

## ARTICLE 3.0: NONCONFORMING DEVELOPMENTS

### **Section 3.10 Nonconformities in General**

Except as otherwise provided herein, existing structures and the lawful use of land or buildings existing at the effective date of this Ordinance may be continued, although such use, lot or structure does not conform to the provisions hereof.

### **Section 3.20 Nonconforming Uses**

Uses of land or structures, which were lawfully established prior to the adoption of this Ordinance or any amendment thereof, but do not meet the provisions of this Ordinance may be continued provided such use shall not be:

- (a) Changed to another nonconforming use.
  
- (b) Reused or re-occupied after discontinuance of use or occupancy for a period of one year or more or eighteen (18) cumulative months in a two (2) year period.

### **Section 3.30 Nonconforming Structures**

Buildings or structures, which were lawfully constructed prior to the adoption of this Ordinance or any amendment thereof, but do not meet the provisions of this Ordinance may continue to exist, provided:

#### **§3.30.10**

A nonconforming structure shall not be re-established, re-occupied or replaced with the same or similar building structure if physically removed or relocated from its specific site location after passage of this Ordinance, with the exception of property covered by the South Carolina Coastal Tidelands and Wetlands Act 48.39 Coastal Management Act and related laws dated July 1, 1988. (See §9.20)

#### **§3.30.20**

A nonconforming building or structure shall not be repaired, rebuilt or altered after damage in such a way as to increase the extent of its pre-damage non-conformity; provided that a destroyed structure may be rebuilt in its original footprint.

**§3.30.30**

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

**§3.30.40 Nonconforming Structure Modification**

In the event that a nonconforming structure is modified to (a) increase its gross floor area by more than fifty percent (50%) of the existing structure or (b) increase its current appraised value of the structure by more than fifty percent (50%), the entire structure shall become subject to this Ordinance and shall be brought up to the standards and shall comply with the requirements contained therein. Periodic renovations over a five (5)-year period shall not increase the gross floor area or appraised value by more than 50% of the floor area of appraised value of the structure at the time the first renovation was permitted. (Ordinance 2004-04, 8/24/04)

**Section 3.40 Nonconforming Lots**

**§3.40.10 Nonconforming Lots of Record**

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 it 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 that all structures on these lots must conform to the minimum front and side yard requirements set forth in this Ordinance for the district in which the lot is located. (Ordinance 2004-04, 8/24/04)

**§3.40.20 Boundary Line Adjustments**

Boundary line adjustments may be permitted between nonconforming lots (or between a conforming and 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. (Ordinance 2004-04, 8/24/04)

**§3.40.21** Boundary lines between nonconforming lots that have previously been adjusted or deleted in accord with provisions of this Ordinance and/or the Town Code may be re-established in their original location provided that all provisions of this Ordinance including setback and lot coverage requirements (§7.50.10.10) are satisfied. (Ordinance 2003-02, 5/27/03)

**§3.40.22** In no event shall a nonconforming lot be used to create one or more nonconforming lots, except as provided under this Ordinance. Further, no person

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shall apply for a variance arguing a hardship based upon an attempt to re-establish a lot line, which has previously been abandoned, if said re-established lot line does not permit full compliance with all applicable ordinances. (Ordinance 2003-02, 5/27/03)