Article 8: NON-CONFORMING USES

Section 8.0 The lawful use of any structure or land existing on January 15, 1973 or at the time an amendment of this bylaw becomes effective which prohibits such use, may be continued, although such structure or use does not conform with the provisions of this bylaw.

Section 8.1 The Board of Appeals may, after a public hearing, notice of which shall have been given in accordance with the Zoning Act, permit a non-conforming use to be converted to another non-conforming use provided that such non-conforming use is not, in the opinion of the Board of Appeals, more objectionable or detrimental to the character of the neighborhood than the original use.

Section 8.2 Any non-conforming structure containing a conforming use may be expanded or altered, provided that such structure shall comply with the setback requirements and the height requirements of this bylaw.

Section 8.3 The Board of Appeals may, after a public hearing, grant a special permit to allow any non-conforming structure, which does not meet the requirements of Section 8.2, or any non-conforming use, to be expanded or altered if the board finds:

A. Such expansion or alteration will not cause further non-conformance with the height requirements of this bylaw, and

B. Such expansion or alteration will not be more objectionable or detrimental to the character of the neighborhood than the original structure, provided that, in all cases, any expansion of a structure, laterally more than 50 percent of the distance between a lot line and the portion of the structure closest to said lot line as of January 15, 1973, or within ten (10) feet of said lot line, shall be deemed substantially more detrimental to the character of the neighborhood.

A special permit under this section shall be conditional pending approval of the Board of Health if the proposed expansion or alteration may cause additional use of on-site sanitary disposal facilities.

Section 8.4 A non-conforming structure or use that is damaged by fire, hurricane, or other catastrophe may be restored or rebuilt and used again as previously, provided that the building or restoration following the catastrophe is not greater in extent or in type of activity than the original.

Section 8.5 A non-conforming use which has been abandoned for a period of seven (7) years shall not be re-established and any future use shall conform with this bylaw, except as otherwise provided by law.

Section 8.6 Once changed to a conforming use in any district, no structure shall be permitted to revert to a non-conforming use.

Section 8.7 Construction or operations under a building or special permit shall conform to any subsequent amendment of this bylaw unless the use or construction is commenced within a period of six months after issuance of this permit, and in cases involving construction, such construction is continued through to completion as continuously and expeditiously as possible.