



APPENDIX G

NONCONFORMING USES

Within the zoning districts established by this Development Code, uses and structures may exist which were lawful before the date of adoption or amendment of this Development Code but which are prohibited or restricted current Code requirements. This Section allows nonconforming uses and structures to be altered, restored or replaced subject to satisfaction of the review criteria. No alteration of a nonconforming use shall be permitted except in compliance with this Chapter. [SHMC 17.108.010]

Proposed alterations of nonconforming uses shall be reviewed in accordance with the Type III review procedures in Chapter 17.126. [SHMC 17.108.020]

An application for an alteration or expansion of a nonconforming use shall be filed with the City and accompanied by the appropriate fee. Notice shall be subject to the provisions in Chapter 17.126. The application shall contain sufficient information and/or plans to address the decision criteria. [SHMC 17.108.030]

SHMC 17.108.040 DESIGN CRITERIA

The applicant is required to submit a summary for each of the following applicable criteria and submit the summary as a narrative with the Land Use Application. (Attach extra sheets, if needed)

The alteration of a nonconforming use or structure may be authorized provided that the applicant demonstrates that the proposal satisfies the following criteria:

- A. The applicant shall demonstrate that the alteration of structures would not result in an increase in nonconformity of the structure.

- B. The applicant shall demonstrate that a change in use to another non-conforming use is of the same or less intensity of use.

- C. The applicant shall demonstrate that the conversion of an existing detached single-family dwelling to a duplex does not increase nonconformance with applicable clear and objective standards in this code.
