

Appeal to Board of Adjustment – 2700 FM 518

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|--------------------|---|
| Request | An appeal of the City Planner’s determination the use of ‘Self Storage’ has been abandoned at 2700 FM 518 and may not be reconstructed in accordance with the Sec. 125-191 Nonconforming Uses, Lots and Structures and Sec. 125-72 Commercial Zoning Ordinance. |
| Appellant | Dennie Teer |
| Owner | Global Storage Inc. |
| Zoning | “CN” (Neighborhood Commercial) |
| Location | Generally located South of FM 518 East, East of Louisiana Avenue. |
| Attachments | <ol style="list-style-type: none">1. Letter from Appellant2. Excerpt of Zoning Ordinance Sec. 125-723. Excerpt of Zoning Ordinance Sec. 125-1914. Zoning Map5. Aerial Map6. Site Photos |

History On September 5, 2013, October 3, 2013, and November 7, 2013, Staff requested the Board to table to the item on behalf of the appellant.

Point of Clarification The property address has two different addresses assigned to the site. One address as according to Galveston Central Appraisal District is 2211 FM 518 where as the City refers to the property as 2700 FM 518. The property will be referred to as 2700 FM 518 in this report.

Site Background The property was previously used as a storage facility under the classification of ‘Self Storage’. When zoning was adopted in August of 1999, the site was zoned as General Commercial. In this zoning district ‘Self Storage’ was a permitted use. In August of 2005, City Council adopted the revised zoning text and map under Ordinance No. 2005-24 where the site and neighboring properties were rezoned to Neighborhood Commercial. Under this zoning district, ‘Self Storage’ is not permitted.

After the ratification of Ordinance No. 2005-24, the use of the site became a legally non-conforming use under Sec. 125-191. The City does not have an operations permit on record.

The City of League City has a demolition permit on record from 2008. The exact date of demolition is unknown, but an aerial image dated 12/31/2008, does not show the structures. The demolition of the property included the vertical structures on the site, but not the foundations of the structures. Since the demolition of the structures, the site has remained vacant. Please see attached site photos taken on 8/2/2013.

The appellant has expressed to the City that Hurricane Ike did damage some of the structure, but was not wholly destroyed by Hurricane Ike. The appellant also expressed that the decision to demolish the structures was part Hurricane Ike and part the widening of FM 518. The widening of FM 518 at this location was completed the 4th Quarter of 2007.

Nonconforming Background Legal nonconformance occurs when regulations are adopted and the existing land use, structure, lot or combination do not conform to the new regulations, but are legally allowed to continue with conditions. An example of a nonconforming use would include an existing single-family residence on commercially zoned land. An example of a nonconforming structure would include a structure that does not meet the setback requirements. An example of a nonconforming lot would include a lot that does not meet the length, width or total area requirements for the zoning district. It is possible and common to have a nonconforming use in a conforming

structure or vice-versa.

Section 125-191 of the Zoning Ordinance provides the regulations governing the nonconforming uses, lots, and structures. The ordinance addresses these nonconformances as independent issues such as the regulations governing the nonconforming use are independent of the regulations governing the nonconforming structure.

It should also be noted that this appeal is related entirely to the nonconforming use of the site. The City has not been supplied with a site plan or survey of the site to determine if there are any nonconforming issues related to the structures of the site. In the current configuration, the lot is a conforming lot.

**Appellant
Argument**

The appellant believes that *Section 125-191 E. Nonconforming Structures* applies to the use whereas Staff has determined that the *Section 125-191 E.* applies only to structures and not the use of the structure. The appellant believes that if a structure is ‘grandfathered’ the use should be equally ‘grandfathered’. The appellant has also expressed that the structure is the use.

**Staff
Determination:**

Staff reviewed *Section 125-191* and determined that the desire to reestablish the previous use of the self-storage addressed in *Section 125-191 C. Nonconforming Uses* and not in *Section 125-191 E. Nonconforming Structures*.

Staff determined the use of self-storage is dependent on the ability to operate out of a structure. Without a structure, the use of self-storage does not occur because the structure provides the facility for personal property storage.

When the structures were demolished, the use of self-storage was discontinued. According to *Section 125-191 C. Nonconforming Uses*, discontinued uses are allowed to be reestablished within a 6 month consecutive period otherwise the use shall be presumed abandoned and may not be reestablished. The City Planner determined that since the demolition had occurred more than 6 months prior to the recent attempt to redevelop the property, the use has been abandoned and may not be reestablished.

The appellant has also cited that the *Section 125-191 C.* addresses when a use is discontinued or terminated by a fire or natural cause (Hurricane Ike), or arising wholly above the control of human agencies and shall be allowed to reconstruct. The City Planner has determined and recited the ordinance that the preceding condition is that a Certificate of Nonconforming Status, survey, or site plan has to be on file with the City. As mentioned previously, the City has no Certificate of Nonconforming Status, site plan, or survey on record.

The appellant has also cited that *Section 125-191 C.* addresses sites which have been involuntarily altered by eminent domain shall be allowed to reconfigure and reconstruct. The appellant has expressed the use was also discontinued with the FM 518 widening. The City Planner has determined and recited the ordinance that the preceding condition is that a Certificate of Nonconforming Status, survey, or site plan has to be on file with the City. The City has no Certificate of Nonconforming Status, site plan, or survey on record. Eminent domain was not exercised at this site.

Summary:

Staff finds that the Appellant’s request to reestablish the use of ‘Self Storage’ in the Neighborhood Commercial zoning district is not permitted according to the current zoning ordinance. While the site had previously operated as a nonconforming use, the use of the site was abandoned 6 months following the demolition of site and may not be reestablished.

For additional information, you may contact Wes Morrison, City Planner at 281-554-1084 or at wes.morrison@leaguecity.com.

July 24, 2013

City of League City
Zoning and Planning
300 W. Walker St.
League City, Texas 77573

To Whom It May Concern:

I, Dennie Teer, would like to acknowledge that we disagree with the finding that the "use" is the issue at hand concerning the boat storage facility located at 2211 FM 518, League City, Texas.

I believe that when the structures are grand fathered into rebuilding that the use will also be re-established due to the nature of the original zoning requirements. Please advise of any formal hearings, meeting, etc. that counsel and I may wish or need to attend.

Thank you,

Dennie J. Teer
Owner / CEO
The Fence, Deck and Patio Co

Sec. 125-72 Commercial and Mixed Use Districts

Sections:

- 125-72.A. Purposes
- 125-72.B. Land Use Regulations
- 125-72.C. Development Regulations
- 125-72.D. Review of Plans

This section establishes regulations for four commercial and mixed use district types: Neighborhood Commercial (CN), General Commercial (CG), Commercial Office (CO), and Commercial Mixed Use (CM).

Sec. 125-72.A. Purposes

The specific purposes of the *C Commercial and Mixed Use Districts* are to create, maintain, and enhance commercial and mixed use areas that serve as local activity centers for surrounding neighborhoods as well as regional centers serving city and area residents. Commercial and mixed use areas are typically located on or near the City’s major arterial roads and represent a range of development scales and intensities that may include residential uses where appropriate. Four *C Commercial and Mixed Use Districts* are established:

- ***CN Neighborhood Commercial.*** This district is intended to provide for areas of smaller-scaled and pedestrian-oriented neighborhood-serving commercial and mixed use development (typically with floorplates of less than 10,000 square feet) that includes retail, services, office, eating and drinking, housing, smaller-scaled public uses, etc.
- ***CG General Commercial.*** This district reflects existing and future areas of larger-scaled pedestrian- and auto-oriented commercial development (typically with floorplates of more than 10,000 square feet) located on the City’s major arterial roads and include a wide variety of community-serving uses that include retail, services, office, auto-related businesses, eating and drinking, recreation and entertainment, public and semi-public uses, etc. Residential uses are not permitted in this district.
- ***CO Commercial Office.*** This district is intended to provide for areas of large-scale integrated professional office development of quality design in a landscaped setting serving high technology, and research and development. Secondary support uses—such as business services and institutional uses—serving the development are encouraged.
- ***CM Commercial Mixed Use.*** This district is intended to provide for areas of large-scale pedestrian- and auto-oriented region-serving mixed use development that includes a mix of retail formats (both large and small), office and business services, commercial lodging, office-oriented research and development, recreation and entertainment, etc. Multi-family residential uses are permitted in this district. Development in this district will occur under a master development plan.

Sec. 125-72.B. Land Use Regulations

Schedule 125-72.B below prescribes the land use regulations for *C Commercial and Mixed Use Districts*. The regulations for each district are established by letter designations as follows:

"P" designates permitted use classifications.

"L" designates use classifications that are permitted, subject to certain limitations prescribed by the additional use regulations in Article IV, Division 1: Standards for Specific Uses. Number designations refer to the specific limitations listed at the end of Schedule 125-72.B.

"S" designates use classifications permitted after review and approval of a Special Use Permit by the City Council. These uses are also subject to certain limitations in Article IV, Division 1: Standards for Specific Uses.

Use classifications are defined in Article V, Division I: Use Classifications. In cases where a specific land use or activity is not defined, the City Planner or designee shall assign the land use or activity to a classification that is substantially similar in character. Use classifications not listed in the Schedule below are prohibited.

Schedule 125-72.B: Use Regulations – Commercial and Mixed Use Districts

| <i>Use Classifications</i> | <i>CN</i> | <i>CG</i> | <i>CO</i> | <i>CM</i> | <i>Additional Regulations</i> |
|--|-----------|-----------|-----------|-----------|-------------------------------|
| <i>Residential</i> | | | | | |
| Residential Dwellings | | | | | Refer to Section 125-90.B. |
| <i>Multi-Family Residential</i> | L1 | — | — | L1 | |
| <i>Single-Family Residential</i> | L1 | — | — | — | |
| Residential Care Facilities | | | | | |
| <i>Small Residential Care Facilities</i> | P | — | — | P | |
| <i>Residential Care Rooming Facilities</i> | P | — | — | P | |
| <i>Residential Care Apartment Facilities</i> | P | — | — | P | |
| <i>Public and Semipublic</i> | | | | | |
| Clubs or Lodges | S | P | S | P | |
| Colleges, Public or Private | S | P | P | P | |
| Cultural Institutions | P | P | P | P | |
| Day Care | P | P | P | P | |
| Educational Research and Development | — | P | P | P | |
| Government Offices and Facilities | | | | | |
| <i>Large-Scale</i> | — | P | P | P | |

Schedule 125-72.B: Use Regulations – Commercial and Mixed Use Districts

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|--|-----------|-----------|-----------|-----------|-------------------------------|
| <i>Small-Scale</i> | P | P | P | P | |
| Hospitals | S | P | P | P | |
| Parks and Recreation | P | P | P | P | |
| Public Maintenance Facilities | — | S | — | — | Refer to Section 125-90.D. |
| Public Safety Facilities | P | P | P | P | |
| Religious Assembly | L2 | P | P | P | |
| Schools, Public or Private | P | P | P | P | |
| <i>Commercial</i> | | | | | |
| Alcoholic Beverage Sales | | | | | |
| <i>On-Premise Consumption</i> | S, L3 | S, L3 | S, L3 | S, L3 | |
| <i>Off-Premise Consumption</i> | — | P, L3 | — | — | |
| Ambulance Services | — | P | P | P | |
| Animal Sales and Services | S | P | — | S | |
| Automobile/Vehicle/Equipment Sales and Services | | | | | |
| <i>Automobile/Vehicle/Equipment Sales and Rental</i> | — | P | — | S | |
| <i>Automobile Rentals</i> | L4 | P | L4 | P | |
| <i>Car Wash</i> | — | P | — | P | |
| <i>Gas and Service Stations</i> | — | P | — | S | |
| <i>Light Vehicle Service</i> | S | P | — | S | |
| <i>Auto Repair and Other Heavy Vehicle Service</i> | — | S | — | — | |
| Banks and Other Financial Institutions | L5 | P | P | P | Refer to Section 125-90.A. |
| Bed and Breakfast Establishment | P | P | — | P | |
| Building Materials Sales and Services | — | P | — | P | Refer to Section 125-90.D. |
| Business Services | P | P | P | P | |
| Catering Business | S | P | P | P | |
| Convention Center | — | P | P | P | |
| Eating and Drinking Establishments | | | | | |
| <i>Full Service</i> | P | P | S | P | |
| <i>Limited Service</i> | P | P | S | P | |
| <i>With Drive-Through Facilities</i> | S, L5 | P | S | P | Refer to Section 125-90.A. |
| <i>With Live Entertainment</i> | S | P | S | S | |
| <i>With Outdoor Seating</i> | L6 | L6 | S | L6 | |
| Food and Beverage Sales | P | P | — | P | |

Schedule 125-72.B: Use Regulations – Commercial and Mixed Use Districts

| <i>Use Classifications</i> | <i>CN</i> | <i>CG</i> | <i>CO</i> | <i>CM</i> | <i>Additional Regulations</i> |
|--|-----------|-----------|-----------|-----------|-------------------------------|
| Home Improvement Sales and Services | L7 | P | — | P | Refer to Section 125-90.C. |
| Hotels and Commercial Lodging | | | | | Refer to Section 125-90.F. |
| <i>Full Service Hotel</i> | — | P | S | S | |
| <i>Limited Service Hotel</i> | S | P | S | S | |
| <i>Residence Hotel</i> | — | P | S | S | |
| Laboratory, Commercial | S | P | P | P | |
| Maintenance and Repair Services | P | P | P | P | |
| Massage Establishments and Massage Services | P | P | P | P | |
| Nurseries and Garden Supply Stores | P | P | — | P | Refer to Section 125-90.C. |
| Offices | P | P | P | P | |
| Parking Facilities | S | P | P | P | |
| Pawn Shops | — | L8 | — | S | |
| Personal Instructional Services | P | P | — | P | |
| Personal Services | P | P | S | P | |
| Recreation and Entertainment | | | | | |
| <i>Large-Scale</i> | S | P | S | S | |
| <i>Small-Scale</i> | S | P | S | P | |
| Recreational Vehicle Park | — | S | — | — | Refer to Section 125-90.E. |
| Retail Sales | P | P | — | P | Refer to Section 125-90.C. |
| Self Storage | — | P | — | P | Refer to Section 125-90.D. |
| Undertaking, Funeral and Interment Services | S | P | — | P | |
| <i>Industrial</i> | | | | | |
| Production Industry | | | | | |
| <i>Artisan</i> | S | S | S | S | Refer to Section 125-90.D. |
| <i>Limited</i> | — | P | — | S | |
| Research and Development | — | S | S | S | |
| Warehousing and Storage | | | | | |
| <i>Indoor Storage</i> | — | P | S | S | Refer to Section 125-90.D. |
| Wholesaling and Distribution | | | | | |
| <i>With Store Facilities</i> | — | P | — | P | Refer to Section 125-90.D. |
| <i>Non-Store Facilities</i> | — | P | S | S | Refer to Section 125-90.D. |
| <i>Transportation, Communication, and Utilities</i> | | | | | |
| Communication Towers and | — | L9 | L9 | L9 | |

Schedule 125-72.B: Use Regulations – Commercial and Mixed Use Districts

| <i>Use Classifications</i> | <i>CN</i> | <i>CG</i> | <i>CO</i> | <i>CM</i> | <i>Additional Regulations</i> |
|--|-----------|--|-----------|----------------------------|-------------------------------|
| Structures | | | | | |
| Transportation Facilities | | | | | |
| <i>Marinas, Docks</i> | P | — | — | P | |
| <i>Marinas, Private</i> | P | P | — | P | |
| <i>Marinas, Public</i> | P | P | — | P | |
| <i>Transportation Passenger Terminals</i> | S | P | P | P | |
| Utility, Minor | P | P | P | P | |
| Agriculture and Extractive | | | | | |
| Excavation and Mining | S | S | S | S | Refer to Chapter 98 |
| Pipelines, Oil and Gas Wells | | | | | |
| Gas Well Drilling | S | S | S | S | Refer to Sec. 125-90.G. |
| Oil Well Drilling | S | S | S | S | Refer to Sec. 125-90.G. |
| Pipelines | S | S | S | S | Refer to Sec. 125-90.H. |
| Pump Stations | S | S | S | S | Refer to Sec. 125-90.I. |
| Specific Use Limitations | | | | | |
| L1 Permissible if not a ground floor use. The ground floor use shall not be an accessory use to the multi-family. | | L2 If the total floor plate of all accessory uses exceeds 50 percent of the floor plate of the sanctuary, then a Special Use Permit is required. | | | |
| L3 Permissible if in accordance with Section 10 of the City of League City Code of Ordinances and the Texas Alcoholic Beverage Commission (TABC) Code.. | | L4 No outdoor storage or washing of vehicles. | | | |
| L5 If property adjoins non-residential zoning district, submit traffic impact analysis to be approved by the City Engineer and Special Use Permit is not required. | | L6 Hours of operation may be limited. | | | |
| L7 Floorplates limited to a maximum of 10,000 square feet. | | L8 Permissible if in accordance with the Texas Pawnshop Act (Texas Finance Code, Title 4, Chapter 371). | | | |
| L9 Permissible if in accordance with the Communications Towers and Structures Ordinance and requires SUP. | | | | | |
| Accessory Uses and Structures | | | | See Article IV, Division 2 | |
| Temporary Uses | | | | See Article IV, Division 3 | |
| Nonconforming Uses and Structures | | | | See Article IV, Division 7 | |

Sec. 125-72.C. Development Regulations

Schedule 125-72.C below prescribes the development regulations for *C Commercial and Mixed Use Districts*, including building scale, building form and location, pedestrian orientation, vehicle accommodation, and open space and landscaping. The letter designations in right-hand column refer to the additional regulations listed at the end of Schedule 125-72.C. Refer also to Article IV: Regulations Applicable in All or Several Districts.

Schedule 125-72.C: Development Regulations -- Commercial and Mixed Use Districts

| <i>Development Standards</i> | <i>CN</i> | <i>CG</i> | <i>CO</i> | <i>CM</i> | <i>Additional Regulations</i> |
|--|-----------|-----------|-----------|-----------|-------------------------------|
| <i>Building Scale – Intensity of Use</i> | | | | | |
| Minimum Lot Area (sq. ft.) | 5,000 | 10,000 | 10,000 | 25,000 | |
| Minimum Lot Dimensions (ft.) | | | | | |
| <i>Width</i> | 25 | 75 | 75 | 100 | |
| <i>Frontage</i> | 25 | 75 | 75 | 100 | |
| <i>Building Form and Pedestrian Orientation</i> | | | | | |
| Maximum Height (ft.) | 30 | 125 | 60 | 125 | |
| Minimum Yards (ft.) | | | | | |
| <i>Front</i> | -- | 20 | 20 | -- | |
| <i>Side (Nonresidential/Residential)</i> | 10/15 | 15/30 | 10/20 | 20/40 | |
| <i>Street Side (Corner Lot)</i> | 10 | 15 | 10 | 15 | |
| <i>Rear (Nonresidential/Residential)</i> | 15/20 | 20/40 | 15/30 | 20/40 | |
| Maximum Lot Coverage (Percent) | 90 | 85 | 80 | 80 | (1) |
| Limitations on Blank Walls | Yes | Yes | Yes | Yes | (2) |
| Minimum Storefront Continuity (Percent) | 25 | 25 | -- | 25 | (3) |
| Building Transparency (Percent) | 25 | 25 | 25 | 25 | (4) |
| <i>Choose Option A or B:</i> | | | | | |
| <u>Option A</u> | | | | | |
| Minimum Build-to Lines (Percent) | 50 | 50 | 50 | 50 | (5) |
| Location of Parking and Loading | Yes | Yes | Yes | Yes | (6) |
| <u>Option B</u> | | | | | |
| Landscape Setback (ft.) | 10 | 10 | 10 | 10 | (7) |
| <i>Open Space and Landscaping</i> | | | | | |
| Minimum Landscaped Area (Percent) | 10 | 15 | 15 | 15 | |
| <i>Other Standards</i> | | | | | |
| Accessory Uses and Structures | | | | | See Article IV, Division 2 |
| Off-Street Parking and Loading | | | | | See Article IV, Division 5 |
| Landscaping and Buffer Yards | | | | | See Article IV, Division 6 |

1. **Maximum Lot Coverage.** Includes buildings, parking areas, and driveways and maneuvering areas, but excludes common open space amenities and landscaped areas.
2. **Blank Walls.** No blank walls greater than 15 feet in length, excluding garage doors, shall be permitted on all street frontages excluding alleys. Building surfaces shall include an offset, recess, or projection providing shadows or visual interest for at least 25 percent of the frontage.
3. **Storefront Continuity.** Ground floor of retail buildings shall have a storefront appearance along all street frontages excluding alleys.
4. **Building Transparency.** Ground floor of buildings shall have views into occupied space provided by windows, displays, or doors along the primary street frontage.
5. **Minimum Build-to Lines.** Ground floor of buildings shall be built to the sidewalk along the primary street frontage.
6. **Location of Parking and Loading.** Parking shall be located behind or at the side of buildings, except for passenger drop-off areas which may be located at the building entry. Loading areas shall be screened so as not to be visible from public streets. Where the building abuts a residential district, the preferred location of loading facilities shall be the side away from the residential district boundary.
7. **Landscape Setback.** A minimum 10-foot-wide landscaped area shall be located between all portions of the parking lot and the street and shall contain both (a) and (b) below:
 - a. One shade tree for every 30 feet of linear street frontage, excluding driveways. Trees may be planted in clusters or spaced linearly rather than being on 30-foot centers. The minimum size of the tree should be 1 ½ - inch caliper (15 gallons) upon installation.
 - b. A continuous hedge consisting of shrubs that are not less than 3 feet or more than 4 feet in height and planted in 3- or 5-gallon container stocks upon installation. The landscape hedge shall be set back a minimum of 3 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle.
 - c. In lieu of a landscape hedge noted in (b) above, a berm measuring not less than 3 feet or more than 4 feet in height from finish grade of the parking lot may be utilized. The berm shall be set back a minimum of 3 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle.

Sec. 125-72.D. Review of Plans

All development is subject to development review in accordance with the City's applications and procedures, pursuant to Article II, Division 2: Applications and Procedures.

Division 7. Nonconforming Uses, Lots and Structures

Sec. 125-191 Nonconforming Uses, Lots and Structures

Sections:

- 125-191.A. Purpose
- 125-191.B. Certificate of Nonconforming Status
- 125-191.C. Nonconforming Uses
- 125-191.D. Nonconforming Lots
- 125-191.E. Nonconforming Structures

This section represents the City's existing nonconforming regulations.

Sec. 125-191.A. Purposes

The purpose of this Section is to regulate uses lawfully established prior to the effective date of this Zoning Ordinance that do not conform to the use regulations of this Ordinance in the zoning districts in which such uses are located (known as “nonconforming uses”). This Section also regulates uses, lots and structures lawfully constructed prior to the effective date of this Zoning Ordinance that do not comply with the applicable development standards of this Ordinance in the zoning districts in which such uses, lots or structures are located (known as “nonconforming uses, lots or structures”).

Sec. 125-191.B. Certificate of Nonconforming Status

In order to obtain a Certificate of Nonconforming Status, the owner of the property whose land use, lot or structure is deemed to be nonconforming shall file an application with the City's Planning Department. The application shall include a current survey and/or site plan describing the improvements and uses to which the property is being put at the time of the application. Upon receipt of a complete application, the City shall issue a Certificate of Nonconforming Status.

Sec. 125-191.C. Nonconforming Uses

A nonconforming use legally existing at the time of adoption of this Zoning Ordinance is grandfathered under these regulations and may be continued, but shall not be enlarged to occupy more of a building or site. A nonconforming use shall not be substituted for any other nonconforming use. If a nonconforming use is discontinued for 6 consecutive months, it shall be presumed abandoned and may not be reestablished or resumed.

A legally existing nonconforming use for which the City has issued a Certificate of Nonconforming Status or has a survey and/or site plan on file with the City and whose discontinuation or termination is the result of a fire or natural cause without the intervention

of man, or arising wholly above the control of human agencies, and which could not have been prevented by the exercise of prudence, diligence, and care shall be allowed to reconstruct in order to permit the pre-existing use. The pre-existing use shall be consistent with the survey and/or site plan on file with the City, but in no event shall be allowed to enlarge to occupy more of a building or site.

A legally existing nonconforming use for which the City has issued a Certificate of Nonconforming Status or has a survey and/or site plan on file with the City and whose configuration has been altered involuntarily by eminent domain shall be allowed to reconfigure within the remaining space and reconstruct in order to permit the pre-existing use. The pre-existing use shall be consistent with the survey and/or site plan on file with the City, but in no event shall be allowed to enlarge to occupy more of a building or site.

Sec. 125-191.D. Nonconforming Lots

2. **Single Lots.** A building may be erected on any single nonconforming lot that is located on a properly filed and approved plat. In addition, a building may be erected on a lot, tract, or parcel defined in a recorded deed prior to the adoption of Subdivision Ordinance Number 81 on September 11, 1969, notwithstanding limitations imposed by other provisions of this Zoning Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even if such lot fails to meet the applicable lot area or width requirements for the district within which the lots are located, provided that such development complies with all other development standards applicable within the zoning district. Any variance to such requirements shall be obtained only through action of the Zoning Board of Adjustment.
3. **Multiple Lots.** If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage of this Zoning Ordinance, and if all or part of the lots do not meet the applicable lot area or width requirements for the district within which the lots are located, the lands involved may be considered to be an undivided parcel for the purposes of this Section and shall be subject to all use and development regulations for the district within which said lands are located..
4. It is provided, however, that if any building or portion of a building constructed on a nonconforming lot or lots for which the City has issued a Certificate of Nonconforming Status or has a survey and/or site plan on file with the City is destroyed as the result of a fire or natural cause without the intervention of man, or arising wholly above the control of human agencies, and which could not have been prevented by the exercise of prudence, diligence, and care, to an extent of more than 50 percent of its replacement cost at the time of such destruction, the owner shall be allowed to reconstruct on a nonconforming lot or lots. The reconstruction shall be consistent with the survey and/or site plan on file with the City, but, in no event shall be allowed to enlarge to occupy more of a building or site.

A legally existing nonconforming lot for which the City has issued a Certificate of

Nonconforming Status or has a survey and/or site plan on file with the City and whose configuration has been altered involuntarily by eminent domain shall be allowed to reconfigure within the remaining space and reconstruct in order to permit the pre-existing use. The pre-existing use shall be consistent with the survey and/or site plan on file with the City, but in no event shall be allowed to enlarge to occupy more of a building or site.

Sec. 125-191.E. Nonconforming Structures

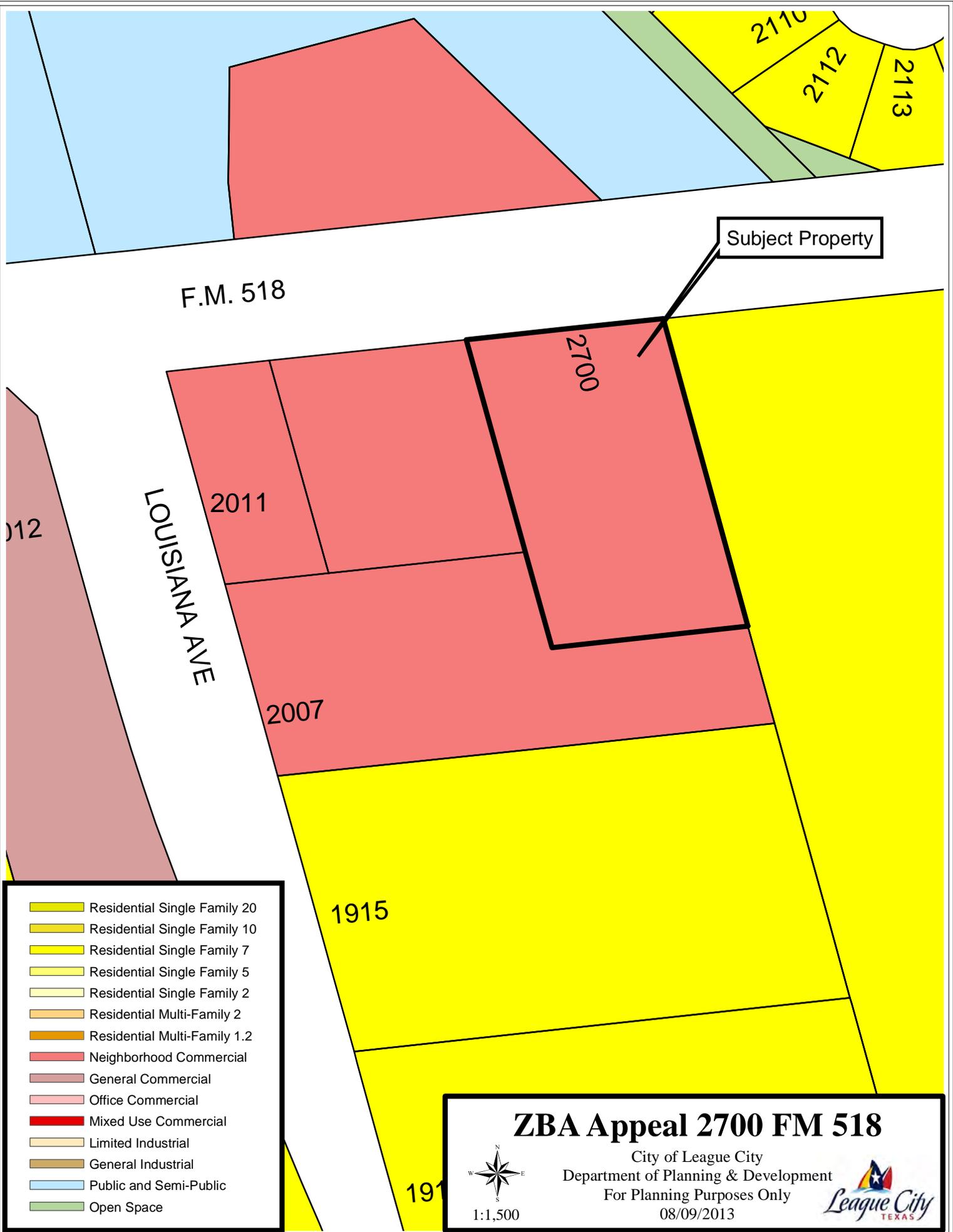
1. **Repair, Maintenance, and Alteration.** Any nonconforming structure may be repaired, maintained, or altered provided that no such repair, maintenance, or alteration either creates any new nonconformity or increases the degree of the existing nonconformity of all or any part of such structure.

2. **Destruction.** Any nonconforming structure or portion of a structure destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction shall not be reconstructed unless consistent with the use and development regulations for the district within which it is located. It is provided, however, that in the event any nonconforming structure or portion of a structure for which the City has issued a Certificate of Nonconforming Status or has a survey and/or site plan on file with the City is destroyed by the result of a fire or natural cause without the intervention of man, or arising wholly above the control of human agencies, and which could not have been prevented by the exercise of prudence, diligence, and care to an extent of more than 50 percent of its replacement cost at the time of destruction, the owner shall be allowed to reconstruct such nonconforming structure or portion of a structure consistent with the survey and/or site plan on file with the City, but in no event shall be allowed to enlarge to occupy more of a building or site.

A legally existing nonconforming structure for which the City has issued a Certificate of Nonconforming Status or has a survey and/or site plan on file with the City and whose configuration has been altered involuntarily by eminent domain shall be allowed to reconfigure within the remaining space and reconstruct in order to permit the pre-existing use. The pre-existing use shall be consistent with the survey and/or site plan on file with the City, but in no event shall be allowed to enlarge to occupy more of a building or site.

3. **Removal.** Any nonconforming structure that is moved for any reason and for any distance shall thereafter conform to the regulations of this Zoning Ordinance.

4. **Abandonment.** A nonconforming structure and premises that is discontinued or abandoned for 6 consecutive months, or for 18 months during any 3-year period, except when government action impedes access to the premises, shall be presumed abandoned and may not be reestablished or resumed and shall hereafter conform to the regulations of this Zoning Ordinance.



Subject Property

F.M. 518

LOUISIANA AVE

- Residential Single Family 20
- Residential Single Family 10
- Residential Single Family 7
- Residential Single Family 5
- Residential Single Family 2
- Residential Multi-Family 2
- Residential Multi-Family 1.2
- Neighborhood Commercial
- General Commercial
- Office Commercial
- Mixed Use Commercial
- Limited Industrial
- General Industrial
- Public and Semi-Public
- Open Space



2011

2007

2700

2110

2112

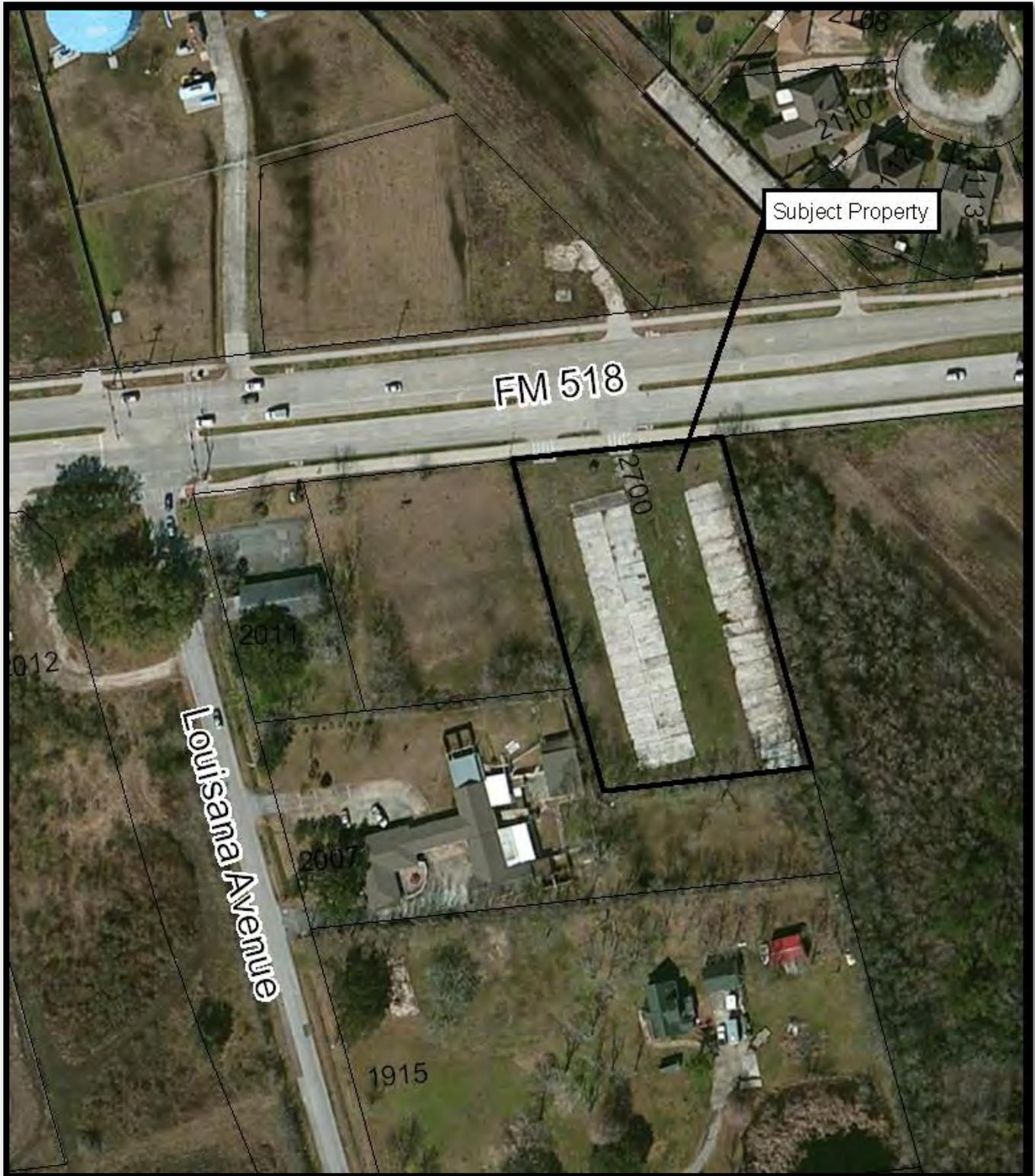
2113

1915

191

012

Appeal (ZBA 13-01) – 2700 FM 518



Appeal (ZBA 13-01) – 2700 FM 518

PHOTOGRAPH 1



Image above is of the eastern gate of the property.

PHOTOGRAPH 2



Image above is of the western gate of the property.

PHOTOGRAPH 3



Image above is facing south at one of the remaining foundations.

PHOTOGRAPH 4



Image above is facing southeast across the property.