



CHARLOTTE

Zoning Interpretation

Nonconforming Uses

A nonconforming use of a structure may be changed to another nonconforming use of the same classification, a higher classification, or to a conforming use. The determination of the classification of the use is based on the district in which the use would be allowed by right under the ordinance. The change of a nonconforming use to another nonconforming use must not generate any more automobile or truck traffic, noise, vibration, smoke, dust, or fumes than the original nonconforming use. Once a nonconforming use is changed to a conforming use, the nonconforming use shall not be re-established.

ISSUE

What type of use can replace a nonconforming use when the zoning changes?

POLICY

For **Conventional Zoning to Conventional Zoning**, a nonconforming use may be replaced with:

- a) A use that conforms with the new zoning district,
- b) A use in the same class as the nonconforming use, or
- c) A use from a higher classification (less intense) per the Nonconforming Section (based on the previous zoning)

For **Conventional Zoning to Conditional Zoning**, a nonconforming use may be replaced with:

- a) A use that is in compliance with the CD plan (all other conditions of the plan must be met),
- b) A use in the same classification as the nonconforming use, or
- c) A use from a higher classification (less intense) per the Nonconforming Section (based on the previous zoning)

For **Conditional Zoning to Conditional Zoning**, a nonconforming use may be replaced with:

- a) A use that is in compliance with the new CD plan (all other conditions of the plan must be met);
- b) A use in the same classification as the nonconforming use, or
- c) A use from a higher classification (less intense) per the Nonconforming Section (based on the previous zoning)

For **Conditional Zoning to Conventional Zoning**, a nonconforming use may be replaced with:

- d) A use that conforms with the new zoning district,
- e) A use in the same classification as the nonconforming use, or
- f) A use from a higher classification (less intense) per the Nonconforming Section (based on the previous zoning)

Notes:

1. For Conditional Zoning, uses that are not allowed under the new zoning, as well as allowed uses that do not “implement the conditional plan”, should be considered nonconforming.
2. The most recent zoning district under which the use was conforming should be used to determine allowable uses per the Nonconforming Section.
3. If the most recent zoning district under which the use was conforming cannot be determined, the least intense zoning district within which the use would be conforming should be used.

Date Agreed: November 10, 2009

Approved By: Katrina J. Young
Zoning Administrator

Code Sections: 7.102, 7.102(5)

SUPERSEDES :