

ARTICLE 8

NONCONFORMING USES, STRUCTURES, LOTS AND SIGNS

Section 8-101. Continuation of Nonconforming Use or Structure

Subject to the provisions of Sections 8-101 through 8-110, a nonconforming structure or use may be continued and maintained in reasonable repair but shall not be altered or extended.

Section 8-102. Nonconforming Structure

A structure conforming as to use but nonconforming as to height, setback, or coverage may be altered or extended providing the alteration or extension does not result in a violation of this Ordinance.

Section 8-103. Discontinuance of a Nonconforming Use

If a nonconforming structure or use is discontinued from use for a period of six(6) months, further use of the property shall be for a conforming use.

Section 8-104. Change of a Nonconforming Use

If a nonconforming use is changed, it shall be changed to use conforming to the regulations of the district and, after change, it shall not be changed back again to the original nonconforming use.

Section 8-105. Destruction of a Nonconforming Use

If a nonconforming structure or a structure containing a nonconforming use is destroyed by fire, flood, wind, explosion or act of God to an extent exceeding sixty (60) percent of its appraised value for tax purposes, exclusive of its foundations, a future structure or use on the property shall conform to the provisions of this Ordinance.

If a nonconforming residential structure is destroyed by fire, flood, wind explosion or act of God to an extent exceeding sixty (60) percent of its appraised value for tax purposes, exclusive of its foundations, it may be replaced by another residential structure not meeting all of the provisions of this Ordinance under the following conditions:

- (1) Reconstruction must be initiated by the owner of the property, at the time of destruction, within sixty (60) days and substantially complete within twelve

(12) months of the time of destruction.

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(2) Reconstruction may be accomplished on the original foundation location, and if the structure is so located, it will not be required to conform to setback requirements of this Ordinance.

(3) Reconstruction may be of the same size structure as that destroyed or larger.

(4) All reconstruction must comply with the building codes in effect at the time of reconstruction.

(5) The reconstruction permitted by this section shall only apply to structures that were in existence and nonconforming as of March 21, 1978 and which have not been materially altered, destroyed or reconstructed since that time and structures which have been annexed since August 17, 1999.

(6) The provision of this section shall not apply to accessory structures or to structures containing non-conforming uses.

(7) The provision of this section shall not be applicable to a HUD -Code manufactured home, and should a HUD-Code manufactured home be destroyed, it may not be replaced or reconstructed for use on any property which is not zoned as a mobile home district under the provisions of the Comprehensive Zoning Ordinance.

If destruction of a nonconforming structure or a structure containing a nonconforming use is determined to be less than sixty (60) percent of its appraised value for tax purposes, restoration must be complete within twelve (12) months of the damaging event. If restoration is not substantially complete within this period, the use permit for the nonconforming use shall be rescinded, unless an extension is granted by the Board of Adjustment upon a showing of good cause.

Section 8-106.

District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, Sections 8-101 through 8-108 shall also apply to any nonconforming uses existing therein.

Section 8-107. Nonconforming Lots of Record

(A) In any in which single family dwellings are permitted ,a single-family residence and customary accessory buildings may be erected on any single lot of record which existed as of July 15, 1978. Such a lot must have been in separate ownership and not of

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continuous frontage with other lots under the same ownership. This provision shall apply even though such lot fails to meet the requirements of the district in which it is located for area, or dimensions, provided, however, that the requirements of the district for minimum yard dimensions shall be met unless a variance to said requirements has been granted by the Board of Adjustment.

(B) If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and part, or all of said lots do not meet the requirements of the district in which they are located as to minimum area or frontage or both, the lots shall be considered for the purpose of this Ordinance to bean undivided parcel, and no portion of said parcel shall be sold or used in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.

