
88-610-05 NONCONFORMING STRUCTURES

88-610-05-E. LOSS OF NONCONFORMING STATUS

1. INTENTIONAL DAMAGE OR DESTRUCTION

When a nonconforming structure is intentionally destroyed or damaged by causes within the control of the property owner or tenant, all nonconforming structure rights are lost and reconstruction of the nonconforming structure is prohibited.

2. ACCIDENTAL DAMAGE OR DESTRUCTION

(a) ~~When more than 50% of the volume of a nonconforming structure is accidentally destroyed or damaged by causes that are not within the control of the owner or tenant, the structure may not be restored except in conformity with the regulations of the zoning district in which it is located.~~

~~(b)~~—When 50% or less of the volume of a nonconforming structure is accidentally destroyed or damaged by causes that are not within the control of the property owner or tenant, the structure may be restored or repaired provided that no new nonconformities are created and the existing degree of nonconformity is not increased. A building permit to reconstruct a destroyed or damaged structure must be obtained within 6 months of the date of occurrence of such damage, and once issued, construction must be diligently pursued or the nonconformity will be considered to be discontinued.

~~(b)~~ Except as provided in subsection 88-610-05-E.2(c) below, when more than 50% of the volume of a nonconforming structure is accidentally destroyed or damaged by causes that are not within the control of the owner or tenant, the structure may not be restored except in conformity with the regulations of the zoning district in which it is located.

~~(c)~~ Notwithstanding the foregoing, when more than 50% of the volume of a nonconforming detached house is accidentally destroyed or damaged by causes that are not within the control of the owner or tenant, the structure may be restored or repaired provided that no new nonconformities are created, the existing degree of nonconformity is not increased, and the structure remains a detached house. A building permit to reconstruct the destroyed or damaged structure must be obtained within 12 months of the date of occurrence of such damage, and once issued, construction must be diligently pursued or the nonconformity will be considered discontinued.