

## **Section 32 – Nonconforming Uses**

### **I. Continuation generally.**

- A. The lawful use of a building or land existing at the time of the adoption of these zoning regulations and amendments hereto may be continued, although such use does not conform to the provisions of the adopted zoning regulations, except as otherwise provided herein.

### **II. Specific standards.**

- A. A nonconforming use or structure existing at the time of the adoption of these zoning regulations, which was conforming at the time of its erection, may be continued in use, although such use does not conform to the provisions of such regulations.
- B. With the formal authorization of the Board of Adjustment, granted after a duly advertised public hearing and after its determination that the properties in the general vicinity will not be adversely affected by the change, an existing nonconforming use may be changed to a new nonconforming use in the same or a more restrictive zone classification.
- C. The Board of Adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation, which makes its use nonconforming, was adopted. Any proposal for an enlargement or extension of a structure or building which does not enlarge the scope or the operation shall appear before the Board of Adjustment, which may be granted after a public hearing.
- D. A building or structure, which is the subject of a nonconforming use, may be maintained and repaired.
- E. A building or structure which does not comply with the dimensional requirements of the zoning regulations may be maintained, repaired, altered, or moved, provided that every portion so enlarged or moved shall be made to conform to all the regulations of the zone in which the structure is located.
- F. A building or structure which is nonconforming, either with respect to its use or with respect to dimensional requirements on the lot where it is situated, which is damaged or destroyed by any cause to the extent of more than 75 percent (%) of its value or area, shall not be repaired nor rebuilt, except in conformance with the provisions of the zoning regulations.
- G. On any lot where there is an existing principal structure which was conforming at the time it was constructed, but which had become nonconforming with respect to front, rear, or side yard requirements, and which otherwise complies with the use and dimensional requirements of the zoning regulations, an addition to that structure may be constructed which similarly does not conform to the front, rear or side yard requirements; provided the newly created nonconformity is no nearer to the front, side or rear lot line than the previously nonconforming existing structure.

