

# CHAPTER 8: NONCONFORMITIES

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## 8.1 GENERAL PROVISIONS

### A. Purpose

The purpose of this chapter is to regulate and restrict uses, structures, lots, and signs that were established legally prior to the effective date of this Ordinance, that no longer conform to the requirements of this Ordinance or future Ordinance amendments. All such situations are collectively referred to in this chapter as "nonconformities." While nonconformities may continue, this chapter is intended to achieve their eventual elimination, in order to preserve the integrity of this Ordinance and the character of the City.

### B. Authority to Continue

#### 1. Generally

Any nonconformity that lawfully existed as of the effective date of this Ordinance and that remains nonconforming, and any nonconformity that is created as a result of any subsequent rezoning or amendment to the text of this Ordinance, may be continued or maintained as a nonconformity only in accordance with the terms of this chapter.

#### 2. Exception Due to Variances, Minor Modifications, or Specific Use Permit

Notwithstanding subsection 1. above, this chapter shall not apply to any development standard or feature that is the subject of a variance or minor modification granted under this Ordinance. Where a variance, specific use permit, or minor modification has been granted that results in a development standard or feature that does not otherwise conform to the requirements of this Ordinance, that development standard or feature shall be deemed conforming.

### C. Determination of Nonconformity Status

In all cases, the burden of establishing the existence of a legal nonconformity shall be solely upon the owner of the nonconformity, not the City.

### D. Nonconformities Created Through Government Action

If a structure, use of land, use of structure, or characteristic of use does not comply with the requirements of this Ordinance solely as a result of an acquisition of land or other action by a government agency for a public purpose, then such structure, use of land, use of structure, or characteristic of use on land not acquired by the government shall be deemed conforming.

### E. Change of Ownership or Tenancy

Changes of ownership, tenancy, or management of property with an existing nonconformity are permitted, but such nonconformities shall continue to be subject to the provisions of this chapter.

### F. Maintenance and Minor Repair

Minor repairs or maintenance of nonconformities that are required to keep structures or sites in a safe condition are permitted, provided that the minor repair or maintenance