

**Chapter 17.27**  
**NONCONFORMITIES**

**SECTIONS:**

- 17.27.010**      **Generally**
- 17.27.020**      **Non-Conforming Uses**
- 17.27.030**      **Non-Conforming Structures and Site Improvements**
- 17.27.040**      **Non-Conforming Lots**
- 17.27.050**      **Consistency with the Comprehensive Plan**

**17.27.010 GENERALLY.**

The purpose of this chapter is to regulate and restrict uses, structures, lots, and site improvements that were established legally at the time of adoption of this Title or any subsequent amendment hereto, which is not in conformance with the provisions of this Title or amendment. All such situations shall be referred to as “nonconformities.” Any nonconformity that lawfully existed as of the effective date of this Title and subsequent amendments, may continue in existence pursuant to the provisions of this section.

- A. Determination of Nonconforming Status. It shall be the responsibility of the owner, not the City, to establish the existence of a lawful non-conformity.
- B. Applicability of Other Modifications. Where a variance or minor modification has been granted that results in a development standard or feature that does not otherwise conform to the requirements of this Title, that development standard or feature shall be deemed conforming and this chapter shall not apply.
- C. Maintenance of Nonconformities. Minor repairs or maintenance of nonconformities are permitted, provided they do not increase the extent of the nonconformity, taking all dimensional and use requirements into consideration.
  - 1. Abandonment or Discontinuance. Whenever a legal non-conforming use of land, structure, sign, or a building has been discontinued for a continuous period of one (1) year, future use of the land, structure, sign, or building shall be in conformance with all applicable city regulations.
  - 2. Annexation. Non-conformities should be brought into compliance with all city regulations before annexation and those non-conformities that are to be permitted to continue as legal non-conformities must be identified in the Ordinance annexing the property.

**17.27.020 NON-CONFORMING USES.**

- A. A legal non-conforming use may be extended throughout the same building, provided no

structural alteration of such building is made for the purpose of such extension. A legal non-conforming use of property not contained within a building shall not be expanded.

- B. A legal non-conforming use shall not be changed to any other use except a conforming use.
- C. A use that was legally established without a Conditional Use Permit shall not be deemed non-conforming solely because a Conditional Use Permit is now required for the use. Any expansion or other significant changes to the land use which requires the Conditional Use Permit will require approval of a new Conditional Use Permit before the expansion or other significant change.

#### **17.27.030 NON-CONFORMING STRUCTURES AND SITE IMPROVEMENTS.**

- A. A structure, building or sign which does not meet the setback, height, size, or other site requirements of this Chapter may be repaired, maintained, or extended, provided any such repair, maintenance, or extension is in full compliance with all applicable city regulations.
- B. A non-conforming structure, building or sign which has been damaged to an extent not exceeding fifty (50) percent of its assumed market value on the day before the damage occurred may be restored in conformance with the city's building codes, provided such work is commenced within one (1) year of the date of damage. If the structure, sign, or building is damaged to the extent of more than fifty (50) percent of assumed market value, the non-conforming structure, building, or sign must be discontinued. Assumed market value for a building shall be determined by multiplying the most recent assessed value of the damaged building by four (4). This section shall not apply to single-family dwellings. Legal non-conforming single-family dwellings may be rebuilt in compliance with the current building codes.

#### **17.27.040 NON-CONFORMING LOTS.**

- A. An individual lot which was legally created but does not meet the minimum lot area or other dimensional requirement for the zone in which it is located shall be considered a legal non-conforming lot. Such legal non-conforming lot may be used provided all zoning and other applicable city regulations, including but not limited to setbacks, are met.
- B. Mobile and manufactured homes shall be subject to the provisions of this Code on the date they are removed from their pad or foundation; however, if a mobile or manufactured home was legally established as a single-family residential dwelling unit, the mobile or manufactured home can be replaced on the same site even if single-family residential land uses are not permitted, nor does the replacement require a Conditional Use Permit, but all other standards apply.