

ZONING ORDINANCE

ARTICLE 5

NONCONFORMING LOTS, STRUCTURES, AND USES

500 INTENT

It is the intent of this Ordinance to permit nonconforming lots, structures, and/or uses to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded, extended, or be used as grounds for adding structures or uses prohibited elsewhere in the same district.

510 NONCONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, a single-family dwelling and permitted accessory uses, including manufactured and certified mobile homes as permitted in Article 9, may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area and width or both that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to the area or width or both of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

NONCONFORMING USES OF LAND AND STRUCTURES

Where, at the time of passage of this Ordinance, the lawful use of a building or premises exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise legal with the following limitations:

- a) A nonconforming use shall not be extended, enlarged or moved to occupy any portion of land or structure except in conformity with this Ordinance.

- b) A nonconforming use shall not reestablished after discontinuation for a period of one year. Vacating of premises or building or non-operative status shall be evidence of a discontinued use.
- c) A nonconforming structure damaged to an extent greater than fifty (50) percent of the current replacement value may be repaired and restored only to a structure and use conforming to the provisions of the Ordinance; provided, however, that a nonconforming residential structure may be rebuilt in the same general yard area if such damage is due to fire or natural causes and if rebuilt within 12 months of the date of damage. Manufactured and certified mobile homes are only placed on lots in conformance with Article 9. Restoring to a safe condition of any structure declared to be unsafe by any public official shall not be prohibited by this regulation.
- d) All nonconforming uses shall be changed only to a conforming use; provided, however, that dimensional variances may be granted.
- e) An owner claiming a continuing a nonconforming use shall bear the burden of showing that said use was in existence as of the effective date of this Ordinance and has not been discontinued for a period of one (1) year since said effective date. An owner may register a continuing nonconforming use with the Administrative/Enforcement Officer within twelve (12) months of the adoption of this Ordinance to establish that said use was in existence as of the effective date of this Ordinance.

530 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure may continue so long as it remains otherwise lawful.

Any proposed addition or substantial remodeling of a nonconforming structure may be granted after public hearing as a dimensional variance by the Board of Adjustment. The Board must first determine that the proposed addition or substantial remodeling will not facilitate or expand a nonconforming use before such variance can be granted.

540 ORDINARY REPAIR AND MAINTENANCE

Work may be done on ordinary repair and maintenance, or on repair or replacement of non-load bearing walls, fixtures, wiring, or plumbing. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to safe condition a building or other structure in accordance with the order of an appropriate public agency which declares such building or other structure to be unsafe and its restoration to a safe condition.