

**ARTICLE VI**  
**NON-CONFORMING USES AND BUILDINGS**

**SECTION 6.1 NON-CONFORMANCE REGULATED**

Any lawful use of the land or building existing at the date of passage of this Ordinance and located in a district in which it would not be permitted as a new use under the regulations of this Ordinance, is hereby declared to be a "non-conforming use" and not in violation of this Ordinance, provided however, that a non-conforming use shall be subject to, and the owner comply with, the regulations in this Article.

**SECTION 6.2 NON-CONFORMING USES OF LAND**

Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with an assessed value exceeding \$500.00, the use may be continued so long as it remains otherwise lawful provided:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land that was occupied at the effective date of adoption or amendment of this Ordinance.
2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. If any such non-conforming use of land ceases for any reason for a period of more than twelve (12) months, such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
4. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

**SECTION 6.3 NON-CONFORMING USES OF STRUCTURES**

If lawful use involving individual structures with an assessed value of five hundred (500) dollars or more or if, structure and premises in combination, exists at the effective date of adoption of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be 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.
2. If any such non-conforming use of a structure ceases for any reason for a period of more than six (6) months, such use shall conform to the regulations specified by this Ordinance for the district in which such use is located.
3. Any non-conforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

4. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use or to a use permitted in a more restricted distant, it shall not thereafter be changed to a non-conforming use or a use not permitted in the more restricted district.
5. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the entire structure shall eliminate the non-conforming status of land.

#### **SECTION 6.4 NON-CONFORMING STRUCTURES**

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

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
2. If any such non-conforming structure ceases being used for any reason for a period of more than six (6) months, any subsequent use of such structure shall conform to the regulations specified by this Ordinance for the district in which such structure is located.

#### **SECTION 6.5 NON-CONFORMING LOTS OF RECORD**

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located.

#### **SECTION 6.6 REPAIRS AND MAINTENANCE**

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding twenty-five (25) percent of the current State Equalized Valuation of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

**SECTION 6.7 RECONSTRUCTION OF DAMAGED NON-CONFORMING BUILDINGS AND STRUCTURES**

Nothing in this Ordinance shall prevent the reconstruction repair, or restoration and the continued use of any non-conforming building or structure damaged by fire, collapse, explosion, Acts of God, or acts of public enemy, subsequent to the effective date of this Ordinance, wherein the expense of such reconstruction does not exceed sixty (60) percent of the State Equalized Valuation of the entire building or structure at the time such damage occurred; and provided that such restoration and resumption shall take place within six (6) months of the time of such damages and it be completed within one (1) year from time of such damage, and provided further, that said use be identical with non-conforming use permitted and in effect directly preceding said damage. Where pending insurance claims require an extension of time, the Building Inspector may grant a time extension provided that the property owner submits a certification from the insurance company attesting to the delay. Until such time as the debris from the fire damage is fully removed, the premises shall be adequately fenced or screened from access by children who may be attracted to the premises.