

SECTION 1100. NON-CONFORMING USES AND STRUCTURES

The lawful use of any land or buildings existing at the time of the adoption of this Ordinance may be continued, even if such use does not conform to the regulations of this Ordinance, except when such building or use is reconstructed or altered as provided below:

1101. Non-Conforming Buildings

With respect to the lot size, setbacks, height and other lot requirements for non-conforming buildings, the following shall apply, except as restricted in Section 1104: *(Ord No 12-15-2011-1)*

.01 Alterations

Except as provided by Section 1101.03 Restoration, a non-conforming building or structure shall not be reconstructed or altered to an extent exceeding 25% of its market value for assessment purposes unless said building or structure is changed to conform with site, building or setback regulations of this Ordinance. *(Ord No 1-21-2010)*

.02 Enlargement

Except as provided by Section 1101.03 Restoration, a non-conforming building or structure shall not be added to or enlarged in any manner unless such additions or enlargements are made so as to bring said building or structure into conformity with the regulations of this Ordinance. *(Ord No 1-21-2010)*

.03 Restoration *(Ord No 10-16-2008)*

(1) A non-conforming building or structure which is damaged by fire or other causes to the extent of more than 50% of its market value shall not be restored except in conformity with the regulations of this Ordinance, unless a building permit is applied for within 180 days of the date that said building or structure was damaged.

(2) In the event a building permit to replace or repair a damaged non-conforming building or structure is applied for within 180 days of the date that said building or structure was damaged, the Council may impose reasonable conditions upon the permit to mitigate any newly created impact on adjacent property.

.04 Dwelling Enlargement

A non-conforming dwelling existing on January 1, 2010 and located in a residential district may be reconstructed, altered, or enlarged to an extent not exceeding 25% of its market value for assessment purposes provided such reconstruction, alteration or enlargement: a) does not further reduce any existing front, rear or side/side corner setback non-conformity, and b) conforms in all other respects with the regulations of the Ordinance. *(Ord No 1-21-2010)*

1102. Non-Conforming Use of Building or Land

- .01 Extension
 - (1) 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
 - (2) A non-conforming use of land shall not be expanded or enlarged
- .02 Relocation

A non-conforming use shall not be moved to any other part of the parcel of land upon which the same was conducted prior to September 11, 1981.
- .03 Abandonment

A non-conforming use of a building or land which has been discontinued for a period of one year shall not be reestablished and any future use shall be in conformity with the regulations of this Ordinance.

1103. Farmstead and Agricultural Uses

If farmstead and agricultural uses including accessory farm animal buildings use cease to exist for a period of one year in a District in which it is not currently a permitted use, the use is to revert to the District in which it is located.

1104. Floodplain District Uses *(Ord No 10-16-2008)*

- .01 Alterations and Enlargements

Any structural alteration or addition to a non-conforming structure or non-conforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 through FP-4 flood proofing classifications) allowable in the State Building Code, except as further restricted in Section 1104(.04). *(Ord No 12-15-2011-1)*
- .02 Restoration

A non-conforming building or structure located in the Floodplain District which is damaged by any means, including flooding, to the extent of more than 50% of its market value shall not be restored except in conformity with the regulations in Section 310 of this Ordinance. *(Ord No 12-15-2011-1)*
- .03

If any non-conforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Ordinance. The Assessor shall notify the Zoning Officer in writing of instances of non-conforming uses that have been discontinued for a period of 12 months.

- .04 If a substantial improvement occurs, as defined in Section 109 of this Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing non-conforming building, then the building addition and the existing non-conforming building must meet the requirements of Section 310 of this Ordinance for new structures, depending upon whether the structure is in the floodway or flood fringe. If a substantial improvement occurs only from a building addition, then the building addition must meet the elevation on fill or FP-1 or FP-2 dry flood proofing requirements of Section 310 of this Ordinance for new structures and the existing structure must also meet the elevation on fill or FP-1 or FP-2 dry flood proofing requirements of Section 310 of this Ordinance for new structures if any alteration is made to the common wall in excess of installing a standard doorway. (*Ord No 12-15-2011-1*)

1105. Billboard (*Repealed – Ord No 10-16-2008*)