

Chapter 175. ZONING

Part 1. Planning and Zoning

Article VI. General Provisions

§ 175-43. Nonconforming lot uses.

A. Expansion.

(1) A nonconforming building or structure may be maintained or rebuilt as it existed at the time of the passage of this section and may, by special exception, be expanded by no more than 25% of its existing area at that time.

(2) A nonconforming use occupying a portion of a parcel of land or a portion of a building may, by special exception, be expanded by no more than 25% of the portion of the parcel of land or building dedicated to the nonconforming use at the time of passage of this section; provided, however, that nonconforming signs may not be expanded.

B. Abandonment. Any nonconforming use that is discontinued or abandoned for a period of one year or more cannot be resumed.

☞ Proposed addition to the ordinance:

A. Routine Maintenance. Routine maintenance and repairs of the building or structure housing the nonconforming use as well as those modifications required by applicable health and safety codes shall be permitted by the Zoning Administrator.

B. Nonconforming Status of Projects Under Construction. Any use of a building for which a building permit has been issued prior to the adoption or amendment of these regulations and the erection of which is in conformity with the plans submitted and approved for such permit, but that does not conform to the use provisions of these regulations, shall be a nonconforming use, and may be continued or modified in accordance with the following provisions.

C. Continuation of a Nonconforming Use. Any nonconforming use may be continued, except that if any such nonconforming use is abandoned or desisted or voluntarily or by legal action caused to be discontinued for a period of one

(1) year, then any subsequent use of the building, other structure or use of the land shall be required to be in conformity with the provisions of these regulations.

D. Conversion of a Nonconforming Use to an Allowed Use. A nonconforming use may be converted to a permitted use or use permitted by Special Exception in the zone in which it is located. Once a nonconforming use is converted to a conforming use, it may not revert to a nonconforming status. A building or structure containing a nonconforming use may be enlarged, extended, reconstructed or structurally altered if said use is changed to a permitted use and the building or structure completely conforms to the provisions of these regulations.

E. Change of a Nonconforming Use to another Nonconforming Use. A nonconforming use may, upon site plan review approval, be changed to another, **less nonconforming** use.

Less Nonconforming is defined as a use that, while not permitted or permitted by special exception, once changed is more nearly conforming to the regulations and ordinance.