

SECTION 5: NON-CONFORMING USES AND BUILDINGS

- 5.1 Any lawful use of any building, structure, and/or land may be continued although not conforming with the provisions of this Bylaw, but no such non-conforming use shall be changed, extended or enlarged in any manner, except as provided in Section 5.4 (Last phrase added S.T.M. 11/22/74).
- 5.2 If any non-conforming use of any building, structure, and/or land is changed to conforming use, it shall not thereafter be put into any non-conforming use.
- 5.3 Any non-conforming use of land or of a building or structure discontinued for a period of not less than twenty-four (24) consecutive months shall by the terms of this Bylaw, constitute abandonment of non-conforming usage: Such land or building shall thereafter be used or developed only in accordance with the terms of the Lenox Zoning Bylaw for the zoning district in which such property is located.

A non-conforming structure damaged by fire, explosion or any other catastrophe may be rebuilt provided such rebuilding, reconstruction, or restoration shall be undertaken within two (2) years of such catastrophe and the structure as rebuilt or restored shall not be in greater non-conformity with the provisions of this Bylaw. Such rebuilt, reconstructed or restored structure may be enlarged or changed in use in accordance with the provisions of Section 5.5 herein. (A.T.M. 5/6/77)

- 5.4 An addition to an existing non-conforming single-family residence in a residential district is permitted as a matter of right provided that a habitable addition does not increase the habitable floor area of the original structure by more than fifty (50%) percent and that any said addition meets street and lot line setback requirements in effect at the time of the application. (S.T.M. 11/22/74)
- 5.5 The Zoning Board of Appeals may authorize by a special permit any extension, alteration or reconstruction of a non-conforming structure to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent, provided that no such extension, alteration, reconstruction or change in use shall be permitted unless the Zoning Board of Appeals finds:
- (a) That such change, extension or alteration shall not be substantially more detrimental

than the existing non-conforming use to the neighborhood;

- (b) That such extended, altered and reconstructed structure or changed use shall not be in greater non-conformity with open space, yard and off-street parking requirements of this Bylaw. (A.T.M. 5/6/77)

5.6 Nothing in Section 5 shall apply to billboards, signs and other advertising devices subject to the provisions of Sections 29-33 inclusive of Chapter 93 and to Chapter 93D (A.T.M. 5/6/77)