

Article IV

Non-Conforming Lots, Structures or Uses

SECTION 400 - INTENT

Existing (per Trustees 2/28/78) lots, structures and accessory development or the use of lots and/or structures which would be prohibited under the regulations for the Zoning District in which they are located shall be considered as non-conforming.

It is the intent of this Zoning Resolution to permit these non-conforming situations to continue until they are removed, but not to encourage their continued use or expansion, except as follows:

SECTION 410 - NON-CONFORMING LOTS OF RECORD

The construction of a conforming structure and/or the conduct of a permitted use shall be allowed on any lot of record, which has an area, and/or lot width less than that required for such structure or permitted use in the Zoning District in which the lot is located. Variance of any development standard other than minimum lot area and/or minimum lot width shall be obtained only through action of the Board of Zoning Appeals in accordance with the provision Article X.

SECTION 420 - NON-CONFORMING STRUCTURES AND DEVELOPMENT

Structures and/or accessory development, which by reason of size, type, location on the lot, or otherwise in conflict with the regulations of the Zoning District in which they are located may be altered, reconstructed or extended only in such manner that the alteration, reconstruction or extension does not exceed more than 20 % of the original structure or the alteration, reconstruction or extension will comply with the development standards of the Zoning District in which the structure and/or accessory development is located.

Such alteration, reconstruction, or extension shall include such additional development and compliance with the development standards of the Zoning District as would be required of a new structure and/or accessory development to the extent practicable and so that the spirit and intent of the development standards are accomplished.

SECTION 430 - NON-CONFORMING USES

The non-conforming use of a lot and/or a structure may be continued, expanded or changed subject to the following:

1. Change of a non-conforming use shall be allowed to a permitted use of the Zoning District in which the non-conforming use is located.
2. On approval of an appeal to the Board of Zoning Appeals, a non-conforming use may be:
 - A. Changed to a use found to be more nearly in character with the Zoning District in which the non-conforming use is located.
 - B. Expanded within an existing structure arranged or developed for such purpose
 - C. Expanded to occupy one or more new or existing structures to be erected or modified for the purpose of accommodating the extension of such non-conforming use, where such structures to be erected or modified are in accordance with the development standards (other than as such standards relate to use) of the Zoning District in which such use is located.
3. No non-conforming use may be re-established where such non-conforming use has been discontinued for a period of at least two (2) years. The non-conforming use of any structure damaged by fire, explosion, flood, riot, or act of God may be continued and used as before any such calamity, provided the building or structure has not been destroyed to an extent of more than one-half of its fair value, and provided such reconstruction is started within twelve (12) months of such calamity and is continued in a reasonable manner until completed.

Section 440 - REPAIRS AND MAINTENANCE

On a non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.