

SECTION 7
NON-CONFORMING USE, BUILDING, STRUCTURE AND LOT
REQUIREMENTS AND LIMITATIONS

7.1 EXISTING NONCONFORMING USES.

Any use of a lot or parcel that: (1) commenced pursuant to or in accordance with previous ordinances, rules, etc.; (2) but does not conform to all of the regulations, requirements, allowances and/or limitations of this Ordinance; and (3) existed on or before the effective date of this Ordinance, shall be deemed to be a legal, nonconforming use.

7.2 EXISTING NONCONFORMING STRUCTURES.

Any building or structure that: (1) was constructed in accordance with previous ordinances, codes, rules, etc.; (2) but does not meet all the regulations, requirements, allowances and/or limitations of this Ordinance; and (3) existed on or before the effective date of this Ordinance, shall be deemed to be a legal, nonconforming building or structure.

7.3 EXISTING NONCONFORMING LOTS AND PARCELS.

An existing lot or parcel of land located in any zoning district that: (1) was created prior to the effective date of this Ordinance; and (2) cannot meet the minimum area, width, frontage, and other dimensional requirements of the zoning district within which that lot or parcel is located shall be deemed to be a legal, nonconforming lot or parcel.

7.4 CONTINUANCE OF USE.

- (1) Whenever any part of a nonconforming building, structure, or parcel occupied by a nonconforming use is changed to or replaced by a conforming use, that building, structure or parcel cannot thereafter be used or occupied by the prior and/or a different nonconforming use, even though the building, structure, or parcel may have been originally designed, constructed, or used specifically for the prior nonconforming use.
- (2) Whenever a nonconforming use of a building, structure, or parcel has been discontinued for a period of twelve (12) consecutive months, such nonconforming use is deemed to have been discontinued and abandoned and shall not be allowed to reestablish or recommence.
- (3) Change in ownership of a nonconforming building, structure, or parcel upon which a legal nonconforming use is established shall not be the basis upon which discontinuance of such nonconforming building, structure, or use is required.
- (4) If a nonconforming building or structure or nonconforming use is damaged or destroyed by any means to the extent of fifty (50) percent or more of the replacement value at that time damage or destruction occurs, the reconstruction and subsequent use of such buildings or structures must be in compliance with the provisions of this Ordinance. In the event the damage or destruction is less than fifty (50) percent of its replacement value, the building or structure may be repaired and the nonconforming use may continue.

7.5 ADDITIONS AND ENLARGEMENTS.

Additions to and the enlargement, extension or expansion of a nonconforming structure or use is allowed provided that no nonconforming structure or use is enlarged, extended or expanded in gross floor area or other measure applicable to such use than fifty (50) percent of such structure or use existing as of the effective date of this Ordinance regardless of whether such enlargement, extension or expansion occurs as a result of one or more successive and cumulative enlargements, extensions or expansions.

7.6 MAINTENANCE AND REPAIR.

Normal maintenance, e.g. painting, and incidental repair of a nonconforming building or structure or use of a building or structure containing a nonconforming use is permitted,

including necessary non-structural repairs and incidental alterations which do not extend or intensify the nonconforming use.