

Article XIII
Non-Conformances

Section 1. Purpose and Intent

If, within the districts established by this ordinance, or by amendments that may later be adopted, there exist lots, structures, and use of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance, it is the intent of this ordinance to permit these non-conformances to continue until they are removed (except signs, which are provided for in Article XI, Sec.8 Nonconforming Signs), but not to encourage their continuance. Such non-conformances are declared by this ordinance to be incompatible with permitted uses in the districts in which they are located.

It is further the intent of this ordinance that non-conformances shall not be enlarged upon, expanded or extended, or used as grounds for adding other structures, or other structures, or uses prohibited elsewhere in the same district.

Section 2. Non-conforming Lots of Record

In any district a permitted use may be constricted by right on any lot made non-conforming by this ordinance as long as the structure and customary accessory buildings do not encroach into required front, rear and side yard setbacks. If a proposed building on a nonconforming lot would encroach into required setbacks, a variance shall be sought from the Board of Adjustment.

Wherever two or more nonconforming lots in single ownership with continuous frontage exist, permitted structures may be erected on each lot if all setback requirements can be met. If all setbacks cannot be met, the lands involved shall be considered to be an individual parcel for the purpose of this ordinance. No portion of the parcel shall be used or sold which does not meet the dimensional requirements of this Ordinance.

15,000 square foot lots are approved if setbacks and yard requirements are met. If unable to meet requirements a variance may be issued.

Section 3. Non-Conforming Uses of Open Land

This category of non-conformances consists of lots used for storage yards, used car lots, auto wrecking, junk yards, golf driving ranges, and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter, under this ordinance, in the district in which it is located.

- a) When a nonconforming open use of land has been changed to conforming use, it shall not thereafter be used for any nonconforming use.
- b) Nonconforming open uses of land shall not be changed to any but conforming uses.

- c) A nonconforming open use of land shall not be enlarged to cover more than was occupied by that use when it became non-conforming.
- d) When any nonconforming open use of land is discontinued for a period of ninety (90) days any future use of the land shall be limited to those uses permitted in that district under the provisions of this ordinance. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

Section 4. Nonconforming Uses of Structures

This category of non-conformances consists of structures used, at the time of passage of this ordinance, for purposes not permitted in the district in which they are located.

- a) A nonconforming use of a structure may be changed to a conforming use.
- b) A nonconforming use of a structure shall not be changed to another nonconforming use.
- c) When a nonconforming use of a structure has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
- d) Normal maintenance and repair of a building occupied by a nonconforming use is permitted and encouraged provided it does not extend the nonconforming use.
- e) A nonconforming use of a structure shall not be extended or enlarged except into portions of the structure, which, at the time the use became nonconforming, were already erected and arranged or designed for such nonconforming use. No structural alterations shall be made in any structure occupied by a nonconforming use, except those required by law or ordinance or ordered by the Building Inspector to secure the safety of the structure.
- f) When any non-conforming use of a structure is discontinued for a continuous period of 180 days, any future use of the structure shall be limited to those uses permitted in that district under the provisions of this ordinance. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.
- g) Any structure used for a single family residence and maintained as a nonconforming use may be replaced with a similar structure of a larger size, so long as the replacement does not create new nonconformities or increase the extent of existing non-conformities with respect to yard size and setback requirements. In particular, a manufactured home may be replaced with a larger manufactured unit. Minor variances in setbacks due to lot size may be presented to the Board of Adjustment for consideration. This policy is adopted in the interest of maintaining an adequate stock of housing in Ramseur.

Section 5. Nonconforming Structures

When a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on lot coverage, height, yards, or other characteristics of the structure or its location on the lot,

such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a) No structure may be enlarged or altered in a way, which increases its nonconformity.
- b) Normal maintenance and repair of a nonconforming structure is permitted and encouraged provided it does not extend the nonconformity.
- c) Should such a structure be moved for any reason for any distance whatever it shall hereafter conform to the regulations for the district in which it is located after it is moved.

Section 6. Repairs and Maintenance

Buildings or structures other than single-family houses that are destroyed by any means to an extent of more than sixty (60) percent of replacement cost or bulk, exclusive of foundations and land value, shall not be reconstructed except in conformity with the provisions of this ordinance. Nonconforming single-family houses that are damaged or destroyed may be rebuilt on the same lot as long as the amount of non-conformity is not increased.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any town or county official charged with protecting the public safety, upon order of such official.

Section 7. Non-conformances Created by Changes in Zoning Boundaries or Regulations

Any non-conformances created by a change in district boundaries or ordinance regulations after the date of passage of this ordinance shall also be governed by the provisions of this Article.

Section 8. Special Uses are Conforming

Any use for which a Special Use permit is issued, as provided in this ordinance, shall without further action be deemed a conforming use unless otherwise provided in this ordinance or otherwise provided as a condition of issuance of such permit. Any extension by or addition to such use shall be subject to all requirements of this ordinance.