

## **SECTION 8.00 NONCONFORMING USES AND STRUCTURES**

### **8.01 EXISTING NONCONFORMING USES**

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance; however:

- A. Only That Portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.
- B. Substitution of New Equipment may be permitted by the Zoning Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

### **8.02 ABOLISHMENT OR REPLACEMENT**

If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, the use or structure may be repaired to the extent it existed prior to its destruction. A current file of all nonconforming uses shall be maintained by the Zoning Administrator listing the following: owner's name and address; use of the structure, land, or water; and the accumulated value of any permitted repairs since its becoming a nonconforming use.

### **8.03 EXISTING NONCONFORMING STRUCTURES**

The conforming use of a nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although the structure's size or location does not conform with the established building setback line along streets, or the yard, height, parking, loading, and/or access provisions of this Ordinance. Additions and enlargements to nonconforming structures are permitted provided that the addition does not encroach further upon yard and height requirements than the existing encroachment. Expanded or extended nonconforming structures shall conform with the established parking, loading, and access provisions of this Ordinance.

### **8.04 CONFORMING STRUCTURES ON NONCONFORMING LOTS**

The use of a structure existing at the time of the adoption or amendment of this Ordinance may be continued although the lot area or lot width does not conform to the requirements of this Ordinance. Additions and enlargements to the structure are permitted and shall conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this Ordinance insofar as is practicable. Existing buildings and their additions shall not be permitted to encroach further upon established yard and height requirements than the existing encroachment.

### **8.05 VACANT NONCONFORMING LOTS**

The Zoning Administrator may issue a building permit for development of a lot which does not contain sufficient area to conform to the dimensional requirements of this Ordinance for use as a building site provided that the use is permitted in the zoning district in which it is located; that the lot is of record in the County Register of Deeds Office prior to the effective date of this Ordinance or amendment thereto; and that the lot is in separate ownership from abutting lands. Nonconforming lots served by public sanitary sewer shall be at least 50 feet wide and 7,200 square feet in area. Nonconforming lots served by private onsite waste

treatment systems (POWTS) shall be at least 100 feet wide and 40,000 square feet in area, unless a greater width or area is required to meet County regulations for the location of the POWTS. Lots with smaller dimensions shall not be developed unless a variance is granted by the Zoning Board of Appeals.

Vacant nonconforming lots granted permits under this Section shall be required to meet the setback and other yard requirements of this Ordinance. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only if a variance is granted by the Board of Appeals.

#### **8.06 CHANGES AND SUBSTITUTIONS**

Once a nonconforming use has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Zoning Board of Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the original use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Zoning Board of Appeals.