

2. The City Council is authorized to approve a use substitution allowing one nonconforming use to be changed to another nonconforming use through the special use permit process of Sec. 14-704. In order to approve a use substitution, the City Council must determine that the substituted use will have fewer adverse impacts on the surrounding area than the previous use. In making such a determination, the City Council must consider all of the following factors: hours of operation, vehicular traffic, the number of employees, customers and guests expected to be attracted to the use, and other factors likely to affect the neighborhood in which it is located.
3. A nonconforming use of open land may not be changed to any other nonconforming use of open land.

**14-800-07-B. EXPANSION OF USE**

1. A nonconforming use may not be enlarged or expanded unless such expansion eliminates or reduces the nonconforming aspects of the situation, or the expansion is into a part of a building or other structure that was lawfully and manifestly designed or arranged for such use.
2. Expansion for the sole purpose of providing off-street parking will not be considered expansion of a nonconforming use. Any such parking lot expansion must meet all current city standards for construction, landscaping, setbacks, parking for persons with disabilities, stormwater management and other applicable regulations.

**14-800-07-C. LOSS OF NONCONFORMING STATUS**

**1. DISCONTINUANCE**

Once a nonconforming use is discontinued, its nonconforming status is lost and any subsequent use of the property must comply with the regulations of the zoning district in which it is located. Other nonconforming uses will be considered discontinued when any of the following occurs:

- (a) the use ceases to operate for a period of six consecutive months;
- (b) required business licenses have lapsed;
- (c) no use has been maintained in the structure for a period of six months or more;
- (d) a demolition permit has been applied for;
- (e) all equipment and furnishings have been removed from the premises and have not been replaced by similar or other equipment and furnishings within six months;
- (f) the use was required to obtain a certificate of legal nonconformance and did not obtain such certificate within the timeframe required;
- (g) the property has been used for illegal activities or the use has failed to comply with city ordinances or with state or federal law; or
- (h) if required by the City health code, the property has not had water and/or electrical service for six consecutive months.

(History: Ordinance No. 17988)

**2. CHANGE TO A CONFORMING USE**

Where a nonconforming use is changed to a conforming use, no matter how short the period of time, all nonconforming use rights are lost and the re-establishment of the nonconforming use is prohibited.