

Wednesday, July 8, 2026, 6:00 PM
106 Center Street

Members of the public may attend the Planning Commission meeting either in person or by joining via Zoom either online or by telephone at:

<https://us02web.zoom.us/j/85165409290?pwd=S1u5tCaktC7MWdOvT3qJhObkUPgoO9.1>

Meeting chat link

<https://us02web.zoom.us/jc/85165409290>

Meeting ID: 851 6540 9290

Passcode: 347999

One tap mobile

+13092053325,,85165409290#,,,,*347999# US

+13126266799,,85165409290#,,,,*347999# US (Chicago)

Some items on this agenda are important enough to City Councilmembers that quorum of the Council may be present to receive information leading to their future deliberations and eventual decision.

AGENDA

1. Call to Order
2. Roll Call
 - A. Commissioner Johnson will be attending the meeting remotely.
3. Minutes of the Preceding Meeting(s)
 - A. May 19, 2026 Planning Commission Meeting Minutes
4. Discussion Items
 - A. Public Hearing, Ordinance No. 698 Amending City Ordinance, *Chapter 21-2 (6) Swimming Pool Protection* to clarify that fences are required
 - B. Public Hearing, Ordinance No. 699 Amending City Ordinance, *Chapter 2 and 42* Clarifying definitions of "porch" and "pergola"
 - C. Public Hearing, Ordinance No. 697 Amending City Ordinance, *Appendix E, Chapter 15, Section 15-4 Nonconforming Structures* to clarify definition of "expansion"
 - D. Discussion of Chapter 15, Nonconforming structures - additional discussion about the ordinance and possible recommended amendments
5. Communications and Reports

A. Council Update

i. Next City Council meeting: July 20, 2026

ii. Next Planning Commission meeting: July 27, 2026

6. Miscellaneous

7. Adjournment

**City of Excelsior
Planning Commission
Monday, May 19, 2026
Meeting Minutes**

1. CALL TO ORDER

2. ROLL CALL

Present: All Commissioners

Absent: None

Also in attendance: Jess Long, City Planner; Josh Weir, Acting City Attorney; Brian Larson, City Architect (via zoom); Julia Mullin, Community Development Director

3. MINUTES OF THE PRECEDING MEETING(S)

(a) April 27, 2026 Planning Commission Meeting Minutes

Neale moved to approve the minutes. Johnson seconded. Approved 6-0.

4. DISCUSSION ITEMS

(a) Public Hearing, 354 Oak Street, Applications for a Residential Review Permit and Variances from Height and Building Coverage Standards for construction of an addition. (PC No. 2026-06)

Staff reports were provided. Chair Muenzberg opened the public hearing. Applicant, Mike Rau spoke. No members of the public spoke. Planning Commission provided feedback on the proposed plans, including that design changes are needed in order to meet the Good Neighbor Guidelines; too much mass on the alley side of the parcel which acts as a "front" for these parcels; height should be reduced; gables on Oak Street side are not compatible with one another; reduce the height variance request; manage the lot coverage so no variance is needed. Malsam moved to continue the application to the June Planning Commission meeting. Day seconded. Approved 6-0.

(b) Public Hearing, 221 Monroe Street, Application for a Conditional Use Permit for construction of a pool (PC 2026-07)

Staff reports were provided. Chair Muenzberg opened the public hearing. No members of the public spoke. Planning Commission supported the condition that the fence be installed prior to the completion of the pool. Neale moved to recommend to the City Council approval of the CUP. Malsam seconded. Approved 6-0.

(c) Public Hearing, 138 Second Street, Applications for a Residential Review Permit and Variance from Height Standard for construction of a new home. (PC 2026-08)

Staff reports were provided. Chair Muenzberg opened the public hearing. No members of the public spoke. Planning Commission provided feedback on the proposed plans, including that the proposed home is too big and not compatible with parcel or neighborhood; three-car garage is not compatible with neighborhood; proposed home is too wide and too tall and plans need revisions in order to meet the

Good Neighbor Guidelines. Neale moved to continue the application to the June Planning Commission meeting. Malsam seconded. Approved 6-0.

(d) Amendment to Zoning Ordinance, Appendix E, Sec. 24 Signs – continued from April 27th Planning commission meeting.

Staff report was provided. Planning Commission provided feedback on the proposed Sign Ordinance Amendment. Feedback will be provided to the City Council at their June 15th meeting. Tyler moved to recommend to the City Council approval of amendments to the Sign Ordinance with the recommendations discussed. Johnson seconded. Motion approved 6-0.

5. COMMUNICATIONS AND REPORTS

(a) Council Update

Next City Council meeting: June 1, 2026

Next Planning Commission meeting: June 22, 2026

(b) Upcoming items

6. MISCELLANEOUS

7. ADJOURNMENT

Day moved to adjourn the meeting. Neale seconded. Approved 6-0. Meeting adjourned at 9:30 pm.

Respectfully submitted,

Julia Mullin
Community Development Director

ITEM REPORT

To: Planning Commission

From: Julia Mullin, Community Development Director

Meeting Date: July 8, 2026

Department/Office: Community Development

Item Name: Public Hearing, Ordinance No. 698 Amending City Ordinance, *Chapter 21-2 (6) Swimming Pool Protection* to clarify that fences are required

Summary:

Background

The Planning Commission recently reviewed an application for a Conditional Use Permit (CUP) for the installation of a pool in a residential neighborhood. During Council consideration of the application, Council Members questioned whether a CUP should be required for installation of a pool, or whether just a building permit would be sufficient. Currently the City requires that an applicant receive approval for the CUP prior to issuance of the building permit. CUP approval requires that the applicant meet setback requirements and standards for securing the pool. The requirements for the installation of pool are found in Article 21 of the Zoning code. And, the general CUP requirements, found in Article 4 of the zoning code are reviewed as well. These requirements In addition to assessing the City's existing code, Staff reviewed neighboring communities' Zoning Codes to see if the City of Excelsior's process is in alignment with other cities'. The City of Greenwood requires a CUP and uses many of the same setback and fencing standards as Excelsior. Wayzata, Tonka Bay, Shorewood, and Minnetonka all require a building permit for a pool but no CUP. In these communities, pools are considered a permitted accessory use. As a permitted accessory use the application must meet general pool standards that the City has adopted but application does not require approval of a CUP from the City Council. Staff is recommending that the City of Excelsior clarify requirements for pools, strengthen the fencing requirement, and remove the Conditional Use Permit requirement. Future applications would be reviewed by planning staff for zoning compliance and the City's Building Official for Building Code compliance.

Proposed Amendment to Existing Ordinance

Section 1. Appendix E, Article 21, Section 21-2 of the Excelsior City Code is amended as follows:

(6) *Swimming pool protection.*

- a. ~~A conditional use permit, as provided for in [article 4](#) of this Appendix E, shall be required for Swimming pools having a depth of 24 inches at any point and a surface~~

area exceeding 150 square feet shall require a building permit. Each [JM1](#) application for a *building permit* ~~conditional use permit~~ to construct or erect a swimming pool shall be accompanied by plans of sufficient detail to show:

1. The proposed location of the pool and its relationship to the principal building on the lot.
2. The size of the pool.
3. Fencing and other fixtures existing and proposed on the lot, including utility location and trees.
4. The location, size and types of equipment to be used in connection with the pool, including but not limited to filter unit, pump fencing and the pool itself.
5. That the requirements contained in subsections [21-2\(3\)b.](#), c., and d. of this section will be satisfied including submission and approval of a site plan.

b. All swimming pools for which a permit is required and granted shall be provided with *fencing* safeguards to prevent children from gaining uncontrolled access. ~~This can be accomplished with fencing, screening or other enclosure, or any combination thereof, of sufficient density as to be impenetrable. If~~

- ~~1. Fences are employed, they~~ shall be at least four feet in height.
2. The bottoms of the fences shall not be more than four inches from the ground nor shall any open space in the fence be more than four inches.
3. Fences shall be of a noncorrosive material and shall be constructed as to be not easily climbable.
4. All fence openings or points of entry into the pool enclosure shall be equipped with gates or doors. All gates or doors to swimming pools shall be equipped with self-closing and self-latching devices placed at a sufficient height so as to be inaccessible to all small children.

The fencing requirements of subsection [21-2\(3\)](#) need only be provided around the means of access on above ground pools which have four feet high, vertical or outward inclined side walls. Prior to filling the pool, the approved fence and/or screen must be completely in place and inspected and approved by the city building official.

c. In all residential districts, swimming pools shall be setback ten feet from all adjoining lots and, except for fences and pump enclosures, shall be located at least ten feet away from any other building or structure on the same lot and shall not be located within a drainage or utility easement. Swimming pools shall not be permitted in a front yard or in the area between the street right-of-way and the minimum required building side yard setback line.

Recommended Action:

Staff recommends that the Planning Commission discuss the proposed amendment and recommend approval of Ordinance No. 698 to the City Council.

Budget:

Attachments:

1. Ord 698 Amending Swimming Pool Requirements

ORDINANCE NO. 698

AN ORDINANCE TO AMEND APPENDIX E, ARTICLE 21, FENCING, SECTION 21-2 FENCING AND RETAINING WALLS OF THE EXCELSIOR CITY CODE TO REMOVE CONDITIONAL USE PERMIT REQUIREMENT FOR SWIMMING POOLS AND CLARIFY AND ADD FENCING REQUIREMENTS FOR SWIMMING POOLS

The City Council of the City of Excelsior hereby ordains as follows:

Section 1. Appendix E, Article 21, Section 21-2, (6) of the Excelsior City Code is amended as follows:

(6) Swimming pool protection.

a. ~~A conditional use permit, as provided for in article 4 of this Appendix E, shall be required for~~ Swimming pools having a depth of 24 inches at any point and a surface area exceeding 150 square feet shall require a building permit. Each application for a building permit ~~conditional use permit~~ to construct or erect a swimming pool shall be accompanied by plans of sufficient detail to show:

1. The proposed location of the pool and its relationship to the principal building on the lot.
2. The size of the pool.
3. Fencing and other fixtures existing and proposed on the lot, including utility location and trees.
4. The location, size and types of equipment to be used in connection with the pool, including but not limited to filter unit, pump fencing and the pool itself.
5. That the requirements contained in subsections 21-2(3)b., and c., ~~and d.~~ of this section will be satisfied including submission and approval of a site plan.

b. All swimming pools for which a permit is required and granted shall be provided with fencing safeguards to prevent children from gaining uncontrolled access. ~~This can be accomplished with fencing, screening or other enclosure, or any combination thereof, of sufficient density as to be impenetrable. If~~

1. ~~Fences are employed, they~~ shall be at least four feet in height.
2. The bottoms of the fences shall not be more than four inches from the ground nor shall any open space in the fence be more than four inches.
3. Fences shall be of a noncorrosive material and shall be constructed as to be not easily climbable.
4. All fence openings or points of entry into the pool enclosure shall be equipped with gates or doors. All gates or doors to swimming pools shall be equipped with self-closing and self-latching devices placed at a sufficient height so as to be inaccessible to all small children.

The fencing requirements of subsection 21-2(3) need only be provided around the means of access on above ground pools which have four feet high, vertical or outward inclined side walls. Prior to filling the pool, the approved fence and/or screen must be completely in place and inspected and approved by the city building official.

c. In all residential districts, swimming pools shall be setback ten feet from all adjoining lots and, except for fences and pump enclosures, shall be located at least ten feet away from any other building or structure on the same lot and shall not be located within a drainage or utility easement. Swimming pools shall not be permitted in a front yard or in the area between the street right-of-way and the minimum required building side yard setback line.

ITEM REPORT

To: Planning Commission

From: Julia Mullin, Community Development Director, Jess Long, City Planner

Meeting Date: July 8, 2026

Department/Office: Community Development

Item Name: Public Hearing, Ordinance No. 699 Amending City Ordinance, *Chapter 2 and 42* Clarifying definitions of "porch" and "pergola"

Summary:

Background

The introduction of the Pivot 6 roof system has added new options to homeowners who want to cover their patios and decks. The Pivot 6 and other similar technologies have roofs that can open and close. When open, the roof slats allow sunlight and rain to pass through, similar to a pergola's slatted roof. When closed the roof becomes sealed and does not allow light or water to pass through, similar to a porch. Companies selling the technology also allow for retractable screens that can be added to the system, with varying levels of opacity, and create the appearance of a totally enclosed screened in porch.

Staff believe that the Code's current definitions of pergola and porch should be updated to reflect these new roofing systems, and zoning standards including residential review permit, building coverage, and setbacks can be clearly applied. The definition of pergola should be updated to clarify that it is a freestanding structure and has a roof that is permanently partially open. Staff believe that a structure with roof that can be completely closed that is attached to the home or garage and is fully screened, should count toward building coverage calculations because it will add mass to the parcel, impact rain runoff and impact the visual mass of the building it is attached to.

Staff is also proposing new definitions for covered porch and enclosed porch. The current porch definition does not include information about roofs.. Additionally, the proposed enclosed porch definition adds additional clarity to applicants looking to add a porch with screens or windows.

Along with adding clarity through definitions, staff recommends amending Section 42-6 (b) Exemptions to Residential Review Permit Requirements. Currently, street-facing, single-story porches that are more than 50 percent open at the perimeter are exempt from RRP review. Staff proposes adding clarifying language that the structure must be permanently at least 50 percent open. If an applicant proposes adding retractable screens to the more than 50 percent of the structure, then the Planning Commission should review for massing and scale through a Residential Review Permit application.

When lowered, the screens have visual impact on the view of porch from the street and adjacent properties.



Figure 1 Example of rear porch with slatted roof and screens



Figure 2 Pivot 6 porch system

Existing Definitions

Appendix E, Article 2, Section 2-2 Definitions

Porch. An entryway attached to a building and/or projecting from its main mass.

Pergola. An arbor or passageway with a roof or trellis work on which clinging plants are grown.

Proposed Definitions

Porch. A covered entryway attached to a building and/or projecting from its main mass.

Enclosed Porch. A porch with exterior walls that are at least 50% enclosed with screens or windows and open to elements.

Pergola. An freestanding arbor or passageway with a permanently partially open roof or trellis work on which clinging plants are grown.

Existing

Sec. 42-6. - Residential review permit—When required.

(b) Exemptions. The following shall not require a residential review permit:

- (1) Decks under 48 inches in height.
- (2) Any structure not requiring a building permit.
- (3) Structures that would require a site alteration permit as outlined in chapter 20 of the Code.
- (4) Street-facing, single-story porches that are more than 50 percent open at the perimeter.

Proposed

Sec. 42-6. - Residential review permit—When required.

(b) Exemptions. The following shall not require a residential review permit:

- (1) Decks under 48 inches in height.
 - (2) Any structure not requiring a building permit.
 - (3) Structures that would require a site alteration permit as outlined in chapter 20 of the Code.
 - (4) Street-facing, single-story porches. Enclosed porches are not exempt. ..
- Section 14-1(h)(e) Change from “Covered porch” to “porch”?

Recommended Action:

Staff recommends that the Planning Commission discuss the proposed amendment and recommend approval of Ordinance No. 699 to the City Council.

Budget:

Attachments:

1. Ord 699 Update to Porch and Pergola Definitions

ORDINANCE NO. 699

AN ORDINANCE TO AMEND APPENDIX E, ARTICLE 2 RULES AND DEFINITIONS, SECTION 2-2 DEFINITIONS AND ARTICLE 42. - RESIDENTIAL REVIEW PROCESS, SECTION 42-6. – RESIDENTIAL REVIEW PERMIT—WHEN REQUIRED, OF THE EXCELSIOR CITY CODE TO ADD DEFINITION OF “ENCLOSED PORCH”, “COVERED PORCH” AND UPDATE DEFINITION OF “PERGOLA” AND CLARIFY EXEMPTION TO RESIDENTIAL REVIEW PERMIT REQUIREMENTS

The City Council of the City of Excelsior hereby ordains as follows:

Section 1. Appendix E, Article 2, Section 2-2 Definitions of the Excelsior City Code is amended as follows:

Porch. A covered entryway attached to a building and/or projecting from its main mass.

Enclosed Porch. A porch with exterior walls that are at least 50% enclosed with screens or windows and open to elements.

Pergola. A freestanding arbor or passageway with a permanently partially open roof or trellis work on which clinging plants are grown.

Section 2. Appendix E, Article 42, Section 42-6 – Residential review permit—When required, (b) Exemptions (4) of the Excelsior City Code is amended as follows:

(4) Street-facing, single-story porches. Enclosed porches are not exempt.

Section 3. This Ordinance is effective in accordance with Section 3.06 of the Excelsior City Charter.

Adopted by the Council of the City of Excelsior, Minnesota, this ____ day of _____ 2026.

Gary Ringate, Mayor

ATTEST:

Hilary Vokovan, City Clerk

Kristi Luger, City Manager

First Reading of Ordinance:
Second Reading and Adoption:
Publication of Ordinance:
Effective Date:

ITEM REPORT

To: Planning Commission

From: Julia Mullin, Community Development Director, Jess Long, City Planner

Meeting Date: July 8, 2026

Department/Office: Community Development

Item Name: Public Hearing, Ordinance No. 697 Amending City Ordinance, *Appendix E, Chapter 15, Section 15-4 Nonconforming Structures* to clarify definition of "expansion"

Summary:

Background

In February 2026 the Planning Commission had a discussion with the city attorney about nonconforming structures. The Commission had recently considered several residential review permit applications that proposed additions on existing structures that were nonconforming with regard to some zoning standards. In the course of the discussion, we confirmed that a nonconforming structure may continue to exist, could be rebuilt as is, and changes could be made to it, but the nonconformity (for example, the height or a setback), could not be expanded. If an expansion of a nonconformity were desired by a property owner, a variance request would be required.

Staff recommends that we add a definition of "expansion" to provide clarity about what constitutes an expansion of a non-conforming standard.

The Planning Commission previously considered this update to the definition of "expansion" at the April 27, 2026 regular Planning Commission meeting. During discussion of the amendment, some commissioners felt that a more substantial revision of Article 15 was needed. Staff has brought the proposed amendment back to the Commission in order to move clarification of "expansion" language forward, and additional discussion of Article 15 is on the agenda at tonight's meeting.

Zoning Ordinance, Article 15, Sec. 15-4 Nonconforming structures states:

Expansions. No nonconforming structure may be expanded, enlarged, or extended in a manner that increases an existing nonconformity.

Proposed Ordinance Amendment

Staff is proposing that we add a definition of "expansion" to our ordinance that makes clear what "expansion" means. The city attorney recommended a definition from the city

of Minnetonka's ordinance:

Expansion - Any increase in dimension, size, area, volume, or height, any increase in the area of use, any placement of a structure or part thereof where none existed before, any addition of a site feature such as a deck, patio, fence, driveway, parking area, or swimming pool, any improvement that would allow the land to be more intensely developed, any move of operation to a new location on the property, or any increase in intensity of use based on a review of the original nature, function or purpose of a non-conforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the city. Expansion is synonymous with "enlargement" and "intensification."

Recommended Action:

Staff recommends that the Planning Commission discuss the proposed amendment and recommend approval of Ordinance No. 697 to the City Council.

Budget:

Attachments:

1. 1_ Ordinance No. 697_Nonconforming structures_04_27_26

ORDINANCE NO. 697

**AN ORDINANCE TO AMEND APPENDIX E, ARTICLE 15 NONCONFORMING
USES, STRUCTURES, LOTS, AND SIGNS, SECTION 15-2 GENERAL
PROVISIONS OF THE EXCELSIOR CITY CODE TO ADD DEFINITION OF
“EXPANSION”**

The City Council of the City of Excelsior hereby ordains as follows:

Section 1. Appendix E, Article 15, Section 15-2 Definition of the Excelsior City Code is amended as follows:

(f) Expansion - Any increase in dimension, size, area, volume, or height, any increase in the area of use, any placement of a structure or part thereof where none existed before, any addition of a site feature such as a deck, patio, fence, driveway, parking area, or swimming pool, any improvement that would allow the land to be more intensely developed, any move of operation to a new location on the property, or any increase in intensity of use based on a review of the original nature, function or purpose of a non-conforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the city. Expansion is synonymous with "enlargement" and "intensification."

Section 2. This Ordinance is effective in accordance with Section 3.06 of the Excelsior City Charter.

Adopted by the Council of the City of Excelsior, Minnesota, this ____ day of _____ 2026.

Gary Ringate, Mayor

ATTEST:

Hilary Vokovan, City Clerk

Kristi Luger, City Manager

First Reading of Ordinance:
Second Reading and Adoption:
Publication of Ordinance:
Effective Date:

ITEM REPORT

To: Planning Commission

From: Julia Mullin, Community Development Director

Meeting Date: July 8, 2026

Department/Office: Community Development

Item Name: Discussion of Chapter 15, Nonconforming structures - additional discussion about the ordinance and possible recommended amendments

Summary:

Background

In February 2026 the Planning Commission had a discussion with the city attorney about nonconforming structures, structures that exist today that do not meet all of the zoning standards. The attorney clarified that nonconforming structures may continue, with restrictions, but they may not be expanded. Staff brought forward a definition of “expansion” to help make clear when an expansion of a nonconforming use is proposed.

Commissioners wanted to have a broader discussion about *Chapter 15 Nonconforming Uses, Structures, Lots, and Signs* section of the zoning ordinance to determine if there are other changes the Commission might recommend to the Council.

One issue discussed was how the “intent” language in the ordinance is reflected in the ensuing requirements. (Chapter 15 is attached.)

Sec. 15-1. Purpose.

It is the purpose of this article to provide for the regulation of nonconforming uses, structures, lots and signs, and to specify those requirements, circumstances, and conditions under which nonconforming uses, structures, lots and signs will be operated and maintained. This Appendix E establishes separate zoning districts, each of which is an appropriate area for the location of uses which are permitted in that zoning district. It is necessary and consistent with the establishment of these zoning districts that nonconforming, structures, uses and signs not be permitted to continue without restriction. Furthermore, it is the intent of this article that all nonconforming uses shall be eventually brought into conformity.

Recommended Action:

Staff recommends that the Planning Commission discuss this section of the code, ask additional questions of the city attorney, and determine if the Commission wants to recommend to the Council additional changes to the code.

Budget:

Attachments:

1. ARTICLE_15.___NONCONFORMING___USES___STRUCTURES___LOTS_AND_SIG
NS (1)

ARTICLE 15. NONCONFORMING, USES, STRUCTURES, LOTS AND SIGNS¹

Sec. 15-1. Purpose.

It is the purpose of this article to provide for the regulation of nonconforming uses, structures, lots and signs, and to specify those requirements, circumstances, and conditions under which nonconforming uses, structures, lots and signs will be operated and maintained. This Appendix E establishes separate zoning districts, each of which is an appropriate area for the location of uses which are permitted in that zoning district. It is necessary and consistent with the establishment of these zoning districts that nonconforming, structures, uses and signs not be permitted to continue without restriction. Furthermore, it is the intent of this article that all nonconformities uses shall be eventually brought into conformity.

(Ord. No. 554, § 1, 1-17-2017)

Sec. 15-2. General provisions.

- (a) *Continuation.* A nonconforming lot, use or structure may be continued if it was legally established in compliance with all applicable regulations in effect at the time it was established.
- (b) *Legally established defined.* To be considered legally established, a legal nonconforming lot, use or structure shall have been physically constructed or in existence, not merely contemplated, at the time the ordinance rendering it nonconforming was adopted. Conditional use permits, variances, building permits, or other permits not exercised within the required time do not establish the right to legal nonconformity unless the lot, use or structure was under construction (with a valid building permit) at the time of adoption of the ordinance rendering it nonforming.
- (c) *Burden of proof.* Any person asserting a right to a nonconforming use or structure has the burden of proof to demonstrate that the nonconformity was legally established.
- (d) *Subdivision.* Parcels of land or portions thereof shall not be subdivided if such action results in buildings and/or uses becoming nonconforming.
- (e) *Shoreland areas.* All legal nonconforming uses, structures, and lots within designated shoreland areas, shall be governed by applicable Minnesota State statutes.

(Ord. No. 554, § 1, 1-17-2017)

Sec. 15-3. Nonconforming uses of building or land.

- (a) *Extension.* A non-conforming use of a building may be extended throughout said building provided no structural alterations are made therein except as required by other codes or ordinances.

¹Ord. No. 554, § 1, adopted Jan. 17, 2017, repealed former Art. 15, §§ 15-1—15-5, in its entirety and enacted new provisions as herein set out. Former Art. 15 pertained to similar subject matter and derived from Ord. No. 381, 9-7-2004; Ord. No. 403, 10-2-2016; Ord. No. 491, § 1, 10-1-2012.

-
- (b) *Relocation.* A non-conforming use shall not be moved to any other part of the parcel of land upon which the same was conducted at the time of passage the ordinance rendering it nonconforming.
 - (c) *Abandonment.* A non-conforming use of building or parcel of land which has been discontinued for a period of one year shall not be re-established and any future use shall be in conformity with the regulations of this appendix.
 - (d) *Change.* A non-conforming use of a building or parcel of land may be changed to a similar non-conforming use.

When any non-conforming use of a building or parcel of land has been changed to a conforming use, it shall not, thereafter, be changed to a non-conforming use.

(Ord. No. 554, § 1, 1-17-2017)

Sec. 15-4. Nonconforming structures.

- (a) *Expansions.* No nonconforming structure may be expanded, enlarged, or extended in a manner that increases an existing nonconformity.

(Ord. No. 619, § 4, 12-21-2020)

- (b) *Restoration.* In the event of damage or destruction of a nonconforming structure by fire or other peril to the extent of greater than 50 percent of its market value, the damaged or destroyed nonconforming structure shall not be restored unless a building permit is applied for within 180 days of when the property is damaged or destroyed.
- (c) *Moving.* A nonconforming structure that is moved to a new location shall conform to all standards that apply in its new location.
- (d) *Maintenance.* Normal maintenance of a non-conforming building or structure shall be permitted, including necessary nonstructural repairs and incidental alterations.

(Ord. No. 554, § 1, 1-17-2017)

Sec. 15-5. Nonconforming lots.

- (a) *Development permitted.* In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record that does not comply with current applicable lot area or lot width regulations.
- (b) *Conformance with standards* Development on legal nonconforming lots shall comply with all setback, building coverage, parking, and other standards of the applicable zoning district.
- (c) *Common ownership limitation.* Where two or more adjacent lots of record are under common ownership as of the effective date of the ordinance from which this article derives, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this article, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this appendix, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this appendix.

(Ord. No. 554, § 1, 1-17-2017)

Sec. 15-6. Nonconforming signs.

Any sign that existed lawfully on the effective date of the sign regulations of this article that remains or becomes nonconforming by reason of adoption of these sign regulations or because of subsequent amendments to these sign regulations are considered nonconforming signs and their continuance is allowed in accordance with the following regulations:

- (a) Ordinary repairs and maintenance, including the removing and replacing of the outer panels is permitted, provided that the panels are replaced with identical panels and that no structural alterations or other work that extends the normal life of the nonconforming sign is permitted.
- (b) Single panels on nonconforming multi-panel signs for multi-tenant buildings may be changed to reflect tenant changes.
- (c) Besides (a) and (b) of this section, nonconforming signs may not be changed unless they are brought into conforming with the sign ordinance.
- (d) No repair or alteration that increases the size of the nonconforming sign is permitted.
- (e) No nonconforming sign may be moved in whole or in part to any other location on the same or any other premises unless every portion of such sign is made to conform to all of the regulations of these sign regulations.
- (f) If a nonconforming sign is abandoned or the described business discontinued for a continuous period of 30 days or more, it must be discontinued and any subsequent sign must conform to all of the sign regulations of this article.

(Ord. No. 554, § 1, 1-17-2017)