

## ARTICLE VIII

### NON-CONFORMING USES

#### Section 800. Continuance of Non-Conforming Uses

The lawful use of any building or structure or land existing at the time of the enactment or amendment of this Ordinance may be continued, even though such use does not conform with the provisions of this Ordinance, except that the non-conforming use shall not be:

1. Extended to occupy a greater area of land.
2. Extended to occupy a greater area of a building or structure unless such additional area of the building or structure existed at the time of the passage or amendment of this Ordinance and was clearly designed to house the same use as the non-conforming use occupying the other portion of the building or structure.
3. Re-established after discontinuance for twelve months.
4. Changed to another non-conforming use.

#### Section 801. Continuance of a Non-Conforming Building

A non-conforming building existing at the time of the enactment or amendment of this Ordinance may be retained except as follows:

1. No building other than a single-family detached dwelling may be enlarged, or altered except in conformance with this Ordinance but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition.
2. No building other than a single-family detached dwelling shall be rebuilt, altered or repaired after damage exceeding 50 percent of its replacement cost at the time of destruction, except in conformity with this Ordinance.

## Section 802. Continuance of Non-Conforming Permanent Signs

The lawful use of a permanent sign existing at the time of the enactment or the amendment of this Ordinance may be continued even though such use does not conform to the provisions of Article XI, provided however that if said business structure or facility is rebuilt, substantially destroyed, or substantially reconstructed said existing sign(s) shall be deemed unlawful and any future sign shall comply with Article XI, except that the non-conforming sign shall not be:

1. Extended to occupy a greater area of land.
2. Enlarged, altered, modified, improved or rebuilt except in conformance with Article XI, but it may be repaired to the extent necessary to maintain it in a safe condition and neat and orderly appearance. A change in the advertising message on the sign shall not constitute an alteration or modification of the sign.
3. Rebuilt, altered or repaired after damage exceeding 50 percent of its replacement cost at the time of its destruction, except in conformance with Article XI.
4. Deemed a lawful use and continued if the business structure or facility which said sign advertises or markets is rebuilt or substantially reconstructed.

Non-conforming signs no longer in use by the owner or operator shall be removed within ten (10) days of discontinuance of use for twelve (12) months or the City may have such sign removed at the owner's or operator's expense.

## Section 803. Continuance of Non-Conforming Temporary and Portable Signs

The use of any temporary or portable sign existing at the time of the enactment of this amendment shall not be continued.

## Section 804. Validity of Previously Issued Permits and Approvals

No provisions of this Zoning Ordinance shall be construed to affect the validity of any of the following:

- a. Any building permit lawfully issued prior to the adoption of this Ordinance, or any Amendment thereto, provided that all time constraints and any procedures for extension specified by such permit shall be observed.

- b. Any grading permit lawfully authorized prior to the adoption of the Ordinance, or any Amendment thereto, provided that all time constraints and any procedures for extension specified by such permit shall be observed.
- c. Any development permit lawfully authorized prior to the adoption of this Ordinance, or any Amendment thereto, upon approval of relevant construction drawings; and such development may proceed to record provided that all time constraints and conditions relating to the approval are observed, and that the lot size and construction of buildings shall be in accordance with the area and dimensional requirements existing on the data of such approval.
- d. The repeal, repeal and re-enactment, or amendment of any ordinance of the City which prohibits any act or omission to act and which provides for any criminal penalty therefore, shall not affect or abate the status as a crime of any such act or omission which occurred prior to the effective date of the ordinance repealing, repealing and re-enacting, or amending such ordinance, nor shall the prosecution of such offense be abated as a result of such repeat, repeal and re-enactment, or amendment unless the City Commission expressly declares otherwise in the ordinance repealing, repealing and re-enacting, or amending such ordinance.

