

All proposed additions to the ordinance are identified by underlined text and proposed deletions to the ordinance are identified by ~~strikethrough text~~.

30-2 DEFINITIONS

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Nonconforming building shall mean a building or structure or portion thereof which was lawfully designed, and erected or structurally altered prior to the effective date in accordance with prior requirements of development regulations ~~or any subsequent amendments thereto for a use~~ and which does not conform to the ~~use~~ current development regulations of the district in which it is located.

Nonconforming use shall mean a use ~~which occupies~~ of a building or structure or portion thereof, or of open land, which was lawfully established in accordance with prior requirements of use regulations and which does not ~~comply with~~ conform to the current use regulations of the district in which it ~~was~~ is located ~~prior to the effective date of these regulations, or any subsequent amendments thereto.~~

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30-5.6 Building Site, Areas and Easements

- a. Exceptions for Non-Conforming Lots. Any residentially zoned or residentially developed lot of record existing prior to the effective date of this article, August 1, 1958, shall be considered a legal building site regardless of which does not conform to current lot area, width, depth, and/or frontage requirements is and may be used as such, subject to all applicable regulations of this article subject to the following minimum required yards, unless a smaller yard is required by the current regulations.
 1. Interior Lots. The following regulations apply to non-conforming interior lots.
 - A. Front Yard. The front yard of a lot less than one hundred (100') feet deep shall be equal to the average of the setback of the adjoining properties having the same frontage. In computing the average, any adjoining setback greater than twenty (20') feet shall be considered as twenty (20') feet; provided, further, that in the absence of a building on the adjoining property, such property shall be assumed to have a setback of twenty (20) feet.
 - B. Rear Yard. The rear yard of a lot less than one hundred (100') feet deep shall be twenty (20%) percent of the average lot depth of the subject lot, but in no case less than twelve (12') feet.
 2. Corner Lots. The following regulations apply to non-conforming corner lots.
 - A. Front Yard. As regulated in paragraph a.1.A., except that on the street-side side yard the adjoining setback shall be assumed to be twenty (20') feet.
 - B. Rear Yard. As regulated in paragraph a.1.B.
- b. ~~Minimum Rear Yard Requirements for Certain Waterfront Parcels.~~ The following shall apply to the minimum required rear yards ~~otherwise prescribed by~~

~~the subject zoning district (i.e. the minimum required setback from the rear property line) apply to~~ parcels which are either immediately adjacent to, or adjacent to interceding public tidal lands (i.e. "public trust lands") which are immediately adjacent to, the Tidal Canal, Lagoons 1-5 and Harbor Bay Isle Lagoon, San Leandro Bay or San Francisco Bay.

1. Additional setback requirements for parcels immediately adjacent to water. For parcels where the rear property line is either: a) at the same elevation as the higher high water line, or b) is at a lower elevation than the higher high water line (i.e. the rear property line is submerged), the minimum required rear setback shall be measured from the higher high water line as if it were the rear property line.
2. Special adjustments to setback requirements for parcels adjacent to those interceding public lands which do not have public access. For parcels with interceding public lands between the parcel's rear property line and the higher high water line (such as public tidal lands owned and/or managed by federal, state or local agencies which do not have public access, but portions of which may be leased to owners of adjacent parcels for public use), the minimum required rear setback shall be measured from the higher high water line (which falls within the interceding property) as if it were the rear property line of the subject parcel, thereby reducing the minimum required rear setback from that prescribed by the subject zoning district. However, in no case shall the subject parcel have a rear setback from the actual rear property line of less than three (3') feet. The above adjustment to minimum rear setback requirements does not apply to parcels adjacent to public or private waterfront lands which have been improved as parklands, trail easements, or similar amenities.
3. Exceptions to setback requirements for waterfront lots may be granted. Notwithstanding the minimum rear yard requirements of the subject zoning district, exceptions to the rear setback requirements prescribed for waterfronts regulated by this subsection (paragraphs 1. and 2. above), may be approved subject to the notification and approval process for improvements requiring ~~Major~~ Design Review, as outlined in Section 30-27, Design Review Requirements. Exceptions to reduce the minimum required rear setback, but not to less than three (3') feet from the actual rear property line, may be granted with ~~Major~~ Design Review approval, with the additional and specific finding that the proposed encroachment into the setback otherwise required by this subsection will not substantially impair the adjoining neighbors' views of the water and/or hillsides beyond.
4. Exemptions for Piers and Floating Docks. Notwithstanding the minimum rear yard requirements of the subject zoning district and the specific setback requirements of this subsection, piers and floating docks are exempt from such minimum yard and setback requirements, and may be built up to and across the property line of adjacent public tidal lands, provided all permit requirements of the A.B.C., A.M.C., and applicable governmental agencies (e.g. B.C.D.C.) are met.

30-5.7 Projections from Buildings and Roof Planes, Permitted Encroachments and Treatments of Minimum Required Yards.

- a. *Minimum Required Front Yards, and Street Side Yards On Corner Lots, Shall be Landscaped.* Excepting walkways, ~~and~~ driveways and staircases as permitted by this Article, minimum required front yards, and street side yards on corner lots, within residential zones, and for residential uses in non-residential zones may not be paved and shall be used exclusively for landscaping.
- b. *Architectural Features.* Canopies, eaves, cornices, sills, beltcourses, fireplaces, galleries, sunshades and similar architectural features, but not including any wall or window surface, may extend into any required yard a distance not exceeding two (2') feet; however, in no case shall such features have a setback of less than three (3') feet from the property line.
 1. *Special Exemptions for Eaves.* An exemption to allow a building eave with a setback of less than three (3') feet from a property line may be granted by the Planning ~~and Building~~ Director concurrently with, and subject to the required finding for, the approval of a residential addition with less than the required minimum side yard as permitted by subsection k., and subject to the approval of the Building Official.
- c. *Decks.* Decks, and similar features such as uncovered porches and cantilevered balconies shall conform to the standards as prescribed below:
 1. *Measurement of Height.*
 - (a) The height of each level of a deck shall be calculated separately and the required setback that correlates with the height of each level shall be applied to the portion of the deck at that level.
 - (b) On sites with a slope of ten (10%) percent or greater deck heights may be averaged and setbacks calculated based on the average height of numerous points. In such cases, any configuration of terraces or levels may be approved that provides for privacy for adjoining properties, lack of impacts from shading of adjoining properties, and safety without precisely meeting the setback requirements of this subsection.
 2. *Setback Requirements.*
 - (a) Decks of up to, and including, twelve (12") inches in height may encroach into any required side and rear yard.
 - (b) Decks over twelve (12") inches to not more than thirty (30") inches in height may encroach into any required side and rear yard, but shall maintain a minimum setback of three (3') feet from the side and rear property lines.
 - (c) No deck that exceeds thirty (30") inches in height at any point shall be permitted to encroach into a required yard area.

3. Privacy Screening Requirement for Decks Exceeding Thirty (30") Inches in Height. Notwithstanding safety railing requirements prescribed by the A.B.C., and the limitations on barrier height prescribed in Section 30-5.14, decks above thirty (30") inches in height; and all roof decks may be required as a condition of Design Review approval to provide privacy screening barriers; and/or landscaping of sufficient height deemed sufficient to provide adequate screening; to mitigate potential privacy impacts. At no time, however, shall the top elevation of any railing or privacy screen for such decks exceed the building height limit of the subject zone.
4. Decks and Conformance to Maximum Building Coverage. Decks above thirty (30") inches in height and in excess of two hundred (200) square feet in size shall be considered as part of the building coverage requirements. Decks subject to coverage requirements shall be calculated at fifty percent (50%) of their area in excess of two hundred (200) square feet.
5. Exceptions to Setback Requirements for Small Decks. Decks which are less than fifty (50) square feet, have no exterior access and are cantilevered or supported from the structure may be allowed to extend three (3') feet into the required front, rear or street-side yard; however, in no case shall such a deck have a setback of less than three (3') feet from any property line. Such decks shall not project more than six (6') feet from the supporting wall to its furthest outward extension.

d. *Window and Roof Projections.*

1. Window Projections. Bay, garden and greenhouse windows, and similar features that increase either floor area or enclosed space, may extend three (3') feet into any required front, rear, side or street-side yard; however, in no case shall such features have a setback of less than three (3') feet from a property line, and are subject to the following regulations and the regulations in paragraph (3), below: Bay windows shall not encroach into yard areas at any other level than the story on which the window openings or glazings are located except that ornamental brackets or canopies may be required and approved through Design Review.
2. Roof Projections. Dormers may project from the roof plane; however, in no case shall such features have a setback of less than three (3') feet from the property line or exceed the building height limit of the subject zone, and are subject to the regulations in paragraph (3), below:
3. Minimum Separation Spacing and Size Limitations for Projections. Encroaching window projections; and all roof projections; are subject to the following dimensional requirements:
 - (a) The maximum length of each projection shall be ten (10') feet and the minimum horizontal separation between projections shall be five (5') feet.
 - (b) Such features shall not extend horizontally across more than one-half (½) of the linear wall or roof surface to which they are affixed.

e. *Stairs and Landings.*

1. **General Exception.** Uncovered stairs and landings may encroach into any required front and rear yard a distance not exceeding six (6') feet (~~i.e.e.g.~~ for the placement of stairs and landings, the minimum required front and rear setback is reduced from twenty (20') feet to fourteen (14') feet); and into any required side yard and minimum required street side yard a distance not exceeding one-half ($\frac{1}{2}$) the width of the required side yard or three (3') feet, whichever is less.
2. **Special Exception for Historic Structures.** A reconstructed staircase that is to be attached to the facade of an historical structure as defined in Section 30-2, may encroach into the minimum required front yard a distance not to exceed seventeen (17') feet (~~i.e. for the placement of reconstructed stairs and landings on historic structures, the minimum required front setback is reduced from twenty (20') feet to three (3') feet~~) provided that there shall remain a minimum setback of at least three (3') feet, or less if so provided by the subject zoning district, and providing that the design of such staircase conforms to the original historic design, allowing for minor modification to accommodate requirements mandated by the A.B.C., or alterations in the finished floor elevation, subject to the approval of the Planning ~~and Building~~ Director and Building Official.

f. *Accessory Buildings.* Accessory buildings may be located within minimum required side and rear yards, and shall conform to the following:

1. **Height Limits.** Accessory buildings shall not exceed one (1) story, and shall not exceed a height of ten (10') feet at the top of a parapet or at the point where the side elevation intersects with the roof, with the following exceptions:
 - (a) The height at the ridge of the roof may exceed the ~~above ten (10') foot~~ height limitation, up to a maximum height of fifteen (15') feet.
 - (b) The front and rear elevations may exceed the ten (10') foot height limit up to the fifteen (15') foot height at the ridge of the roof; however, in no case shall the fifteen (15') foot ridge height be extended along the entire front or rear elevation.
 - (c) The height at the top of the front or rear elevation's parapet may exceed the ~~above ten (10') foot~~ height limitation, up to a maximum height of twelve (12') feet.
2. **Maximum Rear Yard Coverage.** Accessory buildings shall not cover more than six hundred (600) square feet or sixty (60%) percent of the minimum required rear yard as prescribed by the subject Zoning District, whichever is greater. That portion of an accessory building which is outside the minimum required rear yard is subject to maximum main building coverage limitations of the subject zone.
3. **Minimum Setbacks from Side Property Lines.** If located less than seventy-five (75') feet from the front property line, ~~the~~ accessory buildings shall observe a five (5') foot side yard setback. If ~~the~~ an accessory building is to be located

seventy-five (75') feet, or more, from the front property line, it may be built up to the interior side property line(s), provided that all construction within three (3') feet of the property line (including eaves and similar architectural features) is one (1) hour fire resistive as required by the A.B.C., as approved by the Building Official.

4. *Minimum Setback from Rear Property Line.* If located within that portion of the minimum required rear yard that adjoins the neighbors' required minimum rear yard(s), ~~the~~ an accessory building may be built up to the rear property line, provided that all construction within three (3') feet of the property line (including eaves and similar architectural features) is one (1) hour fire resistive as required by the A.B.C., as approved by the Building Official. ~~If the proposed an~~ an accessory building is to be located within that portion of the minimum required rear yard that does not adjoin the neighbors' required minimum rear yard(s) (i.e., adjacent to that part of the neighbor's side property line not within ~~his/her~~ the minimum required rear yard), a minimum five (5') foot setback from the rear property line shall be maintained.
5. *Minimum Separation from Neighboring Structures.* There shall be a minimum of six (6') feet separating all construction (including eaves and similar architectural features) of ~~the~~ an accessory building(s) from ~~the~~ a main building(s) or other accessory building(s). ~~The~~ This separation requirements of ~~this paragraph~~ may be reduced by the Community Development Planning Director and Building Official if a one (1) hour fire resistive construction is utilized and/or occupancy classification of the subject buildings allow for a lesser separation, as specified by the A.B.C.
6. *Reconstruction of Legally Nonconforming Accessory Buildings.* Notwithstanding the limitations prescribed by Section 30-20, Nonconforming Buildings and Uses, a legally nonconforming accessory building(s) with a conforming residential uses in a residential zoning districts may be reconstructed, with an equal or lesser nonconformity to the size, and location requirements of this subsection (i.e., paragraphs 2- through 4-5) by right, ~~subject to the approval process for improvements, as outlined in Section 30-37, Design Review Regulations, and allowing for~~ including modifications to the height and/or roof configuration, provided that the ~~resulting design~~ building does not exceed the height limitation prescribed by paragraph 1- of this subsection. Such reconstruction ~~may occur as part of~~ includes any duly permitted project to repair, remodel or replace the existing nonconforming ~~structure~~ accessory building.
7. Accessory buildings shall not include a kitchen unless the accessory building is an accessory dwelling unit per the requirements of Section 30-5.18, or the kitchen is approved with a use permit for a home occupation on a residential lot.
- g. *Patio Structures.* Patio structures attached to or detached from a main or accessory building may encroach into ~~any~~ the minimum required side yard or rear yard. ~~But;~~ however, such structures shall:

1. Not exceed a maximum height of twelve (12') feet, as measured from grade. A detached patio structure, if not located within a minimum required yard, may be permitted to a height not to exceed fifteen (15') feet, subject to approval of the Planning and Building Director and Building Official.
 2. Conform to the building coverage requirements prescribed for accessory buildings in subsection 30-5.7.f.2 of this section, regardless of whether the patio structure is attached to or detached from a main or accessory building.
 3. Observe a minimum five (5') feet setback from the side and rear property lines. No part of the patio cover may extend within three (3') feet of the property line.
 4. Have a minimum six (6') foot distance separating all elements of a detached patio structure (including eaves and similar architectural features) from the main building(s) or accessory building(s). The separation requirements of this paragraph may be reduced by the Planning and Building Director and Building Official if the occupancy classification of the subject buildings allow for a lesser separation, as specified by the A.B.C.
 5. Not occupy any portion of the front half of a corner lot.
 6. Not be enclosed by any walls, partial solid panel wainscoting, and/or glazing, excepting for those walls of the adjoining main and/or accessory building(s), which may not constitute: (a) more than two (2) of the four (4) sides of the patio structure; and (b) more than fifty (50%) percent of the patio structure's perimeter. Patio structures may be fitted with removable clear plastic or screen mesh panels and/or retractable shade screens, as regulated under the A.B.C.
- h. *Pools, Spas, Mechanical Equipment, and Outdoor Living Elements.*
1. Pools or spas that are constructed and/or permanently located "in-ground," and any mechanical equipment for such pools or spas, may be located within a minimum required rear and side yard, providing that a minimum five (5') foot setback is maintained from any property line.
 2. Portable pools, spas, hot tubs, and similar features which are determined by the Building Official not to be structures, are not subject to either the setback requirements for accessory buildings prescribed in subsection f. of this section, or those setback requirements for permanent "in-ground" spas prescribed in paragraph 1., above, except that no mechanical equipment for such portable pools or spas shall be placed within five (5') feet of any property line.
 3. Outdoor living elements such as barbeque grills, outdoor kitchens, chimneys, fire pits and similar features which are determined by the Building Official to be constructed and/or permanently located "in-ground" may be located within a minimum required rear or side yard, provided that a minimum five (5') foot setback is maintained from any property line.
- i. *Driveways.* Driveways may be located within minimum required front yards, and minimum required street side yards of corner lots, subject to the regulations prescribed in section 30-7.8.

- j. *Structures for Disabled Access.* Uncovered wheelchair ramps or other structures providing disabled access may encroach into any required front, side, street side, or rear yard as long as the access structure provides continuous access from the street or parking area to an entrance of the building. The encroachment shall be the minimum necessary to provide safe and adequate access.
- k. *Exceptions to Allow Additions with Less Than the Required Minimum Side Yards For Legally Established Nonconforming Buildings.* If a main building has less than the required side yard setback, additions may be approved with existing setbacks, or none, if none exist, if the following finding can be made: no major adverse effects such as significant shading or significant view blockage will occur on adjoining properties relative to existing conditions and relative to an addition built with a conforming setback.
 - 1. Single-story additions within the required yard area are allowed by right with the same or smaller yards consistent with the existing setbacks.
 - 2. For stories above the ground floor, an addition may be approved with exterior walls in the same plane as the walls of the existing building below or with a setback greater than those existing but still less than the minimum required if the following finding is made as provided in the approval process in Section 30-37, Design Review Regulations: no major adverse effects such as significant shading or significant view blockage will occur on adjoining properties relative to existing conditions and relative to an addition built with a conforming setback.
 - 3. 4. New cantilevered projections, above the first story which are to have the same or less horizontal area as an existing first story projection, may be approved are allowed with the existing projection's setbacks by right.
 - 2. ~~If necessary to make the finding in the section above, or to address Design Review or building code concerns, the Director may require a setback greater than those existing, but still allow a setback(s) that is less than the minimum required side yard or street side yards of corner lots prescribed by the subject zoning district.~~
- l. ~~In exception to the setback requirements of this chapter for stories above the ground floor, an addition at the second floor level may be approved with exterior walls in the same plane as the walls of the existing building below if the following finding can be made: no major adverse effects such as significant shading or significant view blockage will occur on adjoining properties relative to existing conditions and relative to an addition built with a conforming setback.~~
 - 1. ~~If necessary to make the finding in the section above, or to address Design Review or building code concerns, the Director may require a setback greater than those existing, but still allow a setback(s) that is less than the minimum required side yard or street side yard of corner lots prescribed by the subject zoning district.~~

m.l. *Exceptions to Allow Extension of Roof Ridges and Roof Pitch with Heights Greater Than the Maximum Building Height Limitation.* If a main building exceeds the maximum building height for the district in which it is located, main building additions may be approved that extend the same height roof height, ridge, pitch, and plane as the existing roof structure ~~providing that~~ if the following findings are made as provided in the approval process in Section 30-37, Design Review Regulations: (1) no major adverse effects such as significant shading or significant view blockage will occur on adjoining properties relative to existing conditions and relative to an alternative design with the roof extension built in compliance with the maximum building height; and (2) the ridge and/or pitch continuation complies with the City of Alameda Building Code.

30-20 NONCONFORMING BUILDINGS AND USES.

30-20.1 General.

~~Any nonconforming building, or any nonconforming use being conducted within a structure or upon open land may be continued, as provided in this section; except that~~

- a. This chapter provides regulations for nonconforming uses, structures, and buildings that were lawful before the adoption or amendment of the development code, but which would be prohibited, regulated, or restricted differently under the present terms of this title.
- b. It is the intent of the city to discourage the long-term continuance of nonconformities, providing for their eventual elimination, while allowing them to continue to exist under the conditions identified in this chapter.
- c. Nonconforming signs are subject to the requirements in AMC Chapter 30-6.
- d. Any use, structure or building which was established or constructed in violation of the applicable zoning regulations in effect at the time of establishment or construction and which does not conform to the applicable regulations of this development code is not a nonconforming use or structure, and the use, structure or building is in violation of this code.
- e. Any nonconforming structure or building, or any nonconforming use being conducted with a structure or building or upon open land may be continued as provided in this Chapter.
 - ~~a. Any nonconforming use being conducted on open land, and not incidental or accessory to a use being conducted within a structure upon the site, shall not be continued longer than two and one-half (2 ½) years from the date of nonconformity under the provisions of this article.~~
 - ~~b. Any nonconforming outdoor advertising sign or outdoor advertising structure may be continued for a period of not longer than five (5) years from the date of nonconformity under the provisions of this article; and~~

- c. ~~If any nonconforming use is abandoned (not actively used), or voluntarily or by legal action caused to be discontinued for a period of one (1) year or more, then any subsequent use of the property shall be in conformity with the provisions of this article.~~

30-20.2 Use Permit For Change of Non-Conforming Use.

- a. A nonconforming use shall not be enlarged or expanded in size or capacity nor extended to occupy a greater area of land or building floor area than it legally occupied before it became nonconforming unless a Use Permit is granted.
- b. A nonconforming use shall not be intensified so that the hours of operation are extended, the number of employees is substantially increased, the occupancy capacity is substantially increased, the volume of traffic or noise generated by the use is substantially increased, or a different amount of parking is required unless a Use Permit is granted.
- c. If no structural alterations are made, a nonconforming use of a building may, upon approval of a use permit be changed to another nonconforming use of the same or more restricted use classification if a Use Permit is granted.

30-20.3 Nonconforming Buildings with Conforming Residential Uses.

Nonconforming buildings, with conforming residential uses in residential zoning districts, may be reconstructed, with an equal or lesser nonconformity to the development standards of this chapter, subject to the approval process for improvements, as outlined in Section 30-37: Design Review Requirements. Such reconstruction may occur to repair damage as defined by subsection 30-20.4 of this chapter, or, as part of ~~any~~ a duly permitted project to repair, remodel or replace an existing non-conforming ~~structure~~ building. For reconstruction of nonconforming buildings with residential uses in residential zoning districts, the value limitations prescribed by subsection 30-20.4 do not apply.

30-20.4 Changes to and Restoration of Nonconforming Buildings.

~~Notwithstanding~~ For property that does not qualify for the provisions in subsection 30-20.3 of this chapter to allow reconstruction of nonconforming buildings with residential uses in residential zoning districts, the following regulations apply to nonconforming ~~uses and~~ buildings:

- a. *Changes Permitted.* ~~No nonconforming building or use building permit or other entitlement shall be issued to enlarged, extended, reconstructed or structurally altered, any nonconforming buildings unless (i) it is changed to in a manner that conforms to the regulations specified by this section chapter, provided that routine maintenance and repairs required by applicable health and safety codes shall be permitted in an aggregate amount during a five (5) year period~~

~~of not to exceed one hundred (100%) percent of the total appraised valuation as verified by a certified appraiser selected by the City, and conducted at the property owner's expense. or (ii) the value of the proposed changes does not exceed 20% of the building's assessed valuation as shown on the latest County Assessor's secured property tax role.~~

- b. ~~Restoration of Damaged Buildings. If at any time any~~ A nonconforming use or building shall be that is involuntarily damaged or destroyed by fire, explosion, or act of God to the extent of more than seventy (70%) percent of the value thereof, then, and without further action by the City Council, the building and the land on which said building was located or maintained shall from and after the date of such destruction shall thereafter be subject to all the regulations of the district in which ~~such land and/or building are~~ the building is located. For the purposes of this section, the value of ~~any~~ the building shall be the estimated cost of the replacement of the building in kind, as determined by the Building Official, who may require verification of the value of the building by a certified appraiser selected by the City and conducted at the property owner's expense. Where ~~any a nonconforming building shall have been~~ is destroyed less than seventy (70%) percent of the value thereof, a building permit for its restoration shall be ~~secured~~ diligently pursued not later than one (1) year from the date of such destruction and the restoration shall be completed within one (1) year from the date of issuance of the building permit. If the property owner fails to diligently pursue a building permit as provided in this subsection or fails to restore the building as provided in this subsection, the exception under this subsection shall lapse and the property shall be subject to enforcement for violation of the blight prevention ordinance.

30-20.5 Restoration of Destroyed Residential Buildings.

Subsection 30-20.4 notwithstanding, any damaged or destroyed structure containing three (3) or more dwelling units may be rebuilt to its existing density as provided by ~~subsection 30-53.3.~~

30-20.6 Certification of Nonconforming Use. Completion of a Building or Establishment of Approved Use That Would be Rendered Nonconforming.

A use, structure, building or physical improvement for which a planning entitlement or building permit was approved or issued before the effective date of a new ordinance codified in this title may be completed if implementation was commenced under valid entitlements or permits prior to the effective date of the new ordinance.

- a. ~~The owner of any land or building classified as a nonconforming use under the provisions of this section may apply to the City Planning Director for a nonconforming use certificate. Upon such application, the City Planning Director shall issue such certificate, which shall set out the name of the owner, the location of the land or building, the extent and validity of such nonconforming use, and other appropriate data regarding such use.~~

- ~~b. Upon notification by the City Planning Director, the owner of any land or building classified as a nonconforming use under the provision of this section shall apply to the City Planning Director for a nonconforming use certificate. Upon such application, the City Planning Director shall issue such certificate as in paragraph a. above.~~
- ~~c. Any nonconforming use certificate issued under the provisions of paragraphs a. and b. above shall become invalid upon change of use or ownership, provided, that in the event of change of ownership the City Planning Director shall, upon request of the new owner, issue a new nonconforming use certificate, and provided, further, that in the event of change of use, the City Planning Director shall issue a new nonconforming use certificate upon the City Planning Board's approval of a Use Permit under the provisions of subsection 30-20.2 of this section.~~

30-20.7 Large Format Retail.

Existing large format retail uses, constructed and in use prior to March, 2008, that are located in commercial, manufacturing, Planned Development or M-X zoning districts where large format retail is allowed and that comply with the development standards of the zoning district shall not be classified as nonconforming.

30-20.8 Loss of Nonconforming Use Status.

A nonconforming use shall not be reestablished in the following cases.

- a. Nonconforming use status shall terminate if the structure in which the use occurred is involuntarily damaged or destroyed except as provided in subsection 30-20.4.b and subsection 30-20.5.
- b. Nonconforming use status shall terminate if the structure in which the use occurred is voluntarily demolished.