

X.10 NONCONFORMITIES

Chapter 7 of the Charlotte Zoning Ordinance controls nonconformities in the TOD Districts unless specifically regulated by this section. In the case of conflict between a specific provision in this section and Chapter 7, this section controls.

X.10.1 Nonconforming Principal Buildings and Parking Structures

- A. Deemed Conforming.** All existing principal structures as of (*the effective date of this ordinance*) are deemed conforming in regard to the dimensional and design standards of the TOD District that they may not comply with. Once the principal structure is demolished, this deemed conforming status is null and void.
- B. Additions.** Additions to structures deemed conforming shall meet the following standards. If additions to the structure are incremental, this is calculated as the sum total of all expansions that occur after the (*effective date of this ordinance*).
1. When an addition does not exceed 25% of the gross floor area of the structure or 1,000 square feet, whichever is less, the addition must meet the standards of Sections X.2.B (Building Siting), X.2.C (Building Height), and X.2.D (Building Stepback).
 2. When an addition exceeds 25% of the gross floor area of the structure or 1,000 square feet, whichever is less, the addition must comply with the standards of the TOD Districts.
- C. Alterations.** Alterations to structures that have been deemed conforming cannot increase in the degree of nonconformity that previously rendered them.

X.10.2 Nonconforming Signs

Existing nonconforming signs are subject to the following:

- A. When a nonconforming sign is destroyed or damaged by fire, flood, wind, other act(s) of God, the sign may be repaired or restored to its original dimensions and conditions as long as a building permit for the repair or restoration is issued within 12 months of the date of the damage. In the event that the building permit is not obtained within one year, then the structure cannot be restored unless it conforms to all regulations.
- B. Normal maintenance and cleaning is permitted. The sign face of an existing nonconforming permanent sign may be replaced, but the structure cannot be altered to accommodate such change.
- C. No nonconforming sign and sign structure may be relocated, in whole or in part, to any other location on the same or other lot, unless the entire sign and sign structure conforms to all regulations applicable to the lot where the sign is to be relocated.
- D. Any alteration or increase in size of a nonconforming sign or sign structure is prohibited.

X.10.3 Nonconforming Site Landscape

All nonconforming landscape must be brought into conformance when the following occurs:

- A. A new principal structure is constructed on a site. This includes construction of a second principal structure on the site.
- B. A parking lot is reconstructed Including, repaving, resurfacing, or replacement of the asphalt, concrete, or other paving material. Resealing and/ or re-stripping of an existing parking lot is exempt.

X.10.4 Nonconforming Exterior Lighting

- A. All new exterior lighting must meet the standards of the TOD Districts.
- B. The Zoning Administrator may permit alterations to existing nonconforming lighting that brings such lighting into greater conformance but not entirely into conformance. (For example, if the fixture is replaced so that the lighting meets cut-off standards but remains nonconforming in terms of height, such action may be permitted by the Zoning Administrator.)