Planning & Zoning Committee Minutes  
March 21, 2012  
Special Meeting 9:15 A.M.  
Carl C. Frederick Administration Building  
Conference Room #126

Present: Doug Richmond, Harlan Baumgartner, Debra L. Healy Wopat

Staff: John Bluemke, Randy Thompson, Susan Runnion

Also Present: Mark Roffers – Vandewalle & Associates

Meeting called to order at 9:15 am by Chair Doug Richmond.

Mr. Bluemke reviewed the language amendments for the proposed Zoning Code Amended Public Hearing Copy dated December 6, 2011. Amendments include the following:

Section 16-125-020A-5  Delete as this is a repeat of 4, renumber 6 to 5

Section 16-125-200N  Delete “Floodplain No. II”

Section 16-130-060D-5- a-8)  Delete “on” and Insert “one”

Section 16-135-040  Delete “section” and Insert new verbiage below:

A. **Continuation of structure:** Any lawful nonconforming structure existing at the time of the adoption or amendment of this chapter may be continued, although its size or location does not conform to the dimensional provisions of this chapter but shall comply with the following provisions:

1. A property owner claiming a legal nonconforming structure and exemption from applicable regulations shall provide by clear and convincing evidence that;
   a. The structure was legally established;
   b. The structure predated zoning provisions with which it does not comply, and
   c. The structure was established prior to the adoption of such provisions.

2. Maintenance and repair: Ordinary maintenance and repairs to a lawful nonconforming structure are permitted, including repairs reasonably necessary to prevent the deterioration of a structure, remodeling of a nonconforming structure, and necessary nonstructural repairs and alterations which do not extend or enlarge the nonconforming structure. Ordinary maintenance and repairs include painting; decorating; the installation or replacement of heating, electricity, or plumbing systems; the installation or replacement of drywall, plaster paneling or acoustical ceilings, replacement of shingles and roof sheathing, replacement of doors, windows and other nonstructural components.

3. Structural repairs, alterations, and expansions to non-conforming structures are not allowed, except as provided in 4 below.

4. Nonconforming structures which are damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation on or after March 1, 2006 may be reconstructed if the structure will be restored to the size, location, and use that it had immediately before the damage or destruction occurred provided:
a. Damage which is due to an intentional act or due to general deterioration or dilapidated condition, may not be reconstructed except in conformance with standards of this chapter and other applicable codes;

b. The owner must establish the specific extent of the damage to a structure and its improvements;

c. Repair and reconstruction are limited to that part of the structure and its improvements that were actually damaged and similar building materials are employed;

d. Repair and reconstruction are in compliance with all other provisions of applicable ordinances; if necessary for the structure to comply with applicable state or federal requirements, the structure may be larger than the size it was immediately before the damage or destruction, and

e. Nonconforming structures located within a floodplain district shall comply with standards of Title 16 Chapter 400.

5. The use of the structure is limited to uses permitted within the zoning district(s) applicable to the subject property.

6. A zoning permit is first obtained per Section 16-150-080.

B. **Effect of modifications to make structure conforming:** When any lawful nonconforming structure in any district is modified so as to be in conformance with the provisions of this chapter, any future modification of said structure shall also be in full conformance with the provisions of this chapter.

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**Motion by Vice Chair Baumgartner to amend Zoning Code Amended Public Hearing Copy dated December 6, 2011 Section 16-135-040 along with other revisions.**

Seconded by Debra L. Healy Wopat.

Motion carried unanimously.

**Motion by Debra L. Healy Wopat to adjourn meeting.**

Seconded by Vice Chair Baumgartner.

Motion carried unanimously.

Meeting adjourned at 9:23 AM.

Respectfully submitted,

[Signature]

Debra L. Healy Wopat, Acting Secretary
Planning & Zoning Committee

[Signature]

Recorded by
Susan Runnion
Office Administrator

cc: Planning & Zoning Committee
Robert R. Westby, County Board Chair
Andy Ross, County Board Vice Chair
Susan Moll, County Clerk