

ARTICLE 11. NON-CONFORMING USES

Section 1. Non-Conforming Use of Land and Buildings

Except as otherwise provided herein, the lawful use of land or buildings existing at the effective date of this Ordinance may be contained although such use does not conform to the provisions thereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use of land or buildings has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The non-conforming use of a building may be hereafter extended throughout those parts of a building which were lawfully and manifestly arranged or designed for such use at the time of the enactment of this Ordinance.

Section 2. Non-Conforming Signs

If damaged by fire, windstorm, or other disaster, non-conforming signs may be repaired or replaced with a sign of the same type not exceeding the area of the non-conforming sign. Deteriorated signs may be repaired or painted. Sign may be altered in part, if area is not increased, to show change in products, brand names, ownership or type of business. All new signs shall conform to permitted sign regulations.

Section 3. Destruction of Non-Conforming Use

In any district buildings are conforming to use; height are: back, front or side yard requirements, which are damaged by fire, wind, flood or other disaster, may be restored or reconstructed on the same lines as the destroyed structure, provided that the replacement structure is resistant to fire, wind, flood and other disasters. Replacement structure shall be for the same non-conforming use and shall not exceed the height, area, or setbacks of the former structure.

Section 4. Intermittent Use

The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a non-conforming use, and the existence of a non-conforming use on a part of a lot or tract shall not be construed to establish a non-conforming use on the entire lot or tract.

Section 5. Existence of Non-Conforming Use

Whether a non-conforming use exists shall be a question of fact and shall be decided by the Board after public notice and hearing and in accordance with the rules of the Board.

Section 6. Buildings Non-Conforming in Height, Area, or Bulk

Buildings non-conforming in height, area, minimum yard, or bulk requirements may be altered or extended provided such alteration or extension does not increase the degree of non-conformity in use or in any other respect. Non-Residential buildings including accessory buildings, existing prior to enactment of this ordinance may be altered or extended along existing yards provided that the extended section shall terminate allowing a yard of minimum of two feet for each story or each ten feet of height.

Section 7. Non-Conforming Dwellings in Industrial Districts

A dwelling non-conforming as to use in an industrial district shall be considered as a conforming use in application of the height, area, and bulk requirements of this Ordinance.

Section 8. Non-Conforming Uses Not Validated

A non-conforming use in violation of a provision of the Ordinance which this Ordinance amends or replaces shall not be validated by adoption of this Ordinance unless such use complies with the terms of this Ordinance.