

ARTICLE XV - NONCONFORMING USES

15-1 CONTINUATION

15-1.1 If at the time of enactment of this ordinance, any legal activity which is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this ordinance, such manner of use or purpose may be continued as herein provided, except that advertising structures that become nonconforming because of a rezoning have twenty-four (24) months within which to relocate in a permitted area.

15-1.2 If any change in title or possession, or renewal or assignment of a lease of any such lot or structure occurs, the use existing may be continued.

15-1.3 If any nonconforming uses of land, buildings, or structures is discontinued for a period exceeding two (2) years, after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance.

15-1.4 All meat packing plants, abattoirs and farming operations in existence in the area of the annexation which became effective at midnight, December 31, 1962, may be continued and no change of title or possession shall be construed to prevent the continued nonconforming use. Buildings or structures in connection with such nonconforming uses may be hereafter extended or enlarged. No building or structure in which one of these nonconforming uses is abandoned for a period exceeding two years, or is superseded by a permitted use shall be again devoted to any use as

prohibited by this ordinance. Any nonconforming building or structure as aforesaid which is hereafter damaged, regardless of extent, by fire, flood, explosion, earthquake, war, riot or so-called act of God may be restored, reconstructed and used for the nonconforming use which it was being used at the time of such catastrophe.

15-2 PERMITS

15-2.1 The construction or use of a nonconforming building or land area for which a permit was issued legally prior to the adoption of this ordinance may proceed, provided such building is completed within one (1) year, or such use of land established within thirty (30) days after the effective date of this ordinance.

15-3 CHANGES IN DISTRICT BOUNDARIES

15-3.1 Whenever the boundaries of a district are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this article.

15-4 EXPANSION OR ENLARGEMENT

15-4.1 A nonconforming structure to be extended or enlarged shall conform with the provisions of this ordinance.

15-4.2 A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this ordinance.

15-4.3 The property upon which a variance has been granted shall be treated as conforming for all purposes under state law and local ordinance, however, the structure permitted by the variance may not be expanded unless the

expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.⁷⁴

15-5 NONCONFORMING LOTS

15-5.1 Any lot of record at the adoption of this ordinance, or which due to subsequent amendments to the ordinance, has less area and width than required by this ordinance may be used when the requirements regarding set backs, side and rear yards are met.⁷⁵

15-6 RESTORATION OR REPLACEMENT

15-6.1 If a nonconforming activity is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five percent (75%) of the cost of reconstructing the entire activity or structure, it shall be restored only if such use complies with the requirements of this ordinance.

15-6.2 If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five percent (75%) of the cost of reconstructing the entire structure, it shall be restored only if it complies with requirements of this ordinance.

15-6.3 Where a conforming structure devoted to a nonconforming activity is damaged less than seventy-five percent (75%) of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less

than seventy-five percent (75%) of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such repair or restoration is started within twenty-four (24) months and completed within thirty (30) months from the date of partial destruction.

15-6.4 The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

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