

CHAPTER 7: NONCONFORMING USES AND BUILDINGS

- 7.1 Purpose
- 7.2 Continuance
- 7.3 Change of Use
- 7.4 Maintenance and Repairs
- 7.5 Restoration
- 7.6 Discontinuance
- 7.7 Nonconforming Lots of Record

7.1 Purpose

This Chapter describes the status of structures, parcels, or uses of land that were lawful prior to the effective date of this Ordinance but which are now prohibited or restricted.

7.2 Continuance

The occupancy of a building or parcel of land by a nonconforming use existing at the effective date of this Ordinance may be continued.

7.3 Change of Use

The nonconforming use of a building or land may not be changed except to a conforming use, and where such change is made, the use shall not thereafter be changed back to a nonconforming use.

7.4 Maintenance and Repairs

Maintenance and repairs necessary to keep nonconforming uses in sound condition shall be permitted. Existing parking lots or areas that are non-conforming as to design and setbacks, shall comply with current regulations as feasible when the parking lot is re-constructed. This does not suggest that the parking lot shall increase the number of spaces, as this only occurs at the time of a change of use and as described in the Parking section of this code.

7.5 Restoration

A nonconforming structure or a structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity may be restored, provided such restoration begins within one (1) year from the date of destruction and is pursued diligently. Such restoration shall not increase the floor area or land area.

7.6 Discontinuance

Whenever a nonconforming use of land or building has been discontinued for a period of one (1) year, such use shall not be reestablished, and the uses of the premises thereafter shall be in conformity with the regulations of the district.

7.7 Nonconforming Lots of Record Discontinuance

Except as noted below, any single lot or parcel of land which was of record in the Office of the Recorder of Madison County at the time of the effective date of this Ordinance but does not meet the requirements of the zoning district in which it is located for minimum lot width and area may be utilized if all other requirements of this Ordinance are met.

However, if two or more lots or combinations of lots and portions of substandard lots with continuous frontage in single ownership are of record on the effective date of this Ordinance, and if all or part of the lots do not meet the requirements for lot width or area of the district, the lands involved shall be considered to be an undivided parcel for purposes of this Ordinance. No portion of said parcel shall be used which does not meet lot width and area requirements established in the district nor shall any division of the parcel be made which leaves remaining any lot with width or area below those requirements stated for the district.