

SECTION VII – NONCONFORMING USES

- 7.01 NONCONFORMING USE: A building, structure or use of land existing at the time of enactment of this Resolution, and which does not conform to the regulations of the district or zone in which it is situated. (5/25/1982)
- 7.02 A nonconforming use or building existing at the time this Resolution takes effect may be continued and no zoning permit shall be required. If any such nonconforming use or building is voluntarily discontinued for two (2) years or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district or zone. (5/1955)
- 7.03 Any building arranged, intended or designed for a nonconforming use, the construction of which has been started at the time of the passage of this Resolution, but not completed, may be completed and put to such nonconforming use, provided it is done within one (1) year after this Resolution takes effect, and further providing a statement by the owner and user of the premises is thereafter promptly filed with the Zoning Inspector, stating the nature and extent of such nonconforming use. (5/1955)
- 7.04 Any building or structure, existing as a nonconforming use at the time this Resolution takes effect, which is destroyed by fire or the elements, may be reconstructed and restored to its nonconforming use providing the same is done within two (2) years from the date of said destruction. (5/1955)
- 7.05 A building or structure devoted to a nonconforming use at the time this Resolution takes effect may not be altered or enlarged so as to extend said nonconforming use more than ten percent (10%) in area. (5/1955)
- 7.06 A nonconforming use of land, which may be continued under the provisions of this section, shall not be extended or expanded more than ten percent (10%) over the ground area devoted to the use which existed at the time such use became nonconforming. (5/1955)
- 7.07 In the event the pre-existing nonconforming use consists of the placement upon the land of individual units such as cabins, trailers, motel, apartments, or rooms devoted to the use of transient paying guests the extent of such pre-existing use, which may be expanded not over ten percent (10%) under this Resolution, shall be measured by the number of units in existence and operation on the land at the time such use became a nonconforming use under this Resolution. (5/1955)
- 7.08 Any expansion of a nonconforming use shall only be undertaken or made after a Zoning Permit shall have been first obtained. (5/1955)
- 7.09 Whenever a nonconforming use has been changed to a more restrictive use or to a conforming use for two (2) years or more, such use shall not thereafter be changed to a less restrictive use or a nonconforming use. (5/1955)
- 7.10 Any person or corporation claiming the right of operation or use as a pre-existing nonconforming use as described in this section shall make and preserve reasonable records and other proofs of the existence and extent of such use at the time it becomes nonconforming due to this Resolution or amendments thereto. (5/1955)
- 7.11 Where a parcel or lot was separately owned, or was a lot of a subdivision duly recorded, and at the time of original enactment of this Resolution or any amendment thereto was smaller than required herein but is at the time of the application for a Zoning Permit the same size or larger than it was when this Resolution became effective, and the applicant is not the owner of adjacent premises which when combined with said parcel or lot would be of sufficient size, a single family dwelling may be erected upon such parcel or lot and the minimum side yard clearance shall be reduced proportionately, based on the width of such parcel or lot in relation to a lot of minimum size under the requirements of this Resolution, but in no event to less than ten (10) feet. (5/1955)