

ARTICLE I. NONCONFORMING USES

Sec. 6-3-161. Continuation generally.

Except as otherwise provided in this article, the lawful use of land or buildings existing at the effective date of the ordinance from which this chapter is derived may be continued although such use does not conform to the provisions of this chapter. Except as provided in this article, such nonconforming use may not be enlarged, extended, reconstructed or structurally altered except in compliance with the provisions of this chapter.

A nonconforming mobile home may be replaced with a larger mobile home and shall meet the development standards for the zoning district in which the home is located.

(Ord. No. 13-86, § IX.A, 12-2-86; Ord. No. 11-04, § 1, 5-4-04)

Sec. 6-3-162. Nonconforming lots of record.

Where, 1) a valid lot of record existed prior to the effective date of this chapter, 2) such lot is greater than 25 percent substandard to the area requirement required in the district in which it is located, and 3) the owner of such lot does not own any other adjacent parcel or tract, the yard requirements for that district may be reduced by the same percentage as the degree of nonconformity up to a maximum of 40 percent. Requests for variance beyond this standard will require consideration and approval by the joint board of zoning appeals. If the owner of said lot owns adjacent lots or tracts, the provisions of this section shall not apply. In such cases, the owner will be required, prior to a grant of approval to transfer or build on the substandard lot(s), to combine or reconfigure these parcels so as to comply with the dimensional requirements of the district to the fullest extent possible.

(Ord. No. 13-86, § IX.B, 12-2-86; Ord. No. 14-99, §§ XXXIV, 4-20-99)

Sec. 6-3-163. Change of nonconforming use.

If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same classification. Whenever a nonconforming use of land or building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

(Ord. No. 13-86, § IX.C, 12-2-86)

Sec. 6-3-164. Extension of use within existing building.

The nonconforming use of a building may be hereafter extended throughout those parts of a building which are primarily arranged or designed for such use at the time of the enactment of the ordinance from which this chapter is derived.

(Ord. No. 13-86, § IX.D, 12-2-86)

Sec. 6-3-165. Buildings nonconforming in height, area, yard, bulk or bufferyard.

A building nonconforming only as to height, area, yard, bulk or bufferyard requirements may be altered, extended or replaced if razed by fire or other natural cause, provided such alteration, extension or replacement does not increase the degree of nonconformity in any respect.

(Ord. No. 13-86, § IX.E, 12-2-86)

Sec. 6-3-166. Discontinuance of nonconforming use.

No building or portion thereof used in whole or in part for a nonconforming use in a residential district which remains idle or unused for a continuous period of 180 days, or which remains idle or unused in any other district for a period of 24 months, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which such building or land is located. No nonconforming mobile home shall be replaced by another nonconforming mobile home after removal for 180 consecutive days. The period of discontinuance shall be calculated from the date that written notice advising of the requirements of this section is mailed by the zoning administrator to the landowner.

(Ord. No. 13-86, § IX.F, 12-2-86)

Sec. 6-3-167. Destruction of nonconforming use.

- (a) No building which has been damaged by any cause whatsoever to the extent of more than 50 percent of the fair market value of the building immediately prior to the damage shall be restored except in conformity with the regulations of this chapter, and all rights as a nonconforming use are terminated. If a building is damaged by less than 50 percent of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repair or reconstruction must be substantially completed within 12 months of the date of such damage.
- (b) The provisions of paragraph (a) above shall not apply to any bona fide residence, including single family units, duplexes, mobile homes, and multiple family structures actually used for a residential purpose and such use may be reestablished regardless of the extent of the damage, provided that a building permit for reconstruction of such a residential structure must be obtained within 180 days of the date of destruction of the premises.

(Ord. No. 13-86, § IX.G, 12-2-86; Ord. No. 9-98, § I, 2-17-98)

Sec. 6-3-168. Intermittent use.

The casual, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use, and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

(Ord. No. 13-86, § IX.H, 12-2-86)

Sec. 6-3-169. Nonconforming signs.

In a residential district where any sign does not comply with the provisions of this chapter, such sign and any supporting structures may be maintained, but shall not be replaced, reconstructed, moved, structurally altered, repainted or relighted except in compliance with the provisions of this chapter, and may continue in use unless subject to removal under other provisions of this chapter. Removal, replacement, reconstruction, moving or structural alteration for any cause whatsoever shall be considered as loss of nonconforming status. Supporting structures for nonconforming signs may continue in use for a conforming sign if such support structures comply in all respects to the applicable requirements of this chapter and other codes and ordinances. No permits for additional signs shall be issued for any premises on which there are any nonconforming signs.

(Ord. No. 13-86, § IX.I, 12-2-86)

Secs. 6-3-170--6-3-180. Reserved.