SECTION 9. NONCONFORMITIES

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9.A. INTENT.

It is the intent of these Regulations to recognize the right of nonconformities to continue, but to encourage that such lots, uses, and structures be brought into conformity with these Regulations as soon as constitutionally permissible. Any nonconforming use or building lawfully existing or in use at the time of the adoption of these Regulations, or any amendment which renders the use or building nonconforming may be continued. Any existing building devoted to a nonconforming use may only be reconstructed and structurally altered subject to the following regulations.

9.B. NONCONFORMING LOTS OF RECORD.

9.B.1. Use of Existing Lots.

a. In all residential zoning districts, nothing shall prevent the construction of a one family dwelling on a vacant lot duly approved or filed in the Office of the Town Clerk of the City of Danbury which is nonconforming in lot area, frontage or width, provided all other requirements of these Regulations and other requirements of the City of Danbury are met.

b. For all other zoning districts, nothing shall prevent the construction of an allowed use on a vacant lot duly approved or filed in the Office of the Town Clerk of the City of Danbury which is nonconforming in lot area, frontage or width, provided all other requirements of these Regulations and other requirements of the City of Danbury are met.

9.B.2. Expansion or Reduction of Nonconforming Lots.

Lots which fail to meet minimum width or area requirements may be expanded to include abutting lots under the same ownership. Lots which fail to meet minimum width or area requirements may not be reduced in width or area, respectively.

9.C. NONCONFORMING USES AND STRUCTURES.

Where a lawful use or structure exists which, on the effective date of these Regulations or subsequent amendment thereto, becomes nonconforming, such use or structure may be continued, including subsequent sales of the property, as long as it has not been abandoned and remains otherwise lawful, subject to the following provisions.

9.C.1. Changes in Nonconforming Uses.

a. No nonconforming use may be changed into another nonconforming use.

b. No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use.

9.C.2. Extensions or Expansions of Nonconforming Uses or Structures.

a. No nonconforming use shall be extended or expanded.

b. No nonconforming structure may be extended or expanded in such a way that the nonconformity of the structure is increased.

9.C.3. Limitations on Enforcement Against Nonconforming Buildings.

When a building is so situated on a lot that it violates a regulation which prescribes the location of such a building in relation to the boundaries of the lot, and when such building has been so situated for three (3) years without the institution of an action to enforce such regulation, such building shall be deemed a nonconforming structure in relation to such boundaries.

9.D. NEW CONSTRUCTION.

Nothing in this Section shall require any change in the plans, construction or designated use of a building for which a building permit was issued prior to the effective date of these Regulations provided that said building permit has not expired when construction is commenced.