

ARTICLE 9

NON-CONFORMING BUILDINGS, STRUCTURES, LOTS, AND USES

Section 9.1 Purpose

This Article describes the status of land or structures and/or the uses of land or structures which were lawful before this law was passed or amended, but which are now prohibited, restricted or substandard. While permitting non-conforming uses, structures and improvements thereto to continue, this Article is intended to limit enlargement, alteration, restoration or replacement which would increase the discrepancy between existing conditions and the development standards prescribed by this Code.

Section 9.2 Continuation of Use

Except as otherwise provided herein, any lawfully established building, structure or land, and any use thereof, existing at the time of the enactment of this Law or amendments thereto may be continued, even though such use does not conform with the provisions of this Code. No unlawful building, structure, lot or land or unlawful use of a building, structure, lot or land existing at such effective date shall be deemed to be a nonconforming building, structure, lot, parcel of land, or use.

Section 9.3 Change of Use/Abandonment

- A.** Whenever any part of a non-conforming building, structure or land or any non-conforming use thereof is changed to, or replaced by a building, structure or use conforming to the provisions of this Code, such premises shall not thereafter be used or occupied by a nonconforming use.
- B.** Whenever a non-conforming use of a building, structure, or lot, or part thereof, has been discontinued for any reason or cause for a period of twelve (12) consecutive months, such use shall be deemed to have been abandoned and shall not be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the district in which it is located.

Section 9.4 Repairs

- A.** Normal maintenance of a non-conforming building or structure is permitted.
- B.** However, unless changed to a conforming use, a non-conforming building, structure or lot, or a building or structure that is used for a non-conforming use, may not be reconstructed or substantially improved.
- C.** A building or structure that is used for a conforming use but that does not meet the dimensional requirements of this Law may not be expanded, if by such expansion the setbacks or other dimensional requirements would become more non-conforming, unless an area variance for such expansion is granted by the Zoning Board of Appeals.

Section 9.5 Restoration

No building or structure damaged by fire, flood or other causes to the extent of more than fifty (50) percent of its market value shall be repaired, rebuilt, restored, reconstructed or rehabilitated except in conformity with the regulations of this Law. (Market value shall be determined by dividing the

assessed value by the equalization rate.) All damaged buildings or structures must be repaired or razed within a period of twelve (12) months from the date the damage occurred.

Section 9.6 Extension

- A.** A building or structure that does not conform to the current dimensional regulations of this Code can be used for any permitted or special permitted uses that may be allowed by this Law, upon obtaining any necessary permits and/or approvals that would otherwise be required for a conforming structure.
- B.** A legal, non-conforming use that was established prior to the enactment of this Law, or any amendments thereto, by the provisions of which the use became non-conforming, may continue; however, such non-conforming use may not be expanded, extended or enlarged, unless a use variance for such expansion is obtained from the Zoning Board of Appeals.

Section 9.7 Lots of Record

Any lot of record, which legally existed at the time of the initial adoption of this Law, or which was legally created under the provisions of any zoning law that was in effect at the time the lot was created, and which does not meet the requirements for minimum lot width and/or minimum lot size that now apply, may be used for a permitted use.