

**ARTICLE 18.00  
NONCONFORMING AND NONSTANDARD USES**

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18.01 PURPOSE AND INTENT. The purpose of this article is to provide for the regulation of nonconforming uses, buildings, and structures, and to specify those circumstances under which they shall be permitted to continue.

18.02 CONTINUATION OF NONCONFORMING USES. Subject to the provisions of this article, the lawful use of a premise existing immediately prior to the effective date of this ordinance may be continued although such use does not conform to the provisions hereof.

18.03 USE BECOMING NONCONFORMING BY CHANGE IN LAW OR BOUNDARIES. Whenever the use of a premises becomes a nonconforming use through a change in zoning ordinance or district boundaries, such use may be continued, although the use does not conform to the provisions thereof.

18.04 CHANGE IN NONCONFORMING USE. If no structural alterations or additions are made, a nonconforming use may be changed to another nonconforming use of the same or a more restrictive classification. For the purposes of this article, each of the following classifications shall be considered to be "more restrictive" than those it precedes:

- 1. RC           Recreation/Conservation
- 2. RR-5       Rural Residential
- 3. RR-1       Rural Residential
- 4. R-1         Residential
- 5. C           Commercial
- 6. I-1         Industrial
- 7. I-2         Industrial

Whenever a nonconforming use has been changed to a more restrictive use or to a permitted use, such use shall not thereafter be changed to a less restrictive use.

18.05 EXTENSION OR ENLARGEMENT. A nonconforming use shall not be enlarged, extended, converted, reconstructed, or structurally altered unless such use is changed to a use permitted in the district in which the premise is located except that a conditional use permit may

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be authorized after the following criteria are given specific consideration:

- (A). Effect on surrounding property values.
- (B). The density of land use zoning for the subject and adjacent properties.
- (C). The degree of hardship upon the applicant which would be caused by failure to grant the permit.
- (D). It can be demonstrated that it was the owner's intent to use the entire premises for said use prior to the adoption, revision or amendment of this ordinance.

18.06 RESTORATION AFTER DAMAGE. When the use of a building is nonconforming as defined by this ordinance and such a building is damaged by a fire, explosion, act of God, or the public enemy to the extent of more than 60 percent of its fair market value, it shall not be restored except in conformity with the provisions of the district in which the building is located. Exception: Single family dwellings may be restored if damaged less than 100 percent.

18.07 DISCONTINUANCE OF NONCONFORMING USE. In the event that a nonconforming use is discontinued for more than one year, any subsequent use shall thereafter be in conformity with the regulations of the district in which it is located.

18.08 EFFECT ON USE WHICH IS ILLEGAL UNDER PRIOR LAW. Nothing in this ordinance shall be interpreted as authorization for, or approval of, the continuance of the use of a premises in violation of zoning regulations in effect immediately prior to the effective date of this ordinance.

18.09 CONTINUATION OF NONSTANDARD USES. Nonstandard uses existing immediately prior to the effective date of this ordinance may be continued, although such uses do not conform to the provisions hereof.

Nonstandard buildings or structures may be enlarged or extended, converted, reconstructed, or structurally altered as follows:

- (A). Enlargements, extensions, conversions, or structural alterations may be made as required by law or ordinance.
- (B). Structural alteration of buildings or structures may otherwise be made if such changes do not encroach into an existing front yard, side yard, or rear yard which is less than the minimum required yards for the district in which they are located.
- (C). Enlargement, extension, conversion of buildings or structures may otherwise be made if such changes comply with the minimum required yards, lot area, height, landscaping, parking, and density for the district in which they are located.