

ARTICLE II. GENERAL PROVISIONS**SECTION 30-2 SCOPE OF CHAPTER**

- (A) Minimum Standards
The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the City.
- (B) Existing Easements
It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, or agreements between parties or with any rules, regulations, or permits previously adopted or issued pursuant to laws; provided, however, that where this Ordinance imposes a greater restriction upon the use of structures or premises, or upon the height of structures or premises, or requires larger open spaces than are required by other rules, regulations or permits, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

SECTION 30-3 IN GENERAL

- (A) Except as herein otherwise provided:
- (1) Structures to Conform with Regulations for Each District
The use and height of structures hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such land or structure is located.
- (2) Reduction of Open Space and Density of Population
No lot areas shall be so reduced that the yards and open spaces shall be smaller than is required by this Ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a structure or premises is located.
- (3) Interpretation of Open Space Requirements
No part of a yard or other open space provided about any structure for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space required for another structure.
- (B) In all areas zoned R-1 Single Family Residence, R-1C Single Family Central Residence, and R-2 Two Family Residence, all structures hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal structure on one (1) lot unless otherwise authorized through an approval of a Planned Development.
- (C) Residential accessory structures, unless otherwise specified in other sections of this Ordinance, are permitted in any district, but not until the principal structure is present or under construction.
- (D) Height
Where the Winnebago County Height Limitation Zoning map requires heights less than the maximum height permitted by this Ordinance, the lesser height requirement shall apply.

SECTION 30-4 NONCONFORMING USE REGULATIONS**(A) Nonconforming Uses**

- (1) The existing lawful use of a structure or premises at the time of the enactment of this Ordinance or any amendment thereto may be continued although such does not conform with the provisions of this Chapter for the district in which it is located, but such non-conforming use shall not be extended.
- (2) If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of the same or a more restricted classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use, or a conforming use, such use shall not thereafter be changed to a less restricted use.
- (3) If a nonconforming use of a structure or premises is discontinued for a period of twelve (12) consecutive months, any future use of the structure or premises shall conform to the regulations for the district in which it is located.
- (4) If a premises contains an existing nonconforming use, a conforming use shall not be permitted on that premises until such time that the nonconforming use is discontinued or brought into compliance with the provisions of this Ordinance.
- (5) When a structure containing a nonconforming use is damaged by fire, explosion, act of god or the public enemy to the extent of more than fifty (50) percent of its current total assessed value, it shall not be restored except in conformity with the regulations of the district in which it is located.
- (6) Passage of this Ordinance in no way legalizes any illegal uses existing at the time of its adoption.

(B) Nonconforming Structures

- (1) Structures which were constructed prior to the effective date of this Ordinance which are conforming to the Ordinance as to use but do not conform as to dimensional rules (setbacks, height, separations, etc.) and which are proposed to be altered, are subject to the following requirements:
 - (a) Repairs and improvements of a maintenance nature are allowed.
 - (b) Alterations, additions and expansions which change the exterior dimension of the structure and which conform to the dimensional rules of the Ordinance are allowed.
 - (c) Alterations, additions and expansions which change the exterior dimensions of the structure, and which do not conform to this Ordinance but which do not increase the dimensional non-conformity beyond that which existed before the work commenced, are allowed provided they do not exceed fifty (50) percent of the current total assessed value of the structure for the life time of the structure.
 - (d) No alterations, additions or expansions may occur which will increase the dimensional non-conformity.

- (2) If a two family dwelling, nonconforming in dimension only, is damaged or destroyed to an extent greater than fifty (50) percent of its assessed value, it may be restored or rebuilt, provided the lot has a minimum width of forty-five (45) feet and the structure conforms to setback, building area, and height regulations of the district in which it is located, and provided reconstruction begins within twelve (12) months from the date it was damaged or destroyed.
- (3) If a single family dwelling, nonconforming in dimension only, is damaged or destroyed to an extent greater than fifty (50) percent of its assessed value, it may be restored or rebuilt, provided the structure conforms to setback and height regulations of the district in which it is located.

(C) Nonconforming Parking/Loading Facilities

A structure or use existing lawfully at the time this Zoning Ordinance became effective, but which does not conform with the off-street parking or off-street loading regulations, may be occupied by the existing use without such parking and/or loading facilities being provided. Any parking spaces that may be provided shall be in accordance with the regulations set forth in Section 30-36. Whenever a structure or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty (50) percent or more in floor area, or in the area used, said structure or use shall then and thereafter comply with the parking requirements set forth herein.