ZONING ORDINANCE
Town of Springdale

Effective:
May 1, 2012

Updated: April 15, 2019

Prepared by the Springdale Planning Commission with assistance from the staff of the Central Midlands Council of Government.

Table of Contents

1. GENERAL PROVISIONS 5
1.1 Title 5
1.2 Purpose 5
1.3 Authority 5
1.4 Jurisdiction 5
1.5 Establishment of zoning districts 6
1.6 District Boundaries 6
1.7 Rules of interpretation 7
1.8 Severability 7
1.9 Annexed Property 7
1.10 Lots of Record 7
1.11 Vision Clearance Triangle 8
1.12 Street Access 8
2. ZONING DISTRICT REGULATIONS 9
2.1 R-1 Single Family Residential District 9
2.2 R-2 Duplex Residential District 12
2.3 R-3 Multifamily Residential District 15
2.4 C-1General Commercial 18
2.5 C-2 Neighborhood Commercial, Mixed-use District 22
2.6 ID Industrial District 26
2.7 P-1 Public and Semi-Public District 30
2.8 Design Overlay District 33
2.9 Planned Development District 38
2.10 R-4 Single Family Residential, Traditional Neighborhood 41
2.11 R-5 Single Family Residential, Traditional Neighborhood 43
3. CONDITIONAL USE AND SPECIAL EXCEPTION STANDARDS 45
3.1 Residential 45

3.1.1 Artist Live/Work Space, ground floor 45
3.1.2 Group Living 45
3.2 Public and Civic 45
3.2.1 Cultural Exhibits and Libraries 45
3.2.2 Day Care 45
3.2.3 Parks and Recreation 46
3.2.4 Postal Services 46
3.2.5 Religious Assembly 46
3.2.6 School, Public and Private 46
3.2.7 Utilities and Services, Minor 47
3.2.8 Utilities and Services, Major 47
3.3 Commercial 47
3.3.1 Adult Uses (Sexually Oriented Business) 47
3.3.2 Body Art Establishments 54
3.3.3 Car Wash 54
3.3.5 Eating and Drinking Establishments (Taverns) 54
3.3.6 Food and Beverage Retail Sales 55
3.3.7 Reserved 55
3.3.8 Office 55
3.3.9 Personal Services, including health clubs and gyms 55
3.3.10 Real Estate Sales Office, temporary 55
3.3.11 Repair Services, Consumer, including bicycles 55
3.3.12 Retail Sales, General 56
3.4 Other 56
3.4.1 Wireless Communication Facilities 56
3.4.2 Home Occupations 59
3.4.3 Portable Storage Containers 60
3.5 Manufactured Home Parks 60
3.6 Satellite Dish Antenna 61
3.7 Cluster Housing 61
3.8 MOBILE HOMES AND MOBILE HOME PARKS 64

4. GENERAL REQUIREMENTS 64

4.1 Non-conforming Uses and Structures 64

4.2 Landscape Requirements 65
4.3 Parking 73
4.4 Signs 75
4.5 Structures in minimum required yards 85

5. ADMINISTRATION AND ENFORCEMENT 87
5.1 Zoning Enforcement Officer 87
5.2 Zoning Permit Required 87
5.3 Application for Zoning Permit 87
5.4 Construction Progress 88
5.5 Certificate of Occupancy Required 88
5.6 Denial of Certificate of Occupancy 88
5.7 Records of Applications and Certificates 88
5.8 Penalties for Violations 88
5.9 Remedies 89

6. ZONING BOARD OF APPEALS 90
6.1 Establishment, Membership, and Proceedings of the Board 90
6.2 Powers and Duties of the Board of Appeals 91
6.3 Appeals from the Board of Appeals 93
6.4 Functions of Administrative Official, Board of Appeals, Town Council, and Courts on Interpretation, Administration and Appeal. 93

7. AMENDMENTS 95
7.1 AMENDMENTS 95

8 USES, BUILDING TYPES AND DEFINITIONS 97
8.1 USE GROUP AND CATEGORY DESCRIPTIONS 97
8.2 Building Types and Frontages 110
8.3 Definitions 114

1. GENERAL PROVISIONS

1.1 Title

This ordinance may be cited as "Town of Springdale Zoning Ordinance, 2008."

1.2 Purpose

The purpose of this ordinance is to implement the Town of Springdale Comprehensive Plan for those purposes set forth in S.C. Code § 6-29-710 which enables the municipality to plan and zone, and to guide development in accordance with existing and future needs; to protect, promote, and improve the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare; to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to protect scenic areas; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, in accordance with a comprehensive plan and with reasonable consideration of the character of each area and its particular suitability for particular uses, and with a view to promoting desirable living conditions and the sustained stability of neighborhoods, protection of property against blight and depreciation, securing economy in government expenditures, conserving the value of land and buildings, and encouraging the most appropriate use of land, buildings, and structures, the town council does ordain and enact the following regulations upon the location, height, bulk, number of stories, and size of buildings and other structures; the percentage of lot which may be occupied; the sizes of yards, courts, and other open spaces; the density and distribution of population; uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports, and approaches thereto; water supply; sanitation; protection against floods; public activities; and furthermore provides for the administration and amendment of these regulations, defines the powers and duties of the board of adjustment with respect to these regulations, defines certain terms used herein, and provides penalties for violation of these regulations.

1.3 Authority

This zoning ordinance is adopted pursuant to authority granted in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code § 6-29-310 et seq. (1994 Supp.).

1.4 Jurisdiction

The provisions of this ordinance shall apply to all land and improvements within the corporate limits of the town.

1.5 Establishment of zoning districts

For the purpose of this ordinance, the area described in Article 2 hereof is divided into districts as follows:

District	Description	See Section
R-1	Residential, Single-Family	2.1
R-2	Residential, Duplex	2.2
R-3	Residential, Multifamily	2.3
C-1	General Commercial	2.4
C-2	Neighborhood Comm. Mixed-Use Corridor	2.5
I-1	Industrial	2.6
P-1	Public and Semi-Public District	2.7
DO	Design Overlay	2.8
PD	Planned Development	2.9
R-4	Residential, Single Family, Traditional Neighborhood	2.10
R-5	Residential, Single Family, Traditional Neighborhood	2.11

1.6 District Boundaries

The boundaries of the districts listed in Section 1.5 are hereby established as shown on the map entitled "Zoning Map of the Town of Springdale, South Carolina," dated as the effective date of this ordinance or any subsequent major amendments hereto. The zoning map described above is made a part of this ordinance. An official copy of the zoning map shall be kept on file in the office of the zoning administrator.

1.6.1 Rules for Determining District Boundaries

Where reasonable uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the zoning administrator shall decide the location of said boundaries and in doing shall be guided by the following rules:

a. Where district boundaries are indicated as approximately following the center lines of streams, railroads, streets or highways; or street, highway or railroad right-of-way lines, then such center lines or right-of-way lines shall be construed to be such boundaries.

b. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

c. Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, highways or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and such distance there from as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.

d. Deleted December 16, 1986 (0-86-9).

e. Where a district boundary line as appearing on the Zoning Map divides a lot in single ownership at the time of adoption of this Ordinance or subsequent amendment into two different zoning districts, the district least restrictive in the opinion of the owner shall be deemed to apply to the whole thereof. Provided however, that in no case shall a zoning district boundary line dividing said lot be extended into either district in excess of fifty (50) feet beyond the district boundary line dividing said lot.

1.7 Rules of interpretation

Words used in this ordinance shall have their customary meanings except for specific words which shall be defined as follows:

a. Words used in the present tense include the future tense; words used in the singular number include the plural and the singular; the word "person" includes a firm, company, partnership or corporation; the word "building" includes the word "structure"; the word "shall" is always mandatory; the word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied.".

b. The provisions of this chapter are minimum requirements and where conflicts with other laws occur, the stricter shall apply.

1.8 Severability

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of this ordinance as a whole or any part thereof other than the part declared to be unconstitutional or invalid.

1.9 Annexed Property

1.9.1 Town Council, after receiving a recommendation from the planning commission, shall specify a zoning district classification or classifications in the annexation ordinance. Such classification or classifications shall become effective on the effective date of the annexation.

1.9.2 If the zoning district classification recommended by the planning commission for incorporation in the annexation ordinance is different from the existing land use of the property or use specified by the existing county zoning district classification, the planning commission shall so advise town council specifying the reasons for the planning commission recommendation. In such event, the planning commission shall hold a public hearing on the proposed zoning district or districts of the property or properties to be annexed. A notice shall be distributed, published, and posted in the same manner as required for rezoning as set forth in section 7.1.5 of the Town of Springdale Zoning Ordinance

1.9.3 Immediately after the effective date of such annexation, the zoning official shall initiate zoning amendment procedures to establish or confirm the appropriate zoning classifications for the annexed area.

1.10 Lots of Record

1.10.1 **Single Lots**: Where the owner of a lot at the time of adoption of this ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this ordinance, such lot may be used as a building site for a single-family residence in a district where residences are permitted.

1.10.2 Adjoining Lots: If two (2) or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption of this ordinance and such lots individually are too small to meet the yard, width, and area requirements of the district in which they are located, such groups of lots shall be considered as a single lot or several lots of permitted size and the lot or lots in one ownership shall be subject to the requirements of this ordinance.

1.11 Vision Clearance Triangle

1.11.1 Intersections. All corner lots at unsignalized street intersections or railroads shall maintain, for safety vision purposes, a vision clearance triangle. The vision clearance triangle shall consist of the area bounded by the centerlines of the adjacent intersecting streets extending along the centerlines eighty feet from the point of intersection, and a straight line connecting said latter points. Provided that, when either of the intersecting streets has or will have eighty feet of right-of-way the vision clearance triangle shall be the area bounded by the centerlines of the adjacent intersecting streets extending along the centerlines one hundred feet from the point of intersection, and a straight line connecting said latter points. Nothing within the vision clearance triangle shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between the heights of two and one-half and ten feet above the centerline of grades of intersecting streets (and/or railroads) or the future intersections centerline where improvements are programmed with the six-year road improvement program, on file in the city engineering division. (See figures at the end of this chapter.)

1.11.2. Driveway curb cuts: applies only to uses established under the terms of this title. A clearview triangle shall be maintained at all driveways and curb cuts for vision safety purposes. One angle shall be formed by lines "a" and "b" which are adjacent to the street and driveway. The line adjacent to the street shall follow the curbline or improved travel way. The sides of the triangle (a and b) forming the corner angle shall be fifteen feet in length. The third side of the triangle shall be a straight line connecting points "c" and "d". No sign or associated landscaping shall be placed within this triangle so as to materially impede vision between the heights of two and one-half and ten feet above the centerline grade of the streets.

1.12 Street Access

Every lot hereafter established shall front or abut on a street which conforms to the requirements of these regulations.

2. ZONING DISTRICT REGULATIONS

2.1 R-1 Single Family Residential District

2.1.1 Intent

The intent of this district is to establish a low-density single-family residential district and to protect property in the district from the depreciating effects of incompatible land uses therein.

2.1.2 R-1 Permitted Uses

USE GROUP	Zoning District
Use Category / Specific Use Type	**R-1 Single Family Residential**
P= permitted by-right C = conditional use SE= special exception N = Not allowed	
RESIDENTIAL	
Household Living	
Artist Live/Work Space located above the ground floor	N
Artist Live/Work Space, ground floor	N
Dwelling Units located above the ground floor	N
Single family	P
Duplex	N
Multiunit (3+ units) Residential	N
Group Living	
Assisted Living	N
Group Home	N
Nursing Home	N
PUBLIC AND CIVIC	
Colleges and Universities	N
Cultural Exhibits and Libraries	N
Day Care	N
Hospital	N
Lodge or Private Club	N
Parks and Recreation	SE
Postal Service	N
Public Safety Services	N
Religious Assembly	SE
School, Public and Private	SE
Utilities and Services, Minor	N
Utilities and Services, Major	N
COMMERCIAL	
Adult Use	N
Animal Services	
Shelter/Boarding Kennel	N
Sales and Grooming	N
Veterinary	N
Artist Work or Sales Space	N

See Section 8.1 for Use Group and Category Descriptions

See Section 3 for Conditional Use and Special Exception Standards

Bicycle Sales and Service	N
Boat Sales, Repair, and Storage	N
Body Art Establishments	N
Business Equipment Sales and Service	N
Business Support Services	N
Car Wash	N
Communication Service Establishments	N
Construction Sales and Service	N
Temporary Contractors Office and Equipment Sheds	C
Drive-Through Facility	N
Eating and Drinking Establishments	
Restaurant	N
Tavern	N
Entertainment and Spectator Sports	
Small (1—149 seats)	N
Medium (150–999)	N
Large (1,000+)	N
Financial Services	N
Food and Beverage Retail Sales	N
Funeral and Interment Serviced	N
Gas Stations	N
Lodging	
Small (1–16 guest rooms)	N
Large (17+ guest rooms)	N
Medical Service	N
Movie and Live Theater	N
Office	N
Parking Lot	N
Parking Structure, Commercial (Non accessory; parking on second floor and levels above)	N
Personal Service, including health clubs and gyms	N
Temporary Real Estate Sales Office	N
Repair Service, Consumer, including bicycles	N
Residential Storage Warehouse	N
Retail Sales, General	N
Vehicle Sales, Service, and Repair	N
INDUSTRIAL	
Manufacturing, Production and Industrial Services	
Artisan (hand-tools only; e.g., jewelry or ceramics)	N
Manufacturing	N
OTHER	
Wireless Communication Facilities	
Co-located	C
Freestanding (Towers)	SE
Home Occupation	C
Shipping containers, cargo containers, tractor trailers	C

2.1.5 R-1 District Regulations

Lot Specifications

Permitted Building Types

Allyard
Civic Building

Lot Dimensions

Minimum lot area: 21,780

Minimum land area per dwelling unit: 21,780

Maximum dwelling units per acre: 2

Minimum lot width at front setback line: 100 ft.

Maximum lot coverage: 25%

Principal Structure Setback (Minimum)

Front: 30 ft. or for infill lots, the average of existing setbacks from same street in same block in the district, but not less than 15 feet

Sides: 15 ft.

Rear: 25 ft.

Accessory Structure Setback (Minimum)

Front: No accessory building shall be located in the required front yard of any lot.
Sides: 5 ft.
Rear: 5 ft.

General Provisions

A. Corner lots shall have two front yards and utilize the minimum front setbacks for each, unless otherwise determined by the zoning administrator.
B. The following uses are permitted within accessory structures: parking, gazebo, pool houses, equipment storage, sauna, workshop and conservatory.
C. Satellite dishes shall be in accordance with section 3.6.
D. Landscaping shall be in accordance with section 4.2
E. Signs shall be in accordance with section 4.4
F. Parking for single family residential uses may be located in the required front setback and must be located in a designated parking area All other parking standards shall be in accordance with section 4.3

Height

Building Height shall be measured as the vertical distance from the highest finished grade relative to the street, to the roof line. (Exceptions: Roof equipment and structures not intended for human occupancy and which are necessary to the building upon which they are placed.)

Maximum Height
Principal structure: 35 ft.

Accessory structure: Height of Principal structure or 20 ft., whichever is less.

2.2 R-2 Duplex Residential District

2.2.1 Intent

The intent of the R-2 District is to establish a medium-density residential district and to protect property in the district from the effects of incompatible land uses therein.

2.2.2 R-2 Permitted Uses

USE GROUP	Zoning District
Use Category	**R-2 Duplex Residential**
Specific Use Type	
P= permitted by-right C = conditional use SE = Special Exception N = Not allowed	
RESIDENTIAL	
Household Living	
Artist Live/Work Space located above the ground floor	N
Artist Live/Work Space, ground floor	N
Dwelling Units located above the ground floor	N
Single family	P
Duplex	P
Multiunit (3+ units) Residential	N
Group Living	
Assisted Living	N
Group Home	N
Nursing Home	N
PUBLIC AND C IVIC	
Colleges and Universities	N
Cultural Exhibits and Libraries	N
Day Care	N
Hospital	N
Lodge or Private Club	N
Parks and Recreation	SE
Postal Service	N
Public Safety Services	N
Religious Assembly	SE
School, Public and Private	SE
Utilities and Services, Minor	N
Utilities and Services, Major	N
COMMERCIAL	
Adult Use	N
Animal Services	
Shelter/Boarding Kennel	N
Sales and Grooming	N
Veterinary	N
Artist Work or Sales Space	N

See Section 8.1 for Use Group and Category Descriptions

See Section 3 for Conditional Use and Special Exception Standards

Bicycle Sales and Service	N
Boat Sales, Repair, and Storage	N
Body Art Establishments	N
Business Equipment Sales and Service	N
Business Support Services	N
Car Wash	N
Communication Services Establishments	N
Construction Sales and Service	N
Temporary Contractors Office and Equipment Sheds	C
Drive-Through Facility	N
Eating and Drinking Establishments	
Restaurant	N
Tavern	N
Entertainment and Spectator Sports	
Small (1—149 seats)	N
Medium (150–999)	N
Large (1,000+)	N
Financial Services	N
Food and Beverage Retail Sales	N
Funeral and Interment Services	N
Gas Stations	N
Lodging	
Small (1–16 guest rooms)	N
Large (17+ guest rooms)	N
Medical Service	N
Movie and Live Theatre	N
Office	N
Parking Lot	N
Parking Structure, Commercial (Non accessory; parking on second floor and levels above)	N
Personal Service, including health clubs and gyms	N
Temporary Real Estate Sales Office	N
Repair Service, Consumer, including bicycles	N
Residential Storage Warehouse	N
Retail Sales, General	N
Vehicle Sales, Service, and Repair	N
INDUSTRIAL	
Manufacturing, Production and Industrial Services	
Artisan (hand-tools only; e.g., jewelry or ceramics)	N
Manufacturing	N
OTHER	
Wireless Communication Facilities	
Co-located	C
Freestanding (Towers)	SE
Home Occupation	C
Shipping containers, cargo containers, tractor trailers	C

2.2.3 R-2 District Requirements

Lot Specifications

Permitted Building Types

Allyard
Civic Building

Lot Dimensions

Minimum lot area: 15,000
Minimum land area per dwelling unit: 15,000 sq. ft. for the first unit, 4,000 sq. ft. for each additional unit
Maximum dwelling units per acre: 9
Minimum lot width at front setback line: 85 ft.
Maximum lot coverage: 40%

Principal Structure Setback (Minimum)
Principal frontage: 25 ft. or for infill lots, the average of existing setbacks from same street in same block in the district, but not less than 15 feet

Sides: Combined side yard width of 10 ft. or 20% of the lot width, whichever is less, provided however, that no individual side yard shall be less than 4 ft. in width.

Rear: 20 ft.

Accessory Structure Setback (Minimum)
Front: No accessory building shall be located in the required front yard of any lot.

Sides: 5 ft.

Rear: 5 ft.

General Provisions

A. Corner lots shall have two front yards and utilize the minimum front setbacks for each, unless otherwise determined by the zoning administrator.
B. The following uses are permitted within accessory structures: parking, gazebo, pool houses, equipment storage, sauna, workshop and conservatory.
C. Satellite dishes shall be in accordance with section 3.6
D. Landscaping shall be in accordance with section 4.2.
E. Signs shall be in accordance with section 4.4.
F. Parking for single family residential uses may be located in the required front setback and must be located in a designated parking area All other parking standards shall be in accordance with section 4.3

Height

Building height shall be measured as the vertical distance from the highest finished grade relative to the street, to the roof line. (Exceptions: Roof equipment and structures not intended for human occupancy and which are necessary to the building upon which the are placed.)

Maximum Height

Principal structure: 35 ft.

Accessory structure: Height of Principal structure or 20 ft., whichever is less.

2.3 R-3 Multifamily Residential District

2.3.1 Intent

To permit the compatible existence of all residential types; to insure a healthful environment for families living in single-family, two-family and multifamily structures by providing for adequate light and air, preventing undue concentration of population and preventing the overcrowding of land by buildings and other structures; to protect property in the district from the depreciating effects of incompatible land uses; and for other purposes.

2.3.2 Permitted Uses

USE GROUP	Zoning District
Use Category	**R-3 Multifamily Residential**
Specific Use Type	
P= permitted by-right C = conditional use SE = Special Exception N = Not allowed	
RESIDENTIAL	
Household Living	
Artist Live/Work Space located above the ground floor	N
Artist Live/Work Space, ground floor	N
Dwelling Units located above the ground floor	N
Single-family	P
Duplex	P
Multiunit (3+ units) Residential	P
Group Living	
Assisted Living	SE
Group Home	SE
Nursing Home	SE
PUBLIC AND CIVIC	
Colleges and Universities	N
Cultural Exhibits and Libraries	N
Day Care	N
Hospital	N
Lodge or Private Club	N
Parks and Recreation	SE
Postal Service	N
Public Safety Services	N
Religious Assembly	SE
School, Public and Private	SE
Utilities and Services, Minor	N
Utilities and Services, Major	N
COMMERCIAL	
Adult Use	N
Animal Services	
Shelter/Boarding Kennel	N

See Section 8.1 for Use Group and Category Descriptions

See Section 3 for Conditional Use and Special Exception Standards

Sales and Grooming	N
Veterinary	N
Artist Work or Sales Space	N
Bicycle Sales and Service	N
Boat Sales, Repair, and Storage	N
Body Art Establishments	N
Business Equipment Sales and Service	N
Business Support Services	N
Car Wash	N
Communication Service Establishments	N
Construction Sales and Service	N
Temporary Contractors Office and Equipment Sheds	C
Drive-Through Facility	N
Eating and Drinking Establishments	
Restaurant	N
Tavern	N
Entertainment and Spectator Sports	
Small (1—149 seats)	N
Medium (150–999)	N
Large (1,000+)	N
Financial Services	N
Food and Beverage Retail Sales	N
Funeral and Interment Service	N
Gas Stations	N
Lodging	
Small (1–16 guest rooms)	N
Large (17+ guest rooms)	N
Medical Service	N
Movie and Live Theatre	N
Office	N
Parking Lot	N
Parking Structure, Commercial (Non accessory; parking on second floor and levels above)	N
Personal Service, including health clubs and gyms	N
Temporary Real Estate Sales Office	N
Repair Service, Consumer, including bicycles	N
Residential Storage Warehouse	N
Retail Sales, General	N
Vehicle Sales, Service, and Repair	N
INDUSTRIAL	
Manufacturing, Production and Industrial Services	
Artisan (hand-tools only; e.g., jewelry or ceramics)	N
Manufacturing	N
OTHER	
Wireless Communication Facilities	
Co-located	C
Freestanding (Towers)	SE

Home Occupation	C
Shipping containers, cargo containers, tractor trailers	C

2.3.3 R-3 District Requirements

Lot Specifications

Permitted Building Types

Allyard
Civic Building

Lot Dimensions

Minimum lot area: 15,000

Minimum land area per dwelling unit: 15,000 sq. ft. for the first unit, 4,000 sq. ft. the second unit and 3,000 sq. ft for each additional unit

Maximum dwelling units per acre: 13

Minimum lot width at front setback line: 85 ft.

Maximum lot coverage: 40%

Principal Structure Setback (Minimum)
Principal frontage: 20 ft. or for infill lots, the average of existing setbacks from same street in same block in the district, but not less than 15 feet

Sides: Combined side yard width of 10 ft. or 20% of the lot width, whichever is less, provided however, that no individual side yard shall be less than 4 ft. in width.

Rear: 20 ft.

Accessory Structure Setback (Minimum)
Front: No accessory building shall be located in the required front yard of any lot.

Sides: 5 ft.

Rear: 5 ft.

General Provisions

A. Corner lots shall have two front yards and utilize the minimum front setbacks for each, unless otherwise determined by the zoning administrator.
B. The following uses are permitted within accessory structures: parking, gazebo, pool houses, equipment storage, sauna, workshop and conservatory.
C. Satellite dishes shall be in accordance with section 3.6.
D. Landscaping shall be in accordance with section 4.2.
E. Signs shall be in accordance with section 4.4.
F. Parking for single family residential uses may be located in the required front setback and must be located in a designated parking area All other parking standards shall be in accordance with section 4.3

Height

Building height shall be measured as the vertical distance from the highest finished grade relative to the street, to the roof line. (Exceptions: Roof equipment and structures not intended for human occupancy and which are necessary to the building upon which the are placed.)

Maximum Height

Principal structure: 35 ft.

Accessory structure: Height of Principal structure or 20 ft., whichever is less.

2.4 C-1General Commercial

2.4.1 Intent

The intent of the C-1 General Commercial district is to provide a district for general commercial and related uses.

Commercial districts should have traffic from major traffic arteries; however, it is not the intent of this ordinance to encourage the development of long, narrow strips of commercial development fronting on major arteries, often referred to as "strip commercial" areas. Strip commercial development leads to the eventual formation of commercial slums, damages the traffic-carrying capacity of streets, increases congestion, is often incompatible with adjacent residential uses, frequently leads to depreciation of property values in adjacent residential areas, encourages undo scattering of commercial facilities to the inconvenience of the public, and creates disproportionate costs in the provision of governmental services.

Extension of commercial zoning via amendments to this ordinance should be made principally for the provision of planned, unified commercial areas, and not in such a way that strip commercial areas are encouraged. Extension of commercial zoning should only be made after careful consideration of compatibility with adjacent uses, the need for additional commercial facilities, and whether or not other land is available which is already zoned for commercial use.

2.4.2 Permitted Uses

USE GROUP	**Zoning District**
Use Category	**C-1 General Commercial**
Specific Use Type	
P= permitted by-right C = conditional use SE = Special Exception N = Not allowed	
RESIDENTIAL	
Household Living	
Artist Live/Work Space located above the ground floor	N
Artist Live/Work Space, ground floor	N
Dwelling Units located above the ground floor	N
Single family	N
Duplex	N
Multiunit (3+ units) Residential	N
Group Living	
Assisted Living	N
Group Home	P
Nursing Home	P
Temporary Overnight Shelter	N
PUBLIC AND CIVIC	
Colleges and Universities	P
Cultural Exhibits and Libraries	P
Day Care	P
Hospital	P

See Section 8.1 for Use Group and Category Descriptions

See Section 3 for Conditional Use and Special Exception

Lodge or Private Club	P
Parks and Recreation	P
Postal Service	P
Public Safety Services	P
Religious Assembly	P
School, Public and Private	P
Utilities and Services, Minor	P
Utilities and Services, Major	P
COMMERCIAL	
Adult Use	N
Animal Services	
Shelter/Boarding Kennel	P
Sales and Grooming	P
Veterinary	P
Artist Work or Sales Space	P
Bicycle Sales and Service	P
Boat Sales, Repair, and Storage	P
Body Art Establishments	N
Business Equipment Sales and Service	P
Business Support Services (except as more specifically regulated)	P
Day Labor Employment Agency	N
Employment Agencies	P
Car Wash	C
Drive-Through Facility	P
Communication Service Establishments	P
Construction Sales and Service	
Building Material Sales	P
Contractor /Construction Storage Yard	N
Eating and Drinking Establishments	
Restaurant	P
Tavern	P
Entertainment and Spectator Sports	
Small (1—149 seats)	P
Medium (150–999)	P
Large (1,000+)	P
Financial Services (except as more specifically regulated)	P
Bank, Savings Bank, Savings and Loan Association and Credit Union	P
Payday Loan Store	N
Pawn Shop	N
Food and Beverage Retail Sales (except as more specifically regulated)	P
Liquor Store (package goods)	P
Liquor Sales (as accessory use)	P
Funeral and Interment Service	
Cemetery/Mausoleum/Columbarium	N
Cremating	N
Undertaking	P

Gas Stations	P
Lodging	
Small (1–16 guest rooms)	P
Large (17+ guest rooms)	P
Medical Service	P
Movie and Live Theatre	P
Office	P
Parking Lot	C
Parking Structure, Commercial (Non accessory; parking on second floor and levels above)	P
Personal Service, including health clubs and gyms	P
Repair and Laundry Service, Consumer, including bicycles (except as more specifically regulated)	P
Dry-cleaning, drop-off or pick-up (no on premises plant)	P
Coin operated Laundromat	P
Residential Storage Warehouse	P
Retail Sales, General	P
Vehicle Sales, Service, and Repair	C
INDUSTRIAL	
Manufacturing, Production and Industrial Services	
Artisan (hand-tools only; e.g., jewelry or ceramics)	P
Manufacturing	N
Wholesale	P
OTHER	
Wireless Communication Facilities	
Co-located	P
Freestanding (Towers)	C
Shipping containers, cargo containers, tractor trailers	C

2.4.3 C-1 District Requirements

Lot Specifications	
Permitted Building Types Allyard (Existing Re-use or Infill Only) Sideyard Building Rearyard Building Courtyard Building Civic Building	
Lot area:	No minimum
Lot Width:	No minimum
Lot Coverage:	No maximum
Principal Structure Setback (Minimum) Front: 20 ft. Side: 20 ft. Rear: 30 ft.	
Accessory Structure Setback (Minimum) Front: No accessory building shall be located in the required front yard of any lot. Side: 5 ft Rear: 5 ft.	
General Provisions	
A. Corner lots shall have two front yards and utilize the minimum front setbacks for each, unless otherwise determined by the zoning administrator. **B.** Trash containers, mechanical equipment and outdoor storage shall be located in rear yard and shall be screened from view. Outdoor Storage shall utilize Opaque Screen/Buffer consistent with the requirements of section 4.2.6 of this Code **C.** Landscaping shall be in accordance with section 4.2 **D.** Signs shall be in accordance with section 4.4. **E.** Parking shall be in accordance with section 4.3.	
Height	
Building Height shall be measured as the vertical distance from the highest finished grade relative to the street, to the roof line. (Exceptions: Roof equipment and structures not intended for human occupancy and which are necessary to the building upon which they are placed.) **Maximum Height** Principal structure: 35 ft.	

2.5 C-2 Neighborhood Commercial, Mixed-use District

2.5.1 Intent

The intent of the C-2, Neighborhood Commercial, Mixed-Use District are to:

(1) Accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units above the nonresidential space;

(2) Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and

(3) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

2.5.2 Permitted Uses

USE GROUP	**Zoning District**
Use Category	**C-2 Neighborhood Commercial Mixed-Use**
Specific Use Type	
P= permitted by-right C = conditional use Se = Special Exception N = Not allowed	
RESIDENTIAL	
Household Living	
Artist Live/Work Space located above the ground floor	P
Artist Live/Work Space, ground floor	C
Dwelling Units located above the ground floor	P
Single family	N
Duplex	N
Multiunit (3+ units) Residential	N
Group Living	
Assisted Living	C
Group Home	P
Nursing Home	C
PUBLIC AND CIVIC	
Colleges and Universities	P
Cultural Exhibits and Libraries	P
Day Care	C
Hospital	N
Lodge or Private Club	P
Parks and Recreation	C
Postal Service	C
Public Safety Services	P
Religious Assembly	P
School, Public and Private	C
Utilities and Services, Minor	P
Utilities and Services, Major	C

See Section 8.1 for Use Group and Category Descriptions

See Section 3 for Conditional Use and Special Exception Standards

COMMERCIAL	
Adult Use	N
Animal Services	
Shelter/Boarding Kennel	N
Sales and Grooming	P
Veterinary	P
Artist Work or Sales Space	P
Bicycle Sales and Service	P
Boat Sales, Repair, and Storage	N
Body Art Establishments	N
Business Equipment Sales and Service	
Business Support Services (except as more specifically regulated)	N
Day Labor Employment Agency	N
Employment Agency	N
Car Wash	N
Communication Sales and Service	C
Construction Sales and Service	
Building Material Sales	C
Contractor/Construction Storage Yard	N
Drive-Through Facility	N
Eating and Drinking Establishments	
Restaurant	P
Tavern	C
Entertainment and Spectator Sports	
Small (1—149 seats)	P
Medium (150–999)	N
Large (1,000+)	N
Financial Services (except as more specifically regulated)	P
Bank, Savings Bank, and Loan Savings and Loan Association and Credit Union	P
Payday Loan Store	N
Pawn Shop	N
Food and Beverage Retail Sales	C
Liquor Store (package goods)	N
Liquor Sales (as accessory use)	N
Funeral and Interment Service	
Cemetery/Mausoleum/Columbarium	N
Cremating	N
Undertaking	N
Gas Stations	N
Lodging	
Small (1–16 guest rooms)	P
Large (17+ guest rooms)	C
Medical Service	P
Movie and Live Theatre	P
Office	C
Parking Lot	C
Parking Structure, Commercial (Non accessory;	C

parking on second floor and levels above)	
Personal Service, including health clubs and gyms	C
Repair and Laundry Service, Consumer, including bicycles (except as more specifically regulated)	C
Dry-cleaning, drop-off or pick-up (no on-premises plant)	N
Coin operated Laundromat	N
Residential Storage Warehouse	N
Retail Sales, General	C
Vehicle Sales, Service, and Repair	N
INDUSTRIAL	
Manufacturing, Production and Industrial Services	
Artisan (hand-tools only; e.g., jewelry or ceramics)	P
Manufacturing	N
Wholesale	N
OTHER	
Wireless Communication Facilities	
Co-located	P
Freestanding (Towers)	C
Shipping containers, cargo containers, tractor trailers	C

2.5.3 C-2 District Requirements

Lot Specifications
Permitted Building Types Allyard (Existing Re-use or Infill Only) Sideyard Building Rearyard Building Courtyard Building Civic Building
Lot Width: 50 ft. Lot Area: Residential- 6,000sq. ft. for firs the first unit, 3,000 sq. ft. for the second unit and 2,000 sq. fit for each additional unit. Non-residential: 6,000 sq. ft.
Principal Structure Setback: Front: 20 ft. min. Side: 20 ft. Rear: 30 ft min. **Accessory Structure Setback** Front: No accessory building shall be located in the required front yard of any lot. Side: 0 ft. Rear: Minimum 3 ft.
Transparency
A. A minimum of fifty (50%) percent of the street-facing building façade between two feet and eight feet in height must be comprised of clear windows that allow view to indoor space or product display areas **B.** The bottom of any window or product display window used to satisfy the transparency standards of paragraph A. above may not be more than 3 feet above the adjacent sidewalk. **C.** Product display windows used to satisfy these requirements must have a minimum height of 4 feet and be internally lighted.
Doors and Entrances
A. Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement **B.** Building entrances may include doors to individual shops or business, lobby entrances, entrances to pedestrian oriented plazas, or courtyard entrances to a cluster of shops or businesses.
General Provisions
A. Corner lots shall have two front yards and utilize the minimum front setbacks for each, unless otherwise determined by the zoning administrator. **B.** Trash containers, mechanical equipment and outdoor storage shall be located in the side or rear yard and shall be screened form view. Mechanical equipment for single-family residential uses shall be setback a minimum of 3 feet from the property line. **C.** All permitted uses in the C-2 district must be conducted within completely enclosed buildings unless otherwise expressly authorized. This does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas. **D.** Landscaping shall be in accordance with section 4.2. **E.** Signs shall be in accordance with section 4.4. **F.** Off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from the public right-of-way or residential zoning districts. Parking shall be in accordance with section 4.3.
Height
Building Height shall be measured as the vertical distance from the highest finished grade relative to the street, to the roof line. (Exceptions: Roof equipment and structures not intended for human occupancy and which are necessary to the building upon which they are placed.) **Maximum Height** Principal structure: 35 ft. Accessory structure: Height of Principal structure or 20 ft., whichever is less.

2.6 ID Industrial District

2.6.1 Intent

This district is intended to provide areas for industrial and closely related uses; to encourage the proper design, placement, and grouping of industrial uses; and to protect adjacent districts from potentially harmful effects. This district is not intended to accommodate general commercial uses or residential uses.

2.6.2 Permitted Uses

USE GROUP	**Zoning District**
Use Category	**ID Industrial**
Specific Use Type	
P= permitted by-right C = conditional use SE = Special Exception N = Not allowed	
RESIDENTIAL	
Household Living	
Artist Live/Work Space located above the ground floor	N
Artist Live/Work Space, ground floor	N
Dwelling Units located above the ground floor	N
Single family	N
Duplex	N
Multiunit (3+ units) Residential	N
Group Living	
Assisted Living	N
Group Home	P
Nursing Home	P
Temporary Overnight Shelter	N
PUBLIC AND CIVIC	
Colleges and Universities	N
Cultural Exhibits and Libraries	N
Day Care	N
Hospital	P
Lodge or Private Club	N
Parks and Recreation	N
Postal Service	P
Public Safety Services	P
Religious Assembly	P
School, Public and Private	N
Utilities and Services, Minor	P
Utilities and Services, Major	P
COMMERICAL	
Adult Use	C
Animal Services	
Shelter/Boarding Kennel	P
Sales and Grooming	P

See Section 8.1 for Use Group and Category Descriptions

See Section 3 for Conditional Use and Special Exception Standards

Veterinary	P
Artist Work or Sales Space	P
Bicycle Sales and Service	P
Boat Sales, Repair, and Storage	P
Body Art Establishments	C
Business Equipment Sales and Service	P
Business Support Services (except as more specifically regulated)	P
Day Labor Employment Agency	P
Employment Agencies	P
Car Wash	P
Communication Service Establishments	P
Construction Sales and Service	
Building Material Sales	P
Contractor/Construction Storage Yard	P
Drive-Through Facility	P
Eating and Drinking Establishments	
Restaurant	P
Tavern	P
Entertainment and Spectator Sports	
Small (1—149 seats)	P
Medium (150–999)	P
Large (1,000+)	P
Financial Services (except as more specifically regulated)	P
Bank, Savings Bank, Savings and Loan Association and Credit Union	P
Payday Loan Store	P
Pawn Shop	N
Food and Beverage Retail Sales (except as more specifically regulated)	P
Liquor Store (package goods)	P
Liquor Sales (as accessory use)	P
Funeral and Interment Service	
Cemetery/Mausoleum/Columbarium	P
Cremating	P
Undertaking	P
Gas Stations	P
Lodging	
Small (1–16 guest rooms)	P
Large (17+ guest rooms)	P
Medical Service	P
Movie and Live Theatre	P
Office	P
Parking Lot	C
Parking Structure, Commercial (Non accessory; parking on second floor and levels above)	P
Personal Service, including health clubs and gyms	P
Repair and Laundry Service, Consumer, including bicycles	P

Dry-cleaning, drop-off or pick-up (no on-premises plant)	P
Coin operated Laundromat	P
Residential Storage Warehouse	P
Retail Sales, General	P
Vehicle Sales, Service, and Repair	P
INDUSTRIAL	
Manufacturing, Production and Industrial Services	
Artisan (hand-tools only; e.g., jewelry or ceramics)	P
Manufacturing	P
Wholesale	P
OTHER	
Wireless Communication Facilities	
Co-located	P
Freestanding (Towers)	C
Shipping containers, cargo containers, tractor trailers	C

2.6.3 ID Industrial District Requirements

Lot Specifications
Permitted Building Types Allyard (Existing Re-use or Infill Only) Sideyard Building Rearyard Building Courtyard Building Civic Building
Lot size: No minimum Lot Width: No minimum. Lot Coverage: No maximum
Principal Structure Setback (Minimum) Front: 50 ft. Side: 10 ft. Rear: 15 ft. **Accessory Structure Setback (Minimum)** Front: No accessory building shall be located in the required front yard of any lot. Side: 5 ft Rear: 5 ft.
General Provisions
A. Corner lots shall have two front yards and utilize the minimum front setbacks for each, unless otherwise determined by the zoning administrator. **B.** Trash containers, mechanical equipment and outdoor storage shall be located in rear yard and shall be screened from view. Outdoor Storage shall utilize Opaque Screen/Buffer consistent with the requirements of section 4.2.6 of this Code **C.** Landscaping shall be in accordance with section 4.2. **D.** Signs shall be in accordance with section 4.4. **E.** Parking shall be in accordance with section 4.3.
Height
Building Height shall be measured as the vertical distance from the highest finished grade relative to the street, to the roof line. (Exceptions: Roof equipment and structures not intended for human occupancy and which are necessary to the building upon which they are placed.) **Maximum Height** Principal structure: 35 ft.

2.7 P-1 Public and Semi-Public District

2.7.1 Intent

The intent of this district is to establish a public or semi-public area for health, religious, education and governmental institutions. The nature of these institutions require that they be located in areas with good access and also be near residential areas that they serve.

2.7.2 P-1 Permitted Uses

USE GROUP	Zoning District
Use Category	**P-1 Public and Semi-Public**
Specific Use Type	
P= permitted by-right C = conditional use SE= special exception N = Not allowed	
RESIDENTIAL	
Household Living	
Artist Live/Work Space located above the ground floor	N
Artist Live/Work Space, ground floor	N
Dwelling Units located above the ground floor	N
Single family	P
Duplex	N
Multiunit (3+ units) Residential	N
Group Living	
Assisted Living	P
Group Home	P
Nursing Home	P
PUBLIC AND CIVIC	
Colleges and Universities	N
Cultural Exhibits and Libraries	P
Day Care	SE
Hospital	P
Lodge or Private Club	P
Parks and Recreation	P
Postal Service	P
Public Safety Services	P
Religious Assembly	P
School, Public and Private	P
Utilities and Services, Minor	C
Utilities and Services, Major	SE
COMMERCIAL	
Adult Use	N
Animal Services	
Shelter/Boarding Kennel	N
Sales and Grooming	N
Veterinary	N
Artist Work or Sales Space	N
Bicycle Sales and Service	N
Boat Sales, Repair, and Storage	N

See Section 8.1 for Use Group and Category Descriptions

See Section 3 for Conditional Use and Special Exception Standards

Body Art Establishments	N
Business Equipment Sales and Service	N
Business Support Services	N
Car Wash	N
Communication Service Establishments	N
Construction Sales and Service	N
Temporary Contractors Office and Equipment Sheds	C
Drive-Through Facility	N
Eating and Drinking Establishments	
Restaurant	N
Tavern	N
Entertainment and Spectator Sports	
Small (1—149 seats)	N
Medium (150–999)	N
Large (1,000+)	N
Financial Services	N
Food and Beverage Retail Sales	N
Funeral and Interment Serviced	N
Gas Stations	N
Lodging	
Small (1–16 guest rooms)	N
Large (17+ guest rooms)	N
Medical Service	N
Movie and Live Theater	N
Office	N
Parking Lot	N
Parking Structure, Commercial (Non accessory; parking on second floor and levels above)	N
Personal Service, including health clubs and gyms	N
Temporary Real Estate Sales Office	N
Repair Service, Consumer, including bicycles	N
Residential Storage Warehouse	N
Retail Sales, General	N
Vehicle Sales, Service, and Repair	N
INDUSTRIAL	
Manufacturing, Production and Industrial Services	
Artisan (hand-tools only; e.g., jewelry or ceramics)	N
Manufacturing	N
OTHER	
Wireless Communication Facilities	
Co-located	C
Freestanding (Towers)	SE
Home Occupation	C
Shipping containers, cargo containers, tractor trailers	C

2.7.5 P-1 District Regulations

Lot Specifications

Permitted Building Types

Allyard
Civic Building

Lot Dimensions

Minimum lot area: 10,000

Minimum land area per dwelling unit: N/A

Maximum dwelling units per acre: 4

Minimum lot width at setback building line: 85 ft.

Maximum lot coverage: 25%

Principal Structure Setback (Minimum)

Front: 30 ft. or for infill lots, the average of existing setbacks from same street in same block in the district, but not less than 15 feet

Sides: 15 ft.

Rear: 25 ft.

Accessory Structure Setback (Minimum)

Front: No accessory building shall be located in the required front yard of any lot.
Sides: 5 ft.
Rear: 5 ft.

General Provisions

A. Corner lots shall have two front yards and utilize the minimum front setbacks for each, unless otherwise determined by the zoning administrator.
B. The following uses are permitted within accessory structures: parking, gazebo, pool houses, equipment storage, sauna, workshop and conservatory.
C. Satellite dishes shall be in accordance with section 3.6.
D. Landscaping shall be in accordance with section 4.2
E. Signs shall be in accordance with section 4.4
F. Off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from the public right-of-way or residential zoning districts. Parking shall be in accordance with section 4.3

Height

Building Height shall be measured as the vertical distance from the highest finished grade relative to the street, to the roof line. (Exceptions: Roof equipment and structures not intended for human occupancy and which are necessary to the building upon which they are placed.)

Maximum Height
Principal structure: 35 ft.

Accessory structure: Height of Principal structure or 20 ft., whichever is less.

2.8 Design Overlay District

2.8.1 Intent

This District is intended to promote unified planning and development along the Town's major corridors, improve and enhance the aesthetic quality of land uses fronting on these corridors, and foster civic pride.

2.8.2 Establishment, Definition

The Design "overlay" district is hereby established along the full length of the following roads: Platt Springs Road, Ermine Road, Wattling Road, and Highway 302 (Airport Blvd). The district extends from the street right-of-way one lot deep on both sides of the road.

The Overlay District imposes requirements and standards over and above, or in addition to, those imposed by the primary or underlying zone district, and in all instances shall be satisfied in full prior to the issuance of a building or use permit.

2.8.3 Prohibited Uses

Permitted uses within the Overlay District are determined primarily by the underlying Zoning District. However, the following uses are declared to be incompatible with the purpose of this district as stated in 2.8.1, and are therefore disallowed, regardless of primary or underlying Zone District regulations permitting such uses:

(1) Truck (stops) and freight terminals,
(2) Off-site Advertising Signs and Billboards,
(3) Storage lots and outdoor sales, including but not limited to boats, trailers, recreational vehicles, campers, manufactured homes, flee markets, furniture, lumber, scrap metal and salvage operations,
(4) Sexually oriented businesses, night clubs and drinking places (bars and lounges),
(5) Communication towers and antennas,
(6) Pawn Shops,
(7) Self-service car wash,
(8) Body Arts Establishments.
(9) Mini-warehouses
(10) Payday loan
(11) Palm readers and psychics
(12) Liquor Store (package store)
(13) Vehicle Sales and Service (applies to Ermine road and Wattling Road only)
(14) Thrift Stores

2.8.4 Design Review Board; Creation, Authority

To help accomplish the purpose of this district, a Design Review Board is hereby established in accord with the provisions of 6-29-870 of the Code of Laws of South Carolina. The Board shall consist of five (5) members appointed by Town Council.

The following criteria should be used in the selection of members:

(1) Residency or ownership in the affected zone district.

(2) If available in the community, professionalism in architecture, building construction and design, real estate and/or finance.

Board members shall be appointed for overlapping four (4) year terms and shall serve until their successors are appointed. Any vacancy in the membership shall be filled for the unexpired term by the Mayor, subject to Council confirmation. None of the Board members may hold any other public office or position in the town or county.

2.8.5 Organization and Meetings of the Board

The Board shall elect a Chairman and a Vice-Chairman who shall serve for one year or until reelected. The Board shall adopt rules of procedure and keep a record of its proceedings in accordance with the State Statutes and these regulations.

Three (3) members of the Board shall constitute a quorum for the conduct of business. The members shall serve without compensation, except for reimbursement for expenses attendant to the performance of their duties and authorized by the Town Council. The Board shall meet upon the call of the Chairman and at such regular intervals as determined by the Board.

2.8.6 Powers and Duties of the Board

Where within the Design Overlay District(s), the exterior appearance of any building or structure is involved, the Building Official and /or Zoning Administrator shall issue no permit for erection, alteration, improvement, painting, demolition or moving of such building or structure unless and until a Certificate of Appropriateness application has been submitted to and approved by the Board.

Any action by an applicant following issuance of a permit requiring a Certificate of Appropriateness shall be in accord with the approved certificate.

The Board shall not cause to be issued a Certificate of Appropriateness authorizing issuance of any permit if it finds that the action proposed would adversely affect the character and environment of the affected area. Where certification is denied, the Board shall record its reasons for denial.

Additionally, the Board shall have the power and duty to hear appeals from decisions of the Building Official or Zoning Administrator in matters under the purview of the Board where there is alleged error in any order, requirement, determination or decision.

2.8.7 General Design Standards for the Determining Appropriateness

At a minimum, the following general design standards shall be considered by the Board when considering an application for appropriateness:

(1) **Height** - The height of any proposed alteration or construction should be compatible with the style and character of surrounding structures.

(2) **Exterior Building Material** - No portion of a building constructed of unadorned masonry or metal siding should be visible from the street.

(3) **Utility Lines** - All utility lines should be placed underground.

(4) **Landscaping** - Landscaping should be integrated into the design and lay out of the site, and the off-street parking area. All landscaped areas shall be provided with an irrigation system or readily available water supply, and shall be properly maintained at all times. Failure to do so is a violation of this ordinance and may be remedied in the manner prescribed for other violations.

5) **Scale** - The scale of the structure after alteration, construction, or partial demolition should be compatible with surrounding structures.

(6) **Directional Expression** - Facades should blend with other structures with regard to directional expression. Structures should be compatible with the dominant horizontal or vertical expression of surrounding structures.

(7) **Architectural Details** - Architectural details including materials, colors, and textures should blend in and be compatible with surrounding development.

(8) **Walkways** - Walkways should be provided between the building and the sidewalk.

(9) **Signage** - Except for signs exempt from the regulations of this ordinance by Section 4.4.4, Temporary Signs covered by Section 4.4.4, and that part of the overlay district along Hwy 302, signage permitted in the Design Overlay District shall be limited to one monument sign for each lot or parcel upon which a business, institutional, or multi-family use is located, and one wall sign for each business located on the site.

The monument sign shall not exceed 45 square feet in area or seven (7) feet in height, and shall display only the name or identification of the business and/or products sold on site. Outdoor advertising or off premise signs shall be prohibited. No monument sign may be located closer than 10 feet to the nearest property line.

Landscaping, consisting of a mixture of evergreen and deciduous shrubs and ground cover shall be provided at the base of each monument sign. Water and maintenance requirements shall be as specified in Section 2.8.7(4).

The face of a wall sign shall not extend over one foot from the wall and shall comply with the standards set in Section 4.4.9. Wall signs shall not be painted onto the wall.

Awnings used as part of a sign shall be maintained in accordance with section 4.4.7 Z.

A Common Signage Plan shall be prerequisite to the issuance of any Certificate of Appropriateness involving:

1. A single lot or parcel with more than one principal use or building (not including accessory uses or buildings), and

2. A PDD (Planned Development District) project.

The Plan shall contain all information required for Zoning permits generally (Section 15-3) and shall specify standards for consistency among all signs on the lot affected by the Plan with regard to:

Lettering or graphic style;
Lighting;
Location of each sign on the buildings;
Material; and
Sign proportions.

The maximum signage area of a "Common" monument sign may be increased by 50 percent and the height of the sign increased by four (4) feet.

Once approved by the Design Review Board, the Common Signage Plan shall become binding on all businesses and uses occupying the affected lots, but may be amended by filing a new or revised Plan in conformance with the requirements of this Ordinance.

If any new or amended Common Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within one year, all signs not conforming to the proposed amended Plan or to the requirements of this Ordinance in effect on the date of submission.

Temporary signs shall meet the color standards in accordance with 2.8.7(7).

(10) **Exterior Illumination**. All outdoor street lights and similar outdoor area fixtures shall be fully shielded and installed in such a way that no light is emitted above a horizontal plane running through the lowest part of the fixture. All fixtures shall be Dark Sky compliant or an equivalent. The pattern of light pooling from each light source shall be carefully considered to avoid throwing light onto adjacent properties. Light sources visible in residential areas should comply with light intensities indicated in Column A below. Light sources visible in commercial or industrial areas should comply with light intensities indicated in Column B below.

Maximum Intensity of Light Sources

	Column A	Column B
Bare Incandescent Bulbs	5 ft. candles	15 ft. candles
Illuminated Buildings	5 ft. candles	15 ft. candles
Backlighted or luminous background signs	5 ft. candles	15 ft. candles
Outdoor Illuminated Signs & Poster Panels	5 ft. candles	15 ft. candles
Any other unshielded sources, intrinsic brightness (per sq. centimeter)	5 ft. candles	15 ft. candles

Illumination shall be measured from any point outside the property. Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

(11) **Fences –** Fences shall be comprised of one or more of the following: wood, brick, stone or wrought iron. Color shall be in conformance with 2.8.7(7) above.

2.8.8 Certain Work Exempt from the Review of the Design Review Board

Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any building or any structure which does not require a building permit, nor to prevent the demolition of any structure or building characterized by neglect in the maintenance of such building or structure to the extent that it creates hazardous or unsafe conditions.

2.8.10 Applications and Required Materials

Applications for Certificates of Appropriateness shall be submitted through the office of the Building Official/Zoning Administrator to the Design Review Board for review and action. The Board shall act on such application within 30 days of receipt thereof.

By general rule or by specific request in a particular case, the Board may require submission of any or all of the following information in connection with the application: architectural plans, site plans, landscaping plans, plans for the erection of signs and appropriate detail as to character and exterior lighting arrangements, elevations of all portions of buildings and structures with important relationships to public view and indications as to construction

materials, ornamentation, colors and the like, and such other exhibits and data as determined necessary by the Board.

General certification of appropriateness for specific classes of uses may be issued by the Board if it is found that particular materials, designs, architectural features or styles, or other characteristics are generally acceptable and appropriate, and that continued detailed consideration of individual applications involving such matters would be superfluous. If the Building Official/Zoning Administrator finds, upon examining the application, that all aspects which would otherwise require Board review are covered by general certification, he/she may proceed without referral to the Board, identifying the general certification in the record of the application.

2.8.11 Appeals to the Design Review Board

(1) Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the Town. The appeal must be taken within 30 days of a decision, by filing with the officer from whom the appeal is taken and with the Board notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken immediately shall transmit to the Board all the papers constituting the record upon which the action appealed from is taken.

(2) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In that case, proceedings may not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(3) The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice of it, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

2.8.12 Appeals from the Design Review Board to Circuit Court

Any person who may have a substantial interest in any decision of the Board or any officer, or agent of the Town of Springdale may appeal from any decision of the Board to the Circuit Court in and for the County of Lexington by filing with the clerk of court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the affected party receives actual notice of the decision of the Design Review Board.

2.9 Planned Development District

Planned Development Districts may permit a mixture of different types of housing, compatible commercial uses, shopping centers, office parks and other mixed used developments. Flexibility in design, character and quality of development and preservation of natural and scenic features are made possible through the approval of a plan which describes the specific uses, densities, setbacks, and other requirements for a planned development. The approved plan constitutes the district regulations for a particular planned development.

2.9.1 PD Planned Development District Regulations

The following regulations shall apply to all uses in PD districts, other provisions in this ordinance to the contrary notwithstanding:

Minimum site area	Four (4) acres
Minimum lot area for structure	Set in approved plan
Minimum lot width, yards, setbacks	Set in approved plan
Maximum lot coverage:	Set in approved plan
Maximum structure height	Fifty (50) feet when permitted by fire regulations (not applicable to church spires, belfries, cupolas, domes, utility and communication towers, chimneys, flag poles, antennae)
Off street parking and loading requirements	Set in approved plan
Screening	Set in approved plan, but not less than landscaping required in Section 4.2.
Signs	Set in approved plan, but not greater than signs allowed in Section 4.4
Subdivision regulations	Applicable regulations must be met

2.9.2. PD Planned Development Districts Application and Review Procedures

The following procedures shall apply to establishment of a PD district, other provisions in this ordinance to the contrary notwithstanding.

a.	Zoning amendment required:	PD districts are established by amendment to the zoning ordinance in the manner prescribed for rezoning.
b.	District regulations	The applicable regulations in an approved plan and descriptive statement shall constitute the PD district regulations for the site.
c.	Pre-application conference optional	An applicant for PD zoning is encouraged, but not required, to contact the Planning Commission prior to submission of the application for information and review of the regulations and procedures applicable to the proposed plan and descriptive statement.
d.	Amendment application required	Initiation of a PD amendment shall be by submission of an application form provided by the Zoning Administrator with required attachments.
e.	Development plan required	A site development plan is a required attachment to application for PD amendment. The site development plan shall be prepared according to the TOWN OF SPRINGDALE Land Development Regulations.
f.	Descriptive statement required	(1). A descriptive statement is a required attachment to the application for PD amendment. The descriptive statement shall indicate the characteristics and standards to be used for development of the site, and shall include at least the following items: (2). Legal description of site boundaries, and total area of the site; (3). Area and location of each type of use; (4). Number and density of dwelling units by type; (5). Description of open space location, uses and proposed dedication for public use; (6). Ownership and maintenance of streets, and proposed dedication to public;

		(7). Methods of dealing with parking and the impact of projected traffic on the uses on the site and adjacent streets; (8). Steps proposed to comply with sediment control and storm drainage regulations; (9). Steps proposed to comply with landscaping regulations; (10). Details of association or organization involved in ownership and maintenance, including procedures and methods of operation; (11). Outline for development phasing with anticipated time frames; (12). Design standards, procedures and methods demonstrating that development will result in integrated use district, functional and compatible with the area; (13). Proposed restrictive covenants to be recorded to assure future compliance with the standards in the plan; and (14). Such other information as may be appropriate for planning commission review.
g.	Planning Commission review	Upon determination that the application meets above requirements, the Zoning Administrator shall forward the application to the Planning Commission for review and recommendation to Town Council as required for zoning amendments.
h.	Town Council action	Upon receipt of the Planning Commission recommendation, Town Council shall conduct a public hearing as required for zoning amendments, and may approve, approve with modifications accepted by applicant, or disapprove the proposed amendment.
i.	Zoning and building permits	Zoning and building permits shall not be issued until Town Council approves the zoning, and approved plats, the approved descriptive statement and all required restrictive covenants are filed for record with the Municipal Clerk and the Register of Deeds of Lexington County, and all required bonds are posted with the Municipal Clerk.
j.	District map	The site development plan approved by Town Council shall be the zoning district map for the PD and shall be the basis for issuance for zoning and building permits.
k.	Changes to plan:	Minor changes: Changes proposed in writing by the applicant which do not alter district boundaries and which involve revision of minor characteristics of the PD such as relocation of driveways, revision of floor plans, facades, landscaping, relocation of required parking, drainage structures, and features which do not materially affect the approved plan concept or violate any applicable regulations may be approved by the Zoning Administrator. Approval or rejection of the change is subject to review and final determination by the Planning Commission if the applicant or any party whose property is adversely affected files a written objection with the Planning Commission within ten (10) days after action by the Zoning Administrator. An applicant may submit a rejected change as an amendment to the plan under the normal zoning amendment procedures. Major changes: Changes proposed in writing by the applicant which alter district boundaries or which materially affect the characteristics of the PD shall be submitted under normal zoning amendment procedures applicable to the establishment of the PD. Permits: No zoning or building permits involving a minor or major change of the PD descriptive statement or map shall be issued until the written change is filed with the Municipal Clerk and recorded in the office of the Register of Deeds of Lexington County.
l.	Failure to begin; failure to progress; failure to complete	If the responsible party fails to begin, fails to progress, or fails to complete development as agreed in the descriptive statement, Town Council may charge the developer with violation of the zoning ordinance, may rezone the property, or may take any combination of these actions. In any event, if the planned development is not initiated within two years of its establishment, the Planning Commission shall initiate the rezoning of the property to an appropriate district classification in conformity with the comprehensive plan.
m.	Transferability of PDD development plan approval.	PDD site development plan approval by the Springdale Town Council and the developer shall not be transferable to any other party without approval by the Springdale Town Council.

2.10.1 R-4 Single Family Residential, Traditional Neighborhood

Lot Specifications

Permitted Building Types
Single Family Detached Dwellings located on individual lots

Minimum Land Area
10 acres

Lot Dimensions
Minimum lot area: 6,000 sq. ft.
Maximum lot coverage 50%
Minimum lot width of 60' at either front or rear lot line

Principal Structure square footage
Single Story – 1,800
2-Story – 2,000

Principal Structure Setback (Minimum)
Front: 25'
Sides: 5'
Rear: 20'

Accessory Structure Setback (Minimum)
Front: No accessory building shall be located in the required front yard of any lot.
Sides: 5'
Rear: 5'

General Provisions

A. Corner lots shall have two front yards and utilize the minimum front setbacks for each, unless otherwise determined by the zoning administrator.
B. The following uses are permitted within accessory structures: parking, gazebo, pool houses, equipment storage, sauna, workshop and conservatory. The permitted structure shall be of the same design and building materials as the residence located on the property.
C. Satellite dishes shall be in accordance with section 3.6.
D. Landscaping shall be in accordance with section 4.2
E. Signs shall be in accordance with section 4.4
F. Parking for single family residential uses may be located in the required front setback and must be located in a designated parking area. All other parking standards shall be in accordance with section 4.3

Height

Building Height shall be measured as the vertical distance from the highest finished grade relative to the street, to the roof line. (Exceptions: Roof equipment and structures not intended for human occupancy and which are necessary to the building upon which they are placed.)

Principal Structure Maximum Height
Principal structure: 35 ft.

Accessory structure Maximum Height
Accessory structure: Height of Principal structure or 20 ft., whichever is less.

Design Standards

Architectural Requirements – This zoning district is intended for a traditional neighborhood utilizing Traditional and Neo-Traditional as the home style.

Heated Square Footage – Single Story homes shall be a minimum 1,800 heated sq. ft. Two-Story homes shall be a minimum 2,000 sq. ft. heated.

Exterior Façade – Exposed foundation walls or piers must be clad in face brick, stone, stucco, cement fiber board or ARB approved equal. A maximum of three complementary colors is allowed: one main body color, trim color, shutter, and door color. Black is not acceptable as a main color. The exterior façade shall be constructed utilizing Natural Stone, Stucco, Brick, or Cement Fiber Board. Vinyl is only allowed on soffits. The exterior appearance will be designed to fit the overall architectural scheme of proposed development.

Screened Porches – First floor front porches may not be screened. Second floor front porches may not be screened. Rear porches or decks may be screened.

Foundations – The approved foundation types are:

Stem wall- constructed from brick, reinforced concrete block. Reinforced concrete and block stem walls shall be screened or covered with brick, stone, or Cement Fiber Board siding.

Concrete Walls (Basement Style) constructed from brick, reinforced concrete or concrete block. Walls facing the street shall be dressed with brick, stone or plank siding consistent with the architectural character of the house. All side and rear facing walls shall be painted or coated with an earth tone color or a color complimentary of the house.

Monolithic Slab constructed from brick, reinforced concrete or concrete block. Walls facing the street shall be dressed with brick, stone or plank siding consistent with the architectural character of the house. All side and rear facing walls shall be painted or coated with an earth tone color or a color complimentary of the house.

Roofing – All houses are required to utilize dimensional, 30 year architectural asphalt shingles.

Venting – Ridge vents and off-ridge vents may be utilized. Off-ridge vents must be placed where not visible from the street. Turbine attic vents are not allowed.

Windows – Windows on the sides of the houses must have reflective tint or backing. Reflective tint or backing is not required on front or rear windows of the house.

Doors – All front doors shall be constructed of wood or have the appearance of natural wood. All front doors should have panels. All exterior side and rear doors shall be constructed of wood, metal or fiberglass and shall have panels. Sliding glass doors may be used in applications not visible from the street. With regard to corner lots, sliding glass doors may not be used in applications not visible from either street on which the corner lot sits.

Chimney and Chimney Caps – Chimney siding shall consist of brick, stucco, stone or cement fiber board. Chimney caps shall have an architectural character consistent with the house.

Garage – As a minimum, two-car garages, with garage doors, are required. Temporary structures such as tarp and pole canopies are prohibited. All garages shall have interior walls finished with either paneling or gypsum board painted. Garage doors must have architectural character that compliments the house. (i.e. wood grain, wood color, windows, architectural fasteners, etc.) Carriage house doors are to be used where possible.

Landscaping – Landscaping will be consistent with maintaining an orderly and attractive appearance. Mandatory landscaping must be done within 21 days of end of construction. This includes a minimum of sod in the front and side yard and rye grass in the rear. Flowerbeds must have pine straw or pine bark/mulch at this time also.

Storage Facilities – Permanent accessory structures, such as sheds, must be built with the same architecture, the same exterior materials, including shingles, and the same color scheme as the house that occupies the lot.

Off-Street Parking and Loading Requirements – Each residential lot will have a space to park a minimum of two cars in its respective driveway.

Screening – Screening such as natural landscape buffers are to be used throughout the district. Landscape buffers can be found at subdivision entrances, surrounding the property, and strategically located throughout a development in order to retain natural buffer areas. The natural landscape buffers will be built and maintained in accordance with Section 4 of the Springdale Zoning Ordinance.

Signs – Entrance signs will be placed at any entrance to a subdivision. The signs must meet the regulations set forth in Section 4.4 of the Town of Springdale Zoning Ordinance.

Amenities – If amenities are part of a subdivision plan, structures that compose the amenities must be of same or similar design to single-family homes.

2.11.1 R-5 Single Family Residential, Traditional Neighborhood

Lot Specifications

Permitted Building Types
Single Family Detached Dwellings located on individual lots

Minimum Land Area
5 acres

Lot Dimensions
Minimum lot area: 8,500 sq. ft.
Maximum lot coverage: 50%
Minimum lot width of 60' at either front or rear lot line

Principal Structure Square Footage
Single Story – 1,800
2-Story – 2,000

Principal Structure Setback (Minimum)
Front: 25'
Side: 8.5'
Rear: 20'

Accessory Structure Setback (Minimum)
Front: No accessory building shall be located in the required front yard of any lot.
Side: 5'
Rear: 5'

General Provisions

A. Corner lots shall have two front yards and utilize the minimum front setbacks for each, unless otherwise determined by the zoning administrator.
B. The following uses are permitted within accessory structures: parking, gazebo, pool houses, equipment storage, sauna, workshop and conservatory. The permitted structure shall be of the same design and building materials as the residence located on the property.
C. Satellite dishes shall be in accordance with section 3.6
D. Landscaping shall be in accordance with section 4.2
E. Signs shall be in accordance with section 4.4
F. Parking for single family residential uses may be located in the required front setback and must be located in a designated parking area. All other parking standards shall be in accordance with section 4.3

Height

Building Height shall be measured as the vertical distance from the highest finished grade relative to the street, to the roof line. (Exceptions: Roof equipment and structures not intended for human occupancy and which are necessary to the building upon which they are placed.)

Principal Structure Maximum Height
Principal structure: 35 ft.

Accessory Structure Maximum Height
Accessory structure: Height of Principal structure or 20 ft., whichever is less.

Design Standards

Architectural Requirements – This zoning district is intended for a traditional neighborhood utilizing Traditional and Neo-Traditional as the home style.

Heated Square Footage – Single Story homes shall be a minimum 1,800 heated sq. ft. Two-Story homes shall be a minimum 2,000 sq. ft. heated.

Exterior Façade – Exposed foundation walls or piers must be clad in face brick, stone, stucco, cement fiber board or ARB approved equal. A maximum of three complementary colors is allowed: one main body color, trim color, shutter, and door color. Black is not acceptable as a main color. The exterior façade shall be constructed utilizing Natural Stone, Stucco, Brick, or Cement Fiber Board. Vinyl is only allowed on soffits. The exterior appearance will be designed to fit the overall architectural scheme of proposed development.

Screened Porches – First floor front porches may not be screened. Second floor front porches may not be screened. Rear porches or decks may be screened.

Foundations – The approved foundation types are:

Stem wall- constructed from brick, reinforced concrete block. Reinforced concrete and block stem walls shall be screened or covered with brick, stone, or Cement Fiber Board siding.

Concrete Walls (Basement Style) constructed from brick, reinforced concrete or concrete block. Walls facing the street shall be dressed with brick, stone or plank siding consistent with the architectural character of the house. All side and rear facing walls shall be painted or coated with an earth tone color or a color complimentary of the house.

Monolithic Slab constructed from brick, reinforced concrete or concrete block. Walls facing the street shall be dressed with brick, stone or plank siding consistent with the architectural character of the house. All side and rear facing walls shall be painted or coated with an earth tone color or a color complimentary of the house.

Roofing – All houses are required to utilize dimensional, 30 year architectural asphalt shingles.

Venting – Ridge vents and off-ridge vents may be utilized. Off-ridge vents must be placed where not visible from the street. Turbine attic vents are not allowed.

Windows – Windows on the sides of the houses must have reflective tint or backing. Reflective tint or backing is not required on front or rear windows of the house.

Doors – All front doors shall be constructed of wood or have the appearance of natural wood. All front doors should have panels. All exterior side and rear doors shall be constructed of wood, metal or fiberglass and shall have panels. Sliding glass doors may be used in applications not visible from the street. With regard to corner lots, sliding glass doors may not be used in applications not visible from either street on which the corner lot sits.

Chimney and Chimney Caps – Chimney siding shall consist of brick, stucco, stone or cement fiber board. Chimney caps shall have an architectural character consistent with the house.

Garage – As a minimum, two-car garages, with garage doors, are required. Temporary structures such as tarp and pole canopies are prohibited. All garages shall have interior walls finished with either paneling or gypsum board painted. Garage doors must have architectural character that compliments the house. (i.e. wood grain, wood color, windows, architectural fasteners, etc.) Carriage house doors are to be used where possible.

Landscaping – Landscaping will be consistent with maintaining an orderly and attractive appearance. Mandatory landscaping must be done within 21 days of end of construction. This includes a minimum of sod in the front and side yard and rye grass in the rear. Flowerbeds must have pine straw or pine bark/mulch at this time also.

Storage Facilities – Permanent accessory structures, such as sheds, must be built with the same architecture, the same exterior materials, including shingles, and the same color scheme as the house that occupies the lot.

Off-Street Parking and Loading Requirements – Each residential lot will have a space to park a minimum of two cars in its respective driveway.

Screening – Screening such as natural landscape buffers are to be used throughout the district. Landscape buffers can be found at subdivision entrances, surrounding the property, and strategically located throughout a development in order to retain natural buffer areas. The natural landscape buffers will be built and maintained in accordance with Section 4 of the Springdale Zoning Ordinance.

Signs – Entrance signs will be placed at any entrance to a subdivision. The signs must meet the regulations set forth in Section 4.4 of the Town of Springdale Zoning Ordinance.

Amenities – If amenities are part of a subdivision plan, structures that compose the amenities must be of same or similar design to single-family homes.

3. CONDITIONAL USE AND SPECIAL EXCEPTION STANDARDS

3.1 Residential

3.1.1 Artist Live/Work Space, ground floor

A. Residential driveway character should be maintained.
B. No outdoor sales or display is permitted in the front or side yards.
C. All mixed-use buildings shall have at least two occupiable stories with at least 50% of the habitable area of the building dedicated to residential use. The remainder of the building may be used for neighborhood commercial uses.
D. New construction or additions shall be architecturally compatible with the surrounding buildings.

3.1.2 Group Living

A. Applicable State regulations are met;
B. Minimum 25,000 square foot lot;
C. Structures minimum of 25 feet from residential property;
D. Conditions imposed for safety, traffic, impact on district;
E. The use is compatible with the district.
F. Sign not to exceed those permitted in the C-2 district

3.2 Public and Civic

3.2.1 Cultural Exhibits and Libraries

A. Minimum 25,000 square foot lot;
B. Building(s) incidental to the principal structure shall be behind a line a minimum of 20 ft from the front facade of the structure, and if more than one, shall be arranged to create secondary gathering spaces within the lot.
C. Parking shall be located towards the interior of the lot. Parking may not occur within a front setback or corner side setback.
D. Front setbacks may be altered to preserve views or significant trees.

3.2.2 Day Care

A. Applicable State regulations are met;
B. Minimum 25,000 square foot lot;
C. Structures minimum of 25 feet from residential property;
D. Conditions imposed for safety, traffic, impact on district;
E. The use is compatible with the district.
F. Hours of operation limited to 6:30 AM to 7:00 PM.

3.2.3 Parks and Recreation

A. All recreational facilities shall be treated as parks in design and landscaping. All structures associated with a recreational facility shall be located toward the perimeter of the lot.

B. Recreational facilities are encouraged to be built adjoining school campuses, parks, greenbelts, parkways, greenways, or waterfronts.

C. Parking shall be located behind structures, or along the perimeter of the lot and shall be in accordance with ***Section 7.4 Off-Street Parking Area Design Specifications.***.

3.2.4 Postal Services

A. Minimum 25,000 square foot lot;

B. Building(s) incidental to the principal structure shall be behind a line a minimum of 20 ft from the front facade of the structure, and if more than one, shall be arranged to create secondary gathering spaces within the lot.

C. Parking shall be located towards the interior of the lot. Parking may not occur within a front setback or corner side setback.

D. Front setbacks may be altered to preserve views or significant trees.

3.2.5 Religious Assembly

A. Use is conducted in a permanent structure

B. Minimum 25,000 square foot lot;

C. Building setback: 25 feet from residential property

3.2.6 School, Public and Private

A. Construct or renovate building on a site within 1/2 mile of a residential zone or neighborhood with an average density of 5 units per acre net AND within ½ mile of at least 5 Basic Services AND with pedestrian access between the building and the services.

Basic Services include, but are not limited to:

1) Bank; 2) Place of Worship; 3) Convenience Grocery; 4) Day Care; 5) Cleaners; 6) Fire Station; 7) Beauty; 8) Hardware; 9) Laundry; 10) Library; 11) Medical/Dental; 12) Senior Care Facility; 13) Park; 14) Pharmacy; 15) Post Office; 16) Restaurant; 17) Other Schools or Universities; 18) Supermarket; 19) Theater; 20) Community Center; 21) Fitness Center; 22) Museum.

Proximity is determined by drawing a 1/2 mile radius around any building entrance on a site map and counting the services within that radius.

B. Provide secure bicycle racks and/or storage (within 200 yards of a building entrance) for 5% or more of all building staff and students above third grade level (measured at peak periods), AND provide shower and changing facilities in the building, or within 200 yards of a building entrance, for 0.5% of Full-Time Equivalent (FTE) staff, AND provide dedicated bike lanes

that extend at least to the end of the school property in 2 or more different directions, ensuring that bike lanes have no barriers on school property (i.e. fences).

C. Provide vegetated open space equal to 20% of the project's site area.
D. Conditions imposed for safety, traffic, impact on district

3.2.7 Utilities and Services, Minor

A. Structure enclosed by six (6) foot fence;
B. No office, commercial operation, or storage of vehicles or equipment permitted;
C. A landscaped strip at least five (5) feet wide is planted and maintained along all exterior lot lines.

3.2.8 Utilities and Services, Major

A. Structure enclosed by six (6) foot fence;
B. No office, commercial operation, or storage of vehicles or equipment permitted;
C. A landscaped strip at least five (5) feet wide is planted and maintained along all exterior lot lines.

3.3 Commercial

3.3.1 Adult Uses (Sexually Oriented Business)

It is the purpose of this section to regulate sexually oriented businesses to promote the health, morals, and general welfare of the citizens of the town and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the town. The provisions of this section have neither the purpose nor effect imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials. Similarly, it is not the intent or effect of this ordinance to restrict or deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this section to condone or legitimize the distribution of obscene material.

A. **Classification**. Sexually oriented businesses are classified as follows:
1) Adult arcades;
2) Adult bookstores or adult video stores;
3) Adult cabarets;
4) Adult motels;
5) Adult motion picture theaters;
6) Adult theaters;
7) Escort agencies;
8) Nude model studios; and
9) Sexual encounter centers.

B. Permit Required

1) A person commits a misdemeanor if he operates a sexually oriented business without a valid permit issued by the town for the particular type of business.

2) An application for a permit must be made on a form provided by the Zoning Administrator. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designed scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

3) The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the health department, fire department, and building official.

4) If a person wishes to operate a sexually oriented business is an individual, he must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than a single entity, each individual who has a ten percent or greater interest in the corporation must sign the application for a permit as applicant.

5) The fact that a person posses other types of State, County, or Town Permits and/or licenses does not exempt him from the requirement of obtaining a sexually oriented business permit.

C. Issuance of Permit and Fee

1) The Town Zoning Administrator shall approve the issuance of a permit to an applicant within thirty (30) days after receipt of an application unless he finds one or more of the following to be true:

a) An applicant is under eighteen (18) years of age.

b) An applicant or an applicant's spouse is overdue in his payment to the town of taxes, fees, fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.

c) An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information to the applicant form.

d) An applicant residing with a person who has been denied a permit by the city to operate a sexually oriented business within the preceding twelve (12) months.

e) The premises to be used for the sexually oriented business have not been approved by the Health Department, Fire Department, and the Building Official as being in compliance with the applicable laws and ordinances.

f) The permit fee required by this ordinance has not been paid.

g) The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date,

and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

h) The annual fee for a sexually oriented business permit is One Thousand Dollars ($1,000.00).

D. **Inspection**. An application of permittee shall allow representative of the Police Department, Fire Department, Zoning Department, or other Town departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business, and it is lawful to refuse to permit such inspection of the premises at any time it is occupied or open for business, and it is lawful to refuse to permit such inspection of the premises at any time it is occupied or open for business.

E. **Expiration of Permit.**

1. Each permit and/or license shall expire one year from the date of issuance and may be renewed only by making application as provided in Section 710.4. Application for renewal should be made at least thirty (30) days before the expiration date, and when made less than (30) days before the expiration date, the expiration of the permit and/or license will not be affected.

2. When the zoning administrator denies renewal of a permit and/or license, the applicant shall not be issued a permit and/or license for one (1) year from the date of denial. If subsequent to denial, the zoning administrator finds that the basis for denial of the renewal permit and/or license has been corrected or abated, the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date of denial became final.

F. **Suspension of Permit.**

The zoning administrator may suspend a permit for a period not to exceed thirty (30) days if it is determined that a permittee and/or licensee or an employee of a permittee and/or licensee has:

1. Violated, or is not in compliance with any section of this ordinance;

2. Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;

3. Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter;

4 Knowingly permitted gambling by any person on the sexually oriented business premises.

G. The Zoning Administrator shall revoke a permit if a cause for suspension in Section 3.3.1F occurs and the permit has been suspended within the preceding twelve (12) months for a willful and knowing violation of this ordinance.

1. The Zoning Administrator shall revoke a permit if he determines that:

a) A permit holder knowingly gave false or misleading material information in the application submitted to the zoning department during the application process.

b) A permit holder or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises.

c) A permit holder or an employee knowingly allowed possession, use, or sale of controlled substances on the premises.

d) A permit holder or an employee knowingly operated the sexually oriented business during a period of time when the permit holder's permit was suspended.

e) A permit holder or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted premises.

f) A permit holder is delinquent in payments to the Town, County, or State for any taxes or fees past due related to the sexually oriented business.

2. When the Zoning Administrator revokes a permit, the revocation shall continue for one (1) year, and the permit holder shall not be issued a sexually oriented permit for one (1) year from the date revocation became effective. If subsequent to revocation the Zoning Administrator finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least (90) days have elapsed since the date the revocation became effective.

H. **Transfer of Permit**. A permit holder shall not transfer his permit to another, nor shall a permit holder operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application.

I. **Location of Sexually Oriented Business**

1) Reserved.

2) A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business outside of a designated I-1.

3) A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business within one thousand (1,000) feet of:

a) A church;
b) A public or private elementary or secondary school;
c) A public park adjacent to any residential use;
d) The property line of a lot devoted to residential use;
e) Another sexually oriented business.

4. A person commits a misdemeanor of he causes or permits the operation, establishment substantial enlargement, to transfer of ownership or control of a sexually oriented business.

5. A person commits a misdemeanor if he causes or permits the operation, establishment, or maintenance of more than one sexually oriented business, in the same building, structure, or portion thereof containing another sexually oriented business.

6. For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school or to the nearest boundary of an affected public park, residential district, or residential lot.

7. For purposes of subsection (4) of this section, the distance between any two (2) sexually oriented businesses shall be measured in a straight line without regard to intervening structures or objects from the closest exterior wall of the structure in which each business is located.

8. Any sexually oriented business lawfully operating on July 1, 1990 that is in violation of subsections (1) through (7) of this section shall be deemed a nonconforming use. The non-conforming use will be permitted to continue for a period not to exceed two (2) year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to conforming use. If two (2) or more sexually oriented businesses are within on thousand feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming.

9. A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, public or private elementary or secondary school, public park, residential district or a residential lot within one thousand feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

J Additional regulations for adult motels

1) Evidence that sleeping room in a hotel, or a similar commercial establishment has been rented and vacated two (2) or more times in period of time that is less that ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.

2) A person commits a misdemeanor it, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit, rents, or sub-rents a sleeping room to person and, within ten (10) hours from the time the room is rented, rents or sub-rents the same sleeping room again.

3) For purposes, of subsection (2) of this section, the terms "rent" or "sub-rent" mean "the act of permitting a room to be occupied for any form of consideration".

4) Sexually Oriented Businesses cannot be within 1000 feet from another sexually oriented business.

K. Regulation for exhibition of sexually explicit films or videos

1) A person who operates or causes operation of a sexually oriented business, other that an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other reproduction which depicts specified anatomical areas, shall comply with the following requirements:

a) Upon application for a sexually oriented business permit, the application shall be accompanied by a diagram of the premises showing a plan specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architects blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to designated scale or within marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The Zoning Administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that the configuration of the premises has not been altered since it was prepared.

b) The application shall be sworn to be true and correct by the applicant.

c) No alteration in the configuration or location of a manager's station may be made without the prior approval of the Zoning Administrator or his designee.

d) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station.

e) The interior of the premises shall be configured in such a manner that there is an obstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least on of the manager's station.

f) It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in subsection (e) remains unobstructed by all walls, merchandise, display racks or other materials at all times and in every booth or room in which viewing of videos, as defined in subsection (a) of this section, is taking place. The bottom of the door must at least eighteen (18) inches above the floor level and to ensure that no patron is permitted access to any area of the premises which has been designated as an area which patrons will not be permitted in the application filed pursuant to subsection (a) of this section.

g) No viewing room may be occupied by more than one person at any time.

h) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot candle as measured at the floor level.

i) It shall be the duty of the owners and operator and it shall be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times while any patron is present in the premises.

2) A person having a duty under subsection (a) through (i) of subsection (1) above commits a misdemeanor if he knowingly fails to fulfill that duty.

L **Exemptions**. It is defense to prosecution under this Article that a person appearing in a state of nudity did so in a modeling class operated;

1) By a proprietary school, licensed by the state of South Carolina; a college, junior college, or university supported entirely or partly by taxation.

2) By a private college or university which maintains and operates education programs in which credits are transferable to college,

junior college, or university supported entirely or partly by taxation; or

3) In a structure:

a) Which has no sign visible from the exterior of the structure and on other advertising that indicates a nude person is available for viewing; and,

b) Where no more than one nude model is on the premises at any one time

3.3.2 Body Art Establishments

A. Location of Body Arts Establishment;

1. A body arts facility shall not be located within 3000 feet of:

a. A public or private elementary or secondary school,

b. A public playground or park,

c. A public or private vocational or trade school, or technical education center,

d. A church, synagogue, mosque or other house of worship,

e. A lot zoned or used for residential purposes.

f. A body arts facility shall not be located within 1000 feet of:

g. A facility that serves alcoholic beverages,

h. Another body arts establishment.

2. Measurement: To determine the separation, the distance shall be measured by following the shortest route of pedestrian or vehicular traffic along the public thoroughfare from property line to property line.

3.3.3 Car Wash

A. The use is compatible with the district;

B. Adequate spaces for vehicles awaiting entry are required; more than minimum may be required;

C. The area is required to be adequately screened from adjoining residential property;

D. Adequate provisions are made for access and traffic safety;

E. Hours of operation are limited to 6:00 AM to 9:00 PM.

3.3.4 Contractor Offices and Equipment Sheds, Temporary

A Use in connection with construction on premises;

B Must not cause traffic congestion or nuisances;

C For a term up to 1 year, may be renewed 1 time.

3.3.5 Eating and Drinking Establishments (Taverns)

A. Applicable State regulations are met;

B. No tavern shall be permitted within 300 feet of any one or two family residential dwelling unit, church, or other civic use building.

C. Parking requirements may be satisfied using shared parking, or off-street parking areas.

D. Eating and Drinking Establishments located adjacent to residentially zoned property

1. Lights are directed away from adjacent residential property;
2. No drive-thru windows
3. Not open past 11 PM

3.3.6 Food and Beverage Retail Sales

A. Not exceeding 25,000 sq ft in total floor area.

B. Parking requirements may be satisfied using shared parking, or off-street parking areas.

3.3.7 Reserved

3.3.8 Office

A. Not exceeding 15,000 sq ft in total floor area.

B. Parking requirements may be satisfied using shared parking, or off-street parking areas.

3.3.9 Parking Lot

A. Parking on the lot shall be for non-commercial activity only

B. The parking lot shall be contiguous to the lot where the associated principal use is located

C. To ensure that the parking lot is in keeping with the character of the general area, landscaping requirements of sections 4.2.3 and 4.2.4 shall be met.

D. The parking standards of section 4.3 shall apply.

3.3.10 Personal Services, including health clubs and gyms

A. Not exceeding 15,000 sq ft in total floor area.

B. Parking requirements may be satisfied using shared parking,

3.3.11 Real Estate Sales Office, temporary

A Only on residential sites associated with a subdivision approved by the Town of Springdale Planning Commission

B Permitted until all houses in the approved subdivision are sold, or for a period not to exceed 12 months from the approval of the bonded plat, whichever comes first. One 12 month extension may be granted by the Town Administrator.

C Not to be used as a sales offices for sites outside the approved subdivision

3.3.12 Repair Services, Consumer, including bicycles

A. Not exceeding 15,000 sq ft in total floor area.

B. Parking requirements may be satisfied using shared parking, or.

3.3.13 Retail Sales, General

A. Not exceeding 15,000 sq ft in total floor area.
B. Parking requirements may be satisfied using shared parking.

3.3.14 Vehicle Sales, Service, and Repair

A. Towing and offices for tow lots are permitted so long as towing and the storage of vehicles is not the principle use of the property.
B. No more than 10 vehicles per parcel may be stored in the tow lot.
C. No more than 5 vehicles per parcel may be posted for sale at any one time.
D. Privacy fencing and/or a landscape buffer approved by the Zoning Administrator are required for all sides surrounding tow lots to include gates.
E. Exterior and vehicle lights will be directed away from residential property.

3.4 Other

3.4.1 Wireless Communication Facilities

A communications tower and/or antenna may be permitted as follows:

A. Districts in Which Special Exception and Conditional Uses Are Permitted and Height Limitations of Free-standing or Guyed Towers

1. In residential districts R-1, R-2, and R-3 and C-2 districts, Free-standing pole with height not exceeding 100 feet is a permitted special exception pursuant to Section 3.4.1 E.
2. In the C-1 district, free-standing or guying towers with height not exceeding 180 feet are a permitted conditional use; height exceeding 180 feet requires special exception.
3. In industrial districts LI, free-standing or guyed towers with height not exceeding 200 feet is a permitted conditional use; height exceeding 200 feet requires special exception.
4. In planned development districts, towers with height specified in approved plan is permitted under conditions set forth in plan-
5. In permissible districts, towers and/or antennas mounted on buildings, water tanks or structures other than a free-standing or guyed communications tower must not extend more than 30 feet above the highest part of the structure.
6. In districts in which communication towers and antennas are permitted, free-standing or guyed and/or antenna exceeding height limitations may be permitted by the Zoning Board of Appeals as a special exception. (See requirements for special exception in Section 3.4.1 E)
7. In all districts, variances from conditions imposed by this section may not be granted by the Zoning Board of Appeals. Variances from other general district regulations may be granted under standards in S. C. Code 6-29-800.

B. Application Requirements

The applicant for a conditional use zoning permit for construction of a communications tower or placement of a commercial telecommunication antenna on an existing structure other than a tower previously permitted must file with the Zoning Administrator an application accompanied by a fee of $200.00 and the following documents, if applicable:

1. One copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.

2. A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property;

3. A current map, or update for an existing map on file, showing locations of applicant's antennae, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the town;

4. A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIAMA 222 (latest version) standards.

5. Identification of the owners of all antennae and equipment to be located on the site;

6. Written authorization from the site owner for the application;

7. Evidence that a valid FCC license for the proposed activity has been issued;

8. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts;

9. A written agreement to remove the tower and/or antenna within 90 days after cessation of use;

10. Evidence that applicable conditions in Section 3.4.1 C. are met; and

11. Additional information required by the Zoning Administrator for determination that all applicable zoning regulations are met.

C. Conditions

Applicant must show that all applicable conditions are met. The proposed communications tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements.

1. Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirements without unreasonable modifications on any existing structure or tower under the control of applicant.

2. Applicant for a permit in a residential district must show that the area cannot be adequately served by a facility placed in a. non-residential district for valid technical reasons.

3. Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulations and applicant's technical design requirements.

4. Applicant must show that a new tower is designed to accommodate additional antennae equal in number to applicant's present and future requirements.

5. Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.

6. A communications tower must not be painted or illuminated unless otherwise provided by state or federal regulations

7. A permit for a proposed tower site within 1,000 feet of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet applicant's structural specifications and applicant's technical design requirements, or that a collocation agreement could not be obtained.

8. Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Zoning Administrator a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims up to $1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the municipality, in form approved by the municipality attorney.

9. Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning district regulations except setback and height, shall apply to the use. Setback and height conditions in this section apply.

10. A tower must be a minimum distance- equal to one-half the height of the tower from property designated historic or architecturally significant, and must be set back from all lot lines distances equal to the district setback requirements or 25% of the tower height, whichever is greater.

11. Prior to issuing a permit, the Zoning Administrator may consult with a communications expert for technical review to determine that the standards in Sections 3.4.1 C 2), 3), 4), 5), 7), and 8) are met.

D. Appeal to Board

Applicant may appeal to the Board of Zoning Appeals as follows:

1. Failure of the Zoning Administrator to act on an application which is determined to be complete under this section within 45 days, unless extended by agreement, may be considered by applicant to be a denial of a permit which is subject to appeal to the Board of Zoning Appeals.

2. Applicant may appeal to the Board for a variance from general zoning district regulations and setbacks requirements in this section, but not from any other conditions in this section. Towers exceeding height limitations may by permitted only by special exception pursuant to Section 601.5.

3. Applicant may apply directly to the Board for a permit for any tower as a special exception pursuant to Section 3.4.1 E.

E. Special Exceptions

A tower, pole, or antenna may be permitted by special exception granted by the Board of Zoning Appeals after public hearing and findings of fact based on the following criteria

1. All application requirements and conditions imposed in section 3.4.1 A through 3.4.1 D of this ordinance are met.

2. If additional tower height is requested, total tower height will not exceed 150% of the maximum height permitted in the district as a conditional use.
Applicant has demonstrated that additional height above that permitted by conditional use regulations is necessary for service to occupants of an area within the municipality.

3. Setback requirements and such additional conditions are established by the Board as is deemed necessary to remove danger to health and safety, and to protect adjacent property.

4. Prior to approving a permit by special exception or on appeal from action of the Zoning Administrator on an application for a conditional use, the Board may consult with a communication expert for technical review to determine that he standards in subsections 3.4.1 C 1), 2), 3), 4), 5), 7), and 8) are met

5. The Telecommunications Act of 1996 requires that a denial of permit be supported by substantial evidence.

6. The Board may not grant a variance from the standards imposed for a communication tower or antenna in connection with granting a special exception, except as permitted by Sections 3.4.1 A through 3.4.1 D

3.4.2 Home Occupations

Occupations, professions, or trades, customarily carried on by occupants of dwelling units as secondary uses which are clearly incidental to use of dwelling units for residential purposes are allowed as accessory uses in districts where dwelling units are permitted or permissible, subject to the following provisions:

A. The occupation, profession or trade is carried within the principal structure or accessory structure on the applicant's lot;

B. The use of the principal building for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of principal building shall be used in the conduct of the home occupation;

C. No merchandise or articles are displayed for advertising purposes, nor are displayed in such a way as to be visible from outside the dwelling;

D. No merchandise or articles associated with the home occupation are stored other than inside the principal building;

E. There is no alteration to the residential character of the building or premises or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the principal building (see Section 4.4.4 B);

F. Members of the family residing on the premises, and one additional person residing off-premises may be engaged in the home occupation;

G. No equipment or process shall be used in such home occupation which creates noise, glare, fumes, odors, or electrical interference detectable to the normal senses outside a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises;

H. Operation of home occupations shall be limited to the hours between 8:00 a.m. and 8:00 p.m.;

I. No traffic shall be generated by such home occupation in any greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;

J. There are no animals used in the business.

3.4.3 Portable Storage Containers

A. Definition. A portable storage container, for the purposes of this section, is defined as a portable shed or storage container, storage unit, shed-like container, or other portable structure that can or may be used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building and is not an accessory structure.

B. Maximum 1 unit permitted on a temporary basis for one (1) sixty (60) day period, plus (1) additional sixty day renewal. Extensions past a period of one hundred and twenty (120) days may be issued at the discretion of the Zoning Administrator.

C. A portable storage container may only be placed on the property with the issuance of a permit by the Zoning Administrator. The application fee is $30.00. Permit extension fee is $15.00.

D. The unit may be placed within the required front yard. Side and rear yard requirements must be met.

E. Containers shall not exceed 8’x8’x16’ in size.

3.4.4 Construction Dumpsters

A. Definition. A construction dumpster, for the purposes of this section, is defined as any dumpster receptacle of any size used for the temporary collection of debris from demolition, construction, renovation, rehabilitation or other alteration of a building or structure.

B. Permit. A construction dumpster may be located on a residential or commercial property that is undergoing construction or renovation in accordance with the issuance of a valid building permit.

C. Placement. A construction dumpster must be located at least **10 feet** from the primary structure and may not be located on a public street.

D. Time Limitation. A construction dumpster may be located on the property for **60 days** from the issuance of the building permit and may be renewed by written permission of the Town Administrator. If use of the construction dumpster is renewed, disposal of any debris, refuse, or other materials must occur before continued use will be permitted.

3.5 Manufactured Home Parks

Manufactured home parks shall meet the requirements specified in the Town of Springdale Land Development Regulations.

3.6 Satellite Dish Antenna

Satellite receiver dishes for television signal reception are permitted only in the rear yards of principal structures in all R-1, R-2 and R-3 zoning districts. Satellite dishes shall be placed in the rear yards of residential districts so that no portion of said dish is nearer than ten (10) feet from any side or rear property line. In other districts, satellite dishes may be located in any required yard. For hardship relief of the terms of this provision, see 6.2.

3.7 Cluster Housing

3.7.1 Purpose

It is the intent of these regulations to encourage variety and flexibility in land development and land use for residential areas, subject to the purpose of zoning and the conditions and safeguards which will promote the comprehensive plan; to provide a harmonious relationship with surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and developing areas of physiographic or other physical features to enhance natural beauty and other attributes, and in so doing, to provide for the use of such lands as recreational space for the residents of such developments; to encourage the efficient use of those public facilities required in connection with new residential development; and to encourage innovative design techniques to utilize the environment as a guide to development such as, but not limited to, zero lot lines, party walls, site location with regard to energy consumption and other concepts.

The cluster housing development regulations shall only be applied upon determination by the planning commission that the proposed development is in harmony with the purpose and intent as stipulated above.

3.7.2 Definitions:

A. Detached Cluster House: A single-family dwelling unit which has no common wall with any building other than its accessory structure or structures and located on its own individual lot.

B. Attached Cluster House: A single-family dwelling unit in a building that has not less than two (2) nor more than eight (8) single-family housekeeping units intended for owner occupancy which are erected in a row or cluster on adjoining lots, each being separated from the adjoining unit or units by an approved two-hour fire wall, and each such building being separated from any other building by space on all sides.

C. Detached Cluster Housing Development: A minimum of four (4) detached cluster houses.

D. Attached Cluster Housing Development: A minimum of two (2) attached cluster houses (or principal building(s)).

3.7.3 Zoning Districts Where Allowed: Cluster housing developments are allowed in R-1, R-2 and R-3 zoning districts as permitted uses.

3.7.4 Planning Commission Review: The planning commission shall make the determination as to whether a proposed development is a cluster housing development meeting the definitions in 3.7.2 above. Site plans of a cluster housing development must be approved by the planning commission prior to the issuance of a building permit. The planning commission may require modifications as a condition of approval such as screening and modification of landscaping, parking and circulation plans.

3.7.5 Materials To Be Submitted For Planning Commission Review: All applicants for cluster housing developments shall submit architectural plans including details such as number, location, and orientation of dwelling units; plat plans, landscaping plans, plans for off-street parking and service areas, ingress and egress arrangements, elevations of all portions of proposed structures, perspective drawings showing the relationship between the proposed structures and any other adjoining existing structures within fifty (50) feet of the exterior property lines of the proposed cluster housing development area. Also, a copy of the legal documentation for land in common ownership, and the identification of land area in private ownership, common ownership and public ownership must accompany the application for planning commission review. The planning commission may require additional information if the members feel there is a need.

3.7.6 Minimum Site Size And Maximum Density: A minimum of two (2) acres is required for a cluster housing development. Density for a cluster housing development may not exceed the gross density of the zoning district in which it is located. Street rights-of-way will not be included in computing density.

3.7.7 Minimum Setback From Exterior Property Lines: Any structure located in connection with a cluster housing development shall be located at least twenty (20)

feet from the right-of-way of any public street as well as twenty (20) feet from any exterior property lines.

3.7.8 Minimum Spacing Between Principal Buildings:

Front to Front	Front to Side	Side to Side	Rear to Front	Rear to Side	Rear to Rear
25'	15'	5'	100'	10'	10'

3.7.9 Minimum Yard Setbacks From New Street Rights-Of-Way: A minimum yard setback of twenty (20) feet is requires in the primary front yard, and a minimum yard setback of ten (10) feet is required in secondary front yards (or side yards facing a street).

3.7.10 Minimum Required Open Space:

A. Open space for the purpose of cluster housing development is defined as follows: That land in common ownership of the homeowners, exclusive of parking areas and roadways, which is designed to meet the primary objective of supplying passive or active recreational needs. No more than twenty-five (25) percent of the water surface of a natural or manmade body of still or moving surface water shall be counted toward determination of required open space, with the exception of swimming pools.

A minimum of twenty (20) percent of all land must be set aside for common ownership to provide for recreational uses.

B. Maintenance Of Open Space: Recreation area designated for use by the residents of the cluster housing development shall be maintained either by the developer in perpetuity through a document executed and recorded to that effect, or by a homeowners association to be set up by the developer in accord with and chartered by the state under the applicable regulations. Such association charter or declaration of incorporation shall be submitted with the development plan for approval by the planning commission and shall be recorded along with the development plat(s) with the Register of Mesne Conveyance.

3.7.11 Minimum Off-Street Parking:

A. Where a cluster housing development is completely dependent on off-street parking grouped in concentrations of greater than four (4) spaces and under common ownership, two (2) off-street parking spaces per dwelling unit are required; or

B. Two (2) off-street parking spaces per dwelling unit on an individual, privately owned driveway and appropriate visitor parking as determined by the planning commission.

3.7.12 Requirements for Paving of Streets: Streets designed for public maintenance must meet the requirements of the subdivision regulations. Streets designed for private maintenance must meet paving quality as provided in the subdivision regulations. Private streets designed for two-way traffic must have a minimum paved width of twenty (20) feet, and private one-way streets must have a minimum paved width of ten (10) feet. Rights-of-way are not required for private streets or roadways. Private streets must meet all other design requirements of Article 6 of the Subdivision Regulations for the Town of Springdale, S.C.

3.7.13 Other Requirements:

A. Notwithstanding other provisions of this ordinance, lots within cluster housing developments are not subject to minimum lot area, lot width, lot coverage, lot setbacks, or requirements concerning access to a public or private street.

B. The proposed cluster development must comply with all other codes and ordinances for the Town of Springdale.

3.8 MOBILE HOMES AND MOBILE HOME PARKS

3.8.1 Mobile homes and mobile home parks shall comply with the regulations and standards adopted by separate ordinance of the Town Council.

3.8.2 Mobile home stands and skirting: The mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. Anchors and tie-downs shall be placed in each corner of the mobile home stand and at intervals of at least 20 feet. In order to release electricity, all mobile homes shall be skirted, entirely enclosing the bottom section by a fire resistant material or an equal substitute.

3.8.3 All mobile homes shall be given a period of one year from the date this ordinance is adopted, to be brought into compliance. The Zoning Administrator may extend this period depending upon the hardship faced by the owner.

4. GENERAL REQUIREMENTS

4.1 Non-conforming Uses and Structures

The lawful use of any building or structure or land existing at the time of the enactment or subsequent amendment to this ordinance may be continued (with the exception of those uses listed in Section 4.1.1) subject to the restrictions contained in this ordinance even

though such use does not conform with the provisions of this ordinance except that the nonconforming structure or use shall not be:

A. Changed to another nonconforming use:
B. Torn down and rebuilt as a nonconforming use;
C. Extended or enlarged except in conformity with this ordinance;
D. Reestablished after vacancy or discontinuance for thirty (30) consecutive days.
E. Rebuilt, altered. or repaired, except in conformity with this ordinance, after damage exceeding fifty (50) percent of the fair market value of the improvement as determined from the tax records of Lexington County; provided, however, this provision shall not apply to owner-occupied dwellings; or
F. Repaired or altered to an extent exceeding ten (10) percent of the current replacement cost of the building within any period of twelve (12) consecutive months. Work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content of the building as it existed at the effective date of this ordinance shall not be increased, and that the cost and time limits set by this section are not exceeded.

4.1.1 Discontinuance of Non-conforming Uses

The following nonconforming uses of land shall be discontinued or made to conform to the use provisions of this ordinance within the following periods of time from the date of adoption of this ordinance or subsequent amendments affecting a nonconforming use.

A. Deleted (Nov. 1995)
B. A nonconforming use of land involving no buildings other than accessory buildings--seven (7) days;
C. Display of merchandise for sale in required front yards--one (1) year;
D. The nonconforming presence of unused or unoccupied mobile homes on lots other than within mobile home parks which are in compliance with the Springdale mobile home ordinance--seven (7) days.
E. Sign Removal: All conforming signs shall be removed from the premises within 60 days after an establishment ceases operation at that location. Sign removal shall mean to remove the sign face. A white, non-advertising panel must replace the previous sign face to cover the interior of the sign. All window and approved temporary signs shall be removed with the sign face. Provided, however, that in the event the business ceases operation at that location, all nonconforming signs shall be removed immediately. Removal of nonconforming signs includes not only the sign face but also the frame structure, stand and all of the components. The responsibility for sign removal will be between the person occupying the property and the property owner.

4.2 Landscape Requirements

These requirements apply to all developments or redevelopments where an expansion or redevelopment of a property results in an increase in the value of the property by 50% or more of the pre-development value, or an increase of 50% or more of the building or parking areas within the Town of Springdale jurisdiction, with the exception of the enlargement or repair of any single-family detached dwelling.

4.2.1 **Landscaping Plan Requirements -** In addition to the site plan requirements from the appropriate land development regulation sections, the following standards shall apply:

A. North arrow and scale.

B. Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection.

C. The location and contours, at one (1) foot intervals, of all proposed berms.

D. The location and dimensions of all existing (to remain) and proposed structures, setback line and required buffer yards, parking lots, driveways, landscaped islands and strips, sidewalks, service areas, screening, fences, walls, berms, above or underground utilities and storm drainage systems, freestanding electrical equipment, recreational facilities, and other freestanding structural features as determined necessary by the City.

E. Location of plant material, including name of plants (botanical and common), installation size, spread at time of planting and at maturity, quantities of plants, and other remarks as appropriate to describe plant selection (lawns and beds of annual or perennial plants may be designated by common names only).

F. Onsite and abutting land use features [within 50 feet], and use(s) of adjacent parcel(s).

G. Protection plan for existing trees that are to be saved.

H. Location of irrigation system, if any, to landscaped areas.

I. Such other information as may be deemed necessary because of the landscaping requirements or physical characteristics peculiar to the particular development.

4.2.2 **Standards**

A. Planting - Vegetation used in landscaping or screening should be planted during the dormant season to ensure the best chance of survival. A surety bond may be required to insure the installation of landscaping, especially during the growing season.

B. <u>Driver Visibility</u> - Landscaping, including existing or planted material, shall not obstruct the view of motorists using any street, private driveway, parking aisles or the approach to any street intersection.

C. <u>Maintenance</u> - The owner is responsible for maintaining all required plant material in good health. Any dead, unhealthy or missing plants must be replaced with vegetation that conforms to the initial planting standards of this section. All landscape planting areas shall be stabilized from soil erosion immediately upon planting and shall be maintained for the duration of the premises. In the event that plant material is severely damaged due to an unusual weather occurrence or other act of nature, the owner shall have until the end of the dormant season to replant.

D. <u>Existing Landscaping Features</u> - Use of existing trees or shrubs to satisfy off-street landscaping is strongly encouraged. If such existing landscaping is used and consists of mature and semi-mature trees, the Planning & Zoning Department shall have the authority to reduce the amount of required landscaping by up to fifty (50%) percent based on the following schedule. In no instance shall any paved area within a parking area extend closer to any existing tree used for landscaping than its drip line. Any parcel that is to be developed, in any district, and for all uses, shall identify any and all trees with a DBH of 8" or greater located on the lot. Every reasonable effort shall be made by the developer to save such trees.

2”-6” caliper tree	= 1 tree
7”-12” caliper tree	= 2 trees
13”-18” caliper tree	= 3 trees
19”-24” caliper tree	= 4 trees
25”+ caliper tree	= 5 trees

In order to receive credit, preserved vegetation must be in good health and condition. Trees designated to be preserved, protective barriers must be indicated on the landscaping and grading plans. If a preserved tree dies, it must be replaced with the total number of trees, which were credited to the existing tree.

Existing vegetation in the buffer may be counted toward the required plantings. The specific numbers and types of required plantings for each buffer type may be varied through Alternative Compliance, if the Zoning Administrator determines that the existing vegetation forms an effective buffer.

E. <u>General Provisions</u>

1. Plant Installation Standards - The following standards shall apply to all new plant material installed as a requirement of this section:

A: A variety of different species (including both deciduous and evergreen species) shall be incorporated into the site design to provide visual interest, as well as disease and pest resistance.

B: Indigenous and drought resistant plant material should be used wherever possible. If such plant materials are not used, then an irrigation system shall be installed.

C: All plant material installed shall be free from disease.

D: All plant material shall be installed in a fashion that ensures that availability of sufficient soil and water to sustain healthy growth.

E: All plant material shall be planted in a manner that is not intrusive to utilities or pavement.

F: Plant materials should be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect.

G: Ground cover plants shall be planted in a number as appropriate by species to provide fifty (50) percent surface coverage.

H: Seeding or sodding shall be provided for full coverage within the first growing season.

I: Sod shall be used where necessary to provide coverage and soil stabilization.

J: Detention/retention basins and ponds should be landscaped. Landscaping should include canopy and understory trees, evergreens, shrubbery, hedges, and/or other live planting materials.

K: Earthen berms and existing topography should, whenever practical, be incorporated into the landscape treatment of a site.

L: Automated irrigation systems, when required, shall be equipped with electronic rain gauges to prevent inadvertent watering during periods of precipitation.

2. All new plant material shall be the following minimum sizes:

A: Small maturing (understory/ornamental) trees shall be a minimum one and one-half (1-1/2) inch caliper at installation and multi-stem varieties shall be a minimum of five (5) feet in height, as measured by ANSI Z60.1-1996 *American Standard For Nursery Stock*.

B: Large and medium maturing (canopy) trees shall be a minimum two (2) inches caliper at installation and multi-stem varieties shall be a minimum of ten (10) feet in height, as measured by ANSI Z60.1-1996 *American Standard For Nursery Stock*.

C: Evergreen trees shall be a minimum six (6) foot height at installation, as measured by ANSI Z60.1-1996 *American Standard For Nursery Stock*.

D: Shrubs shall be a minimum of 18 inches in height at installation, as measured by ANSI Z60.1-1996 *American Standard For Nursery Stock*.

3. All plant material used must meet the standards set forth in ANSI Z60.1-1996 *American Standard for Nursery Stock*. The City Zoning Administrator shall review questions about acceptable plant materials. A list of recommended plantings is located at the end of this Article.

4. All landscape islands must be covered with living material including grass, groundcover, and shrubs, except for marked areas directly around the trees, so that no soil is exposed. No stone or synthetic mulch is permitted. All other planting areas not covered by trees or shrubs shall be covered by grass, mulch and ground covers.

4.2.3. <u>Landscaped Yards</u>

A. **<u>Street Yards</u>** - The minimum average width of all required street yards shall be ten (10) feet. Widths shall be measured perpendicular to the appropriate street right-of-way. Trees for use in street yards shall be of large maturing canopy type. Ornamental and coniferous types shall not be used to meet the requirements of this section unless conflicts with overhead utilities exist. In such case, the building official may authorize the substitution of understory trees. Landscaping requirements are shown in Table 1.

B. **<u>Perimeter Yards</u>** - The minimum width of all perimeter yards shall be ten (10) feet. In situations of incompatible adjacent land uses, a buffer yard may be required in lieu of a perimeter yard (see Section 4.2.7). Trees used to satisfy these requirements may be of any type as provided for by this ordinance. Landscaping requirements are shown in Table 1.

C. **<u>Zoning Setbacks</u>** - The required landscaped yards shall not prohibit the location of buildings, structures or shared drives otherwise specifically allowed by the underlying zoning setbacks, and may be reduced accordingly by the Planning & Zoning Department.

D. **<u>Maximum Requirement</u>** - The landscaped yard should not result in requiring more than 35% of the available lot and may be reduced accordingly by the Planning & Zoning Department. Additionally, the intent of this ordinance shall not be construed as to mean that trees are to be planted in a density that would be unhealthy or damaging.

Table 1 - Street and Perimeter Yards*

	Street Yard	**Perimeter Yard**
Minimum width	10 ft.	10 ft.

Trees per 100 linear feet	4	3
Shrubs per 100 linear feet	12	8

* Subject to the exemptions of 4.2.3 C and D.

4.2.4 Parking Lots

A. The impervious surface of the parking area and access area shall be separated from the street right-of-way and property lines by a landscaped strip at least ten feet in width. Ingress and egress shall be provided through driveway openings only. In the event a parking lot is adjacent to a parking lot or driveway on another parcel, the required landscaped strip along the common property line between the two areas may be waived by the Zoning Administrator, or the Planning Commission when applicable, if it will result in less traffic congestion on adjoining streets because of improved traffic circulation between the two parking lots or a reduction in the number of curb cuts.

B. The parking lot shall be constructed so that spaces are grouped into bays. At the end of each bay for 8 or more cars, a landscaped island of at least nine feet in width and 15 feet in length shall be built to separate the bays from each other or from traffic lanes. When the parking bays contain double rows of parking spaces, the landscaped island shall be increased to nine feet in width and 30 feet in length. (Figure 4.1) A parking bay may not be constructed to a length of more than 180 feet without constructing a landscaped island. The Zoning Administrator may approve islands, which vary from 9' x 15' or 9' x 30' rectangles in order to provide desirable geometric design features such as rounded corners and angles to facilitate maneuvering of automobile traffic.

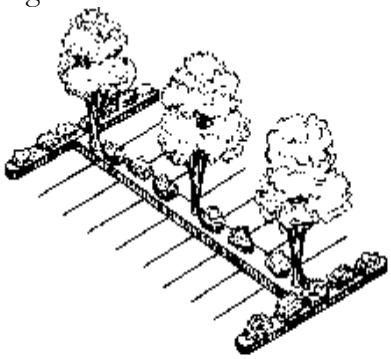


Figure Attractive landscaping relieves the monotony and "sea of asphalt" appearance of large parking lots.

C. The landscaped areas within the parking lot shall not be less than 4% of the impervious surface area of the parking lot. The perimeter landscaped strip and street yards required shall be excluded from the calculations of the minimum landscaped percentage.

D. A minimum of one tree shall be provided within the landscaped areas in the parking lot for each 10 parking spaces in the lot. No trees identified as large maturing shall be planted within 20 feet of an electrical transmission or distribution line. Existing trees and natural vegetation shall be retained wherever possible, particularly where they border adjacent property. All parking facing street frontage shall plant shrubs to screen the area (not to exceed three feet at mature height at entrances and sight distance triangles) or create berms. No gaps greater than five (5) feet are allowed in a screen. All applications for development review or zoning permits shall be accompanied by a landscaping plan.

4.2.5 Landscape Maintenance

A. The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all landscaping materials and barriers as may be required by the provisions of the Land Development Regulations.

B. No plant material over 18 inches in height at maturity or structures of any kind shall be placed within the sight distance triangle or sight visibility triangle.

C. Fences and walks shall be maintained in good repair.

4.2.6 Service/Utility Areas

This section shall apply to all service areas which either present safety hazards or detract from the aesthetics of the community, or both; including but not limited to, loading docks, garbage collection sites, exposed utility fixtures, HVAC equipment, tanks, etc.

All service areas affected by this article shall be provided with a visual screen consisting of fences or landscaping, or both, designed and installed to screen the area from view from any public street or adjoining property and shall meet or exceed the minimum standards required below:

A. The screening must be at least six (6) feet in height or the height of the object to be screened;

B. The screening must extend along the entire perimeter of the service area, except for necessary access.

C. Fencing shall be designed to relate well to the principal building as to materials and colors. Fences must be constructed of brick, masonry, or wood and shall require appropriate plantings.

Garbage collection sites (dumpsters, compactors) shall be shielded from sight by screening as outlined above and shall be eighty percent (80%) opaque. This screening shall also be provided to deter unauthorized access.

4.2.7 Bufferyards

When land is developed and the adjacent property contains an unlike land use, bufferyards shall be provided along all side and rear property lines to insulate adjacent properties from adverse impacts. No structure or parking lot shall be permitted within a required bufferyard; however, driveways and other passive activities may utilize these spaces. All shrubs used for bufferyards shall be evergreen unless otherwise approved by the Planning & Zoning Department. Shrubs must be 18 inches in height at installation. See Table 2 for specific planting requirements.

Table 2 - Bufferyard Types

	Low Impact	Medium Impact		High Impact	
	Type A	Type B	Type C	Type D	Type E
Minimum Width	10 ft	15 ft	20 ft	30 ft	50 ft
Trees per 100 linear ft.	4	6	8	10	12
Shrubs per 100 linear ft.	12	18	30	40	50
Percent Opaque	N/A	N/A	N/A	N/A	90

Note: The minimum width may be reduced by 25% if a solid wall or fence, at least six feet in height, is constructed, a 50% width reduction may be granted with the installation of a brick or masonry wall or a berm with a minimum height of four (4) feet. Maximum Requirement - The bufferyard should not result in using more than 35% of the available lot and may be reduced accordingly by the Planning & Zoning Department.

Bufferyard Types

A. **Type A** - Shall apply when any use is similar to an adjacent use or has only a slight impact on the adjacent use. This is similar to the standard street yard requirement. See Table 3 for specific zoning uses to which this type of buffer shall apply.

B. **Type B** - Shall apply when any use is somewhat different from an adjacent use or has a moderate impact on adjacent uses. See Table 3 for specific zoning uses to which this type of buffer shall apply.

C. **Type C** - Shall apply when any use is clearly different from an adjacent use or has a definite impact on adjacent uses. See Table 3 for specific zoning uses to which this type of buffer shall apply.

D. **Type D -** Shall apply when any use is incompatible from an adjacent use or has a large impact on adjacent uses. See Table 3 for specific zoning uses to which this type of buffer shall apply.

E. **Type E** - Shall apply when any use is incompatible from or has a severe impact on adjacent uses. See Table 3 for specific zoning uses to which this type of buffer shall apply.

Table 3 – Bufferyard Requirements

Proposed Land Uses	Existing Adjacent Land Uses							
	Dwellings			Mixed Uses	Mobile Homes	Religious, Educational, Recreational, Nursing Home, Office, Institutional	Commercial	Industrial
	SF [R-1]	Duplex [R-2]	MF [R-3]					
Single-family detached	X	X	A	A	A	A	B	C/D
Duplexes	A	A	A	A	A	A	A	C/D
Multi-family	B	A	X	X	A	A	A	B/C
Mobile Homes	C	C	C	C	X	C	C	B/C
Religious, Educational, Recreational, Nursing Home, Office, Institutional	C	B/C	B	A	C	X	X	C
Commercial	C/D	B/C	B/C	A	B/C	X	X	X
Industrial	E	E	D/E	C	D/E	C	B	X

The Planning and Zoning Staff may decide dual letters.
X – Bufferyard not required, however, perimeter yard may be required per Section 7-3 of these regulations.

4.2.8 **<u>Enforcement of Landscape Requirements</u>** - All required landscaping materials shall be in place prior to the time of issuance of a final Certificate of Occupancy. In periods of adverse weather conditions, a temporary Certificate of Occupancy may be issued, subject to the posting of a cash escrow or irrevocable letter of credit in an amount equal to one and one-half (1-1/2) times the estimated cost of the landscaping, with said estimated cost to be certified by a registered landscape architect. A contract letter or bill of sale form a landscape company or nursery for the required landscape materials would be accepted in lieu of a cash escrow or irrevocable letter of credit. The cash escrow or irrevocable letter of credit may be forfeited if the landscaping is not completed within eight (8) months after the issuance of the temporary Certificate of Occupancy. Forfeiture of any cash escrow or irrevocable letter of credit shall not relieve the owner of the responsibility to complete the required landscaping.

4.3 Parking

4.3.1 Minimum Parking Rations

All square footage is in leasable square feet.

Residential – Apartments	1.5 per dwelling unit
Residential – Attached and	2 per dwelling unit

Detached homes	
Commercial Uses (i.e. retail, service and office	1 per 400 square feet
Restaurants	1 per 4 seats
Manufacturing/warehousing/light assembly	.25 per square feet of non-office area
Hotel/Motels	1 per room
Assisted Living/nursing homes, long term care facilities	1 per 4 beds
Civic uses	No minimum

4.3.2 Parking Space Dimensions

A. Parking space dimensions (other than those designed for the disabled) shall be a minimum of nineteen (19) feet long and nine (9) feet wide. Parking spaces shall be dimensioned in relation to the curbs or aisles, as long as their configuration, areas and dimensions satisfy the requirements of this Section.

B. Parallel parking space dimensions shall be a minimum of twenty (20) feet by eight (8) feet.

4.3.3 Aisle and Driveway Widths

A. Parking area aisle widths shall conform to the following table which varies the width requirements according to the angle of parking

	Angle of Parking				
Aisle Width	**0**	**30**	**45**	**60**	**90**
One way traffic	13	13	18	20	24
Two way traffic	19	20	22	24	24

B. Driveways shall be a maximum of twelve (12) feet in width for one-way traffic and twenty-four (24) feet in width for two-way traffic. In no case shall a driveway width exceed twenty-four (24) feet, except as required by the South Carolina Department of Transportation (SCDOT).

4.3.4 Shared Parking

A. The joint use of shared off-street parking between two uses may be made by contract between two or more adjacent property owners.

B. Adjacent lots in the C-1, C-2 and ID districts shall be interconnected

C. Developments that operate at different times may jointly use or share the same parking spaces with a maximum of one-half (1/2) of the parking spaces credited to both uses if one use is a church, theater, assembly hall or other use whose peak hours of attendance will be at night or on Sundays, and the other use or uses are ones that will be closed at night or on Sundays or upon the normal hours of operation.

4.3.5 Commercial and Recreational Vehicle

A. Parking or storage of commercial trucks, including but not limited to semi-trucks, tractor trailers, dump trucks, wreckers, delivery vans, trucks for commercial use, commercial trailers and construction equipment is prohibited in residential zones, except vehicles not exceeding three-fourths ton loading capacity used by residents of the dwelling unit, emergency vehicles, utility repair vehicles, Lexington County School buses, and construction vehicles during actual construction of structures on the premises.

B. Not more than one recreational vehicle or camping trailer per dwelling shall be permitted on a lot in any residential zone, and the recreational vehicle or camping trailer shall not be occupied for a period of time exceeding three days while parked or stored.

4.4 Signs

4.4.1 Purpose

A. **Findings**: The Town finds:

1. Exterior signs have a substantial impact on the character and quality of the environment.

2. Signs provide an important medium through which individuals may convey a variety of messages.

3. Signs can create traffic hazards and aesthetic concerns, thereby threatening the public health, safety and welfare.

4. The Town's zoning regulations have, since as early as 1970, included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the Town and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the Town has had a positive impact on traffic safety and the appearance of the community.

B. **Purpose and intent**: It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this ordinance to regulate any building design or any display not defined as a sign, or any sign that cannot be viewed from outside a building. The purpose and intent of this ordinance is to:

1. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the Town in order to promote the public health, safety and welfare.

2. Maintain, enhance and improve the aesthetic environment of the Town by preventing visual clutter that is harmful to the appearance of the community.

3. Improve the visual appearance of the Town while providing for effective means of communication, consistent with constitutional guarantees and the Town's goals of public safety and aesthetics.

4. Provide for fair and consistent enforcement of the sign regulations set for herein under the zoning authority of the Town.

C. **Effect**: A sign may be erected, mounted, displayed or maintained in the Town if it is in conformance with the provisions of this ordinance. The effect of this ordinance, as more specifically set forth herein, is to:

1. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this sign ordinance.

2. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.

3. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare

4. Provide for the administration and enforcement of the provisions of this sign ordinance.

4.4.2 Severablity:

If any section, subsection, sentence, clause, or phrase of this Sign Ordinance is for any reason held to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this Sign Ordinance. The Town Council hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

4.4.3 Permit Required

No sign shall be erected, altered, improved, reconstructed, maintained or moved in the Town without first securing a permit from the Town:

A. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

B. Application for an administrative permit shall be filed by the property owner or designated agent with the Zoning Administrator on forms to be provided by the Town.

C. Application for a permit shall contain the following information unless waived by the Town:

1. Names and addresses of the applicant, owners of the sign and lot.

2. The address at which any signs are to be erected.

3. The lot, block and addition at which the signs are to be erected and the street on which they are to front.

4. Type and size of sign (e.g., wall sign, pylon sign).

5. A site plan to scale showing the location of lot lines, building structures, parking areas, existing and proposed signs and any other physical features.

6. Plans, location and specifications and method of construction and attachment to the buildings or placement method of the ground.

7. Copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the Town.

8. Written consent of the owner or lessee of any site on which the sign is to be erected.

9. Any electrical permit required and issued for the sign.

10. A detailed description of any electronic or electrical components that are proposed to be added to the sign.

11. Other information to demonstrate compliance with this and all other ordinances of the Town.

D. The application shall be accompanied by a fee as established by Town Council. Applications for amending administrative permits shall be accompanied by a fee as established by Ordinance.

E. The Zoning Administrator shall notify the applicant, in writing, of an incomplete application within fifteen (15) days of the date of submission.

F. The Zoning Administrator shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this Title within sixty (60) days of submission of a complete application.

4.4.4 Permit Not Required:

The following signs shall not require a permit and are allowed in addition to those signs allowed by Sections 4.4.7 and 4.4.9 of this Title. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.

A. The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement and/or on-site changes involving sign painting elsewhere then directly on a building.

B. Signs two (2) square feet or less in size.

C. One (1) sign per property in residential districts not to exceed nine (9) square feet.

D. All noncommercial signs of any size posted in any number from August 1 in a state general election year until ten (10) days following general election, and thirteen (13) weeks prior to any special election until ten (10) days following the special election.

E. Official signs.

F. One (1) sign shall be allowed per street frontage when a building is offered for sale or lease, provided that:

1. Within the R (residential) districts, no sign shall exceed twelve (12) square feet in area and six feet (6') in height for single-family, two-family, townhouse, and quadraminium units; or thirty two (32) square feet in area or eight feet (8') in height for multi-family or institutional uses.

2. Within all other zoning districts and in those cases where a parcel of land exceeds ten (10) acres, regardless of its zoning, no sign shall exceed sixty four (64) square feet in area or ten feet (10') in height.

G. Signs used by the municipality for the purpose of promoting the public good and advertising community events.

1. Municipal signs may be of any size, free standing or attached to decorative lighting along the roadways.
2. Municipal signs must be approved by the zoning administrator.

4.4.5 Enforcement and Penalties:

This chapter shall be administered and enforced by the zoning administrator. The zoning administrator may institute in the name of the Town appropriate actions or proceedings against a violator.

Inspection. All signs for which a permit is required shall be subject to inspection by the zoning administrator.

The Town reserves the right to require the removal at the owner's expense of any sign when the requirements of this Section are not completely followed and adhered to, or if a sign is not properly maintained or falls into a state of disrepair. The Town shall not have any obligation or liability to replace any sign when removed by the Town.

Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any of the provisions of this chapter shall, upon conviction thereof, be fined or penalized not more than the maximum levels established by the state for misdemeanor offenses.

4.4.6 Substitution:

The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

4.4.7 General Regulations:

A. Except as provided for by Section 4.4.7 M and Section 4.4.7 Y of this Title, all signs must be accessory structures.

B. All freestanding signs shall be setback fifteen (15) feet from any property line abutting a public right-of-way and five (5) feet from any side or rear property line. No sign may be located within a drainage and utility easement.

C. The design and construction standards as set forth in chapter 4 of the 1997 edition of the uniform sign code as may be amended, are hereby adopted.

D. The installation of electrical signs shall be subject to the state's electrical code. Electrical service to such sign shall be underground.

E. No sign shall be attached or be allowed to hang from any building until all necessary wall and roof attachments have been approved by the zoning administrator.

F. No signs, guys, stays or attachments shall be erected, placed or maintained on trees nor interfere with any electric light, power, telephone or telegraph wires or the supports thereof.

G. Illuminated signs shall be shielded to prevent lights from being directed at oncoming traffic in such brilliance that it impairs the vision of the driver and may not interfere with or obscure traffic signs or signals. Lighting may not illuminate any adjacent properties, buildings, or streets. Signs utilizing electronic graphic displays, animation of electronic changeable copy, or Light Emitting Diodes (henceforth referred to as LEDs) shall not exceed 55% of the total surface area of the sign structure for the graphic, animation, or LED panels. The duration of a single display cannot be less than six seconds. LED signs and signs that use electronic graphic displays or animation of electronic changeable copy are permitted only in C-1 Commercial, C-2 Commercial, I Industrial, and P-1 Public Use zones.

H. Temporary signs:

1. The use of banners, pennants and similar devices shall require a permit valid for no more than fifteen (15) consecutive days. No more than three (3) permits per business shall be granted during any twelve (12) month period. The area of a banner, pennant or similar devise shall not exceed the area allowances for the specific zoning district in which the sign is located. Not more than one (1) banner, pennant or similar device shall be displayed upon a property at any one time.

2. Portable signs may not exceed thirty two (32) square feet and may not be illuminated with any flashing device. Use of a portable sign shall require a permit. The permit shall be valid for no more than ten (10) consecutive days. No more than three (3) permit per business shall be granted during any twelve (12) month period.

I. Signs requiring permits shall display in a conspicuous manner the permit sticker or sticker number.

J. No sign or sign structure shall be erected or maintained that prevents free ingress or egress from any door, window or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.

K. A freestanding sign or sign structure constructed so that the faces are not back-to-back shall not have an angle separating the faces exceeding twenty degrees (20°) unless the total area of both sides added together does not exceed the maximum allowable sign area for that district.

L. Except for farm buildings, at least one address sign identifying the correct property number as assigned by Lexington County shall be required on each principal building in all districts. The number shall be at least three inches (3") in height.

M. Off-premises signs:

1. Signs greater than six (6) square feet in area are a principal use of property.

2. Annual permits are required for all off-premises signs. Off-premises signs must be removed as a condition of construction of another principal use upon the property or platting or subdivision approval for the land on which it is located.

3. Off-premises signs advertising goods or services on contiguous property are permitted under the following conditions

- Parcel where the sign is located is contiguous to the location with the goods or series advertised.
- The off-premises sign shall be a separate sign, it must be incorporated in an on-premises sign.
- The combined square footage of the off-premises sign and on-premises sign shall not exceed the standards of Section 4.4.9.

N. The area within the frame of a sign shall be used to calculate the square footage except that the width of a frame exceeding twelve inches (12") shall constitute sign face, and if such letters or graphics be mounted directly on a wall or fascia or in such way as to be without a frame the dimensions for calculating the square footage shall be the area extending six inches (6") beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Each surface utilized to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage. Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures, suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign and are included in calculating the overall square footage.

O. The top of a sign, including its superstructure, if any, shall be no higher than the roof of the building to which such sign may be attached.

P. The area around freestanding signs shall be landscaped with plantings and maintained in such a manner to accent and enhance the sign while remaining sensitive to the natural features of the site.

Q. Signs for motor fuel facilities shall be regulated by the sign provisions for the zoning district in which the facility is located, except that within a freestanding sign, an area not to exceed sixteen (16) square feet shall be allowed for continuous display (no flashing, scrolling or other animation) of electronic or non-electronic changeable copy identifying current fuel prices.

R. Window signs shall not exceed twenty five percent (25%) of the total area of the window in which they are displayed.

S. Separate commercial and industrial uses on adjoining properties with a common lot line may each locate a sign on one freestanding structure subject to approval by the Zoning Administrator, provided that:

1. The area of each of the individual business signs shall be consistent with the applicable district provisions in section 4.4.9 this chapter.

2. The height of the freestanding sign shall be consistent with the applicable district provisions in section 4.4.9 of this chapter.

3. The maximum number of signs displayed on a single structure is two (2) signs.

4. No additional freestanding signs shall be displayed on the individual properties.

5. An agreement addressing construction, maintenance, and repair responsibilities and trespass rights is established and filed with the Lexington County recorder against the titles of the two (2) properties involved in the collocated freestanding sign. Amendment or cancellation of the agreement shall be allowed only upon written approval by the Zoning Administrator.

T. **Multiple Occupancy Commercial And Industrial Buildings**: When a single principal building is devoted to two (2) or more commercial or industrial principal uses, signs shall be allowed subject to review and approval of the Zoning Administrator based upon the following requirements:

1. The maximum individual sign sizes for multiple occupancy buildings and individual businesses that may display a sign shall not exceed the maximum provisions in the same zoning district in Section 4.4.9 of this Chapter.

2. Commercial retail, office, or mixed use multiple occupancy buildings may display a freestanding sign consistent with the applicable zoning district provisions in section 4.4.9 of this Chapter.

3. Except as provided for in this subsection 4.4.7 U, individual tenants of a multiple occupancy building within a commercial or industrial zoning district shall not display separate wall, canopy, or marquee signs unless the tenant's business has an exclusive exterior entrance and subject to the following requirements:

a. The number of individual wall, canopy, or marquee signs shall be limited to one (1) per tenant space, except that not more than two (2) signs may be displayed for the tenant of a corner suite or a suite that extends through the building thus having two exterior walls.

b. Each sign shall be limited to the maximum wall sign size permitted in the applicable zoning district provisions in section 4.4.9 of this Chapter.

c. The sign shall be located only on the exterior wall of the tenant space to which the sign permit is issued, but are not required to face a public street.

d. The provisions of Section 4.4.7.T of this Chapter shall not apply to multiple occupancy buildings displaying separate wall canopy or marquee signs for individual tenants.

e. A comprehensive sign plan is submitted that includes all of the following information:

(1) A site plan to scale showing the location of lot lines, buildings, structures, parking areas, existing and proposed signs, and any other physical features of the area included within the proposed comprehensive sign plan.

(2) Elevations to scale of buildings included within the comprehensive sign plan including the location of existing or proposed wall, canopy, or marquee signs.

(3) To scale plans for all existing and proposed signs of any type included within the comprehensive sign plan indicating area, dimensions, height, materials, colors, and means of illumination (if any).

f. No permit shall be issued for a new or replacement sign for an individual tenant except upon a determination by the Zoning Administrator that it is consistent with the approved comprehensive sign plan.

U. On individual properties within commercial and industrial zoning districts in cases where no freestanding signs are utilized and where principal structures have a front yard setback in excess of that which is required under the applicable zoning district regulations, the maximum property signage

percentage limitation or maximum square feet restriction may be increased one percent (1%) for every five feet (5') of additional setback beyond the zoning district front yard setback requirement. This increase shall be limited to a maximum area of one hundred twenty five (125) percent and shall be applied only to signs located in the yard for which the calculation was made.

V. Changeable Copy Signs: Within commercial and industrial districts, one (1) changeable copy sign (but not including electronic changeable copy signs) shall be allowed per site provided that the area of the sign not exceed twenty five (25) percent of the allowable sign area or forty (40) square feet, whichever is less, for a freestanding or wall sign.

X. Projecting signs may be allowed in commercial districts provided that:

1. There is a minimum of eight (8) feet of clearance under the base of the sign to the ground below.

2. The sign does not project more than five (5) feet beyond the wall to which it is mounted, may not project over any vehicular drive aisle or traveled portion of a public or private street and except in the C-CBD District may not project over a public right-of-way.

3. The area of the projecting sign is not more than 50 percent of the maximum area allowed for an individual wall sign in the respective zoning district in Section 4.4.9 of this Title.

Y. Existing billboards erected prior to January 1, 1980 are an allowed use subject to the following requirements:

1. The sign is defined as a principal use of the property upon which a billboard is located. No approval shall be granted for a second principal use upon a property when one of the principal uses is a billboard allowed by this Section.

2. The area of the sign shall not exceed 400 square feet.

3. The structure shall not exceed 40 feet in height.

Z. Maintenance: All signs and all components thereof, including supports, braces, anchors, etc., shall be kept in a good state of repair, in compliance with all building and electrical codes, and in conformance with the requirements of this Ordinance. Any sign which is determined by the Zoning Administrator as being insecure, in danger of falling or otherwise endangering the public safety shall be immediately removed by its owner unless it is repaired and made to otherwise comply with the requirements of this Ordinance. With regard to LED signs, any such sign that is a state of disrepair, to be defined as "one or more LED panels malfunctioning so as to prevent a complete understanding of the sign's message." Any LED sign that the Zoning Administrator determines to be in a state of disrepair must be repaired within 60 days, after which a temporary sign must be placed over the LED sign until such time as the LED sign is repaired. Another 60 day period may be permitted if the sign owner is able to show the Zoning Administrator that repairing the sign within the initial 60 day period would present a significant hardship for the sign owner.

4.4.8 Prohibited Signs:

The following signs are prohibited:

A. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signs, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

B. All signs over four hundred (400) square feet in area, **C.** All off-premises signs greater than six (6) square feet in area except as allowed by Section 4.4.7M and Section 4.4.7.Y of this Title.

D. Changeable copy signs, electronic, except those allowed by Section 4.4.7.Q of this Title or with an approved sign permit issued prior to February 5, 2007.

E. Content classified as "obscene" as defined by South Carolina Code of Laws section 16-15-305.

F. Flashing or scrolling.

G. Multi-vision signs.

H. Portable signs except as allowed by this Chapter.

I. Roof signs.

J. Rotating signs.

K. Shimmering signs.

L. Signs painted, attached or in any other manner affixed to trees or similar natural surfaces, or attached to utility poles, bridges, towers, or similar public structures.

M. Signs capable of displaying video images, including LED signs.

N. Cardboard signs

O. Neon signs, including signs attached inside windows that can be seen from the outside of the building.

P. Poster board signs

Q. Any other sign attached to the inside of a window that is visible from the parking lot or street.

4.4.9 Signs Requiring a Permit

Commercial property with a business located on the property is entitled to the signs in accordance with the zoning district the property is located. The sign(s) may be used to advertise business on or off the premises, temporary construction signs, as "for sale/lease" signs, etc.

CIVIC USES
Ground Mounted
Max Area: 32 sq ft
Max Height: 8 ft
*Wall signs do not require a permit

C-2 District
Wall
Max. Area: 10%
OR
Ground Mounted (All Yard Lots Only)
Max. Area: 32 sq ft

Max. Height: 8 ft

C-1, Industrial
Wall
Max. Wall Area: 10%
AND
Ground Mounted
Max. Ground Mounted Area: 32 sq ft
Max. Height: 8 ft
1 per street frontage - no closer than 250 ft - max. 3
OR
Wall Only
Max. Wall Area: 15% of Wall Face

Multi-Tenant Identification
1 per street frontage - no closer than 1000 ft - max. 2
Max. Area: 64 sq ft
Max. Height: 8 ft
(includes shopping centers, office complexes, etc)
No individual tenant ground mounted signs permitted

Residential Neighborhood Identification
1 per entrance
Max. Area: 32 sq ft
Max. Height: 8 ft

4.4.10 SIGN STANDARDS

A. Wall Signs

The maximum permitted aggregate area of wall signs excludes the area of any windows or doorways.

No wall sign shall project more than twelve (12) t inches from the building wall. Further, neither a wall sign nor its supporting structure shall cover any window or part of a window, nor shall it extend beyond the highest point of a roof line, parapet, or mansard roof.

Canopy and awning signs may be substituted for part or all of the allowable wall signage per premises. Signs may be painted or printed onto a canopy or awning. Canopies and awnings may only be illuminated externally (exception: Service Station canopies).

Principal building walls and service station canopies may have signage on all faces which front on a public street. Such signage shall not exceed the requirements of Section 4.4.9 for the building wall. Signs on canopies shall not exceed 10% of the canopy face.

Wall signs should reflect the proportional and dimensional relationships of the structure.

B. Ground Mounted Signs

1. All ground mounted signs shall be located a minimum of five (5) feet behind the street right-of-way.

2. No ground mounted sign greater than five (5) square feet in area shall be located closer than ten (10) feet to any adjacent lot line. A fifteen (15) foot side-yard setback shall be required if the side lot line abuts a Residential district.

4.5 Structures in minimum required yards

The general definition of "yards" as set forth in Section 2 states that yards are unoccupied and unobstructed by a structure or portion of a structure from 30 inches above the finished grade level of the ground upward. However, the general definition shall be construed subject to the following exceptions and interpretations:

4.5.1 Those objects which are excluded from the definition of a "structure" under Section 2 above shall not be subject to regulation under interpretation of the definition of "yard."

4.5.2 Steps and open porches without roofs shall be allowed in any required yard.

4.5.3 Screening walls and fences:

- In required front yard:
  - 30 inches in height or less — Permitted
  - Over 30 inches in height but does not substantially impede vision — Permitted
  - Over 30 inches in height but substantially impedes vision — Special Exception
- In sided and rear yard
  - Not over 7 feet in height — Permitted

4.5.4 Eaves, cornices, gutters, and other minor architectural features projecting less than eighteen (18) inches from the main portion of a building shall be allowed to project into any yard.

4.5.5 In GC and ID districts, structures and devices incidental to servicing, and roofs over such structures and devices are permitted within required front yards, provided that they do not constitute a substantial impediment to visibility across such yards which would contribute to the creation of traffic hazards, and further provided that servicing operations in connection therewith can be conducted so as not to interfere with public use of adjacent sidewalks or public streets.

4.5.6 Retaining walls in excess of thirty (30) inches in height may be permitted as a special exception in any yard; however, retaining walls that do not project more than thirty (30) inches above the grade level at the property lines of adjoining lots are permitted outright.

4.5.7 Signs are permitted to encroach upon required yards in certain instances as set forth in Section 4.4 "Signs."

4.5.8 Screening between commercial or Industrial uses and lots zoned residentially, as required by this Ordinance.

4.5.9 Apparatus needed for the operation of active and passive solar energy systems, including but not limited to overhangs, movable insulating walls and roofs, the attached solar collectors, reflectors, and piping.

5. ADMINISTRATION AND ENFORCEMENT

5.1 Zoning Enforcement Officer

The provisions of this ordinance shall be administered and enforced by the zoning administrator who is hereby given the authority to perform these functions. His duties shall include receiving applications, inspecting premises and issuing zoning permits and certificates of occupancy for uses and structures that meet the requirements of this ordinance.

5.2 Zoning Permit Required

It shall be unlawful to commence the excavation or filling of any lot for the construction of any building or to commence construction of any building or to commence the moving or alteration of any building or to commence the development of land for a use not requiring a building until the zoning administrator has issued a zoning permit for such work.

5.3 Application for Zoning Permit

5.3.1 In applying to the zoning administrator for a zoning permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size and location of the lot to be built upon and the size, shape, height, use, and location of the buildings already on the lot; the number of dwelling units the building is designed to accommodate, if any; the setback lines of buildings on adjoining lots; off-street parking space; and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

5.3.2 If the proposed excavation, filling or construction, as set forth in the application are in conformity with the provisions of this ordinance and other town, country, state or federal regulations then in force; the zoning administrator shall issue a zoning permit upon payment of any required fees. If a zoning permit is refused, the zoning administrator shall state such refusal in writing with the cause.

5.3.3 Before commencing either excavation or construction, the zoning permit (or copy) shall be placed conspicuously on the front property line therein described for the duration of the excavation or construction and in such a way that it is protected from the weather.

5.4 Construction Progress

Zoning permits, once issued, are perpetual unless superseded by ordinance changes, suspended by the zoning administrator for cause or other legal action. However, a building permit issued in conjunction with a zoning permit shall be valid for one year from date of issue, subject to renewal or approval of an application for renewal and payment of a fee of $10.00 on approval of an application.

5.5 Certificate of Occupancy Required

5.5.1 A certificate of occupancy issued by the building official is required in advance of the occupancy or use of:

a. Any building, structure or premises except those which do not contain any features subject to inspection for building code requirements; for example, plumbing, installed wiring, heating, etc.

b. Any building or structure except as noted in Section 5-5.1a above, hereinafter erected or removed.

5.5.2 Within three days after the application for a certificate of occupancy and payment of any required fees, the building official shall sign and issue a certificate of occupancy if the proposed use of land or building, as stated on the certificate of occupancy and signed by the owner or his appointed agent, is found to conform to the applicable provisions of this ordinance, and if the building, as finally constructed, complies with the plans submitted for the zoning permit.

5.6 Denial of Certificate of Occupancy

A certificate of occupancy should not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance, or unless the building, as finally constructed, complies with the sketch or plan upon which the zoning permit was issued. The zoning administrator shall state in writing the reasons for denying such certificate of occupancy.

5.7 Records of Applications and Certificates

Records of applications for zoning permits, records of plats and plans in connection with said permits, and records of all occupancy certificates and denials shall be kept on file in the office of the zoning administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

5.8 Penalties for Violations

5.8.1 Any person violating, by act or omission, any provision of this ordinance shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding $200.00 or thirty (30) days in jail or both, at the discretion of the court.

5.8.2 Where such an act or omission is continued in violation of the provisions of these regulations after notice of such violation by the zoning administrator, each and every day during which such act or omission continues shall be deemed a separate violation.

5.8.3 The owner or tenant of any building, structure, premises, or part thereof, and any architect, surveyor, builder, engineer, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

5.9 Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance, the zoning administrator or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violations, in addition to other remedies, may institute injunction or other appropriate action in proceeding to prevent the violation in the case of such building, structure or land.

6. ZONING BOARD OF APPEALS

6.1 Establishment, Membership, and Proceedings of the Board

A zoning board of Appeals is hereby established which will consist of five members who are residents of the town and appointed by the Town Council. The term of office of the members of the board shall be four (4) years; provided, however, that the initial board of appeals established under this ordinance shall be appointed with terms as follows:

One (1) to serve for two (2) years, two (2) to serve for three (3) years and two (2) to serve for four (4) years, and their successors shall serve for four (4) years or until their respective successors are appointed. Members may be removed for cause by the governing authority upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Members shall not hold any other public office in Lexington County.

6.1.1 Proceedings of the Board Of Appeals:

The board shall elect one (1) of its members chairman and one vice-chairman, who shall serve for one (1) year or until he is reelected or his successor is elected and qualified. The board shall appoint a secretary who may be an employee of the governing authority. The board shall adopt rules in accordance with the provisions of any ordinance or resolution pursuant to this ordinance. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman or, in his absence, the vice-chairman, may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. A legal quorum shall consist of three (3) board members.

6.1.2 Hearings, Appeals, and Notices:

a. Appeals to the board of appeals may be taken by any other person aggrieved by any officer, department, board or bureau of the town or county affected by any decision of the zoning administrator. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the zoning administrator from whom the appeal is taken and with the board of appeals a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken.

b. The board of appeals shall fix a reasonable time for hearing the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the

same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

6.1.3 Stay Of Proceedings:
An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the board of appeals after notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and due cause shown.

6.2 Powers and Duties of the Board of Appeals

The board of appeals shall have the powers and duties to hear administrative reviews, variances, special exception requests:

6.2.1 Administrative Review: To hear and decide appeals when it is alleged that there is error in any order, requirement, decision or determination made by the zoning administrator in the enforcement of this ordinance.

6.2.2 Variances: The board of appeals may authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the board of appeals unless and until:

a. A written application for a variance is submitted demonstrating:

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;

(2) The application of the ordinance to this particular piece of property would create an unnecessary hardship;

(3) Such conditions are peculiar to the particular piece of property involved;

(4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the ordinance or the comprehensive plan; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district by this ordinance;

(5) That granting the requested variance will not confer on the applicant any special privilege that is denied by this ordinance to owners of other lands, structures, or buildings in the same district; and

(6) Non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or

buildings in other districts shall be considered grounds for the issuance of a variance.

b. Notice of public hearing shall be posted on the property for which variance is sought and shall be published at least fifteen (15) days prior to the public hearing in a newspaper of general circulation in the area in which the property is located.

c. The hearing shall be held. Any party may appear in person, or by agent or by attorney.

d. Board Findings:

(1) The board of appeals shall make findings that the requirements of Section 6.6.2a were met by the applicant for a variance.

(2) The board of appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

(3) The board of appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

e. In granting any variance, the board of appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of the ordinance and punishable under Section 5.8.

f. With respect to uses of land, buildings and other structures, this ordinance is declared to be a definition of the public interest by the Town Council and the spirit of this ordinance will not be observed by any variance which permits a use not generally permitted in the district involved or any use expressly or by implication prohibited by the terms of this ordinance in said district. Therefore, under no circumstances shall the board of appeals grant a variance to permit a use not generally permitted in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

6.2.3 Special Exceptions: An owner or authorized agent may appeal to the board on a form provided by the Zoning Administrator for a special exception for a use permitted by district regulations as a special exception after review, subject to applicable criteria. The board shall consider the following factors in determining whether a special exception should be granted, in addition to specific criteria in Article 3:

A. traffic impact;
B. vehicle and pedestrian safety;

C. potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property;
D. adverse impact of proposed use on aesthetic character of the area; and
E. orientation and spacing of improvements of structures. The board may prescribe appropriate conditions and safeguards to relieve or reduce adverse impact of a special exception and to protect the character of the area.

The Board may consider the request for Special Exception after the following has occurred

A. Written application has been submitted on a form provided by the town.
B. Notice of public hearing shall be posted on the property for which special exception is sought and shall be published at least fifteen (15) days prior to the public hearing in a newspaper of general circulation in the area in which the property is located.
C. The hearing shall be held. Any party may appear in person, or by agent or by attorney.

6.2.4 Actions Of The Board Concerning Appeals: In exercising the powers set forth in sections 6.2.1, 6.2.2 or 6.2.3 above, the board may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

6.3 APPEALS FROM THE BOARD OF APPEALS

Any person or persons jointly or severally aggrieved by any decision of the board of appeals, or any taxpayer or any officer, department, board or bureau of the town may present to the circuit court a petition, duly verified, setting forth that a decision of the board of appeals is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision.

Pursuant to S.C. Code §6-29-825, a property owner may request pre-litigation mediation.

6.4 FUNCTIONS OF ADMINISTRATIVE OFFICIAL, BOARD OF APPEALS, TOWN COUNCIL, AND COURTS ON INTERPRETATION, ADMINISTRATION, AND APPEAL

6.4.1 It is the intent of this ordinance that all questions of administration and enforcement shall first be presented to the zoning administrator, and that such questions shall be presented to the board of appeals only upon

reference by, or appeal from, the zoning administrator, and that recourse from the decisions of the board of appeals shall be to the courts as provided by law.

6.4.2 It is further the intent of this ordinance that the function of the Town Council under this ordinance shall not include hearing and deciding questions of interpretation and enforcement which may arise, but that the Town Council shall have only the responsibility for acting on proposals for amendment or repeal of this ordinance, and for establishing a schedule of fees and charges.

7. AMENDMENTS

7.1 AMENDMENTS

In amending the text of this ordinance or in amending the zoning map, the procedure shall be as follows:

7.1.1 Initiation of Proposal for Amendments

Any individual, corporation, or agency, public or private, may initiate a proposal for an amendment. Such request shall be submitted in writing to the zoning administrator, along with payment of a zoning amendment fee, which may be established by the Town Council.

7.1.2 Minimum District Size

No amendment shall be initiated which would create a new zoning district with an area of less than two (2) acres; provided, the minimum area for a PD (Planned Development) district shall be four (4) acres. The minimum requirement does not apply to extension of an existing district or the addition of a C2 district adjacent to a C1 district

7.1.3 Planning Commission Study and Report to Town Council

All proposed amendments shall be submitted to the zoning administrator, who shall then refer the proposals for amendment to the planning commission. The planning commission shall have thirty (30) working days within which to submit a report and recommendation to the Town Council. Such recommendation shall be advisory only. If the planning commission does not submit its report within the prescribed time, the Town Council may proceed to act on the proposed amendment.

7.1.4 Public Hearing on Proposed Amendment

Before recommending an amendment to this ordinance, the Planning Commission shall hold a public hearing thereon, as required by Section 6-29-760 of the Code of Laws of South Carolina.

7.1.5 Posting of Property

When a proposed amendment affects the district classification of particular pieces of property, the zoning administrator shall cause to be conspicuously located on or adjacent to the property affected one (1) hearing notice for every one hundred (100) feet of street frontage or portion thereof. Such notice shall be posted at least fifteen (15) days prior to the hearing and shall indicate the nature of the change proposed, identification of the property affected, and time, date and place of the hearing.

7.1.6 Reconsideration of Proposed Amendments

Action shall not be initiated for the same zoning map amendment request affecting the same parcel of property more often than once every twelve (12) months. Action, in this case, means the advertising of the proposed zoning map amendment in a paper of general circulation. Once so advertised, the zoning map amendment request will follow through to completion the procedures as outlined above.

8 USES, BUILDING TYPES AND DEFINITIONS

8.1 USE GROUP AND CATEGORY DESCRIPTIONS

8.1.1 General

A Use Groups

This Zoning Ordinance classifies land uses into 5 major groupings: Residential, Public and Civic, Commercial, Industrial, and Other. These are referred to as "Use Groups."

B Use Categories

Each Use Group is further divided into more specific "Use Categories." Use Categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions.

C Typical Uses

Typical uses cited in the description of Use Categories are not intended to be exclusive or restrictive.

D Determination of Appropriate Land Use Categories

When a specific use type cannot be classified into a Use Category or appears to fit into two or more Use Categories, the Zoning Administrator is authorized to determine the most appropriate Use Category.

8.1.2 Residential Use Group

The Residential Use Group includes uses that provide living accommodations to one or more persons. The Residential Use Group includes two Use Categories: *group living* and *household living*.

A Group Living

Residential occupancy of a dwelling by other than a "*household*," typically providing communal kitchen/dining facilities. Examples of *group living* uses include but are not limited to fraternities, sororities, convents, monasteries, *nursing home*s and the following specific use types:

1. Assisted Living
   A facility that meets the definition of "Community Residential Care Facility " by the South Carolina Department of Health and Environmental Control.

B. Group Home

A single *dwelling unit* that complies with the regulations of the zoning district in which it is located, and which is occupied on a permanent basis by a group of not less than 9 and not more than 15 unrelated persons with disabilities in a family-like environment and which may be occupied by paid professional support staff provided by a sponsoring agency.

C. Nursing Home

A facility that meets the definition of a "nursing home" by the South Carolina Department of Health and Environmental Control.

8.1.3 Public and Civic Use Group

The public and civic use group includes uses that provide public or quasi-public services. The public and civic use group includes the following Use Categories:

A Colleges and Universities

Colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. They are certified by the state or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, conservatories and seminaries.

B Cultural Exhibits and Libraries

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collection of books, manuscripts, etc., for study and reading.

C Day Care

A place in which are received 3 or more adults or children, not of common parentage, apart from their parents or guardian, for part or all of a day. The term "day care center" or "child care center" includes but is not limited to the following: nursery schools, adult and/or child care centers, day nurseries, kindergartens and play groups, but does not include bona fide kindergartens and nursery schools operated by public or private elementary or secondary school systems.

D Hospital

Uses providing medical or surgical care to patients and offering inpatient (overnight) care.

E Lodge or Private Club

A non-profit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building, or portion thereof, the use of such premises being restricted to members and their guests.

F Parks and Recreation

Recreational, social, or multi-purpose uses typically associated with public parks, public open spaces, public play fields, public or private golf courses, or public recreation areas or buildings.

G Postal Service

Mailing services and processing as traditionally operated or leased by postal and parcel service companies.

H Public Safety Services

Public safety services that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations and ambulance services.

I Religious Assembly

Religious services involving public assembly such as customarily occurs in synagogues, temples, mosques and churches.

J School

Public and private schools at the primary, elementary, junior high, or high school level that provide state-mandated basic education.

K Utilities and Services, Major

Infrastructure services that have substantial land use impacts on surrounding areas. Such uses may be allowed when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of the district for reasons of necessary location and communitywide interest. Typical uses include but are not limited to: water and waste water treatment facilities, major water storage facilities, transit stations, bus turnarounds, and transit maintenance and storage garages. Major utilities and services do not include waste-related uses.

L Utilities and Services, Minor

Infrastructure services that need to be located in area where the service is provided. Minor Utilities and Services generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and

sewer pump stations; electrical substations; stormwater facilities and conveyance systems; and telephone exchanges.

8.1.4 Commercial Use Group

The commercial use group includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use group includes the following Use Categories:

A Adult Use (Sexually Oriented Businesses)

The term "adult use" means

1) Adult arcades;
2) Adult bookstores or adult video stores;
3) Adult cabarets;
4) Adult motels;
5) Adult motion picture theaters;
6) Adult theaters;
7) Escort agencies;
8) Nude model studios; and
9) Sexual encounter centers

B Animal Services

The following are animal services use types:

- Shelter and Boarding Kennels
- Animal shelters and kennel services for dogs, cats, and small animals. Typical uses include boarding kennels, dog training centers and animal rescue shelters.
- Sales and Grooming
- Sales and grooming of dogs, cats, and similar small animals. Typical uses include pet stores, dog bathing and clipping salons and pet grooming shops.
- Veterinary
- Typical uses include pet clinics, dog and cat hospitals, and animal hospitals.
- Stables
- Stables and boarding facilities for horses and similar large animals.

C Artist Work or Sales Space

Floor space devoted to the production, showing, or sale of art. Typical uses include art galleries and artist studios, but not including art museums. Art museums are classified in the "Cultural Exhibits and Libraries" use category.

D Body Art Services

Provision of any of the following procedures: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Illinois Medical Board, which may not be performed in a body art services establishment.

E. Reserved

F. Building Maintenance Services

Provision of maintenance and custodial services to commercial and industrial establishments. Typical uses include janitorial, landscape maintenance and window cleaning services. Also includes exterminator services for residential, commercial or industrial applications.

G Business Equipment Sales and Services

Sale, rental, or repair of office, professional, and service equipment and supplies to the firms themselves rather than to individuals. Excludes automotive, construction, and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops and hotel equipment and supply firms.

H Business Support Services

Provision of clerical, employment, protective, or minor processing services to firms rather than individuals. Storage of goods other than samples is prohibited. Typical uses include secretarial services, telephone answering services and blueprint services. Also includes business or trade schools that do not involving any outdoor storage or manufacturing processes. Business or trades schools that do involve outdoor storage or manufacturing processes are classified as "Manufacturing and Production, General"

I Communications Service Establishments

Broadcasting and other information relay services accomplished through use of electronic and telephonic mechanisms. Excludes services classified as "major utilities and services" and "Minor Utilities." Typical uses include recording studios, television and radio studios, telecommunication service centers and telegraph service offices.

J Construction Sales and Services

Construction activities and incidental storage on lots other than construction sites. Also includes the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures, and hardware, but excludes those uses classified as "Automotive" and/or "Heavy Equipment" use types. Typical uses include building materials stores, tool and equipment rental or sales and building contracting/construction offices.

K Eating and Drinking Establishments

Provision of prepared food or beverages for on- or off-premises consumption. The following are examples of eating and drinking establishments:

Restaurant

An establishment primarily engaged in serving prepared food to the public pursuant to required licenses, including those with outdoor seating areas.

Limited Restaurant

A restaurant in which there is no service of alcoholic liquor or in which the service of alcoholic liquor is clearly incidental and subordinate to the primary activity (prepared food service) and in which live entertainment or dancing, if any, is clearly incidental and subordinate to the primary activity (prepared food service).

General Restaurant

A restaurant in which alcoholic liquor may be served in conjunction with the primary activity (prepared food service) and in which live entertainment and dancing are permitted in completely enclosed areas.

Tavern

An establishment that is primarily engaged in serving alcoholic liquor for consumption on the premises and in which the serving of prepared food, live entertainment and dancing are permitted.

L Entertainment and Spectator Sports

Provision of cultural, entertainment, athletic, and other events to spectators. The following are spectator sports and entertainment use types:

Small Venue

Entertainment and spectator sports establishments, conducted within an enclosed building with a capacity of no more than 149 persons. Typical uses include small theaters and meeting or banquet halls

Medium Venue

Entertainment and spectator sports establishments, conducted within an enclosed building with a capacity of more than 149 and fewer than 1,000 persons. Typical uses include large theatres, cinemas, and meeting or banquet halls.

Large Venue

Entertainment and spectator sports establishments, with a capacity of 1,000 persons or more.

M Flea Market

A site either indoors or outdoors where individual stalls or spaces are provided on a short term basis for vendors to display, buy, sell, exchange, or deal in new or used goods.

N Financial Services

Financial or securities brokerage services. Typical uses include banks, savings and loans, consumer investment businesses and the following specific use types:

Payday Loan Store

An establishment that engages in the business of offering payday loans. A "payday loan" is a loan transaction where a post-dated check or other check that the parties agree will be held for a period of time before presentment for payment or deposit is accepted as collateral for the loan.

Pawn Shop

An establishment or person (pawnbroker) engaged in the business of receiving property in pledge or as security for money or other things advanced to the pawner or pledger.

Consumer Loan Establishment

Any business that makes loans in a principal amount not exceeding $25,000 secured other than by a mortgage or lien on the borrower's real property or on personal property acquired by the borrower with the proceeds of the loan. "consumer loan establishment" does not include any bank, savings bank, savings and loan association or credit union

O Food and Beverage Retail Sales

Retail sale of food and beverages for home consumption. Typical uses include groceries, liquor stores and wine stores.

P Fortune Telling Service

An establishment engaged in or that professes to foretell future or past events or that is engaged in the practice of palmistry (the art or practice of reading a person's character or future from the lines on the palms of hands).

Q Funeral and Interment Services

Provision of services involving the care, preparation or disposition of human dead. The following are funeral and interment services use types:

- Cemetery/Mausoleum/Columbarium
- Land or facilities used for burial of the dead.
- Cremating
- Crematory services involving the purification and reduction of the human body by fire. Typical uses include crematories and crematoriums.
- Undertaking
- Undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes and mortuaries.

R Gas Stations

A building or portion thereof used for offering for sale at retail to the public, fuels, oils and accessories for motor vehicles, where repair service and automobile washing is incidental, where no storage or parking space is offered for rent and where no motor vehicles or boats are offered for sale or rent.

S Lodging

Provision of lodging services on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests. The following are lodging use types:

Bed and Breakfast

An owner-occupied, detached house or an owner-occupied dwelling unit within a multi-unit residential building that does not exceed 4 stories in height and contains no more than 11 sleeping rooms or an owner-occupied condominium, townhouse or cooperative in which 11 or fewer sleeping rooms are available for rent on for hire for transient occupancy by registered guests. For purposes of this definition, the term "bed and breakfast" does not include single-room occupancy buildings. If the bed and breakfast is a detached house located on a lot that includes a principal house and an accessory building that was being used for residential purposes as of January 16, 2003, the accessory building that will be considered to be part of the establishment.

Hotel/Motel

An establishment containing 12 or more guest rooms and in which short-term lodging is offered for compensation and which may or may not include the service of one or more meals to guests. Typical uses include hotels, motels and transient boarding houses.

T Medical Service

Personal health services including prevention, diagnosis and treatment, rehabilitation services provided by physicians, dentists, nurses, and other health personnel and medical testing and analysis services. Typical uses include medical and dental offices, medical/dental laboratories, health maintenance organizations and government-operated health centers. Excludes use types more specifically classified, such as hospitals

U Office

Professional, governmental, executive, management or administrative offices of private organizations or government agencies. Typical uses include government offices, administrative offices, legal offices, and architectural firms. Also includes electronic data storage centers and high-technology offices.

Electronic Data Storage Center

A work site used as a facility for the storage of and the operation of computer hardware, equipment for processing, storage and/or routing of electronic data, or other high technology uses.

High Technology Office

An employee work site used for computer software design and development, data processing, electronic data interchange, electronic commerce and/or information systems management, nanotechnology, biotechnology or other high technology uses.

V Parking, Non-Accessory

Parking that is not provided to comply with minimum off-street parking requirements and that is not provided exclusively to serve occupants of or visitors to a particular use, but rather is available to the public at-large. A facility that provides both accessory parking and non-accessory parking is classified as non-accessory parking.

W Personal Service

Informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include hair salons, barber shops, beauty shops, nail salons, health clubs, yoga or dance studios, driving schools and martial arts studios.

X Repair and Laundry Services, Consumer

Provision of repair, dry cleaning or laundry services to individuals and households, but not to firms. Excludes "Automotive and Equipment" use types. Typical uses include laundry/dry cleaning drop-off stations (with no dry cleaning on the premises), hand

laundries, appliance repair shops, locksmiths, shoe and apparel repair and musical instrument repair

Y. Residential Storage Warehouses

Storage or warehousing service within a building for individuals to store personal effects and for businesses to store materials for operation of an industrial or commercial enterprise elsewhere. Incidental uses in a residential storage warehouse may include the repair and maintenance of stored materials by the tenant; but in no case may storage spaces in a residential storage warehouse facility function as an independent retail, wholesale, business, or service use. Spaces may not be used for workshops, hobby shops, manufacturing, or similar uses. Human occupancy is limited to that required to transport, arrange and maintain stored materials.

Z Residential Support Services

Commercial uses provided primarily to serve the needs of residents in large, multi-unit residential buildings or residents within the immediate area. The following are considered residential support services:

- Restaurants, with or without service of alcohol;
- Financial services, except pawnshops, consumer loan agencies and payday loan stores;
- Food and beverage retail sales, alcohol sales as accessory use only; no package liquor stores;
- Medical service;
- Offices;
- Personal service; and
- Retail Sales, General.

AA. Retail Sales, General

Businesses involved in the sale, lease or rent of new or used products or merchandise to the general public. Typical uses include drug stores, grocery stores, department stores and apparel stores.

AB Sports and Recreation, Participant

Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a nonrecurring basis). The following are participant sports and recreation use types (for either general or personal use):

Amusement Arcades

A place of amusement that includes 4 or more automatic amusement machines or devices as defined in Chapter 4-16, "Amusements" of the Municipal Code, whether

directly or remotely operated or controlled; provided, however, that when calculating the number of automatic amusement devices, jukeboxes will not be counted.

Entertainment Cabaret

Any dance hall, non-alcohol bar, dry cabaret, juice bar, teen-age cabaret, used or intended to be used primarily for participation by the public for entertainment or amusement, including but not limited to music, music videos and dancing. This use does not include any establishment that is licensed to serve alcoholic beverages.

Indoor

Participant sport and recreation uses conducted within an enclosed building, other than arcades and entertainment cabarets. Typical uses include bowling alleys, billiard parlors, and physical fitness centers.

Outdoor

Participant sport and recreation uses conducted outside of an enclosed building, other than entertainment cabarets. Typical uses include driving ranges, miniature golf courses and swimming pools.

AC Thrift Store

A profit or nonprofit business or organization that engages in or specializes in the sale or resale of previously owned or used goods and merchandise from an area greater than 25 percent of the total floor area devoted to retail sales and whose merchandise is donated or principally donated. A specialty retail store that sells used merchandise not donated for sale, including but not limited to used record stores, used book stores, used furniture stores, and sports trading card stores, shall not be considered a thrift store for the purpose of this ordinance.

AD Vehicle Sales and Service

Sales of motor vehicles or services related to motor vehicles. The following are vehicle sales and service use types:

Auto Supply/Accessory Sales

Businesses involved in the sale, lease or rental of new or used automobile supplies or accessories to the general public. Typical uses include auto parts stores.

Car Wash or Cleaning Service

A building or site containing facilities for washing automobiles. It may use automatic production line methods--a chain conveyor, blower, steam cleaning device, or other mechanical device--or it may provide space, water,

and equipment for hand washing, cleaning or detailing of automobiles, whether by the customer or the operator.

Motor Vehicle Repair Shop

A building, structure, premises, enclosure or other place including automobile service stations, garages and motor vehicle service establishments where the business of doing repair work on or for motor vehicles, the replenishing of parts thereto, or the diagnosis of malfunctions of a motor vehicle is conducted in any shop, drive-in station or garage that inspects motor vehicles for the purpose of appraising, evaluating or estimating the extent or value of motor vehicle damage or the necessity or cost of motor vehicle repairs. A motor vehicle repair shop includes any business, establishment or location where tires are changed or repaired.

Heavy Equipment Sales/Rentals

Sale, retail or wholesale, and/or rental from the premises of heavy construction equipment, trucks, and aircraft, together with incidental maintenance. Typical uses include heavy construction equipment dealers and tractor trailer sales.

Light Equipment Sales/Rentals

Sale, retail, wholesale, or rental from the premises of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, motor homes and boat dealers, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies and recreational vehicle sales and rental agencies.

RV or Boat Storage

Storage of recreational vehicles or boats as a principal use. Typical uses include storage yards for personal recreational vehicles and boat storage yards.

Vehicle Storage and Towing

Storage of operating motor vehicles or vehicle towing services. Typical uses include towing services, private parking tow-aways, impound yards, and fleet storage yards.

8.1.5 Industrial Use Group

The Industrial Use Group includes uses that produce goods from extracted materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. It also includes uses that store or

distribute materials or goods in large quantities. The Industrial Use Group includes the following Use Categories:

A Manufacturing, Production and Industrial Services

Artisan

On-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that have no negative external impacts on surrounding properties.

Limited

Manufacturing of finished parts or products, primarily from previously prepared materials. Typical uses include: catering establishments, printing and related support activities; machinery manufacturing; food manufacturing; computer and electronic product manufacturing/assembly; electrical equipment, appliance, component manufacturing/assembly; furniture and related product manufacturing/assembly; and other manufacturing and production establishments that typically have very few, if any, negative external impacts on surrounding properties

General

Manufacturing of finished or unfinished products, primarily from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. Typical uses include: textile mills; textile product mills; apparel manufacturing; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; transportation equipment manufacturing; primary metal manufacturing; and fabricated metal \

Product manufacturing.

Industrial service firms engaged in the repair or servicing of industrial or commercial machinery, equipment, products or by-products. Typical uses include: welding shops; machine shops; industrial tool repair; fuel oil distributors; solid fuel yards; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories. Excludes uses classified as "consumer repair or laundry services."

Intensive

Manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This group also includes smelting, animal slaughtering and oil refining.

8.1.6 Other Uses Group

The Other Uses Group includes the following two Use Categories:

A Off-premise signs

A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located, or to which it is affixed.

B Wireless Communication Facilities

Facilities related to the use of the radio frequency spectrum for the purposes of transmitting or receiving radio signals, and may include, but is not limited to radio towers, television towers, telephone exchanges, micro-wave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. The wireless communication facility use category includes all associated equipment unless the written context clearly indicates that another meaning is intended. The term "associated equipment" is to be read broadly and in context. Associated equipment may include, but is not limited to: antenna, equipment shelter or platform, lighting, monopole tower, mounting hardware, and supporting electrical or mechanical equipment.

Co-located Facility

A wireless telecommunication facility that is attached to an existing pole, tower, or other structure including, but not limited to, a structure that can accommodate the future installation of two or more antenna systems.

Freestanding Facility

A new tower, monopole, or other unattached structure erected to support wireless communication antennas and connecting appurtenances.

8.2 Building Types and Frontages

8.2.1 Applicability

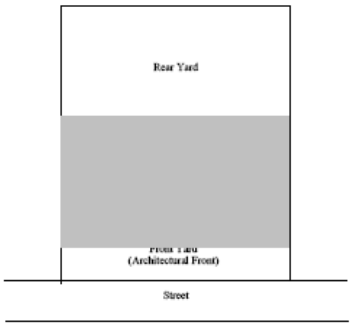
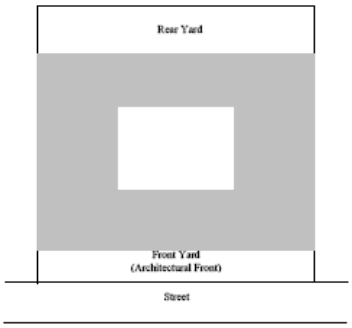
Section 8.3 is intended to serve as a visual definition of the building types noted throughout Chapter 2. The key element of building type and frontage serve as the essential elements of all district provisions. Setbacks, height and use are all components of the building's type.

8.2.2 Building Type Specifications

There are four categories of buildings. Most accommodate the common residential, retail and workplaces in urban life.

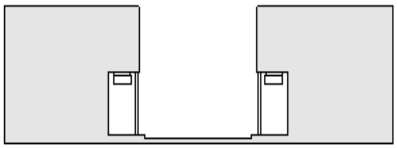
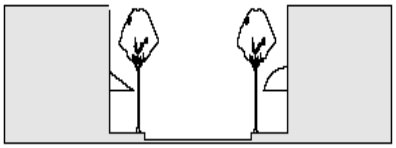
Some buildings, however, cannot be subjected to the typological categorization. Buildings dedicated to manufacturing and transportation may be distorted by large-scale mechanical trajectories such as power plants and train stations. Civic buildings, which must express the aspirations of the institution they embody, are exempt from the discipline of type.

Allyard Building	**Sideyard Building**
This type of building occupies the center of the lot with setbacks on all sides. It is the least urban of the types so it is usually assigned to areas away from the neighborhood and town centers. This building type is usually residential, but when parking is contained within the rear yard it lends itself to limited office and boarding uses. The front yard is intended to be semi-public and visually continuous with the yards of neighbors. The rear yard can be secured for privacy by fences and well-placed outbuildings.	This type of building occupies one side of the lot with the primary open space to the other side. The visual manifestation of the side yard on the street front causes this building type to appear freestanding, so that it may be interspersed with allyard-type buildings in less urban locations. If the adjacent building is also a sideyard type with a blank party wall, the open space can be quite private. This type permits systematic climatic orientation with the long sideyard elevation facing the sun or the breeze.

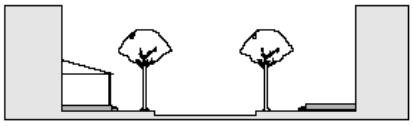
Rearyard Building	Courtyard Building
	
This type of building occupies the front of its lot, full width, eliminating most side yards and leaving the rear portion as a private space. This is a relatively urban type appropriate for neighborhood and town centers. The building facade steadily defines the edge of the public space while the rear elevation may be articulated for functional purposes. In its residential form, this type is represented by the rowhouse with a rear garden and outbuilding creating privacy. In its commercial form, the depth of the rear yard can contain substantial parking for retail and office uses.	This type of building occupies all or most of the edges of its lot while internally defining one or more private spaces. This is the most urban of types as it is able to completely shield the private realm from a public realm of great intensity. Because of its ability to accommodate incompatible activities in close proximity, it is recommended for large workplaces, hotels, and schools.

8.2.3 Frontage Definition and Specifications

The frontage of a building defines how the building interacts with the public space of the street, plaza or other public right-of-way. The frontage of a building is a function of its urbanity. Arcades and shorefronts are very urban frontages and are appropriate in neighborhood, village and town center settings. Their relationship to the public real encourages a vertical mix of uses within a building. In contrast, front lawn frontages are generally appropriate for more rural residential buildings. There are seven ways in which a building addresses the street:

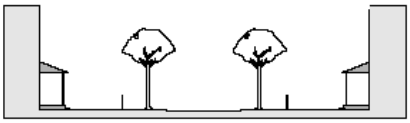
Arcade	Shopfront
	
The facade overlaps the sidewalk while the shopfront remains set back. This type is excellent for retail use, but only when the sidewalk is fully absorbed so that the pedestrian cannot bypass the colonnade. An easement for public use of private property is required.	The facade of a shopfront is aligned directly on the frontage line with the entrance at grade. This is typical for sidewalk retail. Shopfronts often have awnings or a colonnade.
Stoop	**Forecourt**

Dooryard



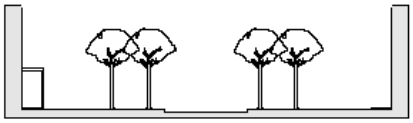
The facade is set back from the frontage line with an elevated garden or terrace in between. This type effectively removes the front yard from the sidewalk and keeps it private. Roofed terraces are suitable for restaurants and cafes.

Porch and Fence



The facade is set back substantially from the frontage line with an encroaching porch. The porch should be within conversational distance of the sidewalk. The fence at the frontage line establishes the demarcation of private from public use.

Front Lawn



The facade is set back substantially from the frontage line. The front lawn should be visually continuous with adjacent yards and should be unfenced. The large setback provides a good buffer from traffic and is an appropriate design for boulevard settings.

8.3 Definitions

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ALLEY: A public or private thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION OF BUILDINGS: Any change in the supporting members of a building, such as load-bearing walls, beams, columns, or girders, except such change as may be required for its safety; any addition to a building; any change in use from that of one district classification to another; or of a building from one location to another.

AUTOMATED TELLER MACHINE: An electronically powered machine activated by means of a coded celluloid card or other similar device that permits banking transactions.

AWNING: A roof-like structure of fabric or similar non-rigid material attached to a rigid frame that is supported completely or partially by either an exterior building wall or wall exterior to an individual tenant space.

BUILDING: Any structure, except a trailer or mobile home, having a roof supported by columns or by walls and which is designed for the shelter, support or enclosure of persons, animals, or property of any kind.

BUILDING, ACCESSORY: A building subordinate or supplemental to the main building on a lot and used for purposes customarily incidental to that of a main or principal building and located on the same lot. In case of residential zones the subordinate building by itself shall not constitute a dwelling and shall run off the same electric meter as the primary residence. In case an enclosed breezeway connects two buildings on the same lot, both buildings shall be considered as one primary structure.

BUILDING, PRINCIPAL: A building in which is conducted the main use of the lot on which said building is located.

CALIPER: In the case of trees, the distance around the trunk measured eighteen (18) inches above the ground.

CANOPY: A roof like structure of a permanent nature that projects from the wall of a building and overhangs the *public way*.

COMMERCIAL MESSAGE: Any *sign*, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

DWELLING: A building or portion thereof arranged and designed to provide living facilities for one or more families.

DWELLING UNIT: One (1) or more rooms designed as a unit to provide complete housekeeping units for one family.

FAMILY: Two or more persons related by blood, marriage, adoption, or not more than four persons not related by blood, marriage, or adoption, occupying a dwelling unit as an individual housekeeping organization.

FLOOR AREA: The gross horizontal area of several floors of a building measured from the exterior faces of the exterior walls of a building, exclusive of carports and open porches.

HEIGHT OF BUILDING: The vertical distance measured from the highest point of the roof.

LOADING AREA: Any unenclosed area used for loading or unloading vehicles.

LOT: A piece, parcel, or plat of land which may consist of one or more platted lots in one ownership, occupied or intended to be occupied by one principal building and its accessory building including the open space required under this ordinance. A corner lot is a lot located at the intersection of two or more streets. (Amended 7-12 83)

LOT COVERAGE: The area of a *lot* covered by *principal building*s, as measured along the exterior building wall at ground level, and including all building projections other than those expressly allowed encroaching into required setback areas.

LOT FRONTAGE: The horizontal distance between *side property line*s on a *lot*, as measured along the *front property line*.

LOT WIDTH: The distance between the side lot lines measured at the building setback line.

MULTI-FAMILY RESIDENTIAL: A *residential building* that contains 3 or more *dwelling unit*s that share common walls or common floors/ceilings with one or more *dwelling unit*s. The land upon which the building sits is not divided into separate *lot*s.

NONCONFORMING USE: The use of a building, structure, or land existing at the time of enactment of this ordinance or subsequent amendment, which does not conform to the regulations for the district in which it is located.

OFF-STREET PARKING SPACE: The area required to park one automobile plus the necessary driveways and maneuvering area.

OFF-STREET LOADING SPACE: The area required to load or unload goods or other material plus the necessary driveways and maneuvering area.

SETBACK LINE (BUILDING SETBACK LINE): A line beyond which no foundation wall, eave, or other part of any building shall project unless specified exceptions are made elsewhere in these regulations.

SHRUB: Any hard-wooded perennial plant of a species which normally reaches a height between twelve (12) inches and eight (8) feet, and which is between eighty (80) and one hundred (100) percent opaque at maturity.

SIGN: Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

SIGN, FACE: The area or display surface used for the message.

SIGN, MONUMENT: A freestanding sign where the base of the sign structure is on the ground or a maximum of 12 inches above the adjacent grade. The width of the top of the sign structure can be no more than 120 percent of the width of the base.

SINGLE-FAMILY DWELLING: A detached building containing one (1) dwelling unit only.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

TEMPORARY SIGN: Any sign which is not affixed to a wall or building, or is not properly anchored in the ground so that it is a permanent fixture for the given use of the property.

TRAILER, TRAVEL TRAILER, CAMPERS OR SIMILAR TYPE UNITS: Units designed for recreation or other short-term uses and including any movable or portable dwelling less than thirty-two (32) feet in length and eight (8) feet in width designed to be carried on a vehicle or towed on its own chassis.

TREE, CANOPY: Any tree of a species which normally reaches a height of thirty (30) feet or more and a crown spread of twenty (20) feet or more at maturity.

TREE, UNDERSTORY: Any tree of a species that normally reaches a height of between eight (8) and thirty (30) feet and a crown spread of less than twenty (20) feet at maturity.

TWO-FAMILY DWELLING: A detached building containing two (2) dwelling units only.

YARD: An open or unoccupied space on the same lot with a principal building and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

YARD. FRONT: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street or road and the front line of the building.

YARD , REAR: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building.

YARD, SIDE: An open, unoccupied space on the same lot with a principal building, situated between building and the side lot line and extending from the front yard to the rear yard. Any lot line not a rear or a front line shall be deemed a side line.