

ARTICLE 14

NONCONFORMING USES

SECTIONS:

- 14.010 Nonconforming Uses - Definitions
- 14.020 Nonconforming Uses Permitted to Continue
- 14.030 Nonconforming Uses to be Discontinued
- 14.040 Maintenance and Repair

14.010 NONCONFORMING USES - DEFINITION

Any building or land lawfully occupied by a use, at the time of the effective date of this Zoning Ordinance or amendments hereto, which does not conform with the regulations of the district in which it is situated.

14.020 NONCONFORMING USES PERMITTED TO CONTINUE

1. The lawful use of land:
 - A. Existing at the time of the adoption of this Zoning Ordinance.
 - B. Existing at the time of annexation of a particular area of the corporate limits of the City of Corydon.
 - C. Existing at the time an amendment is made to the Zoning Ordinance so as to transfer the land to a more restricted district, as the case may be, may be continued, although such use does not conform to the provisions of this Zoning Regulation as amended, but if such nonconforming use or a more restricted use to which a change as hereafter provided is discontinued for a period of one year, any future use of said premises shall be in conformity with provisions of the Zoning Ordinance of the City of Corydon, Iowa.
2. The lawful use of a building existing prior to the effective date of this Zoning Ordinance as set forth in this Article may be continued although such existing use does not conform with the provisions of the zoning regulations as amended, and such existing use may be continued throughout the building, provided no structural additions or enlargements are made, except those required by law are made therein. The existing use is defined as that entire category in which that use may be classified. If no structural alterations (see definition) are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. The foregoing provision shall also apply to nonconforming uses in any district hereafter changed. The substitution of one nonconforming use for another must be approved by the Board of Adjustment. (See Article 17)

14.030 NONCONFORMING USES TO BE DISCONTINUED

1. Whenever a nonconforming use of a building has been changed to a restrictive use, such shall not thereafter be changed to a less restricted use.
2. No building which has been damaged by any casualty, act of God, or public enemy, to the extent of more than fifty (50) percent of the structural value of the building and land upon which it is located, shall be restored unless authorized by the Board of Adjustment in accordance with Article 17, except in conformity with all zoning regulations then in effect as to the land involved the same as though such land were unimproved, and had never been occupied by a nonconforming use. Should there be a question as to the structural value, the same shall be determined by three appraisers, one of whom shall be selected by the City Council, one by the owner and a third by the two so appointed and the decision of the appraisers or a majority of them shall be final and conclusive and binding upon all concerned for the purpose of determining whether the damaged property may be restored. The cost of such appraisal shall be paid by the property owner.
3. If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance.
4. The nonconforming use of a building or premises for the purpose of dismantling or wrecking automobiles or other vehicles of any kind, or for the purpose of storing junk, scrap iron, and scrap material, including dismantled and wrecked automobiles or other vehicles, or other types of open storage, and which is located in other than "I-2", Heavy Industrial District, shall be discontinued and the buildings or premises thereafter devoted to a use permitted in the district in which such buildings or premises are located, within five (5) years from the effective date of this Ordinance.

14.040 MAINTENANCE AND REPAIR

1. Routine maintenance and repair may be permitted. Nothing in the ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure.