

ARTICLE 7

NONCONFORMING BUILDING AND USES

SECTION 7.01. NONCONFORMING USES OF LAND.

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the forms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased to occupy a larger area, nor moved while or in part to any other portion of the lot or parcel occupied at the effective date or adoption or amendment of this Ordinance.
- B. Any nonconforming use of land abandoned for a period of more than ninety (90) days shall subsequently conform to the requirements of this Ordinance.

SECTION 7.02. NONCONFORMING USES OF BUILDINGS.

Where a lawful building exist at the effective date of this Ordinance, or amendment thereto, that could not be built under this Ordinance by reason of its location on the lot, lot coverage height, yard, or other characteristics, such structure may be continued, subject to the following:

- A. Any structure existing at the effective date of this Ordinance devoted to a use not permitted by this Ordinance in the district in which it is located shall not be altered, enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. When a nonconforming use of a building is vacated or abandoned for six (6) consecutive months, the building shall not be used thereafter except in conformance with the regulations of the district in which it is located.

SECTION 7.03. NONCONFORMING BUILDINGS.

Where a lawful structure exists at the effective date of adoption or amending of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity.
- B. All lots of record at the effective date of this Ordinance shall be exempt from Sections 11.04 (a) and 12.04 (a).

- C. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved, provided that mobile homes may be replaced with similar units.
- D. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. Such repairs shall be initiated within ninety (90) days.

SECTION 7.04. ILLEGAL NONCONFORMING USES AND BUILDINGS.

Those alleged nonconforming uses of land, uses of buildings and buildings which cannot be proved conclusively to have been existing prior to the effective date of this Ordinance, or any amendment thereto, shall be declared illegal nonconforming uses of land, non-conforming uses of buildings and nonconforming buildings, and shall be discontinued upon written notification from the building inspector.

SECTION 7.05. VIOLATION REMOVAL.

A nonconforming structure that was erected, converted or structurally altered in violation of the provisions of the ordinance which this Ordinance continues shall not be validated by the adoption of this Ordinance and such violations may be ordered removed or corrected by the building inspector at any time.