

SECTION 17

NON-CONFORMING BUILDINGS AND USES

PURPOSE: THE PURPOSE OF THIS SECTION IS TO CONTROL AND REGULATE ALL NON-CONFORMING USES OF LAND OR BUILDINGS. IT IS ALSO INTENDED TO CONTROL AND REGULATE BUILDINGS WHICH ARE NON-CONFORMING AS TO HEIGHT AND LOCATION REGULATIONS OF THE DISTRICT WITHIN WHICH THEY ARE LOCATED.

CONTINUATION OF USES: EXCEPT AS HEREINAFTER SPECIFIED, ANY USE, BUILDING, OR STRUCTURE, LAWFULLY EXISTING AT THE TIME OF ENACTMENT OF THIS ORDINANCE MAY BE CONTINUED EVEN THROUGH SUCH USE, BUILDING OR STRUCTURE DOES NOT CONFORM WITH THE PROVISION OF THE ORDINANCE FOR THE DISTRICT IN WHICH IT IS LOCATED.

UNSAFE STRUCTURES: EXCEPT AS OTHERWISE PROVIDED BY LAW, ANY PART OF A BUILDING OR STRUCTURE DECLARED UNSAFE BY A PROPER PUBLIC AUTHORITY MUST BE RESTORED TO A SAFE CONDITION OR TAKEN DOWN.

CONDITIONAL USES: ANY USE LEGALLY EXISTING ON THE EFFECTIVE DATE OF THIS ORDINANCE WHICH IS LISTED AS A CONDITIONAL USE IN THE DISTRICT WHEREIN LOCATED, SHALL BE AND REMAIN A NON-CONFORMING USE UNTIL A CONDITIONAL USE PERMIT IS OBTAINED AS PROVIDED IN THIS ORDINANCE.

NON-CONFORMING USES, DISCONTINUANCE, EXTENSION, SUBSTITUTION: A NON-CONFORMING USE SHALL NOT BE ENLARGED, EXTENDED, OR CHANGED UNLESS THE USE IS CHANGED TO A USE PERMITTED IN THE DISTRICT IN WHICH IT IS LOCATED, AND A NON-CONFORMING BUILDING SHALL NOT BE RECONSTRUCTED OR STRUCTURALLY ALTERED UNLESS SUCH ALTERATION RESULTS IN REMOVING THESE CONDITIONS OF THE BUILDING WHICH RENDER IT NON-CONFORMING, EXCEPT AS FOLLOWS:

A NON-CONFORMING USE MAY BE EXTENDED TO INCLUDE THE ENTIRE FLOOR AREA OF THE EXISTING BUILDING IN WHICH IT IS CONDUCTED AT THE TIME THE USE BECAME NON-CONFORMING.

WHEN AUTHORIZED BY THE APPEAL AUTHORITY UPON APPEAL, A NON-CONFORMING USE WHICH IS DETERMINED TO BE OF A MORE DESIRABLE NATURE MAY BE SUBSTITUTED FOR ANOTHER EXISTING NON-CONFORMING USE.

WHEN AUTHORIZED BY THE APPEAL AUTHORITY UPON APPEAL, A BUILDING DEVOTED TO A NON-CONFORMING USE MAY BE ENLARGED OR COMPLETED UPON THE LOT OCCUPIED BY SUCH BUILDING, PROVIDED THAT SUCH ENLARGEMENT OR COMPLETION IS NECESSARY AND INCIDENTAL TO THE EXISTING USE OF SUCH BUILDING.

CHANGE IN USE: WHENEVER A NON-CONFORMING USE HAS BEEN CHANGED TO A CONFORMING USE, SUCH USE SHALL NOT THEREAFTER BE CHANGED TO A NON-CONFORMING USE.

ABANDONMENT: A NON-CONFORMING USE OF A BUILDING OR PREMISES WHICH HAS BEEN ABANDONED SHALL NOT THEREAFTER BE RETURNED TO SUCH NON-CONFORMING USE. A NON-CONFORMING USE SHALL BE CONSIDERED TO BE ABANDONED WHEN THE BUILDING OR PREMISES IS VACANT FOR A PERIOD OR ONE (1) YEAR OR MORE.