

Zoning Ordinance 581 - Consumer Repair Services
6.5 Non-Conforming Buildings and Uses
6.5.1 Regulations

January 22, 2007

Universal City, Texas

F. Maximum Impervious Cover

The maximum allowable impervious cover may be increased by way of a waiver request to 80%, provided that on-site stormwater management facilities are developed to mitigate increased peak runoff. This waiver is granted at the discretion of the City Engineer.

6.4.5 Randolph Compatible Use Zone Overlay Regulations

Properties located within the Randolph Compatible Use Zone Overlay are subject to the requirements of the Air Installation Compatible Use Zone for Randolph Air Force Base. This requirement specifies Clear Zones, in which no land use activity may take place, APZ I Zones, which enable limited industrial, commercial, recreation and open space use, and APZ II Zones, which permit all uses except Public/Quasi Public.

Specific restrictions pertaining to the AICUZ are found with the Randolph AFB Public Affairs Office and are incorporated by reference to this ordinance. Interpretation and determination of permitted uses shall be made on a case-by-case basis by the Director of Development Services. Final determination is subject to review by the Air Force AICUZ Administrator.

6.5 Non-Conforming Buildings and Uses

6.5.1 Regulations

The lawful use of any building, structure, tenant space (as separated by fire partitions) or land existing on the effective date of this ordinance (January 22, 2007) may be continued, although such use does not conform with the provisions of this ordinance; provided, however, the right to continue such nonconforming use shall be subject to all of the following regulations:

- A. Normal repairs and maintenance may be made to a nonconforming building or structure; provided that no expansions shall be made except those required by law or ordinance or those necessary for installing or enclosing required sanitary facilities, such as toilets and bathrooms. A non-conforming use may be enlarged or changed by horizontal expansion upon, but not beyond, the tract or lot of record upon which it is located as of the date such a use becomes non-conforming; and any enlargement or expansion shall not encroach upon any open space upon such lot that would be required as a yard if the use were a conforming use in the district in which it is located.
- B. A nonconforming building or structure shall not be moved in whole or in part unless every portion of such building or structure is made to conform to all regulations of the district in which it is to be located.
- C. A vacant, nonconforming building or structure lawfully constructed before the date of enactment of this ordinance may be occupied by a use for which the building or structure was designed or intended, if so occupied within a period of one-hundred twenty (120) days after the effective date of this ordinance. The use of a nonconforming building or structure lawfully constructed before the date of enactment of this ordinance which becomes vacant after the effective date of this article, may be reoccupied for the use for which the building or structure was designed or intended, if so occupied within a period of one-hundred twenty (120) days after the building or structure becomes vacant. All such buildings, after one-hundred twenty (120) days of vacancy, shall be converted to a conforming use. Vacant shall mean the absence of characteristic furnishings, equipment, and personnel. The status of utility connections and accounts may be used in determining vacancy.

6.5.2 Change or Expansion Prohibited

The nonconforming use of a building or structure may be continued as hereinafter provided:

- A. The nonconforming use of a building or structure may not be changed to a use which does not conform to the requirements of the district in which it is situated.
- B. A nonconforming use of a conforming building or structure shall not be extended or expanded into any other portion of such conforming building or structure, nor changed except to a conforming use. If such nonconforming use or portion thereof is voluntarily discontinued or changed to a conforming use, any future use of such building or structure or portion thereof shall conform to the regulations of the district in which such building or structure is located.

6.5.3 Continuation of Existing Uses

The nonconforming use of land existing at the time of the effective date of this article may continue as hereinafter provided:

- A. A nonconforming use of land shall not be expanded, extended or changed to some other use not in compliance with the regulations of the district in which the land is situated.
- B. If a nonconforming use of land or any portion thereof, is voluntarily discontinued for a period of one-hundred twenty (120) days any future use of such land or portion thereof, shall be in conformity with the regulations of the district in which such land or portion thereof is located.

6.5.4 Abandonment

The nonconforming use of a building, structure or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when:

- A. The intent of the owner to discontinue the use is apparent; or
- B. The characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within one-hundred twenty (120) days; or
- C. A nonconforming building, structure or land, ^{Stricken at 581-B} ~~or portion thereof~~, which is or hereafter becomes vacant and remains unoccupied for a period of one-hundred twenty (120) days; or
- D. A nonconforming use has been replaced by a conforming use.

6.5.5 Change in District Boundaries

Whenever the boundaries of a zoning district shall be changed so as to transfer an area from one district to another district, or when the boundaries of districts are changed as the result of annexation of new territory, or changed in the regulations or restrictions of this ordinance, the foregoing provisions relating to nonconforming uses shall also apply to any uses existing therein which may become nonconforming.

6.6 Accessory Uses

6.6.1 General

Any accessory use may be permitted provided that it is customarily associated with a primary use that may be permitted by right consistent with this Ordinance. The establishment of such accessory uses shall be consistent with the following standards:

- A. The accessory use shall be subordinate to and serve a primary use or principal structure;