

**ARTICLE X**  
**NON-CONFORMING USES, BUILDINGS AND LOTS**  
*(Title amended Ord. 93 eff. 5/26/98)*

**Sec. 1001 REGULATIONS.**

1. The lawful use of any building or structure and of any land or premises as existing and lawful at the time of enactment of this Ordinance, or in the case of an amendment of this Ordinance, then at the time of such amendment, may be continued although such use does not conform with the provisions of this Ordinance or amendment.
2. In the event that any non-conforming use or building is discontinued or vacated for a period of one year and the owner has demonstrated an intent to abandon the non-conforming use or building, any subsequent use or building lot shall conform to the Ordinance requirements for the district in which the premises are located. Such determination shall be made by the Zoning Administrator.

Evidence of such intent may include, but is not limited to the following:

- a. Disconnection of utilities;
  - b. Removal of building fixtures needed for the use;
  - c. Property falling into disrepair;
  - d. Elimination of newspaper or postal service;
  - e. Removal of signs. *(Amended Ord. 93 eff. 5/26/98)*
3. In the event any non-conforming building or structure shall be damaged by fire, wind or an Act of God and the cost of rebuilding or restoration exceeds one-half (1/2) the value of such building or structure after rebuilding or restoration, such rebuilding or restoration shall be permitted only with the prior approval of the Zoning Administrator and/or the Zoning Board of Appeals, which approval shall be granted only upon finding:
    - a. That such rebuilding or restoration will, to the maximum extent possible, be consistent with the dimensional regulations and character of those uses permitted within the district, and;
    - b. That such rebuilding or restoration does not increase its non-conformity.
  4. Non-conforming uses and structures shall not be enlarged, altered, or extended except after the approval of the Zoning Administrator and/or the Zoning Board of Appeals, which approval shall be granted only upon finding of all of the following facts:
    - a. That all enlargements since the use or structure became non-conforming do not, in total, exceed fifty (50%) percent of the area of the original non-conforming area.
    - b. That the enlargement or extension will not interfere with the use of any other properties in the vicinity for the uses for which they have been zoned nor with their use in compliance with all of the provisions of this Ordinance.
    - c. That the enlargement, alteration, or extension is, to the maximum extent possible, consistent with the dimensional regulations and character of those uses permitted within the district.

1001:1 NON-CONFORMING LOTS OF RECORD.

In any zoning district in which single-family dwellings are permitted, notwithstanding other requirements imposed by this Ordinance, a single-family dwelling and customary accessory building may be erected on any single lot of record after the effective date of this Ordinance, subject to the following conditions:

1. Side yards may be reduced by the same percentage that the area of such lot bears to its own district requirements, provided each side yard in no instance shall be less than ten feet. All other setbacks shall conform to district regulations, unless a variance is granted by the Zoning Board of Appeals.
2. If two (2) or more lots or portions of lots with continuous frontage in single ownership are of record at the time of passage of this Ordinance or at anytime thereafter, such lots or portions of lots shall be used so as to meet the requirements for lot width and area, unless a variance is granted by the Zoning Board of Appeals.
3. No expansion will have a negative effect on neighboring properties. *(Amended Ord. 93 eff. 5/26/98)*