
Nonconforming Package Liquor Store Relocation Exception

Sec. 118-393. Nonconforming use of buildings.

- (a) Except as otherwise provided in these land development regulations, the lawful use of a building existing at the effective date of these land development regulations may be continued, although such use does not conform to the provisions hereof. Whenever a nonconforming use has been changed to a conforming use, the former nonconforming use shall not be permitted at a later date. A nonconforming use shall not be permitted to change to any use other than one permitted in the zoning district in which the use is located.
- (b) A nonconforming use of a building shall not be permitted to extend throughout other parts of that building.
- (c) For specific regulations for nonconforming uses related to medical cannabis treatment centers and pharmacy stores, see section 142-1502(d).
- (d) Notwithstanding the provisions of this article, and notwithstanding the provisions of section 142-1502, a nonconforming pharmacy store or medical cannabis treatment center may be relocated within the same building, provided that the relocated pharmacy store or medical cannabis treatment center does not exceed 2,000 square feet in size. Such relocated pharmacy store or medical cannabis treatment center shall be exempt from the minimum distance separation requirements of section 142-1502(b)(4) or (5). respectively, of these land development regulations.
- (e) Notwithstanding the provisions of this article, and notwithstanding the provisions of section 6-4(a)(3) and section 142-305 of the city code, a nonconforming package liquor store located between 16th Street and Lincoln Road may be relocated to another CD-2 zoned property located between 15th Terrace and 16th Street, provided that the relocated package liquor applies for a certificate of use at the new location within 183 days of abandoning the previous location and that a new package liquor store shall not occupy the previous location. Such relocated package liquor store shall be exempt from the minimum distance separation requirements of section 6-4(a)(3). The aforementioned provisions pertaining to the relocation of a nonconforming package liquor store shall only apply to those establishments that have obtain a certificate of use for the new establishment by June 30, 2023. Further, the aforementioned provisions pertaining to the relocation of a nonconforming package liquor store shall sunset and be deemed no longer applicable on June 30, 2023.

(Ord. No. 89-2665, § 13-3, eff. 10-1-89; Ord. No. 2017-4133, § 2, 9-25-17; Ord. No. 2020-4352, § 1, 7-29-20)