

### 10.3 NONCONFORMING STRUCTURES

A nonconforming structure devoted to a use permitted in the zoning district in which it is located at the time of its construction, may be continued in accordance with the provisions in this Section.

#### 10.3.1 Normal Maintenance

Normal maintenance or repair to permit continuation of a nonconforming structure may be performed in any period of 12 consecutive months, to an extent not exceeding 15 percent of the current assessed value of the structure, provided that the cubic content of the structure existing after the date it became nonconforming shall not be increased, except pursuant to the standards of this Section.

#### 10.3.2 Enlargement or Expansion

- A) A non-residential nonconforming structure shall not be enlarged or expanded in area occupied unless otherwise stated in 10.3.2(B)(1-4). A residential structure may expand so long as there is no increase to the nonconformity.
- B) Structures with setbacks which were made nonconforming by the adoption of this Ordinance are exempt from the requirements of Section 5.1 *Table of Intensity and Dimensional Standards* provided:
  - 1) The proposed addition or alteration will either meet the current setback requirements or will not further encroach into any required setback than the existing structure, provided that such encroachment meets North Carolina State Building Code.
  - 2) Any addition or alteration that encroaches into any setback shall not exceed the height of the existing structure.
  - 3) Additions to non-residential nonconforming structures shall not encroach into the required setback where the encroachment would be adjacent to a residential structure.
  - 4) Nonconforming structures housing nonconforming uses shall not be enlarged or expanded in any way; Section 10.2.2 *Nonconforming Uses, Enlargement or Expansion* is still applicable.

#### 10.3.3 Relocation

A nonconforming structure shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless it conforms to the standards and requirements of the zoning district in which it is located.

**10.3.4 Damage and Restoration of Nonconforming Structure**

No nonconforming structure which has been damaged by any means to an extent exceeding a percentage of its then reproducible value equal to 100 percent minus two percent per year of age of the structure, or 60 percent, whichever is greater, shall comply with the use standards of this Ordinance when it is re-constructed. Any nonconforming structure that is damaged by any means to a lesser extent may continue if it is reconstructed within two years of the damage.

**10.3.5 Unsafe Because of Maintenance**

If a nonconforming structure, or portion thereof, or any structure or portion thereof containing a nonconforming use becomes physically unsafe or unlawful due to the lack of repairs or maintenance, and is declared to be an unsafe structure, it shall thereafter be rebuilt and repaired in conformance with the standards of this Ordinance and the Building Code.

**10.3.6 Mobile Homes on Individual Lots**

Where a mobile home existed prior to October 2, 2007, the owner may replace the existing mobile home with a newer mobile home provided that it meets all other State and Local laws.