

## **ARTICLE 14 NONCONFORMING USES**

The following regulations shall control nonconforming uses, structures, and parcels in existence at the time of passage of this ordinance.

### **14.01 NON-CONFORMING STATUS**

Under the terms of this Ordinance, within the districts established or any subsequent amendment, there exists any lot, structure, or use of land and structures which were lawful at the time of adoption of this Ordinance but which would be prohibited, regulated or restricted under the terms of this Ordinance or subsequent amendments, may be continued although such use does not conform the provisions of this Ordinance. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their continuance.

### **14.02 NON-CONFORMING STRUCTURES**

In the event any non-conforming building or structure shall be damaged by fire, wind or an Act of God or the public enemy and the cost of rebuilding or restoration shall exceed 50 percent (50%) of the true cash value, as computed for taxing purposes, such structure shall not be repaired, replaced or rebuilt except in conformity with the provisions of this Ordinance.

Such repairs and maintenance work as are required to keep a non-conforming building or structure in a sound condition may be made. Nothing in this Ordinance shall prevent the repair, reinforcement, or reconstruction of a non-conforming building or part thereof, rendered necessary by wear and tear or deterioration, provided the cost of such work shall not exceed fifty percent (50%) of the true cash value, as computed for taxing purposes, of such building at the time such work is done, nor shall any provision of this Ordinance prevents compliance with the provisions of any building code in effect

Non-conforming buildings or structures in existence at the time of passage of this Ordinance shall not be extended, added to or altered unless such extension, alteration, or addition is in conformity with the provisions of this Ordinance.

### **14.03 NON-CONFORMING LAND USES**

Whenever a zoning district shall be changed, any then legally non-conforming use in such changed district may be continued, provided all other regulations governing use are complied with.

Non-conforming land uses in existence at the time of adoption of this Ordinance shall not be extended, added to, or altered unless such extension, alteration, or additions are in conformity with the provisions of the Ordinance.

If a non-conforming use is discontinued for a period of one (1) year, such use shall not be reestablished and any future use of said premises shall be in conformity with the provisions of this Ordinance.

If a non-conforming use is changed to a permitted or less non-conforming use in the district in which it is located, it shall not revert or change back to a non-conforming or more non-conforming use.

The non-conforming use of a building or structure shall not be changed to any other non-conforming use.

#### **14.04 NON-CONFORMING PARCELS**

Lots of record that are non-conforming because of a lack of the required number of acres, minimum number of square feet or other dimensional criterion shall be allowed to be built upon provided that:

1. The lot was legally established by recorded deed, land contract, recorded survey, or other legal document prior to the effective date of this Ordinance.
2. Yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. A variance of setback requirements shall be obtained only through action of the Zoning Board of Appeals.
3. An adequate potable water supply and proper safe sewage disposal facilities can be provided in accordance with the requirements of the Barry-Eaton District Health Department.
4. A stake survey shall be submitted for the site plan indicating the placement of all proposed structures including the well and septic system in order to ascertain zoning compliance.
5. If two (2) or more lots that are non-conforming, including platted lots, have continuous frontages and are under single ownership, said lots shall not be used unless they are combined to comply with the specified lot size requirements of the Village of Freeport Zoning Ordinance.
6. Existing non-conforming lots shall not be further decreased in size by sale, lease or easement of any portions thereof.

