















# DRAFT Zoning and Land Use Concept

## Tideflats Subarea Plan - Port of Tacoma Manufacturing/Industrial Center (MIC) Districts

### FOR REFERENCE

TMC 13.01.060.N

“Nonconforming building or structure.” A lawfully established building or structure which, on the effective date of this title or the effective date of any amendment to this title, was not in conformance with the height, area, or parking requirements of the zone classification upon which said building or structure is located.

“Nonconforming use.” A use which lawfully occupied a building or land at the time this chapter became effective and which does not conform with the use regulations of the district in which it is located, as provided by this chapter and any amendment hereto

### 5. Nonconforming use.

- a. Continuation of nonconforming use. Except as otherwise required by law, a legal nonconforming use, within a building or on unimproved land, may continue unchanged. In the event that a building, which contains a nonconforming use, is damaged by fire, earthquake, or other natural calamity, such use may be resumed at the time the building is restored; provided that the restoration is commenced in accordance with applicable codes and regulations and that any degree of nonconformity to the land use regulations is not increased. Further, such restoration shall be undertaken only under a valid building permit for which a complete application was submitted within 18 months following said damage, which permit must be actively pursued to completion.
- b. The use of unimproved land which does not conform to the provisions of this chapter shall be discontinued one year from the adoption date of the change to this chapter that creates the nonconformity; provided, however, exception may be made for the nonconforming use of unimproved land abutting a lot occupied by a building containing a nonconforming use and which nonconforming use is continuous and entire in the building and over said abutting land, all being in one ownership, and such use shall have been legally established prior to the adoption date of the change to the chapter that creates the nonconformity.
- c. Allowed changes to and expansions of nonconforming use. Changes to a nonconforming use shall be allowed only under the following circumstances:

- (1) A nonconforming use, or a portion of a nonconforming use, may be changed to a use that is allowed in the zoning district in which it is located.