

## ARTICLE 5    NONCONFORMING STRUCTURES AND USES

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### Section 5.1    Nonconforming Structures

#### 5.1.1    Nonconforming Structures in General

(a) Continuanace Permitted: A nonconforming structure existing at the effective date of these regulations may be continued, maintained, and repaired, except as otherwise provided in this section. A building containing a residential use in a nonresidential district that is under the same continuous ownership as when this regulation was adopted, September 20, 1971, that is destroyed by fire or other unforeseen act of nature may be rebuilt for residential use, after the owner is advised of the existing zoning of his property.

(b) Alteration, Rebuilding, or Enlargement: A nonconforming structure shall not be added to or enlarged in any manner, unless said structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located, or is a dwelling under the same continuous ownership as when this regulation was adopted, September 20, 1971.

(c) Moving: No nonconforming structure shall be moved in whole or in part to another location on the lot, unless every portion of said structure is made to conform to all of the regulations of the district in which it is located.

(d) Change of Use: The use of a nonconforming structure may be changed only to a conforming use.

#### 5.1.2    Nonconforming Structures Containing Conforming Uses

If a structure is conforming as to use, but nonconforming as to yards or height or off-street parking space, such structure may be enlarged or added to, provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the district in which such structure is located.

#### 5.1.3    Nonconforming Structures Containing Nonconforming Uses

(a) Structure Vacant on Effective Date: A vacant or partially vacant nonconforming structure may be occupied by a use for which the structure was designed or intended, if occupied within a period of one year after the effective date of these regulations or amendments thereof.

(b) Structure Which Becomes Vacant: A structure or portion thereof that is nonconforming as to use and that becomes vacant and remains unoccupied for a continuous period of one year or more shall not thereafter be occupied, except by a use that conforms to the regulations of the district in which it is located.

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### Section 5.2 Conforming Structures Containing Nonconforming Uses

#### 5.2.1 Change in Use

(a) A nonconforming use of a conforming structure shall not be expanded or extended into any other portion of such conforming structure or changed except to a conforming use. If such a nonconforming use, or a portion thereof, is discontinued or changed to a conforming use, any future use of such structure or portion thereof shall be in conformity with the regulations of the district in which such structure is located.

#### 5.2.2 Structure That Becomes Vacant

A structure or portion thereof that is nonconforming as to use and that becomes vacant and remains unoccupied for a continuous period of one year or more shall not thereafter be occupied, except by a use that conforms to the regulations of the district in which it is located.

### Section 5.3 Nonconforming Signs

Any sign or sign structure that is lawfully existing and maintained at the effective date of these regulations and that does not conform with the provisions hereof shall not be structurally altered, and all such nonconforming signs and structures and their supporting members shall be completely removed from the premises not later than three years after the effective date of these regulations.

### Section 5.4 Nonconforming Uses of Land

A nonconforming use of land, where the aggregate value of all permanent structures is less than one thousand dollars, existing at the effective date of these regulations, may be continued for a period of not more than three years therefrom, provided that:

(a) Said nonconforming use may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of these regulations.

(b) If said nonconforming use or any portion thereof is discontinued for a period of six months, or changed, any future use of such land or change in use shall be in conformity with the provisions of the district in which said land is located.

### Section 5.5 Construction Authorized or in Progress

#### 5.5.1 Building Permit Issued

If, before the effective date of these regulations or amendment thereof, a building permit authorizing construction was lawfully issued, such construction may be started or continued after such date, subject to the provisions of Section 7.2.7.

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5.5.2 Areas Previously Not Under Zoning Jurisdiction

If, before the effective date of these regulations or amendment thereof, construction was started at a location not then subject to these regulations and was subsequently diligently pursued, and such construction on such date did not conform to such regulations, such construction may be continued after such date, provided that a building permit therefore has been issued, as provided in Section 7.2. For the purposes of this section, construction shall be deemed to have been started before such date if the Board of Adjustment finds, on application, that before such date the foundations had been completed or costs equalling five percent of the total estimated cost had been incurred and would be lost if construction were not permitted to proceed.