

1206.05 NONCONFORMING USES/STRUCTURES/LOTS

(e) Nonconforming Uses. Nonconforming uses shall be subject to the following standards:

(4) Damage or destruction.

A. Except as otherwise expressly permitted in division (e)(4)B. of this section, if any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than fifty percent of its fair market value prior to the destruction, such use shall not be restored except in conformance with this Code. The determination of such reduced value shall be made by the Board of Zoning and Building Appeal, which may, if necessary, consult with a City-appointed appraiser.

B. A structure devoted solely to a nonconforming single-family dwelling or two-family residential use that is damaged or destroyed by any means ~~by fire, earthquake or other act of God,~~ may be reconstructed so as not to exceed ~~40~~ 150 percent of the gross floor area of the previous structure as used before such event of damage or destruction. All reconstruction of the structure must be completed within two years following the event of damage or destruction, shall not increase the degree of nonconformance or noncompliance existing prior to such damage or destruction, and shall otherwise be in conformance with this Code.