

## **ARTICLE XII NONCONFORMING LOTS, USES, AND STRUCTURES**

Section 12.01. CONTINUED USE PERMITTED. Within districts established by this Ordinance there exist lots, structure, and uses of land and structures, which are lawful prior to adoption of this Ordinance. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 12.02. NONCONFORMING LOTS OF RECORD.

- A. In the AR and R-1 Zoning Districts, a single-family dwelling and related accessory structures may be erected on any lot or parcel of record at the effective date of adoption of the Zoning Ordinance. In the event the width or area is less than that required by Section 14.02 of this Ordinance, the side, rear, and front yard setbacks for any structures constructed pursuant to this provision may be reduced by up to one-third (1/3) by the Zoning Administrator in the event that it is shown that it is not possible to comply with the full setback requirements.
- B. Approval to build on non-conforming lots or parcels which cannot meet the requirements of Section 12.02A may be granted by the Board of Zoning Appeals as a variance in appropriate circumstances. In no case shall any variance be granted permitting a side yard or rear yard setback less than five (5) feet.
- C. In the event that contiguous non-conforming lots are under the same ownership, said contiguous lots shall be combined so that the minimum requirements of Section 14.02 of this Ordinance can be complied with.  
(Ord. No. 102 eff. 12-21-94)

Section 12.03. NONCONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its non-conformity.
- B. Should such nonconforming structure be destroyed by any means to an extent of more than seventy-five (75%) percent of its value, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 12.04. NONCONFORMING USES OF LAND OR STRUCTURES. Where at the time of passage of this Ordinance lawful use of land or structures exists, which would not be permitted by the regulations imposed by this Ordinance the use may be continued so long as it remains otherwise lawful, provided:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land or additional structures than that occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. If any such nonconforming use ceases for any reason for a period of more than twelve (12) months any subsequent use shall conform to the regulations specified by this Ordinance.
- D. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.
- E. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- F. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.