

ARTICLE XII
NON-CONFORMING LOTS, USES, AND STRUCTURES

SECTION 1201 General

- A. Within the zones established by this Ordinance or amendments that may later be adopted there exist lots, structures, and uses of land which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment.
- B. It is the intent of this Ordinance not to encourage the survival of non-conformities. Such uses are declared by this Ordinance to be incompatible with permitted uses in the zones involved. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, except as herein noted, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone.
- C. A non-conforming use shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited in the zone involved.
- D. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.
- E. Any non-conforming use, including the non-conforming use of a lot, parcel or structure, that is discontinued or abandoned for a period of six (6) months, shall not be resumed thereafter and any future use of lot, parcel, or structure shall conform to the provisions of this Ordinance. Any structure that is moved for any reason for any distance by the owner, shall be required to conform to the regulations for the zoning district in which it is located after it is moved. In the case of any dispute as to whether a non-conforming use is abandoned or discontinued, the burden of proof shall be upon the property owner.
- F. Any non-conforming single or two-family dwelling use located on any lot in the CR or R-7A districts which is or has been destroyed through condemnation, fire or other

1 catastrophe to an extent of 100% of its assessed value at the time of its destruction
2 may continue said use as long as a single-family or two-family residence is
3 constructed and made available for occupancy on said lot within eighteen (18)
4 months of the date of its destruction even though such lot fails to meet the
5 requirements for area, or width, or both, that are generally applicable in the district.
6

7 SECTION 1202 Non-Conforming Lots of Record
8

- 9 A. In any zone in which single-family dwellings are permitted, notwithstanding
10 limitations imposed by other provisions of this Ordinance, a single-family dwelling
11 and customary accessory buildings may be erected on any single lot of record at the
12 effective date of adoption or amendment of this Ordinance. Such lot must be in
13 separate ownership and not of continuous frontage with other lots in the same
14 ownership. This provision shall apply even though such lot fails to meet the
15 requirements for area, or width, or both, that are generally applicable in the zone,
16 provided that yard dimensions shall conform to the regulations for the zone in which
17 such lot is located. Any variance of yard requirements shall be obtained only through
18 action of the Board of Appeals.
19
- 20 B. If two or more lots or combination of lots and portions of lots with continuous
21 frontage in single ownership are of record at the time of passage or amendment of
22 this Ordinance, and if all or part of the lots do not meet the requirements for lot width
23 and area as established by this Ordinance, the lands involved shall be considered to
24 be an undivided parcel for the purpose of this Ordinance, and no portion of said
25 parcel shall be used or transferred which does not meet lot width and area
26 requirements established by this Ordinance, nor shall any division of the parcel be
27 made which leaves remaining any lot with width or area below the requirements
28 stated in this Ordinance.
29

30 SECTION 1203 Non-Conforming Use of Land (Not within Structures)
31

32 Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land
33 exists that is made no longer permissible under the terms of this Ordinance as enacted or
34 amended, such use may be continued, subject to the provisions of Section 1205 so long as it
35 remains otherwise lawful, subject to the following provisions:
36

- 37 A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a
38 greater area of land than was occupied at the effective date of adoption or amendment
39 of this Ordinance;
40
- 41 B. No such non-conforming use shall be moved in whole or in part to any other portion
42 of the lot or parcel occupied by such use at the effective date of adoption or
43 amendment of this Ordinance;
44

1 SECTION 1204 Non-Conforming Structures

2
3 Where a lawful structure exists at the effective date of adoption or amendment of this
4 Ordinance that could not be built under the terms of this Ordinance by reason of restrictions
5 on area, lot coverage, height, yards, or other characteristics of the structure or its location on
6 the lot, such structure may be continued subject to Section 1205 so long as it remains
7 otherwise lawful subject to the following provisions:
8

- 9 A. No such structure may be enlarged or altered in a way which increases its non-
10 conformity;
11
12 B. Any such structure destroyed by any means to an extent of 100% of its assessed value
13 at the time of destruction as determined by two competent appraisers appointed by
14 the Planning and Zoning Commission, shall not be reconstructed except in
15 conformity with the provisions of this Ordinance.
16
17 C. Should such structure be moved for any reason for any distance whatever, it shall
18 thereafter conform to the regulations for the zone in which it is located after it is
19 moved.
20

21 SECTION 1205 Non-Conforming Uses Contained within Structures

22
23 If a lawful use contained within a structure exists at the effective date of adoption or
24 amendment of this Ordinance that would not be allowed in the zone under the terms of this
25 Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to
26 the following provisions:
27

- 28 A. No existing structure devoted to a use not permitted by this Ordinance in the zone in
29 which it is located except dwellings, shall be enlarged, extended, constructed,
30 reconstructed, moved, or structurally altered except in changing the use of the
31 structure to a use permitted in the zone in which it is located;
32
33 B. Any non-conforming use may be extended throughout any parts of a building which
34 were manifestly arranged or designed for use at the time of adoption or amendment
35 of this Ordinance, but no such use shall be extended to occupy any land outside such
36 building;
37
38 C. Any structure in which a non-conforming use is superseded by a permitted use shall
39 thereafter conform to the regulations for the zone in which such structure is located,
40 and the non-conforming use may not thereafter be resumed.
41

42 SECTION 1206 Elimination of Certain Non-Conformities

43
44 Certain non-conformities shall be terminated in accordance with the following provision:

- 1
2 A. Removal of a non-conforming mobile home or trailer shall constitute loss of non-
3 conforming status for the site on which said non-conforming trailer or mobile home
4 was located.
5

6 SECTION 1207 Special Exception Uses Not Non-Conforming Uses
7

8 Any use for which a special exception is permitted as provided in this Ordinance shall not be
9 deemed a non-conforming use, but shall without further action be deemed a conforming use
10 in such zone.
11

12 SECTION 1208 Non-Conforming Yards and Setback
13

14 Whenever an existing structure does not conform to the yard or setback requirement, repair
15 and maintenance can be performed provided that the existing yards or setbacks are not
16 reduced or altered. No such existing yard or setback may be altered without approval of the
17 Board of Appeals.
18

19 SECTION 1209 Non-Conforming Lots of Record In the Critical Area Overlay Zone:
20

21 An unimproved lot or parcel of land located within the Town of Easton Critical Area Overlay
22 District ("CAO") may be improved with a single family dwelling and related accessory uses
23 in a Resource Conservation Area (RCA) and otherwise developed in accordance with
24 Subsection 510.2 if the lot is located in Limited Development Area (LDA) and an Intensely
25 Developed Area (IDA) provided the lot complies with the provisions of Section 1013 (Yard
26 Requirements) and further provided that it complies with the following criteria:
27

- 28 A. Any lot of record established in the Town of Easton prior to the effective date of the
29 Town's Critical Area Program may be improved or developed with a single family
30 residence if such lot could have been improved by a single family residence prior to
31 the effective date of the Town's Critical Area Program.
32
- 33 B. The owner of any lot who has obtained a permit to commence development activity
34 and who, pursuant to said permit, has commenced development activities to the point
35 of pouring foundations, footings or installing structural members or whose right to
36 carry on said development activities has otherwise vested prior to the effective date
37 of the Town's Critical Area Program, may complete construction as provided by said
38 permit.
39
- 40 C. Development may take place on lots created prior to 1 June 1984 subject to the
41 limitations on permitted uses contained in Article V and subject to the provisions of
42 Section 1013.
43

1 D. Development may take place on lots created between 1 June 1984 and 1 December
2 1985, for which "interim findings" (see MD. Annotated Code N.R. Section 8-1813)
3 have been made by the Town of Easton Planning Commission, the Town Board of
4 Appeals, or the Town Council.