

ARTICLE 15 - NONCONFORMITIES

15.00 Continuance

The lawful use of a building, other than a residence, or parcel of land existing at the time of the adoption of this Resolution may be continued, although such use of a building, other than a residence, or parcel of land does not conform to the provisions hereof, provided no structural alterations are made other than those ordered by an authorized public officer to assure the safety of the building or structure and provided further, that such extension does not displace any residence use in a Residential District.

15.01 Nonconforming Lot of Record

In any "R" District, notwithstanding limitations imposed by other provisions of this Resolution, a single-family dwelling may be erected on any single lot of record existing at the effective date of the adoption or amendment of the Resolution, provided that yard requirements of the lot shall conform to the regulations for the District in which such lot is located. Variance of yard requirements may be obtained only through action of the Board of Zoning Appeals.

15.02 Discontinuance

If any nonconforming use of land is voluntarily discontinued or abandoned for any reason for a period of two (2) years, said use of such land shall conform to the regulations specified by this Resolution for the District in which such land is located.

15.03 Extension, Enlargement and/or Removal

A nonconforming use, other than a residence, shall not be enlarged, increased or extended to occupy a greater area of building or land than was occupied at the effective date of the adoption or subsequent amendment of this Resolution. A nonconforming use, other than a residence, shall not be moved in whole or in part to any other portion of the lot or parcel of land occupied at the effective date of adoption or subsequent amendment of this Resolution.

15.04 Destruction, Damage and Reconstruction

Any nonconforming building or structure existing as a non-conforming use at the time this Zoning Resolution takes effect, damaged by fire, explosion, act of God or act of the public enemy may be reconstructed and restored providing the same is started within two years from the date of said destruction.

15.05 Maintenance

On any building or structure devoted in whole or in part to a nonconforming use, other than a residence, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding

ten (10) percent of the current replacement value of the building or structure, provided that the cubic content of such building or structure as it existed at the time of passage or amendment of this Resolution not be increased.

15.06 **Zoning Changes Associated with Non-Conforming Property**

Before any property associated with a non-conforming use can be changed to another zoning district, it must be rezoned in accordance with the amendment procedure described in Article 18. This procedure includes public hearings and adjacent property owner notification.

15.07 **Non-Conforming Residences**

Residential non-conforming uses may be continued, enlarged and expanded in conformance with the development standards as if

it were in a residential district most closely associated with the existing residence (i.e. decks, swimming pools, fences, accessory buildings, etc.).