

165.17 NONCONFORMING USES. Within the various districts established by this chapter or amendments that may later be adopted, there exist structures and uses of land and structures which were lawful prior to the adoption of the zoning ordinance but which would be prohibited, regulated, or restricted under the provisions of this chapter. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved.

1. Nonconforming Lots of Record in any Residential District. A single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in that district. The yard dimensions and other bulk regulations for the district in which such lot is located shall apply. Variance of area, width, and yard requirements shall be obtained through action of the Board of Adjustment. Two or more nonconforming lots, or portions thereof, that are contiguous in frontage and under the same ownership shall be considered to be an un-subdivided parcel for purposes of this chapter. No portion of said parcel shall be sold and then used which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this chapter.
2. Nonconforming Uses or Structures in any Residential District. Existing structures or premises devoted to a use not permitted by this chapter in the district in which such structure or premises is located shall not be enlarged, extended, reconstructed, substituted, or structurally altered, except when required by law, unless:
 - A. The use is changed to a use permitted in the district in which such structure or premises is located.
 - B. A nonconforming use of a structure may be changed to another nonconforming use of the same or more restrictive classification, provided no structural alterations are made.
 - C. If a nonconforming use of any structure or premises is discontinued for a period of one year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.
3. Nonconforming Uses or Structures in any District Other Than a Residential District. The regulations described in subsection 2 of this section shall apply to nonconforming uses in a commercial, industrial, or agricultural district, subject to the following exception: Nonconforming structures may be structurally altered or enlarged in conformity with the lot area, lot width, yard, and height requirements of the district in which such use is located. Such construction shall be limited to buildings on a lot of record (or a combination of lots of record in the same ownership) prior to the effective date of the zoning ordinance. The structural alteration or enlargement of structures shall not change the nature of the nonconforming use that existed prior to such effective date.
4. Permitted Structures and Use of Land and Structures Made Nonconforming by the Requirements of Bulk Regulations. A permitted structure or use that fails to meet the established bulk regulations of the district in which it is located may be structurally altered or extended provided that the alteration or extension is in

compliance with the bulk regulations of the district in which it is located. Any variance must be obtained through action of the Board of Adjustment.

5. Replacing Damaged Buildings. Any nonconforming building or structure damaged more than 75 percent of its replacement value at the time of damage by fire, flood, explosion, war, riot, or act of God shall not be restored or reconstructed and used as before such happening, but if less than 75 percent of the structure is damaged, it may be restored, reconstructed, or used as before provided that reconstruction be started within one year of such happening.

6. Uses Under Special Exception Provisions. Any use for which a special exception is permitted as provided in this chapter shall not be deemed a conforming use. Any additions shall be with Board of Adjustment approval.