

CHAPTER 32

NONCONFORMING USES AND BUILDINGS

SECTION 32.1 CONTINUANCE OF NONCONFORMING USE OR STRUCTURE. The lawful use of any land or structure exactly as such use existed at the time this Ordinance took effect, may be continued even though such use or structure does not meet the requirements of this Ordinance, provided that this shall not be interpreted as an authorization for or approval of any use of lands or structures which did violate the preceding zoning ordinance repealed by this Ordinance or which was not an authorized nonconforming use under that Ordinance. Structures or uses nonconforming by reason of height, area or parking and off-street loading provisions only, may be extended, enlarged, altered, remodeled or modernized provided that no additional encroachment of such provisions is occasioned thereby.

SECTION 32.2 CHANGE OF USE. A nonconforming use of land or structures may be changed to any other use which is permitted in the most restricted district in which the nonconforming use is allowed even though such changed use is not otherwise permitted in the district in which the land or structure is located. When such change of use is once accomplished, it shall not thereafter be changed to a use which is not permitted in the more restricted district. Any such change in use shall be subject to all provisions applying to such use in the most restricted district in which such use is allowed.

SECTION 32.3 RESTORATION AND REPAIRS. Such repairs and maintenance work as are required to keep a nonconforming building or structure in a safe or sound condition may be made. A nonconforming building or structure which is damaged or destroyed by fire, flood, wind, or other calamity, may be restored and the occupancy or use of such building or structure or part thereof which existed at the time of such destruction, may be continued or resumed, provided, however, that such restoration is started within a period of one year of the time of such damage and diligently prosecuted to completion.

SECTION 32.4 EXTENSIONS, ENLARGEMENTS, MOVING. No nonconforming use of any land or structure shall hereafter be enlarged or extended, except that an enlargement or extension may be made of up to 50 percent of the floor area of the existing building or buildings devoted to a nonconforming use, provided that such extension or enlargement is made on adjoining land within the same block which was owned by the owner of the nonconforming use at the time this Ordinance becomes effective. No nonconforming building or structure shall be moved in whole or in part to another location unless such building or structure and the off-street parking spaces, yard and other open spaces there provided conform to all the regulations of that district.

SECTION 32.5 NONCONFORMING USE DISCONTINUED. No building, structure or premises where a nonconforming use has ceased for more than one year or has been changed to a conforming use shall again be devoted to a use in violation of this Ordinance.

SECTION 32.6 PLANS ALREADY FILED. In any case where a building permit has been issued for a building or structure which conformed with the zoning regulations effective at the date of such filing but not with the regulations of this Ordinance, and construction work

has been started at the effective date of this Ordinance, such work may proceed, provided it is completed within one year of said date.

SECTION 32.7 NONCONFORMING DUE TO RECLASSIFICATION. This Chapter shall also apply to buildings, structures, land or uses which hereafter become nonconforming due to any reclassification of districts under this Ordinance or any subsequent change in the regulations of this Ordinance.