

CHAPTER 19
NONCONFORMITIES

SECTION:

- 10-19-1: Purpose
- 10-19-2: Nonconforming Lots Of Record
- 10-19-3: Nonconforming Use Of Open Land
- 10-19-4: Nonconforming Use Of Structures And Buildings
- 10-19-5: Change Of Nonconforming Uses
- 10-19-6: Nonconforming Structures And Buildings
- 10-19-7: Reconstruction Of Nonconforming Structures And Buildings
- 10-19-8: Nonconformities Detrimental To Health And Safety Not Allowed

10-19-1: **PURPOSE:** Within the zones established by this title or amendments that may later be adopted, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the ordinance codified herein was passed or amended, but which would be prohibited, regulated or restricted under the terms of this title. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone. (Ord., 10-17-1989)

10-19-2: **NONCONFORMING LOTS OF RECORD:** In any zone in which single-family dwellings are permitted, a single-family dwelling and customary accessory structures may be erected on any single lot of record at the effective date hereof or amendment of this title, notwithstanding limitations imposed by other provisions of this title. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zone; provided, that yard dimensions and requirements of the lot shall conform to the regulations for the zone in which such lot is located. Variance of the yard

requirements shall be obtained only through action of the board of adjustment. (Ord., 10-17-1989)

10-19-3: **NONCONFORMING USE OF OPEN LAND:** A nonconforming use of land lawfully existing on the effective date hereof may be continued, provided such nonconforming use shall not be expanded or extended into any other portion of a conforming building or open land, and no structures, additions, alterations or enlargements thereto shall be made thereon, except those required by law. If said nonconforming use is discontinued or abandoned for a continuous period of six (6) months or more, any future use of land shall conform to the provisions of the zone in which it is located. (Ord., 10-17-1989)

10-19-4: **NONCONFORMING USE OF STRUCTURES AND BUILDINGS:** The nonconforming use of any structure or building lawfully existing on the effective date hereof or amendment may be continued as provided in this chapter. A nonconforming use may be extended to include the entire floor area of the existing structure or building in which it is conducted at the time the use became nonconforming; however, the nonconforming use may not be extended into additions or structural alterations allowed after the time the use became nonconforming. No structure or building shall be expanded or altered solely for the benefit of expanding a nonconforming use. If said nonconforming use is discontinued or abandoned for a continuous period of six (6) months or more, any future use of such structures and/or buildings shall conform to the provisions of the zone in which they are located. (Ord., 10-17-1989)

10-19-5: **CHANGE OF NONCONFORMING USES:** An existing nonconforming use may be changed for another nonconforming use which is determined to be of a more desirable nature upon specific approval of the planning commission. The request for a change in an authorized nonconforming use shall follow the procedures outlined for conditional uses in chapter 12 of this title. (Ord., 10-17-1989)

10-19-6: **NONCONFORMING STRUCTURES AND BUILDINGS:** A nonconforming structure or building in any zone may be continued as prescribed in this chapter, provided no additions or enlargements are made thereto and no structural alterations are made therein, except those prescribed by law. If any such nonconforming structure or building is removed, every future use of the land on which the

building was located shall conform to the provisions of this title. (Ord., 10-17-1989)

10-19-7: **RECONSTRUCTION OF NONCONFORMING STRUCTURES AND BUILDINGS:** A nonconforming structure or building which is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity or act of nature or the public enemy, to the extent of not more than fifty percent (50%) of its reasonable replacement value at the time of its destruction, may be restored and the occupancy or use of such structure or building may be continued subject to all the provisions of this chapter. In the event such damage or destruction exceeds fifty percent (50%) of its reasonable replacement value, no repairs or reconstruction shall be made, except in the case of residences or accessory farm buildings, unless every portion of such structure or building is made to conform to all regulations for new buildings in the district in which it is located. (Ord., 10-17-1989)

10-19-8: **NONCONFORMITIES DETRIMENTAL TO HEALTH AND SAFETY NOT ALLOWED:** No provision of this chapter shall be construed to allow the continuance of any nonconformity when, in the opinion of the planning commission after consultation with the city attorney and other authorized officials relating to a specific nonconformity, it is deemed to be detrimental to the health, safety and welfare of the general public. (Ord., 10-17-1989)

