

ARTICLE 25: NON-CONFORMITIES

Section 2501: Intent and Purpose

Within the Districts established by this Resolution or amendments that may later be adopted, there exist Lots, Structures, or Uses of land and Structures which were lawful before this Resolution was passed or amended, but which would be prohibited or more restricted under the terms of this Resolution or amendments thereto. It is the intent of this Resolution to permit these non-conformities to continue until they are removed.

Section 2502: Nonconforming Lots

In any District in which single-family Dwellings are permitted, a single-family Dwelling may be erected on any single Lot of official record at the effective date of adoption of this amendment. This provision shall apply even though such Lot fails to meet the requirements for area or width, or both, that are generally applicable in the District. Yard dimensions and requirements other than those applying to area or width, or both, of the Lot shall conform to the regulations for the District in which such Lot is located. Variance of yard requirements from the required standards shall be obtained only through action of the Board of Zoning Appeals.

Section 2503: Nonconforming Uses of Land

Where, at the time of adoption or amendment of this Resolution, lawful Uses of land exist which would not be permitted by the regulations imposed by this Resolution, the Uses may be continued so long as they remain otherwise lawful, provided:

- 2503.01 No such nonconforming nonresidential Uses shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
- 2503.02 Any Nonconforming 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 Resolution.
- 2503.03 No such Nonconforming Uses shall be moved in whole or in part to any portion of the Lot or parcel other than that occupied by such Uses at the effective date of adoption or amendment of this Resolution unless it increases conformity with these regulations.
- 2503.04 If any such Nonconforming Uses of land are voluntarily discontinued for a period of more than two (2) years, any subsequent Use of such land shall conform to the regulations specified by this Resolution for the District in which such land is located.
- 2503.05 Additional Structures not conforming to the requirements of this Resolution shall not be erected in connection with such Nonconforming Use of land.
- 2503.06 Nothing contained in this Section shall in any way prohibit a Nonconforming Use from acquiring additional Off-Street Parking Space.
- 2503.07 No nonconforming Accessory Use shall continue after the Principal Use to which it is necessary has been discontinued.

Section 2504: Nonconforming Structures

Where a lawful Structure exists at the effective date of adoption of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, height, yards, its location on the Lot, or other requirements concerning the Structure, such Structure may be continued so long as it remains otherwise lawful, subject to the following regulations:

- 2504.01 No such Nonconforming Structure may be enlarged or altered in a way which increases its nonconformity, but any Structure or portion thereof may be altered to decrease its nonconformity.
- 2504.02 Should a residential Nonconforming Structure be destroyed, either partially or totally, by any means the Structure or portion of the Structure may be reconstructed to the same size or larger Floor Area provided other applicable provisions of this Resolution are met.

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- 2504.03 Should a nonresidential Nonconforming Structure be destroyed, either partially or totally, by any means the Structure or portion of the Structure may be reconstructed provided the bulk, height, and Floor Area shall not be in excess of those which existed prior to said damage.
- 2504.04 Should such 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.
- 2504.05 To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated Use of any Building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently.
- 2504.06 When a Nonconforming Use of a Structure, or Structure and premises in combination, is voluntarily discontinued or abandoned for more than two (2) years, the Structure or Structure and premises in combination shall not thereafter be used except in conformity with the regulations of the District in which it is located and all other applicable provisions of this Resolution.
- 2504.07 Nothing in this Article shall be deemed to prevent ordinary maintenance and repairs on walls, fixtures, wiring, or plumbing or the restoration to a safe condition any Building or other Structure in accordance with the order of a public official who is charged with protecting the public safety and who declares such Building or other Structure to be unsafe and orders its restoration to a safe condition.

Section 2505: Incompatibilities of Non-Conformities

Non-conformities are declared by this Ordinance to be compatible with permitted Uses in the districts in which such Uses are located. A Nonconforming Use of a Structure, a Nonconforming Use of land, or a Nonconforming Use of a Structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a Building or premises of additional Signs intended to be seen from off the premises, or by the addition of other Uses of a nature which would be generally prohibited in the District in which such Use is located.

Section 2506: Substitutions of Nonconforming Uses

So long as no structural Alterations are made, except as required by enforcement of other codes or ordinances, any Nonconforming Use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another Nonconforming Use of the same classification or of a less intensive classification, or the Board shall find that the Use proposed for substitution is equally appropriate to the District than the existing Nonconforming Use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions shall be considered a punishable violation of this Ordinance. Whenever a Nonconforming Use has been changed to a less intensive Use or becomes a conforming Use, such Use shall thereafter not be changed to a more intensive use.

Section 2507: Certificates for Nonconforming Uses

The Zoning Inspector may upon his initiative, or shall upon the request of the owner, issue a certificate for any Lot, Structure, Use of land, Use of Structure, or Use of land and Structure in combination, that certifies that the Lot, Structure, or Use is a valid Nonconforming Use. The certificate shall specify the reason why the Use is a Nonconforming Use, including a description of the extent and kind of Use made of the property in question, the portion of the Structure or land used for the Nonconforming Use, and the extent that the dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or Structures that are or become nonconforming. No fee shall be charged for this certificate. One (1) copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.