

Attachment 1

Application for a Zoning Ordinance Text Change

File No. \_\_\_\_\_

*Proposed text change is underscored.*

**18.132.030 Conditions for continuance.**

A legal nonconformity may continue notwithstanding any other provisions of this title and may be repaired, maintained, restored, rebuilt following destruction regardless of the extent of the destruction, rehabilitated, remodeled, redesigned or rearranged as long as all of the following conditions are observed:

A. The repair, maintenance, restoration, rebuilding, rehabilitation, remodeling, redesign or rearrangement does not enlarge, increase or extend the area of land occupied by the legal nonconformity or cubic content of any structures involved or the square footage of any structure other than a primary residence: does not relocate the legal nonconformity from the location it occupied on the date it first became a legal nonconformity; does not result in the construction of any additional structures, other than those otherwise permitted by the code, on the parcel or parcels occupied by the legal nonconformity; and does not increase the degree of the nonconformity as to volume of business or production, hours of operation, volume of traffic generated, or volume of waste produced or natural resources consumed. Notwithstanding the above, minor expansions of structures as determined by the director may be allowed for either (i) accessory uses such as storage added after November 1, 2008 and up to 500 square feet of surface area cumulatively, and only for those legal nonconforming parcels in existence on July 1, 1993 which were used primarily for restaurant operations, and (ii) uses solely to meet the minimum requirements of the Americans with Disabilities Act (ADA) requirements (such as adding access ramps or ADA compliant restroom facilities) and minor relocations of structures may occur where such movement decreases the nonconformity in questions (such as moving a structure further outside of a required setback).