

Sec. 4-6.4 PD-N - Planned Development Rezoning for Certain Nonconforming Uses.

Sec. 4-6.41 Intent.

Where nonconforming uses of structures, or structures and premises in combination exist in residential districts, involve one acre or more in a lot area, and are found by the Planning Commission to be likely to continue indefinitely, it is intended to make possible rezoning of such improvements and controlling further development of redevelopment. Unless such nonconforming uses are rezoned to PD-N status, the provisions of Section 8 shall apply.

Sec. 4-6.42 Initiation and Processing of Planned Development Rezoning for Certain Nonconforming Uses.

Planned development rezoning of nonconforming uses of the kind described above may be initiated by the owner of the property or his authorized agent, or by the Governing Body, or by the Planning Commission. Such amendments shall be processed as provided generally in Section 11 of these Regulations.

Sec. 4-6.43 Materials to Accompany Amendment Proposals for Certain Nonconforming Uses.

- a. Where application is by Owner or Agent: Where the application is by owner of the property, or his duly authorized agent, material to be submitted shall be as provided in Section 11 of Chatham County Ordinance, shall include specifically a plan showing existing structures and uses as located on the premises and as related to structures and uses within 50 feet on immediately adjoining premises not separated from the property by a street or alley, and on premises immediately across streets or alleys to the front, side, or rear of the property.
- b. Where the Amendment is initiated by the Governing Body or the Planning Commission: All plans, maps, studies, and reports necessary to make determinations in the particular case shall be prepared by the Planning Commission or its authorized agents, including specifically a plan as indicated in Section 4-6.43a., above.

Sec. 4-6.44 Procedures on PD Amendments for Certain Nonconforming Uses.

Where PD rezoning of nonconforming uses as described in Section 4-6.43a. is on application by owners or agents, procedures shall be as set forth in Section 11. Where PD rezoning for such uses is initiated by the Governing Body or the Planning Commission, the owner of the property involved shall be notified of

intent to consider rezoning before any rehearing is scheduled, and on request of such owners or their authorized agents, prehearing conferences shall be held between such owners and agents and qualified members of the staff of the planning Commission, or other officials as the Commission may deem appropriate in the circumstances of the case.

The purpose of the conference shall be to examine potentials for further development or redevelopment under the type of PD zoning proposed, to discuss the effects of nonconformities which will remain after rezoning to PD, and to define specifically variations from strict application of PD regulations which would otherwise apply which seem justified in terms of equivalent service of the public purposes of such regulations, or which are reasonably necessary as a result of nonconformities which may remain after rezoning to PD status and without significant detriment to such public purposes.

Sec. 4-6.45 Considerations in Recommendations by the Planning Commission and Actions by the Governing Body.

Nonconforming uses existing and likely to continue indefinitely are in a wide variety of forms and conditions. Public purpose in establishing PD controls in such cases is to encourage improvements where it is unlikely that the use will be removed and to allow alteration, reconstruction, and in some cases enlargement of buildings where such actions will not result in greater adverse effects than the existing conditions in view of the variation in existing conditions to be improved, fixed standards and requirements are infeasible, but the following general considerations shall guide the Planning Commission in framing its recommendations and the Governing Body in its action on such recommendations.

- a. Application of Specialized PD Regulations: Where the use involved would first be permitted as a principal use in a PD-C, PD-1, or other class of PD district for which special regulations, requirements, guides, and standards have been adopted, consideration shall be given to the regulations for such PD districts as a guide to recommendations and action. Among other matters, consideration shall be given to the requirements of such special PD regulations on access, yards, parking and loading, signs and lighting, and buffering and screening. Where such special PD regulations have not been adopted, or are inadequate or impracticable to application in the circumstances of the particular case, the following guides shall be considered. Recommendations and action on PD-N rezoning shall be framed to meet such considerations as nearly as is reasonably feasible in the circumstances of the particular case.

- b. Access shall be located, dimensioned, designed, and improved for safety, convenience, efficient circulation on the property, and minimum interference with normal traffic flow on adjoining streets.
- c. Yards shall be provided as required for adjoining conforming uses, and in residential neighborhoods such required yards shall be landscaped and improved in a manner appropriate to the residential character of the adjacent district. Not more than two off-street parking spaces shall be permitted in any front yard so required in residential neighborhoods, and not more than 20 percent of the area of such front yard shall be occupied by driveways or parking areas.
- d. Limitations on Increases in Floor Area or Lot coverage: It is not the intent of these Regulations to permit intensification on nonconforming uses by allowing additions to building area likely to increase activity on the site. Enlargements shall be permitted only to provide enclosure for storage or for active operations, which would otherwise be conducted outdoors. Such increases in floor area shall not exceed, at any one time or cumulatively, 25 percent of the total floor area of permanent buildings existing at the time first permission for expansion or addition was granted and shall not result in intrusions into yards required in the district.
- e. Off-Street Parking and Loading: Off-street parking and loading shall be as provided in the first district in which the nonconforming use appears as a permitted use in the Schedule of District Regulations of the Chatham County Ordinance, Section 4.5-1 or 4.5-2 of the Chatham County Zoning Ordinance, unless greater requirements are established by PD regulations applying to a class of uses including the nonconforming use. Such parking and loading areas shall be located in such a manner to minimize adverse effects on adjacent property and off-street parking, loading and service areas shall meet the requirements of Article IV, Off-Street Parking and Service Requirements, of Section 6 of the Chatham County Zoning Ordinance.
- f. Signs and Lighting: Where nonconforming uses are in residential areas, requirements in connection with PD-N rezoning actions shall include reduction in number and area of signs to those reasonably necessary for identification of the premises and elimination and exclusion of product advertising signs (except identification), temporary promotional signs, price signs, and other advertising. Where signs are permitted, they shall be oriented away from residential property in such areas to the maximum extent reasonably feasible.

Where nonconforming uses are in districts other than residential, number and area of signs permitted in connection with PD-N rezoning actions shall not exceed the number and area generally permitted in the district. Where the number and/or area of existing signs exceeds such limitations, reductions shall be made accordingly.

Lighting of signs and premises shall be directed, controlled, and screened in a manner appropriate to the surroundings of the use.

- g. Buffering and Screening: The provisions of Section 6-2.8 shall apply where any nonconforming property is adjacent to residential property.
- h. Other Considerations: In addition to matters covered above, the recommendations and action shall give due consideration to the relation of the nonconforming use to existing and potential future surrounding development and establish such additional conditions and safeguards as are necessary in the circumstances of the case. Such conditions and safeguards may include, among other things, limitations on the hours, days, and manner of operation, outdoor storage or operational activity, provision for seclusion of garbage and trash and for maintenance of delivery vehicles used in the business or parked on the premises.

Where appropriate the circumstances of particular PD-N rezoning, posting of performance bonds or other acceptable securities may be required.