

## SECTION VII. NON-CONFORMING USES

(Adopted November 22, 1988 by Resolution 88-129 effective December 22, 1988)

- 7.01 The lawful use of any land, building or structure existing or lawful at the time of adoption of this Resolution or any amendment thereto, may be continued, although such use does not conform to this Resolution or amendment. If any such non-conforming use is discontinued for two (2) years or more, any subsequent use of said land, building or structure shall be in conformity with this Resolution or amendment. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)
- 7.02 Any building or structure arranged, intended or designed for a specific non-conforming use, construction of which upon the site has been started but not completed at the time of passage of this Resolution, may be completed and put to such non-conforming use, providing it is done within one year after this Resolution takes effect. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)
- 7.03 Any building or structure existing as a non-conforming use at the time this Resolution takes effect, which is destroyed by fire or the elements, may, upon securing a zoning certificate therefore, be reconstructed and restored as previously existing, providing the same is done within two (2) years from the date of said destruction, and such non-conforming use is recommenced promptly thereafter. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)
- 7.04 A non-conforming use of land, which may be continued under the provisions of this section, shall not be extended or expanded more than ten percent (10%) over that ground area devoted to the use which existed at the time such use became non-conforming.
- In the event the pre-existing non-conforming use consists of the placement upon the land of individual units such as cabins, trailers, motel apartments, or rooms devoted to the use of transient paying guests, the extent of such pre-existing non-conforming use shall be measured by the number of units in existence and operation on the land at the time such use became a non-conforming use under this Resolution.
- 7.05 A building or structure devoted to a non-conforming use at the time this Resolution takes effect shall not be altered or enlarged so as to extend said non-conforming use more than ten percent (10%) in main floor area. No building or structure devoted to a non-conforming use shall be altered so as to violate to a greater degree the requirements of this Resolution relating to location on the premises, placement of accessory building, parking, drives, play yards, or any other provisions of this Resolution.
- 7.06 Any expansion of a non-conforming use shall only be undertaken or made after a zoning certificate shall have been first obtained.
- 7.07 Where a parcel or lot was separately owned, or was a lot of a subdivision duly recorded, and at the time of the original enactment of this Resolution or any amendment thereto was smaller than required herein but is at the time of the application for a zoning certificate the same size or larger than it was when this Resolution became effective, and the applicant is not the owner of adjacent premises which when combined with said parcel or lot would result in a lot of minimum size, a single family dwelling may be erected upon such parcel or lot and the minimum side yard clearance shall be reduced proportionately, based on the width of such parcel or lot in relation to a lot of minimum size under the requirements of this Resolution.
- 7.08 Any person or corporation claiming the right of operation or use as a pre-existing non-conforming use as described in this Resolution shall make and preserve reasonable records and other proofs of the existence and extent of such use at the time it becomes non-conforming due to this Resolution or any amendments thereto.