

# LAND USE ORDINANCE 2008-04

## CHAPTER 5

### NONCONFORMING BUILDINGS AND USES

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#### **5.1. MAINTENANCE PERMITTED.**

A nonconforming building or structure may be maintained.

#### **5.2. REPAIRS AND ALTERATIONS.**

Repairs and structural alterations may be made to a nonconforming building or building housing a nonconforming use.

#### **5.3. ADDITIONS, ENLARGEMENTS, AND MOVING.**

A building or structure occupied by a nonconforming use and a building or structure nonconforming as to height, area, or yard requirement shall not be added to, enlarged in any manner, or moved to another location on the lot.

#### **5.4. ALTERATIONS WHERE PARKING IS INSUFFICIENT.**

A building or structure lacking sufficient automobile parking space in connection therewith as required by this Ordinance may be altered to provide additional automobile parking space after recommendation by the Planning Commission and approved by the Town Council.

#### **5.5. RESTORATION OF DAMAGED BUILDINGS.**

A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged by fire, flood, wind, earthquake or other calamity or Act of God, or the public enemy, may be restored and the occupancy or use of such building, structure, or part thereof, which existed at the time of such damage may be continued or resumed, provided that such restoration is started within a period of one (1) year and is diligently pursued to completion.

#### **5.6. ONE-YEAR VACANCY.**

A building, structure, or portion thereof occupied by a nonconforming use, which is or hereafter becomes vacant and remains unoccupied by a nonconforming use for a continuous period of one (1) year, shall not thereafter be occupied except by use, which conforms to the use regulations of the Zone in which it is located.

**5.7. CONTINUATION OF USE.**

The legal occupancy of a building or structure by a nonconforming use, existing at the time this Ordinance became effective, may be continued.

**5.8. OCCUPATION WITHIN ONE YEAR.**

A vacant building or structure may be occupied by a use for which the building or structure was designed or intended, if so occupied within a period of one (1) year after the use became nonconforming.

**5.9. CHANGE OF USE.**

The nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

**5.10. NONCONFORMING USE OF LAND.**

The nonconforming use of land, existing at the time this Ordinance became effective, may be continued, provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or on adjoining property, and provided that if such nonconforming use of land, or any portion thereof, is abandoned or changed for a period of one (1) year or more, without clear intent of the owners to continue the nonconforming use. Any future use of such land shall be in conformity with the provisions of this Ordinance. This is to include the keeping of animals and fowl.

**5.11. ABANDONMENT OF NONCONFORMING STRUCTURES OR LAND.**

If there is no clear intent by the owner to continue the nonconforming use then the nonconforming structure or land use will be considered abandoned and as such it will not be allowed to be resumed.

**5.12. FINDINGS.**

All findings in which officials determine any nonconforming structures or land uses, will be documented in the minutes of meetings.