

Appeals made according to this subsection shall not be subject to any fees. (Ord. #4-87, § 1.1106)

18-1.12 NONCONFORMING USES, BUILDINGS, STRUCTURES AND SIGNS.

18-1.1200 Nonconforming Uses, Land, Buildings, Structures and Signs.

Except as otherwise provided in this section, lawful use of land, buildings, signs or structures existing at the time of the adoption of any zoning district may be continued although the particular use, building, sign or structure does not conform to the regulations specified by this Chapter for the district in which the particular use, building, sign or structure is located, except for the following:

a. Every non-appurtenant, off-premises sign or other advertising structure which does not conform to the provisions of this Chapter shall be removed or modified to conform with the provisions of this Chapter. The sign is allowed to remain in existence for the period of time set forth below and after giving notice of the removal or modification requirement. Fair market value shall be determined by the Building Official.

**Fair Market Value on Date of Notice
of Removal or Modification**

Requirement	Years Allowed
Under \$1,999.....	2
\$2,000 - \$3,000.....	3
\$4,000 - \$5,999.....	4
\$6,000 - \$7,999.....	5
\$8,000 - \$9,999.....	6
\$10,000 and over.....	7

The amounts provided in this subsection shall be adjusted each January 1 after January 1, 1983 in accordance with the changes in building costs as indicated in the United States Department of Commerce Composite Cost Index for Construction Costs. Fair market value shall be determined by the Building Official.

b. All single family dwellings or single family mobile homes as the exclusive use on a single lot of record which are nonconforming land uses are exempt from the provisions of this Chapter. Said uses may be replaced, rebuilt or enlarged in compliance with the requirements of the base zone district and the applicable residential housing standards, as contained within Section 18-3.8 or Section 18-5.10, whichever is applicable.

c. Any single family dwelling or single family mobile home which is a legal nonconforming structure may be replaced or rebuilt in compliance with the applicable residential housing standards, as contained within subsection 18-3.8 or subsection 18-5.10, whichever is applicable. If the existing site development does not comply with the requirements of the base zone district, the redevelopment of the site shall not be in less conformance than the original development, provided that the replacement of the residence is completed within one (1) year. Otherwise, development of the site shall be in accordance with the requirements of the base district, as in effect at the time of building permit issuance. The replacement structures shall comply with the current Building Code requirements.

(Ord. #4-87, § 1.1200; Ord. #14-88; Ord. #16-89; Ord. #ORD-81-98, § 3)

18-1.1201 Abandonment.

If any nonconforming use is abandoned for a period of six (6) months or more, then any subsequent use of the property shall conform to the regulations of the zoning district in which the property is located.

If any nonconforming structure is unoccupied for a period of six (6) months or more, then the site development shall be brought into compliance with the current development standards of the zoning district. The Planning Director may waive this requirement if he/she determines that the upgrading of the site, including but not limited to the installation of parking and site improvements, is not required for orderly area development and that the occupancy of the building will not create a threat or hazard to public health, safety or welfare. (Ord. #4-87, § 1.1201; Ord. #16-89; Ord. #ORD-81-98, § 4)

18-1.1202 Change in Nonconforming Use.

If no structural alterations or enlargements are made, a nonconforming use of a building may, upon obtaining a nonconforming use permit in each case, be changed to another nonconforming use of the same or more restrictive use classification. If there is an existing valid nonconforming use permit or grandfather certificate on the property, the Planning Director may approve a change in nonconforming use to another nonconforming use of the same or more restrictive use classification. (Ord. #4-87, § 1.1202; Ord. #14-88)

18-1.1203 Repair and Maintenance.

Any nonconforming building or structure, shall be allowed to be repaired and maintained but not enlarged to occupy a greater area provided that other provisions of this section are met. (Ord. #4-87, § 1.1203)

18-1.1204 Replacement.

Any nonconforming building, mobile home, structure or use destroyed by fire explosion, vandalism or other casualty or act of God may be rebuilt. If repair has not been completed or intent to repair verified within three (3) months, the building or use shall be considered abandoned. (Ord. #4-87, § 1.1204; Ord. #ORD-81-98, § 5)

18-1.1205 Lots of Record.

Any single lot or parcel of land, which was of record and a legal lot at the time of adoption of this section, but does not meet the requirements of the district in which it is located for minimum lot width and area may be utilized for an allowable use, if all other requirements of this Chapter are met. (Ord. #4-87, § 1.1205)

18-1.1206 Requirement for Grandfather Certificate or Nonconforming Use Permit.

Owners of property on which nonconforming uses exist may apply for and obtain either a grandfather certificate in accordance with the requirements of Section 18-1.17 or a nonconforming use permit in accordance with the requirements of Section 18-1.18, whichever is applicable. (Ord. #4-87, § 1.1206; Ord. #14-88)