

Sec. 8-3134. Changes in nonconforming uses.

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 districts.
- (b) A change from one nonconforming use to another nonconforming use shall be permitted only in 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 stores and drugstores. Drugstores, grocery stores, meat markets, bakery products, confectionery shops, 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. Provided further, the sale of packaged beer and wine, as an incidental use, within nonconforming foodstores within the PD-N zoning district is permitted.
 - 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:
 - i. Such use shall be allowed only within the R-I-P district and shall have direct access to a secondary or major arterial street as designated on the City of Savannah street classification map.

- ii. A maximum of one pump island and three pumps shall be authorized for each arterial along which the parcel has a minimum frontage of 100 feet.
 - iii. Gasoline pumps and service lanes for such pumps shall not be in public rights-of-way.
 - iv. The city traffic engineer shall approve the location of the pumps and the traffic flow in and out of such gasoline service area to ensure that the proposed activities will not disrupt traffic flow on adjacent public rights-of-way or create a traffic hazard.
 - v. 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.
 - vi. There shall be no exterior display or advertisement of automotive products other than the sale of gasoline.
 - vii. 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.
 - viii. There shall be no vehicle repair in conjunction with the use.
 - ix. When such use abuts an 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 based on the buffer requirements set forth in section 8-3066 herein.
- (2) Personal service shops. Barbershops, beauty shops, shoe repair, dry cleaning and laundry pickup stations, laundromats and watch repair.
 - (3) Clothing stores and dry goods. Shoe stores, men's shops, clothing stores, variety shops.
 - (4) Home furnishings and hardware. Home appliance stores, home appliances, repair stores, furniture stores, hardware stores.

- (5) Specialty shops (see section 8-3002, "definitions"). Provided such use shall not exceed a gross leasable area of 1,200 square feet, unless approved by the zoning board of appeals to occupy up to a maximum of 1,800 square feet of floor area when it can be shown that such increased size would not adversely impact the adjacent residential neighborhood.
- (6) Offices. Professional offices, real estate offices, finance agencies, insurance offices, sales offices; provided, there shall be no 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, including vinyl and leather repair services, which do not require the dismantlement of vehicles. Marine engine and automobile engine repair may be permitted provided the building was designed or previously used for engine repair and the site is located on a street classified as an arterial. All activities associated with the above uses, including but not limited to storage, parking of vehicles undergoing or waiting for repairs, parking of dismantled vehicles or equipment, shall be carried on wholly within an enclosed building, and the use shall not produce noise in violation of the standards set forth in part 9, chapter 2, article B of the city Code.
- (8) Commercial schools provided there are three instructors or less employed by the school.
- (9) Printing and letter shops.
- (10) There shall be no boarding of animals, no outdoor storage or displays of outdoor care or grooming activities.
- (11) Storage garages. Automobile storage garages. Provided:
 - a. The use shall not be established on a lot which faces into or is located on a block on which a dwelling unit is located.
 - b. The use shall front onto and have access from a collector or arterial street; provided, such use may be permitted along a lesser classified street where it is located adjacent to property that is zoned for or occupied by a business or industrial use and access to the use is not along a street which is located within a residential zoning classification on which an existing dwelling unit is located.
 - c. The use shall be adjacent to or across a public right-of-way from a business or across a public right-of-way from a business or

industrial use or zoning district which allows an automobile parking garage as a principal use.

- d. The structure shall have been previously used or designed to house an automobile storage garage.
 - e. There shall be no parking of stored automobiles outdoors or no exterior storage on the site.
 - f. There shall be no automobile repairs, body work or related services conducted on the premises.
 - g. Signage and exterior lighting for the use shall be designed to protect the character of the residential area and be approved by the MPC staff.
- (f) Nothing in this section shall prevent a nonconforming use from being replaced by an identical nonconforming use.
- (g) Nothing in this section shall prevent the addition of an incidental nonconforming use to an existing nonconforming principal use when approved by the Mayor and Aldermen.
- (1) The sale or serving of wine from a sit down restaurant, by the drink, for consumption on the premises, shall be allowed within the RIP-A1 district subject to:
- i. The restaurant shall front onto a street classified as an arterial or collector on the city street classification map.
 - ii. Wine shall be served and consumed only as part of a full service meal. Alcoholic beverages and malt beer shall be prohibited.
 - iii. Wine sales shall be limited to the hours between 11:00 a.m. and 10:00 p.m. except on Sundays when the beginning service time shall comply with Sec. 6-1212(b) (Sale of Alcoholic Beverages on Sunday), as amended, of the City Code.
 - iv. Wine shall not be sold for take-out consumption.
 - v. No display or advertisement for the sale of wine shall be visible from the exterior of the structure.

- vi. Deliveries and pick-ups shall be accomplished in a manner so as not to block access to adjacent residential properties.
- vii. Pool tables, amusement games and videos, live music that is not accoustical and karaoke shall not be permitted. Loudspeakers and music shall not be permitted on any public property adjacent to the restaurant use.
- viii. Trash and waste generated from the restaurant shall utilize only household trash receptacles. No dumpsters shall be permitted.
- ix. An area dedicated as a bar area or serving as a bar shall not be permitted.
- x. This section shall only apply to existing restaurants that are nonconforming due to zoning map amendment or text amendments. The restaurant building shall not be greater than 2500 square feet and shall not have more than 50 chairs.

[Amended April 4, 2013, 13-000478-ZA; March 19, 2015, 15-000222-ZA]

- (h) A change from one nonconforming use to another shall be subject to the limitations set forth in sections 8-3133 and 8-3135 of this Code.
- (i) A change from one nonconforming use to another nonconforming use shall be permitted by the zoning administrator only 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.