

## Article 14 – Legal Nonconforming Uses/Structures

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### Sec. 14.1 – Purpose and Applicability

This article regulates and applies to any Legal Nonconforming Use, Structure, or Lot that was legal before the Ordinance’s adoption, but now is prohibited or restricted under this Ordinance or future amendments to the Ordinance or Zoning Map. This applicability extends to any Use, Structure, or Lot that became Legal Nonconforming based on an annexation or prior adoption of a City zoning or development ordinance.

### Sec. 14.2 – General Provisions

- A. Continuation Permitted. Any Legal Nonconforming Use, Structure, or Lot that legally existed on the Effective Date, or that becomes nonconforming upon the adoption of any amendment to the Ordinance, may legally continue in accordance with the provisions of this article.
- B. Burden. The burden of establishing a Legal Nonconforming Use, Structure, or Lot is solely and in all cases upon the owner of the nonconformity.
- C. Signs. Signs that are Legal Nonconforming may be maintained in conformance with Article 11, Sign Standards.

### Sec. 14.3 – Legal Nonconforming Uses

- A. Expansion. A Legal Nonconforming Use may be expanded or enlarged within an existing Lot to an extent not exceeding twenty-five (25) percent of the Land Area or Floor Area devoted to the use on the date it became Legal Nonconforming. Expansion of a Legal Nonconforming Use shall require a Use Permit, pursuant to [INSERT USE PERMIT PROCESS SECTION]. An expansion of a Legal Nonconforming Use must
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otherwise meet the standards of this Ordinance. A Legal Nonconforming Use may not be expanded outside of its Lot boundary as it existed on the date the Use became Legal Nonconforming.

- B. Discontinuance. If a Legal Nonconforming Use has ceased or been abandoned for more than one (1) year and the period of non-use is attributable in-part to the property owner, tenant, or other person or entity in control of the use, then that Legal Nonconforming Use shall terminate. Evidence of an intent to continue a Legal Nonconforming Use may include, but is not limited to, a business license, utility records, marketing material, and/or continued maintenance indicating intent to continue the Legal Nonconforming Use in a Structure or on a Lot.
- C. Substitute Use. A discontinued Legal Nonconforming Use may be substituted with another nonconforming use of similar scope and intensity if done within one (1) year from the discontinuance of the original Legal Nonconforming Use. Approval of a substitute Legal Nonconforming Use shall require a Use Permit, pursuant to [INSERT USE PERMIT PROCESS SECTION].

#### **Sec. 14.4 – Legal Nonconforming Structures**

- A. Maintenance. Incidental repairs and normal maintenance of Legal Nonconforming Structures are permitted unless such repairs expand the extent of the nonconformity or are otherwise prohibited by this Ordinance. Nothing in the Ordinance shall prevent Structures from being strengthened or restored to a safe condition to conform to the City's adopted Building or Fire Code.
  - B. Reconstruction. Any Legal Nonconforming Structure(s) that is damaged by causes outside the control of the Structure's owner, including but not limited to fire, flooding, or lightning, may be reconstructed and used with the following limitations:
    - 1. Building Permits for the reconstruction must be issued within twelve (12) months of the occurrence that caused the damage; and
    - 2. The reconstruction may not exceed the Structure's footprint as it existed upon the occurrence that caused the damage.
  - C. Status Change. When a Structure is altered or improved to fully comply with the applicable development standards of the Zoning District in which it is located, it
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becomes legal and its Legal Nonconforming status is terminated. An intentionally demolished Structure loses its Legal Nonconforming status.

### **Sec. 14.5 – Legal Nonconforming Lots**

- A. Lots of Record. A Legal Nonconforming Lot may be developed with a Use permitted in the Zoning District in which the Lot is zoned, subject to complying with that Zoning District's current development standards except for the standards applying to Lot size and area.

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