

CITY OF BINGEN

ORDINANCE NO. 2011-02-589

AN ORDINANCE AMENDING BMC 17.68 NONCONFORMING USES

WHEREAS, the City Council has considered the need for changes to Bingen Municipal Code 17.68 Nonconforming Uses;

WHEREAS, the City Council has determined that it is in the best interest of the City to revise the provisions of Bingen Municipal Code 17.68:

NOW, THEREFORE, the City Council of the City of Bingen do ordain as follows:

Section 1. Bingen Municipal Code (BMC) 17.68 is incorporated here by reference and by such reference set forth at full length.

Section 2. Bingen Municipal Code 17.68.040 Enlargement and extension is amended and shall read as follows:

17.68.040 Enlargement and extension.

No nonconforming use of land shall be changed to another nonconforming use. The lawful use of land existing at the time of the adoption of the ordinance codified in this title may be continued, although such use does not conform to this title for the district in which such land is located; provided, further, that **except as otherwise provided in BMC 17.68.045**, no such nonconforming use shall be enlarged or increased, nor shall any nonconforming use be extended to occupy a greater area of land or building than that occupied by such use at the time of the adoption of the ordinance codified in this title, unless by said change it brings the use closer to conformance with this title or mitigates an identified adverse environmental impact.

Section 3. Bingen Municipal Code 17.68.045 Nonconforming single-family residential uses in commercial districts is adopted and shall read as follows:

17.68.045 Nonconforming single-family residential uses in commercial districts.

Nonconforming single-family dwellings located within a Commercial District may be continued. Residential single-family dwelling uses located within a Commercial District may be enlarged or increased or extended to occupy a greater area of land or building as long as the enlargement or extension does not violate the zoning requirements of the Single-Family (R1) Residential District.


Section 4. This Ordinance shall take effect and be in force five (5) days after its publication according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF BINGEN, at a regular meeting thereof and approved by the Mayor 1st day of March, 2011.

ATTEST:




Mayor Betty Barnes



Jan Brending, City Clerk

Approved as to form only:



Anthony H. Connors
City Attorney