

ARTICLE 4

NON-CONFORMING USES

SECTION 400 PURPOSE

Lawful existing uses which would be prohibited or restricted under the terms of this Ordinance, or future amendments, and which do not conform to the regulations of the district in which they are located, shall be subject to certain limitations. The regulations set forth below are intended to provide a means whereby nonconforming uses can be gradually eliminated and re-established in more suitable locations throughout the jurisdiction.

SECTION 410 CONTINUANCE & ALTERATION OF NONCONFORMING USES

1. Expansion

If a lawful use of land, structure, or land and structure in combination exists on the effective date of adoption or amendment of this Ordinance that would not be permitted in the district under the terms of this Ordinance, that use may be continued pursuant to requirements listed herein and subject to the following provisions:

- a. No existing land or structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of land or structure to a use permitted in the district in which it is located.

2. Extension

Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, but shall not be expanded to occupy any land outside such building.

3. Change in Use

- a. A nonconforming use of a lot or structure may not be changed to another nonconforming use. Change of use for nonconforming uses shall be limited to those uses permitted by right in the district in which the nonconforming lot or structure is located, or to those uses allowed by Special Exception. Once a nonconforming use is changed to a conforming use, it shall not thereafter be changed to a nonconforming use.
- b. Any land, structure, or land and structure in combination in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such land or structure is located, and the nonconforming use may not thereafter be resumed.

4. Repair

A nonconforming parcel may be maintained, and a nonconforming structure may be repaired or maintained; provided, however, that no nonconforming parcel or structure may be altered in a way which increases its nonconformity, but any parcel, structure, or portion thereof, may be altered to decrease its nonconformity.

5. Damage, Destruction, or Razing

- a. Any nonconforming structure damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if such reconstruction is undertaken within eighteen (18) months of such casualty, and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty.
- b. If a nonconforming structure is voluntarily razed by the property owner, or if a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

SECTION 420 DISCONTINUANCE OR ABANDONMENT

When a nonconforming use of land, structure, or land and structure in combination is discontinued or abandoned for twelve (12) consecutive months, the structure, land, or structure and land in combination shall not thereafter be used except in conformance with regulations of the district in which it is located.

SECTION 430 NON-CONFORMING LOTS OF RECORD

- 1. Any lot of record existing at the effective date of this Ordinance and at that time held in separate ownership different from ownership of adjoining lots may be used for the erection of a structure, even though the lot area, road frontage, and lot width are less than the minimum requirements of this Ordinance, as long as all other regulations contained in this Ordinance are met.