

SECTION 8 - NONCONFORMING BUILDINGS, STRUCTURES AND USES

8.01 Statement of Purpose: The purpose of this section is to provide for the regulation of nonconforming uses, buildings, structures, and to specify those circumstances and conditions under which those nonconforming buildings, structures, and uses may be continued.

8.02 Nonconforming Buildings, Structures and Uses: Any nonconforming building, structure, or use which existed lawfully at the time of the adoption of this ordinance and which remains nonconforming, and any such building, structure, or use which shall become nonconforming upon the adoption of this ordinance or of any subsequent amendment thereto, may be continued only in accordance with the regulations which follow:

- A. **Repairs and Alterations:** Ordinary repairs and alterations may be made to a nonconforming building or structure, provided that no structural alterations shall be made in or to such building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law, or except to make the building or structure, and use thereof, conform to the regulations of the district in which it is located.
- B. **Additions and Enlargements:**
 - 1. A nonconforming building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to or enlarged in any manner unless such nonconforming building or structure, and use thereof, including all additions and enlargements thereto is made to conform to all the regulations of the district in which it is located.
 - 2. A nonconforming building or structure, which is nonconforming only as to bulk, shall not be added to or enlarged in any manner unless such additions and enlargements thereto are made to conform to all regulations of the district in which it is located.
- C. **Moving:** No building or structure, which does not conform to all of the regulations of the district in which it is located, shall be moved in whole or in part to any other location unless every portion of such building or structure is moved, and the use thereof is made to conform to all regulations of the district into which it is moved.
- D. **Restoration of Damaged Nonconforming Building:** A building or structure, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence will exceed fifty percent (50%) of the cost of restoration of the entire building or structure new, shall not be restored unless said building or structure, and the use thereof, shall conform to all regulations of the district in which it is located. In the event that such damage or destruction is less than fifty percent (50%) of the cost of restoration of the entire building or structure new, no repairs or reconstruction shall be made unless such restoration is started within one year from the date of the partial destruction and is diligently prosecuted to completion.
- E. **Discontinuance of Use of Nonconforming Building or Structure:** A building, structure, or portion thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is vacant, unoccupied, and not used on the effective date hereof or thereafter becomes vacant and remains unoccupied, or is not used for a continuous period of one year, shall not thereafter be occupied or used except by a use which conforms to the use regulations of the district in which it is located.
- F. **Expansion of Use in Nonconforming Building or Structure:** The nonconforming use of a

part of a building or structure may be expanded within the building or structure in which said use is presently located, but no changes or structural alterations shall be made unless such changes or structural alterations, and the use thereof, conform to all the regulations of the district in which the building or structure is located.

- G. Change of Use in Nonconforming in Building or Structure: The nonconforming use of a building or structure may be changed to any other nonconforming use allowed within the same or more restrictive zoning district that allows the existing nonconforming use; but no change shall extend or otherwise modify any provision made in this ordinance for elimination of such nonconforming building or structure, and the use thereof.

8.03 Nonconforming Use of Buildings or Structures: The lawfully existing nonconforming use of part or all of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, may be continued subject to the following provisions.

- A. Expansion of Nonconforming Use: The nonconforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure, nor changed to any other nonconforming use.
- B. Discontinuance: If a nonconforming use of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, is discontinued for a period of six (6) months, it shall not be renewed, and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises is located.
- C. Change of a Nonconforming Use: No nonconforming use shall be changed to another nonconforming use when such nonconforming use is located in a building or structure, all or substantially all of which building or structure is designed or intended for a permitted use.

8.04 Nonconforming Use of Land: The nonconforming use of land not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, may be continued subject to the following provisions.

- A. Expansion: A nonconforming use of land shall not be expanded or extended beyond the area it occupies.
- B. Discontinuance: If a nonconforming use of land is discontinued for a period of three (3) consecutive months, it shall not thereafter be renewed, and any subsequent use of land shall conform to the regulations of the district in which the land is located.
- C. Change of Use: A nonconforming use of land may be changed to any other nonconforming use allowed within the same or more restrictive zoning district that allows the existing nonconforming use.

8.05 Non-Conforming Lots of Record

In any district in which single family dwellings are permitted, notwithstanding other limitations imposed by other provisions of this code, a single family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this code subject to the following conditions:

1. Land coverage may not exceed 30%.

2. Height of the structure may not exceed two and one-half (2-1/2) stories or twenty-five (25) feet, whichever is lesser. The height will be measured from the center of the front lot line and the average grade measured from front to rear of the lot.
3. Side yards may be reduced by the same percentage the area of such lot bears to its zone district requirements, provided no side yard shall be less than five (5) feet.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are on record at the time of passage or amendment of this code, and if all or part of the lots do not meet the requirements for lot width and area as established by this code, the lands involved shall be considered to be an undivided parcel for the purposes of this code, and no portion of the parcel shall be used or sold which does not meet lot width and area requirements established by this code, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this code.