

TITLE XXV-NON-CONFORMING BUILDINGS, USES & LOTS

SECTION 1: Continuation:

Any lawful building or other structure, or any lawful use of a building or other structure or land, existing on the effective date of this Zoning Ordinance, which does not conform with the provisions of this Zoning Ordinance, shall be considered a lawful non-conforming building, structure or use, and may be continued, except as otherwise herein provided.

SECTION 2: Maintenance Permitted:

Any non-conforming building, use or lot may be maintained, except as otherwise provided in this TITLE.

SECTION 3: Repairs and Alterations:

Repairs and minor alterations may be made to a non-conforming building, structure, use or lot, provided that no enlargements shall be allowed for a change of use unless said change of use is permitted by this Zoning Ordinance, as amended from time to time.

SECTION 4: Additions, Enlargement or Moving:

- A. A building, structure, use or lot non-conforming as to regulations for use or lot area per dwelling unit shall not be added to or enlarged in any manner unless such building, structure, use or lot, including any addition or enlargement, is made to conform to the use and/or area per dwelling regulations of the Zoning District in which it is located.
- B. A building, structure, use or lot non-conforming as to height or yard regulations shall not be added to or enlarged in any manner unless such addition conforms with all other regulations of the Zoning District and does not further exceed those height and/or yard requirements responsible for the non-conforming status.
- C. Wherever a non-conforming building, structure, use or lot has been changed to a conforming use, such conforming use shall not thereafter be changed to a non-conforming use.

SECTION 5: Restoration: (Amended December, 1990 No. 520)

Any lawful non-conforming building or other structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm, or other similar active cause, may be reconstructed in the same location, provided that:

- A. The reconstructed building or structure shall not exceed the height, area, or volume of the damaged or destroyed building or structure, except as provided in Section 2 of this TITLE, herein:
and
- B. Reconstruction shall begin within six (6) months from the date of damage or destruction and shall be carried on without interruption;
- C. Must meet minimum setback requirements existing in the area.

SECTION 6: Abandonment:

- A. If a lawful non-conforming use of a building or other structure is abandoned or discontinued for a continuous period of six (6) months or more, or if a lawful non-conforming use of land is abandoned or discontinued for a continuous period of six (6) months or more, subsequent use of such building or structure or land shall be in conformance with the provisions of this Zoning Ordinance, as amended from time to time.
- B. Whenever a non-conforming use dependent on seasonal trade has been discontinued for a period of one (1) year, such use shall not thereafter be established and any future use shall not be in conformity with the provisions, of this Zoning Ordinance, as amended from time to time.

SECTION 7: Amortization of Non-conforming Uses: (Amended Dec, 1990 No. 520)

The non-conforming use of land where no building is involved or any non-conforming billboard not attached to a building, or any advertising device lawfully existing immediately prior to the adoption of this Zoning Ordinance, shall be discontinued within three (3) years from the date of its passage.

SECTION 8: Lots Non-conforming as to area and width regulations and lots of unusual dimensions. (Amended December, 1990 No. 520)

- A. When authorized as a variance, a building may be erected or altered on any lot held in single and separate ownership on the effective date of this Zoning Ordinance which is not of the required minimum area or width or is of such unusual dimensions that the owner would have difficulty in providing the required open spaces for the Zoning District in which the lot is situated.
- B. Where two (2) or more contiguous undeveloped lots are held in single ownership, within a subdivision which has been duly recorded prior to the effective date of this Zoning Ordinance, which lots are individually not of the required minimum area or width for the Zoning District in which they are situated, no special exception shall be required for the issuance of building permits, provided that such lots shall be developed in groups or fractions thereof, as single lots, to provide the minimum lot frontage required for each structure.
- C. Must meet minimum setback requirements existing in the area.
- D. **Recorded lots less than minimum area:** Lots of record at the time of the enactment of this Ordinance, which have less than the minimum area requirements for Residential Zoning Districts may nevertheless be used for any use permitted therein, except that for dwellings, the lot must have a width of at least fifty (50) feet, and an area of at least five thousand (5,000) square feet.

SECTION 9: Non-conformance due to re-classifications:

The provisions of this TITLE shall also apply to buildings, structures, land or uses which hereafter become non-conforming due to any re-classification of Zoning Districts under this Zoning Ordinance, or any subsequent change in the regulations of this Zoning Ordinance, as amended from time to time, and any time periods specified for discontinuance of non-conforming uses shall be measured from the date of such re-classification or change.