

Article 23
Nonconformities

§ 315-23.1 Continuance of nonconforming uses.

Any nonconforming use of land, a building, structure, or premises may be continued or changed, and any nonconforming building or structure may be reconstructed and/or repaired, subject to the following:

- A. No nonconforming use may be changed to a different use without the approval of the Zoning Board of Appeals. Approval for a change to another nonconforming use shall not be granted unless the Board finds that the new use will be less nonconforming than the existing use and that the new use will be less intensive than the prior use. "Less intensive" means that the new use will meet one ~~of~~ **or** more the following criteria: total space occupied, hours of operation, required parking, number of employees, impact on the surrounding area, and impact on public health, safety and convenience.
- B. No nonconforming use, if once changed into a conforming use, shall be changed back into a nonconforming use.
- C. No nonconforming use shall be extended or expanded.
- D. ~~No nonconforming use which has been abandoned for a period of one year shall be thereafter resumed.~~

§ 315-23.2 Nonconforming buildings.

- A. No building or structure which does not conform to the requirements of these regulations regarding building height limit and required yards shall be extended or expanded unless such extended or expanded portion conforms to the regulations applying to the district in which it is located. **This includes vertical expansion within the existing footprint when that portion of the footprint encroaches on a yard setback.**
- B. No building or structure which is on a lot which does not conform to the requirements of these regulations regarding lot area, width of lot, percentage of lot coverage, or parking facilities shall be extended or expanded, **either in footprint or in height, without being granted a special permit by the Commission.**
- C. If any nonconforming building or structure shall be destroyed by any means, repairs or reconstruction may be made and the nonconforming use continued provided there is no expansion of the existing footprint **or previous height.** ~~and further provided that such restoration is started within a period of one year from the date of such destruction and is diligently prosecuted.~~