# CHAPTER 14. NONCONFORMITIES

## 14.3. Nonconforming principal structures.

**A.** A nonconforming principal structure containing a use permitted in the district may continue only in accordance with the provisions of this chapter.

**B.** Normal repair and maintenance may be performed to allow the continuation of nonconforming structures and any nonconforming use contained therein.

**C.** A nonconforming structure may not, under any circumstances, be enlarged or altered in a way which increases its nonconformity.

**D.** Subject to the provisions of Section 14.3(E) and 14.3(F), when a nonconforming structure is moved on lot upon which it is located, it shall, if possible, be moved so as to make the structure conforming. Otherwise, the moved structure shall be placed on the lot in as conforming a manner as possible.

**E.** If a nonconforming structure is significantly damaged or significantly improved, the following requirements shall apply in the issuance of any permit:

1. Where modifications are proposed to repair damages to a structure, a permit for reconstruction of such structure must be secured no later than 180 days from the date of its destruction.
2. If the structure can be rebuilt on the same lot and meet all district and building type requirements, it shall be.
3. If the structure cannot be rebuilt at the same size (ground floor area) in accordance with the minimum standards of the district in which it is located or building type, then it shall be placed on the lot in as conforming a manner as possible.
4. A nonconforming structure shall not be rebuilt in a manner which increases its nonconformity.
5. Significant damage and/or significant improvement to any non-conforming structure that is located within a lot containing any other non-conforming condition shall, to the maximum extent possible, require the satisfaction all other requirements of this ordinance and the elimination of all non-conforming conditions. Examples include, but are not limited to, the provision of sufficient parking, landscaping and buffering, and public improvements (i.e., sidewalks and other), and full compliance with all applicable signage, flood hazard reduction, surface water protection, and stormwater management provisions.
6. In no case shall significantly damaged structure be rebuilt so as to encroach upon any public right-of-way, easement, regulatory floodway, surface water protection area or except as allowed by CHAPTER 6 of this ordinance or Chapter 34 of Brevard City Code.
7. A non-conforming use which existed within the structure to which modifications are made may reoccupy such structure upon issuance of certificate of occupancy provided that:
    a. Modifications do not result in an expansion of the nonconforming use.
    b. The nonconforming use is reestablished within the structure within 60 days of the issuance of a certificate of occupancy.
    c. Any use requiring the issuance of a special use permit shall not be reestablished in a district within which such special use is not permitted.

**F.** If a nonconforming structure is substantially damaged or substantially improved, the structure, all nonconforming uses contained therein, and all non-conforming conditions within the same property (i.e., parking, landscaping, signage, flood hazard issues, and etc.) shall be brought into full compliance with the requirements of this ordinance.

(Ord. No. 20-09, § 4(Exh. B(6)), 9-21-09)