

ORDINANCE NO.: 2008-112

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 2, Administration, Enforcement and Penalties, Sec. 17-84, Certificate of zoning compliance (b) Nonconforming uses

BE IT ORDAINED by the Mayor and Council this 3rd day of June, 2009, that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 2, Administration, Enforcement and Penalties, Sec. 17-84, Certificate of zoning compliance, (b) Nonconforming uses, is amended to read as follows:

Sec. 17-84. Certificate of zoning compliance.

(a) *Required.* It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partially altered or enlarged in its use or structure until a certificate of zoning compliance shall has been issued therefore by the zoning administrator stating that the building or proposed use of the building or land conforms to the requirements of this article.

(b) *Nonconforming uses.*

(1) Upon enactment or amendment of provisions of this article, owners or occupants of uses made nonconforming shall apply for certificates of zoning compliance for the purpose of establishment of vested interest in those nonconforming uses, and the zoning administrator may issue those certificates upon acceptance of reasonable proof that the nonconformity was in existence at the time of such enactment or amendment, and certificates of zoning compliance issued upon such applications shall state specifically wherein the nonconforming use differs from the requirements of this article. In instances where the building official finds that a residential structure was originally constructed in the manner for which it or the associated use has now been deemed nonconforming, the zoning administrator may issue those certificates upon acceptance of reasonable proof that the nonconformity has not been vacant, abandoned or discontinued for any period of 12 consecutive months within the last 6 years.

(2) After the issuance of a certificate of zoning compliance for nonconforming uses and/or structures, the zoning administrator shall conspicuously post, on or adjacent to the property affected, one notice for every 100 feet of street frontage or portion thereof. At least one such notice shall be visible from each public thoroughfare that abuts the property. Such notice shall be posted on the same day that the certificate is issued by the zoning administrator. Such notice shall indicate the nature of the nonconformity, identification of the property affected, the date the certificate declaration of nonconforming was issued, where information may be examined, when and how written comments may be received by the zoning administrator, and date by which an appeal must be filed.

(3) Written notice of the issuance of a certificate of zoning compliance for nonconforming uses and/or structure shall be mailed by the zoning administrator on the same day that the certificate is issued by the zoning administrator to all owners of property contiguous to and directly across a thoroughfare from the property for which a certificate has been requested. Mailing address shall be derived from the most recent owner(s) name and address as is set forth on the real property tax

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notice for the then current year issued by the Richland or Lexington County Treasurer's Office. The notice shall contain the same information as required of properties posted for these certificates.

(4) The failure to post and deliver the notification as provided in this section shall not invalidate a certificate of zoning compliance.

(c) *Temporary certificate.* A temporary certificate of zoning compliance may be issued by the zoning administrator and other officials or agencies where additional approval is required, and shall authorize only the use, arrangement or location set forth in the approved plans and applications. Location or construction at variance with that authorized shall be deemed a violation of this article, punishable as provided in this article.

Requested by:

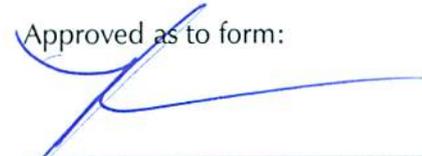
Development Services _____


MAYOR

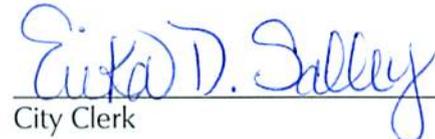
Approved by:


Interim City Manager

Approved as to form:


City Attorney

ATTEST:


City Clerk

Public Hearing: 5/20/2009

Introduced: 5/20/2009

Final Reading: 6/3/2009