

CHAPTER 165 ZONING REGULATIONS

SECTION 165.04 GENERAL PROVISIONS

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1. GENERAL PROVISIONS

A. Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following township lines or section lines shall be construed as following township lines or section lines.

- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (5) Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines.
- (6) Boundaries indicated as parallel to or extensions of features indicated in Subsections (1) through (5) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- (7) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by Subsections 1 through 6 above, the Zoning Administrator shall interpret the district boundaries.

B. Zoning Districts Dividing Property. Where one lot or parcel is divided into two (2) or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the other in its respective zoning classification and for the purpose of applying the regulations of the Zoning Ordinance, each portion shall be considered as if in separate and different ownership.

C. Future Annexation of Territory. All territory which may hereafter be annexed to the City shall be considered as lying in the A-1 Zoning District until such classification shall have been changed by amendment in accordance with the provisions of the Zoning Regulations.

D. Street Frontage Required. Except as may permitted elsewhere within the Zoning Regulations and Subdivision Regulations, no lot shall contain any building used in whole or in part for residential purposes unless such lot abuts at least twenty (20) feet on at least one public street, or unless it has an exclusive unobstructed private street easement of access or right-of-way of at least twenty (20) feet wide to a public street; and there shall be not more than one single-family dwelling for such frontage or easement, except that a common easement of access at least fifty (50) feet wide shall be provided for two (2) or more such single-family dwellings, or for one or more two-family or multi-family dwellings.

E. Visibility at Intersection. On a corner lot in any district, except the Downtown Mixed Use Zoning District (C-3), no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of two (2) feet and ten (10) feet above the centerline grades of the intersecting streets shall be erected, placed or maintained within the triangular area formed by connecting the right-of-way lines at points which are twenty-five (25) feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines. For purposes of this section, a split rail fence, chain link fence, or any other fence which consists of vision blocking material over twenty-five percent (25%) or less of its total surface area is not considered as obstructing vision.

F. Lot and Yard Regulations

- (1) Corner Lots. For corner lots, the front yard regulation shall apply to each street side of the corner lot. The Zoning Administrator shall designate the rear yard of a lot which shall generally be that portion of yard opposite the narrow street side.
- (2) Through Lots. The Zoning Administrator shall designate the front yard of a through lot (also known as a double frontage lot) which shall generally be the yard adjacent to the local street or lower street hierarchy classification designation. The front yard regulations shall apply to each street side of a through lot.
- (3) Postage-Stamp Lot. Structures built within a postage-stamp lot shall be setback no less five (5) feet from all lot lines, excluding shared walls located along a common lot line, and shall otherwise meet all other building setback requirements for the zoning district in which it is located. Postage-stamp lots may or may not have public street frontage but shall at a minimum have access to public streets and public utilities via an adjoining outlot or association held parcel.
- (4) Front Yard. In all residential districts, there shall be a minimum front yard required as stated in the yard requirement of that particular district.
- (5) Required Yard Cannot Be Reduced. No yard or lot existing at the time of passage of the Zoning Ordinance shall be reduced in dimension or area below the minimum required by the Zoning Ordinance. No part of a yard, open space, off-street parking or loading space provided about any building or structure shall be included as part of a yard, open space, off-street parking or loading space required for another building, structure, or use.
- (6) Projecting Overhang or Structure. The ordinary horizontal projection from buildings including eaves, sills, fascia, parapets, cornices, bay windows, or other similar architectural features, except for gutters and downspouts, may not project or extend more than three (3) feet into a required yard, provided no part of a building is closer than 5 ft to a lot line.
- (7) Yard Encroachments.
 - a. Carports, cantilevered projections, chimneys, accessory buildings, and structures may not project into any required yard.
 - b. Air conditioning units, heat pumps, or other such similar devices may encroach into the required side yard.
 - c. Steps providing access to the ground level of a dwelling may encroach no more than three (3) feet into any required side yard.
 - d. Front stoops, stairs, open decks and unenclosed porches may encroach up to 6 ft into the required front yard setback.
 - e. Stoops, stairs, and open decks, not enclosed or covered by a roof, may encroach up to 20 ft into the required rear setback.

- f. Uncovered patios, brick or stone pavers, concrete slab structures, or other paved surfaces constructed on the ground, or less than 12 inches above the average grade of the ground, shall be allowed to be constructed within the required front, side, or rear yards, except that no such patio or paved area shall encroach closer than two (2) feet of the property line nor extend more than ten feet (10') beyond either side of a driveway.
- G. Height Regulation Exception.** The height limitations contained in the schedules of district regulations do not apply to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, or other structures placed above the roof level and not intended for human occupancy.
- H. Use of Public Right-of-Way.** No portion of the public road, street or alley right-of-way shall be used or occupied by an abutting use of land or structure for storage or display purposes or to provide any parking or loading space required by this chapter, or for any other purpose that would obstruct the use or maintenance of the public right-of-way. Provided, however, tables, chairs and displays associated with the adjoining business shall be allowed in the C-3 zoning (Downtown Mixed-Use Zoning District) subject to the following:
- (1) Permitted on all sidewalks provided there remains a free walking path with a minimum walking surface of five (5) feet in width.
 - (2) Allowed during business hours only, unless specifically authorized by the City of Indianola as part of an approved sidewalk agreement.
 - (3) Provide proof of public liability insurance for such sign in the amount of \$100,000.00.

2. ACCESSORY BUILDINGS AND STRUCTURES

- A. Intent.** Principal uses specified as permitted uses or special uses for a district shall be deemed to include accessory buildings and uses that are necessary and customarily associated with and are appropriate, incidental, and subordinate to such principal or special exception uses. These accessory buildings and structures include: free standing garages for automobiles, trash enclosures, sheds, play structures, gazebos, free-standing patios, pergolas, trellises, underground shelters, and above-ground and in-ground pools and hot-tubs. It is the intent of these standards herein this section to establish the basic regulations for accessory buildings and structures.
- B. General Provisions.** No accessory structure shall be constructed upon a lot until the construction of the main or principal building has been commenced, and no accessory structure shall be used if the main or principal building has been unused for a period of six (6) months or longer. Accessory buildings shall not be used for dwelling purposes, except for approved accessory dwellings as defined in this chapter.
- C. Applicability.** The following regulations shall apply to all accessory buildings and structures for agricultural uses, single-family dwellings, two-family dwellings, townhouse or row dwellings, and manufactured home parks. Accessory buildings and structures for all other uses shall comply with the regulations and standards as established for principal structures.

D. Location and Setbacks. The following location and setback requirements shall apply to all accessory buildings and structures:

- (1) Accessory buildings and structures shall only be erected to the rear of any principal building. No accessory structure shall be located between any principal building and any street. A detached, private garage may be constructed along the side of a principal building provided that said garage is no closer than ten (10) feet from the principal building and does not extend past the front face of the principal building.
- (2) Accessory buildings and structures shall not be erected within any required buffer or easement.
- (3) When located upon a corner lot, the front yard regulation shall apply to each street frontage and no accessory building or structure shall be located within either of these front yards.
- (4) When located on a double frontage or through lot, the Zoning Administrator shall determine which street frontage serves as the rear yard, which shall generally be the street frontage adjacent to the street with the higher street hierarchy classification and for which no driveway access is provided.
- (5) No accessory building or structure shall be located closer than ten (10) feet from the street right-of-way line of the street located along the designated rear yard as determined by the Zoning Administrator, except that when any vehicle entrance to an accessory building faces the street, said accessory building shall be setback at least twenty (20) feet from the alley line.
- (6) Accessory buildings and structures shall maintain a minimum distance of five (5) feet from any lot lines, alley lines and any adjoining lots, except that when any vehicle entrance to an accessory building faces the alley, said accessory building shall be setback at least twenty (20) feet from the alley line.
- (7) Accessory buildings and structures shall maintain a minimum distance of ten (10) feet from any principal structure. Otherwise, said accessory building or structure must meet the setback standards required of the principal structure.
- (8) All setbacks and building separations shall be measured from the closest building wall face. Horizontal projection including roof-overhangs may not extend into any required setback.

E. Area and Height Limit.

- (1) Accessory buildings and structures shall be limited to a maximum of two (2) total buildings, including a garage, of which all total accessory buildings shall not occupy more than ten (10) percent of the total lot area nor exceed a total square footage of 1,800 square feet. However, this regulation shall not prohibit the construction of at least one garage not to exceed six hundred (600) square feet gross building area and at least one accessory storage building not to exceed one hundred twenty (120) square feet gross building area.

(2) Accessory buildings and structures shall not be taller nor encompass more floor area than the principal structure that is located on the same and shall in no case more than one and one-half (1.5) stories in height and shall not exceed a height of 24-feet.

F. Building Design. Accessory buildings shall match the architectural style and design of the principal structure. The exterior building materials (siding and roofing materials) shall also be similar and of identical quality as that found on the principal structure.

G. Exempt Structures. Accessory structures of eighty (80) square feet or less, no taller than twelve (12) feet, and of a movable design, plus ground mounted play structures no taller than ten (10) feet with a footprint of no more than 400 square feet, shall be exempt from permit requirements. These structures must conform to all setback requirements. The square footage of these structures shall be included in the maximum cumulative area requirements of this Chapter.

3. ANTENNAS, SATELLITE DISH ANTENNAS, AND TOWERS (NOT INCLUDING WIRELESS TELECOMMUNICATIONS FACILITIES).

The following standards shall apply to all antennas, satellite dish antennas, and towers that are not part of a wireless telecommunications facility:

- A. Freestanding antennas, satellite dish antennas, and towers uses shall comply with the height restrictions and setback requirements for accessory buildings and structures.
- B. Antennas, satellite dish antennas, and towers attached to a principal building or structure shall comply with the height restrictions and setback required of that principal building or structure for the zoning district in which it is located.
- C. No satellite dish antenna, radio or TV antenna, or related tower use shall be permitted within any front or side yard or attached to the front wall or face of any building or structure, unless the property owner can adequately demonstrate to the satisfaction of the Zoning Administrator that it is not physically possible to locate the antenna or satellite dish antenna within the confines of the rear yard and obtain a signal.
- D. No satellite dish antenna with a dish diameter greater than three (3) feet or height greater than fifteen (15) feet shall be permitted in any residential zoning district. Satellite dish antennas shall be located and screened as practical from view of all adjoining residential uses and public streets.

4. FENCES AND WALLS

A. Residential Districts.

- (1) In all residential zoning district, fences and walls not exceeding six (6) feet in height are permitted within the limits of side and rear yards. Fences and walls are permitted in the front yard with a maximum height of forty-eight (48) inches. All fences and retaining walls within a front yard shall be a minimum of two (2) feet from any property line abutting frontage to a public street and shall be subject to the restrictions and standards herein this section. All fences located between the front property line and the front yard building setback, shall be designed with a minimum

open space of forty percent (40%). Retaining walls shall be the only type of wall allowed within a residential front yard.

- (2) Any yard abutting a public street shall be considered a front yard. Residential corner lots contain two (2) front yards, and any fence extending into either front yard shall be a maximum of forty-eight (48) inches in height and shall be subject to all other requirements for front yard fences.
- (3) On through lots or double frontage lots, a privacy type fence not exceeding six (6) feet in height may be placed within the designated rear yard, as determined by the Zoning Administrator, provided it is a minimum of ten (10) feet from the street right-of-way line.
- (4) Fences and walls shall be built wholly on the owner's property.

B. Industrial and Commercial Districts.

- (1) In industrial zoning districts, fences and walls not exceeding eight (8) feet in height are permitted within the limits of the side and rear yard.
- (2) Fences within a commercial district, within the front yard of an industrial district, or exceeding eight (8) feet in height in industrial districts, may be permitted by special exception of the Board of Adjustment or by City Council approval as part of a site plan application.
- (3) As part of a sidewalk use agreement or any other outdoor seating area, fences not exceeding four (4) feet in height are permitted, and shall be constructed of wrought iron, aluminum, wood, polyvinyl chloride (PVC).
- (4) Fences and walls shall be built wholly on the owner's property.

C. Decorative Features. In all districts, decorative features such as individual posts, brick or stone columns, and similar features constructed as part of a fence or wall shall be allowed to exceed the maximum fence height by no more than twelve (12) inches.

D. Swimming Pool Enclosures. Barriers constructed for the purpose of enclosing a swimming pool, shall also be subject to the requirements of this chapter.

E. Fence Frames. The frame of a fence, including posts, rails, and supports shall be placed on the inside of the fence and facing towards the property on which the fence is erected.

F. Retaining Walls.

- (1) Retaining walls shall be set back from the property line one foot (1') for every one foot (1') of height.
- (2) Retaining walls which are six (6) or more feet in height shall be structurally engineered. No single wall face shall be greater than six feet (6') in height without terraces to break up the wall expanse. A minimum one foot (1') of terrace shall be used for each two feet (2') of wall height. Each terrace shall contain vegetation. The design specifications, elevations and site plan

showing the exact location of the wall shall be provided along with the required building permit application to the Zoning Administrator.

G. Materials and Maintenance.

(1) Allowed Materials.

- a. Fences are to be constructed of customarily used materials such as chain-link, wrought iron, aluminum, wood, polyvinyl chloride (PVC), and other similar materials, unless specified otherwise herein. Wood fences should be constructed of treated lumber, cedar, redwood, or similar types of wood that are resistant to decay.
- b. The use of materials such as corrugated or sheet metal, chicken wire, woven wire, temporary construction fencing, snow fencing, or similar materials shall not be permitted for permanent fencing. A fence shall not be constructed or covered with: paper sheets or strips; cloth or fabric tarps, sheets, or strips; plastic or vinyl tarps, sheets, mesh, or strips; metal siding or panels not originally designed or intended as fencing material; bamboo; reed; or plywood sheeting. Chain-link or woven wire type fences shall not include plastic or wood slats or strips, bamboo, or reed. All fences must be of an earth tone, neutral, or natural color such as white, black, gray (silver), tan, brown, green. Bright or fluorescent colors are not permitted. Pictures, images, lettering, logos, graphics, or artwork are not permitted on fences.
- c. An exception may be approved by the Zoning Administrator for sun and/or wind screen material applied to fences directly associated with a sports or recreation facility such as tennis court fences, baseball field fences, or basketball courts, subject to the provisions of this chapter. An exception also may be approved by the Zoning Administrator for mesh screen material associated with a commercial or industrial site.
- d. **Walls and Retaining Walls.** Walls and retaining walls are to be constructed of brick, stone, textured concrete, precast concrete, tile block, etc., and shall not be painted. Pictures, images, lettering, logos, graphics, or artwork are not permitted on walls unless part of an approved and permitted sign in accordance with the City's Sign Regulations.

(2) Prohibited Materials. A fence or wall may not be designed to cause pain or injury to humans or animals. Therefore, the use of spikes, broken glass, barbed wire, razor wire, nails, electrical charge or other similar materials shall be prohibited.

(3) Construction and Maintenance. All fences shall be constructed in a sound and sturdy manner and shall be maintained in a good state of repair, including the replacement of defective parts, painting, and other acts required for maintenance. The Zoning Administrator after ten (10) days' notice to the owner of the fence, may order the removal of any fence that is not maintained in accordance with the provisions of this Code, and the cost assessed against the property where said fence is located. An extension of time may be granted, upon filing a verified statement that the delay is not a result of any act of the owner.

H. Measuring Fence or Wall Height. The height of a fence or wall shall be determined by a measurement from the ground beneath the fence or wall as follows:

- (1) In a yard abutting a street, the total effective fence or wall height above the finished grade shall be measured on the side nearest the street. Notwithstanding, if a property or premises is lower than an adjacent street, then the height of the fence or wall shall be determined by a measurement from the street grade at a ninety degree (90°) angle from the fence or wall; provided the total vertical measurement from the ground beneath the fence or wall to the top of the fence or wall shall not exceed eight feet (8').
- (2) In any other required yard, the total effective fence or wall height above the finished grade shall be measured on the side nearest the adjacent property.
- (3) On a property line, the fence or wall height shall be measured from the finished grade of the side of the adjacent property.
- (4) Swales and other earth depressions up to six feet (6') wide shall not be used when measuring the fence or wall height.
- (5) Manmade earth berms, terraces, and retaining walls that elevate the fence or wall shall be considered a part of the fence or wall, except in the case of a fence or wall constructed within an industrial zoning district or as otherwise may be required by the City for the purposes of screening.

I. Overland Flowage Easements.

- (1) Fences may encroach into an overland flowage easement providing measures are taken to make certain that the fence does not cause siltation buildup or restrict the water flow.
- (2) Permitted fence material includes chain-link, wrought iron fencing, picket style fencing that is at least thirty percent (30%) open, or other fencing styles that are at least thirty percent (30%) open.
- (3) All fencing shall be elevated a minimum of three (3) inches through the swale part of the easement to allow water flowage.

J. Exceptions to Fence Requirements.

(1) Agricultural Purposes.

- a. In agriculture districts, barbed wire and woven wire fencing may be allowed, subject to a minimum setback of ten (10) feet, provided it is used to contain livestock or to protect crops and plantings.
- b. In agriculture districts, an electrified fence may be allowed subject to a minimum setback of ten (10) feet for the purpose of containing livestock.

- (2) **Industrial Districts.** In industrial districts, fences topped with barbed wire may be allowed by special exception of the Board of Adjustment, provided the barbed wire is not less than six (6) feet above the ground.

- (3) **Recreational Purposes.** Fences associated with the uses of a sports or recreational facility or other similar area, shall not be subject to the height restrictions specified elsewhere in this section, provided that such fence is constructed to maintain a consistency of at least seventy five percent (75%) open space for the full length of the fence and does not impede the required vision clearance. Any such fence is subject to design review and approval of the Zoning Administrator.
- (4) **Governmental Properties.** Fences associated with governmental (federal, state, county, city) facilities and properties.
- (5) **Temporary Fences.** Temporary or seasonal fences, e.g., snow fence, garden fence, are exempt from permitting requirements providing they are not more than four (4) feet in height. Snow fence shall be allowed to be placed from the first day of November through the first day of April of the following year. Snow fence shall not be allowed at any other time of the year, unless it is being placed as safety or construction fencing in accordance with the temporary construction fence requirements of this Chapter.
- (6) **Temporary Construction Fence.** Temporary construction fences, barricades, railings, or other similar fences installed to provide temporary site security and/or safety in conjunction with construction work may be allowed in any district during periods of construction. Any such temporary fences shall be removed upon completion of the construction work.
- (7) **Existing Fence.** Repair of existing, legal but nonconforming fences shall not be subject to the setback or height regulations, if the repair or replacement coincides with the location and height of the existing fence. Complete replacement of an existing fence requires compliance with the terms of this Chapter. Complete replacement shall be defined as the removal or replacement of forty (40) percent or more of the existing fence.

5. NONCONFORMITIES

- A. **Nonconforming Uses.** Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before the Zoning Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner,

except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

- B. Nonconforming Lots of Record.** In any district in which single-family dwellings are permitted the single-family dwelling and customary accessory buildings may be erected as a variance on a single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding that such fails to meet the requirements for area or width or both that are generally applicable in the district where it is located. Yard dimensions and other requirements not involving area or width shall conform to the regulations for the district in which the lot is located. Such variance of area or width shall be permitted only after approval by the Board of Adjustment.
- C. Nonconforming Uses of Land.** Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
- (1) No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
 - (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
 - (3) If any such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
- D. Nonconforming Structures.** Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No such structure may be enlarged or altered in a way which increases its nonconformity.
 - (2) Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
- E. Nonconforming Uses of Structures.** If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this chapter, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

- (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
- (3) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this chapter.
- (4) Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed.
- (5) When a nonconforming use of a structure, or structure and premises in combination is discontinued or abandoned for six consecutive months or for 18 months during any three-year period, the structure, thereafter, shall not be used except in conformance with the regulations of the district in which it is located.
- (6) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

F. Repairs and Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 10 percent of the current replacement value of the building provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening of or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.