**NON-CONFORMING USE REGISTRATION FORM**

City Clerk’s Office – City of Nome

102 Division Street

P.O. Box 281, Nome, AK 99762

907.443.6663

**Property information**

Street Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Block \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Lot \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Tax Parcel ID \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Current Zoning District: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Non-Conforming Use: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Property Type: ☐ Single Family ☐ Multi-Family ☐ Commercial ☐ Industrial

**Supporting Documentation**

2008 Sales Tax License Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Other Supporting Documents: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*The owner has the burden of proof of continuing non-conforming use of any property or structure (NCO18.130.040(C)). Please attach adequate documentation for the building official to determine as to whether or not the use or structure qualifies as a non-conforming use.*

**Property Owner**

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Business Name (if applicable): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mailing Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ State: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Zip: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ E-Mail: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signed Name Date Printed Name

## Chapter 18.130 NONCONFORMING USES

### 18.130.010 Intent.

When any use, structure, or lot of record legally exists before October 13, 2008, but does not meet the requirements of this title, or any amendment thereto, it will be considered a nonconforming lot, structure, or use. (Ord. O-08-09-01 § 2 (part), 2008)

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### 18.130.020 Types of nonconformities.

There are three basic types of nonconformities:

(a) Nonconforming Uses. A nonconforming use is an activity which is prohibited under this title, but which was lawful prior to the first application of this title, October 13, 2008, or the subsequent amendments to this title.

(b) Nonconforming Structures. A nonconforming structure is one which was lawful at the time of construction or modification but which does not presently conform to the provisions of this title or any amendment to this title applicable to the district in which it is located.

(c) Nonconforming Lots of Record. Nonconforming lots of record are those lots lawfully in existence and meeting the applicable lot size and dimension requirements in effect at the time the lot was approved, but which do not conform to subsequently applicable or enacted requirements. (Ord. O-08-09-01 § 2 (part), 2008)

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### 18.130.030 Requirements for nonconforming uses.

Except as provided in this section, the lawful use of any building or land existing as of October 13, 2008, or at the time of any amendments to this title, may be continued even though such use does not conform to the requirements of this title, provided such use has been registered as required by this chapter and has not been changed or abandoned.

(a) Completion. Any building or structure for which a building permit has been issued may be completed and used in accordance with the plans, specifications and permits on which said building permit was granted, if construction is commenced within one hundred eighty days after the issuance of said permit and diligently prosecuted to completion, notwithstanding that such structure does not conform to any provisions of this title enacted after issuance of the permit.

(b) Displacement. No nonconforming use shall be altered, extended, or restored so as to displace any conforming use. A trailer house in any district may be improved or replaced with a newer model trailer house.

(c) Extensions and Expanding a Nonconforming Use or Structure. The owner of a lot upon which a nonconforming use or structure exists may extend or expand such use or structure on said lot and any adjacent lot or lots thereto which said owner had legal title to prior to the enactment of this title, or amendment thereto, which rendered said use or structure nonconforming.

(d) Repairs and Maintenance. Ordinary repairs and maintenance of a nonconforming building shall not be deemed an extension of such nonconforming building and shall be permitted.

(e) Restoration. A nonconforming building that has been damaged by fire or other causes may be restored to its pre-damaged condition; provided, that such work is commenced within one hundred eighty days of such damage. (Ord. O-15-11-01 § 2, 2015[1](http://www.codepublishing.com/AK/Nome/html/Nome18/Nome18130.html" \l "92): Ord. O-08-09-01 § 2 (part), 2008)

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### 18.130.040 Proof of nonconformities.

(a) No later than October 13, 2018, any owner of a structure or property that meets the requirements for a nonconforming use set forth in this chapter must apply to register the use or structure as a nonconforming use with the city.

(b) The city shall make nonconforming use registration application forms available to the public. Application forms shall require an identification of the use or structure as it existed as of October 13, 2008. All claimed commercial uses shall be reviewed to determine if a 2008 sales tax license for the commercial use was issued by the city.

(c) The owner has the burden of proof of continuing nonconforming use of any property or structure. A nonconforming use application form shall be referred to the building official for a determination as to whether the use or structure qualifies as a nonconforming use. Upon presentation of adequate proof, the building official shall formally accept the nonconforming use or structure as a valid use or structure on the legally designated lot until such time as the use is abandoned or changed. If the building official determines the proof supplied with the application is inadequate, the application shall be denied. Any determination by the building official shall be in writing and may be appealed to the planning commission under the appeal procedure of Chapter [18.60](http://www.codepublishing.com/AK/Nome/html/Nome18/Nome1860.html#18.60)NCO.

(d) Failure to apply by the deadline established in this section shall mean the use or structure does not qualify as a nonconforming use. (Ord. O-15-11-01 § 3, 2015[2](http://www.codepublishing.com/AK/Nome/html/Nome18/Nome18130.html" \l "93))