

ARTICLE VIII

NON-CONFORMING USES

SEC. 801 PURPOSE.

The purpose of this section is to provide for the eventual and equitable elimination of uses that do not conform to the existing zoning, but which were in operation prior to the enactment of this Resolution.

SEC. 801-1 REGULATIONS: NON-CONFORMING USES.

The lawful use of any building or land existing at the effective date of this Resolution may be continued although such use does not conform with the provisions of this Resolution, provided the following conditions are met:

1. Alterations and Extensions - A building, structure or parcel of land housing a non-conforming use may be altered, improved, reconstructed, enlarged or extended, provided such work is not to an extent exceeding either fifty (50%) percent, in aggregate cost, of the replacement value of the existing building or structure, or fifty (50%) percent of the total square footage of the existing building, structure or use of land as it originally existed unless the building, structure or land use is changed to a conforming use. Only one such fifty (50%) percent alteration, extension, improvement, reconstruction, enlargement or addition involving the same premises or use of land shall ever be permitted.
2. Non-Conforming to Non-Conforming Use - A non-conforming use may be changed to another non-conforming use provided that the proposed non-conforming use is in less conflict with the character and use of the district than the existing non-conforming use as determined by the Board of Zoning Appeals.
3. Construction Approved Prior to Resolution - Nothing

in this Resolution shall prohibit the completion of construction and use of non-conforming building for which a zoning certificate has been issued prior to the effective date of this Resolution, provided that construction is commenced within ninety (90) days after the issuance of such certificate; that construction is carried on diligently and without interruption for a continuous period in excess of thirty (30) days; completed within two (2) years after the issuance of said zoning certificate.

4. Displacement - No non-conforming use shall be extended to displace a conforming use.
5. Discontinuance or Abandonment - Whenever a non-conforming use has been voluntarily discontinued for a period of two (2) years or more, the non-conforming use shall not be reestablished.
6. Restoration - Nothing in this Resolution shall prevent the reconstruction, repairing, rebuilding and continued use of any non-conforming building or structure damaged by fire, collapse, explosion, or acts of God, subsequent to the date of this Resolution wherein the expense of such work does not exceed fifty (50%) percent of the replacement cost of the building or structure at the time such damage occurred.
7. Unsafe Structures - Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.
8. Certificate of Non-Conforming Use - The owner of a legally existing non-conforming use may request that a "Certificate of Non-Conforming Use" be issued by the Zoning Inspector.
9. District Changes - Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the

foregoing provisions shall also apply to any non-conforming use existing therein.