

ARTICLE IX

NONCONFORMING BUILDINGS, STRUCTURES AND USES

Section 900.0 *Nonconforming Use of Buildings and Land Not Affected by Zoning*

The lawful use of any dwelling, building or structure and of any land or premises, as existing and lawful at the time of the effective date of this resolution or any amendment thereto, may be continued, although such use does not conform with this resolution or amendment, but if any such nonconforming use is voluntarily discontinued for two (2) years or more, any future use of said land shall be in conformity with the provisions of this resolution or amendment thereto.

Section 901.0 *Reasonable Terms*

The completion, restoration, reconstruction, extension, or substitution of nonconforming uses shall be considered upon such reasonable terms as set forth in this resolution.

Section 902.0 *Completion*

The construction of any dwelling, building or structure which commenced prior to the effective date of this resolution or amendment thereto, and for which a zoning certificate has been lawfully obtained, may be continued and completed, although such use does not conform with this resolution or amendment. Construction is hereby defined as the placing of construction materials in permanent position and fastened in a permanent manner. Construction must be completed within two (2) years of the effective date of this resolution or amendment thereto for the building or structure to be a lawful nonconforming use as provided in section 900.0 of this resolution. A building or structure shall be deemed complete for purposes of this section only upon issuance of an occupancy permit by the appropriate building authority.

Section 903.0 *Restoration*

On any nonconforming building or structure, or portion of a building or structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the square footage existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building, structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 904.0 *Repair and Replacement*

- A. If fifty percent (50%) or more of a building or structure occupied by a nonconforming use is damaged or partially destroyed by any cause, as determined by the zoning inspector, the right to maintain and continue to operate such nonconforming use shall terminate immediately.
- B. If fifty percent (50%) or more of a nonconforming building or structure is damaged, partially destroyed or otherwise becomes substandard pursuant to the applicable

provisions of the county or state building code as determined by the zoning inspector, the right to repair or replace such nonconforming building or structure shall terminate immediately.

- C. The repair or replacement of a substandard, damaged or partially destroyed building or structure shall be completed within two (2) years of the date of such determinations by the zoning inspector.

Section 905.0 Reconstruction

- A. Should a nonconforming building or structure or nonconforming portion of a building or structure be totally destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this resolution.
- B. Should a building or structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 906.0 Extension

- A. No lawful nonconforming building or structure may be enlarged, altered or relocated in a way which increases its nonconformity, but any building, structure or portion thereof, may be altered, or relocated to decrease its nonconformity.
- B. No lawful nonconforming uses shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time of the effective date of this resolution or any amendment thereto.
- C. No lawful nonconforming uses shall be moved in whole or in part to any portion of the lot or property other than that occupied by such uses at the time of the effective date of this resolution or any amendment thereto.
- D. No additional building or structure not conforming to the requirements of this resolution or any amendment thereto shall be erected in connection with such nonconforming use of land.
- E. No existing building or structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the building or structure to a use permitted in the district in which it is located.
- F. Any nonconforming use may be extended throughout any parts of a building or structure which were manifestly arranged or designed for such use at the time of the effective date of this resolution or any amendment thereto, but no such use shall be extended to occupy any land outside such building or structure.
- G. Any building or structure, or building or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use shall not thereafter be resumed.

Section 907.0 Substitution

A nonconforming use may be substituted for a lawful nonconforming use provided that such use is of the same kind and character as the prior lawful nonconforming use and does not result in an increase in noise, pollution, traffic, dwelling units or in the number of persons using the property.

Section 908.0 *Nonconforming Lot of Record*

In any zoning district, a building, structure, or use, as permitted herein, shall be allowed on any lot of record with a lot area or lot width less than the minimum prescribed herein, which meets all of the following:

1. It was a lot of record prior to enactment of the zoning resolution or amendment thereto which resulted in its nonconformity.
2. It is in conformity with all of the regulations of the zoning resolution or amendment thereto which were in effect at the time it became a lot of record.
3. The amount of nonconformity has not been increased since it became nonconforming.
4. It complies with all other regulations set forth herein, except minimum lot area and minimum lot width.