

Article 4: Nonconformities

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Section 4.1 Nonconforming Uses

§ 4.1.1 Nonconforming Uses of Land

The lawful use of land existing at the time of adoption of this ordinance, or of an amendment thereto, although such use does not conform to the provisions hereof, may be continued. However, in the event a use, which conformed to the provisions of the zoning ordinance in effect at the time established but does not conform to the provisions of this Ordinance is discontinued, as evidenced by lack of use for a period of at least one (1) year or for 18 cumulative months during any three (3) year period, any future use of said land shall be in conformity with the provisions of this ordinance.

§ 4.1.2 Nonconforming Uses of Structures

The lawful use of a structure, existing at the time of the adoption of this ordinance or of an amendment thereto, although such use does not conform to the provisions hereof, may be continued and such use may be extended throughout the structure, provided that no structural alterations are made, other than those necessary to assure the safety of the structure, and further provided that such extension does not displace a conforming use in a district established by this ordinance. However, should such nonconforming use be discontinued, as evidenced by a lack of use for a period of at least one (1) year or for 18 accumulative months during any three (3) year period, any future use of said structure shall be conformity with provisions of this ordinance.

§ 4.1.3 Uses Nonconforming by Virtue of Performance Standards

Uses which are nonconforming by virtue of noncompliance with the applicable performance standards of this ordinance, or as a result of a subsequent amendment thereto, may continue, but shall not be changed or modified in such a way as to increase the degree of noncompliance with said standards, and all additions to and expansions of such use shall comply with said standards.

§ 4.1.4 Conversion of a Nonconforming Use

A nonconforming use of a structure or lot may not be changed to another nonconforming use, except upon a finding by the Board of Zoning Appeals that the proposed nonconforming use is likely to be less detrimental to adjacent property than the current nonconforming use from which permission to change is sought.

Section 4.2 Nonconforming Buildings and Structures

§ 4.2.1 Nonconforming Signs

Nonconforming signs shall be subject to the provisions of Section 9.7 hereof.

§ 4.2.2 Restoration and Rebuilding Nonconforming Structures

- (a) Nonconforming buildings or structures may be reconstructed using the foundation footprint that existed prior to damage provided that if the cost to repair or rebuild (which means labor and materials only) exceeds 50% of the current appraised value and the pre-existing footprint is not used, all reconstruction shall be in accord with the provisions of this Ordinance and any other applicable state and federal regulations.

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- (b) Nonconforming residential structures existing prior to adoption of this ordinance that are damaged by fire or natural causes may be reconstructed to contain the same heated floor space as existed prior to such damage occurred, provided that the provisions of subsection (a) above are applied.

§ 4.2.3 Relocation of Nonconforming Structures

Nonconforming structures proposed for relocation to another lot or within the same lot of record are subject to the provisions of §3.1.1.

§ 4.2.4 Preauthorized Construction

If, before the effective date of this Ordinance, or amendment thereto, a building permit has been issued for a structure not in conformity with this Ordinance, or amendment of such, and if no construction has commenced in reliance on said permit, then any construction thereafter undertaken shall be in accordance with the provisions of this Ordinance.

Section 4.3 Nonconforming Lots of Record

§ 4.3.1 Use of Nonconforming Lots

In any zoning district, where a lot of record at the effective date of adoption of this Ordinance does not contain sufficient land area or dimensions to meet the requirements of the district in which is located, such lot may be used as a building site for any use that is a permitted use in the zoning district in which the lot is located; provided however that all structures on these lots must conform to as many of the lot and building requirements as possible and further shall meet minimum SC Department of Environmental Services (DES) regulations.

§ 4.3.2 Property Line Adjustments

Boundary line adjustments may be permitted between nonconforming lots (or between a conforming lot and a nonconforming lot) provided that the Zoning Administrator finds that the degree of nonconformity for any lot resulting from such boundary line adjustment is not increased due to such adjustments.

§ 4.3.3 Affects of Highway Realignment or Condemnation

Any lot, which by reason of realignment of a public highway or by reason of condemnation proceedings, has been reduced in size to an area less than that required by this Ordinance, shall be considered a nonconforming lot of record subject to the provisions set forth in this Ordinance; and any lawful use or structure existing at the time of such realignment or condemnation proceedings which would thereafter no longer be permitted under the terms of this Ordinance shall be considered a nonconforming use or structure as that term is used in this Ordinance.