



## Staff Report

Subject: Text Amendment Zoning Ordinance – Sections 3.24-3.26 Nonconformities

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Department: Development Services

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## REQUEST

Staff is requesting a text amendment to Appendix C, Article III, Sections 3.24–3.26 – Nonconforming Buildings, Structures, Lots, and Uses of the Effingham County Code of Ordinances to revise and clarify standards related to nonconforming properties.

## BACKGROUND

The existing nonconforming standards were adopted to address legally established uses, structures, and lots that do not meet current zoning requirements. Since adoption, staff has identified areas where additional clarity and refinement are needed to:

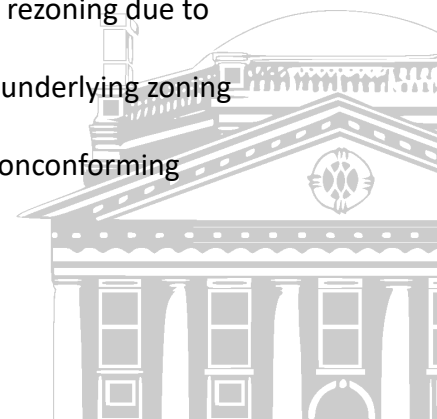
- Ensure consistent interpretation of nonconforming provisions
- Improve administration of nonconforming lots and structures
- Align standards with current planning practices and the Comprehensive Plan
- Reduce ambiguity in expansion, discontinuance, and rebuilding provisions
- Modernize outdated language and thresholds

The proposed amendment refines existing language rather than introducing new regulatory concepts.

## PROPOSED AMENDMENT

The amendment modifies Sections 3.24–3.26 to:

- Increase allowable expansion of nonconforming structures from **25% to 50%** of gross floor area
- Clarify that expansions must not increase the degree of nonconformity and must comply with current standards to the maximum extent practicable
- Extend discontinuance period from 6 months to 12 months before loss of nonconforming status
- Clarify reconstruction thresholds using fair market value (75%) rather than reproduction value
- Extend rebuilding timeframe from 1 year to 2 years, with allowance for extensions
- Clarify that legally existing nonconforming lots may be developed without rezoning due to dimensional nonconformity alone
- Reinforce that the number of dwelling units permitted is governed by the underlying zoning district
- Provide clearer standards for relocation, replacement, and expansion of nonconforming structures and uses



## STAFF ANALYSIS

### Consistency with Ordinance Intent

The proposed amendment is consistent with the intent of the zoning ordinance to:

- Promote orderly development
- Preserve property rights while limiting expansion of nonconformities
- Provide clear and objective standards

### Clarification of Nonconforming Rights

The amendment clarifies that legally existing nonconforming properties may continue and be reasonably maintained, while limiting expansion that would intensify nonconformity.

### Improved Development Flexibility

Increasing the expansion allowance to 50% provides property owners with reasonable flexibility while maintaining safeguards to prevent increased nonconformity.

### Modernization of Standards

The update replaces outdated terminology and thresholds with more commonly used planning metrics, including:

- Fair market value for damage determinations
- Extended timelines for reconstruction and discontinuance

### Administrative and Enforcement Benefits

The amendment:

- Reduces ambiguity in interpretation
- Improves consistency in staff review
- Supports defensible zoning determinations
- Aligns code language with current practices

## FACTS & FINDINGS

Staff has reviewed the proposed text amendment and makes the following findings:

1. The proposed amendment promotes the health, safety, and welfare of the public. The amendment ensures that nonconforming properties are regulated in a manner that balances property rights with public safety and development standards.
2. The amendment provides clear and objective standards for administration of the ordinance. Updated language clarifies expansion limits, discontinuance periods, and reconstruction thresholds, improving consistency in application.
3. The amendment is consistent with the intent of the zoning ordinance. The changes reinforce the goal of allowing continuation of nonconformities while limiting their expansion.
4. The amendment supports orderly and compatible development patterns. By requiring compliance with current standards to the maximum extent practicable, the amendment promotes compatibility with surrounding properties.

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5. The amendment will not adversely impact surrounding properties or increase intensity beyond what is permitted.  
Expansion allowances are limited and structured to prevent increased nonconformity.
6. The amendment improves enforceability and reduces potential zoning conflicts.  
Clearer standards reduce misinterpretation and provide a stronger basis for staff decisions.

### **COMPREHENSIVE PLAN CONSISTENCY**

The proposed amendment is consistent with the Comprehensive Plan by:

- Supporting reinvestment in existing properties
- Encouraging maintenance and improvement of older structures
- Maintaining compatibility with surrounding land uses
- Promoting efficient and sustainable development patterns

### **PUBLIC IMPACT**

The amendment is not anticipated to create adverse impacts. It provides clarity to property owners while ensuring that nonconforming situations are not expanded in a manner that negatively affects surrounding properties.

### **STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of the proposed text amendment to Sections **3.24–3.26 – Nonconformities**.

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