

## CHAPTER 24

### NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, AND NON-CONFORMING USES OF STRUCTURES AND PREMISES.

#### 24.1 NON-CONFORMING LOTS OF RECORD.

Where a lot has a less width or less area than herein required and was a lot of record prior to the effective date of this Ordinance, such lot may be occupied by any residential use permitted in said Residential District.

#### 24.2 NON-CONFORMING USES OF LAND.

If at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the term of this Ordinance as enacted or amended, such use may be continued subject to the following provisions:

- (1) No non-conforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied by such use at the effective date of adoption of this Ordinance.
- (2) No non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- (3) If any non-conforming use of land ceases for any reason for a period of more than six (6) consecutive months, any subsequent use of land shall conform to regulations specified by this Ordinance for the district in which the land is located, except that a twelve (12) month period of discontinuance shall apply to uses which are dependent upon seasonal trade and which are customarily closed for the greater portion of the year's time.

#### 24.3 NON-CONFORMING STRUCTURES.

If a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could be built under terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued subject to the following provisions:

- (1) No non-conforming structure may be enlarged or altered in a way which increases its non-conformity.

- (2) If a non-conforming structure is destroyed by any means to an extent of more than 60 percent of its replacement cost at time of destruction, it may not be reconstructed except in conformity with the provisions of this Ordinance.
- (3) If a non-conforming structure is 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.

#### 24.4 NON-CONFORMING USES OF STRUCTURES.

If a lawful use of structure, or of structure and premises in combination, exists at the effective date of the adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, that use may be continued subject to the following provisions:

- (1) No existing 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 the structure to a use permitted in the District in which it is located.
- (2) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- (3) If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided the proposed use is equally appropriate to the District than the existing non-conforming use.
- (4) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the District in which such structure is located, and the non-conforming use may not thereafter be resumed.
- (5) When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- (6) Where a non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

24.5 REPAIRS AND MAINTENANCE.

On any building devoted in whole or in part to any non-conforming use, work may be done provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

24.6 USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NON-CONFORMING USES.

Any use for special exception is permitted in this ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.