

**ARTICLE 6**  
**NONCONFORMING SITUATIONS**

**6.1 Continuation of Nonconforming Structures**

6.1.1 The lawful use of a building or premises, existing at the time of the adoption of this Ordinance, may be continued except as otherwise provided herein, although such use does not conform to the provisions of the Ordinance.

6.1.2 Pursuant to KRS 100.253, any use which has existed illegally and does not conform to the provisions of this Ordinance, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by any governing or administrative official during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of this Article.

**6.2 Abandonment and Discontinuance of Nonconforming Situations**

If any such nonconforming use of land ceases for any reason for a period of more than 12 months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

The provisions of Section 6.2 herein shall not be applicable if the owner or lessee is attempting to sell or lease the premises for the same use, so long as such efforts are uninterrupted.

**6.3 Nonconforming Lots of Record**

In any district where a specified use is permitted, permitted buildings and customary accessory structures may be constructed on any single lot of record as defined by this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be of separate ownership and not of continuous frontage with other lots in the same ownership. If two or more lots or combinations of lots and portions of lots with continuous frontage in a single ownership are of record at the time of passage of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and lot area, the lands involved shall be considered an undivided parcel for the purpose of this Ordinance.

# Danville, Junction City, Perryville, and Boyle County Zoning Ordinance

## 6.4

### **Extensions or Enlargements to Nonconforming Situations**

#### 6.4.1

Except if specifically provided for in this section, no person may engage in any activity that causes an increase in the extent of nonconformity in a nonconforming situation. In particular, it shall be unlawful to:

1. Increase the total amount of space devoted to a nonconforming use.
2. Increase nonconformity with respect to density restrictions, dimensional requirements such as, but not limited to, setbacks and other requirements such as, but not limited to, parking.

#### 6.4.2

### **EXTENSION OF NONCONFORMING USES**

A nonconforming use may be extended throughout any portion of a completed building, that when the use was made nonconforming by this Ordinance, was manifestly designed or arranged to accommodate such use.

#### 6.4.3

### **ENLARGEMENT OR REPLACEMENT OF NONCONFORMING SINGLE FAMILY RESIDENTIAL STRUCTURES**

Notwithstanding other limitations of this Article, any single family residential structure, the construction, existence, and maintenance of which predates the adoption of any Planning and Zoning Ordinance in this County, and whose physical dimensions and placement on the lot have been rendered 'non-conforming' by the adoption of subsequent Planning and Zoning Ordinances, and but for such adoption would be considered entirely compliant, shall be 'grand fathered' in as a conforming structure. An owner may expand said structure, within the confines of the lot, and along the same dimensional lines (even though said extension continues and extends the existing non-conformity) so long as the proposed expansion does not encroach additionally on the previous set-back line (established when the structure was built) and so long as the proposed extension does not materially encroach on rear yard or side yard setbacks.

Said Owner shall first apply to the Director of the Planning and Zoning Commission showing detailed drawings of the existing structure and the existing (old) set backs, along with the details showing the proposed extension and its purported impact on abutting properties. The Director shall be entitled to give preliminary and final approval of the building permit(s) without the intervention of the Board of Adjustments. If approved by the Director, this is the only step required. If disapproved by the Director, and only in that event, shall the Owner be required to appeal to the Board of Adjustments.

# Danville, Junction City, Perryville, and Boyle County Zoning Ordinance

## 6.4.4

### GUIDELINES FOR BOARD OF ADJUSTMENT

- A. Pursuant to KRS 100.253, and notwithstanding Sections 6.4.2 and 6.4.3 in this Ordinance, the Board of Adjustment shall not allow the enlargement or extension of a nonconforming situation beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the Board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, except as is permitted herein below.
- B. Pursuant to KRS 100.253, the Board of Adjustment may grant approval, effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.

## 6.5

### Repair, Maintenance and Reconstruction

### 6.5.1

#### MINOR REPAIRS

Minor repairs and routine maintenance of property where nonconforming situations exist are permitted and encouraged.

## 6.6

### Registration of Junkyards and Salvage Yards

Within six (6) months of the adoption of this Ordinance, all junkyards and salvage yards shall register with the Enforcement Officer of the local Planning and Zoning Commission unless they are already registered with the Boyle County Solid Waste Department in which case the deadline for registration may be extended 12 months. "Register" means completing a Junkyard and Salvage Yard Registration application provided by Planning and Zoning and paying applicable fees. Failure to register shall mean the site is not 'grand-fathered in' as an existing condition, and shall subject the owner to code enforcement as a violation.