



Certificate of Non-Conforming Use

REQUIREMENTS FOR CERTIFICATE OF NON-CONFORMING USE

A non-conforming use is any use of land or structure that is not permitted by the current zoning ordinance but existed at the time of the adoption of the zoning ordinance.

If a non-conforming use has existed continually and has not been the subject of a public health or safety violation or other action relating to activity occurring on the property or condition of the property, a nonconforming use certificate can be issued. The non-conforming use certificate is an exception to the Zoning Ordinance, which permits the legalization of uses, structures, and development standards regardless of whether or not they were legal at the time of construction.

The non-conforming use certificate does not allow a structure to be rebuilt if destruction exceeds two-thirds of the total floor area of any structure or two-thirds the total area of the property. Only a variance of use and sometimes a rezoning can allow a 100% rebuild of a property after total destruction occurs. A rezoning sometimes does not permit a 100% rebuild, because non-conforming development standards (like setbacks or district rules) may not be replicated.

ESTABLISHED NON-CONFORMING BUILDING OR STRUCTURE

Any continuous, lawfully established building or structure erected or constructed prior to the time of adoption, revision or amendment, or granted a variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment or variance, to conform to the present requirements of the zoning district

ESTABLISHED NON-CONFORMING USE

Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment or granted a variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment, or variance to conform to the present requirements of the zoning district.

RESTRICTIONS

A Certificate of Non-Conforming Use will not be issued for any new construction or development which does not conform to the present zoning ordinance. Any land or structure that does not conform to the provisions of the zoning ordinance cannot be expanded, except that the expansion itself conforms to the zoning ordinance and district.

PLEASE PRINT

Address of Subject Property:

Occupant's Name _____ Phone _____

Occupant's Address _____ Fax _____

_____ E-mail _____

Owner's Name _____ Phone _____

Owner's Address _____ Fax _____

_____ E-mail _____

This application seeks a certificate of non-conformance for Use Structure Development

Description

Legal description of property _____

Does the occupant **own** 100% of the area involved in the petition? Yes _____ No _____

Is this property the subject of any **code enforcement** action? Yes _____ No _____

What is the **existing use** of the property? _____

To which **ordinance section(s)** does the use of the property **not** conform? Article ____ Section _____

Explain _____

(attach additional pages or documentation if necessary)

Name the **specific** use of the property and/or the development standards on the property sought to be legally established. (Examples of use include "dry cleaning business" or "four-unit apartment building." Examples of development standards include "front yard setback" or "building height")

State the specific **reasons** the certification should be granted. _____

(attach additional pages or documentation if necessary)

The above information, to my knowledge, is true and correct.

Signature(s) of Occupant(s)

Signature(s) of Owner(s) (if different than Occupant)

Date _____

Date _____

or

Signature(s) of Official requesting Certificate

Date _____

Filing

In order to submit an application, the following items are required:

- A completed, application, signed by the owner of the subject property or an authorized agent or the signature of a city official requesting a certificate
- A legal description of the property
- A consent form signed by at least 80% of adjacent property owners, if applicable (see below)
- A zoning based map or exact property description, showing property being considered for a Non-conforming use certificate
- A completed checklist

Consent Form

If a consent form is required it must be printed legibly and contain the following elements. A description of the property and structures involved in the petition, the proposed use for said property and structures, a list of all adjacent property owners within 150 feet (not including street measurements) of the boundaries of the property listed in the petition, and dated signatures of at least 80% of the listed adjacent property owners.

Appeals

An owner, occupant, or remonstrator (anyone opposing a decision) has the right to appeal any decision related to a legal non-conforming use petition to the Board of Adjustment, within 30 calendar days of the decision.



Certificate of Non-Conforming Use

Effective Date _____

Legal Description of Property _____

Owner _____

Operator _____

Record on file in City Auditor's Office

This is to certify that the above described property together with any structures thereon, are to be used for :

Pre-existing non-conforming use

Valid non-conforming use established and approved based on evidence supplied

Specific description of non-conformance (example living quarters detached from single family structure, structure overlapping city easement, laundromat operating in residential area)

Approved this Day _____ by _____
Date City Official & Title