

TITLE 20 – ZONING ORDINANCE OF GENOLA

CHAPTER 10

NONCONFORMING BUILDINGS AND USES

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20.10.01 NONCONFORMING USE DEFINED

As used in this Ordinance, a nonconforming use is the use of any building, structure, or land which is prohibited by any zoning, building, sign, or other regulatory ordinances, but which existed lawfully before the establishment of this ordinances.

20.10.02 MAINTENANCE PERMITTED

A nonconforming building or structure may be maintained.

20.10.03 REPAIRS AND ALTERATIONS

Minor repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use.

20.10.04 ADDITIONS AND ENLARGEMENTS

A building or structure occupied by a legal, nonconforming use and an existing building or structure on a legal, nonconforming lot may be added to or enlarged only if the addition conforms with all yard requirements, height regulations, and lot coverage requirements of the lot's applicable Zone.

(Amended by Ordinance 2021-07)

20.10.05 RESTORATION OF DAMAGED BUILDINGS

As long as the legal use (conforming or non-conforming) has not been abandoned for more than one year, a nonconforming building or structure which has been demolished, allowed to deteriorate or which has been

damaged by fire, explosion, or act of God may be repaired or rebuilt provided that the building or structure is not altered or expanded beyond the original design except if the addition or enlargement conforms with all yard requirements, height regulations, and lot coverage requirements of the lot's applicable Zone.

(Amended by Ordinance 2021-07)

20.10.06 ONE-YEAR VACANCY

A building, structure or portion thereof occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by that nonconforming use for a continuous period of one (1) year, shall lose the nonconforming status and shall not thereafter be occupied except by a use which conforms to the regulations of the district in which it is located.

20.10.07 CONTINUATION OF USE

The occupancy of a building or structure by a non-conforming use, existing at the time this Ordinance became effective, may be continued.

20.10.08 OCCUPATION WITHIN ONE YEAR

A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one (1) year after the use became nonconforming.

20.10.09 CHANGE OF USE

The nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

20.10.10 NONCONFORMING USE OF LAND:

The nonconforming use of land, existing at the time this Ordinance became effective, may be continued, provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or on adjoining property and provided that if such nonconforming use of land, or any portion thereof, is abandoned or changed for a period of one (1) year or more, any future use of such land shall be in conformity with the provisions of this Ordinance.

20.10.11 DISTRICT CHANGES:

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.

20.10.12 NONCONFORMING LOTS OF RECORD

Single family dwellings may be permitted on a nonconforming lot of record, as recorded in February 1975, even though the lot fails to meet the area or width requirements of this Ordinance.

(Amended by Ordinance 99-1)

20.10.13 **NONCONFORMING USES DETRIMENTAL TO HEALTH AND SAFETY
NOT ALLOWED**

No provisions of this Chapter shall be construed to allow the continuance of any nonconforming use when in the opinion of the Planning Commission and Town Board, the use is deemed to be detrimental to the health, safety and welfare of the general public.

ⁱ Previous Versions

- 2021-07
- 99-1