

2.3. *Nonconforming uses and structures.* The lawful use of any building, structure or land existing at the time of the enactment of this Chapter may be continued although such use does not conform with the provisions of this Chapter. The right to continue such nonconforming uses shall be subject to regulations prohibiting the creation of a nuisance and shall terminate when inappropriate use of the premises produces a condition which constitutes a nuisance. The right of nonconforming uses to continue shall be subject to such regulations as to the maintenance of the premises and conditions of operations and shall be subject to the specific regulations herein contained.

(a) *Nonconforming buildings:*

(1) A nonconforming building or structure may be occupied except as herein otherwise provided.

(2) Repairs and alterations may be made to a nonconforming building or structure, provided that no structural alteration shall be made except those required by law or this Chapter, and further provided these regulations shall never be construed to allow an addition to a nonconforming building.

(3) A nonconforming building or structure shall not be added to or enlarged in any manner unless such addition and enlargements are made to conform to all the requirements of the district in which such building or structure is located.

(4) No nonconforming building or structure shall be moved in whole or in part to any other location on the lot, or on any other lot, unless every portion of such building or structure is made to conform to all the regulations of the district.

(5) A nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, explosion, earthquake, or other calamity or act of God shall not be again restored or used for such purpose if the expense of such restoration exceeds 75 percent of the replacement cost of the building or structure at the time such damage occurred. Any nonconforming building or structure partially destroyed may be restored provided restoration is started within 12 months of the date of partial destruction and is diligently prosecuted to completion. Whenever a nonconforming building or structure is damaged in excess of 75 percent of its replacement cost at that time, the repair or reconstruction of such building or structure shall conform to all the regulations of the district in which it is located, and it shall be treated as a new building.

(b) *Nonconforming uses of buildings:*

(1) Except as otherwise provided in this Chapter, the nonconforming use of the building or structure lawfully existing at the time of the effective date of this Chapter may be continued.

(2) The use of a nonconforming building or structure may be changed to a use of the same or more restricted classification, but where the use of a nonconforming building or structure is hereafter changed to a use of a more restricted classification, it shall not thereafter be changed to a use of less restricted classification.

(3) A vacant, nonconforming building or structure lawfully constructed may be occupied by use for which the building or structure was designated or intended, if so occupied within a period of one year after the effective date of this Chapter, and the use of a nonconforming building or structure lawfully constructed which becomes vacant after the effective date of this Chapter may also be occupied by

the use for which the building or structure was designated or intended, if so occupied within a period of one year after the building becomes vacant.

*(c) Nonconforming use of land:*

Continuation of use. The nonconforming use of land existing at the time of the effective date of this Chapter may be continued, provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property, and provided that if such nonconforming use of land or any portion thereof is discontinued or changed, any future use of land or portion thereof shall be in conformity with the provisions of this Chapter.

*(d) Abandonment:*

A nonconforming use of any building, structure or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned:

- (1) When the intention of the owner to discontinue the use is apparent; or,
- (2) When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within one year; or,
- (3) When a nonconforming building, structure or land or portion thereof which is or hereafter becomes vacant and remains unoccupied or out of use for a continuous period of one year; or,
- (4) When it has been replaced by a conforming use.