

**SECTION 28
NON-CONFORMING USES**

1. The lawful use of a "building" or fence existing at the time of this ordinance may be continued, although such use does not conform with the provisions hereof, and such use may be extended throughout the building provided no structural alterations, except those required by law or ordinance, are made therein. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. If such non-conforming building is removed, every future use of such premises shall be in conformity with the provisions of this ordinance.
2. Repairs and alterations may be made to a legal non-conforming building, provided that no structural alterations shall be made except those required by law or ordinance, unless the building is changed to a conforming use and provided that no additional dwelling units shall be added where the non-conforming use results from there being more dwelling units on the lot than is permissible in the district in which the building is located. The Board of Adjustment shall have the authority after a hearing to grant extension of a building non-conforming as to uses not to exceed twenty-five percent (25%) of the ground area of the same in case of evident hardship, subject to the yard restrictions herein provided.
3. The lawful use of "land" existing at the time of the passing of this ordinance, although such does not conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued, any future use of said premises shall be in conformity with the provisions of this ordinance.
4. A legal non-conforming use, if changed to conforming use, may not thereafter be changed back to a non-conforming use. A legal non-conforming use, may not thereafter be changed unless to an equal or to a more restricted use.
5. A legal non-conforming use, when discontinued or abandoned, shall not be resumed, except that the existing yards for all single family residences existing at the time of the passage of this ordinance shall be deemed to be conforming. Discontinuance or abandonment shall be defined as follows:
 - a. When land used for a legal non-conforming use shall cease to be used in a bona fide manner for one (1) calendar month.
 - b. When a building designed or arranged for a non-conforming use shall cease to be used in a bona fide manner as a legal non-conforming use for a continuous period of six (6) consecutive calendar months.
 - c. When a building designed or arranged for a conforming use shall cease to be used in a bona fide manner as a legal non-conforming use for a period of three (3) consecutive calendar months.
6. Upon evidence of hardship, the Board of Adjustment shall have the power to extend the time limits in paragraph 5 above not to exceed six (6) months.
7. If a building occupied by non-conforming uses is destroyed by fire or the elements, it may not be reconstructed or rebuilt except to conform with provisions of this ordinance. In the case of partial destruction by fire or other causes, not exceeding fifty percent (50%) of its value, the Building Inspector may issue a permit for reconstruction. If greater than fifty percent (50%) and less than total, the Board of Adjustment may grant permit for repair after public hearing, having due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area

surrounding the designated non-conforming use and the conservation and preservation of property.

8. A certificate of occupancy shall be issued for all legal non-conforming uses.
9. Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a legal building permit has been heretofore issued, provided such construction shall have been started and shall be diligently prosecuted to completion.
10. The lawful location and maintenance of commercial signboards and billboards existing at the time of the passage of this ordinance may be continued, although such use does not conform with the provisions hereof, provided, however, that no alterations are made thereto and provided, however, any sign installed and in use prior to the enactment of this ordinance will not be restricted by the ordinance so long as its location, height, basic construction, message and other significant characteristics remain unchanged. Any sign in any zoning district which is rebuilt, relocated, modified, enlarged, extended, altered other than by normal maintenance to the configuration existing at the time of enactment of this ordinance shall be regulated by this ordinance.
11. The foregoing provisions of this section shall also apply to uses, yards, or buildings made non-conforming by subsequent amendments to zoning regulations.
12. Nothing herein contained shall require any change in the plans, construction, or designated use of a building actually under construction at the time of passage of this ordinance and which such entire building shall be completed within one (1) year from the passage of this ordinance. Nothing herein contained shall require any change in plan, construction, or designated use of a building for which a building permit has been heretofore issued and which entire building shall be completed within six (6) months from the date of passage of this ordinance. If any amendment to this ordinance is hereafter adopted changing the boundaries or districts, the provisions of this ordinance with regard to buildings or premises existing or building under construction or building permits issued in the area affected by such amendment at the time of the passage of such amendment shall not be affected.
13. A person keeping horses or other livestock and holding a valid permit issued under Chapter 6.04.020 of the Benbrook Municipal Code shall be considered as a legal nonconforming use and may continue to operate the animal lot and/or stables in accordance with the terms of the permit and Section 28, paragraph 5 above. The Animal Control Officer is authorized to continue issuance of permits on an annual basis under the previous terms so long as no complaints are received. If a complaint is received regarding the continued use of property for livestock, then the Animal Control Officer shall forward the complaint to the Zoning Board of Adjustment on the next available agenda for a determination whether the nonconforming use should be allowed to continue, be allowed to continue with additional restrictions, or be discontinued.