

500 Article V NONCONFORMING USES AND STRUCTURES

501 INTENT AND PURPOSE

The following regulation shall control lawful nonconforming use of lots, buildings, and structures in existence at the time of the passage of this ordinance. It is the purpose of this Article to permit legal nonconforming lots, structures, and uses to continue until they are removed or discontinued, and to provide for their maintenance and repair but not their expansion, enlargement, extension or other alteration which in any way increases its nonconformity, except as otherwise provided by the Article.

502 NONCONFORMING LOTS

A nonconforming use of a lot existing at the effective date of this Ordinance may be continued; provided, however, that no such nonconforming use of land shall be in any way expanded or extended either on the same or adjoining property. Any nonconforming lot of record on the date this Ordinance was adopted will still be considered a buildable lot for the construction of a single-family dwelling and accessory buildings. The dimensional requirements of this ordinance, other than lot area and width requirements, must be met for such a lot to be considered buildable under this section.

503 NONCONFORMING USES OF LAND

If a lawful use on a parcel of land exists that becomes nonconforming under the terms of this Ordinance, that use may be continued, so long as it remains otherwise lawful, and is neither expanded nor extended on the same or adjoining property. A nonconforming building may change from one nonconforming use to another nonconforming use, as long as no structural alterations are made to that building, and the new use is of the same or more restricted classification than the original nonconforming use.

504 NONCONFORMING STRUCTURES

Nonconforming structures may be continued so long as they remain otherwise lawful, subject to the following provisions:

- A) **Alterations of Nonconforming Structures.** Alterations to a nonconforming structure are permitted, however no nonconforming structure may be enlarged, altered, or enclosed in a way which increases its nonconformity.
- B) **Damage or Destruction of a Nonconforming Structure.** Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its assessed value it shall not be restored unless in conformity with the regulations of this Ordinance applying to the district in which that building is located. A building that has lost less than fifty percent (50%) or less of its assessed value may be repaired, but any repair or reconstruction must be completed within one (1) year of the date damage occurs.
- C) **Re-location of a Nonconforming Structure.** Should such structure be moved, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

- D) **Maintenance of a Nonconforming Structure.** A nonconforming building may be maintained in the ordinary course. This Ordinance does not prevent the strengthening or restoration of any building to ensure that the building is in a safe condition upon the order of any official charged with protecting the public safety.
- E) **Change in tenancy, ownership, or management** of any nonconforming use or building is permitted, as long as there is no change in the nature or character of the nonconforming use.

505 ABANDONMENT OF NONCONFORMING USE

The discontinuance of any building, structure, or premises through vacancy, lack of operation, destruction by fire, wind, collapse, explosion, Acts of God, acts of the public enemy, or otherwise to an extent of more than fifty percent (50%) of the assessed value for a period in excess of one (1) year shall be presumed to demonstrate an intent to abandon that use. Any future use of said building, structure or premises shall conform in its entirety, to the provisions of this Ordinance. If, however, they cannot conform in its entirety, the Zoning Board of Appeals may, upon application within thirty days of the termination of said period, permit the resumption of such nonconforming use. A fee will be required.