



# Zoning Ordinance Amendment – To Amend Nonconforming Use Regulations Associated with Residential Units Within the B-2 and M-1 Districts



- To allow particular residential structures to remain a residential use, when they would have otherwise lost nonconforming status.
- August 2024 – PC tabled a request to rezone 895 North Liberty Street from M-1 to R-8C and asked staff to look into drafting an ordinance amendment that would allow residential uses in the M-1 by SUP.



**Nonconforming  
Use**

= Any lawful land, buildings, and structures and the uses thereof existing at the time of the enactment or subsequent amendment of the Zoning Ordinance which do not conform to the zoning prescribed for the district in which they are situated shall be considered nonconforming.

**Per Section  
10-3-21 (a)**

= “Whenever a nonconforming use is enlarged or extended beyond the size, character, or intensity of the use as it existed at the time that it became nonconforming, the nonconforming status of such use shall terminate and become unlawful...”

# Add Subsection (e) to Section 10-2-21 as shown below:

In the B-2 (General Business) and M-1 (General Industrial) Districts, an otherwise nonconforming single-family detached dwelling that has been converted to contain multiple dwelling units or expanded beyond its permitted number of occupants may continue as a nonconforming single-family detached dwelling, notwithstanding subsections (a) through (c), provided that: (1) the total square footage of the structure has remained unchanged and (2) occupancy of the single-family home is reduced or limited to one family or two unrelated individuals. Nothing in this subsection shall be construed to prevent the building official from enforcing compliance with the Uniform Statewide Building Code.

# Potential Impacts

- About 110 parcels zoned B-2 and M-1 with single-family detached dwellings.
- Of the 110 parcels:
  - Around 30 parcels are identified Commercial or Limited Commercial in the (Future) Land Use Guide.
  - Around 10 parcels are identified for Industrial.

# Add Subsection (d) to Section 10-3-20 (d) as shown below:

Nothing in this section prevents keeping in good repair a nonconforming building or a building in which a nonconforming use is conducted.

# Recommendation

Staff and Planning Commission (6-0) recommends approval of the Zoning Ordinance amendments.