

SECTION

21

NONCONFORMING USES

Sections:

21-1 Application

Section 21-1. Application

21-1.01 The provisions of these regulations shall apply to any alteration of a building to provide for a change in such use of any building or land after the effective date of these regulations. However, the provisions of these regulations shall not apply to the existing use of any buildings or land and shall not prevent the restoration of a building damaged not more than fifty percent (50%) of its appraised market value by fire, explosion or act of God or prevent the continuance of the use of such building or part thereof as such use existed at the time of such damage within twelve (12) months of such damage, excluding litigation concerning such restoration.

21-1.02 No such nonconforming use or substantial improvement of that use shall be expanded, changed, enlarged or altered in a way that increases its nonconformity.

21-1.03 Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

21-1.04 A lawful nonconforming use of a building, structure or land that has been voluntarily discontinued for a period of six (6) consecutive months shall not thereafter be resumed.

21-1.05 Ordinary Repair and Maintenance.

1. Normal maintenance and incidental repair or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing may be performed on any structure that is devoted in whole or in part to a nonconforming use that does not exceed twenty-five (25) percent of the appraised market value within any period of twelve (12) months.

2. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition, provided that such restoration will not be in violation of this Section.

21-1.06 Any structure that is devoted to a residential use and that is located in a business or industrial district may be structurally altered, extended, expanded and enlarged, provided, however, that after any such reconstruction, such structure shall not be used to accommodate a greater number of dwelling units than such structure accommodated prior to any such work unless specifically permitted by the district.

21-1.07 Nonconforming nonresidential structures and uses that existed on the day prior to the effective date of these regulations may apply on a one (1)-time basis for a Conditional Use Permit according to the provisions of Section 20 of these regulations to reconstruct, structurally alter, or enlarge after damage or destruction or structurally alter, enlarge or make extensions to structures or uses, including the use of additional land when properly zoned for the use, so long as, in the opinion of the Board of Aldermen, under stated conditions, that the effect upon adjacent areas is protected to the extent possible and the public interest served.