

CHAPTER 8

NONCONFORMING USES

SECTION:

5-8-1: Nonconforming Uses

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- (A) The lawful use of any building or structure existing at the time of the passage of this Title may be continued, although such use does not conform with the provisions of this Title.
- (B) A nonconforming use shall not be extended, but the extension of a lawful use to any portion of the building designed for a nonconforming use which existed prior to the enactment of this Title, shall not be deemed the extension of such nonconforming use. Any such valid extension must meet the lot area, side yard, front yard and rear yard requirements provided for that district in which the nonconforming building is located.
- (C) A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost fifty percent (50%) of the current fair value of the building unless said building is changed to a conforming use. A building designed for a nonconforming use, however, may be reconstructed or altered beyond the limitations herein provided by the action of the Board of Appeals, after public hearing, as required by law in case of variances. The limitations herein provided shall not prohibit the restoration to a safe condition of any structure or portion thereof declared unsafe by a proper authority.
- (D) If a nonconforming use has been discontinued for a period of one (1) year or more, it shall not be re-established unless the nonconforming use was in a building designed, arranged and intended for such use.
- (E) Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use shall not be substituted or added to another nonconforming use.

- (F) Whenever the boundaries of a district shall be changed so as to transfer an area from one (1) district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.