

BUILDING USE INFO

BLOUNT COUNTY ZONING ORDINANCE

Article 5. NON-CONFORMING USES AND STRUCTURES.

Section 5.1. Continuation of Non-Conforming Uses and Structures. All uses and structures in existence at the effective date of this Resolution, which are not in conformity with regulations and provisions contained in this Resolution shall be allowed to continue in operation and/or existence as prior to effective date of this Resolution.

Section 5.2 Destruction and Rebuilding in Relation to Non-Conforming Uses. In the event that a structure housing a non-conforming use is destroyed by accidental cause or natural calamity, or by other means outside the control of the owner, the following shall apply:

- A. Such structure may be rebuilt, and such use reestablished on the same site at the same scale of structure and operation as before it was destroyed, by process of direct permit;
- B. Such rebuilding and reestablishment shall commence within two years of such destruction; otherwise, any such use shall be considered as discontinued and abandoned and may then not be rebuilt and reestablished unless it is in conformity with the regulations and provisions of this Resolution.

Section 5.3. Discontinuance and Abandonment in Relation to Non-Conforming Uses. Either of the following conditions existing for a continuous period of thirty (30) months subsequent to the effective date of this Resolution or the effective date of any amendment to this Resolution which has the effect of creating a non-conforming use, shall create a presumption of discontinuance and abandonment of a non-conforming use of land, and no such non-conforming use of land or structure shall be undertaken or reestablished unless in conformity with the regulations and provisions of this Resolution.

- A. For non-residential uses: no employees, customers or clients were present to actively conduct business, give or receive professional services, participate in activities or use equipment considered essential to the character and operation of the non-conforming use, and the property was not publicly listed, marketed or advertised for sale, rent, lease or operation in relation to its non-conforming use;
- B. For residential uses: no residents, whether owners or tenants, were present, and the property was not publicly listed, marketed or advertised for sale, rent or lease in relation to its non-conforming use.

Section 5.4. Change from Non-Conforming Use. In addition to uses specifically permitted in a zone by this Resolution, a non-conforming use may be changed to another use in the same buildings and at the same site; provided that such use is approved as a special exception by the Board of Zoning Appeals under Section 11.5 hereof and the Board of Zoning Appeals finds that such use is of lesser impact than the original non-conforming use.