

SECTION 2 - Nonconformities

- 2.1 Any building or other structure or any use of land or a building legally existing at the time of the adoption of these Regulations or of any amendment thereof which does not conform to the requirements of these Regulations or of such amendment, shall be designated as nonconforming.
- 2.2 A nonconforming use may be extended or expanded only as set forth in this Section. A nonconforming use may be changed to a conforming use. A nonconforming use may be changed to another nonconforming use, which the Commission determines will be more in harmony with the general purpose and intent of the Zoning Regulations and with the character of the neighborhood.
- 2.3 No nonconforming use which the Commission finds was intended to be discontinued shall thereafter be resumed or replaced by any other nonconforming use. Intent to discontinue shall be found when the use has been discontinued for a continuous period of one (1) year and for which the owner has failed to notify the Zoning Enforcement Officer within that one year period, of their intent to continue the use.
- 2.4 All applicable zoning requirements of these Regulations shall apply to any proposal to expand or extend a nonconforming building or use. However, a dwelling and/or structures accessory thereto, located on a lot which is nonconforming in lot size, zone, location or setback requirements may be extended or expanded only if no setback is made more nonconforming.
- 2.5 Any nonconforming building or other structure which is damaged or destroyed by fire or other casualty may be reconstructed or repaired and used as before provided the setbacks and height are not made less conforming, and the cubic content and area occupied by such structure is not increased unless in conformance with these Regulations, and further provided such restoration is begun and actively pursued within one year of the damage or destruction and is completed within two years of the casualty.

- 2.6 When a zone established hereunder is changed, existing uses, lots and structures which become nonconforming as a result of said change shall be subject to the same rules as established in this Section for nonconforming uses and structures.
- 2.7 Nothing in these Regulations shall be deemed to require a change in plans, construction or designated use of any building or other structure for which either (1) a building permit shall have been issued prior to the effective date of these Regulations or (2) a Zoning Permit shall have been applied for prior to the effective date of these Regulations or any amendment to these Regulations which would affect such plans, construction or designated use provided, in each case, actual construction shall have lawfully begun in good faith prior to such effective date and is diligently prosecuted to completion within two years after commencement.