Ordinance 13-42(A) Amending the Definition of Discontinued in HCC 21.61.015 to Extend the Time to Discontinue a Nonconforming Use to 24 Months

Ordinance ID: 13-42(A)
Ordinance Status: Adopted
Postponed Until: Mon Dec 9th, 2013
Ordinance Summary:
An Ordinance of the City Council of Homer, Alaska, Amending the Definition of “Discontinued” in Homer City Code 21.61.015, Definitions, to Extend the Time Required to Discontinue a Nonconforming Use from 12 Months to 24 Months. Zak.

CITY OF HOMER
HOMER, ALASKA
Zak
ORDINANCE 13-42(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE DEFINITION OF “DISCONTINUED” IN HOMER CITY CODE 21.61.015, DEFINITIONS, TO EXTEND THE TIME REQUIRED TO DISCONTINUE A NONCONFORMING USE FROM 12 MONTHS TO 24 MONTHS.

WHEREAS, The City’s zoning code permits the continuation of a lawful nonconforming use subject to limitations; and

WHEREAS, One such limitation is that the right to maintain a nonconforming use terminates when the use ceases and has not substantially resumed for a period of 12 consecutive months; and

WHEREAS, Due to factors outside the control of the former or successor operator of a nonconforming use, the time required for a successor operator to resume the operation of the use may exceed 12 months, resulting in an unfair forfeiture of the right to maintain the use; and

WHEREAS, A 24-month limit on the time a nonconforming use may cease will provide a more reasonable time for a successor operator to accomplish the steps necessary to resume operation of the use.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The definition of “Discontinued” in HCC 21.61.015, Definitions, is hereby amended to read as follows:

"Discontinued" means that a nonconforming use has ceased, and has not substantially resumed, for a period of 24 consecutive months, regardless of intent.

Section 2. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 9th day of December, 2013.

CITY OF HOMER

_____
MARY E. WYTHE, MAYOR

ATTEST:

_____
JO JOHNSON, MMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

First Reading:
Public Hearing:
Second Reading:
Effective Date:

Reviewed and approved as to form.

Walt Wrede, City Manager Thomas F. Klinkner, City Attorney

Date: Date:

Fiscal Note: N/A

Ordinance Dates**Ordinance Introduction Date:** Mon Oct 28th, 2013
Ordinance Public Hearing Date: Mon Nov 25th, 2013
Ordinance Second Reading Date: Mon Nov 25th, 2013
Ordinance Effective Date: Tue Dec 10th, 2013
Ordinance Files Ordinance 13-42(A)

Source URL (retrieved on *2014-09-17 03:34*):
http://www.cityofhomer-ak.gov/ordinance/ordinance-13-42a-amending-definition-discontinued-hcc-2161015-extend-time-discontinue-nonc