

#### **SECTION 400: NON-CONFORMITIES**

Within the districts established by this Zoning Ordinance there exist:

1. Non-conforming lots
2. Non-conforming structures
3. Non-conforming uses of land, and
4. Non-conforming components of use

which were lawful before the Zoning Ordinance, or amendments thereto, was passed but which would be prohibited, regulated or restricted under the terms of the Zoning Ordinance or amendments thereto. It is the intent of the Zoning Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival.

#### **SECTION 420: AVOIDANCE OF UNDUE HARDSHIP**

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building or development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently. Actual construction is hereby defined as work done which is beyond the preparation stage and into the stage where the changes or additions are made permanent.

#### **SECTION 430: NON-CONFORMING LOT OF RECORD**

A non-conforming lot may be used for any permitted use in the specific zoning district provided all other development standards and regulations of the Zoning Ordinance are met.

#### **SECTION 440: NON-CONFORMING USE OF LAND**

- A. A non-conforming use may be continued provided that:
  1. No such non-conforming use shall be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the Zoning Ordinance; and
  2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the Zoning Ordinance.

- B. If any such non-conforming use of land is discontinued or abandoned for more than one (1) year, any subsequent use of such land shall conform to the regulations specified by the Zoning Ordinance for the district in which such land is located.

**SECTION 450: NON-CONFORMING STRUCTURES**

- A. Should any non-conforming structure be damaged or destroyed by fire, flood, wind, explosion, act of God, or act of a public enemy, said structure may be repaired, replaced, or rebuilt in the same location upon the lot, or in a manner which decreases its non-conformity.
- B. Should any non-conforming structure remain damaged or destroyed for a period of one (1) year following the date of damage without the issuance of a building permit, said structure shall not be repaired, replaced, or rebuilt unless it is brought into full compliance with the provisions of the Zoning Ordinance.
- C. Should any non-conforming structure be damaged, removed, or destroyed by any other means, it shall not be reconstructed except in conformity with the provisions of the Zoning Ordinance.
- D. Should any non-conforming manufactured home be removed from a lot, it shall not be replaced except in conformity with the provisions of the Zoning Ordinance.
- E. A non-conforming structure may be enlarged or expanded if all of the following requirements are adhered to:
  - 1. The addition shall not extend into any required front yard beyond the existing structure.
  - 2. The addition shall not extend into any required side yard beyond the existing structure.
  - 3. The addition shall not extend into any required rear yard beyond the existing structure.
  - 4. The addition shall not extend any closer to an intersection of streets or other rights-of-way than the existing structure.
  - 5. The addition may extend beyond the existing structure only when said addition complies with the applicable setbacks.
- F. Enclosure of a non-conforming open porch, or a porch constructed in conformance with Section 710 (A)(5), is not permitted.

**SECTION 460: NON-CONFORMING COMPONENT OF USE**

- A. A non-conforming component of use may be continued provided that:
  - 1. No such non-conforming component of use shall be enlarged or relocated on the lot unless in full compliance with the provisions of the Zoning Ordinance.
- B. If any such non-conforming component of use is discontinued or abandoned for more than one (1) year, any subsequent use of such non-conforming component of use shall conform to the provisions of the Zoning Ordinance.

**SECTION 470: REPAIRS AND MAINTENANCE**

Routine repairs and maintenance of non-conforming structures or non-conforming components of use necessary to maintain safety are permitted.

**SECTION 480: APPROVED SPECIAL EXCEPTION AND VARIANCE OF USE**

Any conditional use, special exception or variance of use which obtained approval from the Board of Zoning Appeals shall not be considered a non-conforming use, but shall, after approval, be considered a permitted use.