
ARTICLE C**ZONE LOTS AND NONCONFORMITIES****9-4-16 ZONE LOT REQUIREMENTS****(a) PRINCIPAL BUILDINGS PER ZONE LOT**

Every building hereafter erected or moved shall be located on a zone lot. In no case shall there be more than one (1) principal building and its accessory building(s) on a zone lot except as provided below.

- (1) Nonresidential Group Development: Two or more principal nonresidential buildings are permitted on a zone lot pursuant to a site plan approved by the Technical Review Committee, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicles.
- (2) Residential Group Development: Two or more principal buildings are permitted on a zone lot in a multifamily development pursuant to a site plan approved by the Technical Review Committee, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicles.

(b) STREET ACCESS

- (1) Access to Public Street Required: Every zone lot shall abut and have direct access to a publicly maintained street, except as provided below in this section.
 - (2) Dead-End Streets: For purposes of this Section, the terminus of a dead-end street does not provide the required access to a publicly maintained street unless that terminus is a circular turnaround or other turnaround approved and constructed in conformance with Chapter 6 (Subdivisions: Procedures and Standards).
 - (3) Access from Public or Private Street Prohibited: Access from a public or private street through one (1) zoning district in connection with a use not permitted in that district shall be prohibited unless it is the sole access to the property except in accordance with the following:
 - a. Commercial uses may have access through industrial and office districts.
 - b. Industrial uses may have access through commercial districts.
 - c. Office uses may have access through industrial, commercial, and multifamily residential districts.
 - (4) Access Through Districts Permitted: Any use located in one (1) zoning district which is also a permitted use in another zoning district may have access through such other zoning district in which the use is permitted without additional requirements.
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- (5) Single Family Detached Cluster Developments: Private streets may be used to meet access requirements for lots in single family detached cluster developments and for single family or twin home lots in planned unit developments, provided the development as a whole abuts and has direct access to a publicly maintained street.
 - (6) Townhouse Developments: Individual parcels shall have rights of access through common area containing private streets and/or private drives at least twenty-four (24) feet in width leading to a publicly maintained street. Individual parcels may have direct access to a publicly maintained street with Technical Review Committee approval.
 - (7) Integrated Multiple Use Developments: Individual parcels, whether leased or sold, in integrated multiple use developments (refer to definition in Subsection 9-2-2(g) (General)) shall have shared rights of access along private streets and/or along private drives at least twenty-four (24) feet in width leading to a publicly maintained street. Maintenance of all private streets and private drives shall be a mandatory responsibility, running with the land, exercised by a single entity which shall be composed of one dominant landowner, an Owners' Association, or all owners acting collectively pursuant to a binding agreement.
 - (8) Access Through Easement: Lots of record on the effective date of this Ordinance without public street frontage may have access to the property through a recorded access agreement. Said lots shall meet the following criteria:
 - a. An Exclusive Access Easement shall serve only single-family dwellings and their uninhabited accessory structures.
 - b. The minimum easement width shall be twenty-five feet (25').
 - c. The minimum separation between the easement and any other platted access or right-of-way shall be one-hundred and fifty feet (150').
 - d. The location of the easement must be recorded on a plat.
 - e. The Exclusive Access Easement shall permit ingress, egress, and regress and necessary utilities to serve the lot.
 - (9) Exceptions: Special-purpose lots may provide access via easement in accordance with Section 9-4-19 (Special-Purpose Lots).
 - (10) Access Through Unimproved Right-of-Way: Subject to the approval of a modification to Section 9-4-16(b)(1) by the Technical Review Committee, a single zone lot that has frontage on an existing unimproved public right-of-way, may obtain access through such right-of-way provided that the following minimum criteria are met:
 - a. A site plan, signed and sealed by a professional surveyor, shall be submitted that shows the lot has no other frontage on an improved public street;
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- b. The unimproved public right-of-way is at least twenty (20) feet in width;
 - c. The access shall serve only one (1) single family detached dwelling and its uninhabited accessory structures;
 - d. The access shall serve only one zone lot. If the unimproved public right-of-way is the sole means of access to more than one zone lot in the same block, access pursuant to this subsection shall not be granted;
 - e. If the zone lot contains multiple parcels, they shall be combined into one parcel as a condition of approval;
 - f. The access shall be maintained by the lot owner; and
 - g. Utilities shall be located within the unimproved right-of-way and extended to the lot in accordance with City of High Point standards. The lot owner shall maintain water and sewer utility lines from the edge of the existing street right-of-way to the dwelling. Any proposed dwelling must be within 500 feet of an approved fire hydrant.
- (11) Alleys: Publicly or privately maintained alleys may be used to meet the access requirements of lots in a Traditional Neighborhood District.

(c) INTEGRATED MULTIPLE USE DEVELOPMENTS

- (1) Parking and Landscaping: A development qualifying as an integrated multiple use development (refer to definition in Subsection 9-2-2(g) (General)) shall be treated as a single zone lot for purposes of providing required off-street parking and required planting yards, even if outparcels for sale are included within the development.
- a. If the development as a whole meets the total off-street parking requirement for the whole, it is not required that each parcel provide all the required parking for the use thereon.
 - b. If the required planting yards are provided along the development perimeter, including street frontages, and requirements for parking lot plantings are met, planting yards are not required along property lines and lease lines between two parcels within the integrated multiple use development.
- (2) Plat and Notice Requirements: Any development whose owner elects to organize it as an integrated multiple use development shall be recorded on a plat displaying a prominent note identifying it as such a development and explaining that the property must be developed with common driveways and off-street parking and be subject to a common signage plan and a common landscaping plan. The note shall further state that should the property cease to conform to the definition of an integrated multiple use development, the property will then be in violation of this

Ordinance and shall be retrofitted with conventional parking and landscaping, even if doing so requires the removal of previously installed improvements.

(Ord. No. 93-113, Pt. 1 (§ 1), 12-13-93; Ord. No. 01-14, Pt. 17 (§ 1), 04-5-01; Ord. No. 04-40, Pt. 1 (§1), 5-03-04)

9-4-17 NONCONFORMING SITUATIONS

(a) NONCONFORMING LOTS OF RECORD

(1) Lots with Contiguous Frontage in One Ownership:

- a. When two (2) or more adjoining lots with contiguous frontage are in one ownership and said lots individually have area or width which is less than 80 percent of the lot area or lot width requirements of the district where located, and such lots and such ownership were of record at the time of adoption of this Ordinance (February 21, 2002) or any subsequent amendment which renders such lots nonconforming, such lots shall be combined for development purposes to create one or more zone lots, each of which conforms to the applicable dimensional requirements of the district. Lots that are combined and result in a zone lot that is still nonconforming must meet 80 percent or more of the area and width requirements to be developed, and the proposed development of the zone lot must comply with setback dimensions and other applicable requirements of this Ordinance, or qualify for a reduction of setback under Section 9-4-12(b) *Prevailing Street Setback*.
- b. Prevailing Lot Width: Where at least fifty percent (50%) of the zone lots on the same side of the same block have been developed with less than the required lot width or area, remaining lots of record in one ownership may be combined such that the resulting zone lots meet the average lot width or area of those nonconforming developed lots.
- c. Nothing contained herein exempts the contiguous lots considered as a single buildable lot or lots from meeting the applicable County Board of Health regulations.

(2) Single Lot of Record:

- a. When a lot has an area or width which does not conform to the dimensional requirements of the district where it is located, but such lot was of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lot nonconforming, then such lot may be built upon if compliance is achieved with regard to setback dimensions and other requirements, except lot area or width.
- b. In single family residential districts, only a single family dwelling shall be permitted on a nonconforming lot.

- c. In multi-family residential, GO-M, GO-H, LO and NB districts, two-family dwellings may be permitted on a nonconforming lot only if the lot meets at least 80% of the required lot area and lot width.
- d. Nothing contained herein exempts a lot from meeting the applicable County Board of Health regulations.
- e. In Residential Multifamily (RM) and General Office (GO) districts, two-family dwellings may be developed on 7,000 sq. ft. or 9,000 sq. ft. lots in accordance with Table 4-11-3.

(b) NONCONFORMING USE OF LAND

- (1) Continuance of Nonconforming Use of Land: Any nonconforming use legally existing at the time of adoption or amendment of this Ordinance, or any nonconforming use created by the extension of the jurisdiction, may be continued subject to conditions provided in Subsection 9-4-17(b)(2) below.
- (2) Conditions for Continuance, General:
 - a. A use shall be determined to have ceased if that use is interrupted or otherwise discontinued, regardless of the intent of the owner or occupant. Without excluding other factors, any one or more of the following factors, may be the basis for a determination that a use has ceased: removal of inventory, equipment or machinery; termination (or substantial reduction in the usage) of utility services; absence or substantial reduction in activity at the site compared with the former level of use; failure to maintain minimal hours of operation; voluntary demolition or lack of occupancy of the buildings(s) in which the use was formerly conducted; removal of on-site signage or copy from that signage; or the failure to apply for or renew necessary licenses or permits, or to appeal from the denial of such.
 - b. No nonconforming use shall be changed to another nonconforming use unless such use is determined by the Enforcement Officer to be of equal or less intensity. In determining whether a nonconforming use is of equal or less intensity, the Enforcement Officer shall consider:
 - 1. Anticipated traffic of each use;
 - 2. Parking requirements of each use;
 - 3. Anticipated number of persons on the premises of each use at a time of peak demand; and
 - 4. Off-site impacts of each use, such as noise, glare, dust, vibration, or smoke.

- c. Such nonconforming use must continue to occupy the same zone lot or plot of land.
- d. Expansion of an existing nonconforming use. With the exception of the following legally nonconforming uses:
 - 1. Market showroom (see Section 9-4-17(b)(3),
 - 2. A nonconforming use located in the Main Street district (see section 9-4-17(b)(4),
 - 3. Sexually oriented business (see section 9-4-17(b)(5),
 - 4. Manufactured dwelling (see section 94-4-17(b)(6),
 - 5. Single and Two family dwelling (see below),

A legally nonconforming use may be enlarged or extended, only upon approval of a special exception by the Board of Adjustment. Such an enlargement or extension, if granted by the Board of Adjustment, may occupy a greater area of land or floor area that was occupied at the effective date of adoption or amendment of this Ordinance provided the additional square footage of the enlargement or extension does not exceed 25 percent of the square footage of the structure(s) that existed at the time the use became nonconforming and that the enlargement or extension of additional structure(s) occupy the same zone lot or plot of ground as occupied by the existing structures at the time the use became nonconforming. In no case shall the intensity of the nonconforming use be increased.

- e. With the exception of a legally nonconforming sexually oriented business use, or a nonconforming use in the Main Street District, if any nonconforming use of land ceases for any reason for a continuous period of more than one hundred eighty (180) days, any subsequent use of such land shall be a use permitted in the district. The property owner shall demonstrate that the nonconforming use has not ceased for a continuous period of more than one hundred eighty (180) days, to maintain its nonconforming status.
- f. With the exception of a legally nonconforming sexually oriented business use, or a nonconforming use in the Main Street District, if any nonconforming use of land ceases because of damage, destruction, or demolition of the structure in which the use is located, the structure may be reconstructed or repaired within one hundred eighty (180) days, but not to exceed the number of square feet of floor area nor the number of cubic feet existing in it prior to its damage or destruction.
- g. The resumption of a nonconforming use of land shall not be permitted if such nonconforming use is superseded by a permitted use for any period of time.

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- (3) Conditions for Continuance, Market showroom use:
- a. A legally nonconforming market showroom use may be enlarged or extended, upon approval of a special exception by the Board of Adjustment, to occupy a greater area of land or floor area than was occupied at the effective date of adoption or amendment of this Ordinance provided that the enlargement or extension of additional structure(s) occupy the same zone lot or plot of ground as occupied by the existing structure(s) at the time the use became nonconforming.
 - b. If any nonconforming market showroom use of land ceases for any reason for a continuous period of more than three hundred sixty-five (365) days, any subsequent use of land shall be a use permitted in the district. The property owner shall demonstrate that the nonconforming use has not ceased for a continuous period of more than three hundred sixty-five (365) days to maintain its nonconforming status.
 - c. If any nonconforming market showroom use ceases because of damage, destruction, or demolition of the structure in which the use is located, the structure may be reconstructed or repaired within three hundred sixty-five (365) days, but not to exceed the number of square feet of floor area nor the cubic feet existing in it prior to its damage or destruction.
- (4) Conditions for Continuance, Main Street District:
- a. If any nonconforming use in the Main Street District, other than a Market showroom use (for which the Conditions for Continuance are provided in Section 9-4-17(b)(3), a Sexually Oriented Business (for which the Conditions for Continuous are provided in Section 9-4-17(b)(5) or a Manufactured Dwelling (for which the Conditions for Continuance are provided in Section 9-4-17(b)(6), ceases for any reason for a continuous period of more than thirty (30) days, any subsequent use of land shall be a use permitted in the district. The property owner shall demonstrate that the nonconforming use has not ceased for a continuous period of more than thirty (30) days to maintain its nonconforming status.
- (5) Conditions for Continuance, Sexually Oriented Business use:
- a. Any sexually oriented business that fails to comply with the locational requirements of the Ordinance but which was lawfully operating before September 20, 1991, shall not be deemed to be in violation of this Ordinance; provided, any such business which ceases continuous operation for a period of thirty (30) days for any reason shall be subject to all requirements of this Ordinance.
 - b. A sexually oriented business lawfully operating as of the effective date of this Ordinance is not rendered in violation of this Ordinance by the location, subsequent to the grant or renewal of the sexually oriented business, of a
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church, public or private elementary or secondary school, child day care or nursery school, public park, residential district, or an establishment having a North Carolina ABC license within 650 feet of the sexually oriented business. Provided, any such sexually oriented business which ceases continuous operation for a period of thirty (30) consecutive days for any reason shall be subject to all the requirements of this Ordinance.

(6) Conditions for Continuance, Manufactured Dwelling:

A manufactured dwelling(s) that constitutes a legal nonconforming use and is the sole principal building on a lot, or is located within a manufactured dwelling park, may be replaced in accordance with the requirements of this Section, provided that the replacement unit meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction of the dwelling and that it also meets the definition of either a Class AA or Class A manufactured dwelling as set forth in this Ordinance. Such replacement may increase the gross floor area of the nonconforming use so long as the newly placed unit is located on the same zone lot or space as the previous dwelling unit, meets all applicable setbacks and is located in a residential or agricultural zoning district. In no case shall the number of dwelling units be increased. No manufactured dwelling constructed prior to July 1, 1976 may be used to replace a legal nonconforming manufactured dwelling.

(7) Conditions for Continuance, Single and Two Family Dwelling use:

A legally nonconforming single family dwelling or two family dwelling (twin home or duplex) may be enlarged or extended upon approval of the Enforcement Officer provided: 1) the additional square footage of the enlargement or extension does not exceed 25 percent of the square footage of the structure(s) that existed at the time the use became nonconforming; 2) that the enlargement or extension of additional structure(s) occupy the same zone lot or plot of ground as occupied by the existing structures at the time the use became nonconforming; and 3) that the number of dwelling units is not increased.

(c) **NONCONFORMING STRUCTURES**

(1) Continuance of Nonconforming Structure: Any nonconforming structure legally existing at the time of adoption or amendment of this Ordinance, or any nonconforming structure created by extension of the jurisdiction, may remain subject to the conditions contained in Subsection 9-4-17(c)(2) below.

(2) Conditions for Continuance: Such nonconforming structures shall be subject to the following conditions:

- a. No nonconforming structure may be enlarged or altered in any way which increases its dimensional deficiencies; however, any nonconforming structure or portion thereof may be altered to decrease its dimensional deficiencies. Any

enlargement of the structure shall conform to the current dimensional requirements.

- b. In the event of damage by fire or other causes to an extent exceeding fifty percent (50%) of its tax value prior to such damage, as established by the County Tax Department, reconstruction of a nonconforming structure shall be permitted only in compliance with the dimensional requirements of this Ordinance.
- c. In the event of damage by fire or other causes to an extent not exceeding fifty percent (50%) of its tax value prior to such damage, as established by the County Tax Department, reconstruction of a nonconforming structure shall be permitted provided it is constructed:
 - 1. In the same location and up to the same dimensions as originally existed; or
 - 2. In compliance with the current dimensional requirements.
- d. No nonconforming structure shall be moved or relocated unless it is made to comply with the dimensional and use requirements of the district in which it is relocated.

- (3) Preservation of Safe or Lawful Conditions: Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building declared unsafe or unlawful by the Building Inspector or other duly authorized official.

(d) NONCONFORMING SIGNS

Any sign legally in existence prior to the effective date of this Ordinance that does not satisfy the requirements of this Ordinance shall be deemed nonconforming and shall be subject to the provisions of Chapter 5, Article D.

(e) NONCONFORMING SITUATIONS RESULTING FROM GOVERNMENTAL ACTION

- (1) Zone Lots: Any zone lot reduced in size by municipal or state condemnation or purchase of land shall obtain nonconforming lot or structure status to the extent that said condemnation or purchase causes noncompliance with any provision of this Ordinance.

(2) (Reserved)

(Ord. No. 93-113, Pt. 1(§ 1), 12-13-93; Ord. No. 95-57, § 1, 6-15-95; Ord. No. 99-52, Pt. 4, § 1, 7-1-99; Ord. No. 00-120, Pt. 1(§1), 10-5-00; Ord. No. 02-12, Pt. 5, (§1) 2-21-02; Ord. No. 03-15, Pt. 11, (§ 1), 3-20-03; Ord. No. 04-07, Pt. 1, (§ 1), 1-22-04; Ord. No. 05-23, Pt. 6 & 12, §1, 3-10-05)

9-4-18 LOT SIZE REDUCTION PROHIBITIONS**(a) SINGLE LOT**

No lot shall be reduced in size so that noncompliance with respect to any frontage, building coverage, area, built-upon area, width, setback, parking, planting yard or signage requirement of this Ordinance is created, nor shall any existing nonconformity or violation be increased.

(b) ZONE LOT

Where two (2) or more contiguous lots in one ownership collectively form a zone lot, that zone lot shall not be reduced in size so that noncompliance with respect to any frontage, building coverage area, built-upon area, width, setback, parking, planting yard or signage requirement of this Ordinance is created, nor shall any existing nonconformity or violation be increased.

(c) EXEMPTION

The prohibitions in Subsections 9-4-18(a) and (b) above shall not apply to municipal, state, or federal acquisition of land.

9-4-19 SPECIAL-PURPOSE LOTS

Requirements of this Chapter with respect to street frontage, minimum lot area, and minimum lot dimensions shall not apply to lots for family or church cemeteries, sewage lift stations, and similar utility uses. Such lots shall comply with the requirements below.

(a) MINIMUM SIZE

The special-purpose lot shall be permitted only after the Technical Review Committee has determined that the proposed lot has sufficient dimensions to accommodate the intended use and, wherever required by this Ordinance, planting yards.

(b) ACCESS EASEMENT

If the special-purpose lot does not have direct access to a public street, an easement for ingress and egress with a minimum width of ten (10) feet shall be platted.

(c) PLATTING

The subdivision to create the lot shall be approved in accordance with Chapter 6 (Subdivisions: Procedures and Standards). The Final Plat shall label the lot as a special-purpose lot.

9-4-20 (Reserved)