



Planning and Development Services • Zoning Division
1136 Washington Street, Columbia, SC 29201 • Phone: 803-545-3333 • Fax: 803-733-8699

Application for Certificate of Zoning Compliance-Nonconforming

The City of Columbia Zoning Division requires that you include proof of occupancy or use with your submittal.

1. Location: _____ TMS # _____ Zoning District _____
2. Existing Nonconforming: Lot _____ Structure _____ Building _____
3. Present use: Number and types of businesses _____
Number of dwelling units: _____ Number of rooming units _____
4. Specifically, wherein does this building, structure, lot, or use not conform to the Zoning Ordinance: _____
5. Square feet for business use: _____ Square feet for residential use: _____
6. Number of employees: _____ Number and types of trucks _____
7. Number of off-street parking spaces: _____ Number and size of signs: _____
8. Illuminated signs or structures (please describe) _____
9. Year nonconformity created: _____ Proof of date: _____
10. Was it legal as of August 30, 2021? Yes _____ No _____
11. Show addresses of any adjacent lots owned: _____
12. Replacement value of nonconforming building or structure: \$ _____
13. Has vacancy, abandonment, or discontinuance of use or characteristic of use occurred for any period over 12 consecutive months? _____
14. If this involves a nonconforming use; is that use presently being carried on? _____
If 'no' when was it discontinued? _____
15. Have you been informed and understand §17-7.2 and §17-7.3 pertaining to continuance of nonconforming structures and uses? Yes _____ No _____

DATE

OWNER/AGENT

DO NOT WRITE BELOW THIS LINE

CERTIFICATE OF ZONING COMPLIANCE NONCONFORMING

This is to certify that in reliance upon the above application and other inquiry, I find the property shown above does not conform to the standards or provisions of the City of Columbia Zoning Ordinance in that

Further I find that as it existed and was used on August 30, 2021 it was a legal lot, structure, or building, being legally used and as such it is a legal nonconformity under the terms of the applicable sections of Article VII.

This certificate is voidable if any misleading or false statements are found to exist in this application.

Zoning Administrator

Date

ARTICLE 7: NONCONFORMITIES

(a) Purpose and Intent

(1) Within the districts established by this Ordinance, there exist lots of record, structures, uses of land and structures, and signs, and other site features that were lawfully established before this Ordinance was adopted or amended, that now do not conform to the terms and requirements of this Ordinance. The purpose and intent of this Article is to regulate and limit the continued existence of those lots of record, structures, uses of land and structures, signs, and other site features that do not conform to the provisions of this Ordinance or any amendments thereto.

(2) It is the intent of this Article to permit these nonconformities to continue until they are removed, but not to encourage their survival except under the limited circumstances established in this Article. It is the further intent of this article that nonconformities shall not be enlarged upon, expanded or extended, reconstructed to continue nonconformity after major damage, or used as grounds for adding other structures or uses prohibited elsewhere in the same district. The provisions of this Article are designed to curtail substantial investment in nonconformities to preserve the integrity of this Ordinance.

(b) Authority to Continue

Nonconformities are allowed to continue in accordance with the requirements of this Article.

(c) Determination of Nonconformity Status

In all cases, the burden of establishing that a nonconformity lawfully exists shall be on the owner of the land on which the purported nonconformity is located. The Zoning Administrator may issue a Certificate of Zoning Compliance upon acceptance of reasonable proof that the nonconformity was lawfully in existence at the time of the effective date of this ordinance and has not been vacant, abandoned, or discontinued for any period of 12 consecutive months within the last six years.

(d) Minor Repairs and Normal Maintenance

(1) Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part of a building declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, lots of record, signs, and other site features in a safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming use, structure, lot of record, or sign. For the purposes of this Section, "minor repair or normal maintenance" shall mean:

- a. Repairs that are necessary to maintain a nonconforming use, structure, lot of record, sign, or other site feature in a safe condition;
- b. Repairs that are necessary to correct any damage or deterioration to the structural soundness or interior appearance of a structure without altering the structure;
- c. Maintenance of land areas to protect against health hazards and promote the safety of surrounding uses; and
- d. Repairs and maintenance of nonconforming signs, such as repainting and electrical repairs, whose costs do not exceed 25 percent of the replacement cost of the sign.

(2) Ordinary repairs, including repair or replacement of nonbearing walls, fixtures, wiring, and plumbing, may be done on any building devoted in whole or in part to a nonconforming use, if:

- a. The cubic content of the building as it existed at the time the nonconformity was created by this Ordinance, or any amendment thereto, is not increased; and
- b. A declaration of nonconforming use is filed with the Zoning Administrator prior to any work beginning.

(e) Change of Tenancy or Ownership

Changes of tenancy, ownership, or management of an existing nonconformity are permitted, and in such cases the nonconforming situation shall continue to be subject to the requirements of this Article.

Sec. 17-7.2

(a) General

Nonconforming uses are declared generally incompatible with the permitted uses in the district in which they are located and with the provisions of this Ordinance. Nonconforming uses shall be subject to the standards in this Section.

(b) Reestablishment

- (1) Except in accordance with subsection (2) below, a nonconforming use shall not be reestablished after vacancy, abandonment, or discontinuance for any period of 12 consecutive months, not including time during which the structure where the use was located is reconstructed, provided, the timing requirements for reestablishment of a nonconforming structure in Sec. 17-7.3(b), Reestablishment after Demolition, Damage, or Destruction, shall apply.
- (2) Within the OV-5P, OV-ID, OV-NMC, or OV-CC district, a nonconforming use may be established after vacancy, abandonment, or discontinuance of a prior nonconforming use for any period of up to 36 consecutive months, if the Board of Zoning Appeals issues a Special Exception Permit in accordance with Sec. 17-7.2(c), Change of Use.
- (3) Where a nonconforming use has been replaced by a conforming use, the nonconforming use may not be reestablished at any time.

(c) Change of Use

A nonconforming use shall not be changed to any other nonconforming use unless the Board of Zoning Appeals approves a Special Exception Permit in accordance with Sec. 17-2.5(e), Special Exception Permit, for the proposed nonconforming use after finding that the proposed nonconforming use is more in character with the uses permitted in the district than the use it replaces. In permitting the change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with the purpose of this Article.

(d) Expansion and Enlargement

(1) Area Occupied by Nonconforming Use

A nonconforming use shall not be enlarged, expanded in area occupied, or intensified, except a nonconforming use may be enlarged into any area of the same structure in which it is located which was manifestly arranged or designed for such use prior to the date the use became a nonconformity, provided the use shall not be extended to occupy land outside the structure.

(2) Structure Devoted to Nonconforming Use

A structure devoted to a nonconforming use shall not be enlarged, extended, constructed, moved, or structurally altered except to change the use of the structure to a use permitted in the zoning district in which the structure is located.

(e) Temporary Nonconforming Uses

A Temporary Use Permit may be issued by the Zoning Administrator for an appropriate period of time not to exceed 12-month increments for nonconforming buildings, structures, or uses incidental to building construction or land development or deemed to be generally beneficial, provided that the owner of that temporary nonconforming use agrees to remove the temporary nonconforming use upon expiration of the Temporary Use Permit.

Sec. 17-7.3

(a) Enlargement

A nonconforming structure shall not be enlarged or expanded in a way that increases the degree of nonconformity. (For example, a structure that has a five-foot side yard setback where the Ordinance requires a ten-foot side yard setback cannot be enlarged so as to further encroach into the side yard setback.) Expansion of the structure in a way that complies with applicable dimensional standards or that decreases the degree of nonconformity is permitted.

(b) Reestablishment after Demolition, Damage, or Destruction

- (1) A nonconforming structure shall not be reestablished as a nonconforming structure after demolition, damage, or destruction, except in accordance with subsection (2) below.
- (2) A nonconforming structure that sustains damage exceeding 75 percent of the replacement cost of the structure at the time of damage shall not be rebuilt, altered, or repaired except in conformity with this Article, provided the rebuilding, alteration, or repair shall:
 - a. Begin within six months from the time of damage; and
 - b. Be completed within 12 months after the issuance of a building permit.

(c) Relocation

A nonconforming structure shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless upon relocation it conforms to the requirements of this Ordinance.

(d) Conversion to Another Use

The use of a structure which is nonconforming due to its failure to comply with intensity and dimensional standards in Article 3: Zoning Districts, (e.g., height, setbacks, lot area, etc.) may be changed to a use that is permitted in the district in which the structure is located, if no further encroachment is made as defined by the intensity and dimensional standards in Article 3: Zoning Districts, (e.g., into required yards)