

## 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;

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;

400.4 Repaired, rebuilt, or altered after damage exceeding seventy (70%) percent of its replacement cost at the time of destruction. 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. An extension of six (6) months may be granted if building materials or labor is not available;

400.5 Enlarged or altered (refers to a nonconforming use) in excess of an additional twenty (20%) percent of the original existing floor area, in a way which increases its nonconformity, provided that such expansion meets all other requirements of the district;

400.6 Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

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><b>Nonconformities</b></u>	<u><b>To Be Discontinued Within</b></u>	<u><b>Extension Permitted</b></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.	<b>One Year</b>	<b>6 Months</b>
Fences and hedges impeding vision at intersections.	<b>30 Days</b>	<b>30 Days</b>
Nonconforming on site signs	<b>Change In Use</b>	<b>None</b>

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; and,
- 403.3 Such use is located on a lot not less than one (1) acre in area.
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 with 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).
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;
  - 2. No accessory structure shall contain habitable area;
  - 3. Corner lots may apply this provision to one side yard setback
  - 4. This provision shall apply to residential uses only in any zoning district.
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 329, 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 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 XII, Section 1208 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 and shopping centers may be excluded from this provision with the approval of the Planning Commission. Also excluded shall be a principal commercial structure with two or three uses when they are owned or managed as a unit. This section shall not apply in situations otherwise addressed by another section of the Zoning Ordinance. *(Amended Ord. 2007-56)*
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 810 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)*