

ARTICLE IX

GENERAL PROVISIONS

Section 901. Nonconforming Use.

901.1 *General.*

Any use or structure existing at the time of enactment of or subsequent amendment to this ordinance, but not in conformity with its provisions, may be continued with the following limitations. Any use or structure, which does not conform to the provisions of this ordinance, shall not be:

- a) Changed to another nonconforming use.
- b) Re-established after discontinuance for one hundred and twenty (120) days except that any exclusively residential use existing on a piece of property which is zoned as business may continue to be used exclusively as a residential property whether or not such residential use is discontinued intermittently or not. The property owner which/who has such a residential use on its/their premises in a business district may only continue to use said property for residential purposes so long as it is not combined with a business use on the same premises and/or said property remains exclusively used as residential property.
- c) Extended except in conformity to this ordinance.
- d) Rebuilt, altered, or repaired after damage exceeding fifty percent (50%) of its fair market value immediately prior to damage. Exception: Grandfathered residential use may be rebuilt and continued after damage or destruction under the condition permits for repair/rebuild are pulled within 1 year from the date damage occurred, with the option for a 12-month extension at staff's discretion. This exception becomes null and void if the said property owner at the time of damage or destruction is not the property owner at the time of rebuild. Those grandfathered residential structures being rebuilt after destruction are required to build back to the architectural design requirements set forth in the zoning district in which it is located.

901.2 *Existing non-conformance specifications pertaining to landscaping requirements.*

Where existing uses have paved parking lots and are not otherwise exempt from provisions of this ordinance, such parking lots shall be landscaped to fully conform to the provisions of this ordinance within not more than 90 days from the date such ordinance becomes effective. Provided, however, that no existing use shall be required to suffer loss of existing, established parking spaces in order to fully conform hereto.

901.3 *Non-conformance specifications for outdoor advertising (signage).*