

2024 proposed changes to Warner Zoning Ordinance

ARTICLE XV Non-Conforming Use

- ~~A. When a non-conforming use (existing) of land or buildings has been discontinued for a year, the land or buildings shall be used thereafter only in conformity to this ordinance.~~
- ~~B. A non-conforming lot may be built upon, for residential purposes only, if, at the time of the enactment of this Ordinance (or any amendment thereto if it is such amendment that renders the lot non-conforming), (a) the owner or owners of the lot owned no contiguous land, and (b) it has a frontage of at least fifty (50) feet, and (c) the lot is able to sustain a state approved waste disposal system or connect to municipal sewage.~~

In accordance with Article IV, General Provisions, F., no permit for the erection, exterior alteration, moving or repair of any building shall be issued until an application has been made for the certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this ordinance.

A. Non-Conforming Lots:

1. Any lot with less buildable area or frontage than required in the district, which is lawfully established, recorded, and taxed as a Lot of Record before the enactment or amendment of this ordinance, shall be deemed a non-conforming lot.
2. Such lots may only be built on, for residential purposes, if (a) the owner of the lot owns no contiguous land, (b) it has at least 80% of the required frontage for the district, (c) the lot is able to sustain a state-approved waste disposal system or connect to municipal sewage and (d) any proposed construction is able to meet the district's applicable setback requirements.

B. Non-Conforming Structures:

1. Non-conforming structures may be altered, expanded, repaired, or replaced provided that it does not become more non-conforming within the terms of this ordinance and provided that all other standards of the district are met.

C. Non-Conforming Uses:

1. Any non-conforming active use that was established before the enactment or amendment of this ordinance shall be deemed a non-conforming use, and may continue indefinitely in their present use.
2. When a non-conforming use of land or structures has been discontinued for one year, then the land or structures shall be used thereafter only in conformity with this ordinance.
3. A non-conforming use shall not be changed to another non-conforming use. A non-conforming use shall not be expanded.
4. If a non-conforming use is superseded by a conforming use, then it shall thereafter conform to Table 1 of this ordinance, and the non-conforming use may not thereafter be resumed.
5. Nothing herein shall prevent the restoration, reconstruction, and/or replacement commenced within 3 years of a structure containing a non-conforming use destroyed in whole or in part by fire or other disaster so long as this use does not result in a new or expanded non-conforming use.