

ARTICLE III - NON-CONFORMITIES

300-INTENT - Within the district established by this ordinance or by amendments that may later be adopted, there exists uses which were lawful before this ordinance or amendments were passed but which would be prohibited under the terms of this ordinance, they shall be known as non-conformities. It is the intent of this ordinance to permit nonconformities to continue until they are removed, but not to encourage their survival.

301-CONTINUANCE OF NON-CONFORMING USES -

1. A non-conforming building, structure, or use existing at the time this resolution takes effect may be altered or enlarged as to extend such use or structure not to exceed an additional twenty percent (20%) in square foot area, upon application to and determination of the Board of Zoning Appeals. A non-conforming use may be altered to decrease its non-conformity.

2. If no structural alterations are made, any non-conforming use of a structure or structure and land may, upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.

3. A non-conforming building or use may not be altered, rebuilt or resumed except in conformity with the regulations for the district in which it is located if:

a) It has once been changed to a conforming use;

b) Subsequent to the enactment of this ordinance, it has been dis-continued for a period of two (2) years or more which shall be deemed an abandonment of the non-conforming use;

c) It has been destroyed by fire, explosion or other cause, to the extent of seventy-five percent (75%) or more of either its value or bulk. However, if a non-conforming building or use is destroyed by fire, explosion or other cause to the extent of less than seventy-five percent (75%) of either its value or bulk, it may be rebuilt and reoccupied as a non-conforming building or use, only if reconstructed with the same or less cubical content and upon basically the same plan as that of the original structure.

4. If a non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

5. All non-conforming uses shall register with the Zoning Office and shall secure an annual occupancy permit for continuation of the use.

302-REPAIRS AND MAINTENANCE - On any non-conforming structure work may be done on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. The provisions of this section shall not apply in respect to non-conformity in yard requirements.