

**20.12.000**

**LEGAL NON-CONFORMITY**

**20.12.010 EXISTING USE PERMITTED.** The existing lawful use of a building or premises at the time of the enactment of this Ordinance or any amendment applicable thereto which is not in conformity with the provisions established by this Ordinance may be continued in the manner and for the purposes then existent, subject to the conditions hereinafter stated.

**20.12.020 CLASSIFICATION AND REGULATION.** For the purpose of administration such non-conformity shall be classified and regulated as follows:

1. Non-Conforming Structures.
  - i. No such structure shall be expanded or enlarged except in conformity with the regulations of the district in which it is located.
  - ii. When such structure is damaged to the extent of more than 50% of its current full market value, it shall not be restored except in conformity with the regulations of the district in which it is located.
2. Non-Conforming Use of Structure.
  - i. No such use shall be expanded or enlarged.
  - ii. Upon petition to and approval of the Plan Commission such use may be changed to another use provided the Plan Commission determines that the new use would result in no greater degree of non-conformity and provided further that such new use shall thereafter determine the degree of legal non-conformity.
  - iii. Where any such use is discontinued for a period of 12 consecutive or for 18 accumulative months during any 3 year period, any future use of the structure shall conform to the regulations of the district in which it is located.
  - iv. Where the structure in which such use is carried on is damaged to the extent of more than 50% of its current full market value, it shall not be restored for use except in conformity with the regulations of the district in which it is located.
  - v. Structural repairs and alterations to a structure housing such use shall not, as long as such use continues, exceed 50% of the full market value of the structure at the time the use became non-conforming.
3. Non-Conforming Lots.

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- i. No such lot shall be conveyed to a new owner except in conformity with the applicable provisions of the Subdivision Control Ordinance of the City.
  - ii. No Building or Occupancy Zoning Use Permit shall be issued except in conformity with Section 20.18.000 of this Ordinance.
  - iii. The size and shape of such lot shall not be altered in any way so as to increase the degree of non-conformity except with the approval of the Plan Commission.
4. Non-Conforming Use of Land
- i. No such use shall be expanded or enlarged.
  - ii. Upon petition to and approval of the Plan Commission such use may be changed to another use provided the Plan Commission determines that the new use would result in no greater degree of non-conformity and provided that such new use shall thereafter determine the degree of legal non-conformity.
  - iii. Where any such use is discontinued for a period of 12 consecutive or for 18 accumulative months during any 3 year period, any future use of the land shall conform to the regulations of the district in which it is located.

**20.12.030** **CONDITIONAL USE STATUS.** Subject to the provisions of Section 20.23.000 of this Ordinance any such legal non-conforming use may be reclassified as a conditional use.

**20.12.040** **REMOVAL OF HAZARDS.** Where, upon complaint of the Building Inspector, any non-conforming structure or use shall be found by the Plan Commission as a matter of fact to be a detriment to the public health, safety, or general welfare, such structure shall be ordered to be removed or such use to be discontinued within such time as the Plan Commission may deem reasonable. Upon failure to carry out such order, the City may take such steps as are necessary to remove such structure or discontinue such use and assess the cost thereof against the property owner.

**20.12.050** **SIGNS FOR EXISTING BUSINESSES OUTSIDE COMMERCIAL DISTRICTS.** Existing businesses not located in one of the zones listed in Table 20.29.120, shall comply with standards for the B-1 District.