

## Article F: Nonconforming Uses, Structures and Lots

### **Sec. 13-1-116 Existing Nonconforming Uses and Structures.**

- (a) The lawful nonconforming use of a structure or land, including but not limited to fences, parking and zoning setbacks existing at the time of the adoption, or amendment of this Chapter may be continued although the use does not conform with the provisions of this Chapter. However, only that portion of the land in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter, or if a special exception is granted by the Common Council. To apply for special exception from the Common Council, a written letter of request addressed to the Common Council giving exact reasons for the request including the dimensions of the addition, distance from the front, rear and side property lines along with any other applicable information shall be provided to the Zoning Administrator. The setbacks of the zoning district in which the structure is located shall be met if the lot size and existing location of the structure permits the setbacks to be met.
- (b) If no structural alterations are made, a nonconforming use of a building may be changed to any use permitted in the same use district as that in which the use existing is permitted according to the provisions of this Chapter; provided when a use district is changed, any existing, nonconforming use in such changed district may be continued or changed to a use permitted in the same use district as that in which the existing use is permitted; provided all other regulations governing the new use are complied with.
- (c) Substitution of new equipment may be permitted by the Zoning Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

### **Sec. 13-1-81 117 Abolishment or Replacement.**

- (a) **Discontinuance.** If the nonconforming use of a building or premises is discontinued or terminated for twelve (12) months, any future use of the building or premises shall conform to the provisions of this Chapter. regulations for the district in which it is located. A reasonable interim between tenants or occupants shall not be construed to mean discontinuance.
- (b) **Extensive Repair Must be in Conformance.** At such time as structural repairs, reconstruction or alterations are made to nonconforming structures or premises, which repairs or alterations exceed fifty percent (50%) of the equalized assessed value of such structures or premises as established by the City Assessor, such structures or premises will be required to conform to the use restrictions of this Chapter.

- (c) **Building Destroyed by Fire.** Where a building located in a district restricted against its use has been destroyed by fire or other calamity to the extent of not more than fifty percent (50%) of its fair market value, the same may be rebuilt; but where such a building is destroyed to the extent of more than fifty percent (50%) of its fair market value, a permit may be granted for its reconstruction within twelve (12) months from the date of such fire or other calamity, except any public utility located in a restricted district shall be permitted to rebuild, alter or enlarge in any business or industrial district as the interest of the public demands.

### **Sec. 13-1-118 Changes and Substitutions.**

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Zoning Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Zoning Appeals.

### **Sec. 13-1-119 Substandard Lots.**

- (a) **Substandard Lot Use.** In any Residential District, a one (1) family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds' office before the original effective date of this Chapter (October 12, 1972).
- (b) **Criteria.** Such lot or parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this Chapter. If in separate ownership, all the district requirements shall be complied with insofar as practical but shall not be less than the following: minimum requirements.
- (1) **Lot.**
    - a. Width: Minimum thirty (30) feet.
    - b. Area: Minimum four thousand (4,000) square feet.
  - (2) **Building.**
    - a. Height: Maximum thirty (30) feet.
  - (3) **Yards.**
    - a. Street: Minimum twenty-five (25) feet; the second street yard on corner lots shall be not less than ten (10) feet.
    - b. Rear: Minimum twenty-five (25) feet.
    - c. Side: Minimum sixteen percent (16%) of the frontage, but not less than five (5) feet.

**Sec. 13-1-120 through Sec. 13-1-126 Reserved for Future Use.**