

## **ARTICLE 17 - NON-CONFORMING USES**

### **Section 17.1 - Intent.**

It is recognized that there exists within the districts established by this Ordinance or by amendments, lots, structures, and uses of land which were lawful before this Ordinance was passed or amended which would be prohibited or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed.

### **Section 17.2 - Zoning Board of Appeals Variance.**

Although it is the intent of this Ordinance to restrict the expansion and perpetuation of non-conforming uses of land and/or buildings, the Zoning Board of Appeals, after subject to a hearing, may allow an expansion or enlargement, provided that such expansion or enlargement:

- (1) Will not further reduce the value or otherwise limit the lawful use of adjacent premises.
- (2) Will essentially retain the character and environment of abutting premises.
- (3) Will not materially increase or perpetrate the nuisance aspect (noise, glare, traffic congestion, odors, land overcrowding, etc.) of the use upon adjacent uses.

### **Section 17.3 - Repair, Reconstruction and Restoration of Non-Conforming Buildings.**

Nothing in this Ordinance shall prohibit the repair, improvement, reconstruction, restoration or modernization of a non-conforming building provided that such repair, rebuilding, restoration or modernization does not exceed an aggregate cost of 50% of the value of the building, unless the subject building is changed by such repair, rebuilding or modernization to a conforming use.

### **Section 17.4 - Discontinuance or Abandonment.**

Whenever a nonconforming use has been discontinued for six (6) consecutive months, such discontinuance shall be considered conclusive evidence of an intention to abandonment, the non-conforming use shall not be reestablished, and any future use shall be in conformity with the provisions of this Ordinance.

### **Section 17.5 - Changing Uses.**

If no structural alterations are made, the Zoning Board of Appeals may authorize a change from one (1) non-conforming use to another non-conforming use, provided the proposed use would be equal or more suitable to the zoning district in which it is located

than the non-conforming use which is being replaced. Whenever a non-conforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a non-conforming or less conforming use.

**Section 17.6 - Removal or Destruction.**

Removal or destruction of a non-conforming use and/or structure shall eliminate the nonconforming status of the land (premises).