

**SECTION 9.0 - NONCONFORMING STRUCTURES OR USES**

9.1 NONCONFORMING STRUCTURE

A. Maintenance Permitted

A nonconforming structure lawfully existing upon the effective date of this ordinance may be maintained, except as otherwise provided in this section.

B. Repairs

A nonconforming structure may be repaired or altered provided no structural change shall be made.

C. Additions, Enlargements or Moving

1. A structure nonconforming as to use, height, yard requirements or lot area shall not be added to or enlarged in any manner unless such structure including such addition or enlargement is made to conform to the use, height, yard, and area requirements of the district in which it is located.
2. No nonconforming structure shall be moved in whole or in part to any other location on the lot on which it is located unless every portion of such structure is made to conform to all the requirements of the district in which it is located.

9.2 NONCONFORMING USES

A. Continuation and Change of Use

Except as otherwise provided in this ordinance:

1. A nonconforming use lawfully existing upon the effective date of this ordinance may be continued.
2. A nonconforming use may be changed only to a use of the same or more restricted classification.

B. Expansion Prohibited

1. A nonconforming use in a structure designed for a conforming use shall not be expanded or extended into any other portion of such conforming structure for changed except to a conforming use.
2. A nonconforming use on a part of a lot shall not be expanded or extended into any other portion of such lot.

9.3 NONCONFORMING VARIANCE PERMITTED BY BOARD OF ZONING APPEALS

The Board of Zoning Appeals may authorize upon appeals in specific cases such variance from the terms of this section, as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this section will result in unnecessary hardship, and so that the spirit of this section shall be observed and substantial justice done; provided, however, that no action shall be taken or decision made except after public hearing.

9.4 AMORTIZATION OF NONCONFORMING USES OR BUILDINGS

- A. Whenever a nonconforming use has been discontinued for a period of twelve (12) months, such use shall not thereafter be re-established, and use thereafter shall conform to the provisions of this ordinance.
- B. No buildings damaged by fire or other causes excluding residences and farm buildings, to the extent that their restoration will cost more than sixty (60) percent of their fair cash value shall be repaired or rebuilt except to conform to the provisions of this ordinance.
- C. Any nonconforming billboard or advertising structure not attached to a building lawfully existing upon the effective date of this ordinance shall be discontinued on or before ten (10) years after the effective date of this ordinance, unless a discontinuance date has been established by a prior zoning ordinance in which case such prior date of discontinuance shall apply.

9.5 SUBSTANDARD LOT

In any residential or agricultural district, a one-family detached dwelling and its accessory structures may be erected conforming to R-3 residential district area requirements on any legal lot or parcel of record which was recorded in the office of the County Recorder of Deeds before the effective date or amendment of this ordinance.

Such lot or parcel must have been in separate ownership from abutting lands on the date of adoption or amendment of this ordinance. If abutting lands and the substandard lot are owned on that date by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practical. The Board of Zoning Appeals shall interpret the requirements to be followed in such cases upon request of the County Zoning Officer. The Board of Zoning Appeals shall order the Enforcing Officer to issue the permit.

9.6 ZONING PERMITS FOR NONCONFORMING USES

A zoning permit shall be required for all lawful nonconforming uses of land and buildings created by adoption of this ordinance.