**SECTION VII – NONCONFORMING USES, BUILDINGS AND LOTS**

Any lawful use of a building lot existing as of September 1, 2010 may be continued subject to the following conditions:

1. Except as hereinafter provided in this Section, a nonconforming use shall not be enlarged or extended.
2. A nonconforming use may not be changed to another nonconforming use.
3. If any nonconforming building or structure is destroyed by fire, flood or other casualty, or is intentionally razed or demolished, it may be restored or replaced by a building or structure having the same nonconforming features as the building or structure destroyed or razed.
4. Any permitted use may be made of, and any permitted building may be constructed on, a nonconforming lot provided that as of August 2, 1980 and continuously thereafter the legal owners of record of the nonconforming lot did not, at any time during the ownership of the nonconforming lot, own any adjoining or contiguous lot. When lots are joined, for the purposes of complying with the Zoning Regulations, the lots shall be combined into one lot on the land records
5. The owner of two (2) or more adjoining or contiguous lots may, upon approval by the Board of Governors of the Association, re-subdivide those nonconforming lots to create one (1) or more conforming lots.
6. Except as set forth in paragraph 8, a nonconforming building shall not be enlarged or extended, vertically or horizontally, unless:
7. Such extension or enlargement complies with the setback requirements of these regulations regardless of the existing setback lines of the nonconforming building except as noted below; and
8. Such extension or enlargement complies with all other provisions of these regulations pertaining to the type of building being extended or enlarged as relates to height, dimensions and number of floors.
9. Any open portion of a nonconforming dwelling having a roof and existing as of February 5, 1991 may be enclosed so to form a portion of the interior of the dwelling.
10. The roofline immediately over actual occupied area above grade, not including accessory unoccupied areas, in a nonconforming dwelling may be changed, providing the overall height of the structure is not increased except as noted below.

12. Nonconforming structures exceptions.

1. No nonconforming dwelling shall be enlarged or extended unless the enlargement or extension conforms to the requirements of the district in which it is situated.

1. EXCLUDED FROM THIS PROHIBITION ARE:
2. Additions of a second story to one-story single family dwellings.
3. Conversions of single-family one-and-one-half story dwellings to two-story dwellings, either by means of dormers or upward extensions of existing sidewalls.
4. Conversions to two stories of one-story appendages to two-story single-family dwellings.
5. Construction of an addition that fills in a section of the house when two adjacent exterior walls are already non-conforming.
6. Construction of an addition that extends the existing nonconformity as long as the extension does not exceed twenty percent of the existing length of the structure and does not extend into the front or rear yard setbacks. This extension can be used only one time on a property.

c. NONE OF THE FOREGOING ADDITIONS, EXTENSIONS, OR CONVERSIONS SHALL:

1. Extend beyond the perimeters of the existing buildings except as noted in #4 or #5 above.

2. Exceed the vertical projection limits specified elsewhere in these regulations.

3. Alter the single-family status of the dwellings unless an application for an accessory apartment is approved under Section V 9.

4. Result in a separation of less than 15 feet from the sidewalls of any other dwelling.

5. Result in the nonconformity being constructed no closer than five feet from the property line.

6. Result in construction that exceeds the coverage limit thirty-five (35) percent of all structures on the property.

d. Nothing shall prevent the construction of additions to single family detached residential dwellings provided that the following conditions are met:

1. No lot within the scope of these provisions may contain more than one dwelling.

2. The dwellings are used solely as private residences, except for approved "Home Occupations” and the proposed additions shall likewise be designed for such use. (For purposes of this regulation, single-story, accessory attached and detached garages shall be considered residential additions.)

e. All application for construction under this section will require an A-2 survey to demonstrate the exact location of the existing structure, the proposed addition(s), and the location of the closest neighboring structure(s).

Minor accessory structures that are one-hundred and sixty (160) square feet or less may not require an A-2 survey if property lines and corner pins can be identified on the property to verify the proposed location of the structure. The final decision if survey is needed is at the discretion of the Zoning Enforcement Officer.

13. NONCONFORMING LOTS - LOT WIDTH

Lots 79 feet or less in width: In the case of any lot 79 feet or less in width, the minimum combined width of both side yards and the minimum width of the narrowest side yard shall be respectively as follows;

COMBINED WIDTH MINIMUM WIDTH OF

LOT WIDTH OF SIDE YARDS NARROWEST SIDE YARD

UNDER 40 feet 16 feet 8 feet

40 feet to 49 feet 18 feet 9 feet

50 feet to 59 feet 20 feet 10 feet

60 feet to 69 feet 24 feet 12 feet

1. feet to 79 feet 28 feet 14 feet

Note – The side yard is measured at the proposed construction area and not the front property line.

***14. NONCONFORMING LOTS – LOT DEPTH***

***Lots 65 feet or less in depth: In the case of any lot 65 feet or less in depth, the minimum front yard and the minimum rear yard shall be respectively as follows;***

***MINIMUM MINIMUM***

***LOT DEPTH FRONT YARDS REAR YARD***

***UNDER 40 feet 11 feet 5 feet***

***40 feet to 49 feet 11 feet 10 feet***

***50 feet to 59 feet 15 feet 10 feet***

***60 feet to 65 feet 15 feet 15 feet***

***Note – The front and rear yard is measured at the proposed construction area.***

1. **Landings and Stairs Within the Setback Areas**

Exterior landings and stairways to exterior doors which are constructed within the setback areas as defined in this section shall be consistent with the following requirements, and no further deviation from such setback areas shall be permitted unless expressly authorized by a variance granted by the Zoning Board of Appeals:

1. Landings in the setback area shall not exceed the dimensions of six (6) feet by six (6) feet.
2. Stairways and landings shall not extend into a side or rear setback area less than five (5) feet from the property line, nor into a front setback area less than five (5) feet from the property line.