

**DIVISION 5. NONCONFORMING USES****Sec. 27-936. Statement of intent and purpose.**

Within the districts established by this chapter, or by amendments that may later be adopted, there exist lots, uses of land, uses of land and buildings, uses of land and structures, and characteristics of buildings and structures which were lawful before this chapter was adopted or amended, but which would be prohibited under the terms of this chapter or future amendment. Such nonconforming uses are hereby declared to be incompatible with authorized and permitted uses in the districts involved. It is the intent of the board of commissioners to require the cessation of certain of these nonconformities, and to permit others to continue until they are otherwise removed or cease. It is further the board's intent that nonconformities not be used as grounds for adding other buildings, structures, or uses of land prohibited by this chapter, and that no such building, structure, or use of land shall be enlarged, expanded, moved, or otherwise altered in a manner that increases the degree of nonconformity.

(Ord. No. 99-11, Pt. 1, 4-13-99)

**Sec. 27-937. Nonconforming use of land.**

The nonconforming use of land may be continued, but no such nonconforming use of land which has been discontinued for a continuous period of six (6) months shall be reestablished unless such cessation is a direct result of governmental action impeding access to the property. Such nonconforming use of land shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

(Ord. No. 99-11, Pt. 1, 4-13-99)

**Sec. 27-938. Nonconforming lot of record.**

A nonconforming lot of record in a residential district may be used for a single-family residence without the need for a variance from the zoning board of appeals.

(Ord. No. 99-11, Pt. 1, 4-13-99)

**Sec. 27-939. Nonconforming use of land and buildings in combination and nonconforming use of land and structures in combination.**

The following regulations apply to the nonconforming use of land and building(s) in combination and the nonconforming use of land and structure(s) in combination:

(a) Such uses of land and buildings or land and structures may be continued, but no such use which has been discontinued for a continuous period of six (6) months shall be reestablished unless such cessation is a direct result of governmental action impeding access to the property.

(b) Such uses of land and buildings or land and structures, or any such building or structure, shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

(c) A nonconforming use of a building may be extended into those interior parts of a building which were manifestly designed for such use prior to the enactment of this chapter.

(Ord. No. 99-11, Pt. 1, 4-13-99)

**Sec. 27-940. Nonconforming characteristics of buildings and structures.**

Any building or structure with nonconforming characteristics which is occupied by a conforming use shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

(Ord. No. 99-11, Pt. 1, 4-13-99)

**Sec. 27-941. Nonconforming uses requiring special administrative permit, special exception or special land use permit.**

No nonconforming use, building or structure requiring a special administrative permit, special exception or special land use permit under the terms of this chapter, including any use, building or structure that was authorized as of right prior to the adoption of this chapter but would require a special administrative permit, special exception, or special land use permit upon the adoption of this chapter, shall be enlarged, expanded, moved, or otherwise altered in any manner except after application for and approval of a special administrative permit, special exception or special land use permit. Normal repair and maintenance of buildings and structures is authorized without the need for special permits. No such use, building, or structure which has been discontinued for a continuous period of six (6) months shall be reestablished unless such cessation is a direct result of governmental action impeding access to the property.

(Ord. No. 99-11, Pt. 1, 4-13-99)

**Sec. 27-942. Reconstruction of buildings or structures which are defined as nonconforming use of land and building or nonconforming use of land and structure.**

Any building or structure constituting a nonconforming use of land and building(s) or nonconforming use of land and structure(s) which has been damaged by fire or other cause, may be reconstructed and used as it was prior to damage if said reconstruction is completed within one (1) year of the date of the damage, except that if said building or structure has been declared by the director of public works to have been damaged to an extent exceeding sixty (60) percent of its fair market value at the time of destruction, then any repair, reconstruction or new construction shall conform to all of the requirements of the district in which said building or structure is located.

(Ord. No. 99-11, Pt. 1, 4-13-99)

**Sec. 27-943. Strengthening and restoring to safe condition of buildings and structures.**

Nothing in this chapter shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the director of public works.

(Ord. No. 99-11, Pt. 1, 4-13-99)

**Sec. 27-944. Buildings and structures where construction has begun.**

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building or structure for which development or building permits were lawfully applied for or issued, or preliminary or final subdivision plats were lawfully approved, prior to the effective date of this chapter or amendment thereto, provided: (i) such permit or approval has not by its own terms expired prior to such effective date; (ii) actual building construction is commenced prior to the expiration of such permit or approval; (iii) actual building construction is carried on pursuant to said permit or approval and limited to and in strict accordance with said permit or approval; and (iv) no renewals or extensions of said permit or approval shall be authorized.

(Ord. No. 99-11, Pt. 1, 4-13-99)

**Sec. 27-945. Prior variances, special exceptions, and special permits authorized.**

Variances, special exceptions, and special permits lawfully authorized and granted prior to the effective date of this chapter shall continue to be utilized provided the terms of said authorization are followed.

(Ord. No. 99-11, Pt. 1, 4-13-99)

Secs. 27-946--27-955. Reserved.