

SECTION 17-33. NONCONFORMING USES

(a) The lawful use of land existing upon the effective date of this Ordinance, although such use does not conform to the provisions hereof, may be continued, subject to the provisions hereof.

(b) The lawful use of a building existing upon the effective date of this Ordinance may be continued, although such use does not conform to the provisions hereof. Such use may be extended throughout such portions of the buildings as are arranged or designed for such use, provided no structural alterations, except those required by law or ordinance, are made therein. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restrictive classification. If such nonconforming building is voluntarily removed, the future use of such premise shall be in conformity with the provisions of this Ordinance.

(c) In the event a nonconforming use of any building or premise is voluntarily discontinued for a period of one (1) year, the use of the same shall thereafter conform to the provisions of the district in which it is located.

(d) A residential dwelling unit having a lesser floor area at the time of the passage of this Ordinance than the minimum floor area required for the district in which it is located shall not be construed to be nonconforming.

(e) A nonconforming use if changed to a conforming use or a more restrictive nonconforming use, may not thereafter be changed back to a less restrictive use than that to which it was changed.

(f) If by amendment to this Ordinance any property is hereafter transferred to a more restricted district by a change in the district boundaries, or the regulations and restrictions in any district are made more restrictive or of a higher classification, the provisions of this Ordinance relating to the nonconforming use of buildings or premises existing upon the effective date of this Ordinance shall apply to buildings or premises occupied or used upon the effective date of such amendment.

(g) Repairs and alterations may be made to a nonconforming building, provided that no structural alterations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use.

(h) A nonconforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other causes. In the case of partial destruction by fire or other causes not exceeding fifty percent (50%) of its value, the Building Inspector shall issue a permit for reconstruction. If destruction is greater than fifty percent (50%) of its value, the Board of Adjustment may grant a permit for repair or replacement after a public hearing and having due regard for the property right of the persons affected when considered in the light of public welfare and the character of the areas surrounding the designated nonconforming use and the purposes of this Ordinance.

(i) A nonconforming use may be expanded or enlarged only upon approval of the Board of Adjustment in accordance with this Ordinance and other applicable City of Lewisville Ordinances.