

Article 2. Nonconformities

30-2-1 General

The regulations of this article govern lots, uses, buildings, signs and other aspects of development that came into existence lawfully but do not conform to one or more requirements of this ordinance. These are referred to as "nonconformities," which should not be confused with "illegal" uses or structures.

30-2-1.1 Scope

The regulations of this article govern lots, uses, buildings, signs and other aspects of development that came into existence lawfully but do not conform to one or more requirements of this ordinance. These are referred to as "nonconformities," which should not be confused with "illegal" uses or structures.

30-2-1.2 Intent

The regulations of this article are intended to:

- A. recognize the interests of property owners in continuing to use their property for lawful purposes;
- B. promote reuse and rehabilitation of existing buildings; and
- C. place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

30-2-1.3 Determination of Nonconforming Status

- A. If the Planning and Community Development Director cannot determine a property's nonconforming status, then the burden of proving that a situation is nonconforming (as opposed to illegal) rests with the subject landowner.
- B. In situations where a copy of the approved plan for a project cannot be located, the landowner may provide reasonable evidence of the existing improvements. Such evidence may be offered by any reasonable means including but not limited to an affidavit signed by the owner or other party. After submission of evidence of the existing improvements, the Planning and Community Development Director shall reasonably determine their status using the ordinances in effect at the time of the installation of the improvements.

30-2-1.4 Determination of Value

The value of property shall be presumed to be the property's tax value unless rebutted by competent evidence presented by the owner to the Planning and Community Development Director. Competent evidence shall include certified appraisals and comparable sales or purchase prices within 3 years of the damage.

30-2-1.5 Repairs and Maintenance

- A. Incidental repairs and normal maintenance of nonconformities are permitted unless the repairs are otherwise expressly prohibited by this ordinance. For the purpose of this provision, repair or replacement of non-load bearing walls, fixtures, electrical or plumbing are considered incidental repairs if the total value of the repairs in any 12-month period does not exceed 50% of the tax value of the structure.
- B. Nothing in this article is to be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of the Building Inspector or other duly

authorized city official. When improvements are made to restore property to a safe condition, the cost of those repairs or alterations are included in the 50% limit noted in the preceding paragraph.

30-2-1.6 Change of Tenancy or Ownership

Nonconforming status "runs with the land" and is not affected by changes of tenancy, ownership, or management.

30-2-2 Nonconforming Lot of Record

30-2-2.1 Nonconforming Lots Resulting from Public Acquisition

Lots of record that are rendered nonconforming or more nonconforming as a result of acquisition of a portion of the lot for public purposes by any public agency have the status of nonconforming lots of record.

30-2-2.2 Use of Nonconforming Lots

Nonconforming lots of record may be used in accordance with this ordinance.

A. Lots with Contiguous Frontage in One Ownership

Where 2 or more lots of record with contiguous frontage are under common ownership, and one or more is a nonconforming lot, the lots shall be deemed merged into a single zone lot to the extent necessary to create one or more lots that comply with or come as close as possible to complying with the lot requirements of the underlying zoning district. This provision does not apply to contiguous nonconforming lots of record that are at least 40 feet in width and have not, at any time since July 1, 1992, provided required setbacks, parking, or landscaping for a use situated on an adjacent lot. These may be considered "Single Lots of Record" under subsection (B) below.

B. Single Lot of Record

1. A nonconforming lot of record may be built upon if compliance is achieved with regard to all ordinance requirements except for lot area or width.
2. In residential zoning districts, only a single-family dwelling may be permitted on a nonconforming lot of record.

30-2-3 Nonconforming Use

30-2-3.1 Continuation

A nonconforming use may continue, subject to the regulations of this ordinance.

30-2-3.2 Expansion or Alteration of a Nonconforming Use

- A. The Planning and Community Development Director may approve a Type 1 Modification in accordance with [30-4-11](#) allowing alteration of a nonconforming use that does not increase the degree of nonconformity, or have a greater adverse impact on the surrounding area. To make a determination, the Planning and Community Development Director must consider all of the following criteria:
1. anticipated traffic of each use;
 2. parking requirements of each use;
 3. anticipated number of persons on the premises of each use at a time of peak demand;

4. off-site impacts of each use, such as lighting, noise, glare, dust, odor, vibration, or smoke; and
 5. hours of operation.
- B. A nonconforming use may not be relocated, in whole or in part, to another portion of the subject lot or parcel.
- C. A nonconforming use may not be expanded, enlarged, or extended to occupy a greater area of land or floor area.
- D. Appeal
Expansion or alteration decisions may be appealed to the Board of Adjustment in accordance with [30-4-27](#).

30-2-3.3 Damage or Destruction

A nonconforming use that is damaged by fire, neglect, or natural causes may retain nonconforming status if the damage to the structure does not exceed 50% of its pre-damage tax value, according to bona fide repair estimates provided by the subject property owner.

30-2-3.4 Change of Use

A. Change to a Conforming Use

The Planning and Community Development Director may allow a nonconforming use to be changed to any use allowed in the subject zoning district provided compliance with all applicable ordinance requirements is achieved. Administrative change of use decisions may be appealed to the Board of Adjustment in accordance with the procedures of [30-4-27](#)

B. Change to Another Nonconforming Use

The Board of Adjustment may allow a nonconforming use to be changed to another nonconforming use that is in the same use category, as per [30-8-3](#), or to another functionally similar use or less intensive use, if the Board of Adjustment determines that the proposed use will have no greater adverse impacts on the surrounding area. To make a determination, the Board of Adjustment must consider all of the criteria of [30-2-3.2](#).

Commentary: See [30-8-3](#) for an explanation of use categories.

30-2-3.5 New Signs with Nonconforming Use

The Planning and Community Development Director may approve a Type 1 Modification in accordance with [30-4-11](#) allowing replacement signs (See [30-14-15](#)) for a nonconforming use, provided the replacement sign is no larger or taller and does not use more intensive illumination or a different type of illumination than the signs being replaced. This approval must be conditioned upon removal of any existing nonconforming signs on the site. Applications for new signs or signs larger or taller than the signs being replaced require approval of a Special Exception Permit by the Board of Adjustment in accordance with [30-4-14](#).

30-2-3.6 Loss of Nonconforming Use Status

A. Discontinuance

1. A nonconforming use that ceases operations for any reason for a continuous period of more than one year may not be reestablished. Any subsequent use of such land must be a use permitted in the district.
2. The resumption of a nonconforming use is not permitted if the nonconforming use is replaced by an allowed use for any period of time.

B. Damage or Destruction

A nonconforming use located within a structure that has been damaged by accidental causes beyond the control of the owner may not be replaced if the damage to the structure exceeds 50% of its pre-damage tax value.

30-2-3.7 Accessory Uses and Structures

A use that is accessory to a principal nonconforming use may not be continued after the principal use has been abandoned, unless the use is also an accessory use to other principal uses allowed in the subject zoning district.

30-2-4 Nonconforming Structures

30-2-4.1 Continuation of a Nonconforming Structure

Nonconforming structures may remain, subject to the standards of this ordinance.

A. Alterations

1. The Planning and Community Development Director may approve a Type 1 Modification allowing alterations to a nonconforming structure that does not increase the degree of nonconformity.
2. Any enlargement of a nonconforming structure must conform to the dimensional requirements of the zoning district unless the Board of Adjustment grants a variance in accordance with the Variance procedures of [30-4-13](#).
3. Any relocation of a nonconforming structure must comply with the dimensional requirements of the subject zoning district.
4. Applicants proposing alterations to nonconforming structures located within locally designated historic districts or Guilford County Landmarks located within the City of Greensboro must obtain a certificate of appropriateness (see [30-4-12.3\(B\)](#)) from the Historic Preservation Commission or the Guilford County Joint Historic Properties Commission, as appropriate, prior to action by the Planning and Community Development Director or Board of Adjustment as established in paragraph 1) or paragraph 2) above, as applicable.
5. Proposed alterations to nonconforming structures located within National Register Districts or individually designated sites must meet the Secretary of the Interior Standards for Rehabilitation as determined by the Historic Preservation Commission, prior to action by the Planning and Community Development Director or Board of Adjustment as established in paragraph 1) or paragraph 2) above, as applicable.

B. Damage or Destruction

A nonconforming structure (except as provided for in [30-2-5.5](#)) that has been damaged by accidental causes beyond the control of the owner may be reconstructed if the damage to the structure is less than 50% of its pre-damage tax value or 75% of pre-damage tax value for locally designated landmarks or contributing structures in locally designated historic districts or national register historic districts, provided that

1. it is constructed in the same location and up to the same dimensions as originally existed or it complies with dimensional requirements in effect at the time of replacement; and
2. a permit for reconstruction is obtained within 2 years of the date of damage.

30-2-4.2 Loss of Nonconforming Status

A nonconforming structure that has been damaged by causes beyond the control of the owner loses nonconforming status if the damage to the structure exceeds 50% of its pre-damage tax value. The following exceptions to this rule apply:

- A. Except when located in a floodway, residential condominium and townhouse buildings may be rebuilt using the same footprint or a reduced footprint and the same or a smaller gross floor area. Any other structure or improvements related to the residential condominium or townhouse development may be rebuilt.
- B. Except when located in a floodway, residential buildings in multi-family developments with a density that is no more than 10% above the maximum density allowed in the subject zoning district may be rebuilt. Buildings may be rebuilt using the same footprint, or at another location approved by the Technical Review Committee; but the gross floor area may not be increased.
- C. Regulations governing the maximum number of units per building in townhouse developments apply only to developments approved after June 30, 2010. All townhouse developments in existence on June 30, 2010 are deemed conforming in regard to such regulations.

30-2-4.3 Nonconforming Structures Located in Single-Family Detached Cluster Developments

Within lawfully established single-family detached cluster developments existing on June 30, 2010, where a majority of the lot sizes are below the minimums required by this ordinance, dwelling units may be enlarged, or rebuilt in case of accidental damage or destruction beyond the control of the owner, provided that the separation between buildings is equal to or greater than the sum, as applicable of:

- A. two required side setbacks;
- B. two required rear setbacks; or
- C. one required side and one required rear setback.

30-2-5 Nonconforming Signs

30-2-5.1 Policy

It is the policy of the City of Greensboro to encourage that all signs within the city be brought into compliance with the requirements of [Article 14](#), Sign Regulations.

30-2-5.2 Applicability

Unless otherwise expressly stated, the nonconforming sign regulations of this section apply to all signs, including outdoor advertising signs.

30-2-5.3 Continuation of Nonconforming Signs

A nonconforming sign may remain in place and be maintained indefinitely (except as provided for in [30-2-5](#)) as a legal nonconforming sign subject to compliance with the following:

- A. Normal maintenance of the nonconforming sign is allowed including changing of copy, nonstructural repairs such as repainting or electrical repairs, and incidental alterations that do not increase the degree or extent of the nonconformity.

- B. Nonconforming signs and sign structures may not be structurally altered, enlarged or extended, or have additional lighting added.
- C. Nonconforming signs and sign structures may not be relocated.
- D. A nonconforming sign that has been damaged by any cause may be repaired if the cost of the repair does not exceed 50% of the original value or replacement value, whichever is greater.
- E. If a nonconforming sign has been designated as a landmark sign by the Historic Preservation Commission the sign is considered a conforming sign.

30-2-5.4 Loss of Nonconforming Sign Status and Removal

A. Discontinuance

- 1. A nonconforming sign that is removed may only be replaced with a conforming sign.
- 2. A nonconforming sign shall lose nonconforming status and must be removed or brought into compliance if the business activity on the premises is discontinued for a continuous period of 90 days or more. This provision does not apply to outdoor advertising signs.
- 3. Sign removal shall include the entire sign and any or all supports.

B. Damage or Destruction

A nonconforming sign that has been damaged by any cause shall lose nonconforming status and must be removed or brought into compliance if the damage to the structure exceeds 50% of its original value or replacement value, whichever is less (except as provided for in [30-2-5.5](#)).

C. Change of Conditions

- 1. Except as outlined in Section 2. below, all nonconforming signs, except outdoor advertising signs, which are subject to [30-2-5.5](#), must be brought into compliance or removed if any or all of the following occurs:
 - a. if the damage to the sign exceeds 50% of its original value or replacement value, whichever is less;
 - b. if the business or activity on the premises is discontinued for a continuous period of 90 days or more;
 - c. if additions or expansions of buildings, parking areas, or uses of open land occur that are greater than 3,000 square feet;
 - d. if any change in the existing use of the property occurs; or
 - e. if an application for a sign permit is made to add new or additional signs to a property containing a nonconforming sign.
- 2. For lots which contain a nonconforming outdoor advertising sign, new attached signs in compliance with the standards of [30-14-7.4](#) shall be permitted.

D. Prohibited Signs and Signs Allowed without Permits

A sign that is prohibited by this ordinance, with the exception of roof signs, and signs allowed without permits in accordance with [30-14-6](#), must either be brought into compliance with the Sign Regulations of [Article 12](#) or removed by July 1, 2011.

30-2-5.5 Nonconforming Outdoor Advertising Signs

A. Damage or Destruction

Outdoor advertising signs must be brought into compliance or removed if the damage to the sign from any cause equals 50% or more of its replacement value according to bona fide repair and replacement cost estimates provided by the sign owner.

B. Replacement and Relocation Generally

Outdoor advertising signs, except for those in the CB overlay district and subject to Subsection C., may be replaced with signs that comply with the following standards. Outdoor advertising signs constructed in compliance with these standards will be deemed conforming outdoor advertising signs and the nonconforming sign regulations of this section will no longer apply to such signs.

1. Location

The replacement sign must be located in the same place on the same property, unless another location within 200 feet is shown to have equal or better performance in fitting with the current or proposed site development and to have no greater adverse visual impact from surrounding streets. Such relocation may be approved by the Technical Review Committee in accordance with the Type 2 Modification procedures of [30-4-11](#).

2. Sign Placement

When a replacement sign is attached to or near a building, it must be sized and located so as not to cover or substantially block the view of architectural building elements or active windows and doors and not to overhang edges of the building. Also, no digital or electronic display may be placed within 1,000 feet of another outdoor advertising sign with a digital or electronic display facing the same direction.

3. Compatible Sign frame

Replacement signs must have a frame on all 4 sides of any new sign face. The area of the frame must be at least 10% of the area of the sign. The frame must also be made of materials that match or are clearly compatible with materials, styles, and colors of nearby buildings and structures or that use different styles and materials to produce a clearly improved appearance. This provision does not apply to billboards within 400 feet of an interstate highway. The Technical Review Committee is authorized to determine compatibility of materials.

4. Reduced Visual Impact

To offset the construction of the replacement sign, the new sign must reduce visual impacts as follows:

- a. Existing outdoor advertising signs with a sign face of 14' x 48' may be replaced by signs no larger than 11' x 36'. Existing outdoor advertising signs smaller than 11' x 36' may not be enlarged;
- b. Replacement outdoor advertising signs may not exceed 35 feet in height (See sign height measurement provisions of [30-14-16.2](#))
- c. Existing outdoor advertising signs with multiple faces visible from a single direction may not be replaced with stacked or side-by-side sign faces visible from the same direction. If existing "side-by-side" or stacked signs whose individual sign areas are smaller than 11' x 36', both signs may be removed and replaced by one 11' x 36' sign face.

5. Landscaping

To offset the construction of a permanent new sign, landscaping shall be provided on site, either below the sign face or next to the sign in a visible location. If plantings are judged by Technical Review Committee to not be feasible to be placed on site, a modification of equal or better "payment in lieu of" landscaping planting may be made to the GBI/City tree planting fund. On-site plantings shall not obscure the view of the sign, shall be primarily evergreen materials and shall fit with Type C (10' wide) planting yard standards for the distance of the sign width. Public art installations may be provided in place of up to 50% of the landscaping requirement, in consultation with the public arts commission and/or the United Arts Council.

C. Replacement and Relocation in CB Overlay District

Nonconforming outdoor advertising signs within the boundaries of the CB overlay district that are attached to or freestanding within 2 feet of a building or other improvement that is being demolished as part of redevelopment of the site may be relocated subject to the following requirements:

1. Location

- a. The outdoor advertising sign must be located along the same street that the original outdoor advertising sign faces or any other street, except South Elm Street;
- b. Relocating the outdoor advertising sign into any residential, office or Public and Institutional zoning district shall be prohibited; and
- c. The outdoor advertising sign must be located within 2,000 feet of the original outdoor advertising sign but not within 200 feet of another outdoor advertising sign facing the same direction on the same street.

2. Size and Design

The outdoor advertising sign may not be increased in size nor height above the ground, must contain the same or less illumination as the original outdoor advertising sign, and must be as flush with the wall surface as possible.

3. Compatibility

The outdoor advertising sign must be sized, scaled, located and framed so as to be compatible with the nearby building on which the sign is located. Consideration shall be given to outdoor advertising signs that do not cover wall openings while fitting the available space on the wall, the use of framing materials similar to the wall and the building on which the outdoor advertising sign is to be mounted and other relevant design factors.

4. Modifications

The Technical Review Committee may grant a Type 2 Modification in accordance with [30-4-11](#) if the alternate standards portrayed on the sign permit demonstrate equal or better performance related to the general impact of the sign as viewed from the street.

5. Status

Outdoor advertising signs relocated in compliance with these standards continue to be deemed a nonconforming sign and subject to the provisions contained within this section.

(Amended by Ord. 12-23 on 2/5/2013)