

Section 719.170 – Nonconforming Uses of Structures and Land

A. If a lawful use of a structure, or a structure and land in combination, exists at the effective date of adoption or amendment of this Chapter that would not be permitted in the district under the terms of this Chapter, the lawful use may be continued so long as it remains otherwise legal, subject to the following provisions.

1. No existing structure devoted to a use not permitted by this Chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building that were manifestly arranged or designed for such use and which existed at the time of adoption or amendment of this Chapter, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such a change, the Board of Appeals may require conditions and safeguards in accordance with the purpose and intent of this Chapter. Where a non-conforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
4. Any structure, or structure and land in combination, in or on which a permitted use supersedes a nonconforming use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for twelve (12) consecutive months or eighteen (18) months during any three years, the structures, or structure and land in combinations, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision unless such use(s) are not utilized during a standard seasonal use period.

6. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.