

## ARTICLE XI

### NONCONFORMING BUILDINGS, STRUCTURES, USES AND LOTS

#### SECTION 1 GENERAL.

**Paragraph 1** This section provides for the regulation of nonconforming buildings, structures, uses and lots. These regulations are designed to protect the rights of legally existing nonconforming uses, structures and buildings, but not promote expansion or enlargement.

**Paragraph 2** Any use or activity lawfully conducted under County zoning regulations at the effective date of annexation or under previous zoning regulations in effect at the adoption of this ordinance, or any amendment, shall be considered a legal nonconforming use under this ordinance.

**Paragraph 3** The Town Council, by ordinance, may authorize the acquisition of private property by purchase or condemnation for removal of nonconforming uses and structures.

#### SECTION 2 NONCONFORMING BUILDINGS, STRUCTURES AND USES.

**Paragraph 1** No structural or physical alteration shall be made to any nonconforming building, structure or lot except when required by law or ordinance. This requirement does not prohibit routine repairs or maintenance.

**Paragraph 2** No expansion shall be made of any nonconforming building, structure or use unless such expansion conforms to the regulations specified for the district in which it is located. In cases where the nonconforming use occupies a building, structure, or any portion of a site, expanding the use into additional building or land area shall constitute an extension and shall not be allowed.

**Paragraph 3** Any nonconforming building, structure, or use, or one (1) or more of a group of nonconforming building, structure, or use related to one (1) industry and under one (1) ownership, which has been damaged by fire, flood, explosion, earthquake, war, riot, or act of God, may be reconstructed and used as before, if done within twelve (12) months of such calamity. The Town Council, after review and recommendation by the Planning and Zoning Commission, may determine that such delay in reconstruction was caused by unforeseen circumstances beyond the control of the owner of the premises and permit a reasonable extension of time for reconstruction. Any district requirements may be waived by the Town Council provided the area restored is not more nonconforming than existed at the time of the calamity.

**Paragraph 4** Any Nonconforming building, structure or use which ceases to be used for a period exceeding one (1) year or is superseded by a conforming use, shall never again be devoted to the nonconforming use except as otherwise provided in the preceding paragraph. A nonconforming use shall not be changed to a different nonconforming use. This shall not prevent a name change or change in ownership of the same nonconforming use.

### **SECTION 3           NONCONFORMING LOTS.**

**Paragraph 1**       Any legal lot existing at the time of the enactment of this ordinance, or any amendment, which does not conform with lot area, lot width, or lot depth for the zoning district in which it is located, may be used for any use permitted in that zone district provided all other applicable regulations of this zoning ordinance are complied with.

### **SECTION 4           DEVELOPMENT STANDARDS.**

**Paragraph 1**       Development standards relate to the size, configuration and character of development. Development standards include, but are not limited to, items such as parking, landscaping, buffer areas and set back. Developed property may be nonconforming because the development of the property does not meet current zoning ordinance requirements. Property which is nonconforming, due to deficiencies in development standards, shall be regulated as follows:

- A.   No change of use or change to a building structure shall be permitted which creates a deficit or increases an existing deficit in off-street parking spaces, loading areas or other development standards.
  
- B.   Any site which is nonconforming due to deficiencies of development standards and which require review or approval by the Town Council for a conditional use permit, rezoning, site plan or subdivision shall, as a requirement of that review, be brought into conformance including, but not limited to, development standards for parking, circulation, driveways, drainage, storage, screening and landscaping, with the zoning ordinance and other applicable codes before any permit or other request can be approved.

