

Ordinance #850

AN ORDINANCE TO AMEND AVA CODE OF ORDINANCES CHAPTER 110 ZONING, SECTION 234 NONCONFORMING BUILDING MAINTENANCE; ALTERATIONS; ENLARGEMENTS; RESTORATION; EXCEPTIONS.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF AVA, MISSOURI,

Section 1. That section 110-234 of the Code of Ordinances, City of Ava, Missouri, is hereby amended to read as follows:

Sec. 110-234. Nonconforming building maintenance; alterations; enlargements; restoration; exceptions.

(a) *Maintenance.* Maintenance and minor repairs necessary to keep a nonconforming building in sound condition, as may be required by law, shall be permitted.

(b) *Alterations.* In no case shall a nonconforming building be structurally altered unless the alteration will have the effect of, or actually result in, eliminating the nonconforming use.

(c) *Enlargements.* A nonconforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use. No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.

(d) *Restoration.* When a nonconforming building is damaged by fire, explosion, act of God or the public enemy, to the extent of more than 50 percent of its structural value, it shall not be restored except in conformity with the district in which it is located.

(e) *Exceptions.* Where a legal non-conforming lot of record created by plat has less width or lot area than this ordinance requires, the district standards shall not prohibit the reconstruction of a building to the original footprint of the dwelling, provided such reconstruction is necessary due to fire, explosion or other casualty, act of God, or the public enemy. The owner must apply for a building permit within two years of the original destruction. All other standards of the applicable zoning district must be met. If the lot was established in violation of regulations in effect at the time of its creation and remains in violation of current regulations, then it does not have the status of a buildable lot.

This ordinance shall take effect and be in force from and after its passage and approval by the Board of Aldermen of the City of Ava, Missouri. All ordinances or parts of ordinances in conflict with the terms hereof are void and of no effect.

Passed and approved this 26th day of January, 2010.

Reviewed and approved as to form by City Attorney _____

Larry Tyrrell

Leon Harris, Mayor

Attest:

Marilyn Alms, City Clerk