

# CHAPTER 1

## GENERAL PROVISIONS

### **Part 3: Non-Conforming Uses**

#### **Sec. 13-1-33 Existing Non-Conforming Uses and Structures.**

- (a) The lawful nonconforming use of a structure or land, including but not limited to fences, parking and zoning setbacks existing at the time of the adoption or amendment of this Chapter may be continued although the use does not conform with the provisions of this Chapter. However, only that portion of the land 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 Chapter. Structural repairs or alterations shall not during its life exceed fifty (50) percent of the assessed value of the building, premises, structure or fixture unless permanently changed to a conforming use.
- (b) If no structural alterations are made, a nonconforming use of a building may be changed to any use permitted in the same use district as that in which the use existing is permitted according to the provisions of this Chapter; provided when a use district is changed, any existing, nonconforming use in such changed district may be continued or changed to a use permitted in the same use district as that in which the existing use is permitted; provided all other regulations governing the new use are complied with.
- (c) Substitution of new equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

#### **Sec. 13-1-34 Abolishment or Replacement.**

- (a) **Termination.** If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure or land shall conform to the provisions of this Chapter.
- (b) **Restoration of Certain Nonconforming Structures.** A nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation shall be allowed to be restored provided the structure is restored to the size, location and use it had immediately before the damage or destruction. An increase in size shall only be permitted if necessary to comply with applicable State or Federal requirements.

#### **Sec. 13-1-35 Existing Nonconforming Structures.**

The lawful nonconforming structure existing at the time of the adoption or amendment of this Chapter may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Chapter. However, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.

**Non-Confirming Uses  
13-1-36**

**Sec. 13-1-36 Changes and Substitutions.**

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

**Sec. 13-1-37 Substandard Lots.**

- (a) In any residential district, a one (1) family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds office before November 17, 1969.
- (b) Such lot or parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this Chapter. If in separate ownership, all the district requirements shall be complied with insofar as practical but shall not be less than the following:
  - (1) **Lot.**
    - a. **Width.** Minimum thirty (30) feet.
    - b. **Area.** Minimum four thousand (4,000) square feet.
  - (2) **Building.**
    - a. **Area.** Minimum one thousand (1,000) square feet.
    - b. **Height.** Maximum thirty (30) feet.
  - (3) **Yards.**
    - a. **Street.** Minimum twenty-five (25) feet; the second street yard on corner lots shall not be less than ten (10) feet.
    - b. **Rear.** Minimum twenty-five (25) feet.
    - c. **Side.** Minimum sixteen percent (16%) of the frontage, but not less than five (5) feet.

**Sec. 13-1-38 through Sec. 13-1-39**

**Reserved for Future Use.**