

SECTION 8 – NONCONFORMING USES
(Amended July 20, 1992, EFFECTIVE August 20, 1992)
(Effective 12/1/98)

8.1 The lawful use of any land, building or structure as existing and lawful at the time of adoption of this Resolution or any amendment thereto, may be continued, although such use does not conform to this Resolution or any amendment. If such nonconforming use is voluntarily discontinued for two (2) years or more, any future use of said land, building or structure shall be in conformity with this Resolution.

8.2 Any building or structure arranged, intended or designed for a specific non-conforming use, construction of which upon the site has been started at the time of passage of this Resolution, but not completed may be completed and put to such nonconforming use, providing it is done within one (1) year after this Resolution takes effect.

8.3 Any building or structure, existing as a non-conforming use at the time this Resolution takes effect, which is destroyed by fire or the elements, may, upon securing a zoning certificate therefore, be reconstructed and restored as previously existing providing the same is done within two (2) years from the date of said destruction, and such nonconforming use recommenced promptly thereafter.

8.4 A non-conforming use of land, which may be continued under the provisions of this Section, shall not be extended or expanded more than ten percent (10%) over that ground area devoted to such use which existed at the time such use became nonconforming.

8.5 A building or structure devoted to a nonconforming use at the time this Resolution takes effect shall not be altered or enlarged so as to extend said nonconforming use more than ten percent (10%) in main floor area. No building or structure devoted to a non-conforming use shall be altered so as to violate to a greater degree the requirements of this Resolution relating to location on the premises, placement of accessory buildings, parking, drives, play yards or any other provisions of this Resolution.

8.6 Any expansion of a nonconforming use shall only be undertaken or made after a zoning certificate shall have been first obtained.

8.7 Where a parcel or lot was separately owned, or was a lot of a subdivision duly recorded, and at the time of the original enactment of this Resolution or any amendment thereto was smaller than required herein but is, at the time of application for a zoning certificate, the same size or larger than it was when this Resolution became effective, and the applicant is not the owner of adjacent premises which when combined with said parcel or lot would result in a lot of minimum size, a single family dwelling may be erected upon such parcel or lot and the minimum side yard clearance shall be reduced proportionately, based upon the width of such parcel or lot in relation to a lot of minimum size under the requirements of this Resolution.

8.8 Any person or corporation claiming the right of operation or use as a pre-existing non-conforming use as described in this Resolution shall make and preserve reasonable records and

this Resolution or any amendments thereto.

8.9 A Zoning Certificate shall be required of all lawful nonconforming uses of land or buildings created by adoption of this Resolution or otherwise. Application for such Zoning Certificate for a nonconforming use shall be filed with the Zoning Inspector within one (1) year of the effective date of this section by the owner or lessee of the building or land occupied by such nonconforming use. It shall be the duty of the Zoning Inspector to issue a zoning certificate for a lawful nonconforming use, but failure to apply for such Certificate for a nonconforming use or refusal of the Zoning Inspector to issue a Zoning Certificate for such nonconforming use shall be evidence that such nonconforming use was either unlawful or did not lawfully exist at the effective date of this section. (Effective 12/1/98)