

17.5 TERMINATION OF NONCONFORMING USES

If the nonconforming use is discontinued through vacancy or lack of operation or any other means for a continuous period of one (1) year, the right to resume such use shall terminate and no use shall be made of such building or land, except in conformity with this Ordinance. An extension of such one (1) year period may be granted by the Board of Appeals for a parcel:

- a) That is subject to probate or bankruptcy proceedings; or
- b) That is the subject of dispute with an insurer; or
- c) That is owned by a person inflicted with a temporary disability; or
- d) That is owned by a person who is the subject of a criminal investigation.

17.6 REPAIRS AND MAINTENANCE

Nothing in this Ordinance shall prevent the repair, reinforcement, improvement or rehabilitation of any nonconforming use, building, structure, or any part thereof, which results from wear and tear, deterioration, fire, windstorm, snowstorm, rainstorm, flood or other casualty damage, nor shall it prevent compliance with the provisions of the State Construction Code Act, relative to the maintenance of buildings or structures, subject to the following conditions:

- a) The owner shall have a period of one (1) year in which to secure applicable permits;
- b) Setbacks that formerly were nonconforming shall not change, or shall become more conforming;
- c) The structure must conform in all other ways to the requirements of the Zoning District;
- d) The repair or maintenance is not so extensive as to constitute a replacement of the building or structure. For the purposes of this section, the determination of whether proposed repair or maintenance constitutes replacement shall be made, in the first instance, by the Zoning Administrator. The determination of the Zoning Administrator shall be appealable to the Zoning Board of Appeals provided that no approval under this section shall permit the replacement of a building or structure.

17.7 REPLACEMENT

- A. Nothing in this Ordinance shall prevent the replacement of any nonconforming building or structure damaged or destroyed by from fire, windstorm, snowstorm, rainstorm, flood or other casualty damage beyond the control of the owner, provided such replacement does not increase the original usable floor area or volume of such building or structure. Alterations to nonconforming structures in accordance with Section 17.2 shall not be subject to the provisions of this section.
- B. Nothing in this ordinance shall prevent the owner from tearing down and replacing a non-conforming structure using the same footprint.