

Article VI Non-Conforming Uses

Sec. 601 **Purpose**

The purpose of this section is to provide for the continuation of uses that do not conform to the existing zoning, but which were in operation prior to the enactment of this Resolution or amendments thereto, except as otherwise provided in **Article V, Section 501-5 .G.1.**

Sec. 601-1 **Regulations**

The lawful use of any building or land existing at the effective date of this Resolution or amendments thereto may be continued, although such use does not conform with the provisions of this Resolution.

A. Alterations

A building or structure containing a non-conforming use may be altered, improved, or reconstructed provided such work is not to an extent exceeding in aggregate cost the assessed value of the building or structure unless the building or structure is changed to a conforming use.

B. Non-Conforming to Non-Conforming Use

A non-conforming use may be changed to another non-conforming use provided that the proposed non-conforming use is in less conflict with character and use of the district than the existing non-conforming use as determined by the Board of Zoning Appeals.

C. Restoration

Nothing in this Resolution shall prevent the reconstruction, repairing, rebuilding, and continued use of any non-conforming building or structure damaged by fire, collapse, explosion, or acts of God, subsequent to the date of this Resolution wherein the expense of such work does not exceed fifty percent (50%) of the replacement cost of the building or structure at the time such damage occurred.

D. Construction Improved Prior to Resolution

Nothing in this Resolution shall prohibit the completion of construction and use of non-conforming building for which a zoning certificate has been issued prior to the effective date of this Resolution or any amendments thereto, provided that construction is commenced within ninety (90) days after the issuance of such certificate; that construction is carried on diligently and without interruption for a continuous period in excess of thirty (30) days; and that the entire building shall have been completed within two (2) years after the issuance of said zoning certificate.

E. Displacement

No non-conforming use shall be extended to displace a conforming use.

F. Discontinuance or Abandonment

Whenever a non-conforming use has been discontinued for a period of two (2) years or more, any further use shall be in conformity with the provision of this Resolution.

G. Unsafe Structures

Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

H. Documentation of Non-Conforming Uses

1. The Inspector shall document the existence of non-conforming uses to the maximum extent possible and will take all reasonable steps to notify property owners when the use of property does not conform to the provisions of this Zoning Resolution. Information non-conforming uses shall be filed in the office the Zoning Inspector.

I. District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to any non-conforming use existing therein.

Sec. 601-2 Continuation of Existing Uses Conditionally Permissible Under This Resolution

All uses existing at the time of passage of this Resolution or amendments thereto and conditionally permissible in their respective districts under this Resolution shall be issued conditional zoning certificates within one (1) year after the passage of this Resolution or amendments thereto. The Board of Zoning Appeals shall issue the certificates.