

Sec. 8-3133. Limitations on use of land or building by nonconforming uses.

The following limitations shall be placed on the use of a tract of land or the use of a building by a nonconforming use:

- (a) A tract of land which has housed a nonconforming use shall not be reopened to a nonconforming use after it has remained vacant for a period of six months.
- (b) A building which is designed to house one or more of the conforming uses in the district in which such building is located shall not be reoccupied by a nonconforming use after it has been vacant of a nonconforming use for a continuous period of 12 months. Evidence that a building has been occupied by a nonconforming use shall be either by a business license from the city of sworn affidavit.
- (c) When a building was designed and constructed to house a nonconforming use, then there shall be no time limit for reoccupying such building with a nonconforming use. However, when such building was last occupied by a conforming use, it may be occupied by a nonconforming use only with the approval of the board of appeals.

[Sec. 8-3133(c) amended July 26, 2012 (Z-120515-37326-2)]

- (d) A building which housed or houses a nonconforming use shall not be re-occupied by a nonconforming use after it has been damaged to the extent of 75 percent or more of the total fair market value of the building only unless authorized to do so by the board of appeals. Provided, however, a building which housed or houses a detached, semi-attached, or attached single family residential non-conforming use may be re-occupied by the same use after it has been damaged to the extent of 75 percent or more of the total fair market value of the building only as a matter of right in all zoning districts.

[Sec. 8-3133(d) amended November 1, 2012 (12-000285-ZA)]

- (e) When a building housing a nonconforming use is moved, it shall thereafter be used by a conforming use except when such move shall only be from one location to another location on the same lot. Provided, however, a nonconforming mobile home may be allowed to be replaced with another mobile home provided the replacement unit meets the following conditions:
 - 1. The replacement mobile home shall be HUD certified.
 - 2. Only one mobile home shall be allowed on a lot and it shall comply with all setback requirements established for a one-family dwelling within the district within which it is located and shall meet the minimum R-M-H district design standards for a residential mobile home under the "C" and "R" use schedule of section 8-3025(a).

3. The unit to be replaced shall be owner-occupied and occupied by the owner for at least 12 consecutive months prior to the replacement unit being moved onto the site. The replacement unit shall also be occupied by the same owner.
 4. The existing unit shall not be replaced if it has remained vacant for greater than 90 consecutive days prior to the replacement unit application being filed.
 5. The site development plan shall be reviewed under the provisions of section 8-3031, to insure that, in addition to the other criteria, the use is oriented in the best manner to protect adjacent uses.
- (f) A nonconforming tower site may be allowed to house additional incidental or accessory equipment/maintenance buildings, cabinets, or structures necessary to support the collocation of an antenna, subject to the conditions of section 8-3031. (See standards for commercial wireless telecommunications antennas and towers.)