

**SECTION 8**  
**NONCONFORMING USES**

Sec. 8-1 Nonconforming Use.

Any lawful use of land or building existing on the effective date of this Ordinance, or on the effective date of any subsequent amendments hereto, and located within a zoning district in which it is not permitted as a new use by this Ordinance, is hereby declared to be a nonconforming use.

Sec. 8-2 Continuance of a Nonconforming Use.

- a. A nonconforming use of land may be continued with the following limitations.
  - 1. It shall not be extended to occupy a greater area of land unless authorized to do so by the Board of Appeals.
  
- b. A nonconforming use of building or structure may be continued with the following limitations:
  - 1. It shall not be extended to occupy a greater area of building or structure unless such additional area of building or structure already existed as part of the building and structure, and is clearly designed to house the same kind of use as the nonconforming use occupying the building.

Sec. 8-3 Limitations on the Use of a Building or a Land by Nonconforming Uses.

- a. The following limitations shall be placed on the use of a tract of land by a nonconforming use:
  - 1. A tract of land, which has housed a nonconforming use, shall not be reopened to a nonconforming use after it has remained vacant for a period of six months.
  
- b. The following limitations shall be placed on the use of a building by a nonconforming use:
  - 1. A building which housed a nonconforming use shall not be reoccupied by a nonconforming use after it has remained vacant for a period of one year.
  - 2. A building which housed or houses a nonconforming use shall not be reoccupied by a nonconforming use after it has been damaged to the extent of 75 percent or more of the total fair market value of the building only unless authorized to so by the Board of Appeals. Provided, however, a building which housed or houses a detached, semi-attached, or attached

single family residential nonconforming use may be re-occupied by the same use after it has been damaged to the extent of 75 percent or more of the total fair market value of the building only as a matter of right in all zoning districts.

*(Sec. 8-3.b.2 amended May 24, 2013, File No. Z-120910-00045-1)*

3. When a building housing a nonconforming use is moved, it shall thereafter be used by a conforming use, except when such move shall only be from one location to another location on the same lot.
  4. When a building was designed and constructed to house a nonconforming use, and said building has not been significantly altered to such a degree as to change the intended use of said structure, said building may be reoccupied by the original use provided that it has not been vacant for a period of more than twelve (12) consecutive months, subject to a site plan being submitted to and approved by the Metropolitan Planning Commission. However, the Zoning Board of Appeals may authorized the reuse of the building after it has been vacant for greater than 12 months if the building has not been subsequently redesigned to house other uses and the use is found not to be detrimental to the adjacent uses or adverse to the livability of the area's residential land uses. The Site Plan shall address issues such as buffers, landscaping, curb cuts, internal traffic circulation pattern, hours of operation, lighting, signage, fencing and other features as deemed appropriate by the Planning Commission to minimize the impact of the requested use on surrounding uses.
- c. A nonconforming tower site may be allowed to house additional incidental or accessory equipment/maintenance buildings, cabinets, or structures necessary to support the collocation of an antenna, subject to the conditions of Section 4-6.5. (See Standards for Commercial Wireless Telecommunications Antennas and Towers).
- d. A nonconforming logging business established within a R-A zoning district prior to August 10, 1962, may be continued with the following limitations:
1. It shall not be permitted to change to another nonconforming use or to expand or rent trailer space for private or commercial trailers other than the owner's vehicles. A maximum of six logging vehicles may be parked at the site at any given time.
  2. Provided further, the Chatham County Commissioners, at an announced public hearing, may also allow the sale of firewood as a secondary use upon a finding that such services were conducted from the site prior to August 10, 1962.
  3. The firewood and logging vehicles shall be screened from the view of adjacent properties as required by the MPC staff and shall not be stored

within the front yard area.

- e. A nonconforming charter fishing service established within a R-1 zoning district prior to August 10, 1962, operating charter vessels from the site, may be continued with the following limitations:
  - 1. It shall not be permitted to change to another nonconforming use or to expand or rent dock space for private or commercial boats other than the owner's vessels. A maximum of four commercial/charter vessels may be moored at the site at any given time, excluding vessels docked only for fueling and bait sales.
  - 2. Gasoline or diesel fuels may be dispensed only to commercial (crabbing, charter, and shrimping) vessels from permitted fuel tank(s) which conform to local, State and Federal storage and dispensing regulations.

#### Sec. 8-4 Change in Nonconforming Use.

A nonconforming use shall be permitted to change to another nonconforming use only under the following specific conditions:

- a. A change from one nonconforming use to another nonconforming use shall be permitted only within R and I-P districts.
- b. A change from one nonconforming use to another nonconforming use shall be permitted only if the case of nonconforming use of buildings.
- c. A change from one nonconforming use to another nonconforming use shall not be permitted in the case of a nonconforming use, which is primarily a use of open land.
- d. A change in the nonconforming use of a building shall only be permitted when the building in which the change in nonconforming use proposed is one, which was specifically designed for use as a commercial building.
- e. A nonconforming use shall only be changed to one of the following specifically listed uses:
  - 1. Food drug stores: Drugstores, grocery stores, meat markets, bakery products, confectionery shops, and restaurants. The following activities are permitted as incidental uses in conjunction with the retail sale of grocery products:
    - a. The package sale of beer and wine; provided such sales shall not be permitted within any zoning district where the package sale of beer and wine is not allowed when incidental to other principal retail uses.

- b. The sale of gasoline; provided, the sale of gasoline shall be incidental to the retail sale of grocery products. The Zoning Board of Appeals shall find that the following conditions have been complied with prior to approving such incidental gasoline sales:
  1. Such uses shall be allowed only within the I-P district and shall have direct access to a secondary or major arterial street as designated on the County Street Classification Map.
  2. A maximum of three pumps shall be authorized.
  3. Gasoline pumps and service lanes for such pumps shall not be in public rights-of-way.
  4. The Chatham County Engineer shall approve the location of the pumps and the traffic flow in and out of such gasoline service area to insure that the proposed activities will not disrupt traffic flow on adjacent public right-of-way or create a traffic hazard.
  5. Curb cuts shall be designed to serve the principal use and not the sale of gasoline. The presence of gas pumps shall not justify additional curb cuts or a reduction in the number of required off-street parking spaces.
  6. There shall be no exterior display or advertisement of automotive products other than the sale of gasoline.
  7. One combined sign or two separate signs may be allowed to identify the principal use and the sale of gasoline. However, such sign(s) shall not have an aggregate size larger than 24 square feet, shall be nonflashing, and shall not exceed a maximum height of 20 feet.
  8. There shall be no vehicle repair in conjunction with the use.
  9. When such use abuts a R-district boundary or a residential dwelling unit, there shall be a visual buffer and additional landscaping established to protect the adjacent properties. The Board of Appeals shall determine the type of required buffer or landscaping necessary to provide such protection.
2. Personal service shops: Barbershops, beauty shops, shoe repair, dry cleaning and laundry pick-up stations, laundromats, and watch reaper.

3. Clothing stores and dry goods: Shoe stores, men's shops, clothing stores, and variety shops.
  4. Home furnishings and hardware: Home appliance stores, home appliances, repair stores, furniture stores, hardware stores.
  5. Specialty shops: Gift shops, florist shops, jewelry shops, hobby shops, camera shops, book stores, stationary stores.
  6. Offices: Professional offices, real estate offices, finance agencies, insurance offices, sale offices; provided, there shall be not sale or display of equipment on the premises unless otherwise permitted in this Section.
  7. Contracting and repair services: Cabinet shop, electrical contracting, plumbing contracting, mechanical systems contracting, and small equipment repair. Provided, there shall be no exterior storage, the activity is carried on wholly within the enclosed building, and the use does not produce noise in violation of the standards or characteristics set forth in the Chatham County Noise Ordinance as incorporated herein by reference.
  8. Commercial schools provided there are three instructors or less employed by the school.
  9. Printing and letter shops.
  10. Pet supply and grooming business: Provided there shall be no boarding of animals, no outdoor storage or displays or outdoor care or grooming activities.
- f. Nothing in this Section shall prevent a nonconforming use from being replaced by an identical nonconforming use.
- g. A change from one nonconforming use to another shall be subject to the limitations set forth in Sec. 8-2 and 8-3 of this Section.
- h. A change from one nonconforming use to another nonconforming use shall be permitted only with the approval of the Zoning Board of Appeals upon a finding that:
1. The requested use will not generate more vehicular or pedestrian traffic than the existing or last permitted use.
  2. The requested use will not constitute a greater negative visual impact on the surrounding area than the existing or last permitted nonconforming use.

3. The requested use will generate no greater noise than generated by the existing or last permitted nonconforming use.
4. The layout and operating characteristics, in addition to the above listed criteria, will be of such design as to minimize the impact of the requested use on surrounding uses.

Sec. 8-5 Alterations.

A building used for a nonconforming use shall not be enlarged or extended. A building used for a nonconforming use may be repaired to the extent necessary to maintain it in a safe condition or to improve the sanitary conditions of the buildings.