

23-2G-1020 Nonconforming Status

(A) Nonconforming Uses

(1) A use of land or buildings that does not conform with the applicable use regulations of Chapter 23-4 (Zoning), or a separately adopted zoning ordinance, is a nonconforming use if:

(a) The use existed lawfully, in conformance or legal nonconformance with applicable use regulations, on the date that a zoning restriction prohibiting or restricting the use became effective; and

(b) The use has continued to exist since the zoning restriction prohibiting or restricting the use became effective, without cessation or abandonment in violation of applicable regulations.

(2) A use that is not a nonconforming use is in violation of this Title if it does not conform to the use regulations of Chapter 23-4 (Zoning) or a separately adopted zoning ordinance.

(3) Nonconforming uses are declared to be incompatible with allowed uses in the zone in which they are located.

(B) Nonconforming Structures

(1) A building, structure, or developed area, including a parking or loading area, that does not comply with site development regulations applicable under this Title, or a separately adopted zoning ordinance, is a nonconforming structure if it existed lawfully, in conformance or legal nonconformance with applicable site development regulations, at the time it was constructed.

(2) A building, structure, or developed area that is not a nonconforming structure is in violation of this Title if it does not comply with applicable site development regulations.

(C) Nonconforming Lots

(1) A platted lot that does not comply with the applicable regulations of this Title is a nonconforming lot if the lot existed lawfully, in compliance or legal noncompliance with applicable regulations, on the date the lot was platted.

(2) A platted lot that is not a nonconforming lot is in violation of this Title if it does not comply with applicable regulations of this Title.