

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF
ROCK HILL CODE, CHAPTER 4, LAND USE: PRIMARY USES AND CHAPTER
10, NONCONFORMITIES, CONCERNING SMALL LOAN AND DEBT RELIEF
COMPANIES

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 concerning self-storage
and outdoor storage uses and things affected by this Ordinance are
being acted upon following Planning Commission consideration
thereof, after due notice and public hearing held on November 5,
2019.

SECTION 3. That the Zoning Ordinance of the City of Rock Hill,
CHAPTER 4, LAND USE: PRIMARY USES, APPENDIX 4-A, DESCRIPTIONS OF
PRIMARY USES, Public and Commercial Uses and CHAPTER 10,
NONCONFORMITIES, Section 10.4 Nonconforming Uses, Subsection 10.4.2
Changes to Nonconforming Uses, be and the same are hereby amended
by deleting certain sections of the existing text and inserting in
lieu thereof the following:


SEE EXHIBIT "A" ATTACHED HERETO.

SECTION 4. That all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. That this Ordinance shall be and become finally binding immediately after receiving first and second readings given in the manner required by law.

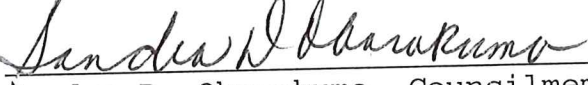
DONE AND RATIFIED in Council assembled on this the 25th day of November, 2019.


John Pressly Gettys, Jr., Mayor


Kathy S. Pender, Mayor Pro Tempore


John A. Black, III, Councilmember


Nikita L. Jackson, Councilmember


Sandra D. Oborokumo, Councilmember


James C. Reno, Jr., Councilmember


Kevin H. Sutton, Councilmember

ATTEST:


Anne P. Harty
Municipal Clerk

STAFF-RECOMMENDED OPTION

10.4 NONCONFORMING USES

10.4.2 CHANGES TO NONCONFORMING USES

A. Non-residential Uses:

1. **Prohibited Actions:** The following are prohibited actions for nonconforming non-residential uses:
 - The expansion, extension, or relocation of a non-conforming use, in whole or in part, to any other structure or location on the lot that has not previously been used by the nonconforming use;
 - The devotion of additional floor area within a structure to the non-conforming use, unless such floor area was built and designed for such use prior to the date the use became a nonconforming use;
 - The enlargement or structural alteration of a structure devoted to a nonconforming use; and
 - The intensification of a nonconforming use, which may include but is not limited to increasing hours of operation, increasing the number of parking spaces, reducing total land area through a subdivision, or increasing the seating or occupancy capacity of any use.
2. **Exceptions:** The Zoning Board of Appeals may consider a request for a special exception to allow any of the above otherwise prohibited actions, and may approve it upon a finding that the proposed action has no adverse impacts and that the proposed action makes the situation more conforming or otherwise improved in any respect. If the Board determines that these criteria are met, it may require conditions that mitigate any impacts of the request or other improvements to the building or property that are related to the request.

A mortgage company that issues small loans and provides debt consolidation services but does not offer title loans, deferred presentment, nor check cashing services and that has been in existence since before the Zoning Ordinance regulated small loan companies, and that as of November 2019 is located in the Downtown zoning district, may relocate from its current location to another location that is zoned for office use, provided that it does not expand to more than one business location in the City.

- B. **Residential Uses:** It is not the intent of this Ordinance to prohibit residential uses from conducting any of the activities that are listed above for nonconforming non-residential uses. For example, they are explicitly allowed to renovate or structurally alter the interior and/or exterior of the dwelling unit(s) and to expand into new areas of the site.

ALTERNATIVE OPTION

APPENDIX 4-A: DESCRIPTIONS OF PRIMARY USES

PUBLIC AND COMMERCIAL USES

Offices
Characteristics
Uses that are conducted in an office setting and that generally focus on business, or professional services.
Use types: examples and definitions
<i>Business or professional office</i> includes offices for business people and professionals, such as but not limited to accountants, financial advisors, mortgage lenders , insurance agencies, government, sales, law, engineering, architecture, or outpatient medical and dental. It also includes offices for contractors (building, heating, plumbing, electrical, landscaping, and similar trades), provided that they do not have warehouse areas nor outdoor storage areas on site. It also includes businesses offering consumer loans such as restricted lenders regulated under Chapter 29 of Title 34 of the South Carolina Code of Laws and supervised lenders as defined under Section 37-3-501 of the South Carolina Code of Laws, as well as debt consolidation companies, which are defined as establishments that advertise and/or promise to reduce unsecured debt through settlement and accept any funds, payments, or fees in advance of said settlement, as well as any firm that offers debt management, consolidation, advice, assistance, elimination, financing, negotiation, payoff, relief, settlement, or other solution that requires discontinuation of legitimate debt payments.
Exceptions
<ul style="list-style-type: none"> • Check cashing establishments, title loan lenders, deferred presentment lenders, bail bonds offices, and pawn shops are classified as alternative financial services and are defined in the retail sales and services section.

Retail Sales and Services
Characteristics
Uses involved in the provision of goods and services to the general public.
Use types: examples and definitions
<p><i>Alternative financial services:</i></p> <ul style="list-style-type: none"> • <i>Bail bonds:</i> An establishment providing contracts wherein a defendant or surety promises to forfeit the sum of money determined by the court to be commensurate with the gravity of the alleged offense if the defendant fails to return for the trial date. • <i>Check cashing establishment:</i> An establishment that regularly cashes checks, drafts, and money orders for a fee, service charge, or other consideration, such as those services regulated by the State Board of Financial Institutions under Chapter 41 of Title 34 of the South Carolina Code of Laws. • <i>Title loan lender:</i> An establishment that is a supervised lender which regularly extends short-term vehicle secured loans, such as those regulated by Section 37-3-413 of the South Carolina Code of Laws and accepts as security title to motor vehicles. The term does not include supervised lenders, other than those specializing in short-term vehicle secured loans, or banks, credit unions, savings banks and like depository institutions. • <i>Deferred presentment lender:</i> An establishment that is a business that regularly accepts a check from a borrower, drawn on the borrower's bank account, to be presented for payment at a later date, and that charges a fee for the service, such as those regulated under Chapter 39 of Title 34 of the South Carolina Code of Laws. • <i>Debt relief company:</i> Any establishment that advertises and/or promises to reduce unsecured debt through settlement and accepts any funds, payments, or fees in advance of said settlement. This also applies to any firm that offers debt management, consolidation, advice, assistance, elimination, financing, negotiation, payoff, relief, settlement, or other solution that requires discontinuation of legitimate debt payments. It does not apply to depository institutions or attorneys properly licensed by South Carolina and the City of Rock Hill.

- ~~*Small loan company:* Establishments that are restricted lenders regulated under Chapter 29 of Title 34 of the South Carolina Code of Laws and supervised lenders regulated under Chapter 3 of Title 37 of the South Carolina Code of Laws; however, the term does not include deferred presentment lenders, pawn shops, or those supervised lenders primarily providing short-term vehicle loans.~~
- *Pawn shop:* An establishment doing business under South Carolina Code of Laws Sections 40-39-10 et. seq.; also, any business that holds personal property as security for a loan.