

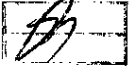
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REVIEWED BY
PREPARED BY





CITY ATTORNEYS OFFICE



AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF
ROCK HILL CODE, ARTICLE 2: ADMINISTRATION, ARTICLE 6:
DEVELOPMENT AND DESIGN STANDARDS, AND ARTICLE 8: NONCONFORMITIES,
CONCERNING SITE PLAN REVIEWS IN APPROVED BUSINESS PARKS,
TEMPORARY SIGNS, AND THE EXPANSION OR REMODELING OF
NONCONFORMITIES

BE IT ORDAINED by the Governing Body of the City of Rock Hill
in Council assembled:

SECTION 1. That this ordinance is being adopted in order to effect
proper compliance with the provisions of the Home Rule Act of 1975,
now South Carolina Code of Laws for 1976, Section 5-7-30, Section
5-7-260 and Sections 6-29-710, et seq. and Section 2-48 and Section
2-96 of the Code of the City of Rock Hill.

SECTION 2. That the Proposed Amendments to the Zoning Ordinance
concerning site plan reviews in approved business parks, temporary
signs, and the expansion or remodeling of nonconformities and
things affected by this Ordinance are being acted upon following
Planning Commission consideration thereof, after due notice and
public hearing held on August 9, 2011.

SECTION 3. That the Zoning Ordinance of the City of Rock Hill,
**Article 2: Administration, Section 2-300: Specific Standards and
Other Requirements for Applications for Development Approval and
Section 2-100: Administrative and Decision-Making Bodies,** be and

the same are hereby amended by deleting the existing text and inserting in lieu thereof the following:

SEE EXHIBIT "A" ATTACHED HERETO.

SECTION 4. That the Zoning Ordinance of the City of Rock Hill, **Article 6: Development and Design Standards, Section 6-900: Signage:**, be and the same is hereby amended by deleting the existing text and inserting in lieu thereof the following:

SEE EXHIBIT "B" ATTACHED HERETO.

SECTION 5. That the Zoning Ordinance of the City of Rock Hill, **Article 8: Nonconformities, Section 8-100: General, Section 8-200: Nonconforming Uses, Section 8-300: Nonconforming Structures, Section 8-400: Nonconforming Lots of Record, Section 8-500: Nonconforming Signs, and Section 8-600 Correction of Other Nonconformities**, be and the same are hereby amended by deleting the existing text and inserting in lieu thereof the following:

SEE EXHIBIT "C" ATTACHED HERETO.

SECTION 6. That all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7. That this Ordinance shall be and become finally binding immediately after receiving first and second readings given in the manner required by law.

DONE AND RATIFIED in Council assembled on this the _____
day of _____, 2011.

A. Douglas Echols, Jr., Mayor

Susie B. Hinton, Mayor Pro Tempore

John A. Black, III, Councilmember

Kathy S. Pender, Councilmember

James C. Reno, Jr., Councilmember

Osbey Roddey, Councilmember

Kevin H. Sutton, Councilmember

ATTEST:

Anne H. Poag
Municipal Clerk

2-300 (H) (5) Major Site Plan

(a) Applicability

The following development, unless exempted in accordance with Section 2-300(H)(3), *Exemptions*, constitutes a Major Site Plan, and shall be reviewed in accordance with this section.

1. Residential Development

Multiple family, townhouse, two- (2) to four- (4) family, single-family attached, and Group Living uses of twenty (25) units or more.

2. Non-residential Development

Non-residential development of twenty thousand (20,000) square feet or more.

(b) Authority

The Planning Commission is authorized to review and approve, approve with conditions, or deny a Major Site Plan, except that the Development Services Director is authorized to review and approve, approve with conditions, or deny a Major Site Plan for projects within approved business parks when the parcel in question is accessed off a road that is internal to the approved business park.

(c) Procedures

1. Submission and Review of Application

The procedures and requirements for submission and review of a Major Site Plan are established in Section 2-200, *Common Procedures*.

2. Review and Action by Planning Commission

After receipt of a Staff Report on a Major Site Plan application from the Development Services Director, the Planning Commission shall review and consider the application, the relevant support materials, the Staff Report, and any comments given at the meeting. The Planning Commission shall approve, approve with conditions, or deny the application based on the standards in Section 2-300(H)(6), *Site Plan Standards*.

2-100(C) Planning Commission

(1) Powers and Duties

The Planning Commission is hereby established in accordance with the S.C. Code of Laws, and shall have the following powers and duties under this Ordinance:

(a) Amendments to Text

To initiate, review, and make recommendations to the City Council to approve or deny applications to amend the text of this Ordinance (Text amendment) (Section 2-300(A)).

ARTICLE 2: ADMINISTRATION

(b) Amendments to Official Zone District Map (Rezone)

To initiate, review, and make recommendations to the City Council to approve or deny applications to amend the Official Zone District Map (Rezone) (Section 2-300(A)).

(c) Planned Development

To review and make recommendations to the City Council on PD Master Plans and amendments to the Official Zone District Map to a Planned Development (PD) District (Section 2-300(B)).

(d) Historic Overlay (YH) District Classification

To review and make recommendations to the City Council on PD Master Plans and amendments to the Official Zone District Map to a Planned Development (PD) District (Section 2-300(B)).

(e) Historic Properties Designation

To make recommendations to the City Council on recommendations from the BHR to approve or deny amendments to the Official Zone District Map to a Historic Overlay (YH) District (Section 2-300(A) and Section 3-500(B)(2)).

(f) Design Guidelines for Historic Properties and Historic Overlay Districts

To review and make recommendations to the City Council on design guidelines for Historic Properties and Historic Overlay (YH) Districts that are recommended by the BHR.

(g) Land Development Agreements

To review and make recommendations to the City Council on requests to enter into Land Development Agreements (Section 2-400).

(h) Major Site Plans

To review and decide Major Site Plans in conformance with Section 2-300 (H)(5).

(i) Preliminary Plats for Subdivision

To review and decide Preliminary Plats for Subdivision (Section 2-300(I)(5)(b)).

(j) Conservation Subdivisions

To review and decide Conservation Subdivisions (Section 2-300(I)(5)(g)).

(k) Appeals

To hear and decide appeals on decisions of the Development Services Director on:

1. Minor Subdivisions (Section 2-300(I)(4))
2. Detailed Construction Plans (Section 2-300(I)(5)(c))
3. Intermediate Field Survey Plats (Section 2-300(I)(5)(d))

(l) Other Powers and Duties

To carry out any other powers and duties delegated to it by City Council, consistent with state law.

2-100(F) City Staff

(1) Development Services Director

(a) General

The Development Services Director is designated by the City Manager as the zoning administrator responsible for administering and enforcing the provisions of this Ordinance.

(b) Powers and Duties

In addition to the authority and duties that may be conferred on the Development Services Director by general law and the City Code of Ordinances, the Development Services Director shall have the following powers and duties under this Ordinance:

1. To review and decide applications for Conditional Use Permits (Section 2-300(C)).
2. To review and decide applications for Administrative Adjustments (Section 2-300(F)).
3. To review and decide Minor Site Plans (Section 2-300(H)(4)).
4. To review and decide applications for:
 - a. Minor Subdivisions (Section 2-300(I)(4)).
 - b. Detailed Construction Plans (Section 2-300(I)(5)(c)).
 - c. Intermediate Field Survey Plats (Section 2-300(I)(5)(d)).
 - d. Final Plats for Subdivision (Section 2-300(I)(5)(f)).
 - e. Major Site Plans in conformance with Section 2-300 (H) (5)
5. To review and decide applications for Stormwater Management and Sediment Control Plans (Section 2-300(J)).
6. To review and decide applications for Grading Permits (Section 2-300(K)).
7. To review and decide applications for Land Development Permits (Section 2-300(L)).
8. To review and decide applications for Sign Permits (Section 2-300(M)).
9. To review and decide applications for Temporary Use Permits (Section 2-300(N)).
10. To review and decide applications for Zoning Permit (Section 2-300(O)).
11. To review and decide applications for Certificates of Conformity (Section 2-300(P)).
12. To render interpretations of this Ordinance (Section 2-300(Q)).

ARTICLE 2: ADMINISTRATION

13. To establish application content requirements and a submission schedule for review of applications and appeals (Sections 2-200(B)(1) and (2)).
14. To compile and maintain an Administrative Manual (Section 2-200(B)(4)).
15. To review and make recommendations through a Staff Report to the City Council, Planning Commission, ZBA, and BHR on applications for permits and permit approvals, where appropriate, and take any other action necessary to administer the provisions of this Ordinance.
16. To maintain the Official Zone District Map and other such records and official materials that relate to the adoption, amendment, enforcement, or administration of this Ordinance.
17. To enforce this Ordinance in accordance with Article 9: *Enforcement*.
18. To provide expertise and technical assistance to the City Council, Planning Commission, ZBA, and BHR upon request.

Exhibit "B"

ARTICLE 6: DEVELOPMENT AND DESIGN STANDARDS Section 6-900: Signage

6-900(l) Temporary Signs

(1) Temporary signs not requiring permits

The following temporary signs are allowed and exempt from securing a sign permit:

(a) Temporary Non-Illuminated Sign Advertising Real Estate

One (1) temporary non-illuminated sign for each street frontage, advertising real estate for sale or lease, located on the premises, meeting the following criteria:

1. For attached or detached single-family home, a maximum of six (6) square feet in area and four (4) feet in height;
2. For other residential sites, or non-residential sites of one (1) acre or less, a maximum of twenty-four (24) square feet in area and six (6) feet in height;
3. For non-residential sites over one (1) acre, a maximum of thirty-two (32) square feet in area and eight (8) feet in height.

(b) Temporary Non-Illuminated Construction Signs

One (1) temporary non-illuminated sign for each street frontage, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, meeting the following criteria:

1. For attached or single-family homes, a maximum of six (6) square feet in area and four (4) feet in height;
2. For other residential sites, or non-residential sites of one (1) acre or less, a maximum of twenty-four (24) square feet in area and six (6) square feet in height;
3. For non-residential sites of over one (1) acre, a maximum of thirty-two (32) square feet in area and eight (8) feet in height.

(c) Temporary Real Estate Accessory Signs

Up to four (4) temporary real estate accessory signs, displayed during business hours, not more than six (6) square feet each. Such signs shall be located on the site of the property for sale, or in the case of a new development, may be located at the project entrance or elsewhere on the overall project site.

(2) Other Temporary Signs

The following temporary signs are allowed but require the issuance of a sign permit:

(a) Grand opening events

The opening of a new business may utilize one (1) temporary banner with a maximum size of thirty-two (32) square feet and up to fifty (50) linear feet of streamers or pennants for a period not to exceed thirty (30) days. The streamers or pennants may be attached to a freestanding sign, the building or tenant space of the business, or the internal light pole standards in the business' parking area. This temporary sign allotment is independent from other permitted temporary sign allowances, but usage of this allowance must be commenced within thirty (30) days of the actual opening of the business.

A new business may utilize the following for a period not to exceed forty-five (45) total days. The business may choose when to utilize the forty-five (45) total days

within the timeframe of up to thirty (30) days prior to opening and up to ninety (90) days after opening.

- i. One (1) temporary banner that may be ground mounted or placed on a wall with a maximum size of 32 square feet and if ground mounted, a maximum height of (six) 6 feet.
- ii. Streamers, pennants, flags, balloons and similar exhibits that do not exceed five (5) total displays. Each twenty (20) feet of streamers and pennants counts as one display. Each flag counts as one display. Each inflatable of a non-balloon variety counts as one display. Each balloon or bouquet of balloons counts as one display, with a maximum of 64 cubic feet per balloon display (for example, one 64-cubic-foot balloon or a 4x4x4 bouquet).

For businesses that are located in multi-tenant buildings or commercial centers, all displays except for the banner shall be displayed immediately adjacent to the business' space or in the adjacent portion of the parking lot of the parcel.

This temporary sign allotment is independent from other permitted temporary sign allowances. The business may elect to begin utilizing the temporary signage allowed under Section 6-900 (1)(2)(d) immediately after terminating use of the banner that is allowed under this section.

For the purposes of this section, a change of ownership, type of ownership, or of management does not constitute a new business.

No permit fee shall be charged for the signage allowed under this section.

(c) Temporary Use of Banners in Lieu of Permanent Signage

A banner or other similar temporary sign may be used while awaiting installation of permanent signage, to temporarily cover existing signage in the event of a business name or logo change, or similar circumstances as follows:

1. The banner meets the sign area requirements of the sign it is designed to temporarily obscure or replace.
2. The banner is securely fastened to the wall or permanent sign structure to draw the banner material taut and prevent flapping.
3. A permit for such use may be issued for up to sixty (60) days after the City has issued zoning compliance approval for the business. A permit for such use may be issued for up to thirty (30) days. As part of the permit application, the applicant shall describe the details and intended date of installation of the permanent signage. An additional thirty (30) day extension may be permitted by the Development Services Director when extenuating circumstances have prevented the planned permanent sign installation.

(d) Temporary Banners for Certain Institutional Uses

Some banners for certain institutions are permitted as exempt signs under Section 6-900(D), *Exempt Signs*.

(e) Temporary Banners or Signs for Individual Businesses

1. *Size*

For each individual tenant in its own building or for individual tenants with outside entrances in a multi-tenant building, one (1) temporary banner or sign is permitted with a maximum size of thirty-two (32) square feet. Freestanding banners or signs shall have a maximum height of six (6) feet.

2. Usage

~~Each individual business may be issued a permit for a temporary banner or sign up to ten (10) times per calendar year, for a cumulative total of sixty (60) days. No individual permit shall be issued for less than three (3) days or more than thirty (30) days, and no permit shall be issued within the length of the time period of the last issued permit (i.e., if the last permit was issued for thirty (30) days, the next permit, regardless of the length of time, cannot be issued until thirty (30) days after the previous permit expired). For the purposes of administering this yearly allotment, any documented use of a banner without a permit will be considered to have used a minimum of seven (7) days.~~

Each individual business may be issued a permit for a temporary banner for up to ninety (90) cumulative days per calendar year. These ninety (90) days may be broken up into ten (10) separate display periods. No display period may last fewer than three (3) days or more than thirty (30) days. A waiting period must exist between display periods that is at least as long as the period of the last display. (For example, if the last display period was thirty (30) days, another banner cannot be posted until at least (30) days have passed since the end of that display period.) For the purposes of administering this yearly allotment, any documented use of a banner without a permit will be considered to have been in effect for a minimum of seven (7) days.

3. Location and installation

Freestanding temporary banners or signs shall be located with a minimum five (5) foot setback from the right-of-way. All banners shall be installed in a fashion so as to present a professional appearance, held taut across the wall surface or between sturdy standards so as to maintain readability and to avoid sagging or flapping in the wind.

(f) Special Event Signage

For special events permitted under Section 4-500(G), *Special Events*, of the Zoning Ordinance, one (1) temporary banner may be permitted per street frontage of a special event site during the special event permit period, with a maximum size of thirty-two (32) square feet.

ARTICLE 8: NONCONFORMITIES**8-100 GENERAL****8-100(A) Purpose and Intent****(1) General**

In the provisions established by this Ordinance, there exist uses of land, structures, lots of record, and signs that were lawfully established before this Ordinance was adopted or amended that do not conform to its terms and requirements. The purpose and intent of this article is to regulate and limit the continued existence of those uses, structures, lots of record, and signs that do not conform to the provisions of this Ordinance, or any amendments thereto.

(2) Permit Nonconformities to Continue Until Removed, but Not Encourage Survival

It is the intent of this Ordinance to permit most of these nonconformities to continue until it is removed, but not to encourage its survival except under the limited circumstances established in this article. The provisions of this article are designed to curtail substantial investment in nonconformities to preserve the integrity of this Ordinance.

8-100(B) Authority to Continue

Nonconformities are allowed to continue in accordance with the requirements of this article, except nonconforming signs located in the Cherry Road and Saluda Street Road Corridor Overlay (YR-1) district and certain billboards shall comply with the requirements of Section 8-500(C) (D), *Amortization of Nonconforming Signs*.

8-100(C) Determination of Nonconformity Status

In all cases, the burden of establishing a nonconformity exists shall be on the owner of the land on which the purported nonconformity is located.

8-100(D) Minor Repairs and Normal Maintenance

Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, lots of record, and signs in safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming use, structure, lot or record, or sign. For the purposes of this section, "minor repair or normal maintenance" shall mean:

(1) Maintenance of Safe Condition

Repairs that are necessary to maintain a nonconforming use, structure, lot of record, or sign in safe condition;

(2) Correction of Damage or Deterioration

Repairs that are necessary to correct any damage or deterioration to the structural soundness or interior appearance of the structures without altering the structure;

(3) Maintenance of Land for Safety

Maintenance of land areas to protect against health hazards and promote the safety of surrounding uses; and

(4) Limited Sign Repairs and Maintenance

Repairs and maintenance of nonconforming signs, such as repainting and electrical repairs, where costs do not exceed twenty-five percent (25%) of the replacement cost of the sign.

8-100(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.

8-200 NONCONFORMING USES**8-200(A) General**

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

8-200(B) Change of Use

A nonconforming use shall not be changed to any other nonconforming use.

8-200(C) Expansion and Enlargement**(1) Area Occupied by Nonconforming Use**

A nonconforming use shall not be enlarged, expanded in area occupied or intensified, except that 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.

(2) Structure Devoted to Nonconforming Use

A structure devoted to a nonconforming use shall not be enlarged, extended, moved, or structurally altered unless the area enlarged, extended, moved or structurally altered contains a use permitted in the zone district in which the structure is located.

8-200(D) Abandonment and Re-Establishment**(1) General**

Except for Retail Sales and Services uses existing in Neighborhood Office (NO) district on March 1, 2006, a nonconforming use shall not be re-established after vacancy, abandonment, or discontinuance for any six (6) consecutive months. Efforts to renovate or repair the use is not considered a vacancy, abandonment, or discontinuance if the renovation or repair is completed within six (6) consecutive months from commencement, and the use is re-established within three (3) months from the time the renovation or repairs are completed.

(2) Retail Sales and Services Uses in the Neighborhood Office (NO) District

Any Retail Sales and Services use lawfully established and existing in the Neighborhood Office (NO) district on March 1, 2006, shall be allowed to remain and recommence operations following a period of vacancy, abandonment, or discontinuance of six (6) months or longer. The structure housing such a use may be renovated or expanded in accordance with the standards in Section 3-300(B)(2), *Neighborhood Office District*, and Section 8-600, *Correction of Other Nonconformities*. In the event the structure housing such a nonconforming Retail Sales and Service use is intentionally destroyed or demolished such that the cost of restoration or reconstruction exceeds fifty-one percent (51%) of the structure's assessed value prior to the demolition or destruction, the use occupying the rebuilt or reconstructed portion of the structure shall conform to the Neighborhood Office (NO) district standards.

(3) Nonconforming Uses in the Limited Commercial (LC) District

Any use lawfully established and existing in the Industry General (IG) district on March 1, 2006, and subsequently rezoned to the Limited Commercial (LC) district on January 31, 2007, shall be subject to the following provisions through January 31, 2012:

- (a) Such a use shall be allowed to remain and recommence operations even after a period of vacancy, abandonment, or discontinuance of six (6) months or longer.
- (b) Such a use can only be changed to a use permitted in the Limited Commercial (LC) district.
- (c) If such a use is replaced by a conforming use under the Limited Commercial (LC) district, it can not be subsequently changed back to the previous or any other nonconforming use.
- (d) The structure housing such a use may be renovated or expanded in accordance with the standards of this Code and Section 8-600, *Correction of Other Nonconformities*. In the event the structure housing such a nonconforming use is intentionally destroyed or demolished such that the cost of restoration or reconstruction exceeds fifty-one percent (51%) of the structure's assessed value prior to the demolition or destruction, the use occupying the rebuilt or reconstructed portion of the structure shall conform to the Limited Commercial (LC) district standards.
- (e) After January 31, 2012, the above provisions shall expire, and the use shall be subject to all of the requirements of Article 8: *Nonconformities*, of this Code.

8-300 NONCONFORMING STRUCTURES

8-300(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- (5) foot side yard setback where the Ordinance requires a ten- (10) foot side yard setback can not 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.

8-300(B) Reconstruction after Damage

- (1) **Destruction or Damage Greater than Seventy-Five Percent (75%) of Value**
In the event the nonconforming portion of a structure is damaged or destroyed, by any means, to the extent of more than seventy-five percent (75%) of its structural replacement cost at the time of damage or destruction, it shall only be restored in a manner that conforms with the provisions of this Ordinance.
- (2) **Seventy-Five Percent (75%) or Less of Value**
In the event a nonconforming structure is damaged or destroyed, by any means, to an extent of seventy-five percent (75%) or less of its structural replacement cost at the time of damage or destruction, it may be rebuilt to its previous form if a Building Permit for such repair or restoration is obtained within six (6) months, and repair or restoration is actually begun within twelve (12) months after the date of such partial damage or destruction and is diligently pursued to completion.

8-300(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.

8-300(D) Conversion to Another Use

The use of a structure which is nonconforming due to its failure to comply with minimum standards in Article 5: *Density, Intensity, and Dimensional Standards*, (e.g. height, setbacks, lot area, etc.) may be changed to a use that is permitted in the district in which it is located, if no further encroachment is made to the minimum standards in Article 5: *Density, Intensity, and Dimensional Standards*.

8-400 NONCONFORMING LOTS OF RECORD**8-400(A) Residential Lots****(1) General**

In the residential districts, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory structures may be developed on any single lot of record existing on March 1, 2006. The lot of record shall be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision applies even though the lot of record fails to comply with the standards for area or width in Article 5: *Density, Intensity, and Dimensional Standards*. Development of a single-family dwelling on the lot of record shall comply with the other standards in Article 5: *Density, Intensity, and Dimensional Standards*, to the maximum extent practicable.

(2) Combination of Lots

If two (2) or more lots of record of combination or lots of record and portions of lots of record with continuous frontage are in single ownership on March 1, 2006, or on the date these become nonconforming, and if all or part of these lots do not comply with the lot area standards in Article 5: *Density, Intensity, and Dimensional Standards*, the lots involved shall be considered to be an individual lot for the purposes of this Ordinance, and no portion of these lots shall be used or sold which do not comply with the lot area standards in Article 5: *Density, Intensity, and Dimensional Standards*, nor shall any division of the lots be made that leaves remaining any lot that fails to comply with the lot area standards. However, in the SF-4, SF-5, MF-8, or MF-15 districts, if lots of record with continuous frontage under single ownership are each at least fifty (50) feet in width and five thousand (5,000) square feet in area, these may each be developed with a single-family dwelling and customary accessory structures.

8-400(B) Business Districts

In the business districts, notwithstanding limitations imposed by other provisions of this Ordinance, a permitted use may be developed on any single nonconforming lot of record existing on March 1, 2006, or the date the lot of record became nonconforming, subject to review and approval of the proposed use as a Special Exception Permit (Section 2-300(D), *Special Exception Permit*). This provision shall apply even though the lot of record fails to comply with the standards for lot area that are applicable in the Business district. In considering the application for the Special Exception Permit, the Zoning Board of Appeals (ZBA) shall ensure the design and location of the proposed use is compatible with surrounding uses. Development of the permitted use on the lot of record shall comply with the other standards in Article 5: *Density, Intensity, and Dimensional Standards*, to the maximum extent practicable.

8-500 NONCONFORMING SIGNS**8-500(A) General****(1) Continue in Operation and Maintenance**

Subject to the conditions set forth in this section, nonconforming signs may continue in operation and maintenance, provided these are not:

- (a) Changed or replaced with another nonconforming sign (this provision shall not prohibit a change in copy or graphics on the sign face of the sign);
 - (b) Structurally altered so as to extend useful life;
 - (c) Expanded;
 - (d) Relocated, except in compliance with this article; or
 - (e) Re-established after damage or destruction of more than fifty percent (50%) of the replacement value at the time of such damage or destruction. Any damage to a nonconforming sign that is not repaired constitutes damage or destruction for purposes of this subsection. Damages shall be cumulative.
- (2) **Maintenance, Repair, and Restoration of Nonconforming Signs**
With the exception of Section 8-500(A)(1)(e), *Continue in Operation and Maintenance*, this section shall not prevent the repair or restoration to a safe condition of any part of a nonconforming sign or sign structure, or normal maintenance operations performed on a nonconforming sign or sign structure.
- (3) **Signs Associated with Vacated or Abandoned Nonconforming Use**
Signs advertising a nonconforming use shall not remain after the use has vacated the site and/or structure, or if the use has been abandoned. The landowner shall remove the sign within sixty (60) days following the vacation or abandonment of the nonconforming use. Conforming permanent on-premises freestanding signage support structures and cabinets may be retained after the removal of the abandoned signs or sign panels themselves, but where necessary blank panels shall be installed to conceal the internal components of the sign.
- (4) **Nonconforming Signs Associated with a Demolished Structure**
All elements of a nonconforming sign or signs that advertise a structure that has been demolished shall be removed by the owner within sixty (60) days of the structure's demolition.
- (5) **Nonconforming Signs Associated with a Conforming Use or Structure**
All elements of a nonconforming sign or signs that advertise a conforming use or structure shall not remain after the use being advertised has ceased, or after the structure has been abandoned. The landowner shall be responsible for removing or correcting all nonconforming elements of the sign within sixty (60) days following the cessation of the use or abandonment of the structure. Conforming permanent on-premises freestanding signage support structures and cabinets may be retained after the removal of the abandoned signs or sign panels themselves, but where necessary blank panels shall be installed to conceal the internal components of the sign.

8-500(B) Signs Made Nonconforming by Amendments Adopted February 9, 2009

The amendments to Section 6-900, *Signage*, adopted on February 9, 2009, created certain nonconformities with previously conforming signs. Some of these nonconformities were minor in nature, and it is the intent that any nonconformity of ten percent (10%) or less in area, height, or setback that was created solely by these amendments be considered conforming under the terms of Section 6-900(B)(3), *Termination*, until such time as the sign structure, cabinet, or other element with such minor nonconformity is proposed to be replaced.

8-500(C) Signs Made Nonconforming Due to Condemnation

When a sign is located on land condemned for road right-of-way acquisition, the following standards shall apply:

- (1) **Not Located In or Overhang Right-of-Way**
Any sign not located in or which does not overhang into the land acquired for right-of-way may remain in place.
- (2) **Comply with State Standards**
Any sign relocated off the new right-of-way for a state or federal highway shall, at a minimum, comply with state standards for such relocation.
- (3) **Relocated Off Right-of-Way for City Street**
Any sign relocated off the right-of-way acquired for a City street or for other purposes shall comply, to the maximum extent practicable, with the setbacks for signs established in this Ordinance.

8-500(D) Amortization of Nonconforming Signs

The following amortization standards shall apply to the following types of nonconforming signage in the City.

- (1) **Nonconforming Signs in the Road Corridor Overlay District**
Nonconforming signs in the Cherry Road and Saluda Street Road Corridor Overlay (YR-1) Districts shall be amortized in accordance with the following standards:

(a) Applicability

Unless otherwise exempted, all freestanding signs in the Cherry Road and Saluda Street Road Corridor Overlay (YR-1) districts shall be removed, changed, altered, or otherwise brought into compliance with the standards of this Ordinance no later than January 1, 2010.

Unless otherwise exempted, all freestanding signs installed on property that was annexed into the City of Rock Hill after January 1, 2010, and that is located within two hundred fifty (250) linear feet of the edge of the right-of-way associated with Cherry Road shall be removed, changed, altered, or otherwise brought into compliance with the standards of this Ordinance no later than seven (7) years after the property where the sign is located was annexed into the City of Rock Hill.

(b) Exemptions

Any nonconforming wall, projecting, directory, or temporary signs shall be exempt from this subsection.

(c) Maximum Sign Face Area Limitation

Notwithstanding the standards of this subsection, in no case shall the sign area per sign face for any freestanding sign exceed a total area of two hundred (200) square feet (four hundred (400) square feet in aggregate).

- (2) **Nonconforming Billboards**

All billboards and associated support structures located in the City shall be considered nonconforming uses and structures subject to the following standards:

(a) Applicability

Unless otherwise exempted, billboards existing on April 18, 2005, shall be amortized or removed by May 13, 2012.

(b) Exemptions

Any billboard lawfully existing on April 18, 2005, that is visible from the main traveled way of a federal interstate highway or other highway which is a part of the Federal Aid Primary (FAP) System and subject to the Highway Beautification Act is exempted from this section.

8-600 CORRECTION OF OTHER NONCONFORMITIES

The interior or exterior remodeling or expansion of nonconforming structures outside Old Town shall be subject to the following requirements for off-street parking, landscaping, perimeter buffer, screening, and signage:

8-600(A) Interior and Exterior Remodeling of Structures

If a Building Permit is required for interior or exterior remodeling of the building or structure, the remodeling or redevelopment shall require correction of existing onsite nonconforming off-street parking, landscaping, perimeter buffer, screening, and signage in accordance with this section (see Section 6-100, *Off-Street Parking and Loading*, Section 6-300, *Landscaping Standards*, and Section 6-900, *Signage*).

(1) Off-Street Parking, Landscaping, Perimeter Buffers, and Screening

(a) *Twenty-Five Percent (25%) or Less of Structure Value*

Remodeling in any continuous twelve- (12) month period that costs twenty-five percent (25%) or less of the current fair market or assessed value of the structure (at the option of the applicant) shall not required any correction (see Table 8-600(A), *Required Correction of Other Nonconformities*).

(b) *More than Twenty-Five Percent (25%) but Less Than Seventy-Five Percent (75%) of Structure Value*

Remodeling in any continuous twelve- (12) month period that costs more than twenty-five percent (25%) but less than seventy-five (75%) of the current fair market or assessed value of the structure (at the option of the applicant) shall required that a corresponding percentage of the off-street parking, landscaping, perimeter buffer, and screening standards of this Ordinance be installed or upgraded on the site, until the site achieves one hundred percent (100%) compliance. (For example, if a site has twenty (20) of thirty (30) required parking spaces (sixty-six percent (66%) of the required parking) and the cost of the remodeling is thirty percent (30%) of the value of the building, then thirty percent (30%) of the total amount of required off-street parking shall be provided, or nine (9) spaces, bringing the parking to ninety-six percent (96%) of the total amount of off-street parking required under this Ordinance.) (See Table 8-600(A), *Required Correction of Other Nonconformities*.)

(c) *Seventy-Five Percent (75%) or More of Structure Value*

Remodeling projects that cost seventy-five percent (75%) or more of the current fair market value of the structure shall required one hundred percent (100%) compliance with the off-street parking, landscaping, perimeter buffer, screening, and signage standards of this Ordinance (see Table 8-600(A), *Required Correction of Other Nonconformities*).

(d) *Five (5) or Fewer Additional Parking Spaces*

When five (5) or fewer additional off-street parking spaces are required under this subsection as a result of a remodeling project, such additional off-street parking is not required to be installed (see Table 8-600(A), *Required Correction of Other Nonconformities*).

(2) Signage

Remodeling in any continuous twelve- (12) month period that costs more than twenty-five percent (25%) of the current fair market or assessed value of the

structure (at the option of the applicant) shall required one hundred percent (100%) compliance with the signage standards of this Ordinance (see Table 8-600(A), *Required Correction of Other Nonconformities*).

- (3) **Physically Constrained Properties – Comply to Maximum Extent Practicable**
Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions shall comply to the maximum extent practicable as determined by the Development Services Director.

For purposes of determining when a correction is required, the cost of the remodeling shall be shown on the approved Building Permit application. Fair market value shall be based on a market appraisal performed by a certified appraiser, at the applicant's expense. Assessed value shall be based upon York County Property Appraiser information.

8-600(B) Additions and Expansions

Additions and expansions to structures on nonconforming sites shall required correction of existing onsite nonconforming off-street parking, landscaping, perimeter buffer, screening, and signage standards in accordance with this section.

(1) Off-Street Parking, Landscaping, Perimeter Buffers, and Screening

(a) *Expansion of Fifty Percent (50%) or Less of Gross Square Footage Over Five (5) Years*

Expansions in any continuous five- (5) year period, which result in fifty percent (50%) or less increase in the gross square footage of the existing structure (measured at the beginning of the five- (5) year period) require that a corresponding percentage of the off-street parking, landscaping, perimeter buffer, and screening standards of this Ordinance (see Section 6-100, *Off-Street Parking*, and Section 6-300, *Landscaping Standards*) be installed or upgraded on the site, until the site achieves one hundred percent (100%) compliance. (For example, if the addition is twenty-five percent (25%) of the area of the existing structure and the site contains only fifty percent (50%) of the required landscaping, twenty-five percent (25%) of the required landscaping for the entire site must be provided, thereby bringing the landscaping on the site to seventy-five percent (75%) of the total required.) Existing landscaping on the site shall be retained or replaced but shall not count toward the required percentage of new landscaping (see Table 8-600(A), *Required Correction of Other Nonconformities*).

(b) *Expansion of Greater than Fifty Percent (50%) of Gross Square Footage Over Five (5) Years*

Expansions over any continuous five- (5) year period, which result in a greater than fifty percent (50%) increase of the gross square footage of the existing structure (measured at the beginning of the five- (5) year period), required the entire property to meet all of the off-street parking, landscaping, perimeter buffer, screening, and signage standards of this Ordinance (see Table 8-600(A), *Required Correction of Other Nonconformities*).

(2) Signage

Any expansion during any continuous five- (5) year period shall require one hundred percent (100%) compliance with the signage standards of this Ordinance (see Table 8-600(A), *Required Correction of Other Nonconformities*).

(3) Physically Constrained Properties – Comply to Maximum Extent Practicable

Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions shall comply to the maximum extent practicable as determined by the Development Services Director.

(4) Addition of Outdoor Storage Area Only

When only outdoor operations/storage/display areas are being added or increased on a site, the percentage increase in outdoor operations area shall require a corresponding percentage increase in perimeter buffers and screening. Perimeter buffer and screening augmentation shall be located so as to achieve the performance objectives in Section 6-300, *Landscaping Standards*, with priority given to screening the impacts of outdoor operations.

TABLE 8-600(A): REQUIRED CORRECTION OF OTHER NONCONFORMITIES

| TYPE OF DEVELOPMENT | REQUIRED COMPLIANCE WITH STANDARDS OF ORDINANCE |
|--|--|
| REMODELING (Cost as percentage of fair market or assessed value of existing structure in any continuous 12-month period) | |
| 25% or Less | No correction to existing nonconforming off-street parking, landscaping, perimeter buffer, screening, and signage standards is required. |
| More than 25% but Less than 75% | Off-street parking, landscaping, perimeter buffer, and screening shall be added. Percent of total required off-street parking, landscaping, perimeter buffer, and screening added shall be based on percent value of remodeling in relation to fair market or assessed value of existing structure (at the option of the applicant). For example, if a site has 20 of 30 required parking spaces (66% of the total required parking under this Ordinance) and the cost of remodeling is 30% of the value of the building, then 30% of the total required off-street parking shall be provided, or 9 spaces (bringing the total amount of the required off-street parking up to 96% of the total required). Any remodeling activities equaling or exceeding 25% or more of the structure's fair market or assessed value shall required 100% compliance with the signage standards of this Ordinance. |
| 75% or More | Site shall comply fully with the off-street parking, landscaping, perimeter buffer, screening, and signage standards. |
| EXPANSION (Percentage increase in any continuous 5-year period) | |
| 50% or Less of Gross Square Footage of Existing Structure | Off-street parking, landscaping, perimeter buffer, and screening shall be added. Percent of total required off-street parking, landscaping, perimeter buffer, and screening added shall be based on percent increase in expansion. For example, if the addition is 25% of the size of the existing structure and the site contains only 50% of the required landscaping, 25% of the required landscaping for the entire site must be provided, thereby bringing the landscaping on the site to 75% of the total required. Existing landscaping on the site shall be retained or replaced but shall not count toward the required percentage of new landscaping. Any expansions shall require 100% compliance with the signage standards of this Ordinance. |
| Greater than 50% of Gross Square Footage of Existing Structure | Site shall comply fully with off-street parking, landscaping, perimeter buffer, screening, and signage standards. |
| Outdoor Operations, Storage, or Display | A corresponding percentage increase in perimeter buffers and screening with priority given to reducing the impacts of outdoor operations. |

8-600(C) Exceptions

For a twelve-(12) month period starting on the date of enactment of this Section, Sections 8-600(A) and 8-600(B) are suspended with the following exceptions unless extended by subsequent City Council vote:

ARTICLE 8: NONCONFORMITIES

- Sections 8-600(A)(1)(a) and 8-600(A)(2) shall apply to all remodeling in any continuous twelve- (12) month period that costs seventy-five (75%) or more of the current fair market or assessed value of the structure (at the option of the applicant)
- Section 8-600(B)(2) shall apply to signage related to any expansion of greater than fifty percent (50%) of gross square footage over five (5) years
- Sections 8-600 (A)(1)(c-d), 8-600 (A)(3), 8-600(B)(1)(b), and 8-600(B)(2-4) shall retain effect

The purpose of this Section is to make it less costly for small businesses to open during a time of national economic hardship. The intent is that three hundred and sixty-five (365) days after the date of enactment of this Section, this Section shall be automatically removed from this Ordinance and the whole of Sections 8-600(A) and 8-600(B) shall automatically resume effect.

However, nothing in this Section shall be construed to mean that off-street parking, landscaping, perimeter buffer, screening, signage, and dumpster/refuse areas shall not be continually maintained in good repair.

FIGURE 8-600(A): REQUIRED CORRECTION OF NONCONFORMITIES

