

SECTION 7

NONCONFORMITIES

What this Section Does. This section provides for non-conforming uses and buildings within the zone to exist along as they were established on the date of the adoption of this ordinance. While the purpose of these rules is to help eliminate nonconformities, it is recognized that routine maintenance, repair and, in some cases, a change from one nonconforming use to another nonconforming use, or a replacement of a nonconforming building may be necessary to prevent community blight.

A. Nonconforming Uses and Buildings:

1. Any nonconforming use that ceases for sixty (60) consecutive months shall be deemed terminated and any future use of the property shall be in conformance with this code. A cessation of use shall not be measured by the owner's intent, but solely by the fact that the use ceases for a period of sixty (60) months.
2. There shall be no limit on repair or maintenance activities on buildings containing nonconforming uses or nonconforming buildings, provided that no such activity shall increase the degree of nonconformity, except that a minor increase in nonconformity may be permitted to provide handicapped access to a structure, as required by law.
3. A nonconforming use may change to another nonconforming use provided that the new use is no more intense than the existing nonconforming use. Intensity shall be measured by traffic and noise generation, parking requirements, level of activity, operational characteristics and similar factors.
4. Buildings that are nonconforming because they violate one or more dimensional standard of this code may be replaced, but only where the effect of the replacement is to lessen the nonconformity. Notwithstanding, any nonconforming building destroyed by fire or other catastrophe may be replaced if the degree of nonconformity is not in any way increased and if the replacement is commenced within 12 months of the building's destruction and diligently pursued to completion.

B. Nonconforming Lot. A legally platted nonconforming lot may be developed with a single family house pursuant to applicable performance standards and procedural requirements of this code.

C. Nonconforming Buffers. There shall be no expansion of outdoor storage and materials handling areas, solid waste storage and handling areas, or parking areas into nonconforming buffers.

D. Nonconforming Signs. Any nonconforming sign that is not used for twelve (12) consecutive months shall be deemed terminated and the owner of the property on which the sign is located shall remove the sign. No permit shall be issued for the placement or erection for a new conforming sign on any lot or parcel on which there is a nonconforming sign.