

ARTICLE XXII NONCONFORMING USES, BUILDINGS AND LOTS

Section 22.01 - Continuation of Use. A lawful use of land, structure or a lawful use of land and structure in combination exactly as such existed before the date of adoption of this amendment may be continued, as hereinafter provided, as a nonconforming use or a nonconforming structure, although the use of the land or structure of the structure itself does not conform with the provisions of this Ordinance.

Section 22.02 - Repair and Alternation of Nonconforming Uses. Maintenance and repairs of a building or other structure continuing a nonconforming use are permitted provided that such repairs do not extend the area or volume of space occupied by the nonconforming use, except as provided in Section 22.02.

Section 22.03 - Nonconforming Residential Dwelling Alteration Permitted. A building or other structure containing residential nonconforming uses may be altered in any way to improve its livability provided that no such alternation may be made which will increase the number of dwelling units or volume of the building.

Section 22.04 - Change of Use. A nonconforming use may be changed only to a conforming use. A nonconforming use may not be extended to displace a conforming use, nor may a building or structure regardless of the conformity or ownership, be combined with another building or structure, for the purpose of extending an existing nonconforming use or creating a different nonconforming use.

Section 22.05 - Enlargement. A nonconforming use, building or structure may be enlarged up to but no more than twenty-five (25) percent of its floor area as it existed at the date of adoption of the Ordinance amendment. Any such enlargement(s) must conform to all other ordinance and/or regulations governing the district in which it is situated. This provision may be employed any number of times provided that the total enlargement(s) of the building or structure does not exceed the twenty-five (25) percent limitation as herein set forth. A Notice of Zoning Nonconformance shall be issued to show the size of such enlargement(s) at the date construction commenced and for each amendment thereto approved pursuant to this section.

Section 22.06 - Restoration of Nonconforming Use. A nonconforming use, building or structure damaged by fire, casualty, or act of God may be restored, reconstructed and use as before provided that the volume of such use, building or structure may not exceed, subject to the provision of this Section, the volume which existed prior to such damage and that any such restoration or reconstruction be substantially completed within one year of the occurrence of the damage.

Section 22.07 - Time of Termination. A nonconforming use shall be deemed to be permanently discontinued when such use has been discontinued or such building has been vacant for a period of one (1) year.

Section 22.08 - Nonconforming Lots In Residential Districts. A single-family detached dwelling may be erected on a vacant lot located in a residentially zoned district allowing the construction of a single-family dwelling, provided such lot was nonconforming on February 14, 1974 provided the dwelling conforms to the yard setback requirements:

- A. Front Yard: The front yard shall conform to front yard setback requirement of the district in which the lot is located.
- B. Side Yard: There shall be a side yard of no less than five (5) feet.

Side Yard Street Frontage: The side yard shall be not less than twenty (20) feet.
- C. Rear Yard: There shall be a rear yard no less than eight (8) feet.