ORDINANCE NO. 6434

AN ORDINANCE TO AMEND CHAPTER 15.26 "NONCONFORMITIES" OF THE 2015 MUNICIPAL CODE (ZONING ORDINANCE) BY AMENDING SECTION 15.26.030 "NONCONFORMING USES."

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Chapter 15.26 "Nonconformities" of the 2015 Municipal Code (Zoning Ordinance) is hereby amended by amending Section 15.26.030 "Nonconforming Uses" to change the timeframe for Abandonment of Nonconforming Use stated in Section 15.26.030(B) to read as follows:

15.26.030 Nonconforming Uses

Any legal nonconforming use existing on the effective date of the ordinance codified in this chapter may continue subject to the limitations of this section.

A. Enlargement of Nonconforming Use. No nonconforming use shall be extended or enlarged to occupy a greater area of land or structure. No additional structure not conforming to the requirements of this title shall be erected in connection with a legal nonconforming use.
B. Abandonment of Nonconforming Use. If any nonconforming use ceases for a continuous period of more than twelve months, any subsequent use shall conform to the regulations of this title.
C. Relocation of Nonconforming Use. No nonconforming use shall be moved in whole or in part to any other location, unless the nonconforming use meets the requirements of this title.
D. Change of Use. A legal nonconforming use may be changed only as allowed in CBMC 15.02.
E. Allowance for Repairs. If a structure occupied by a nonconforming use becomes unsafe for use and is declared by an authorized official to be unsafe for use, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of this title. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an authorized official. When a structure containing a nonconforming use is damaged to an extent of fifty (50) percent or less of the replacement cost, the structure shall be allowed to continue if actual construction to repair it is commenced within six months of the date the damage was incurred, and the work is carried on diligently to completion within one year of this commencement.
F. For purposes of this chapter, the addition of an outdoor area of less than one hundred fifty (150) square feet for purposes of adding an outdoor dining or open air tavern area to a pre-existing liquor license establishment shall not be deemed an enlargement of a pre-existing use.

(Ord. No. 6086, § 1, 6-28-2010)

Editor's note— Ord. No. 6086, § 1, adopted June 28, 2010, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 5315, § 4, 1997.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND December 14, 2020.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 11-23-20
Second Consideration: 12-14-20
Public Hearing: 12-14-20
Third Consideration: _____