
Sec. 94-519. - Certificate of conformity.

- a. *Application.* The provisions of this section shall apply to any real property which conforms to the zoning and land development regulations of this chapter, but which has been or will be rendered a legal nonconformity because of eminent domain proceedings by a governmental agency. Any nonconformity so created shall be deemed conforming upon the issuance of a certificate of conformity as provided in this section.
- b. *Procedure.* The condemnor or condemnee in an eminent domain proceeding may submit an application to the planning division for a certificate of conformity relative to the nonconforming which has been or will be created as a result of the eminent domain proceedings. The application shall include the following:
 - 1. The legal description of the parcel which has or will become nonconforming;
 - 2. The name and address of the owner of such parcel;
 - 3. The name and address of the condemnor including the name and address of the condemnor's representative;
 - 4. Evidence of the institution of eminent domain proceedings, along with the court order of judgment of such taking, or the conveyance to the government agency under the threat of eminent domain;
 - 5. A recent certified survey of such parcel or of a sufficient portion thereof as will enable the development services director to determine the extent of the acquisition and the location and nature of all affected structures located on such parcel;
 - 6. A site plan of the parcel, at a scale of not less than one inch equals 30 feet, showing the location of all structures and improvements on the property and the extent of the condemnor's acquisition;
 - 7. A statement of justification in support of the issuance of the certificate of conformity;
 - 8. Evidence that both the condemnor and condemnee in the eminent domain proceedings are aware of the application for a certificate of conformity; and
 - 9. Any other material reasonably requested by the development services director which is relevant and material to the application.
- c. *Fee.* An application fee established by resolution of the city commission shall be paid to the city by the applicant prior to the commencement of review.
- d. *Review of application.* The development services director shall review the application for a certificate of conformity and shall render a decision to issue or deny the certificate, based upon the standards set forth in this section, within 45 days of receipt of a complete application. The applicant may appeal a denial to the city zoning board of appeals. The zoning board of appeals may reverse the denial of the development services director upon a finding that the application meets the standards in this section.
- e. *Standards.* A certificate of conformity shall be issued if the following standards are met:
 - 1. It is impossible for the remainder parcel to fully comply with the zoning and land development regulations; and
 - 2. A site plan for the remainder parcel has been prepared which minimizes the nonconformities caused by the eminent domain, and is consistent to the greatest extent feasible with the requirements of the zoning and land development regulations of this chapter; and
 - 3. The remainder parcel can reasonably and economically function if redeveloped in accordance with the proposed site plan.
- f. *Duration.* A certificate of conformity issued pursuant to this section shall automatically expire 36 months from the date of issuance unless redevelopment of the remainder parcel in accordance with the site plan has commenced within such 36-month period.

(Ord. No. 4714-17, § 3, 9-14-2017)