

SECTION 1102.00 NON-CONFORMING LOTS, USES AND STRUCTURES.

1102.01 INTENT.

Within the districts established by this Ordinance or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited under the terms of this Ordinance or future amendment.

It is the intent of this Ordinance to phase out such non-conforming uses within a reasonable time period while retaining full economic value. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A non-conforming use of a structure, a non-conforming use of land or a non-conforming use of a structure and land shall not be extended or expanded after passage of this Ordinance, including by expansion of a building or structure, attachment or placement of additional signs or display devices to a building, or on the land outside the building, or by the addition of other uses if such additions are of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun and upon which actual building construction has been diligently continued. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently continued until the completion of the building involved.

(Ord. 09-05, Section 1102.01, Adopted December 21, 2009.)

1102.02 NON-CONFORMITIES.

Any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of this ordinance under this section may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

1. The nonconformity or occupancy is discontinued for a period of more than one year or;
2. The nonconformity is destroyed by fire or other peril to the extent of greater than fifty (50) percent of its market value, and no building permit has been applied for with 180 days of when the property is damaged. In this case, the City may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.

The City, by ordinance, permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare or safety. Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

Notwithstanding the above, the City shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in the floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of obstruction to flows in the floodway.

(Ord. 09-05, Section 1102, Adopted December 21, 2009.)