

ARTICLE 7

NONCONFORMING BUILDINGS AND USES

SECTION 7.01 NONCONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this ordinance, a lawful use of land exists that is no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming use shall be enlarged to include additional land area or expanded to include other non-conforming uses.
- B. Any nonconforming use of land discontinued for a period of more than ninety (90) days shall subsequently conform to the requirements of this ordinance.

SECTION 7.02 NONCONFORMING USE OF BUILDINGS

When a lawful building exists at the effective date of this ordinance, or amendment thereto, that could not be built under this ordinance by reason of its location on the lot, lot coverage, height, yard or other characteristics, such structure may be continued subject to the following:

- A. Any structure existing at the effective date of this ordinance, devoted to a use not permitted by this ordinance in the district in which it is located shall not be altered, 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.
- B. When a nonconforming use of a building is vacated or discontinued for six (6) consecutive months, the building shall not be used thereafter except in conformance with the regulations of the district in which it is located.

SECTION 7.03 NONCONFORMING BUILDINGS

Where a lawful structure exists at the effective date of adoption or amending of this ordinance but could not be built under the terms of this ordinance because of its size or height, or because of lot coverage restrictions or yard set back requirements, the structure may nonetheless remain and be maintained subject to these provisions:

- A. No such structure may be enlarged or altered in a way that increases its nonconformity.

- B. A nonconforming building destroyed (defined as a loss of more than 75% of its value or requiring reconstruction from the complete foundation) by act of God or other accidental means may be rebuilt not to exceed its previous nonconformity. Disuse of the property after such a loss shall not be deemed “discontinued” within the meaning of section 7.01b, if repair or rebuilding commences promptly and is carried diligently to completion. a permit for reconstruction of a nonconforming building shall be applied for more than ninety (90) days, nor shall the first inspection under a permit take place more than 180 days after the date of the damage or loss. A nonconforming building demolished or intentionally destroyed by a person with an interest in the property may not be rebuilt except in full conformity with this ordinance.

- C. The size or height of an existing principal or accessory building shall not be deemed to give rise to a nonconformity upon a division of land otherwise in conformity with the law and the other provisions of this ordinance, including without limitation its lot coverage and yard setback requirements.

SECTION 7.04 ILLEGAL NONCONFORMING USES AND BUILDINGS

Those alleged nonconforming uses of land, uses of buildings and buildings which cannot be proved conclusively to have been existing prior to the effective date of this ordinance, or any amendment thereto, shall be declared illegal nonconforming uses of land, nonconforming uses of buildings and nonconforming buildings and shall be discontinued upon written notification from the zoning administrator.