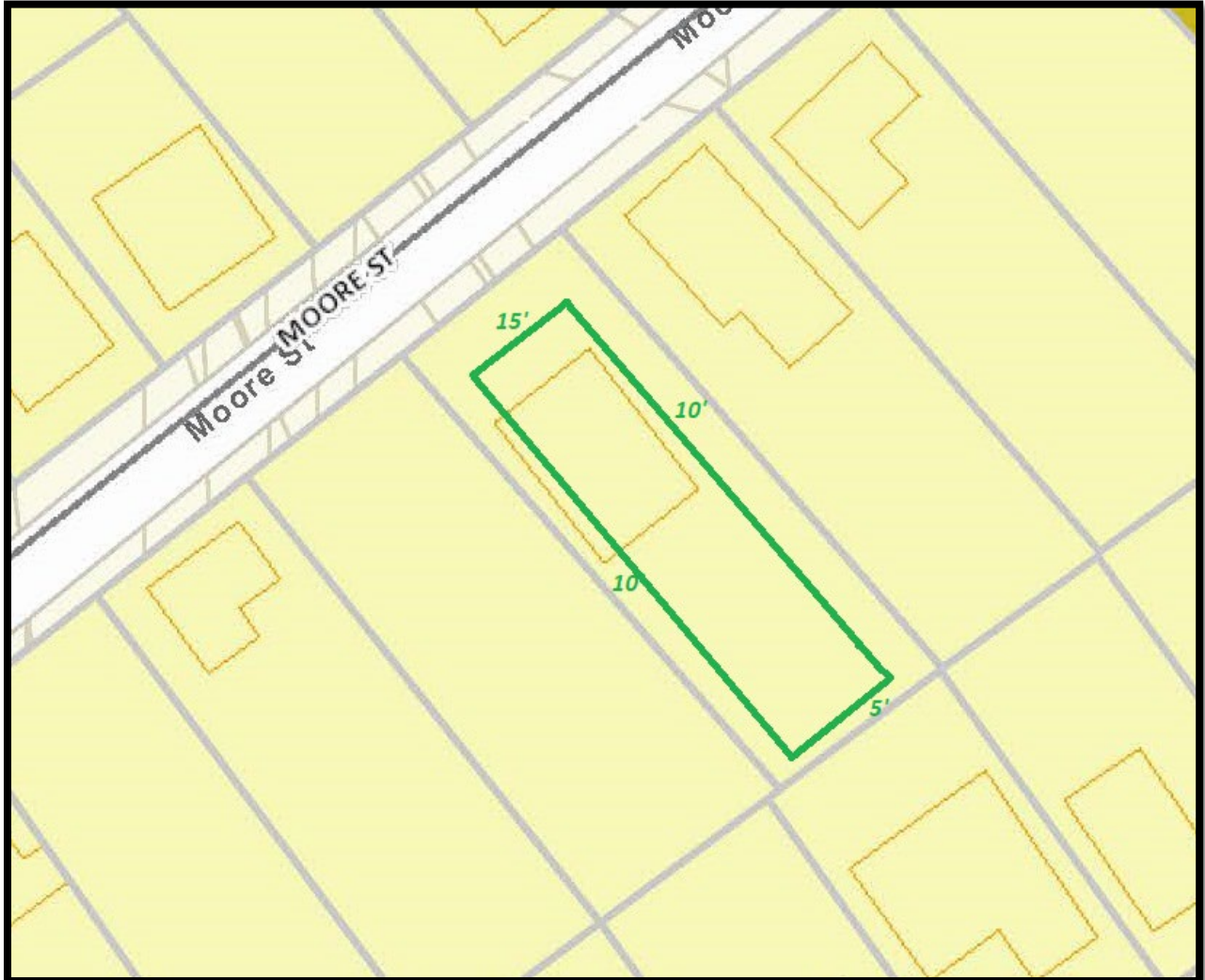
APPENDIX

Planning Commission
July 21, 2023 meeting

Examples of different lot types for the Accessory Dwelling Unit discussion regarding detached nonconforming accessory buildings and yard setback requirements.



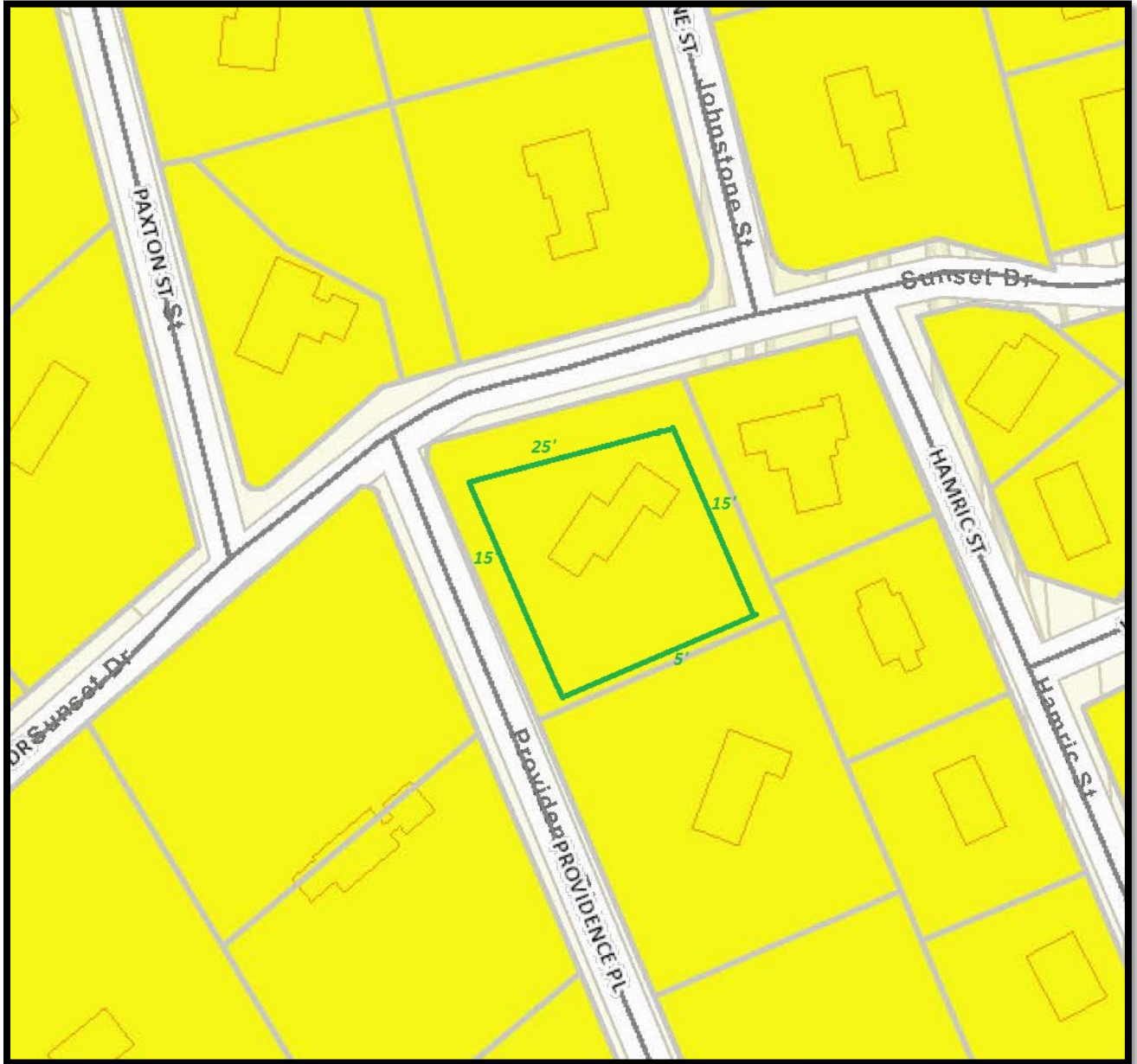
***Interior lot example
(108 Moore Street, R-1 zoning district)***



***Interior lot with rear alley example
(22 Edmondson Avenue, R-1 zoning district)***



**Corner lot example
(802 Sunset, R-2 zoning district)**



Article XVI. Nonconforming Uses. (From existing Zoning Ordinance)

§420-16.1. Continuation.

If, at the time of the enactment of this chapter or any subsequent amendment thereto, any legal activity is being pursued or any lot or **structure** legally utilized in a manner or for a purpose which does not conform to the provisions of this chapter, such manner of use or purpose may be continued as herein provided:

- A. If any change in title of possession or renewal of a lease of any such lot or **structure** occurs, the use existing may be continued.
- B. If any nonconforming use, **structure** or activity is discontinued for a period exceeding two years after the enactment of this chapter or any amendment thereto, it shall be deemed abandoned, and any subsequent use shall conform to the requirements of this chapter.
- C. A nonconforming **structure**, lot or use may be changed only to another use of a substantially similar character as the original use or to a more restrictive use.
- D. Whenever a nonconforming **structure**, lot or activity has been changed to a more limited nonconforming use, such existing use may be changed only to an even more limited use.
- E. When any nonconforming use is superseded by a permitted use, the use shall thereafter conform to the regulations for the district, and no nonconforming use shall thereafter be resumed.

§420-16.2. Prior building permits.

The construction or use of a nonconforming building or land area for which a building permit was legally issued prior to the adoption or amendment of this chapter may proceed, provided that such building is completed within one year or such use of land established within 30 days after the effective date of this chapter.

§420-16.3. Certificate of occupancy required to exceed restrictions on number of individuals constituting a household unit.

All single-family dwellings which become nonconforming as a result of amendments to this chapter concerning the number of unrelated individuals who may constitute a household unit must apply for and be issued a certificate of occupancy within six months of the date of adoption of such amendments. Failure to obtain a certificate of occupancy shall invalidate any claim for nonconforming use status, and the dwelling will be required to conform to all applicable sections of this chapter.

§420-16.4. Changes in district boundaries.

Whenever the boundaries of a district are changed, any uses of land or **buildings** which become nonconforming as a result of such change shall become subject to the provisions of this article.

§420-16.5. Repairs and maintenance.

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 20% of the current replacement value of the structure, provided that the cubic content of the structure, as it existed at the time of passage or amendment of this chapter, shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition

of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

§420-16.6. Extensions or enlargements.

- A. A nonconforming **structure** shall not be extended or enlarged.
- B. A nonconforming activity may be extended throughout any part of a **structure** which was arranged or designed for such activity at the time of passage or amendment of this chapter.

§420-16.7. Major restoration.

- A. Except as otherwise provided in **§ 420-16.7D** below, if a nonconforming activity or structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed 50% of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this chapter. However, structures which are nonconforming only because of inadequate street frontage or lot width may be reconstructed provided that a variance of yard and/or setback requirements, if required, is obtained from the Board of Zoning Appeals.
- B. Except as otherwise provided in Section **§420-16.7D** below, where a conforming structure devoted to a nonconforming activity, or where a nonconforming **structure**, is damaged less than 50% of the cost of reconstructing the entire structure, either may be repaired or restored, provided that any such repair or restoration is started within 12 months and completed within 18 months from the date of such partial destruction.
- C. The cost of land or any factor other than the cost of the structure shall be excluded in the determination of the cost of restoration for any structure or activity devoted to a nonconforming use.
- D. If a nonconforming **building** or use is damaged or destroyed by fire, natural disaster or other act of God, such building may be repaired, rebuilt or replaced to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance. Such building may also be repaired, rebuilt or replaced to its original nonconforming condition. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Uniform Statewide Building Code. Any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the local floodplain regulations adopted as a condition of participation in the National Flood Insurance Program. Unless such building is repaired or rebuilt within two (2) years of the date of the natural disaster or replaced within two (2) years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of this ordinance. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the owner shall have an additional two (2) years for the building to be repaired, rebuilt or replaced as otherwise provided in this section. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson and obtain vested rights under this section.

§420-16.8. Nonconforming lots.

Any lot of record at the time of the adoption or amendment of this chapter which is less in area or in width than the minimum required by this chapter may be used or built upon, provided that a variance of yard and/or setback requirements, if required, is obtained from the Board of Zoning Appeals.