

Division 3-I-13 Nonconforming Uses

3-165 Continuation

3-166 Extension Or Enlargement

3-167 Restoration Or Replacement

3-165 Continuation

1. If, at the time of enactment of this article, any legal activity which is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this article, such manner of use or purpose may be continued as herein provided.
2. If any change in title of possession or renewal of a lease of any such lot or structure occurs, the use may be continued.
3. If any nonconforming use (structure or activity) is discontinued for a period exceeding two years, after the enactment of this article, it shall then conform to the requirements of this article.
4. Whenever a nonconforming structure, lot or activity has been changed to a more limited nonconforming use, such use may only be changed to an even more limited use.
5. Temporary seasonal nonconforming uses that have been in continual operation for a period of two years or more prior to the effective date of this article are excluded.
6. Permits previously issued. The construction or use of a nonconforming building or land area for which a permit was issued legally prior to the adoption of this article may proceed, provided that such building is completed within one year or such use of land established within 30 days after the effective date of this article.
7. Changes in districts. Whenever the boundaries of a district are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this article.

3-166 Extension Or Enlargement

1. An existing nonconforming structure may be enlarged or expanded so long as the enlargement or expansion does not make the structure any more nonconforming.
2. A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this article.
3. Nonconforming lots. Any lot of record at the time of the adoption of this article which is less in area or width than the minimum required by this article may be used when the requirements of the Board of Zoning Appeals regarding setbacks, side and rear yards are met.

3-167 Restoration Or Replacement

1. If a nonconforming activity is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed 50% of the cost of reconstructing the entire activity or structure, it shall be restored only if such use complies with the requirements of this article.
2. If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed 75% of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this article.
3. When a conforming structure devoted to a nonconforming activity is damaged less than 50% of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than 75% of the cost of reconstructing, the entire structure either may be repaired or restored, provided that any such repair or restoration is started within 12 months and completed within 18 months from the date of partial destruction.
4. The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.