

# Kershaw County Planning and Zoning Department

515 Walnut Street, Room 160, Camden, SC 29020 803-425-7233



## Nonconformities

### Section 3:2.3, Unified Code of Zoning and Land Development Regulations

#### **3:2.3-1 Existing Nonconforming Lots of Record**

Where the owner of a lot at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, such lot may nonetheless be used as a building site and the Building Official is authorized to issue a permit for the use of the property provided that all applicable setback requirements are not reduced below the minimum specified in this Ordinance by more than twenty-five (25) percent. Dimensional (setback) reductions greater than twenty-five (25) percent shall be referred to the Board of Zoning Appeals for consideration of a variance, observing normal review procedures. If, however, the owner of two or more adjoining lots with insufficient land dimensions decides to build on or sell off these lots, they must first be combined to comply with the dimensional requirements of this Ordinance.

#### **3:2.3-2 Existing Nonconforming Uses, Buildings, and Structures**

Nonconforming uses, buildings, or structures are declared by this Ordinance to be incompatible with permitted uses in the districts in which they are located.

However, to avoid undue hardship, the lawful use of any such use, building, or structure at the time of the enactment, amendment, or revision of this Ordinance may be continued in accord with the following provisions:

- A. The change of a tenant or change of ownership of a nonconforming use shall not affect the operation of the nonconforming use.
- B. Any nonconforming use may be changed to any conforming use. A nonconforming use may be changed to another nonconforming use which will have less of an adverse impact and will be more compatible with surrounding property than the current or previous nonconforming use.
- C. Normal maintenance, repair, or improvement of a nonconforming building or of a building occupied by a nonconforming use is permitted.
- D. A nonconforming use or building shall not be enlarged or extended by more than ten (10) percent of the gross floor area or yard area in the case of outside storage or truck unloading. Where such enlargement is proposed, it shall be allowed only if all applicable setbacks, buffer areas, and off-street parking requirements are met. Enlargements or extensions greater than ten (10) percent shall be referred to the Board of Zoning Appeals for a variance.
- E. A nonconforming use or building shall not be re-established, reoccupied, or replaced after discontinuance of the use or structure for a period of 365 days.
- F. Nonconforming manufactured housing may be re-occupied or replaced in accordance with section E above after discontinuance of use, damage, or destruction for a period of up to 1,095 days (three years) if the owner-occupant can demonstrate exceptional hardship to the Board of Zoning Appeals. Fees for such petition to the Board of Zoning Appeals shall be waived.
- G. A nonconforming mobile home and/or a nonconforming manufactured home, once removed, shall not be replaced by a mobile home, but may be replaced by a manufactured home, provided such manufactured home is in full compliance with the requirements of the manufactured housing installation, license, and registration regulations of this Ordinance.
- H. No building which has been damaged by any cause whatsoever to the extent of more than fifty (50) percent of the fair market value of the building immediately prior to the damage shall be restored

except in conformity with the regulations of this Ordinance, and all rights as a nonconforming use are terminated. If a building is damaged by less than fifty (50) percent of the fair market value, it may be repaired or reconstructed if work is substantially completed within twelve (12) months of the date of such damage. The provisions of this subsection shall not apply to any bona fide residence, including manufactured homes used for residential purposes. Said uses may be reestablished regardless of the extent of damage.