

ARTICLE IV

GENERAL PROVISIONS

400. **Nonconforming Buildings or Uses.** Nonconforming buildings or land uses are declared by this Ordinance to be incompatible with permitted uses in the Districts involved. However, to avoid undue hardship, the lawful use of any building or land use at the time of enactment or amendment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance except that the nonconforming building or land use shall not be:
- 400.1 Changed to another nonconforming use, regardless of intent; *(Amended Ord. 2012-27)*
 - 400.2 Reused or reoccupied after discontinuance of use or occupancy for a period of 180 days or more or complete season in the case of a seasonal use. A commercial establishment rendered nonconforming by the presence of an off-site sign shall not be subject to this provision. *(Amended Ord. 99-84)*
 - 400.3 Reestablished, reoccupied or replaced with the same or similar building, structure or mobile home after physical removal or relocation from its specific site location at the time of passage of this Ordinance, regardless of intent. A nonconforming mobile home shall not be replaced after it is removed or relocated. This section shall not apply to a single mobile home located within a mobile home park. *(Amended Ord. 2012-27)*
 - 400.4 Reconstructed or rebuilt if the structure is deemed vacant, dilapidated and unsafe due to decay evidenced by one or more of the following conditions; failing structural members, collapsed roof, crumbling walls, dangerous electrical system, lack of plumbing, failing foundation or other life or health threatening condition. The Building Official shall make this determination which shall include a finding that the structure is not repairable and any attempt would actually result in construction of a new structure. *(Amended Ord. 2012-27)*
 - 400.5 Repaired, rebuilt, or altered after damage exceeding seventy (70%) percent of its replacement cost at the time of destruction, regardless of intent. Reconstruction or repair, when legal, must begin within six (6) months after damage is incurred or completed before the next season in the case of seasonal structures. Any other repair, rebuilding or alteration must be completed within one (1) year of the start of construction. An extension of six (6) months may be granted if building materials or labor is not available or if bona fide insurance problems prevent commencement. This section applies to circumstances when a structure is damaged by a single, natural event such as fire or a storm and not lack of maintenance. *(Amended Ord. 2012-27)*

401. **Nonconforming Building or Use Discontinuance.** Not with standing other provisions of this Ordinance, certain nonconforming buildings or land uses, after this Ordinance is enacted into law, shall be discontinued and/or shall be torn down, altered or otherwise made to conform with this Ordinance within the periods of time set forth below. Upon application to the Board of Appeals, the Board, either according to general rule or upon findings in the specific case, may permit not more than one extension as indicated below. Notice shall be sent by the Zoning Administrator to all nonconforming uses stating wherein they do not conform to said Ordinance and stating the date by which they must either comply or cease to exist. The date that a nonconforming use must either comply or cease to exist shall be measured from the date of enactment or amendment of this Ordinance and shall be observed regardless of whether notice of nonconformity is sent by the Zoning Administrator or received by the affected owner.

401.1

<u>Nonconformities</u>	<u>To Be Discontinued Within</u>	<u>Extension Permitted</u>
Wrecking, junk, scrap, or salvage yards and other open uses of land, automotive storage and sales lots, outdoor storage yards for lumber, building materials, contractor's equipment and junk motor vehicles not possessing current license plates.	One Year	6 Months
Fences and hedges impeding vision at intersections.	30 Days	30 Days
Nonconforming on site signs	Change In Use	None

402. **Mobile Homes.** Mobile homes on individual lots shall be permitted in all residential districts except Resort Residential Districts, R-10 Districts, General Resort Residential Districts and Medical Districts, provided that:

402.1 Such use conforms to all requirements set forth for that district;

402.2 No more than one (1) mobile home is located on a given lot;

402.3 The mobile home in question constitutes the principal use of that lot and no other residence or other principal structure is located on the lot;

402.4 The mobile home shall be placed on a permanent foundation, properly anchored and underpinned in conformance with regulations published by the American National Standards Institute (ANSI/NFPA 501A);

402.5 The mobile home meets all structural standards established by the State of South

Carolina and is in conformance with regulations published by the American National Standards Institute (ANSI/NFPA 501B) regarding the construction of mobile homes;

402.6 Such use shall be deemed to have adequate water, sewer and other service facilities meeting standards established by the S.C. Department of Health and Environmental Control, the American National Standards Institute or the Georgetown County Building and Housing Codes, whichever may be applicable; and,

402.7 Such use shall conform to all standards intended to reduce flood hazards as would be required for on-site construction under this and other ordinances of the County.

A public or private utility department, company or corporation shall not connect utilities, begin service, turn on water, electricity or gas or in any way furnish service to a mobile home until the mobile home owner or lessee shall present a valid mobile home permit, signed by the Building Inspector.

403. **Churches, Synagogues, Temples and Other Places of Worship.** Places of religious worship shall be permitted in all zoning districts except Limited and Heavy Industry, provided that:

403.1 Such use is housed in a permanent structure;

403.2 Such use conforms to all requirements set forth for that district, including architectural requirements if commercially zoned and located in an overlay district. *(Amended Ordinance 2015-23)*

404. **Vision Clearance.** In all districts, there shall be no plants or structures placed in any yard portion of a lot that would obstruct the vision of auto or pedestrian traffic using the street.

405. **Ingress and Egress.** A plan for adequate and safe ingress and egress for all land uses shall be required by the Zoning Administrator.

406. **Flood Protection.** Any structure proposed to be located within any flood prone area shall conform to the Flood Damage Prevention Ordinance of Georgetown County.

407. **Parking and Storage of Certain Vehicles.** Automotive vehicles or travel trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in a completely enclosed building.

408. **Water and Air Pollution.** All uses must satisfactorily comply with the requirements of the S.C. Department of Health and Environmental Control, the Georgetown County Health

Department and the South Carolina Pollution Control Authority regarding the protection of waterways and atmosphere from pollution by dust, smoke or other waste material.

409. **Front Yard Setback on US Highway 17.** All buildings and structures shall be required to meet a 90 foot setback from US Highway 17 right-of-way throughout the County, regardless of whether a setback is deemed front, rear, or side. In Murrells Inlet, only US Highway 17 Bypass shall be included in the 90 foot setback provision. *(Amended Ord.2007-11)*
410. **Street Frontage.** Except as herein provided, no building shall hereafter be erected, constructed, moved or relocated on a lot which does not have at least fifty (50) feet of frontage on a publicly dedicated and accepted or publicly maintained street, except:
- 410.1 Lots fronting on cul-de-sacs may have a minimum road frontage of thirty (30) feet if the lot is at least fifty (50) feet in width at the building line;
- 410.2 Condominiums and townhouses may be excluded from this provision with the approval of the Planning Commission;
- 410.3 Lots located on a private street in minor subdivisions or planned developments, which are shown on a properly approved and recorded plat upon which said private street is so designated; and,
- 410.4 Where a lot exists prior to the adoption of the Zoning Ordinance without any frontage, the Planning Commission may determine if private access is adequate for the development of the lot; however, if the owner of the lot owns an adjoining lot with street access, he must combine said lots to comply with this section. This exception only applies to lots separately owned since the enactment of this Ordinance (January 1, 1974).
- 410.5 Lots created in a Minor Subdivision of three or fewer lots and fronting on a shared driveway, which shall be a recorded access easement, as provided for in Article 2, Section 3-10 of the Georgetown County Land Development Regulations. *(Amended Ord. 2017-16)*
411. **Accessory Structures.** An accessory structure, which requires a building permit, may be located in the rear setbacks no closer than five (5) feet from the property line provided that: *(Amended Ord.2009-27)*
1. No accessory structure in this portion of the setback shall exceed twelve (12) feet in height as defined in Section 322 of this ordinance which states that height is the vertical distance measured from the finished grade at the building line to the midpoint on the roof between the eave and the ridge.
 2. No accessory structure shall contain habitable area;

- 3. In addition, corner lots may apply this provision to the interior, non-street side yard setback only. The corner setback for the appropriate Zoning District would still apply.
- 4. This provision shall apply to residential uses only in any zoning district. *(Amended Ord 2010-28)*

- 412. **Corner Lots.** In the case of any lot that adjoins two streets, yards abutting streets shall be treated as front yards. On the major of 2 streets, the first (1st) front set back requirements, shall be (100%) of front yard setback requirements for the district. On a minor street the second (2nd) front setback requirement, shall be 66% of the front yard setback requirements of the district. For corner lots abutting US Highway 17, except in Murrells Inlet on US Business 17, the setback requirement shall be 90 feet as required in Section 409 of this ordinance. *(Amended Ord. 2007-11)*

- 413. **Elevation of Buildings.** All buildings shall be elevated to help eliminate flooding, in that the finished floor shall be elevated at least eighteen inches above the grade of the lot or the grade of the street, whichever is less, or when this is not practical because of unusual conditions, the Building Inspector shall determine the appropriate elevation.

- 414. **Customary, Incidental Home Occupation.** In any residential district, a customary, incidental home occupation as defined in Article III, Section 334, is permitted.

- 415. **Cabanas, Docks, Dune Crossovers and Boardwalks.** Cabanas, docks, dune crossovers and boardwalks shall be permitted in all zoning districts provided that such structures meet all applicable State and Federal standards for location and design.
 - 415.1 Boardwalks or crossovers shall not exceed 6 feet in width unless otherwise permitted by the State.
 - 415.2 Only one cabana, dock, dune crossover and/or boardwalk shall be permitted on a lot.

- 416. **Body Piercing.** Body piercing shall be permitted as an accessory use only in General Commercial or Medical Districts, inside state-licensed health care establishments engaged in the science and art of preventing, curing or alleviating disease, including medical, surgical, psychiatric, chiropractic, osteopathic, and dental hospitals, clinics and offices; but excluding veterinary clinics, and health clubs, gymnasiums, and associated uses.

- 417. **Incidental Vehicle Sales.** Automobiles, trucks, recreational vehicles, and boats/boat trailers placed in the right-of-way or on public property, for the purpose of exposure and with the intent to sale shall be considered incidental vehicle(s). These vehicle(s) have been declared by Section 401.1 as non-conforming use(s) and shall not be permitted. *(Amended Ord. 2004-03)*

- 417.1 The sale of one or more incidental vehicle(s) shall conform to the requirements for the establishment of a commercial vehicle sales business and the regulations as set forth in this ordinance.
- 417.2 Further, incidental Vehicle Sales shall not be permitted as a street side vending operation.
- 417.3 This is not meant to prohibit a private property owner the private property for the purpose of sale.
- 417.4 Failure to comply with these requirements shall be subject to the Penalties for Violation as contained in Article XV, Section 1505 of this ordinance.
418. **Traffic Impact Analysis.** Any development or use shall comply with the requirements of the County Code Chapter 15, Article V, Transportation, prior to development. *(Amended Ord.2004-26)*
419. **One Principal Structure on a Lot.** Only one principal structure and its customary accessory structures may hereafter be erected on any lot, except that condominiums, townhouses, motels, shopping centers and office parks may be excluded from this provision with the approval of the Planning Commission and County Council. Also excluded shall be a principal commercial structure with four or fewer uses when they are owned or managed as a unit. Such projects shall also comply with all other management, parking and buffering requirements. This section shall not apply in situations otherwise addressed by another section of the Zoning Ordinance. *(Amended Ord. 2011-41)*
420. **Swimming Pools.** Swimming pools may be either above-ground or in-ground and shall be allowed in all residential and commercial zoning classifications as an accessory structure. Swimming pools shall be located outside of the front-yard setback and may be located within five (5) feet of the rear and side property lines. Pools are not exempt from Section 809 of this Ordinance.
421. **Air-supported Membrane Structures.** Air-supported membrane structures are allowed in all residential and commercial zoning classifications, unless addressed elsewhere in this ordinance, and shall be located to the rear of the principle structure. Such structures may be located within five (5) feet of the rear and side yard property lines and shall be required to meet all building and fire protection regulations. Air-supported membrane structures are not exempt from other requirements established in this ordinance. *(Amended Ord.2009-27)*
422. **Outdoor Products Display.** (Related to On-Site Business) In all zoning districts, all products or stock shall not be placed in any road right-of-way. Additionally, no product or stock may be placed in any easement owned by Georgetown County unless the County grants written permission. *(Amended Ord. 2013-01)*

- 422.1 Commercial or industrial products or stock shall not be displayed outdoors in the Office Commercial District (OC) or Medical District (MD). Products shall not be openly displayed in relation to any home occupation.
- 422.2 Commercial Products or stock may be displayed provided;
- A. The Product or stock shall not be displayed in a manner that could be considered on-site signage.
 - B. The product or stock shall not be attached to or suspended to structures, trees, utility poles, fences or existing signage.
 - C. The product or stock shall not be placed in a required perimeter landscape buffer or displace any required parking.
 - D. No product or stock shall be placed in a manner that obstructs the vision of vehicular or pedestrian traffic using any street, driveway, bike path or walkway. All outdoor display products must meet Section 404. Vision Clearance of this Ordinance in addition to the above.
- 422.3 Nothing in this Section is intended to allow open storage of bulk materials such as by way of example concrete blocks, dirt, lumber or raw materials used in manufacturing processes.
423. **Filming Activities.** Georgetown County Ordinance No. 2013-43 regulates all filming activities within Georgetown County. These activities do not fall under the purview of the Zoning Ordinance. (*Amended Ord. 2013-57*)
424. **Farm Animals, Poultry, Fowl and Livestock On A Residential Lot.** These subjects are specifically addressed in the Forest Agriculture (FA), Forest Agriculture/Residential (FA/R), Forest Agriculture/Commercial (FA/C) and Conservation Preservation (CP) districts. Farm animals, livestock, poultry and fowl are not permitted in the Resort Residential (RR), General Resort Residential (GRR), Neighborhood Commercial (NC), Resort Services (RS), Resort Commercial (RC), Medical (MD), Office Commercial (OC), Mobile Home Park (MHP), General Residential (GR), 6,000 Square Feet Residential (R-6), 8,000 Square Feet Residential (R-8), Rural Village Commercial (RVC) and General Commercial (GC) districts. In the Five Acre Residential (R-5AC), One Acre Residential (R-1) Three Quarter Acre Residential (3/4 AC), One Half Acre Residential (R ½ AC), 10,000 Square Feet Residential (R-10), 10,000 Square Feet Mobile Residential (MR-10) and 10,000 Square Feet Village Residential (VR-10) districts, poultry and fowl are allowed as a conditional use subject to

the following. Farm animals and livestock are not allowed. *(Amended Ord. 2015-50)*

424.1 Male birds are not allowed, only hens;

424.2 Four (4) birds are allowed for every ten thousand (10,000) square feet of land in a parcel, however a maximum of sixteen (16) birds shall be permitted on any one parcel;

424.3 No bird enclosure is allowed within fifty (50) linear feet of another dwelling not owned by the person owning the birds and within fifteen (15) feet of a property line;

424.4 All birds must be in an enclosure from which they cannot escape;

424.5 In the event a bird is slaughtered, it must be done in an enclosed structure so that the activity is not visible from another private property or a public right-of-way;

424.6 This ordinance is not intended to address traditional pets. By example, dogs, cats, parakeets, rabbits and pot-bellied pigs are not addressed by this ordinance unless the owner is operating a commercial business in a residential district.

425. Commercial Helicopter Operations. Commercial helicopter operations, as defined in Section 306.10, shall only be allowed to operate upon the premises of a Public Use Airport or the following zoning districts: Forest Agriculture, Limited Industrial and Heavy Industrial. *(Amended Ord. 2016-37)*

425.1 Helicopter operations that are incidental and subordinate to routine hospital, emergency medical, law enforcement, firefighting, and federal/state military activities are not subject to the provisions of Section 425.

425.2 Helicopter operations that are non-commercial in nature and intended for private uses, being demonstrated by the absence of the exchange of anything in value for the services of the rotary-wing aircraft, are not subject to the provisions of this Ordinance.

