

is made into the existing yards.

(3) A nonconforming structure shall not be demolished and rebuilt as a nonconforming structure.

(4) A nonconforming use, structure, or characteristic of use shall only be extended, enlarged, or intensified in conformity with this chapter.

(a) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for the use at the time of adoption or amendment of this chapter.

(b) Enlargement of a nonconforming structure for its current use may be allowed, provided that the following conditions shall apply:

1) The original lot size must not be increased in order to accommodate the enlargement.

2) The total lot area involved must be less than two acres.

3) The enlargement must not create or require additional on-site parking, and must not intensify the nonconforming use such that it creates peripheral off-site parking needs.

4) The enlargement must not create additional noise, exterior lighting, or odor.

5) The enlargement must not be accompanied by or made in conjunction with changes in operating hours.

6) The enlargement must not create or be accompanied by changes in dimensions for lot access or signage.

7) The enlargement must not violate yard or setback requirements for the existing district.

(5) A nonconforming use, or characteristic of use, shall not be reestablished after vacancy, abandonment, or discontinuance for any period of 6 consecutive months, except where division (B) (6) below applies. Provided, however, that commercial and industrial businesses established at the time this chapter is adopted are exempt from this provision. Owners of manufactured homes which have been abandoned for a period not less than 6 months and which are older than June 15, 1976, shall remove them permanently from all land/lots of Newberry County unless the owner

can demonstrate significant steps to bring the unit into compliance with the Zoning Ordinance.

(6) (a) A nonconforming structure may be rebuilt, altered, or repaired in its pre-existing location after sustaining damage, provided, however that the structure is not expanded beyond the previous square footage, except in accordance with division (B)(4)(b) above.

(b) A manufactured home may be replaced on the same lot with one of equal or larger square footage that meets HUD standards, provided that the unit must be replaced within 6 months of the destruction or removal.

(7) (a) On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring, or plumbing, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased, except in accordance with division (B) (4) (b) above.

(b) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of the official.

(8) Nonconforming off-premises advertising signs may be rebuilt provided all structural requirements for the uses set forth in this chapter are met.

(9) A nonconforming use of land outside a building shall not be extended, enlarged, or intensified on additional land after the effective date of this chapter.

AND BE IT FURTHER ORDAINED THAT:

The intent is to modify the previous nonconforming structures or uses language in the Newberry Code to address permitted changes in lots with less than two (2) acres without requiring a rezoning request.

AND IT IS SO ORDAINED by Newberry County Council this ____ day of _____, 2013 in meeting duly assembled at Newberry, South Carolina.

NEWBERRY COUNTY COUNCIL

(SEAL)

By: _____
Henry H. Livingston, III, Chairman

Attest:

Laurie N. Renwick, Clerk to Council

1st reading: _____, 2013
Public Hearing: _____, 2013
2nd reading: _____, 2013
3rd reading: _____, 2013

Reviewed and approved as to form:

A.J. Tothacer, Jr., County Attorney

Wayne Adams, County Administrator