

10-11-2: NONCONFORMING BUILDINGS AND USES:

A. Nonconforming Buildings:

1. Continuance, Repairs And Upkeep:

- a. Use of a nonconforming building or structure may be continued.
- b. Repairs and structural alterations may be made to a nonconforming building.
- c. A nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity or act of God, or the public enemy, to the extent of not more than two and one-half ($2\frac{1}{2}$) times its assessed value at the time, may be restored and/or part thereof, which existed at the time of such partial destruction, may be continued or resumed; provided, that such restoration is started within a period of one year and is diligently prosecuted to completion. In the event such damage or destruction exceeds two and one-half ($2\frac{1}{2}$) times the assessed valuation of such nonconforming building or structure, no repairs or reconstruction, except in the case of dwelling structures, shall be made unless every portion of such building or structure shall be made to conform to all regulations for new buildings in the zone in which it is located.

2. Additions, Enlargements And Moving:

- a. A building or structure nonconforming as to height, area or yard regulations shall not be added to or enlarged in any manner unless such addition or enlargement conforms to all the regulations of the zone in which it is located.
- b. No nonconforming building or structure shall be moved in whole or in part to any other location on the lot, except by permit of the board of adjustment as herein provided, unless every portion of such building or structure is made to conform to all the regulations of the zone in which it is located.
- c. If a nonconforming building or structure is removed from a lot, no building or structure may be constructed, erected or moved onto the lot unless said building or structure conforms to all the regulations of the zone in which the lot is located.

3. Abandonment Or Discontinuance: A nonconforming building or structure or portion thereof, which is or hereafter becomes abandoned or discontinued for a continuous period of one year, shall not thereafter be used or occupied unless said building is made to conform to all the regulations of the zone in which it is located.

B. Nonconforming Use Of Buildings:

1. Continuous: The nonconforming use of a building or structure, existing at the time the applicable zoning regulations became or become effective, may be continued.
2. Additions And Enlargements:
 - a. A building or structure nonconforming as to use regulations shall not be added to or enlarged in any manner, except as permitted by the board of adjustment.
 - b. A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming, as permitted by the board of adjustment.
3. Abandonment Or Discontinuance: A nonconforming building or structure or portion thereof occupied by a nonconforming use, which is or hereafter becomes abandoned or discontinued for a continuous period of one year, shall not thereafter be occupied or used, except for a use which conforms to all the regulations of the zone in which said building or structure is located.

C. Nonconforming Use Of Land:

1. Continuance: A nonconforming use of a tract of land or portion thereof, existing at the time the applicable zoning regulations became or become effective, may be continued.
2. Expansion: No nonconforming use of a tract of land or portion thereof shall not in any way be expanded or extended on either the same or any adjoining tract of land.
3. Abandonment: A nonconforming use of land shall be deemed abandoned by nonuser if discontinued for a continuous period of one year. If a nonconforming use of land has been or shall be abandoned, such land shall not thereafter be used or occupied, except for a use which conforms to the use regulations of the zone in which the use is located.

D. Effect Of Change Of Use: The nonconforming use of a building or structure or parcel of land may not be changed except to conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

E. Nonconforming Lots Of Record: Notwithstanding any other provision of this title, a one-family dwelling may be permitted on any lot of record in any zone in which dwellings are permitted, even though such lot fails to meet the area or width requirements for one-family dwellings within the zone; provided, that where two (2) or more continuous lots of record having continuous frontage are owned by the same person at the time of the passage of the controlling ordinance, the land included in the lots shall be considered to be an undivided parcel and no portion of said parcel shall be used as a dwelling site or sold which does not meet the area and width requirements of the zone in which the lot is located. Yard dimensions and other requirements not involving area or width shall

conform to the regulations of the zone in which the lot is located, except when granted a variance by the board of adjustment. (Ord. 6-18-81A, 6-18-1981)