

ARTICLE V
Nonconforming Uses and Structures

Section 501 Continuance Any lawful building or use of premises existing at the time of enactment of this chapter, or any subsequent amendment thereof applying to such building or use of premises, may be continued, although such building or use of premises does not conform to the provisions thereof, provided that there is no increase or enlargement of the area or space occupied by or devoted to such nonconforming use and except as otherwise provided in the Article.

Section 502 Termination When a nonconforming use of land or a structure has been discontinued for a period of one (1) year or more, it shall not thereafter be reestablished, and the future use of the land, building or structure shall be in conformity with the terms of this chapter.

Section 503 Change to Another Nonconforming Use If no external structure alterations are made, a nonconforming use of a building or land may be changed to another nonconforming use more nearly conforming to the requirements of the district in which it is situated.

Section 504 Maintenance A nonconforming use is hereby required to be maintained in such condition as will not constitute a danger to the safety, health or general welfare of the public. Alterations and extensions of the nonconforming use, in order to comply with the provisions of this section, are permitted, provided that such alteration or extension shall not tend to increase the inherent nuisance nor shall such alteration or extension violate any provisions of this chapter regarding yards, lot area or lot coverage for the district in which it is situated or increase in any existing violation of such provision.

Section 505 General Requirements Nonconforming uses or structures in all zone districts shall conform to the following requirements:

1. Enlargement and Extension. Any structure or use of land which is nonconforming because of use shall not be enlarged or extended except by special exception, in addition to the other findings required by this Article, the Zoning Board of Appeals shall find that the proposed enlargement or extension will not cause a substantially greater increase in traffic, noise, litter, odor or other objectionable conditions that would be the case if the land were used for a conforming use.

The Zoning Board of Appeals may impose such conditions on the granting of a special exception to the article as it deems advisable, including but not limited to the following:

A. It may limit the period of time that the enlarged or extended portion of the nonconforming land or structure can be used for a nonconforming purpose.

B. It may impose more restrictive requirements than those set forth elsewhere in this ordinance concerning lot area, lot coverage, yard, and parking requirements.

C. It may require the land to be landscaped or fenced.

D. It may impose any other conditions or requirements that it deems necessary or desirable to make the nonconforming use more compatible with conforming uses in the district.

2. Alterations. Structural alterations may be made in a building which is nonconforming because it fails to comply with use, height, area, yard, off-street parking or other like requirements of this chapter, so long as the structural alteration does not extend, enlarge or aggravate the nonconformance.

3. Reconversion. A nonconforming use changed or altered to a conforming use may not thereafter be changed back to a nonconforming use, but nothing herein before stated shall prevent the strengthening or restoring to a safe and lawful condition of any part of any building declared unsafe by the Building Inspector or other city, county or state inspector.

4. Existing Permits. Nothing in this chapter shall require any change in plans, construction or designated use of a structure or building for which a building permit has been heretofore validly issued if construction has been started and diligently pursued at the time of the adoption of this chapter.

5. Reconstruction. Any structure which is nonconforming as to the use, lot size, building setback, or other provision of this ordinance and which is destroyed or damaged by fire, flood or other hazard, may be repaired, restored or reconstructed provided that such work is commenced within one year of the date upon which the damage or destruction occurred. Any enlargement or extension of such structure shall be subject to Section 505, Part (1) of this ordinance.