

ARTICLE 8  
NON-CONFORMITIES

8.1 NON-CONFORMING LOTS OF RECORD -- Any lot of record, on the effective date of the enactment of this Zoning Code, which does not comply with the requirements of the district in which it is located as to lot area and lot width, may be used for the erection of a building intended for a use permitted in the district in which the lot is located provided, however, that such building complies with all setback and other applicable requirements of this Zoning Code.

8.2 NON-CONFORMING BUILDINGS OR STRUCTURES -- A lawfully existing, non-conforming building or structure which does not contain any non-conforming use, but does not comply with the applicable lot size requirements or building standard regulations in the district in which it is located, may be continued except as otherwise permitted by this Article. Non-conforming buildings and structures shall be subject to the following regulations:

A. Repair or Alteration:

(1) A non-conforming building or structure may be maintained, repaired or structurally altered. No such enlargement, maintenance, repair, or structural alteration shall create either an additional non-conformity or increase the degree of the existing non-conformity of all or any part of the building or structure. Damaged or destroyed buildings or structures shall be subject to the restrictions contained in Section 8.2-B.

(2) Nothing in this Zoning Code shall be deemed to prevent the strengthening or restoring to a safe condition of a building or other structure (other than a damaged or destroyed building or other structure subject to the provisions of Section 8.2-B) in accordance with the order of the Zoning Official who declares such building or other structure to be unsafe and orders its restoration to a safe condition.

B. Damage or Destruction:

(1) In the event that a non-conforming building or structure is damaged or destroyed to the extent that the cost of restoration shall exceed fifty (50) percent of the market value of such building or structure, no repairs or reconstruction shall be made unless such restoration or construction shall be made to conform to the regulations for the district in which it is located.

(2) If such damage or destruction does not exceed fifty (50) percent of the market value of the building or structure, repairs and restoration must begin within twelve (12) months from the date of the damage or destruction or such restoration shall conform to all the provisions of this Zoning Code and for the district in which it is located.

8.3 NON-CONFORMING USES -- When the applicable district regulations do not allow as a permitted use either an existing use of part or all of a building or other structure, or an

existing use of land not involving a building or structure, such existing use may be continued except as otherwise permitted by this Article.

A. Change:

- (1) A non-conforming use of a building or other structure, all or substantially all of which was designed or intended for a use which is not permitted in the district of which it is located, shall not be changed to any use other than one permitted in the district in which the land is located. When a non-conforming use has been changed to a permitted use, it shall not thereafter be changed back to a non-conforming use.
- (2) The non-conforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of land, shall not be changed to any other use, except to a use permitted in the district in which the land is located.
- (3) A non-conforming use in effect at the time an amendatory ordinance becomes effective shall be discontinued and not re-established, except when the provisions of the amendatory ordinance find the use to be conforming to the district in which it is located.

B. Discontinuance -- In the event that operation of a non-conforming use of land, building or structure is discontinued for twelve (12) months, such non-conforming use shall not thereafter be re-established, and any subsequent use or occupancy of such land shall conform to the regulations of the district of which it is located. Intent to resume active operation shall not affect the foregoing restriction.

C. Non-Conforming Accessory Uses -- No non-conforming accessory use shall continue after the principal use to which it is necessary has been abolished.

8.4 REGISTRATION OF NON-CONFORMING USES, BUILDINGS AND STRUCTURES:

A. The Zoning Official shall maintain a system of registration of all nonconforming uses, buildings and structures.

B. Such registration system shall include a provision for notifying owners:

- (1) That a particular use, lot size or standards governing a building, structure or parcel of land does not conform to the regulations of the zoning district in which the use, building or structure is located.
- (2) Of the status of a use, building or a structure as a non-conformity.
- (3) Of the specific regulations applicable to such non-conforming use, building or structure.

8.5 EXISTING SPECIAL USES EXEMPT -- Where a use exists on the date this Zoning Code became effective and is permitted by this Zoning Code as a special use in the district in which it is located, such use shall not be deemed a non-conforming use, but shall, without any further action, be deemed a lawful special use in such district. However, no such lawful special use shall be expanded unless a supplemental special use permit is secured pursuant to Article 9, Administration and Processing.

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