

ARTICLE 8 Special Provisions

8.1 NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES AND NONCONFORMING USES OF STRUCTURES AND PREMISES.

8.1.A Purpose.

1. Within the districts established by this regulation or any amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this regulation was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this regulation or future development.
2. It is the intent of this regulation to permit these nonconformities to continue until they are removed, but not to encourage their survival.
3. Such uses are declared by this regulation to be incompatible with permitted uses in the districts involved. It is further the intent of this regulation that nonconformities shall not be enlarged upon, expanded or extended if such a change increases the nonconformity, nor shall they be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
4. A nonconforming use of a structure or land, or of a structure and land shall not be extended or enlarged after passage of this regulation by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which could be prohibited generally in the district involved.
5. To avoid undue hardship, nothing in this regulation shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of the adoption or amendment of this regulation.

8.1.B Nonconforming Lots of Record and in Subdivisions.

1. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this regulation a single-family dwelling and accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this regulation. This provision shall apply even though such lot fails to meet the requirements for area or lot frontage, or both, generally applicable in the district, provided however, that yard dimensions and other requirements not involving lot area or frontage, shall conform to the regulations for the district in which such lot is located.
2. Variance of yard requirements shall be obtained only through action of the Zoning Board of Appeals. However, if adjoining property was in the same ownership as the lot in question at the time of the adoption of the Zoning Regulations (March 15, 1950), the lot must conform in area and frontage to the present requirement of the district in which it is located, if the combination of both parcels would result in a conforming lot. The owner of any lot in a subdivision heretofore validly approved or in the process of approval at the time of the adoption of this regulation may use the lot for the erection of or alteration of a single-family dwelling.

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8.1.C Nonconforming Uses of Land.

Where, at the effective date of adoption or amendment of this regulation, lawful use of land exists that is made or no longer permissible under the terms of this regulation as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this regulation.
2. No such nonconforming use shall be moved in whole or in part of any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this regulation.

8.1.D Nonconforming Structures.

Where, at the effective date of adoption or amendment of this regulation, a lawful structure exists that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or by its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity.
2. Should such structure be destroyed by natural cause or damaged, it may be repaired or replaced to an extent which does not increase the nonconformity. If such repair or replacement is not accomplished within 18 months, it shall not be reconstructed except in conformity with the provisions of this regulation.
3. Should such structure, for any reason, be moved any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

8.1.E Nonconforming Use of Structures.

If, at the effective date of adoption or amendment of this regulation, a lawful use of a structure, or of a structure and premises in combination, exists which use would not be allowed in the district under the terms of this regulation, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No existing structure, devoted to a use not permitted by this regulation in the district in which it is located, shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered in a manner which increases the nonconformity except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the Town Plan and Zoning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Commission may require appropriate conditions and safeguards in accord with the provisions of this regulation.
3. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
4. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for one year, the structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.