
SECTION 16.6 NON-CONFORMING LOTS, USES AND STRUCTURES**16.60 Purpose**

The purpose of this section is to establish regulations for the continued existence of uses and structures in Form-Based Districts (FBD) established prior to the effective date of Article 16 that do not conform to the provisions of Article 16. Where the provisions of this section conflict with Article 9 - Non-conforming Lots, Uses and Structures, this section shall apply.

16.61 Non-conforming Uses

16.610 Authority to Continue – Any non-conforming lots, uses and structure existing in the FBD prior to the date of adoption of this section may be continued so long as it remains otherwise lawful, subject to the provisions below.

16.611 Ordinary Repair and Maintenance – Normal maintenance, repairs and installation or relocation of non-bearing walls may be performed on any structure that is devoted in whole or in part to a non-conforming use; provided, however, that this section shall not be deemed to authorize any violation of the subsections below.

16.612 Expansions/Extensions – A non-conforming use shall not be extended, expanded, enlarged or increased in size, footprint or coverage without approval by the Board of Appeals under Article 9 of this Bylaw.

16.613 Change in Use – A non-conforming use may be changed to a more conforming use with approval by the Board of Appeals if the use is found to be more conforming.

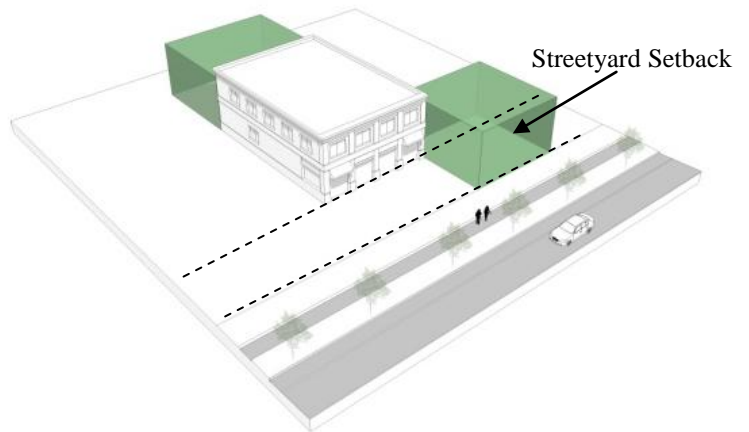
16.614 Abandonment or Discontinuance – A non-conforming use which has been discontinued or abandoned for twenty-four (24) consecutive months shall not be re-established and any future use shall conform to the regulations of this bylaw.

16.62 Non-conforming Structures

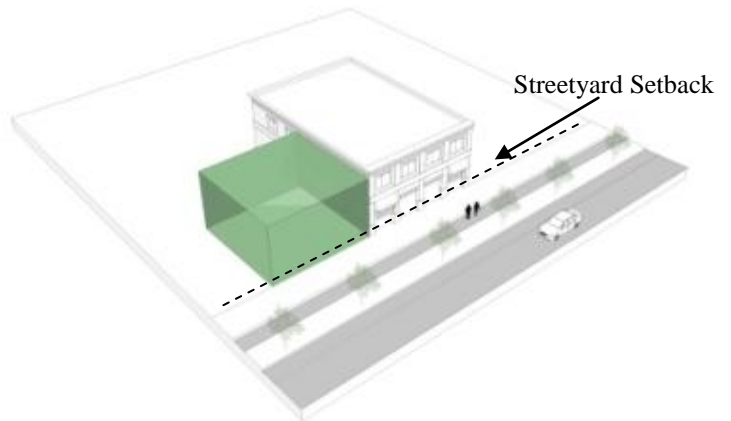
16.620 Enlargement, Repair, Alterations – Non-conforming structures may be enlarged, maintained, repaired or altered by the Permit Granting Body under Section 16.901 provided, however, that no such enlargement, maintenance, repair or alteration shall either create an additional non-conformity or increase the degree of the existing non-conformity of all or any part of such structure.

16.621 Permitted Additions – Where a non-conforming structure is being expanded under Section 16.620, the streetyard setback area requirement shall apply as set forth below:

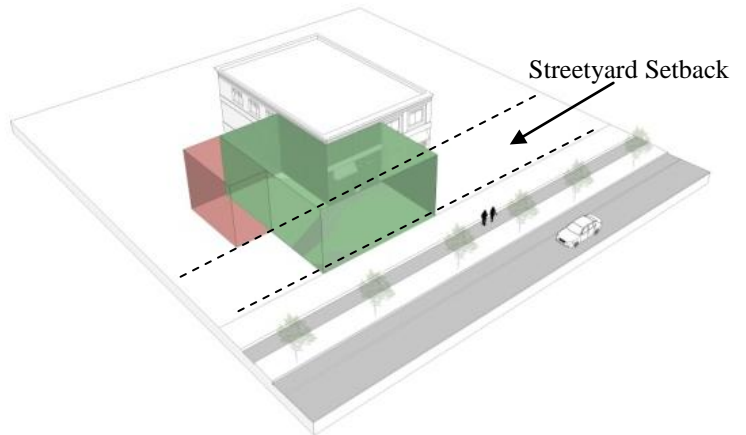
1. Front and Rear Additions – Any addition in front of the existing building shall be placed within the streetyard setback area. Rear additions shall be allowed where the extension is not increasing the degree of the existing nonconformity



2. Side Additions – Any addition to the side of the building shall be placed within the streetyard setback area.

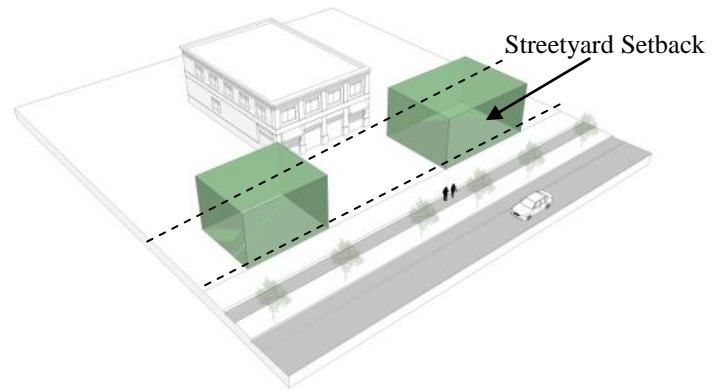


3. Additions Outside of the Sideyard Setback Area – Any addition to the side of the building shall be placed within the streetyard setback area.



16.63 Permitted New Buildings – Where a new building is being constructed on a site with a non-conforming structure, the streetyard setback area shall apply as set forth below:

1. All new buildings must be placed within the streetyard setback area until the maximum setback requirement for the site has been met.



2. New buildings outside of the maximum streetyard setback shall only be permitted by Special Permit under Section 16.9.

