

ARTICLE 3



Nonconformities

300 General Provisions

Within the districts established by this Ordinance or amendments that may later be adopted there may exist lots, structures, uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

- A. Legally existing nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, nonconforming use of land, or nonconforming use of structure and land in combination shall not be extended or enlarged after the passage of this Ordinance.
- B. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building for which approval has been granted and permits issued or on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction.

301 Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record, as officially recognized by the City of Lawrenceville, at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot, shall conform to the provisions of this Article.

302 Continuance of Nonconforming 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 nonconforming use shall not be:

- A. Extended to occupy a greater area of land either by expansion to a new lot or by the expansion of the use to a greater area of the existing lot.
- B. 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 enactment or amendment of this Ordinance and was clearly designed to house the same use as the nonconforming use occupying the other portion of the building or structure.
- C. Extended to an addition to an existing building or structure or a new building or structure.
- D. Reestablished after discontinuance for six months.

- E. Changed to another nonconforming use.

303 Continuance of Nonconforming Structure

A nonconforming building existing at the time of the enactment or amendment of this Ordinance may be retained as follows:

- A. An existing nonconforming single-family dwelling may be repaired to the extent necessary to maintain it in a safe and sanitary condition.
- B. Additions or alterations to an existing nonconforming single-family dwelling shall comply with this Ordinance.
- C. Existing nonconforming nonresidential and multifamily structures may be enlarged or altered, only in conformity with this Ordinance, but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition.
- D. Existing nonconforming nonresidential and multifamily structures shall be altered, rebuilt, or repaired only in conformity with this Ordinance. However, the structure may be rebuilt as originally constructed provided that damage or destruction occurred as a result of fire, flood, wind, earthquake, or other natural disasters.
- E. If a nonconforming structure or portion of a structure is condemned, the structure or portion of the structure will no longer be considered legal nonconforming.

304 Structures Where Construction Has Begun

To avoid undue hardship, nothing in this Article shall be deemed to require a change in the plans, construction, or designated use of any building or structure for which a development or building permit was lawfully applied for or issued, or a subdivision development plan or final subdivision plat was lawfully approved, prior to the effective date of the Zoning Ordinance or amendment thereto, provided:

- A. Such permit or approval has not by its own terms expired prior to such effective date.
- B. Actual building construction is commenced prior to the expiration of such permit or approval.
- C. Actual building construction is carried on pursuant to said permit or approval and limited to and in strict accordance with said permit or approval.

305 Amortization and Discontinuance

There are found to be certain uses of land, buildings, and structures that have an adverse effect on the carrying out of the comprehensive plan and which can reasonably be discontinued after a reasonable time irrespective of the aforementioned rules as to nonconforming uses. The following uses shall be removed or made conforming within the specified amortization period. Said amortization period shall commence upon the effective date of this ordinance.

- 1. Shall be made conforming within one year of the adoption of this Ordinance:
 - a. Fences, walls, and foliage which constitute a hazard by virtue of impairing sight distances at a curve or intersection.
 - b. All provisions in business or industrial zoning districts of this Ordinance setting forth specifications for the operation of a business or industry requiring fencing or opaque shielding shall be complied with, within one calendar year.

2. Shall be made conforming within two years of the adoption of this Ordinance:
 - a. Nonconforming open storage operations, such as truck parking, automobile wrecking or salvage, salvage material storage, and similar uses.
3. Shall be made conforming within eight years of the adoption of this Ordinance:
 - a. Outdoor advertising signs and billboards deemed a nuisance or hazard.
4. Shall be made conforming within 25 years of the adoption of this Ordinance:
 - a. Nonconforming frame, block, or light material structures.
5. Shall be made conforming within 40 years of the adoption of this Ordinance:
 - a. All other nonconforming structures.