

CHAPTER 8

NONCONFORMING USES

SECTION:

- 10-8-1: Nonconforming Uses of Land
- 10-8-2: Nonconforming Buildings
- 10-8-3: Discontinuance of Nonconforming Buildings, Uses
- 10-8-4: Damaged Nonconforming Buildings

10-8-1: **NONCONFORMING USES OF LAND:** The nonconforming use of land existing on the effective date of this Title may be continued; provided, however, that no such nonconforming use of land shall in any way be extended or expanded, either on the same or adjoining property. If such nonconforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this Title.

10-8-2: **NONCONFORMING BUILDINGS:**

- (A) **Continuation of Existing Uses:** The lawful use of a building existing at the effective date of this Title may be continued although such does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The nonconforming use of a building may be hereafter extended throughout those parts of a building which were manifestly arranged or designed for such use at the time of the enactment of this Title.
- (B) **Nonconforming Use Created by Changes in Title:** Whenever the use of a building becomes a nonconforming use through a change in the Zoning Title or district boundaries, such use may be continued and if no structural alterations are made, it may be changed to another nonconforming use of the same or of a more restricted classification.

10-8-3: **DISCONTINUANCE OF NONCONFORMING BUILDINGS, USES:** A nonconforming use of land or of a building or portion thereof which is hereafter discontinued for a continuous period of two (2) years shall not again be used except in conformity with the regulations of the district in which such building or land is situated.

10-8-4: **DAMAGED NONCONFORMING BUILDINGS:** No building which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than seventy percent (70%) of the fair market value of the building immediately prior to damage, shall be restored except in conformity with the regulations in this Title. If a building is damaged by less than seventy percent (70%) of the fair market value it may be repaired or reconstructed and used as before the time of damage provided that such repairs or reconstructions are completed within twelve (12) months of the date of such damage. (Ord. 220; 5-5-62)