

ARTICLE 6

NON-CONFORMING USES AND STRUCTURES

Any lawful use of any building, structure, or land at the time of the enactment of this zoning law may be continued and maintained in reasonable repair although such building, structure, or use does not conform to the provisions of this Zoning Law. Such use is hereby designated as a non-conforming use. Any alterations and/or extensions to such a building, structure or use shall not deviate from the standards of this Law.

A. Discontinuance:

Whenever a non-conforming use has been discontinued for a period of twelve (12) months, such use has been abandoned. Such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this Zoning Law.

B. Change in Use:

Once changed to a conforming use, no building, structure, or land shall be permitted to revert to a non-conforming use. A non-conforming use may only be changed to another non-conforming use of a more restrictive classification; and once so changed, the non-conforming use may not revert to the former use or any other non-conforming use of a less restrictive classification. The change of a non-conforming use to a more restrictive classification is subject to the issuance of a Special Use Permit by the Planning Board upon demonstration by the applicant that the change in use meets the Special Permit review standards of Article 8 of this Zoning Law.

C. Restoration:

1. General:

Any building damaged by fire or other causes may be repaired or rebuilt for the same, but not different, non-conforming use. Buildings which are not conforming as to setback and which are destroyed shall be rebuilt to meet the front yard setback for the district in which it is located if the lot's dimensions permit. If, due to the lot's dimensions, the front yard setback cannot be met, the new building may be rebuilt in the same place as the building damaged by fire or other causes.

2. Manufactured Homes/Mobile Homes:

Any existing non-conforming manufactured home/mobile home that is destroyed or damaged in excess of seventy-five percent (75%) of its value based on the assessment record at the time the destruction or damage occurs,

or any existing manufactured home/mobile home that has deteriorated over time, may be replaced with a new unit of no more than seven (7) years old, and is subject the Site Plan Review approval by the Planning Board.

D. Construction Approved Prior to Adoption of this Zoning Law:

Any non-conforming building or structure for which a building permit has been issued prior to the effective date of this Law, may be completed and used in accordance with the plans and approved specifications within one year of the date of the permit.

E. Alterations or Extensions:

Any non-conforming building, structure or use of land shall not be altered, extended or enlarged except in accordance with the following provisions:

- 1) Such alterations shall be permitted only upon the same lot as in existence at the date the use became non-conforming.
- 2) Any non-conforming building, structure or use of land shall not be structurally altered during its life to an extent exceeding in aggregate cost of the replacement value of the building unless said building, structure or use of land is changed to a conforming use.
- 3) Any non-conforming use, building, or structure may be enlarged up to, but not more than, twenty-five percent (25%) of its floor area, as it existed at the time of passage of this Zoning Law. Such enlargement must conform to all other regulations of the district in which it is located and may be used only for the existing non-conforming use. Such enlargement is subject to Site Plan Review.

F. Displacement:

No non-conforming use shall be extended to displace a conforming use.

G. Non-Conforming Signs:

A "Non-Conforming Sign" is a sign or billboard, which was installed under laws or ordinances in effect prior to the effective date of this Zoning Law, but which is in conflict with the provisions hereof.

1. Non-conforming signs shall be made to conform to the provisions of this Zoning Law or shall be removed in accordance with the schedule set forth in Table 2 Amortization Schedule.

2. A non-conforming sign which is destroyed or which is damaged to any extent in excess of fifty percent (50%) shall be removed in accordance with the schedule set forth in Table 2.
  
3. As soon as practicable after enactment of this Zoning Law, the Code Enforcement Officer shall send notices to the owners of all non-conforming signs informing them that these signs must be brought into conformance or removed in accordance with the schedule in Table 2, and requesting the owner to supply the fair market value of the sign. The notice shall also state that where no statement of fair market value is received within ninety (90) days fair market value shall be considered to be \$100.
  
4. Non-conforming signs of governmental, educational, charitable, or religious uses are not required to be conformed or removed.
  
5. Any sign existing at the time this Law is enacted, which is altered in any way, form or fashion, shall be considered a new sign and shall be required to conform to the requirements contained herein, except that the original registrant may be allowed to alter the message of the sign, provided that the person, place establishment, business and service identified by the sign remains the same, but may not alter its structure.

**H. Temporary Enclosures:**

1. All temporary enclosures, as defined in Article 2, installed under laws or ordinances in effect prior to the effective date of this Zoning Law are prohibited according to Article 5 Section B of this Law, and therefore shall be removed in accordance with the schedule set forth in Table 2, Amortization Schedule.
  
2. As soon as practicable after enactment of this Zoning Law, the Code Enforcement Officer shall send notices to the owners of all temporary enclosures informing them that these structures must be removed in accordance with the schedule in Table 2, and requesting the owner to supply the fair market value of the structure. The notice shall also state that where no statement of fair market value is received within ninety (90) days fair market value shall be considered to be \$100.

**Table 2: Amortization Schedule**

Fair Market Value	Time in Which Must be Made to Conform or Removed
\$100 or less	1 year
\$100 to \$1,000	2 years
Over \$1,000 to \$5,000	3 years
Over \$5,000 to \$10,000	4 years
Over \$10,000	5 years