



CHAPTER 9

NON-CONFORMING BUILDINGS AND USES

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9. NON-CONFORMING BUILDINGS AND USES

2 PURPOSE AND INTENT

It is the purpose of this chapter to provide for the continual use of any building or tract of land which legally existed prior to the adoption of this ordinance. It is the intent of this chapter to regulate such uses and buildings in such a manner to lead eventually to the elimination of non-conforming uses and buildings over time and in no way perpetuate said uses beyond reasonable abandonment.

3 NON-CONFORMING BUILDINGS: MAINTENANCE, REPAIRS, AND UPKEEP

1.A non-conforming building or structure may be maintained.

2.Repairs and minor interior non-structural alterations may be made to a non-conforming building.

3.A non-conforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity or act of God, or the public enemy, to the extent of not more than two and one-half times its assessed value at the time, may be restored and the occupancy or use of such building, structure, or part thereof, which existed at the time of such partial destruction, may be continued or resumed, provided that such restoration is started within a period of one year and is diligently prosecuted to completion. In the event such damage or destruction exceeds two and one-half times the assessed valuation of such non-conforming building or structure, no repairs or reconstruction, except in the case of dwelling structures shall be made unless every portion of such building or structure shall be made to conform to all regulations for new buildings in the zone in which it is located.

**4 NON-CONFORMING BUILDINGS:
ADDITIONS, ENLARGEMENTS AND
MOVING**

1.A building or structure non-conforming as to use regulations shall not be added to or enlarged in any manner, except by permit of the Board of Adjustments as herein provided, unless such building, or structure, including such additions and enlargements, is made to conform to all the regulations of the zone in which it is located.

2.A building or structure non-conforming as to height, area of yard regulations shall not be added to or enlarged in any manner unless such addition or enlargement conforms to all regulations of the zone in which it is located, except by permit of the Board of Adjustment as herein provided.

3.A building or structure lacking sufficient automobile parking space in connection therewith as required by this Ordinance may be altered or enlarged provided additional automobile parking space is supplied appropriately on the lot to meet the requirements of this Ordinance for such alteration or enlargement.

4.No non-conforming building or structure shall be moved in whole or in part to any other location on the lot, except by permit of the Board of Adjustment as herein provided, unless every portion of such building or structure is made to conform to all the regulations of the zone in which it is located.

**5 NON-CONFORMING BUILDINGS:
ABANDONMENT BY NON-USE**

The non-conforming use of a building or structure or portion thereof shall be deemed abandoned by non-use during a continuous period of one year. If a non-conforming use of any such building structure or portion thereof has been or shall be abandoned, the same shall not thereafter be occupied or used except for a use which conforms to the use regulations of the zone in which it is located. Burden of proof that such non-conforming rights exist shall rest with the owner of the property in question.

**6 NON-CONFORMING USE OF
BUILDINGS**

1.The non-conforming use of a building or structure existing at the time the applicable zoning regulations became or becomes effective may be continued.

2.By permit of the Board of Adjustment as provided herein the use of a non-conforming building or structure may be changed to a use which is listed in the same zone or any more restrictive zone use regulations as the use from which it is to be changed.

3.A vacant non-conforming building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one year after the building or structure became non-conforming.

4.A non-conforming use shall be limited to the floor area in which it existed prior to the adoption of this Ordinance. If at the time it became non-conforming, said use did not occupy the entire floor area of the building in which it is located, extension of such use to include the entire floor area shall be prohibited.

**7 NON-CONFORMING USE OF LAND:
ABANDONMENT BY NON-USE**

A non-conforming use of a tract of land or portion thereof may be continued. No such non-conforming use land shall in any way be expanded or extended either on the same or any adjoining tract of land or increased in intensity of use. A non-conforming use of land shall be deemed abandoned by non-use if discontinued for a continuous period of one year. Once a non-conforming use of land has been or shall be abandoned, such land shall not thereafter be used or occupied except for a use which conforms to the use regulations in the zone in which the use is located.

**8 SIGNS PERMITTED WITH NON-
CONFORMING USES**

Signs shall be permitted with non-conforming uses, one sign per use in accordance with the Clinton City Sign Ordinance.