

CHAPTER 16
NONCONFORMING STRUCTURES AND USES

Section 16.1 Intent and Purpose.

- (a) This chapter regulates nonconforming structures and nonconforming uses as defined by this Ordinance.
- (b) Alterations to nonconforming structures, and changes to nonconforming uses are permitted only as specifically provided in this chapter. Unless permitted by this chapter or permitted elsewhere in this Ordinance, structures and uses which do not comply with the current provisions of this Ordinance shall be brought into immediate compliance.

Section 16.2 Nonconforming Structures. A nonconforming structure may be continued even though the structure does not comply with the provisions of this Ordinance or any relevant amendment thereto, subject to the following:

(a) **Changes to Nonconforming Structures.**

- (1) A nonconforming structure shall not be enlarged, expanded or increased in a manner that will increase or enlarge the nature or extent of the nonconformity.
- (2) A structure which is a nonconforming structure because it does not comply with minimum required setback distances on one or more sides of the structure may be expanded on the other sides of the structure which are conforming, subject to applicable setback requirements for those other sides.
- (3) An increase in the length or height of a side of a structure which does not comply with current setback requirements is an increase or enlargement of the nature or extent of the nonconformity, and is not permitted.
- (4) A nonconforming structure which is moved, in whole or in part, to another location on the lot shall comply with all current regulations of the zoning district in which the lot is located.
- (5) A nonconforming structure may be altered, modernized, restored or otherwise improved if such change will have no effect upon, or will reduce, the nonconforming characteristics of the structure. Once a nonconforming structure has been altered or modified in a manner that eliminates, removes, or lessens any of its nonconforming characteristics, then such nonconforming characteristics shall not be subsequently re-established or increased.

- (b) **Maintenance of Nonconforming Structures.** A nonconforming structure may be maintained, repaired or restored to a safe condition, but any such action shall not increase the extent of the nonconformity.

- (c) **Casualty or Damage to Nonconforming Structures.** If a nonconforming structure is damaged by wind, fire, or other casualty then such structure may be restored or reconstructed, but only to the extent of the size and location of the structure as it existed prior to such damage or destruction, plus only such expansion that would be permitted under subsection (a) of this section, and its use may then be resumed or continued, provided that such restoration or reconstruction shall be commenced by physical improvement on the site not later than one year after the occurrence of the casualty and shall be diligently pursued thereafter to completion of the structure.

Section 16.3 Nonconforming Uses. A nonconforming use of any lot or parcel, or the use of any structure located thereon, may be continued even though the use of such lot or parcel, or such structure located thereon does not comply with the provisions of this Ordinance or any relevant amendment thereto, subject to the following:

- (a) **Expansion within a Structure.** A nonconforming use may be expanded or extended throughout any parts of a structure which were manifestly arranged or designed for such use at the effective date of this Ordinance or any relevant amendment thereto, but only if any additional parking required by this Ordinance for such expansion can be accommodated within existing parking areas.
- (b) **Casualty Damage to a Structure Containing a Nonconforming Use.** If a structure which conforms with the provisions of this Ordinance, but which is used for or occupied by a nonconforming use, is damaged by fire, wind, or other casualty, then notwithstanding the other provisions of this section, the structure may be restored or reconstructed to the extent of the size and location existing prior to such damage or destruction, and the nonconforming use may then be resumed or continued.
- (c) **Maintenance of a Structure Containing a Nonconforming Use.** This chapter shall not prevent the maintenance, repair, strengthening or restoring to a safe condition of any structure or any part thereof in which a nonconforming use is being conducted.
- (d) **Re-establishing a Nonconforming Use.** If a nonconforming use of any lot, parcel or structure is terminated and is replaced by a permitted use, the nonconforming use shall not later be re-established.
- (e) **Discontinuance of a Nonconforming Use.**
 - (1) If a nonconforming use of a lot, parcel or structure is discontinued or abandoned for at least one year, the structure, or the structure and land in combination, shall not thereafter be used except in compliance with the provisions of the zoning district in which the structure, or structure and land in combination, are located. This subsection shall not apply in cases of damage by casualty under the terms of subsection (b).
 - (2) A nonconforming use shall be determined by the Zoning Administrator to be abandoned if, after a period of at least one year from the time the use is discontinued, there is evidence of intent to abandon, including disconnection of utilities, removal of signs or other advertising, absence of efforts to sell a

business, disrepair of buildings and grounds, removal of inventory, equipment or other items necessary for the use, failure to occupy the premises or other actions or conditions which demonstrate an intent to abandon the nonconforming use.

- (f) **Removal of Structure Containing Nonconforming Use.** Except as provided in subsection (c), the removal or destruction of the structure in which a nonconforming use is conducted shall terminate the nonconforming use.
- (g) **Changing to Another Nonconforming Use.** A nonconforming use shall not be changed to another nonconforming use.

1. The first part of the document is a list of names and addresses of the members of the committee. The names are listed in alphabetical order, and the addresses are listed below each name. The list includes the names of the members of the committee, the names of the members of the sub-committee, and the names of the members of the advisory committee.

2. The second part of the document is a list of the names and addresses of the members of the committee. The names are listed in alphabetical order, and the addresses are listed below each name. The list includes the names of the members of the committee, the names of the members of the sub-committee, and the names of the members of the advisory committee.

3. The third part of the document is a list of the names and addresses of the members of the committee. The names are listed in alphabetical order, and the addresses are listed below each name. The list includes the names of the members of the committee, the names of the members of the sub-committee, and the names of the members of the advisory committee.