ISSUE / QUESTION
Should a nonconforming use that was legally established prior to the establishment of this USDO be allowed to continue to apply for and receive approval for accessory uses that require annual renewal? For example, where a legal nonconforming tavern or restaurant is located in a district where Cabarets or a Sidewalk or Outdoor Cafés are not listed as an accessory use, can the establishment be approved for such accessory uses?

INTERPRETATION
Where an establishment that is considered a legal nonconforming use can demonstrate that prior to the establishment of the USDO, it received the required permits for an accessory use, such an accessory use shall be considered a legal nonconforming accessory use and shall be treated in the same manner as any nonconforming use. The mere fact that the City requires permits for some accessory uses on an annual basis, is not sufficient evidence of abandonment of discontinuance. However, where an accessory use requires an annual permit, and the establishment does not apply for or is not granted such a permit for a period of one year or more, such an accessory use shall be considered to have been abandoned or discontinued.