

**ARTICLE 10           NONCONFORMITIES.**

**10.1    PURPOSE AND APPLICABILITY.**

The purpose of this article is to regulate and limit the continued existence of uses and structures that were established prior to the effective date of these regulations and that do not conform to these regulations. Any nonconformity created by a change in the text of these regulations or by the reclassification of property shall be regulated by the provisions of this chapter. The “effective date” referenced below shall be the date the text of these regulations or the zoning map is amended to render a particular use, structure, or lot nonconforming. Many nonconformities may continue, but the provisions of this chapter are designed to curtail substantial investment in nonconformities, and to bring about their eventual improvement or elimination.

**10.2    NONCONFORMING USES.**

- (A)    Nonconforming uses of land or structures may continue only in accordance with the provisions of this section.
- (B)    A nonconforming use shall not be expanded.
- (C)    A nonconforming use shall not be changed to any other use unless the new use conforms to the standards of the zoning district in which it is located. Once a nonconforming use is changed to a conforming use, a nonconforming use shall not be re-established.
- (D)    Where a nonconforming use is abandoned for a period of 180 days, then the use shall not be reestablished or resumed and any subsequent use of the land or structure shall conform to the requirements of these regulations.
- (E)    No structural changes shall be made in any structure occupied by a nonconforming use except as follows:
  - (1)    Those structural changes ordered by an authorized official in order to insure the safety of the structure shall be permitted.
  - (2)    Maintenance and repairs to keep a structure in sound condition shall be permitted.
  - (3)    Structural changes necessary to convert the nonconforming use to a conforming use shall be permitted.
  - (4)    An existing nonconforming residential structure may be enlarged or altered provided that any such enlargement or alterations shall be in compliance with all yard requirements of the district or use.

- (5) The structure and its accompanying use may be moved to another location on the lot so long as the structure meets all applicable requirements of the district.

### **10.3 NONCONFORMING STRUCTURES.**

- (A) A nonconforming structure, devoted to a use permitted in the zoning district in which it is located, may continue only in accordance with the provisions of this section.
- (B) Normal repair and maintenance may be performed to allow the continuation of a nonconforming structure.
- (C) Any nonconforming structure may be enlarged if the expansion does not increase the nonconformity.
- (D) A nonconforming structure shall not be moved unless it thereafter conforms to the standards of the zoning district in which it is located.
- (E) A nonconforming structure, destroyed or damaged so that more than 25% of the value of such structure remains, may be repaired or restored if a building permit for the repair or restoration is issued within six (6) months of the date of the damage. A nonconforming structure destroyed or damaged so that no more than 25% of its value remains, may be repaired or restored only if the structure conforms to the standards of these regulations for the zoning district in which it is located. The extent of damage or destruction shall be determined by comparing the estimated cost of repair or restoration with the current assessed tax value.
- (F) A nonconforming structure shall not be replaced with another nonconforming structure regardless of the degree of nonconformity.

### **10.4 NONCONFORMING VACANT LOTS.**

- (A) Except as provided in section (B) below, a nonconforming vacant lot may be used for any of the uses permitted by these regulations in the zoning district in which it is located, provided that the use meets all yard, parking, and landscape requirements of this ordinance for the zoning district in which it is located.
- (B) If two (2) or more adjacent, nonconforming, unimproved lots are held in single ownership, such lots shall be considered to be a single building lot for the purposes of this article. If the combination results in the creation of a building lot that is more than one and one-half (1-1/2) times the width and area required in the zoning district, then the two (2) lots may be legally re-subdivided into two (2) lots of equal width and area, both of which may be developed under the authority of section (A) above.

**10.5 ADDITIONAL REQUIREMENTS FOR NONCONFORMING ACCESSORY USES AND STRUCTURES.**

No nonconforming accessory use or accessory structure shall continue after the principal use or structure is terminated by abandonment, damage or destruction unless such accessory use or accessory structure thereafter is made to conform to the standards for the zoning district in which it is located.

**10.6 ADDITIONAL REQUIREMENTS FOR MANUFACTURED HOME PARKS.**

- (A) Nonconforming manufactured home parks may not be expanded or increased in size which shall include adding spaces to the park.
- (B) Manufactured home spaces in nonconforming manufactured home parks which are vacated (that is, the manufactured home is removed) shall be permitted to have new manufactured homes set up in the vacated spaces provided the water and sewer system serving the manufactured home park is in compliance with the requirements of the Stanly County Environmental Health Department.

**10.7 CHANGES OF TENANCY AND/OR OWNERSHIP.** There may be a change in tenancy or ownership of an existing nonconforming use or structure, provided there is no change in the nature or character of such nonconforming use or structure except as provided herein and all other applicable requirements of this article are met (e.g., parking, screening, landscaping, etc.).

*Editor's Note:*

*Amended 4/12/21 to comply with changes required by the adoption of Chapter 160D of the NC General Statutes*