

**ARTICLE V
NONCONFORMING LOTS, STRUCTURES, AND USES**

500 Intent

It is the intent of these Regulations to permit nonconforming lots, structures, and/or uses to continue until they are removed, but not to encourage their survival. It is further the intent of these Regulations that non-conformities shall not be enlarged upon, expanded, extended, or be used as grounds for adding structures or uses prohibited elsewhere in the same zone.

510 Nonconforming Lots of Record

In any zone in which single-family dwellings are permitted, a single family dwelling and permitted accessory uses, including manufactured and certified mobile homes as permitted in Article IX, may be erected on any single lot of record at the effective date of adoption or amendment of these Regulations. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area and width or both that are generally applicable in the zone, provided that yard dimensions and requirements other than those applying to area or width or both of the lot shall conform to the Regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Adjustment.

520 Nonconforming Uses of Land and Structures

Where, at the time of passage of these Regulations, the lawful use of a building or premises exists which would not be permitted by the regulations imposed by these Regulations, the use may be continued so long as it remains otherwise legal with the following limitations:

- a. A non-conforming structure shall not be enlarged, replaced, or structurally altered except in conformance with this order. Any structure, however, may be restored to a safe condition if declared unsafe by the Administrative Officer or another official with jurisdiction.
- b. A non-conforming use shall not be re-established after discontinuation for a period of six (6) months unless it is determined by the Board of Zoning Adjustment that the proposed use is of a similar or less restrictive use and that the proposed use will be of benefit to the neighborhood. Vacating of premises or building or non-operative status shall be evidence of a discontinued use.
- c. Except as provided in Section 905 (4), for Article IX, a non-conforming structure damaged to an extent greater than fifty (50) percent of the

current replacement value may be repaired and restored only to a structure and use conforming to the provisions of these Regulations; provided, however, that a nonconforming residential structure may be rebuilt in the same general yard area if such damage is due to fire or natural causes and if rebuilt within twelve (12) months of the date of damage. Manufactured and certified mobile homes are only to be placed on lots in conformance with Article IX. Restoring to a safe condition of any structure declared to be unsafe by any public official shall not be prohibited by these Regulations.

- d. A non-conforming or non-certified mobile or manufactured home, as defined in Article IX, shall not be sold for use upon the same property or re-rented unless and until it is upgraded to the standard required for the zone in which it is located.
- e. A non-conforming use may be changed to another non-conforming use which is less compatible with permitted uses, but it may not be changed to a less compatible use. The Board of Zoning Adjustment and Appeals shall rule on compatibility upon application by the Administrative Official for an interpretation. A non-conforming use may be changed to a conforming use.
- f. An owner claiming a continuing non-conforming use shall bear the burden of showing that said use was in existence as of the effective date of these Regulations and has not been discontinued for a period of one (1) year since the said effective date. An owner may register a continuing non-conforming use with the Administrative/Enforcement Official within twelve (12) months of the adoption of these Regulations to establish that said use was in existence as of the effective date of these Regulations.

525 Junkyards

Junkyards are not designated as permitted uses in any zone and are consequently non-conforming uses in all zones. They shall conform with Article V, section 520 of this order prescribing regulations for non-conforming uses. The Administrative Official shall ensure that all existing junkyards maintain valid permits to operate issued by the Kentucky Department of Highways as required by the Kentucky Revised Statutes 177.905 through 177.990, and he/she shall ensure that all screening required by the Department of Highways is maintained. The Planning Commission may authorize the Administrative Official to require that all existing junkyard, in addition to the permit to operate, shall maintain valid certificates of occupancy as non-conforming uses according to Article III of these Regulations.

530 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of these Regulations that could not be built under the terms of these Regulations by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may continue so long as it remains otherwise lawful.

Any proposed addition or substantial remodeling of a nonconforming structure may be granted after a public hearing as a dimensional variance by the Board of Zoning Adjustment. The Board must first determine that the proposed addition or substantial remodeling will not facilitate or expand a nonconforming use before such variance can be granted.

540 Ordinary Repair and Maintenance

Work may be done on ordinary repair and maintenance, or on repair or replacement of non-load-bearing walls, fixtures, wiring, or plumbing. Nothing in these Regulations shall be deemed to prevent the strengthening or restoring to a safe condition a building or other structure in accordance with the order of an appropriate public agency which declares such building or other structure to be unsafe and orders its restoration to a safe condition.

550 Restrictions Highest Standards Apply

Whenever any other restrictions or covenants impose a higher standard than permitted by this chapter, then such other restriction or covenant shall govern. (KRS 100.3291)