

## **Article E: Nonconforming Uses, Structures and Lots**

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### **Sec. 13-1-80 Existing Nonconforming Uses.**

- (a) **Continuation.** Except as otherwise specifically provided in this Chapter, the lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this Chapter may be continued although the use does not conform with the provisions of this Chapter, provided however:
- (1) Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered, except when required to do so by law or order or so as to comply with the provisions of this Chapter.
  - (2) The total lifetime structural repairs or alterations shall not exceed fifty percent (50%) of the assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Chapter.
  - (3) Substitution of new equipment may be permitted by the Town Board if such equipment will reduce the incompatibility of the nonconforming use with the neighboring use.
- (b) **Abolishment or Replacement of Existing Nonconforming Use.** If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land or water shall conform to the provisions of this Chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy or other calamity to the extent of more than fifty percent (50%) of its current assessed value, it shall not be restored except so as to comply with the use provisions of this Chapter.

### **Sec. 13-1-81 Existing Nonconforming Structures.**

- (a) **Generally.** The existing lawful use of a building or premises at the time of the enactment or amendment of this Section may be continued although such use does not conform with the regulations for the district in which it is located. Except in the Agricultural Districts, such nonconforming uses shall not be extended. Nonconforming mobile homes shall not be moved, relocated or placed unless in conformity with this Section.
- (b) **Structural Alterations.** If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or a more restricted classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.

(c) **Existing Legal Nonconforming Uses.** It shall be established that those homes built prior to March 8, 1999 shall not be infringed upon and are to be kept whole. This means those homes that exceed the maximum three hundred (300) feet setback shall be allowed to be extended, enlarged, reconstructed, substituted, or structurally altered. Also, all the outbuildings that are non-agriculture shall be allowed the same rights as the home. (Note: Side yard/rear yard standards and square footage required for an A-2 zoning with an R-1 use shall apply for these outbuildings.)

**Sec. 13-1-82 Changes and Substitutions.**

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Town Board has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all conditions required by the Town Board.

**Sec. 13-1-83 through Sec. 13-1-89 Reserved For Future Use.**