

Section 4

ZONING PROVISIONS NON-CONFORMING USES AND STRUCTURES

4.1 The lawful use of a building or structure or the lawful use of any land, as existing and lawful at the time of adoption of this Code or, in the case of a future amendment of this Code, at the time of such amendment, may be continued, subject to the limitations set forth in the following paragraphs.

4.2 EXPANSION OR ENLARGEMENT

A. The expansion or enlargement of a non-conforming structure shall be considered a structural alteration and, upon completion of such expansion or enlargement, such structure shall conform with all the provisions of this Code.

B. An existing non-conforming activity may be extended throughout any part of a structure if no structural alteration is proposed or made for the purpose of such extension.

4.3 REPAIRS AND MAINTENANCE

The following changes or alterations may be made to a nonconforming structure or to a conforming structure housing a nonconforming use:

A. Maintenance repairs that are needed to maintain the good condition of a building, except that if a building has been officially condemned, it may not be restored under this provision.

B. Any structural alteration that would reduce the degree of non-conformance or change the use to a conforming use.

C. The addition of a solar energy device to such structure.

4.4 RESTORATION OR REPLACEMENT

A. If a non-conforming structure or a structure housing a non-conforming use is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty (50) percent of the cost of reconstructing the activity or structure or, if such restoration involves structural alteration, such structure and the activities in such structure shall conform with all the provisions of this Code.

[4.4 B]

B. Where restoration of a non-conforming structure or of a conforming structure to a non-conforming use would otherwise be permitted, it shall not be permitted unless the repair or restoration is commenced within twelve (12) months and completed within eighteen (18) months from the date of partial destruction.

4.5 DISCONTINUANCE

Whenever a non-conforming use has been discontinued for a period of six (6) months, it shall not thereafter be re-established, and any further use shall be in conformance with the provisions of this Code.

4.6 NON-CONFORMING PARCELS

Non-conforming parcels of record at the time of passage of this Code may be built upon, providing that all other relevant district requirements are met.

4.7 CHANGE IN NON-CONFORMING USE

No non-conforming use of a building or parcel may be changed to another non-conforming use. A non-conforming use of the building or parcel may be changed to a conforming use.

4.8 COUNTY-OWNED PROPERTY

If the County acquires title to any property by reason of tax delinquency and such property is not redeemed as provided by law, the future use of such property shall be in conformity with the then-current provisions of the County Land Use Code, or with any amendment of such Code, equally applicable to other like properties within the district in which the property acquired by the County is located.