

Article 10: Non-Conforming Structure & Uses

10.1 Non-Conforming Structures

Non-conforming structures may remain subject to the following regulations:

- A. Alterations. A non-conforming structure shall not be enlarged, replaced or structurally altered except in conformance with the Zoning Regulations. A structure that is closer to property lines than allowed by Zoning Regulations may be added to laterally as long as the addition comes no closer to a property line than the existing portion of the structure, and as long as no new non-conformity is created. Any structure, however, may be restored to a safe condition if declared unsafe by the enforcement officer or other public official with jurisdiction, except as provided elsewhere in these regulations.
- B. Restoration. A non-conforming structure for which restoration to a safe condition would cost more than seventy (70%) percent of its replacement value shall not be restored except in conformance with the zoning regulations.
- C. Construction. Proposed structures for which building and/or occupancy permits have been issued prior to their designation as non-conforming by virtue of the adoption or amendment of the Zoning Regulation may be completed as originally intended and as indicated on said permits, provided that such structures are completed and in use within one (1) year after the date on which the building permit was issued.

10.2 Non-Conforming Use

Non-conforming uses may be continued subject to the following regulations:

- A. Extension. A non-conforming use shall not be extended or enlarged beyond the scope and area of its operation at the time of the adoption of the regulation which makes such use non-conforming. Area in this case shall mean the structure and/or lot or portion of a lot or parcel within or upon which said non-conforming use is being operated.
- B. Discontinuance. Whenever a non-conforming use of any structure or premises has been discontinued for a period of twelve months said structure or premises must thereafter be used in conformance with these Zoning Regulations. Where a use has been discontinued due to structural damage beyond the owners control or discontinues due to governmental action (i.e. condemnation), then the appropriate Board of Adjustment may grant a one time, six (6) month extension for reuse.
- C. Change. The non-conforming use of a premises may be changed to another non-conforming use, provided such new non-conforming use is permitted within the same or a more restrictive zoning district.
- D. Restoration. Whenever the non-conforming use of any structure or premises is halted because of the damage, destruction or demolition of the structure by any means, the structure involved may be reconstructed or repaired in conformance with the Zoning Regulation and the non-conforming use resumed, provided that such non-conforming use is not extended beyond the scope and area of its operation as it existed prior to such damage, destruction or demolition. The property must be restored and the use reestablished with one (1) year of the discontinuance of the use or that use will be considered abandoned (see Section B. above).

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10.3 Non-Conforming Lots

In any case where a lot of official record or a lot which has received final plat approval by the Planning Commission, at the date of the adoption or amendment of this Zoning Regulation does not conform to the width, depth or area requirements of this Zoning Regulation with respect to such lots, it shall be considered a legal non-conforming lot.

Any such lot which has received preliminary plat approval by the Planning Commission shall be reviewed by the Planning Commission and may be considered a legal non-conforming lot if it is found that such lot may reasonably be used as a building site for any structure or use permitted within the zoning district involved without requiring a dimensional variance. However, a final plat must be presented in a timely manner (as required by the Subdivision Regulations for All of Nelson County) with no extensions of time for submission to be granted.

10.4 Repairs And Maintenance

On any non-conforming structure or portion of structure, and on any structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring or plumbing or other parts, provided that the cubic content of the non-conforming structure or portion shall not be increased. Nothing in this Zoning Regulation shall be deemed to prevent the strengthening, repairing or restoring to a safe condition of any structure or part thereof except as provided elsewhere in these regulations.