

ARTICLE 4 NONCONFORMITIES

SECTION 4.1 GENERAL INFORMATION

4.1.1 Applicability

- 4.1.101 A “nonconformity” is any use, building, structure, or lot which lawfully existed prior to the adoption of this Ordinance and which fails to comply with one or more of the applicable regulations or standards established herein.
- 4.1.102 A nonconformity is also any use, building, structure, or lot which was lawfully created, constructed, etc., under this Ordinance but which was subsequently rendered nonconforming due to circumstances that were not self-created.

SECTION 4.2 NONCONFORMING STRUCTURES AND USES

4.2.1 Continuation

- 4.2.101 The conforming use of a structure existing at the effective date of this UDO, may be continued, although the structure’s size or location does not conform with the yard, dimensional, height, parking, loading, access, lot area, and/or lot coverage provisions of this UDO.
- 4.2.102 Except as authorized by §4.2.4 (Expansion), only that portion of the land in actual use may be so continued, and the nonconforming use may not be enlarged or extended, nor may any additional structures be added to be occupied by the nonconforming use.

4.2.2 Damaged or Destroyed

- 4.2.201 Nonconforming structures which are damaged by fire, explosion, flood, or other calamity may be reconstructed provided that the nature and degree of the nonconformity will not be changed or increased from that which existed prior to the damage or destruction.

4.2.3 Movement

- 4.2.301 A nonconforming structure, including a manufactured home, may not be moved off the lot or lots on which it is located, unless when relocated within the jurisdiction of the County, it complies with the regulations for the district in which it is located.

- 4.2.302 Further, any subsequent reuse of the lot or lots from which the nonconforming structure has been moved must comply with the regulations for the district in which it is located.

4.2.4 Expansion

- 4.2.401 A nonconforming structure may be enlarged or expanded provided that any expansion does not increase the degree of nonconformity.
- 4.2.402 The Planning Board may permit an expansion of an existing nonconformity that does not meet **§4.2.401** as a conditional use (See **§3.9** Conditional Use Permits), provided that the Planning Board finds that such an expansion would be in character with the uses permitted in the district.
- 4.2.403 In permitting an expansion, the Planning Board may require appropriate conditions and safeguards in accordance with the provisions of this UDO.

4.2.5 Discontinued or Terminated

If such nonconforming use is discontinued or terminated, as evidenced by the disconnection of electrical service to such use for a period of 365 days, any future use of the structure or land shall comply with the provisions of this UDO.

- 4.2.501 When a use constituting a violation of this Ordinance is in existence prior to adoption of the Unified Development Ordinance creating the violation, and that the use is grandfathered and subsequently terminated for any reason, the County shall bring an enforcement action within 10 years of the date of termination of the grandfathered status, unless the violation poses an imminent hazard to health or public safety. NCGS [153A-348](#)

4.2.6 Change in Use

- 4.2.601 The Planning Board may permit as a conditional use (See **§3.9** Conditional Use Permits) a change in nonconforming use, provided that the requirements of **§4.2** (Nonconforming Structures and Uses) are met, and the Planning Board finds that such new use would be more in character with the uses permitted in the district than the previous use.
- 4.2.602 In permitting such change, the Planning Board may require appropriate conditions and safeguards in accordance with the provisions of this UDO.
- 4.2.603 Once a nonconforming use has been changed or altered so as to comply with the provisions of this UDO, it shall not revert back to a nonconforming use.
- 4.2.604 Once the Planning Board has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a nonconforming use and become subject to all the conditions required by the Board.

- 4.2.605 If the structure occupied by a nonconforming use is changed so as to be more in character with the uses permitted in the district in which it is located, it shall not subsequently be changed to be less in character.

SECTION 4.3 NONCONFORMING LOTS

4.3.1 Yard Requirements Modifications

- 4.3.101 For any lot in any zoning district which was recorded with the Moore County Register of Deeds Office prior to the effective date of zoning by Moore County that has a width or depth less than that required in the district in which it is located, the Zoning Administrator shall be authorized to reduce the yard and setback requirements for such lot of record by not more than thirty (30) percent.
- 4.3.102 Additional or other forms of yard modification may be permitted with a variance granted by the Board of Adjustment in accordance with §3.16 (Variances).

SECTION 4.4 NONCONFORMING SIGNS

4.4.1 General

Any sign existing at the effective date of this UDO, which does not conform to the requirements of this UDO, may be continued as long as the provisions of this section are met.

4.4.2 Enlargement and Revision of Nonconforming Signs

- 4.4.201 No nonconforming sign, including but not limited to billboards, shall be erected, replaced, or otherwise modified in such a way as to increase the nature of the nonconformity.
- 4.4.202 Reasonable repair and maintenance of nonconforming signs, including the change of an advertising message, is permitted, provided that a nonconforming sign which is damaged or deteriorated to the extent of 50 percent or more of its value shall not be replaced unless it conforms to all provisions of this subsection.

4.4.3 Removal of Nonconforming Signs

- 4.4.301 Nonconforming signs, when removed for other than normal maintenance, may not be erected again, nor may any such sign be replaced with another nonconforming sign.
- 4.4.302 Nonconforming signs determined to be a public nuisance or detrimental to the health or safety of the populace shall be removed within 30 days of such determination and written notice to that effect delivered by certified mail to the property owner of record.

- 4.4.303 All nonconforming signs shall be completely removed within 30 days of the discontinuance of a business use advertised on said sign(s).
- 4.4.304 Property owners shall be responsible for removal of nonconforming signs.
- 4.4.305 Failure to remove the sign within thirty (30) days shall constitute a violation of this UDO and is punishable under the provisions of **Article 5** (Enforcement and Penalties) of this Ordinance.