

Article 8 - NONCONFORMING USES

8-1. CONTINUATION OF

- 8-1-1. If at the time of enactment of this ordinance, any legal activity which is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this ordinance, such manner of use or purpose may be continued as herein provided, except that advertising structures that become nonconforming because of a rezoning have six (6) months within which to relocate in a permitted area.
- 8-1-2. If any change in title of possession or renewal of a lease of any such lot or structure occurs, the use existing may be continued.
- 8-1-3. If any nonconforming use (structure or activity) is discontinued for a period exceeding two (2) years after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance.
- 8-1-4. Whenever a nonconforming structure, lot, or activity has been changed to a more limited nonconforming use, such existing use may only be changed to an even more limited use.
- 8-1-5. Temporary seasonal nonconforming uses that have been in continual operation for a period of two (2) years or more prior to the effective date of this ordinance are excluded.

8-2. PERMITS

- 8-2-1. All nonconforming uses shall obtain a zoning permit within sixty (60) days after the adoption of this ordinance. Such permits shall be issued promptly upon the written request of the owner or operator of a nonconforming use.
- 8-2-2. The construction or use of a nonconforming building or land area for which a permit was issued legally prior to the adoption of this ordinance may proceed, provided such building is completed within one (1) year, or such use of land established within thirty (30) days after the effective date of this ordinance.

8-3. REPAIRS AND MAINTENANCE

On any building or structure devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, pilings, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current value of the structure provided that the cubic content of the structure as it existed at the time of passage or amendment of this ordinance shall not be increased. Nothing in this ordinance shall be deemed a structure or part thereof

declared to be unsafe by an official charged with protecting the public safety, upon order of such official. (See also Article 11.)

8-4. CHANGES IN DISTRICT BOUNDARIES

Whenever the boundaries of a district are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this Article.

8-5. EXPANSION OR ENLARGEMENT

8-5-1. A nonconforming structure to be extended or enlarged shall conform with the provisions of this ordinance.

8-5-2. A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this ordinance.

8-6. NONCONFORMING LOTS

Any lot of record at the time of the adoption of this ordinance which is less in area or width than the minimum required by this ordinance may be used when the requirements of the governing body regarding setbacks, side and rear yards are met.

8-7. RESTORATION OR REPLACEMENT

8-7-1. If a nonconforming activity is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five (75) percent of the cost of reconstructing the entire activity or structure, it shall be restored only if such use complies with the requirements of this ordinance.

8-7-2. If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five (75) percent of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this ordinance.

8-7-3. Where a conforming structure devoted to a nonconforming activity is damaged less than seventy-five (75) percent of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than seventy-five (75) percent of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such repair or restoration is started within twelve (12) months and completed within eighteen (18) months from the date of partial destruction.

8-7-4. The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.