

CHAPTER 9 Non-Conforming Uses

SECTION:

11-9-1: Conditions of Non-Conforming Uses

11-9-1: **CONDITIONS OF NON-CONFORMING USES.**

- (A) Any use lawfully occupying a building or land at the effective date of the Title or of subsequent amendments thereto, which does not conform to the regulations for the zone in which it is located shall be deemed to be a non-conforming use and may be continued, subject to the provisions of this Chapter. Maintenance and minor repairs necessary to keep a non-conforming use in sound condition during such continuance shall be permitted.
- (B) A non-conforming building may be enlarged or extended only if the non-conforming use is totally discontinued and a permitted use is made for the structure.
- (C) No building partially occupied by a non-conforming use shall be altered in such a way to permit the enlargement or expansion of the space occupied by such non-conforming use.
- (D) No non-conforming use may be enlarged or extended in such a way as to occupy any required open space, or any land beyond the boundaries of the lot on which it existed at the effective date of the ordinance codified in this Title, nor may any such non-conforming use displace any conforming use in the same building or on the same parcel.
- (E) Any non-conforming building destroyed by fire or other calamity to an extent of sixty percent (60%) or more of the floor space area of the structure may not be restored unless such restoration shall make the building a conforming use; provided, however, that nothing in this Title shall be construed to prevent the restoration and the resumption of former lawful use of any building that is damaged or partially destroyed by fire, or other calamity, to the extent of less than sixty percent (60%); provided, that such restoration is started within one (1) calendar year and diligently prosecuted to completion.
- (F) Whenever a non-conforming use of land or building has been discontinued for a period of one (1) year, with the exception of non-conforming agricultural uses which must be discontinued for a period of three (3) years, or whenever there is evidence of a clear intent to abandon a non-conforming use, such use shall not thereafter be reestablished, and the uses of the premises thereafter shall be in conformity with the regulations of the zone in which the use is located.
- (G) Regardless of the provisions of subsections 11-9-1(A) through (E) of this chapter, and those uses allowed under other provisions of the Iona Municipal Code, where there are agricultural grain storage sheds or bins used exclusively for the storage of grain or grass

seed located on property within the City for private and non-commercial storage of grain, or construct new sheds or bins for the same purpose within the use district in which said property and prior existing facilities are located so long as the same is located upon the same parcel of property as the prior existing facilities, and subject to owner obtaining and the City approving a conditional use permit for same.