

SECTION 403. NONCONFORMING USES AND STRUCTURES.

A. PURPOSE

The purpose of this Section is to regulate the use, maintenance, alteration, repair, extension and restoration of buildings and land which lawfully existed at the time of adoption of this Ordinance, but which do not conform to the regulations for the district in which they are located.

B. DEFINITIONS.

1. A nonconforming use is a use of a structure or land which was lawfully established and maintained prior to the adoption of this Ordinance but which, under this Ordinance, does not conform to the use regulations for the district in which it is located.
2. A nonconforming structure is a structure which was lawfully erected prior to the adoption of this Ordinance but which, under this Ordinance, does not conform with the standards of coverage, yard spaces, height of structures or distance between structures prescribed in the regulations for the district in which the structure is located.

C. REGULATIONS.

1. Nothing in this Code shall prevent requiring the strengthening or restoring to a safe condition of any portion of a structure declared unsafe by a proper authority.
2. Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been issued prior to the enactment of this Ordinance, provided the construction shall be diligently prosecuted within sixty (60) days of the date of this Ordinance and the building is completed and used according to such plans as filed within one (1) year from the date of this Ordinance.
3. A nonconforming building or portion thereof which was specifically designed, or beyond a reasonable doubt, intended by the nature of its arrangement and construction to be used in any way which would be nonconforming under this Ordinance, but was not so used at the time this Ordinance became effective, may, if not altered or repaired as prohibited elsewhere in this Ordinance, be occupied or used for the purpose for which it was designed, arranged or intended provided such building is so used within six (6) months after the effective date of this Ordinance. Otherwise the use of such building shall conform to the provisions of this Ordinance.
4. Nothing in this article shall be interpreted as authorization for approval of the continuance of the use of a building or premises in violation of regulations in effect at the time of the effective date of this Ordinance.
5. The lawful use of land, building or structure existing at the time of the passage of this Ordinance, although such does not conform to the provisions hereof for said land, may be continued, but if such nonconforming use is discontinued for a period of six (6) months, any future use of said land or structure shall be in conformity with the provision of this Ordinance.

6. Nothing in this article shall prevent the reconstruction, repairing or rebuilding of a nonconforming structure or part thereof rendered necessary by normal wear and tear, deterioration, or depreciation.
7. Any extensions of a conforming structure devoted to a nonconforming use or extensions of a nonconforming structure shall conform with all regulations for the zoning district in which such structure is located.
8. Nothing in this Code shall prevent the reconstruction, repairing, rebuilding and continuance of any nonconforming structure damaged by fire, collapse, explosion or acts of God, wherein the expense of such work does not exceed sixty percent (60%) of the value of the structure immediately prior to the occurrence of such damage, provided such reconstruction, or rebuilding is started within six (6) months after damage and is completed within one (1) year.
9. Extensions of a nonconforming use shall be by Conditional Use Permit issued by the Planning and Zoning Commission subject to the following:
 - a. The extension of a lawful use to any portion of a nonconforming building shall not be deemed the extension of such nonconforming use.
 - b. No nonconforming use shall be extended to displace a conforming use.
 - c. A nonconforming use of a building or lot shall not be changed to another nonconforming use whatsoever. Changes in use shall be made only to a conforming use.
 - d. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.
10. Notwithstanding any other provision of this Ordinance, a building may be constructed on any lot of record before the adoption of this Ordinance in any zone in which such buildings are permitted even though such lot fails to meet the area or width requirements for within the zone, except that such construction shall conform to any lot coverage and yard requirements of the zone.
11. Where two or more contiguous lots of record are owned by the same person, the land included in the lots shall be considered to be an undivided parcel once a structure is located so as to cross the lot lines separating said lots and no portion of said parcel shall be used as building site or sold which does not meet the area and width requirements of the zone in which the lot is located.
12. Whenever the boundaries of a zone shall be changed so as to transfer an area from one zone to another zone of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.