



ARTICLE X. - NONCONFORMING USES Sec.

50-303. - Purpose.

- (a) The intent of this article is to provide for the regulation of nonconforming buildings, structures, lots and uses and to specify those circumstances and conditions under which the nonconforming situations shall be permitted to continue. Existing nonconformities are allowed to continue in their present state; however, there are established limitations as to the substitution of a new or different use and the extension or enlargement of the nonconforming situation.
- (b) Provided, however, in the event an existing building has been in a nonconforming status because of being constructed or utilized prior to the adoption of the ordinance from which this chapter is derived, the zoning board of adjustment shall have the authority to grant a variance for such use as requested, regardless of the time involved or the last occupancy, with such restrictions as necessary in order to accomplish the twofold objective of utilizing existing structures and property while at the same time providing safeguards for the surrounding neighborhood.

(Ord. No. 2000-09, exh. A, § 11(intro), 8-8-2000)

Sec. 50-304. - Alteration of nonconforming uses.

- (a) A nonconforming use must not be enlarged, changed, altered, or repaired, except as provided in this section. This section does not prohibit any change or alteration that would bring a nonconforming use into compliance with this chapter or substantially improve the building or property.
- (b) Normal maintenance of a building or a structure containing a nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations not extending the nonconforming use.
- (c) A nonconforming use of a building may be extended throughout a completed building that, when the use became nonconforming, was designated or arranged to accommodate the use, but the use may not be extended to additional buildings or to land outside the building.
- (d) A single-family detached dwelling which is a nonconforming use may be enlarged or replaced with a dwelling if the enlargement or replacement does not violate other zoning regulations applicable to the premises.
- (e) If a lot does not conform to the lot dimensions applicable to that zoning district, the lot may be used for any permitted use in that zoning district if all other zoning regulations are met, unless the nonconforming lot adjoins and has continuous frontage with one or more other undeveloped lots under the same ownership, so that the lots could be replatted to conform to the requirements of the district.

(Ord. No. 2000-09, exh. A, § 11.A, 8-8-2000)

Sec. 50-305. - Changing nonconforming uses.

A nonconforming use may be changed to any use that is in conformance with the uses permitted by right in the district in which it is located. A nonconforming use shall not be changed to any other type of nonconforming use without the prior approval of the zoning board of adjustment, which may grant a change of occupancy from one nonconforming use to another, provided the use is within the same or a more restrictive classification as the original nonconforming use; provided, however, that such nonconforming use and occupancy will not tend to prolong and continue the nonconformity of the use. A nonconforming use, once changed from a less restrictive to a more restrictive classification use, shall not be changed thereafter to a less restrictive classification use, and such prior less restrictive classification use shall be considered abandoned.

(Ord. No. 2000-09, exh. A, § 11.B, 8-8-2000)

Sec. 50-306. - Repairs.

A nonconforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire, explosion, natural disaster, act of God, or other cause. In the case of partial destruction by fire or other causes not exceeding 50 percent of its value, the building official shall issue a permit for reconstruction or replacement providing that the reconstruction or replacement does not violate the zoning regulations applicable to the premises, including the provisions of this article, other than the violations, if any, existing on the premises, including the building or property, prior to reconstruction or replacement. If greater than 50 percent and less than the total value, the zoning board of adjustment may grant a permit for repair after a public hearing and having due regard for the property rights of the persons affected when considered in the light of public welfare and the character of the areas surrounding the designated nonconforming use and the purposes of this chapter as stated herein.

(Ord. No. 2000-09, exh. A, § 11.C, 8-8-2000)



Sec. 50-307. - Abandonment.

When a nonconforming use is abandoned without the intent to resume, the property must only be used thereafter in compliance with this chapter. This section does not apply to properties actively seeking use through transfer of ownership (sale) or use (lease). A use is considered abandoned if the facts show the owner's intent to discontinue the use or activity and the discontinuance of the use continues for one year or more.

(Ord. No. 2000-09, exh. A, § 11.D, 8-8-2000)