

## SECTION 4 - NON-CONFORMING USES

- 4.1 This requirement is to provide for the regulation of non-conforming uses of buildings, structures, or lands and to specify those circumstances and conditions under which those non-conforming uses or buildings, structures, or lands shall be allowed to remain as legal non-conforming uses or shall be terminated as a non-conforming use.
- 4.2 Any non-conforming use of buildings, structures, or lands which existed lawfully at the time of adoption of these regulations, and which remains non-conforming, and any such building, structure, or land which shall become non-conforming upon the adoption of these regulations, or of any subsequent amendment thereto, may be continued in accordance with the requirements set forth herein.

### 4.3 NON-CONFORMING LOTS

Any lot which is legally non-conforming in regard to area, shape, frontage, or access requirements shall be permitted to continue provided the owner of any such lot did not own sufficient adjoining land at the time such lot became non-conforming to comply with those regulations, and has not subsequently acquired such adjoining land, and no such lot may, however, be decreased or altered if the result of such action would be:

- A) To increase the degree to which said lot does not conform to any zoning regulation; or
- B) To create an additional non-conforming aspect of the lot.

- 4.4 Any lawfully existing building or structure all of which is designed or intended for a use not permitted in the district in which it is located shall be subject to the following provisions:
- 4.4.1 Repairs and Alterations. No structural alterations shall be made in or to such building or structure or alterations made to land except those required by law, or except to make the building, structure or land in use thereof to conform to the regulations of the district in which it is located. Routine or ordinary maintenance, repair, or alterations may be made, however.
  - 4.4.2 Additions and Enlargements. Such building or structure shall not be added to or enlarged in any manner unless such building or structure in use thereof, including all additions and enlargements thereto, are made to conform to all the use regulations of the district in which it is located.
  - 4.4.3 Destruction or Damage of a Non-Conforming Use. If any non-conforming use of a building or structure is destroyed or damaged by any means to the extent exceeding 50 percent of the building or structure, it shall not be reconstructed and shall be removed if the cost to reconstruct is more than 50 per cent of the market value of the structure before the damage occurred. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed in the National Register of Historic Places or a State Inventory of Historic Places.
  - 4.4.4 Non-Conforming Use May Be Changed. A non-conforming use may be changed to a use conforming to the provisions of the district in which the use is located. A non-conforming use of land or structure shall not be changed to any other non-conforming use.

- 4.4.5 Discontinuance. The lawful use of lands, buildings, or structures existing at the time of the passage of these regulations, although such does not conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued for a period of twelve months, any further use of said premises shall be in conformity with the provisions of these regulations.
- 4.4.6 Non-Conforming Uses of Less than \$500.00 Assessed Valuation. The non-conforming principal permitted use of land where no buildings of more than five hundred dollars (\$500.00) assessed valuation are in existence at the time of the passage of these regulations shall revert to a use conforming with these regulations within a period of five years after the passage of these regulations for residential use, and three years for other uses.
- 4.4.7 Non-Conforming Use Created by Approved Subdivision. Legally conforming yards made deficient in yard requirements, and legally non-conforming yards made more deficient, by the construction of a street in a subdivision pursuant to approval by the Planning Commission may be continued as legally non-conforming.