

Sec. 107-422. Nonconforming buildings, structures.

Any nonconforming building or structure may, so long as it remains otherwise lawful, be continued subject to the following requirements and limitations:

- (1) Except as otherwise required by ordinance or law, a nonconforming building or structure may not be altered in a manner that increases the extent of its nonconformity.
- (2) Except as otherwise required by ordinance or law, a nonconforming building or structure must be brought into conformity if:
 - a. Fifty percent of the square footage of the building or structure is demolished, excluding a permit for interior construction or remodeling only; or
 - b. If the nonconforming building or structure is moved, it shall conform to the regulations for the district within or into which it is moved.
- (3) The provisions of subsection (2)a of this section do not apply to the demolition of the roof of a building or structure.
- (4) If the nonconforming building or structure, other than a dwelling, is damaged or destroyed by fire or other accident or natural means, the building official shall, upon application by the owner thereof, issue a permit for repair or reconstruction of the building or structure, provided that the repair or reconstruction conforms with ~~the construction materials standards set forth in section 107-107,~~ the compatibility standards set forth in section 107-116, and will not increase the extent of the nonconformity of the building or structure.
- (5) If the nonconforming building or structure that is a dwelling is damaged or destroyed by fire or other accidental or natural means, the building official shall, upon application by the owner thereof, issue a permit for repair or reconstruction of the building or structure if the repair or reconstruction will not increase the extent of the nonconformity of the building or structure.
- (6) Nothing in this article shall be deemed to:
 - a. Prevent ordinary repairs to nonconforming buildings or structures;
 - b. Prevent alterations of or extensions to nonconforming building or structures as required by law or ordinance; or
 - c. Prevent the restoration to a safe condition of any nonconforming building or structure, or portion thereof, declared to be unsafe by the building official or other duly authorized official.

(Code 1995, § 14.02.924; Ord. No. 2017-09-13, 9-13-2017)

Commented [NS1]: BBB- Strike reference to Section 107-107 that addressed building materials (masonry, glass etc.) as it has been removed from the code pursuant to state law limitations on city's authority to specify required building materials on commercial properties.