



# Modifications to a Non-conforming Use



## Code Requirements

### Appendix A – Zoning

## ARTICLE XXXI. - NONCONFORMING USE AND STRUCTURES

- Section 31.1. - Existing uses.
- Any lawful use of land or structure existing at the effective date of this zoning code, or amendments thereto, and which by its terms has become a nonconforming use, is hereby declared not to be in violation at the effective date of this zoning code, or amendments thereto. Such a nonconforming use shall be subject to all the provisions of this article pertaining to its continuance, change and discontinuance.



## Code Requirements

### Appendix A – Zoning

## ARTICLE XXXI. - NONCONFORMING USE AND STRUCTURES

- **Section 31.2. - Nonconforming use—Extensions.**
- **The nonconforming use of a building or structure may not be extended through any part of a building or structure not so used** at the effective date of this zoning code, or amendments thereto. No nonconforming use shall be extended to occupy any land outside the building or structure, nor any additional building or structure on the same plot, not used for such nonconforming use at the effective date of this zoning code, or amendments thereto. The nonconforming use of land shall not be extended to any additional land not so used at the effective date of this zoning code, or amendments thereto.



## Code Requirements

### Appendix A – Zoning

## ARTICLE XXXI. - NONCONFORMING USE AND STRUCTURES

- **Section 31.3. - Same—Repair, alteration, enlargement.**
- No structure utilized for a nonconforming use shall be enlarged, extended, reconstructed or structurally altered, unless the use is changed to one which complies with the provisions of this zoning code, or amendments thereto. Repairs, maintenance and **improvement may be carried out in any one year in an amount not to exceed twenty-five (25) per cent of the assessed value** as determined by the Broward County Property Appraiser of the structure for that year. **However, such work shall not increase the cubical content of the building or structure, nor the floor area devoted to the nonconforming use, nor increase the number of dwelling units.** Nothing in this article shall prevent compliance with applicable laws or resolutions relative to the safety and sanitation of a building or structure occupied by a nonconforming use.




## Code Requirements

### Appendix A – Zoning

## ARTICLE XXXI. - NONCONFORMING USE AND STRUCTURES

- **Section 31.4. - Reconstruction after catastrophe.**
- If any nonconforming structure, or building in which there is a nonconforming use, is damaged by fire, flood, explosion, collapse, wind, war, or other catastrophe to such extent that the cost of rebuilding, repair and reconstruction will exceed seventy-five (75) per cent of the value of the building or structure as determined by the Broward County Property Appraiser for that year, it shall not be again used or reconstructed except in full conformity with the regulations of the district in which it is located.





# Code Requirements

## Appendix A – Zoning

### ARTICLE II. - DEFINITIONS

- *Floor area:* Where a specified minimum "floor area" is required in the zoning ordinance **for a dwelling**, "floor area" shall mean the total gross area within the external perimeter of the exterior enclosing walls, including Florida rooms, sun rooms and utility rooms which are fully enclosed and directly accessible from the interior of the dwelling but excluding other utility rooms, unenclosed porches, terraces, breezeways, and carports or garages.



# Summary

- The nonconforming use may not be extended:
  - Through any part of a building or structure not so used
  - To occupy any land outside the building or structure, nor any additional building or structure on the same plot, not so used
  - To any additional land not so used
- No structure utilized for a nonconforming use shall be enlarged, extended, reconstructed or structurally altered
- If any nonconforming structure, or building in which there is a nonconforming use, is damaged by fire, flood, explosion, collapse, wind, war, or other catastrophe to such extent that the cost of rebuilding, repair and reconstruction will exceed seventy-five (75) per cent of the value of the building or structure as determined by the Broward County Property Appraiser for that year, it shall not be again used or reconstructed



## Discussion and Direction

- Section 31.1 states: "The nonconforming use of a building or structure may not be extended through any part of a building or structure not so used..."
- Section 31.4 provides: "improvement may be carried out in any one year in an amount not to exceed twenty-five (25) per cent of the assessed value..." and "such work shall not increase the cubical content of the building or structure, nor the floor area devoted to the nonconforming use..."
- Should a non-conforming use be allowed to expand when the footprint or cubic volume of the building in which it is located is not expanded and the it is in an area where the non-conforming use occurs, but it increases the amount of the non-conforming use?