

Chapter 22

ZONING*

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***Cross references**--Administration, Ch. 2; buildings, construction and related activities, Ch. 5; floodplain regulations, Ch. 8; historic preservation, Ch. 9; streets and sidewalks, Ch. 16; subdivisions, Ch. 17; taxation, revenue and miscellaneous business regulations, Ch. 18; trees and landscaping, Ch. 20.

State law references--City's authority to adopt plans and exercise the power of zoning, Ga. Const., art. 9, sec. 2, par. 4; The Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.; local government zoning powers, O.C.G.A. § 36-66-2; conflicts of interest in zoning actions, O.C.G.A. § 36-67A-1 et seq.; effect of zoning laws on covenants running with the land, O.C.G.A. § 44-5-60.

Section 22-60A ARTICLE II. NONCONFORMANCES

Section 22-61 Nonconforming lots.

Any lot for which a plat or legal description has been recorded in the office of Clerk of the Superior Court of Thomas County at the time of passage of the ordinance from which this section derives which fails to comply with the dimensional requirements for the district in which it is located may if vacant be used for any of the uses permitted a conforming use, may have the structure improved, enlarged, or extended, provided that in either case:

- (1) Minimum requirements of the district for front, side, and rear yard, height, and floor area shall be complied with.
 - (2) The lot be used for duplexes or multifamily dwellings when allowed within the district only if the lot meets the minimum lot area requirements for those uses in the district.
 - (3) The requirements of section 22-23 are met.
- (Code 1958, § 24-15)

Section 22-62 Nonconforming open uses of land.

Nonconforming uses consisting of lots used for storage yards, used car lots, auto wrecking, junkyards, golf driving ranges, miniature golf and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter under this article in the district in which it is located shall be governed by the following restrictions in addition to the other requirements in this article:

- (1) When a nonconforming open use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
- (2) Nonconforming open uses of land shall not be changed to any but conforming uses.

- (3) A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming.
 - (4) When any nonconforming open use of land is discontinued for a period in excess of six (6) months, any future use of the land shall be limited to those uses permitted in that district under the provisions of this article. Vacancy and nonuse of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.
- (Code 1958, § 24-15.01)

Section 22-63 Nonconforming uses of structures.

Nonconforming uses consisting of structures used, at the time of passage of the ordinance from which this section derives, for purposes not permitted in the district in which they are located shall, in addition to the other requirements of this article, be governed by the following restrictions:

- (1) An existing nonconforming use of a structure may be changed to another nonconforming use that is similar in its operation and effect on surrounding properties or may be changed to a conforming use.
- (2) An existing nonconforming use of a structure shall not be changed to another nonconforming use that generates more automobile or truck traffic, creates more noise, vibration, smoke, dust or fumes, is a more intensive use of structures than the existing nonconforming use, and is in any way a greater nuisance to the adjoining properties than the existing nonconforming use.
- (3) A nonconforming use of a structure shall not be extended or enlarged except into portions of the structure which, at the time the use became nonconforming, were already erected and arranged or designed for such nonconforming use. No structural alterations shall be made in any structure occupied by a nonconforming use, which would in any way increase the floor space, area, or volume of space occupied by the use.
- (4) When any nonconforming use of a structure is discontinued for a period in excess of one (1) year, any future use of the structure shall be limited to those uses permitted in that district under the provisions of this article. Vacancy or non-use or both of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

(Code 1958, § 24-15.02)

Section 22-64 Reconstruction of nonconforming structures.

When a nonconforming structure is a structure containing a nonconforming use or nonconforming sign is razed or damaged by fire, flood, wind or act of God such structure or sign may be reconstructed as a nonconforming use only if the damage totals less than seventy-five (75) percent of the value of the structure. Structures which do not conform to the yard requirements of this article shall also be governed by this provision.

(Code 1958, § 24-15.04; Ord. of 1-23-89(3), § 1)

Section 22-65 Changes in zoning.

Any nonconformances created by a change in district boundaries or ordinance regulations after the date of passage of the ordinance from which this section derives shall also be governed by the provisions of section 22-61.

(Code 1958, § 24-16)

Section 22-66 22-66--22-80. Reserved.