

ARTICLE 10
NONCONFORMING USES

Section 10.1 General Intent and Exceptions

Nonconforming uses, structures and signs are declared by this Ordinance to be incompatible with conforming uses, structures and signs in the various districts. The intent of this Article is to permit the continued use of the structure or sign and continuation of the use until they are removed, but not to encourage their survival. Such nonconformities shall not be expanded, enlarged or changed unless in conformance with the provisions herein listed.

Section 10.2 Nonconforming Uses

- 10.2.1 An existing non-conforming use may not be changed to another nonconforming use.
- 10.2.2 If said use is destroyed (i.e., damaged to an extent of more than sixty (60%) percent of its replacement cost at the time of destruction), it shall only be replaced by a conforming use except as permitted in Section 10.2.4(c).
- 10.2.3 If said use is discontinued or abandoned for 180 days or more, it shall only be replaced by a conforming use.
- 10.2.4 No structural changes shall be made in any structure occupied by a nonconforming use (except residential uses) except as follows:
- (A) Those structural changes ordered by an authorized official in order to insure the safety of the structure.
 - (B) Maintenance and repairs to keep a structure in sound condition shall be permitted.
 - (C) Existing non-conforming residential uses may be enlarged, extended or structurally altered, provided that no additional dwelling units result therefrom. Any such enlargement, extension or alteration shall comply with the dimensional requirements of the N-R District. A non-conforming residential structure which is destroyed (i.e., sustains damage to an extent of more than sixty (60%) percent of its replacement cost at the time of destruction) may be replaced on the same lot only after a special use permit has been issued by the Board of Adjustment.
- 10.2.5 Said structure and its accompanying use may be moved to another location on the lot of record so long as the structure meets all applicable requirements of the District. Said structure and its accompanying use may be moved to a different lot, so long as the lot is located in a district which permits said structure and use and so long as all other applicable requirements, including parking, and dimensional requirements are met.
- 10.2.6 When a nonconforming use of a structure has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.

Section 10.3 Nonconforming Structures

- 10.3.1 A nonconforming structure may not, under any circumstances, be enlarged or altered in a way which increases its nonconformity.

- 10.3.2 If a nonconforming structure or nonconforming portion of a structure is destroyed to an extent of more than 60% percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- 10.3.3 Should such nonconforming structure be moved for any distance on the lot of record, it shall either be in accordance with all applicable provisions of this ordinance or shall be more in conformity with the ordinance than where previously located.
- 10.3.4 Said nonconforming structure can be moved to another lot so long as the lot is located in a district where the structure is permitted and so long as other applicable provisions of this ordinance are met.

Section 10.4 Nonconforming Lots of Record

- 10.4.1 In any zoning district where an unimproved lot has been recorded with the Stanly County Office of Register of Deeds prior to the adoption of this ordinance and such lot does not comply with the dimensional requirements for lot width and/or area for the zoning district in which such lot is located, such lot may be used for any use permitted in that district provided that the principal and accessory structures meet all applicable front, side and rear yard requirements and all applicable parking and screening requirements.
- 10.4.2 If two or more unimproved lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if these lots, in combination, meet the dimensional requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel.

Section 10.5 Abandonment

A nonconforming use which has been abandoned for a period as specified in this Ordinance shall not thereafter be reestablished. Such structure or land use shall be used only for such purpose as permitted in the applicable zoning district and in full compliance with this ordinance.

- 10.5.1 The term "abandonment" as used herein shall mean the voluntary discontinuance of a use with the intent not to reestablish such use. Any of the following shall constitute evidence of abandonment or intent to abandon:
- (A) Any positive act indicating such intent.
 - (B) Premises have been devoted to another use.
 - (C) When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by the same or similar equipment.
 - (D) Failure to take all positive action to resume the nonconforming use with reasonable dispatch, including the failure to advertise the property for sale or for lease.

Section 10.6 Nonconforming Signs

- 10.6.1 Nonconforming advertising signs shall be allowed to continue provided as follows:
- (A) No structural changes to the support structure or changes to the sign face itself except message changes which do not renew or extend the life of said sign shall be allowed.
 - (B) Once a nonconforming advertising sign is removed, taken down or destroyed (i.e., receiving damage to an extent of more than 60% of the replacement cost at the time of

destruction), such sign shall not be replaced with another sign unless in conformance with this ordinance.

10.6.2 Nonconforming business or identification signs shall be allowed to continue provided as follows:

- (A) Nonconforming signs may be repaired and/or repainted or relettered provided such nonconformance is not increased.
- (B) Once a nonconforming business or identification sign is removed, taken down or destroyed (i.e., receiving damage to an extent of more than 60% of the replacement cost at the time of destruction, such sign shall not be replaced with another sign unless in conformance with this ordinance.

Section 10.7 Change of Tenancy or Ownership

There may be a change in tenancy, ownership or management in an existing nonconforming use, provided there is no change in the nature or character of such nonconforming use and provided all other applicable requirements of this Ordinance.