

REDWOOD COUNTY ZONING ORDINANCE
SECTION 21
NON-CONFORMING USES

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SECTION 21 NON-CONFORMING USES

SUBDIVISION 1. NON-CONFORMING BUILDINGS AND USES

1. The lawful use of buildings or land existing at the effective date of this Ordinance which does not conform to the provisions of this Ordinance shall be discontinued within a reasonable period of amortization of the building; uses of buildings and land which become non-conforming by reasons of a change in this Ordinance shall also be discontinued within a reasonable period of amortization of the building. A reasonable period of amortization shall be construed to being after the date of adoption of this Ordinance and shall be considered to be thirty (30) years for buildings of ordinary wood construction, forty (40) years for buildings of wood and masonry construction, and fifty (50) years for buildings of fireproof construction.
2. Buildings found to be non-conforming only by reason of height, yard or area requirements shall be exempt from the provisions of Paragraph 1 of this Subdivision.

SUBDIVISION 2. NON-CONFORMING SIGNS

1. Signs existing on the effective date of this Ordinance which do not conform to the regulations set forth in this Ordinance shall become non-conforming uses and shall be discontinued. Uses of signs, which become non-conforming by reason of a subsequent change in this Ordinance shall also be discontinued within a reasonable period of amortization of the sign. The period of amortization caused by changes to this Ordinance for signs shall be not more than:
 - A. Advertising signs – five (5) years from the effective date of this Ordinance.
 - B. Business signs – five (5) years from the effective date of this Ordinance.
2. Business signs of the premises of a non-conforming building or use may be continued, but such signs shall not be increased in number, area, height or illumination. New signs not to exceed thirty-five (35) square feet in aggregate sign area may be erected only upon the complete removal of all other signs existing at the time of the adoption of this Ordinance. Such signs may be illuminated but no flashing, rotating or moving signs shall be permitted.
3. No signs erected before the passage of this Ordinance shall be rebuilt, altered or moved to a new location without being brought into compliance with the requirements of this Ordinance.

SUBDIVISION 3. NON-CONFORMING JUNK YARDS

No junk yard may continue as a non-conforming use after the effective date of this Ordinance, except that a junk yard may continue as a non-conforming use in an INDUSTRIAL DISTRICT if it is completely enclosed within a building, fence, screen planting or other device of such height as to screen completely the operations of the junkyard. Plans of such a building or device shall be approved by the County Planning Commission and the Board of County Commissioners before it is erected or put into place.

SUBDIVISION 4. DISCONTINUANCE

1. In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the district in which it is located.
2. In the event that the use of a non-conforming advertising sign structure is discontinued or its normal operation stopped for a period of six (6) months, said structure shall be removed by the owner or lessor at the request of the Board of County Commissioners.
3. If any nonconforming use or structure is destroyed by any means, including floods, to an extent of 50 percent or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or new structures in Section 5, Subdivisions 4, 5, and 6 will apply depending upon whether the use of structure is in the Floodway, Flood Fringe or General Flood Plain Districts, respectively.

SUBDIVISION 5. ALTERATIONS

1. The lawful use of a building existing at the time of the adoption of this Ordinance may be continued, although such use does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
2. Any alteration or addition to a non-conforming structure or non-conforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4

flood-proofing classifications) allowable in the State Building Code, except as further restricted in Paragraph 3 below.

3. The cost of any structural alterations or additions to any non-conforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the Community's initial floodplain controls must be calculated into today's current cost which will include all costs such as construction materials and reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50 percent of the current market value of the structure, then the structure must meet the standards of Section 5, Subdivision 4 or 5 of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe, respectively.

SUBDIVISION 6. RESIDENTIAL ALTERATIONS

Alterations may be made to a residential building containing non-conforming residential units when they will improve the livability of such units, provided, however, that they do not increase the number of dwelling units in the building; and provided they are not located within "FP" FLOOD PLAIN DISTRICT.

SUBDIVISION 7. RESTORATION

No building which has been damaged by fire, flood, explosion, act of God, or the public enemy to the extent of more than fifty (50) percent of its value shall be restored, except in conformity with regulations of this Ordinance.

SUBDIVISION 8. NORMAL MAINTENANCE

Maintenance of a building or other structure containing or used by a non-conforming use will be permitted when it includes necessary, non-structural repairs and incidental alterations, which do not extend or intensify the non-conforming building or use. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said the County Zoning Administrator declares structure unsafe.