

NON CONFORMING USES AND BUILDINGS

1. NON CONFORMING USES

- A. Continuance. Any existing non-conforming use of any Building or structure be allowed to continue, provided that:
 - A.1. The existing non-conforming use shall not be replaced with any other non-conforming use;
 - A.2. If a non-conforming use is discontinued for one (1) year or longer; it shall not be allowed to resume, and
 - A.3. If the non-conforming use is discontinued and replaced with a conforming use; any non-conforming use thereafter shall no longer be allowed.
- B. Conditions of Use. Non-conforming uses must comply with all regulations for off-street parking and loading, screening, landscaping, and other requirements set by SBMA.
- C. SBMA Lease exemptions. Notwithstanding the foregoing, the SBMA as landlord may lease its existing buildings and facilities for non-conforming, provided that such leases are for terms of not more than ten (10) years.

2. NON CONFORMING BUILDINGS

- A. Prohibitions Against Alteration, Additions and Enlargement. There shall be no additions made on non-conforming buildings, nor shall they be enlarged, in any manner, or subjected to an alteration involving Fifty (50%) percent or more of the Gross Floor Area of a Building.
- B. Repairs, Remodeling and Maintenance. Non-conforming buildings may be repaired, maintained and remodeled and renovated to an extent and in a manner which does not violate the provisions of the preceding Section. Regular maintenance and repairs must still be performed on a structure or site, the use of which is non-conforming and on a non-conforming structure.
- C. Restoration. A non-conforming building, or all buildings or substantially all of which are dedicated to non-conforming uses, which are damaged by fire, wind, earthquake, explosion or other casualty, to the extent the cost of restoration exceeds forty (40%) percent of the fair market value of the entire building on the date immediately prior to the date of casualty, shall not be restored unless the building, and the use, shall conform to all restriction for the district where it is located. If the cost of restoration is less than forty (40%) percent of the fair market value of the entire building on the date of immediately prior to the date of casualty, then the building may be restored without so conforming, if such restoration is begun within one year from the date of the casualty and is thereafter diligently executed to completion.

- D. SBMA Lease Exemptions. Notwithstanding the foregoing, the SBMA shall be permitted to lease non-conforming existing buildings if the leases for the building or facilities are for ten (10) years or less.
- E. Utility Buildings and Structures. Utility buildings and structures owned by the SBMA and affiliated organizations or utility companies and used for rendering services to all or a part of the SBFR shall be a permitted Accessory Use in all District.

3. VARIANCE TO THE COMPREHENSIVE LAND USE PLAN & PLANNING GUIDELINES

- A. Petition. The request shall be submitted to and made in the form required by the Planning and Development Office of SBMA and shall be accompanied by plans and drawings drawn to scale which clearly illustrate the improvements and facts to which the variance relates.
- B. Required Documentation. Applicants for Variance may be required to submit a certified survey showing the location of all buildings, setbacks, and building coverage, and certifying such other facts as deemed necessary for an evaluation of the facts.
- C. Procedure. Within 60 days following the submission of a full and complete petition following the Planning and Development Office (PDO) of SBMA's evaluation of the petition, the same will be presented to SBMA Accounts Evaluation Committee (AEC) meeting for evaluation of concerned SBMA Departments. SBMA may require the proponent to submit a proof of social acceptability and/or conduct a public hearing and endorsement by SBMA management, the matter shall be submitted to the SBMA Board of Directors for decision regarding the variance.
- D. Approval. Approval of a petition for Variance shall have to be approved by the SBMA Board of Directors.
- E. Special Conditions on Variance Approval. In granting a Variance, the SBMA Board of Directors upon endorsement of the AEC and SBMA Management may impose such conditions to ensure compliance with the purpose and intent of the Zoning Code and to protect adjacent properties.
- F. Lapse for Non-Use. If the petitioner or the successor in interest shall fail to use the variance after its grant for a period in excess of one (1) year or if the variance shall cease to be used at any time thereafter for a period in excess of one (1) year, the grant shall automatically cease and become null and void.