

# ARTICLE 7

## NON-CONFORMING USES

### SECTION 700 - 704

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### NON-CORFORMING USES

#### **700 Purpose.**

Within the districts established by this Resolution or amendments that may later be adopted there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendment it is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

#### **701 Non-Conforming Structures.**

Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
2. Any non-conforming building which has been destroyed by fire, explosion, Act of God, or by public enemy to the extent of seventy-five percent (75%) or more of its assessed valuation, exclusive of the foundation at the time such damage occurred, shall thereafter be made to conform with the provisions of this Resolution. If such damage is less than seventy-five percent (75%) of its assessed valuation before said damage occurred, exclusive of the foundation, then such structure may be restored to the same non-conforming use as existed before such damage, provided that such restoration shall be subject to the approval of the Board of Appeals. Said restoration shall be completed within one (1) year of the date of such partial destruction

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

#### **702 Non-Conforming Uses of Land.**

Where, at the time of adoption of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution;
2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution;
3. If any such non-conforming uses of land are discontinued or abandoned for more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located;
4. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land

#### **703 Change of Tenancy or Ownership.**

There may be a change in tenancy, ownership, or management of an existing non-conforming use, provided there is no change in the nature or character of such non-conforming use.

#### **704 Termination of Use Through Discontinuance.**

When any non-conforming use is discontinued or abandoned for more than two (2) years, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the non-conforming use may not thereafter be resumed. The intent to continue a non-conforming use shall not be evidence of its continuance.