

CHAPTER 6

GENERAL PROVISIONS

SECTION 6-1 NONCONFORMING USES

1. CONTINUATION OF NON-CONFORMING USES AND NON-CONFORMING STRUCTURES:

- A. Except in the case of a non-conforming use or non-conforming structure being or becoming a threat or danger to the health, safety or welfare of the general public, a dilapidated building or a nuisance, all non-conforming uses and non-conforming structures may continue to be used, operated or occupied in accordance with the terms of the zoning regulations or other restrictions applicable at the time the structure or use was legally established, constructed or last substantially altered, but may not be enlarged, expanded, altered, repaired or replaced, unless specifically authorized under the provisions of this Section 6-1.

2. CESSATION OF NON-CONFORMING USES:

- A. A non-conforming use or structure that is located within a commercial or industrial district shall not be continued or recommenced in the event
- (a) such use has been discontinued or substantially abandoned for a period of one (1) year or more; or
 - (b) the structure or land in or upon which such use has been conducted changes ownership or usage.

EXCEPTION: A non-conforming structure located within a commercial or industrial district which changes ownership or usage may be continued or recommenced *only* if the structure is converted to a structure compliant with city building codes.

3. EXPANSION, ALTERATION, REPAIR OR RECONSTRUCTION OF NON-CONFORMING STRUCTURES OR USES:

- A. Non-conforming uses located within any zoning district within the corporate limits shall *not* be enlarged, expanded or extended to occupy a greater area of land than was occupied at the time the use became non-conforming, and shall not be used as a basis for adding other structures or uses prohibited elsewhere in the district.
- B. Non-conforming structures located within any zoning district within the corporate limits may be altered, repaired or enlarged *only* under the following conditions:
- (a) Such repairs, alterations or expansions are required by law to preserve the integrity of the structure, or to upgrade the quality, safety or aesthetic appeal of the structure; and
 - (b) Such repairs, alterations or expansions shall comply with city building codes; and
 - (c) Such alterations or expansions shall comply with the set-back requirements and shall not extend over the boundary lines of the

- property that was occupied at the time the structure became non-conforming; and
- (d) The non-conforming structure is not determined by the governing body to be a dilapidated building.

- C. Damage to non-conforming structures, located within any zoning district, caused by fire, flood, explosion, wind, earthquake, war, riot or any other type of calamity, may be reconstructed *only* under the following conditions:
 - (a) Reconstruction shall comply with city building and zoning codes; and
 - (b) The reconstruction shall be completed within 12 months of the date of the damage.
 - (c) Any non-conforming structure that is not reconstructed in compliance with these conditions shall be bound by the current zoning regulations and shall lose its non-conforming status.

4. MOVING OF NONCONFORMING STRUCTURE:

- A. Any non-conforming structure located within any zoning district shall not be moved in whole or in part to any other location on the lot or parcel of property on which it is situated, or to any other location, unless every portion of such structure is improved to comply with city building codes and all the regulations of the zoning district wherein the structure is to be relocated. Moving of a non-conforming structure shall comply with all City and State regulations. A moving permit must be obtained from the City prior to moving such structure.

(Section 6-1 amended per Ordinance No. 683, 03/18/2014)

(Replacement of Non-Conforming Mobile Homes Section was deleted per Ordinance No. 680, 02/04/2014)

SECTION 6-2 HEIGHT AND DENSITY

No building shall hereafter be erected or altered which will exceed the height limit nor shall any building or land be used or occupied hereafter in excess of the density regulations for that district; no building shall hereafter be erected or altered to accommodate a greater number of families than those specified for that district; no building shall be erected or altered to exceed the specifications or required lot size, maximum coverage, yard requirements, height limitations, or bulk limitations for that district as defined, unless otherwise stated per Ordinance.

SECTION 6-3 BUILDINGS

Any building hereafter erected or structurally altered shall be located on one (1) lot and except as provided herein; there shall be no more than one (1) principal building and the customary accessory buildings on one (1) lot; provided further that accessory buildings may not be erected or placed in the front-and side-yard areas as required in the separate districts.

SECTION 6-4 STREET ACCESS

No principal building shall hereafter be constructed on a lot, which does not abut a public dedicated street.

SECTION 6-5 ANNEXATION CLAUSE

Any territory annexed to the corporate limits of Grove, Oklahoma, subsequent to the effective date of this Ordinance will be within the jurisdiction of this Ordinance and will upon annexation be zoned as R-1 Single-Family Residential, unless otherwise classified by the City Council. Within six (6) months after the effective date of such annexation, the City Council of the City of Grove shall, in accordance with Title 11, Chapter 7, Article XLIII, 43-101 through 43-109, Oklahoma Statutes and this Ordinance, rezone said annexed territory in keeping with the Comprehensive Plan.

Parcels of land annexed into the municipal limits consisting of forty (40) acres or more which were used solely for agricultural purposes upon annexation into the municipal limits are exempt from municipal ordinances restricting land use or building construction to the extent that such land use or building construction is related to agricultural purposes. *(Added per Ordinance No. 589, 12/15/09, moved from Chapter 3 per Ordinance No. 693, 01/20/2015)*