

ARTICLE XV Nonconforming Buildings, Structures and Uses of Land

Section 1. NONCONFORMING BUILDINGS AND STRUCTURES.

- 1.001 GENERAL. A nonconforming building or structure existing at the time of the adoption of the Ordinance may be continued, maintained and repaired, except as otherwise provided in this Article. Nothing in the Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector.
- 1.002 ALTERATION OR ENLARGEMENT OF BUILDINGS AND STRUCTURES. A nonconforming building or structure shall not be added to or enlarged in any manner unless such building or structure, including additions and enlargements, is made to conform to all of the regulations of the District in which it is located; provided, however, that if a building or structure is conforming as to use, but nonconforming as to yards, height or off-street parking space, such building or structure may be enlarged or added to provided that the enlargement or addition complies with the yard, height and off-street parking space requirements of the District in which such building or structure is located. No nonconforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of such building or structure is made to conform to all of the regulations of the District in which-it is located.
- 1.003 BUILDING VACANCY. A building or structure or portion thereof, which is nonconforming as to use, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the District in which it is located.
- 1.004 DESTRUCTION OF NONCONFORMING BUILDINGS AND STRUCTURES. Any nonconforming building or structure which has been damaged by fire, flood, explosion, earthquake, war, riot or other act of God, may be reconstructed and used as before if it be done within twelve (12), months of such calamity, Unless damaged more than sixty (60) percent of its fair market value, as determined by the Board of Appeals, at the time of such damage, in which case reconstruction shall be in accordance with the provisions of the Ordinance.
- 1.005 CHANGE IN USE. A nonconforming use of a conforming building or structure shall not be expanded or extended into any other portion of such conforming building or structure, nor shall it be changed except to a conforming use. If such a nonconforming use, or a portion thereof,, is discontinued or changed to a conforming use, any future use of such building, structure, or portion thereof, shall be in conformity with the regulations of the District in which such building or structure is located. A vacant or partially vacant conforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within-a period of one (1) year after the effective date of the Ordinance, but otherwise it shall be used in conformity with the regulations of the District in which it is located.

The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification; but where the use of a nonconforming building or structure is changed to a use of a more restricted district classification it thereafter shall not be changed to a use of a less restricted district classification; provided, however, that a building or structure which was nonconforming as to use at the time of adoption of the Ordinance, may continue

to be used as previously.

Section 2. NONCONFORMING USES OF LAND.

A nonconforming use of land, where the aggregate value of all permanent buildings or structures is less than five hundred (500) dollars, existing at the time of adoption of the Ordinance of 1974 shall not be permitted and must be changed immediately to a conforming use.