

ARTICLE 10 NONCONFORMITIES

10.2 NONCONFORMING USES

Nonconforming uses of land are declared generally incompatible with this Ordinance. Nonconforming uses of land may continue in accordance with the provisions of this Section.

10.2.1 Normal Maintenance or Repair

Normal maintenance or repair of structures where nonconforming uses are located may be performed in any period of 12 consecutive months, to an extent not exceeding 15% of the current assessed value of the structure, provided that the cubic content of the structure existing after the date it became nonconforming shall not be increased, except pursuant to the standards of this Section.

10.2.2 Enlargement or Expansion

A nonconforming use shall not be enlarged or expanded in area occupied, except a nonconforming use may be enlarged in any area of the same structure in which is manifestly designed for such use prior to the date the use became a nonconformity.

10.2.3 Relocation

A structure housing a nonconforming use shall not be moved in whole, or in part, to another location on or off the parcel of land on which it is located, unless the relocation of the nonconforming use decreases the nonconformity.

10.2.4 Damage and Restoration of Structure Housing Nonconforming Use

Any conforming structure housing a nonconforming use that is damaged by any means to an extent exceeding a percentage of its then reproducible value equal to 100% minus two (2%) percent per year of age of the structure, or 60%, whichever is greater, shall comply with the use standards of this Ordinance when it is re-constructed. Any conforming structure housing a nonconforming use that is damaged by any means to a lesser extent may continue the nonconforming use if it is reconstructed and used as before within two years of the damage.

10.2.5 Change in Use

A nonconforming use shall not be changed to any other use, unless any new or additional use conforms to the provisions in this Ordinance for the zoning district in which the use is located.

10.2.6 Discontinuance or Abandonment

If a nonconforming use is discontinued or abandoned for a period of more than six (6) consecutive months, whether or not the equipment or furniture are removed, then such use may not be re-established or resumed, and any subsequent use shall conform to the

provisions specified by this Ordinance. When government action can be documented as the reason for discontinuance or abandonment, the time of delay by government shall not be calculated for the purpose of this Section.

10.2.7 Unsafe Because of Maintenance

If a nonconforming structure or portion thereof containing a nonconforming use becomes physically unsafe or unlawful due to the lack of repairs or maintenance, and is declared to be an unsafe structure, it shall thereafter be rebuilt and repaired in conformance with the standards of this Ordinance.